

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 JANUARY 22, 2026 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED**
5 **IN THE *RICHMOND TIMES-DISPATCH* JANUARY 5, 2026 AND JANUARY 12, 2026.**
6

7
8 Members Present: Barry R. Lawrence, Chair
9 John R. Broadway, Vice-Chair
10 Terone B. Green
11 Walter L. Johnson, Jr.
12

13 Member Absent: Joseph S. Massie, III
14

15 Also Present: Benjamin Blankinship, Secretary
16 Paul M. Gidley, County Planner
17 Sara Rozmus, County Planner
18 Kayla Shelton, Accounting Clerk
19
20
21

22 Mr. Lawrence - Good morning, and welcome to today's meeting of the
23 Henrico County Board of Zoning Appeals. This is Thursday, January 22, 2026. For those
24 who are able, will you please stand and join us in the Pledge of Allegiance.
25

26 **[Recitation of Pledge of Allegiance]**
27
28

29 Mr. Lawrence- Mr. Blankinship, it is now time to read our rules.
30

31 Mr. Blankinship- Good morning, Mr. Chair, members of the board. Good
32 morning to everyone in the room with us today. I'd also like to welcome those who are
33 joining us remotely on Webex. If you wish to observe the meeting, but you do not intend
34 to speak, welcome and thank you for joining us. For those of you on Webex who would
35 like to speak, we need to know that in advance so we can connect you at the appropriate
36 time. So, if you are an applicant or if you have questions or comments on one of the
37 cases, please press the chat button now. It's located in the bottom right corner of the
38 screen, and when the chat window opens, please select Janaya Poarch from the list of
39 participants and let her know your name and which case you're interested in. The chat
40 feature will only be used to identify speakers, so please do not type questions or
41 comments into a chat, but please send a chat to Janaya Poarch now. For those of us in
42 the room, as the Secretary I will call each case. We will ask everyone in the room who
43 intends to speak to that case to stand and be sworn in. Then a member of the Planning
44 Department's staff will give a brief presentation, and then the applicant will give their
45 presentation. Then anyone else who wishes to speak will be given the opportunity. We'll
46 hear from those in the room first and then from those on Webex. After everyone has had

a chance to speak, the applicant and only the applicant will have an opportunity for rebuttal. This meeting is being video recorded, and we will be transcribing minutes. So, we'll ask everyone who speaks in the room to speak directly into the microphone on the podium there in the back of the room there. We ask you to state your name, and please spell your last name so we get it correctly in the record. And of course, once your case is over, you're free to leave, there's no need for you to stay until the end of the meeting. Mr. Chair, I received an email early this morning from Mr. Massie stating that he was unexpectedly called into court this morning, so he cannot be with us. He did state in the email, and I'll state it on the record, that he said he had reviewed all the staff reports and that he was in concurrence with the staff recommendation on the three cases that are in the Fairfield District.

Mr. Lawrence- Thank you.

Mr. Blankinship- Under the Code of Virginia, for the board to rule in favor of an applicant or an appellant, there must be three affirmative votes. Because we have one member absent today, if anyone wants to defer your case until next month if you think that will give you a better opportunity to secure the third vote, you are of course free to do so.

CUP-2025-102969: Taylor Combs: conditional use permit to keep up to six hens in the rear yard at 9709 Hastings Mill Drive, Brittany, Brookland. Parcel 765-761-4871. Zoning: R-2AC, One-Family Residence District (Conditional). Code Section: 24-4420.G.

Mr. Blankinship- With that, Mr. Chair, we have one case withdrawn this morning. That is **CUP-2025-102969** Taylor Combs: conditional use permit to keep up to six hens in the rear yard at 9709 Hastings Mill Drive, in the Brittany subdivision, in the Brookland Magisterial District. Is there anyone here this morning who wanted to address that case? Okay, good. That case has been withdrawn and will not be on the agenda.

Mr. Lawrence- Just for the record, Mr. Blankinship, I believe you said the withdrawal request came as a result of the applicant discovering a restrictive covenant that prohibited fowl on her property?

Mr. Blankinship- Yes, sir, that's correct.

CUP-2025-102551: Mauricio Linares: conditional use permit to keep up to six hens in the rear yard at 2815 Dellrose Avenue, Hermitage Park Addition, Fairfield. Parcel 777-746-4534. Zoning: R-4, One-Family Residence District. Code Section: 24-4420.G.

