

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**
3 **BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY**
4 **SPRING ROADS, ON THURSDAY FEBRUARY 22, 2018 AT 9:00 A.M., NOTICE**
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**
6 **FEBRUARY 5, 2018 AND FEBRUARY 12, 2018.**

7
8
Members Present: William M. Mackey, Jr., Chair
Helen E. Harris, Vice Chair
Gentry Bell
James W. Reid

Member Absent: Terone B. Green

Also Present: Jean M. Moore, Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul M. Gidley, County Planner
R. Miguel Madrigal, County Planner
Kuronda Powell, Account Clerk

9
10
11 Mr. Mackey - Good morning and welcome to the February 22, 2018
12 meeting of the Board of Zoning Appeals. All who are able, will you please stand
13 and join us in the Pledge of Allegiance.

14
15 Thank you. Now I'll ask Mr. Ben Blankinship, our Board secretary, if he will read
16 the rules for today's meeting.

17
18 Mr. Blankinship - Good morning, Mr. Chair, members of the Board,
19 ladies and gentleman, the rules for this meeting are as follows: Acting as secretary,
20 I will announce each case. At that time, we will ask everyone who intends to speak
21 to that case to stand and be sworn in. Then a member of the staff will give a brief
22 introduction to the case. Then the applicant will present their case to the Board.
23 After the applicant has spoken, anyone else who wishes to speak to that case will
24 be given an opportunity. After everyone has had a chance to speak, the applicant,
25 and only the applicant, will have an opportunity for rebuttal.

26
27 After the Board finishes the first public hearing, they will continue to the second
28 public hearing. After both public hearings are over, they'll go back and make their
29 decisions on the two cases. It probably won't take that long this morning, but if you
30 don't care to stay, we do usually update the Planning Department website within
31 an hour of the end of the meeting. Or you can call the Planning Department this
32 afternoon if you need to leave and wish to know the decision on a case.

34 This meeting is being recorded, so we'll ask everyone who speaks to speak directly
35 into the microphone on the podium, state your name, and please spell your last
36 name so that we get it correctly in the record.

37
38 Also you'll see there is one member absent this morning. Mr. Green is traveling.
39 The Code of Virginia provides that in order to rule in favor of an applicant, there
40 must be three affirmative votes. Since we have one member absent, anyone who
41 wishes to can defer your case until next month so that you can be more certain if
42 you're concerned about having that third vote. Just let the Board know that when
43 your case is called.

44
45 The first case, Mr. Chair, has requested deferral. That is CUP2018-00003,
46 Christine F. Morlino, DVM.

47
48 **CUP2018-00003 CHRISTINE F. MORLINO, DVM** requests a conditional
49 use permit pursuant to Section 24-116(d)(1) of the County Code to allow a
50 temporary office trailer at 4730 Pouncey Tract Road (Parcel 739-767-3152) zoned
51 Business District (B-3) (Three Chopt).

52
53 Mr. Blankinship - Miguel, am I correct that they wanted to defer until
54 May?

55
56 Mr. Madrigal - Yes.

57
58 Mr. Blankinship - They're requested deferral to the May meeting.

59
60 Mr. Mackey - All right, so that will be May 24th?

61
62 Mr. Blankinship - Yes sir.

63
64 Mr. Mackey - All right. What is the pleasure of the Board? Is there a
65 motion to accept the deferral to May 24th?

66
67 Mr. Bell - I move we accept the deferral to May 24th.

68
69 Mr. Mackey - Is there a second?

70
71 Ms. Harris - I second.

72
73 Mr. Mackey - It's been moved by Mr. Bell, seconded by Ms. Harris.
74 All in favor say aye. Those opposed say no. There is no opposition. The ayes have
75 it 4 to 0.

76
77 After an advertised public hearing and on a motion by Mr. Bell, seconded by
78 Ms. Harris, **CUP2018-00003, CHRISTINE F. MORLINO, DVM**, has been deferred
79 until the May 24, 2018 meeting.

