

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
3 **HENRICO COUNTY GOVERNMENT COMPLEX, ON THURSDAY, APRIL 22, 2004,**
4 **AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
5 **DISPATCH ON APRIL 1 AND 8, 2004.**
6

Members Present: R. A. Wright, Chairman
James W. Nunnally, Vice-Chairman
Elizabeth G. Dwyer, Esq., CPC
Richard Kirkland
Gene L. McKinney, C.P.C., C.B.Z.A.

Also Present: John Marlles, Director of Planning
Benjamin Blankinship, Secretary
Lee J. Tyson, County Planner
Priscilla M. Parker, Recording Secretary

7
8 Mr. Wright - I call the meeting of the County of Henrico Board of Zoning
9 Appeals to order. Would you stand for the **Pledge of Allegiance**. This morning I'd like
10 to welcome a new member to the Board of Zoning Appeals – Ms. Elizabeth Dwyer. Mr.
11 Dan Balfour was elected Circuit Court Judge for Henrico County and had to retire from
12 the Board. I'd like to welcome Ms. Dwyer to her first meeting.

13
14 Ms. Dwyer- Thank you very much. It's a pleasure to be here.

15
16 Mr. Wright- Are there any deferrals or withdrawals?

17
18 Mr. Blankinship- There is one deferral. Mr. Chairman, UP-11-2004, Shows by
19 Jutta, the carnival at Virginia Center Commons have changed their date, so they'll be
20 resubmitting information next month.

21
22 **UP-11-2004** SHOWS BY JUTTA requests a temporary conditional use
23 permit pursuant to Section 24-116(c)(1) of Chapter 24 of the
24 County Code to hold a carnival at 10101 Brook Road (Parcel
25 785-771-0111), zoned B-3, Business District (Fairfield).
26

27 Upon a motion by Mr. McKinney, seconded by Mr. Kirkland, the Board **deferred**
28 application **UP-11-2004** for a conditional use permit to hold a carnival at 10101 Brook
29 Road (Parcel 785-771-0111). The case was deferred until May 27, 2004

30
31 Affirmative: Wright, Kirkland, McKinney, Nunnally, Dwyer 5
32 Negative: 0
33 Abstain: 0
34

35 Mr. Wright- OK, any others? That's the only deferral? Please call the
36 first case.

37
38 Mr. Blankinship - Good morning, Mr. Chairman, Members of the Board, ladies
39 and gentlemen. The rules for this meeting are as follows. As Secretary, I will call each
40 case. Then at that time the applicant should come down to the podium. I will then ask
41 all those who intend to speak, in favor or in opposition to the case, to stand and be
42 sworn in. The applicants will then present their testimony. After the applicant has
43 finished, anyone else who intends to speak will be given the opportunity. After
44 everyone has spoken, the applicant, and only the applicant, will be given the opportunity
45 for rebuttal. After hearing the case, and asking questions, the Board will take the matter
46 under advisement. They will make all of their decisions at the end of the meeting. If
47 you wish to know their decision on a specific case, you can either stay until the end of
48 the meeting, or you can call the Planning Office later this afternoon, or you can check
49 the Planning Office website. This meeting is being tape recorded, so we will ask
50 everyone to speak directly into the microphone on the podium, and to state your name,
51 and please spell your last name for the record. And finally, out in the foyer, there are
52 two binders that contain the staff report for each case, including the conditions that have
53 been recommended by the staff.

54
55 Mr. Blankinship- The first case was deferred from the last meeting, and there
56 will not be a hearing on this case, but the Board will have a discussion.

57
58 **A-144-2003** **RCI BUILDERS** requests a variance from Sections 24-
59 95(c)(2) and 24-95(k) of Chapter 24 of the County Code to
60 build a one-family dwelling at 1800 Terrace Avenue
61 (Hermitage Club Terrace) (Parcel 782-750-2829), zoned R-
62 2, One-family Residence District (Fairfield). The rear yard
63 setback and street side yard setback are not met. The
64 applicant has 12 feet rear yard setback, and 10 feet street
65 side yard setback, where the Code requires 25 feet rear yard
66 setback and 25 feet street side yard setback. The applicant
67 requests a variance of 13 feet rear yard setback and 10 feet
68 street side yard setback.

69
70 Mr. Wright- I understand that we have a revised plan or plat that has
71 been submitted?

72
73 Mr. Blankinship- Yes, sir. We have a written submission from both the
74 applicant and some of the neighbors. We also received some photographs, which I
75 passed around this morning. I hope everyone has had a chance to review those.

76
77 Mr. Wright - I don't think we need any more testimony. I think what we
78 have before us is sufficient for us to consider.

79

80 Mr. Blankinship - There is one matter, Mr. Chairman, that I wanted to clarify.
81 On the plat, the applicant shows a storage shed, but the distance isn't labeled – it
82 appears to be 3 feet or so. The Code will not allow a shed to be built there. It would
83 have to be at least 10 feet from the dwelling and 6 feet from the deck, as well as 3 feet
84 from the property line. And because that is a reverse corner lot, you also have that
85 huge setback from Club Road. So whether or not a freestanding storage building would
86 be permitted on that lot at all, it would probably require a further variance.
87
88 Mr. Wright- But that is not in the request?
89
90 Mr. Blankinship- No, the variance for the shed has not been requested.
91
92 Mr. Wright- Alright, is this a representative from the applicant? Please
93 state your name and identify yourself.
94
95 Mr. Planz- Brian Planz – P-l-a-n-z. I'm representing Todd Rodgers this
96 morning, who couldn't be here on behalf of RCI Builders. I think we've heard this one
97 several times now, we're requesting a variance from the side and rear yard setbacks at
98 1800 Terrace Avenue. I believe Mr. Rodgers has addressed some of the concerns of
99 the neighbors through the letter to Ms. Linda Chandler, which goes along with the
100 sketch that was submitted. In brief, the driveway was kept to the left side of the lot...
101
102 Mr. Blankinship- Mr. Chairman, are we going to take testimony?
103
104 Mr. Wright- We're not taking any more testimony – we've heard plenty of
105 testimony on this one – two meetings' worth. We've deferred it to permit the applicant
106 to meet the neighbors and see if they can work something out and you've submitted
107 what we need here. We have a copy of the letter to Ms. Chandler, and revised plan
108 so...
109
110 Mr. Planz- Can I just clarify about the future shed?
111
112 Mr. Blankinship- He has to be sworn if he's going to testify.
113
114 Mr. Wright- We're not going to take any more testimony. The future
115 shed is not before us, it isn't in the application; we don't need to hear about it.
116
117 Mr. Planz- Just for my education, you said it had to be 3 feet from the
118 property line?
119
120 Mr. Blankinship- Yes.
121
122 Mr. Wright- You can check with staff about that. Do any members of the
123 Board have any questions? If not, we'll decide the case at the end of the docket. Call
124 the next case.
125

126 After a public hearing, and on a motion by Mr. McKinney, seconded by Mr. Kirkland, the
127 Board **granted** variance application **A-144-2003**, to build a one family dwelling at 1800
128 Terrace Avenue (Parcel: 782-750-2829), on the following conditions:
129

130 1. Only the improvements shown on the plans filed with the application may be
131 constructed pursuant to this approval. No substantial changes or additions to the layout
132 may be made without the approval of the Board of Zoning Appeals. Any additional
133 improvements shall comply with the applicable regulations of the County Code.
134

135 2. The approval does not apply to the storage building shown
136 on the plan. The proposed location of the storage building does not comply with the
137 County Code.
138

139 Affirmative:	Dwyer, Kirkland, McKinney, Nunnaly, Wright	5
140 Negative:		0
141 Absent:		0

142

143 The Board granted this request, as it found from the evidence presented that, due to the
144 unique circumstances of the subject property, strict application of the County Code
145 would produce undue hardship not generally shared by other properties in the area, and
146 authorizing this variance will neither cause a substantial detriment to adjacent property
147 nor materially impair the purpose of the zoning regulations.
148

149 **A-31-2004** **SARAH J. BRITT** requests a variance from Section 24-9 of
150 Chapter 24 of the County Code to build a one-family dwelling
151 at 4720 South Laburnum Avenue (Parcel 816-715-1082),
152 zoned R-3, One-family Residence District (Varina). The
153 public street frontage requirement is not met. The applicant
154 has 0 feet public street frontage, where the Code requires 50
155 feet public street frontage. The applicant requests a
156 variance of 50 feet public street frontage.
157

158 Mr. Wright- Does anyone else desire to speak on this case? All right,
159 please raise your right hand and be sworn.
160

161 Mr. Blankinship - Do you swear that the testimony you are about to give is the
162 truth, the whole truth, and nothing but the truth, so help you God?
163

164 Sharon Britt- I do.
165

166 Mr. Wright- Please state your name for the record and present your
167 case.
168

169 Ms. Britt- It's Sharon Britt. I'm the daughter of Sarah Britt. The
170 property is actually hers, and I'm trying to build a house for myself so I can watch over
171 her. She's getting older.

172
173 Mr. Wright- I can't hear you, would you get closer to that microphone?
174
175 Ms. Britt- I was saying that the idea of building another home on site is
176 because my mother is getting older and that's the reason for another single family
177 dwelling there.
178
179 Mr. Wright- How do you propose to access this property if this is
180 approved?
181
182 Ms. Britt- As far as...?
183
184 Mr. Blankinship- You don't have any street frontage.
185
186 Mr. Wright- That's the sole purpose of your being here. You don't have
187 street frontage and we have to know how you propose to access the property. How will
188 you get into the property?
189
190 Ms. Britt- I'll be using the existing driveway that's there now.
191
192 Mr. Wright - Have you read the conditions that are suggested for the
193 case?
194
195 Ms. Britt- I haven't had a chance to look at them, no.
196
197 Mr. Wright- I'll point out certain conditions that must be met. They are
198 set forth in the package that was sent to the applicant. If this is approved, it will be
199 subject to those conditions.
200
201 Mr. Blankinship- I need to point out that when I drafted those conditions, I left
202 off the one about access. Normally, you have a standard condition that states that at
203 the time of building permit application she will show that she has acquired a legal
204 access to the property.
205
206 Mr. Wright- That's a requirement, and if we approve it, it'll have to be
207 subject to that condition. What we're saying is that access is the owner's responsibility,
208 not the County's.
209
210 Ms. Britt- That's OK.
211
212 Mr. Wright- You have to have legal proof of access when you get a
213 building permit.
214
215 Mr. Nunnally- Ms. Britt, you said that you were going to build this house for
216 your use only?
217

218 Ms. Britt- Yes.
219
220 Mr. Nunnally- So you can watch out for your mother?
221
222 Ms. Britt- Yes.
223
224 Mr. Nunnally- So you won't have any problem with us putting a condition
225 on this that you are going to live in this house yourself?
226
227 Ms. Britt- Yes, I'm going to be the only one living in the house, yes.
228
229 Mr. Nunnally- And you're going to be hooked up to County water and
230 public sewer there?
231
232 Ms. Britt- Yes, that's correct.
233
234 Mr. Nunnally- You're going to build on the back of this lot, right?
235
236 Ms. Britt- Actually...yes, it is right across from my mother's house. It is
237 right beside hers.
238
239 Mr. Nunnally- Are you going to be close to the sewer line?
240
241 Ms. Britt- I believe so. The owner had called me and told me, but I
242 hadn't had a chance to go by until Friday to see where that is. It wouldn't be a problem,
243 because I have two alternative ways to go there.
244
245 Mr. Wright- Anything further you wish to state? Is there any opposition
246 to this case? Hearing none, that concludes the case.
247
248 Mr. McKinney- Excuse me, but if she builds on this lot adjacent to her
249 mother, the access that her mother uses, on this driveway, from a legal view, will her
250 mother have to dedicate this access?
251
252 Mr. Wright- Yes, she would have to have a legal right to get to her
253 property. That would have to satisfy the Planning Office when she gets a building
254 permit. Thank you very much.
255
256 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
257 Kirkland, the Board **granted** application **A-31-2004** for a variance to build a one family
258 dwelling at 4720 South Laburnum Avenue (Parcel 816-715-1082). The Board granted
259 the variance subject to the following conditions:
260
261 1. This variance applies only to the public street frontage requirement. All other
262 applicable regulations of the County Code shall remain in force.
263

264 2. The proposed division shall be revised to remove the narrow strip of land
265 extending to South Laburnum Avenue.

266
267 3. [ADDED] At the time of building permit application the owner shall demonstrate
268 that the parcel created by this division has been conveyed to members of the immediate
269 family, and the subdivision ordinance has not been circumvented.

270
271 4. [ADDED] Connections shall be made to public water and sewer.

272
273 5. [ADDED] The applicant shall present proof with the building permit application
274 that a legal access to the property has been obtained.

275
276
277 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
278 Negative: 0
279 Absent: 0

280
281 The Board granted this request, as it found from the evidence presented that, due to the
282 unique circumstances of the subject property, strict application of the County Code
283 would produce undue hardship not generally shared by other properties in the area, and
284 authorizing this variance will neither cause a substantial detriment to adjacent property
285 nor materially impair the purpose of the zoning regulations.

286
287 **A-32-2004** **ASHLEY LOHMAN** requests a variance from Section 24-
288 95(q)(5) of Chapter 24 of the County Code to build a
289 screened porch at 8403 Valley Wood Road (Whitehall)
290 (Parcel 754-737-4376), zoned R-3, One-family Residence
291 District (Tuckahoe). The minimum side yard setback and
292 rear yard setback are not met. The applicant has 6 feet
293 minimum side yard setback and 22 feet rear yard setback,
294 where the Code requires 8 feet minimum side yard setback
295 and 35 feet rear yard setback. The applicant requests a
296 variance of 2 feet minimum side yard setback and 13 feet
297 rear yard setback.

298
299 Mr. Wright- Is there anyone else here who desires to speak on this
300 case? Please raise your right hand and be sworn.

301
302 Mr. Blankinship- Do you swear that the testimony you are about to give is the
303 truth, the whole truth, and nothing but the truth so help you God?

304
305 Ashley Loman- I do.

306
307 Mr. Wright- Please state your name for the record.

308
309 Ms. Loman- Ashley Loman.

