

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**
3 **BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY**
4 **SPRING ROADS, ON THURSDAY, APRIL 25, 2013 AT 9:00 A.M., NOTICE**
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH APRIL 8,**
6 **2013, AND APRIL 15, 2013.**
7

Members Present: R. A. Wright, Chairman
James W. Nunnally, Vice Chairman
Greg Baka
Helen E. Harris

Member Absent: Gentry Bell

Also Present: David D. O'Kelly, Jr., Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul Gidley, County Planner
R. Miguel Madrigal, County Planner

8
9 Mr. Wright - Good morning, ladies and gentlemen. Welcome to
10 the April meeting of the Board of Zoning Appeals of Henrico County. I ask you to
11 please stand and join me in pledging allegiance to the flag of our country.
12

13 One of our members is ill today and can't make it. We have a policy that since it
14 takes three votes to approve any application, anyone who would desire to have a
15 deferral to the next meeting is welcome to do so, so we can have a full board. Is
16 there anybody here that desires to defer until next month? All right. Read our
17 rules, please, Mr. Blankinship.
18

19 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
20 ladies and gentlemen. The rules for this meeting are as follows. Acting as
21 secretary, I'll call each case, and the applicant should come up to the podium at
22 that time. We will ask you to raise your right hand to be sworn in. It doesn't
23 appear that we're going to have too much testimony other than the applicants, so
24 we can shorten the rules this morning.
25

26 Please state your name and spell your last name so we get it correctly in the
27 record. The meeting is being recorded, so we will ask you to speak clearly into
28 the microphone.
29

30 After they hear the first case, the Board will proceed to the second case and then
31 to the third case. And then at the end of the meeting, they will go back through
32 the agenda and make all their decisions. If you want to hear their decision on
33 your case, you will need to stay until the end of the meeting, which probably
34 won't be too late.

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Finally, there's a binder in the foyer that contains the staff report for each case, including the conditions that have been recommended by the staff. It's very important that the applicants be familiar with the conditions that have been recommended.

With that, CUP2013-00008, Kimberly M. Michales.

CUP2013-00008 **KIMBERLY M. MICHALES** requests a conditional use permit pursuant to Section 24-95(i)(4) of the County Code to allow a pool in the side yard at 10608 Hamilton Road (FOREST LODGE ACRES) (Parcel 770-767-2902) zoned R-2, One-Family Residence District (Brookland).

Mr. Wright - Everyone who desires to speak on this case, whether for or against, please stand and be sworn.

Mr. Blankinship - Raise your right hand, please. Do you swear the testimony you're about to give is the truth and nothing but the truth so help you God?

Ms. Michales - I do, sir.

Mr. Wright - Yes ma'am. Please state your case.

Ms. Michales - I would like to put a pool—

Mr. Wright - Would you state your name for the record.

Ms. Michales - Oh, I'm sorry; that's correct. My name is Kimberly M. MichalesM-i-c-h-a-l-e-s. Basically, all I want to do is put a pool that is 18 feet by 36 feet on the side of my property, which is an adjoining lot that I own. There are two streets—the lot runs like this, and Hamilton runs this way and Cussons runs this way.

Mr. Wright - You can sit it; it's up on the—

Ms. Michales - Exactly. That's a wooded area. And I have cleared the area for the pool, and there's still like thirty feet of woods on either side of the pool. You can see where I cleared, but my house is on one side so it's open to the house.

Mr. Wright - How many of those trees would you have to remove?

Ms. Michales - They're already down, sir. This is what you'll see.
Yes, yes sir.