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Affirmative:	Bell, Harris, Mackey, Reid	4
Negative:		0
Absent:	Green	1

Mr. Blankinship - All right. That is the only conditional use permit on this morning's agenda. The other two cases are variances. The first is VAR2018-00001, Bruce Taylor.

VAR2018-00001 **BRUCE TAYLOR** requests a variance from Sections 24-95(c)(1), 24-95(c)(4) and 24-95(i)(1) of the County Code to allow a one-family dwelling to remain at 8 N Kalmia Avenue (HIGHLAND SPRINGS) (Parcel 823-724-5508) zoned One-Family Residence District (R-4) (Varina). The least side yard setback, front yard setback and setback for steps are not met. The applicant proposes 26 feet front yard setback, 23 feet setback for steps, and 4 feet least side yard setback, where the Code requires 35 feet front yard setback, 25 feet setback for steps, and 7 feet least side yard setback. The applicant requests a variance of 9 feet front yard setback, 2 feet setback for steps, and 3 feet least side yard setback.

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

Mr. Taylor - I do.

Mr. Blankinship - Thank you. Mr. Gidley, you may begin.

Mr. Gidley - Thank you, Mr. Secretary. Good morning, Mr. Chairman, members of the Board.

The applicant's property is located in Highland Springs on the west side of N. Kalmia Avenue just north of its intersection with Nine Mile Road. Here's a picture of the home right here. Eight N. Kalmia consists of two individual lots. One is lot 10, which is vacant. The other one is lot 12, which contains a single-family home. The single-family home was built in 1937. And again, this is a view of the home.

The applicant would like to use lot 10, the vacant lot, as a separate building lot. However, because the home on lot 12 is too close to the side property line, lot 10 is needed in order to meet setbacks. In addition, there is an encroachment in the front. The 33.3 feet here is to the actual house. The covered front porch is located 26.4 feet from the right of way rather than the required 35 feet, and the steps come within 23.5 feet of the right of way. When the home was built, it was actually built

126 in compliance with the Zoning Ordinance back in 1937. However, due to changes
127 in code since that time, the home is considered legal, though not in conformance,
128 regarding front yard setbacks.

129
130 In evaluating this case, when the home was constructed in 1937, the Zoning
131 Ordinance required a minimum side yard of five feet. The placement of home, as
132 you can see here—4.4 feet off the side yard—appears to be more of a surveying
133 error, and we believe that's the case because lot 12 is large enough to
134 accommodate the home independent of lot 10. So it appears that it's just been
135 placed over a slight distance here into the setback. Although a surveying error is
136 typically not a reason to grant a variance, in this case the home was built several
137 owners ago back in 1937. After eighty-one years, it's arguably unreasonable to
138 require part of a home to be demolished in order to meet 0.6 of a foot of setback.

139
140 As far as the front yard setback, as I said, when it was constructed, it was
141 constructed in compliance with the Zoning Ordinance. Changes in the Zoning
142 Ordinance since this time have made it non-conforming. Under state code, a
143 change in state law that brings about a non-conformity is justification for a variance.

144
145 As far as the five subtests are concerned, the property was acquired in good faith
146 by the owner in November 2017. The owner obviously didn't cause the situation in
147 question.

148
149 As far as detrimental impact, as you can see here, there are fifteen homes along
150 this section of N. Kalmia Avenue. Of these fifteen, only three are on two or more
151 lots while the remaining twelve are on individual single lots. So the predominant
152 building pattern is one home on one lot on this section of N. Kalmia. Because this
153 property is an existing home, and the owner's plan to put a new home on one lot
154 is consistent with the predominant development pattern in the area, staff does not
155 really anticipate any detrimental impact if this variance were granted.

156
157 As far as an unusual situation and an ordinance amendment as a solution, in this
158 case it is an unusual situation, and it's one that the BZA probably should address
159 on a case-by-case basis rather than having a broad Zoning Ordinance amendment
160 that would run across the board.

161
162 It is not an illegal use variance. The property is zoned R-4, and a single-family
163 residence is permitted in the R-4 District.

164
165 And finally, a special exception or modification is not an option in this case.

166
167 Staff believes the five subtests are met.

