

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
3 **HENRICO COUNTY GOVERNMENT COMPLEX, ON THURSDAY, MARCH 24, 2005,**
4 **AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
5 **DISPATCH ON MARCH 3 AND 10, 2005.**
6

Members Present: R. A. Wright, Chairman
James W. Nunnally, Vice-Chairman
Elizabeth G. Dwyer
Helen E. Harris
Richard Kirkland

Also Present: David D. O'Kelly, Assistant Director of Planning
Benjamin W. Blankinship, Secretary
Paul M. Gidley, County Planner
Priscilla M. Parker, Recording Secretary

7
8 Mr. Wright - Good morning, ladies and gentlemen. Welcome to the
9 March meeting of the Board of Zoning Appeals of Henrico County. Would you stand for
10 the **Pledge of Allegiance to the Flag of our Country**. Mr. Secretary, would you read
11 the rules, please.
12

13 Mr. Blankinship - Good morning, Mr. Chairman, Members of the Board, ladies
14 and gentlemen. The rules for this meeting are as follows. As Secretary, I will call each
15 case. As I am speaking, the applicant should come to the podium. I will ask everyone
16 who intends to speak on that case, in favor or in opposition, to stand and be sworn in.
17 The applicants will then present their testimony. After the applicant has spoken, the
18 Board will ask them questions, and then anyone else who wishes to speak will be given
19 the opportunity. After everyone has spoken, the applicant, and only the applicant, will
20 have an opportunity for rebuttal. After hearing the case, and asking questions, the
21 Board will take the matter under advisement. They will render all of their decisions at
22 the end of the meeting. If you wish to know their decision on a specific case, you can
23 either stay until the end of the meeting, or you can call the Planning Office later this
24 afternoon, or you can check the website. The vote on each case will be posted to our
25 website within an hour of the end of the meeting. This meeting is being tape recorded,
26 so we will ask everyone who speaks, to speak directly into the microphone on the
27 podium, to state your name, and to spell your last name, please. And finally, out in the
28 foyer, there are two binders, containing the staff report for each case, including the
29 conditions that have been recommended by the staff.
30

31 **Beginning at 9:00**

32
33 Mr. Wright - Thank you sir. Do we have any requests for withdrawals or
34 deferrals?

35
36 Mr. Blankinship No.
37
38 Mr. Wright - Please call the first case.
39
40 **A-18-2005** **SHARON M. DAJON** requests a variance from Section 24-95(k) to
41 convert the existing porch into a Florida room at 1900 Shenandoah
42 Avenue (Shenandoah Place) (Parcel 772-738-0920), zoned R-3,
43 One-family Residence District (Brookland). The minimum side yard
44 setback is not met. The applicant has 8 feet minimum side yard
45 setback, where the Code requires 25 feet minimum side yard
46 setback. The applicant requests a variance of 17 feet minimum
47 side yard setback.
48
49 Mr. Wright - Does anyone else desire to speak with reference to this
50 case? Would you raise your right hand and be sworn please?
51
52 Mr. Blankinship - Do you swear that the testimony you are about to give is the
53 truth, the whole truth, and nothing but the truth, so help you God?
54
55 Mr. House - I do. David M. House. I represent Home Exterior Concepts,
56 and Ms. Dajon. This is an existing screened porch that is near a large shopping center,
57 and she's not able to enjoy the porch, due to the traffic and dirt and debris. We're
58 looking to enclose the porch. We're not asking to encroach on the side setback, which
59 is the issue, any further. The existing structure is already there. We're just looking to
60 enclose it.
61
62 Ms. Dwyer - You're not increasing the size of the porch?
63
64 Mr. House - We're not increasing the size on the setback side that is the
65 problem. We are going to increase the size approximately four feet towards the front of
66 the house to bring the new roof line in line with the existing roof line.
67
68 Ms. Dwyer - Are you going to raise the roof as well?
69
70 Mr. House - We are going to make the new roof match the existing roof
71 so it will appear as one new structure.
72
73 Mr. Wright - So it will not protrude further than the front of the house?
74
75 Mr. House - No Mr. Chairman, it's going to go in line with the part of the
76 structure that's in front of it, approximately four feet.
77
78 Mr. Wright - What type of construction will it be? Are you going to match
79 the house?
80

81 Mr. House - Yes. There are already brick piers, which match the brick
82 foundation, and we're going to continue that as well. We're going to put an additional
83 brick pier there and make it in line and to conform with the existing structure, so it
84 completely matches the structure as it exists.

85
86 Mr. Wright - Are you going to have wood siding?
87

88 Mr. House - Yes, and she's going to have it painted to match the current
89 color of the home.

90
91 Mr. Wright - Any further questions of the Board? Is anyone here in
92 opposition to this request? Hearing none, that concludes the case.
93

94 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by Mr.
95 Nunnally, the Board **granted** application **A-18-2005** for a variance to convert the
96 existing porch into a Florida room at 1900 Shenandoah Avenue (Shenandoah Place)
97 (Parcel 772-738-0920). The Board granted the variance subject to the following
98 conditions:
99

100 1. Only the improvements shown on the plan filed with the application may be
101 constructed pursuant to this approval. No substantial changes or additions to the layout
102 may be made without the approval of the Board of Zoning Appeals. Any additional
103 improvements shall comply with the applicable regulations of the County Code.
104

105 2. The new construction shall match the existing dwelling as nearly as practical in
106 materials and color.
107

108 Affirmative:	Dwyer, Harris, Kirkland, Nunnally, Wright	5
109 Negative:		0
110 Absent:		0

111
112 The Board granted this request, as it found from the evidence presented that, due to the
113 unique circumstances of the subject property, strict application of the County Code
114 would produce undue hardship not generally shared by other properties in the area, and
115 authorizing this variance will neither cause a substantial detriment to adjacent property
116 nor materially impair the purpose of the zoning regulations.
117

118 **A-22-2005** **FREDDY COBB** requests a variance from Section 24-95(d)(2) to
119 build a one-family dwelling at 2725 Hungary Road (Parcel 770-758-
120 9784), zoned R-3, One-family Residence District (Fairfield). The lot
121 width requirement is not met. The applicant has 78 feet lot width,
122 where the Code requires 100 feet lot width. The applicant requests
123 a variance of 22 feet lot width.
124

125 Mr. Wright - Does anyone else desire to speak with reference to this
126 case? Please stand and raise your right hands, so you can all be sworn in at the same
127 time, please?
128

129 Mr. Blankinship - Do you swear that the testimony you are about to give is the
130 truth, the whole truth, and nothing but the truth, so help you God?
131

132 Mr. Cobb - I do. Freddy Cobb. We're requesting a change in the
133 variance to allow us to build a single-family house on this lot; it's not quite wide enough
134 on the frontage.
135

136 Mr. Wright - You'll have a private septic system, is that correct?
137

138 Mr. Cobb - That's a great question. We've been working on that, and
139 we're having some difficulties with that. You granted us a variance last year, and there
140 are problems with it perking, because there is an abandoned well. That, and there's
141 some wetlands, so right now what we're looking into is filling in that abandoned well,
142 because that will allow us to put the septic within fifty feet. With it being abandoned and
143 not filled in, we're supposed to stay 100 feet away. Anyhow, if we can't get that done,
144 we're going to have to get the County to extend their sewer system.
145

146 Mr. Wright - I understand you're about 300 feet away from the public
147 sewage, is that correct?
148

149 Mr. Cobb - We're trying to avoid that, but if we have to go that route, we
150 have to.
151

152 Ms. Harris - Will this house face Mayfair Avenue?
153

154 Mr. Cobb - Don't know yet exactly where it will face; I was assuming that
155 it would face Hungary. You can't go very far back on that lot because of the wetlands,
156 so it's going to have to be close to Hungary Road.
157

158 Ms. Harris - The house that's directly across the street from the lot, I was
159 wondering if it's going to face that house.
160

161 Mr. Cobb - The house across from Mayfair? I don't know. We really
162 haven't gotten that far, because of the sewer issues.
163

164 Mr. Nunnally - Is this the same request that you had in 2003?
165

166 Mr. Cobb - Yes sir.
167

168 Mr. Nunnally - And it was approved then?
169

170 Mr. Cobb - Yes sir.

171 Mr. Nunnally - What happened?
172

173 Mr. Cobb - We just have not gotten going because of the sewer issue,
174 and I think at the time, the variance lasted a year, Now they last two years, if I'm not
175 mistaken.
176

177 Mr. Wright - Mr. Secretary, I notice the property number faces on
178 Hungary Road; the address is Hungary Road, is that correct?
179

180 Mr. Blankinship - Yes sir, that's right.
181

182 Ms. Harris - That Mayfield Avenue is a private street, isn't it?
183

184 Mr. Cobb - I believe it is.
185

186 Mr. Wright - And the problem is they do not have the necessary footage
187 at the building line.
188

189 Mr. Blankinship - Yes, that's right. The requirement is greater because of the
190 need for the septic system. If they were on the sewer, I think they would have a wide
191 enough lot.
192

193 Mr. Cobb - I think we're two feet short then. I think it's got to be 80 feet
194 then, and we're 78, if you look under your evaluation.
195

196 Mr. Wright - That's what the record shows, that it would be two feet short,
197 even if they hooked up to the County sewer.
198

199 Ms. Dwyer - Would access be from Mayfair or from Hungary? Would you
200 build your own driveway from Hungary, or would you use Mayfair and split the property
201 up?
202

203 Mr. Cobb - Again, I don't know. The house right beside me on Hungary
204 right now uses Mayfair; they come across my lot, and I actually have given them the
205 rights to use that, not an easement, just the rights for the time being. I know they like to
206 come across my lot onto Mayfair, so that they don't have to pull out onto Hungary at that
207 location in front of their house.
208

209 Mr. Kirkland - Mr. Blankinship, is there a maintenance agreement for all
210 these homes on Mayfair, since there's so many of them?
211

212 Mr. Blankinship - I don't know that, since this property fronts on Hungary, we
213 really didn't go into all that.
214

215 Mr. Wright - Mayfair is not a public road?
216

217 Mr. Blankinship - No sir, it's not a public road. I'm sure of that.
218
219 Ms. Dwyer - And there's no condition requiring a maintenance agreement
220 or legal access to Mayfair. We're assuming that access will be to Hungary.
221
222 Mr. Blankinship - Since they do front on Hungary. But of course the Board
223 could impose such a condition if they choose, as well as a condition regarding the
224 orientation of the house.
225
226 Mr. Cobb - There are several houses back here behind this lot; those
227 are the ones which seem to use this Mayfair Avenue mostly.
228
229 Mr. Wright - Mr. Secretary, if this is approved, shouldn't there be some
230 sort of condition concerning Mayfair if they elect to access it to Mayfair?
231
232 Mr. Blankinship - Regarding contributing to the maintenance of it?
233
234 Mr. Wright - Our usual provision, responsibility of the homeowner to
235 maintain the road, and all that business that we usually put in.
236
237 Mr. Blankinship - There certainly could be. We were treating this as fronting
238 on Hungary.
239
240 Mr. Kirkland - So if we put a condition that it's fronting on Hungary, we
241 wouldn't need that, is that what you're saying?
242
243 Mr. Blankinship - Right, whichever the Board decides.
244
245 Ms. Dwyer - When will you know where the house will be situated,
246 oriented, and where the access will be.
247
248 Mr. Cobb - Our first step is to get that well filled in, to see if we can perk
249 within fifty feet. That shouldn't take that long. Then we try that, and if that doesn't work,
250 then we go to the County about extending the sewer lines, so I'd say sixty to ninety
251 days, we should be to that point to determine site location.
252
253 Mr. Wright - Any further questions of members of the Board? Is anyone
254 here in opposition to this request? Sir, please come down to the podium. You'll have an
255 opportunity to rebut.
256
257 Mr. Layne - Rodney Layne. I wanted to clear up one thing on Mayfair
258 Avenue. That is considered, I believe, a public road, but the County, we've been
259 working for the last 55 years to have that road maintained by the County, and so I
260 believe it is a public road. They have indicated to us over the years that it has been a
261 public road; it's just not maintained by the County.
262

263 Mr. Wright - It's your statement that the County is maintaining that road?
264
265 Mr. Layne - They're not maintaining it, but they have indicated over the
266 years that it was a public road, that they just weren't maintaining it. Their basis for not
267 maintaining that road is the fact that the width of the road is just too small to be
268 maintained. There are five properties back there. My objection to this is that is we
269 allow any building on this property of this variance, that the County will never consider
270 maintaining this road on a full time basis.
271
272 Ms. Dwyer - How wide is the road now?
273
274 Mr. Layne - I don't know the answer to that. I can tell you that it's a one
275 car only road.
276
277 Mr. Nunnally - Did you say that there were five homes back in there?
278
279 Mr. Layne - Yes sir.
280
281 Mr. Nunnally - Then you have no problem with this case if they access it
282 from Hungary Road?
283
284 Mr. Layne - I don't have any problem as long as the County will consider
285 that if you build there, the County will at some point consider taking over the
286 maintenance of that road. If you build there, and you never allow the width of the road
287 to be widened to whatever the requirement is for the County to maintain it, we would
288 object to that.
289
290 Ms. Dwyer - So your concern is that some property might need to be
291 taken from this lot in order to expand Mayfair to make it wide enough for the County to
292 accept and maintain. So your thought is you don't want anything to be built here until
293 that issue is resolved.
294
295 Mr. Layne - Yes ma'am, that is correct. I think the homeowners on that
296 street believe the values of their properties are greatly impacted by the fact that the
297 County doesn't maintain the road and that it's mostly dirt and gravel, with a number of
298 potholes.
299
300 Mr. Wright - We could approve it, provided that they access the property
301 from Hungary Road.
302
303 Mr. Layne - As long as you're not impacting the issue that we would not
304 be able to widen it for the County to take it over at some point. We've been talking
305 about this for 55 years, and the County has been out there a number of times, and it's
306 been for one reason or another, width, or that the home on the other side of Mayfair was
307 too close.
308

309 Mr. Wright - You've got problems there that don't pertain to this case.
310
311 Mr. Layne - Exactly.
312
313 Mr. Kirkland - Mr. Blankinship, are you aware of any ongoing thing with the
314 County investigating this road?
315
316 Mr. Blankinship - No sir, that's news to me.
317
318 Mr. Kirkland - It would have to be a fifty-foot right-of-way down through
319 there, wouldn't it. That would probably impact everything along there.
320
321 Mr. Blankinship - And what I hear the gentleman saying, is that on that basis,
322 the County is not interested in maintaining it.
323
324 Mr. Layne - They haven't been out in at least five or ten years to look at
325 this. As I've said, we've been working with the County over a number of years.
326
327 Mr. Wright - Who maintains the road now?
328
329 Mr. Layne - We have footed a large proportion, and some of the other
330 homeowners have, over the years,

331
332 Mr. Wright - Do you have an agreement?
333
334 Mr. Layne - No sir. However, there are holes in this road sometimes that
335 are so large a car can fit inside of them, so we have no choice.
336
337 Mr. Kirkland - Mr. Layne, what house do you live in? Do you live on
338 Mayfair?
339
340 Mr. Layne - No, we're the homeowner; it's a rental property for us.
341
342 Mr. Kirkland - Which one is that? The one down towards the end?
343
344 Mr. Layne - 9119.
345
346 Mr. Wright - Right behind this property?
347
348 Mr. Layne - Yes sir.
349
350 Ms. Harris - Who paved the road?
351
352 Mr. Layne - It's not paved; it's gravel and dirt.
353
354 Ms. Harris - So you pay to have the gravel.

