

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**  
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**  
3 **HENRICO COUNTY GOVERNMENT COMPLEX, ON THURSDAY, JANUARY 27,**  
4 **2000, AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND**  
5 **TIMES-DISPATCH ON JANUARY 6 AND 13, 2000.**  
6

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

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

7  
8 Mr. Kirkland - Welcome to the Board of Zoning Appeals for the month of  
9 January. Before we get started, I would like the Secretary, Mr. Blankinship, to explain  
10 the rules.

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

26  
27 Mr. Kirkland - Mr. Secretary, you may call the first case.

28  
29 **A-153-1999** **Harry L. Bowen** requests a variance from Section 24-41(e) of  
30 Chapter 24 of the County Code to construct a Florida room on the  
31 existing deck at 12013 Heiber Court in Worthington Hills, (Tax  
32 Parcel 56-10-B-5), zoned R-5C, General Residence District  
33 (Conditional) in the Tuckahoe magisterial district. The rear yard  
34 setback is not met.

35  
36 Mr. Kirkland - Before we get to this one, Mr. Secretary, do we have any  
37 deferrals or withdrawals to consider?

38  
39 Mr. Blankinship - I do not know of any, Mr. Chairman, but we did not receive  
40 any receipts for A-10-2000 Shelley L. B. Curry. I don't know whether they brought the  
41 receipts with them or are requesting a deferral.

42  
43 Mr. Kirkland - We'll pass this one by and get back to it shortly. All right,  
44 new cases. Number 1.

45  
46 **A - 1-2000** **Deborah D. Haynie** requests a variance from Section 24-41(e) of  
47 Chapter 24 of the County Code to construct an addition over an  
48 existing deck at 2220 Rocky Point Parkway (Stony Run) (Tax  
49 Parcel 67-5-R-2), zoned RTH, Residential Townhouse District  
50 (Tuckahoe). The rear yard setback is not met. The applicant has 25  
51 feet rear yard setback where the Code requires 30 feet rear  
52 yard setback. The applicant requests a variance of 5 feet rear yard  
53 setback.

54  
55 Mr. Kirkland - Anyone wish to speak on A-1-2000? Yes ma'am. Anyone  
56 else wish to speak on this case? If you would, ma'am, raise your right hand and be  
57 sworn in by the Secretary, please.

58  
59 Mr. Blankinship - Do you swear the testimony you are about to give is the  
60 truth, the whole truth, and nothing but the truth, so help you God?

61  
62 Mr. Kirkland - Would you state your name for the record please.

63  
64 Ms. Haynie - Deborah Diane Haynie.

65  
66 Mr. Kirkland - Have all your notices been turned in according to the County  
67 Code? We have them in the file, just have to enter them in the record. OK, if you  
68 would, state your case.

69  
70 Ms. Haynie - We just wanted to enclose our deck, and we understand we  
71 will probably need to get it approved by Henrico County for the variance. We just would  
72 like to have the additional, not really a Florida room, but enclosed, just a little room. My  
73 husband's been working out of my home and will make it a small office. And I guess it's  
74 not going to be a problem since a woman down the street has done the same thing, but  
75 her variance I guess has been, since her office space is longer, there was no variance  
76 problem there. So we're just kind of doing exactly what she did down the road, and the  
77 townhouse association has approved the plans that we drew up.

78  
79 Mr. Kirkland - Any questions by Board members?

80

81 Mr. Wright - Do you know approximately how far it is to the next nearest  
82 unit in that block?

83

84 Ms. Haynie - The townhouse on the right next to each other, no I don't  
85 know offhand.

86

87 Mr. Blankinship - Do you know what's across the common area?

88

89 Mr. Wright - What's directly behind you?

90

91 Ms. Haynie - Woods or common area.

92

93 Mr. Wright - It is a common area?

94

95 Ms. Haynie - Correct. Right.

96

97 Mr. Wright - Between your unit and the unit to the rear?

98

99 Ms. Haynie - There are trees blocking the two units.

100

101 Ms. Haynie - It's not going to extend down any farther, where it will be an  
102 eyesore, and I don't think anybody in the neighborhood is opposed to it.

103

104 Mr. Nunnally - Ms. Haynie, you say your husband works out of your home,  
105 and what type work does he do.

106

107 Ms. Haynie - He works with computers.

108

109 Mr. Nunnally - You say computer?

110

111 Mr. Kirkland- Anyone else wish to speak on this case? If not, ma'am, that  
112 concludes your case? You can call the Planning Office this afternoon if you don't want  
113 to stay through the whole meeting.

114

115 Ms. Haynie - Thank you.

116

117 Mr. Kirkland - You're welcome. Next case?

118

119 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.  
120 Wright, the Board **granted** the case **A-1-2000**.

121

122 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
123 Negative: 0  
124 Absent: 0  
125

126 The Board **granted** this request, as it found from the evidence presented, that  
127 authorizing this variance of rear yard setback to construct an addition over an existing  
128 deck at 2220 Rocky Point Parkway, subject to the following conditions, will not be of  
129 substantial detriment to adjacent property and will not materially impair the purpose of  
130 the zoning regulations.

131  
132 1. Only the improvements shown on the plan filed with the application may be  
133 constructed pursuant to this approval. Any additional improvements shall comply with  
134 the applicable regulations of the County Code.

135  
136 **A-2-2000**                    **Peter and Cindy English** request a variance from Section 24-94 of  
137 Chapter 24 of the County Code to construct a covered front porch  
138 at 12820 Pennmardel Lane (Foxhall) (Tax Parcel 45-2-B-144),  
139 zoned R-2AC, One-family Residence District (Conditional) (Three  
140 Chopt). The front yard setback is not met. The applicant has 42.12  
141 feet front yard setback where the Code requires 45 feet front yard  
142 setback. The applicant requests a variance of 2.88 feet front yard  
143 setback

144  
145 Mr. Kirkland -                    Anyone else wish to speak on A-2-2000? If not, would you  
146 raise your right hand and be sworn in?

147  
148 Mr. Blankinship -                    Do you swear the testimony you are about to give is the  
149 truth, the whole truth, and nothing but the truth, so help you God?

150  
151 Mrs. English -                    Yes.

152  
153 Mr. Kirkland -                    Would you state your name for the record, please.

154  
155 Mrs. English -                    Cynthia Ann English.

156  
157 Mr. Kirkland -                    Have all your notices been turned in according to the County  
158 Code? Okay, thank you ma'am. Okay, state your case.

159  
160 Mrs. English -                    We're seeking approval of a covered front porch, primarily  
161 for the purpose of when visitors come, that they're not standing out there in the rain  
162 getting soaking wet. And secondarily, for esthetic purposes, so that our door will look a  
163 little different from the two next door. The two next door have flat fronts, and we thought  
164 that adding a covered front porch over the steps would make it appear a little different  
165 from the other two.

166  
167 Mr. Wright -                    Mrs. English, what's located directly across the street from  
168 your property?

169  
170 Mrs. English -                    It's a corner house lot and a street, we're kind of, we face a  
171 turn in the road.