168
169 In conclusion, the existing home on lot 12 was constructed in 1937. The lot
170 complies with lot area and lot width requirements. A surveying error appears to
171 have resulted in the home being placed .6 feet too close to the side property line

172 than what was required at the time. After eight-one years, it's arguably
173 unreasonable to require part of the building to be demolished to bring it into
174 compliance.

175
176 As far as the front yard setback, it was built in conformance with the Zoning
177 Ordinance in 1937. As I mentioned, changes in the Zoning Ordinance since that
178 time are a justification under state law to grant a variance to clean this up.

179
180 Because staff does not anticipate any detrimental impact from this case and
181 because all four of the other subtests appear to be met, staff can recommend
182 approval of this request subject to the conditions in your staff report.

183
184 This concludes my presentation. If you have any questions, I'll certainly be happy
185 to answer them.

186
187 Mr. Mackey - All right. Thank you, Mr. Gidley. Does anyone have
188 questions? I have one quick question. If they were forced to use lot 10, then
189 obviously lot 10 wouldn't be a buildable lot for a new home, correct?

190
191 Mr. Gidley - Yes sir, that's correct.

192
193 Mr. Mackey - Okay. All right. Thank you, Paul.

194
195 Mr. Gidley - Yes sir.

196
197 Mr. Taylor - I really don't know what to say. Sounds like he said
198 most of it.

199
200 Mr. Mackey - For the record, will you say and spell your name?

201
202 Mr. Taylor - Bruce Taylor. B-r-u-c-e, T-a-y-l-o-r.

203
204 Mr. Mackey - Thank you, Mr. Taylor.

205
206 Mr. Taylor - The only thing I can say is I'd rather keep the old house
207 that's there. It's in fairly good shape. Those pictures really don't do it justice other
208 than the front porch. All the siding and windows, everything's been replaced, in the
209 last seven years, heat pump. Rather than tear it down to get two lots. I'd like to
210 leave it.

211
212 Mr. Mackey - Okay.

213
214 Mr. Blankinship - How long have you owned the property?

215
216 Mr. Taylor - Since November.

217

218 Mr. Blankinship - What was your intention when you bought it?
219
220 Mr. Taylor - I was going to rent this house out and build a new one
221 beside it. But after the survey, it was just a few inches short.
222
223 Mr. Mackey - Are there any questions for Mr. Taylor from anyone on
224 the Board? All right, thank you, Mr. Taylor.
225
226 Mr. Blankinship - Is there anyone else who would like to speak to this
227 case?
228
229 Mr. Mackey - I'm sorry. Yes, is there anyone who would like to speak
230 in opposition of the application? Anyone who would like to speak in favor? All right,
231 thank you.
232
233 **[After the conclusion of the public hearings, the Board discussed the case**
234 **and made its decision. This portion of the transcript is included here for**
235 **convenience of reference.]**
236
237 Mr. Mackey - What is the pleasure of the Board? Being the Varina
238 magistrate, I make a motion that we approve the variance as requested. I feel that
239 all five subtests were met, and I don't think it will be a detriment to the community
240 if it were approved to allow the house to remain. That's why I'm in support of it.
241
242 Ms. Harris - Second the motion. Further, under state law, the home
243 construction can justify this variance since the change was made after the home
244 was constructed.
245
246 Mr. Mackey - Right, exactly. We have a motion by Mr. Mackey to
247 approve and a second by Ms. Harris. Oh, is there any other discussion? No
248 discussion, all right. We have a motion by Mr. Mackey, seconded by Ms. Harris.
249 All in favor say aye. Those opposed say no. There is no opposition. The ayes have
250 it 4 to 0. The motion is carried.
251
252 After an advertised public hearing and on a motion by Mr. Mackey, seconded by
253 Ms. Harris, the Board **approved** application **VAR2018-00001**, **BRUCE TAYLOR's**
254 requests a variance from Sections 24-95(c)(1), 24-95(c)(4) and 24-95(i)(1) of the
255 County Code to allow a one-family dwelling to remain at 8 N Kalmia Avenue
256 (HIGHLAND SPRINGS) (Parcel 823-724-5508) zoned One-Family Residence
257 District (R-4) (Varina). The Board approved the variance subject to the following
258 condition:
259
260 1. This variance applies only to the front yard and least side yard setbacks for the
261 existing dwelling only. All other applicable regulations of the County Code shall
262 remain
263 in force.