310
311 Mr. Wright- Please present your case, Ms. Loman.
312
313 Ms. Loman- When we bought the house four years ago, there was a deck
314 on the back and it has been deteriorating quite a bit, and we don't use it all, so we would
315 like to tear it down and replace it with a screen porch, which we thought we would get
316 more use out of. Our lot is a funny shape. When we bought the house, we agonized
317 about that. We had some friends who looked at the house as well, but would not put on
318 offer on it because of the yard. We have 3 small children, and we want them to be able
319 to enjoy the yard back there, so we thought that if we enhanced the back area, which
320 would be a screened porch and landscaped area, the house would be much more
321 desirable at resale. It would also help us enjoy the house while we're in it.
322
323 Mr. Wright- Is there any screening to the rear of your property?
324
325 Ms. Loman- No, it would have to be through landscaping, which is why
326 I've hired a landscape architect. The neighbor right behind us had to get a variance
327 several years ago in order to build her screened porch, and ours will be a lot like hers.
328 She did some privacy planting, and we are planning to do some privacy planting in
329 hopes that it will give each of us enough privacy, but at the same time allow both of us
330 to enjoy our backyards.
331
332 Mr. Wright- This porch will extend beyond what the size of the deck is?
333
334 Ms. Loman- Slightly, yes. And I have my architect here to answer any
335 other questions.
336
337 Mr. Nunnally- You have quite a few trees back there, don't you?
338
339 Ms. Loman- We do. We're going to remove some of these and replace
340 them with taller shrubbery.
341
342 Mr. Wright- Anymore questions form member of the Board?
343
344 Ms. Dwyer- Ms. Loman, a trellis is shown on the plan. What is that? Is
345 that an addition to the porch?
346
347 Ms. Loman- That will help with the privacy. It is a beautiful trellis, made
348 of wood. It will attached to the deck and we'll grow vines up it, just to add privacy.
349
350 Ms. Dwyer- Would it be possible to move this addition 2 feet away from
351 the side yard, so that you could at least comply with the side yard setback? You're
352 asking for a 2 foot variance from the side yard.
353
354 Mr. Wright- If your architect is going to speak, he'll have to be sworn.
355

356 Mr. Blankinship- Do you swear that the testimony you are about to give is the
357 truth, the whole truth, and nothing but the truth so help you God?
358
359 Robert Payne- I do.
360
361 Mr. Payne- It appears that we can probably get closer, but I'm worried
362 about the one further back...it looks like 7 feet. No, I'm sorry...9 feet.
363
364 Mr. McKinney- Is that going to put it in the window? If you move it over 2
365 feet, is that going to move the window?
366
367 Mr. Payne- We'll need to get as close as we can.
368
369 Mr. McKinney- You don't have 2 feet between the deck and the window.
370
371 Ms. Loman- We're proposing that those windows become a French door,
372 so that's why we moved it closer to the side yard, so we'll have room there for those
373 doors.
374
375 Ms. Dwyer- So that window is going to be removed anyway?
376
377 Ms. Loman- Yes. It'll be the same space, but convert to French doors.
378
379 Mr. McKinney- Is that your HVAC unit that's beside the steps?
380 Ms. Loman- The HVAC units are to the other sides.
381
382 Mr. McKinney- I was wonder what was to the right of the steps.
383
384 Ms. Loman- That's just a place for our toys.
385
386 Mr. Wright- Is there anything further you wish to present?
387
388 Ms. Dwyer- I have one question for Mr. Blankinship. You mention in the
389 staff report that the northeast corner of the house is only 31 feet from the corner of the
390 lot, the same dimension as other houses on the block. So are you talking about the
391 existing house, or the new addition?
392
393 Mr. Blankinship- No, the house itself.
394
395 Ms. Dwyer- So with the addition it will be even closer.
396
397 Mr. Blankinship- Yes.
398
399 Ms. Dwyer- Do you have that dimension?
400

401 Mr. Blankinship- It should be shown on the plans...that's the rear yard
402 setback that's proposed.

403
404 Ms. Dwyer- So it would be about 22 feet, then?
405

406 Ms. Loman- When we bought the house, we really wrestled with that –
407 the angles. The house is wonderful, but we really bought for the neighborhood. We
408 said, "We'll find a way to fix this problem."
409

410 Mr. Wright- Anything further from members of the Board? Is there
411 anyone here in opposition to this case? Hearing none this concludes the case.
412

413 After an advertised public hearing and on a motion by Ms. Dwyer, seconded by Mr.
414 Kirkland, the Board **approved** application **A-32-2004** for variance to construct a
415 screened porch at 8403 Valley Wood Road (Tax Parcel 754-737-4376). The Board
416 approved the request as it found from the evidence presented that approving the permit
417 would not be of substantial detriment to adjacent property nor would materially impair
418 the purpose of the zoning regulations. The approval is subject to the following
419 conditions:
420

421 1. Only the improvements shown on the plan filed with the application may be
422 constructed pursuant to this approval. No substantial changes or additions to the layout
423 may be made without the approval of the Board of Zoning Appeals. Any additional
424 improvements shall comply with the applicable regulations of the County Code.
425

426 2. The new construction shall match the existing dwelling as nearly as practical.
427

428 3. [ADDED] This approval applies only to a screened porch. The porch may not be
429 enclosed for three-season or year-round use without the approval of the Board of
430 Zoning Appeals.
431

432 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5

433 Negative: 0

434 Absent: 0
435

436 The Board granted this request, as it found from the evidence presented that, due to the
437 unique circumstances of the subject property, strict application of the County Code
438 would produce undue hardship not generally shared by other properties in the area, and
439 authorizing this variance will neither cause a substantial detriment to adjacent property
440 nor materially impair the purpose of the zoning regulations.
441

442 **UP-9-2004** **TIDEWATER QUARRIES** requests a conditional use permit
443 pursuant to Sections 24-52(d) and 24-103 of Chapter 24 of
444 the County Code to extract materials from the earth at 11400
445 Staples Mill Road (Parcels 756-773-3302 and 759-773-

446 4746), zoned A-1, Agricultural District and M-2C, General
447 Industrial District (Conditional) (Three Chopt).

448
449 Mr. Wright- Is there anyone here in opposition, or desire to speak on this
450 case? Would you please stand and be sworn at the same time?

451
452 Mr. Blankinship- Do you swear that the testimony you are about to give is the
453 whole truth and nothing but the truth, so help you God?

454
455 (All those testifying swore the required oath).

456
457 Mr. Wright- Please state your name and present your case.

458
459 William Walsh- Mr. Chairman, members of the Board, Mr. Marles, and Mr.
460 Blankinship, my name is William Walsh, W-a-l-s-h, and I represent Tidewater Quarries,
461 Inc. the applicant for this conditional use permit. This application requests the 15th
462 renewal of this use permit. The use permit was originally granted by the Board of
463 Zoning Appeals in 1970 and has been renewed on 14 occasions, originally for a 1 year
464 terms, then 2 year terms, then a 3 year term, and since for a 5 year term. With me this
465 morning are the following individuals: Tom Keirn, who is currently the plant manager;
466 Paul Saunders, who was formerly the plant manger and who has since been promoted;
467 Dave Robins, who is with an outside company that supervises the land disturbance
468 operations at the quarry; Michael Donohue, who is with Vibratech, which is a vibration
469 monitoring consulting firm that has been engaged by Tidewater quarries since 1973;
470 and, last, Jack Glazebrook, formerly the President of Tidewater Quarries, and now a
471 consultant, who has been engaged with the quarry since 1973.

472
473 I would like to call Mr. Kern, the plant manager, to describe the operations at the plant
474 and describe what we're requesting with this application, which is to continue operations
475 at the quarry exactly like they've conducted since the last use permit was granted in
476 1999.

477
478 Mr. Tom Kern- Good morning, my name is Tom Keirn. I'm the plant
479 manager at the Springfield Quarry. We are currently operating 6 days a week, we're
480 very busy right now. We are operating the quarry in accordance with all of the terms
481 and conditions of the 1999 use permit, and also within the requirements of all the State
482 and Federal government regulations. As Bill mentioned, we are looking at a
483 continuation of the operation. We currently blast at the operation 30-35 times a year.
484 We notify the County prior to those blasts and give them the approximate time of the
485 activity.

486
487 If there are any concerns, we address them or do our best to address them. We meet
488 with neighbors to discuss them and we have an open line of communication with the
489 neighbors so that we can address their concerns and do what we can do appease them.

490

491 Mr. Walsh- Mr. Keirn, have you ever received a notice of violation of any
492 law during your time at the quarry?
493
494 Mr. Keirn- No, I haven't.
495
496 Mr. Walsh- Are you aware of any other violations of any law or condition
497 of any of the use permits that have been issued?
498
499 Mr. Keirn- No.
500
501 Mr. Walsh- Does anyone have any questions for Mr. Keirn?
502
503 Mr. Wright- Does anyone have any questions?
504
505 Mr. McKinney- How long have you been there?
506
507 Mr. Keirn- I've been at this quarry for 6 months.
508
509 Mr. McKinney- So you only have knowledge of 6 months of operation?
510
511 Mr. Keirn- Correct.
512
513 Mr. McKinney- Thank you.
514
515 Mr. Walsh- I'd next like to ask Paul Saunders to come address the
516 Board. Mr. Saunders was the plant manager immediately preceding Mr. Keirn and can
517 answer questions for that previous time period.
518
519 Paul Saunders - Paul Saunders, S-a-u-n-d-e-r-s.
520
521 Mr. Walsh- Mr. Saunders, during what period of time were you plant
522 manager at Springfield Quarry?
523
524 Mr. Saunders- I was plant manager from 1990-2000, and the area manager
525 over Springfield from 2000-2003.
526
527 Mr. Walsh- So basically, from the time directly prior to Mr. Keirn. Mr.
528 Saunders, during the time of your tenure as plant manager, were you aware of any
529 violations of the law with respect to operation of the quarry?
530
531 Mr. Saunders- No, sir. We never violated the conditions of the use permit.
532
533 Mr. Walsh- And were you aware of any violations from the County as to
534 the operation of the quarry?
535
536 Mr. Saunders- No, sir.

537
538 Mr. Walsh- Does anyone have any further question for Mr. Saunders?
539
540 Mr. Wright- Mr. Saunders, did you receive any complaint or calls from
541 any of the neighbors?
542
543 Mr. Saunders- Yes, sir.
544
545 Mr. Wright- Would you state the nature of those complaints.
546
547 Mr. Saunders- Most of them were blasting complaints about vibration.
548
549 Mr. Wright- Were any complaints concerning damage to homes in the
550 area?
551
552 Mr. Saunders- Yes, sir. There have been some concerns.
553
554 Mr. Wright- What type of damage?
555
556 Mr. Saunders- My recollection is that there were 2 instances where there
557 were concerns about glass breakage.
558
559 Mr. Wright- Did you investigate those?
560
561 Mr. Saunders- Yes, sir. We did.
562
563 Mr. Wright- What were the results of the investigation?
564
565 Mr. Saunders- The results of the investigation showed that our blasting
566 compliance is well below the damage threshold. But in several instances we went
567 ahead and paid for, purchased, and replaced the glass as a member of the community.
568 Our blasting records stand for themselves in that we're well below the damage
569 threshold. As a member of the community, we have stepped forward on several
570 occasions and did some repairs.
571
572 Mr. Wright- Could you give us an idea of when those complaints were
573 made?
574
575 Mr. Saunders- Two that I'm aware of ...one was 8-10 months ago and one
576 was several years ago.
577
578 Mr. Wright- Those are the only two you recall?
579
580 Mr. Saunders- Those are the only two I recall, sir.
581
582 Mr. Wright- Any you've been there since 2000?

583
584 Mr. Saunders- I've been there since 1990.
585
586 Mr Wright- 1990? I'm sorry, I missed that. Have you had any calls or
587 complaints about cracked plaster or other damage to the houses?
588
589 Mr. Saunders- We've had some calls about the potential to cracked plaster,
590 but I've never witnessed any cracks themselves.
591
592 Mr. Wright- Any other questions.
593
594 Mr. Kirkland- Sir, in 1990 when you started with the plant, how many
595 homes were built around the quarry? Was it well developed?
596
597 Mr. Saunders- No, sir, it wasn't as well developed as it is now. Hartley
598 Plantation Subdivision was not there at the time. Everything on the opposite side of 295
599 is new.
600
601 Mr. Kirkland- OK, thank you.
602
603 Ms. Dwyer- Mr. Saunders, you say that you are below the damage
604 threshold – can you be more specific to a lay person? Or do you have another witness
605 you can explain that?
606
607 Mr. Walsh- I'd now like to call Mr. Michael Donohue. Mr. Donohue is
608 with Vibratech. It is an independent vibrations monitoring consultant that has been
609 involved at the quarry since 1973. Michael can testify as to the level of blasting that is
610 done as it relates to the accepted standard for those activities.
611
612 Michael Donohue- My name is Michael Donohue, D-o-n-o-h-u-e. You were
613 asking me about the damage thresholds – the United States Bureau of Mines did a
614 study where it wired about 76 homes near a mining operation and monitored 219 blasts
615 to monitor vibration levels and how it correlates to damage to the homes. After 219
616 blasts they still weren't satisfied, so that hooked up mechanical shakers to each of the
617 houses and with that continued to monitor until they could determine what parameters
618 caused the damage. I have a piece of paper here that will show this information.
619
620 Mr. Walsh- Mr. Donohue, can you explain exactly what that line means
621 in terms of blasting?
622
623 Mr. Donohue- The x-axis on the graph is frequency of the ground vibration,
624 and the y-axis is the amplitude in inches per second of the particle velocity. What the
625 USBoM determined from their study is that given frequency and particle velocity, if
626 you're plot falls underneath this line, there's 0% chance of damage. If it falls above the
627 line, that's when the possibility that damage could occur begins. That is not to say that
628 there will be damage, just that there is the possibility.

629
630 Mr. Walsh- So, the line is the 0 possibility line. Am I correct in assuming
631 that any events that fall below the line, fall below the 0% level of certainty?
632
633 Mr. Donohue- That's correct.
634
635 Mr. Walsh- Mr. Donohue, does Vibratex monitor on a continuing basis
636 the operations at the Springfield Quarry to determine the levels of vibrations?
637
638 Mr. Donohue- Yes, we do.
639
640 Mr. Walsh- Can you summarize, for the members of the Board, the
641 results...the duration of the monitoring activities...how long they've been in place, how
642 frequently you do them...how you do them and then summarize what the results have
643 been.
644
645 Mr. Donohue- Every shot has been monitored, that I'm aware of, since
646 1999. Before that, I haven't been able to look at the records. We have a continuous
647 monitor at 9212 Hartley Hill Court and that allows us to monitor everything, 24 hours a
648 day, 7 days a week. The trigger level is 0.02 inches per second. They have not
649 exceeded this.
650
651 Mr. McKinney- Mr. Donohue, how do measure sound levels?
652
653 Mr. Donohue- Audible sound, or air levels? We don't measure audible
654 sound. We measure air overpressure, which is linear pressure pulse. It is like a clap of
655 thunder that you feel in your chest – that's what we measure. The levels of those were
656 measures and maintained at safe levels.
657
658 Mr. McKinney- And what is that?
659
660 Mr. Donohue- The BoM says that a safe level to maintain is 133 decibels
661 on a linear scale. Damage doesn't begin to occur until 140-150 decibels.
662
663 Mr. McKinney- 133 decibels – how far away can that be heard?
664
665 Mr. Donohue- It isn't an audible measurement. You're thinking "decibels"
666 like jet engine noise, this is a different measurement. Have you ever seen a film of a big
667 gun on a warship being fired? You can see the pressure pulse come out? That's what
668 we measure.
669
670 Mr. McKinney- So you don't know how far away this can be heard?
671
672 Mr. Donohue- No. We don't deal with the sound, we deal with the air
673 overpressure.
674

675 Mr. McKinney- But the neighbors deal with the sound.
676
677 Mr. Kirkland- Mr. Donohue, do you have any records of vibrations on the
678 north side of Staples Mill, or has everything been on the other side?
679
680 Mr. Donohue- To my knowledge, there are monitoring stations on the north
681 side, but our stations are on the south side.
682
683 Mr. Kirkland- Have you checked anything over there? There's a big
684 development going on over there now.
685
686 Mr. Saunders- We have a permanent set-up at Hartley Hills Plantation, but
687 we also have a mobile unit we bounce around to different areas. I believe we've taken
688 some readings in there as a precaution.
689
690 Mr. Kirkland- Have you had any readings?
691
692 Mr. Saunders- Yes, we've done some readings and they're well in
693 compliance.
694
695 Mr. McKinney- Mr. Blankinship, do we have a standard against sound at
696 property lines? Isn't that 65 dBs?
697
698 Mr. Blankinship- We've used that for cooling towers and things that make a
699 constant noise throughout the day, but they're talking about a sound that lasts for a few
700 seconds once a week. I'm not sure how we'd go about regulating something like that.
701
702 Mr. McKinney- I believe it's less than once a week.
703
704 Mr. Blankinship- I think it would be impossible for them to operate the quarry
705 in a way that would keep the sound below 65 dBs all the time.
706
707 Mr. McKinney- How about a condition that when they blasted it would be a
708 certain time of the day?
709
710 Mr. Blankinship- That, I think, they could probably comply with. You'd have to
711 ask them.
712
713 Mr. Keirn- We could generally comply with that, but there some times
714 circumstances which may arise throughout the day of operations where we have to vary
715 from a specific time of day. I think a range of times would work the best.
716
717 Mr. Walsh- Mr. McKinney, did you have specific times in mind?
718
719 Mr. McKinney- Well, I haven't heard the opposition. If it can be worked
720 out...Mr. Keirn says that it can be arranged. If you're going to blast, if you're getting into

721 where you're mining, I think you'll know approximately when you're going to blast. I
722 don't know how far ahead you'll know this, but something to alleviate this as far as the
723 neighbors is concerned might be in order. What about your Saturday operation?