355
356 Mr. Layne - Over the years, we have paid for the gravel, and recently a
357 new homeowner, I guess within the last ten years, has taken over a small section of the
358 road and has put gravel in the road as well. When I said five properties, that's down at
359 the cul-de-sac. There's at least one other property along the length of Mayfair, just so
360 I'm perfectly clear.
361
362 Ms. Dwyer - You're assuming that maybe this property would need to
363 dedicate that property to extend the road, to widen the road.
364
365 Mr. Layne - At least a portion, yes ma'am.
366
367 Ms. Harris - What about the other side of the road, the properties that are
368 already there? Do you expect the same thing of them?
369
370 Mr. Layne - One home is too close, I think, to dedicate any.
371
372 Ms. Harris - I noticed. But I guess the newer home, built within the last
373 ten years, you expect that of them?
374
375 Mr. Layne - Yes, because they have enough property that they could do
376 that.
377
378 Mr. Wright - Any further questions of the Board? Is there any further
379 opposition to this request? Mr. Cobb, you have an opportunity to rebut.
380
381 Mr. Cobb - I really don't have a rebuttal. If you have any questions after
382 that?
383
384 Mr. Wright - My question would be, if this were approved, with a condition
385 that you be required to access this property from Hungary Road, could you live with
386 that?
387
388 Mr. Cobb - I don't see any problem with that. As a matter of fact, from
389 what the gentleman just said, it sounds preferable to me, so I wouldn't be part of the
390 Mayfair debacle.
391
392 Ms. Dwyer - What if we required you to dedicate a certain amount of
393 property to Mayfair, so that it could be widened in the future?
394
395 Mr. Cobb - I guess my only concern there is up here where we're
396 bordering Hungary; that's pretty narrow. That's the reason we're here now; that's pretty
397 narrow already. I don't know if we'd be able to get a house on there, if that's the part we
398 have to build on because of the wetlands, if we give up some of that road. I don't
399 understand any of this stuff about the County and the fifty years and all that stuff, but if
400 Mayfair were widened, if I were able to give land to the County to widen it so that you

401 could maintain it, would that then make my frontage on Mayfair? Obviously we'd have
402 plenty of frontage, and this whole point would become moot, possibly. If it would help
403 the people in the back, and we could give up some of this land and not prevent me from
404 building, then I'm certainly open to that. I don't know how much land they'd need.
405

406 Mr. Wright - It certainly wouldn't be fair to ask this owner to give up more
407 than his proportionate share however. We couldn't require him to put the whole road on
408 his property.
409

410 Mr. Blankinship - I'm looking at the 1928 subdivision plat, and it shows Mayfair
411 as having a 16-foot right-of-way, so we'd be talking about 34 feet of dedication, over a
412 length of almost 500 feet.
413

414 Mr. Kirkland - Seventeen on each side.
415

416 Mr. Wright - I don't think we could ask him to dedicate more than half of
417 that.
418

419 Mr. Kirkland - Mr. Cobb, do you think that you'll have so much wetland that
420 you would almost have to move this house out towards Hungary Road in this little
421 narrow 78 feet, where the drawing we have shows the house way back on the property.
422 Do you think it's going to be that far up? We have a drawing in our packet that shows a
423 little orange block. I assume that was for us so we'd think that's where the house would
424 be going? On the plat, it shows it up further.
425

426 Mr. Cobb - If you look at that plat, and you see that foundation back
427 there, I don't know what in the world that is, but the only thing it could be a foundation
428 for would be a pool. It is very, very wet back there; it is a swamp.
429

430 Mr. Blankinship - So you don't intend to build back there?
431

432 Mr. Kirkland - We have on the second sheet of our packet a little orange
433 box – so that almost needs to be up there almost where it says 2725.
434

435 Mr. Cobb - I'm not sure I have a copy of what you're looking at.
436

437 Ms. Dwyer - I don't have an orange box.
438

439 Mr. Kirkland - Right here on your second sheet, Ms. Dwyer. I didn't know if
440 that was a foundation for something.
441

442 Mr. Cobb - I think you'd have to build right where the point of your arrow
443 is. I don't think you can go back too much further. We're also dancing around that well.
444

445 Ms. Harris - The width of that lot is 83 feet? On 2725 Hungary?
446

447 Mr. Cobb - Seventy-eight. I think, isn't it?
448
449 Mr. Blankinship - Seventy-eight.
450
451 Ms. Dwyer - Seventy-eight at the narrow part.
452
453 Mr. Blankinship - It's 83 measured parallel to the street; 78 measured
454 perpendicularly.
455
456 Mr. Cobb - The Gentleman said there is no formal agreement with the
457 homeowners on Mayfair, is that right? If there were, I could talk to them about selling
458 the land or something.
459
460 Mr. Wright - Any further questions of the Board? Hearing none, that
461 concludes the case.
462
463 Upon a motion by Ms. Harris, seconded by Mr. Kirkland, the Board **deferred** application
464 **A-22-2005** for a variance to build a one-family dwelling at 2725 Hungary Road (Parcel
465 770-758-9784). The case was deferred from the March 24, 2005, until the April 28,
466 2005, meeting, to allow time for further research for placement of the dwelling.
467
468 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
469 Negative: 0
470 Absent: 0
471
472 **UP-4-2005 WEST END ASSEMBLY OF GOD** requests a temporary
473 conditional use permit pursuant to Section 24-116(c)(1) to install a
474 temporary storage trailer at 401 North Parham Road (Parcel 753-
475 736-0655), zoned R-1, One-family Residence District (Tuckahoe).
476
477 Mr. Wright - Does anyone else desire to speak with reference to this
478 case? We'll pass it over.
479
480 **(Case called again at end of 9:00 o'clock docket; no response.)**
481
482 **(Case called again at end of 10:00 o'clock docket; no response.)**
483
484 **(Included in all case decisions, in order:)**
485
486 Upon a motion by Ms. Dwyer, seconded by Mr. Kirkland the Board **deferred** application
487 **UP-4-2005** for a temporary conditional use permit to to install a temporary storage trailer
488 at 401 North Parham Road (Parcel 753-736-0655). The case was deferred because
489 there was no one at the meeting to present the request, from the March 24, 2005, until
490 the April 28, 2005, meeting.
491
492 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5

493 Negative: 0
494 Absent: 0

495
496 *(After all cases had been decided, two people entered the audience and*
497 *requested that UP-4-2005 be given another chance to be heard. After discussion,*
498 *Ms. Dwyer moved that the case be heard.)*
499

500 Mr. Wright - There has been a motion that we consider this case. Do I
501 hear a second to that, that we overrule our deferral?

502
503 On a motion by Ms. Dwyer, seconded by Mr. Kirkland, the Board **agreed** to overrule the
504 deferral and **hear** the application **UP-4-2005** for a temporary conditional use permit to
505 install a temporary storage trailer at 401 North Parham Road (Parcel 753-736-0655).

506
507 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
508 Negative: 0
509 Absent: 0

510
511 Mr. Wright - Does anyone else desire to speak with reference to this
512 case? Would you raise your right hand and be sworn please?

513
514 Mr. Blankinship - Do you swear that the testimony you are about to give is the
515 truth, the whole truth, and nothing but the truth, so help you God?

516
517 Ms. Harrison - I do. My name is Joan Harrison. We would like to place two
518 temporary storage trailers behind the church to store all of the items that we have
519 donated for the yard sale. They are placed against a fence, where they are not visible
520 from the street, from the houses, from anywhere close by. We keep all of the items that
521 are donated stored inside so that the area around is clean and looks nice.

522
523 Ms. Dwyer - The trailers do not rise above the fence in the back? How
524 many trailers will you have?

525
526 Ms. Harrison - There will be two.

527
528 Ms. Dwyer - They'll be parked where this tent is, approximately.

529
530 Ms. Harrison - No, they're parked up against the fence in the parking lot
531 right across from that.

532
533 Mr. Wright - What is this tent in this picture?

534
535 Ms. Harrison - The tent is used occasionally to put items from a Christmas
536 production that some of the larger set pieces are put in, and occasionally we have golf
537 carts that we ferry people back and forth. This is David Mercer; he is our Executive
538 Pastor, and he can tell you more about this if you'd like to talk with him.

539
540 Mr. Wright - But that's not proper, is it, Mr. Blankinship, to have that tent?
541
542 Mr. Blankinship - I don't know whether a building permit was ever issued for it,
543 or whether it's shown on their plans.
544
545 Mr. Wright - I don't recall a case where we've approved the tent.
546
547 Mr. Blankinship - It wouldn't necessarily come before this Board, but whether it
548 has received the appropriate approvals, I don't know.
549
550 Mr. Wright - Who would it come before?
551
552 Mr. Blankinship - Certainly, I presume it would need a building permit; it looks
553 large enough, because it has side walls. We'll certainly pursue that.
554
555 Mr. Wright - Is it there now? This is the first time I've seen it.
556
557 Ms. Harrison - Yes sir, it's there now.
558
559 Mr. Blankinship - Do you know how long it's been there?
560
561 Ms. Harrison - I don't know how long it's been there.
562
563 Mr. Mercer - It goes up and down.
564
565 Ms. Dwyer - It looks like it's being used for storage now. You have the
566 golf carts in there, and some furniture it looks like.
567
568 Ms. Harrison - People have already started bringing yard sale stuff.
569
570 Mr. Blankinship - I do not remember seeing it before, but if it goes up and
571 down, it may be that it just wasn't up on a day when we were there.
572
573 Ms. Dwyer - You might want to follow up with the Planning Department;
574 they'll probably follow up with you about the rules about having structures like that.
575
576 Mr. Kirkland - The Building Inspections Office will probably contact you
577 also.
578
579 Ms. Harris - Do you have any more trailers on your lot?
580
581 Ms. Harrison - No ma'am.
582
583 Ms. Dwyer - It won't restrict the flow of traffic.
584

585 Ms. Harrison - No ma'am, we put them in parking places, and we put them
586 end to end, so they're back of the parking places, and traffic can go by.

587
588 Ms. Dwyer - They just take up parking places.

589
590 Mr. Nunnally - Do you put the tent up yourself, somebody in the church put
591 them up, or do you order them from someone and they put them up.

592
593 Mr. Mercer - We own the tent, and we put it up.

594
595 Mr. Nunnally - Will it be any problem taking the tent down while you're
596 having the trailers out there?

597
598 Mr. Mercer - No.

599
600 Ms. Dwyer - You don't think the tent should be up while the trailers are
601 there?

602
603 Mr. Nunnally - We've never seen it before. Why would we need it?

604
605 Mr. Wright - I think what we decided was that Mr. Blankinship would
606 pursue it to see if it meets some approval that we don't know about.

607
608 Mr. Kirkland - If it is illegal, I'm sure the church will remove it.

609
610 After an advertised public hearing and on a motion by Ms. Dwyer, seconded by Mr.
611 Nunnally, the Board **granted** application **UP-4-2005** for a temporary conditional use
612 permit to install a temporary storage trailer at 401 North Parham Road (Parcel 753-736-
613 0655). The Board granted the use permit subject to the following conditions:

614
615 1. This approval is only for locating two storage trailers on the property from March
616 30, 2005 through May 11, 2005. The trailers shall be removed prior to May 17, 2005.

617
618 2. All material shall be kept in the trailers. There shall be no storage of any
619 merchandise outside the trailers.

620
621 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5

622 Negative: 0

623 Absent: 0
624

625 The Board granted the request because it found the proposed use will be in substantial
626 accordance with the general purpose and objectives of Chapter 24 of the County Code.

