

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, DECEMBER 13,**
4 **2001, AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND**
5 **TIMES-DISPATCH ON NOVEMBER 21 AND 29, 2001.**
6

Members Present: Daniel Balfour, Chairman
R. A. Wright, Vice Chairman
Richard Kirkland
Gene L. McKinney, C.P.C., C.B.Z.A.
James W. Nunnally

Also Present: Benjamin Blankinship, Secretary
Susan W. Blackburn, County Planner II
Priscilla M. Parker, Recording Secretary

7
8 Mr. Balfour - I call the meeting of the Henrico Board of Zoning Appeals
9 to order and ask you to stand for the Pledge of Allegiance please. Mr. Secretary,
10 would you read the rules please.

11
12 Mr. Blankinship - Good morning, Mr. Chairman, Members of the Board,
13 ladies and gentlemen. The rules for this meeting are as follows. As Secretary, I
14 will call each case. Then the applicant will come to the podium to present the
15 case. At that time I'll ask all those who intend to speak, in favor or opposition, to
16 stand, and they will be sworn in. The applicants will then present their testimony.
17 When the applicant is finished, anyone else will be given an opportunity to speak.
18 After everyone has spoken, the applicant, and only the applicant, will be given the
19 opportunity for rebuttal. After hearing the case, and asking questions, the Board
20 will take the matter under advisement. They will render all of their decisions at the
21 end of the meeting. If you wish to know what their decision is, you may stay until
22 the end of the meeting, or you may call the Planning Office later in the afternoon.
23 This meeting is being tape recorded, so we will ask everyone who speaks, to speak
24 directly into the microphone on the podium, and to state your name. Out in the
25 foyer, there are two binders, which has the staff report for each case, including the
26 conditions suggested by the staff. Mr. Chairman, we have one deferral and one
27 withdrawal on the 9:00 o'clock agenda.

28
29 Mr. Balfour - Which two are they?

30
31 Mr. Blankinship - They are the first 2 cases, **A-147-2001 William**
32 **DeBender**, who has requested a deferral till next month for medical reasons, and **A-**
33 **153-2001 Anne DeCamps** has requested withdrawal.

34
35 Mr. Balfour - Do I hear a motion that we defer A-147-2001 and allow
36 withdrawal for A-153-2001.

37
38 **A -147-2001** **WILLIAM DEBENDER** requests a variance from Sections 24-
39 95(i)(2)(b) and 24-95(i) of Chapter 24 of the County Code to
40 build a detached garage at 11416 Wood Brook Court (Rock
41 Springs Estates) (Tax Parcel 13-2-G-14), zoned A-1, Agricultural
42 District (Brookland). The accessory structure height
43 requirement and accessory structure location requirement are
44 not met. The applicant wishes to build a detached garage in the
45 front yard with a height of 16.5 feet, where the Code allows
46 accessory structures in the rear yard with a height of 15.0 feet.

47
48 Upon a motion by Mr. Kirkland, seconded by Mr. McKinney the Board of Zoning
49 Appeals **deferred** application **A-147-2001** for a variance build a detached garage at
50 11416 Wood Brook Court (Rock Springs Estates) (Tax Parcel 13-2-G-14). The
51 case was deferred for 30 days, at the request of the applicant, from the December
52 13, 2001, until the January 24,2002, meeting,

53
54 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
55 Negative: 0
56 Absent: 0

57
58 **A -153-2001** **ANNE H. DECAMPS** requests a variance from Section 24-
59 95(c)(1) of Chapter 24 of the County Code to build an addition
60 at 9116 University Boulevard (University Heights) (Tax Parcel
61 101-10-C-B), zoned R-2, One-family Residence District
62 (Tuckahoe). The minimum side yard setback and total side yard
63 setback are not met. The applicant has 4.8 feet minimum side
64 yard setback and 19.2 feet total side yard setback, where the
65 Code requires 7.8 feet minimum side yard setback and 23.4
66 feet total side yard setback. The applicant requests a variance
67 of 3.0 feet minimum side yard setback and 4.2 feet total side
68 yard setback.

69
70 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by
71 Mr. McKinney, the Board **granted withdrawal** of application **A-153-2001** for a
72 variance to build an addition at 9116 University Boulevard (University Heights) (Tax
73 Parcel 101-10-C-B). The Board allowed withdrawal without prejudice at the
74 request of the applicant.

75
76 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright
77 5

78 Negative: 0
79 Absent: 0

80
81 Mr. Balfour - Call the 9:00 o'clock docket, Mr. Secretary.
82

83 **A -156-2001** **ROBERT AND ANNE TERRY** request a variance from Section 24-
84 95(k) of Chapter 24 of the County Code to build a detached
85 garage at 1504 Cloister Drive (Tuckahoe Village) (Tax Parcel
86 88-2-U-18), zoned R-2A, One-family Residence District
87 (Tuckahoe). The minimum side yard setback and rear yard
88 setback are not met. The applicant has 26 feet side yard
89 setback and 9 feet rear yard setback, where the Code requires
90 65 feet side yard setback and 12 feet rear yard setback. The
91 applicants request a variance of 39 feet side yard setback and 3
92 feet rear yard setback.
93

94 Mr. Balfour - Will all who plan to testify, stand please. Raise your right
95 hands and be sworn in.
96

97 Mr. Blankinship - Do you swear that the testimony you are about to give is
98 the truth, the whole truth, and nothing but the truth, so help you God?
99

100 Mr. Balfour - Mr. Terry. You need to state your name first.
101

102 Mr. Terry - I do. Robert Terry. I don't know what kind of testimony
103 to give. My wife and I've gotten to the point that we can afford to have a garage,
104 because our kids aren't at home anymore, and I'm frankly tired of shoveling my
105 driveway out of the street. I've done it for about 35 years since we've been in
106 that house. We would like to build a garage. Both of us are planning to retire very
107 soon. I've got a knee replacement; I don't want to slip on any ice out back, so I'd
108 like to have sort of a safe way to get from the car into the house.
109

110 Mr. Balfour - Are there any questions for Mr. Terry?
111

112 Mr. Wright- This garage will be built actually to the left side of your
113 house as you face the street, is that correct?
114

115 Mr. Terry - The front of the house is on Cloister Drive, so it's actually
116 behind the house.
117

118 Mr. Wright- I see, it's a corner, so it's behind the house, but you've
119 got a reverse corner lot. That's evidently what's causing the problem.
120