172  
173 Mr. Wright - Where does that house face?  
174  
175 Mrs. English - That house faces, their driveway and side face me, so they  
176 don't face me.  
177  
178 Mr. Wright - So the side of their house would face you, and then they  
179 would face on College Valley Lane? You face on Pennmardell, is that what it is?  
180  
181 Mr. Kirkland - Any other questions?  
182  
183 Mr. Wright - One other question – do you have any picture or any  
184 indication of what this porch would look like?  
185  
186 Mrs. English - It's consistent with the others in the neighborhood. No we  
187 don't have a picture. Many houses, they have a standard porch, but I don't, it's not  
188 large; it's just a stoop covering.  
189  
190 Mr. Wright - Yours is 5 by 9, I take it, which is just slightly bigger than the  
191 ordinance permits.  
192  
193 Mrs. English - Yes, we're over the variance of the lot line slightly.  
194  
195  
196 Mr. Wright - Is there any reason you couldn't build it to the size that  
197 would comply?  
198  
199 Mrs. English - They couldn't push the house back any because it doesn't fit  
200 on the lot back any.  
201  
202 Mr. Wright - What is magic about the size, about this being 5 by 9?  
203  
204 Mrs. English - That's the size of the stairs; it just covers the front stairs.  
205  
206 Mr. Kirkland - Any other questions? Anyone else wish to speak on this  
207 case? If not, that concludes the case. Thank you ma'am.  
208  
209 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
210 Nunnally, the Board **granted** the case **A-2-2000**.  
211  
212 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
213 Negative: 0  
214 Absent: 0  
215  
216 The Board **granted** this request, as it found from the evidence presented, that  
217 authorizing this variance of front yard setback to construct a covered front porch at

218 12820 Pennmardel Lane, subject to the following condition, will not be of substantial  
219 detriment to adjacent property and will not materially impair the purpose of the zoning  
220 regulations.  
221

222 1. Only the improvements shown on the plan filed with the application may be  
223 constructed pursuant to this approval. Any additional improvements shall comply with  
224 the applicable regulations of the County Code.  
225

226 **A-3-2000**                    **Richard F. Carle** requests a variance from Section 24-94 of  
227 Chapter 24 of the County Code to construct a canopy over gasoline  
228 pump islands at 509 Forest Avenue (Westham) (Tax Parcel 113-9-  
229 5-8), zoned B-1, Business District (Tuckahoe). The front yard  
230 setback is not met. The applicant has 3 feet front yard setback  
231 where the Code requires 25 feet front yard setback. The applicant  
232 requests a variance of 22 feet front yard setback.  
233

234 Mr. Kirkland -                    Anyone else wish to speak on A-3-2000? If not, sir, raise  
235 your right hand and be sworn in.  
236

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

240 Mr. Carle -                    I do.  
241

242 Mr. Kirkland -                    State your name for the record please.  
243

244 Mr. Carle -                    Richard Carle.  
245

246 Mr. Kirkland -                    Have all your notices been turned in according to the County  
247 Code?  
248

249 Mr. Carle -                    Yes they have.  
250

251 Mr. Kirkland --                    Okay, thank you sir.  
252

253 Mr. Carle -                    My name is Richard Carle. Texaco is requiring me to make  
254 changes in order to continue to be able to supply businesses. I have been working for  
255 the past six months trying to make these changes. I have the choice between adding  
256 the canopy or closing the station. Adding the canopy in this style would blend with the  
257 neighborhood. The canopy also functions to make the station more comfortable. If the  
258 canopy is not approved, I will have no choice but to change the fascia. I feel the style  
259 and size of the canopy will not be too intrusive on the neighborhood. The size of the  
260 canopy will be 20 feet by 20 feet. There are no houses along Forest Avenue on either  
261 side of the street with access to the street. This is the area enclosed in the circle on the  
262 second map. I have been in Henrico County, both as a homeowner and a  
263 businessman, for the past 28 years, and been a good neighbor. If you have not seen  
264 them, I have pictures of the canopy or what it will look like, but I know mine is much,

265 much smaller. I also have the results of a survey I gave to my customers. Most of them  
266 live in the immediate area, and want me to do whatever is necessary to keep a  
267 neighborhood service station.

268  
269 Mr. McKinney - Mr. Carle, what's your hours of operation?

270  
271 Mr. Carle - Seven till six, and we're not open on weekends, or after 6:00  
272 pm.

273  
274 Mr. McKinney- So this canopy won't have lighting.

275  
276 Mr. Carle - It will have lighting, but maybe 2 hours a day might be all.

277  
278 Mr. McKinney - Thank you.

279  
280 Mr. Wright - Right now you have gasoline pumps sitting where the  
281 canopy will be, is that correct?

282  
283 Mr. Carle - Yes.

284  
285 Mr. Wright - And that's pretty obvious, pretty noticeable from anywhere in  
286 the area, would you remove those pumps and put in new pumps?

287  
288 Mr. Carle - New pumps, I would have to change the pumps but they will  
289 be in the same place as the existing pumps.

290  
291 Mr. Wright - Everything else would be the same except you'll have a  
292 canopy over top of the pumps? You say you have some pictures of the canopy, that we  
293 can take a look at them.

294  
295 Mr. Kirkland - If you turn the pictures in, we have to keep them for 30 days,  
296 just want you to know that. Would you hand them to the Secretary.—we can put them  
297 on the screen if you want him to.

298  
299 Mr. Wright - How many pumps do you have?

300  
301 Mr. Carle - Two.

302  
303 Mr. Wright - So this one has – looks like five, doesn't it?

304  
305 Mr. Carle - Well this pump has five stations; I have one island with two  
306 pumps on it.

307  
308 Mr. McKinney - This one really has ten; they are double pumps.

309

310 Mr. Carle - That was taken at Forest Hill and Buford Road; that was the  
311 only one I saw that had the picture that I thought would go with the neighborhood.

312  
313 Mr. Wright - Do you have the option as to the type of canopy that's  
314 constructed?

315  
316 Mr. Carle - I have the option; I do not like what all the others look like,  
317 the standard black or square-looking sign; I'd like to have something like this that will  
318 blend into the neighborhood.

319  
320 Mr. Kirkland - All right. Any other questions? Anyone else wish to speak  
321 on this case? If not, that concludes the case. Thank you sir.

322  
323 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.  
324 Wright, the Board **granted** the case **A-3-2000**.

325  
326 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
327 Negative: 0  
328 Absent: 0

329  
330 The Board **granted** this request, as it found from the evidence presented, that  
331 authorizing this variance of front yard setback to construct a canopy over gasoline pump  
332 islands at 509 Forest Avenue, subject to the following conditions, will not be of  
333 substantial detriment to adjacent property and will not materially impair the purpose of  
334 the zoning regulations.

335  
336 1. Only the canopy shown on the plan filed with the application may be constructed  
337 pursuant to this approval. Any additional improvements shall comply with the applicable  
338 regulations of the County Code.

339  
340 Mr. Kirkland - Next case sir.

341  
342 **A-4-2000** **Jean Barbara Mallory and Gladys Harris Mallory** request a variance  
343 from Section 24-9 of Chapter 24 of the County Code to build a single  
344 family residence at 2110 Mountain Road (Tax Parcel 42-A-10), zoned  
345 A-1, Agricultural District (Fairfield). The public street frontage is not  
346 met. The applicant has 25.76 feet public street frontage where the  
347 Code requires 50 feet public street frontage. The applicant requests a  
348 variance of 24.24 feet public street frontage.