627
628 **A-23-2005** **OLIVIER HECHT** requests a variance from Section 24-95(q)(5) to
629 build a garage at 12537 Gayton Bluffs Lane (Gayton Station)
630 (Parcel 729-763-9516), zoned R-3C, One-family Residence District

631 (Conditional) (Three Chopt). The rear yard setback is not met. The
632 applicant has 29 feet rear yard setback, where the Code requires
633 35 feet rear yard setback. The applicant requests a variance of 6
634 feet rear yard setback.
635

636 Mr. Wright - Does anyone else desire to speak with reference to this
637 case? Would you raise your right hand and be sworn please?
638

639 Mr. Blankinship - Do you swear that the testimony you are about to give is the
640 truth, the whole truth, and nothing but the truth, so help you God?
641

642 Mr. Hecht - I do. Olivier Hecht. We are seeking a six-foot variance on
643 our 35-foot rear yard setback, for the purpose of building a two-car, side-entry garage,
644 with living space above it. In the meantime, since I've submitted the packet, I have
645 obtained approval from our architectural committee, from our homeowners association.
646 I have copies of that if you'd like. I have talked to all of my neighbors. As you can see,
647 the property behind us is a Resource Protection Area, won't be developed, so we have
648 very few impacts in terms of other properties that are being lived on.
649

650 Mr. Wright - What's located behind your property?
651

652 Mr. Hecht - The one block to the northeast is a common area that the
653 developer had to preserve, a one-acre block, and the rest is a Resource Protection
654 Area.
655

656 Ms. Dwyer - Does your homeowners association maintain that property,
657 the Resource Protection Area?
658

659 Mr. Hecht - It's just a nice little wetland that we really enjoy, and that's
660 part of the reason why we want to stay on the property so much, even though we need
661 more space. It's a nice marsh with deer and wildlife. Would you like copies of the
662 approval from the architectural committee?
663

664 Mr. Wright - Yes, I think we should have that.
665

666 Ms. Dwyer - This would be visible from your neighbor's property?
667

668 Mr. Hecht - I have some renderings that will show exactly what it would
669 look like when it's built. The first page is the current look.
670

671 Ms. Dwyer - Where does it indicate that this architectural request was
672 approved?
673

674 Mr. Hecht - It's the bottom of the first page. If you look at the bottom
675 right picture in this, it's a computer generated drawing, but that's pretty much exactly
676 what it would look like from the cul-de-sac, although this sort of assumes a flat

677 perspective. The garage, because of the slope of the yard, it actually would be
678 somewhat less visible than that.

679
680 Mr. Wright - It appears that basically it's the right corner of the garage
681 facing the house that causes the problem.

682
683 Mr. Hecht - Yes, it's really the angle. If my driveway were on the other
684 side, I'd have all the room in the world. I tried to make the garage deep; you can see
685 the bump-outs are there, to try to really stay in line with that property line. We did lay it
686 out with a transit, so we know that a six-foot variance is exactly what we need. It's been
687 painted out on the ground by my contractor, and I did find my property line, so it's
688 exactly six feet.

689
690 Mr. Wright - In other words, if you cut that corner off, the garage could go
691 in there just the way it is.

692
693 Mr. Hecht - Yes, I was stuck either way. I could trade depth for width,
694 but I can't just because of the way that line is.

695
696 Mr. Wright - From appearance viewpoint, it wouldn't make that much
697 difference to a neighbor.

698
699 Mr. Hecht - It would be imperceptible from anyone's viewpoint.

700
701 Mr. Nunnally - I see you have the support from neighbors on each side.

702
703 Mr. Hecht - I've been talking to them about this for months, and they're
704 very supportive, and they like the idea of having a garage off the street. I think most
705 people do, to move it to the back of the house. I've spoken to literally everybody that
706 you sent the notices to.

707
708 Mr. Wright - Any further questions of the Board? Is anyone here in
709 opposition to this request? Hearing none, that concludes the case.

710
711 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
712 Dwyer, the Board **granted** application **A-23-2005** for a variance to build a garage at
713 12537 Gayton Bluffs Lane (Gayton Station) (Parcel 729-763-9516). The Board granted
714 the variance subject to the following conditions:

715
716 1 This variance applies only to the rear yard setback requirement. All other
717 applicable regulations of the County Code shall remain in force.

718
719 2. The new construction shall match the existing dwelling as nearly as practical in
720 materials and color.

721
722 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5

723 Negative: 0
724 Absent: 0

725
726 The Board granted this request, as it found from the evidence presented that, due to the
727 unique circumstances of the subject property, strict application of the County Code
728 would produce undue hardship not generally shared by other properties in the area, and
729 authorizing this variance will neither cause a substantial detriment to adjacent property
730 nor materially impair the purpose of the zoning regulations.

731
732 **A-24-2005** **SCOTT OWENS** requests a variance from Section 24-94 to build
733 an addition at 5710 Shady Grove Road (Parcel 744-777-5111),
734 zoned A-1, Agricultural District (Three Chopt). The minimum side
735 yard setback is not met. The applicant has 16 feet minimum side
736 yard setback, where the Code requires 20 feet minimum side yard
737 setback. The applicant requests a variance of 4 feet minimum side
738 yard setback.

739
740 Mr. Wright - Does anyone else desire to speak with reference to this
741 case? Would you raise your right hand and be sworn please?

742
743 Mr. Blankinship - Do you swear that the testimony you are about to give is the
744 truth, the whole truth, and nothing but the truth, so help you God?

745
746 Mr. Owens - I do. My name is Scott Owens. My wife and I would like to
747 put a 28-by-48 addition, going over four feet beyond the 20-foot requirement next to the
748 fence. Her parents are aged, and we're looking for room to move them in with us.

749
750 Mr. Wright - What's the purpose for the addition?

751
752 Mr. Owens - It's going to be an extra bedroom and living room. The
753 purpose is for her parents to move in with us. Her father is 83 years old.

754
755 Mr. Wright - Is the construction going to be compatible with the rest of the
756 house?

757
758 Mr. Owens - We plan to change everything on the outside, haven't quite
759 decided what to put on it yet, either the Hardi board, or maybe even brick. We're
760 renovating the older portion and planning to do the whole house.

761
762 Mr. Wright - Your house faces Shady Grove Road, is that correct? What
763 is on the side of the property adjacent to you where the addition would be constructed?

764
765 Mr. Owens - Adjacent to it?

766
767 Mr. Wright - I see that Shady Willow Drive comes in down beside your
768 house, is that correct?

769
770 Mr. Owens - Shady Hills Way?
771
772 Mr. Wright - Shady Willow Drive.
773
774 Mr. Owens - My father-in-law owns all the land on the left, right off of
775 Shady Grove Road, if you look at the concrete driveway going up there. He owns
776 everything that surrounds me.
777
778 Mr. Blankinship - I think that should be Shady Hills Way; I'm sorry, we've got
779 the map labeled wrong.
780
781 Mr. Wright - Shady Hills Way. I see. We've got a map that calls it Shady
782 Willow Drive.
783
784 Mr. Owens - That's a fifty-foot barrier. It goes into a subdivision there.
785
786 Mr. Wright - There seems to be an area between Shady Hills Way and
787 your property, which is unoccupied; it's vacant land.
788
789 Mr. Owens - That's a fifty-foot buffer.
790
791 Ms. Dwyer - Just one thought on the suggested conditions. I notice that
792 staff has been stating that new construction shall match the existing dwelling as near as
793 practical, and lately you've been adding in materials and colors, so there's no confusion
794 about architecture. Let's add that.
795
796 Mr. Blankinship - He's actually going to change the existing structure, so
797 maybe we'll re-word that for this one, to say that when the project is completed, the
798 whole dwelling will be consistent.
799
800 Mr. Owens - I don't think you would want the new portion looking like the
801 existing. It would bring down the neighborhood.
802
803 Mr. Wright - Any further questions of the Board? Is anyone here in
804 opposition to this request? Hearing none, that concludes the case.
805
806 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
807 Harris, the Board **granted** application **A-24-2005** for a variance to build an addition at
808 5710 Shady Grove Road (Parcel 744-777-5111). The Board granted the variance
809 subject to the following conditions:
810
811 1. [Amended] When construction is complete, the addition shall match the existing
812 dwelling as nearly as practical in materials and color.
813

814 2. The property shall be developed in substantial conformance with the plan filed
815 with the application. No substantial changes or additions to the layout may be made
816 without the approval of the Board of Zoning Appeals.

817
818 3. A connection shall be made to public sewer.

819
820 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
821 Negative: 0
822 Absent: 0

823
824 The Board granted this request, as it found from the evidence presented that, due to the
825 unique circumstances of the subject property, strict application of the County Code
826 would produce undue hardship not generally shared by other properties in the area, and
827 authorizing this variance will neither cause a substantial detriment to adjacent property
828 nor materially impair the purpose of the zoning regulations.

829
830 **A-25-2005** **HAMID AND LINDA AL-ABDULLA** request a variance from
831 Sections 24-95(c)(4) and 24-95(c)(1) to enclose an existing porch
832 at 2108 Clarke Street (Bryan Park Village) (Parcel 781-745-4947),
833 zoned R-4, One-family Residence District (Fairfield). The front yard
834 setback, minimum side yard setback, and total side yard setback
835 are not met. The applicants have 32 feet front yard setback, 4 feet
836 minimum side yard setback and 9 feet total side yard setback,
837 where the Code requires 35 feet front yard setback, 7 feet minimum
838 side yard setback and 15 feet total side yard setback. The
839 applicant requests a variance of 3 feet front yard setback, 3 feet
840 minimum side yard setback and 6 feet total side yard setback.

841
842 Mr. Wright - Does anyone else desire to speak with reference to this
843 case? Would you raise your right hand and be sworn please?

844
845 Mr. Blankinship - Do you swear that the testimony you are about to give is the
846 truth, the whole truth, and nothing but the truth, so help you God?

847
848 Mr. Farmer - I do. Franklin Scott Farmer. What we would like to do with
849 this, it had an existing porch that was built onto the house in 1944. All we would like to
850 do is enclose the porch, add two windows, one facing Clarke Street, and one facing the
851 back yard. We are going to put vinyl siding over the entire house, and our problem is,
852 we've only got four feet, two inches, on the side where the porch is, between the
853 property line and the house, and we've only got five feet, six inches between our
854 neighbors on the other side. Also, the front variance is off too. We've only got 32 feet,
855 and we need 35 feet. This is the way the lot was, fifty feet by 135, and we just need to
856 get the variance so we can do this and improve the house.

857
858 Ms. Dwyer - You're not adding anything to the footprint of the house?
859

860 Mr. Farmer - No, we're not changing anything other than wanting to
861 enclose that room, and it's going to be the same size. We're going to actually improve
862 the house with the vinyl siding, new windows.
863
864 Mr. Nunnally - It looks like to me that it's already been enclosed.
865
866 Mr. Farmer - Yes sir, the outside we just put the plywood around the
867 outside. We've got material in there. We're renovating the inside of the house also.
868
869 Mr. Nunnally - You're using it for a storage room while you're renovating?
870
871 Mr. Farmer - Yes sir.
872
873 Mr. Kirkland - Does this porch have a brick foundation? I see you've got
874 plywood skirting all the way around the bottom.
875
876 Mr. Farmer - It had two brick piers, but the piers were falling down. They
877 were just one brick thickness deep, sitting dead on the ground. There was no concrete,
878 no anything under it.
879
880 Mr. Kirkland - So you have put new piers back?
881
882 Mr. Farmer - What we've done right now is just put two-by-six foundation
883 all the way around, with an 18-inch footing, just to re-support the porch.
884
885 Mr. Kirkland - Is that right down on the ground?
886
887 Mr. Farmer - It's sitting on the footing. The footing's just a little bit above
888 the ground. That's just for right now, until we can get this variance and get everything
889 approved.
890
891 Mr. Kirkland - What are you going to put back, after the variance is
892 approved?
893
894 Mr. Farmer - We're most likely going back with the brick piers.
895
896 Mr. Kirkland - That's what I'm trying to get to. Cinder block or brick piers.
897
898 Mr. Farmer - Yes, we're going to go back with the brick piers to make it
899 match the rest of the brick going around the house.
900
901 Ms. Harris - Mr. Farmer, have you heard from the neighbors at 2104?
902
903 Mr. Farmer - No ma'am, I have not.
904

905 Mr. Wright - Any further questions of the Board? Is anyone here in
906 opposition to this request? Hearing none, that concludes the case.

907
908 After an advertised public hearing and on a motion by Ms. Harris, seconded by Mr.
909 Kirkland, the Board **granted** application **A-25-2005** for a variance to to enclose an
910 existing porch at 2108 Clarke Street (Bryan Park Village) (Parcel 781-745-4947). The
911 Board granted the variance subject to the following conditions:

912
913 1. This variance applies only to the front yard, minimum side yard and total side
914 yard setback requirements for the existing dwelling. All other applicable regulations of
915 the County Code shall remain in force.

916
917 2. Only the improvements shown on the plan filed with the application may be
918 constructed pursuant to this approval. Any additional improvements shall comply with
919 the applicable regulations of the County Code. Any substantial changes or additions
920 may require a new variance.

921
922 3. The covered front porch shall either be screened for use as a screened porch or
923 enclosed with siding similar to that on the main house, excluding windows and doors.

924
925 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5

926 Negative: 0

927 Absent: 0

928
929 The Board granted this request, as it found from the evidence presented that, due to the
930 unique circumstances of the subject property, strict application of the County Code
931 would produce undue hardship not generally shared by other properties in the area, and
932 authorizing this variance will neither cause a substantial detriment to adjacent property
933 nor materially impair the purpose of the zoning regulations.

934
935 **UP-5-2005** **RICHMOND STRIKERS SOCCER CLUB** requests a conditional
936 use permit pursuant to Section 24-52(a) to amend the conditions for
937 the recreation facility at 4801 Pouncey Tract Road (Parcel 740-768-
938 1098), zoned A-1, Agricultural District (Three Chopt).

939
940 Mr. Wright - Does anyone else desire to speak with reference to this
941 case? Would you raise your right hand and be sworn please?

942
943 Mr. Blankinship - Do you swear that the testimony you are about to give is the
944 truth, the whole truth, and nothing but the truth, so help you God?