121 Mr. Terry - Yes, that's it, because we're on a cul-de-sac.

122
123 Mr. Balfour- And you've read the 2 conditions that are attached to
124 your application?
125
126 Mr. Terry - Frankly, no I haven't. I didn't see them.
127
128 Mr. Balfour- Page 2 of 2.
129
130 Mr. Terry - At the top of the page?
131
132 Mr. Balfour- No, it says **Suggested Conditions:** in the middle of the
133 page.
134
135 Mr. Terry - No, all I've got is this thing I picked up out front.
136
137 Mr. Blankinship - You don't have the staff report?
138
139 Mr. Terry - No, nobody ever sent me anything.
140
141 Mr. Wright- What the conditions say is, "1. Only the improvements
142 shown on the plan filed with the application may be constructed, " so
143 that's pretty obvious,
144
145 Mr. Balfour- and that you're going to comply with the Chesapeake
146 Bay Preservation Act and get your building permit applications straight. You've got
147 to do both anyway Are there any other questions?
148
149 Mr. Wright- What's located on the west side of your lot, or the side
150 where the garage is going to be constructed?
151
152 Mr. Terry - What's back there? Absolutely nothing, but a bunch of
153 trees.
154
155 Mr. Wright- There's no house there?
156
157 Mr. Terry - There's a small utility shed out back that's going to be
158 removed when the garage is built.
159
160 Mr. Wright- I'm talking about on the lot next to you.
161
162 Mr. Terry - Oh behind me? Yes, there's a house back there.
163
164 Mr. Wright- That house fronts on Creekside Court?
165

166 Mr. Terry - Yes that's true. I went around and got all of my
167 neighbors in that entire cul-de-sac, anybody right there, to sign a letter, that they
168 were aware that I was building this, and they didn't have any problem with it.

169
170 Mr. Balfour - Any other questions? Thank you Mr. Terry.

171
172 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
173 Kirkland, the Board **granted** application **A-156-2001** for a variance to build a
174 detached garage at 1504 Cloister Drive (Tuckahoe Village) (Tax Parcel 88-2-U-18).
175 The Board granted the variance subject to the following conditions:

176
177 1. Only the improvements shown on the plan filed with the application may be
178 constructed pursuant to this approval. No substantial changes or additions to the
179 layout may be made without the approval of the Board of Zoning Appeals. Any
180 additional improvements shall comply with the applicable regulations of the County
181 Code.

182
183 2. At the time of building permit application, the applicant shall submit the
184 necessary information to the Department of Public Works to ensure compliance
185 with the requirements of the Chesapeake Bay Preservation Act and the code
186 requirements for water quality standards.

187
188 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright

189 5

190 Negative: 0

191 Absent: 0

192
193 The Board granted this request, as it found from the evidence presented that, due
194 to the unique circumstances of the subject property, strict application of the
195 County Code would produce undue hardship not generally shared by other
196 properties in the area, and authorizing this variance will neither cause a substantial
197 detriment to adjacent property nor materially impair the purpose of the zoning
198 regulations.

199
200 Mr. Balfour - Next case.

201
202 Mr. Blankinship - Mr. Chairman, the next 2 cases are companions; shall I
203 call them together?

204
205 Mr. Balfour - That will be fine.

206
207 **A -157-2001** **ROBERT A. WIEDER** requests a variance from Sections 24-
208 95(i)(2)(d), 24-95(i)(2)(a), 24-95(c)(4) and 24-95(b)(6) of
209 Chapter 24 of the County Code to allow an existing house to

210 remain at 2308 Clarke Street (Parkview) (Tax Parcel 94-15-14-
211 13), zoned R-4, One-family Residence District (Brookland). The
212 accessory structure location requirement, accessory structure
213 size, front yard setback, and total lot area requirement are not
214 met. The applicant has 5,748 square feet total lot area, 17.4
215 feet front yard setback, 728 square feet of accessory structure
216 area, 2.1 feet side yard setback and 1.0 feet rear yard setback
217 where the Code requires 6,000 square feet total lot area, 35
218 feet front yard setback, 682.5 square feet of accessory
219 structure area, 3.0 feet side yard setback and 3.0 feet rear yard
220 setback. The applicant requests a variance of 252 square feet
221 total lot area, 17.6 feet front yard setback, 45.5 square feet
222 accessory structure area, 0.9 feet side yard setback and 2.0
223 feet rear yard setback.
224

225 **A -158-2001** **ROBERT A. WIEDER** requests a variance from Section 24-
226 95(b)(6) of Chapter 24 of the County Code to build a single
227 family house at 2306 Clarke Street (Parkview) (Tax Parcel 94-
228 15-14-14), zoned R-4, One-family Residence District
229 (Brookland). The total lot area requirement is not met. The
230 applicant has 5748.5 square feet total lot area, where the Code
231 requires 6,000 square feet total lot area. The applicant
232 requests a variance of 251.5 square feet total lot area.
233

234 Mr. Balfour - Any others plan to testify? Raise your right hand, please.
235 Do you plan to testify? Will you please stand to be sworn in at the same time?
236

237 Mr. Blankinship - Do you swear that the testimony you are about to give is
238 the truth, the whole truth, and nothing but the truth, so help you God?
239

240 Mr. Balfour - State your name please, and proceed.
241

242 Mr. Wieder - I do. My name is Robert Wieder. When I purchased the
243 home in '73, one of the selling points was the large saleable lot, at least that's
244 what I was told at the time. At the time of my divorce, ex's lawyer also treated
245 the property as a saleable lot, so I was somewhat penalized a little bit more on the
246 settlement, because it was a saleable lot.
247

248 Mr. Wright- You say they treated it as a saleable lot?
249

250 Mr. Wieder - Yes, for all these, almost 30 years I've thought that it
251 was a saleable lot, and at this point in time in my life, I'm planning on selling the
252 house and would like to recoup as much of the losses as I can, that I've had over
253 the years by breaking up the property and having it sold as a saleable lot and then

254 a single house dwelling, and I know that it's been done in the neighborhood and
255 neighborhoods throughout the years, with lots the same size and 90% of lots in my
256 area are exactly the same size.

257
258 Mr. Balfour - Have you already got a contract to sell, subject to this
259 approval?

260
261 Mr. Wieder - Yes sir.

262
263 Mr. Balfour - Any questions by members of the Board?

264
265 Mr. Kirkland - Mr. Wieder, how long has the house next to the lot been
266 for sale?

267
268 Mr. Wieder - That house was foreclosed on earlier this year; it was
269 purchased, and it's been up for sale by the new owners for the last couple of
270 months, say 3 months.

271
272 Mr. Kirkland - So you've got a buyer for your lot right now, if this is
273 passed?

274
275 Mr. Wieder - Yes sir.

276
277 Mr. Wright- How long have you owned your particular house?

278
279 Mr. Wieder - Since 1973.

280
281 Mr. Wright- You bought that and the lot with it, altogether?

282
283 Mr. Wieder - Yes sir.

284
285 Mr. Balfour - Any other questions of Board members? Thank you, Mr.
286 Wieder. Do you want to testify sir? If you want to talk, you'll have to come down
287 and make your comments, so we can pick it up on the recorder.

288
289 Mr. Witten - My name is Mike Witten. I'm the realtor that's involved
290 in the sale of this lot to a builder, to build a new single-family dwelling on it, and I
291 just want to say that it's sort of conforming to every other house and lot on the
292 street, so it's not an exceptional thing, and I think it would make an improvement
293 to the neighborhood.