81 Mr. Blankinship - Go back to the previous one, Paul. Yes. You can see
82 the stumps there. They're about three foot—
83
84 Ms. Michales - Right, so the diggers can pull them up.
85
86 Mr. Wright - So that's where the pool would be, where the stumps
87 are.
88
89 Ms. Michales - Yes sir, very, very close. Yes sir.
90
91 Mr. Wright - Now which way are we looking here?
92
93 Mr. Blankinship - This is taken from Hamilton looking toward the front
94 of the house with John Cussons in the back.
95
96 Mr. Wright - Okay. But the houses that would be most affected
97 would be on Hamilton Road, wouldn't they?
98
99 Mr. Blankinship - Yes sir.
100
101 Ms. Michales - Yes. There are no houses on that side. It looks like an
102 easement on the other side of the street.
103
104 Mr. Wright - Have you read the conditions that have been
105 proposed for this case?
106
107 Ms. Michales - I have. That the County is recommending?
108
109 Mr. Wright - Yes ma'am. I think the only real concern that we have
110 is with screening.
111
112 Ms. Michales - Aesthetics?
113
114 Mr. Wright - Yes.
115
116 Ms. Michales - I have a recommendation for aesthetics, if you would
117 like me to kind of approach and show you what it is. I actually put those already
118 in the back.
119
120 Mr. Wright - Get up to the microphone, please, ma'am.
121
122 Ms. Michales - Yes, I know. I've actually put them in the back of the
123 yard already. There are forty-five or fifty of them already surrounding the back of
124 my yard, which affords a huge gorgeous hedge. They're like a red tip, but they're
125 not. But it is a laurel. It grows to about eight to twelve feet. My intent is to bring
126 that around that whole triangle area—no, not on the side of my house, but to

127 plant that in there so I can have sufficient privacy without having to put a fence
128 in. A fence was not my first choice.

129

130 Mr. Wright - It works both ways, doesn't it?

131

132 Ms. Michales - Yes sir. Yes sir, it certainly does.

133

134 Mr. Wright - What is the size of this pool?

135

136 Ms. Michales - It's 36 feet by 18 feet.

137

138 Mr. Wright - And it will be an in-ground pool?

139

140 Ms. Michales - Yes sir, it is an in-ground pool.

141

142 Mr. Wright - So there won't be anything sitting up.

143

144 Ms. Michales - The chairs will be out there and tables.

145

146 Mr. Wright - Right.

147

148 Ms. Michales - Yes sir.

149

150 Mr. Wright - All right. Any questions from members of the Board?

151

152 Ms. Harris - Yes. Are there other pools in your neighborhood?

153

154 Ms. Michales - I don't know that; I'm sorry.

155

156 Ms. Harris - Okay. Have you had any concerns from your
157 neighbors about placing a pool there?

158

159 Ms. Michales - No. I've had two of them tell me that they're really
160 pleased that I'm continuing to upgrade the property.

161

162 Mr. Blankinship - Looks like there's a pool at 3000 Lakewood, down in
163 the lower left-hand corner of the image there. That's the only one I see in this
164 immediate area.

165

166 Ms. Michales - Is that an in-ground pool?

167

168 Mr. Blankinship - It's hard to tell. It could be above ground; it looks like
169 it's casting a shadow.

170

171 Ms. Michales - I didn't realize I could see this all in front of me.

172

173 Ms. Harris - In the picture that we're looking at, the view of the
174 proposed pool location where you have the street lighting, how close is that to
175 the pool? How close would that be to the pool itself?
176

177 Ms. Michales - This street?
178

179 Ms. Harris - Look at the picture of the "View of Proposed Pool
180 Location." Not this picture but—yes. That's street lighting, right, that pole?
181

182 Ms. Michales - No ma'am. It's just a VEPCO pole, power. There's no
183 lighting on it.
184

185 Ms. Harris - There's no light there.
186

187 Mr. Blankinship - It's some kind of a sensor.
188

189 Mr. Baka - I think that's a sensor, not a light.
190

191 Ms. Harris - Okay. How close is that to the pool?
192

193 Ms. Michales - That pole?
194

195 Ms. Harris - Yes.
196

197 Ms. Michales - Maybe fifteen to eighteen feet. Maybe to the edge of
198 pool about fifteen or eighteen feet.
199

200 Mr. Blankinship - According to your plan, the pool is going to be thirty-
201 eight feet back from the right of way of Hamilton.
202

203 Ms. Michales - Correct.
204

205 Mr. Blankinship - And I bet that pole is pretty close to the right of way,
206 so I would say it's probably thirty-eight or forty feet.
207

