

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 GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON  
4 THURSDAY FEBRUARY 27, 2020 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED  
5 IN THE *RICHMOND TIMES-DISPATCH* FEBRUARY 10, 2020 AND FEBRUARY 18,  
6 2020.

7  
8 Members Present: Gentry Bell, Chair  
9 Terone B. Green, Vice-Chair  
10 Walter L. Johnson, Jr.  
11 Terrell A. Pollard  
12 James W. Reid  
13

14 Also Present: Jean M. Moore, Assistant Director of Planning  
15 Benjamin Blankinship, Secretary  
16 Paul M. Gidley, County Planner  
17 R. Miguel Madrigal, County Planner  
18 Kuronda Powell, Account Clerk  
19  
20

21 ***There were recording difficulties at the start of the meeting.***

22  
23 Mr. Blankinship - -- get it adjusted as we go, I'm sure. The rules for this meeting  
24 are as follows: Acting as secretary I'll announce each case and then we will ask everyone  
25 who intends to speak to that case to stand and be sworn in. Then a member of staff will  
26 give a brief introduction to the case and then the applicant will present their case. After  
27 the applicant anyone else who wishes to speak will be given the opportunity, and after  
28 everyone has had a chance to speak, the applicant and only the applicant will have an  
29 opportunity for rebuttal.  
30

31 This meeting is being recorded, so we will ask everyone who speaks to speak directly  
32 into the microphone on the podium. State your name and please spell your last name so  
33 we get it correctly in the record. We have all five members, and we do not have any  
34 requests for withdrawal or deferral, so I believe we're ready to begin.  
35

36 Mr. Bell - We'll start with Conditional Use Permit number 2020, number  
37 2.  
38

39 Mr. Blankinship - That is Mathew Sachs.  
40

41 **CUP2020-00002** **MATHEW SACHS** requests a conditional use permit pursuant  
42 to Section 24-95(i)(4) of the County Code to build a garage in the front yard at 2021  
43 Milbank Road (SKIPWITH FARMS) (Parcel 758-748-0775) zoned One-Family Residence  
44 District (R-2) (Three Chopt).  
45

46 Mr. Blankinship - Would everyone who intends to speak to this case please  
47 stand and be sworn in? Raise your right hands, please. Oh, just a moment. All right.  
48 Do you swear the testimony you're about to give is the truth, the whole truth, and nothing  
49 but the truth so help you God? Thank you. Mr. Madrigal.

50  
51 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the board,  
52 good morning. Before you is a request to allow a garage in the front yard of a one-family  
53 dwelling. The subject property is located at the southeast corner of a Anoka and Milbank  
54 Roads in the Skipwith Farms subdivision. The lot is over 17,000-square-feet in area and  
55 slopes up at a 9% grade towards the southeast.

56  
57 The property was improved with an approximately 1,900-square-foot tri-level home with  
58 an attached two-car garage built in 1964. The driveway and existing garage doors face  
59 Anoka Road.

60  
61 Mr. Blankinship - Excuse me, Miguel. Fred, I'm not sure that mic is working.  
62 I'm not hearing Miguel very well. Go ahead and try again. Go ahead and try again so he  
63 can --

64  
65 Mr. Madrigal - Sure, testing.

66  
67 Mr. Blankinship - There we go. Go ahead.

68  
69 Mr. Madrigal - Again, the driveway and existing garage doors face Anoka  
70 Road. Although the home is oriented towards Milbank Road, because of the property's  
71 dimensions, the lot frontage is actually on Anoka Road as defined by code.

72  
73 The applicant purchased the lot in June of 2017 and has performed extensive remodeling  
74 and updating. He would like to add a one-story, 936-square-foot detached garage in the  
75 front yard, 10 feet from the front property line and 5 feet from the interior side property  
76 line. The garage would be used for parking a work truck and additional storage. Although  
77 accessory structures are allowed by right in the rear yard, the proposed location in the  
78 front yard requires the approval of a conditional use permit.

79  
80 The proposed location would be within a 35-foot building setback line running along both  
81 street frontages which were adopted as part of the subdivision plat, and here you can see  
82 those established lines on the subdivision plat.

83  
84 If the CUP is approved the applicant would also need to request a vacation of the building  
85 setback line along Anoka Road from the Board of Supervisors. So it'd be one additional  
86 step.

87  
88 The property is zoned R-2 and is designated Suburban Residential 2 on the 2026 Future  
89 Land Use Map. A one-family dwelling is a principal permitted use in the R-2 District and  
90 is consistent with the comprehensive plan designation. A detached garage is a customary  
91 incidental use to a one-family dwelling and is allowed by right. Again, when located in the

92 rear yard. When placed in the front or side yard, approval of a CUP is required to ensure  
93 it will not cause detrimental impacts to the neighborhood.

94  
95 The subdivision was platted 67 years ago, and the neighborhood is built out. Most of the  
96 houses have driveways and have some attached and detached one- and two-car  
97 garages. Most of the detached garages in the neighborhood are in the rear yard. In this  
98 case, the applicant's home faces Millbank, so the garage would appear to be in the street  
99 side yard.

100  
101 Because of the lot fronting on Anoka Road, the proposed garage would be in the front  
102 yard, 10 feet from the front property line, and completely within the 35-foot building  
103 setback line established by the subdivision app. And roughly it's where this gravel area  
104 is at in the picture.

105  
106 Although the front of the lot is on Anoka Road, the home is oriented towards Milbank,  
107 consistent with the alignment of other homes along the street. The proposed garage  
108 would violate the established building setback line along Anoka Road would be visually  
109 and aesthetically intrusive and could potentially impact traffic safety by blocking traffic  
110 view. Although the applicant has attempted to limit the garage's impact on Anoka Road  
111 by using the existing driveway, it would be too close to the front property line as compared  
112 to other homes along Anoka. And it will be too large for the proposed location.

113  
114 The proposed garage measures 26 feet wide by 36 foot deep. The front would face the  
115 side of the existing driveway, and the left-side elevation would face Anoka Road, creating  
116 a visual impact on the neighbor to the east.

117  
118 Staff has received telephone calls and emails from neighbors expressing their opposition  
119 and concern to this request on the grounds that the proposed garage would detract from  
120 the streetscape, negatively impacting property values, and pose a traffic hazard by  
121 blocking visibility.

122  
123 In conclusion, the proposed use is consistent with both the zoning and comprehensive  
124 plan designations on the property. The proposed garage location is inconsistent with the  
125 development pattern along Anoka Road and within the subdivision. It would also be  
126 visually and aesthetically intrusive, and create a detrimental impact on the streetscape,  
127 negatively impacting the adjacent property to the east, and the view of traffic on Anoka  
128 Road.

129  
130 Based on these facts, detrimental facts or impacts, staff recommends denial. That  
131 concludes my presentation. I'll be happy to answer any questions you may have.

132  
133 Mr. Bell - Since I hear no questions, thank you, Miguel.

134  
135 Mr. Madrigal - Yes, sir.

137 Mr. Bell - If the applicant will have anything to say he's welcome to  
138 speak.

139  
140 Mr. Sachs - Good morning, gentlemen. I guess we'll just start with the first  
141 idea for the garage.

142  
143 Mr. Blankinship - Let's give us your name, please, first.

144  
145 Mr. Sachs - Oh. I'm Mathew Sachs, good morning. Not knowing when  
146 we purchased the property that both sides of our yard were considered to be front yard.  
147 This is the -- this is just not knowing, so I'll start there.

148  
149 The decision to put it in that corner was just visually-- within a quarter mile of my property  
150 on the right-hand side continuing on Anoka are two more properties that have the same,  
151 exact condition on corner lots that have -- both have garages that come much further, or  
152 closer, to the street than what the required 35-foot setback would be. So this is just so  
153 you understand where we based the placement of it.

154  
155 A couple of questions concerning what you consider to be the visual impact I don't  
156 understand if it has to do with how the garage is finished or what it appears as siding-  
157 wise or finishes. That can be determined however you would like. I mean, we would  
158 happily put it to the county's decision to make it visually look-- So that wouldn't be an  
159 issue for me if I needed to do something there in the finish.

160  
161 As far as the impact on the street view concerning your visibility, when we purchased the  
162 lot the location where the garage is proposed has been graded down enormously from  
163 what it was originally. Originally when you would pull up to the stop sign at Milbank and  
164 Anoka on the corner of -- front corner of my house, if you were to look to the right it was  
165 a very large, overgrown hill with dying trees, several trees. We actually took out five trees.  
166 And the hill was mounded up to a point where it was obstructing the view going around  
167 the corner. So we essentially removed the dead trees, removed the trees and graded  
168 that down, which greatly improved the visibility in both directions, especially concerning  
169 my neighbor to the east as he comes down his driveway. Now it's very clear to see.

170  
171 Following that note, if I were allowed to bring the garage to where we would like to bring  
172 it, there is zero visual impact change from the stop sign at Anoka left to right, Milbank and  
173 Anoka, and as well as my neighbor to the east's garage. He still would be able to pull all  
174 the way through the end of his driveway like normal, look left and right on Anoka as if any  
175 other day was the same, and the face of the garage would still be 11 feet behind the rear  
176 of his vehicle. There is zero visual impact. The stop sign on Milbank and Anoka when  
177 you look to the right.

178  
179 The only impact it would have on seeing traffic is the natural hill that has been existing  
180 the entire time. You would still be completely in front of the face of the garage while at  
181 that stop sign. Those are really the only things that I have to offer.

182

183 As far as concerning the size of the garage, we weren't aware that was an issue when  
184 we first put it in there. The garage in size can be reduced. It's not an issue for me. We're  
185 just asking to be able to build it in that portion of the property and not push it into the yard.  
186 That being said, if I'm not allowed to do that, I still will follow the setbacks and push the  
187 garage back into my side yard if need be, so therefore it similarly will visually impact the  
188 neighborhood. No matter what the decision is, I'm still going to build it within the required  
189 setback. So that's all I have to say.

190  
191 Mr. Bell - Any questions? Hearing none, thank you.

192  
193 Mr. Sachs - Thank you, sirs.

194  
195 Mr. Bell - Anybody here who objects to this, please stand and we'll  
196 swear you in if you haven't been sworn in. Have they all been sworn in?

197  
198 Mr. Blankinship - Yes.

199  
200 Mr. Bell - Okay.

201  
202 Mr. Blankinship - Everyone who's standing there.

203  
204 Mr. Bell - We just need one to speak at a time. And because of that let  
205 me state right out front. We're going to probably hear the first or second one say all that  
206 you all feel. So if you plan to speak, if you've already heard it because an earlier speaker,  
207 don't say it again. Just come up and tell us what hasn't been said. And I think it'll go a  
208 lot better.

209  
210 Mr. Blankinship - Paul, can you help him with the document camera? Fred,  
211 we're going to need the document camera. I think Fred's bringing it up. Paul, if you can  
212 just help the gentleman with his display. All right, sir, would you tell us your name?

213  
214 Mr. Shirey - My name is William Shirey, S-H-I-R-E-Y. I live at 8012 Anoka,  
215 which is directly across the street on the corner of Anoka and Milbank. When this hit us,  
216 and we went down to Fon Du Lac and ran the camera as we came up and rolled it. You  
217 have to get to 8006 before you can see around this home, and then you come on up. I  
218 disagree with something else sitting in there. It's more obstruction. I have friends that  
219 walk their dogs across Milbank, across Anoka through Milbank, and they have to run in  
220 order to miss the traffic. So it's a traffic thing.

221  
222 Mr. Green - Excuse me, could you go back to that first slide? That white  
223 truck, is that where --?

224  
225 Mr. Shirey - It's sitting where the garage is going to sit.

226  
227 Mr. Green - Thank you.

228

229 Mr. Shirey - So you're obstructed as you come up to that, and to put more  
230 stuff in there, you got another problem. Also, the guy that lives on top of the hill up in  
231 back of the truck is going to have a problem when he tries to get out of his driveway. You  
232 got the curve going down, you'll have the building that you have to miss in order to come  
233 up the other way.

234  
235 So other than that, you know, you can't have a business in the area, it's a residential area.  
236 It's going to obstruct traffic, and our feeling is that it just doesn't belong there.