294
295 Mr. Nunnally- What size home do you think he should put in there?
296 One story?

297

298 Mr. Witten - Square footage-wise? Fourteen, fifteen hundred square
299 feet probably. Story and a half, a little Cape Cod, sort of looks like the
300 neighborhood.

301
302 Mr. Balfour - Any other questions. Thank you.

303
304 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by
305 Mr. Nunnally, the Board **granted** application **A-157-2001** for a variance to allow an
306 existing house to remain at 2308 Clarke Street (Parkview) (Tax Parcel 94-15-14-
307 13). The Board granted the variance subject to the following condition:

308
309 1. This approval is only for the front yard setback, lot area, the size of the
310 accessory structure and its setback from the property line. All other improvements
311 to the property shall comply with the County Code.

312
313 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
314 Negative: 0
315 Absent: 0

316
317 The Board granted this request, as it found from the evidence presented that, due
318 to the unique circumstances of the subject property, strict application of the
319 County Code would produce undue hardship not generally shared by other
320 properties in the area, and authorizing this variance will neither cause a substantial
321 detriment to adjacent property nor materially impair the purpose of the zoning
322 regulations.

323
324 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by
325 Mr. Nunnally, the Board **granted** application **A-158-2001** for variance to build a
326 single family house at 2306 Clarke Street (Parkview) (Tax Parcel 94-15-14-14).
327 The Board granted the variance subject to the following condition:

328
329 1. This approval is only for the lot area. Any additional improvements on the
330 Property shall comply with the applicable regulations of the County Code.

331
332 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
333 Negative: 0
334 Absent: 0

335
336 The Board granted this request, as it found from the evidence presented that, due
337 to the unique circumstances of the subject property, strict application of the
338 County Code would produce undue hardship not generally shared by other
339 properties in the area, and authorizing this variance will neither cause a substantial
340

341 detriment to adjacent property nor materially impair the purpose of the zoning
342 regulations.

343
344 Mr. Balfour - Mr. Secretary, I think we're moving to 159-2001.

345
346 **A -159-2001** **TIMOTHY C. RATLIFF** requests a variance from Sections 24-94
347 and 24-95(k) of Chapter 24 of the County Code to build an
348 addition at 4924 Thornhurst Street (Hechler Village) (Tax Parcel
349 154-1-O-34), zoned R-3, One-family Residence District
350 (Fairfield). The front yard setback and minimum side yard
351 setback are not met. The applicant has 31 feet front yard
352 setback and 17 feet minimum side yard setback, where the
353 Code requires 40 feet front yard setback and 25 feet minimum
354 side yard setback on a reverse corner lot. The applicant
355 requests a variance of 9 feet minimum front yard setback and 8
356 feet minimum side yard setback on a reverse corner lot.

357
358 Mr. Balfour - Any others plan to testify? Okay, sir, would you raise
359 your right hand.

360
361 Mr. Blankinship - Do you swear that the testimony you are about to give is
362 the truth, the whole truth, and nothing but the truth, so help you God?

363
364 Mr. Balfour - Would you state your name and proceed.

365
366 Mr. Ratliff - Yes I do. Timothy C. Ratliff. Upon deciding on this
367 addition that I'm putting on my home, it's because my parents are reaching
368 retirement age, and my father is in really good health, so I decided to build onto my
369 house to add more room, so that if anything comes up, he can come live with me.
370 That's the main reason why I'm actually doing the addition.

371
372 Mr. Balfour- The addition is going out the rear, from the way I look at
373 it?

374
375 Mr. Ratliff - The sides.

376
377 Mr. Balfour- On each side?

378
379 Mr. McKinney- Mr. Ratliff, what is the addition to be constructed out of?
380 Brick like your home?

381
382 Mr. Ratliff - Yes it's going to be brick.

383
384 Mr. McKinney- To match the brick that's on the house?

385
386 Mr. Wright- How many rooms would be in the addition?
387
388 Mr. Ratliff - It's going to be one great room, which will be a family
389 room, and then there's going to be a bedroom inside of that one, and also a
390 bathroom, and then the room behind it is going to be like a spare room, so just in
391 case I decide I need to bring my business home to take care of my father or my
392 mother.
393
394 Mr. Wright- You understand you cannot have a kitchen?
395
396 Mr. Ratliff - Exactly.
397
398 Mr. Balfour- So this is for your father?
399
400 Mr. Ratliff - Yes, my father; he lives in New York right now.
401
402 Mr. Balfour - Any other questions?
403
404 Mr. Nunnally- What type of business are you in? You said you might
405 bring it home?
406
407 Mr. Ratliff - Yes, I run a salon right now, but if my father comes to
408 live with me, due to his ailments, I will have to close that, and I will service my
409 clients out of the back addition that I'm going to put on behind the front room
410 addition.
411
412 Mr. Balfour- You may have some separate approvals that you'll have
413 to get in that regard if you try that. That's not before us today though. You
414 understand that it's got to be the improvements that are shown on the plans that
415 you presented to the County?
416
417 Mr. Ratliff - Yes.
418
419 Mr. Balfour - Any other questions of Mr. Ratliff?
420
421 Mr. McKinney- Mr. Secretary, a hairdresser at a home is still legal in
422 Henrico?
423
424 Mr. Blankinship - Yes. There are of course, restrictions, regulations on it.
425
426 After an advertised public hearing and on a motion by Mr. McKinney, seconded by
427 Mr. Wright, the Board **granted** application **A-159-2001** for a variance to build an

428 addition at 4924 Thornhurst Street (Hechler Village) (Tax Parcel 154-1-O-34). The
429 Board granted the variance subject to the following conditions:

430
431 1. Only the improvements shown on the plan filed with the application may be
432 constructed pursuant to this approval. No substantial changes or additions to the
433 layout may be made without the approval of the Board of Zoning Appeals. Any
434 additional improvements shall comply with the applicable regulations of the County
435 Code.

436
437 2. The addition shall be constructed of brick to match the existing dwelling
438 as closely as possible.

439
440 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright
441 5

442 Negative: 0

443 Absent: 0

444
445 The Board granted this request, as it found from the evidence presented that, due to the
446 unique circumstances of the subject property, strict application of the County Code
447 would produce undue hardship not generally shared by other properties in the area, and
448 authorizing this variance will neither cause a substantial detriment to adjacent property
449 nor materially impair the purpose of the zoning regulations.

450
451 **A -160-2001** **JOHN J. ANDRE** requests a variance from Section 24-30.1(a) of
452 Chapter 24 of the County Code to build an addition at 3115
453 Lockport Place (Lockport) (Tax Parcel 46-5-A-12), zoned R-5C,
454 General Residence District (Conditional) (Three Chopt). The
455 minimum side yard setback is not met. The applicant has 6 feet
456 minimum side yard setback, where the Code requires 8 feet
457 minimum side yard setback. The applicant requests a variance
458 of 2 feet minimum side yard setback.