Mr. Blankinship- We also have one request for deferral, which is **CUP-2025-102551**. I'm just going to double check my notes. Yes. That is Mauricio Linares: conditional use permit to keep up to six hens in the rear yard at 2815 Dellrose Avenue, in the Hermitage Park Addition subdivision, in the Fairfield Magisterial District. Is there anyone in the room

who is here this morning to speak to that case? Is there anyone who is opposed to deferring the case? Okay, Mr. Chair, as I mentioned this is in the Fairfield District and Mr. Massey included in his email a statement that he was in favor of that outcome, so a motion would be in order.

Mr. Lawrence- Okay, so do we have a motion for that case? Could we have a motion by Mr. Johnson to defer this case?

Mr. Johnson- So moved.

Mr. Broadway- Second.

Mr. Lawrence- What date would that be?

Mr. Blankinship- That would be February 26, 2026.

Mr. Lawrence- To the February 26th meeting.

Mr. Lawrence- There is a second from Mr. Broadway. All in favor of that motion say "Aye."

Board- Aye.

Mr. Lawrence- Any opposition? That motion carries.

On a motion by Mr. Johnson, seconded by Mr. Broadway, the Board **deferred case CUP-2025-102551 until the February 26, 2026 hearing.**

Affirmative:	Broadway, Green, Johnson, Lawrence	4
Negative:		0
Absent:	Massie	1

CUP-2025-102351 Joel Estrada: conditional use permit to build a detached accessory dwelling unit at 10726 Greenwood Road, Fairfield. Parcel 778-767- 4776. Zoning: A-1, Agricultural District. Code Section: 24-4406.

Mr. Blankinship- Okay, then we can begin at the top of the agenda. The first case to be heard this morning is **CUP-2025-102351** Joel Estrada: conditional use permit to build a detached accessory dwelling unit at 10726 Greenwood Road, in the Fairfield Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. There is no one on Webex and the applicant is not present. Oh, you are here. Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hand please. Do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth, so help you God? Thank you. Mr. Gidley.

139
140 Mr. Gidley- Thank you, Mr. Secretary. Good morning, Mr. Chair, members of the
141 board. The subject property is located on the southern line of Greenwood Road across
142 from the Greenwood Glen subdivision. It is a 4.37-acre parcel that extends back to
143 Interstate 295. As you can see, there's an existing residence on the site. In addition, the
144 applicant would like to construct an accessory dwelling unit off the back, right hand corner
145 of the house. The proposed ADU would contain a total of 660 square feet, just shy of the
146 maximum allowed of 663 square feet. This view of the floor plan here. As noted in the
147 staff report, the case was deferred in October as there were a number of zoning violations
148 on the property, mostly regarding storage associated with the applicant's landscape
149 contracting business. The applicant has done a good job in addressing these violations
150 and the property is much cleaner. A travel trailer that was on the site and that appeared
151 to be occupied has also been removed from the property. Moving forward, staff does not
152 anticipate any detrimental impact from the proposed ADU. It would be located in the rear
153 yard, almost one hundred feet from Greenwood Road. This is looking towards the side
154 property line, and as and as you can see there are woods over there, and the neighbors
155 are quite distant. And finally, the ADU would be used to house an elderly family member.
156 As a result, staff does not anticipate any significant detrimental impact from this request.
157 We can recommend approval of this request, subject to the conditions in your staff
158 reports. If you have any questions, I'll be happy to answer those.

159
160 Mr. Lawrence- Thank you, Mr. Gidley. Does anyone from the board have any
161 questions for Mr. Gidley before we hear from the applicant? Okay, hearing none we will
162 hear from the applicant.

163
164 Mr. Blankinship- Someone needs to address the board on behalf of the applicant. Can
165 you tell us your name, please? Can you get closer to the microphone, please? We can't
166 hear you.

167
168 Mr. Estrada- My name is Joel Estrada and her name is Veronica Sarato. And my son is
169 Joel Junior.

170
171 Mr. Blankinship- Alright, can you give us a brief explanation of what you're doing?

172
173 Mr. Gidley- Can he spell the lady's name too, please?

174
175 Mr. Blankinship- Oh I'm sorry. Ma'am, could you please spell your name?

176
177 Ms. Serrato- My name?

178
179 Mr. Blankinship- Yes.

180
181 Ms. Serrato- Veronica

182
183 Mr. Blankinship- Your last name.