237  
238 Mr. Blankinship - Are there any other elements of the display board there that  
239 you particularly want to project, since we're not able to see the whole thing?

240  
241 Mr. Shirey - You've got the message that coming up that hill you have to  
242 get -- you see that white house that just sits on the corner. You get about there you can  
243 start to see around now.

244  
245 Mr. Blankinship - And that's because of the existing curve and the change in the  
246 gradient.

247  
248 Mr. Shirey - Right. And so if you add something more you're obstructing  
249 the view more towards the intersection. We have a speeding problem on the road  
250 already, so...

251  
252 Mr. Blankinship - If the house is currently about 35 feet back from the right of  
253 way. If the garage was at the same point as the house, would you have the same  
254 concern?

255  
256 Mr. Shirey - If it's back far enough where you could see.

257  
258 Mr. Blankinship - Okay, so it is the fact of the garage being so close to the street  
259 that is causing the concern?

260  
261 Mr. Shirey - Yes, sir.

262  
263 Mr. Green - Do you want to show any other pictures?

264  
265 Mr. Shirey - That takes care of what we had.

266  
267 Mr. Green - Okay.

268  
269 Mr. Blankinship - Okay, thank you, Paul.

270  
271 Mr. Shirey - Okay, thank you.

272  
273 Mr. Blankinship - All right, who's next?

274

275 Mr. Carver - Number one, I'd like to thank the Board --

276  
277 Mr. Blankinship - Let's have your name, please.

278  
279 Mr. Carver Oh, I'm sorry. My name is Doug Carver, C-a-r-v-e-r. I'd like  
280 to thank the Board for allowing us to come and to hear our thoughts and statements on  
281 this particular issue. And I'd also like to thank my friends and neighbors. I appreciate  
282 greatly their willingness to come today and to give you support and help in this particular  
283 cause.

284  
285 And, by the way, I'm the fellow that lives next to that bank, up on top of that bank, and if  
286 you saw my driveway, I will tell you, which I'm going to say next, I've lived in that house  
287 8009 Anoka Road for just about 46 years, and I'm not the senior one in this group. But  
288 46 years I have been up and down that hill, which is steep, under conditions, all sorts of  
289 conditions that you can imagine. It is a dangerous hill. It is dangerous. Especially if  
290 there's water or if there's any form of ice. But beyond that, forget that, the road to which  
291 we've just spoken is itself exceedingly dangerous. This morning, coming here to be with  
292 you all, once again, same thing. From the left and the right.

293  
294 I'm a trained, certified, driver safety instructor. Was with the phone company for many  
295 years. I've taught people about driving and, believe me, looking and looking and looking  
296 and looking again, it's very important. This morning, once again, within a fraction of a  
297 second, I could've easily missed cars coming because they come around that curve so  
298 fast and down that hill.

299  
300 Now I think we'll probably hear others speak to the accidents that have occurred here,  
301 but with any additional obstruction to the view this right here is your best shot of not getting  
302 hit, coming from the left. The right you have to just do the best you can, but any additional  
303 building or construction that would inhibit in any way, that view puts my life and people  
304 that come to visit me and people -- oil trucks Woodfin Oil, huge thing, you know, 10 foot  
305 doesn't mean a thing to a Woodfin Oil truck. I have people that come take care of my  
306 yard, big truck, trailer equipment. You can forget it. I mean, he'd almost be in the middle  
307 of the street before he could see anybody.

308  
309 So we've spoken about a number of things. I'd like to mention something else here if I  
310 might, please. In addition to the safety. Our neighborhood is not zoned for any type of  
311 business operation. And I think Mr. Sachs may be asking for a special or conditional  
312 permit to allow this addition to his property. It is clear that the use of this building was --  
313 would be almost entirely for business purposes, and such a permit would open the way  
314 for other such permits and business, thus negatively impacting the neighborhood and  
315 probably decreasing property values.

316  
317 And, this was mentioned before, the third reason for rejecting this proposal is aesthetics.  
318 And my neighbors and I believe that the building would be an eyesore, frankly. A 6-foot  
319 building with no more than 10 feet from the road would be roughly the same height of his  
320 home.

321  
322 Visibility, we've already spoken to. We've seen good pictures. My thought right now, you  
323 saw the cutout and the area that was taken out of that bank. I had great concerns at the  
324 time, and actually expressed that to Mr. Sachs. That's my driveway, and heavy stuff goes  
325 up that driveway. Woodfin Oil Trucks weigh a little more than 1,000 pounds. I need to  
326 make sure that that driveway is under supported. And he said it would be, and so far it  
327 has been, but I'm always concerned about that as another area of issue.

328  
329 I guess, in conclusion, I'd just like to say I'm old, the neighborhood's older than me. It's  
330 an old residential neighborhood. It's a quiet neighborhood. People just, I guess, warm  
331 and friendly, if you will, that kind of thing.

332  
333 So I would definitely want for my sake, my thoughts, let's keep it a nice, quiet, peaceful  
334 neighborhood. This being said I'm not in favor of this particular project.

335  
336 Mr. Bell - Thank you. Any questions? Thank you. Anybody else have  
337 anything you'd like to say?

338  
339 Mr. Blankinship - Could you repeat your name into the mic, please?

340  
341 Mr. Barss - Absolutely. My name is Phillip Barss. I actually live across  
342 the street. Last name is spelled B, as in boy --

343  
344 Mr. Bell - Were you sworn in with this group?

345  
346 Mr. Barss - Oh, yes. Absolutely. Yeah.

347  
348 Mr. Bell - How do you spell your last name?

349  
350 Mr. Barss - Bars, B as in boy, a-r-s like sand, s like sand again. And I  
351 actually own the home across the street on the other side of Milbank. No, come back.  
352 One -- come back down. No, no. There. That's it.

353  
354 So we've been there our whole lives. And I wanted to start out by saying the Sachs have  
355 been great neighbors. They're great neighbors. And we don't want to stand in the way  
356 of anybody building their particular, you know, a garage if that's what they want to do.  
357 But I do have to agree that in this particular case the downward slope of the Anoka Road,  
358 you cannot see the traffic -- the lights of the vehicles coming up. People do cheat on the  
359 speed. If you're coming out of Milbank turning left going up that hill you've got to try to  
360 get out in front of them. It's very difficult to do so even in the daylight. It will obstruct the  
361 view. And that is our concern from the standpoint of safety.

362  
363 I do believe that we don't necessarily want to see cement mixers, trucks, things of that  
364 nature out in front of the home. I don't know that that's the purpose, but certainly we, you  
365 know, we certainly don't want to have that, you know, built up outside of the house.  
366 Outside of that, I think the major concern for us is really a safety issue. People do cheat



367 on the speed. There's a 35-mile-an-hour road, which is consistent with that particular  
368 area, you're talking about 25 miles an hour usually in a residential district. So if you cheat  
369 a little bit coming up nighttime, the house is actually very dark in color, I believe. Add that  
370 to a dark night it's going to be very difficult to see. It's almost impossible. You can be  
371 looking at it, think you've got it, you've got a view. As the gentleman said two or three  
372 looks, and even then you're hoping that you get it right.

373  
374 It's difficult, and it's difficult actually coming, if you go back to the street view, coming out  
375 this way turning right, coming up Milbank turning right, you still have to be very careful  
376 because you may not be able to make that turn within the correct timeframe. You're going  
377 to have to beat it up the hill to make it through there.

378  
379 I want to thank the board. I see a lot of neighbors here, and I certainly -- I hope you  
380 forgive me for any mischief in the past. So thank you very much.

381  
382 Mr. Blankinship - Wonder what that was about.

383  
384 Ms. Nicholas - Good morning.

385  
386 Mr. Bell - Morning.

387  
388 Ms. Nicholas - My name is Cathy Nicholas (ph). I am the neighbor to Mr.  
389 Sachs in the yellow tri-level that sits adjacent on Milbank. I have resided there for about  
390 33 years. I'm currently retired from Henrico County as a police officer, and when I retired  
391 I was a road sergeant in the West End. The neighborhood is a very old, stable  
392 neighborhood historically. I have questions about the stability, if it will continue to be that  
393 if this type of enterprise is allowed to proceed.

394  
395 I would say that I am concerned about the covenants that would not necessarily support  
396 the construction, material, and equipment storage that would be used for a business.  
397 Therefore, this is not zoned for business, as we know. It would not be conducive to the  
398 neighborhood. The values of everyone's property would, potentially, decrease.

399  
400 And I would say to you as a reasonable person, if this is allowed in our neighborhood,  
401 who's to say that someone else will not decide that they want to sell cars in the  
402 neighborhood, so we're going to have a used car lot in the front or side of someone's  
403 residence in that neighborhood. It's just not conducive to business.

404  
405 The traffic alone and the decrease in an opportunity to walk safely in the neighborhood is  
406 one thing that truly concerns most all the neighborhood. I walk my dogs on a daily basis,  
407 so I can tell you, you do not want to try to cross Anoka. Particularly before or after rush  
408 hour. You have a short window of opportunity. And that's probably from about 8:30 a.m.  
409 to 10:30 a.m., after that you're taking your life in your own hands. And I don't mind telling  
410 you, the traffic -- I question the feasibility of the 35-mile-an-hour zone to even continue.  
411 Because the amount of traffic that's used -- it's a cut through. There's seven s-curves

412 that curve from Skipwith Road to Mr. Sach's house, and every one of them pose a threat  
413 to the neighbors of mine that live on Anoka. It's very dangerous at 35 miles an hour.

414  
415 So I think that for the sake of the citizens in the neighborhood, the overall wellbeing,  
416 personally I do not think that business trucks or loading or unloading of material into a  
417 storage facility at that location is even safe. Because I know for a fact there were two  
418 accidents that occurred in that very area while the previous owners lived there, and they  
419 occurred at night. And both of the vehicles were damaged.

420  
421 So from that standpoint I would urge the Board to deny. Because it's just not feasible, it's  
422 not the type of thing that anyone in a residential area needs to have threatened. Not only  
423 the value of a very important investment of every one of these citizens, but for the future  
424 of the neighborhood. And I thank you.

425  
426 Mr. Blankinship - Thank you.

427  
428 Mr. Bell - Any questions?

429  
430 Mr. Green - Yes. I have some questions.

431  
432 Ms. Nicholas - Yes, sir.

433  
434 Mr. Green - What is your understanding of the type of -- if he puts the  
435 garage up you all seem to think that it's some type of business that it would be run from  
436 it. What type of business?

437  
438 Ms. Nicholas - Well he wants to store his business materials, construction  
439 materials, there. And even to pull out of his driveway -- and I don't mind telling you, if I  
440 go to make a right -- when I come out of my driveway onto Milbank on Anoka, if I want to  
441 make a right turn, that's one thing. If I want to make a left turn, you better be real careful.  
442 Because you look to your left, you look to your right, you look again, couple of times. And  
443 a lot of times it'll catch you while you turn your head there's a car coming. Because as  
444 everybody else has said, and we know it to be a fact, 35 miles an hour is just too fast for  
445 that neighborhood, because everybody uses it as a cut through between Skipwith and  
446 Parham. From Parham to Skipwith.

447  
448 Oh, another neighbor indicates that the business materials that's stacked out there. And  
449 that's just, I would presume, a temporary thing. If not, our neighbor does have a two-car  
450 garage that's currently detached, and I would imagine he could probably try to find a  
451 location to store those or perhaps inside his privacy fence. Anything else?

452  
453 Mr. Bell - Any other questions? Thank you.

454  
455 Mr. Blankinship - As the Chair indicated at the beginning of the hearing, we  
456 don't need any repetition now of anything that's already been said, so if there's something  
457 new that has not been said, please share it with us.

458 Mr. Nicholas - Good morning. Mike Nicholas, N-i-c-h-o-l-a-s, 2019 Milbank  
459 Road. Resided there for over 30 years. We've all talked about traffic and visibility and  
460 so forth. I have a personal experience from driving on Anoka Road about seven years  
461 ago coming around a curve at 30 miles an hour, I was on Anoka Road, got struck by  
462 another vehicle.  
463

464  
465 Reaction time is so extremely important around these curves. In today's world no one  
466 does the speed limit. It's just human nature. Everyone's in a hurry. The reaction time is  
467 so extremely important. If the applicant for this procedure that you're going through right  
468 now would have just took the time and met with us and discussed it, we'd may have had  
469 the situation resolved rather than inconvenience everyone that's already here. Thank you  
470 so much.