459
460 Mr. Balfour - Anyone else expect to testify? All right ma'am.

461
462 Mr. Blankinship - Do you swear that the testimony you are about to give is
463 the truth, the whole truth, and nothing but the truth, so help you God?

464
465 Mr. Balfour - Would you state your name please.

466
467 Mrs. Andre - I do. Cynthia A. Andre. He's been in the house about 11
468 years. We got married a year ago. The house was fine then. We're expecting a
469 child now. He's a dentist, and I hope to do some of his office work out of the
470 house. We're adding a Florida room, for a playroom. We're adding an office so I
471 can do some of the paperwork from home, and the garage. He's got a small dental

472 office across from Innsbrook that doesn't allow for much storage space. We can
473 use the garage to store some old patient files, extra dental supplies, the tons of
474 paperwork he has.

475
476 Mr. Balfour- Where is his office?

477
478 Mrs. Andre - On Broad Street, across from Innsbrook. It's fairly small,
479 doesn't allow for much extra stuff. And he has a second office in Louisa, so
480 between the 2 offices, he needs to keep a fair amount of stuff on hand.

481
482 Mr. Balfour- This would be your office for paperwork purposes.

483
484 Mrs. Andre - Right. He wouldn't see any patients there. It's just that I
485 would do a lot of the paperwork from home.

486
487 Mr. Balfour- I notice a Florida room in the addition.

488
489 Mrs. Andre - Right; that would be a playroom.

490
491 Mr. Balfour - Any questions for Mrs. Andre?

492
493 Mr. Wright- What's located on the lot that's adjacent to where this
494 construction would take place?

495
496 Mrs. Andre - Well the addition would be off to the side and the back.
497 To the left of us is another house. There's some woods separating a wooded area,
498 separating the 2 houses. Their driveway is on the other side of the house, so it's
499 not a part of the house, or the side of the yard, that they really even use.

500
501 Mr. Wright- So this would basically be behind their house, is that
502 right?

503
504 Mrs. Andre - Yes, yes.

505
506 Mr. Balfour- Goes next to your chimney on the other side, I guess.

507
508 Mrs. Andre - Right, it would come a couple inches into the chimney,
509 off to the side, and then the Florida room's in the back, so that where the driveway
510 is, the garage would go straight through, so that's kind of the edge, right where
511 the garage is, and then the Florida room would be between the garage and the
512 house.

513
514 Mr. Balfour - Any other questions? You can tell your husband you did
515 a good job and stay out of the office.

516
517 After an advertised public hearing and on a motion by Mr. McKinney, seconded by
518 Mr. Kirkland, the Board **granted** application **A-160-2001** for a variance to build an
519 addition at 3115 Lockport Place (Lockport) (Tax Parcel 46-5-A-12). The Board
520 granted the variance subject to the following condition:

521
522 1. Only the improvements shown on the plan filed with the application may be
523 constructed pursuant to this approval. No substantial changes or additions to the
524 layout may be made without the approval of the Board of Zoning Appeals. Any
525 additional improvements shall comply with the applicable regulations of the County
526 Code.

527
528 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright
529 5
530 Negative: 0
531 Absent: 0

532
533 The Board granted this request, as it found from the evidence presented that, due
534 to the unique circumstances of the subject property, strict application of the
535 County Code would produce undue hardship not generally shared by other
536 properties in the area, and authorizing this variance will neither cause a substantial
537 detriment to adjacent property nor materially impair the purpose of the zoning
538 regulations.

539
540 **A -161-2001** **JAMES D. ELLIOTT, JR.** requests a variance from Section 24-
541 95(q)(5) of Chapter 24 of the County Code to build an addition
542 at 8418 Valley Wood Road (White Hall) (Tax Parcel 112-15-A-
543 40), zoned R-3C, One-family Residence District (Conditional)
544 (Tuckahoe). The rear yard setback is not met. The applicant
545 has 33 feet rear yard setback, where the Code requires 35 feet
546 rear yard setback. The applicant requests a variance of 2 feet
547 rear yard setback.

548
549 Mr. Balfour - Mr. Elliott? Raise your right hand please.

550
551 Mr. Blankinship - Do you swear that the testimony you are about to give is
552 the truth, the whole truth, and nothing but the truth, so help you God?

553
554 Mr. Balfour - Before you start, does anybody else in the audience
555 expect to speak on this case? You need to state your name first. Tell us what you
556 plan to do and why you need to do it.

557
558 Mr. Elliott - I do. My name is James D. Elliott, Jr. I'm not that
559 familiar with what I'm supposed to do here, other than to explain. We're planning

560 to build a Florida room off of the back of our home, that would basically take the
561 place of where the existing deck is, and go across the back of the house, to also
562 be directly behind the dining room. As you can see, the deck does not quite go all
563 the way to the dining room. The dining room is the far window on the left. The
564 new structure, the Florida room, will go across there and almost to the end of the
565 existing structure. Where the bushes are, in front of the deck, if you can see that
566 on this picture, the new structure would come out to approximately where those
567 bushes are currently. So the bushes would be eliminated. That is the additional 2
568 feet that I am requesting for my variance.

569

570 Mr. Wright- I understand. Is it a one-story addition?

571

572 Mr. Elliott - It is a one-story addition, with the exception that we will
573 be digging out underneath the deck an additional 3-4 feet, to have a basement area
574 that will be entered from the exterior only. There would be no interior entrance
575 into that basement. In essence, it would be used for storage and a large
576 lawnmower area.

577

578 Mr. Balfour- Looks like you might need a leaf blower too. Are there
579 any other questions of Mr. Elliott?

580

581 Mr. Elliott - Do I wait to hear from you?

582

583 Mr. Balfour - You've got a choice. You can wait till the end of the
584 hearings today, when we'll vote, or if you need to go, you can call the office
585 sometime this afternoon and ask Mr. Blankinship, and he can tell you.

586

587 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
588 McKinney, the Board **granted** application **A-161-2001** for a variance to build an
589 addition at 8418 Valley Wood Road (White Hall) (Tax Parcel 112-15-A-40). The
590 Board granted the variance subject to the following condition:

591

592 1. Only the improvements shown on the plan filed with the application may be
593 constructed pursuant to this approval. No substantial changes or additions to the
594 layout may be made without the approval of the Board of Zoning Appeals. Any
595 additional improvements shall comply with the applicable regulations of the County
596 Code.