185 Ms. Serrato- Oh, Serrato.
186
187 Mr. Blankinship- Thank you. Alright, go ahead.
188
189 Mr. Estrada- Additionally, what they're going to do is they're going to make a home
190 addition in the back right side of the house.
191
192 Mr. Lawrence- What's your name sir?
193
194 Mr. Estrada- I'm Joel Jr.
195
196 Mr. Lawrence- Joel Jr, okay.
197
198 Mr. Blankinship- Alright. And why are they building this?
199
200 Mr. Estrada- To house my grandma.
201
202 Mr. Lawrence- Yeah, and I understand, Mr. Gidley, there were some issues like we
203 discussed in the last meeting about commercial vehicles being on the property, etc. Some
204 zoning violations and you've indicated that those have been addressed?
205
206 Mr. Gidley- Yes sir.
207
208 Mr. Lawrence- Okay, I just had one question for Mr. Estrada Jr. You understand that
209 there is a prohibition on commercial uses on this property, so if this board approves the
210 conditional use permit for the accessory dwelling, you will not be able to store commercial
211 trailers or run any sort of commercial enterprise on the property. And you're willing to
212 comply with that condition?
213
214 Mr. Estrada- Yes sir.
215
216 Mr. Lawrence- Alright, thank you. Does anyone else on the board have any
217 questions of the applicant? I guess we're ready to hear from the public. Is there anyone
218 here that wishes to speak either in person or on Webex, in support or opposition to this
219 case? Is there anyone on Webex?
220
221 Mr. Blankinship- Not for this case. No, sir.
222
223 Mr. Lawrence- Anyone wish to speak? Okay. Hearing no one in the audience or on
224 Webex, is there a motion on this case?
225
226 Mr. Blankinship- I have the draft here if anyone is interested.
227
228 Mr. Green- I move that we approve the conditional use permit, subject to the
229 conditions recommended by the staff. It is consistent with the Comprehensive Plan and
230 the Zoning Ordinance. This is a four-acre lot, so there is room for more than one dwelling.

It will be two hundred feet from the neighboring dwellings, so it would not have a substantial impact on them, and as Mr. Blankinship said, Mr. Massie reviewed it and didn't have any problems with this issue.

Mr. Lawrence- motion? Okay, we have a motion from Mr. Green. Is there a second to that

Mr. Johnson- Second.

Mr. Lawrence- Mr. Johnson seconded the motion. All in favor say "Aye."

Board- Aye.

Mr. Lawrence- Is there any opposition? Hearing none, the motion carries.

Mr. Blankinship- Alright, your case has been approved, thanks for coming.

Mr. Lawrence- Thank you.

On a motion by Mr. Green, seconded by Mr. Johnson, the Board approved case CUP-2025-102351 subject to the following conditions:

1. This conditional use permit authorizes an accessory dwelling unit on the property. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to the accessory dwelling unit shown on the plot plan and building design titled, "IN-LAW SUITE," prepared by Turner Designs, LLC and dated 8/01/2025, filed with the application. Any substantial changes or additions to the design or location of the accessory dwelling unit will require a new conditional use permit. Any additional improvements must comply with the applicable regulations of the County Code.

3. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works. The applicant may be required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

4. Any exterior lighting must be shielded to direct light away from adjacent property and streets.

5. The applicant must obtain a building permit for the proposed accessory dwelling unit within two years of the date of approval (by January 22, 2028), or this conditional use permit will expire. If the building permit is cancelled or revoked after that date due to failure to diligently pursue construction, this conditional use permit will expire at that time.

278	Affirmative:	Broadway, Green, Johnson, Lawrence	4
279	Negative:		0
280	Absent:	Massie	1

281

282

283 **CUP-2025-102876 Vyacheslav Patsukevich: conditional use permit to build a**
 284 **detached garage in the side yard at 10818 Staples Mill Road, Brookland. Parcel**
 285 **761-769-7110. Zoning: A-1, Agricultural District. Code Section: 24- 4404.A.1. (Note:**
 286 **this case has been renumbered CUP-2026-100007)**

287

288 Mr. Blankinship- Alright, Mr. Chair, the next case is **CUP-2025-102876** Vyacheslav
 289 Patsukevich: conditional use permit to build a detached garage in the side yard at 10818
 290 Staples Mill Road, in the Brookland Magisterial District. Would everyone who intends to
 291 speak to this case please stand and be sworn in. Please raise your right hand. Do you
 292 swear the testimony you're about to give is the truth, the whole truth and nothing but the
 293 truth, so help you God? Thank you. Mr. Gidley.

