

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, FEBRUARY 24,**
4 **2005, AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND**
5 **TIMES-DISPATCH ON FEBRUARY 3 AND 10, 2005.**
6

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

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

7
8 Mr. Wright - I call the meeting of the County of Henrico Board of Zoning
9 Appeals to order. Would you stand for the **Pledge of Allegiance To the Flag of our**
10 **Country**. Mr. Secretary, would you read the rules, please.
11

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

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

33 Mr. Blankinship - No sir, not that I’m aware of.
34

35 **Beginning at 9:00**

36
37 **A-1-2005** **LOANMAX** requests a variance from Section 24-104(g)(2)c. to
38 allow two signs to remain at 4802 South Laburnum Avenue
39 (Laburnum Square) (Parcel 815-715-8232), zoned O-2, Office
40 District (Varina). The maximum number of signs is not met. The
41 applicant has 2 signs, where the Code allows 1 sign. The applicant
42 requests a variance of 1 additional sign.
43

44 Mr. Wright - Does anyone else desire to speak with reference to this
45 case? Would you raise your right hand and be sworn please?
46

47 Mr. Blankinship - Do you swear that the testimony you are about to give is the
48 truth, the whole truth, and nothing but the truth, so help you God?
49

50 Mr. Mistr - I do. Spud Mistr, representing the applicant for the variance
51 request. The applicant, which is a car loan company, applied for a sign permit in July
52 2004. On July 30, the County issued a permit for two signs, one on the building, and
53 one pylon sign, which were constructed and erected in accordance with the permit that
54 was issued by Henrico County. Later on, according to the staff report, somebody
55 complained, not about the signs, but about the color of the building. They didn't like the
56 color. The staff made the determination that there was nothing, no problem with the
57 color, but took it upon themselves to determine if there were any other violations to this,
58 and they determined that in O-2 zoning, you are only allowed one sign. The four
59 corners of Laburnum and Finlay all have banks, a BB&T, a Bank of America, this site
60 was formerly a bank, and there is a vacant building on the other corner. They are all in
61 O Zoning, and they all have two signs. They all have a sign on the building, and they all
62 have a pylon sign in the front, so my contention is that a precedent has been set. The
63 staff report says that the sign in itself is not a problem. Causing these people to remove
64 one of their signs will not change the color of the building, so we respectfully request
65 that you grant a variance so that this corner of Laburnum and Finlay will be in
66 accordance with the Code, as opposed to the other three corners that are not.
67

68 Mr. Wright - Any questions of members of the Board?
69

70 Mr. Nunnally - Mr. Blankinship, is the Bank of America and BB&T in O-2 on
71 conditional zoning or is it a B-2 zoning?
72

73 Mr. Blankinship - Are those the other ones right there at that corner?
74

75 Mr. Kirkland - Yes sir.
76

77 Mr. Blankinship - I believe all four corners are zoned O-2.
78

79 Mr. Mistr - The BB&T is O-2, see it has conditions. The other three
80 corners do not have conditions. It's straight zoning; they are all O-2.

81
82 Mr. Blankinship - The next building south is B-2.
83
84 Mr. Wright - What is the case that those other buildings are allowed the
85 sign on the building and a freestanding sign?
86
87 Mr. Blankinship - The regulations in the Office District allow two signs for an
88 office building, but only one sign for a bank or for other permitted uses in the Office
89 District, so I don't know the history of all those buildings, whether they were originally
90 banks or they were originally permitted as something else and allowed two signs.
91
92 Mr. Wright - Aren't they banks?
93
94 Mr. Blankinship - They are now banks.
95
96 Mr. Wright - How can you allow those buildings to have two signs and not
97 this one?
98
99 Mr. Blankinship - The same rules probably should apply.
100
101 Mr. Wright - Why don't we go after them and haul them in and make
102 them remove their signs?
103
104 Mr. Blankinship - We could certainly pursue that, if the Board would like to see
105 us do that.
106
107 Mr. Wright - In other words, what's good for one ought to be good for all
108 in the same zoning. We've had situations where there was a different zoning
109 classification right across the street, which was something that we had no control over.
110
111 Ms. Dwyer - Those cases aren't before us, so we don't have all the facts
112 relating to the other cases, so there might be some different circumstances.
113
114 Mr. Wright - He tells us it's a bank, and it's in O-2; what else do you need
115 to know?
116
117 Mr. Blankinship - The history of the property, whether they had variances, I
118 don't know.
119
120 Mr. Wright - That's the history here too.
121
122 Mr. Nunnally - Well you can check that out and bring it back before the next
123 meeting, can't you. You can check on Bank of America and BB&T.
124
125 Mr. Blankinship - We have pulled the sign permits and reviewed them, but we
126 didn't review the whole history of the property. We do have someone in opposition.

127
128 Mr. Mistr - I think part of the case is too, the staff is maintaining the
129 permit was issued in error, but I haven't seen any evidence that the County has made
130 any notification that the permit was revoked. As far as I know, the permit for two signs
131 is still valid as issued by the Building Inspections office.
132
133 Mr. Blankinship - I think they were notified of that though. Michael Reed, the
134 General Counsel

135
136 Mr. Mistr -I said I don't have any evidence of that.
137
138 Mr. Blankinship - I notified their General Counsel of that; that was back in
139 November.
140
141 Mr. Mistr - You notified them of the violation, but I think the only person
142 who can revoke the building permit is Greg Revels.
143
144 Mr. Blankinship - It wasn't done by Mr. Revels, but actually the problem is that
145 when the staff member signed off the zoning approval of that permit, they put a note in
146 one of the fields saying this was only for one sign, but then the person who issued the
147 permit didn't read that note and issued the permit as originally applied for.
148
149 Mr. Wright - There's no question - that the signs were put up based on
150 what they thought was a legal permission granted by the County.
151
152 Mr. Blankinship - Except that I think the signs were actually put up before the
153 permission was issued; it was a matter of weeks, but we do have a photograph in your
154 package there of the wall sign in place, and a banner also in place, and then the pylon
155 sign being delivered on a truck, and that photograph was taken July 14, and the permit
156 was issued July 30.
157
158 Mr. Nunnally - You had the freestanding sign and the sign on the building
159 when the building was waiting.
160
161 Mr. Blankinship - Right. I'm not disputing that point of Spud's either. The
162 issue that got this ball rolling was the color of the building, not the signs.
163
164 Mr. Nunnally - You had the two signs, and they turned around and painted
165 that building yellow and red - why did they do that? Can you tell me? With that color
166 you sure don't need any signs.
167
168 Mr. Mistr - I don't have any idea. That may be true also, but I think the
169 County would rather have two signs than have everybody paint their buildings this color.
170 I'm not saying the color is good or bad or whatever.
171
172 Mr. Nunnally - Do you think you could talk him into painting it white?

173
174 Mr. Mistr - I don't know. I'm representing Mr. McKinney here, and I will
175 ask him.
176
177 Mr. Wright - Any further questions of members of the Board? Now we'll
178 hear from the opposition – is there opposition?
179
180 Ms. Irvin - Yes sir. My name is Joyce Irvin. I hope you'll bear with me;
181 I'm not used to doing this kind of thing. I represent those of us who have to look at this
182 every day. I live in Varina District on Osborne Turnpike and Rustling Cedar Lane. I am
183 aware that the LoanMax building's unappealing color and the destruction and absence
184 of the landscaping that was on the property are not the issues before you in this
185 hearing. However, we the citizens in the Varina District whose signatures appear on the
186 letters of opposition submitted to you, want you to know why we oppose this business
187 being granted a variance, allowing it to retain its additional sign. Citizens frequently
188 notice conditions in our County which are inappropriate, dangerous, or not in
189 compliance with what we have learned to be the policies of Henrico County. We are
190 very proud of our County, and want it to be the best it can be. We assume the County
191 will take care of the aberrations. We usually are unaware of the proper channels to use
192 in order to register concerns, and we think that any action is the County's prerogative.
193 In this case, a public hearing was advertised, allowing us the appropriate opportunity to
194 express our concerns. It is our sincere hope that you will take into consideration the
195 opinions of the citizens who must live with the appearance of the LoanMax building and
196 deny any variance. Thank you very much.
197
198 Mr. Wright - Any questions of the Board? Thank you very much. Is
199 anyone else here in opposition to this request?
200
201 Ms. Dwyer - Mr. Blankinship, there is mention by this speaker that the
202 landscaping that had been there had been destroyed, and I know that the County
203 operates on a complaint basis, so I'm wondering if there's a way that we can refer this
204 case to staff to check to see if destruction of the landscaping violates any POD or
205 proffers of the zoning case.
206
207 Mr. Blankinship - It was the staff who referred the case to us when they
208 discovered the sign issue. This is the first I've heard of the landscaping raised, but I
209 can't imagine that they just overlooked that. I would think that they would have caught
210 that. This is not conditional zoning. I don't know if this site was originally developed
211 under a POD or not. I don't know whether landscaping was required or whether it was
212 just something that existed. We'll certainly make a note of that.
213
214 Mr. Wright - Any further opposition? Do you care to rebut the opposition?
215
216 Mr. Mistr - No, I don't have anything to rebut, but I think the real issue is
217 the color of the building, and I think the County staff and everybody concerned could set
218 a dangerous precedent if any time we see something that we don't like, we go on a

219 witch hunt to find if there's something we can do, sort of as retribution against them for
220 painting the building this color. Now I'm not going to say this building is the color I
221 would have painted it, but what I'm representing to you is the sign, and the problem is
222 really not the sign; the problem is the color of the building. If there's something we can
223 do about that, I think that's what we should do, but I don't know why they should be
224 treated any differently for a sign than anybody else along Laburnum Avenue, and I
225 realize some of it's B-2 zoning, but the O Zone, and I'm not saying we should go to any
226 of these banks or anything else and take down the signs. I think the signs are
227 appropriate and where they should be. We would just like the same consideration as
228 everybody else has.