597

598 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright

599 5

600 Negative: 0

601 Absent: 0

602

603 The Board granted this request, as it found from the evidence presented that, due to the
604 unique circumstances of the subject property, strict application of the County Code
605 would produce undue hardship not generally shared by other properties in the area, and
606 authorizing this variance will neither cause a substantial detriment to adjacent property
607 nor materially impair the purpose of the zoning regulations.
608

609 **A -162-2001** **EVELYN H. CROSS** requests a variance from Section 24-
610 95(q)(5) of Chapter 24 of the County Code to build an attached
611 garage at 805 Hunters Run Drive (Huntwood) (Tax Parcel 140-
612 4-A-25), zoned R-3C, One-family Residence District
613 (Conditional) (Varina). The rear yard setback is not met. The
614 applicant has 16 feet rear yard setback, where the Code
615 requires 35 feet rear yard setback. The applicant requests a
616 variance of 19 feet rear yard setback.
617

618 Mr. Balfour - Any others to speak on this case? If not, would you raise
619 your hand please.
620

621 Mr. Blankinship - Do you swear that the testimony you are about to give is
622 the truth, the whole truth, and nothing but the truth, so help you God?
623

624 Mr. Balfour - State your name please.
625

626 Ms. Cross - I do. Evelyn Harris Cross. I've lived in this house for 2
627 years. As a matter of fact, this month makes the second year. I've been away a
628 lot because my parents have been sick, but now that I'm back home, I notice that I
629 do have a lot of traffic from the common area beside my home. I've had things
630 removed from my yard and kids playing on my cars, and I'd like to have the garage
631 for security as well, because I do work very long hours. When I get home, I like to
632 feel secure going into my house, and in addition to that, when I'm not there, when
633 I'm not there, I would like for people not to know I'm not home by my cars not
634 being there. So the garage would be a convenience for me, of course, but also a
635 safety measure for a woman living alone.
636

637 Mr. Balfour- What is that common area? Is that a path that leads
638 back to the common area behind your home?
639

640 Ms. Cross - Yes, it's a wide path, and it leads from our little area to
641 another group of homes.
642

643 Mr. Nunnally- So you've got trees right behind your house?
644

645 Ms. Cross - Yes, there are quite a few trees in the back, and when
646 it's summertime, you can't see the other residence.

647
 648 Mr. Nunnally- What size garage are you speaking of?
 649
 650 Ms. Cross - 22 by 24 feet, or 24 by 24.
 651
 652 Mr. Balfour- Are you going to run your driveway back along the side
 653 of your home?
 654
 655 Ms. Cross - Yes.
 656
 657 Mr. Balfour - Any other questions of Ms. Cross?
 658

659 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
 660 Mr. Wright, the Board **granted** application **A-162-2001** for a variance to build an
 661 attached garage at 805 Hunters Run Drive (Huntwood) (Tax Parcel 140-4-A-25).
 662 The Board granted the variance subject to the following condition:
 663

664 1. Only the improvements shown on the plan filed with the application may be
 665 constructed pursuant to this approval. No substantial changes or additions to the
 666 layout may be made without the approval of the Board of Zoning Appeals. Any
 667 additional improvements shall comply with the applicable regulations of the County
 668 Code.
 669

670 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright
 671 5
 672 Negative: 0
 673 Absent: 0
 674

675 The Board granted this request, as it found from the evidence presented that, due to the
 676 unique circumstances of the subject property, strict application of the County Code
 677 would produce undue hardship not generally shared by other properties in the area, and
 678 authorizing this variance will neither cause a substantial detriment to adjacent property
 679 nor materially impair the purpose of the zoning regulations.
 680

681 Mr. Balfour - Mr. Secretary, would you call the next three together.
 682

683 **A -163-2001** **CHARLES GLEN, LLC** requests a variance from Section 24-94 of
 684 Chapter 24 of the County Code to build a single family home at
 685 1913 Colgate Avenue (Crestview) (Tax Parcel 92-7-8-86),
 686 zoned R-4AC, One-family Residence District (Conditional) (Three
 687 Chopt). The total side yard setback is not met. The applicant
 688 has 18.88 feet total side yard setback, where the Code requires
 689 20 feet total side yard setback. The applicant requests a
 690 variance of 1.12 feet total side yard setback

691
692 **A -164-2001** **CHARLES GLEN, LLC** requests a variance from Section 24-94 of
693 Chapter 24 of the County Code to build a single family home at
694 1911 Colgate Avenue (Crestview) (Tax Parcel 92-7-8-87),
695 zoned R-4AC, One-family Residence District (Conditional) (Three
696 Chopt). The total side yard setback is not met. The applicant
697 has 19.43 feet total side yard setback, where the Code requires
698 20 feet total side yard setback. The applicant requests a
699 variance of .57 feet total side yard setback.
700

701 **A -165-2001** **CHARLES GLEN, LLC** requests a variance from Section 24-95(k)
702 of Chapter 24 of the County Code to build a single family home
703 at 1921 Duquesne Avenue (Crestview) (Tax Parcel 92-7-9-82),
704 zoned R-4AC, One-family Residence District (Conditional) (Three
705 Chopt). The minimum side yard setback is not met. The
706 applicant has 19.35 feet minimum side yard setback, where the
707 Code requires 25 feet minimum side yard setback. The
708 applicant requests a variance of 5.65 feet minimum side yard
709 setback.
710

711 Mr. Balfour - Mr. Secretary, I'm going to excuse myself on these 3,
712 and Mr. Wright will take over.

713 Mr. Blankinship - Would you raise your right hand please.
714

715 Mr. Blankinship - Do you swear that the testimony you are about to give is
716 the truth, the whole truth, and nothing but the truth, so help you God?
717

718 Mr. Wright - Please state your name for the record.
719

720 Mr. Lewis - I do. My name is Monte Lewis; I'm with Lewis and
721 Associates; we're the civil engineers on the project. Just to give you a little
722 background quickly on Crestview, it's a project which was rental homes. Now
723 they are tearing down the old homes, building new homes, and selling the lots and
724 the houses to get rid of the rental properties. All of the houses that were on these
725 lots have been demolished and removed. This is an old subdivision; it was
726 recorded back in the '50's, where the houses that were built on these previous,
727 especially the one on the corner lot, the A-165, only had 11 feet of side yard
728 setback.
729

730 If I can start with lot 86, which is your A-163 case, we only need .57 feet of
731 variance to get this house, and this is our smallest model that we have, the
732 Lynnhaven. As you can see, it's 33 feet by 26 feet. The lot is a little bit of a
733 strange configuration. As you can see, it narrows as it gets back towards the rear,
734 and that's what gives us problems. I've shown on lot 85, one of our nicer, larger

735 models, Linden, how it would sit on that lot, and how that lot is typical of other
736 lots in this area, where it gives enough to get our models on there. It's just
737 because of the weird configuration of these old lots, that we can't get this model
738 on the lot. We could go to

739
740 Mr. Wright - You might say it only infringes on the side yard just on
741 that back corner. Not the entire width or depth of the house.

742
743 Mr. Lewis - Yes sir, just where it pinches it back at that back corner.
744 All of these lots around here are owned by Charles Glen, LLC. There are no
745 residences within probably a couple of hundred feet. There is one house that's still
746 occupied up Colgate, and when we get to the 165, I can show you where that's
747 located. We're trying to get houses in here that are compatible with each other
748 instead of going down in size. I know it's just a small amount, but when you get
749 that small a house, a half a foot makes a whole lot of difference inside the house.
750 Our other alternative to getting a variance on these would be to re-subdivide these
751 3 lots, take away from 85 and give to 86 and 87 to make them work. We looked
752 at that possibility, and it appeared to me that that would take up more of people's
753 time, staff's time, and our time, in the re-subdivision, where this would be the
754 easiest way to settle these items.