208 Mr. Wright - Any other questions from members of Board?
209

210 Mr. Gidley - [Speaking off microphone.] Ms. Michales, what kind
211 of laurels are you going to put in?
212

213 Ms. Michales - They are called Skipwith. I'll give you the—
214

215 Mr. Gidley - Schip(kaensis) Laurel.
216

217 Ms. Michales - Okay.
218

219 Mr. Gidley - Just FYI, you will want the standard variety and not
220 the Otto Luyken variety.
221
222 Ms. Michales - I'm sorry; say it again?
223
224 Mr. Gidley - I'm sorry. You will want a standard Skip(kaensis)
225 Laurel and not an Otto Luyken, which is a dwarf variety that is commonly sold.
226
227 Ms. Michaels - Okay.
228
229 Mr. Gidley - Just for your information.
230
231 Ms. Michaels - Thank you.
232
233 Mr. Blankinship - Now you said you had already planted a number of
234 those?
235
236 Ms. Michaels - Yes sir, in the backyard. I have a picture, but I turned
237 my phone off because they asked me to turn—
238
239 Mr. Blankinship - Were they there two or three weeks ago?
240
241 Ms. Michaels - Yes sir. In the backyard.
242
243 Mr. Blankinship - Do they show in the photograph from—
244
245 Ms. Michaels - No sir. Actually they do if you—yes sir. Right where
246 you have the pointer right there.
247
248 Mr. Blankinship - Okay.
249
250 Ms. Michaels - They actually are red tips, but if you look just—it's just
251 a few feet beyond that you can see that whole hedge row going all the way back
252 through.
253
254 Mr. Wright - Mr. Blankinship, the way you've worded this condition,
255 it could be landscaping or a fence, so the landscaping would suffice.
256
257 Mr. Blankinship - Yes sir.
258
259 Mr. Wright - It would satisfy the condition.
260
261 Mr. Blankinship - Yes sir. We would like to see a plan, and have a
262 planner review it, and make sure that the spacing is adequate and that sort of
263 thing.
264

265 Mr. Wright - Right. Do you understand that?
266
267 Ms. Michaels - Yes sir.
268
269 Mr. Wright - Check with the Planning office about what you're
270 supposed to put in.
271
272 Ms. Michaels - I have no problem with that.
273
274 Mr. Wright - Thank you.
275
276 Mr. Blankinship - And a fence is required by the building code, I
277 believe, a four-foot—
278
279 Ms. Michaels - Around the—yes sir. Around the pool. But I wasn't
280 going to put a privacy fence around it. I was going to use a small little wrought
281 iron around that.
282
283 Mr. Blankinship - Right.
284
285 Ms. Michaels - Something more decorative.
286
287 Mr. Wright - Okay. Any further questions? Is anyone here in
288 opposition to this request? Hearing none, that concludes the case. Thank you
289 very much for appearing.
290
291 Ms. Michaels - Thank you.
292
293 **[After the conclusion of the public hearings, the Board discussed the case**
294 **and made its decision. This portion of the transcript is included here for**
295 **convenience of reference.]**
296
297 Mr. Wright - Do I hear a motion on this case?
298
299 Ms. Harris - I move that we approve this conditional use permit. I
300 don't see it adversely affecting the health, safety, or welfare of the neighbors. It
301 might be a welcome addition to the community, in fact.
302
303 Mr. Wright - Is there a second?
304
305 Mr. Nunnally - Second.
306
307 Mr. Wright - Motion made and seconded. Is there any discussion?
308 Hearing none, all in favor say aye. All opposed say no. The ayes have it; the
309 motion passes.
310

311 After an advertised public hearing and on a motion by Ms. Harris, seconded by
312 Mr. Nunnally, the Board **approved** application **CUP2013-00008, Kimberly W.**
313 **Michales'** request for a conditional use permit pursuant to Section 24-95(i)(4) of
314 the County Code to allow a pool in the side yard at 10608 Hamilton Road
315 (FOREST LODGE ACRES) (Parcel 770-767-2902) zoned R-2, One-Family
316 Residence District (Brookland). The Board approved the conditional use permit
317 subject to the following conditions:

- 318
- 319 1. Only the swimming pool shown on the plot plan filed with the application may
320 be constructed pursuant to this approval. Any additional improvements shall
321 comply with the applicable regulations of the County Code. Any substantial
322 changes or additions to the design or location of the improvements will require a
323 new use permit.
 - 324
 - 325 2. The pool shall be enclosed by a fence as required by the building code. The
326 pool shall be screened from view from Hamilton Road and Cussons Road by a
327 fence, or landscaping, or both. Plans for the fence or landscaping shall be
328 submitted with the building permit for the pool, to be reviewed and approved by
329 the Planning Department.
 - 330
 - 331 3. Any exterior lighting associated with the pool shall be shielded to prevent
332 glare from affecting traffic safety or neighboring property.