229
230 Ms. Harris - Mr. Mistr, where were you planning to put this third sign that
231 we saw in the picture, the visual, the sign that was on the truck? We see these two
232 signs here, we see the attached and detached signs, but I want to know where you are
233 planning to put the one that's on the truck.

234
235 Mr. Mistr - That I don't know, because I've just been involved with this
236 about a week, here to represent the case. I don't know; normally if there were another
237 sign, it would probably go on the Finlay Street side of the building, I would guess, but I
238 don't know that.

239
240 Mr. Blankinship - You're not asking for any additional signs?

241
242 Mr. Mistr - No, we're just asking for the two that are there now.

243
244 Ms. Dwyer - It's my understanding that the sign on the truck is the
245 monument sign that we see now.

246
247 Mr. Mistr - That's the way I read it. I think that what it is, the monument
248 sign that had been existing had been taken down, just like the one next door. There's a
249 monument there, but no sign on it, because the building is vacant.

250
251 Ms. Dwyer - Mr. Mistr, I understand your point that the complaint about
252 the colors did generate the complaint that caused the County to look into your site, but
253 the fact remains that your clients put the signs up before the permit was granted, that
254 the signs are not in compliance with the Ordinance, and on July 29 the sign permit was
255 approved and noted that only one sign was allowed, so those are factors we have to
256 consider as well.

257
258 Mr. Mistr - The permit I have, dated July 30 and signed by Greg Revels,
259 says to permit sign to be erected, detached one, sign to be erected, attached one.
260 There's no note about only one sign or anything else. But this is the sign permit that
261 was issued by the County.

262
263 Ms. Dwyer - So it's your contention that the permitting staff person has
264 the authority to grant a variance?

265
266 Mr. Mistr - No ma'am. I'm saying the signs were in progress; they
267 applied for the sign which they thought was correct, and the County issued the sign. I'm
268 not saying they issued it correctly or incorrectly, but they did put it up with a sign permit
269 that they thought was valid.

270
271 Mr. Wright Anything further? Thank you for appearing.

272
273 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
274 Dwyer, the Board **denied** application **A-1-2005** for a variance to allow two signs to
275 remain at 4802 South Laburnum Avenue (Laburnum Square) (Parcel 815-715-8232).

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

280
281 The Board denied your request as it found from the evidence presented that authorizing
282 this variance would be of substantial detriment to adjacent property or would materially
283 impair the purpose of the zoning regulations.

284
285 **UP-3-2005 CHAMBERLAYNE RECREATION ASSOCIATION** requests a
286 conditional use permit pursuant to Section 24-12(b) to amend the
287 master plan for the recreation center at 317 North Wilkinson Road
288 (Parcels 792-753-4981 and 9289), zoned R-2A, One-family
289 Residence District (Fairfield).

290
291 Mr. Wright - Does anyone else desire to speak with reference to this
292 case? Anybody who would like to speak, please stand and be sworn at the same time.

293
294 Mr. Blankinship - Do you swear that the testimony you are about to give is the
295 truth, the whole truth, and nothing but the truth, so help you God?

296
297 Mr. Wright - Before you start, Mr. Condlin, I'm going to have to excuse
298 myself from this case.

299
300 Mr. Condlin - I do. Andy Condlin, from Williams Mullen. Members of the
301 Board, we came before you last month.

302
303 Mr. Nunnally - Mr. Condlin, did you have a chance to discuss this with the
304 people who were here last month?

305
306 Mr. Condlin - Yes sir, we've actually had, since that time, two meetings,
307 specifically with the different associations, when all the adjacent neighbors were again
308 invited, two different times. I've got a letter here from one of the neighbors, who was
309 appearing. There were three folks, if you remember. I don't want to say they were in
310 opposition, because each of them said they weren't in opposition. I think they were

311 looking for information more than anything.

312

313 Mr. Nunnally - What I'm trying to get at is, I don't see why we have to have
314 any more testimony if you all came to any kind of agreement.

315

316 Mr. Condlin - I certainly want them to be available if you have any
317 questions. The only thing I would like to say, and I think we have come to an
318 agreement; I've talked to all the neighbors, and everyone agrees that they are
319 comfortable with our request here before the BZA and are now comfortable. What they
320 were uncomfortable with before was, some questions they had regarding the
321 subdivision, which is technically not before the BZA. The only issue before you today,
322 and there was some confusion, I think, in reading the record. Ben and I confused each
323 other, not deliberately, but certainly got each other confused as to what was going on.
324 The only thing we're appearing before you, is because in 1962, when the original
325 conditions were placed on this approved recreation association, there are two items that
326 we were concerned about. One is that buildings have to be set back 75 feet.
327 Technically, we were in violation. What was approved was not even 75 feet back from
328 the property line, and with this subdivision, we were getting within that 75 feet as well,
329 so what we wanted to do was just change that condition to say the existing
330 improvements that have been there for forty years are allowed to be where they're
331 placed. They're not going to be moved; there's no new additional buildings, but what's
332 there now is okay, even though they've technically violated, depending on how you read
333 the condition, the 75 feet. We'd get rid of that interpretation.

334

335 The other issue was this entranceway, which was required to be 36 feet wide, which I'm
336 not sure why in '62 they were requiring a private driveway to be 36 feet wide. It's never
337 been 36 feet wide. It technically was in violation of that condition. The County Code, I
338 think Mr. O'Kelly can speak to this better than I, but Public Works would allow for 24 feet
339 for a private drive, and that's what it's been, and we ask for that condition to be
340 amended to allow for Public Works to approve that driveway, because we're going to
341 amend that a little bit, and we'll get that signed off on that. Those are the two major
342 issues that came before you; we didn't express that well, and frankly, we were a little
343 confused as to whether the '62 case still applied or whether that had been amended. I
344 think through our discussions and our research, the '62 case, with those conditions
345 applied, we're asking for those two amendments. We're not asking for approval of the
346 subdivision; we're not asking for any new buildings or any new location, just that those
347 two conditions be changed or tweaked so that they are brought up to date.

348

349 Ms. Dwyer - Mr. Condlin, on that point, our record shows conditions
350 accepted by the County in 1965, UP-34-65, and then you made those two suggestions,
351 and then as I read the conditions proposed by staff, those two suggestions that you
352 made are incorporated into the new conditions.

353

354 Mr. Condlin - You're right, I should have said '65.

355

356 Ms. Dwyer - The new conditions, as I read them, are in condition # 1 and

357 # 4, so today, I assume we would adopt the new conditions, so we wouldn't need to act
358 on your request for an amendment to the '65 conditions.

359
360 Mr. Condlin - Technically, I envisioned that the only reason we were
361 coming forward was because of the old conditions, whether we tweaked them or
362 replaced them by a whole new permit, it's the same result, and I guess that's what I'm
363 asking.

364
365 Ms. Dwyer - I just want to be clear what we're doing, and let you know
366 that it appears your requests have been incorporated in the new conditions.

367
368 Mr. Condlin - Absolutely, and that's why I just wanted to clarify that the
369 conditions are fine. You know I've got to have one issue though. And Ben wasn't
370 aware of this, and this is really at your discretion, there's a condition # 7 that says the
371 swimming pool area shall be enclosed by a fence of at least six feet in height. This is a
372 very practical issue; when you put up a scalloped fence at six feet in height, it dips down
373 below six feet. We would like to have a more decorative fence, so that it's not six feet
374 across, but maybe to have some scalloped fence to allow it to dip below six feet. The
375 County Code requires only 48 inches. I guess what I'd like to see is something of the
376 nature where we could pacify Ben as far as the look of it, if it substantially meets that, or
377 something of that nature, more than five and a half feet, just so they can have a
378 scalloped fence. The way it's written now, it's got to be six feet all the way across, and
379 it can't dip down below six feet.

380
381 Mr. Blankinship - When you said the County Code requires four feet, you
382 mean the building code?

383
384 Mr. Condlin - I'm thinking of for a home.

385
386 Mr. Blankinship - I know there's a building code requirement for a fence
387 around a public pool, and I think that's where we got that.

