

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 **GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON**
4 **THURSDAY NOVEMBER 16, 2023 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED**
5 **IN THE *RICHMOND TIMES-DISPATCH* NOVEMBER 6, 2023 AND NOVEMBER 13,**
6 **2023.**

7
8
9 **Members Present:** Walter L. Johnson, Jr., Chair
10 Terrell A. Pollard, Vice-Chair
11 Barry R. Lawrence
12 John R. Broadway
13 Terone B. Green
14

15
16 **Also Present:** Leslie A. News, Assistant Director of Planning
17 Benjamin Blankinship, Secretary
18 Paul M. Gidley, County Planner
19 Janaya Poarch, Accounting Clerk
20
21

22
23 **Mr. Johnson -** Welcome to the Board of Zoning Appeals. For all that are able,
24 will you please stand join us in the Pledge of Allegiance.
25

26 **[Recitation of Pledge of Allegiance]**
27
28

29 **Mr. Johnson-** Thank you all. Mr. Blankinship will now read our rules.
30

31 **Mr. Blankinship-** Good morning, Mr. Chair, members of the Board. Good
32 morning to everyone in the room with us this morning. I'd also like to welcome everyone
33 joining us remotely on WebEx. If you wish to observe the meeting, but you do not intend
34 to speak. Welcome and thank you for joining. For those of you on Webex who would like
35 to speak, we need to know that in advance so we can connect you at the appropriate
36 time. So, if you're an applicant, or if you have questions or comments on one of the cases,
37 please press the chat button now. It's located in the bottom right corner of the screen.
38 And when the chat window opens, please select Janaya Poarch from the list of
39 participants and let her know your name and which case you're interested in. The chat
40 feature will only be used to identify speakers, so please do not type questions or
41 comments into a chat, but please send a chat to Janaya Poarch now.
42

43 So, for those of us in the room, as Secretary, I will call each case, and we will ask
44 everyone in the room who intends to speak to that case to stand and be sworn in. Then
45 a member of the Planning Department staff will give a brief presentation, then the
46 applicant will speak, and then everyone else who wishes to speak will be given the

47 opportunity. We will hear from those in the room first, and then from those on WebEx.
48 After everyone has had a chance to speak the applicant, and only the applicant, will have
49 an opportunity for rebuttal.

50
51 This meeting is being recorded. So, we'll ask everyone who speaks to speak directly into
52 the microphone back there on the podium at the back of the room. State your name, and
53 please spell your last name, so we get it correctly in the record. And, once your case is
54 over, you're free to leave, there's no need for you to stay for the rest of the meeting.

55
56 As far as I know, Mr. Pollard is on his way. We do have a quorum, so with that, Mr. Chair,
57 would you like me to call the first case?

58
59 Mr. Johnson- Yes, call the first case, please.

60
61 Mr. Blankinship- We have three conditional use permits on this morning's
62 agenda. The first is **Conditional Use Permit 2023 number 58**, Ian Newell: a conditional
63 use permit to operate a restaurant accessory to a farm at 7001 Osborne Turnpike, in the
64 Varina Magisterial District.

65
66 **CUP2023-00058 - Ian Newell: conditional use permit to operate a restaurant**
67 **accessory to a farm at 7001 Osborne Turnpike, Varina. Parcel 802-697-1994.**
68 **Zoning: A-1, Agricultural District. Code Section: 24-4303.E.3.**

69
70 Mr. Blankinship- Would everyone who intends to speak to this case please
71 stand and be sworn in. Raise your right hands please. Do you swear that the testimony
72 you are about to give is the truth, the whole truth, and nothing but the truth, so help you
73 God? Thank you. You can be seated. Mr. Gidley, you can begin.

74
75 Mr. Gidley- Thank you Mr. Secretary. Good morning, members of the
76 Board. The subject property is located on the east side of Osborne Turnpike. It actually
77 consists of two parcels. An acre lot up front here, consisting of a farmhouse built around
78 1900. And to it's rear, a 3.3-acre lot that contains a large barn and a greenhouse. Besides
79 operating a farm, the applicant also owns Goatocado Restaurant in the Fan. He's hosted
80 several Farm-to-Table dinners on this property. Which combine produce which is grown
81 on this site with the expertise of a restaurant and catering company. Due to their success,
82 he would like to offer dinners in the farmhouse on a regular basis. In order to encourage
83 and support small farms, the 2021 Code update added a number of uses, including adding
84 a restaurant as an accessory use. This is allowed with the approval of a conditional use
85 permit, if this Board finds that the restaurant is compatible with the rural character of the
86 farm and the surrounding area, and that traffic, parking, exterior lighting, and hours of
87 operation will not be detrimental to nearby property. This is the first such application that
88 we've had under this section. The applicant, Mr. Newell, has indicated that he expects to
89 offer dinner for up to 50 people at a time, and this would occur as many as 60 times a
90 year. Meals would be held on the first floor of the farmhouse. Parking, meanwhile, is
91 provided on site behind the farmhouse. You can see that here. Much of the surrounding
92 area has been developed as you can see here, for subdivisions, as envisioned on the

93 Comprehensive Plan. The applicant's property, however, along with the adjacent
94 properties, remain wooded or in agricultural use. His proposed Farm-to-Table dinners
95 would be compatible with his ongoing farm operation. While the property meets the
96 requirements for a dwelling, one-acre, it does not meet the three-acre lot area
97 requirement for the proposed use. However, if the two parcels were consolidated,
98 together they would have 4.3-acres and meet the requirement. The barn and the
99 greenhouse, which you can see here, cross the property line. They would also,
100 subsequently, be on one property, rather than across the line here. As noted, the use has
101 to be compatible with the rural character of the farm and not detrimental to nearby
102 property. The existing farm is obviously compatible with rural character, and staff has
103 proposed conditions to further ensure its compatibility. These would govern things like
104 parking, exterior lighting, hours of operation, all of which could affect neighbors if left
105 unaddressed. In conclusion, the subject property had been a farm for many years. The
106 applicant would like to include Farm-to-Table meals on a regular basis. If rural character
107 is maintained, a restaurant can be allowed by conditional use permit. Staff has proposed
108 conditions to address issues like noise and glare that could impact adjacent property
109 owners. If the Board believes that these will safeguard nearby property owners, then staff
110 would certainly recommend approval of this request. This concludes my presentation. If
111 you have any questions, I'll be happy to answer those. Thank you.

112
113 Mr. Johnson- Are there any questions from the Board for staff?

114
115 Mr. Lawrence- I have just one question for staff, Mr. Chairman.

116
117 Mr. Johnson- Okay.

118
119 Mr. Lawrence- Mr. Gidley, how close is the nearest residential dwelling to
120 where the farmhouse is located?

121
122 Mr. Gidley- The nearest residential dwelling is to the south, right here. And
123 the applicant and the neighbor over there recently worked together to put this fence along
124 the property line. That you can see here. There's also a number of fig trees that have
125 been planted recently along here too.

126
127 Mr. Lawrence- I have a double follow-up question. Can you go back to the
128 previous aerial and identify the applicant's other parcel that we're talking about
129 consolidating?

130
131 Mr. Gidley- Yes sir. The home, right here, is on a one-acre parcel.

132
133 Mr. Lawrence- Okay.

134
135 Mr. Gidley- And you see the property line, right here. And then back here,
136 it's like a 3.3-acre parcel. So, if they consolidate these, 4.3-acres would meet the minimum
137 requirement of three-acres. In addition, the buildings would no longer be going across the
138 property line.

139
 140 Mr. Lawrence- So the consolidated parcel would be the entirety of that...
 141
 142 Mr. Gidley- Yes sir, everything here.
 143
 144 Mr. Lawrence- Okay. Thank you. Thank you, Mr. Chairman.
 145
 146 Mr. Johnson- Okay. We're not ready for questions for the applicant. Anyone
 147 else have questions before we get to the applicant? Okay.
 148
 149 Mr. Blankinship- Step right up.
 150
 151 Mr. Newell- I'm sorry?
 152
 153 Mr. Blankinship- Step right up...
 154
 155 Mr. Newell- Oh, here?
 156
 157 Mr. Blankinship- Yes.
 158
 159 Mr. Newell- Good morning, everyone. My name's Ian Newell. I'm the
 160 owner of the property and the Goatocado restaurant. So, you know, basically, I obviously
 161 reviewed the packet that was submitted, and that was sent to me. I really see no issues
 162 with everything laid out here. It's basically a checklist that I need to accomplish. Which all
 163 seems right in line with what I was intending on doing anyways. So, I'm here to address
 164 any concerns or any issues that anyone might have.
 165
 166 Mr. Johnson- Okay. One of the questions I have is, I noticed you want to
 167 have dinner there as well. Is that inside and outside?
 168
 169 Mr. Newell- Yes, it would be both, depending on the seasonality of things.
 170 So, as you can see in the, yeah, in that photo there, we've kind of created a dinning
 171 meadow. And if it rains, we'll move things under that barn right there.
 172
 173 Mr. Johnson- So, it wouldn't be inside anything?
 174
 175 Mr. Newell- It would be inside, possibly during the winter, and things like
 176 that. But, you know, we're setting up that space. I don't know if there were any photos
 177 taken of the inside space or not, but I guess that would be more in working with the Health
 178 Department at that point, and things of that nature, I suppose.
 179
 180 Mr. Johnson- So, this will be underside, when you're doing with food and
 181 everything?
 182
 183 Mr. Newell- The food would be prepared in the kitchen, which would be,
 184 you know, certified by the Health Department to meet all restaurant standards. The

185 serving, and the finishing of the food, as a catering company would do, would be, you
186 know, either outside there or underneath the barn, depending on the weather conditions.
187 Is that the question?

188
189 Mr. Johnson- Yes.

190
191 Mr. Pollard- And it may be, to me it's kind of self-explanatory, but for me,
192 it's nice to hear from the applicant, just their big picture view of what they're trying to
193 accomplish. So, if you can kind of give us a 30-second intro of what you want to do.

194
195 Mr. Newell- Sure. So, I used to live out on a houseboat in Varina 10-years
196 ago. I fell in love with Varina. I operate a business in Richmond. At large, I think Varina is
197 a very unique place. My goal is two things really. To preserve Varina for the natural beauty
198 that it is and to conduct business that is in conjunction and supporting, you know,
199 agrotourism and the rural surrounds. Because if we, as a county, can preserve Varina for
200 what it is and its natural beauty, I think it's going to create great value to the city of
201 Richmond and Henrico County to have something that is that close, that is that rural. So,
202 one of my large missions is to kind of preserve it for what it is, while operating a financially
203 viable business. The second being, providing a platform for artists. Like, all our pottery is
204 made 20-seconds down the road in a giant wood fired kiln. The bowling alley tables that
205 we serve food off of are, you know, a friend made. The grill that we cook things on is all
206 made in-house. You know, the chef is very much still an artist. So, it's about providing a
207 platform for those types of people to continue their art, and, you know, give them a place
208 to tell their stories. That's, at large, what I'm trying to do, and continue to try to do. So.
209 And hopefully, the community supports that. I think, at large, from what I can see, you
210 know, there's a great amount of support for what we're doing, so.

211
212 Mr. Pollard- Thank you.

213
214 Mr. Johnson- Okay.

215
216 Mr. Blankinship- On that note, I'll just call to your attention, members of the
217 Board, that we left two email messages. One received just last night, and one a couple
218 days ago. So, they're printed and on the table for you. Both in support.

219
220 Mr. Johnson- And also, I noticed that the farmhouse has been there for
221 more than a hundred years, or something.

222
223 Mr. Newell- Yes. It was, according to Henrico, the documents, it was built
224 in 1881.

225
226 Mr. Johnson- Okay. Are there any other questions for the applicant?

227
228 Mr. Lawrence- I had one question Mr. Chairman. Mr. Newell, do you, and you
229 may have mentioned this before, perhaps it's in the staff report, do you actually reside on
230 the property?

231
 232 Mr. Newell- Yes, I do. Yeah, in conjunction with it, upstairs, I basically built
 233 it as an apartment. And it's divided by, a few locations are completely separate via
 234 lockable doors, so. You know, in large, that usually meets Health Department standards,
 235 but, you know, if it doesn't, I can adjust.
 236
 237 Mr. Lawrence- Okay. Thank you.
 238
 239 Mr. Johnson- Which brings up another item. When you're having lunch, or
 240 something, it always will be in the summer because it's not closed in during the winter.
 241
 242 Mr. Newell- Right, so, that's where outside, we would be conducting
 243 parties of up to 50 people, as kind of shown in those photos. Inside we could have dinners
 244 for up to 20 people.
 245
 246 Mr. Johnson- Okay.
 247
 248 Mr. Newell- That is the plan, but that's largely why we're here to discuss
 249 that. We have to improve the space in order to be able to do that.
 250
 251 Mr. Johnson- Alright. Are there any other questions for the applicant? Okay,
 252 do we have anyone in opposition? None.
 253
 254 Mr. Newell- I do have a question. I don't know exactly who to ask, or if I
 255 should respond to this email, but in terms of submitting, it says construction prepared by
 256 a professional engineer. I didn't know if that needed to be stamped by an engineer, or if
 257 it's... I don't know the length of what we're going through here with these things, so...
 258
 259 Mr. Blankinship- Yeah, we can follow up with you on that.
 260
 261 Mr. Newell- Okay, Great.
 262
 263 Mr. Johnson- Okay. Alright. Thank you.
 264
 265 Mr. Newell- Well, thank you all for your time.
 266
 267 Mr. Johnson- So, I move that we approve the conditional use permit subject
 268 to the conditions recommended by staff. And this is consistent with the Comprehensive
 269 Plan and Zoning Ordinance and should not any negative impact on the neighborhood. A
 270 Site Plan review will allow staff to resolve any other issues. Again, I move for approval.
 271
 272 Mr. Pollard- I second the motion.
 273
 274 Mr. Johnson- It has been motioned and seconded. All in favor?
 275
 276 Board- Aye.

Mr. Johnson-

All opposed say, Nay. All in favor. Motion passed.

On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case **CUP2023-00058** subject to the following conditions:

1. This conditional use permit authorizes the operation of a farm-to-table restaurant accessory to the horticultural use of the property. All other applicable regulations of the County Code remain in force.