333

334			
335	Affirmative:	Baka, Harris, Nunnally, Wright	4
336	Negative:		0
337	Absent:	Bell	1
338			

339

340 **[At this point, the transcript continues with the public hearing on the next**
341 **case.]**

342

343 **CUP2013-00009 REZA AND CAMILLA ALIPANAH** request a
344 conditional use permit pursuant to Section 24-95(i)(4) of the County Code to
345 build a detached carport in the side yard at 305 Lakeway Drive (SLEEPY
346 HOLLOW) (Parcel 751-735-4086) zoned R-1, One-Family Residence District
347 (Tuckahoe).

348

349 Mr. Wright - Please state your name for the record.

350

351 Mr. Alipanah - Reza Alipanah—A-l-i-p-a-n-a-h.

352

353 Mr. Wright - All right. Is there anyone else here interested in this
354 case? Everyone needs to raise your right hand and be sworn, please.

355

356 Mr. Blankinship - Do you swear the testimony you're about to give is
357 the truth and nothing but the truth so help you God?
358
359 Mr. Alipanah - I do.
360
361 Mr. Wright - Thank you. Please state your case.
362
363 Mr. Alipanah - We are requesting a conditional use permit to build
364 the detached carport to the side of our house.
365
366 Mr. Wright - What size is the carport?
367
368 Mr. Alipanah - It's on the north side of the—if you're looking at the
369 house from the front, it would be on the right side of the house. That's looking
370 from the back, from the lake.
371
372 Mr. Wright - Now there's a question, Mr. Blankinship, about the
373 size of this little breezeway, is there not? Did you have some question about
374 that?
375
376 Mr. Blankinship - The size of the breezeway—the width of the
377 breezeway specifically determines whether an accessory structure is considered
378 detached or attached. They're proposing less than ten feet of—
379
380 Mr. Alipanah - It's going to be about three to four feet wide, the
381 breezeway, yes.
382
383 Mr. Blankinship - Okay. So that would be a detached structure, which is
384 why they need the use permit.
385
386 Mr. Alipanah - Right.
387
388 Mr. Blankinship - Because it's in the side yard.
389
390 Mr. Wright - If it were attached, they would not—
391
392 Mr. Blankinship - They would not need the use permit, but then they'd
393 need a variance because it would be too close to the property line.
394
395 Mr. Wright - Oh.
396
397 Mr. Blankinship - If it were part of the dwelling, then we would apply the
398 setback for the dwelling.
399
400 Mr. Wright - So it's better that it not be attached?
401

402 Mr. Blankinship - Yes.
403
404 Mr. Nunnally - Sir, have you read these conditions they have on
405 here?
406
407 Mr. Alipanah - Yes, we have.
408
409 Mr. Nunnally - And you're in agreement with them?
410
411 Mr. Alipanah - That's correct, yes.
412
413 Mr. Blankinship - We're calling this a carport, but it does have a hard
414 wall structure in the center. Paul, if you could pull up the plan, the floor plan.
415 Well, you can see it there. You see there's room for a carport on both sides, and
416 then in the center there's five and a half feet of hard wall structure.
417
418 Mr. Wright - There's also a question about the floodplain, is there
419 not?
420
421 Mr. Blankinship - Yes. And that's why I bring that up, because that
422 would impede the flow of floodwater. So it will have to be designed in such a way
423 that water can flow through it.
424
425 Mr. Alipanah - I must say that the house, the whole property, is not
426 on a FEMA floodplain; this is the County floodplain. And I have discussed that
427 with the Department of Public Works, and they have mentioned that there is no
428 issue.
429
430 Mr. Wright - Condition #7 addresses this. You said you've read the
431 conditions—
432
433 Mr. Alipanah - I have.
434
435 Mr. Wright - —and you're satisfied that you can comply with the
436 conditions?
437
438 Mr. Alipanah - That's correct.
439
440 Mr. Wright - That's the one that addresses this. I just want to
441 ensure that we understood that.
442
443 Mr. Alipanah - Absolutely, yes.
444
445 Ms. Harris - Excuse me. Will there be any effect on the trees?
446 I notice that you have some mature trees in this area.
447