294

295 Mr. Gidley- Thank you, Mr. Secretary. The subject property is located off Staples
 296 Mill Road, southeast of Springfield Road. As you can see here, it is accessed by long
 297 access strip that leads to the property, and the property does contain an existing single-
 298 family dwelling. It is zoned A-1, Agricultural District, although the area is transitioning to
 299 a more intense development. This includes Linden Pointe subdivision immediately to the
 300 north and the LDS church across Staples Mill Road. The applicant would like to construct
 301 a two-car garage beside his home, in the northern side yard, extending slightly into the
 302 front yard. So, he has applied for the required conditional use permit. The proposed
 303 garage would measure twenty-five feet by thirty feet. And this hand drawn sketch was
 304 submitted that shows a two-car garage.

305

306 In reviewing this application, the applicant's parcel contains 1.341 acres of lot area. The
 307 proposed garage would meet setbacks and be located over 400 feet from Staples Mill
 308 Road. It would be visible to the neighboring Linden Pointe subdivision roughly seventy-
 309 five feet away. As you can see, each of these homes does have a detached garage with
 310 vinyl siding and shingled roofs in their backyard. And this is a picture of them right here.
 311 The applicant initially proposed the metal two-car garage that's prompted concerns about
 312 compatibility with the lots in the neighboring subdivision. Since then, the applicant has
 313 expressed an openness to utilizing an alternative material, but staff has not received
 314 anything specific. In conclusion, the proposed garage is 400 feet distant from Staples Mill
 315 Road and is able to meet setback requirements. Assuming a building material compatible
 316 with nearby properties is provided, staff can recommend approval of this request, subject
 317 to the conditions and your staff reports. If you have any questions, I'll be happy to answer
 318 them. Thank you.

319

320 Mr. Green- Do you have a frontal view of the house?

321

322 Mr. Gidley- I beg your pardon?

323

324 Mr. Green- Frontal view of the house?
325
326 Mr. Gidley- Let's see here. Front yard, there's a little bit of the house there.
327
328 Mr. Green- He's proposing to build it approximately...
329
330 Mr. Gidley- Yes sir.
331
332 Mr. Lawrence- Mr. Gidley, question for you. If you can go back to that last slide that
333 you showed.
334
335 Mr. Gidley- This one?
336
337 Mr. Lawrence- Yes, that's the Linden Pointe subdivision?
338
339 Mr. Gidley- Yes sir.
340
341 Mr. Lawrence- I've always been curious about this. I know it's a gated community. I
342 drive by there frequently. Are those homes, are those attached homes or detached
343 homes, do you know?
344
345 Mr. Gidley- I think they are attached.
346
347 Mr. Lawrence- I think they are too. Looking at it from this drawing, it almost looks
348 like they're...
349
350 Mr. Gidley- I'm sorry, detached.
351
352 Mr. Lawrence- Zero lot lines, but detached. I've always been curious about that, so
353 you can't ride back there because it's gated.
354
355 Mr. Gidley- Yeah, exactly.
356
357 Mr. Lawrence- But it looks like a lot of those homes have accessory buildings or at
358 least some of them have accessory buildings in their backyard?
359
360 Mr. Gidley- Yes, sir, they do have these detached accessory structures back
361 there.
362
363 Mr. Lawrence- Yeah, and approximately what's the distance between those
364 properties and where the proposed garage would go?
365
366 Mr. Gidley- Seventy-five feet.
367
368 Mr. Lawrence- Seventy-five feet, okay.
369

370 Mr. Gidley- Yes sir.
371
372 Mr. Lawrence- All right. Anyone else from the board have any questions of Mr.
373 Gidley? Okay, hearing none we're ready to hear from the applicant. Sir, if you could come
374 to the podium.
375
376 Mr. Patsukevich- My name is Vyacheslav Patsukevich.
377
378 Mr. Lawrence- Yes sir.
379
380 Mr. Patsukevich- I'm open to your recommendations. Garage of metal or garage of
381 wood.
382
383 Mr. Gidley- Wood, I guess he said.
384
385 Mr. Lawrence- Yes, that's a question I have, sir. And looking at the staff report, we
386 have a sketch of what the garage is going to be in terms of dimensions, which I have no
387 problem with, but I can't tell from the sketch what sort of design you're going to have and
388 Mr. Gidley, don't we usually make a request that the accessory dwelling be compatible
389 with either the house or other similar structures in the area?
390
391 Mr. Gidley- Yes sir. We typically recommend it be compatible with the house or
392 what's nearby, as you noted.
393
394 Mr. Lawrence- But typically we usually get some sort of schematic that shows what
395 the material's going to be and...
396
397 Mr. Gidley- A lot of times, yeah.
398
399 Mr. Lawrence- I mean, maybe not always, but I know frequently we do. So, can you
400 kind of elaborate, sir, on exactly how this is going to look?
401
402 Mr. Patsukevich- If I have a recommendation to build as my neighbor has similar.
403 Probably, I would like to build from wood. It's twenty-five by thirty and, fourteen feet as
404 you recommended. I agree.
405
406 Mr. Lawrence- Are you going to try to match the color of your house too to make it
407 compatible with the house?
408
409 Mr. Patsukevich- My house is kind of white. Yeah, I can build white.
410
411 Mr. Blankinship- The house is painted brick with a slate roof.
412
413 Mr. Lawrence- Okay.
414