755
756 If you could go to A-165 case, this is a little bit more setback than the others. The
757 original house had a setback of 11 feet to that corner, and I can show you that on
758 this overhead. Just happened to have in my archives a photograph of that existing
759 house, so you can see what it looked like. That's the one where, on the corner of
760 Duquesne, that you can see, that has an 11-foot setback. All of those have been
761 torn down now, as you can see in your package that staff took. The only way that
762 we can get this small house to fit on this lot, again this is our smallest model, is to
763 turn it sideways so that the front yard would be facing out towards Colgate. That
764 would give only about 8 or 10 feet of rear yard, and that would be into the side of
765 the next residence, which I don't think is good planning. The other thing we could
766 do is move the house all the way to the back of the lot. That would give it a lot of
767 front yard and very little rear yard, and it would sit behind the house that would be
768 on lot 102. I've got an illustration of these 2 methods I could show you. You can
769 see the colored in portion is where the house would sit. The one on the left would
770 be fronting towards Duquesne, which is the front yard setback by ordinance. As
771 you can see, it would sit behind the house on lot 102. There is no house there
772 now, but that's where that house would be placed. It fits okay because that lot is
773 not constricted by the side yard setback being on a corner lot. The illustration on
774 the right shows if we turn the house and face it towards Colgate, the front steps
775 would come out towards Colgate. You have a lot of side yard; you have very little
776 rear yard, and to me that's just not a good location and a good design. That's why
777 we're requesting a variance to the side yard setback, so we can set it so that it will
778 be in conformity with the house that's going to be built beside it on 102.

779
780 We do own lot 81. On the other side of lot 81 is the only residence that is still
781 occupied in this area, and I believe the Simpsons owned that at that time. I'm
782 pretty sure they still own that. If you have any questions, I'll be glad to answer
783 them. I also have with me Roy Allen, who works for Charles Glen. He is the
784 homebuilder in charge of all the construction of the homes in this area, in case you
785 have a question, in particular, about that model and why we can't shorten it off.

786
787 Mr. Wright - What's the square footage in that house for A-165?

788
789 Mr. Lewis - The Lynnhaven square footage? I believe it's 1700
790 square feet.

791
792 Mr. Wright - Also, I note that the intrusion into the side yard sort of
793 cuts across the house almost at what would be the rear corner. It's almost within
794 the limits.

795
796 Mr. Lewis - That is correct. I set it back a little ways from, as you
797 can see, the dotted line is the buildable area to try to reduce the intrusion. I tried
798 to set it back so that you have a front yard. I always like a little bit more rear yard
799 than front, just because that's where most everybody's activity is. On the rear of
800 that building, we're very close to meeting the 25-foot setback. It's only on the
801 front that we're more restricted.

802
803 Mr. Wright - Did you discuss A-164? You meant to include that when
804 you were talking about 163?

805
806 Mr. Lewis - Yes sir. Lot 86 and 87 are very similar in configuration, if
807 we can go back to our little illustration. We're okay on the front of the house. It's
808 just because the lot narrows as it goes back towards the rear. It's pinching us on
809 that house. You can see that that house is a little bit deeper than the one beside
810 it. It's 31 feet vs. 26. The reason we did that is because we don't like 2 models
811 side by side. We like to break them up to give a better neighborhood appearance.
812 That's why I always ask for - that's a Lynnhaven C on lot 87. It's the same
813 width, but it's just a little more depth. I've looked at all kinds of different
814 configurations on these 2 lots to see what would be the least impact, and this was
815 the best that I could come up with, their smallest 2 models.

816
817 Mr. Wright - That's just a very little intrusion in the side yard at the
818 rear of the building.

819
820 Mr. Lewis - Yes sir, on your case 163, all I need is 1.12 feet. On A-
821 164, which is lot 87, all I need is .57 feet. It almost worked, without coming
822 before you.

823
824 Mr. Wright - Are there any questions of members of the Board on
825 these cases? Is anyone here in opposition to these applications? That concludes
826 the cases. As you heard, the Board will vote at the end of the docket, or you can
827 call later on this afternoon to the Planning Office to get the results. Thank you
828 very much.

829
830 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by
831 Mr. Nunnally, the Board **granted** application **A-163-2001** for a variance to build a
832 single family home at 1913 Colgate Avenue (Crestview) (Tax Parcel 92-7-8-86).
833 The Board granted the variance subject to the following condition:

834
835 1. This variance applies only to the total side yard setback requirement. All
836 other applicable regulations of the County Code shall remain in force.

837
838 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
839 Negative: 0
840 Absent: 0
841 Abstain: Balfour 1

842
843 The Board granted this request, as it found from the evidence presented that, due
844 to the unique circumstances of the subject property, strict application of the
845 County Code would produce undue hardship not generally shared by other
846 properties in the area, and authorizing this variance will neither cause a substantial
847 detriment to adjacent property nor materially impair the purpose of the zoning
848 regulations.

849
850 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by
851 Mr. Nunnally, the Board **granted** application **A-164-2001** for a variance to build a
852 single family home at 1911 Colgate Avenue (Crestview) (Tax Parcel 92-7-8-87).
853 The Board granted the variance subject to the following condition:

854
855 1. This variance applies only to the total side yard setback requirement. All
856 other applicable regulations of the County Code shall remain in force.

857
858 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
859 Negative: 0
860 Absent: 0
861 Abstain: Balfour 1

862
863 The Board granted this request, as it found from the evidence presented that, due
864 to the unique circumstances of the subject property, strict application of the
865 County Code would produce undue hardship not generally shared by other
866 properties in the area, and authorizing this variance will neither cause a substantial

867 detriment to adjacent property nor materially impair the purpose of the zoning
868 regulations.

869
870 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by
871 Mr. Nunnally, the Board **granted** application **A-165-2001** for a variance to build a
872 single family home at 1921 Duquesne Avenue (Crestview) (Tax Parcel 92-7-9-82).
873 The Board granted the variance subject to the following condition:

874
875 1. This variance applies only to the minimum side yard setback requirement.
876 All other applicable regulations of the County Code shall remain in force.

877
878 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
879 Negative: 0
880 Absent: 0
881 Abstain: Balfour 1

882
883 The Board granted this request, as it found from the evidence presented that, due
884 to the unique circumstances of the subject property, strict application of the
885 County Code would produce undue hardship not generally shared by other
886 properties in the area, and authorizing this variance will neither cause a substantial
887 detriment to adjacent property nor materially impair the purpose of the zoning
888 regulations.

889
890 Mr. Balfour - Call the next case, Mr. Secretary.