448 Mr. Alipanah - Yes. There are a few pine trees that have to be
449 removed.

450
451 Mr. Wright - That will be a blessing.

452
453 Ms. Harris - Okay. How close will the house be to the carport? We
454 can see the drawing. I don't know if it scales out the footage.

455
456 Mr. Alipanah - Well, the carport size is twenty-six feet wide. The
457 corner of the house to the property line is forty-five feet, six inches. So the
458 carport can be set anywhere from I would say ten to fifteen feet from the house.

459
460 Mr. Blankinship - It will have to be at least ten feet from the dwelling.

461
462 Mr. Alipanah - Yes.

463
464 Mr. Wright - It's the minimum, ten.

465
466 Ms. Harris - And you're saying that the passageway will be wider
467 than ten feet?

468
469 Mr. Alipanah - No. I'm saying that it would be less than the ten feet.
470 It's between three to four feet or so, that breezeway that connects the carport to
471 the side of the house.

472
473 Mr. Wright - Any further questions by members of the Board?

474
475 Mr. Baka - Yes sir, I have a couple comments. Thank you. First
476 of all, it's a beautiful property. I had an opportunity to drive by and see both 305
477 and 303, the neighboring houses. If the carport is twenty-six feet wide and a
478 minimum of ten feet is required from the house, so am I correct in the math that
479 this will be approximately nine—the edge of the new carport would be
480 approximately nine feet from the shared property line?

481
482 Mr. Alipanah - That's correct.

483
484 Mr. Baka - Okay. And then I saw some large loblolly pine trees
485 that would need to be removed, but it wouldn't be burdensome.

486
487 The only question I had, was whether there were any objections received by staff
488 from either this neighboring property owner on Lot 13 or any of the other
489 neighbors in the area, because that house would be somewhat obstructed from
490 the road. It doesn't have many windows, it is mostly made of stone, but were any
491 objections received?

492
493 Mr. Blankinship - No sir, we have not heard from any of the neighbors.

494
495 Mr. Baka - All right. With that, I have no further questions.
496
497 Mr. Wright - Any further questions from the Board? Anyone here
498 in opposition to this request?
499
500 Ms. Harris - I have another question. If you placed the carport in
501 the rear, where would it be located?
502
503 Mr. Alipanah - If it would be in the rear, it would be very, very difficult
504 to put it in the rear. First of all, it requires a very, very long driveway to get there.
505 In there rear of the property you have the lake. And you don't want to obstruct
506 the view of the lake, you know. The reason that we're using this—you can look at
507 the drawings. We've been back and forth to make sure that we design a carport
508 that fits the existing structure. So we have been very, very concerned. We want it
509 to fit nicely. It would be very, very difficult. It's not impossible, but it would be
510 very, very difficult to put the carport or a garage in the back.
511
512 Mr. Wright - Any further questions by members of the Board?
513 Hearing none, that concludes the case. Thank you very much for appearing.
514
515 **[After the conclusion of the public hearings, the Board discussed the case**
516 **and made its decision. This portion of the transcript is included here for**
517 **convenience of reference.]**
518
519 Mr. Wright - Do I hear a motion?
520
521 Mr. Baka - Mr. Chairman, I'd like make a motion that we approve
522 CUP2013-00009 with the suggested nine conditions from staff including the
523 landscaping detailed in Condition #8, and based on that this will not have a
524 substantial detriment to any of the neighboring properties, will not adversely
525 affect the health, safety, or welfare of the neighborhood, and should be a
526 beautiful addition.
527
528 Mr. Wright - Is there a second to this motion?
529
530 Ms. Harris - Second.
531
532 Mr. Wright - All right. Any discussion? Hearing none, all in favor
533 say aye. All opposed say no. The ayes have it; the motion passes.
534
535 After an advertised public hearing and on a motion by Mr. Baka, seconded by
536 Ms. Harris, the Board **approved** application **CUP2013-00009, Reza and Camilla**
537 **Alipanah's** request for a conditional use permit pursuant to Section 24-95(i)(4)
538 of the County Code to build a detached carport in the side yard at 305 Lakeway
539 Drive (SLEEPY HOLLOW) (Parcel 751-735-4086) zoned R-1, One-Family