724
725 Mr. Keirn- We don't conduct any blasting on weekends.

726
727 Mr. McKinney- Is that a condition, Mr. Blankinship?

728
729 Mr. Kirkland- I don't think so. Would you have any problem with a
730 condition of no blasting on Saturdays?

731
732 Mr. McKinney- There's a condition of 6:00 a.m. to 8:00 p.m. for shipping,
733 and that's different, but I think something should be in there.

734
735 Ms. Dwyer- When the blasting occurs, how long does it last? Is it done
736 all day long, or might be 1 or 2 explosions? I'm trying to understand the impact.

737
738 Mr. Keirn- We schedule a blast to occur. We schedule with an outside
739 company to come in, load the explosives into the holes which are drilled prior, and then
740 we typically have between 9:00 a.m. and 5:00 p.m. as a window to detonate the shot. It
741 takes 2 – 3 hours to load the shot and then we schedule the specific time to detonate it.
742 It sounds like a clap of thunder. We clear the operation and make sure everything is
743 safe and then the licenses blaster controls the detonation and shot.

744
745 Mr. Blankinship- But then it just goes once for a week or whatever the period
746 of time is.

747
748 Mr. Keirn- Sometime we may have a couple done through the week.
749 Usually it is done just once a day. It is fairly infrequent that it would be more than that.
750 The blast only lasts a couple of seconds. There's a series of holes that would be
751 detonated, but the time frame between them is so short that it sounds like one shot.

752
753 Mr. Walsh- Finally, the applicant has reviewed all the conditions
754 proposed in the staff report and accepts all of them. The only condition we'd like to
755 mention – there's a new condition at the end that has not been in prior that provides that
756 if there are any violations the permit would automatically terminate, and we're assuming
757 that would be read in conjunction with the Zoning Ordinance, which gives us 90 days to
758 be heard. It wouldn't "automatically" be void – that's the only comment we have. All the
759 other conditions have been reviewed thoroughly and the applicant will commit to accept
760 them.

761
762 Mr. Wright- Alright, thank you. Any more questions from members of the
763 Board at this point? We'll now hear from the opposition. Would that representative
764 come forward?

765

766 Mike Shaughnessy- I'm Mike Shaughnessy, and I'm at 9212 Hartley Hill Court,
767 and this is not opposition. The folks are to be commended for the work they've done.
768 We have a seismograph in our back yard and for the past 4 years they've been
769 monitoring the blasts and we were definitely among the folks who were against them 4
770 years ago when we moved here from California. Hearing a blast at 11:00 a.m. and
771 feeling your house move- they more than took care of those issues. What I would like
772 to suggest, is that the County consider getting the data from the blast monitors and in
773 future CUPs consider how they're improving their blasting techniques.

774
775 Mr. McKinney- Mr. Shaughnessy, who put the seismograph in your rear
776 yard?

777
778 Mr. Shaughnessy- Tidewater Quarries paid for it and put it in.

779
780 Mr. McKinney- So it is permanent?

781
782 Mr. Shaughnessy- I'd say it's fairly permanent, yes.

783
784 Mr. Wright- So, by and large you're satisfied with the operation?

785
786 Mr. Shaughnessy- I'm very impressed with the operation. About 4 years ago,
787 we would have liked nothing more than to have seen them close, but they've gone out
788 of their way to show us how they're going to mitigate the effects.

789
790 Mr. McKinney- Mr. Shaughnessy, where do you live in relation to this site?

791
792 Mr. Shaughness- Right across 295. I'm not sure where that would be on the
793 map.

794
795 Mr. Blankinship- You were notified as an adjoining property owner?

796
797 Mr. Shaughnessy- Yes, I was.

798
799 Mr. Wright - Thank you very much for appearing. Anyone else desire to
800 speak in opposition or to make any statements with respect to this case? Hearing none,
801 you have the opportunity to rebut for a minute if you'd like Mr. Walsh.

802
803 Mr. Walsh- I don't Mr. Chairman. Thank you for your time.

804
805 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
806 Kirkland, the Board of Zoning Appeals **granted** application **UP-9-2004** for a conditional
807 use permit to operate a quarry at 11400 Staples Mill Road (GPIN: 756-773-3302 and
808 759-773-4746). The Board granted the use permit subject to the following conditions:

809
810 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5

811 Negative: 0

812 Absent:

0

813

814 1. This use permit is subject to all requirements of Section 24-103 of Chapter 24 of
815 the County Code.

816 2. Before beginning any work, the applicant shall provide a financial guaranty in an
817 amount of \$2,000 per acre for each acre of land to be disturbed, for a total of \$178,180,
818 guaranteeing that the land will be restored to a reasonably level and drainable condition.
819 This permit does not become valid until the financial guaranty has been approved by the
820 County Attorney. The financial guaranty may provide for termination after 90 days
821 notice in writing to the County. In the event of termination, this permit shall be void, and
822 work incident thereto shall cease. Within the next 90 days the applicant shall restore
823 the land as provided for under the conditions of this use permit. Termination of such
824 financial guaranty shall not relieve the applicant from its obligation to indemnify the
825 County of Henrico for any breach of the conditions of this use permit. If this condition is
826 not satisfied within 90 days of approval, the use permit shall be void. The operator shall
827 submit certification from the bonding company on or before April 30 each year verifying
828 that the premiums have been paid and the bond remains in effect.

829

830 3. Before beginning any work, the applicant shall submit erosion control plans to the
831 Department of Public Works for review and approval. Throughout the life of the
832 operation, the applicant shall continuously satisfy the Department of Public Works that
833 erosion control procedures are properly maintained, and shall furnish plans and bonds
834 that the department deems necessary. The applicant shall provide certification from a
835 licensed professional engineer that dams, embankments and sediment control
836 structures meet the approved design criteria as set forth by the State. If this condition is
837 not satisfied within 90 days of approval, the use permit shall be void.

838

839 4. Before beginning any work, the applicant shall obtain a mine license from the
840 Virginia Department of Mines, Minerals and Energy. If this condition is not satisfied
841 within 90 days of approval, the use permit shall be void.

842

843 5. Before beginning any work, the areas approved for mining under this permit shall
844 be delineated on the ground by five-foot-high metal posts at least five inches in diameter
845 and painted in alternate one foot stripes of red and white. These posts shall be so
846 located as to clearly define the area in which the mining is permitted. They shall be
847 located, and their location certified, by a certified land surveyor. If this condition is not
848 satisfied within 90 days of approval, the use permit shall be void.

849

850 6. In the event that the Board's approval of this use permit is appealed, all
851 conditions requiring action within 90 days will be deemed satisfied if the required actions
852 are taken within 90 days of final action on the appeal.

853

854 7. The applicant shall comply with the Chesapeake Bay Preservation Act and all
855 state and local regulations administered under such act applicable to the property, and
856 shall furnish to the Planning Office copies of all reports required by such act or
857 regulations.

- 858
859 8. [AMENDED] Hours of operation shall be limited to 9:00 a.m to 5:00 p.m. Monday
860 through Friday for blasting, 6:00 a.m. to 8:00 p.m. for shipping, and 7:00 a.m. to 6:00
861 p.m. for all other operations.
862
- 863 9. No operations of any kind are to be conducted at the site on Sundays or national
864 holidays.
865
- 866 10. The 30-foot private access road leading from Staples Mill Road to the property
867 shall be maintained in good repair at all times.
868
- 869 11. The applicant shall erect a continuous fence around the quarry and gates at all
870 entrances to the property. These gates shall be locked at all times, except when
871 authorized representatives of the applicant are on the property.
872
- 873 12. The applicant shall post and maintain a sign at the entrance to the mining site
874 stating the name of the operator, the use permit number, the mine license number, and
875 the telephone number of the operator. The sign shall be 12 square feet in area and the
876 letters shall be three inches high.
877
- 878 13. The applicant shall post and maintain "No Trespassing" signs every 250 feet
879 along the perimeter of the property. The letters shall be three inches high. The
880 applicant shall furnish the Chief of Police a letter authorizing the Division of Police to
881 enforce the "No Trespassing" regulations, and agreeing to send a representative to
882 testify in court as required or requested by the Division of Police.
883
- 884 14. The applicant shall provide a flagman to control traffic from the site onto the
885 public road, with the flagman yielding the right of way to the public road traffic at all
886 times. This flagman will be required whenever the Division of Police deems necessary.
887
- 888 15. All roads used in connection with this use permit shall be effectively treated with
889 calcium chloride or other wetting agents to eliminate any dust nuisance.
890
- 891 16. All power-driven or power-producing machinery shall be located within the
892 boundary of the 89-acre site and shall be at least 600 feet from the property boundary.
893 All such machinery shall be enclosed where practicable.
894
- 895 17. The applicant shall maintain the property, fences, and roads in a safe and secure
896 condition indefinitely, or convert the property to some other safe use.
897
- 898 18. No offsite-generated materials shall be deposited on the mining site without prior
899 written approval of the Director of Planning. To obtain such approval, the operator shall
900 submit a request stating the origin, nature and quantity of material to be deposited, and
901 certifying that no contaminated or hazardous material will be included. The material to
902 be deposited on the site shall be limited to imperishable materials such as stone, bricks,
903 tile, sand, gravel, soil, asphalt, concrete and like materials, and shall not include any

904 hazardous materials as defined by the Virginia Hazardous Waste Management
905 Regulations.

906
907 19. A superintendent, who shall be personally familiar with all the terms and
908 conditions of Section 24-103 of Chapter 24 of the County Code, as well as the terms
909 and conditions of this use permit, shall be present at the beginning and conclusion of
910 operations each work day to see that all the conditions of the Code and this use permit
911 are observed.

912
913 20. A progress report shall be submitted to the Board on April 30 of each year. This
914 progress report must contain information concerning how much property has been
915 mined to date of the report, the amount of land left to be mined, how much rehabilitation
916 has been performed, when and how the remaining amount of land will be rehabilitated,
917 and any other pertinent information about the operation that would be helpful to the
918 Board.

919
920 21. Excavation shall be discontinued by April 30, 2009, and restoration accomplished
921 by not later than April 30, 2010, unless a new permit is granted by the Board of Zoning
922 Appeals.

923
924 22. Blasting shall be conducted in conformance with standards promulgated by the
925 Virginia Department of Mines, Minerals and Energy and shall not endanger the public
926 health or safety. The amount of explosives shall be limited to 1,000 pounds per time
927 delay. Blasting shall not be conducted when atmospheric conditions would produce
928 undesirable effects. The operator shall submit a record of all blasting to the Planning
929 Office every three months.

930
931 23. Failure to comply with any of the foregoing conditions shall automatically void this
932 permit.

933
934 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
935 Negative: 0
936 Absent: 0

937
938 The Board granted the request because it found the proposed use will be in substantial
939 accordance with the general purpose and objectives of Chapter 24 of the County Code.

940
941 **UP-10-2004** **HHHUNT CORPORATION** requests a conditional use permit
942 pursuant to Section 24-12(b) of Chapter 24 of the County
943 Code to expand the recreation facility at 4601 Twin Hickory
944 Lake Drive (Parcel 743-767-5081), zoned C-1, Conservation
945 District, R-5C, and R-6C, General Residence District
946 (Conditional) (Three Chopt).

947
948 Mr. Wright- Does anyone else desire to speak in this case? Alright,
949 some take the podium and tell us who's going to speak.

950
951 Mr. Web Tyler- I do. For the record, my name is Webb Tyler; I'm with
952 Youngblood Tyler and Associates, here today representing HH Hunt Corporation.
953
954 Mr. Wright- Does anyone else desire to speak?
955
956 Mr. Blankinship- Do you swear that the testimony you are about to give is the
957 truth, the whole truth, and nothing but the truth, so help you God?
958
959 Mr. Tyler- I do.
960
961 Mr. Wright- Mr. Tyler, please continue.
962
963 Mr. Tyler- The proposed project is an addition to the lake house at
964 Twin Hickory, which is a recreational facility serving the Twin Hickory community
965 abutting 295 between Nuckils Road and Pouncey Tract Road. The proposed addition is
966 the culmination of agreements between HH Hunt Corporation and existing residents of
967 Twin Hickory that initially started as a result of the expansion of the community. That
968 expansion precipitated a dialogue between HH Hunt and the residents because of the
969 residents' concerns regarding the capacity of the facility to accept the additional
970 development. As a result, there was a myriad of meetings between HH Hunt and the
971 residents in the form of their Pool Committee and their lake house committee in an effort
972 to come to some compromise as to how the expansion could occur and what it should
973 entail. HH Hunt employed the services of a club consultant and the proposed
974 improvements that are before you have represent the product of those conversations.
975
976 We seek your approval of this. We have read the conditions as outlined and find those
977 to be acceptable. If you have any questions, or would like for me to go into a more
978 formal presentation, I'll be more than happy to do so.
979
980 Mr. Wright- Mr. Blankinship, are they standard conditions that operations
981 could begin at 6:00 a.m.?
982
983 Mr. Blankinship- I don't know if that's standard, or if they were developed
984 specifically for this case 4 years ago. It does seem unusually early.
985
986 Mr. Wright- It seems to be kind of unusual.
987
988 Mr. Tyler- We have swim team meets and practices, particularly in the
989 summer, with each having different age categories. Because of the limited availability
990 of time due to the heat, we desire to be able to let our teams start as early as 6:00.
991
992 Mr. Wright- Would you have starting guns and public address systems
993 going at that time?
994
995 Mr. Tyler- No, sir.

996
997 Mr. Wright- That would be my concern.
998
999 Mr. Tyler- We would have whistles. There would be no meets at that
1000 time – just practices.
1001
1002 Mr. Wright- When would the meet normally begin?
1003
1004 Mr. Tyler- I believe they are in the afternoon and evening.
1005
1006 Mr. Wright- That’s been my experience. Any questions from members of
1007 the Board? Anything futher? Is there any opposition to this request? Hearing none,
1008 that concludes the case.
1009
1010 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
1011 Kirkland, the Board **granted** UP-10-2004 for a conditional use permit to expand the
1012 recreation facilities at 4601 Twin Hickory Drive (Parcel: 743-767-5081), subject to the
1013 following conditions:
1014
1015 1. The property shall be developed in substantial conformance with the plan filed
1016 with the application. No changes or additions to the layout may be made without the
1017 approval of the Board of Zoning Appeals.
1018
1019 2. The recreation center shall be operated on a nonprofit basis and be open only to
1020 members and their guests.
1021
1022 3. Hours of operation shall be limited to 6:00 AM to 10:00 PM for outdoor activities
1023 and 6:00 AM to 12:00 midnight for indoor activities. The pool season shall be limited to
1024 May 1 to September 30.
1025
1026 4. Up to four times per year, the pool hours may be extended to 12:00 Midnight for
1027 swimming meets. Public address systems, starter guns and similar equipment may be
1028 used at swimming meets, but at no other time except for emergency purposes.
1029
1030 5. The parking lot, driveways, and loading areas shall be subject to the
1031 requirements of Section 24-98 of Chapter 24 of the County Code.
1032
1033 6. The applicant shall present a complete grading, drainage, and erosion control
1034 plan prepared by a Professional Engineer certified in the state of Virginia to the
1035 Department of Public Works for approval. This plan must include the necessary
1036 floodplain information if applicable.
1037
1038 7. A detailed site lighting plan shall be included with the landscaping plans for
1039 Planning Office review and approval. All exterior lighting shall be shielded to direct light
1040 away from adjacent property and streets. For safety and security, lights beamed only

1041 on the swimming pool, and operated on a time clock, shall be provided whenever water
1042 is in the pool.