945
946 Mr. Renehan - I do. My name is James J. Renehan. Richmond Strikers, a
947 non-profit organization, has been around for 27 years. We purchased this property
948 back in the early '80's. During that time, we have a conditional use permit that allows us
949 to put lights on the front four fields. We've gone ahead with a project on one of these
950 fields and are in the process of installing the lights now, but as we look through the CUP

951 from back then, it only allowed us to use the lights until 9:00 pm, and we're just asking
952 to extend that to 11:00 pm so that we can have a little more use out of the lights.

953
954 Ms. Dwyer - Could you identify the fields that we're looking at?

955
956 Mr. Renehan - The upper left, close to the church, next to that, and the one
957 to the right of that, those four closest to Pouncey Tract Road.

958
959 Mr. Wright - So the fields to the rear of the property off Pouncey Tract
960 would not be lighted?

961
962 Mr. Renehan - Correct.

963
964 Ms. Dwyer - There was one comment in the staff report that said
965 additional landscaping along the property line of Shady Grove United Methodist Church
966 would mitigate the impact of lighted fields on that property, and I didn't know if you had
967 had any contact with the church, because sometimes neighbors, especially institutional
968 neighbors, like light for security purposes. I didn't know if they had commented to you
969 about their thoughts on the extra lighting.

970
971 Mr. Renehan - Jim Thurman is here from the church, and we work pretty
972 closely with them, and we're right now exploring some ways to share some parking. We
973 both have issues with that, so we work very well together. I don't want to speak for Mr.
974 Thurman, they're fully in favor of all this, and looking for ways to share parking lots and
975 lights, so I don't think there's any opposition.

976
977 Ms. Dwyer - I guess my point is, we may not need landscaping to mitigate
978 the lighting if the church might want the lights spilling over into the rear of their property.
979 I don't think that's in the condition anywhere though.

980
981 Mr. Blankinship - The condition just requires them to submit a plan for review.

982
983 Ms. Dwyer - What about the landscaping along Pouncey Tract?

984
985 Mr. Renehan - There right now is a berm, and we keep it up; it's grass
986 mostly. There's a sign out there that you can see from the photo. It's parking lot, yes.

987
988 Ms. Dwyer - The staff mentioned something about a previous
989 landscaping plan that the Strikers had submitted had additional landscaping.

990
991 Mr. Blankinship - The 1990 plan showed some extensive parking changes and
992 landscaping that went along with those changes, and the changes were never made to
993 the parking, not all of the them. The most intensive ones were not done, so the
994 landscaping was not installed. If they were going to make those extensive changes
995 we'd like to see that plan.

996

997 Mr. Wright - Any further questions of the Board? Is anyone here in
998 opposition to this request? She was not sworn in.
999

1000 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1001 truth, the whole truth, and nothing but the truth, so help you God?
1002

1003 Ms. Lantzy - Yes I do. My name is Patricia Lantzy. My address is 10801
1004 Harvest Glen Lane, Glen Allen. My parcel backs up to the woods that separate Harvest
1005 Glen in Twin Hickory from Striker Field.
1006

1007 Mr. Wright - You live on Harvest Glen Drive?
1008

1009 Ms. Lantzy - Harvest Glen Lane. The cul-de-sac that backs up to the
1010 back field. My property is right here. I apologize first for my tardy arrival. I have a
1011 guest with me today that I didn't anticipate having, and I'm hopeful that he'll be calm and
1012 quiet and let us get through this quickly. I went to the County last week and received
1013 assistance from Mr. Lehmann and others on staff, to try to determine what lighting is
1014 being proposed, and what lighting is allowed. What I understand, and I also spoke with
1015 the Executive Director of the Strikers, and I polled my neighborhood; I'm the
1016 neighborhood representative for Harvest Glen. There are a number of homes along this
1017 street that will be affected by lighting that spills over. There is also, I understand, a
1018 proposed development that's being considered under a separate matter, for which there
1019 is a sewer easement that runs right at the end of this cul-de-sac, and for which we
1020 understand trees will be coming down, about a sixteen-foot buffer of trees that presently
1021 are there, may be lost. That will affect obviously, the lighting that will be coming
1022 through, as well as the sound that will be coming through. Those of us who live on the
1023 cul-de-sac, as well as the neighborhood in general, are happy to have Striker and their
1024 organization there. We consider them a good neighbor; we try to be good neighbors as
1025 well. We look out for their property; we appreciate that they are courteous and
1026 considerate of our property rights as well. If what is being proposed is merely to light
1027 that first field, the field closest to Pouncey Tract, then I think hardly anyone in the
1028 neighborhood would have an objection to that. I tried to determine whether the 1990
1029 use permit, which appears to allow lighting of six fields, I tried to verify which six fields
1030 that may be, and I couldn't verify that. I don't see anything in Striker's use proposal that
1031 gives any assurances that once this – I've been told that it's just the one field that they
1032 want lighted, but I don't see anything that limits it to that.
1033

1034 Mr. Blankinship - It's the four that are closest to Pouncey Tract. The one you
1035 were indicating, the one immediately east, and then the two others.
1036

1037 Ms. Lantzy - Again, if it's those four closest ones, and if it's till 9:00 pm, I
1038 don't think anyone in the neighborhood is going to say "boo" about it because we can't
1039 say "boo" about it, because they've already got permission to do that. If it's a matter of
1040 allowing those to be on to 11:00, rather than 9:00, I don't think that would be a problem,
1041 so long as assurances were given that these other seven fields are not also going to be
1042 lighted.

1043
1044 Mr. Wright - We have a condition that if this is approved, that will limit the
1045 lights to those four fields. They would not be able to extend lighting to any other field
1046 unless they come back to this Board, and you would receive notice.

1047
1048 Ms. Lantzy - I think with that condition, the community, and I would not
1049 object. I cannot speak for my neighbors, except to say that my sense is that they would
1050 not object. If there could also be, if the sewer easement does end up going through, if
1051 the screening could be replaced, and if the conditional use permit could reflect that
1052 screening will be replaced if taken down, in future, that would be very much
1053 appreciated.

1054
1055 Mr. Blankinship - That's not really on the table this morning. They're rezoning
1056 the property north of this, and I think that would be the more appropriate venue to
1057 address that.

1058
1059 Ms. Lantzy - It's not on the table this morning, I understand that. On the
1060 14th, I understand that hearing is going to be held.

1061
1062 Mr. Wright - Is there any further opposition, or anyone else who would
1063 like to speak? Hearing none, that concludes the case. You have a brief time to rebut.

1064
1065 Mr. Renehan - Really just want to echo that those are the only four fields,
1066 and we want to be good neighbors as well.

1067
1068 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
1069 Kirkland, the Board **granted** application **UP-5-2005** for a conditional use permit to
1070 amend the conditions for the recreation facility at 4801 Pouncey Tract Road (Parcel
1071 740-768-1098). The Board granted the use permit subject to the following conditions:

1072
1073 1. Only the improvements shown on the plan filed with the application may be
1074 constructed pursuant to this approval. Any substantial changes or additions may
1075 require a new conditional use permit.

1076
1077 2. The parking lot, driveways, and loading areas shall be subject to the
1078 requirements of Section 24-98 of Chapter 24 of the County Code.

1079
1080 3. Lighting may be installed only on the four fields shown on the Phase II
1081 Implementation Plan by Clough Harbour Sports, dated September 9, 2004. All exterior
1082 lighting shall be shielded to direct light onto the field and away from adjacent property
1083 and streets.

1084
1085 4. Standard traffic control signs shall be maintained on all parking areas and
1086 driveways, including a stop sign at the entrance onto Shady Grove Road.

1087

1088 5. A detailed landscaping and lighting plan shall be submitted to the Planning
1089 Department with the building permit for review and approval. All landscaping shall be
1090 maintained in a healthy condition at all times. Dead plant materials shall be removed
1091 within a reasonable time and replaced during the normal planting season.
1092

1093 6. Hours of operation shall be limited as follows:

1094 Monday through Friday:

1095 Lighted Fields: 8:00 AM to 11:00 PM.

1096 Other Fields: 8:00 AM to 8:00 PM.

1097

1098 Saturday:

1099 Lighted Fields: 8:00 AM to 11:00 PM.

1100 Other Fields: 8:00 AM to 10:00 PM.

1101

1102 Sunday:

1103 All Fields: 1:00 PM to 8:00 PM.

1104 Tournaments may be scheduled for Sunday morning with the concurrence of Shady
1105 Grove United Methodist Church.

1106

1107 7. Public address and sound amplification equipment may be used during special
1108 events only, and shall not be audible beyond the limits of the property.
1109

1110 8. The applicant shall submit erosion control plans to the Department of Public
1111 Works for review and approval, and shall remain in compliance with the approved plans.
1112

1113 9. A six-foot privacy fence shall be maintained along the eastern side of the access
1114 road to Shady Grove Road.

1115

1116 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5

1117 Negative: 0

1118 Absent: 0

1119

1120 The Board granted the request because it found the proposed use will be in substantial
1121 accordance with the general purpose and objectives of Chapter 24 of the County Code.
1122

1123 **A-26-2005 GRACE COMMUNITY BAPTIST CHURCH** requests a variance
1124 from Section 24-94 to allow an addition to remain at 2400 Pump
1125 Road (Parcel 740-753-6225), zoned A-1, Agricultural District
1126 (Tuckahoe). The rear yard setback is not met. The applicant has
1127 49 feet rear yard setback, where the Code requires 50 feet rear
1128 yard setback. The applicant requests a variance of 1 foot rear yard
1129 setback.
1130

1131 Mr. Wright - Does anyone else desire to speak with reference to this
1132 case? Would you raise your right hand and be sworn please?
1133

1134 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1135 truth, the whole truth, and nothing but the truth, so help you God?

1136
1137 Mr. Williams - I do. My name is Wayne Williams. I'm the General
1138 Contractor for the church, and we've built this building; it's under construction now, but
1139 not quite complete. We had a survey done a couple of months ago for our mortgage
1140 company, and that survey indicated that we had encroached into the setback seven
1141 inches on one corner of the building. As you're standing facing the building, the left rear
1142 corner is not parallel to the property line and the setback line. There's a section of the
1143 building that is seven inches by approximately two feet, a pie-shaped corner, that
1144 encroaches into the setback. I'm the person who laid the building out, and when I was
1145 looking at the drawings for the site layout, it indicated a fifty-foot dimension there, but it
1146 also indicated other dimensions on the drawing that were not necessarily exact
1147 dimensions, and I did not realize at the time that I did it, that it was a required setback,
1148 so I laid the building out according to the existing parking lot, keeping the sidewalk width
1149 at five feet, and of course I know now that was a mistake.

1150
1151 Mr. Wright - Comes down to .6 of a foot. The survey says 49.4.

1152
1153 Mr. Williams - Yes, it's .6 of a foot; it's seven and a quarter inches.

1154
1155 Ms. Dwyer - Let me just ask about this incline in the back – it's fairly
1156 steep. What kind of stabilization efforts will be made, or screening is the church
1157 planning?

1158
1159 Mr. Williams - There is a landscape plan that is being developed now, that I
1160 am not part of. That is under review for the landscaping around the property.

1161
1162 Ms. Dwyer - I thought that you would know.

1163
1164 Mr. Williams - I know that the slope as you see on the picture is a steep
1165 slope. Since that picture was taken, it has been regraded slightly. It's not quite as
1166 steep as it was in the picture, but it will be planted to keep it from eroding. As far as
1167 landscaping barriers, I'm not sure of what's going to be done with that. That's outside of
1168 my contract.

1169
1170 Mr. Wright - Any further questions of the Board? Is anyone here in
1171 opposition to this request? Hearing none, that concludes the case.

1172
1173 After an advertised public hearing and on a motion by Ms. Harris, seconded by Ms.
1174 Dwyer, the Board **granted** application **A-26-2005** for a variance to allow an addition to
1175 remain at 2400 Pump Road (Parcel 740-753-6225). The Board granted the variance
1176 subject to the following conditions:

1177
1178 1. Only the existing building shown on the plan filed with the application may be
1179 constructed pursuant to this approval. Any additional improvements shall comply with

1180 the applicable regulations of the County Code. Any substantial changes or additions
1181 may require a new variance.

1182
1183 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1184 Negative: 0
1185 Absent: 0

1186
1187 The Board granted this request, as it found from the evidence presented that, due to the
1188 unique circumstances of the subject property, strict application of the County Code
1189 would produce undue hardship not generally shared by other properties in the area, and
1190 authorizing this variance will neither cause a substantial detriment to adjacent property
1191 nor materially impair the purpose of the zoning regulations.

1192
1193 **A-27-2005** **KASEY SANDVIG** requests a variance from Section 24-9 to build a
1194 one-family dwelling at 12209 Kain Road (Parcel 737-766-1889
1195 (part)), zoned A-1, Agricultural District (Three Chopt). The public
1196 street frontage requirement is not met. The applicant has 0 feet
1197 public street frontage, where the Code requires 50 feet public street
1198 frontage. The applicant requests a variance of 50 feet public street
1199 frontage.

1200
1201 Mr. Wright - Does anyone else desire to speak with reference to this
1202 case? Please stand and be sworn at the same time.

1203
1204 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1205 truth, the whole truth, and nothing but the truth, so help you God?

1206
1207 Ms. Sandvig - Yes, I do. Kasey Sandvig. I would just like to build a house
1208 on the property that I own, but I have 0 road frontage, and I need fifty feet.

1209
1210 Mr. Wright - How would you access this property?

1211
1212 Ms. Sandvig - My sister has given me the easement of right-of-way on her
1213 driveway.

1214
1215 Ms. Dwyer - Mr. Blankinship, maybe you can help me. I had trouble
1216 matching the aerial photograph with what had been presented as the plat that shows
1217 the location of the house.