540 Residence District (Tuckahoe). The Board approved the conditional use permit
541 subject to the following conditions:

- 542
- 543 1. This conditional use permit applies only to the side yard location requirement
544 for one accessory structure. All other applicable regulations of the County Code
545 shall remain in force.
 - 546
 - 547 2. Only the improvements shown on the plot plan and building design filed with
548 the application may be constructed pursuant to this approval. Any additional
549 improvements shall comply with the applicable regulations of the County Code.
550 Any substantial changes or additions to the design or location of the
551 improvements will require a new use permit.
 - 552
 - 553 3. The new construction shall match the existing dwelling as nearly as practical
554 in materials and color.
 - 555
 - 556 4. More than 2,500 square feet of land disturbance will require an erosion and
557 sediment control plan.
 - 558
 - 559 5. At the time of building permit application, the applicant shall submit the
560 necessary information to the Department of Public Works to ensure compliance
561 with the requirements of the Chesapeake Bay Preservation Act and the code
562 requirements for water quality standards. This will include any information
563 needed to regulate the placement of structures within the floodplain.
 - 564
 - 565 6. Flood resistant materials must be used below the base flood elevation of 185
566 feet (NACD 1988).
 - 567
 - 568 7. Vents to allow the free flow of water through the enclosed storage area of the
569 carport shall be provided if required by the Department of Public Works.
570 Electrical connections shall be located above the flood elevation to the extent
571 required by the Department of Public Works and Building Inspections.
 - 572
 - 573 8. A detailed landscaping plan shall be submitted to the Planning Department
574 with the building permit for review and approval. This shall show at a minimum a
575 thirty foot long evergreen screen between the carport and the adjacent property
576 at 303 Lakeway Drive. All approved landscaping shall be maintained in a healthy
577 condition at all times. Dead plant materials shall be removed within a reasonable
578 time and replaced during the normal planting season.
 - 579
 - 580 9. All exterior lighting associated with the carport shall be shielded to direct light
581 away from the adjacent property.

582

583 Affirmative:	Baka, Harris, Nunnally, Wright	4
584 Negative:		0
585 Absent:	Bell	1

586

587 [At this point, the transcript continues with the public hearing on the next
588 case.]

589
590 **CUP2013-00010** **JOHN DEAN** requests a conditional use permit
591 pursuant to Section 24-95(i)(4) of the County Code to build a detached garage in
592 the side yard at 6061 White Oak Road (Parcel 857-707-3394) zoned A-1,
593 Agricultural District (Varina).

594
595 Mr. Wright - All persons desiring to speak on this case, whether
596 for or against, please stand and be sworn.

597
598 Mr. Blankinship - Raise your right hand. Do you swear the testimony
599 you're about to give is the truth and nothing but the truth so help you God?

600
601 Mr. Dean - I do.

602
603 Mr. Wright - Please state your name for the record, spelling your
604 last name, and then state your case.

605
606 Mr. Dean - John A. Dean—D-e-a-n.

607
608 Mr. Wright - All right, sir.

609
610 Mr. Dean - I propose to build a 48 foot by 66 foot garage in my
611 side yard, detached.

612
613 Mr. Wright - It's very difficult to determine what your side yard is,
614 to me.

615
616 Mr. Dean - Yes sir. To the left of our driveway is the side yard
617 where I would like to put the garage.

618
619 Mr. Wright - What's the size of this garage?

620
621 Mr. Dean - Forty-eight feet by sixty-six feet.

622
623 Mr. Wright - Pretty sizable garage.

624
625 Mr. Dean - Yes sir.