2. The restaurant may serve no more than 50 guests at any time, no more than one seating per day, no more than two times in any week, and no more than 60 times in any calendar year.

3. The operation must end no later than 10:00 PM when Daylight Saving Time is in effect and no later than 9:00 PM when Eastern Standard Time is in effect.

4. The applicant must obtain all necessary permits from the Department of Building Construction and Inspections and the Virginia Department of Health. The applicant must maintain compliance with all applicable building code, fire code, and health code regulations at all times.

5. A construction plan prepared by a professional engineer, certified land surveyor, or professional landscape architect must be submitted to the Planning Department for review and approval. The plan must include, at a minimum, details concerning parking, landscaping, and lighting. The capacity, location, dimensions, and design of the parking lot must comply with the applicable requirements of Article 5, Division 1 of the Zoning Ordinance. The proposed landscaping must comply with the requirements of Sec. 24-5312. Outdoor lighting must comply with the requirements of Article 5, Division 4.

6. The applicant must submit a minor subdivision plat for the consolidation of the two parcels (GPINs 802-697-1994 and 802-697-8398) for review and approval by the Planning Department.

7. The property must retain its rural character as viewed from Osborne Turnpike and neighboring property. No buildings, structures, signs, lighting, attention-getting devices, or other changes to the property will be allowed to detract from the established character of the surroundings.

Affirmative:	Broadway, Green, Johnson, Lawrence, Pollard	5
Negative:		0
Absent:		0

Mr. Blankinship- Alright, the next case is **Conditional Use Permit 2023 number 59**, John Keane: a conditional use permit to build a detached garage in the side yard at 5101 Taz Court, in Scandia Farms Subdivision, in the Varina Magisterial District.

CUP2023-00059 - John Keane: conditional use permit to build a detached garage in the side yard at 5101 Taz Court, Scandia Farms, Varina. Parcel 859-702-4026. Zoning: A-1, Agricultural District. Code Section: 24-4404.A.1.

Mr. Blankinship- Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hands please. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Gidley- Thank you Mr. Secretary. The subject property, as you can see here, is located south and east of Elko Road in the Scandia Farms Subdivision. The property currently contains a single-family dwelling on a 1.15-acre lot. The lot is wider than it is deep, and most of the rear yard as you can see is wooded. This provides increased privacy between homes. You will also note on the east side of the home there is a cleared area and this contains part of their septic drainfield. And then the well is up here on the other side, closer to the street. This is the dwelling here, and it does contain an attached three-car garage. However, the applicant owns several classic cars that he would like to have a place to store inside. To provide room he wants to construct a 576-square-foot detached, two-car garage on the property. And this is the street right here, the house, the garage would go right here in the square shape. The proposed location would be mostly in the rear yard, but it would extend partially into the side yard, and that's the reason he needs the conditional use permit. The applicant chose this site for two reasons. First, he'd like to retain the existing trees in the rear yard, and secondly, the location of the septic system over here, where their driveway comes in, limits their ability to place it over here. In evaluating this request, the existing home and lot comply with the lot area, lot width, and setback requirements. Lots in the neighborhood are an acre or larger, and accessory structures are common. The home to the rear, they actually have a detached garage, right here. So, right behind the applicant. The applicant's proposed detached garage would be over 120-feet from the nearest dwelling, and, as mentioned, screened by several mature trees. Finally, the applicant has mentioned that the exterior siding and roofing material would be similar to the existing home.

So, in conclusion, the subject property is just over an acre, the proposed garage would be used to store antique cars, only a small portion would be in the side yard, with the remainder in the rear yard. This location would preserve mature trees that provide privacy with the neighbors. It would be over 120-feet from the nearest dwelling and designed to match the applicant's existing dwelling. Staff does not anticipate any adverse impacts from this and we recommend approval subject to conditions in your staff report. Thank you.

Mr. Johnson- Okay. Are there any questions for the staff? Any questions? Alright, we'll now hear from the applicant.

368
369 Mr. Keane- My name is John Keane. J.O.H.N. K.E.A.N.E. Thanks for
370 giving me the opportunity to speak to this application. As was summarized, quite clearly,
371 what we would like to do is to put a garage in the side yard. It's mostly in the rear. It's just
372 a little bit forward of that, and that is, again, because there are some very large mature
373 trees in the back that we would like to preserve. They provide shade in the back, and they
374 do provide a barrier between the neighbors all around us, including my in-laws who live
375 next door. The space itself is to have two garage spaces for some classic cars that we
376 own. We'll provide some heated and cooled areas in there to protect those vehicles. I'm
377 not sure what else I need to say.

378
379 Mr. Blankinship- You did not submit any building plans. Could you talk a little
380 bit about what the building would look like?

381
382 Mr. Keane- It will just be a standard two-car garage, detached garage. I've
383 received a plan of what the exterior will look like. There will be two garage doors, nine-
384 foot-wide. They will face the house. They'll be eight-foot-tall. They'll have a peak that, I
385 think, turns out to be eighteen feet on center. The siding and the roofing materials will
386 match those on the house. We've identified exactly what the builder used, and we'll match
387 those. There'll be one side door. As you face the garage doors, it'll be on the left side.

388
389 Mr. Johnson- That would be on the left side of your house there as well. And
390 as I went out there, I noticed you had three other doors for parking.

391
392 Mr. Keane- Yes sir.

393
394 Mr. Johnson- Nice, nice facility there. Also, there's not much to the back of
395 it. To the side of the house is where you're putting the garage?

396
397 Mr. Keane- Where we've placed the garage is, we left a grassy area
398 between the house and the garage is and found a spot there where we can preserve
399 much of the trees and vegetation that's there. As well as preserve some of what's
400 attempted to be grass.

401
402 Mr. Johnson- I see. Okay. I noticed you had with your classic cars and all,
403 that you have them all in the garage as well.

404
405 Mr. Keane- Yes. So, it may be a problem.

406
407 Mr. Keane- I have two 1982 Datsun 280 ZXs, one 1991 Nissan 300ZX
408 Twin Turbo, and then I have two of my son's cars in my garage as well. I have a 1987
409 Nissan 300ZX and a 1990 Nissan 300ZX Twin Turbo, and I have another one on the way.
410 Another 1990 Nissan 300ZX Twin Turbo.

412 Mr. Green- That was by far the most important question I was going to
413 ask. What kind of cars you had. And Mr. Johnson is a car-buff. I think he's got about 60
414 cars sitting at his home.

415
416 Mr. Green- You have a ZX, don't you?

417
418 Mr. Green- You have that ZX, don't you? So, I think ...

419
420 Mr. Keane- I do apologize, I neglected to bring pictures of the vehicles.

421
422 Mr. Johnson- And the way that you have it laid out at your house is really
423 nice, and is visible as well. So, I kind of like that. Alright. Any questions for the applicant?
424 Is there any one in opposition for the applicant? Okay. And with that, I move that we
425 approve the conditional use permit subject to the conditions recommended by staff. And
426 this is consistent with the Comprehensive Plan and Zoning Ordinance. And there is no
427 room in the rear yard to build the garage, and the building will not change the look of the
428 property from the street as well.

429
430 Mr. Pollard- I second the motion.

431
432 Mr. Johnson- It's been motioned and seconded. All in favor say, Aye.

433
434 Board- Aye

435
436 Mr. Johnson- All opposed say, Nay. Motion Passed.

437
438 Mr. Keane- Thank you.

439
440 Mr. Johnson- Thank you.

441
442 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case
443 **CUP2023-00059** subject to the following conditions:

444
445
446 **Affirmative:** Broadway, Green, Johnson, Lawrence, Pollard 5
447 **Negative:** 0
448 **Absent:** 0

449
450
451 1. This conditional use permit authorizes the construction of a detached garage partially
452 in the side yard. All other applicable regulations of the County Code remain in force.

453
454 2. This conditional use permit applies only to the improvements shown on the plot plan
455 submitted with the application. Any additional improvements must comply with the
456 applicable regulations of the County Code. Any substantial changes or additions to the
457 location of the improvements will require a new conditional use permit.

458
459 3. The new construction must match the existing dwelling as nearly as practical in height,
460 style, materials and color.

461
462 4. Any exterior lighting must be shielded to direct light away from adjacent property and
463 streets.

464
465 5. Before beginning any clearing, grading, or other land disturbing activity, the applicant
466 must obtain approval of an environmental compliance plan from the Department of Public
467 Works.

468
469 6. The applicant must obtain a building permit for the proposed detached garage by
470 November 17, 2025, or this conditional use permit will expire. If the building permit is
471 cancelled or revoked after that date due to failure to diligently pursue construction, this
472 conditional use permit will expire at that time.

473
474
475 Mr. Blankinship- Alright, our third conditional use permit is **Conditional Use**
476 **Permit 2023 number 60**, Latoria Pettus: a conditional use permit to operate a large family
477 day home at 4910 Laurie Lane, in Hechler Village, in the Fairfield Magisterial District.

478
479 **CUP2023-00060 - Latoria Pettus: conditional use permit to operate a large family**
480 **day home at 4910 Laurie Lane, Hechler Village, Fairfield. Parcel 811-723-8702.**
481 **Zoning: R-3, One-Family Residence District. Code Section: 24-4205.**

482
483 Mr. Blankinship- Would everyone who intends to speak to this case please
484 stand and be sworn in. Raise your right hands please. Do you swear that the testimony
485 you are about to give is the truth, the whole truth, and nothing but the truth, so help you
486 God? Thank you. Mr. Gidley, you can begin.

487
488 Mr. Gidley- Thank you Mr. Secretary. The subject property is located in
489 Hechler Village, which is southeast of the intersection of Laburnum and Nine Mile. The
490 applicant is currently operating a small family day home for up to five children. She would
491 like to expand it into a Large Family Day Home, which would allow up to 12 children.
492 However, this does require the approval of a conditional use permit. This is a picture of
493 the applicant's property here. It's a two-story house at the end of a cul-de-sac, which is
494 convenient, because it provides pick-up and drop-off of the children without a bunch of
495 traffic going through the street there. This is just a small shot of her rear yard. Here's
496 another one here. You can see it is enclosed by a six-foot wooden privacy fence. So, this
497 gives privacy to her neighbors. And also, her driveway shown here can accommodate up
498 to two vehicles as well. In evaluating this request, the neighborhood does consist of
499 single-family homes on quarter-acre to third-of-an-acre lots. The hours of operation would
500 be from 6:30 a.m. to 5:30 p.m. Family day homes provide an important service to the
501 community. Most of the applicant's clients likely live in the surrounding community as well.
502 As a result, it is compatible with the general character of the area. As far as impact on the
503 public's health and safety, most of the surrounding homes are at least 60-feet from the

applicant's property line. The closest home would be the western neighbor, right here. And, however, as I noted, the applicant's rear yard is screened with a privacy fence. In addition, pickup and drop-off would occur over to the right side. Opposite side of the dwelling where the driveway is. As a result, staff is not really anticipating any impact on nearby property.

So, in conclusion, the applicant is currently operating a small family day home and simply wants to expand it to a large family day home to allow up to 12 children. Care would be provided on weekdays during normal business hours, and the cul-de-sac provides a good location for pick-up and drop-off. The rear yard is screened, and staff does not anticipate any negative impacts on neighbors. As a result, we recommend approval of this request subject to the conditions in your staff report. If you have any questions, I will be happy to answer those. Thank you.

Mr. Johnson- Are there any questions from the Board for staff? None? If not, we'll hear from the applicant.

Ms. Pettus- Hello.

Mr. Johnson- Hello. Pull the mic down so we can hear you. Okay.

Ms. Pettus- My name is Latoria Pettus and, as he stated, I'm currently operating a voluntarily registered Family Day Home where I can have up to four kids, and I'm looking to expand. And I have had an ample amount of parents reaching out to me that are in desperate need of childcare, but unfortunately I have to turn them away because I can only have a certain amount. So, caring for kids is my passion. I love to help people when they need babysitters. So, I'm looking to expand how many kids I can take in, and like you said, I have to have a conditional use permit in order to do that.

Mr. Johnson- Okay. Are there any questions for the applicant? Go ahead.

Mr. Pollard- Just one. Any complaints from the neighbors?

Ms. Pettus- No.

Mr. Blankinship- There was one phone call or email, from one of the neighbors with a list of questions, but once we provided the answers to her questions, she seemed pleased and satisfied. She was particularly concerned about traffic dropping off and picking up. You know, I think if you had all ten parents all in the cul-de-sac at once all trying to drop-off it would be a problem. Do your parents come all at the same time or are they staggered?

Ms. Pettus- No sir, they all come at different hours. The ones that I have now, I have one that gets there at 6:40. I have one that gets there at 7:15. I have another one that gets there about 7:30, 7:45. So, they're in long enough to sign the child in, fill out

549 their daily report sheet with anything I need to know that happened that morning or the
550 night. They fill that out and they're out the door.

551
552 Mr. Johnson- Also, with your entrance, there will be a couple of places
553 where you can put a couple of cars there as well. As well as in the circle. I know you're in
554 the cul-de-sac there. Which is a nice large circle there as well.

555
556 Ms. Pettus- So, can you ask that one more time to make sure I'm
557 understanding what you're ...

558
559 Mr. Johnson- Where you're putting the cars, even if you have several cars
560 there at one time, you have a space that the cars can come in, be at.

561
562 Ms. Pettus- Yes. Previously, other parents that I've had there, that has
563 recently left, if they all pull up at the same time, then they normally just pull forward, in
564 front, and just line up. Perfect example of these pictures that are up. So, they just pull
565 forward facing the house.

566
567 Mr. Johnson- Yes. And you also have some space in the circle as well.

568
569 Ms. Pettus- Yes.

570
571 Mr. Johnson- Okay. I just wanted to indicate that. Any other questions for
572 the applicant? None? Is there any opposition? No one here for that? None. Okay. Mr.
573 Pollard? Do you have any?

574
575 Mr. Pollard- I guess a motion is in order. I move that we approve this
576 conditional use permit subject to the conditions recommended by staff. It is consistent
577 with the Comprehensive Plan and Zoning Ordinance. The location is suitable for a Family
578 Day Home. The fenced rear protects the neighbors from noise.

579
580 Mr. Green- I second it.