Mr. Blankinship- So very often we would say match the materials of the house, but in this case that seemed a little excessive for a garage.

Mr. Lawrence- Well in eyeballing this property too, it's far off Staples Mill Road. I don't think there's going to be a whole lot of visibility, except for the Linden Pointe residents. I'm a little bit more concerned about them, but we've got, we've got seventy-five feet of land between the property, so I'm not sure that's a concern either. Okay, does anyone else on the board have any questions for the applicant? Okay, thank you sir. Hearing no questions from the Board, is there anyone from the public here to speak on this case? Anybody in opposition to the case? On Webex, Mr. Blankinship?

Mr. Blankinship- There's no one on Webex for this case.

Mr. Lawrence- Is there anyone to speak in support of the case? Hearing none, any more discussion of the Board? With that, I'm ready to make a motion on this case. I move that we approve the conditional use permit subject to the conditions recommended by the staff, which the applicant, I believe, has agreed to comply with. Is that correct, sir? Yes. It's consistent with the comprehensive plan in the zoning ordinance, the proposed garage should not cause any detrimental impact, and the applicant has agreed to make the design compatible with the neighbors. Is there a second to my motion?

Mr. Broadway- Second.

Mr. Lawrence- Okay, motion by the chairman, Mr. Lawrence. Second by Mr. Broadway. All in favor say "Aye."

Board- Aye.

Mr. Lawrence- Is there any opposition? The motion carries. Thank you.

On a motion by Mr. Lawrence, seconded by Mr. Broadway, the Board approved case CUP-2025-102876 subject to the following conditions:

1. This conditional use permit authorizes the placement of the proposed detached garage in the front and side yard. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to one garage not to exceed 25 feet wide, 30 feet deep, or 14 feet in height. It must be located as shown on the plot plan filed with the application, at least 10 feet from the dwelling and 5 feet from the property line. Any substantial changes or additions to the size or location of the garage will require a new conditional use permit. Any additional improvements must comply with the applicable regulations of the County Code.

3. The design and materials of the garage must be consistent with other residential accessory buildings in the vicinity, such as the garages north of the subject property.

4. Any exterior lighting must be shielded to direct light away from adjacent property.

5. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works. The applicant may be required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

6. The inoperative vehicle in the front yard must be removed or brought into compliance with County Code.

7. The applicant must obtain a building permit for the proposed garage within two years of the date of approval (by January 22, 2028), or this conditional use permit will expire. If the building permit is cancelled or revoked after that date due to failure to diligently pursue construction, this conditional use permit will expire at that time.

Affirmative:	Broadway, Green, Johnson, Lawrence	4
Negative:		0
Absent:	Massie	1

CUP-2025-102969 Taylor Combs: conditional use permit to keep up to six hens in the rear yard at 9709 Hastings Mill Drive, Brittany, Brookland. Parcel 765- 761-4871. Zoning: R-2AC, One-Family Residence District (Conditional). Code Section: 24-4420.G.

Mr. Blankinship- The next case as I mentioned at the top of the agenda has been withdrawn. That's **CUP-2025-102969 Taylor Combs: conditional use permit to keep up to six hens in the rear yard at 9709 Hastings Mill Drive, Brittany, Brookland.** It has been withdrawn.

CUP-2025-103110 Eliot Dudik for Gurpreet Gill: conditional use permit to build an accessory building in the side yard at 5738 Shady Grove Road, Three Chopt. Parcel 744-777-8437. Zoning: A-1, Agricultural District. Code Section: 24-4404.A.1.