1218
1219 Mr. Blankinship - Yes, we did too. If you'll turn to the last page of the
1220 package, there is a survey there. You sent this to us? Is that the actual property line as
1221 it's been recorded, or is this a proposed

1222
1223 Ms. Sandvig -no, that's going to be the new. We're doing a
1224 deed of corrections, because we're having problems with the well and everything, so
1225 we're just going to keep the line running along the driveway.

1226
1227 Mr. Blankinship - Okay, so this is not what's recorded now, but this is going to
1228 be recorded?
1229
1230 Ms. Sandvig - Right, exactly, because right now what you have is two
1231 acres, written on there,
1232
1233 Mr. Blankinship -and this is 1.38
1234
1235 Ms. Sandvig - Right, so I'm just going to give my brother
1236
1237 Mr. Blankinship -so essentially now, from this point here, rather than
1238 cutting the corner off, it comes down to that other point.
1239
1240 Ms. Sandvig - Going along the driveway, it cuts down.
1241
1242 Mr. Blankinship - So that's going to be adjusted and re-recorded.
1243
1244 Ms. Dwyer - So the aerial photograph does not show the existing house.
1245
1246 Mr. Blankinship - Right. It shows one house, but not both.
1247
1248 Ms. Harris - We need to see the sister's house.
1249
1250 Mr. Wright - Could you put it on the screen and point that out to us. The
1251 picture on the aerial photograph of the property line is not the same as what is shown
1252 on the survey.
1253
1254 Mr. Blankinship - That's right, because it's going to be re-divided. Kain Road
1255 is at the top here, and you can barely read the driveway; it comes along here and
1256 passes the applicant's parents' house, and then her sister's house is here. The
1257 driveway will continue past across here, and this is her brother's house; it's not shown
1258 on the photograph. It's a brand new house. This is the recorded property line here, but
1259 because the driveway cuts across that way, they're going to record the new survey
1260 that's in the package that essentially shows that corner off
1261
1262 Mr. Wright -so that will make the difference. And you will end
1263 up with 1.38 acres, is that correct, in the final survey of the property.
1264
1265 Mr. Blankinship - Most importantly, we're not creating any new lots
1266
1267 Mr. Wright - Any further questions of the Board? Is anyone here in
1268 opposition to this request? Hearing none, that concludes the case.
1269
1270 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
1271 Dwyer, the Board **granted** application **A-27-2005** for a variance to build a one-family

1272 dwelling at 12209 Kain Road (Parcel 737-766-1889 (part)). The Board granted the
1273 variance subject to the following conditions:

1274
1275 1. This variance applies only to the public street frontage requirement. All other
1276 applicable regulations of the County Code shall remain in force.

1277
1278 2. Approval of this request does not imply that a building permit will be issued.
1279 Building permit approval is contingent on Health Department requirements, including,
1280 but not limited to, soil evaluation for a septic drainfield and reserve area, and approval
1281 of a well location.

1282
1283 3. At the time of building permit application the owner shall demonstrate that the
1284 parcel is held by members of the immediate family, and the subdivision ordinance has
1285 not been circumvented.

1286
1287 4. The applicant shall present proof with the building permit application that a legal
1288 access to the property has been obtained.

1289
1290 5. The owners of the property, and their heirs or assigns, shall accept responsibility
1291 for maintaining access to the property until such a time as the access is improved to
1292 County standards and accepted into the County road system for maintenance.

1293
1294 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1295 Negative: 0
1296 Absent: 0

1297
1298 The Board granted this request, as it found from the evidence presented that, due to the
1299 unique circumstances of the subject property, strict application of the County Code
1300 would produce undue hardship not generally shared by other properties in the area, and
1301 authorizing this variance will neither cause a substantial detriment to adjacent property
1302 nor materially impair the purpose of the zoning regulations.

1303
1304 **A-28-2005** **GREG AND SUE THORN** request a variance from Sections 24-
1305 95(i)(2), 24-95(i)(2)c. and 24-95(k) to allow the existing carport to
1306 remain at 2857 Haley's Hollow Road (Haley's Hollow) (Parcel 771-
1307 769-8941), zoned R-2A, One-family Residence District (Brookland).
1308 The accessory structure location requirement, accessory structure
1309 setback, and minimum side yard setback are not met. The
1310 applicants have an accessory structure in the front yard with 7 feet
1311 minimum side yard setback and 7 feet setback to the principal
1312 structure, where the Code allows accessory structures in the rear
1313 yard and requires 65 feet minimum side yard setback and 10 feet
1314 setback from the principal structure. The applicants request a
1315 variance of 58 feet minimum side yard setback and 3 feet setback
1316 from the principal structure for an accessory structure in the front
1317 yard.

1318
1319 Mr. Wright - Does anyone else desire to speak with reference to this
1320 case? Would you raise your right hand and be sworn please?
1321
1322 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1323 truth, the whole truth, and nothing but the truth, so help you God?
1324
1325 Ms. Thorn - I do. Carol Sue Thorn. I'm just requesting that we can keep
1326 our existing carport that sits over top of our blacktop driveway. We talked to all of our
1327 neighbors, and everybody's been very supportive. We have a petition that a percentage
1328 have signed. We talked to our neighbors who abut our property or are across; they've
1329 also been very supportive. The carport doesn't block any view of traffic that comes
1330 down Old Washington Highway or Haley's Hollow Road. If we were to put it in the back
1331 yard, where you are requesting that we do it, it just wouldn't do us any good back there.
1332
1333 Mr. Wright - I didn't quite understand why you couldn't put it in the back
1334 yard.
1335
1336 Ms. Thorn - Then we'd have to drive through our yard to use it, and it's a
1337 distance from the house.
1338
1339 Mr. Wright - How do you access this carport? Off of what street?
1340
1341 Ms. Thorn - Off of Haley's Hollow Road.
1342
1343 Mr. Wright - If you put it in the back yard, why couldn't you access it off of
1344 Old Washington Highway?
1345
1346 Ms. Thorn - We could, but the percentage of our yard is there, so we'd
1347 have to make a driveway all the way to the back.
1348
1349 Mr. Wright - You say that it does not obstruct the view, but if you put two
1350 cars in there, wouldn't that obstruct the view coming along Old Washington Highway
1351 approaching Haley's Hollow Road?
1352
1353 Ms. Thorn - Actually, it doesn't. When you come to the corner, you have
1354 plenty of view from either direction.
1355
1356 Ms. Dwyer - You're saying it doesn't obstruct your view if you're driving,
1357 from a traffic safety standpoint, but you can certainly see it. It's prominently placed in
1358 your front yard, so in that sense, it's very visible from both roads.
1359
1360 Mr. Wright - How was it that this carport was constructed without a
1361 building permit?
1362
1363 Ms. Thorn - Actually, it was a Christmas present from my husband, and I

1364 didn't realize I needed to get that.
1365
1366 Mr. Wright - Who built it for you?
1367
1368 Ms. Thorn - I'm not sure the name of the company.
1369
1370 Mr. Wright - I'm surprised that the company that constructed it would not
1371 have known that you needed a building permit to put it up.
1372
1373 Ms. Thorn - It was Cover-All of Richmond.
1374
1375 Mr. Wright - Cover-All. Do we know those people, Ben?
1376
1377 Ms. Thorn - They're located on Old Washington Highway.
1378
1379 Mr. Blankinship - Route 1.
1380
1381 Mr. Wright - Have we had any problem with them in the past? Have they
1382 built other carports, because I don't recall that they've built one that came before us.
1383
1384 Ms. Thorn - We tried to get our money refunded, and they wouldn't do
1385 that.
1386
1387 Mr. Kirkland - Ms. Thorn, how is this fastened to the ground?
1388
1389 Ms. Thorn - Big bolts go down into the ground.
1390
1391 Mr. Kirkland - Into the asphalt?
1392
1393 Ms. Thorn - Yes sir.
1394
1395 Mr. Kirkland - Four foot lags? So basically, it's taking the lags out, lifting it,
1396 and rolling it back. It's not so permanent that it couldn't be moved.
1397
1398 Ms. Thorn - Yes sir.
1399
1400 Mr. Kirkland - Mr. Blankinship, this is getting to be a real problem in
1401 Henrico.
1402
1403 Mr. Blankinship - Yes sir.
1404
1405 Mr. Wright - Any further questions of the Board or staff? Is anyone here
1406 in opposition to this request? Hearing none, that concludes the case.
1407
1408 Mr. Blankinship - We did receive one phone call that stated opposition, but
1409 they weren't certain they would come to the hearing or not.

1410
1411 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by Ms.
1412 Harris, the Board **denied** application **A-28-2005** for a variance to allow the existing
1413 carport to remain at 2857 Haley's Hollow Road (Haley's Hollow) (Parcel 771-769-8941).

1414
1415 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1416 Negative: 0
1417 Absent: 0

1418
1419 The Board denied your request as it found from the evidence presented that authorizing
1420 this variance would be of substantial detriment to adjacent property or would materially
1421 impair the purpose of the zoning regulations.

1422
1423 **A-29-2005** **MARGIE AND JAMES COHEN** request a variance from Section
1424 24-41(e) to build a Florida room at 1628 Logwood Circle (Gayton
1425 Forest Townhouses) (Parcel 743-747-2312), zoned RTH,
1426 Residential Townhouse District (Tuckahoe). The rear yard setback
1427 is not met. The applicants propose 17 feet rear yard setback,
1428 where the Code requires 30 feet rear yard setback. The applicants
1429 request a variance of 13 feet rear yard setback.

1430
1431 Mr. Wright - Does anyone else desire to speak with reference to this
1432 case? Would you raise your right hand and be sworn please?

1433
1434 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1435 truth, the whole truth, and nothing but the truth, so help you God?

1436
1437 Ms. Cohen - Yes I do. Margie Cohen. We would like to have our deck
1438 removed and replace it with a Florida room. As you can tell by the photographs, the
1439 deck is very narrow, and if we can't extend it to be deeper, it will not make for any type
1440 of living space in the room, and we need a variance of thirteen feet. We back up to
1441 common property; it is all grassy area. It is kept up by the association, and that
1442 common property backs up to a forest.

1443
1444 Ms. Dwyer - I'm not clear, Ms. Cohen. I assumed from the staff report
1445 that the sunroom is going to be the same size as the existing deck. Are you telling me
1446 that it's going to be larger?

1447
1448 Ms. Cohen - What it is, the way the deck is, it's supposed to be, I think,
1449 twelve feet, and the deck is allowed to encroach on the common property, but the room
1450 isn't.

1451
1452 Mr. Blankinship - So is the Florida room going to be the same size as the
1453 deck, or is it going to be larger than the existing deck?

1454
1455 Ms. Cohen - No, the Florida room is going to actually replace the deck.

1456 What you see here, twelve by twenty-five; that's exactly what the Florida room is going
1457 to be.
1458
1459 Mr. Blankinship - And that's what the existing deck is?
1460
1461 Ms. Cohen - That's my understanding.
1462
1463 Mr. Wright - The deck is the same size? It looks smaller than that.
1464
1465 Mr. Kirkland - It doesn't look quite like twenty-five feet.
1466
1467 Ms. Cohen - No, that's the length, sir.
1468
1469 Mr. Kirkland - I know, but the one in the picture looks like it's about six and
1470 a half or seven feet out from the house, versus the twelve feet, your actual deck.
1471
1472 Ms. Cohen - Well, the room is going to be twelve feet. The deck is ten
1473 feet.
1474
1475 Ms. Dwyer - So you are going beyond the existing deck?
1476
1477 Ms. Cohen - Yes ma'am. There's about ten rooms that have been built in
1478 this Autumn Glen Subdivision that have had the same variance request, and as you can
1479 tell, this is my across-the-walkway neighbor, and this is what it would look like, exactly
1480 like the house looks, so it looks like it was built when the house was built.
1481
1482 Ms. Dwyer - You're not planning on adding an additional deck?
1483
1484 Ms. Cohen - No ma'am, we want to remove the deck completely. This is
1485 a picture of the side of what the Florida room would look like.
1486
1487 Mr. Wright - Do we have those in our packet?
1488
1489 Ms. Dwyer - It's in our packet.
1490
1491 Mr. Blankinship - It's photo C, isn't it Paul?
1492
1493 Ms. Cohen - This is what the house next to me looks like now since she
1494 has added a Florida room. That's my deck there. I don't have that picture.
1495
1496 Mr. Blankinship - The top half of the page here, that's not the applicant's
1497 property; that's the neighbor's property.
1498
1499 Ms. Cohen - This is the property next to my house, who has had her
1500 Florida room put on, and this is what it would look like. We're doing the exact same
1501 thing.

1502
1503 Mr. Wright - That's a deck that I'm looking at.
1504
1505 Ms. Cohen - She had a little deck put on the side of hers.
1506
1507 Ms. Dwyer - The shed roof is the Florida room.
1508
1509 Mr. Kirkland - The whole thing's the Florida room.
1510
1511 Ms. Harris - What foundation do you plan to use?
1512
1513 Ms. Cohen - Total brick, to go along with the existing building.
1514
1515 Ms. Dwyer - Did you have to get approval from the Homeowners
1516 Association?
1517
1518 Ms. Cohen - Yes ma'am; there should be letters in my packet from my
1519 neighbors on either side of me. The President of the Homeowners Association is here.
1520
1521 Ms. Harris - We don't have that in our packet, from the neighbors.
1522
1523 Ms. Cohen - I turned them in sir.
1524
1525 Mr. Blankinship - Here they are.
1526
1527 Mr. Wright - You have them, on either side, approving?
1528
1529 Ms. Cohen - I've got copies right here.
1530
1531 Mr. Wright - They just didn't put it in our packets. Please be seated, Ms.
1532 Cohen, and this gentleman would like to speak.
1533
1534 Mr. Teefey - My name is Joe Teefey, and I'm President of the
1535 Homeowners Association, and also I'm Chairman of the Architectural Committee. I was
1536 the first one who came to you to get the variance, and I was the first one to build, and
1537 my addition is going to be exactly the same as hers. My property backs up to a 100-
1538 yard flood plain, and her property, you can't even see the homes behind her, the
1539 distance is so great because of the land back there. This will be the eleventh sunroom
1540 that we've put on out here, and all of them look like a continuation of the existing house.
1541 We support it.
1542
1543 Mr. Wright - It's approved by the Association?
1544
1545 Mr. Teefey - Yes sir.
1546

1547 Mr. Wright - Any further questions of the Board? Is anyone here in
1548 opposition to this request? Hearing none, that concludes the case.