581
582 Mr. Johnson- It's been motioned and second. All in favor say, Aye.

583
584 Board- Aye.

585
586 Mr. Johnson- All opposed say, Nay. All in favor. Motion Passed.

587
588 Ms. Pettus- Thank you.

589
590 On a motion by Mr. Pollard, seconded by Mr. Green, the Board **approved** case **CUP2023-**
591 **00060** subject to the following conditions:

592
593 1. This conditional use permit authorizes a large family day home. All other applicable
594 regulations of the County Code remain in force.

2. All vehicles associated with the family day home must be parked on the property, not on the right-of-way of Laurie Lane.

3. Hours of operation are limited to Monday through Friday, 6:30 am to 5:30 pm.

Affirmative:	Broadway, Green, Johnson, Lawrence, Pollard	5
Negative:		0
Absent:		0

Mr. Blankinship- That concludes the conditional use permits on this morning's agenda. We also have five variances on this morning's agenda. The first was deferred from last month, it's **Variance 2023 number 21**, Richmond Property Buyers, LLC: variance from the public street frontage requirement to build a single-family dwelling at 205 Brooks Road, in the Varina Magisterial District.

VAR2023-00021 - Richmond Property Buyers, LLC: variance from the public street frontage requirement to build a single-family dwelling at 205 Brooks Road, Varina. Parcel 817-724-0788. Zoning: R-2A, One-Family Residence District. Code Section: 24-4306.E.1. The applicant has 0 feet public street frontage where the Code requires 50 feet public street frontage. The applicant requests a variance of 50 feet public street frontage.

Mr. Blankinship- Is there anyone in the room who intends to speak to this case? Okay, there is one person on WebEx as well. Are you the applicant or are you...?

Mr. Williams- I am.

Mr. Blankinship- You're the applicant, Okay. We do have one speaker on WebEx as well.

Mr. Johnson- Okay.

Mr. Blankinship- Thank you. Mr. Gidley.

Mr. Gidley- Alrighty. Thank you, Mr. Secretary. The subject property is located south of Nine Mile Road, near Pleasant Street. The red hashed area is what the property initially was. A 1.69-acre parcel that was originally recorded back in 1921. This 1.69-acre parcel was acquired by Samuel and Judith Ladd in 1968. Then, in 1970, the Ladds divided the parcel in to roughly three half-acre lots. There are three homes on the western side of this parcel. 207 Brooks Road is in front of the subject property that is being requested for a variance. These two properties in blue here have been in common ownership since 1997. They were both acquired by the applicant in April of this year. The remainder of the original 1.69-acres is these two lots, right here, and they're still owned

641 by the Ladd's descendants, who also own the home in front of it at 211, right here. The
642 applicant, Richmond Property Buyers, LLC. would like to build a home on this back parcel,
643 however, it does lack public street frontage. As a result, the applicant is proposing access
644 via a 30-foot-wide ingress and access easement that runs along the northern boundary
645 here, inside this red hashed area. It would run right here to access the rear property.

646
647 In evaluating this request, we're going to apply the tests to the original 1.69-acres, which
648 we believe constitutes the "property taken as a whole" which the State Supreme Court
649 directs us to look at when applying the tests. The reason we're doing this is because the
650 1970 division of this 1.69-acre parcel into the three lots was not reviewed or approved by
651 the County. In addition, these lots did not have the required public street frontage. As a
652 result, they were never buildable lots. So, we're going to apply the Threshold test to the
653 original 1.69-acre parcel, which goes back to 1921 and predates the Zoning Ordinance.
654 This seems to be warranted, because basically, you have a 1.69-acre property here that,
655 as I've said, predates the Zoning Ordinance. It's basically entitled to a reasonable and
656 beneficial use of the property, which would be a dwelling. So, staff believes one dwelling
657 out here would be appropriate to give them that use. We believe the second Threshold
658 test is met also. Again, since this came into play in 1921 and the street frontage
659 requirement didn't come into play until 1960, the hardship does predate the Zoning
660 Ordinance here. With two of the Threshold tests met, we can look at the five required
661 subtests. As noted in your staff report, staff believes these are met. The toughest one
662 was dealing with detrimental impact. Let's expand this. It is somewhat unusual to put a
663 house, you know, behind another house here, but at the same point it's houses backing
664 upon other houses, which is typical in a subdivision. In addition, here the home would
665 actually meet, and then significantly exceed, all the setback standards for the district. And
666 finally, as noted, the property in front is also owned by the applicant. So, staff does not
667 believe there is going to be a substantial detrimental impact on nearby property owners if
668 this were approved. That said, after last month's hearing, the Ladd's son indicated his
669 family was concerned about the visual impact of the dwelling on the property, and concern
670 that those residents or guests, I guess, could come over and trespass on their property
671 that's adjacent to theirs. Although the Zoning Ordinance does not require screening
672 between one single-family residence and another single-family residence, the applicant
673 indicated he could support some sort of landscaping along the side property line. So, staff
674 has adopted a condition requiring a row of mature plantings along the open portions of
675 the southern property line. Basically, from here back. In front, the Ladds have their own
676 accessory structures, and obviously, there's no reason for the applicant, unless he
677 wanted for his own benefit, to be required to screen those from himself. So, again, we
678 would start the screening at the back of that building you just saw and extend it back to
679 here.

680
681 In conclusion, the original 1.69-acre parcel lacked public street frontage but was buildable
682 from its creation up until the adoption of the public street frontage requirement in 1960.
683 Staff believes it is entitled to a single variance to provide a reasonable and beneficial use
684 of the property. Because it was already non-conforming, with respect to the public street
685 frontage requirement in 1970, the Ladds never should have divided it into three non-
686 conforming lots. So, if the original parcel is entitled to a variance, the question is: where

the new one should go. Staff's view was the Ladds were compensated when they sold the subject property, right up here. In addition, their two lots to the rear provide them additional yard area where they do have the accessory structures that I showed to you in the earlier picture. This leaves the applicant's property as the reasonable candidate to receive the variance. As a result, staff recommends approval of this request subject to the conditions in your staff report. If you have any questions, I'll be happy to answer those. Thank you.

Mr. Johnson- Okay. That subject property lacked the public frontage. So, would a variance give him that?

Mr. Gidley- Yes sir. You had an original lot, here, that was created before the public street frontage requirement took effect. So, there was a change in the code that made the lot unbuildable, and typically that can allow someone to receive a variance. Unfortunately, after that requirement for public street frontage was in effect, the Ladds subdivided it, going from one to three non-conforming lots. So, that was a bit of a problem. They sold this one off here, where the applicant owns this and this in front here, as well. And he's requesting a variance for this property here. And, I guess, from staff's perspective, there's one that should be allowed here. The Ladds were compensated when they sold that. And in the aerial, you can see they have a couple dwellings, I mean, a couple of accessory structures that encroach onto their property now. So, it's benefiting them as such. So, we think this is probably the best location for the benefit.

Mr. Johnson- Okay. Are there any questions from the Board?

Mr. Lawrence- Yes, Mr. Chairman, I had a question for Mr. Gidley. Mr. Gidley, I'm a little confused on one point. I may have missed this at our last meeting. The application from Richmond Property Builders, LLC. answered "No" to the question as to whether the requested variance would alleviate a hardship due to a physical condition. But, if I read the staff report correctly, it states that in fact the requested variance would alleviate the hardship, which would be a "yes". So, is that just confusion on the part of the applicant or can you elaborate on that a little bit for us?

Unknown Speaker- I thought it was....

Mr. Blankinship- You're not...

Mr. Gidley- You'll get a chance in a minute.

Unknown Speaker- Okay.

Mr. Gidley- Yeah, staff believes they met the first two. You know, one, the original parcel was created prior to the creation of the public street frontage requirement. I mean that's the second one. There was a code change that made it unbuildable, which helps it meet the second test. And then the first test obviously is, if you have a vacant property, typically we want to provide that with as the court would say, is a "reasonable

beneficial use." Assuming that can be done and it's not detrimental to any nearby property.

Mr. Lawrence- So, although the applicant answered no in his application, staff has determined that it does, in fact, meet that test.

Mr. Gidley- Yes, sir.

Mr. Lawrence- Okay.

Mr. Gidley- And, you know, a lot of the applicants aren't totally familiar with State Code.

Mr. Lawrence- Sure. Understood.

Mr. Johnson- Thank you. Anyone else have a question? Okay. We will now hear from the applicant.

Mr. Williams- Thank you for your time again. Mr. Gidley spoke a lot to all of the things that we have going on. In consideration, this was approved, like three weeks ago.

Mr. Blankinship- Excuse me. I'm sorry but tell us your name again.

Mr. Johnson- Wait a minute.

Mr. Williams- I'm sorry, Joseph Williams, managing member, Richmond Property Buyers, LLC. So, we purchased the front lot, at 207, which is in front of the little yellow box, right there, in April. The rear lot came along with that. I'd like to point out, prior to that, even though we were under contract to purchase the front property, the Ladds, who are contesting this, had the right of first refusal to purchase the back lot back from the owner that we're purchasing it from. They turned that option down. So, it came along with ours. We increased our offer with the original buyer. Took it upon us. So, speaking to your concern about the variance and the access. There's already been a 30-foot ingress/egress/utility easement filed with the County. That Paul pointed out is between 211 and, I'm sorry, maybe it's 205 and 207. Which is... 203 and 207. Which is opposite of the Ladd's property as well. So, it's not even on their side. So, the actual access would go down here. Not on their side. Speaking to the original parcel, as a 1.69 whole, currently the Ladds have six buildings behind their house. I've done some measurements with a range finder that we can show, like, what it would look like on the ground versus the aerial. Many of the six, right here, that you can see are actually crossing the property line. So, for their rear lot to even be usable they would need to demolish those. The buildings that you see in the woods, in the front of the yellow line, that backs up between 207, the property that we just rehabilitated, those have all been demolished. Are no longer there. They were crossing the property lines. They were collapsing already. I would like to point out that we've invested roughly \$90,000 to bring 207 back to life. It was completely

779 abandoned and falling down. You can see the rehabilitation here. And then this was
780 another opportunity that presented itself and, so, we decided to look at that. And this is
781 one of the requirements for the variance. So, I'd love to, you know, reply to any questions
782 or, whoever is online, with, you know, questions around that. So, I'm here.

783
784 Mr. Johnson- Okay. Any questions from the Board? Okay. Alright.

785
786 Mr. Blankinship- We do have one speaker on WebEx.

787
788 Mr. Johnson- Okay, can we hear from them?

789
790 Mr. Blankinship- Alright, can we hear from Mr. Ladd on WebEx?

791
792 Mr. Ladd- Can y'all hear me?

793
794 Mr. Blankinship- Yes.

795
796 Mr. Ladd- Good morning, staff. Good morning, Mr. Gidley and Mr.
797 Williams. First off, I would like to say, yes, Mr. Williams was correct. He's done a wonderful
798 job of revitalizing the property at 207. Bringing that property back to life as what we knew
799 it, before it sat vacant for years. Mr. Williams is correct that the easement would not be in
800 between 211, which would be our property, and 207. It does go between 203 and 207.
801 Now with that, it is my understanding that the house at 207 has been placed under
802 contract and it would have an impact on individuals buying that property, if they are not
803 made aware that there is going to be a potential home being built behind their home, and
804 behind our home. ... they are currently under contract. Now, what we are here today for
805 is not to dispute building of the new dwelling behind 207. It sounds like the Board, or Mr.
806 Gidley, has already stated the facts. And it sounds like that is going to be a go anyway.
807 What we are concerned about is the liability of building this home adjacent to our one-
808 acre parcel, located at the rear of 211. With that, if they build this structure behind 207,
809 that one acre lot might look appealing to individuals to help themselves for overflow
810 parking if they had a weekend event. Kids playing out in that field, and should something
811 happen to somebody on this property, they're not going to come to Henrico County with
812 a lawsuit. They're going to come to the Ladds with a lawsuit. We feel it should not be our
813 responsibility to put up a privacy fence, it should be the builder who is asking, already
814 asking for a variance to build a home on a non-buildable lot, to build that privacy barrier.
815 It was my understanding, when speaking to Mr. Williams a couple of weeks ago, that they
816 did not even have the funds to build this. on the property. So, he's trying to get it passed,
817 get the variance passed to make it a buildable lot, to sell the lot off to another builder. This
818 would not affect him financially anyway. And whatever builder does decide to build on this
819 lot, they're just going to recoup the cost of the privacy barrier, whether it be a privacy
820 fence, privacy shrubs, through the cost of the house. So, that's what our concern is,
821 liability and privacy. You're building a home in the middle of a landlocked half-acre lot.

822
823 Mr. Johnson- Okay.

825 Mr. Blankinship- Alright. Thank you, Mr. Ladd.

826
827 Mr. Johnson- Alright.

828
829 Mr. Williams- Can I provide some measurements?

830
831 Mr. Johnson- Sure.

832
833 Mr. Williams- So, speaking to, I guess, the initial concern around privacy, or
834 access to the lot. Mr. Gidley had added a provision to the initial application that says at
835 the time of, before, I guess, prior to obtaining a Certificate of Occupancy that we would
836 need to build a privacy fence or trees. So, to me, I mean, that is, you know, we put a bow
837 on that because it's in the application. And so, I'm not sure how much we need to address
838 that. When we look at the property on page one you can see the six dots of all the
839 buildings that are wrapped around, crossing the back parcel of the Ladds. To me, there
840 are eight other adjoining parcels to their land, including the houses on both sides. As well
841 as the rear, which is fronting Lowell, and then to the right which is fronting Yates. You can
842 see there's eight main parcels. A couple that do the corner, but nothing big. Only one of
843 those parcels has any type of fence on it. So, right now the access to their property, from
844 any angle, is wide open. So, I'm not sure how much of an actual concern it is at the end
845 of the day. They've owned the property for 75 years, there's never been a fence put up.
846 So, you know, we've agreed to, before we build, or after we build, for a Certificate of
847 Occupancy, we'll submit a landscaping plan, you know, whatever, to get approved. And
848 either build a privacy fence or plant mature trees down the property line, as Mr. Gidley
849 spoke to. If you go to page two, we have some measurements that look at the distances
850 between the properties. So, common between 207 and 211 is around 70 feet. Front door
851 to front door with the neighbor across the street is around 90 feet. Back wall of their house
852 to the back wall of the proposed structure is over 190 feet. So, over two times farther
853 away from any other dwelling in the area. So, I'd say it's quite the contrary when they talk
854 about privacy. This home will be one of the most private on the entire block. There's a
855 tree line in front of it, a tree line to the left of it, and a tree line to the right of it. Really,
856 what's in question is the open area to the back where we agreed to put a privacy fence
857 or plant additional trees. Page three and four just kind of show some other views. Really,
858 the closest building, one of their six outbuildings, on the corner of the lot, doesn't even
859 have a door on it. You can see on page three it's more of an open-air barn, lean-to
860 situation. So, there's not even a lockable door on it. Page four is just a rear view as well.
861 You can see in the back of the proposed structure at 205, there is a full one-acre lot back
862 there with nothing directly behind it. Really, the only thing with sight lines is to angle back
863 to 211. Which, if you go all the way to page five, at the bottom right at the top, you can
864 see what that view is standing on the ground. It's wide open for a full acre, which, you
865 know, is pretty gracious considering that area of Henrico. And when you look at the sight
866 line back to their main dwelling, their actual house, it's completely blocked by the three,
867 or four, structures that you see currently behind their house. So, you wouldn't be able to
868 see it anyways. And then on page six, it's just kind of a before and after of what 207
869 looked like when we purchased it.