388
389 Ms. Dwyer - I think it needs to be six feet.

390
391 Mr. Condlin - You think it needs to be six feet?

392
393 Mr. Blankinship - We could strike the reference to six feet and say "enclosed
394 by a fence in conformance with the building code."

395
396 Mr. Condlin - I'd like some flexibility.

397
398 Ms. Dwyer - Your plan shows a fence, five to six feet, with the scallop – is
399 that the one you're talking about?

400
401 Mr. Condlin - Yes ma'am. Again, if I have to put up a six-foot fence, I'll put
402 it up, but they wanted some decoration to it, some look to it, but it will always meet the

403 building code, and if it does, we appreciate that change from that standpoint. That's the
404 only reason we're here. Just so you know, Mr. Henry wasn't here last time, but he is
405 with the Civic Association, and they are in full support of this, and the neighbors, I've got
406 the letter, and I've talked to all of them, and they have no problem with this. I would like
407 to clarify one mistake that I made in the last hearing, which was, the subdivision for he
408 three lots was approved by the Planning Commission, but this one was not. In looking
409 through my notes, I think I reflected that my knowledge of it was that it was all approved.
410 We'd deferred this until the March meeting because they wanted us to get the BZA
411 request straight first. We will be coming forward, and all the lots and the home sizes will
412 be determined by the Planning Commission, so it's only now those three requests that
413 are really the reason we're coming forward.

414
415 Mr. Wright - Any further questions of the Board? Is anyone here in
416 opposition to this request? Hearing none, that concludes the case.

417
418 After an advertised public hearing and on a motion by Ms Harris, seconded by Ms.
419 Dwyer, the Board **granted** application **UP-3-2005** for a conditional use permit to amend
420 the master plan for the recreation center at 317 North Wilkinson Road (Parcels 792-
421 753-4981 and 9289). The Board granted the use permit subject to the following
422 conditions:

- 423
424 1. The improvements on the property are hereby approved in their general location
425 as shown on the "Future Plan: Chamberlayne Recreation Association, Chamberlayne
426 Heights Civic Association, Frostick Hills Subdivision and Frostick Subdivision" dated
427 February 2, 2005. Any additional improvements shall comply with the applicable
428 regulations of the County Code. Any substantial changes to the layout or operation
429 shall require a new conditional use permit.
- 430
431 2. The swimming pool and recreation facility shall be operated on a nonprofit basis.
- 432
433 3. Off-street parking shall be provided at a ratio of at least one space for every three
434 active members.
- 435
436 4. The proposed 24-foot entrance onto North Wilkinson Road shall be submitted to
437 the Department of Public Works for review and approval.
- 438
439 5. The parking lot shall be set back from North Wilkinson Road, and shall be
440 screened by landscaping, as shown on the plan.
- 441
442 6. For safety and security, lights beamed only on the swimming pool, and operated
443 on a clock, shall be provided whenever water is in the pool.
- 444
445 7. Amended] The swimming pool area shall be enclosed by a fence in accordance
446 with the Uniform Statewide Building Code.
- 447

448 8. No recreational activities may be conducted on the site between the hours of
449 10:30 PM and 8:00 AM.

450
451 9. The recreation facilities shall be operated in a quiet and orderly manner without
452 creating a nuisance to the surrounding neighborhood and under proper supervision.

453
454 Affirmative: Dwyer, Harris, Kirkland, Nunnally 4
455 Negative: 0
456 Abstain: Wright 1

457
458 The Board granted the request because it found the proposed use will be in substantial
459 accordance with the general purpose and objectives of Chapter 24 of the County Code.

460
461 **A-13-2005 WILLBROOK, LLC** requests a variance from Section 24-94 to
462 allow the existing dwelling to remain at 4808 Sadler Oaks Court
463 (Sadler Oaks) (Parcel 747-766-9085), zoned R-3C, One-family
464 Residence District (Conditional) (Three Chopt). The rear yard
465 setback is not met. The applicant has 38 feet rear yard setback,
466 where the Code requires 40 feet rear yard setback. The applicant
467 requests a variance of 2 feet rear yard setback.

468
469 Mr. Wright - Does anyone else desire to speak with reference to this
470 case? Would you raise your right hand and be sworn please?

471
472 Mr. Blankinship - Do you swear that the testimony you are about to give is the
473 truth, the whole truth, and nothing but the truth, so help you God?

474
475 Mr. Lewis - I do. Members of the Board and staff, my name is Delmonte
476 Lewis, of E. D. Lewis & Assoc. We're engineers, and I'm here representing Lawrence
477 Liesfeld, who's the contractor who built the building. As the building was being
478 constructed, it was pre-sold, and the respective purchaser requested that the breakfast
479 nook on the back of the building be extended two feet, which would make it six feet
480 rather than four feet, and the builder, not realizing that this would make it in violation,
481 continued to build the building at the wishes of the prospective buyer. That was what
482 caused the rear yard setback to be 38 feet rather than 40 feet, as required by Code. I
483 might mention that behind this lot is all open space and common area, recorded with the
484 subdivision, meaning, of course, that there would never be a house built back there.
485 The closest house to the rear of this that would be affected is 200 feet away. I submit to
486 you that this violation does not impact anyone in the subdivision or adjacent neighbors.

487
488 Mr. Wright - Any questions of members of the Board? Is anyone here in
489 opposition to this request? Hearing none, that concludes the case.

490
491 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
492 Harris, the Board **granted** application **A-13-2005** for a variance to allow the existing

493 dwelling to remain at 4808 Sadler Oaks Court (Sadler Oaks) (Parcel 747-766-9085).
494 The Board granted the variance subject to the following conditions:

495
496 1. This variance applies only to the rear yard setback requirement. All other
497 applicable regulations of the County Code shall remain in force.

498
499 2. Only the improvements shown on the plan filed with the application may be
500 constructed pursuant to this approval. Any additional improvements shall comply with
501 the applicable regulations of the County Code. Any substantial changes or additions
502 may require a new variance.

503
504 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
505 Negative: 0
506 Absent: 0

507
508 The Board granted this request, as it found from the evidence presented that, due to the
509 unique circumstances of the subject property, strict application of the County Code
510 would produce undue hardship not generally shared by other properties in the area, and
511 authorizing this variance will neither cause a substantial detriment to adjacent property
512 nor materially impair the purpose of the zoning regulations.

513
514 **A-14-2005** **MIKE PAVLOVICH, JR.** requests a variance from Section 24-9 to
515 build a one-family dwelling at 7100 Pavlovich Lane (Parcel 825-
516 696-3644), zoned A-1, Agricultural District (Varina). The public
517 street frontage requirement is not met. The applicant has 0 feet
518 public street frontage, where the Code requires 50 feet public street
519 frontage. The applicant requests a variance of 50 feet public street
520 frontage.

521
522 Mr. Wright - Does anyone else desire to speak with reference to this
523 case? Would you raise your right hand and be sworn please?

524
525 Mr. Blankinship - Do you swear that the testimony you are about to give is the
526 truth, the whole truth, and nothing but the truth, so help you God?

527
528 Mr. Felts - Yes sir. My name is Everette A. Felts, and I'm an attorney,
529 and I represent Mike Pavlovich here, and indirectly the purchasers of this property. I've
530 submitted sort of a written response to the County staff report.

531
532 Mr. Blankinship - That was provided to you this morning.

533
534 Mr. Felts - Mike Pavlovich is the owner of this property. He's 84 years
535 old, and of course, he can't afford to build a home. He lives with his son in New Kent
536 County. He came to own this property through a family that originally had the whole
537 tract starting about 1914, and this is the residue of his property in there. He's had an
538 interest in the title for years, and he wants to sell it so that he can use the money for

539 retirement and that sort of thing. There are four other property owners on Pavlovich
540 Lane, three of them, one at the entrance and two others in the back have homes on
541 them. One of them is not built on; it's just a vacant lot, and I have filed with this consent
542 by three of those owners, and they are consenting to the variance request, and they're
543 with my letter that I sent in. The contract for the sale of this property is contingent on
544 getting a variance or getting a building permit, of which the variance has to be granted
545 before they can get a building permit. One of the issues that the County raised is the
546 issue of the easement and road maintenance agreement, and I've provided with you the
547 road maintenance agreement and the deeding of the easement in the file that's made
548 part of my answers and issues that I addressed with the County there. The purchaser is
549 aware of those conditions that have to be complied with, as far as getting a building
550 permit. They have septic tank approval for an alternative system in there, complying
551 with the road maintenance, and that they take the property subject to their requirements
552 to help maintain the road in there as one of the owners. That's the basis of our request,
553 and we ask that it be issued.

554
555 Mr. Nunnally - What type of home are you going to build back in there, Mr.
556 Felts?

557
558 Mr. Felts - We have plans for a 1600 or 1700 square foot residential
559 home.

560
561 Mr. Nunnally - Is it a rancher, two-story or what?

562
563 Mr. Felts - It's a rancher.