891
892 **A -166-2001** **DOREEN SHULMAN** requests a variance from Section 24-94 of
893 Chapter 24 of the County Code to build a screened porch over
894 an existing deck at 5909 Dalecross Court (Cherry Hill at
895 Wyndham) (Tax Parcel 5-5-B-6), zoned R-3C, One-family
896 Residence District (Conditional) (Three Chopt). The rear yard
897 setback is not met. The applicant has 32 feet rear yard
898 setback, where the Code requires 40 feet rear yard setback.
899 The applicant requests a variance of 8 feet rear yard setback.

900
901 Mr. Balfour - Anyone else to speak?

902
903 Mr. Blankinship - Do you swear that the testimony you are about to give is
904 the truth, the whole truth, and nothing but the truth, so help you God?

905
906 Mr. Shulman - I do. My name is Edward Shulman.

907
908 Mr. Balfour - Tell us what you want to do.

909
910 Mr. Shulman - We'd like to take our deck and make it into a screened

911 porch, and we're requesting a variance of approximately 8 feet, as the house was
912 originally built, set back fairly deep on the property, and it doesn't conform to
913 code.

914

915 Mr. Wright- And this would just cover the area that the deck is now
916 occupying, or would it be larger than the deck?

917

918 Mr. Shulman - I believe that the deck is going to be moved out
919 approximately 5 feet.

920

921 Mr. Wright- The screen porch would be the same size that the deck is
922 now, is that what you're saying? And then you're going to have a deck on the
923 back of that?

924

925 Mr. Shulman - Approximately the same size. No, no deck.

926

927 Mr. Balfour- Looks like you'll still have an existing deck too.

928

929 Mr. Shulman - Yes, there will be the existing deck to the right as you
930 face the rear of the property, that will remain, will not be enlarged.

931

932 Mr. Wright- What's located to the rear of your property? It's pretty
933 open back there?

934

935 Mr. Shulman - A golf course. The nearest house is approximately 600
936 feet away.

937

938 Mr. Balfour- Aren't you a little worried about golf balls breaking those
939 screened windows you're going to put in there?

940

941 Mr. Shulman - Well if you notice the large trees that were planted by the
942 builder - they are really deflectors coming off the men's tee.

943

944 Mr. Balfour- If Mr. Wright and I were playing golf, it's a good thing
945 you have the trees there.

946

947 Mr. Shulman - I believe I did find a ball or 2 in the yard still.

948

949 Mr. Wright- You probably collect a few, don't you?

950

951 Mr. Shulman - The kids have a good time out there about once a month
952 collecting several balls that seem to make it still on our property.

953

954

955 Mr. Balfour - Any other questions? Thank you, Mr. Shulman, I believe
956 that will do it. Was there any opposition?

957
958 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
959 McKinney, the Board **granted** application **A-166-2001** for a variance to build a
960 screened porch over an existing deck at 5909 Dalecross Court (Cherry Hill at
961 Wyndham) (Tax Parcel 5-5-B-6). The Board granted the variance subject to the
962 following condition:

963
964 1. Only the improvements shown on the plan filed with the application may be
965 constructed pursuant to this approval. No substantial changes or additions to the
966 layout may be made without the approval of the Board of Zoning Appeals. Any
967 additional improvements shall comply with the applicable regulations of the County
968 Code.

969
970 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright
971 5
972 Negative: 0
973 Absent: 0

974
975 The Board granted this request, as it found from the evidence presented that, due
976 to the unique circumstances of the subject property, strict application of the
977 County Code would produce undue hardship not generally shared by other
978 properties in the area, and authorizing this variance will neither cause a substantial
979 detriment to adjacent property nor materially impair the purpose of the zoning
980 regulations.

981
982 **A -167-2001** **KATHY MENNER** requests a variance from Section 24-
983 95(i)(2)(b) of Chapter 24 of the County Code to build a
984 detached garage at 12543 Kain Road (Tax Parcel 17-A-30E),
985 zoned A-1, Agricultural District (Three Chopt). The accessory
986 structure height requirement is not met. The applicant wishes
987 to build an accessory structure 20 feet in height, where the
988 Code allows 15 feet in height. The applicant requests a
989 variance of 5 feet in height.

990
991 Mr. Balfour - Anyone else to speak?

992
993 Mr. Blankinship - Do you swear that the testimony you are about to give is
994 the truth, the whole truth, and nothing but the truth, so help you God?

995
996 Mr. Balfour - State your name please.

997
998 Mr. Menner - I do. My name's Roger Menner. Mr. Secretary, I have

999 something additional for the Board (*handout*). Members of the Board, the project
1000 before you is the second part of 4-part improvements to the home on Kain Road.
1001 The first part was to the kitchen, dining room, living room, breakfast room, and
1002 utility room, and that was completed about a year ago. The garage, what we're
1003 proposing to do, is being done to match the future improvements to the house, and
1004 that's where the height conflict comes in. As you can see from the elevation of
1005 the house, the house is like a Cape Cod, farm-type house. We're zoned
1006 agricultural; it's an acre and a half lot. There will be dormers on the front of the
1007 house, and the elevation of the garage pretty much mirrors that.

1008
1009 One of the reasons we can't do an attached garage is, there are some site
1010 problems. There is a steep bank and some grade problems to the house, where a
1011 garage could possibly attach is about 2 or 3 feet below the natural grade. It's kind
1012 of been dug out and a bank created, so we would have a water problem, and that
1013 would exacerbate that. Also, if you see the picture before you now, the part on
1014 the left was the addition that was put on. You can see that that roof line is higher
1015 than the older part of the house, and that was because that was set up with the
1016 proper floor joists to do the second story on the house. The garage would mirror
1017 the house, have hardy plank siding, architectural shingles, that sort of thing.

1018
1019 Mr. Wright- Is it going to be the same color as the house?

1020
1021 Mr. Menner - Yes, it's going to be the same color – you like that color?

1022
1023 Mr. Wright- Yes, that's pretty. What's located to the rear of your
1024 property?

1025
1026 Mr. Menner - It's about a hundred-acre plot, and it's all wooded area,
1027 and on both sides there are empty lots, and they're both wooded also.

1028
1029 Mr. Balfour- The area behind you appears not to be subdivided, just at
1030 this point, acreage.

1031
1032 Mr. Nunnally- But you own a 1.5 acre lot, right.

1033
1034 Mr. Menner - It would be 80 feet behind it; from where the garage is
1035 there is still an additional 80-some feet.

1036
1037 Mr. Wright- Is that all wooded, between the garage and the rear line?

1038
1039 Mr. Menner - No, not all of it. Some of it we've kind of cleared a little
1040 bit when we cleared for the garage. Actually, I guess there weren't really many
1041 trees there, and that's where we pushed some of the brush. So some of it is
1042 wooded, but not necessarily all of it.