870

871 Mr. Johnson- Okay. Also, will each one of the houses have their own
872 entrance?
873

874 Mr. Williams- Yeah. Yeah, I mean, they're completely, they're separate lots,
875 so they'd be two separate properties. As the Ladds talked about, the front property,
876 obviously, has been rehabilitated. We rehabilitate for a reason. We bring houses back to
877 life and sell them. It's under contract. All that comes back on title work. There's been an
878 ingress/egress easement filed with the County that comes back on title work. Everything
879 is, you know, for public knowledge as well. So, there's nothing being hid here. The only
880 reason he even knows this was approved is because I told him standing in the kitchen at
881 207. Because he asked and I told him. I did not lie. We support the community by bringing
882 these houses back to life. We'd love to add another brand-new residence on the block.
883 The opportunity presented itself, and that's where we're at. Also, the original hardship was
884 created by the Ladds in the seventies. It's been vacant land since the beginning of time,
885 so we'd like to do something with it.
886

887 Mr. Johnson- Okay. Any questions from the Board?
888

889 Mr. Green- Mr. Chairman, I move that we approve this variance subject
890 to conditions recommended by the staff. There's no reasonable use for the property. The
891 applicant did not cause the hardship. The other tests are met, as stated in the staff report.
892

893 Mr. Johnson- Second. It's been motioned and seconded. All in favor say,
894 Aye.
895

896 Board- Aye.
897

898 Mr. Johnson- All opposed say, Nay. Motion passed.
899

900 Mr. Blankinship- Thank you sir.
901

902 Mr. Williams- Thank you Board. Appreciate everybody.
903

904 On a motion by Mr. Green, seconded by Mr. Johnson, the Board **approved** case
905 **VAR2023-00021** subject to the following conditions:
906

907
908 1. This variance applies only to the public street frontage requirement for one dwelling
909 only. All other applicable regulations of the County Code remain in force.
910

911 2. This variance applies only to the improvements shown on the plot plan filed with the
912 application. Any additional improvements must comply with the applicable regulations of
913 the County Code. Any substantial changes or additions to the location of the
914 improvements will require a new variance.
915

3. Before beginning any clearing, grading, or land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works.

4. Any dwelling on the property must be served by public water and sewer.

5. Any dwelling on the property must be consistent in materials and style with the dwellings at 201, 203, 204, 206, and 216 Brooks Road.

6. At the time of building permit application, the applicant must present a recorded ingress and egress easement from the property to Brooks Road. Prior to requesting a certificate of occupancy, a driveway must be improved with a durable asphalt or compacted gravel surface at least 10 feet wide with 12 feet of horizontal clearance and 14 feet of overhead clearance to provide access for police, fire, emergency medical services, and other vehicles. The owners of the property, and their heirs or assigns, must maintain access to the property.

7. At the time of building permit application, the applicant must submit a landscaping plan to the Planning Department for review and approval. Prior to requesting a certificate of occupancy, the applicant must install either a 6-foot-tall privacy fence or a row of evergreen trees at least 6 feet in height when planted, at ten-foot intervals along the property line between the subject property and the property to the south, extending from the northeastern corner of the neighbor's accessory building to the rear (eastern) lot line.

8. The applicant must obtain a building permit for the proposed dwelling by November 17, 2025, or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

Affirmative:	Broadway, Green, Johnson, Lawrence, Pollard	5
Negative:		0
Absent:		0

Mr. Blankinship- Alright, the next variance is **Variance 2023 number 22**, Mark J. Coston: a variance from the lot area requirement to build a single-family dwelling at 4112 Aspen Shades Parkway, in Larchmont, in the Varina Magisterial District.

VAR2023-00022 - Mark J. Coston: variance from the lot area requirement to build a single-family dwelling at 4112 Aspen Shades Parkway, Larchmont, Varina. Parcel 814-714-3331. Zoning: R-4, One-Family Residence District. Code Section: 24-6402.A.2. The applicant has 5,500 square feet lot area where the Code requires 6,000 square feet lot area. The applicant requests a variance of 500 square feet lot area.

Mr. Blankinship- Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hands please. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Gidley- Thank you Mr. Secretary. Aspen Shades Parkway, shown here, is a narrow street that parallels the northern side of Williamsburg Road roughly one-half mile west of Laburnum Avenue. Because most of the lots on this block are only 25 feet wide, this is an older neighborhood where people would piece together 25-foot-wide lots in order to create a buildable parcel. In June, the applicant acquired lots 11 through 14, which is shown here, at 4110. And then in red, here, the adjacent property. These are four lots, lots 11 through 14. They currently contain the house on the left that you see here. At the time of purchase, this was one tax parcel for the purpose of property taxes. After purchase, the following month he had Finance show the property as two tax parcels. And that's what you see on your site map here. But again, this was purchased as one by the applicant. Some history of the site, the property subject to this request today was acquired by the Calders in 1955. At the time they also owned the adjacent lots where the house is, lots 11 and 12. These 4 lots, lots 11 through 14, have remained under common ownership since 1955. Because the lots were created before the county began subdivision review and approval, they are subject to table 6402 of the Zoning Ordinance. In the R-4 District reduced lot area and reduced lot width standards are provided by this section due to their age. Specifically, 6,000 square feet of lot area and 50 feet of lot width. The four lots taken together meet the requirements for a dwelling. The applicant, however, would like to sell off lots 11 and 12, with the dwelling on 1 parcel, and lots 13 and 14 as a separate parcel. He has applied for a variance on lots 13 and 14 as it would only have 5,500 square feet of lot area, versus the required 6,000 square feet.

In evaluating this request, as you know, one of the three subtests must be met. The first one deals with unreasonable restriction. You have a set of parcels here, four lots that were purchased by the applicant in June. Together they contained a home and met the requirements of the Zoning Ordinance. That would appear to be a reasonable use. It's a one-quarter-acre parcel, and it's a home on a quarter acre. As noted in your staff report, there was a case, in 2006, where an applicant had a home on one side and lots on the other, and basically the court said, you know, you're not entitled to a variance because the home is a reasonable use and also, it's not a hardship if you can't divide the property. So, staff doesn't believe either of the first two tests are met. So, a variance should not be approved in that respect. In looking at the subtest, I do want to point out detrimental impact, which is the second subtest. We did have a phone call, and you had an email in your staff report, from the property owner that lives here, who's the adjacent property owner on the east side. He had concerns about it basically indicating, you know, he bought in a neighborhood that had some spaciousness and that is what he likes and what he wants to keep. And he owns the adjacent lot to his house. And then you look down the road here and you can see the spaciousness in this community along the street here. So, to go ahead and try to squeeze a home in between his home and the existing one out there, that would go against the character of the neighborhood. And that would be detrimental to the adjacent property owner, as expressed in his letter of opposition.

1008
1009 So, just to wrap things up, in conclusion, staff believes the property has a reasonable and
1010 beneficial use. It's at home on a quarter acre if you look at the four lots he bought. Staff
1011 is concerned squeezing a home in there would be detrimental to the neighbor by going
1012 against the spaciousness of this community. As a result, we recommend denial of this
1013 request. If you have any questions, I'll be happy to answer those. Thank you.
1014
1015 Mr. Johnson- Also, I noticed out there that they also have like a mobile
1016 home.
1017
1018 Mr. Gidley- Yeah. Let's see. These were updated.
1019
1020 Mr. Johnson- Yes.
1021
1022 Mr. Gidley- There we go.
1023
1024 Mr. Johnson- Is that the owner's property?
1025
1026 Mr. Gidley- The applicant purchased the home, here, and this open area,
1027 here. So, he owns these four lots right here. And this is the home of the neighbor who
1028 has concerns about building.
1029
1030 Mr. Johnson- And I noticed that it's not much space between there as well.
1031 About 25 feet, or something.
1032
1033 Mr. Gidley- The vacant lot's 50 feet wide, and he needs...
1034
1035 Mr. Blankinship- Put up the site plan that gives you a pretty good view of how
1036 crowded it is.
1037
1038 Mr. Gidley- Yeah, the neighbor's here and he owns this lot right here. And
1039 you saw it, from the pictures, the properties down the road are spaced apart quite a bit.
1040 So, as Mr. Blankinship noted, trying to put a house right here would go against the
1041 character of the neighborhood.
1042
1043 Mr. Johnson- Yes. And that area I was noticing that that was a little bit closer
1044 than the other houses.
1045
1046 Mr. Gidley- Yes sir, you are correct.
1047
1048 Mr. Johnson- Okay. Any questions from the Board for staff?
1049
1050 Mr. Lawrence- I have two questions for staff, sir, if I could.
1051
1052 Mr. Johnson- Yes sir.
1053

1054 Mr. Lawrence- Mr. Gidley, it appears from the aerial that there is already a
 1055 structure on this property, or at least part of a structure. Can you identify what that is?
 1056

1057 Mr. Gidley- This in white?
 1058

1059 Mr. Lawrence- White, and in the top left-hand corner of the parcel, it appears
 1060 like there's maybe part of another structure already on this. Do we know what those are?
 1061

1062 Mr. Gidley- Yeah. One's a mobile home that's out there.
 1063

1064 Mr. Johnson- That long one.
 1065

1066 Mr. Blankinship- You said mobile home, I think you meant recreational vehicle.
 1067

1068 Mr. Gidley- Travel trailer, yeah.
 1069

1070 Mr. Lawrence- That's not actually a permanent structure. How about that top
 1071 corner?
 1072

1073 Mr. Gidley- And it looks like this accessory building here, that there's a
 1074 portion of it that appears to come down and extend over on to the property right here.
 1075

1076 Mr. Lawrence- That answers that question. The other question I had, Mr.
 1077 Gidley, is that the adjoining parcel to the west of parcel 4106, which is next to the subject
 1078 property. If I read the staff report correctly, that property is actually... I think we're going
 1079 the other direction. Maybe I've got my directions mixed up.
 1080

1081 Mr. Blankinship- You said west, and he pointed east.
 1082

1083 Mr. Lawrence- Go west. So, if I read the staff report correctly, that property
 1084 is actually zoned residential, but there's a commercial use on the property.
 1085

1086 Mr. Gidley- Let's see here. It's zoned B-3, I believe.
 1087

1088 Mr. Blankinship- Yeah. Is that incorrect on the staff report?
 1089

1090 Mr. Lawrence- Maybe I misread.
 1091

1092 Mr. Blankinship- No, you're right that is incorrect on the staff report. Sorry about
 1093 that. That property to the west is zoned B-3.
 1094

1095 Mr. Lawrence- It is. I thought that was a little curious. Okay. Thank you. That's
 1096 all I had to share.
 1097

1098 Mr. Johnson- I hadn't noticed that.
 1099

1100 Mr. Lawrence- That's all I had, Mr. Chairman.
 1101
 1102 Mr. Johnson- Okay, thank you. Are there any other questions from the
 1103 Board? We will now hear from the applicant.
 1104
 1105 Mr. Coston- Thank you Board. My name is Mark Coston. Just to kind of
 1106 give you a general idea, your question as to the...
 1107
 1108 Mr. Blankinship- I'm sorry can you get a little closer to the microphone please?
 1109
 1110 Mr. Coston- Yes.
 1111
 1112 Mr. Johnson- Pull it up some too.
 1113
 1114 Mr. Coston- The overlay of the accessory building, that was a lean-to off
 1115 of the garage, and that has been removed. It was in poor shape. So, that lean-to no longer
 1116 is there. And the property line goes right down, beside the garage, actually. I just had it
 1117 surveyed yesterday and all the corners for me. The house I'm proposing to build. I've
 1118 asked for 14 to 1600 square foot, which I don't think... The existing house that I purchased
 1119 is 1,050. I think the house on the righthand side, Mr. Jeff's house, is 850-square-foot. I've
 1120 applied for 14 to 16, but odds are that the house I'm going to build is going to be more in
 1121 the 1,000 square foot range to fit the size of the houses that are along there. That's going
 1122 to create more than a 10-foot setback from that property line on each side. And it's not
 1123 uncommon for subdivisions now to have way less than 15, 20 feet, you know, separation
 1124 in the houses. And if you go down the street, Aspen Shades, at the very beginning of the
 1125 street, there are three houses that are very close together. About, a little bit over a cars
 1126 width that you can get in between.
 1127
 1128 At the beginning, yes sir, right there. And then, as you come on down to where my
 1129 property is yes, the spacing is a little bit, a little bit wider. But if you, if you notice too, at
 1130 4114, that lot and 4118 has plenty of space on the right side. And Mr. Jeff's property,
 1131 which is the 4114, 4118, his driveway is on the right side of his house, and he's got all
 1132 that open space on the right side of this house. The left side of his house is basically the
 1133 blind side of his house. Which would be where I'm proposing to build a house. And then
 1134 4110, the house that exists on those two lots, lots 11 and 12, that driveway would be right
 1135 to the front of the house, where the front door is. To the right of the front door. That little
 1136 gray area there in between, that you see now, which is the existing driveway, I would
 1137 move that to the left a little bit. And also, all of these properties have alley access from
 1138 the back. So, if you have any questions. And I want to be friendly, neighborhood friendly
 1139 with this. I want to make sure that there's plenty of spacing between the houses. I have
 1140 already remodeled. If you go back to the picture of the existing house that I bought. It
 1141 looks nothing like that now. It looks brand new. We're actually putting new kitchen and
 1142 bathrooms in it now. The outside is completely redone. The yard's clean and graded. It
 1143 looks nothing like that picture. I wish I had a picture to show you, but we're currently
 1144 working on it. That's what I do, I. I have a little paint company. A little construction
 1145 company. It's all family. And occasionally I will buy houses and fix them up. Our work is

1146 very slow right now because of the economy. With the interest rates and what have you.
1147 So, this is an opportunity in which I could hopefully make a little bit of money and pay
1148 some bills.