471  
472 Mr. Blankinship - Thank you.

473  
474 Mr. Bell - Does anyone else want to speak?

475  
476 Mr. Blankinship - Thank you.

477  
478 Mr. Jurzynski - Good morning.

479  
480 Mr. Bell - Good morning.

481  
482 Mr. Jurzynski - My name is Richard Jurzynski, J-u--r-z-y-n-s-k-i. I am Matt  
483 Sach's father-in-law. Professionally I've been a builder and land developer for more than  
484 40 years. And as Matt previously said, prior to us actually thinking about where this  
485 garage might go we drove around the neighborhood and there are at least two or three  
486 houses that are very similar in how their additional garages were added on over there.

487  
488 And you know, everybody's talking about the traffic. The positioning of the building can  
489 be adjusted, and I can assure you that there's no way that our proposal would impact the  
490 visual integrity of the neighborhood, or the ability to get in and out of anyone's driveway  
491 or sightline. It's just something that's normal for us to deal with as planning a project like  
492 this.

493  
494 And just so you all know, I agree that, at least, there should be a four-way stop at Anoka  
495 and Milbank to try to get some of that traffic to slow down coming off the hill. And yeah,  
496 the people drive too fast there, for sure.

497  
498 And to not have a concern with materials being there: that house is still being worked on  
499 in terms of siding and roofing and stuff like that since it hadn't been touched in many years  
500 before Matt had purchased it. And those tools, which was mainly ladders and scaffolding,  
501 are still there piled in the yard. One of our concerns is there has been theft there. People  
502 stop on Anoka Road and we actually lost brand new tools and stuff out of the back of  
503 Matt's truck. He uses that truck all day, a lot of tools, and they were stolen right out of the

504 back of the truck. Not even opened. So that's the reason we need a space for him to  
505 park his truck at the end of the day.

506  
507 And, yes, that stuff will be left out of view, the ladders and stuff that we use to work on  
508 the house or trim the trees and all of that. So that eyesore goes away. Aesthetically, you  
509 know this building would blend so well into the existing structure that no one coming into  
510 this neighborhood would know that it was an add-on. It'll be finished to that degree.

511  
512 And, you know, he's not running his business out of there, per say. He does paperwork  
513 and stuff, but actually storing materials, doesn't happen. It's just that stuff that we're using  
514 to work on the existing house. It's an ongoing project. We can only do so much every  
515 year.

516  
517 And basically, that's what I have to say. Any questions from anybody?

518  
519 Mr. Green - I noticed that there's a two-car garage already there.

520  
521 Mr. Jurzynski - Yes.

522  
523 Mr. Green - What is that being used for?

524  
525 Mr. Jurzynski - My daughter parks her car in there and they do artwork, they  
526 rebuild furniture that they find at tag sales and stuff. My daughter's really into, like,  
527 keeping the aesthetics of that 1960s era in the furniture that she has in that house. So  
528 they use it as a workshop and a one-car garage.

529  
530 Mr. Johnson - I have questions about --

531  
532 Mr. Jurzynski - Oh, yeah. Sure.

533  
534 Mr. Johnson - In the corner lot you have -- there's a shed or something  
535 there?

536  
537 Mr. Jurzynski - What are you looking at? Is it the picture on the board?

538  
539 Mr. Johnson - See in the corner, in the back of the house. Right there. Yes.

540  
541 Mr. Sachs - Oh, no. That's the -- it's sort of like the skateboard ramp for  
542 the kids.

543  
544 Mr. Blankinship - You can lean back there towards the microphone?

545  
546 Mr. Sachs - Oh, sorry. So that aerial view looks like a shed, but it's not.  
547 It's like a flat area with the sides bent up so the kids can do their skateboarding there.  
548 But then it's good that you pointed that out, because I'd also like you to take a look at how

549 the garage on the adjoining property is placed. Doesn't look like it meets the lot line  
550 setbacks to me.

551  
552 Mr. Bell - Any other questions?

553  
554 Mr. Jurzynski - Thank you.

555  
556 Mr. Bell - Thank you. That's it.

557  
558 Mr. Blankinship - That's it. That's the end of the hearing.

559  
560 Mr. Bell - That's the end of the hearing. There's no rebuttal for anybody  
561 except the applicant.

562  
563 Mr. Blankinship - That was not your rebuttal?

564  
565 Mr. Sachs - What's that?

566  
567 Mr. Blankinship - I thought that was your rebuttal.

568  
569 Mr. Sachs - No, he was presenting just like anybody else would.

570  
571 Mr. Blankinship - Oh, okay.

572  
573 Mr. Sachs - Am I not allowed to --?

574  
575 Mr. Blankinship - Briefly, please.

576  
577 Mr. Sachs - Okay. Just so I wanted to do. I understand everybody's  
578 concerns, and I appreciate --

579  
580 Mr. Blankinship - Please address the board, not the crowd.

581  
582 Mr. Sachs - I'm sorry. I understand everyone's concerns. First thing first,  
583 there is no business run out of my property. I have a business license, of course, from  
584 the County of Henrico. I hold a Virginia Contractor's License. I do run a construction  
585 company. We lease and rent several buildings for storage and fabrication that are not on  
586 my property, commercial properties, which I can obviously prove.

587  
588 The slight bit of overflow that I would like to have an extra garage space would be great,  
589 but this garage would be to put my personal work truck in so I don't have to worry about  
590 theft on my property. With that being said, I operate the portion of my house as a  
591 business, as I am rightfully allowed to by law. I have proper documentation. We do not  
592 store materials visibly. There are some ladders there, yes. I have a right to own some  
593 ladders and they can be on my property. I'm sorry if it visually disturbs somebody. We  
594 try to keep it as orderly as possible while they're on site.

595  
596 As far as everyone bringing evidence in of the conditions of Anoka road, I cannot be held  
597 personally responsible for people breaking the law as opposed to the speed limit. What  
598 I can tell you is that if you were to study the stop signs and the curve and the pictures that  
599 were shown -- the pictures that were shown show there's still no obstruction to the view.  
600 The angle that the pictures were taken, considering the proximity of where the face of the  
601 garage will be, will still allow everyone the exact same view that they have now except for  
602 they will see a garage in their peripheral. It will not impact the view at any point from what  
603 it is right now concerning the natural grade that still obstructs the view to the right. At all.

604  
605 Again, I understand everybody's concern. A lot of the concerns were running a business  
606 out of the house. I do not do that. Well, I do, my business is registered there, but we do  
607 not do any work on the property.

608  
609 The visual impact, I'm sorry some people don't like that people like to improve their  
610 property. We bought the property with the hopes to improve it as we live there, and we're  
611 doing our very best to do that. Some people might not like our style, but that's not for,  
612 you know, me to care about, unfortunately.

613  
614 And, again, I just, again, when it comes down to the safety, the speed is a concern, but I  
615 can't be held responsible for people not obeying the traffic laws. As far as the visual  
616 impact, if you would allow the conditional use permit, the view would be exactly the same:  
617 unobstructed by my garage and what it is now. It's proven and measured. That's all I  
618 have to say.

619  
620 Mr. Blankinship - Thank you.

621  
622 Mr. Bell - Hold on just a minute, Matt, if you would.

623  
624 Mr. Sachs - Oh, sorry, sir.

625  
626 Mr. Bell - Any questions?

627  
628 Mr. Johnson - Is that the only location you would propose for your garage?  
629 What about the one out in the back of it?

630  
631 Mr. Sachs - Well, sir, so that is the problem. And, again, not a problem. I  
632 mean, again, we did this so -- We were not aware that we were considered front, you  
633 know, we had front yard on both sides of the corner. We assumed because the lot line is  
634 longer on the Milbank side that the side yard was considered the Anoka side. But,  
635 unfortunately, when it was zoned in 1967 that's just the way the zoning reads.

636  
637 Obviously, that is the reason for applying for a variance from that. But the only other  
638 option for this would be to push it to the setback from Anoka and would require removing  
639 a few trees and excavating into the side yard and pushing it back into the property of

640 usable back yard. Which, again, I'm not opposed to do. Because I would like to be able  
641 to put a garage on my property. I mean, I do have that right.

642  
643 I'm fine with doing that, if that's the case, it just requires a massive amount of land  
644 disturbance. So trying to already work within the disturbance that we made in order to  
645 make that piece of the yard presentable, as it was not until we removed all of the trees  
646 and actually brought the grade down. We actually greatly improved the visibility in that  
647 space, and the garage will not impede on what we've already improved.

648  
649 So there are other options. I unfortunately wouldn't propose to put it in the front yard on  
650 the Milbank side, because it just, it doesn't look proper there being right in the front yard,  
651 as we consider that to be the front yard. I mean, visually, that would impact the  
652 neighborhood even more in my opinion. So there are options as to move it back.

653  
654 Again, we started this not knowing that it was front yard on that side, so I'm seeing it  
655 through, and if I have to not do that because I'm not granted the conditional use permit  
656 then we will push the garage and reapply for a building permit based on the proper  
657 setback and, again, the same garage will still go in and it will still visually impact the  
658 neighborhood as everyone seems to be concerned about the finishes of the visual impact.  
659 I still will apply for a permit within the setback line to build the same garage.

660  
661 Mr. Bell - Any other questions? Thank you, Matt.

662  
663 Mr. Sachs - Thank you, sir.

664  
665 Mr. Bell - Any more questions from the staff? If not, that concludes, and  
666 we'll go on to the next --

667  
668 Mr. Blankinship - We'll go on to vote.

669  
670 Mr. Green - Remember we changed the rules.

671  
672 Mr. Bell - Vote on it, that's right. We've changed the rules. All right.

673  
674 Mr. Green - As the Three Chopt representative for that district I did go by  
675 and look at it, and my greatest concern is with the gentleman that spoke about being able  
676 to pull out of his back yard and the obstruction that you would have and being able to pull  
677 back. I don't think that is fair. So I move that we deny the conditional use permit. The  
678 proposed garage is not consistent with the other property in the neighborhood whether it  
679 is 15 feet or 35 feet back it would have a detrimental impact on the neighborhood.

680  
681 Mr. Bell - Do I hear a second?

682  
683 Mr. Johnson - I second.

685 Mr. Bell - We hear a second. Any discussion? Hearing no discussion,  
686 we'll go ahead and vote. All those in favor of the denial say aye. All those opposed say  
687 nay. Ayes have it, it's been denied.

688  
689 On a motion by Mr. Green, seconded by Mr. Johnson, the Board **denied** application  
690 **CUP2020-00002 MATHEW SACH'S** request for a conditional use permit  
691 pursuant to Section 24-95(i)(4) of the County Code to build a garage in the front yard at  
692 2021 Milbank Road (SKIPWITH FARMS) (Parcel 758-748-0775) zoned One-Family  
693 Residence District (R-2) (Three Chopt).

694  
695  
696 Affirmative: Bell, Green, Johnson, Pollard, Reid 5  
697 Negative: 0  
698 Absent: 0  
699

700  
701 Mr. Green - One other thing, Mr. Chairman. I would encourage the  
702 neighbors to reach out to our representative, our Board of Supervisors member Tommy  
703 Branin -- because he was formerly a member of the Planning Commission, and now he's  
704 Chairman of the Board of Supervisors, and have him come out and really look at your  
705 concerns as it relates to the traffic. He's very, very responsive and good at that. And if  
706 that's a concern that you have, I would hope that you would look at contacting him.

707  
708 Unknown Speaker - Do you have his number?

709  
710 Mr. Green - I don't have it.

711  
712 Mr. Blankinship - One of these gentlemen will help you with that.

713  
714 Mr. Green - His name is Tommy Branin.

715  
716 Mr. Blankinship - Yes. Staff will provide it. The next case is also a conditional  
717 use permit. This is conditional use permit 2020, number 3, Raymond Lee.