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Affirmative:	Bell, Harris, Mackey, Reid	4
Negative:		0
Absent:	Green	1

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

Mr. Blankinship - Moving on to the second variance, VAR2018-00002, Liberty Homes Incorporated.

VAR2018-00002 LIBERTY HOMES, INC. requests a variance from Section 24-9 of the County Code to build a one-family dwelling at 11619 Patch Road (Parcel 771-778-6886) zoned Agricultural District (A-1) (Brookland). The public street frontage requirement is not met. The applicant proposes 0 feet public street frontage, where the Code requires 50 feet public street frontage. The applicant requests a variance of 50 feet public street frontage

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

Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the Board, good morning.

Before you is a request to allow a one-family dwelling in an agricultural district. The subject property was derived from a 28-acre tract of land purchased by the Spicer family in 1945. In 1973, the family recorded a 26-acre subdivision plat in anticipation that the property would be divided among family heirs. The family subdivision consisted of eight lots in varying size from one to six acres, four of which were fronted on a public street, and other four lots were served by a fifty-foot-wide private access easement. This is a family subdivision plat from '73, and you can see the eight lots labeled A through H.

Since 1973, three lots have been further subdivided, and eight dwellings from been built within the family subdivision. Variances were required for four of the dwellings due to lack of public street frontage. Currently, the 26-acre parcel consists of eleven lots, eight of which are improved. The subject lot is 2-1/2 acres in size and is located towards the rear of the subdivision, which can be seen here. It is currently unimproved, heavily wooded, and fronts on the north side of the access easement. The property borders developed lots at its front and rear. It backs onto the side of this lot on the north, and then you can see these two other lots here that have homes on them. And then there's this other lot towards the rear. The two

310 adjoining lots to its sides are also unimproved, which are this lot and this lot. One
311 would require a variance if it were to be developed.

312
313 The subject property has been handed down through the family and is currently
314 owned by a granddaughter. She intends to sell the property to a local homebuilder
315 who is requesting the subject variance to allow the construction of a 2-story, 2,047-
316 square-foot dwelling with attached two-car garage.

317
318 With respect to the threshold question, in 1960 when the public street frontage
319 requirement was adopted, the 26-acre tract had public street frontage. Since then,
320 the property has been subdivided by way of family division resulting in eleven lots
321 of varying size. At the time the subject lot was created, it complied with the County
322 subdivision standards, which permitted a one-time lot split. The owner at that time
323 had a reasonable expectation that the lot was developable, and the current owner
324 inherited that expectation. Because of the small size of the lot, its limited access,
325 and the surrounding residential development pattern, it would be impractical to use
326 the lot for anything other than a one-family dwelling. Absent a variance, the lot
327 would be undevelopable.

328
329 With respect to the five subtests, item number one requires that the property was
330 obtained in good faith and any hardship relative to the property was not created by
331 the applicant. In this case, the lot was created in 2003, and the property owner
332 acquired the lot in 2010 by way of a gift deed. She wishes to sell the property to
333 the applicant who intends to build a new one-family residence. In both instances,
334 neither the property owner nor applicant played a role in the creation of the
335 hardship.

336
337 Item number two requires that the granting of the variance will not result in a
338 substantial detriment to adjacent or nearby property. The surrounding property was
339 developed as a family subdivision with homes on lots of one to four acres in size.
340 Although a public street was not built with the subdivision, it was designed with a
341 private access easement of fifty feet in width that serves the interior lots. The
342 proposed dwelling would be consistent with the surrounding residential
343 development pattern and should not have any detrimental impacts on the
344 immediate surroundings.