1149
1150 Mr. Johnson- You mentioned the space between the houses. I mean, the
1151 width of the houses. I noticed most of them was like 25 feet wide.

1152
1153 Mr. Coston- Yes sir.

1154
1155 Mr. Johnson- I thought you mentioned something was a whole lot larger
1156 than that.

1157
1158 Mr. Coston- Well, the spacing that I plan, I plan on ...

1159
1160 Mr. Johnson- The block, the whole block.

1161
1162 Mr. Coston- Right. I think the County, when I went down and talked to
1163 Planning, said that I have to have a 10-foot setback on each side. Well, I can make that
1164 happen easily with 50-foot, if I did a 30-foot wide house, maybe 40 feet deep, or 30 feet
1165 deep. Still, you'd still have 10-foot from my property, over to his property line. Which is
1166 10-foot to my house. Which should be 20 feet, and then on the other side of my house
1167 that I own now. The little white house, it's not quite 10 feet from that house to the property
1168 line. I think it's more like five feet. But then if I did 10-feet over from that, that'd be 15 feet
1169 on that side and 20 feet on the other side. Which I don't think is unreasonable. These new
1170 neighborhoods that they are building everywhere, I mean, you can't even get your car in
1171 the backyard they're so close together. So, you know, I grew up in this area. Varina area.
1172 Graduated from Highland Springs High School. I'm conscious of the neighbors and, you
1173 know, preservation of the neighborhood and the houses. I love taking an old house and
1174 fixing it up. Putting wind back in its sails. So, I don't build a lot of houses, but I am a Class
1175 A Contractor and what I would do is, I would go to 84 Lumber and get one of their kit
1176 houses. Attractive Kit, locate houses, somewhere in the neighborhood of nine thousand
1177 to 1,100 square feet, and position it on the lot to where it is comfortable spacing between
1178 all the houses. I'm, you know, open for any questions.

1179
1180 Mr. Johnson- Okay. Are there any questions from the Board or staff? None.
1181 Okay. We'll now hear from...

1182
1183 Mr. Blankinship- He's finished.

1184
1185 Mr. Johnson- He's finished, then he can come back afterwards.

1186
1187 Mr. Horn- My turn?

1188
1189 Mr. Blankinship- Yes.

1190
1191 Mr. Johnson- Yes.

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Mr. Gidley- Yes sir.

Mr. Horn- I go by Jeff, but my name is Walter Horn. I live at 4114 Aspen. I've met Mark and I think he's a decent individual. However, by purchasing the home that he has to flip, he essentially got a free lot. And if I were him, I'd probably would go ahead and propose to do what he's doing. But it's important for the Board to know that I spent well over a year looking for a house that would fit my budget, in addition to where I want to live, in terms of space. I took possession of this on the 29th of December last year. And what appealed to me was the fact of the extremely rural-type atmosphere, and yet you could be, had almost all of these amenities nearby. That was an important thing to me. If a home is built in between, number one, it's inconsistent with the development pattern there, for years and years. Now he is right because I checked all the houses. If you go up to the end, the other end of Aspen Shades, there are two houses that are close together. I can't comment on that. I haven't lived here for that long to understand, you know, how that was allowed. But essentially, I'd feel like I was living in a condo, or a townhome, and that's not why I bought that property. So, it's important for me... And I just installed, you can't tell by the photographs, but there was years ago, before I bought it, there was a couple of sheds in the back. Those were removed and then I removed, or sold a wooden storage shed. I don't like clutter. I've just had a fence installed. A four-foot fence for my pup, and I don't want to feel like somebody's breathing down my neck. Essentially, that's, my opposition to this. And there's plenty of other places to build houses, I think that would be much better suited than this crowding if you will. What I perceive to be crowding of, of my home, the spec home, and the flip home.

Mr. Johnson- Okay. Are there any questions from the Board or staff?

Mr. Lawrence- I have one question Mr. Chairman.

Mr. Johnson- Yes.

Mr. Lawrence- The applicant...

Mr. Blankinship- The applicant?

Mr. Lawrence- I'm sorry the neighbor. Excuse me sir. So, you currently own both for 4114 and 4118, is that correct? Those are, those are basically one lot?

Mr. Gidley- Yes.

Mr. Lawrence- Okay.

Mr. Gidley- He does. Yes, sir.

Mr. Lawrence- Thank you.

1238 Mr. Horn- I mean, effectively, if you look at the lots, I could do just exactly
 1239 what he's done. And I don't think that's what you want down there. So, I'd like to stay
 1240 there under the, the current atmosphere. That's why I bought the place. And may I
 1241 approach the bench? I don't know if that's the correct word, but I haven't got my
 1242 binoculars. I'd like to see who you guys are.

1243

1244 Mr. Horn- Mind if I go up there?

1245

1246 Mr. Blankinship- Sure.

1247

1248 Mr. Horn- And the fella that I spoke with is Paul Gidley.

1249

1250 Mr. Johnson- Yes.

1251

1252 Mr. Horn- I kind of gathered that.

1253

1254 Mr. Johnson- Okay.

1255

1256 Mr. Blankinship- Mr. Coston, did you have any remarks to make in rebuttal?

1257

1258 Mr. Horn- Glad to talk to you.

1259

1260 Mr. Gidley- Yes sir.

1261

1262 Mr. Horn- Don't worry, I'm not going to knock you off.

1263

1264 Mr. Coston- I would just like, for the make the board aware that, that lot is
 1265 on the blind side of his house. There is one window. He egresses and regresses from the
 1266 right side of his rear entrance, and not from the front door. And he did just have a fence
 1267 put up. Very attractive. And he and I agreed to be friends regardless of the outcome of
 1268 this. I want you to know that. He's a very nice fella. But he did put up a fence in the back.
 1269 And I'm willing to work with him to put up a privacy fence if he so desires for that. I have
 1270 offered to sell him the lot. I told him, just make me an offer if you want it. I would be willing
 1271 to sell it to him and forget about building the house. He didn't comment on that. Or seem
 1272 to be interested in that. So, basically, that's what I wanted to, but, you know, there is
 1273 reasonable spacing to be worked with there. Thank you for your time.

1274

1275 Mr. Johnson- Did you have anything else to say sir?

1276

1277 Mr. Horn- I'm not familiar with the procedure.

1278

1279 Mr. Johnson- Okay.

1280

1281 Mr. Horn- I am free to move about the country right now, right?

1282

1283 Mr. Blankinship- Yes, sir.

1284
 1285 Mr. Horn- And will this be decided today, or will I get a notice.
 1286
 1287 Mr. Green- Right now.
 1288
 1289 Mr. Blankinship= In just a moment.
 1290
 1291 Mr. Horn- So, I guess I should stick around.
 1292
 1293 Mr. Blankinship- Right.
 1294
 1295 Mr. Johnson- Thank you. Okay.
 1296
 1297 Mr. Johnson- Okay. Anyone else? If not, I move that we deny this variance.
 1298 The house has been on an 11,000-square-foot lot for many years, and most of the other
 1299 houses are in areas that are built on 11,000 square foot lots. Allowing two houses on
 1300 5,500-square-foot lots would change the characteristics of the neighborhood. Again, I
 1301 move to deny the variance.
 1302
 1303 Mr. Pollard- I second the motion.
 1304
 1305 Mr. Johnson- It's been motioned and seconded. All in favor say, Aye.
 1306
 1307 Board- Aye.
 1308
 1309 Mr. Johnson- All opposed say, Nay. All in favor. Motion passed.
 1310
 1311 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **denied** case **VAR2023-**
 1312 **00022**.
 1313
 1314
 1315 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Pollard** **5**
 1316 **Negative:** **0**
 1317 **Absent:** **0**
 1318
 1319
 1320 Mr. Blankinship- The next case is **Variance 2023 number 23**, Brian Perkinson:
 1321 a variance from the lot area requirement to build a single-family dwelling at 4101
 1322 Darbytown Road, in the Varina Magisterial District.
 1323
 1324 **VAR2023-00023 - Brian Perkinson: variance from the lot area requirement to build**
 1325 **a single-family dwelling at 4101 Darbytown Road, Varina. Parcel 830-690-9503.**
 1326 **Zoning: A-1, Agricultural District. Code Section: 24-3204.D. The applicant has 0.93**
 1327 **acre lot area where the Code requires 1.0 acre lot area. The applicant requests a**
 1328 **variance of 0.07 acre lot area.**
 1329

Mr. Blankinship- We do have one person on WebEx who wishes to speak to this case. Is there anyone in the room? Would everyone in the room who intends to speak to this case please stand and be sworn in. Raise your right hands please. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Gidley- Thank you Mr. Secretary. The subject property is located... Sorry about that. Every single one of these.

Mr. Blankinship- Mr. Gidley cannot wait until we hire Miguel's replacement...

Mr. Gidley- Yeah, I can't even hardly sit down this whole morning.

Mr. Blankinship- He's been carrying a lot of weight for several months now.

Mr. Gidley- Before I start, there were two letters of opposition that came in yesterday from the neighbors behind the applicant, and copies of those should have been provided to you. As you can see here, the subject property is located southwest of the intersection of Darbytown and Turner Road. The land at the intersection to the east of the property is zoned B-3 Business District. The surrounding residential areas are zoned A-1 Agricultural. Most of the homes in the area are on lots that range from one to two acres in area, including the nearby subdivisions of Darbytown Estates, Philips Woods, Turner Woods, and Varina Chase. The applicant's property contains 1.93 acres of land. It is improved with a single-family dwelling and detached garage. The property currently complies with the Zoning Ordinance, which requires one acre per lot. The homeowner would like to divide the property to allow construction of a second dwelling. Because the lot is less than two acres total, it cannot be divided into two lots, each of which has an acre, as required by the Zoning Ordinance. As a result, the owners are proposing to keep the home on one acre, and to create a second, substandard, lot of .93-acres, which would not meet the legal requirements for a new lot. As a result, he has applied for the variance for the lot area. I would note the applicant acquired the property on October 3rd, and he applied for the variance a week later, on October the 10th. In evaluating this request, as I noted earlier, over on the east side, all this is zoned business B-3 Business, but the rest of the area is A-1 Agricultural. The property, as it currently stands, is not unreasonably restricted. You have an A-1 zoned lot that meets the Zoning Ordinance standards and has a home on it and that's consistent with the surrounding development pattern. As you can see here, when he wrote the staff report, Mr. Blankenship, going west, took the next 11 lots. And if you average those 11 lots out, their average size is 1.93 acres. The same as the applicant's current parcel. So, what they have is very consistent with the surrounding area and is not unreasonably restricted. So, staff does not believe this first test is met. The second test is not met, this proposed lot does not even exist, and the one-acre requirement has been in effect for decades. So that's not met. And this has nothing to do with accessibility for a disabled person. So, none of the three Threshold tests are met. So the applicant really doesn't meet the requirements for a variance. In conclusion, the applicant only acquired the property last month, while staff can sympathize with this desire to maximize its value, the legal requirements for variance are not met. It's hard to

1376 argue the property is unreasonably restricted when the applicant's 1.93 acres is the same
1377 as the average of the next 11 Agricultural zoned lots along the road. The existing home
1378 is a reasonable use and is consistent with the surrounding development. Secondly, the
1379 courts have ruled the inability to divide the property is not a hardship. And finally, as noted
1380 in one of the letters of opposition, you know, where do you draw the line if .93 is enough,
1381 what about .8? The Board of Supervisors has decided one acre is the requirement, and
1382 that's what everyone else is expected to meet. There's no reason to grant an exception
1383 here. As a result, staff recommends denial of this request. This concludes my
1384 presentation. If y'all have any questions, I'd be happy to answer those. Thank you.

1385
1386 Mr. Johnson- Are there any questions from the board for staff?

1387
1388 Mr. Lawrence- I did, Mr. Chairman.

1389
1390 Mr. Johnson- Yes, go ahead.

1391
1392 Mr. Lawrence- Mr. Gidley, I noticed in reading the application, the applicant
1393 failed to answer questions two, three, and four. Did I read that correctly? I did not see a
1394 response to any of those three questions.

1395
1396 Mr. Johnson- I noticed that.

1397
1398 Mr. Gidley- You are correct, sir.

1399
1400 Mr. Lawrence- The other question I have is the existing parcel... Do I
1401 understand correctly, the existing parcel adjoins a service station and a convenience
1402 store?

1403
1404 Mr. Gidley- This is business zoned down here. Let's see here.

1405
1406 Mr. Blankinship- I think there's one house in between.

1407
1408 Mr. Gidley- Yeah, I think there's one house here. Although it may be B-3.

1409
1410 Mr. Blankinship- Yeah, the existing house is B-3 zoned.

1411
1412 Mr. Gidley- Yeah.

1413
1414 Mr. Blankinship- Next door, not this one.

1415
1416 Mr. Lawrence- So, I guess, just to follow that question. The applicant, if he
1417 chose to, wants to do something different to this property, he could apply for a rezoning
1418 since he's adjoining B-3 property, is that correct? I mean, it might not be granted, but that
1419 would be an option for him?

1420
1421 Mr. Gidley- Yes sir, he could apply, certainly.