626
627 Mr. Wright - What will you use it for?

628
629 Mr. Dean - To store my vehicles in and also a shop.

630
631 Mr. Wright - How many vehicles do you have, would you store in
632 there?

633
634 Mr. Dean - With two bays I could put two cars in each bay front
635 to back, but probably only one car in each bay at a time. I have an attached
636 garage at the house also that I would keep a vehicle in.
637
638 Mr. Wright - And you said you would put a shop in this.
639
640 Mr. Dean - Yes sir. To refinish furniture, things like that.
641
642 Mr. Wright - All right. Any further questions?
643
644 Mr. Baka - Approximately how many feet would the edge of the
645 garage be from that shared property line, the closest property line?
646
647 Mr. Dean - The closest property line would be ten feet. It's twenty
648 feet off the back, ten feet off the northwest corner at the closest point.
649
650 Mr. Baka - And this is a large shop. Would anyone ever be living
651 in this building?
652
653 Mr. Dean - No sir. It's a pre-engineered metal building. And I've
654 built—this will be the sixth building that I've built, the smallest one.
655
656 Mr. Baka - Thank you.
657
658 Mr. Nunnally - Mr. Dean, you say you're finishing furniture in there.
659 Now is this a hobby or?
660
661 Mr. Dean - Yes sir. Yes sir, it's a hobby of mine. Yes sir. Antique
662 furniture.
663
664 Mr. Nunnally - No commercial stuff.
665
666 Mr. Dean - No sir. Just tables and things like that I collect.
667
668 Ms. Harris - Mr. Dean, how many acres of land do you have here?
669
670 Mr. Dean - I have 1.73 acres. Originally, my grandfather owned
671 that—bought that in the late fifties. It was about 100 acres. He sold off some
672 property my father owns, right around sixty acres of it. I mean it's been in our
673 family since the fifties.
674
675 Ms. Harris - And this is the best place on this acreage?
676
677 Mr. Dean - Yes ma'am. Where my house sits, it sits right on the
678 edge of a hill. And from the edge of that, it goes downhill. If I build it in the

679 backyard—I've got a shed in my backyard right now. When the weather gets bad
680 like this past winter, it's nothing but a mud hole back there. And it's convenient
681 right there in the side yard, because as I'm coming in my driveway to the house, I
682 can pull right into the garage. It's just the most convenient place to put it. That's
683 the shed I was talking about behind the house.
684

685 Mr. Blankinship - This shows how it kind of falls off from the house.
686

687 Mr. Dean - Yes sir. Right. I definitely don't want to put it in the
688 front of the house. That's the flattest piece of ground that I have right there in the
689 side yard.
690

691 Mr. Wright - All right. Any further questions?
692

693 Mr. Blankinship - If I could ask one question, Mr. Chairman. The corner
694 of where the building is going to be is near a building on your neighbor's
695 property.
696

697 Mr. Dean - It would probably be thirty-five, forty feet from that
698 building.
699

700 Mr. Blankinship - Yes, there it is. Do you know what the building is used
701 for?
702

703 Mr. Dean - It was originally a horse barn. Now he's just storing
704 things in it. It doesn't have a concrete floor. It's a framed building with siding on
705 it.
706

707 Mr. Blankinship - So you wouldn't expect your garage to have any
708 detrimental impact on whatever goes on in there.
709

710 Mr. Dean - No sir. I've talked with all the neighbors and they don't
711 have a problem with it.
712

713 Mr. Blankinship - And you can see the markers in this photograph—
714

715 Mr. Dean - Yes sir.
716

717 Mr. Blankinship - —of where the building's going to be.
718

719 Mr. Dean - There are Leland cypress to the west, and there are
720 pine trees and things to the north. That's the only bare spot right there that
721 anybody could see the building. And you wouldn't even see the building from the
722 end of my driveway where it turns down to White Oak Road. You wouldn't see
723 the building at all because of the way the landscape runs.
724

725 Mr. Wright - Any further questions from members of the Board?
726 Anyone here in opposition to this request? Hearing none, that concludes the
727 case.