345
346 Item number three, the condition of the property is not of a general or recurring
347 nature requiring formulation of a regulation to be adopted as an amendment to the
348 ordinance. When the 26-acre tract was subdivided in 1973, the family had the
349 forethought to include an access easement consistent with the provisions found in
350 the County's family subdivision regulations in effect today. Although there are
351 many landlocked parcels in the county, few have been developed with a fifty-foot-
352 wide private right-of-way, making this a unique feature of the property. Because
353 this family division predates the family subdivision regulations, it does not have to
354 conform to those standards.

355

356 Staff would note that any further division of the remaining two lots will require
357 subdivision approval and necessary street improvements.

358
359 With respect to items four and five, those items have been satisfied as outlined in
360 the staff report.

361
362 In conclusion, the proposed dwelling is consistent with the underlying zoning and
363 Comprehensive Plan designations for the property. The subject lot was created in
364 2003 by way of family division, prior to the adoption of specific standards. Access
365 to the property is provided by way of fifty-foot-wide access easement, improved
366 with a gravel road. It is the property owner's intent to sell the lot to a local
367 homebuilder who intends to develop the property. Approval of the applicant's
368 request should not have any detrimental impacts on nearby or adjoining property
369 due to the existing development pattern in the immediate area. Absent a variance,
370 the lot will not be developable.

371
372 Based on the facts of the case, staff does recommend approval subject to
373 conditions. As a side note, we have received a few calls with respect to this
374 request. One call was just requesting basic information. We did receive one call in
375 opposition and then another call with respect to runoff issues on the property if it
376 were to be developed.

377
378 That concludes my staff presentation. I'll be happy to answer any questions.

379
380 Mr. Mackey - Thank you, Mr. Madrigal. Does anyone from the Board
381 have any questions?

382
383 Ms. Harris - Yes, I do. Mr. Madrigal, the calls that you received in
384 opposition, did they say why?

385
386 Mr. Madrigal - That was a family member that lives within the family
387 subdivision. In essence, they were concerned that the property was going to
388 potentially be sold to somebody that's not within the family, essentially wanting to
389 keep the property in the family. They're concerned about non-family members
390 using the access road, as well as maintenance issues related to the road.

391
392 Ms. Harris - Thank you.

393
394 Mr. Mackey - Any other questions for Mr. Madrigal? Thank you, sir.

395
396 Mr. Madrigal - Thank you.

397
398 Mr. Mackey - Can we hear from the applicant?

399
400 Mr. Tuthill - Good morning.

401

402 Mr. Mackey - Good morning.
403
404 Mr. Tuthill - Hi. I'm Shawn Tuthill. S-h-a-w-n. Last name is Tuthill,
405 T-u-t-h-i-l-l. I'm with Liberty Homes. The memorandum prepared by staff speaks
406 to the case very well. We have an individual that wants to sell the property. We
407 want to buy the property, and we want to build a home as was described in the
408 memorandum. I can speak to any of that.
409
410 The conditions that were requested by staff, we only have one question on it,
411 number two. It states that only the improvements shown on the plot plan and
412 building design filed with the application shall be constructed. The only issue we
413 have with that is my son and I have recently walked the property and have
414 determined that the house would be best suited if we moved the house back on
415 the lot approximately twenty-six feet. So in essence, the front of the house would
416 now become the back of the house as described on that plat. That's because of
417 some drainage coming across the front, between that and the engineered septic
418 system. So we thought it would be better to have that opportunity to drain that
419 water over to the lower area.
420
421 Mr. Blankinship - So as it shows now, the house is 93.7 feet back from
422 the private roadway. You're saying it will be another 26 feet beyond that, so about
423 120 feet from the right-of-way?
424
425 Mr. Tuthill - I'll try to find the plat here.
426
427 Mr. Blankinship - Can you put that up on the screen, Miguel?
428
429 Mr. Tuthill - That is correct.
430
431 Mr. Blankinship - Okay.
432
433 Mr. Mackey - Would that interfere with the street frontage now that
434 he's turning the house around?
435
436 Mr. Blankinship - No, it wouldn't change the request. It's good to have
437 that in the record so that when we review the building permit, we know that it's
438 consistent with what was presented to the Board.
439
440 Mr. Tuthill - Again, we just want to slide the house back. Same
441 orientation, just slide it back twenty-six feet so there will be more front yard.
442
443 Ms. Harris - Question. Would that place the house closer to Patch
444 Terrace?
445
446 Mr. Blankinship - Yes it would.
447