1422
1423 Mr. Lawrence- Okay. Thank you.
1424

1425 Mr. Johnson- I also noticed that with the house... he just bought the house
1426 and now he wants to split the parcel.
1427

1428 Mr. Gidley- A week later he applied for a variance.
1429

1430 Mr. Johnson- A variance to get the other house as well, on the other
1431 property. Okay. The desire for maximum value. This hasn't even been a month or two
1432 since he got the house. Now he wants to make another change to it?
1433

1434 Mr. Gidley- Yes sir. That is correct.
1435

1436 Mr. Johnson- And most of the houses are, you said an acre and above.
1437

1438 Mr. Gidley- Yes sir. If you take the A-1 zoned properties along here, as I
1439 noted the next 11 houses, and you average the lot size, it's the exact same as the
1440 applicant's current parcel. 1.93-acres.
1441

1442 Mr. Johnson- Yes. Okay.
1443

1444 Mr. Gidley- So, it's very consistent now.
1445

1446 Mr. Johnson- Okay. Okay, is the applicant here?
1447

1448 Mr. Blankinship- Also Mr. Chair, while he's going to the podium, let me just call
1449 to your attention to two emails that, again, came in after the packet was printed. So, they
1450 have been left on the table for you this morning. And I believe the author of one of those
1451 emails is the person who's on Webex.
1452

1453 Mr. Johnson- Okay.
1454

1455 Mr. Perkinson- Good morning. My name is Brian Perkinson. I am the owner
1456 of Perk-Prev, LLC. and Parkinson's Home's. I'm a 3rd generation custom home builder.
1457 And yes, I did purchase 4117 Darbytown Road in October for the purpose of remodeling
1458 that structure. And then, yeah, selling it to hopefully a young couple or an individual who
1459 can actually afford to have their own home and live the American dream. Like, most of us
1460 in here probably have. I've been a custom home builder for 25 years. Again, 3rd
1461 generation. My intent, and I'm sure there's a lot of opposition, and it's not even probably
1462 worth a shot doing this, but we have an issue. A major, major issue in this county, and it
1463 is affordable housing. Not only in this county. It is the entire country right now. I build
1464 houses averaging from 1.8 to four million dollars. That's ridiculous. My grandfather built
1465 houses for 15 to 20,000 dollars. They were brick masons and stone masons. So, I'm not
1466 here to really expect that I'm going to be granted the variance, but I would definitely like
1467 the option to get heard. Why I am applying for this variance? Because number one, the

street frontage of this property lends itself to the sight lines that it is a vacant lot. And apparently the person who bought it prior to me cleared everything out, minus the stumps, which looks horrendous for the streetscape. Darbytown Road, right through there, you know, I rarely go through that area, but it's a very nice, quiet Agricultural zoned acre-plus community that's been standing there for many, many years. I was shocked to see a Dollar General in a loop right there. So, I said what the heck, I'm going to come and see if I can get a variance to put another single-family structure next to it. I'm not sure of the issue of the timing. I'm looking to take this house at Darbytown, paint the brick white, put up black shutters, rehab the complete inside of it. I know there's some opposition that has written in some emails that there's a fence on the property. I didn't erect the fence. The fence was there. There's a pole-barn built out of cedar poles. That's coming down. There's a lot of ugly stuff quite frankly that I'm sure the neighboring properties don't like to see. My intent is to completely clean that up, unless people want that to create character within that neighborhood, but I don't believe it does. So, I am here to ask for a small variance. And I understand the line has got to be drawn somewhere, but this is my first time, frankly, doing this. I build custom homes. If I was to subdivide this and get a lot out of it. I'm looking to offer someone, like my children coming through college in the next 3 or 4 years, getting out, making two livings, having a college degree, in debt to be able to afford a house. It's the American Dream. That's not even looked at anymore. Especially in crowded communities like we have in the Richmond Metro Area. Again, I don't, I don't live in this. I don't build or do business in this type of arena very often. But a wholesaler contacted me about this property, and yes, I'm slower due to the economy right now, so I bought the property to refurbish it. And hopefully the opposition and the neighbors definitely see the value in what that will do for their property. And get someone that actually owns the home, not a slum lord. That house right now looks like someone had been renting there for years, and years, and years. There's junk, there's trees, there's batteries. There's just stuff that doesn't look conducive to the white house next door, that's a cute little house and I think someone should have an opportunity to have homeownership and live the American dream for less than 350,000 dollars. And that's probably not enough to get a variance, but that's why I'm here to ask. The American dream is gone, it seems like. Kids can't afford. We often wonder why do we have so many apartments? When are they going to stop building them? Yeah, you guys tell me. Maybe I missed the game on that. But I'm looking to get into that and make a dollar. I Appreciate the time. I really do feel that the sight lines and the value of separating a lot because of the sight lines if its twice the road frontage than everybody else on that street. But I do understand that depth is there. It would definitely increase the value of neighboring property. Rather than leaving it as is and letting a "landlord" rent it out to somebody. I know that. I don't know if you can bring up the pictures of the west side of the lot, but it's probably not indicative of what the lot looks like in its current state. Whoever owned it before, probably illegally came in and just cut the logs off at the stump. Yeah, that's it. I think if we've got anybody that knows what it looks like in here now, it looks totally different than that. It looks horrible.

Mr. Blankinship- Well, these pictures were just taken like two or three weeks ago.

Mr. Johnson- Yes.

1514
1515 Mr. Perkinson- Yeah. That's not what it looks like. It's completely clear and I
1516 didn't clear it. And I think that was in some oppositions note that I had erected a fence
1517 and cleared the property. But I actually didn't.
1518
1519 Mr. Johnson- I also want to know the house you brought up there. Now,
1520 have you looked, the other houses around that area how the acreage and all for those
1521 houses?
1522
1523 Mr. Perkinson- I'm sorry, you're asking about the acreage at the house I
1524 bought, or?
1525
1526 Mr. Johnson- Yeah, all of them in the same neighborhood and how's the
1527 size of each one of them?
1528
1529 Mr. Perkinson- But what brought this to my attention is the house directly to
1530 the east. The cute little white house there is definitely not two acres.
1531
1532 Mr. Blankinship- Yeah, that one is commercial zoning, so that one is a little
1533 different.
1534
1535 Mr. Perkinson- Yeah.
1536
1537 Mr. Johnson- Right.
1538
1539 Mr. Perkinson- And I don't see where a commercial zoning would fit the need
1540 of...
1541
1542 Mr. Johnson- But now you want to split that in half to put another house
1543 there as well.
1544
1545 Mr. Perkinson- Yes, sir.
1546
1547 Mr. Johnson- But the other houses in the neighborhood are not doing that.
1548
1549 Mr. Perkinson- So, what you're saying is that that house to the east is
1550 commercially zoned.
1551
1552 Mr. Blankinship- Yes.
1553
1554 Mr. Perkinson- So, maybe I should get it commercially zoned? But I think I'd
1555 have more opposition. I don't want to do that. I don't, I don't, you know, that's not what
1556 I'm here to do. I did not know that was commercially zoned. That's very intriguing. I mean,
1557 because of the value of commercial property, I could make a whole lot more profit going
1558 to commercial, obviously. And given that it's a gas station there, then I should, but...
1559
1560 Mr. Johnson- Okay.

1561
 1562 Mr. Perkinson- Thank you for that.
 1563
 1564 Mr. Blankinship- You want to hear from the people on WebEx?
 1565
 1566 Mr. Johnson- Yes.
 1567
 1568 Mr. Blankinship- Is there anyone else in the room who wishes to speak to this
 1569 application? Okay. There is one person on WebEx. Hello, do we have one person on
 1570 WebEx?
 1571
 1572 Ms. Konigsburg- Good morning. Can you hear me.
 1573
 1574 Mr. Blankinship- Good morning. Yes.
 1575
 1576 Ms. Konigsburg- Hi. This is Sarah Konigsburg and Matt Clough, we are
 1577 residents of 7850 Turner Road, we are the people that sent the two emails in opposition.
 1578 If we wanted to talk about the American dream. If we're trying to make this an emotional
 1579 appeal. We are able to have our American dream happen as a young couple by buying
 1580 our property, which is over three acres and a 2,100-square-foot house, for less than
 1581 200,000 dollars just several years ago. Since then, everything's skyrocketed in Varina.
 1582 There's two houses on the street near us that used to be 120,000 dollars. He's trying to
 1583 say that 350,000 dollars is an attainable goal for somebody to live across the gas station
 1584 on less than an acre of land. I don't need to argue this because the ordinance already
 1585 does. Where one acre, a house an acre is what it's zoned for, and that's that. So, I
 1586 appreciate the staff's recommendation to deny the application and I appreciate your time.
 1587
 1588 Mr. Johnson- Okay.
 1589
 1590 Ms. Konigsburg- Did you want to add anything? Thank you so much.
 1591
 1592 Mr. Pollard- Thank you.
 1593
 1594 Mr. Johnson- Thank you. Okay. Any questions from the Board for the
 1595 applicant? Okay. In that area, the properties range in area from 1.12-acres to 2.91-acres.
 1596 Now those are the averages. And then, now we're noticing that they were getting less
 1597 than that. Someone wants something under an acre, which also ... Anyway, do we have
 1598 any others?
 1599
 1600 Mr. Blankinship- A motion would be in order; we are done with speakers. I'm
 1601 sorry?
 1602
 1603 Mr. Johnson- Do we have anyone else?
 1604
 1605 Mr. Blankinship- No, that is it.
 1606

1607 Mr. Johnson- Okay, with that, having less than an acre, and then it would
1608 be like getting two for one. Anyway. I move that we deny the variance. The other houses
1609 along this stretch of Darbytown Road are on the same size property. Now, the property
1610 meets the lot area requirement for one dwelling, but not for two dwellings. There is no
1611 reason to allow this property to be divided when other lots of the same size cannot be
1612 divided. Once we start doing that, we cause another conflict. Again, I am move we deny
1613 the variance.

1614
1615 Mr. Pollard- I second the motion.

1616
1617 Mr. Johnson- It's been motioned and seconded. All in favor say, Aye.

1618
1619 Board- Aye.

1620
1621 Mr. Johnson- All opposed? None opposed. Motion passed.

1622
1623 Mr. Blankinship- We're recording that as 4-0, with Mr. Green absent.

1624
1625 Mr. Johnson- Yes.

1626
1627 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **denied** case **VAR2023-**
1628 **00023.**

1629
1630 **Affirmative:** **Broadway, Johnson, Lawrence, Pollard** **4**
1631 **Negative:** **0**
1632 **Absent:** **Green** **1**

1633
1634
1635 Mr. Blankinship- Alright, the next case is **Variance 2023 number 24**, Lance
1636 Wachholz: variance from the lot width requirement to build a single-family dwelling at
1637 7102 Club Road, in the Hermitage Club Terrace Subdivision, in the Fairfield Magisterial
1638 District.

1639
1640 **VAR2023-00024 - Lance Wachholz: variance from the lot width requirement and lot**
1641 **area requirement to build a single-family dwelling at 7102 Club Road, Hermitage**
1642 **Club Terrace, Fairfield. Parcel 781-750-5038. Zoning: R-2, One-Family Residence**
1643 **District. Code Section: 24-6402.A.2. The applicant has 6,900 square feet lot area**
1644 **and 50 feet lot width where the Code requires 11,000 square feet lot area and 65**
1645 **feet lot width. The applicant requests a variance of 4,100 square feet lot area and**
1646 **15 feet lot width.**

1647
1648 Mr. Blankinship- Would everyone who intends to speak to this case please
1649 stand and be sworn in. Raise your right hands please. Do you swear that the testimony
1650 you are about to give is the truth, the whole truth, and nothing but the truth, so help you
1651 God? Thank you. Alright, Mr. Gidley.

1652

1653 Mr. Gidley- Yes sir. Okay, the subject property is located just east of the
1654 Lewis Ginter Botanical Gardens. This is another one of those old subdivisions where you
1655 have several narrow, mostly 25-foot-wide lots that people combined into larger buildable
1656 lots. In this case, the subdivision was recorded in 1924, and was zoned R-4 Single-Family
1657 Residence until 1960. In 1960, the Board of Supervisors rezoned the neighborhood to R-
1658 2 One-Family Residence District in order to encourage larger lot sizes. The property
1659 consists of four narrow lots taken together, that are 101 feet wide, but just under half an
1660 acre lot area. I would note all, all four lots have been held in common ownership since the
1661 subdivision was recorded in 1924. So, they've been under common ownership for 99
1662 years. Because these narrow lots predate subdivision review and approval, they are
1663 subject to the reduced standards in Table 6402 of the Zoning Ordinance. In the R-2 district
1664 these include 11,000 square feet of lot area required, and 65 feet of lot width. The property
1665 currently meets the requirements for the one dwelling that it contains, but not for two
1666 dwellings. Dunamis Holdings acquired the property in February of this year. They would
1667 like to retain the existing dwelling on two lots and convert the other two into a separate
1668 building lot. The proposed lot would only have 6,900 square feet of lot area and 50 feet
1669 of lot width, versus the required 11,000 square feet of lot area and 65 feet of lot width. As
1670 a result, they have applied for lot area and lot width variances. I would note that if the lots
1671 containing the home we're divided, then the lot with the home on it would also no longer
1672 meet the lot width requirements. So, they would have to obtain a second variance as well
1673 for that property. While the property from the street looks rather large, the lot width of the
1674 home's property actually extends over 20 feet into this area. So, the actual lot being
1675 requested is much narrower than this looks from just standing on the street. And again,
1676 you can see here the lot line extends out quite a ways from the actual house. So, it's a
1677 much narrower property here. Anyway, in evaluating this request, looking at the three
1678 Threshold tests, is a property unreasonably restricted? Staff's position is no, it's been
1679 under common ownership for 99 years and contains an existing dwelling. That appears
1680 to be a reasonable and beneficial use of the property. This is the home here. And again,
1681 you know, a home here like this, on a half-acre, is a reasonable use. The second test
1682 involves whether there is a hardship present that predates the Zoning Ordinance
1683 requirement. As noted, the Courts have noted the inability to divide a property does not
1684 constitute a hardship. And obviously, this is not about accessibility for a disabled person.
1685 So, staff doesn't believe any of the Threshold tests are met for a variance. In looking at
1686 the subtests, we don't believe three of them are met. The first one, the desire to take a
1687 legal parcel that's been under common ownership for 99 years and create a parcel that
1688 does not come close to meeting lot area requirements is self-created, which is a violation
1689 of the first subtest. The second subtest deals with detrimental impact. As you can see
1690 here, the other homes on this section of Club Road are typically on three or more lots,
1691 which provide an element of spaciousness, privacy, and likely increase property values.
1692 There was some comment about the adjacent home here, which is at 7106. That's not a
1693 good view. 7106, it is on two lots. It was built in 1951 when the neighborhood was zoned
1694 R-4, and when it was built, it did comply with the standards in effect at the time. As I noted
1695 in 1960, the neighborhood was rezoned to encourage larger lot sizes. And finally, subtest
1696 number three asks if this is a general and reoccurring situation so that the Board of
1697 Supervisors could address with a code amendment. The new zoning ordinance does in
1698 fact contains reduced standards for these older lots. However, as I noted, the proposed

1699 lot comes nowhere near to meeting even these reduced standards. In conclusion, the
1700 property does not appear to meet any of the Threshold tests required for a variance. In
1701 addition, it fails to meet three of the five Subtests. As a result, staff recommends denial
1702 of this request. This concludes my presentation. If you have any questions, I will be happy
1703 to answer those. Thank you.