1549
1550 After an advertised public hearing and on a motion by Ms. Dwyer, seconded by Ms.
1551 Harris, the Board **granted** application **A-29-2005** for a variance to build a Florida room
1552 at 1628 Logwood Circle (Gayton Forest Townhouses) (Parcel 743-747-2312). The
1553 Board granted the variance subject to the following conditions:

1554
1555 1. Only the improvements shown on the plan filed with the application may be
1556 constructed pursuant to this approval. No substantial changes or additions to the layout
1557 may be made without the approval of the Board of Zoning Appeals. Any additional
1558 improvements shall comply with the applicable regulations of the County Code.

1559
1560 2. [Amended] The new construction shall match the existing dwelling as nearly as
1561 practical in materials and color.

1562
1563 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1564 Negative: 0
1565 Absent: 0

1566
1567 The Board granted this request, as it found from the evidence presented that, due to the
1568 unique circumstances of the subject property, strict application of the County Code
1569 would produce undue hardship not generally shared by other properties in the area, and
1570 authorizing this variance will neither cause a substantial detriment to adjacent property
1571 nor materially impair the purpose of the zoning regulations.

1572
1573 **A-30-2005** **ROBERT TRAHAN** requests a variance from Section 24-94 to build
1574 an addition at 5201 Brockton Court (Scotsglen at Twin Hickory)
1575 (Parcel 745-772-6005), zoned R-4A, One-family Residence District
1576 (Three Chopt). The rear yard setback is not met. The applicant
1577 proposes 29 feet rear yard setback, where the Code requires 35
1578 feet rear yard setback. The applicant requests a variance of 6 feet
1579 rear yard setback.

1580
1581 Mr. Wright - Does anyone else desire to speak with reference to this
1582 case? Would you raise your right hand and be sworn please?

1583
1584 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1585 truth, the whole truth, and nothing but the truth, so help you God?

1586
1587 Mr. Dunkum - I do. Tim Dunkum. I'm speaking on behalf of the Trahans
1588 today, and they would like to add a one-story addition on the back of their house. The
1589 purpose of the addition is for a family room. As it says here, the rear yard setback is not
1590 met by six feet, and I have previously gotten the permission from the neighboring
1591 homeowners and the Homeowners Association that they're both okay with this
1592 proposed addition.

1593
1594 Mr. Wright - You say you've gotten approval from the neighboring
1595 homeowners. How about the homeowner at 11404 Scotsglen Court – that's the one
1596 that's immediately to the rear of this addition.
1597
1598 Mr. Dunkum - Yes sir, I've got three on the rear and both side neighbors.
1599 They should be in your packet.
1600
1601 Mr. Wright - Okay, we've got them.
1602
1603 Ms. Dwyer - Mr. Dunkum, what is your relationship to the Trahans – are
1604 you the contractor for them.
1605
1606 Mr. Dunkum - Yes ma'am. Let me find out which name that is, 11404?
1607 One thing to add, I guess, the intended look, the building of the addition itself will be
1608 exactly in line with the house. It will be a full brick foundation, vinyl siding, same type of
1609 windows, same type of roof.
1610
1611 Mr. Wright - Completely compatible to the house?
1612
1613 Mr. Dunkum - It will look like it's always been there.
1614
1615 Ms. Harris - Had you considered constructing or proposing a floor plan
1616 that will be in keeping with the requirement of six feet with the cutoff, in other words?
1617
1618 Mr. Dunkum - They very much like this amount of square footage. It's not
1619 appealing to them to have the rooms smaller than this for the intended use.
1620
1621 Mr. Wright - What will this addition be used for?
1622
1623 Mr. Dunkum - Family room, space for the family to gather.
1624
1625 Mr. Wright - What size is the addition?
1626
1627 Mr. Dunkum - Nineteen by seventeen.
1628
1629 Mr. Wright - Okay, I see. It says here 18 by 20.
1630
1631 Mr. Dunkum - I had measured it out at 17 by 19.
1632
1633 Mr. Wright - Any further questions of the Board? Is anyone here in
1634 opposition to this request? Hearing none, that concludes the case.
1635
1636 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
1637 Kirkland, the Board **granted** application **A-30-2005** for a variance to build an addition at

1638 5201 Brockton Court (Scots Glen at Twin Hickory) (Parcel 745-772-6005). The Board
1639 granted the variance subject to the following conditions:

1640
1641 1. The new construction shall match the existing dwelling as nearly as practical in
1642 materials and color.

1643
1644 2. The property shall be developed in substantial conformance with the plan filed
1645 with the application. No substantial changes or additions to the layout may be made
1646 without the approval of the Board of Zoning Appeals.

1647
1648 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1649 Negative: 0
1650 Absent: 0

1651
1652 The Board granted this request, as it found from the evidence presented that, due to the
1653 unique circumstances of the subject property, strict application of the County Code
1654 would produce undue hardship not generally shared by other properties in the area, and
1655 authorizing this variance will neither cause a substantial detriment to adjacent property
1656 nor materially impair the purpose of the zoning regulations.

1657
1658 Mr. Blankinship - Mr. Chairman, we passed over one case; shall I call it again?
1659 (***Called UP-4-2005 again; no response.***)

1660
1661 Mr. Wright - The Board will take a five-minute recess.

1662
1663 **Beginning at 10:00**

1664
1665 Mr. Wright - Thank you sir. Do we have any requests for withdrawals or
1666 deferrals?

1667
1668 Mr. Blankinship - There's a question about **A-34-2005, Bradford J. Brady** –
1669 were you going to defer your case or go forward?

1670
1671 Mr. Brady - Go forward.

1672
1673 **A-31-2005** **ERNESTINE STARKE** requests a variance from Section 24-94 to
1674 build a one-family dwelling at 1200 Maywood Road (Ridgeway
1675 Farms) (Parcels 755-742-8330 and 8021), zoned R-3, One-family
1676 Residence District (Tuckahoe). The lot width requirement is not
1677 met. The applicant has 77 feet lot width, where the Code requires
1678 80 feet lot width. The applicant requests a variance of 3 feet lot
1679 width.

1680
1681 Mr. Wright - Does anyone else desire to speak with reference to this
1682 case? Would you raise your right hand and be sworn please?
1683

1684 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1685 truth, the whole truth, and nothing but the truth, so help you God?
1686

1687 Mr. Starke - I do. My name is Barry Starke. This property is owned by
1688 my stepmother, Ernestine Starke, who recently had a stroke and is having to move
1689 down to southeastern Virginia, where her sister can take care of her. We're in the
1690 process of getting the property ready to be sold and would like to take advantage of
1691 what is a very large piece of property and divide it so that an additional lot can be
1692 created.
1693

1694 Ms. Dwyer - Is the lot that has the existing house on it, does that have the
1695 appropriate amount of frontage, after we divide, so it's only a three-foot variance for the
1696 newly created lot, which is oddly shaped and has a lot of land.
1697

1698 Mr. Starke - Yes, that's correct.
1699

1700 Ms. Dwyer - Will the sheds in the back be removed, or

1701

1702 Mr. Starke - As a matter of fact, we're getting ready to take everything
1703 down except the block building that's there.
1704

1705 Ms. Dwyer - Mr. Blankinship, am I correct that the 77-foot lot width
1706 exceeded the lot width required when the subdivision was platted?
1707

1708 Mr. Blankinship - Part of the reason this lot is so strange is that it actually
1709 straddles two different subdivisions, so it appears to be consistent with the other lots
1710 along Copley Drive.
1711

1712 Mr. Wright - It looks like 1204 has less than this frontage.
1713

1714 Ms. Dwyer - The staff report says that in Ridgeway Farms, platted in
1715 1953, the Code required a minimum lot which was 70 feet. But this is in two
1716 subdivisions you said. Have you read the conditions that staff has recommended for
1717 this case.
1718

1719 Mr. Starke - Yes I have, and we're in complete agreement with that.
1720

1721 Ms. Dwyer - Including the brick requirement?
1722

1723 Mr. Starke - Yes, I think that would be appropriate.
1724

1725 Ms. Dwyer - You're planning to sell the lot and not build a house on it?
1726

1727 Mr. Starke - Yes.
1728

1729 Ms. Dwyer - So that would be up to whoever buys the lot, would be

1730 bound by that.
1731
1732 Ms. Harris - Could we see the view of the two photos. This is your
1733 property?
1734
1735 Mr. Starke - No, this is the neighbor's property, the Kindervaters.
1736
1737 Mr. Blankinship - This is on your property and looking away, down the hill.
1738
1739 Ms. Dwyer - The property's to the right in that picture.
1740
1741 Mr. Starke - This is actually the opposite view from the prior view actually
1742 on the property, looking down to a corner of Maywood.
1743
1744 Ms. Harris - Have you had any neighbors respond to your request?
1745
1746 Mr. Starke - No, I haven't.
1747
1748 Ms. Harris - What is this a photo of?
1749
1750 Mr. Starke - This is a photo from the neighbor's property, looking directly
1751 into the subject property.
1752
1753 Ms. Dwyer - This will be the new lot?
1754
1755 Mr. Starke - Yes, that chain link fence there is the property line.
1756
1757 Mr. Wright - Any further questions from the Board or staff? Is anyone
1758 here in opposition to this request? All right sir. Mr. Starke, please be seated. We have
1759 a gentleman who desires to speak. I don't believe he's been sworn. Please raise your
1760 right hand and be sworn.
1761
1762 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1763 truth, the whole truth, and nothing but the truth, so help you God?
1764
1765 Mr. Kindervater - I certainly do. Robert A. Kindervater. Would you bring back
1766 up the first layout. The property line was surveyed, but where they've got the surveying
1767 stakes is not the actual property line. It's not a straight line like you're showing it. I
1768 have my plot here showing the well lot that I purchased when it was divided up.
1769
1770 Mr. Wright - You're saying that the property line that's shown here is not
1771 the actual

1772
1773 Mr. Kindervater - It's not actually a straight. I have another.
1774
1775 Ms. Dwyer - Can you explain what we're looking at, Mr. Kindervater?

1776
1777 Ms. Harris - What is your address sir?
1778
1779 Mr. Kindervater - 1208 Camden Drive.
1780
1781 Ms. Dwyer - Your house was in one of the photos.
1782
1783 Mr. Kindervater - Yes. If you bring that picture back up,
1784
1785 Mr. Wright - Your property backs up to this property.
1786
1787 Ms. Dwyer - What is your concern?
1788
1789 Mr. Kindervater - In that picture where they're showing the flag; that is my
1790 original property line mark, not part of the well lot that I purchased.
1791
1792 Ms. Dwyer - I think Mr. Starke testified that the fence is on the property
1793 line.
1794
1795 Mr. Kindervater - But the way the picture's showing it, that's not it, because it
1796 goes at an angle.
1797
1798 Ms. Dwyer - Which picture are you talking about?
1799
1800 Mr. Kindervater - The first one you had up, showing the property line as being
1801 straight, rather than at an offset, like it is there. Mr. Starke said the surveyor said he
1802 hadn't finished putting in his pins, but I just wanted to clarify the property line, rather
1803 than have it come up later that the property line is not where it's supposed to be.
1804
1805 Ms. Dwyer - The plat that I'm looking at does show the property line at an
1806 angle.
1807
1808 Mr. Wright - We have a plat here of Ridgeway Farms.
1809
1810 Mr. Blankinship - I believe the survey is accurate; the plat that is in the packet
1811 is accurate. The aerial photograph has a big bold line on it that is just there as an
1812 illustration, and it doesn't exactly follow the property line.
1813
1814 Mr. Wright - That's not exact. The aerial photo is not. The survey that
1815 we've got would be. Is that your only objection, is to make sure that the property lines
1816 are correct.
1817
1818 Mr. Kindervater - Well, I really don't want to see another house built next to
1819 me.
1820
1821 Mr. Wright - This would be a substantial distance from your house to the

1822 rear, and this property on Maywood Road is at least as long as the other lots on
1823 Maywood Road. There wouldn't be a whole lot of difference.

1824
1825 Ms. Dwyer - Would you like to look at the plat, the survey that we have in
1826 our packet, to see if it conforms to your understanding of where the property line is? It
1827 does show an angle there.

1828
1829 Mr. Kindervater - The surveying pins they've got now, one is here, and one is
1830 here, and there's no pin here showing the offset, and it should be four feet over. That's
1831 my only concern. The way it was showing, was that this block was part of this, which
1832 it's not.

1833
1834 Mr. Wright - Does anyone else desire to speak? Mr. Starke, do you have
1835 anything further to say?

1836
1837 Mr. Starke - I'm in complete agreement with Mr. Kindervater concerning
1838 the line. The flag that's shown in this photograph is not the property line. It's the former
1839 corner before the property was divided. It's actually, and the survey that you have
1840 shows it 3.9, I think three feet to the right of this flag.

1841
1842 Mr. Wright - Any further questions of the Board? That concludes the
1843 case.

1844
1845 After an advertised public hearing and on a motion by Ms. Dwyer, seconded by Ms.
1846 Harris, the Board **granted** application **A-31-2005** for a variance to build a one-family
1847 dwelling at 1200 Maywood Road (Ridgeway Farms) (Parcels 755-742-8330 and 8021).
1848 The Board granted the variance subject to the following conditions:

1849
1850 1. This variance applies only to the minimum lot width requirement. All other
1851 applicable regulations of the County Code shall remain in force.