718  
719 **CUP2020-00003 RAYMOND LEE** requests a conditional use permit pursuant  
720 to Section 24-95(i) (4) of the County Code to build a garage in the front yard at 4756 Minor  
721 Road (Parcel 737-768-8440) zoned Agricultural District (A-1) (Three Chopt).

722  
723 Mr. Blankinship - Would everyone who intends to speak to this case, please  
724 stand and be sworn in?

725  
726 Mr. Blankinship - Thank you for standing, sir. We're going to take just a minute  
727 and let the crowd move up the aisle. All right, sir. Raise your right hand, please. Do you  
728 swear the testimony you're about to give is the truth, the whole truth, and nothing but the  
729 truth, so help you God? Thank you. You can be seated while Mr. Madrigal gives the  
730 introduction.



731  
732 Mr. Madrigal - Thank you, Mr. Chair, Mr. Secretary, members of the Board.  
733 Before you is a second request to allow a garage in the front yard of a one-family dwelling.  
734 The subject property is a landmark parcel located in the West End of the county. It is  
735 approximately 70,000-square-feet in area and was created in 1960. It is rectangular  
736 shaped and gently slopes down from east to west, and improved with a one-story, 1,300-  
737 square-foot home with an attached, two-car garage.

738  
739 The home was built in 1984 by way of a variance due to lack of public street frontage.  
740 The home is located on the eastern 1/3 of the property and is served by well and septic  
741 system. The remaining western 2/3 of the lot is densely covered by trees and other  
742 vegetation.

743  
744 The applicant acquired the parcel by gift deed in 1993. He would like to construct a 960-  
745 square-foot steel building at the northeast corner of the lot in the front yard adjacent to  
746 the house and the existing driveway. The building would measure 24 feet wide by 40 foot  
747 deep, and would be 6 feet from the front property line and approximately 15 feet from the  
748 side property line. He intends to remove two smaller accessory buildings from the  
749 property and consolidate his storage needs into the larger building. Although the existing  
750 parcel has no public street frontage, a front lot line is determined by the location of the  
751 primary access to the lot. In this case that happens to be along the eastern border.

752  
753 Similar to the previous case, while accessory buildings are allowed by right in the rear  
754 yard, this proposed building location is in the front yard, and thus requires the approval of  
755 a conditional use permit per county code.

756  
757 The property is zoned A-1 and is designated Suburban Mixed-Use on the 2026 Future  
758 Land Use Map. A one-family dwelling is a principal permitted use in the A-1 district.  
759 Although the existing development pattern is not consistent with a comprehensive plan  
760 designation, the existing dwelling predates the land-use designation. The subject parcel  
761 was created 60 years ago by family division. It is not visible from either Pouncey Tract or  
762 Kain Roads due to its location.

763  
764 Access to the property is by way of a private access easement from Pouncey Tract Road,  
765 and you can see the entrance point, like, right here. And that traverses over these  
766 properties, too, which are owned by family members.

767  
768 The adjacent property to the north and east of the proposed structure is owned by the  
769 applicant's uncle. The proposed garage will be over 70 feet distant from the rear of that  
770 residence and will be partially screened by a 25-foot landscape area located on his uncle's  
771 property. Although there is sufficient land to place the garage further west on the  
772 applicant's lot, access would be difficult due to the location of the existing septic system,  
773 which is located at the front area of the home in this area.

774

775 Given the property's lack of visibility from the public right of way, limited access and  
776 proximity to family land, staff does not anticipate any substantial detrimental impacts to  
777 the subject lot or the adjacent properties.

778  
779 In conclusion, the proposed use is consistent with the zoning designation, but not the land  
780 use designation. The proposed structure in the front yard will not cause any substantial  
781 detrimental impact because it is not visible from the public street, and the neighboring  
782 properties are owned by family members. Based on the facts of the case, staff  
783 recommends approval subject to conditions. Be happy to answer any questions if you  
784 have.

785  
786 Mr. Bell - Seeing or hearing no questions, let's go on and have the  
787 applicant please come up and speak to the case.

788  
789 Mr. Lee - Good morning.

790  
791 Mr. Bell - Good morning.

792  
793 Mr. Lee - My name is Raymond Lee, I'm here representing myself, and  
794 requesting this variance to build a garage for storage of my tractor, yard equipment, stuff  
795 like that. I figure if I try to keep them out of the weather, they will last a long time, and I  
796 won't have to replace them. And that's pretty much it.

797  
798 Mr. Bell - Any questions?

799  
800 Mr. Reid - Mr. Lee, are you in agreement with the terms and conditions  
801 underlined in the staff report?

802  
803 Mr. Lee - Yes.

804  
805 Mr. Bell - Thank you, Mr. Lee.

806  
807 Mr. Lee - Thank you.

808  
809 Mr. Bell - Is there anyone here who would like to speak for this as well  
810 as Mr. Lee? Is there anyone here who would like to speak against it? Thank you. And  
811 with that we'll go ahead and make the vote.

812  
813 Mr. Green - Mr. Chairman, as the Three Chopt representative for that  
814 district, I move that we approve the conditional use permit subject to the conditions  
815 recommended by staff. The property is 1,000 feet from Pouncey Tract Road and 400 feet  
816 from Kain Road. The only property that would be affected by this garage is owned by the  
817 applicant's family, because the property is landlocked it's difficult to say where the front  
818 side and rear yards are located. The proposed garage would not have any detrimental  
819 impact, and it would be consistent with the intent of the zoning ordinance.

820

821 Mr. Pollard - Second the motion.

822  
823 Mr. Bell - Mr. Pollard seconded the motion. Do we hear any  
824 discussion? Hearing no discussions let's vote. All those in favor say aye. All those  
825 opposed. Ayes have it. Motion carried.

826  
827 On a motion by Mr. Green, seconded by Mr. Pollard, the Board **approved** application  
828 **CUP2020-00003** **RAYMOND LEE's** request for a conditional use permit  
829 pursuant to Section 24-95(i) (4) of the County Code to build a garage in the front yard at  
830 4756 Minor Road (Parcel 737-768-8440) zoned Agricultural District (A-1) (Three Chopt).  
831 The Board approved this request subject to the following conditions:

832  
833 1. This conditional use permit applies only to the placement of a garage in the sideyard.  
834 All other applicable regulations of the County Code shall remain in force.

835  
836 2. Only the improvements shown on the plot plan filed with the application may be  
837 constructed pursuant to this approval, or as amended by the conditions of approval. Any  
838 additional improvements shall comply with the applicable regulations of the County Code.  
839 Any substantial changes or additions to the design or location of the improvements shall  
840 require a new conditional use permit.

841  
842 3. The garage shall be located at least 35 feet from the front property line (Anoka Road)  
843 and at least 14 feet from the interior side property line.

844  
845 4. The new construction shall match the existing dwelling as nearly as practical in  
846 materials and color. A minimum three-foot tall brick foundation shall be installed at the  
847 base of the garage on all facades visible from the street.

848  
849 5. The garage shall be limited to one story in height and shall not be used for residential  
850 or business occupancy.

851  
852 6. All exterior lighting shall be shielded to direct light away from adjacent property and  
853 streets.

854  
855 7. Before beginning any clearing, grading, or other land disturbing activity, the applicant  
856 shall obtain approval of an environmental compliance plan from the Department of Public  
857 Works.

858  
859 8. A building permit shall be approved by February 28, 2022, or this conditional use permit  
860 will expire. If the building permit is cancelled or revoked because construction was not  
861 diligently pursued, this conditional use permit will expire at that time.

862  
863  
864 Affirmative: Bell, Green, Johnson, Pollard, Reid 5  
865 Negative: 0  
866 Absent: 0

867  
868  
869 Mr. Blankinship - Mr. Chair, that completes the conditional use permit portion of  
870 the agenda, there are several variances on the agenda this morning. The first two are  
871 companion cases. So if you'll allow me, I'll call them together. These are variances 2020  
872 numbers 1 and 2, both are Roopesh and Seema Patel.

873  
874 **VAR2020-00001 ROOPESH AND SEEMA PATEL** request a variance from  
875 Section 24-95(b)(5) of the County Code to allow a one-family dwelling to remain at 6223  
876 Monument Avenue (WESTVIEW MANOR) (Parcel 767-738-6297) zoned One-Family  
877 Residence District (R-3) (Brookland). The total lot area requirement and lot width  
878 requirement are not met. The applicants propose 7,277 square feet lot area and 60 feet  
879 lot width, where the Code requires 8,000 square feet lot area and 65 feet lot width. The  
880 applicants request a variance of 723 square feet lot area 5 feet lot width.

881  
882 **VAR2020-00002 ROOPESH AND SEEMA PATEL** request a variance from  
883 Section 24-95(b)(5) of the County Code to build a one-family dwelling at 6221 Monument  
884 Avenue (WESTVIEW MANOR) (Parcel 767-738-6297) zoned One-Family Residence  
885 District (R-3) (Brookland). The total lot area requirement and lot width requirement are  
886 not met. The applicants propose 6,963 square feet lot area and 60 feet lot width, where  
887 the Code requires 8,000 square feet lot area and 65 feet lot width. The applicants request  
888 a variance of 1,037 square feet lot area and 5 feet lot width.

889  
890 Mr. Blankinship - Would everyone who intends to speak to these two cases  
891 please stand and be sworn in. Raise your right hands, please. Do you swear the  
892 testimony you're about to give is the truth, the whole truth, and nothing but the truth, so  
893 help you God? Thank you. You can be seated. Mr. Gidley, if you would give us the  
894 introduction.

895  
896 Mr. Gidley - Thank you, Mr. Secretary. Good morning, Mr. Chair,  
897 members of the board. The subject property is located along the southern side of  
898 Monument Avenue just west of St. Mary's Hospital. You may recall a similar case on the  
899 same block back in 2017. Like that case, the applicant's property consists of two lots: lot  
900 141, which is vacant, and lot 142, which contains the existing dwelling. When the home  
901 was constructed in 1947 two lots were required, because this property was on well and  
902 septic. Today the home is connected to public utilities, so the owner would like to sell the  
903 vacant lot as a separate building lot. However, following the 1960 rezoning of the block  
904 to R-3, each of these 60-foot-wide lots is five feet shy of the required 65 feet of lot width.

905  
906 In addition, while the dimensions of each lot provide the required lot area. As you can  
907 see here, on the dotted line is the floodplain boundary, so there is floodplain at the front  
908 of the property, and under the zoning ordinance, lot area must be met exclusive of  
909 floodplain. As a result, there are lot area variances being requested as well in order to  
910 allow this to be a separate building lot.

911

912 This is the home here that is existing, and similar to the 2017 case on this block, there is  
913 a screened porch on the side of the home. With two lots the home, including the screen  
914 porch, meets setbacks. However, if they sell off the vacant lot then the screen porch  
915 would violate both the minimum side-yard setback requirement and the sum of the two  
916 side-yards setback requirement.

917  
918 Staff is recommending the screen porch be removed or otherwise brought into  
919 compliance with setbacks, which is consistent with what the board approved in 2017 down  
920 the road.

921  
922 In evaluating this request, when the existing dwelling was constructed on the property,  
923 two lots were required again, because public utilities were not available. Although the  
924 existing dwelling on the two lots is arguably a reasonable use of the property, the block  
925 has been transitioning to one dwelling per lot ever since water and sewer became  
926 available.

927  
928 As noted, a similar request was approved in 2017 to construct a home down at 6205  
929 Monument Avenue on the same block. If this request were approved, 8 of the 11 homes  
930 on this block would be located on single lots. Given this transition it is arguably  
931 unreasonable to require the applicants to retain two lots for one dwelling. As noted in  
932 your staff report, staff believes the five subtests are met. I would note, under substantial  
933 detrimental impact, you can see the lots to the rear, these are also 60-foot-wide lots. At  
934 a time when they were zoned R-4 they were built on. Given the fact that they are also  
935 60-foot-wide lots and each contain a dwelling, staff does not believe the applicant having  
936 a dwelling on each of his two 60-foot-wide lots would be a substantial detrimental impact.

937  
938 In addition, like the 2017 variance down the road, staff is proposing a condition that would  
939 require the new dwelling to have a brick front façade in order to ensure some consistency  
940 in design. And you can actually see here, this is the original home and this is the one that  
941 was recently built subject to the 2017 variance, and other than a little height differential,  
942 it does blend in quite well with the brick façade up front. They took the screen porch off  
943 the side here, so the setback is met and there's adequate space here. And I think it  
944 turned out rather nice, overall.