1043
1044 8. All landscaping shall be maintained in a healthy condition at all times. Dead
1045 plant materials shall be removed within a reasonable time and replaced during the
1046 normal planting season.

1047
1048 9. The swimming pool shall be enclosed by a wrought-iron fence six feet tall.

1049
1050 10. Connections shall be made to public water and sewer.

1051
1052 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
1053 Negative: 0
1054 Absent: 0

1055
1056
1057 The Board granted the request because it found the proposed use will be in substantial
1058 accordance with the general purpose and objectives of Chapter 24 of the County Code.

1059
1060 **A-33-2004** **SCOTT AND KAREN MEARDON** request a variance from
1061 Section 24-94 of Chapter 24 of the County Code to build an
1062 addition at 13317 Shady Knoll Court (Autumn Chase at
1063 Wellesley) (Parcel 733-760-9165), zoned R-4AC, One-
1064 family Residence District (Conditional) (Three Chopt). The
1065 rear yard setback is not met. The applicants have 30 feet
1066 rear yard setback, where the Code requires 35 feet rear yard
1067 setback. The applicants request a variance of 5 feet rear
1068 yard setback.

1069
1070 Mr. Wright- Does anyone else desire to speak in reference to this case?
1071 Please raise your hand and be sworn.

1072
1073 Mr. Blankinship- Do you swear that the testimony you are about to give is the
1074 truth, the whole truth, and nothing but the truth, so help you God?

1075
1076 Scott Meardon- I do. Scott Meardon, M-e-a-r-d-o-n. We live in a cul-de-sac,
1077 and because the setback from the front is farther than normal, we need a 5-foot
1078 variance to build an addition to the rear of our house. We have no neighbors to the rear
1079 – it is a street that's behind us.

1080
1081 Mr. Wright- is this just an open area? Is it wooded?

1082
1083 Mr. Meardon- Partially wooded, in one of the corners it is treed and natural
1084 area out to a path. Beyond that is the street. It is all common area behind us.

1085
1086 Mr. Wright- What kind of construction will this be?

1087
1088 Mr. Meardon- We're going to match exactly what's there now.
1089
1090 Mr. Nunnally- An identical request was approved by this Board in October
1091 2002. Are you ready to begin construction now?
1092
1093 Mr. Meardon- Yes, we are. We were last fall, but the hurricane occurred
1094 and nothing happened after that.
1095
1096 Mr. Wright- Anything further? Any other questions? Anyone here in
1097 opposition to this request? Hearing none this concludes the case.
1098
1099 After an advertised public hearing, on a motion by Mr. Nunnally, seconded by Mr.
1100 McKinney, the Board of Zoning Appeals granted application **A-33-2004**, for a variance
1101 to build an addition at 13317 Shady Knoll Court (Parcel: 733-760-9165). The Board
1102 granted the variance subject to the following conditions:
1103
1104 1. The new construction shall match the existing dwelling as nearly as practical.
1105
1106 2. The property shall be developed in substantial conformance with the plan filed
1107 with the application. No substantial changes or additions to the layout may be made
1108 without the approval of the Board of Zoning Appeals.
1109
1110 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
1111 Negative: 0
1112 Absent: 0
1113
1114
1115 The Board granted this request, as it found from the evidence presented that, due to the
1116 unique circumstances of the subject property, strict application of the County Code
1117 would produce undue hardship not generally shared by other properties in the area, and
1118 authorizing this variance will neither cause a substantial detriment to adjacent property
1119 nor materially impair the purpose of the zoning regulations.
1120
1121 **A-34-2004** **MARTHA HERBERT** requests a variance from Section 24-
1122 95(c)(2) of Chapter 24 of the County Code to allow the
1123 existing dwelling to remain at 1009 La Von Drive (Lakeside
1124 Terrace) (Parcel 785-752-2408), zoned R-3, One-family
1125 Residence District (Fairfield). The rear yard setback is not
1126 met. The applicant has 23 feet rear yard setback, where the
1127 Code requires 25 feet rear yard setback. The applicant
1128 requests a variance of 2 feet rear yard setback.
1129
1130 Mr. Wright- Is there anyone who desires to speak in reference to this
1131 case? Please raise your hand and be sworn.
1132

1133 Mr. Blankinship- Do you swear that the testimony you are about to give is the
1134 truth, the whole truth and nothing but the truth, so help you God?

1135
1136 Mr. R. B. Blake- I do. I'm R. B. Blake, B-l-a-k-e. I'm the general contractor
1137 on the house in question. Martha Herbert is the owner of record and is sitting right
1138 there. I submitted this plan to Henrico County for a building permit. I built the house as
1139 approved, got all my inspections, and was ready to close and the Planning Inspector
1140 told me my utility room was 1 foot over the rear setback line on the house.

1141
1142 I was blindsided. I've been working in Henrico for 30 some years and never had this
1143 happen before. I got in touch with Mr. Blankinship and started this process. It is under
1144 contract and I can't tear anything off the house without losing a significant amount of
1145 money. I've got a contract on the house. I'm asking for a 2-foot variance so this house
1146 will close. It has already held me up 60 days.

1147
1148 Mr. Wright- What's the situation, Mr. Blankinship?

1149
1150 Mr. Blankinship- Exactly as Mr. Blake described it. The technician who
1151 reviewed the building permit just mis-read the plans.

1152
1153 Mr. Wright- It was clear?

1154
1155 Mr. Blankinship- Yes, it was clear.

1156
1157 Mr. McKinney- Is the Building Inspection Department going to pay for the
1158 variance?

1159
1160 Mr. Blankinship- I believe we did waive the fee.

1161
1162 Mr. McKinney- You did waive the fee?

1163
1164 Mr. Marles- Was that reviewed in the Permit Center?

1165
1166 Mr. Blankinship- Yes, it was.

1167
1168 Mr. Wright- Any opposition to this request? Hearing none, that
1169 concludes the case.

1170
1171 After an advertised public hearing, and on a motion by Mr. McKinney, seconded by Mr.
1172 Kirkland, the Board **granted** application **A-34-2004**, for a variance to allow an existing
1173 house to remain at 1009 La Von Drive (Parcel 785-752-2408), subject to the following
1174 conditions:

1175
1176 1. This variance applies only to the existing improvements as
1177 shown on the plan submitted with the variance application. All other applicable
1178 regulations of the County Code shall remain in force.

1179	Affirmative:	Dwyer, Kirkland, McKinney, Nunnally, Wright	5
1180	Negative:		0
1181	Absent:		0

1182
 1183 The Board granted this request, as it found from evidence presented that, due to the
 1184 unique circumstances of the subject property, strict application of the County Code
 1185 would produce undue hardship not generally shared by other properties in the area, and
 1186 authorizing the variance will neither cause a substantial detriment to adjacent properties
 1187 nor materially impair the purpose of the zoning regulations.

1188
 1189 **A-35-2004** **ROBERT T. ADAMS** requests a variance from Section 24-
 1190 94 of Chapter 24 of the County Code to build a two-story
 1191 addition at 13300 Shady Knoll Court (Autumn Chase at
 1192 Wellesley) (Parcel 734-760-2771), zoned R-4AC, One-
 1193 family Residence District (Conditional) (Three Chopt). The
 1194 rear yard setback is not met. The applicant has 18 feet rear
 1195 yard setback, where the Code requires 35 feet rear yard
 1196 setback. The applicant requests a variance of 17 feet rear
 1197 yard setback.
 1198

1199 Mr. Wright- Anyone else desire to speak in reference to this case?
 1200 Please raise your right hand and be sworn, and present your case.
 1201

1202 Mr. Blankinship- Do you swear that the testimony you are about to give is the
 1203 truth, the whole truth, and nothing but the truth, so help you God?
 1204

1205 Mr. Robert T. Adams: I do. My name is Robert T. Adams, A-d-a-m-s. We have a
 1206 wonderful neighborhood, and we've outgrown our home. We have three children, and I
 1207 own my own business and work from my home quite a bit. In order to do that, we'd like
 1208 to build a garage that has an office above it so that we can work outside of family space.
 1209 We'd like to stay in our neighborhood and school district.
 1210

1211 Mr. Nunnally- What kind of business are you in, Mr. Adams?
 1212

1213 Mr. Adams- I have a market research company.
 1214

1215 Mr. Nunnally- Do you have people coming to your house?
 1216

1217 Mr. Adams- No, sir. It is jut me.
 1218

1219 Mr. Wright- What type of construction will this be?
 1220

1221 Mr. Adams- It will match exactly the look of the existing house.
 1222

1223 Mr. Wright- I notice that this is a 26x26 garage – that's a sizeable
 1224 garage.

1225
1226 Mr. Adams- Yes, sir.
1227
1228 Mr. Wright- Does it have to be that large – I guess that’s my question?
1229
1230 Mr. Adams- We looked at other options, but in order to have a garage
1231 that both of our cars could fit in, and enough space to have an office in that area, we felt
1232 that this size was appropriate. We met with our neighbors and they all have garages.
1233 We are the one house that doesn’t, and feel that it would add to the neighborhood.
1234
1235 Mr. McKinney- Mr. Adams, do you have any plans for this garage?
1236
1237 Mr. Adams- No, sir. We have contacted several firms, but we felt like
1238 spending that money prior to getting Board approval was not the best use of our money.
1239
1240 Mr. McKinney- Is this a one story garage?
1241
1242 Mr. Adams- It will have an office above the garage, and will be the same
1243 height as our house.
1244
1245 Mr. McKinney- How many square feet will be in the upstairs?
1246
1247 Mr. Adams- I don’t have an exact square footage, but it would be the
1248 area above the garage.
1249
1250 Mr. McKinney- Well, your garage is 670 square feet on the first floor.
1251
1252 Ms. Rebecca Adams- My name is Rebecca Adams. The reason that we’re
1253 proposing the garage to be so large is because the roof lines will match the existing
1254 roof lines of our house and when you have a pitched roof like that it decreased the
1255 square footage on the second floor. The reason we’re requesting a 26x26 garage is to
1256 increase the square footage above the bays. Our builder recommended a 26 foot
1257 garage for a garage with 2 bay doors.
1258
1259 Mr. Wright- I know you need at least 24x24.
1260
1261 Ms. Adams- Exactly, and he said that 26x26 would be much more
1262 desirable.
1263
1264 Mr. Blankinship- This will give you separate doors.
1265
1266 Mr. Dwyer- You’ll also have a mud room and porch that bumps the
1267 addition out closer to the rear property line?
1268
1269 Ms. Adams- Yes, coming off the porch there is just some steps coming
1270 into the side yard, and we’d maintain the side setback of 12.5 feet.

1271
1272 Ms. Dwyer- What are the dimensions of the mud room/porch addition
1273 between the house and garage?
1274
1275 Ms. Adams- It is approximately 8 feet from the house to the garage.
1276 Ms. Dwyer- That could save you some footage there if that were not part
1277 of the addition.
1278
1279 Ms. Adams- Possibly, but you need a transition area between the garage
1280 and the house, because the room on the right end of the house has two French doors
1281 and is a playroom for our children, and we'd like to keep those French doors open.
1282 That's why we're proposing a covered porch.
1283
1284 Mr. McKinney- How will you finish the upstairs? Is it only going to be an
1285 office? Will there be a playroom, bedrooms?
1286
1287 Mr. Adams- No, sir. It will be an office that will be finished just like our
1288 home, but will be situated so that we can computer space. We haven't finished the
1289 design, but it would match the existing house. It will not be another bedroom.
1290
1291 Mr. McKinney- So you'll condition this area with heating and air
1292 conditioning?
1293
1294 Mr. Adams- Yes, sir.
1295
1296 Mr. McKinney- How will you access the upstairs of the garage? Steps on
1297 the inside?
1298
1299 Mr. Adams- Yes, steps on the inside of the garage.
1300
1301 Mr. Wright- Anything further? Any questions from members of the
1302 Board? Anyone here in opposition to this request? Hearing none that concludes the
1303 case.
1304
1305 After an advertised public hearing, and on motion by Mr. Nunnally, seconded by Mr.
1306 McKinney, the Board **granted** application **A-35-2004** for a variance to build a two-story
1307 addition at 13300 Shady Knoll Court (Parcel: 737-760-2771), subject to the following
1308 conditions:
1309
1310 1. The new construction shall match the existing dwelling as nearly as practical.
1311
1312 2. The property shall be developed in substantial conformance with the plan filed
1313 with the application. No substantial changes or additions to the layout may be made
1314 without the approval of the Board of Zoning Appeals.
1315
1316

1317 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
1318 Negative: 0
1319 Absent: 0

1320
1321 The Board granted this request, as it found from evidence presented that, due to the
1322 unique circumstances of the subject property, strict application of the County Code
1323 would produce undue hardship not generally shared by other properties in the area, and
1324 authorizing the variance will neither cause a substantial detriment to adjacent properties
1325 nor materially impair the purpose of the zoning regulations.

1326
1327 **A-36-2004** **MIKE AND JENNIFER HUNEYCUTT** request a variance
1328 from Section 24-94 of Chapter 24 of the County Code to
1329 build a screened porch on the existing deck at 10820
1330 Pepperbush Court (The Meadows at Innsbrook) (Parcel
1331 751-766-7302), zoned R-3AC, One-family Residence District
1332 (Conditional) (Three Chopt). The rear yard setback is not
1333 met. The applicants have 31 feet rear yard setback, where
1334 the Code requires 35 feet rear yard setback. The applicants
1335 request a variance of 4 feet rear yard setback.

1336
1337 Mr. Wright- Anyone else desire to speak in reference to this case?
1338 Please raise your right hand and be sworn.

1339
1340 Mr. Blankinship- Do you swear that the testimony you are about to give is the truth,
1341 the whole truth, and nothing but the truth, so help you God?

1342
1343 Ms. Jennifer Huneycutt- I do. My name is Jennifer Huneycutt, H-u-n-e-y-c-u-t-t. My
1344 family purchased this home in 2002, in the Fall. Last summer was our first summer
1345 there, and our house backs up on a pond. Last summer we had no idea how horrible
1346 the mosquito problem is, which is a significant problem for all the families that live
1347 around the pond. We have two small children. The sole purpose for this screened
1348 porch is the safety of our children. I'm very concerned about the West Nile Virus, and I
1349 think that a screened porch will give my family more time to spend outside.

1350
1351 Mr. Wright- So the pond is creating the problem? Behind your house is an
1352 open area?

1353
1354 Ms. Huneycutt- Yes, it is a common area.

1355
1356 Mr. Wright- Your lot seems to be a little irregular in shape?

1357
1358 Ms. Huneycutt- Yes, quite irregular.

1359
1360 Mr. Wright- Any further questions from members of the Board? Anyone in
1361 opposition to this request? Hearing none, this concludes the case.