349  
350 Mr. Kirkland - Anyone else wish to speak on this case? If you wish, sir,  
351 raise your right hand and be sworn in.

352  
353 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
354 truth, the whole truth, and nothing but the truth, so help you God?

355



356 Mr. Mallory - I do.  
357  
358 Mr. Kirkland - Please state your name for the record sir.  
359  
360 Mr. Mallory - Eugene Mallory.  
361  
362 Mr. Kirkland - Have you turned in all your notices, according to the County  
363 Code?  
364  
365 Mr. Mallory - Yes sir.  
366  
367 Mr. Kirkland - Thank you sir. Go ahead and state your case.  
368  
369 Mr. Mallory - We've got about – it's in the family – 5 acres of land, 42-A-  
370 10, and we do not have enough frontage; in fact we just have about 25.76 frontage, and  
371 in reality we need a variance of 24.24 feet of public street frontage. We are requesting  
372 that we could get that amount of frontage to put up a dwelling on the five acres  
373  
374 Mr. Wright - Mr. Mallory, you have enough frontage to get you a driveway  
375 in there off of the road, it looks like.  
376  
377 Mr. Mallory - Oh, he already did. The driveway is existing here. But the  
378 fact that the County required a 50 foot frontage so we want to get a variance in order to  
379 build.  
380  
381 Mr. Kirkland - What type of home do you plan to build there?  
382  
383 Mr. Mallory - It is a single-family.  
384  
385 Mr., Kirkland - Very much like the one that is already on the property?  
386  
387 Mr. Mallory - No. That is a two-story dwelling there and that house was  
388 built in 1896.  
389  
390 Mr. Wright - Have you read the conditions that have been proposed for  
391 this case if it is approved?  
392  
393 Mr. Mallory - Yes.  
394  
395 Mr. Wright - And you are satisfied with those?  
396  
397 Mr. Mallory - Yes, sir.  
398  
399 Mr. Wright - OK, thank you.  
400

401 Mr. Kirkland- Does anyone else wish to speak on the case? Any other  
402 Board members have any comments? If not, that concludes the case, sir. Thank you.

403  
404 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
405 Wright, the Board **granted** the case **A-4-2000**.

406  
407 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
408 Negative: 0  
409 Absent: 0

410  
411 The Board **granted** this request, as it found from the evidence presented, that  
412 authorizing this variance of public street frontage, subject to the following conditions, will  
413 not be of substantial detriment to adjacent property and will not materially impair the  
414 purpose of the zoning regulations.

415  
416 1. This variance only relieves the requirement for public street frontage. Any additional  
417 improvements shall comply with the applicable regulations of the County Code.

418  
419 2. At the time of building permit application, the applicant shall submit the necessary  
420 information to the Department of Public Works to ensure compliance with the  
421 requirements of the Chesapeake Bay Preservation Act and the code requirements for  
422 water quality standards.

423  
424 3. Connections shall be made to public water and sewer.  
425

426 **A-5-2000** **Douglas O. Zeigler** requests a variance from Section 24-94 of  
427 Chapter 24 of the County Code to add a second floor to an existing  
428 garage at 23 Charnwood Road (Roslyn Hills) (Tax Parcel 125-4-G-  
429 12), zoned R-1, One-family Residence District (Tuckahoe). The rear  
430 yard setback is not met. The applicant has 14.3 feet rear yard setback  
431 where Code requires 50.0 feet rear yard setback. The applicant  
432 requests a variance of 35.7 feet rear yard setback.

433 Mr. Kirkland - Does anybody else wish to speak on this case, A-5-000. Would you  
434 raise your right hand and be sworn in?

435  
436 Mr. Blankinship - Do you swear that the testimony you about to give is the  
437 truth, the whole truth and nothing but the truth so help you God?

438  
439 Mr. Doug Ziegler - I do.

440  
441 Mr. Kirkland - State your name for the record, sir.

442  
443 Mr. Ziegler - Doug Ziegler.  
444  
445 Mr. Kirkland - Have all notices been turned in according to the County  
446 Code?  
447  
448 Mr. Ziegler - Yes, sir.  
449  
450 Mr. Kirkland - Thank you. Please state your case.  
451  
452 Mr. Ziegler - Some time ago we had a plan drawn up to add an arts and  
453 craft studio space above our existing two-car garage on the second level. When our  
454 contractor applied for the building permit, we learned that our garage, which is about 25  
455 years old, apparently was not in conformance to a rear-yard setback. We live on a  
456 corner lot which is a bit irregular, but Mr. Blankinship pointed out to us that according to  
457 the Code a setback was required and, I guess, ignored when the garage was built about  
458 25 years ago. So, we've lived in this property for 9 years and we intend to live there a  
459 good deal longer and we'd like to lift this cloud of non-conformance, both for the citing of  
460 the structure as it is now so we can go forward with this plan as the additional space  
461 above the structure.  
462  
463 Mr. Wright- Mr. Ziegler, tell us a little bit about the breezeway that  
464 connects the garage to the house.  
465  
466 Mr. Ziegler - Well, it is just that. The garage is, I guess, a fairly standard  
467 24 foot structure, but there is a breezeway which is totally open on the sides, which is  
468 about a 10 foot wide L-shaped structure which provides cover from the back of the  
469 house into the garage.  
470  
471 Mr. Wright- That is what causes your problem, because under the  
472 County Code without the breezeway you would not have had to get a variance.  
473  
474 Mr. Ziegler - Yes, this is what we've learned and has been revealed to us  
475 has instead of being attached.  
476  
477 Mr. Wright - Could the front of the breezeway be removed?  
478  
479 Mr. Ziegler - Well, if it does \_\_\_\_ structurally, it is very substantial and  
480 things seem to fit and flow together, and frankly, when we bought the house. I guess we  
481 felt that all of this had been properly planned and executed and it was never brought to  
482 our attention by our surveyor on the date we signed for the purchase.  
483  
484 Mr. Wright - The breezeway is open on the side, just a roof with supports.  
485

486 Mr. Ziegler - Yes, it has several pillars supports and everything was kind  
487 of designed to kind of match the house in colonial fashion, but it totally open to the  
488 weather on this side. It has a roof covering only.

489  
490 Mr. Kirkland- Mr. Ziegler, by these architectural drawing we have here by  
491 our staff report, when you add this second floor addition, are you reshaping the roof or  
492 are you using the existing roof slope?

493  
494 Mr. Ziegler - We are, indeed, reshaping the roof. Right now I think it is  
495 what is called a 4-12 standard tress roof configuration and our plan calls for elevating  
496 the peak to a steeper pitch and a cape cod configuration to create usable space where  
497 it does not exist now.

498  
499 Mr. Kirkland- This won't be taller than the house, will it?

500  
501 Mr. Ziegler - Oh, no. Not at all. The gable, you can see in the picture on  
502 the right, that gable end of our house will be exactly duplicated in the new garage  
503 design and the architect, I think, has been very successful in making it look, if anything,  
504 more compatible with the house.

505  
506 Mr. Kirkland - Thank you. Any questions by Board members? Does  
507 anyone else wish to speak on this case? Yes, ma'am. Can you come down and be  
508 sworn in and then you can speak. Would you raise your right hand to be sworn in?