945  
946 So, in conclusion, while having the two combined lots enables the property to comply with  
947 the lot-width and lot-area requirements and setback requirements, this block has been  
948 transitioning towards one dwelling per lot. Giving this, it is arguably unreasonable to  
949 require the applicants to hold on to their second vacant lot. The proposed conditions are  
950 consistent with those approved with the 2017 variance and there should be no substantial  
951 detrimental impact to nearby property. As a result, staff recommends approval of this  
952 request subject to the conditions on your staff report.

953  
954 This concludes my presentation, and if you have any questions, I will be happy to answer  
955 those. Thank you.

956  
957 Mr. Bell - Do I hear any questions? Hearing none, thank you.

958  
959 Mr. Gidley - Yes, sir.  
960  
961 Mr. Patel - Good morning. My name is Roopesh Patel. Last name Patel,  
962 P-a-t-e-l. We've lived in the residence for -- close to four years now. We are okay with,  
963 you know, getting rid of the enclosed porch, which creates an issue with the setback. And  
964 we did run the floodplain survey again since the last one we had in 2016 didn't include a  
965 floodplain survey. And we do plan to keep the dwelling in line with what we've already  
966 built and, as far as the square footage we would like to have little bit of square footage,  
967 maybe at least 2500 square feet if we can. But we do plan to keep in the boundaries and  
968 the guidelines of the county and the variance.  
969  
970 Mr. Bell - Any questions? You understand that a condition of the use  
971 permit as well as, I believe you touched upon it last time you were here, that the screen  
972 porch will come off.  
973  
974 Mr. Patel - Correct. Correct. Now as far as the -- to my understanding it  
975 was just the roof has to come off, or the slab has to come off as well?  
976  
977 Mr. Bell - The slab could remain, but the roof and the --  
978  
979 Mr. Patel - The side, the walls.  
980  
981 Mr. Bell - Yes.  
982  
983 Mr. Patel - Yeah, that's correct.  
984  
985 Mr. Bell - Thank you.  
986  
987 Mr. Patel - Thank you.  
988  
989 Mr. Bell - Is there anyone here who would like to speak in favor of this  
990 application? Is there anyone here who would like to speak against this application?  
991 Hearing none, let's go ahead and take the vote.  
992  
993 Mr. Blankinship - Mr. Chair, we did call the two cases together, but if you would  
994 make two separate motions, or whoever cares to make the motions, if you would make  
995 the separate motions for the two cases.  
996  
997 Mr. Bell - All right. All right. The motion for Variance 2020, #1. I move  
998 that we approve the variance subject to the conditions recommended by the staff. This  
999 has been two separate lots since 1946. The house was built on the one lot and the other  
1000 was left vacant. Without a variance the existing house is nonconforming, which means it  
1001 cannot be expanded or enlarged. That is an unreasonable hardship. The application  
1002 certainly did not create any hardship. It has been that way since 1960. The other tests  
1003 are met as stated in the staff report.

1004

Mr. Green - Second.

1006

Mr. Bell - I hear a second from Mr. Green. Do I hear any discussion? Hearing no discussion, we'll go ahead and all those who are in favor say aye. All those opposed say nay.

1010

On a motion by Mr. Bell, seconded by Mr. Green, the Board **approved** application **VAR2020-00001 ROOPESH AND SEEMA PATEL** request a variance from Section 24-95(b)(5) of the County Code to allow a one-family dwelling to remain at 6223 Monument Avenue (WESTVIEW MANOR) (Parcel 767-738-6297) zoned One-Family Residence District (R-3) (Brookland). The total lot area requirement and lot width requirement are not met. The Board approved this request subject to the following conditions:

1018

1. This variance applies only to the total lot area and lot width requirements for one dwelling only. All other applicable regulations of the County Code shall remain in force.

1021

2. Any dwelling on the property shall be served by public water and sewer.

1023

3. The applicant shall bring the dwelling into compliance with the least side yard setback and the sum of side yards setback requirements.

1026

1027

Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
Negative:		0
Absent:		0

1031

1032

Mr. Bell - We're going to go ahead now and vote on variance 2020, #2, which is on the lot area and width of a house next door. And I move that we approve the variance subject to the conditions recommended by the staff. For this reason, as in the previous case, this has been two separate lots since 1946. The house was built on one lot and the other was left vacant. Without a variance this lot cannot be used for anything. That is an unreasonable hardship.

1039

The applicant certainly did not create the hardship. It has been that way since 1960. The other tests are met, as stated in the staff report, and I move that we accept this application and approve it.

1043

Mr. Johnson - I second.

1045

Mr. Bell - I hear Mr. Johnson seconded. Do I hear any discussion? Hearing no discussion, we'll move on to the next case.

1048

Mr. Blankinship -

1050  
1051 Mr. Reid - Got to vote.

1052  
1053 Mr. Bell - All those in favor say aye. All those opposed say nay. The  
1054 ayes have it.

1055  
1056 On a motion by Mr. Bell, seconded by Mr. Johnson, the Board **approved** application  
1057 **VAR2020-00002 ROOPESH AND SEEMA PATEL** request a variance from  
1058 Section 24-95(b)(5) of the County Code to build a one-family dwelling at 6221 Monument  
1059 Avenue (WESTVIEW MANOR) (Parcel 767-738-6297) zoned One-Family Residence  
1060 District (R-3) (Brookland). The total lot area requirement and lot width requirement are  
1061 not met. The Board approved this request subject to the following conditions:

1062  
1063  
1064 1. This variance applies only to the total lot area and lot width requirements for one  
1065 dwelling only. All other applicable regulations of the County Code shall remain in force.

1066  
1067 2. The proposed home shall contain a minimum finished floor area of at least 1,800 square  
1068 feet and shall not exceed two stories in height. The front of the proposed home facing  
1069 Monument Avenue shall be constructed with a brick façade. The foundation shall have a  
1070 brick façade on all four sides.

1071  
1072 3. Any dwelling on the property shall be served by public water and sewer.

1073  
1074 4. Prior to the issuance of a certificate of occupancy for the proposed home, separate  
1075 driveways shall be provided to each of the two homes.

1076  
1077 5. Before beginning any clearing, grading, or other land disturbing activity, the applicant  
1078 shall submit an environmental compliance plan to the Department of Public Works.

1079  
1080 6. Any well on the property shall be capped and abandoned in compliance with Health  
1081 Department regulations.

1082  
1083 7. A building permit shall be approved by February 28, 2022, or this variance will expire.  
1084 If the building permit is cancelled or revoked because construction was not diligently  
1085 pursued, this variance will expire at that time.

1086  
1087  
1088 Affirmative: Bell, Green, Johnson, Pollard, Reid 5  
1089 Negative: 0  
1090 Absent: 0

1091  
1092  
1093 Mr. Blankinship - All right, Mr. Chair. I'm sorry (indiscernible) here. The next  
1094 case is variance 2020, number 4. Williams Contracting, LLC.

1095



1096  
1097 **VAR2020-00004**

**WILLIAMS CONTRACTING LLC**

requests a variance from Section 24-95(b)(6) of the County Code to build a one-family dwelling at 134 N Mapleleaf Avenue (HIGHLAND SPRINGS) (Parcel 824-724-9547) zoned One-Family Residence District (R-4) (Varina). The total lot area requirement and lot width requirement are not met. The applicant proposes 5,460 square feet lot area and 47.5 feet lot width, where the Code requires 6,000 square feet lot area and 50 feet lot width. The applicant requests a variance of 540 square feet lot area and 2.5 feet lot width.

1104  
1105 Mr. Blankinship - Would everyone who intends to speak to this case please  
1106 stand and be sworn in? Do you swear the testimony you're about to give is the truth, the  
1107 whole truth, and nothing but the truth, so help you God? Thank you. Mr. Madrigal.

1108  
1109 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the board,  
1110 before you is a request to build a one-family dwelling in an R-4 district. The subject  
1111 property is located at the northwest corner of North Mapleleaf Avenue and East Willow  
1112 Street in the Highland Springs subdivision, which was established in 1890.

1113  
1114 The property consists of a single 6,000-square-foot lot, measuring 50 feet wide by 120  
1115 feet deep. The property fronts on North Mapleleaf on its eastern side, sides on East  
1116 Willow Street and it rears onto a 10-foot alley. The property was improved with a one-  
1117 story, 900-square-foot home, built in 1937, which was demolished in April of last year to  
1118 make way for this new two-story, 1300-square-foot home. And if you refer to the aerial,  
1119 you can see the previous home here.

1120  
1121 Because of the age of the subdivision, the property is subject to the exception standards  
1122 which require a 6,000-square-foot lot area and 50 feet of lot width to have a buildable lot.  
1123 The property meets these standards. However, because of the right-of-way, it's 40 feet  
1124 wide on North Mapleleaf and 45 feet wide on East Willow Street. The county will require  
1125 a 5-foot and 2 1/2-foot dedication respectively on each side for street widening purposes  
1126 upon development of the lot.

1127  
1128 The dedication will reduce the lot area to 5,460-square-feet, and the lot width to 47 1/2  
1129 feet. The applicant is requesting a variance for lot area of 540 square feet and lot width  
1130 of 2 1/2 feet so that the lot will remain developable after the street-widen dedication. With  
1131 respect to the threshold question, the subject property in its current configuration is a  
1132 developable lot. However, the county will require street-widening dedications as a  
1133 condition of development affecting both the lot area and width, which will render the lot  
1134 undevelopable.

1135  
1136 This governmental requirement will unreasonably restrict the utilization of the property,  
1137 creating a significant hardship for the applicant contrary to the intent of the zoning  
1138 ordinance. Absent of variance the lot cannot be developed and would be tantamount to  
1139 a government taking of the land.

1141 Relative to the five subtests, all have been satisfied and I will briefly focus on items 2 and  
1142 3. Substantial detriment, the property is part of the Highland Springs neighborhood, which  
1143 was established 130 years ago, and is predominantly built out. The typical lot size is 50  
1144 feet wide by 120 foot deep, and is improved with modest one-family dwellings.

1145  
1146 There are also examples of homes built on partials composed of two or three-lot  
1147 combinations. Granting the variance should not result in any detrimental impacts to  
1148 adjacent or nearby property in light of the existing development pattern and street-  
1149 widening dedications, which will aid in providing a better street system and improves  
1150 traffic circulation.

1151  
1152 Item three, general recurring issue. The property is a standard corner lot that fronts  
1153 (indiscernible) existing rights of way that are slightly substandard in width. North  
1154 Mapleleaf Avenue is 40 feet wide and East Willow Street is 45 feet wide. Both will be  
1155 required to be widened to 50 feet in width through dedications. The specific  
1156 circumstances surrounding this property are unique, and do not rise to a level to justify a  
1157 code amendment to address this issue.

1158  
1159 In conclusion, a one-family dwelling is a permitted use that is consistent with both the  
1160 zoning and comprehensive plan designations on the property. The applicant purchased  
1161 the lot with the intent of removing the existing dwelling and constructing a new home with  
1162 greater setbacks. The development of the site triggers Public Works improvements that  
1163 require street-widening dedications, unintentionally rendering the lot undevelopable. The  
1164 result is contrary to the intent of the zoning ordinance.

1165  
1166 Absent of variance the lot is unreasonably restricted and undevelopable. Based on the  
1167 facts of the case, staff recommends approval subject to the conditions. And, as a side  
1168 note, no phone calls have been received from the community on this.

1169  
1170 That concludes my presentation and I'll be happy to answer any questions.

1171  
1172 Mr. Bell - Are there any questions? Go ahead, Mr. Johnson?

1173  
1174 Mr. Johnson - The lot shows the house on it now, but the lot is vacant now?

1175  
1176 Mr. Madrigal - Yes, sir. The property is vacant, and you can see it here.  
1177 There is no house on it. it was removed.

1178  
1179 Mr. Bell - Out of curiosity, are these both houses, I think they are, that  
1180 were built out there right after the Second World War at the airport to support the troops  
1181 and --?