1704

1705 Mr. Johnson- Are there any questions from the Board?

1706

1707 Mr. Lawrence- I had a question, Mr. Chairman.

1708

1709 Mr. Johnson- Sure. Okay.

1710

1711 Mr. Lawrence- Mr. Gidley, the applicant states in his application that there are
1712 many nonconforming lots in the immediate neighborhood. Can you enlighten us as to how
1713 many of these there are, and how many of these were built since 1960 when the
1714 neighborhood was rezoned from R-4 to R-2?

1715

1716 Mr. Gidley- Okay.

1717

1718 Mr. Lawrence- Not exact numbers, but maybe you can give us a ballpark.

1719

1720 Mr. Gidley- Let me get the expanded aerial up here. I didn't go through
1721 every lot here. I focused more on the immediate block face here. It looks to me, Mr.
1722 Lawrence, that these lots here going to be larger than the applicant's proposed lot and
1723 that these would meet the requirement for older R-2 lots under the existing zoning. So,
1724 the only one I'm aware of that has a home on it, or actually two, this may be a little bit
1725 narrow here. A variance was granted here to allow this home to be built. But again, these
1726 lots here, you know, they have dwellings on them, and this was vacant. And staff typically
1727 will look at allowing someone to make reasonable use of their property. So, rather than
1728 leaving it vacant. Typically, you can meet the first Threshold Test, but in this case, this lot
1729 already has a home on it. So, they're ahead of where these folks were. And again, this
1730 one here, next door, it was developed prior to the rezoning change, and met the code in
1731 effect at the time. Does that answer your question?

1732

1733 Mr. Lawrence- It does. The lot that you're referring to on the corner of
1734 Terrace, I'm not sure what the name of the other street is, now has a home on it. So, a
1735 variance was granted there, but that's a corner lot? There was no existing structure on
1736 the property. Is that right?

1737

1738 Mr. Gidley- Yes sir.

1739

1740 Mr. Lawrence- Do you have any idea when that variance was granted?

1741

1742 Mr. Gidley- I think it was 2003 maybe, or 2008. It's fairly recent.

1743

1744 Mr. Lawrence- I know the legal standards changed substantially since then
1745 too.

1746
1747 Mr. Gidley- Even then, they could come in and say I have no reasonable
1748 beneficial use, I just have a vacant lot. Whereas the applicant's property has a home on
1749 it now. So, then the big question would be, could it be developed in a way that it's not
1750 detrimental to the adjacent properties. And, as you said, it's a corner lot, which helps.

1751
1752 Mr. Lawrence- Okay, thank you.

1753
1754 Mr. Blankinship- If I can just add a little bit to that. Could you zoom in on those
1755 lots on Tanya Avenue, please.

1756
1757 Mr. Gidley- In the middle here?

1758
1759 Mr. Blankinship- Yeah, the smaller ones there. That's good. I was just looking
1760 at the subdivision plat while you were speaking, and those are all also, originally, 25-foot
1761 lots. So, what's happened there is the homeowners have assembled several of those lots.
1762 To me you can see that's wider than the 50 feet just to the north of the subject lot. So,
1763 they've probably assembled enough to meet the 65-foot-wide lot width that has been in
1764 effect since 1960. So, in one sense, they are nonconforming lots. But in the other, they
1765 meet those standards that the Board of Supervisors put in place to address this issue.

1766
1767 Mr. Lawrence- Thank you.

1768
1769 Mr. Gidley- Yes, sir.

1770
1771 Mr. Blankinship- Are you ready to hear from the applicant?

1772
1773 Mr. Johnson- Yes, we can hear from the applicant now.

1774
1775 Mr. Waterworth- Good morning, everybody. My name is Thomas Waterworth.
1776 W.A.T.E.R.W.O.R.T.H. The applicant, Mr. Wachholz, is in Georgia. His mother-in-law has
1777 passed and he's at a funeral, and he has asked me to, to stand in his place. Hopefully
1778 that's sufficient. With respect to the questions that were going immediately, I'd like to
1779 call... you guys don't see it on that particular plat map, because the aerial, the annotation
1780 for the aerial, 2022 is blocking. But on the corner of Club and Hilliard Road, there are six
1781 properties that abut one another. You can see two of which now. All six of those properties
1782 along Hilliard Roads are in fact 50 feet directly. They were all assembled from two lots
1783 and built exactly in that same way that we're asking. The adjacent parcel to 7100 Club as
1784 well, is exactly that 50 feet, as well. There are 11 such lots at 50 feet inside of the
1785 Hermitage Club Terrace neighborhood. Seven of which have homes built upon them. And
1786 that's, and that's in your packet there as well, all addresses for those. Furthermore,
1787 speaking about hardships, obviously, these were originally four lots that were constructed
1788 and then rezoned creating... We also didn't understand the application at the time, and I
1789 know that was the case earlier on, when we said that there is no hardship, but when there

are four lots, and then a Zoning Ordinance comes about to suggest that you can't build it, nobody understood. Nobody understands the original intent of the owners. They may have decided, or wanted to subdivide at some juncture along the way and the zoning variance could have prohibited them from doing such.

Next in your packet, you'll see a market analysis. I'm a real estate agent, and I own a real estate company here in Henrico County. And in doing the market research for these properties, my intention was to show demand for these properties. On the fourth page here, you'll note that there are, there are three total sales in here. One is active, one is pending, and one is sold. The average days on market for properties in this particular area are three. Sellers received 111% of their original list price, because the area is in such high demand. And as Mr. Perkinson had said in his previous statement, the demand and need for housing is dire. There's been multiple articles published recently, in Richmond Bizsense and in the Times Dispatch, talking about a housing crisis, and how the local municipalities are acting towards resolving that issue. This is a relatively dense area. We're not talking about Varina. We're not talking about acres of property here. We're talking about reasonably divided properties to provide housing. The median home price for central Virginia right now is at \$400,000. All of my market research suggests that that's exactly where this property would land. If not somewhere within a \$10,000 up or down, or above for a house that would be constructed here. So, ultimately, the applicant isn't looking for anything new, or unordinary. They're looking for the same treatment across the board, which we've seen in this particular neighborhood. And then when we talked about devaluing the property, or doing the same, I've attached two sales. These are properties of Dunamis Holdings. One that was done on 4415 Augusta Avenue. The first one that is, that is illustrated in your packet was a sale price of \$550,000. That's when they purchased the property. The property then went through a variance, or a special use permit, in the city of Richmond, in which the lot was divided. On the 2nd page, they were granted that variance, and a home was built next door. That house sold for \$975,000. And then the divided property, with a smaller lot, was then resold for \$875,000. So, from a financial hardship perspective of the neighbors, this will not devalue anybody's property. These are quality homes that will be built and sold to people that desperately need to have property here. Furthermore, the existing property now, has already been renovated. It's gone through a series of renovations during their ownership. The original intent was to have that property be a rental property, but much of this decision has bearing on what will be done with the property in terms of fit and finish, and how it will be treated moving forward. The second, to last page is an example. It's a picture of the front of the house. This would be similar to what's currently, similar to what's currently constructed on the existing 7100 Club. The intention would be to build something that would mimic the look and feel of the property. Front porch, front steps, Cementitious fiberboard siding, new windows, an open concept that would provide a nice house in the neighborhood of about 1500 square feet for the new owner. Happy to take any questions.

Mr. Johnson- Are there any questions there any questions for the applicant?

Mr. Pollard- The ones on your road that you reference, any idea when those lots were created?

1836
1837 Mr. Waterworth- I'm not certain about the date of those lot's creation.
1838 Otherwise, they're on the original plat map. That's on page two. And this plat map
1839 predates the Zoning Ordinance. And you can see all those along Hilliard Road there.

1840
1841 Mr. Johnson- Thank you. Okay. Are there any in support of the applicant?
1842 Are there any in opposition?

1843
1844 Mr. Blankinship- Line up.

1845
1846 Mr. Johnson- Okay. Line up.

1847
1848 Mr. Pollard- And we asked that you all who are sitting together, y'all raised
1849 your hands together. We all know you're in opposition. So, we see you. And so, it is your
1850 right during the public comments period to speak, but we ask you don't repeat. So, if
1851 someone says exactly what you're going to say don't say it. We hear you loud and clear.
1852 Thank you.

1853
1854 Mr. Ward- Dear Board members. Thank you for the opportunity to
1855 express my opinion on this matter. My name is Jessie E. Ward, III, owner of the house
1856 located at 7004 Club Road, with my wife who is with me today. We're both in opposition
1857 of the County giving Lance Wachholz with Dunham Holding, LLC. a variance to build a
1858 house on two 25-foot lots, which first must be subdivided from the existing... property
1859 located at 7100 Club Road. This does not meet the County's existing building codes for
1860 the setback requirements. First of all, I'm a little confused. The original document that was
1861 sent to us had the addressing of the property at 7102 Club Road. That address already
1862 exists.

1863
1864 Mr. Blankinship- We're a little confused by that too, sir. The existing 7102 is
1865 badly out of line. It's all the way at the other end of Club Road, and if this were approved
1866 we would figure that out, but yes, it, it is a confusing situation.

1867
1868 Mr. Ward- He also owns 7104.

1869
1870 Mr. Blankinship- Yes.

1871
1872 Mr. Ward- The second was, of course the area based on the house
1873 doesn't the 50-foot lot requirement doesn't meet with overhang the setback
1874 requirement. And the most that we've been able to figure out that, of course with a
1875 variance, they would be able to build a bigger house than one 18-feet wide. Because the
1876 setbacks are what, 15-feet from each side of the house? That's what I saw on the original
1877 R-3 rating, R-4 rating. Third, it will increase the amount of traffic in our small
1878 neighborhood, which has limited parking space. They would have to provide a driveway
1879 for the off-street parking, as all the houses in the neighborhood have an existing driveway
1880 for off-street parking, as the street is not wide enough to support more than two-way traffic
1881 on the narrow roadway. Parking on the street in our neighborhood would make it very

difficult for fire and emergency vehicles to maneuver. This would also increase the fire hazard. If the Board were to approve this variance, I would further request that the house were made architecturally suitable to match the existing homes on either side. There already exists an outstanding drainage problem in the back of 7107 and 7106 Club Road. Additional buildings would add to the problem that would have to be fixed if the Board approves this variance. I also have a signed affidavit from the residents of our immediate area, that are also in opposition, and I wish to present that to you right at this moment. I feel that the additional house squeezed into this lot would lower the property values of the surrounding structures and would look totally out of place in our neighborhood. It would be sandwiched in between two larger homes. Thank you for your time. Do you have any questions?

Mr. Johnson- Any questions from the Board?

Mr. Pollard- Not at this time. Thank you.

Mr. Ward- Thank you.

Mr. Woodson- Good morning. My name is Bruce Woodson. My wife and I live at 7106 Club Road. The adjoining property to the proposed construction. And I am in opposition to any new construction there. I hold no animosity to the present owner, but he purchased this property under complete knowledge of what the current standards are and to make any changes do not meet those standards, which is why we're here today. Aside from Carolyn and I falling in love with the neighborhood 24 and a half years ago and moving into 7106 Club Road. We moved there because of the character of the neighborhood, which was a spacious neighborhood. While we have one of the smallest lots, the adjoining lots made it feel like we were in a larger neighborhood, and it fit our budget, and we've fallen in love with it. Basically, it's like living in Mayberry. We're in opposition to any change to that look, feel, and character. And, as Mr. Ward did say, and I would like to expand on the concern of the watershed. Any further displaced water will be a big problem for my garage. Which is at the back corner of that lot at 7106. I don't think you see topographical on your views, but it, it aims down to that bottom corner where my garage currently sits and it's just barely surviving heavy rainstorms now. Any additional water runoff will be a problem and would need to be addressed by either the builder or Henrico, I would hope. Or we're going to have a problem with that. I'm a car lover, as well as the earlier gentleman, and I would love to have expanded onto our garage to carry some extra antique cars as well, but I've respected the neighborhood. The parameters that are in place, and I never even thought to, to try to expand on that garage, because it would have looked out of character with the neighborhood. And I didn't feel that was appropriate. So, if I don't go for myself, I can't support any other construction. Thank you for your time. Do you have any questions?

Mr. Johnson- Also, I noticed that right there, both houses, there's a steep slope down front to the back.

Mr. Woodson- That is correct.