1852
1853 2. Connections shall be made to public water and sewer.

1854
1855 3. Approval of this request does not imply that a building permit will be issued.
1856 Building permit approval is contingent on obtaining resubdivision approval from the
1857 County, if required.

1858
1859 4. At least fifty percent of the building's exterior walls, excluding doors and windows,
1860 shall be brick.

1861
1862 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5

1863 Negative: 0

1864 Absent: 0

1865
1866 The Board granted this request, as it found from the evidence presented that, due to the
1867 unique circumstances of the subject property, strict application of the County Code

1868 would produce undue hardship not generally shared by other properties in the area, and
1869 authorizing this variance will neither cause a substantial detriment to adjacent property
1870 nor materially impair the purpose of the zoning regulations.
1871

1872 **A-32-2005** **CHRISTOPHER AND STEPHANIE WINTER** request a variance
1873 from Section 24-94 to build a two-story addition at 12304 Shady
1874 Lake Place (The Colonies at Wilde Lake) (Parcel 732-757-1204),
1875 zoned R-2A, One-family Residence District (Three Chopt). The
1876 minimum side yard setback and rear yard setback are not met. The
1877 applicants propose 20 feet minimum side yard setback and 40 feet
1878 rear yard setback, where the Code requires 25 feet minimum side
1879 yard setback and 45 feet rear yard setback. The applicants request
1880 a variance of 5 feet minimum side yard setback and 5 feet rear yard
1881 setback.
1882

1883 Mr. Wright - Does anyone else desire to speak with reference to this
1884 case? Would you raise your right hand and be sworn please?
1885

1886 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1887 truth, the whole truth, and nothing but the truth, so help you God?
1888

1889 Mr. Parr - Yes, I do. My name is Darren Parr, with R. C. Matze
1890 Construction. I'm here today to represent Chris and Stephanie Winter. We're
1891 requesting a variance of five feet on the rear and side yards in order to construct a two-
1892 story addition, consisting of a playroom on the first floor, and a master bedroom, master
1893 bath and master closet on the second floor.
1894

1895 Ms. Harris - So you cannot construct this or conform to our regulations
1896 for the County?
1897

1898 Mr. Parr - The way that this lot is shaped, it's a reverse corner lot, there
1899 is really not a place anywhere else that would fit the needs of the homeowners that
1900 would fit the requirements for the County. This is the best suitable place that we could
1901 find to put it. Trying to put it somewhere else on the lot wouldn't conform to the
1902 requirements by the County in order to fit the homeowners' needs.
1903

1904 Mr. Wright - The fact that it's treated as a reverse corner lot really
1905 restricts your ability to add anything to it.
1906

1907 Mr. Parr - It does. The way that it's going to be built, it's looking like it's
1908 going to be aesthetically balanced for the house. It will match the other side of the
1909 house, so it will look nice. Trying to put it somewhere else might not be able to get the
1910 return back on the house if they decide to sell down the road.
1911

1912 Ms. Dwyer - Mr. Blankinship, how is it that this is considered a reverse
1913 corner lot? I know it's a very unusual lot. Just for my own edification, what is the

1914 thought process that makes this reverse corner?
1915
1916 Mr. Blankinship - Because it's at the intersection of two streets, Pleasant Lake
1917 Drive and Shady Lake Place, it's a corner lot. By definition, the shorter of the two street
1918 frontages is the front of the lot, so Pleasant Lake Drive becomes the front, and then by
1919 definition, the rear line is the line farthest from and most directly opposite to the front
1920 line, so that makes it the common lot line with Lot 20, and that is the side lot line of Lot
1921 20.
1922
1923 Ms. Dwyer - Is Lot 20, 12302 the address?
1924
1925 Mr. Wright - Facing on Shady Lake Place?
1926
1927 Mr. Blankinship - No. Pleasant Lake Drive is the front of this lot.
1928
1929 Mr. Wright - Why would that be a reverse corner lot then? It faces
1930
1931
1932 Mr. Blankinship - The front of the lot is Pleasant Lake Drive. So the rear lot
1933 line is the common line with 12302.
1934
1935 Ms. Dwyer - And that's their side line.
1936
1937 Mr. Blankinship - Right. Because this rear line is the side line of the adjoining
1938 lot, that makes it a reverse corner.
1939
1940 Ms. Dwyer - It's just because it's an unusual pie-shaped lot, that what
1941 appears to be their side line is actually considered their rear lot line.
1942
1943 Mr. Wright - The shape of the lot makes it very difficult.
1944
1945 Mr. Wright - Any further questions of the Board? Is anyone here in
1946 opposition to this request? Hearing none, that concludes the case.
1947
1948 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
1949 Dwyer, the Board **granted** application **A-32-2005** for a variance to build a two-story
1950 addition at 12304 Shady Lake Place (The Colonies at Wilde Lake) (Parcel 732-757-
1951 1204). The Board granted the variance subject to the following conditions:
1952
1953 1. This variance applies only to the side and rear setback requirements. All other
1954 applicable regulations of the County Code shall remain in force.
1955
1956 2. Only the improvements shown on the plan filed with the application may be
1957 constructed pursuant to this approval. Any additional improvements shall comply with
1958 the applicable regulations of the County Code. Any substantial changes or additions
1959 may require a new variance.

1960
1961 3. The new construction shall match the existing dwelling as nearly as practical in
1962 materials and color.

1963
1964 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1965 Negative: 0
1966 Absent: 0

1967
1968 The Board granted this request, as it found from the evidence presented that, due to the
1969 unique circumstances of the subject property, strict application of the County Code
1970 would produce undue hardship not generally shared by other properties in the area, and
1971 authorizing this variance will neither cause a substantial detriment to adjacent property
1972 nor materially impair the purpose of the zoning regulations.

1973
1974 **A-33-2005** **WILLEM A. DU PLESSIS** requests a variance from Section 24-94
1975 to build an attached 2-story garage at 4409 Lumberjack Lane (The
1976 Woods at Innsbrook) (Parcel 754-764-0368), zoned R-3A, One-
1977 family Residence District (Three Chopt). The minimum side yard
1978 setback is not met. The applicant proposes 7 feet minimum side
1979 yard setback, where the Code requires 10 feet minimum side yard
1980 setback. The applicant requests a variance of 3 feet minimum side
1981 yard setback.

1982
1983 Mr. Wright - Does anyone else desire to speak with reference to this
1984 case? Would you raise your right hand and be sworn please?

1985
1986 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1987 truth, the whole truth, and nothing but the truth, so help you God?

1988
1989 Mr. Du Plessis - So help me God. My name is Willem A. Du Plessis. I am
1990 the owner of the property. I'm requesting to add a double-story garage with two rooms
1991 on top of the garage, but the minimum setback on the left side of the property is ten
1992 feet, and I request a variance of three feet.

1993
1994 Mr. Wright - What is that in this picture that we have on the side of the
1995 house where the proposed construction would take place?

1996
1997 Mr. Du Plessis - That's an attached shed; that's part of the house; that's the
1998 way they built the house. That's going to be removed. The reason I want to add the
1999 garage on that side is because about fifty percent of the houses in that style have an
2000 attached garage that's been added later on. What I want to do is exactly the same thing
2001 that they did.

2002
2003 Mr. Wright - So you would have a two-story garage. You would have two
2004 bedrooms above the garage.

2005

2006 Mr. Du Plessis - Yes, one would be a small bedroom I'm going to use as an
2007 office.
2008
2009 Ms. Dwyer - What are the dimensions of the garage going to be?
2010
2011 Mr. Du Plessis - It's going to be sixteen feet wide by twenty-five feet long.
2012
2013 Mr. Wright - Sixteen feet wide? So it's a one-car garage then?
2014
2015 Mr. Du Plessis - Correct, sir. The problem if I go back to the setback line is,
2016 my problem there is, when you drive into the garage, because there's stairs going to be
2017 coming out of the side of the house, there's a side door where the attached shed is now.
2018 I have to put stairs into the garage, and it's going to take three to four stairs, and that's
2019 going to take about three feet up there. So if you pull into the garage, the space you
2020 have to get out of the car is 1 ½ feet, maximum 2 feet. It's almost impossible to get out
2021 of the car then.
2022
2023 Ms. Dwyer - Does the front of the garage meet the setback requirement,
2024 and it's just the rear of the garage that does not?
2025
2026 Mr. Du Plessis - Yes, in fact I have another drawing that's not included in the
2027 package, that will give you an idea of what I'm actually requiring for a variance. It's
2028 about 34 square feet that's just going to go over the setback line.
2029
2030 Mr. Wright - It looks like it's the rear corner of the garage that causes the
2031 problem. It looks like the front corner of the garage is more than ten feet.
2032
2033 Mr. Du Plessis - If you put the picture on, I can show you what I'm trying to
2034 say. On the right-hand side is the property line. Then I have the setback line, that's the
2035 line parallel to the property line. That's the corner that's going to go over the setback
2036 line. I measured it; it's 34 square feet. It's like a four by eight piece of sheeting that's
2037 going to go over the setback line. It's because the house is built at an angle. If it
2038 moved just three feet to the right, I wouldn't have a problem. I will still have met the
2039 required setback lines there, because from the right-hand side, I have 28.6 feet there.
2040
2041 Mr. Wright - You're on a cul-de-sac, which adds to the problem. Have
2042 you discussed this with the neighbor at 4413?
2043
2044 Mr. Du Plessis - I have discussed it with him, and they actually are the ones
2045 who told me, "why didn't you add a garage?" I was in the process of buying another
2046 house, and they said, "why didn't I add," and I said, "well, I can do that," and cost-wise,
2047 it's better for me to add a garage than go buy a new house.
2048
2049 Mr. Wright - They'd rather have the car in a garage than sitting out on the
2050 driveway, I take it?
2051

2052 Mr. Du Plessis - I would prefer that too. You remember that first picture
2053 where my car is in the driveway; it's actually a double driveway, where my truck is
2054 always on the left-hand side, so it's already standing there, right in front of where the
2055 garage is going to be. I'm not going to move the driveway, just add the garage and
2056 remove that attached shed.

2057
2058 Ms. Harris - Are you aware of height limitations or the guidelines for how
2059 tall your garage roof can be? Do you know the square footage of your house?

2060
2061 Mr. Du Plessis - Yes. It's 1600, around there.

2062
2063 Ms. Harris - And the square footage of your garage?

2064
2065 Mr. Du Plessis - That's going to be 400 square feet.

2066
2067 Ms. Dwyer - What will the garage look like? I don't believe we have any
2068 drawings.

2069
2070 Mr. Du Plessis - I have the drawings here if you want to see them.

2071
2072 Ms. Dwyer - Could we see the roof line, Mr. Blankinship? So the garage
2073 roof will be slightly below the existing roof.

2074
2075 Mr. Du Plessis - Right, I don't want to add it adjoined to the existing roof,
2076 because there's always problems with that; it always makes a hump or a dip or
2077 something. If you look at the front elevation on the right-hand side, this is how it's going
2078 to look from the street. On the right-hand side is the existing, and on the left is what
2079 plan to add onto it. So that roof is just going to be about eighteen inches lower. It will
2080 make it look more natural and fit in with the rest of the neighborhood that has the same
2081 type of add-ons. That's what I'm trying to do to keep consistency in the neighborhood.

2082
2083 Mr. Wright - Any further questions of the Board? Is anyone here in
2084 opposition to this request? Hearing none, that concludes the case.

2085
2086 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
2087 Harris, the Board **granted** application **A-33-2005** for a variance to build an attached 2-
2088 story garage at 4409 Lumberjack Lane (The Woods at Innsbrook) (Parcel 754-764-
2089 0368). The Board granted the variance subject to the following conditions:

2090
2091 1. [Amended] The new construction shall match the existing dwelling as nearly as
2092 practical in materials and color.

2093
2094 2. The property shall be developed in substantial conformance with the plan filed
2095 with the application. No substantial changes or additions to the layout may be made
2096 without the approval of the Board of Zoning Appeals.

2097

2098 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
2099 Negative: 0
2100 Absent: 0

2101
2102 The Board granted this request, as it found from the evidence presented that, due to the
2103 unique circumstances of the subject property, strict application of the County Code
2104 would produce undue hardship not generally shared by other properties in the area, and
2105 authorizing this variance will neither cause a substantial detriment to adjacent property
2106 nor materially impair the purpose of the zoning regulations.