1182  
1183 Mr. Madrigal - I'm sure some were. The lot -- the subdivision goes back to  
1184 130 years or so.

1185  
1186 Mr. Bell - Yeah, that's what I was thinking.

1187  
 1188 Mr. Madrigal - They started way sooner than that.  
 1189  
 1190 Mr. Bell - Thank you. Thank you, Miguel.  
 1191  
 1192 Mr. Rempe - Good morning, Mr. Chairman, Board members and staff, my  
 1193 name is Mark Rempe. The applicant concurs with the findings of staff and agrees that  
 1194 conditions of the variance have been fulfilled, and request that the Board members move  
 1195 forward with granting the variance. The applicant agrees with the conditions staff had  
 1196 with the report. The applicant would like to thank the Board and staff for their time in the  
 1197 work here.  
 1198  
 1199 Mr. Bell - Any questions?  
 1200  
 1201 Mr. Johnson - No.  
 1202  
 1203 Mr. Bell - No questions?  
 1204  
 1205 Mr. Johnson - No questions.  
 1206  
 1207 Mr. Bell - We can get him back if you want? Okay. Is there anyone  
 1208 here who would like to support this request? Is there anyone here in opposition to this  
 1209 request? If we have none, we'll go ahead and vote.  
 1210  
 1211 Mr. Johnson - I move that we approve the variance subject to the condition  
 1212 recommended by staff. This house on its own has been there from 1937 until last year.  
 1213 And over 80 years it's the same size and shape as any other lot.  
 1214  
 1215 The county wants to widen the street, and that is a good thing, but the property owner  
 1216 should not lose the right to build a house because of the street widening. The subtests  
 1217 are met as outlined in the staff report. I recommend approval.  
 1218  
 1219 Mr. Green - Second.  
 1220  
 1221 Mr. Bell - I hear a second -- is that Mr. Green?  
 1222  
 1223 Mr. Green - Yes.  
 1224  
 1225 Mr. Bell - By Mr. Green. Any discussion? Hearing no discussion let's  
 1226 go ahead and vote. All those in favor say aye. All those opposed. Hearing no opposition,  
 1227 the motion is approved.  
 1228  
 1229 On a motion by Mr. Johnson, seconded by Mr. Green, the Board **approved** application  
 1230 **VAR2020-00004 WILLIAMS CONTRACTING LLC's** request for a variance  
 1231 from Section 24-95(b)(6) of the County Code to build a one-family dwelling at 134 N  
 1232 Mapleleaf Avenue (HIGHLAND SPRINGS) (Parcel 824-724-9547) zoned One-Family

1233 Residence District (R-4) (Varina). The total lot area requirement and lot width requirement  
1234 are not met. The Board approved this request subject to the following conditions:

- 1235
- 1236 1. This variance applies only to the lot area and lot width requirements for one dwelling  
1237 only. All other applicable regulations of the County Code shall remain in force.  
1238
- 1239 2. Only the improvements shown on the plot plan and building design filed with the  
1240 application may be constructed pursuant to this approval. Any additional improvements  
1241 shall comply with the applicable regulations of the County Code. Any substantial changes  
1242 or additions to the design or location of the improvements will require a new variance.  
1243
- 1244 3. Clearing, grading, or other land disturbing activity shall not begin until the applicant has  
1245 submitted, and the Department of Public Works has approved, an environmental  
1246 compliance plan.  
1247
- 1248 4. Any dwelling on the property shall be served by public water and sewer.  
1249
- 1250 5. A building permit shall be approved by February 28, 2022, or this variance will expire.  
1251 If the building permit is cancelled or revoked because construction was not diligently  
1252 pursued, this variance will expire at that time.  
1253

1254

1255 Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
1256 Negative:		0
1257 Absent:		0

1258

1259

1260 Mr. Blankinship - All right, Mr. Chair, the next three cases in this even are  
1261 companion cases. So, like before, we'll have one public hearing, but then we'll need three  
1262 separate motions. They are Variances 2020 numbers 6, 7 and 8. All three are Liberty  
1263 Homes of Virginia Incorporated.  
1264

1265 **VAR2020-00006 LIBERTY HOMES OF VIRGINIA, INC.** requests a variance  
1266 from Section 24-95(b)(6) of the County Code to build a one-family dwelling at 113 N Rose  
1267 Avenue (HIGHLAND SPRINGS) (Parcel 825-722-5291) zoned One-Family Residence  
1268 District (R-4) (Varina). The total lot area requirement is not met. The applicant proposes  
1269 5,750 square feet lot area, where the Code requires 6,000 square feet lot area. The  
1270 applicant requests a variance of 250 square feet lot area.  
1271

1272 **VAR2020-00007 LIBERTY HOMES OF VIRGINIA, INC.** requests a variance  
1273 from Section 24-95(b)(6) of the County Code to build a one-family dwelling at 111 N Rose  
1274 Avenue (HIGHLAND SPRINGS) (Parcel 825-722-4686) zoned One-Family Residence  
1275 District (R-4) (Varina). The total lot area requirement is not met. The applicant proposes  
1276 5,750 square feet lot area, where the Code requires 6,000 square feet lot area. The  
1277 applicant requests a variance of 250 square feet lot area.  
1278

1279 **VAR2020-00008**

1280 **LIBERTY HOMES OF VIRGINIA, INC.** requests a variance  
1281 from Section 24-95(b)(6) of the County Code to build a one-family dwelling at 109 N Rose  
1282 Avenue (HIGHLAND SPRINGS) (Parcel 825-722-4686) zoned One-Family Residence  
1283 District (R-4) (Varina). The total lot area requirement is not met. The applicant proposes  
1284 5,750 square feet lot area, where the Code requires 6,000 square feet lot area. The  
1285 applicant requests a variance of 250 square feet lot area.

1286 Mr. Blankinship - Would everyone who intends to speak to this case please  
1287 stand and be sworn in? All right, Mr. Rempe, you were still under oath, and nobody -- oh,  
1288 okay, the other two. Raise your right hands, please. Do you swear the testimony you're  
1289 about to give is the truth, the whole truth, and nothing but the truth, so help you God?  
1290 Thank you. All right, Mr. Gidley.

1291  
1292 Mr. Gidley - Thank you, Mr. Secretary. Good morning again. Am I coming  
1293 through?

1294  
1295 Mr. Blankinship - Oh, just keep going. We'll pick you up.

1296  
1297 Mr. Gidley - Okay. Before you are variance requests for three adjacent  
1298 lots located along North Rose Avenue, a block and a half north of Nine Mile Road. Each  
1299 of these three lots were recorded back in 1890, including part of the vacated alley, they  
1300 each measure 50 feet wide and 125 feet deep, which provides a total lot area of 6,250  
1301 square feet. This meets the lot area requirement of 6,000 square feet. However, in order  
1302 to provide a 50-foot right of way along this section of the road, Public Works is requiring  
1303 right-of-way dedication of 10 feet. This would reduce the lot area of each lot to 5,750  
1304 square feet, thus the need for lot area variances of 250 square feet on each of these three  
1305 lots.

1306  
1307 The applicant has submitted plans for the proposed dwellings that are in the staff reports.  
1308 I would note, however, on lot 9, the home would need to be moved back at least 4 feet in  
1309 order to meet front yard setbacks following right-of-way dedication.

1310  
1311 As you can see here, they have 41 feet proposed to the front of the actual house, and  
1312 after they give up 10 feet that would go down to 31 feet and the front-yard setback is 35.  
1313 So what's shown on plot plan will need to be adjusted. And the applicant has been made  
1314 aware of that.

1315  
1316 In evaluating this request, each of these three lots is currently configured as a buildable  
1317 lot. Due to the required right-of-way dedication, however, the lots would be 250 square  
1318 feet shy of the required lot width and that's rendering them unbuildable.

1319  
1320 As a result, this would constitute an unreasonable restriction on the use of the property.  
1321 As noted in your staff report, staff believes the five subtests are met. Focusing on  
1322 detrimental impact to nearby property. This block of North Rose Avenue contains 23  
1323 homes, 18 of which are built on 50-foot-wide lots. The applicant's request is consistent  
1324 with this pattern.

1325  
1326 The applicant is proposing to construct two-story homes on each of these three lots. They  
1327 range in size from 1,440 to 1,633 square feet. This is within the range found on the block,  
1328 although these will be the first two-story dwellings here. That said, the next block down  
1329 has developed with a mixture of one-story and two-story dwellings and having the same  
1330 pattern on this block should not be of substantial detrimental impact.

1331  
1332 In conclusion, each of these three lots were platted as legal building lots in 1890 and  
1333 remain so. However, in order to bring the street up to current standards, right-of-way  
1334 dedication is required in order to construct homes on the lots. This results in each lot  
1335 becoming unbuildable, which is an unreasonable restriction on their use. In addition to  
1336 this main test being met, staff believes five subtests were met. As a result, we  
1337 recommend approval of these requests subject to the conditions of the staff report.

1338  
1339 This concludes my presentation. If there's any questions I will be happy to answer those.  
1340 Thank you.

1341  
1342 Mr. Bell - Does the staff have any questions? Hearing none we'll move  
1343 on.

1344  
1345 Mr. Gidley - Thank you, Mr. Chair.

1346  
1347 Mr. Bell - The applicant's presentation?

1348  
1349 Mr. Rempe - In this application the applicant concurs with the findings of  
1350 staff and agrees that the conditions of the variance have been met, and requests that the  
1351 Board move forward with granting the variance. The applicant agrees with the conditions.  
1352 The applicant thanks staff for their time and the Board for their time.

1353  
1354 Mr. Blankinship - Mr. Rempe, I was copied on some emails, but I didn't examine  
1355 each one. What's the status with their updated plans?

1356  
1357 Mr. Rempe - I think we have them.

1358  
1359 Mr. Blankinship - Have we received them all? They are not all in the files there.  
1360 So the clear understanding is that measuring from the ultimate right-of-way, from the  
1361 dedication, each house is going to meet the 35-foot front-yard setback.

1362  
1363 Mr. Rempe - Correct.

1364  
1365 Mr. Blankinship - Okay.

1366  
1367 Mr. Bell - Also what -- the other houses that were built out there in the  
1368 past are the same lot size. The only thing now is that we have a new dedication that we  
1369 --

1370

1371 Mr. Rempe - Correct.

1372

1373 Mr. Bell - -- if implemented a different problem.

1374

1375 Mr. Rempe - The lot by itself meets the zoning, but the right-of-way  
1376 dedication being required by the Public Works, it's taking away that square footage.  
1377 Therefore we have to make this request for variances.

1378

1379 Mr. Blankinship - Yes. So the lots are buildable, unless you want to build on  
1380 them.

1381

1382 Mr. Rempe - Right. Exactly. Thank you.

1383

1384 Mr. Bell - Do I hear any other people who are in favor of this? Do I hear  
1385 anybody who's against it? Hearing none we can go to the vote.

1386

1387 Mr. Johnson - I move that we approve the variance subject to the conditions  
1388 recommended by the staff, and these three lots would be buildable lots except the county  
1389 wanted to widen the street. The applicant could combined the three lots into two, but it  
1390 will be unreasonable to require them to loose available lots because of the county's  
1391 additional right-of-way.

1392

1393 The applicant certainly did not create the hardship. The four houses on the right side and  
1394 the six houses across the street are all 50-foot lots. So, there should be no detrimental  
1395 impact and the other tests are met as stated in the staff report. I recommend approval.

1396

1397 Mr. Bell - Do I hear a second?

1398

1399 Mr. Pollard - I'll second the motion.

1400

1401 Mr. Bell - Okay, then.

1402

1403 Mr. Blankinship - Motion to approve and seconded by Mr. Pollard.

1404

1405 Mr. Bell - Is there any discussion? Hearing no discussion, we'll vote it.  
1406 All those in favor say aye. All those opposed. Hearing no opposition, it's approved.

1407

1408 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** application  
1409 **VAR2020-00006 LIBERTY HOMES OF VIRGINIA, INC.'s** request for a  
1410 variance from Section 24-95(b)(6) of the County Code to build a one-family dwelling at  
1411 113 N Rose Avenue (HIGHLAND SPRINGS) (Parcel 825-722-5291) zoned One-Family  
1412 Residence District (R-4) (Varina). The total lot area requirement is not met. The Board  
1413 approved this request subject to the following conditions:

1414

1415 1. This variance applies only to the lot area requirement for one dwelling only. All other  
1416 applicable regulations of the County Code shall remain in force.