1928
 1929 Mr. Johnson- On all of them.
 1930
 1931 Mr. Woodson- Yes, you're looking back, you just see our garage on the right
 1932 side of the screen there. So, it is an issue with water. And even our basement of the house
 1933 is going to be at a low level. Any further water impact would be a problem for us. Thank
 1934 you.
 1935
 1936 Mr. Johnson- Also, you probably have that problem on the house next to
 1937 you as well because.
 1938
 1939 Mr. Woodson- That would be correct. The ground continues on down and it
 1940 feeds into the creek that runs under Lakeside down by the country club. And if you're
 1941 familiar with it, you know, that pretty much is at maximum capacity and then any
 1942 substantial rain. So, it will be a problem.
 1943
 1944 Mr. Johnson- Okay. Next up.
 1945
 1946 Ms. Woodson- Good morning. My name is Carol Woodson. W.O.O.D.S.O.N.
 1947 I also live at 7106 Club Road. With all the opportunity for growth and development in
 1948 Henrico, I don't see putting a house there and changing the characteristics of our
 1949 neighborhood as a positive thing. Thank you.
 1950
 1951 Mr. Johnson- Thank you.
 1952
 1953 Ms. Chandler- Good morning. My name is Linda Chandler. C.H.A.N.D.L.E.R.
 1954 I live at 7156 Club Road. Right next door to 7104, 7102, owned by Delores Hartman. She
 1955 passed away last year. She had lived there for over 60 years. I miss her. We at 7156 Club
 1956 Road, we face the golf course, we face the irrigation pond. And since the properties were
 1957 built, when the property was built prior to the most recent zoning by Henrico. One side of
 1958 our house is not 10 feet away from 7104, but on the other side we have quite a bit of room
 1959 left over. And little did I know how lucrative the purchase was because we actually have
 1960 more than enough land to build another home based on the lot size that this guy is
 1961 requesting. However, I didn't feel like it was in character with the neighborhood. I liked
 1962 the lot sizes when we moved there 22 years ago. It was one of the reasons we bought it.
 1963 There was adequate room for gardening. I also feel that the gentleman who was
 1964 representing the limited liability company, somewhat exaggerates the ability to sell a
 1965 house in that neighborhood, for that amount of money. I just don't think that's possible.
 1966 And I think that everybody wants the American dream, but I want to hold on to mine. And
 1967 I think that this would be a terrible addition for this area. Since moving there, small families
 1968 have moved in. They've increased the value of their properties by taking care of it. When
 1969 we moved in, it was a mess. On 7104. My property, the road, the Henrico County Road,
 1970 ends in front of my driveway. Beyond that is unimproved county road where there was a
 1971 debris pile taller than a one-story home. And when I talked Henrico County into coming
 1972 to clean it up, when they brought in the front loaders and two dump trucks, it looked like
 1973 a herd of turtles had laid their eggs, because all the golf balls were in there. But now,

1974 people can walk through. You can actually walk through. We actually mow the
1975 unimproved County road to keep it clear. We mowed Delores Hartman's, 7104/7102, we
1976 mowed her lawn for 10 years because she was sick and unable to do it, and her son lives
1977 up on Campbell's Mountain Road. I asked you to not approve this. I do not feel that it is
1978 an appropriate addition to our neighborhood. We have a vested interest. We bought our
1979 home in there. A lot of families have bought their homes in there. I would think that right
1980 now, building a home in light of the interest rates, people will not be able to buy it. It will
1981 become a rental property, just like 71, the property that they want to subdivide it from. It
1982 is a rental property. In real estate, property, the values increase when it's homogenous.
1983 And I really think that having another rental property, in light of it all, would be a serious
1984 detriment to the neighboring properties. I do not choose to subdivide my property just to
1985 become richer, because I want the neighborhood to remain the way it is. It's a wonderful
1986 place. I asked all of you to walk our neighborhood. It's a wonderful place. And I can
1987 understand why someone would want to build a house in there. But on that size lot, when
1988 you come off of Lakeside Drive, and you turn onto Club Road, you have to make an
1989 immediate left and that is so crowded there. And I noticed that on the proposal here they
1990 do not even show where they're going to put the driveway. Where's the driveway going?
1991 Smack-dab in the middle of the front door? How appropriate is that? I ask that you do not
1992 approve this. Thank you for your time.

1993
1994 Mr. Pollard- Thank you.

1995
1996 Mr. Johnson- Thank you.

1997
1998 Mr. Shepardson- Hello, my name's Ramsey Shepardson. 7101 Club Road.
1999 Right across the Street. I also have a pretty big lot in the neighborhood. It's a cleared
2000 property that I could build a house on, if I wanted to, but I wouldn't do that to, to my
2001 neighbors. I wouldn't do that to anybody. It doesn't really look like it's going to fit in our
2002 neighborhood. So, I don't know if it's going to take, take the property value down, or up,
2003 or what it's going to do, but I just, I don't want it in our neighborhood. That's all I've got to
2004 say.

2005
2006 Mr. Johnson- You said 7101?

2007
2008 Mr. Shepardson- 7101 Club Road.

2009
2010 Mr. Johnson- Okay. Anyone else? Okay.

2011
2012 Mr. Blankinship- Mr. Chair, before we have rebuttal, just let me answer Mr.
2013 Pollard's question. Of the six houses on Hilliard Road, in that section, that are on 50-foot
2014 lots; one was built in 1927, three in 1940, one in 1952, and one in 1954.

2015
2016 Mr. Pollard- I thought so.

2017
2018 Mr. Blankinship- Alright.

2019

2020 Mr. Johnson- Thank you. Okay.

2021

2022 Mr. Blankinship- Mr. Waterworth, do you have any rebuttal?

2023

2024 Mr. Waterworth- Thank you all. Thank you for everybody in opposition too. It's

2025 important to get community feedback on all these things and I do appreciate all of the

2026 sentiment. It is a wonderful neighborhood. It's a beautiful neighborhood, and it deserves

2027 to stay exactly a beautiful neighborhood. I do want to address a couple questions about

2028 the number on the application, in terms of what the address of that property would be.

2029 We weren't sure and so, you know, hopefully we'll figure that out at some juncture.

2030 Additionally, the driveway situation. The bottom of that lot is fairly flat. The gentleman that

2031 has the adjacent property has a drive that runs to his garage on the backside of the

2032 property. We could grant an easement across the back of the property toward where the

2033 pad is, if necessary. Certainly, they would be willing to do any sort of water flow mitigation,

2034 site plan, whatever is necessary for the Board. And are totally amenable to a different

2035 size to scale it back from the width to meet more suitable things. These guys are good

2036 people. And then finally, the existing property is not a rental property. It is currently

2037 uninhabited. Depending on the outcome of this property, it has bearing on what they

2038 decide to do with that property. Obviously, if they could divide, build, and sell. It would sell

2039 and end up being new homes, and, you know, new homes for new families, and would

2040 be people contributing that would continue to maintain and keep the property up. As far

2041 as the sale price. The projected sell price of the \$400,000 it's a very simple, very simple

2042 math. There's so little inventory because of interest rates, and people have moved so

2043 frequently over the past few years because of how low interest rates were. There's still

2044 an extremely strong demand. My company, Ruckhart Real Estate, is responsible for

2045 roughly 300 sales annually, and we have buyers backed up. And ... that can't find

2046 property. And, with the median home price in central Virginia being \$400,000, it's a very

2047 simple proposition. The property at 7100 Club was purchased at \$315,000 in an

2048 unrenovated, antiquated state. And there are a number of comps of older properties that

2049 are sold in upwards of \$389,000 that had not been completely renovated. So, to stretch

2050 to 400 or \$410,000 is relatively easy in my professional opinion. For what that's worth.

2051 So, that's all I got. Thank you. I thank everybody. I appreciate y'all.

2052

2053 Mr. Blankinship- Thank you.

2054

2055 Mr. Johnson- Just one more question. With another house on there, where

2056 would the cars park?

2057

2058 Mr. Waterworth- As I was saying sir, 7100 has access on the entryway of Club

2059 Road. At the bottom of that property, there's a relatively flat section. A driveway could be

2060 added below the existing driveway. Not at the front. I would say at the, closer towards

2061 Lakeside.

2062

2063 Mr. Blankinship- South and west.

2064

2065 Mr. Johnson- Okay.

2066
2067 Mr. Waterworth- Correct. Yeah, so we could come across. You see where the
2068 concrete pad is there in the back. You could cut a driveway across the bottom side of that
2069 property. But again, whatever the Board or the staff feels is applicable, or appropriate,
2070 we're willing to take on any suggestion to, to have it ...
2071
2072 Mr. Pollard- Thank you.
2073
2074 Mr. Johnson- Okay.
2075
2076 Mr. Blankinship- We'll follow up with you after the meeting.
2077
2078 Mr. Johnson- Okay. Any other questions?
2079
2080 Mr. Pollard- No. No other questions. Public hearing is now closed.
2081
2082 Mr. Johnson- Yes. Alright. You have any questions. Go ahead.
2083
2084 Mr. Pollard- If it's alright with you Mr. Chair, I would like to make a motion.
2085
2086 Mr. Johnson- Okay.
2087
2088 Mr. Pollard- I move that we deny the variance. The house has been on a
2089 large lot for many years. Most of the other houses in the area we built on wide lots. The
2090 lots that, the smaller ones that you referenced, were built before 1960. Allowing two
2091 houses on this small property would be detrimental to the neighborhood.
2092
2093 Mr. Johnson- Okay.
2094
2095 Mr. Blankinship- Is there a second?
2096
2097 Mr. Lawrence- Second.
2098
2099 Mr. Johnson- It's been mentioned and seconded. All in favor say, Aye.
2100
2101 Board- Aye.
2102
2103 Mr. Johnson- All opposed say, Nay. Motion passed.
2104
2105 Mr. Waterworth- Thank you for your consideration.
2106
2107 On a motion by Mr. Pollard, seconded by Mr. Lawrence, the Board **denied** case
2108 **VAR2023-00024**.
2109
2110
2111 **Affirmative:** **Broadway, Johnson, Lawrence, Pollard** **4**

2112	Negative:		0
2113	Absent:	Green	1
2114			
2115			
2116	Mr. Blankinship-	Alright, the last case for this morning is Variance 2023	
2117		number 25 , Providence Realty, Inc.: a variance from the public street frontage	
2118		requirement, front yard setback, and rear yard setback to build a single-family dwelling at	
2119		398 Lowell Street, in the Varina Magisterial District.	
2120			
2121		VAR2023-00025 - Providence Realty, Inc.: variance from the public street frontage	
2122		requirement, front yard setback, and rear yard setback to build a single-family	
2123		dwelling at 398 Lowell Street, Varina. Parcel 817-723-2860. Zoning: A-1, Agricultural	
2124		District. Code Section: 24-4306.E.1, 24-3105.E.1 and 24-3105.E.2. The applicant has	
2125		0 feet public street frontage, 20 feet front yard setback, and 18 feet rear yard	
2126		setback; where the Code requires 50 feet public street frontage, 35 feet front yard	
2127		setback, and 25 feet rear yard setback. The applicant requests a variance of 50 feet	
2128		public street frontage, 15 feet front yard setback, and 7 feet rear yard setback.	
2129			
2130	Mr. Johnson-	Okay. Thank you.	
2131			
2132	Mr. Blankinship-	Is that everyone?	
2133			
2134	Mr. Johnson-	That's everyone.	
2135			
2136	Mr. Blankinship-	Is there anyone here to represent... It looks like we had one	
2137		more.	
2138			
2139	Mr. Johnson-	Had one more.	
2140			
2141	Mr. Blankinship-	Is there no one else to speak to number 25?	
2142			
2143	Mr. Pollard-	Are they online?	
2144			
2145	Mr. Johnson-	Anyone online?	
2146			
2147	Mr. Blankinship-	No, they're not online. Well, let me double check that. I have	
2148		been checking frequently. No, we have no one online.	
2149			
2150	Mr. Johnson-	No one online.	
2151			
2152	Mr. Blankinship-	I don't know the Board's pleasure, whether you prefer to defer	
2153		this or hear it in the applicant's absence.	
2154			
2155	Mr. Broadway-	Well, out of fairness, shouldn't we defer it?	
2156			
2157	Mr. Johnson-	Defer it, nobody's here.	

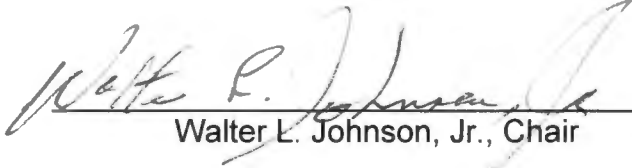
2158
 2159 Mr. Blankinship- You certainly can.
 2160
 2161 Mr. Johnson- Okay, we'll defer it.
 2162
 2163 Mr. Blankinship- Put that in the form of a motion.
 2164
 2165 Mr. Broadway- Motion made that we defer this variance 25 to next month.
 2166
 2167 Mr. Pollard- December 21st. I second the motion.
 2168
 2169 Mr. Johnson- It's been motioned and seconded. All in favor.
 2170
 2171 Board- Aye.
 2172
 2173 Mr. Johnson- All opposed. Motion passed.
 2174
 2175 On a motion by Mr. Broadway, seconded by Mr. Pollard, the Board **deferred** case
 2176 **VAR2023-00025** until the December 21, 2023, Board of Zoning Appeals public hearing.
 2177
 2178
 2179 **Affirmative:** **Broadway, Johnson, Lawrence, Pollard** **4**
 2180 **Negative:** **0**
 2181 **Absent:** **Green** **1**
 2182
 2183
 2184 Mr. Blankinship- All right, we do not have any minutes for you. I apologize for
 2185 that. It's only three weeks between the October meeting and the November meeting, and
 2186 that was not enough time for our transcriptionist to get the work done. So, we'll have two
 2187 sets of minutes for you next month. At least this month should be somewhat shorter. So,
 2188 we have no further business, Mr. Chair.
 2189
 2190 Mr. Johnson- Okay.
 2191
 2192 Mr. Pollard- I make a motion that we adjourn.
 2193
 2194 Mr. Johnson- Motion second. I second it.
 2195
 2196 Mr. Lawrence- Third.
 2197
 2198 Mr. Broadway- Fourth.
 2199
 2200 Mr. Johnson- Motion passed. Have a nice one.
 2201
 2202 On a motion by Mr. Pollard, seconded by Mr. Johnson, the Board **adjourned** until the
 2203 December 21, 2023 meeting.

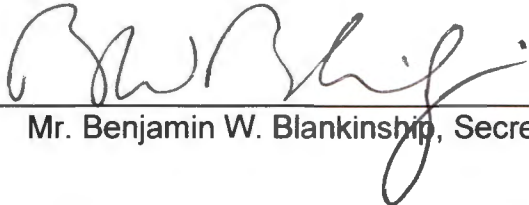
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Affirmative:
Negative:
Absent:

Broadway, Johnson, Lawrence, Pollard
Green

4
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1


Walter L. Johnson, Jr., Chair


Mr. Benjamin W. Blankinship, Secretary