509  
510 Mr. Blankinship - Is the testimony you are about to give the truth, the whole  
511 truth, and nothing but the truth so help you God?

512  
513 Ms. Amy Jo Ziegler - I do. I am Doug's wife and just one brief thing that I wanted  
514 to add. The studio space is very important to us. The way our house is situated we  
515 have no basement. We are on a lower lot. There is no basement, and the way our  
516 house is designed there is not really space very suited for the kind of studio, creative  
517 space, that we wanted above this garage, and so to us, as a family with children who  
518 we'd like to see doing painting and art work and all those good things, this space is real  
519 important because we don't have that in our house. Thank you.

520  
521 Mr. Kirkland - Thank you. Does anyone else wish to speak? If not, that  
522 concludes the case. Thank you, sir.

523  
524 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.  
525 Wright, the Board **granted** the case **A-5-2000**.

526  
527 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
528 Negative: 0  
529 Absent: 0

530

531 The Board **granted** this request, as it found from the evidence presented, that  
532 authorizing this variance to add a second floor to an existing garage at 23 Charnwood  
533 Road, subject to the following condition, will not be of substantial detriment to adjacent  
534 property and will not materially impair the purpose of the zoning regulations.

535  
536 1. Only the improvements shown on the plan filed with the application may be  
537 constructed pursuant to this approval. Any additional improvements shall comply with  
538 the applicable regulations of the County Code.

539  
540 **UP-1-2000**                    **West End Presbyterian Church** requests a temporary use permit  
541 pursuant to Section 24-115(c)(1) of Chapter 24 of the County Code  
542 to erect a temporary office trailer at 9008 Quioccasin Road, tax  
543 parcel 90-8-28. The zoning is B-2, Business District in the  
544 Tuckahoe Magisterial District.

545  
546 Mr. Kirkland -                    Yes, sir. Does anyone else here with to speak on this case?  
547 Would you raise your right hand and be sworn in?

548  
549 Mr. Blankinship -                Do you swear that the testimony you are about to give is the  
550 truth, the whole truth and nothing but the truth so help you God?

551  
552 Mr. Ed Bowman -                I do.

553  
554 Mr. Kirkland -                    State your name for the record.

555  
556 Mr. Bowman -                    I am Ed Bowman. I am Chairman of the Building Committee  
557 for West End Presbyterian Church.

558  
559 Mr. Kirkland -                    Have all of your notices been turned in according to the  
560 County Code?

561  
562 Mr. Bowman -                    Yes, sir.

563  
564 Mr. Kirkland -                    If you will, please state your case.

565  
566 Mr. Bowman -                    We are in the process of a two and a half million dollar  
567 renovation of the interior of the former Best Building at 9008 Quioccasin Road. During  
568 this renovation process, the offices we had in the building are going to have to be  
569 relocated to a temporary office trailer, which is going to set in front of the building in our  
570 parking lot. We are seeking this use permit to try to help expedite the renovation so that  
571 we can get started.

572  
573 Mr. Balfour -                    Do you have any problem with the expiration date that they  
574 have put in there?

575

576 Mr. Bowman - No, sir. We actually anticipate the project ending in  
577 September of this year.

578  
579 Mr. Balfour - What are you going to do, out of curiosity, with the front the  
580 way the building is built?

581  
582 Mr. Bowman - Actually, we think that architecture is significant and actually  
583 we don't plan on doing anything with it.

584  
585 Mr. Blankinship- I was looking at your demolition plan and they are cleaning it  
586 up and repairing the damage that has occurred over a period of time.

587  
588 Mr. Kirkland - Does anyone else have any questions? Does anyone else  
589 wish to speak on this case? If not, that concludes the case.

590  
591 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.  
592 Wright, the Board **granted** the case **UP-1-2000**.

593  
594 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
595 Negative: 0  
596 Absent: 0

597  
598 The Board **granted** a conditional use permit to erect a temporary office trailer at 9008  
599 Quioccasin Road, subject to the following conditions:

600  
601 1. The property shall be developed in substantial conformance with the plan filed  
602 with the application. No changes or additions to the layout may be made without the  
603 approval of the Board of Zoning Appeals.

604  
605 2. At the time of building permit approval, the applicant shall submit a landscaping  
606 plan to the Planning Office for review and approval.

607  
608 3. The trailer shall be removed from the site before January 27, 2001.

609  
610 **UP- 2-2000** **The Crossing Golf Club** requests a use permit pursuant to Section  
611 24-52(k) of Chapter 24 of the County Code to build an addition and  
612 a parking lot at 800 Virginia Center Parkway (Tax Parcel 33-A-66),  
613 zoned A-1, Agricultural District, B-2, Business District, and C-1,  
614 Conservation District (Fairfield).

615  
616 Mr. Kirkland - Does anyone else wish to speak on this case? Would you  
617 raise your right hand and be sworn in, sir?

618  
619 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
620 truth, the whole truth, and nothing but the truth so help you God?

621

622 Mr. Filipowicz - I do. Again, my name is Carl. I am the general manager of  
623 the Crossings.  
624  
625 Mr. Kirkland - Has everyone been notified according to the County Code?  
626  
627 Mr. Filipowicz - Yes.  
628  
629 Mr. Kirkland - Proceed with your case.  
630  
631 Mr. Filipowicz - Well, as I am sure all of you are aware, the Virginia Center,  
632 where we are located, has been kind of a hot bed of development over the last few  
633 years with the addition of apartments, town homes and I think shopping centers, office  
634 complexes, and I think an assisted living center is on its way just now, and with the  
635 boom of golf in the last couple of years, we have found a need to try to improve our  
636 facilities for our customers. That is really the whole purpose of trying to get this permit  
637 through is to improve #1, the look of the club house, improve the, I guess, the use of it.  
638  
639 It would be easier and more efficient for my employees and customers to use the  
640 building, and, quite honestly, within the last couple of years, the golf course has suffered  
641 as a result of not having good rest room facilities, changing facilities at the club house.  
642 That is all our main objective is, is to get that approved. As far as the parking lot is  
643 concerned, that kind of came along in a way to – with the town homes they are building  
644 around the golf course – we would like to kind of maintain the integrity of our entrance,  
645 so we had to come up with a plan that we got from the Cross Point developer, and that  
646 is something we came up with. We are kind of working hand and hand with him as far  
647 as getting that parking lot done that way. We did not really want our entrance to the golf  
648 course to go through the middle of a major town home complex, so we just kind of  
649 butted our heads together and decided to reroute an entrance around it.  
650  
651 Mr. Wright - And have you read the conditions that have been proposed  
652 for this case?  
653  
654 Mr. Filipowicz - Yes. Mostly for the parking lot, I guess, and the lighting.  
655 Yes, they are all agreeable.  
656  
657 Mr. McKinney - Mr. Secretary, is this going to receive a POD?  
658  
659 Mr. Blankinship - No. My understanding is that that would not be necessary.  
660  
661 Mr. McKinney - OK.  
662  
663 Mr. Kirkland - Any other questions of Board members? Is there anyone  
664 else who would like to speak on the case? If not, that concludes the case. Thank you.  
665  
666 Mr. Filipowicz - Thank you.  
667

668 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
669 Balfour, the Board **granted** the case **UP-2-2000**.