564
565 Mr. Nunnally - Are you going to build it in the middle of the three acres?

566
567 Mr. Felts - We've got septic approval, and of course you have to locate
568 it in reference to that. The well has to stay 100 feet from the septic tank, and the well
569 usually has to be in front of the property, or on the opposite side of the house from the
570 septic tank or drain field, so it will be located. There's a swale in front of the property as
571 it proceeds off of Pavlovich Road, and then the property rises up. The property is about
572 177 feet wide, but it's about 700 feet deep, so the house will probably sit about 300 feet
573 back from Pavlovich Lane.

574
575 Ms. Dwyer - Mr. Felts, as I look at your maintenance agreement, it looks
576 like there's just a fifteen-foot common right-of-way that serves this property.

577
578 Mr. Felts - If you look at that closely, fifteen feet of that is on the
579 Preston property, which adjoins this property on one side, so that refers to that part of
580 the maintenance, but fifteen feet of the easement is on the other properties that were
581 formerly Pavlovich property.

582
583 Ms. Dwyer - So fifteen feet is half of the total right-of-way that's been set
584 aside, right? If there were ever a public road brought back here, which there might be,

585 given the amount of land and the potential for building here, my understanding from the
586 Public Works folks is that they would need a fifty-foot right-of-way to build a public road,
587 so would you be willing, not necessarily in the maintenance agreement, but at least as a
588 condition to this, would your client be amenable to setting aside 25 feet?
589

590 Mr. Felts - Yes ma'am, absolutely. In one of those agreements, it says,
591 I think it's agreed to by the parties, that if the parties ever want to turn it over to the
592 public, County of Henrico, for a public right-of-way, that they will agree that they will
593 comply with those wishes. We will specifically make that a proffer.
594

595 Ms. Dwyer - Where is that?

597 Mr. Blankinship - Condition # 5.

599 Mr. Wright - Any further questions of the Board? Is anyone here in
600 opposition to this request? Hearing none, that concludes the case.
601

602 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
603 Dwyer, the Board **granted** application **A-14-2005** for a variance to build a one-family
604 dwelling at 7100 Pavlovich Lane (Parcel 825-696-3644). The Board granted the
605 variance subject to the following conditions:
606

607 1. This variance applies only to the public street frontage requirement. All other
608 applicable regulations of the County Code shall remain in force.
609

610 2. Approval of this request does not imply that a building permit will be issued.
611 Building permit approval is contingent on Health Department requirements, including,
612 but not limited to, soil evaluation for a septic drainfield and reserve area, and approval
613 of a well location.
614

615 3. At the time of building permit application, the applicant shall submit the
616 necessary information to the Department of Public Works to ensure compliance with the
617 requirements of the Chesapeake Bay Preservation Act and the code requirements for
618 water quality standards.
619

620 4. The applicant shall present proof with the building permit application that a legal
621 access to the property has been obtained.
622

623 5. The owners of the property, and their heirs or assigns, shall accept responsibility
624 for maintaining access to the property until such a time as the access is improved to
625 County standards and accepted into the County road system for maintenance.
626

627 6. [Added] The owner shall reserve 25 feet of right-of-way along Pavlovich Lane for
628 future dedication.
629

630 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright

5

631 Negative: 0
632 Absent: 0

633
634 The Board granted this request, as it found from the evidence presented that, due to the
635 unique circumstances of the subject property, strict application of the County Code
636 would produce undue hardship not generally shared by other properties in the area, and
637 authorizing this variance will neither cause a substantial detriment to adjacent property
638 nor materially impair the purpose of the zoning regulations.

639
640 **A-15-2005** **WILLARD W. CLINE, SR.** requests a variance from Section 24-
641 95(c)(4) to add a front porch at 7202 Medford Avenue (Fort Hill)
642 (Parcel 763-744-3307), zoned R-3, One-family Residence District
643 (Three Chopt). The front yard setback is not met. The applicant
644 proposes 26 feet front yard setback, where the Code requires 35
645 feet front yard setback. The applicant requests a variance of 9 feet
646 front yard setback.

647
648 Mr. Wright - Does anyone else desire to speak with reference to this
649 case? Would you raise your right hand and be sworn please?

650
651 Mr. Blankinship - Do you swear that the testimony you are about to give is the
652 truth, the whole truth, and nothing but the truth, so help you God?

653
654 Mr. Cline - Yes sir. Willard Cline, Sr. I was diagnosed with severe
655 arthritis, congestive heart failure. Up until that time, the steps and the front porch were
656 sufficient for me, but then it got to a point where it became very difficult for me to get in
657 and out of the house. I went to apply for a permit to put a porch on, which they told me,
658 with a ramp, that my setback, that I had to have a building line removed. I went ahead
659 and had that done through the County, and it was approved. My lot is in the middle;
660 there are only three houses on that side in that block, and across the street's the same
661 thing, so it's a very small block, and my house is the smaller lot of all of them. If you
662 see the post on the front right there, about eight feet back from that, is where the
663 County line is. It's where the water line comes through, and that's where they're using
664 the setback measurements. If I just did a handicap ramp, I would bring it out to the
665 front, but it would come out to the street, and in doing so, I would have to park on the
666 street, and there are only two lanes there, and it would cause a severe traffic problem, I
667 believe. What I was hoping to do was to build a covered porch with a ramp on the back
668 side of it, so that it would be aesthetically nice from the street. In other words you would
669 just see the front porch, and then in the back part of it, closer to the house, would be my
670 ramp going off to the side. I've already paid for some concrete pipe, which the County
671 will put in at some time when they have the time to do it, so that I can make the
672 driveway appropriate for the handicap ramp if this is approved. I was trying to
673 accommodate the traffic situation with the street, because it is a cross-through from
674 Glenside Drive to Skipwith, and it's a heavy traffic area, and I brought some pictures. If
675 I park out at the end of the sidewalk where the handicap ramp would go, then I would
676 have to get out in the street to get into my vehicle, and it's only one lane of traffic there.

677 I was trying to have a nice ramp/porch combination with a roof on it so that I wouldn't
678 have to shovel the snow; I'm not able to. Also, I would not have a congested situation in
679 the street, where it could cause some problems later down the road. It's my request
680 that you be kind enough to see that I'm trying to do this in a nice fashion, and to not go
681 out to the street. That's the only other alternative I have, is to take the ramp out to the
682 street. I don't think that's a good idea either. I'm going to have a wider driveway put in
683 and take this off to the side. I have pictures to give you an idea of what I have in mind
684 and what the consequences would be if I took the ramp straight out to the front. Can I
685 show them to you?
686

687 Mr. Wright - Mr. Blankinship. I guess what his testimony is that you could
688 not put the ramp extending sideways out to where he would access the ramp from his
689 automobile up in his driveway. Is there any way the ramp could be built extending
690 sideways without having a porch there?
691

692 Mr. Blankinship - The ramp shown in this drawing does go sideways, so

693
694 Mr. Wright - But he's saying without the porch he would have to extend
695 the ramp straight out from the house to the street, access it from the street.
696

697 Mr. Cline - What I'm saying is, if I don't go off to the side, then I'll go out
698 to the front.
699

700 Mr. Wright - But you're saying that you can't go off to the side unless you
701 have the porch, that's what you're saying.
702

703 Mr. Blankinship - Could you build the ramp and the stoop with no roof over it?
704 That would be allowed without a variance.
705

706 Mr. Cline - Yes, I could build a ramp out to the side without even coming
707 through this, but it wouldn't be covered. The only reason I want to cover it is because
708 I'm not able to get out there and remove the snow or whatever, and in my condition, it's
709 not getting better; it's getting worse, and at some point, I don't want to admit to it, but I
710 don't believe I'll be able to walk, and it's going to be a point where I'm going to have to
711 have a wheelchair.
712

713 Mr. Wright - The ramp would be under the porch? It would be covered?
714

715 Mr. Cline - Yes sir. And if you ride down the road, all you're going to
716 see is the balusters of the front of the porch, and I think it would look real nice. But it
717 will allow me to get in and out of the house.
718