1362

1363 After an advertised public hearing, and on motion by Mr. Nunnally, seconded by Mr.
1364 McKinney, the Board **granted** application **A-36-2004** for a variance to build screened
1365 porch at 10820 Pepperbush Court (Parcel: 751-766-7302), subject to the following
1366 conditions:

- 1367
- 1368 1. The new construction shall match the existing dwelling as nearly as practical.
1369
 - 1370 2. The property shall be developed in substantial conformance with the plan filed
1371 with the application. No substantial changes or additions to the layout may be made
1372 without the approval of the Board of Zoning Appeals.
1373

1374

1375 Affirmative:	Dwyer, Kirkland, McKinney, Nunnally, Wright	5
1376 Negative:		0
1377 Absent:		0

1378

1379 The Board granted this request, as it found from evidence presented that, due to the
1380 unique circumstances of the subject property, strict application of the County Code
1381 would produce undue hardship not generally shared by other properties in the area, and
1382 authorizing the variance will neither cause a substantial detriment to adjacent properties
1383 nor materially impair the purpose of the zoning regulations.
1384

1385 **A-37-2004** **WILLIAM P. ZICKAFOOSE** requests a variance from
1386 Section 24-94 of Chapter 24 of the County Code to build an
1387 addition at 3203 Townhouse Road (Dumbarton Plaza)
1388 (Parcel 773-745-6693), zoned R-2, One-family Residence
1389 District (Brookland). The minimum side yard setback and
1390 rear yard setback are not met. The applicant has 3 feet
1391 minimum side yard setback and 6 feet rear yard setback,
1392 where the Code requires 33 feet minimum side yard setback
1393 and 25 feet rear yard setback. The applicant requests a
1394 variance of 30 feet minimum side yard setback and 19 feet
1395 rear yard setback.
1396

1397 Mr. Wright- Anyone else desire to speak in reference to this case?
1398 Please raise your right hand and be sworn.
1399

1400 Mr. Blankinship- Do you swear that the testimony you are about to give is the
1401 truth, the whole truth, and nothing but the truth, so help you God?
1402

1403 Mr. William Zickafoose - I do. William Zickafoose, Z-I-c-k-a-f-o-o-s-e. This variance
1404 looks a little ridiculous. This is an old house, I don't know when it was built. Probably
1405 back in the 20s. What I'm doing to it is just squaring it off.
1406

1407 The house is very small, and I need some space for my wife's hospital bed. I don't have
1408 it unless I add another room. And that's the whole idea – that's what I'm doing.

1409
1410 Mr. Wright- So this addition will not extend any closer to the side line
1411 than your house already does?
1412
1413 Mr. Zickafoose- What I'm doing is just extending the perimeter. I'm just
1414 squaring it off. I don't know if it's closer or not.
1415
1416 Mr. Wright- It appears that the addition will in line with side and rear of
1417 the house.
1418
1419 Mr. Zickafoose- That's what I thought, too, but someone told me it was about
1420 3 inches out of square. I have to follow what I've got.
1421
1422 Mr. Wright- What type of construction will it be? Consistent with what's
1423 there?
1424
1425 Mr. Zickafoose- Yes, the same thing. I'm not changing the character of the
1426 building. I'm just adding space to that area of the house.
1427
1428 Mr. Wright- Anything further you wish to add?
1429
1430 Mr. Zickafoose- No.
1431
1432 Mr. Wright- Anything further from members of the Board?
1433
1434 Mr. Charles Field- I'm the architect. I just wanted to point out that the property
1435 boundary is a large fence put up by the neighbor...
1436
1437 Mr. Wright- You'll need to be sworn in.
1438
1439 Mr. Blankinship- Do you swear that the testimony you're about to give is the
1440 truth, the whole truth, and nothing but the truth?
1441
1442 Mr. Field- I do. That boundary is just a wooden fence, and across the
1443 fence is an apartment complex parking lot. It isn't intruding on neighbors.
1444
1445 Mr. Wright- Thank you, sir.
1446
1447 Mr. Blankinship- Mr. Chairman, yesterday I spoke to the neighbor to the
1448 South, and when I explained that it wouldn't be coming any closer she expressed no
1449 opposition.
1450
1451 Mr. Wright- Anyone in opposition to this request? Hearing none that
1452 concludes the case.
1453
1454 After an advertised public hearing, and on motion by Mr. Kirkland, seconded by Mr.

1455 Nunnally, the Board **granted** application **A-37-2004** for a variance to build an addition at
1456 8203 Townhouse Road (Parcel: 773-745-6693), subject to the following conditions:

1457
1458 1. Only the improvements shown on the plan filed with the application may be
1459 constructed pursuant to this approval. No substantial changes or additions to the layout
1460 may be made without the approval of the Board of Zoning Appeals. Any additional
1461 improvements shall comply with the applicable regulations of the County Code.

1462
1463 2. The new construction shall match the existing dwelling as nearly as practical.

1464
1465 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
1466 Negative: 0
1467 Absent: 0

1468
1469 The Board granted this request, as it found from evidence presented that, due to the
1470 unique circumstances of the subject property, strict application of the County Code
1471 would produce undue hardship not generally shared by other properties in the area, and
1472 authorizing the variance will neither cause a substantial detriment to adjacent properties
1473 nor materially impair the purpose of the zoning regulations.

1474
1475 **UP-12-2004** **SIMONS HAULING** requests a conditional use permit
1476 pursuant to Sections 24-52(d) and 24-103 of Chapter 24 of
1477 the County Code to extract materials from the earth at 2655
1478 Lacywood Lane (Parcel 840-722-1635), zoned A-1,
1479 Agricultural District (Varina).

1480
1481 Mr. Wright- Anyone else desire to speak in reference to this case?
1482 Please raise your right hand and be sworn.

1483
1484 Mr. Blankinship- Do you swear that the testimony you are about to give is the
1485 truth, the whole truth, and nothing but the truth, so help you God?

1486
1487 Mr. John Cochran- I do. My name is John Cochran, with Youngblood, Tyler and
1488 Associates. We represent Simons Hauling Company for this use permit. This is a
1489 renewal for a permit that first came before you in 1990. Since our last visit before you,
1490 there have been no materials extracted. This is a borrow pit for the exclusive use of
1491 Simons Hauling. They haven't seen the need to extract anything.

1492
1493 The materials would be extracted using an excavator and loaded into trucks either
1494 owned by Simons or leased to them. We are in agreement with all conditions, and Mr.
1495 Greenwood of Simons is here if you have any questions.

1496
1497 Mr. Wright- Mr. Blankinship, have there been any complaints?

1498
1499 Mr. Blankinship- None that I'm aware of.

1500

1501 Mr. Wright- Any questions from members of the Board? Anyone here in
1502 opposition? Hearing none that concludes the case.

1503
1504 After an advertised public hearing, and on motion by Mr. Nunnally, seconded by Mr.
1505 McKinney, the Board **granted** application **UP-12-2004** for a use permit to extract
1506 materials from the Earth at 2655 Lacywood Lane (Parcel: 840-722-1635), subject to the
1507 following conditions:

1508
1509 1. This use permit is subject to all requirements of Section 24-103 of Chapter 24 of
1510 the County Code.

1511
1512 2. Before beginning any work, the applicant shall provide a financial guaranty in an
1513 amount of \$2,000.00 per each acre of land to be disturbed, for a total of \$74,000.00
1514 guaranteeing that the land will be restored to a reasonably level and drainable condition.
1515 This permit does not become valid until the financial guaranty has been approved by the
1516 County Attorney. The financial guaranty may provide for termination after 90 days
1517 notice in writing to the County. In the event of termination, this permit shall be void, and
1518 work incident thereto shall cease. Within the next 90 days the applicant shall restore
1519 the land as provided for under the conditions of this use permit. Termination of such
1520 financial guaranty shall not relieve the applicant from its obligation to indemnify the
1521 County of Henrico for any breach of the conditions of this use permit. If this condition is
1522 not satisfied within 90 days of approval, the use permit shall be void.

1523
1524 3. Before beginning any work, the applicant shall submit erosion control plans to the
1525 Department of Public Works for review and approval. Throughout the life of the
1526 operation, the applicant shall continuously satisfy the Department of Public Works that
1527 erosion control procedures are properly maintained, and shall furnish plans and bonds
1528 that the department deems necessary. The applicant shall provide certification from a
1529 licensed professional engineer that dams, embankments and sediment control
1530 structures meet the approved design criteria as set forth by the State. If this condition is
1531 not satisfied within 90 days of approval, the use permit shall be void.

1532
1533 4. Before beginning any work, the applicant shall obtain a mine license from the
1534 Virginia Department of Mines, Minerals and Energy. If this condition is not satisfied
1535 within 90 days of approval, the use permit shall be void.

1536
1537 5. Before beginning any work, the areas approved for mining under this permit shall
1538 be delineated on the ground by five-foot-high metal posts at least five inches in diameter
1539 and painted in alternate one foot stripes of red and white. These posts shall be so
1540 located as to clearly define the area in which the mining is permitted. They shall be
1541 located, and their location certified, by a certified land surveyor. If this condition is not
1542 satisfied within 90 days of approval, the use permit shall be void.

1543
1544 6. In the event that the Board's approval of this use permit is appealed, all
1545 conditions requiring action within 90 days will be deemed satisfied if the required actions
1546 are taken within 90 days of final action on the appeal.

- 1547
1548 7. The applicant shall comply with the Chesapeake Bay Preservation Act and all
1549 state and local regulations administered under such act applicable to the property, and
1550 shall furnish to the Planning Office copies of all reports required by such act or
1551 regulations.
1552
- 1553 8. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. when Daylight Savings
1554 Time is in effect, and from 7:00 a.m. to 5:00 p.m. at all other times.
1555
- 1556 9. No operations of any kind are to be conducted at the site on Saturdays, Sundays,
1557 or national holidays.
1558
- 1559 10. All means of access to the property shall be from the established entrance onto
1560 Grapevine Road.
1561
- 1562 11. The applicant shall erect and maintain gates at all entrances to the property.
1563 These gates shall be locked at all times, except when authorized representatives of the
1564 applicant are on the property.
1565
- 1566 12. The applicant shall post and maintain a sign at the entrance to the mining site
1567 stating the name of the operator, the use permit number, the mine license number, and
1568 the telephone number of the operator. The sign shall be 12 square feet in area and the
1569 letters shall be three inches high.
1570
- 1571 13. The applicant shall post and maintain "No Trespassing" signs every 250 feet
1572 along the perimeter of the property. The letters shall be three inches high. The
1573 applicant shall furnish the Chief of Police a letter authorizing the Division of Police to
1574 enforce the "No Trespassing" regulations, and agreeing to send a representative to
1575 testify in court as required or requested by the Division of Police.
1576
- 1577 14. Standard "Truck Entering Highway" signs shall be erected on Grapevine Road on
1578 each side of the entrances to the property. These signs will be placed by the County, at
1579 the applicant's expense.
1580
- 1581 15. The applicant shall post and maintain a standard stop sign at the entrance to
1582 Grapevine Road.
1583
- 1584 16. The applicant shall provide a flagman to control traffic from the site onto the
1585 public road, with the flagman yielding the right of way to the public road traffic at all
1586 times. This flagman will be required whenever the Division of Police deems necessary.
1587
- 1588 17. All roads used in connection with this use permit shall be effectively treated with
1589 calcium chloride or other wetting agents to eliminate any dust nuisance. The haul road
1590 shall be paved to a minimum width of 24 feet back to the Binns property line.
1591

- 1592 18. All loaded trucks from this site shall travel south along Grapevine Road, west
1593 along Meadow Road and south along Drybridge Road to Route 60. Empty trucks shall
1594 return by the same route.
1595
- 1596 19. The operation shall be so scheduled that trucks will travel at regular intervals and
1597 not in groups of three or more. Trucks shall be loaded in a way to prevent overloading
1598 or spilling of materials of any kind on any public road.
1599
- 1600 20. The applicant shall maintain the property, fences, and roads in a safe and secure
1601 condition indefinitely, or convert the property to some other safe use.
1602
- 1603 21. If, in the course of its preliminary investigation or operations, the applicant
1604 discovers evidence of cultural or historical resources, or an endangered species, or a
1605 significant habitat, it shall notify appropriate authorities and provide them with an
1606 opportunity to investigate the site. The applicant shall report the results of any such
1607 investigation to the Planning Office.
1608
- 1609 22. If water wells located on surrounding properties are adversely affected, and the
1610 extraction operations on this site are suspected as the cause, the effected property
1611 owners may present to the Board evidence that the extraction operation is a contributing
1612 factor. After a hearing by the Board, this use permit may be revoked or suspended, and
1613 the operator may be required to correct the problem.
1614
- 1615 23. Open and vertical excavations having a depth of 10 feet or more, for a period of
1616 more than 30 days, shall be effectively sloped to a 2:1 slope or flatter to protect the
1617 public safety.
1618
- 1619 24. Topsoil shall not be removed from any part of the property outside of the area in
1620 which mining is authorized. Sufficient topsoil shall be stockpiled on the property for
1621 respreading in a layer with five inches of minimum depth. All topsoil shall be stockpiled
1622 within the authorized mining area and provided with adequate erosion control
1623 protection. If the site does not yield sufficient topsoil, additional topsoil shall be brought
1624 to the site to provide the required five-inch layer of cover. All topsoil shall be treated
1625 with a mixture of seed, fertilizer, and lime as recommended by the County after soil
1626 tests have been provided to the County.
1627
- 1628 25. No offsite-generated materials shall be deposited on the mining site without prior
1629 written approval of the Director of Planning. To obtain such approval, the operator shall
1630 submit a request stating the origin, nature and quantity of material to be deposited, and
1631 certifying that no contaminated or hazardous material will be included. The material to
1632 be deposited on the site shall be limited to imperishable materials such as stone, bricks,
1633 tile, sand, gravel, soil, asphalt, concrete and like materials, and shall not include any
1634 hazardous materials as defined by the Virginia Hazardous Waste Management
1635 Regulations.
1636

1637 26. A superintendent, who shall be personally familiar with all the terms and
1638 conditions of Section 24-103 of Chapter 24 of the County Code, as well as the terms
1639 and conditions of this use permit, shall be present at the beginning and conclusion of
1640 operations each work day to see that all the conditions of the Code and this use permit
1641 are observed.

1642
1643 27. A progress report shall be submitted to the Board on May 31, 2005. This
1644 progress report must contain information concerning how much property has been
1645 mined to date of the report, the amount of land left to be mined, how much rehabilitation
1646 has been performed, when and how the remaining amount of land will be rehabilitated,
1647 and any other pertinent information about the operation that would be helpful to the
1648 Board.

1649
1650 28. Excavation shall be discontinued by May 31, 2006, and restoration accomplished
1651 by not later than May 31, 2007, unless a new permit is granted by the Board of Zoning
1652 Appeals.

1653
1654 29. The rehabilitation of the property shall take place simultaneously with the mining
1655 process. Rehabilitation shall not be considered completed until the mined area is
1656 covered completely with permanent vegetation.

1657
1658 30. All drainage and erosion and sediment control measures shall conform to the
1659 standards and specifications of the Mineral Mining Manual Drainage Handbook. Any
1660 drainage structures in place prior to October 14, 1992 and which do not conform to the
1661 Mineral Mining Manual Drainage Handbook may remain in place until such time as any
1662 reconstruction is required at which time said structures shall be brought into
1663 conformance with the Mineral Mining Manual Drainage Handbook.

1664
1665 31. Failure to comply with any of the foregoing conditions shall
1666 automatically void this permit.

1667
1668 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
1669 Negative: 0
1670 Absent: 0

1671
1672 The Board granted the request because it found the proposed use will be in substantial
1673 accordance with the general purpose and objectives of Chapter 24 of the County Code.