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

674  
675 The Board **granted** the conditional use permit to build an addition and a parking lot at  
676 800 Virginia Center Parkway, subject to the following conditions:

677  
678 1. The property shall be developed in substantial conformance with the plan filed  
679 with the application. No changes or additions to the layout may be made without the  
680 approval of the Board of Zoning Appeals.

681  
682 2. The parking lot, driveways, and loading areas shall be subject to the  
683 requirements of Section 24-98 of Chapter 24 of the County Code.

684  
685 3. The applicant shall present a complete grading, drainage, and erosion control  
686 plan prepared by a Professional Engineer certified in the state of Virginia, to the  
687 Department of Public Works for approval. This plan must include the necessary  
688 floodplain information if applicable.

689  
690 4. A detailed landscaping and lighting plan shall be shielded to direct light away  
691 from adjacent property and streets.

692  
693 6. All landscaping shall be maintained in a healthy condition at all times. Dead  
694 plant materials shall be removed within a reasonable time and replaced during the  
695 normal planting season.

696  
697 7. Parking spaces shall be marked on the pavement surface with four inch wide  
698 painted lines. All lane lines shall be white in color, with the exception that those dividing  
699 traffic shall be yellow.

700  
701 8. All traffic control signs shall be fabricated as shown in the Virginia Manual of  
702 Uniform Traffic Control Devices for Streets and Highways.

703  
  
704 **A - 6-2000** Robert P. Gioia requests a variance from Section 24-41(e) of Chapter  
705 24 of the County Code to convert an existing deck to a room at 1700  
706 Logwood Circle (Gayton Forest) (Tax Parcel 78-14-X-18), zoned RTH,  
707 Residential Townhouse District (Tuckahoe). The rear yard setback is  
708 not met. The applicant has 19 feet rear yard setback where the Code  
709 requires 30 feet rear yard setback. The applicant requests 11 feet rear  
710 yard setback.

711



712 Mr. Blankinship - Mr. Chairman, before that begins, I want to point out a  
713 correction to the staff report. The staff member reviewing this case misunderstood an  
714 ambiguity on the plan that was submitted and the applicant called and straightened it  
715 out, but it was too late for us to mail a revised report to you. Under the background  
716 where it says Mr. and Mrs. Gordon own a town house with a 6 x 12 deck, they intend to  
717 replace the deck with a 12 x 23 foot sun room. It should read that they own a town  
718 house with a 12 x 23 deck and the sun room could go over the existing deck, and they  
719 are going to add a 6 x 12 landing to the side of that deck. So, it is not that they are  
720 replacing a small deck with a large sun room. They are replacing a large deck with a  
721 large sun room and adding a landing with stairs and sides.

722  
723 Mr. Balfour - Mr. Blankinship, I know you said the notices are received at  
724 different times but they are not in the file. Have you got them?

725  
726 Mr. Kirkland- Does anyone else wish to speak on this case? If you would  
727 sir, would you raise your right hand and be sworn in.

728  
729 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
730 truth, the whole truth and nothing but the truth so help you God?

731  
732 Mr. Robert Gioia - Robert Gioia.

733  
734 Mr. Kirkland - If you would, sir, state your case.

735  
736 Mr. Gioia - Actually, I'd like to point out to you gentlemen here that our  
737 present deck is not 6 ft. x 12 ft. and it is actually 24 ft. x 10 ft., and other than that I have  
738 nothing further to say.

739  
740 Mr. Wright- What will this new area be used for, Mr. Gioia?

741  
742 Mr. Gioia - A veranda, a Florida room. We will be able to obtain more  
743 day light and sun light and live there in the winter time and have the heat and air  
744 conditioning in the summer time.

745  
746 Mr. Wright- What is located to the rear of your property?

747  
748 Mr. Gioia - We have a lawn, and then a wooded area and the creek,  
749 and more wooded area, so the nearest house behind us is, I'd say, 250 feet away,  
750 behind us, and that area directly behind us is owned by a community group,  
751 condominium town homes.

752  
753 Mr. Kirkland - OK. Any other questions? Does anyone else wish to  
754 speak? If not, thank you, sir. That concludes your case.

755  
756 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.  
757 Wright, the Board **granted** the case **A-6-2000**.

758  
 759 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
 760 Negative: 0  
 761 Absent: 0

762  
 763 The Board **granted** this request, as it found from the evidence presented, that  
 764 authorizing this variance of rear yard setback, subject to the following condition, will not  
 765 be of substantial detriment to adjacent property and will not materially impair the  
 766 purpose of the zoning regulations.

767  
 768 1. Only the improvements shown on the plan filed with the application may be  
 769 constructed pursuant to this approval. Any additional improvements shall comply with  
 770 the applicable regulations of the County Code.  
 771

772 **A-7-2000** Sandston Presbyterian Church requests a variance from Section  
 773 24-96(a) of Chapter 24 of the County Code to build a parking lot at 14  
 774 N. Confederate Ave. (Sandston) (Tax Parcel 164-1-6-1), zoned R-3,  
 775 One-family Residence District (Varina). The parking lot location  
 776 requirement is not met. The applicant has offsite parking where the  
 777 Code requires onsite parking. The applicant requests a variance to  
 778 allow offsite parking.

779  
 780 Mr. Kirkland - Does anyone else wish to speak on this case? If not, would  
 781 you raise your right hand and be sworn in?

782  
 783 Mr. Blankinship - Do you swear the testimony you are about to give is the  
 784 truth, the whole truth, and nothing but the truth, so help you God?

785  
 786 Ms. Laraine Isaac - I do.

787  
 788 Mr. Kirkland - State your name for the record.

789  
 790 Ms. Isaac - Laraine Isaac.

791  
 792 Mr. Kirkland - Have all of your notices been turned in according to County  
 793 Code? We have them. OK, state your case.

794  
 795 Ms. Isaac - Engineering Design Associates was contacted by Sandston  
 796 Presbyterian Church to develop a paving drainage plan in order to develop, to bring an  
 797 existing parking lot up to Code with paving standards at the entrances. That plan was  
 798 submitted to Public Works for approval. It was at this time that it was found that a  
 799 variance was required since the parking is not on the site that the church is on. This  
 800 piece of property has been used as a parking lot for at least 34 years and it has  
 801 apparently been in violation all of that, but it was with the plan that you see before you

802 that triggered the necessity for a variance, and so we are requesting a variance in order  
803 to allow this parking lot not only to remain but to be brought up to County standards. I'd  
804 be happy to answer any questions.

805  
806 Mr. Nunnally- How many spaces are going to be in there, Ms. Isaac?  
807 Parking spaces? Eighteen.

808  
809 Ms. Isaac - All of my information is still at the office. I haven't seen it  
810 since Monday, so I am having to read the plan. I believe it is 36.

811  
812 Mr. Blankinship - Eighteen and 15, it looks like 33.

813  
814 Mr. Nunnally- I know the neighborhood will be happy about this.

815  
816 Ms. Isaac - I would think they would like to see this brought up to Code.

817  
818 Mr. Nunnally- They can park in that lot instead of in front of their house.

819  
820 Mr. Wright - Ms. Isaac, do you know anything about the history of the  
821 church?