- 1417  
 1418 2. Development of the property shall be in general conformance with the improvements  
 1419 shown on the plot plan and building design filed with the application as determined by the  
 1420 Director of Planning. Any additional improvements shall comply with the applicable  
 1421 regulations of the County Code. Any substantial changes or additions to the design or  
 1422 location of the improvements will require a new variance.  
 1423  
 1424 3. Clearing, grading, or other land disturbing activity shall not begin until the applicant has  
 1425 submitted, and the Department of Public Works has approved, an environmental  
 1426 compliance plan.  
 1427  
 1428 4. Any dwelling on the property shall be served by public water and sewer. The  
 1429 builder/developer shall submit plans and execute agreements for the extension of the  
 1430 sewer main and installation of water and sewer services. The builder/developer shall be  
 1431 responsible for installing the facilities shown on the approved plans and associated road  
 1432 repairs.  
 1433  
 1434 5. Any dwelling constructed on the property shall have a brick foundation on all four sides.  
 1435  
 1436 6. A building permit shall be approved by February 28, 2022, or this variance will expire.  
 1437 If the building permit is cancelled or revoked because construction was not diligently  
 1438 pursued, this variance will expire at that time.

1439  
 1440

1441 Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
1442 Negative:		0
1443 Absent:		0

1444  
 1445

1446 Mr. Bell - Now read through the next one?

1447

1448 Mr. Blankinship - Yes. You want to go ahead and at least call a separate vote?  
 1449 If the motions are essentially the same.

1450

1451 Mr. Johnson - I motion that all three lots --

1452

1453 Mr. Bell - Are the same.

1454

1455 Mr. Johnson - Are the same, be approved.

1456

1457 Mr. Pollard - Are we doing them separately?

1458

1459 Mr. Blankinship - Yes. For the record.

1460

1461 Mr. Bell - Do I hear a motion for --?

1462



1463 Mr. Blankinship - Let's call the question on number 7.  
 1464  
 1465 Mr. Bell - Do I hear a motion for --  
 1466  
 1467 Mr. Blankinship - He made it. We can just vote on seven.  
 1468  
 1469 Mr. Green - We just need to vote.  
 1470  
 1471 Mr. Bell - Who made the motion?  
 1472  
 1473 Mr. Blankinship - Mr. Johnson made the motion. Mr. Pollard seconded.  
 1474  
 1475 Mr. Bell - Okay. I didn't hear anything --  
 1476  
 1477 Mr. Blankinship - Sorry. These multiple cases are always a little confusing. We  
 1478 just need to vote on number seven.  
 1479  
 1480 Mr. Bell - All right. All those in favor say aye. All those opposed.  
 1481  
 1482 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** application  
 1483 **VAR2020-00007 LIBERTY HOMES OF VIRGINIA, INC.'s** request for a  
 1484 variance from Section 24-95(b)(6) of the County Code to build a one-family dwelling at  
 1485 111 N Rose Avenue (HIGHLAND SPRINGS) (Parcel 825-722-4686) zoned One-Family  
 1486 Residence District (R-4) (Varina). The total lot area requirement is not met. The Board  
 1487 approved this request subject to the following conditions:  
 1488  
 1489 1. This variance applies only to the lot area requirement for one dwelling only. All other  
 1490 applicable regulations of the County Code shall remain in force.  
 1491  
 1492 2. Development of the property shall be in general conformance with the improvements  
 1493 shown on the plot plan and building design filed with the application as determined by the  
 1494 Director of Planning. Any additional improvements shall comply with the applicable  
 1495 regulations of the County Code. Any substantial changes or additions to the design or  
 1496 location of the improvements will require a new variance.  
 1497  
 1498 3. Clearing, grading, or other land disturbing activity shall not begin until the applicant has  
 1499 submitted, and the Department of Public Works has approved, an environmental  
 1500 compliance plan.  
 1501  
 1502 4. Any dwelling on the property shall be served by public water and sewer. The  
 1503 builder/developer shall submit plans and execute agreements for the extension of the  
 1504 sewer main and installation of water and sewer services. The builder/developer shall be  
 1505 responsible for installing the facilities shown on the approved plans and associated road  
 1506 repairs.  
 1507  
 1508 5. Any dwelling constructed on the property shall have a brick foundation on all four sides.

1509  
1510 6. A building permit shall be approved by February 28, 2022, or this variance will expire.  
1511 If the building permit is cancelled or revoked because construction was not diligently  
1512 pursued, this variance will expire at that time.

1513  
1514  
1515 Affirmative: Bell, Green, Johnson, Pollard, Reid 5  
1516 Negative: 0  
1517 Absent: 0

1518  
1519  
1520 Mr. Blankinship - And then, Mr. Johnson, do you make the same motion for  
1521 case number 8?

1522  
1523 Mr. Johnson - Yes.

1524  
1525 Mr. Blankinship - And, Mr. Pollard, do you second again?

1526  
1527 Mr. Pollard - Yes, sir.

1528  
1529 Mr. Bell - All right. Any discussion? Hearing none, all those in favor say  
1530 aye. Opposed? Hearing none it's been approved.

1531  
1532 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** application  
1533 **VAR2020-00008 LIBERTY HOMES OF VIRGINIA, INC.'s** request for a  
1534 variance from Section 24-95(b)(6) of the County Code to build a one-family dwelling at  
1535 109 N Rose Avenue (HIGHLAND SPRINGS) (Parcel 825-722-4686) zoned One-Family  
1536 Residence District (R-4) (Varina). The total lot area requirement is not met. The Board  
1537 approved this request subject to the following conditions:

1538  
1539 1. This variance applies only to the lot area requirement for one dwelling only. All other  
1540 applicable regulations of the County Code shall remain in force.

1541  
1542 2. Development of the property shall be in general conformance with the improvements  
1543 shown on the plot plan and building design filed with the application as determined by the  
1544 Director of Planning. Any additional improvements shall comply with the applicable  
1545 regulations of the County Code. Any substantial changes or additions to the design or  
1546 location of the improvements will require a new variance.

1547  
1548 3. Clearing, grading, or other land disturbing activity shall not begin until the applicant has  
1549 submitted, and the Department of Public Works has approved, an environmental  
1550 compliance plan.

1551  
1552 4. Any dwelling on the property shall be served by public water and sewer. The  
1553 builder/developer shall submit plans and execute agreements for the extension of the  
1554 sewer main and installation of water and sewer services. The builder/developer shall be

1555 responsible for installing the facilities shown on the approved plans and associated road  
1556 repairs.

1557  
1558 5. Any dwelling constructed on the property shall have a brick foundation on all four sides.  
1559

1560 6. A building permit shall be approved by February 28, 2022, or this variance will expire.  
1561 If the building permit is cancelled or revoked because construction was not diligently  
1562 pursued, this variance will expire at that time.  
1563

1564  
1565 Affirmative: Bell, Green, Johnson, Pollard, Reid 5  
1566 Negative: 0  
1567 Absent: 0  
1568

1569  
1570 Mr. Blankinship - All right. The last case on this morning's agenda is Variance  
1571 2020, number 9.  
1572

1573 **VAR2020-00009** **COLEMAN R. POTTEIGER II** requests a variance from  
1574 Section 24-94 of the County Code to build an addition at 4407 Wistar Road (Parcel 769-  
1575 751-4104) zoned One-Family Residence District (R-3) (Brookland). The rear yard setback  
1576 is not met. The applicant proposes 28 feet rear yard setback, where the Code requires  
1577 40 feet rear yard setback. The applicant requests a variance of 12 feet rear yard setback.  
1578

1579 Mr. Blankinship - Would everyone who intends to speak to this case please  
1580 stand and be sworn in? Raise your right hands, please. Do you swear the testimony  
1581 you're about to give is the truth, the whole truth, and nothing but the truth, so help you  
1582 God? Thank you. Mr. Madrigal?  
1583

1584 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the Board,  
1585 before you is a variance request for a 28-foot rear-yard setback where code requires 40  
1586 feet, to facilitate a remodel and addition to a one-family dwelling.  
1587

1588 This is an amendment to a previous variance approved by the Board on August 22nd of  
1589 last year. The subject one-acre parcel has been in its current configuration since 1933.  
1590 At that time, the lot had no public street frontage, as it was served by a private driveway  
1591 that crossed two of the properties on its way to Wistar Road, approximately 600 feet to  
1592 the north. If you look at the aerial, you can still see that private drive, or roadway here.  
1593

1594 The original dwelling was built in 1937 and measured 25 feet wide by 25-foot deep, with  
1595 a 5-foot porch on its north side. And that was roughly in this area here. In 1951 an  
1596 addition was built along the south side of the home. This addition measured 32 feet wide  
1597 and 15 foot deep, and included a kitchen, bathroom, and bedroom. And that addition  
1598 occurred at this area here.  
1599

1600 In 1960 when the current zoning ordinance took effect, the property consisted of a one-  
1601 acre lot with an 1,100-square-foot home on it. It was non-conforming in two respects. It  
1602 had no public street frontage, and the dwelling was 28 feet distant from the northern  
1603 property line with -- which was technically its front lot line where the code required a  
1604 setback of 40 feet.

1605  
1606 Sprengle Lane was constructed along the southern edge of the lot in 1970. That brought  
1607 the property into conformance relative to the public street frontage requirement. The  
1608 southern lot line is now considered its front lot line for zoning purposes. The home  
1609 remains nonconforming with respect to its rear-yard setback which the code requires to  
1610 be 40 feet.

1611  
1612 The applicant purchased the property in 1992. In 2003 he obtained a building permit for  
1613 an attached 24 by 50-foot garage and new construction at that point bordered the south  
1614 and east sides of the home. So that was the original home. There was an addition that  
1615 occurred here and then the garage was added on, then the porch.

1616  
1617 On August 22, 2019, the Board granted a variance to demolish and rebuild the original  
1618 1937 portion of the home. That variance was justified because the new construction did  
1619 not come any closer to the rear lot-line than the existing dwelling and was necessary to  
1620 replace the old deteriorated floor of the original structure.

1621  
1622 Also, there was no reasonable way to replace that portion of the home in conformance  
1623 with the 40-foot rear-yard setback. During construction the applicant discovered a  
1624 drainage problem in a courtyard between the original portion of the home and the garage.  
1625 And that's this area here.

1626  
1627 Because the courtyard is surrounded on three sides by gabled roofs, rainwater was  
1628 accumulating in the middle of it. Further exacerbating the problem was the grade of the  
1629 lot, sloping from the rear property line towards the house, and not allowing for water to  
1630 drain from the courtyard.

1631  
1632 This situation was the main reason why the floor of the original home rotted away. To  
1633 address the problem Mr. Potteiger built a roof over the courtyard and began framing an  
1634 addition. The building inspector noticed the work was not a part of the original plans, and  
1635 asked Mr. Potteiger to submit revised plans showing this addition. When he submitted  
1636 the revised plans staff could not approve the resubmission because the new construction  
1637 was not part of the August 2019 variance approval, thus he is before the board requesting  
1638 an amendment to that previous approval.

1639  
1640 With respect to the threshold question, because the Board already granted a variance to  
1641 replace the 1937 portion of the home, this case only concerns the enclosure of the 18-  
1642 foot by 30-foot courtyard. Due to the configuration of the existing home, the topography  
1643 of the subject lot and the recent development of property to the north, the subject lot does  
1644 not drain properly. Unless something is done to alleviate the drainage problem, the new  
1645 construction will suffer the same fate as the original building.

1646  
1647 It would be unreasonable to allow Mr. Potteiger to replace the original dwelling, but not  
1648 allow him to enclose the courtyard, because the new construction would inevitably  
1649 deteriorate over time.

1650  
1651 Relative to these five subtests, all have been satisfied as outlined in the staff report and,  
1652 again, I will briefly focus on items 2 and 3. Item number 2, detrimental impact, the new  
1653 construction would be no closer to the rear property line than the original home. It will  
1654 enclose the courtyard and will not have a substantial detrimental impact beyond that of  
1655 the original dwelling and existing garage.