Mr. Blankinship- So the next case we will hear is **CUP-2025-103110 Eliot Dudik for Gurpreet Gill: conditional use permit to build an accessory building in the side yard at 5738 Shady Grove Road, in the Three Chopt Magisterial District.** The applicant is joining us on Webex. Is there anyone in the room who intends to speak to this case? Alright, Ms. Rozmus.

Ms. Rozmus- Thank you, Mr. Secretary. Good morning, Board. The subject property is located at 5738 Shady Grove Road. It is 0.3 mi north of Nuckols Road in the Three Chop Magisterial District. The property consists of 1.03 acres improved with a single-family, colonial-style home. The dwelling is positioned in the center of the lot with

508 a driveway on the left side of the home. At the end of the driveway, to the rear of the
509 primary dwelling, is an existing two-car garage. The applicant would like to construct an
510 additional accessory structure off the driveway to the side yard of the property. The
511 structure will consist of an open carport and enclosed storage; the proposed size is
512 twenty-two feet wide by 40.57 feet deep and fourteen feet tall. The carport section of the
513 structure would be twenty-four by twenty-two feet and open to the front and the side. The
514 remaining area will be enclosed with garden storage measuring sixteen by twenty-two
515 feet. The proposed location of the structure would be southwest of the primary dwelling,
516 to the south of the existing two car garage. The neighboring house to the southwest of
517 the property is a two-story brick dwelling facing Shady Grove Road. It is set back
518 approximately 160 feet from the road, so the proposed building will appear to be in its
519 front yard. To address any potential adverse impact on the property, staff is
520 recommending in the staff report condition number two to allow the building no closer
521 than ten feet from the property line. Also, a condition to require an evergreen screening
522 of trees in between. The size of the subject property at over an acre provides ample space
523 for a detached accessory structure, and there's already a detached accessory structure
524 on the property. Moving the structure to be ten feet from the joining property line, including
525 a tree buffer, will eliminate any potential impact to the adjacent neighbor. Staff
526 recommends approval, subject the conditions included in the staff report. I have
527 discussed with the applicant about moving it ten feet off the property line and adding that
528 evergreens barrier and he was fine with that. And I can take any questions.
529

530 Mr. Lawrence- Question, Mr. Green?

531
532 Mr. Green- Typically, how many detached units do you normally see on a
533 property or how many can they have? Does it matter?
534

535 Ms. Rozmus- I mean it kind of depends on the size of the property. If you have a
536 smaller amount of land, you know, you can't surpass thirty percent of the coverage of the
537 lot. So, if you have a piece of property that's an acre, you know, theoretically two detached
538 structures on it would not be overwhelming. And I think that this property definitely lends
539 itself to allowing that.
540

541 Mr. Blankinship- We don't regulate the number of structures because usually several
542 small buildings will have less impact than one huge building. But we do regulate the total
543 overall coverage.
544

545 Mr. Lawrence- Any other questions for Ms. Rozmus. I had one or two questions.
546 Page three of the staff report, this is the evaluation, point number four, it mentions a
547 condition, but there's no condition number with it. So, can you just clarify that for us? I just
548 want to make sure that's included in whatever.
549

550 Ms. Rozmus- It should say number three.

551
552 Mr. Lawrence- Number three. Okay.
553

554 Mr. Blankinship- I apologize for that.
555

556 Mr. Lawrence- Also, what is the side yard setback requirement? Remind me for
557 accessory structures.
558

559 Ms. Rozmus- For accessory structures, it only has to be three feet from the side.
560

561 Mr. Lawrence- Three feet. They're proposing six. And staff is suggesting ten?
562

563 Ms. Rozmus- Yes. Because you can see the neighbor's house and actually there's
564 a little bit of a picture... this is where the structure is going to be located, so it's almost
565 kind of in their front yard, a potential impact to them. They have not weighed in with their
566 input to me, and I believe that the applicant has discussed it with them. So, just to, you
567 know further down the line to reduce any potential impacts, I think this neighboring
568 property, that a buffer and having it a little further off the property line just eliminates any
569 potential impacts.
570

571 Mr. Lawrence- And they haven't commented on the case?
572

573 Ms. Rozmus- No.
574

575 Mr. Blankinship- We wanted to ask them to add the evergreen plantings and the
576 concern was it was too close to the property line.
577

578 Mr. Lawrence- Alright, thank you. Any other questions from the Board?
579

580 Mr. Green- Let's go back to the front of this person's house. I always like to visit
581 my sites, because not everybody drives by and sees it. So, it would be located where that
582 mansion is?
583