448 Ms. Harris - But your entry will not be at Patch Terrace, right? It's
449 going to be on Patch Road?

450
451 Mr. Tuthill - It'll be on the gravel road that's shown on the bottom of
452 that plat, if you will. The whole back of that, the rest of it leading up to it actually
453 doesn't even touch Patch Terrace. The property doesn't touch Patch Terrace.

454
455 Ms. Harris - Is there a private road between the property and Patch
456 Terrace? Go to the other side with the cursor.

457
458 Mr. Tuthill - Where are you referring?

459
460 Ms. Harris - Okay. Look at Patch Terrace. There seems to be a cul-
461 de-sac or a circle there. Is there a private road when you leave? Yes, come
462 horizontally to the property.

463
464 Mr. Tuthill - I do not know. It appears to be a county road.

465
466 Mr. Blankinship - Patch Terrace is a county road. I believe you're asking,
467 Ms. Harris, about maybe a driveway serving one of the houses that fronts on Patch
468 Terrace.

469
470 Ms. Harris - Right. I was just wondering if there was anything there
471 that you could use to gain access to this property.

472
473 Mr. Blankinship - I doubt it would work because of the location of that
474 house immediately north of the subject property.

475
476 Ms. Harris - Okay, thank you.

477
478 Mr. Mackey - Are there any other questions?

479
480 Mr. Bell - Yes. In looking at the plat here, you said you walked
481 the area. And due to runoff and drainage, you moved the house back. Did you walk
482 the circumference to see how much runoff on the property runs off on other
483 people's property? Or have you had anybody come to talk to you about that?

484
485 Mr. Tuthill - No. There was an individual—referred to earlier—that
486 met with my son and one of the family members on site. To my understanding,
487 they've resolved his concern.

488
489 Mr. Bell - Okay, thank you.

490
491 Ms. Harris - I have another question. Do we know how many people
492 actually use that access road? I think the opposition was opposed to having more
493 people use the access road.

494
495 Mr. Blankinship - I believe there are four existing homes, Ms. Harris, and
496 this would be the fifth.
497
498 Ms. Harris - Okay.
499
500 Mr. Tuthill - With potentially two more.
501
502 Mr. Blankinship - Right.
503
504 Ms. Harris - And that's a fifty-foot-wide access road.
505
506 Mr. Blankinship - It is fifty feet wide, yes ma'am.
507
508 Ms. Harris - Thank you.
509
510 Mr. Mackey - All right. Are there any other questions for the
511 applicant?
512
513 Mr. Blankinship - Do you have a photograph of the road?
514
515 Mr. Mackey - That's the access to all of the properties?
516
517 Mr. Tuthill - Correct.
518
519 Mr. Mackey - Okay. All right. Are there any more questions? Thank
520 you, Mr. Tuthill.
521
522 Mr. Tuthill - Okay.
523
524 Mr. Mackey - Is there anyone else who would like to speak in support
525 of this application? Anyone who would like to speak in opposition of the
526 application? All right, thank you. I believe we've heard our final application for the
527 day, so we'll move on to the motion portion.
528
529 **[After the conclusion of the public hearings, the Board discussed the case**
530 **and made its decision. This portion of the transcript is included here for**
531 **convenience of reference.]**
532
533 Mr. Mackey - What is the pleasure of the Board?
534
535 Mr. Bell - I move that we accept the motion.
536
537 Mr. Mackey - Is there a second.
538
539 Mr. Reid - Second.

540

541 Mr. Bell - The reason is that it meets the justification of Virginia
542 Code 15.2.2309 with some exceptions in that. Also, it is not detrimental to or unsafe
543 for the area. It fits in with the area. Because of those reasons, I move that it's
544 accepted.