822  
823 Ms. Isaac - It was built in the 1940s and there was never any on-site  
824 parking provided with it. This piece of property is across the street from the church  
825 where it originally had a house on it and was the manse for the minister. I don't know at  
826 what time they bought another house within the neighborhood to serve as the  
827 parsonage, and the old house on this lot was eventually torn down, and it was after that  
828 that they started using it for parking

829  
830 Mr. Nunnally - I think it was a very small congregation, Mr. Wright, and I  
831 think it was about 200 to 250 members in the church. Just like all of the rest of them,  
832 about 100 attend on Sunday.

833  
834 Ms. Isaac - Probably Easter Sunday it is overflowing.

835  
836 Mr. Wright - I take it that the congregation has been parking on this lot in  
837 its unpaved condition. Is that correct?

838  
839 Ms. Isaac - Correct. For at least 34 years.

840  
841 Mr. Wright - Has there ever been, that you know of, of any injury to  
842 anyone crossing the road to get to the church?

843  
844 Ms. Isaac - I have no idea. I have talked to people at the church and  
845 that is not a question I asked, nor was anything volunteered to me.

846

847 Mr. Wright- Do you know if this is a heavily traveled street, I guess it is  
848 Union Street, that runs in front of the church.

849  
850 Ms. Isaac - It is a residential street running off of Williamsburg. I can't  
851 give you any numbers, but I would think that the traffic is no more than any other  
852 residential street.

853  
854 Mr. Wright- There would probably be even less on Sunday morning.

855  
856 Ms. Isaac - Probably.

857  
858 Mr. Wright- Have you read the conditions as suggested? Are they  
859 satisfactory?

860  
861 Ms. Isaac - Yes, yes they are.

862  
863 Mr. Kirkland - Any other questions by the Board members? Anyone else  
864 wish to speak on this case? If not, that concludes the case. Thank you ma'am.

865  
866 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.  
867 Wright, the Board **granted** the case **A-7-2000**.

868  
869 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
870 Negative: 0  
871 Absent: 0

872  
873 The Board **granted** this request, as it found from the evidence presented, that  
874 authorizing this variance of parking lot location requirement, subject to the following  
875 conditions, will not be of substantial detriment to adjacent property and will not  
876 materially impair the purpose of the zoning regulations.

877  
878 1. The property shall be developed in substantial conformance with the plan filed  
879 with the application. No changes or additions to the layout may be made without the  
880 approval of the Board of Zoning Appeals.

881  
882 2. The parking lot, driveways, and loading areas shall be subject to the  
883 requirements of Section 24-98 of Chapter 24 of the County Code.

884  
885 3. Parking spaces shall be marked on the pavement surface with four inch wide  
886 painted lines. All lane lines shall be white in color with the exception that those dividing  
887 traffic shall be yellow.

888  
889 4. All traffic control signs shall be fabricated as shown in the Virginia Manual of  
890 Uniform Traffic Control Devices for Streets and Highways.

891

892 5. If deemed necessary by the Department of Public Works, storm drainage shall be  
893 constructed along Confederate Avenue and Union Street.

894  
895 6. A landscaping and lighting plan shall be submitted to the Planning Office for  
896 review and approval. A landscape strip six feet wide shall be provided between the  
897 parking lot and each of the two roads.

898  
899 7. Exterior lighting, if any, shall be shielded to direct light away from adjacent  
900 property and streets.

901

902 **A-8-2000** Thomas H. Bryson, III requests a variance from Section 24-94 of  
903 Chapter 24 of the County Code to build a screened porch over an  
904 existing deck at 10802 Branberry Court (Cross Keys South) (Tax  
905 Parcel 57-10-B-7), zoned R-3, One-family Residence District (Three  
906 Chopt). The rear yard setback is not met. The applicant has 30 feet  
907 rear yard setback where Code requires 40 feet rear yard setback. The  
908 applicant requests a variance of 10 feet rear yard setback.

909  
910 Mr. Kirkland - Anyone else wish to speak on this case? If not, ma'am, raise your right  
911 hand and be sworn in.

912  
913 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
914 truth, the whole truth, and nothing but the truth, so help you God?

915  
916 Mr. Kirkland - State your name for the record, please.

917  
918 Ms. Bryson - I'm Pamela S. Bryson, wife of Thomas Bryson. Several  
919 years ago we had applied for a variance to have a screened porch built at the back of  
920 our house, and what we're asking for now, is we want to enclose that screened porch  
921 and make a Florida room, which when we applied for a building permit, I think we could  
922 have done what we wanted to and make a screened porch over our existing deck, and  
923 because of the rules, I think that's why we have to ask for a variance, not to change the  
924 sides of the deck we have now, just leave it the same.

925  
926 Mr. Wright- So you have a porch now?

927  
928 Ms. Bryson - Yes, a screened porch now, but we want to change to a  
929 Florida Room.

930  
931 Mr. Wright- You just want to close in the porch to a Florida Room?

932

933 Ms. Bryson - Right, and I don't think a variance is required for that; the  
934 builder told us that when you add a room over the deck because the setback is not met,  
935 you have to get a variance for that.

936  
937 Mr. Wright- So you're going to close in the deck also?

938  
939 Ms. Bryson - We're going to make the deck a screened porch.

940  
941 Mr. Wright- What's located to the rear of the property?

942  
943 Ms. Bryson - Just a privacy fence; we have a 50-foot privacy fence.

944  
945 Mr. Wright- Any screening, trees or shrubbery?

946  
947 Ms. Bryson - Yes, we have – I think you can see in the picture there – it's  
948 not a solid row of trees, but we have a good amount of trees.

949  
950 Mr. Kirkland - Any other questions? Anyone else wish to speak on this  
951 case? If not, that concludes the case, ma'am.

952  
953 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.  
954 McKinney, the Board **granted** the case **A-8-2000**.

955  
956 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
957 Negative: 0  
958 Absent: 0

959  
960 The Board **granted** this request, as it found from the evidence presented, that  
961 authorizing this variance of rear yard setback will not be of substantial detriment to  
962 adjacent property and will not materially impair the purpose of the zoning regulations,  
963 and subject to the following condition:

964  
965 1. Only the improvements shown on the plan filed with the application may be  
966 constructed pursuant to this approval. Any additional improvements shall comply with  
967 the applicable regulations of the County Code.  
968

969 **A-9-2000** **Geoffrey S. Simril** requests a variance from Sections 24-95(k) and  
970 24-95(c)(1) of Chapter 24 of the County Code to build an addition at  
971 420 Beechwood Drive (Westham) (Tax Parcel 113-9-9-29), zoned R-  
972 1, One-family Residence District (Tuckahoe). The minimum side yard  
973 setback and total side yard setback are not met. The applicant has 3  
974 feet minimum side yard setback and 22.1 feet total side yard setback  
975 where the Code requires 10 feet minimum side yard setback and 29.1

976 feet total side yard setback. The applicant requests a variance of 7 feet  
977 minimum side yard setback and 7.0 feet total side yard setback  
978

979 Mr. Kirkland - All those who wish to speak on this case, please raise your right hand  
980 and be sworn in.

981  
982 Mr. Blankinship - Do you swear the testimony you are about to give is the  
983 truth, the whole truth and nothing but the truth, so help you God?  
984

985 Mr. Kirkland - If you would, state your name for the record.  
986

987 Mr. Moore - Yes, Mr. Chairman, my name is Glenn Moore, and I'm an  
988 attorney here today representing my friends, Geoff and Patsy Simril, in connection with  
989 this variance request. Mr. Simril advises me that he has notified all the adjacent  
990 property owners, and I believe the proof of the notification is in the file.  
991