584 Ms. Rozmus- So, this is not the best picture of it. It's off the page. So, it's going to
585 be further over here, because you can't really see the garage here. So, the house is here,
586 honestly the aerial kind of like lends itself a little better. So the house is here, the existing
587 garage is here, and then the proposed structure is kind of almost where this shaded area
588 will be. And they provide a nice isometric.
589

590 Mr. Green- Yeah, but what you saying is this garage right there next to the
591 neighbor.
592

593 Ms. Rozmus- The proposed one will be closer than the existing one.
594

595 Mr. Green- Since you have your aerial up, could you show how far it will extend?
596

597 Ms. Rozmus- Yeah so it will be kind of like you see this shadowy area, that's kind
598 of more or less where it's going to go. And then here's the neighbor. So, you know, it's
599 kind of in their front yard sight line, more or less. I mean, I don't think that, you know, it's

600 necessarily obtrusive in their front yard, but if you're standing, you know, in this corner of
601 their house, they will be able to see it.
602
603 Mr. Green- And can you go back to the other picture?
604
605 Ms. Rozmus- The location?
606
607 Mr. Green- Yeah, the one where they... that garage has the necessary, does
608 that have that planting around it?
609
610 Ms. Rozmus- I don't believe that there's anything there. Oh no, it does. I'm sorry. I
611 take that back. Yeah, it does. Yeah, some of these, some of these trees I think, you know,
612 it's winter, so it's hard to kind of see the exact foliage, but yeah, it does have plantings
613 around it.
614
615 Mr. Lawrence- I did have one more question. Just out of curiosity, so many years
616 ago I finished off my one-car garage, made it a playroom, still call it the playroom although
617 my kids are now, you know late thirties and forty. If I were to build or want to build another
618 garage on the side of my house, since I no longer have one, I could actually build within
619 three feet of my adjoining neighbor's property line?
620
621 Ms. Rozmus- If it's detached. If it's attached, we consider it part of the primary
622 structure.
623
624 Mr. Lawrence- So it would have to be detached?
625
626 Mr. Blankinship- Detached.
627
628 Ms. Rozmus- Detached.
629
630 Mr. Lawrence- Detached.
631
632 Mr. Blankinship- And if it's within five feet of the property line there are additional
633 building code requirements. So, three feet is the zoning requirement, but a lot of people
634 choose five feet to avoid the issue with Building Code.
635
636 Mr. Lawrence- Okay. Interesting, thank you.
637
638 Mr. Johnson- Yeah, thank you.
639
640 Mr. Lawrence- Guess we're ready to hear from the applicant.
641
642 Mr. Blankinship- The applicant is with us on Webex. Staff can we be connected with
643 Mr. Dudik. Good morning. We're not hearing anything. Mr. Dudik are you there? Staff
644 we're not hearing anything in the boardroom. Okay, staff says we have sent him a request.

645 He did log on and did notify staff that this was the case he was interested in. Is there any
646 way to get the other person? David Kasar, Caser?

647
648 Mr. Dudik- This is Elliot Dudik. I'm unmuted now.

649
650 Mr. Blankinship- Great, good morning.

651
652 Mr. Dudik- Good morning.

653
654 Mr. Lawrence- Give us a brief summary of the case, sir. What your request is.

655
656 Mr. Dudik- Sure. We're just looking to build a small, one-story, modest garage
657 to use in addition to this garage. We have to expand the space that our family needs. In
658 addition to that, our driveway is extremely narrow, which makes it difficult for us to turn
659 our cars around, let alone any sort of delivery truck or guests to turn around in the
660 driveway. So, by adding this structure we're going to be able to park in it and provide a
661 little bit extra driveway space to be able to maneuver our vehicles. We are looking to keep
662 the structure representative of the agricultural type, to match the house and the existing
663 garage, same scale and colors of the house. We've been trying to be considerate of the
664 neighbors. I've talked to the neighbors about our plans, and they were completely open
665 with whatever we wanted to do. We're open to all the recommended conditions. We've,
666 I've already worked with my architect David Kesars on the call, to move the structure ten
667 feet off the side property line by actually shrinking the building by a couple of feet and
668 moving the building towards the house a couple of feet. Since providing these drawings,
669 we have been planning to actually put garage doors on the structure instead of it being
670 open on the side facing our house. This is mostly because we started to anticipate the
671 presence of birds inside of the carport, making a mess of our vehicles, and thought maybe
672 it'd be better to put garage doors on it. So, that's not represented in this, in these
673 drawings, but that would face our house and not the neighbor's house. So, I hope that
674 wouldn't make any major issue.