719 Ms. Dwyer - Are you asking for a screened porch?
720

721 Mr. Cline - No ma'am; it's wide open. It's just got banisters on it so
722 children don't fall off, to meet Code.

723
724 Mr. Wright - Is this the picture of the porch that you propose to build?
725
726 Mr. Cline - No, that was already built in that same subdivision, and
727 they're closer to the road than I am, and I don't know what the deal was on that.
728
729 Mr. Wright - Is this the type of porch you would build?
730
731 Mr. Cline - It's like that, but I think, did I give you a picture with the white
732 - that's what I want to build, the one that's got the white banisters on it. That's the way
733 it would look, but on the back side, closest to the house, there would be a ramp, an
734 incline, built into the porch, so that I can get in and out of the house.
735
736 Mr. Wright - So most of it would be covered?
737
738 Mr. Cline - All of it, yes.
739
740 Ms. Harris - What type of construction are you using - wood construction
741 or are you going to use cement?
742
743 Mr. Cline - I'm using salt-treated six by sixes, well I have to go to the
744 building, but my proposal's six by six posts on concrete, everything to Code, and then
745 it's going to be this new stuff that's come out, I don't know the correct name for it.
746
747 Mr. Wright - Is it vinyl post type?
748
749 Mr. Cline - Yes, it's the non-maintenance banisters and stuff like that, so
750 that I won't have to be out there painting it.
751
752 Ms. Dwyer - So they'll be white to match the house. It won't be like the
753 salt-treated porch that you have here?
754
755 Mr. Cline - Yes ma'am, it'll be white. It won't look like that. It will look
756 like that picture where everything's white; that's what it's going to look like, but it won't
757 look like a cabin or anything like that.
758
759 Mr. Wright - Any further questions of the Board? Is anyone here in
760 opposition to this request? Hearing none, that concludes the case.
761
762 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
763 Harris, the Board **granted** application **A-15-2005** for a variance to add a front porch at
764 7202 Medford Avenue (Fort Hill) (Parcel 763-744-3307). The Board granted the
765 variance subject to the following conditions:
766
767 1. Only the improvements shown on the plan filed with the application may be
768 constructed pursuant to this approval. No substantial changes or additions to the layout

769 may be made without the approval of the Board of Zoning Appeals. Any additional
770 improvements shall comply with the applicable regulations of the County Code.

771
772 2. The new construction shall match the existing dwelling as nearly as practical in
773 materials and color.

774
775 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
776 Negative: 0
777 Absent: 0

778
779 The Board granted this request, as it found from the evidence presented that, due to the
780 unique circumstances of the subject property, strict application of the County Code
781 would produce undue hardship not generally shared by other properties in the area, and
782 authorizing this variance will neither cause a substantial detriment to adjacent property
783 nor materially impair the purpose of the zoning regulations.

784
785 **A-16-2005 NEW BRIDGE BAPTIST CHURCH** requests a variance from
786 Section 24-104(d)(2) to install two detached signs at 5701 Elko
787 Road (Parcel 848-710-9248), zoned A-1, Agricultural District
788 (Varina). The maximum sign area requirement is not met. The
789 applicant proposes 70 square feet of sign area, where the Code
790 allows 32 square feet of sign area. The applicant requests a
791 variance of 38 square feet in total sign area.

792
793 Mr. Wright - Does anyone else desire to speak with reference to this
794 case? Would you raise your right hand and be sworn please?

795
796 Mr. Blankinship - Do you swear that the testimony you are about to give is the
797 truth, the whole truth, and nothing but the truth, so help you God?

798
799 Mr. Norvell - I do. My name's Dwayne Norvell; I'm with Norvell Sign
800 Company, and also representing the church as a church member.

801
802 Mr. Nunnally - Gentlemen, I have to disqualify myself.

803
804 Mr. Norvell - We have currently applied to install two detached signs, one
805 at each entrance of the church. Current Code allows a church with a school to have 32
806 square feet, and we're requesting two signs at a total of 70 square feet. There's a lot of
807 setback requirements as far as the right-of-way, and the signs right now would only be
808 single faced; they would only be one-sided signs facing each way. We have looked at
809 the property, to try to put a double-sided sign just would not serve because of the tree
810 buffer that is there now, that was required when we built the church.

811
812 Ms. Dwyer - So one sign would advertise the preschool, and the other
813 sign would be advertising church functions.

814

815 Mr. Norvell - The reader board sign is really the most vital sign that we
816 have applied for. We're a real community church. This sign would not really be so
817 much just for church members, but we have programs going on just about every night of
818 the week that serve the community. We have an academy that also has a current
819 teacher type association, and they could utilize using it also.
820
821 Mr. Blankinship - That sign is very similar to the sign that's up, but it doesn't
822 look like it's quite the same. You're not applying to keep the signs that are there now?
823
824 Mr. Norvell - No, it's not. No, these are internally illuminated, not lit with a
825 spotlight, one-sided, and they would really not affect any residences around the area.
826 They kind of shine away from any houses. They would also illuminate the entrances. I
827 don't know if any of you have had the opportunity to be there at night, but it is a very
828 dark place.
829
830 Ms. Dwyer - Would the signs be parallel to the road, or perpendicular to
831 the road?
832
833 Mr. Norvell - They would really be at close to a 45 degree angle.
834
835 Mr. Kirkland - The church will remove all these temporary signs if we grant
836 the variance, correct? Banners and everything else, correct? I made a visit down there
837 at 9:00 o'clock last night, definitely dark down there.
838
839 Mr. Norvell - Definitely is.
840
841 Ms. Harris - Had you considered removing the signs and placing one in
842 the middle of the distance?
843
844 Mr. Norvell - It's a forty-foot right-of-way along Elko Road, and it's thirty
845 feet from the pavement. That picture you just had up, you can see the line of trees.
846 The sign would have to be up in the middle of those trees. We would consider that if we
847 could cut the trees down. That wouldn't hurt our feelings.
848
849 Mr. Kirkland - But you have a proffered condition in your case that
850
851 Mr. Norvell -right, we could not remove the trees.
852
853 Ms. Dwyer - So one sign would be facing traffic coming from one
854 direction, and the other sign would be facing traffic coming from the other direction, is
855 that the plan.
856
857 Mr. Norvell - Yes ma'am. One would be down right where Malpas Drive,
858 pointing south, and the other would be up where that Old Elko Road is, kinda pointing to
859 the north. You can see how far back the church is set, with all the tree coverage around
860 there, and this time of year, actually it's not terrible, but in the summer you can go right

861 by the church and not even know it's there.

862

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

865

866 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by Ms.
867 Dwyer, the Board **granted** application **A-16-2005** for a variance to install two detached
868 signs at 5701 Elko Road (Parcel 848-710-9248). The Board granted the variance
869 subject to the following conditions:

870

871 1. This variance applies only to the total sign area requirement. All other applicable
872 regulations of the County Code shall remain in force.

873

874 2. Only the improvements shown on the plan filed with the application may be
875 constructed pursuant to this approval. Any additional improvements shall comply with
876 the applicable regulations of the County Code. Any substantial changes or additions
877 may require a new variance.

878

879 3. The applicant shall not display any banners on the property and shall remove any
880 that currently exist.

881

882 Affirmative: Dwyer, Harris, Kirkland, Wright 4

883 Negative: 0

884 Abstain: Nunnally 1

885

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

891

892 **A-17-2005** **WILLIAM P. AND ZEFY BRANCH** request a variance from Section
893 24-95(c)(1) to build an addition at 26 Charnwood Road (Roslyn
894 Hills) (Parcel 753-733-0581), zoned R-1, One-family Residence
895 District (Tuckahoe). The total side yard setback is not met. The
896 applicant proposes 32 feet total side yard setback, where the Code
897 requires 40 feet total side yard setback. The applicant requests a
898 variance of 8 feet total side yard setback.

899

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

902

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

905

906 Mr. Branch - I do. My name is William P. Branch, and I speak on behalf

907 of my wife Zefy too. We seek a variance which will allow us to construct a side addition
908 to the house, and the issue is the total side yard setback. I'd like to just tell you what
909 the proposed plans are, what we're trying to do here, and then also give you a couple of
910 reasons why we situated the plan of the addition on the side of the house. What we
911 want to do is tear down an existing carport, a 1960's type-style, that's when the house
912 was built, and we propose to build it back. What we're trying to do is get additional
913 space; my family's growing, mainly a master bedroom. What we thought would be good
914 functionally, as well as aesthetically, to the house, the property and the neighborhood,
915 would be to come back with a two-car carport and on top of that, have a master
916 bedroom, a bathroom, and just additional closet space. The proposed new structure will
917 conform with the house. Naturally, we want to do things right, and make the new
918 structure look nice. You can see there the existing carport. I have a rather large back
919 yard, and you will probably ask me why I'm not looking at going towards the back side
920 of the house.

921
922 One reason I did not plan to go that way is you see the side door that comes out of the
923 carport is a finished basement, and the basement is situated where we have a couple of
924 front windows, as well as some rear windows, and it's a nice basement, in terms that
925 you don't get the dungeon effect. It's a nice open-aired, light filled basement. I'm
926 hesitant to go on the back side of the house because I intentionally did not want to block
927 up any of the windows on the back side of the basement, as well as I know if I go on the
928 back side of the house, I will probably have to take some bedroom windows on the back
929 side, and perhaps an existing bath window. I do get some nice afternoon sun on the
930 back side of the house. The topography is an issue on the back side, as well, and I
931 brought a picture, and I'd like to submit that to the Board. As you can see, the
932 topography runs from north to south on the rear of the house, basically as the road
933 slopes out front, and I know building on the back side of the house will be a much more
934 involved construction process in terms of planning, engineering, probably fill dirt on the
935 foundation, and ultimately the expense of the project.