1674
1675
1676 **A-38-2004** **MARGARET FIRESTONE** requests a variance from Section
1677 24-9 of Chapter 24 of the County Code to build a one-family
1678 dwelling at 6534 Monahan Road (Parcel 820-702-5724),
1679 zoned A-1, Agricultural District (Varina). The public street
1680 frontage requirement is not met. The applicant has 0 feet
1681 public street frontage, where the Code requires 50 feet
1682 public street frontage. The applicant requests a variance of

1683 50 feet public street frontage.
1684
1685 Mr. Wright- Anyone else desire to speak in reference to this case?
1686 Please raise your right hand and be sworn.
1687
1688 Mr. Blankinship- Do you swear that the testimony you are about to give is the
1689 truth, the whole truth, and nothing but the truth, so help you God?
1690
1691 Ms. Margaret Firestone- I do. My name is Margaret Firestone. I'm simply requesting
1692 that I be allowed to split off from a better than 20 acre tract, a 2 acre for my daughter to
1693 build a home. I have reviewed the recommendations that the Board might ask of me
1694 concerning the deeded right of way and I'm prepared to meet the conditions.
1695
1696 Mr. Wright- Any questions from members of the Board? Any opposition?
1697 Hearing none, that concludes the case. Wait just a second, do you desire to speak? If
1698 so, you'll need to be sworn.
1699
1700 Mr. Blankinship- Do you swear to tell the truth, the whole truth and nothing
1701 but the truth, so help you God?
1702
1703 Ms. Lynne Farr- I do. Lynne Farr – F-a-r-r. If she puts this dwelling back
1704 there, behind a piece of property that I have, I'd like to know how they'd access the
1705 property?
1706
1707 Mr. Wright- Do you see the map? That is the access she proposes to
1708 use.
1709
1710 Ms. Farr- The driveway already there?
1711
1712 Mr. Wright- Is the driveway already there?
1713
1714 Ms. Firestone- Yes, there is a driveway already there, and there would be a
1715 driveway with a deeded right-of-way on my property. It will not be on anyone else's
1716 property.
1717
1718 Mr. Wright- Does that answer your question?
1719
1720 Ms. Farr- Yes, it does.
1721
1722 Mr. Wright- Thank you for appearing.
1723
1724 Ms. Dwyer- I do have a quick question. Ms. Firestone, you've left some
1725 acreage behind this 2 acre parcel, which creates an odd shape with the remainder. Is
1726 there a reason you didn't square that off?
1727
1728 Ms. Firestone- We are in the process of doing some perc tests on the 2

1729 acre site we'd like to designate for this, and most likely we're going to have to do some
1730 adjusting to the property lines of this tract, but we're still prepared to meet all the
1731 conditions.

1732
1733 Ms. Dwyer- Does that mean she'll have to come back?

1734
1735 Mr. Blankinship- Probably not, unless there was something that substantially
1736 changed the layout.

1737
1738 Mr. Wright- This is an access problem, more than anything. Any further
1739 questions?

1740
1741 After an advertised public hearing, and on motion by Mr. Nunnally, seconded by Mr.
1742 Kirkland, the Board **granted** application **A-38-2004** for a variance to build a one family
1743 dwelling at 6534 Monahan Road (Parcel: 820-702-5724), subject to the following
1744 conditions:

1745
1746 1. This variance applies only to the public street frontage requirement. All other
1747 applicable regulations of the County Code shall remain in force.

1748
1749 2. At the time of building permit application, the applicant shall submit the
1750 necessary information to the Department of Public Works to ensure compliance with the
1751 requirements of the Chesapeake Bay Preservation Act and the code requirements for
1752 water quality standards.

1753
1754 3. At the time of building permit application the owner shall demonstrate that the
1755 parcel created by this division has been conveyed to members of the immediate family,
1756 and the subdivision ordinance has not been circumvented.

1757
1758 4. Approval of this request does not imply that a building permit will be issued.
1759 Building permit approval is contingent on Health Department requirements, including,
1760 but not limited to, soil evaluation for a septic drainfield and reserve area, and approval
1761 of a well location.

1762
1763 5. The applicant shall present proof with the building permit application that a legal
1764 access to the property has been obtained.

1765
1766 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
1767 Negative: 0
1768 Absent: 0

1769
1770
1771 The Board granted this request, as it found from evidence presented that, due to the
1772 unique circumstances of the subject property, strict application of the County Code
1773 would produce undue hardship not generally shared by other properties in the area, and
1774 authorizing the variance will neither cause a substantial detriment to adjacent properties

1775 nor materially impair the purpose of the zoning regulations.

1776

1777 The Board took a 5-minute recess.

1778

1779 Mr. Wright- Please call the 10:00 cases.

1780

1781 Mr. Blankinship- Mr. Chairman, Members of the Board, ladies and gentlemen.

1782 The rules for this meeting are as follows. As Secretary, I will call each case. Then at

1783 that time the applicant should come down to the podium. I will then ask all those who

1784 intend to speak, in favor or in opposition to the case, to stand and be sworn in. The

1785 applicants will then present their testimony. After the applicant has finished, anyone

1786 else who intends to speak will be given the opportunity. After everyone has spoken, the

1787 applicant, and only the applicant, will be given the opportunity for rebuttal. After hearing

1788 the case, and asking questions, the Board will take the matter under advisement. They

1789 will make all of their decisions at the end of the meeting. If you wish to know their

1790 decision on a specific case, you can either stay until the end of the meeting, or you can

1791 call the Planning Office later this afternoon, or you can check the Planning Office

1792 website. This meeting is being tape recorded, so we will ask everyone to speak directly

1793 into the microphone on the podium, and to state your name, and please spell your last

1794 name for the record. And finally, out in the foyer, there are two binders that contain the

1795 staff report for each case, including the conditions that have been recommended by the

1796 staff.

1797

1798 **A-39-2004** **ROBERT J. RAPPOLD, III** requests a variance from Section

1799 24-94 of Chapter 24 of the County Code to build an attached

1800 garage at 10307 Gayton Road (Canterbury East) (Parcel

1801 744-745-2078), zoned R-2, One-family Residence District

1802 (Tuckahoe). The minimum side yard setback is not met. The

1803 applicant has 8 feet minimum side yard setback, where the

1804 Code requires 15 feet minimum side yard setback. The

1805 applicant requests a variance of 7 feet minimum side yard

1806 setback.

1807

1808 Mr. Wright- Anyone else desire to speak in reference to this case?

1809 Please raise your right hand and be sworn.

1810

1811 Mr. Blankinship- Do you swear that the testimony you are about to give is the

1812 truth, the whole truth, and nothing but the truth, so help you God?

1813

1814 Mr. Robert Rappold- I do. My name is Robert J. Rappold, III. My wife and I own

1815 this property, where we've lived for 10 years. We're requesting to add a two-story

1816 attached garage. The garage would be entered from the house through a door. This

1817 garage would be 24 x 30 and would accommodate 2 cars, with stairs going upstairs

1818 from the interior of the addition.

1819

1820 The request is for a side yard setback variance. With the addition of the garage, there

1821 would still be nearly 30 feet between my house and the next property. The area is
1822 partially screened by vegetation. The upstairs would be used for a sofa, TV, and ping
1823 pong table. It would just be for an office or recreational use.
1824

1825 Mr. Wright- This is a one-story garage?
1826

1827 Mr. Rappold- It's a two-story garage, with an addition. We have other
1828 houses in the area that are both one-story and two-story, split level style homes.
1829

1830 Ms. Dwyer- So the roof line of the garage will be above the roof line of
1831 the existing home?
1832 Mr. Rappold- Yes, it will be slightly above, but it will match the construction
1833 as close as possible.
1834

1835 Ms. Dwyer- How much taller than the house will the garage be?
1836

1837 Mr. Rappold- About 6 feet or so. We would comply with the conditions
1838 suggested.
1839

1840 Ms. Dwyer- We don't have any elevations of the garage. Have you
1841 made any?
1842

1843 Mr. Rappold- No, it would be a regular two story addition. About 19 feet
1844 tall.
1845

1846 Mr. McKinney- Is this the wing we see Mr. Rappold in the photograph? This
1847 looks like a rancher.
1848

1849 Mr. Rappold- It is a rancher – we'd add the garage right here, with a room
1850 above it.
1851

1852 Mr. MccKinney- So it is going to be quite a bit higher than what you've got
1853 now?
1854

1855 Mr. Rappold- Yes, it will be higher. There are other houses near us that
1856 are two story.
1857

1858 Mr. McKinney- But they were built that way originally? They haven't had
1859 additions added to them.
1860

1861 Mr. Rappold- Yes, that's right.
1862

1863 Mr. Blankinship- We do not have any building plans or elevations submitted
1864 with the application.
1865

1866 Mr. McKinney- How many square feet in your house, Mr. Rappold?

1867
1868 Mr. Rappold- It is 2600 square feet. We've had an addition added to the
1869 back.
1870
1871 Mr. McKinney- Three or four bedrooms?
1872
1873 Mr. Rappold- Four bedrooms.
1874
1875 Mr. McKinney- Do you have any children in your family?
1876
1877 Mr. Rappold- We have four children, but they're all grown up.
1878 Mr. McKinney- It is just you and your wife?
1879
1880 Mr. Rappold- Yes, it is just me and my wife. We have our children come
1881 over regularly and my grandchild. We'd just like to have a play area for my grandchild
1882 and a recreation area.
1883
1884 Mr. McKinney- Did your children grow up in this house?
1885
1886 Mr. Rappold- Well, the last ten years they did, yes.
1887
1888 Mr. McKinney- Do you have a family room?
1889
1890 Mr. Rappold- Yes, we have a family room in the back. But we want to
1891 have a play area as well, and an area for a ping pong table and things like that.
1892
1893 Mr. McKinney- And you have no elevations of this addition?
1894
1895 Mr. Rappold- I didn't understand that I was required to have those, but it
1896 will be a regular, two-story addition...
1897
1898 Mr. McKinney- But Mr. Rappold, it isn't a regular two-story addition when
1899 you're adding it to a one-story house.
1900
1901 Mr. Rappold- I understand.
1902
1903 Mr. McKinney- Could you get some elevations and show us?
1904
1905 Ms. Dwyer- What we're concerned about is how it is going to look from
1906 the road and from neighboring houses. You don't have any drawings to show that.
1907
1908 Mr. Rappold- I don't have a drawing at the present time. It wouldn't reach
1909 **(unintelligible)** because there's an area where you have a step-up into the house.
1910
1911 Ms. Dwyer- Have you considered any alternatives, such as having a
1912 garage in the backyard?

1913

1914 Mr. Rappold- We did look at alternatives, but there are no other areas on

1915 the property on which to place a garage. The area we have – we'd have to ask for a

1916 variance for any other place. We only have one entrance from the street, so it would

1917 have to be on the side.

1918

1919 Mr. Wright- You could probably have a detached garage that wouldn't

1920 violate the Zoning Ordinance, couldn't he Mr. Blankinship?

1921

1922 Mr. Blankinship- It looks like it may be possible, yes sir. He could just come

1923 back into the southeast corner.

1924 Mr. Rappold- We have a swimming pool there, and we'd have to destroy

1925 that swimming pool at the cost of thousands of dollars.

1926

1927 Mr. Wright- Is that an in-ground pool?

1928

1929 Mr. Rappold- It is an aboveground pool. That was approved by the

1930 County. We've talked to our neighbors, and they have no objections to it. We

1931 respectfully request that you approve the variance.

1932

1933 Mr. Wright- Are there any other questions? Anyone here in opposition?

1934 Hearing none, that concludes the case.

1935

1936 After an advertised public hearing, and on motion by Ms. Dwyer, seconded by Mr.

1937 McKinney, the Board **denied** application **A-39-2004** for a variance to build an attached

1938 garage at 10307 Gayton Road (Parcel: 744-745-2078).

1939

1940 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5

1941 Negative: 0

1942 Absent: 0

1943

1944 The Board denied your request as it found from the evidence presented that authorizing

1945 this variance would be of substantial detriment to adjacent property or would materially

1946 impair the purpose of the zoning regulations

1947

1948 **A-40-2004** **MARC AND MARIAN VERNON** request a variance from

1949 Section 24-94 of Chapter 24 of the County Code to build a

1950 two-story addition at 2564 Dunham Road (Keswick) (Parcel

1951 738-753-6395), zoned R-3AC, One-family Residence District

1952 (Conditional) (Tuckahoe). The rear yard setback is not met.

1953 The applicants have 29 feet rear yard setback, where the

1954 Code requires 35 feet rear yard setback. The applicants

1955 request a variance of 6 feet rear yard setback.

1956

1957 Mr. Wright- Anyone else desire to speak in reference to this case?

1958 Please raise your right hand and be sworn.

1959
1960 Mr. Blankinship- Do you swear that the testimony you are about to give is the
1961 truth, the whole truth, and nothing but the truth, so help you God?
1962
1963 Mr. Mark Todd Vernon- I do. My wife and I have two children and we've expanded
1964 the family and we've looked at moving and selling the house. As you know the real
1965 estate market in Henrico County is absolutely booming. To move to a similar size home
1966 would increase the cost. We stopped, stepped back, and said let's expand the house
1967 we have.
1968
1969 I work out of the house, so one of the bedrooms is now dedicated to my office. That
1970 takes away part of the house. At the same time, I want to go on the record to say that if
1971 you look at the plan, it is just the back corner that sets into the setback by 6 feet.
1972 because of a very odd shaped property. Behind me are two very large problems that
1973 are part of the common area and I'm not encroaching if I were to square off my house.
1974
1975 I've talked to my neighbors and they've just applied for a variance and been approved to
1976 put an enclosure on the back of their house. They have no opposition to pushing back
1977 and squaring off the house to add 700 square feet. In essence, we want to increase the
1978 downstairs. I've talked with an architect and everything will match the existing dwelling.
1979 The roof will be slightly lower pitch for increased drainage.
1980
1981 Behind the property you can see it is all common area. There are no houses – can't be
1982 houses back there because it is all wetlands. Where the deck sits is right where the
1983 addition will sit.
1984
1985 Ms. Dwyer- You'll be continuing the walls and squaring off the house?
1986
1987 Mr. Vernon- Yes, exactly. The back wall will continue to where the deck
1988 currently exists.
1989
1990 Ms. Dwyer- Is that pond part of your development?
1991
1992 Mr. Vernon- The first one, yes. The second one is owned by a family.
1993
1994 Mr. Wright- Any further questions from members of the Board? Anyone
1995 here in opposition? Hearing none, that concludes the case.
1996
1997 After an advertised public hearing, and on motion by Ms. Dwyer, seconded by Mr.
1998 McKinney, the Board **granted** application **A-40-2004** for a variance to build a two-story
1999 addition at 2574 Dunham Road (Parcel: 738-753-6395), subject to the following
2000 conditions:
2001
2002 1. The new construction shall match the existing dwelling as nearly as practical.
2003

2004 2. The property shall be developed in substantial conformance with the plan filed
2005 with the application. No substantial changes or additions to the layout may be made
2006 without the approval of the Board of Zoning Appeals.

2007
2008 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
2009 Negative: 0
2010 Absent: 0

2011
2012 The Board granted this request, as it found from evidence presented that, due to the
2013 unique circumstances of the subject property, strict application of the County Code
2014 would produce undue hardship not generally shared by other properties in the area, and
2015 authorizing the variance will neither cause a substantial detriment to adjacent properties
2016 nor materially impair the purpose of the zoning regulations.