1043
 1044 Mr. Balfour- From your boundary line back, it's all wooded, I gather.
 1045
 1046 Mr. Menner - Oh yes, it's nothing but thick woods, yes sir.
 1047
 1048 Mr. McKinney - Mr. Menner, what's the upstairs to be used for in this
 1049 garage?
 1050
 1051 Mr. Menner - Well right now it would just be used for storage, but in
 1052 the future we plan to finish part of it, just to be like an art studio for my wife or
 1053 possibly a guest room. Now we're aware that you can't put an apartment above a
 1054 garage, we're well aware of that.
 1055
 1056 Mr. Balfour - Any other questions of Mr. Menner? Apparently not.
 1057 Thank you.

1058
 1059 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
 1060 Nunnally, the Board **granted** application **A-167-2001** for a variance to build a
 1061 detached garage at 12543 Kain Road (Tax Parcel 17-A-30E). The Board granted
 1062 the variance subject to the following condition:

1063
 1064 1. Only the improvements shown on the plan filed with the application may be
 1065 constructed pursuant to this approval. No substantial changes or additions to the
 1066 layout may be made without the approval of the Board of Zoning Appeals. Any
 1067 additional improvements shall comply with the applicable regulations of the County
 1068 Code.

1069
 1070 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright
 1071 5
 1072 Negative: 0
 1073 Absent: 0

1074
 1075 The Board granted this request, as it found from the evidence presented that, due
 1076 to the unique circumstances of the subject property, strict application of the
 1077 County Code would produce undue hardship not generally shared by other
 1078 properties in the area, and authorizing this variance will neither cause a substantial
 1079 detriment to adjacent property nor materially impair the purpose of the zoning
 1080 regulations.

1081
 1082 **A -168-2001 MELINDA AND CHRISTOPHER WILLIAMS** request a variance
 1083 from Section 24-94 of Chapter 24 of the County Code to attach
 1084 the existing garage to the existing house at 509 Wadeward
 1085 Road (Sleepy Hollow Woods) (Tax Parcel 100-6-A-5), zoned R-
 1086 2, One-family Residence District (Tuckahoe). The minimum side

1087 yard setback, rear yard setback, and total side yard setback are
1088 not met. The applicants have 8.3 feet minimum side yard
1089 setback, 23.5 feet total side yard setback and 19.4 feet rear
1090 yard setback, where the Code requires 15.0 feet minimum side
1091 yard setback, 35.0 feet total side yard setback and 45.0 feet
1092 rear yard setback. The applicants request a variance of 6.8 feet
1093 minimum side yard setback, 11.5 feet total side yard setback
1094 and 25.6 feet rear yard setback.

1095
1096 Mr. Balfour - Raise your right hand please.

1097
1098 Mr. Blankinship - Do you swear that the testimony you are about to give is
1099 the truth, the whole truth, and nothing but the truth, so help you God?

1100
1101 Mr. Balfour - Anyone else to speak on the case? Which one of you
1102 wants to go first?

1103
1104 Ms. Williams - I do. Melinda Williams. Basically the scenario is, when
1105 we relocated to Richmond this summer, worked with a realty company, we
1106 explained to them that my elderly parents, due to their health, would be relocating
1107 with us. We looked at several homes and even had our parents with us. This
1108 home was presented to us as a viable option, and we moved here in July. After
1109 we'd been here about a month and started investigating, we realized that they
1110 could not live in this detached garage if we renovated it. We visited the County
1111 and learned that if we attached it with a 10-foot wide breezeway, then the
1112 breezeway would go from the garage into the back door, into the kitchen, they
1113 would have access to a kitchen, and that 10-foot breezeway would also make it
1114 part of our main dwelling. In doing so, we do not meet setback, so we're asking
1115 for the variance on all the setbacks.

1116
1117 Mr. Balfour- It will run along part of the edge of your driveway, it
1118 looks like, is that right? You'd give up part of your driveway?

1119
1120 Ms. Williams - Yes. Which is not a problem, because it's a nice size
1121 driveway.

1122
1123 Mr. Balfour- In fact, that's already paved at that point, it looks like.

1124
1125 Ms. Williams - Yes it is paved.

1126
1127 Mr. Wright- So nothing would change in so far as the location of the
1128 garage in relationship to the other property.

1129
1130 Ms. Williams - Right. That's the problem, we can't move the garage.

1131

1132 Mr. Wright- But when you run the breezeway and attach it, then it
1133 becomes part of the main home.

1134

1135 Ms. Williams - That's correct, yes sir.

1136

1137 Mr. Balfour- Move your fence around a little bit.

1138

1139 Mr. Wright- As far as your neighbors are concerned, it won't be any
1140 different with respect to the view. They will see the breezeway.

1141

1142 Ms. Williams - Yes, they will see the breezeway, which would be in the
1143 materials to match the existing.

1144

1145 Mr. Wright- Will it be open on the sides?

1146

1147 Ms. Williams - It depends on the cost. We would like it to be closed on
1148 the side that faces the driveway, just for aesthetic purposes, to make it look like
1149 part of the house, like a continuation of the house. Now whether we would close
1150 the side that faced the yard, we would ask an architect or take your advice. We've
1151 even considered the side that faces the yard to be a screened in porch even, to
1152 make it wider than 10 feet.

1153

1154 Mr. Balfour - Any other questions of Ms. Williams? Mr. Williams, do
1155 you want to add anything?

1156

1157 Mr. Williams - She said it all. She's the speaker for us.

1158

1159 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
1160 McKinney, the Board **granted** application **A-168-2001** for a variance to attach the
1161 existing garage to the existing house at 509 Wadeward Road (Sleepy Hollow
1162 Woods) (Tax Parcel 100-6-A-5). The Board granted the variance subject to the
1163 following condition:

1164

1165 1. Only the improvements shown on the plan filed with the application may be
1166 constructed pursuant to this approval. No substantial changes or additions to the
1167 layout may be made without the approval of the Board of Zoning Appeals. Any
1168 additional improvements shall comply with the applicable regulations of the County
1169 Code.

1170

1171 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright
1172 5

1173 Negative: 0

1174 Absent: 0

1175

1176 The Board granted this request, as it found from the evidence presented that, due to the
1177 unique circumstances of the subject property, strict application of the County Code
1178 would produce undue hardship not generally shared by other properties in the area, and
1179 authorizing this variance will neither cause a substantial detriment to adjacent property
1180 nor materially impair the purpose of the zoning regulations.

1181
1182 On a motion by Mr. McKinney, seconded by Mr. Wright the Board **approved, as**
1183 **amended**, the Minutes of the May 24, 2001, Henrico County Board of Zoning
1184 Appeals meeting.

1185
1186 There being no further business, and on a motion by Mr. Kirkland, seconded
1187 by Mr. Nunnally, the Board adjourned at 10:07 am, until January 24, 2002,
1188 at 9:00 am.

1189

1190 Daniel T. Balfour,
1191 Chairman

1192

1193

1194

1195

1196 Benjamin Blankinship, AICP
1197 Secretary