936
937 The last reason why I did not look on the back side of the house, is, I don't know
938 whether we have an overall aerial view of the lot, but if you look on the back right side of
939 the property, you see a small tool house. Right at the end of the property line there is
940 basically an open storm culvert that cuts through the back side of Charnwood Road,
941 and once it hits my property, it goes underground. It runs diagonally across the back
942 side of my lot, underground, and at times, the culvert cannot handle some of the storm
943 run-off, like the storm Gaston that we had this past summer, and at times periodically,
944 I'd say maybe once every couple years, I will have some spillage of water run-off
945 coming over that culvert, as the enclosed culvert can't handle the water coming through
946 the back side of my house. I wouldn't classify it as a flooding situation, but it is a
947 situation I'm a little hesitant in terms of putting money in the back side of my house and
948 going out with a nice addition, and then having potentially a water problem there.

949
950 Ms. Dwyer - I'm assuming that's why your house is a little closer to the
951 road than the house on Lot 24 or at 24 Charnwood, that it's moved forward because of
952 the culvert and the drainage issue.

953
954 Mr. Branch - Perhaps. We have only been in the house four years, and I
955 know my house and a house about four or five houses up were among the first houses,
956 and they tend to be a little closer to the road, so that may be a reason, or just the later
957 houses were built situated off the road further. We're good neighbors, and I've
958 approached every one of the neighbors actually, not right before this meeting, but
959 actually through the whole process of what we wanted to do, even before I realized I
960 was going to be outside of the normal code. I actually approached my neighbor at 24
961 Charnwood and said this is what I was looking at doing, and asked if he had a problem
962 with it. All the neighbors that I've approached who were on the mailing list of the
963 variance notice of the hearing, I approached every one of those, and although they're
964 not here today, I do have written support with a signature that they are in support of the
965 project. Zefy and I would never think of doing anything outside the Code if we were
966 having resistance or if one of the neighbors objected. I submitted letter of support that
967 my neighbors had signed. At that time, my back side neighbor at 23 Countryside I'd not
968 been able to hook up with them. They were out of town, and since then, I have their
969 signature as well, and I just wondered if I could present that to the Board as well.
970
971 Mr. Nunnally - Mr. Branch, is this a brick house painted white?
972
973 Mr. Branch - Yes sir.
974
975 Ms. Dwyer - With siding on the top?
976
977 Mr. Branch - It's a combination brick and yellow pine siding on the front.
978 The back side is all brick, and the new structure will be a combination of brick block
979 foundation, and then we're looking at using the hardiplank siding.
980
981 Ms. Dwyer - The roof line of the addition – how would that relate to the
982 roof line of the existing house?
983
984 Mr. Branch - The roof line of the new addition would be a tad bit lower. I'd
985 have to look at the full plans, but perhaps a foot, foot and a half lower.
986
987 Ms. Dwyer - But it would be lower than the roof line of the main house?
988
989 Mr. Branch - Yes. We enlisted the help of Bob Payne, an architect who
990 lives in the Countryside Subdivision. We enlisted the help of him in terms of the design
991 aspect of it.
992
993 Ms. Dwyer - The carport is partially enclosed, but it looks like with large
994 openings. Explain to me how the front is going to look; I'm not real clear on that from
995 looking at this picture. Will it have a roof over it?
996
997 Mr. Branch - Right. It will have a slight angled roof, just a little covering
998 over it, mainly for aesthetics.

999

1000 Mr. Blankinship - The front elevation.

1001

1002 Mr. Branch - More aesthetics, I would say, as opposed to functionality.

1003 We intentionally asked Bob to design it with the carport open, much to his resistance,

1004 because he was concerned with heat gain and loss upstairs in the master bedroom, but

1005 our intention there was, with one of the issues that I've previously cited, was that we

1006 wanted to keep the carport as open as possible, for the light consideration.

1007

1008 Ms. Dwyer - So the front is just a large open space. I'm seeing posts and

1009

1010

1011 Mr. Branch -the posts you see there are actually the back side

1012 posts. You're looking through the carport and seeing the back side. The railings are

1013 actually there due to the slope of the land. Bob thought we needed those in terms of

1014 safety aspects.

1015

1016 Ms. Dwyer - So there will be a wall in the middle as you're looking

1017 through the front, there'll be a wall in the middle and then an opening to the right, and

1018 an opening to the left that will have a banister.

1019

1020 Mr. Branch - No wall in the middle.

1021

1022 Ms. Dwyer - As I look at the rear elevation, it looks like a wall in between

1023 the two openings.]

1024

1025 Mr. Blankinship - He's showing siding between those two

1026

1027 Mr. Branch -right, that's the rear elevation. The carport

1028 itself is entirely open, inside. Naturally, you saw a wall going down the full length of the

1029 carport, and on the back side, yes there are two open areas there with an exterior wall

1030 between the openings.

1031

1032 Mr. Wright - Looks like it's enclosed to me.

1033

1034 Mr. Blankinship - Curious design.

1035

1036 Mr. Wright - It looks like you've got an open garage.

1037

1038 Mr. Blankinship - Yes, a garage with windows blown out.

1039

1040 Mr. Wright - You've got a wall across the back with just a big door

1041 opening and a window opening, and the only reason you'd call it open is because you're

1042 not having a door on the front or the back, right?

1043

1044 Mr. Branch - That's correct; the specs are not calling for any garage doors

1045 on the front. Once again, it was my wife's and my desire to keep it as open as possible.
1046 We were trying to get away from the existing structure, which basically just has a metal
1047 pole coming down the side, supporting the structure, and you can see there, it's
1048 basically just two metal poles on the south side of that existing carport that hold it open,
1049 so with the cost of the project, we were trying to enhance the aesthetics somewhat, but
1050 out intent was to keep it as open as possible, mainly for the light effect for that
1051 basement.

1052
1053 Ms. Dwyer - The new carport structure will extend about eight feet
1054 beyond the existing carport.

1055
1056 Mr. Branch - That's correct. The neighbor that it will affect the most is my
1057 neighbor at 24 Charnwood. That's depicted in this picture, and if I'm allowed to build
1058 the new structure, it will be about 60 feet from the corner of his house between the two
1059 structures.

1060
1061 Mr. Wright - The carport would be about 22 feet wide, is that right?

1062
1063 Mr. Kirkland - What's the height of the opening where you drive the car in?

1064
1065 Mr. Branch - Good question. I'd say it's approximately seven feet. It's
1066 nothing abnormal from any other carport or garage.

1067
1068 Ms. Dwyer - It's on the side elevation? Seven, 2 3/8.

1069
1070 Mr. Kirkland - That's to the ceiling line. The door would probably be lower
1071 than the ceiling line.

1072
1073 Mr. Branch - I would probably say between six and seven feet.

1074
1075 Mr. Wright - Any further questions of the Board? Is anyone here in
1076 opposition to this request? Hearing none, that concludes the case.

1077
1078 After an advertised public hearing and on a motion by Ms. Dwyer, seconded by Mr.
1079 Kirkland, the Board **granted** application **A-17-2004** for a variance to build an addition at
1080 26 Charnwood Road (Roslyn Hills) (Parcel 753-733-0581). The Board granted the
1081 variance subject to the following conditions:

1082
1083 1. Only the improvements shown on the plan filed with the application may be
1084 constructed pursuant to this approval. Any additional improvements shall comply with
1085 the applicable regulations of the County Code. Any substantial changes or additions
1086 may require a new variance.

1087
1088 2. The new construction shall match the existing dwelling as nearly as practical in
1089 materials and color.

1090

1091 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1092 Negative: 0
1093 Absent: 0

1094
1095 The Board granted this request, as it found from the evidence presented that, due to the
1096 unique circumstances of the subject property, strict application of the County Code
1097 would produce undue hardship not generally shared by other properties in the area, and
1098 authorizing this variance will neither cause a substantial detriment to adjacent property
1099 nor materially impair the purpose of the zoning regulations.

1100
1101 **A-18-2005** **SHARON M. DAJON** requests a variance from Section 24-95(k) to
1102 convert the existing porch into a Florida room at 1900 Shenandoah
1103 Avenue (Shenandoah Place) (Parcel 772-738-0920), zoned R-3,
1104 One-family Residence District (Brookland). The minimum side yard
1105 setback is not met. The applicant has 8 feet minimum side yard
1106 setback, where the Code requires 25 feet minimum side yard
1107 setback. The applicant requests a variance of 17 feet minimum
1108 side yard setback.

1109
1110 Mr. Wright - Is anyone here to speak on A-18-2005? Let's pass it to the
1111 end of the docket.

1112
1113 ***(Case called again at end of docket; there was no response)***

1114
1115 Upon a motion by Mr. Kirkland, seconded by Ms. Harris, the Board **deferred** application
1116 **A-18-2005** from the February 24, 2005, until the March 24, 2005, meeting.