2017
2018 **A-41-2004 CHARLES T. CALLAWAY** requests a variance from Section
2019 24-94 of Chapter 24 of the County Code to build an addition
2020 at 12004 Valleybrook Drive (Springrock at Wellesley)
2021 (Parcel 734-762-7716), zoned R-2AC, One-family Residence
2022 District (Conditional) (Three Chopt). The rear yard setback is
2023 not met. The applicant has 35 feet rear yard setback, where
2024 the Code requires 45 feet rear yard setback. The applicant
2025 requests a variance of 10 feet rear yard setback.

2026
2027 Mr. Wright- Anyone else desire to speak in reference to this case?
2028 Please raise your right hand and be sworn.

2029
2030 Mr. Blankinship- Do you swear that the testimony you are about to give is the
2031 truth, the whole truth, and nothing but the truth, so help you God?

2032
2033 Mr. Charles Callaway- I do. The first thing I'd like to point out is that our original
2034 request was for 15 feet. Somehow it got lowered to 10 feet.

2035
2036 Mr. Blankinship- There was a difference between the number shown on the
2037 application form and what we could read on the drawing. We usually assume that the
2038 drawing is more specific, and apparently we were incorrect. The applicant called me
2039 last week and said the drawings were not finished, and that's why they put the 15 foot
2040 setback on the application, giving themselves some leeway. I believe that as long as
2041 the Board understands that it could be between 10 and 15 feet we'll be OK.

2042
2043 Mr. Callaway- You can see that our house is placed on a cul-de-sac, and
2044 as such requires a further setback in the front. It pushes the house as far back on the
2045 property as could be. We have a large family, 4 children, my wife and myself and we
2046 need more space to grow into. The bottom floor of the house has an office we are using
2047 as a playroom. My wife is an architect and she did the elevations for the addition we're
2048 proposing. We'd like to reclaim that office space so that she can work out of the home.

2049

2050 The purpose of the addition in the back is a sunroom/playroom. Additionally, I have
2051 elderly parents and I'm assuming that they may come to live with us. The addition will
2052 also give us some space to accommodate their needs.

2053
2054 Mr. Wright- What's located to the rear of your property?

2055
2056 Mr. Callaway- It is an agricultural zone – it backs up to the Pruitt farm.
2057 There's nothing back there except woods.

2058
2059 Mr. Wright- Anything further? Any questions from members of the
2060 Board? What type of construction will this be?

2061
2062 Mr. Callaway- The construction will match the existing dwelling exactly.

2063
2064 Mr. Wright- Is this a one-story addition?

2065
2066 Mr. Callaway- Yes, it is a one-story addition. I'd like to point out that the
2067 addition as planned will generally follow the lines of the existing deck.

2068
2069 Mr. Wright- Anyone here in opposition to this request? Hearing none,
2070 that concludes the case.

2071
2072 After an advertised public hearing, and on motion by Mr. Nunnally, seconded by Mr.
2073 Kirkland, the Board **granted** application **A-41-2004** for a variance to build an addition at
2074 12004 Valleybrook Drive (Parcel 734-762-7716), subject to the following conditions:

2075
2076 1. The new construction shall match the existing dwelling as nearly as practical.

2077
2078 2. The property shall be developed in substantial conformance with the plan filed
2079 with the application. No substantial changes or additions to the layout may be made
2080 without the approval of the Board of Zoning Appeals.

2081
2082
2083 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
2084 Negative: 0
2085 Absent: 0

2086
2087 The Board granted this request, as it found from evidence presented that, due to the
2088 unique circumstances of the subject property, strict application of the County Code
2089 would produce undue hardship not generally shared by other properties in the area, and
2090 authorizing the variance will neither cause a substantial detriment to adjacent properties
2091 nor materially impair the purpose of the zoning regulations.

2092
2093 **A-42-2004** **STEPHEN MCDANIEL** requests a variance from Section 24-
2094 94 of Chapter 24 of the County Code to build a sunroom and
2095 ramp at 2805 Maplewood Road (Hermitage Park) (Parcel

2096 777-746-7298), zoned R-4, One-family Residence District
2097 (Brookland). The front yard setback is not met. The applicant
2098 has 23 feet front yard setback, where the Code requires 35
2099 feet front yard setback. The applicant requests a variance of
2100 12 feet front yard setback.

2101
2102 Mr. Wright- Anyone else desire to speak in reference to this case?
2103 Please raise your right hand and be sworn.

2104
2105 Mr. Blankinship- Do you swear that the testimony you are about to give is the
2106 truth, the whole truth, and nothing but the truth, so help you God?

2107
2108 Mr. Gerald Lindsey- I do. I work for AAPCO of Richmond, and Mr. McDaniel has
2109 contracted with us to build a ramp and sunroom on the front of his home. He likes to
2110 work with handicapped people. He has two children and one elderly person that visit
2111 him who are all in wheelchairs. His house just isn't set up for this and that's the reason
2112 he wants it. You need a 12 foot setback.

2113
2114 Mr. Wright- Are the residents of the home in wheelchairs?

2115
2116 Mr. Lindsey- No, they don't live there. He brings them to his house.

2117
2118 Mr. Wright- Our reports says "wheel-chair bound residents," but that isn't
2119 correct?

2120
2121 Mr. Lindsey- That's not my understanding.

2122
2123 Mr. Wright- How many people occupy this residence?

2124
2125 Mr. Lindsey- To my knowledge, just one.

2126
2127 Mr. Wright- So he wants to construct this so he can bring wheel-chair
2128 bound people into his home.

2129
2130 Mr. Lindsey- That's my understanding, yes.

2131
2132 Ms. Dwyer- Can you explain a little bit more about what's this going to
2133 look like since it is on the front of the house? Are you enclosing the front porch?

2134
2135 Mr. Lindsey- No, we're going to remove what he has there. He has a
2136 patio cover and small deck and concrete front porch. We'll remove that and put a 3
2137 season sunroom there. It will be constructed of vinyl. I can give you a picture of what it
2138 will sort of look like.

2139
2140 Mr. Wright- Would this extend closer to the road than the other houses in
2141 that block?

2142
2143 Mr. Lindsey- No. The house to the left sticks out farther.
2144
2145 Mr. Wright- That's 2803? Will that still be closer to the street even after
2146 this addition is put on?
2147
2148 Mr. Lindsey- Yes, it would.
2149
2150 Mr. Wright- How about the one on the other side?
2151
2152 Mr. Lindsey- No, that one will be back behind it. The fence and black top
2153 area is right about where the room would extend to.
2154
2155 Mr. Kirkland- The existing carport roof that's there – how far does that
2156 extend out now?
2157
2158 Mr. Lindsey- I believe that comes out 8 feet. But we'll be removing that/
2159
2160 Mr. Kirkland- I understand that – I'm just trying to get a little sense of
2161 proportion.
2162
2163 Ms. Dwyer- This one is coming out 12 feet?
2164
2165 Mr. Wright- The ramp is shown in blue on this diagram? Is that correct?
2166
2167 Mr. Blankinship- Yes, that's correct.
2168
2169 Mr. Wright- And the Code permits that?
2170
2171 Mr. Blankinship- The Americans With Disabilities Act requires us to make
2172 reasonable accommodations for wheelchair access, and if this case were only the ramp
2173 I think we would have just approved the building permit. Enclosing the porch is what
2174 raised the question.
2175
2176 Mr. Wright- This is not to accommodate the residents of the house,
2177 though.
2178
2179 Mr. Blankinship- I didn't realize that. The application must be ambiguous on
2180 that point.
2181
2182 Mr. Wright- Does this gentleman conduct some sort of business here?
2183
2184 Mr. Lindsey- No, it isn't a business. I think he just likes to take care of
2185 these folks.
2186
2187 Ms. Dwyer- Is he here today?

2188
2189 Mr. Lindsey- No, he's not.
2190
2191 Mr. Wright- Can you describe just what he does?
2192
2193 Mr. Lindsey- No, I can't. He wrote us a letter saying that's what he was
2194 interested in.
2195
2196 Mr. Wright- It's difficult for use to make a decision when we don't have
2197 the applicant here to answer these questions.
2198
2199 Mr. Kirkland- Is his existing home handicapped accessible?
2200
2201 Mr. Lindsey- No, it isn't.
2202
2203 Mr. Kirkland- Is his front door wide enough to get a wheelchair through?
2204
2205 Mr. Lindsey- He's got a standard 36" front door.
2206
2207 Ms. Dwyer- How will the ramp connect to the porch? Will it be covered?
2208
2209 Mr. Lindsey- The ramp – the long part going in front of the addition- will be
2210 covered.
2211
2212 Ms. Dwyer- Will that be part of the roof of the porch, or will that be
2213 another roof?
2214
2215 Mr. Lindsey- No, that'll be part of the porch.
2216
2217 Mr. Wright- Anything further, sir?
2218
2219 Mr. McKinney- Mr. Lindsey, would you like to defer this case and bring the
2220 owner in?
2221
2222 Mr. Lindsey- I'd have to ask him.
2223
2224 Mr. McKinney- It is up to you.
2225
2226 Mr. Lindsey- Yes, if that's what you want.
2227
2228 Mr. McKinney- It has to be what you want, not what we want.
2229
2230 Mr. Kirkland- So you wouldn't have any problem deferring this case for 30
2231 days?
2232
2233 Mr. Lindsey- No.

2234
2235 Mr. Wright- Anyone in opposition to this request? Hearing none, that
2236 concludes the case.

2237
2238 Upon motion by Mr. Kirkland, seconded by Mr. McKinney, the Board **deferred**
2239 application **A-42-2004** for a variance to build a sunroom and ramp at 2805 Maplewood
2240 Road (Parcel: 777-746-7298), from the April 22, 2004 meeting to the May 27, 2004
2241 meeting.

2242
2243 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5

2244 Negative: 0

2245 Absent: 0

2246

2247 **A-43-2004** **RAYMOND E. CROUCH. III** requests a variance from
2248 Section 24-94 of Chapter 24 of the County Code to build an
2249 addition at 10424 Kings Grant Drive (Crown Grant South)
2250 (Parcel 742-752-0920), zoned R-4C, One-family Residence
2251 District (Conditional) (Tuckahoe). The rear yard setback is
2252 not met. The applicant has 28 feet rear yard setback, where
2253 the Code requires 35 feet rear yard setback. The applicant
2254 requests a variance of 7 feet rear yard setback.

2255

2256 Mr. Wright- Anyone else desire to speak in reference to this case?
2257 Please raise your right hand and be sworn.

2258

2259 Mr. Blankinship- Do you swear that the testimony you are about to give is the
2260 truth, the whole truth, and nothing but the truth, so help you God?

2261

2262 Mr. Ray Crouch- I do. I would like to add a sunroom addition to my residence
2263 at 10424 Kings Grant Drive. On the left rear corner, you'll notice... I don't know that my
2264 lot is so irregular, but the curve at the front of the street shifts the house to the left. The
2265 left rear corner is closer to the rear of the lot.

2266

2267 I had considered putting the addition to the right, but I don't have any access to the
2268 eastern side of the house. That entire section of house is all kitchen and garage.

2269

2270 Mr. Wright- Your rear line does cut diagonally across your property.
2271 How much of this proposed addition is in the required setback, Mr. Blankinship?

2272

2273 Mr. Blankinship- A 7 foot encroachment at the farthest point, and it looks like
2274 the northeast corner is about 1 foot encroachment.

2275

2276 Ms. Dwyer- So you couldn't move the sunroom to the other side of the
2277 house?

2278

2279 Mr. Crouch- If I move it to the right side of the house I'm still going to

2280 need a variance. One of the concerns is I have a cantilever there I'd have to address.
2281
2282 Ms. Dwyer- Is that a box window?
2283
2284 Mr. Crouch- Yes, and that's where the kitchen table is. I don't know that
2285 that's the best way to do it. I'm concerned about the roof line and that whole section
2286 has a cantilever to it – so there's some support and cost issues.
2287
2288 Ms. Dwyer- Can you show me where the cantilever is?
2289
2290 Mr. Crouch- The door going out is a 5' door. The rooflines are different
2291 here and that creates issues with the addition.
2292
2293 Mr. Wright- Will this be a single story?
2294
2295 Mr. Crouch- Yes, sir.
2296
2297 Ms. Dwyer- I notice that your house has a higher elevation compared to
2298 the houses on the adjacent street. You're higher.
2299
2300 Mr. Crouch- Yes, I am. At this corner, I'm about 4.5 feet higher, and my
2301 deck will be down along the side of the addition. I'm not going out any further. I'm
2302 basically asking for 6 feet further than my deck is now, for the addition.
2303
2304 Mr. Wright- Is there any screening to the rear of your property.
2305
2306 Mr. Crouch- There are two Leyland cypress that I've planted.
2307
2308 Mr. Wright- They usually get up around 10 feet.
2309
2310 Mr. Crouch- There's another picture of the other ones I've planted. My
2311 neighbor behind me has a building right on the fence line, so I'm not going outside of
2312 what's normal for the neighborhood.
2313
2314 Ms. Dwyer- That's a good view of the change in elevation.
2315
2316 Mr. Crouch- You can also see the cantilever.
2317
2318 Mr. Wright- Any further questions from members of the Board? Anyone
2319 here in opposition? Hearing none that concludes the case.
2320
2321 After an advertised public hearing, and on motion by Ms. Dwyer, seconded by Mr.
2322 Nunnally, the Board **granted** application **A-43-2004** for a variance to build an addition at
2323 10424 Kings Grant Drive (Parcel: 742-752-0920), subject to the following conditions:
2324
2325 1. The new construction shall match the existing dwelling as nearly as practical.

2326
2327 2. The property shall be developed in substantial conformance
2328 with the plan filed with the application. No substantial changes or additions to the layout
2329 may be made without the approval of the Board of Zoning Appeals.

2330
2331 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
2332 Negative: 0
2333 Absent: 0

2334
2335 The Board granted this request, as it found from evidence presented that, due to the
2336 unique circumstances of the subject property, strict application of the County Code
2337 would produce undue hardship not generally shared by other properties in the area, and
2338 authorizing the variance will neither cause a substantial detriment to adjacent properties
2339 nor materially impair the purpose of the zoning regulations.

2340
2341 **A-44-2004** **GEORGE AND SUSAN DOBBS** request a variance from
2342 Section 24-94 of Chapter 24 of the County Code to build a
2343 garage addition at 12177 Manor Park Drive (Manor Park at
2344 Wyndham) (Parcel 740-783-1825), zoned R-4C, One-family
2345 Residence District (Conditional) (Three Chopt). The
2346 minimum side yard setback and total side yard setback are
2347 not met. The applicants have 5 feet minimum side yard
2348 setback and 16 feet total side yard setback, where the Code
2349 requires 10 feet minimum side yard setback and 25 feet total
2350 side yard setback. The applicants request a variance of 5
2351 feet minimum side yard setback and 9 feet total side yard
2352 setback.

2353
2354 Mr. Wright- Anyone else desire to speak in reference to this case?
2355 Please raise your right hand and be sworn.

2356
2357 Mr. Blankinship- Do you swear that the testimony you are about to give is the
2358 truth, the whole truth, and nothing but the truth, so help you God?

2359
2360 Mr. Tim Amos- I do. My name is Tim Amos and I'm the President of
2361 Lakewood Builders and I've designed the Dobbs' addition. I'd like to pass out these
2362 elevations and put his elevation up.

2363
2364 The Dobbs have asked me to put an addition over the second floor, which doesn't
2365 require a variance. When doing that we discussed the inaccessibility of their garage.
2366 The garage is accessed from the right side and the driveway isn't as sweeping as
2367 shown in the photo. You have to make a u-turn to get into it. They were looking for
2368 something that could get in and out of with two cars.