545

546 Mr. Mackey - All right. It's been moved by Mr. Bell. Is there a second?

547

548 Mr. Reid - Second.

549

550 Mr. Mackey - Seconded by Mr. Reid. Discussion.

551

552 Ms. Harris - Yes. I heard the opposition, and I understand how we
553 feel when we cannot select our neighbors. Our neighbors are not usually family
554 members. That's a universal problem. We all wish we could select our neighbors,
555 so I don't think that's a good enough reason to object to this.

556

557 Mr. Mackey - I agree, Ms. Harris. Thank you for that. All right. It's
558 moved by Mr. Bell and seconded by Mr. Reid. All in favor say aye. Those opposed
559 say no. There is no opposition. The ayes have it, and the motion is carried 4 to 0.

560

561 After an advertised public hearing and on a motion by Mr. Bell, seconded by
562 Mr. Reid, the Board **approved** application **VAR2018-00002, LIBERTY HOMES,**
563 **INC.** requests a variance from Section 24-9 of the County Code to build a one-
564 family dwelling at 11619 Patch Road (Parcel 771-778-6886) zoned Agricultural
565 District (A-1) (Brookland). The Board approved the variance subject to the
566 following conditions:

567

568 1. This variance applies only to the street frontage requirement for one dwelling
569 only. All other applicable regulations of the County Code shall remain in force.

570

571 2. Only the improvements shown on the plot plan and building design filed with the
572 application may be constructed pursuant to this approval. Any additional
573 improvements shall comply with the applicable regulations of the County Code.
574 Any substantial changes or additions to the design or location of the improvements
575 will require a new variance.

576

577 3. Approval of this request does not imply that a building permit will be issued.
578 Building permit approval is contingent on Health Department requirements,
579 including, but not limited to, soil evaluation for a septic drainfield and reserve area,
580 and approval of a well location.

581

582 4. Clearing, grading, or other land disturbing activity shall not begin until the
583 applicant has submitted, and the Department of Public Works has approved, an
584 environmental compliance plan.

585

586 5. The applicant shall present proof with the building permit application that a legal
587 access to the property has been obtained. The driveway shall be improved with a
588 durable asphalt or compacted gravel surface at least 10 feet wide with 12 feet of
589 horizontal clearance and 14 feet of overhead clearance to provide access for
590 police, fire, emergency medical services, and other vehicles. The owners of the
591 property, and their heirs or assigns, shall accept responsibility for maintaining
592 access to the property until such a time as the access is improved to County
593 standards and accepted into the County road system for maintenance.
594

595 6. The applicant shall install an address marker at the intersection of the lot's
596 private drive and the private road as per §R319.1 of the Virginia Residential Code.
597

598			
599	Affirmative:	Bell, Harris, Mackey, Reid	4
600	Negative:		0
601	Absent:	Green	1
602			
603			

604 Mr. Mackey - We'll now move on to the approval of the minutes from
605 the January 25, 2018 meeting. Is there a motion?
606

607 Ms. Harris - Mr. Chairman, I move that we accept the minutes as
608 presented.
609

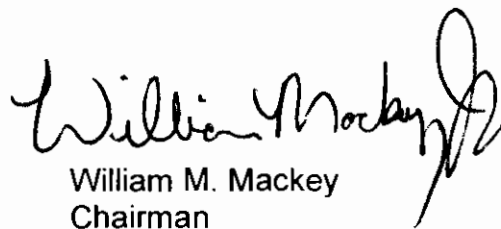
610 Mr. Mackey - It's been moved by Ms. Harris. Is there a second?
611

612 Mr. Bell - Second it.
613

614 Mr. Mackey - Seconded by Mr. Bell. All in favor say aye. Those
615 opposed say no. There is no opposition. The ayes have it 4 to 0. The motion is
616 carried.
617

618			
619	Affirmative:	Bell, Harris, Mackey, Reid	4
620	Negative:		0
621	Absent:	Green	1
622			
623			

624 I believe that is everything. The meeting is adjourned.
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631


William M. Mackey
Chairman

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Benjamin Blankinship, AICP
Secretary