1117
1118 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1119 Negative: 0
1120 Absent: 0

1121
1122 **A-19-2005** **ALPHONSO R. JORDAN** requests a variance from Sections 24-94
1123 and 24-9 to build a one-family dwelling at 519 Whiteside Rd (Parcel
1124 834-710-5965 (part)), zoned A-1, Agricultural District (Varina). The
1125 lot width requirement and public street frontage requirement are not
1126 met. The applicant has 130 feet lot width and 0 feet public street
1127 frontage, where the Code requires 150 feet lot width and 50 feet
1128 public street frontage. The applicant requests a variance of 20 feet
1129 lot width and 50 feet public street frontage.

1130
1131 Mr. Wright - Does anyone else desire to speak with reference to this
1132 case? Would you raise your right hand and be sworn please?

1133
1134 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1135 truth, the whole truth, and nothing but the truth, so help you God?

1136

1137 Mr. Jordan - I do. My name is Alphonso Jordan. I was purchasing the
1138 land from the family member who had previously intended to build on the property about
1139 ten years ago, cleared it off and decided to build elsewhere in Varina. I purchased the
1140 land with the understanding that it could be built on. The family member told me that it
1141 could be built on, because he had already been through the procedure. I spoke with Mr.
1142 Blankinship and found that I needed to get my own variance, because that variance was
1143 outdated and in the name of the previous family member. I'm applying to have the lot
1144 width, which I believe is twenty feet short of the County Code, and the public road
1145 frontage, which has a private road, which is Isaiah Road that runs back through the
1146 property. There is a home on the other side of the property that uses Isaiah Road as its
1147 private road to gain entrance to that property. I'm not sure how long that home has
1148 been there, but I believe it's been some years. It's a required acre lot that the County
1149 requires. The home is about 1300-1400 square foot home. It's a story and a half, like
1150 34 to 36 feet in width, which is leaving about 45 feet on each side of the home to the
1151 line of the acreage. Basically, I think I need twenty feet variance for the width and the
1152 public road frontage, there isn't any. All entrance would be off of that private road,
1153 which is Isaiah Road, coming off of Whiteside Road.
1154

1155 Mr. Nunnally - Did you tell us your family members received a variance on
1156 this at one time?
1157

1158 Mr. Jordan - Yes, ten years ago they received a variance to build on it.
1159 They had the land cleared off and were ready to build, and his wife changed her mind
1160 and wanted to build down on Laburnum in Varina, and they moved there. The land had
1161 been sitting since then, and I was looking for some land to build a home on, and at that
1162 time he notified me of some land they had in the family and that he would be willing to
1163 sell to me to build a home. Other lots I was looking at in the area would have probably
1164 been a little out of my price range, and this member, already having the land, was giving
1165 it to me at a reduced price, being family, and they had no intentions of doing anything
1166 with it. If it's not family, I don't think he could have done much else with the land
1167 anyway, even if he was going to build for himself, and his home is probably three years
1168 old.
1169

1170 Mr. Nunnally - Have you read the conditions on the case?
1171

1172 Mr. Jordan - About selling?
1173

1174 Mr. Nunnally - That the proof of legal access to the property, and then
1175 you've got to maintain the road.
1176

1177 Mr. Blankinship - Do you know who maintains the road now?
1178

1179 Mr. Jordan - I spoke to a lady, Ms. Daisy, who lives on the front on Isaiah
1180 Road, and basically I think the gentleman, I went to his home several times, he wasn't
1181 there, who lives on the other side of the land where I'm applying to build, it looks like
1182 he's basically been doing whatever maintenance has been done on the road. If I were

1183 permitted to build there, I wouldn't have any problem maintaining the road myself also.
1184

1185 Ms. Dwyer - It looks from the plat that Isaiah doesn't actually touch your
1186 property, legally. It might be that you have a little driveway that kind of goes into this
1187 property, but it doesn't look like it has access.
1188

1189 Mr. Jordan - There's actually two acres there, which is being divided. My
1190 family member owns both acres. He owns the other side, where you see 1551; he
1191 owns that acre on the other side also, and Isaiah Road, which is close to almost splitting
1192 the two acres.
1193

1194 Ms. Dwyer - But it's not on your property; it doesn't actually look like it
1195 provides legal access to your property. It's on the other parcel.
1196

1197 Mr. Blankinship - So when you actually get a survey drawn up, to acquire this
1198 property, you'll need to make sure that he gives you an easement to cross whatever is
1199 between the existing easement and the new property.
1200

1201 Mr. Jordan - I see on the right corner, where it comes close to, but we'd
1202 have to put a road, because the actual house where we drew it, would be about 130
1203 feet off of that road there, so I guess I would need an easement to be able to put the
1204 driveway going down from it.
1205

1206 Mr. Blankinship - With the 2.04 acres, you don't have a lot of flexibility where
1207 that line ends up. It's going to be in a fairly narrow range. You'll just need to make sure
1208 that you have the right to cross whatever is left, so that you can get from Isaiah to your
1209 property.
1210

1211 Mr. Jordan - I don't think he would have a problem. He told me that he
1212 basically had nothing planned to do with the other side. He has a daughter who lives
1213 out of state, and before he decided to sell to me, he checked with her to see if she
1214 would have any interest in moving back to the area to buy, before he sold the land. She
1215 indicated to him that she wouldn't be, so I don't think it would be a problem with him
1216 giving me an easement right to get onto the property.
1217

1218 Ms. Dwyer - Mr. Blankinship, would it make sense to add a condition to
1219 require a reservation and dedication of a twenty-foot right-of-way along the northern
1220 property line, for future public road?
1221

1222 Mr. Blankinship - It would never hurt; you do have a situation where none of
1223 our maps really show this, but the lots continuing on to the east, you have several of
1224 these lots, and it is conceivable that something along the alignment of Isaiah Road
1225 could be continued parallel to the north of Nash Road, to open up access to more of
1226 that land.
1227

1228 Ms. Harris - Where we see the 1551, that lot, you can't see it completely

1229 here, is that also landlocked? Do they have any access roads other than Isaiah?
1230

1231 Mr. Jordan - No, Isaiah would be the one. If anything were done on the
1232 other side, it too would have to use Isaiah. There's no other roads open to Whiteside
1233 even going through even going through those lots. If the County had to build a public
1234 road through there in later years, I wouldn't have any problem with the whole acre there,
1235 I wouldn't have any problem with setting aside a certain number of feet for the County to
1236 do what they need to do, because I really wouldn't need a whole acre for the size house
1237 that I'm going to be building, so that wouldn't be a problem.
1238

1239 Mr. Blankinship - You may find once you get your septic system approved,
1240 that you need all the land you have; it's something else to consider.
1241

1242 Mr. Wright - Mr. Jordan, you do understand before you can obtain a
1243 building permit, you will have to have a legal document granting you access over Isaiah
1244 Road.
1245

1246 Mr. Jordan - From Mr. Washington?
1247

1248 Mr. Wright - From whomever; I don't know where you get it. Is there any
1249 such document of record now, do you know of, granting easement to those other folks
1250 over that road?
1251

1252 Mr. Jordan - I'm not sure. That's something I would have to check on.
1253

1254 Mr. Wright - That's one of the requirements.
1255

1256 Mr. Blankinship - There is a deed book reference on the plat, that somebody
1257 will have to pull that to find out exactly what

1258
1259 Mr. Wright -you need to pursue that, because if there is an
1260 agreement, it would have to be extended to you, so that you would have a legal right to
1261 access your property.
1262

1263 Mr. Wright - Any further questions of the Board? Is anyone here in
1264 opposition to this request? Hearing none, that concludes the case.
1265

1266 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
1267 Harris, the Board **granted** application **A-19-2005** for a variance to build a one-family
1268 dwelling at 519 Whiteside Rd (Parcel 834-710-5965 (part)). The Board granted the
1269 variance subject to the following conditions:
1270

1271 1. This variance applies only to the lot width and public street frontage
1272 requirements. All other applicable regulations of the County Code shall remain in force.
1273

1274 2. Approval of this request does not imply that a building permit will be issued.
1275 Building permit approval is contingent on Health Department requirements, including,
1276 but not limited to, soil evaluation for a septic drainfield and reserve area, and approval
1277 of a well location.

1278
1279 3. At the time of building permit application, the applicant shall submit the
1280 necessary information to the Department of Public Works to ensure compliance with the
1281 requirements of the Chesapeake Bay Preservation Act and the code requirements for
1282 water quality standards.

1283
1284 4. The applicant shall present proof with the building permit application that a legal
1285 access to the property has been obtained.

1286
1287 5. The owners of the property, and their heirs or assigns, shall accept responsibility
1288 for maintaining access to the property until such a time as the access is improved to
1289 County standards and accepted into the County road system for maintenance.

1290
1291 6. [Added] The owner shall reserve 25 feet of right-of-way along the south side of
1292 Isaiah Road for future dedication.