2369
2370 We tried to layout a 2 car garage that is 24 x 26 deep that didn't require a lot of
2371 foundation additions and which fit with the rest of the neighbor. The adjacent property

2372 belongs to HH Hunt for a future road, but it is also Chesapeake Bay area and a
2373 drainage easement through that property. The request is to have a more accessible
2374 garage.

2375
2376 Mr. Wright- That side line dips in, doesn't it?

2377
2378 Mr. Amos- Yes, sir. It is an odd shaped lot due to the right of way for
2379 the road that might come through there.

2380
2381 Ms. Dwyer- Do other houses in the neighborhood have front-loading
2382 garages?

2383
2384 Mr. Amos- Yes, they do, on that street. Not every house, but some do.
2385 The existing house has 3 dormers and we'll add another. We did look into putting the
2386 garage in the rear yard, but Wyndam doesn't permit that and it wouldn't look very good.
2387 We also looked at pushing the garage back, which would have minimized the request,
2388 but the rear of the house would be blocked by the addition.

2389
2390 Mr. Wright- Any further questions from members of the Board? Anyone
2391 here in opposition? Hearing none, that concludes the case.

2392
2393 After an advertised public hearing, and on motion by Mr. Nunnally, seconded by Mr.
2394 McKinney, the Board **granted** application **A-44-2004** for a variance to build a garage
2395 addition at 12177 Manor Park Drive (Parcel: 740-783-1824), subject to the following
2396 conditions:

- 2397
2398 1. The new construction shall match the existing dwelling as nearly as practical.
2399
2400 2. The property shall be developed in substantial conformance with the plan filed
2401 with the application. No substantial changes or additions to the layout may be made
2402 without the approval of the Board of Zoning Appeals.

2403
2404 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
2405 Negative: 0
2406 Absent: 0

2407
2408 The Board granted this request, as it found from evidence presented that, due to the
2409 unique circumstances of the subject property, strict application of the County Code
2410 would produce undue hardship not generally shared by other properties in the area, and
2411 authorizing the variance will neither cause a substantial detriment to adjacent properties
2412 nor materially impair the purpose of the zoning regulations.

2413
2414 **A-45-2004** **DAVID AND MARY GILLIGAN** request a variance from
2415 Section 24-95(q)(5) of Chapter 24 of the County Code to
2416 build an addition at 1700 Habwood Lane (Gates Head)
2417 (Parcel 748-749-7637), zoned R-2A, One-family Residence

2418 District (Tuckahoe). The rear yard setback is not met. The
2419 applicants have 26 feet rear yard setback, where the Code
2420 requires 35 feet rear yard setback. The applicants request a
2421 variance of 9 feet rear yard setback.
2422

2423 Mr. Wright- Anyone else desire to speak in reference to this case?
2424 Please raise your right hand and be sworn.
2425

2426 Mr. Blankinship- Do you swear that the testimony you are about to give is the
2427 truth, the whole truth, and nothing but the truth, so help you God?
2428

2429 Mr. Scott Broaddus- I do. I'm an architect with SPV Studio and I'm working with
2430 the owners to design a 2 story addition to the rear of their property.
2431

2432 They are on a cul-de-sac, which pushes the house back on the property. One thing I'd
2433 like to bring up is that table 24-94 of the Code requires 45 feet, but the staff report says
2434 35 feet. So it is either a 9 feet or 19 feet.
2435

2436 Mr. Blankinship- This is a controlled density subdivision, so the setback is 35
2437 feet.
2438

2439 Mr. Broaddus- OK, so it is 9 feet. The two story addition. The Gilligan's
2440 have two young boys, and down stairs they want to provide them with a breakfast room
2441 off their kitchen, along with a mult-purpose room. Upstairs, they would get an additional
2442 bedroom and relocation of the master bath.
2443

2444 Mr. Wright- What type of construction will this be?
2445

2446 Mr. Broaddus- Wood frame, with siding to match the house. The bay
2447 window would come off. That's where the new kitchen would be.
2448

2449 Ms. Dwyer- What are the dimensions of the addition?
2450

2451 Mr. Broaddus- They are roughly 16' x25'.
2452

2453 Ms. Dwyer- I'm looking at the rooflines. It seems like an unusual
2454 combination of rooflines.
2455

2456 Mr. Broaddus- Yes, they're unusual, but they're done to break up the mass
2457 of the addition.
2458

2459 Ms. Dwyer- Is part of the addition one-story?
2460

2461 Mr. Broaddus- Yes. The area of the great room. It is done to
2462 accommodate the bathroom. It also breaks down the scale of the addition.
2463

2464 Mr. Wright- Any more questions from members of the Board? Anyone in
2465 opposition to this case? Hearing none, that concludes the case.

2466
2467 After an advertised public hearing, and on motion by Ms. Dwyer, seconded by Mr.
2468 Kirkland, the Board **granted** application **A-45-2004** for a variance to build an addition at
2469 1700 Habwood Lane (Parcel: 748-749-7637), subject to the following conditions:

- 2470
2471 1. The new construction shall match the existing dwelling as nearly as practical.
2472
2473 2. The property shall be developed in substantial conformance with the plan filed
2474 with the application. No substantial changes or additions to the layout may be made
2475 without the approval of the Board of Zoning Appeals.

2476
2477
2478 Affirmative: Dwyer, Kirkland, McKinney, Nunnally, Wright 5
2479 Negative: 0
2480 Absent: 0

2481
2482 The Board granted this request, as it found from evidence presented that, due to the
2483 unique circumstances of the subject property, strict application of the County Code
2484 would produce undue hardship not generally shared by other properties in the area, and
2485 authorizing the variance will neither cause a substantial detriment to adjacent properties
2486 nor materially impair the purpose of the zoning regulations.

2487
2488 **A-46-2004** **CARL MUZI** requests a variance from Section 24-94 of
2489 Chapter 24 of the County Code to build an attached garage
2490 at 9137 Olde Hartley Drive (Hartley Plantation) (Parcel 757-
2491 771-5670), zoned R-2C, One-family Residence District
2492 (Conditional) (Brookland). The minimum side yard setback is
2493 not met. The applicant has 7 feet minimum side yard
2494 setback, where the Code requires 15 feet minimum side yard
2495 setback. The applicant requests a variance of 8 feet
2496 minimum side yard setback.

2497
2498 Mr. Wright- Anyone else desire to speak in reference to this case?
2499 Please raise your right hand and be sworn.

2500
2501 Mr. Blankinship- Do you swear that the testimony you are about to give is the
2502 truth, the whole truth, and nothing but the truth, so help you God?

2503
2504 Mr. Carl Muzi- I do. I am the owner of the residence and I do not have the
2505 minimum setback if I were to build at 24x24-attached garage. The garage will match
2506 exactly the current structure. There is an existing garage, but it is supposed to be a two
2507 car garage and they put HVAC equipment in there and you can only get one car in
2508 there. The new garage would have an office above it. I am self-employed. The entry
2509 would be from the existing structure, there wouldn't be any external stairs.

2510
2511 Mr. Wright- So this is a two-story garage?
2512
2513 Mr. Muzi- Yes, sir. I'm trying to take the existing garage and shift it
2514 over. Several house in the neighborhood have a similar building type. It would be
2515 uniform. There isn't any further area in the front to build a garage due to a drainage
2516 easement. There are additional easements and the septic system on the property line.
2517
2518 Mr. Wright- Your house seems to be set back a good distance from the
2519 street.
2520
2521 Mr. Muzi- That's part of the problem. It was the last house built in the
2522 subdivision and was built in November 2000. It had to be put back to accommodate the
2523 drainage that goes right through the middle of the property.
2524
2525 Mr. Wright- Is that covered drainage?
2526
2527 Mr. Muzi- No, sir. If you look at the cul-de-sac, all the water pours
2528 down into a central line, which branches out from there.
2529
2530 Mr. Wright- What's located to the side?
2531
2532 Mr. Muzi- A wooded area. The neighbor has a fence running from the
2533 cul-de-sac to the rear property line.
2534
2535 Mr. Wright- That's substantially behind the neighbor's house anyway?
2536
2537 Mr. Muzi- Yes, I think it is about 75' from my house to their house.
2538
2539 Mr. Wright- What's located to the rear of your property?
2540
2541 Mr. Muzi- I-295.
2542
2543 Ms. Dwyer- Do all the homes in the Hartley neighborhood have front
2544 loading garages?
2545
2546 Mr. Muzi- There are 4 or 5, I think.
2547
2548 Ms. Dwyer- So it isn't a violation of any covenants?
2549
2550 Mr. Muzi- No, I talked to one of the member of the review committee
2551 and he said it wasn't a problem.
2552
2553 Mr. Wright- Any further questions from members of the Board? Anyone
2554 here in opposition? Hearing none, that concludes the case.
2555

2556 After an advertised public hearing, and on motion by Mr. Kirkland, seconded by Mr.
2557 McKinney, the Board **granted** application **A-46-2004** for a variance to build an attached
2558 garage at 9137 Olde Hartley Drive (Parcel: 757-771-5670), subject to the following
2559 conditions:

- 2560
- 2561 1. The new construction shall match the existing dwelling as nearly as practical.
2562
 - 2563 2. The property shall be developed in substantial conformance with the plan filed
2564 with the application. No substantial changes or additions to the layout may be made
2565 without the approval of the Board of Zoning Appeals.
2566

2567

2568 Affirmative:	Dwyer, Kirkland, McKinney, Nunnally, Wright	5
2569 Negative:		0
2570 Absent:		0

2571

2572 The Board granted this request, as it found from evidence presented that, due to the
2573 unique circumstances of the subject property, strict application of the County Code
2574 would produce undue hardship not generally shared by other properties in the area, and
2575 authorizing the variance will neither cause a substantial detriment to adjacent properties
2576 nor materially impair the purpose of the zoning regulations.

2577

2578 **A-47-2004** **EAGLE CONSTRUCTION** requests a variance from Section
2579 24-94 of Chapter 24 of the County Code to build a one-
2580 family dwelling at 516 Portwest Court (Weston Hills) (Parcel
2581 743-740-6262), zoned R-3C, One-family Residence District
2582 (Conditional) (Tuckahoe). The rear yard setback and total lot
2583 area requirement are not met. The applicant has 10,335
2584 square feet total lot area and 34 feet rear yard setback,
2585 where the Code requires 11,000 square feet total lot area
2586 and 40 feet rear yard setback. The applicant requests a
2587 variance of 665 square feet total lot area and 6 feet rear yard
2588 setback.

2589

2590 Mr. McKinney- Mr. Chairman, I'm going to abstain from this case.

2591

2592 Mr. Wright- Anyone else desire to speak in reference to this case?
2593 Please raise your right hand and be sworn.

2594

2595 Mr. Blankinship- Do you swear that the testimony you are about to give is the
2596 truth, the whole truth, and nothing but the truth, so help you God?

2597

2598 Mr. Patrick Heinen- I'm an attorney representing Eagle Construction. There's a
2599 lot line that runs across the northern portion of this subdivision that was inappropriately
2600 drawn. There is currently litigation I'm hoping to resolve.

2601

2602 There were 12 parcels affected. When we came to 1998 we assumed we could solve
2603 this problem rather quickly, and I think we're close. We've recorded corrected deeds
2604 for each of these lots. The common area and easements issues that came up due to
2605 the error are all that remains. I'm doing run-downs on titles to make sure that we've
2606 fixed everything to the satisfaction of Kings Crossing, which is the property owner
2607 infringed on to the rear.

2608
2609 We're asking for the exact same variance that we asked for in 1998, which was
2610 approved, except we've found a house design that does not include a rear deck. The
2611 lot line, as it effects this parcel, came forward and rendered the lot unbuildable. We've
2612 lost 900 square feet due to the issue. As far as the conditions are concerned, they are
2613 the same as the previous variance and we have no problem with them.

2614 Mr. Wright- What's behind you to the rear of this property?

2615
2616 Mr. Heinen- That's the Kings Crossing property. When the subdivision
2617 was approved, it was approved with a erroneous rear lot line. That's where utility and
2618 drainage easements run. The character will not change.

2619
2620 Ms. Dwyer- The two neighboring houses appear to be set back off the
2621 road. How will the front of this house match?

2622
2623 Mr. Heinen- I think it will be right across the same spot. They got a
2624 setback variance as well. The house will match the character of the neighborhood.

2625
2626 Ms. Dwyer- The way that house is angled, it looks like the side of this
2627 house could be facing the front of the existing house.

2628
2629 Mr. Heinen- I don't know if that's a recent picture. It does angle
2630 somewhat, but I don't know exactly how it will look.

2631
2632 Ms. Dwyer- What's the square footage of this house? Is it two story and
2633 comparable to the other houses in the neighborhood?

2634
2635 Mr. Heinen- Yes, two story. Exactly.

2636
2637 Ms. Dwyer- Will there be a garage? Why don't we do it all
2638 now...sunroom variance, the works?

2639
2640 Mr. Heinen- I've been told that there will not be a deck on this house.

2641
2642 Mr. Wright- If you turned the house...it looks like the house runs parallel
2643 to the rear line.

2644
2645 Mr. Heinen- Yes, the rear line is actually at an angle to the cul-de-sac.
2646 But that's the reality of the setback issue. The 1998 application was revised because
2647 there was also a side yard issue, but they've moved the house to correct that.

2648
2649 Mr. Wright- If you turned it, you've got a side yard problem and
2650 potentially a rear yard problem as well.

2651
2652 Mr. Heinen- Yes, the survey issue created a lot of problems.

2653
2654 Ms. Dwyer- It looks like you've attempted to design a house that meets
2655 the side yard setback.

2656
2657 Mr. Heinen- Yes, I think there is the exact setback required.

2658
2659 Mr. Wright- Any further questions? Anyone in opposition to this request?
2660 Hearing none, that concludes the case.

2661
2662 After an advertised public hearing, and on motion by Ms. Dwyer, seconded by Mr.
2663 Kirkland, the Board **granted** application **A-47-2004** for a variance to build a one family
2664 dwelling at 516 Portwest Court (Parcel: 743-740-6262), subject to the following
2665 conditions:

2666
2667 1. The property shall be developed in substantial conformance with the plan filed
2668 with the application. No substantial changes or additions to the layout may be made
2669 without the approval of the Board of Zoning Appeals.

2670
2671 2. Connections shall be made to public water and sewer.

2672
2673 Affirmative: Dwyer, Kirkland, Nunnally, Wright 5

2674 Negative: 0

2675 Abstain: McKinney 1

2676
2677 The Board granted this request, as it found from evidence presented that, due to the
2678 unique circumstances of the subject property, strict application of the County Code
2679 would produce undue hardship not generally shared by other properties in the area, and
2680 authorizing the variance will neither cause a substantial detriment to adjacent properties
2681 nor materially impair the purpose of the zoning regulations.

2682
2683
2684 **MINUTES DEFERRED**

2685
2686 On a motion by Mr. Kirkland, seconded by Mr. McKinney, the Board **deferred**
2687 approval of the Minutes of the **October 23, 2003**, Henrico County Board of
2688 Zoning Appeals meeting.

2689
2690 **RECESSED**

2691
2692 On motion by Mr. McKinney, seconded by Mr. Nunnally, the Board **recessed** and
2693 reconvened for a work session.

2694
2695
2696
2697
2698
2699
2700

ADJOURNED

There being no further business, and on a motion by Mr. McKinney, seconded by Mr. Kirkland, the Board adjourned until **March 23, 2003**, at 9:00 am.

2701

2702

2703

Russell A. Wright, Esq.

2704

Chairman

2705

2706

2707

Benjamin Blankinship, AICP

2708

Secretary

2709

2710