728

729 Mr. Dean - Thank you, sir.

730

731 Mr. Wright - Thank you very much.

732

733 **[After the conclusion of the public hearings, the Board discussed the case**
734 **and made its decision. This portion of the transcript is included here for**
735 **convenience of reference.]**

736

737 Mr. Wright - Do I hear a motion?

738

739 Mr. Nunnally - Mr. Chairman, I move we approve this conditional use
740 permit as it will not affect the health, safety, or welfare of the neighborhood, or
741 impair the character of the neighborhood or the district.

742

743 Mr. Wright - Motion's made by Mr. Nunnally. Is there a second?

744

745 Mr. Baka - Second.

746

747 Mr. Wright - There's a second by Greg. Any discussion? Hearing
748 none, all in favor say aye. All opposed say no. The ayes have it; the motion
749 passes.

750

751 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
752 Mr. Baka, the Board **approved** application **CUP2013-00010, John Dean's**
753 request for a conditional use permit pursuant to Section 24-95(i)(4) of the County
754 Code to build a detached garage in the side yard at 6061 White Oak Road
755 (Parcel 857-707-3394) zoned A-1, Agricultural District (Varina). The Board
756 approved the conditional use permit subject to the following conditions:

757

758 1. Only the garage shown on the plot plan and building design filed with the
759 application may be constructed pursuant to this approval. Any additional
760 improvements shall comply with the applicable regulations of the County Code.
761 Any substantial changes or additions to the design or location of the
762 improvements will require a new use permit.

763

764 2. At the time of building permit application, the applicant shall submit the
765 necessary information to the Department of Public Works to ensure compliance
766 with the requirements of the Chesapeake Bay Preservation Act and the code
767 requirements for water quality standards.

768

769 3. The garage shall not be occupied for business or dwelling purposes except as
770 allowed by the County Code.

771
772 Affirmative: Baka, Harris, Nunnally, Wright 4
773 Negative: 0
774 Absent: Bell 1
775
776
777 Mr. Wright - The minutes of the March meeting. Do I hear a
778 motion that we approve the minutes of the March meeting?
779
780 Ms. Harris - I saw one correction—well I saw two minor
781 corrections, but the one I want to call your attention to is on line 442. That's on
782 page ten. "Unless it causes confusion, one of them..." It should be "of them,"
783 instead of "one if them." It's minor.
784
785 Mr. Wright - Well I found another typo, but I'm not going to worry
786 about it.
787
788 Ms. Harris - Right, okay. I did, too, so. I move that the minutes be
789 approved as corrected.
790
791 Mr. Wright - Ms. Harris moves to approve the minutes. Is there a
792 second?
793
794 Mr. Baka - Second.
795
796 Mr. Wright - All right. Any discussion? Hearing none, all in favor
797 say aye. All opposed say no. The minutes are approved.
798
799 On a motion by Ms. Harris, seconded by Mr. Baka, the Board **approved as**
800 **corrected the Minutes of the March 28, 2013**, Henrico County Board of Zoning
801 Appeals meeting.
802
803
804 Affirmative: Baka, Harris, Nunnally, Wright 4
805 Negative: 0
806 Absent: Bell 1
807
808
809 Mr. Wright - Anything else to come before the Board, Mr.
810 Blankinship?
811
812 Mr. Blankinship - No sir.
813
814 Mr. Wright - How many cases do we have next time?
815
816 Mr. Blankinship - We have four. One variance and three use permits.

817
 818 Mr. Wright - I assume they were advised?
 819
 820 Mr. Blankinship - Yes sir, they were.
 821
 822 Mr. Wright - Do I hear a motion that we adjourn?
 823
 824 Mr. Nunnally - So moved.
 825
 826 Mr. Wright - Second?
 827
 828 Mr. Baka - Second.
 829
 830 Mr. Wright - All right. Any discussion? Hearing none, all in favor
 831 say aye. All opposed say no.
 832

833			
834	Affirmative:	Baka, Harris, Nunnally, Wright	4
835	Negative:		0
836	Absent:	Bell	1
837			

838
 839 Mr. Wright - The meeting is adjourned. Thank you very much.
 840
 841
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 850
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 855
 856
 857



R. A. Wright
 Chairman



Benjamin Blankinship, AICP
 Secretary