992 Mr. Kirkland - Yes, we have it in the file.  
993

994 Mr. Moore - The Simril family is growing, and they have determined that  
995 they need additional space in their home for the growing family. They are very fond of  
996 the neighborhood in which they currently live and do not wish to move; therefore, they  
997 want to build an addition to their house to accommodate the additional space need.  
998 You can see on the screen, there, this will kind of show you, to demonstrate, an addition  
999 to the family room is proposed on the south side of the house, which is on the shaded  
1000 area on the right front of the house, for which no variance is necessary.  
1001

1002 The bedroom addition proposed to the north side of the house toward Westham  
1003 Parkway, or the larger shaded area that you see on the screen, will require the  
1004 requested variance. The bedroom area of this ranch-style home is at its north end,  
1005 where the addition for the new bedroom and bath is proposed, and this is a fairly  
1006 standard type of ranch home, where you have a hall with a bedroom off either side of  
1007 the hall, and this is the bedroom area of the house, and it is the logical place for the  
1008 additional bedroom area. As the site plan indicates, I think you can probably see this  
1009 from the plan, the maximum encroachment in the side yard area is slightly over five feet,  
1010 it's about 5.7 feet. You should note also that approximately half of the addition will not  
1011 encroach in the side yard at all; it will, in fact, be set back more than the setback  
1012 distance. So on average, the addition's encroachment in the setback area is very slight,  
1013 probably less than a foot.  
1014

1015 Please note that there is an existing evergreen hedge on what previous photographs  
1016 will show. Also, I'll give you additional photographs that show this hedge that provides  
1017 an effective screen for the addition from Westham Parkway. You will also note, that in  
1018 addition to the hedge, there is a significant ditch between Westham Parkway and the  
1019 addition, which will also serve as a barrier. As we've noted, the neighboring property  
1020 owners have been advised of the variance request, and we know of no opposition to the  
1021 request from these neighbors, and in fact a number have signed a letter in support of  
1022 the variance request, which I believe you will find in the file.

1023  
1024 We submit that special conditions exist in this instance, so that a literal enforcement of  
1025 the zoning ordinance will result in unnecessary hardship to Mr. and Mrs. Simril. The  
1026 side yard setback is generally intended to protect the building encroachment from an  
1027 immediately adjacent neighbor. In this instance, the adjoining neighbor is not  
1028 immediately adjacent, but rather is separated from the addition by Westham Parkway,  
1029 which is a minor connected roadway on the County's major thoroughfare plan.  
1030 Additionally, Westham Parkway, we feel, is not likely to be widened in the future, and  
1031 the addition will still be approximately fifteen feet from the pavement, and will have a  
1032 significant evergreen hedge, providing additional separation. The Simrils acquired the  
1033 property in good faith. not knowing at the time that the house was purchased, that the  
1034 addition would be necessary to serve the family needs. Strict application of the  
1035 requirements of the zoning ordinance for the side yard setback requirements would  
1036 unreasonably restrict the Simrils from adding a bedroom addition at the logical location  
1037 for such an addition.

1038  
1039 For all the foregoing reasons, we would ask the Board to acknowledge the special  
1040 conditions relating to the property, and to grant the request for a variance to avoid  
1041 hardship for the Simrils in trying to accommodate a needed addition to their residence,  
1042 where strict compliance with the side yard requirements of the zoning ordinance is not  
1043 necessary to protect the adjoining owners. The suggested condition recommended by  
1044 the staff is acceptable, and we would be happy to answer any questions that the Board  
1045 members may have.

1046  
1047 Mr. McKinney- Mr. Moore, has this already been started?

1048  
1049 Mr. Moore - The addition on the right hand side for the family room,  
1050 which does not require a variance, has been started.

1051  
1052 Mr. Wright- Mr. Moore, what's located across Westham Parkway from  
1053 the residence bedroom addition?

1054  
1055 Mr. Moore - There's a residence that faces on an angle, I would say.

1056  
1057  
1058 Mr. Simril- That's the residence occupied by the Jones's, and in the  
1059 picture, the side of their house faces Westham Parkway, and the front of their house  
1060 faces primarily on Beechwood, but it's practically at an angle on the corner. The  
1061 Jones's are among the signatories in the letter of the neighbors who were canvassed.  
1062 Mr. Chairman, we sent the letter to all the neighbors.

1063  
1064 Mr. Wright- My point is that the addition would not face the residence on  
1065 the corner, which is at an angle.

1066  
1067 Mr. Moore- You're also aware that Westham Parkway is a fairly major  
1068 roadway.



1069  
1070 Mr. Kirkland - Any other questions by Board members of Mr. Moore?  
1071 Anyone else wish to speak on this case? That concludes the case. Thank you.  
1072  
1073 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.  
1074 Wright, the Board **granted** the case **A-9-2000**.  
1075  
1076 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1077 Negative: 0  
1078 Absent: 0  
1079  
1080 The Board **granted** this request, as it found from the evidence presented, that  
1081 authorizing this variance of minimum side yard setback and total side yard setback, will  
1082 not be of substantial detriment to adjacent property and will not materially impair the  
1083 purpose of the zoning regulations, and subject to the following condition:  
1084  
1085 1. Only the improvements shown on the plan filed with the application may be  
1086 constructed pursuant to this approval. Any additional improvements shall comply with  
1087 the applicable regulations of the County Code.  
1088  
1089 **A-10-2000 Shelley L. B. Curry** requests a variance from Section 24-95(i)(2) of  
1090 Chapter 24 of the County Code to build a detached garage at 6501  
1091 Poplar Spring Road (White Oak Estates) (Tax Parcel 197-5-1-3),  
1092 zoned A-1, Agricultural District (Varina). The accessory structure  
1093 location is not met. The applicant has an accessory structure in the  
1094 front yard where the Code allows an accessory structure in the rear  
1095 yard. The applicant requests a variance for an accessory structure in  
1096 the front yard.  
1097  
1098 Mr. Kirkland - Okay. No one else, I guess, to speak on this case? If you  
1099 would, raise your right hand and be sworn in.  
1100  
1101 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
1102 truth, the whole truth, and nothing but the truth, so help you God?  
1103  
1104 Ms. Curry - Yes I do.  
1105  
1106 Mr. Kirkland - Do we have the notices?  
1107  
1108 Ms. Curry - Yes, I do, and let me explain one thing. The reason I did  
1109 this, where I work, for a legal firm, and we consider these our receipts, and my  
1110 neighbors didn't mail these to me at the post office, I mean one I got last week and one I  
1111 just got Saturday, so that's why, do I have everything for sure.  
1112  
1113 Mr. Blankinship- You do okay.  
1114