1656  
1657 Item number 3, general and recurring issue. The history of the property is unique. The  
1658 construction of the home in 1937, the additions in '51, the 1970 construction of Sprenkle  
1659 Lane, and the garage addition in 2003 and the development of property to the north in  
1660 2015, all contribute to the need for a variance.

1661  
1662 To conclude, last year the board granted a variance to replace the original home. During  
1663 construction the applicant realized it would be necessary to enclose the courtyard to  
1664 alleviate a serious drainage problem. Enclosing the courtyard would not render it any  
1665 closer to the rear lot line than the original dwelling and it should not have a detrimental  
1666 impact. Based on the facts of the case, staff recommends approval subject to conditions.

1667  
1668 Little long there, but I hope I explained it correctly. And if you have any questions I will  
1669 be happy to answer them.

1670  
1671 Mr. Bell - Any questions? Hearing none we'll go on to the vote.

1672  
1673 Mr. Blankinship - No, the applicant.

1674  
1675 Mr. Bell - The applicant would go on to -- I am pushing things to get out  
1676 of here, I think.

1677  
1678 Mr. Blankinship - In a hurry.

1679  
1680 Mr. Bell - The last three minutes has been out the door for me, I guess.  
1681 But anyway, sorry about that, sir.

1682  
1683 Mr. Potteiger - That's fine. I'm' Coleman Potteiger, P-o-t-t-e-i-g-e-r. Of  
1684 course, I had no idea that I was stepping on toes. Added a little bit because I was just  
1685 out there trying to get the slab ready. It was going to be a patio slab in there and it was  
1686 raining and I'm looking at all this water coming down and that's why I did what I did. But  
1687 other than that it's, you know, hopefully everything he had said and everything will be fine  
1688 for this applicant, this approval. So thank you very much.

1689  
1690 Mr. Bell - Hold on just one second, sir. Any questions? Thank you.

1691

1692 Mr. Blankinship - I'm sorry. Are you going to have to do anything else in that  
1693 rear yard to improve the drainage now?  
1694

1695 Mr. Potteiger - I'm going to have to probably put in, like, a French drain  
1696 around there.  
1697

1698 Mr. Blankinship - Okay.  
1699

1700 Mr. Potteiger - Because it's so close to the -- I've tried grading it, like you've  
1701 seen the one picture there.  
1702

1703 Mr. Blankinship - Right.  
1704

1705 Mr. Potteiger - And it's so close to that six inches from the foundation and,  
1706 like I said, I don't want this to happen again. So I'm going to probably put a French drain  
1707 around there and then run it down the side of my garage that's in the front of the house  
1708 now. And, you know, so it'll help drain that off. And I've already started trimming down  
1709 the driveway that goes around there so the water will go across from there.  
1710

1711 Mr. Blankinship - Okay.  
1712

1713 Mr. Potteiger - So that's really helped out, too. So, yeah.  
1714

1715 Mr. Blankinship - So the roof of your building there -- I'm sorry, can you flip back,  
1716 please? It looks like it's not quite flat but pretty close to flat and sloping down to the rear.  
1717

1718 Mr. Potteiger - Yes.  
1719

1720 Mr. Blankinship - Is that correct?  
1721

1722 Mr. Potteiger - To the driveway and sloping down to the driveway.  
1723

1724 Mr. Blankinship - I'm talking about the new construction.  
1725

1726 Mr. Potteiger - Oh, the new construction.  
1727

1728 Mr. Blankinship - Yeah. I mean, what's shown just with plywood here before  
1729 you get the Tyvek.  
1730

1731 Mr. Potteiger - Right. That's going to be a concrete slab inside.  
1732

1733 Mr. Blankinship - Okay.  
1734

1735 Mr. Potteiger - And then I'm going to start the drainage on the outside edge  
1736 there, going around to the front where you see the porch is on the front of the -- or on the  
1737 side of the house, I should say.

1738  
1739 Mr. Blankinship - Okay. Right. Going back to what's shown with the plywood  
1740 here, the roof of that part of the structure.  
1741  
1742 Mr. Potteiger - Right.  
1743  
1744 Mr. Blankinship - Yes. That looks like it's fairly flat.  
1745  
1746 Mr. Potteiger - It's a 3/12.  
1747  
1748 Mr. Blankinship - Three and 12, okay. And don't --  
1749  
1750 Mr. Potteiger - Yeah. And then I'm going to put the free zone the whole way  
1751 up.  
1752  
1753 Mr. Blankinship - Okay.  
1754  
1755 Mr. Potteiger - I've already talked to the roofer. Now I need to go put the free  
1756 zone, or whatever you call that rubber membrane.  
1757  
1758 Mr. Blankinship - Right.  
1759  
1760 Mr. Potteiger - All the way up and then we're going to put the shingles on  
1761 smaller than five-inch increments up.  
1762  
1763 Mr. Blankinship - Okay.  
1764  
1765 Mr. Potteiger - To make sure that we don't have any drainage problem, you  
1766 know, coming off the roof.  
1767  
1768 Mr. Blankinship - Okay. And then there'll be a gutter along this side with a  
1769 downspout down into a French drain.  
1770  
1771 Mr. Potteiger - Down into a French drain. Yeah.  
1772  
1773 Mr. Blankinship - Down into a French drain. Okay, thank you.  
1774  
1775 Mr. Potteiger - Because there's a lot of water that comes down. Now that I've  
1776 done all the roof, there's a lot of water that goes down in that center and I'm going, oh  
1777 boy, this ain't no good. So that's just one of the things you don't really realize until you  
1778 get going on that.  
1779  
1780 Mr. Blankinship - Right.  
1781

1782 Mr. Potteiger - And, like I said, I thought I was doing okay and then, you  
1783 know, the inspector, thank God, the inspector caught it and stopped work right then so I  
1784 could try to get it straight with the county and all. So appreciate that.  
1785  
1786 Mr. Blankinship - Right. Thank you, Mr. Chair. I just want to make sure I  
1787 understood all those details.  
1788  
1789 Mr. Johnson - Just one more question. In the middle of the house there is a  
1790 concrete -- under the window there. Is that a opening there?  
1791  
1792 Mr. Potteiger -- Oh, the square you see there?  
1793  
1794 Mr. Johnson - Yes.  
1795  
1796 Mr. Potteiger - That's the access to the crawl -- under the crawl space. And  
1797 I've already put a sump pump under the house to drain any water that could be, you know,  
1798 be under there. And I sealed the foundation and all, too, to keep it, you know, keep as  
1799 much water as I could out from in there. But I do have a submergible sump pump in the  
1800 corner with drain tiles all the way around the foundation inside the crawl space.  
1801  
1802 Mr. Johnson - So that has a top to it as well.  
1803  
1804 Mr. Potteiger - Yes. And that's got a drain in it that goes right to the sump  
1805 pump, too. In that, you know, it's going to be concrete floor in there. And the drain in the  
1806 center of it. So water does go down in the access hole part there that will be drained into  
1807 the sump pump and then go out in the French drain with the rest of them.  
1808  
1809 Mr. Johnson - Okay.  
1810  
1811 Mr. Blankinship - Get you generator connected to that pump?  
1812  
1813 Mr. Potteiger - Believe it or not, don't really, It doesn't get that full under there.  
1814 So, it's surprising. I thought it would. I was worried that it would, but it really doesn't.  
1815 Once I get the French drain, because I've got enough area where it slopes down to the  
1816 front of the house. So, if I go that way it's going to be almost draining itself. It won't have,  
1817 you know, the submergible pump won't be working that much.  
1818  
1819 Mr. Blankinship - Okay, good.  
1820  
1821 Mr. Bell - Any more questions? Thank you.  
1822  
1823 Mr. Potteiger - Thank you.  
1824  
1825 Mr. Bell - Anyone else would like to speak? Then we can now move on  
1826 to the vote.  
1827



1828 Ms. Potteiger - I just want to mention this is --  
 1829  
 1830 Mr. Blankinship - I'm sorry. If you're going to speak you need to come up to the  
 1831 microphone and introduce yourself.  
 1832  
 1833 Ms. Potteiger - Just so you know, this one here is my son-in-law, but he lives  
 1834 in the house at the front of the driveway on the dirt road.  
 1835  
 1836 Mr. Blankinship - Oh, okay. And your name is --?  
 1837  
 1838 Ms. Potteiger - Oh, I'm sorry. I'm Virginia Potteiger. I'm Coleman's wife.  
 1839  
 1840 Mr. Blankinship - Thank you.  
 1841  
 1842 Ms. Potteiger - That's all.  
 1843  
 1844 Mr. Blankinship - Okay.  
 1845  
 1846 Mr. Bell - Thank you. So we'll head for the vote?  
 1847  
 1848 Mr. Blankinship - Yes, sir.  
 1849  
 1850 Mr. Bell - I move that we approve the variance subject to the conditions  
 1851 recommended by the staff. And the original dwelling was built in 1937 and last year this  
 1852 board granted a variance to rebuild the portion of the house, but the owner discovered  
 1853 this drainage problem, and the best way to fix it is to enclose the courtyard. It will not  
 1854 come any closer to the rear lot line than the variance we approved last year. The other  
 1855 tests are met, as stated in the staff report. Do I hear a second?  
 1856  
 1857 Mr. Green - Second.  
 1858  
 1859 Mr. Bell - Hearing a second is there any discussion? Hearing no  
 1860 discussion, we'll go ahead and vote. All those in favor of the motion say aye. All those  
 1861 opposed say nay. Motion carried.  
 1862  
 1863 On a motion by Mr. Bell, seconded by Mr. Green, the Board **approved** application  
 1864 **VAR2020-00009 COLEMAN R. POTTEIGER II's** request for a variance from  
 1865 Section 24-94 of the County Code to build an addition at 4407 Wistar Road (Parcel 769-  
 1866 751-4104) zoned One-Family Residence District (R-3) (Brookland). The rear yard setback  
 1867 is not met. The Board approved this request subject to the following conditions:  
 1868  
 1869 1. This variance applies only to the rear yard setback requirement for one dwelling only.  
 1870 All other applicable regulations of the County Code shall remain in force.  
 1871  
 1872 2. Only the improvements shown on the plans for Potteiger Residence Addition prepared  
 1873 by Marcia Powers, Architect, dated 07/09/02 and revised 01/03/2020 may be constructed

1874 pursuant to this approval. Any additional improvements shall comply with the applicable  
1875 regulations of the County Code. Any substantial changes or additions to the design or  
1876 location of the improvements will require a new variance.

1877  
1878 3. The new construction shall match the existing dwelling as nearly as practical in  
1879 materials and color.

1880  
1881 4. Any dwelling on the property shall be served by public water and sewer.

1882  
1883 5. The applicant shall diligently pursue the resubmittal of building permit BLD2019-02014  
1884 submitted on January 3, 2020. If the building permit is cancelled or revoked because  
1885 construction was not diligently pursued, this variance will expire at that time.

1886  
1887

1888	Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
1889	Negative:		0
1890	Absent:		0

1891  
1892

1893 Mr. Bell - All right, we'll go ahead and approve, or not approve, the  
1894 minutes from the last board meeting. Do I hear a motion on the minutes?

1895  
1896 Mr. Johnson - Motion to approve.

1897  
1898 Mr. Bell - All right, Mr. Johnson made a motion, I second that we  
1899 approve the minutes. Any discussion? No discussion. Go ahead and vote. All those in  
1900 favor say aye. All those opposed say nay. The ayes have it. The minutes have been  
1901 approved: the minutes from the last meeting in January.

1902  
1903 On a motion by Mr. Johnson, seconded by Mr. Bell, the Board **approved the minutes of**  
1904 **the January 23, 2020 meeting** of the Board of Zoning Appeals.

1905  
1906

1907	Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
1908	Negative:		0
1909	Absent:		0

1910  
1911

1912 Mr. Bell - Is there any new business?

1913  
1914 Mr. Blankinship - No, sir.

1915  
1916 Mr. Bell - Hearing no new business, then we can go to adjournment.

1917  
1918  
1919

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Mr. Gentry Bell, Chair



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Mr. Benjamin W. Blankinship, Secretary