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

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

1303
1304 **A-20-2005** **AUSTIN DAVIDSON, INC.** requests a variance from Section 24-94
1305 to build a one-family dwelling at 11613 Cobblestone Landing Court
1306 (Cobblestone Landing at Twin Hickory) (Parcel 742-764-2788),
1307 zoned R-3C, One-family Residence District (Conditional) (Three
1308 Chopt). The rear yard setback is not met. The applicant proposes
1309 38 feet rear yard setback, where the Code requires 40 feet rear
1310 yard setback. The applicant requests a variance of 2 feet rear yard
1311 setback.

1312
1313 Mr. Wright - Does anyone else desire to speak with reference to this
1314 case? Would you raise your right hand and be sworn please?

1315
1316 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1317 truth, the whole truth, and nothing but the truth, so help you God?

1318
1319 Mr. Burgess - Yes, I do. My name is John Burgess. We're requesting the

1320 variance, only from the standpoint of the oddness of the back of the buildable area. The
1321 house we're proposing to build is of the same architectural value of the rest of the
1322 homes in that particular area. In this particular case, I've actually had to move the
1323 garage forward three feet to get it into the buildable area. I've also cut the breakfast
1324 area off, which also extended beyond, and I've also cut the stoop off, making it a
1325 recessed stoop. I also have a buyer for this particular lot that supposed to put it under
1326 contract, and this is the particular house that they want, and I had to do all the
1327 modifications to the plan to try to make it work, which they are aware of. The only thing
1328 you can see, is I'm looking at that little bit of a corner on the back breakfast area that
1329 has really no place else for me to cut.

1330
1331 Ms. Dwyer - Why is that angle in the property line?

1332
1333 Mr. Burgess - It's a common area in the back, behind the house, is that
1334 what you're referring to, and all the buildable areas somewhat follow the property lines
1335 in the back to maintain the setbacks. All your whole back line has that angle "V" in it;
1336 well, your buildable area somewhat follows that angle.

1337
1338 Mr. Blankinship - The question is, why does the property line have that sharp
1339 angle in it?

1340
1341 Mr. Burgess - It's just a common area back there, and there is a creek bed
1342 back there also.

1343
1344 Ms. Dwyer - It follows the creek bed?

1345
1346 Mr. Burgess - I believe it does, and I remember seeing wetlands markings
1347 up there also.

1348
1349 Mr. Wright - Could you design a house that would go on this lot without
1350 the variance?

1351
1352 Mr. Burgess - We've tried. I've used every plan that I actually have. We
1353 were going to build a spec house on the lot to begin with. This is the only one of our
1354 plans that came close to fitting it. To be honest with you, I've got seven more in
1355 Cobblestone that are going to require me to have detached garages because the size of
1356 the buildable area is so small. The average house out here are 3200 square feet and
1357 above. That's the problem that's starting to come into play now.

1358
1359 Mr. Wright - How many square feet would be in this house?

1360
1361 Mr. Burgess - Three thousand, because it's been cut down.

1362
1363 Ms. Harris - How is the elevation on this lot; I know you said there's a
1364 creek bed back near the commons area – what about the elevation there?

1365

1366 Mr. Burgess - The actual lot itself is pretty flat. It does slope off to the back
1367 of the common area, but it's only to the lowest point of the common area; it's only a
1368 three to four-foot drop to where the house would be built. Actually, the elevation is not
1369 bad at all. It's actually a very good lot. It's just the angle in the back is where the
1370 problem is.

1371
1372 Mr. Wright - Have you tried to acquire the property so that you could
1373 straighten that rear line out?

1374
1375 Mr. Burgess - I've talked with our engineers, and they're not telling me
1376 anything other than to get in here and try to get a variance.

1377
1378 Ms. Dwyer - If it follows the creek bed, it may follow

1379
1380 Mr. Wright -if you could connect those two rear lines, you
1381 wouldn't have a problem.

1382
1383 Mr. Blankinship - Even just cutting it off five feet back

1384
1385 Mr. Burgess - You can see how much I'm over by my buildable plan; it's so
1386 minimal. I've already cut everything off to change it around to meet what they want.

1387
1388 Mr. Blankinship - What is the use of the corner, the one foot

1389
1390 Mr. Burgess -that's the actual breakfast area of the kitchen;
1391 originally it actually extended out, usually three feet further out.

1392
1393 Mr. Wright - Any further questions of the Board? Is anyone here in
1394 opposition to this request? Hearing none, that concludes the case.

1395
1396 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms.
1397 Harris, the Board **granted** application **A-20-2005** for a variance to build a one-family
1398 dwelling at 11613 Cobblestone Landing Court (Cobblestone Landing at Twin Hickory)
1399 (Parcel 742-764-2788). The Board granted the variance subject to the following
1400 conditions:

1401
1402 1. This variance applies only to the rear yard setback requirement. All other
1403 applicable regulations of the County Code shall remain in force.

1404
1405 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1406 Negative: 0
1407 Absent: 0

1408
1409 The Board granted this request, as it found from the evidence presented that, due to the
1410 unique circumstances of the subject property, strict application of the County Code
1411 would produce undue hardship not generally shared by other properties in the area, and

1412 authorizing this variance will neither cause a substantial detriment to adjacent property
1413 nor materially impair the purpose of the zoning regulations.

1414
1415 **A-21-2005** **LAURIE JOHNSTON** requests a variance from Section 24-94 to
1416 build an addition at 3814 Reynard Court (Foxhall) (Parcel 730-760-
1417 5496), zoned R-2AC, One-family Residence District (Conditional)
1418 (Three Chopt). The rear yard setback is not met. The applicant
1419 proposes 36 feet rear yard setback, where the Code requires 45
1420 feet rear yard setback. The applicant requests a variance of 9 feet
1421 rear yard setback.

1422
1423 Mr. Wright - Does anyone else desire to speak with reference to this
1424 case? Would you raise your right hand and be sworn please?

1425
1426 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1427 truth, the whole truth, and nothing but the truth, so help you God?

1428
1429 Ms. Johnson - Yes I do. Laurie Johnston and Jim Johnston. We're asking
1430 for a variance on the setback of our back yard to accommodate for an addition that we
1431 want to add to the house. We have used an architect who's come out and looked at our
1432 lot, and with the location of this room, he was telling us that we needed to have a
1433 variance. We're using an architect who is actually on the architectural review board of
1434 our subdivision. The location, we feel, will be approved, internally through our
1435 neighborhood, so we just need to get the variance through the County to accommodate
1436 for this room. Without this variance, we wouldn't be able to build this addition.

1437
1438 Ms. Harris - The deck that we see here – that will remain?

1439
1440 Ms. Johnson - A portion of it would be cut off because the addition would
1441 move into about three feet of the deck. The addition extends one foot past the deck, but
1442 because of the angle of the back yard, that prevents us from building it within Code,
1443 without a variance.

1444
1445 Mr. Wright - Your lot has a little irregular shape to the rear.

1446
1447 Ms. Johnson - Correct.

1448
1449 Mr. Wright - What's located behind your property?

1450
1451 Ms. Johnson - We have a house behind the property. If you go to one of
1452 the other views, the pictures, you can see the trees in the back, and you can barely see
1453 back on the very left-hand corner, maybe a little white spot is the house. In the winter
1454 time, you can see there's a lot of vegetation there that provides privacy to the addition of
1455 the house. They wouldn't be able to see much of the house, but this neighbor is also
1456 excited about us doing this addition. From the other angle, you can see through the
1457 vegetation, there is a house to the left of where we're proposing the addition, and there

1458 are a lot of trees there.

1459

1460 Mr. Wright - What type of construction would this be? How would it be
1461 built – brick, wood.

1462

1463 Ms. Johnson - It would be exactly like the house; it would have to match the
1464 house.

1465

1466 Mr. Wright - This is a two-story addition?

1467

1468 Ms. Johnson No sir, it's a one-story addition.

1469

1470 Mr. Wright - Any further questions of the Board? Is anyone here in
1471 opposition to this request? Hearing none, that concludes the case.

1472

1473 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
1474 Kirkland, the Board **granted** application **A-21-2005** for a variance to build an addition at
1475 3814 Reynard Court (Foxhall) (Parcel 730-760-5496). The Board granted the variance
1476 subject to the following conditions:

1477

1478 1. This variance applies only to the rear yard setback requirement. All other
1479 applicable regulations of the County Code shall remain in force.

1480

1481 2. The new construction shall match the existing dwelling as nearly as practical in
1482 materials and color.

1483

1484 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5

1485 Negative: 0

1486 Absent: 0

1487

1488 The Board granted this request, as it found from the evidence presented that, due to the
1489 unique circumstances of the subject property, strict application of the County Code
1490 would produce undue hardship not generally shared by other properties in the area, and
1491 authorizing this variance will neither cause a substantial detriment to adjacent property
1492 nor materially impair the purpose of the zoning regulations.

1493

1494 There being no further business, and on a motion by Mr. Nunnally, seconded by Ms.
1495 Dwyer, the Board adjourned until **March 24, 2005**, at 9:00 am.

1496

1497

1498 Russell A. Wright, Esq.

1499 Chairman

1500

1501 Benjamin Blankinship, AICP

1502 Secretary