2107
2108 **A-34-2005** **BRADFORD J. BRADY** requests a variance from Section 24-
2109 95(i)(2)a to build a detached garage at 2601 Causeway Drive
2110 (Parcel 732-755-3210), zoned R-5, General Residence District
2111 (Tuckahoe). The accessory structure size requirement is not met.
2112 The applicant proposes an accessory structure of 2,000 square
2113 feet, where the Code allows 525 square feet. The applicant
2114 requests a variance of 1,475 square feet accessory structure size.
2115

2116 Mr. Wright - Does anyone else desire to speak with reference to this
2117 case? Would you raise your right hand and be sworn please?
2118

2119 Mr. Blankinship - Do you swear that the testimony you are about to give is the
2120 truth, the whole truth, and nothing but the truth, so help you God?
2121

2122 Mr. Brady - I do. Brad Brady. I am the owner of the parcel known as
2123 2601 Causeway Drive. It is a 1.65-acre parcel, currently zoned R-5 multi-family, master
2124 planned for at least four townhomes on that site, each of which could accommodate a
2125 525-square foot accessory structure, for a total of at least 2,100 square feet of available
2126 area for accessory structures. The parcel contains only one single-family home. The
2127 circumstances behind this application are unique to the property, in that the zoning does
2128 not reflect the allowable area of an accessory structure, due to the reduction from four
2129 to one single-family structure. The actual garage footprint, even though I had requested
2130 for 2,000, it's actually 1,925 square feet. The construction materials and design will
2131 match the existing house. Every effort will be made to preserve and protect the existing
2132 trees and vegetation, ten feet beyond the structure, and the garage will be buffered by
2133 existing woods. I have some photographs showing some of the perspectives, in case
2134 you're curious to see those too, from some of the surrounding homes there. None of
2135 the surrounding homes will face the proposed garage. The Wilde Lake Association, to
2136 which the parcel is subject, consists of all the surrounding neighborhoods. The
2137 Architecture Review Committee has reviewed and approved the garage application, and
2138 the Board of Directors has reviewed and approved the garage application, and I have
2139 copies of those approvals if you'd like.
2140

2141 Ms. Dwyer - Mr. Brady, your statement about the square footage is that
2142 under the R-5 zoning, there could be five housing units on this site, and if you totaled all
2143 the accessory structure square footage that would be allowed four units, you would

2144 have
2145
2146 Mr. Brady -in excess of 1925 square feet, or 2,000 square
2147 feet.
2148
2149 Ms. Dwyer - How far will the garage be from Causeway, from the property
2150 line.
2151
2152 Mr. Brady - At the closest point, the zoning allows fifteen feet, so we will
2153 be at least fifteen feet away from the property line. Causeway is set back even further,
2154 and actually where the garage is, there is a hill that goes up. I'm not sure of the exact
2155 distance from my property line to Causeway, but it's at least another twenty-thirty feet,
2156 but I don't have that measurement.
2157
2158 Mr. Wright - What will this garage be used for?
2159
2160 Mr. Brady - In the last year, I've grown somewhat disillusioned with the
2161 stock market, and I have taken to collecting cars, so I needed some room to
2162 accommodate some of the show pieces.
2163
2164 Mr. Wright - You're not going into any construction business?
2165
2166 Mr. Brady - No sir?
2167
2168 Ms. Harris - You will maintain the old garage as well?
2169
2170 Mr. Brady - Yes. The new garage really is, like I said, for a car
2171 collection. Those are cars that are not normally to be driven very often, so the existing
2172 garage that is attached to the structure will be for my everyday use vehicles. This
2173 garage again, is more of a museum piece.
2174
2175 Ms. Dwyer - The existing shed or outbuilding that is on the property, how
2176 will that relate to the new garage? Will that be right next to it?
2177
2178 Mr. Brady - I think Code requires a six-foot distance away from it, and
2179 that's a tool shed; it's just for storage of outdoor gardening tools. It's also the same
2180 materials, a stucco or dryvit type construction, that base is of stone; it has a copper roof
2181 to it. The garage in that picture, which you can barely see to the left, will have exactly
2182 the look of the new garage, a dryvit exterior with a Hendrix, a handmade concrete tile
2183 roof on the top. The only difference on the new garage is I'm planning on each of the
2184 panels of the garage doors being glass, so that you can see in to the garage and see
2185 the cars inside.
2186
2187 Ms. Dwyer - Mr. Blankinship, I guess I'm wondering, first of all the
2188 setback is only fifteen feet. That surprises me; I thought there was a greater setback
2189 required in R-5.
2190
2191 Mr. Blankinship - The R-5 isn't really designed for single-family dwellings,

2192 that's part of the problem.
2193
2194 Ms. Dwyer - I appreciate that. I thought that it was twenty-five feet, or in
2195 some cases

2196
2197 Mr. Brady - I went to the Permit Center, and we spent some time looking
2198 at it, because you can tell it's an unusual shaped lot, almost a triangular lot. We almost
2199 have no front yard to it, and it has to do with the measurements of how much lineage we
2200 have along Lauderdale Drive versus Causeway Drive, which determined what was
2201 considered the front.
2202

2203 Ms. Dwyer - Would Lauderdale be the front?
2204

2205 Mr. Blankinship - Right, Lauderdale is the front. What kept tricking my eye
2206 about this, is the garage is in fact in the rear yard. I kept wanting to add that they're
2207 putting the garage in the side yard, but it is in fact in the rear yard.
2208

2209 Ms. Dwyer - Is Causeway considered the rear yard?
2210

2211 Mr. Blankinship - No, Causeway is the side, but it's behind the house, looking
2212 from Lauderdale, the garage will be completely behind the house.
2213

2214 Ms. Dwyer - The new garage. Where is the side yard?
2215

2216 Mr. Blankinship - The side yard would be along Causeway and along the
2217 Lake.
2218

2219 Ms. Dwyer - So we'd be looking at side yard setback for the garage then?
2220 It's not twenty-five feet?
2221

2222 Mr. O'Kelly - It's eight feet for a single-family dwelling.
2223

2224 Mr. Blankinship - The trick to that is that it's not a permitted use in the R-5.
2225

2226 Mr. O'Kelly - This is the Exception.
2227

2228 Mr. Blankinship - So you have to go back to the R-5 Exception Standard,
2229 which is eight.
2230

2231 Ms. Dwyer - Isn't there some addition required for R-5 property that's
2232 along a collector – the additional fifteen feet – it doesn't apply?
2233

2234 Mr. O'Kelly - It applies to principal dwellings; I don't think it addresses
2235 accessory structures.
2236

2237 Mr. Wright - Any further questions of the Board? Is anyone here in
2238 opposition to this request? Hearing none, that concludes the case.
2239

2240 After an advertised public hearing and on a motion by Ms. Dwyer, seconded by Ms.
2241 Harris, the Board **granted** application **A-34-2005** for a variance to build a detached
2242 garage at 2601 Causeway Drive (Parcel 732-755-3210). The Board granted the
2243 variance subject to the following conditions:
2244

2245 1. Only the improvements shown on the plan filed with the application may be
2246 constructed pursuant to this approval. Any additional improvements shall comply with
2247 the applicable regulations of the County Code. Any substantial changes or additions
2248 may require a new variance.
2249

2250 2. The new construction shall match the existing dwelling as nearly as practical in
2251 materials and color.
2252

2253 3. [Amended] The applicant shall take all reasonable measures to protect the
2254 existing trees along Causeway Drive. If trees along the road are removed, or die as a
2255 result of the proposed construction, they shall be replaced to the satisfaction of the
2256 Planning Department.
2257

2258 4. [Added] The proposed garage shall be set back at least 25 feet from the right-of-
2259 way of Causeway Drive.
2260

2261 Affirmative:	Dwyer, Harris, Kirkland, Nunnally, Wright	5
2262 Negative:		0
2263 Absent:		0

2264
2265 The Board granted this request, as it found from the evidence presented that, due to the
2266 unique circumstances of the subject property, strict application of the County Code
2267 would produce undue hardship not generally shared by other properties in the area, and
2268 authorizing this variance will neither cause a substantial detriment to adjacent property
2269 nor materially impair the purpose of the zoning regulations.
2270

2271 **A-35-2005** **MICHAEL AND LINDA PAGEL** request a variance from Section
2272 24-95(k) to build an attached garage at 1008 Lakewater Drive
2273 (Westmoor) (Parcel 746-742-7230), zoned R-2A, One-family
2274 Residence District (Tuckahoe). The minimum side yard setback is
2275 not met. The applicant proposes minimum side yard setbacks of 14
2276 feet for the principal structure and 11 feet for an accessory
2277 structure, where the Code requires minimum side yard setbacks of
2278 25 feet for the principal structure and 65 feet for an accessory
2279 structure. The applicant requests a variance from the minimum
2280 side yard setbacks of 11 feet for the principal structure and 54 feet
2281 for an accessory structure.
2282

2283 Mr. Wright - Does anyone else desire to speak with reference to this
2284 case? Would you raise your right hand and be sworn please?
2285

2286 Mr. Blankinship - Do you swear that the testimony you are about to give is the
2287 truth, the whole truth, and nothing but the truth, so help you God?

2288
2289 Mr. Pagel - I do. Michael W. Pagel. My wife and I would like to put an
2290 attached garage on this property. When we started the process, we thought we were a
2291 corner lot, and the builder thought we were a corner lot, and we were actually surprised
2292 to find out we were technically a reverse corner lot. The people behind us really treat
2293 that as their back lot, even the way their house is situated.
2294
2295 Ms. Dwyer - It looks like you're not a reverse corner lot on the site, I
2296 agree with you.
2297
2298 Mr. Pagel - We thought we were going to be looking for maybe a foot at
2299 most of variance, but actually it turned out that we're required to have a 25-foot setback.
2300 You can actually see on this photograph where the garage would go, because there's
2301 presently a concrete slab, which you can see just beyond the shadow of this. That
2302 concrete slab which acted as a patio, is twenty feet from the side of the house, and that
2303 foundation has corroded. It was on concrete block, and that's corroded and cracking.
2304 There's also a chain link fence, which is imbedded in that, which has rusted, so we need
2305 to replace all that concrete and our driveway because of that, and so we thought we
2306 would upgrade and put a garage on there.
2307
2308 Mr. Wright - This residence faces on Lakewater Drive?
2309
2310 Mr. Pagel - Yes, it does.
2311
2312 Ms. Dwyer - And the accessory structure is the outbuilding that is too
2313 close to the road?
2314
2315 Mr. Pagel - Yes it is.
2316
2317 Mr. Wright - Actually, the residence at 9503 is turned around away from
2318 you, so their rear yard is almost looking into your rear yard.
2319
2320 Mr. Pagel - Yes, that's the back of their house, and there's a drainage
2321 ditch that runs between our properties, and both properties slope quite deeply down to
2322 that ditch. A problem we've had, the reason the shed is placed there, is when we get
2323 heavy rains, it actually floods up to that shed. It's done it three times in the fifteen years
2324 that we've lived there.
2325
2326 Mr. Wright - I take it this is assumed to be a one-car garage.
2327
2328 Mr. Pagel - It'll be 24 feet wide and 20 feet deep, and we've tried to set it
2329 back far enough, we're trying to stay as far away from the property line as we can, so it
2330 would be set back and then match up with the back of the house.
2331
2332 Mr. Wright - How will you access it?
2333
2334 Mr. Pagel - There's a driveway that now comes off of Lakewater Court,
2335 and so that will probably be changed to a two-car.

2336
2337 Mr. Wright - That would open it up for you.
2338
2339 Ms. Dwyer - It will not have garage doors on the front of the house?
2340
2341 Mr. Pagel - The garage would have regular vinyl siding to match the top
2342 of the house and the sunroom, because that was done recently, so we can match that
2343 exactly. The doors would come in off of Lakewater, and there would be regular house
2344 windows on the front of it on the 1008 side.
2345
2346 Mr. Wright - Any further questions of the Board? Is anyone here in
2347 opposition to this request? Hearing none, that concludes the case.
2348
2349 After an advertised public hearing and on a motion by Ms. Dwyer, seconded by Mr.
2350 Kirkland, the Board **granted** application **A-35-2005** for a variance to build an attached
2351 garage at 1008 Lakewater Drive (Westmoor) (Parcel 746-742-7230). The Board
2352 granted the variance subject to the following conditions:
2353
2354 1. This variance applies only to the side yard setback requirement. All other
2355 applicable regulations of the County Code shall remain in force.
2356
2357 2. The new construction shall match the existing dwelling as nearly as practical in
2358 materials and color.
2359
2360 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
2361 Negative: 0
2362 Absent: 0
2363
2364 The Board granted this request, as it found from the evidence presented that, due to the
2365 unique circumstances of the subject property, strict application of the County Code
2366 would produce undue hardship not generally shared by other properties in the area, and
2367 authorizing this variance will neither cause a substantial detriment to adjacent property
2368 nor materially impair the purpose of the zoning regulations.
2369
2370 Mr. Kirkland - Mr. Chairman, these two people just walked in here – I hope
2371 they're not the passed case we had.
2372
2373 Mr. Wright - We've already deferred that till the next meeting, since no
2374 one appeared.
2375
2376 Mr. Blankinship - It would save everyone some work if we re-open.
2377
2378 Ms. Dwyer - The problem is, if people wanted to come to speak to the
2379 case, and we've already deferred it, they might have left.
2380
2381 Mr. Wright - In view of the fact that we've already deferred it, I don't know
2382 whether there was any opposition or not, but they could have left and wouldn't be here.
2383 I don't think it would be proper for us to hear it.

2384
2385 Mr. Blankinship - When were you going to put the trailer in place? The first of
2386 April, so that will be a problem for them.
2387
2388 Ms. Harris - Our meeting is on April 24?
2389
2390 Ms. Dwyer - When is your yard sale?
2391
2392 **(Female Voice from audience)** - The 7th of May, Saturday.
2393
2394 **(Male Voice from audience)** And typically it take four to five weeks of collecting
2395 ahead of time.
2396
2397 Ms. Harris - The 28th of April is our next meeting.
2398
2399 Mr. Nunnally - How many times has this come up before, Mr. Blankinship?
2400
2401 **(Male Voice)** - I believe it's been seven.
2402
2403 Ms. Dwyer - We're getting a wave from the rear that people are speaking
2404 in the audience but not being picked up by the mike.
2405
2406 Mr. Wright - What's the pleasure of the Board?
2407
2408 Mr. Nunnally - I don't think we've ever had opposition against it.
2409
2410 Ms. Dwyer - We did call the case twice, and no one rose to oppose it or
2411 speak to it, so we're probably okay in making an exception. The meeting did start at
2412 nine. I move that we bring this case back before the Board.
2413
2414 Mr. Wright - Now we have the minutes before us.
2415
2416 On a motion by Ms. Dwyer, seconded by Ms. Harris, the Board **approved as**
2417 **corrected**, the Minutes of the **December 16, 2004**, Henrico County Board of
2418 Zoning Appeals meeting.
2419
2420 There being no further business, and on a motion by Ms. Dwyer, seconded by
2421 Mr. Kirkland, the Board adjourned until **April 28, 2005**, at 9:00 am.
2422
2423
2424 Russell A. Wright, Esq.
2425 Chairman
2426
2427
2428 Benjamin Blankinship, AICP
2429 Secretary