1115 Mr. Kirkland- If you would, state your name.  
1116  
1117 Ms. Curry - Yes, my name is Shelly Leah Baker Curry  
1118  
1119 Mr. Kirkland - Do you wish to speak, sir?  
1120  
1121 Mr. Curry - She's with me – moral support.  
1122  
1123 Ms. Curry - My husband and I wish to build a detached garage.  
1124 Originally when we built our home, well, Portugee Road now lies with not the existing  
1125 location on it. They re-routed Portugee Road, the water main, the whole thing. So the  
1126 County came through, and they purchased a portion of our property that lies in the  
1127 south Portugee Road flood easement. At the time of that purchase, I inquired whether  
1128 we would still be able to build a detached garage later in the future, and the gentleman  
1129 who we dealt with was Mr. Byrd, and he told us that we could.  
1130  
1131 So three years have gone by now, and we decided that we wanted to build our garage,  
1132 went to the Planning and Zoning, ran through your entire building in one day and got the  
1133 whole thing signed off on and got the building permit approved. The problem that we're  
1134 having now is, we're told that our property is a reverse corner lot, which they put a stop  
1135 to the whole thing going on. We've got the footing dug and poured, and the brick and  
1136 block is already delivered, and we're waiting.  
1137  
1138 A key thing to know, though, is we are lot 3, and my husband and I, back in August,  
1139 purchased lot 4 from Robert and Lettie Muncy. That is our property; no, we have not  
1140 merged the two, but we have no intent on selling. Now, when I applied for a variance, I  
1141 was told that I could apply for a merging of the two, but it would probably take about the  
1142 same amount of time for this hearing to be heard today as for the approval of the  
1143 merging, so I said we'll go ahead and go through the variance since I've already started  
1144 that paperwork. We're not selling lot 4; we're keeping it. I like neighbors, but I don't  
1145 want any, so I have no intention of selling it to have anybody move around us. Our  
1146 neighbors, we only really have two at this time, the Shiflets, who are directly across  
1147 Portugee Road, who are actually on the corner of Memorial and Portugee, and then our  
1148 neighbors who are in lot 2, who are Tim and Sue Kazar, and they also do not have a  
1149 problem with it.  
1150  
1151 Mr. Wright- You own lot 1?  
1152  
1153 Ms. Curry - I own lot 3, which is a corner lot; my husband and I own lot  
1154 3, and we purchased lot 4, which is directly behind us.  
1155  
1156 Mr. Nunnally- How long have you been at this location?  
1157  
1158 Ms. Curry - Three years we built that house. Yes sir, we moved in  
1159 October 16 of 1996.  
1160

1161 Mr. Kirkland- Mr. Blankinship, this little triangle that's been left over from  
1162 when they re-routed Portugee Road – who owns that?  
1163  
1164 Mr. Blankinship - I believe it's shown as being in the right-of-way.  
1165  
1166 Mr. Kirkland- So the right-of-way is right up against their property?  
1167  
1168 Mr. Blankinship- Right, the old right-of-way and the new right-of-way; the  
1169 County would retain ownership of that.  
1170  
1171 Mr. Nunnally- And what size garage is this going to be?  
1172  
1173 Ms. Curry - 24 by 35 feet – a 3-car garage. It's a two-story garage; it's  
1174 referred to as a carriage garage, a carriage shed, which looks like a Cape Cod, looks  
1175 like our house.  
1176  
1177 Mr. Kirkland- Looks like it's going be brick?  
1178  
1179 Ms. Curry - No sir, it's going to match our home, and it's going to be vinyl  
1180 siding.  
1181  
1182 Mr. Wright- What's going to be located by the stairs?  
1183  
1184 Ms. Curry - He refers to it as a "man's room."  
1185  
1186 Mr. Wright- The dog house? Do you all intend to carry on any business  
1187 out there?  
1188  
1189 Ms. Curry - Oh, no sir.  
1190  
1191 Mr. Kirkland - Any other questions? All right, well, if no other questions,  
1192 that concludes the case.  
1193  
1194 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.  
1195 Wright, the Board **granted** the case **A-10-2000**.  
1196  
1197 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1198 Negative: 0  
1199 Absent: 0  
1200  
1201 The Board **granted** this request for a variance of accessory structure location, as it  
1202 found from the evidence presented that authorizing this variance will not be of  
1203 substantial detriment to adjacent property, and will not materially impair the purpose of  
1204 the zoning regulations, and subject to the following condition:  
1205

1206 1. Only the improvements shown on the plan filed with the application may be  
1207 constructed pursuant to this approval. Any additional improvements shall comply with  
1208 the applicable regulations of the County Code.

1209  
1210 Mr. Chairman, since that's the last case, I make a  
1211 motion.....

1212  
1213 Mr. Kirkland - Let's call about the passed one – how about that?

1214  
1215 Mr. Blankinship - Right, 153, well there's still nobody here.....

1216  
1217 **A-153-1999** **Harry L. Bowen** requests a variance from Section 24-41(e) of  
1218 Chapter 24 of the County Code to construct a Florida room on the  
1219 existing deck at 12013 Heiber Court, Worthington Hills (Tax Parcel  
1220 56-10-B-5), zoned R-5C, General Residence District (Conditional)  
1221 in the Tuckahoe magisterial district. The rear yard setback is not  
1222 met.

1223  
1224 Mr. Kirkland - Anyone here wish to speak on this case? They had that  
1225 long to walk in. Okay, do I have a motion to defer?

1226  
1227 Mr. Blankinship - It has been deferred.

1228  
1229 Mr. Kirkland - Okay, do I have a motion to withdraw without prejudice?

1230  
1231 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.  
1232 Wright, the Board **allowed the applicant to withdraw this application without**  
1233 **prejudice.**

1234  
1235 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1236 Negative: 0  
1237 Absent: 0

1238  
1239 Mr. Kirkland - Okay, now we'll go to the end if you like.

1240  
1241 Other business before the Board? I see we have the dates here – did everyone get a  
1242 chance to look over the dates for this year? Does anyone have any problems? Mr.  
1243 McKinney, Mr. Balfour, Mr. Nunnally? Just want to make sure everyone had seen that  
1244 in their packet. Now here we go with a barrel of minutes.

1245  
1246 Let's have a motion to approve the calendar for this year.

1247  
1248 On a motion by Mr. Wright, seconded by Mr. McKinney, the Board **approved** the  
1249 Henrico County Board of Zoning Appeals meeting schedule for 2000.

1250  
1251 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

1252 Negative: 0  
1253 Absent: 0  
1254  
1255 Okay, the dates are set.  
1256  
1257 **Approval of Minutes**  
1258  
1259 On a motion by Mr. Wright, seconded by Mr. Balfour, the Board **approved** the August  
1260 26, 1999 Minutes of the Henrico County Board of Zoning Appeals meeting.  
1261  
1262 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1263 Negative: 0  
1264 Absent: 0  
1265  
1266 Mr. Kirkland - That's it – September?  
1267  
1268 On a motion by Mr. Balfour, seconded by Mr. Nunnally, the Board **approved** the  
1269 September 23, 1999 Minutes of the Henrico County Board of Zoning Appeals meeting.  
1270  
1271 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1272 Negative: 0  
1273 Absent: 0  
1274  
1275 On a motion by Mr. Balfour, seconded by Mr. Nunnally, the Board **approved** the  
1276 October 28, 1999 Minutes of the Henrico County Board of Zoning Appeals meeting.  
1277  
1278 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1279 Negative: 0  
1280 Absent: 0  
1281  
1282  
1283 On a motion by Mr. , seconded by Mr. , the Board  
1284 adjourned until February 24, 2000.  
1285  
1286  
1287  
1288  
1289  
1290  
1291