675
676 Mr. Lawrence- Okay, thank you sir. I appreciate that summary. You had a question,
677 Mr. Green?

678
679 Mr. Green- Yeah, that south elevation seems like it's open. So, if you put garage
680 doors on it are you closing that south elevation to look like that north elevation?

681
682 Ms. Rozmus- It sounds like he's just wants to put on this west elevation, just garage
683 doors here. And correct me if I'm wrong, Elliott, is you still intend to have the open slots
684 on all the other sides.

685
686 Mr. Dudik- I believe that's what we'll do. We'll probably take the slats all the way
687 up but leave space in between just to keep birds out.

688
689 Ms. Rozmus- Okay. So just garage doors here and I can pull the isometrics, so the
690 garage doors would be facing his house and the back would still be slatted with the garden

shed part still enclosed... and the evergreens, yeah. So, no change to the impact for the neighbor.

Mr. Lawrence- Any other questions, Mr. Green? Anyone else from the board have any questions for the applicant? Okay. Hearing none, at this time we will ask if there is anyone in the audience or Webex who is in opposition to the case.

Mr. Blankinship- There is no one else, just the architect and the applicant on Webex.

Mr. Lawrence- Is there anyone that wishes to speak in support of the case, besides the applicant? Hearing none I think we are ready to proceed with the motion.

Mr. Green- I move that we approve the conditional use to permit subject to the conditional by staff. It is consistent with the comprehensive plan and the zoning ordinance. The proposed buildings should not cause any detrimental impact. The applicant has agreed to add additional landscaping to screen the building from the neighbor as well as the additions that he just articulated, which I'm sure you'll catch.

Mr. Lawrence- Is there a second?

Mr. Johnson- I second.

Mr. Lawrence- Second from Mr. Johnson. Okay we have a motion from Mr. Green, second by Mr. Johnson. All in favor of the motion say "Aye."

Board- Aye.

Mr. Lawrence- Is there anyone opposed? There is not, so the motion carries. I wish to reiterate for the record, probably should reiterate for the record that Mr. Massie will be indicated, of course, as being absent for all the votes on these cases.

On a motion by Mr. Green, seconded by Mr. Johnson, the Board Approved case CUP-2025-103110 subject to the following conditions:

1. This conditional use permit authorizes an accessory structure in the side yard. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to the building shown on the plot plan and building design filed with the application, revised to show a setback of at least 10 feet from the common lot line with 5724 Shady Grove Road. Any substantial changes or additions to the design or location of the proposed building will require a new conditional use permit. Any additional improvements must comply with the applicable regulations of the County Code.

3. The applicant must provide a row of evergreen trees or shrubs approved by the Planning Director to screen the building from view from 5724 Shady Grove Road.

4. The applicant must obtain a building permit for the proposed accessory structure within two years of the date of approval (January 22, 2028), or this conditional use permit will expire. If the building permit is cancelled or revoked after that date due to failure to diligently pursue construction, this conditional use permit will expire at that time.

Affirmative:	Broadway, Green, Johnson, Lawrence	4
Negative:		0
Absent:	Massie	1

VAR-2025-102362 Noble Development of Virginia Corp.: variance from the lot width requirement to build a single-family dwelling at 140 Cedar Fork Road, Fairfield. The applicant has 55 feet lot width where the Code requires 65 feet lot width. The applicant requests a variance of 10 feet lot width. Parcel 811-725-6020. Zoning: R-3, One-Family Residence District. Code Section: 24-6402.A.2.

Mr. Blankinship- Alright. That concludes the conditional use permits for this morning. We also have three variances. The first is **VAR-2025-102362** Noble Development of Virginia Corporation. A variance from the lot width requirement to build a single-family dwelling at 140 Cedar Fork Road, in the Fairfield Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hand please. Do you swear the testimony that you're about to give is the truth, the whole truth and nothing but the truth, so help you God? Thank you. Ms. Rozmus.

Ms. Rozmus- Thank you, sir. This case was deferred from November. The subject property is located near Cedar Fork Road, approximately 880 feet north of Nine Mile Road. It was divided from the adjoining lots in 1943. Under the countywide rezoning of 1960, the property was rezoned R-3, One-Family Residence District. For lots created prior to 1960, the R-3 zoning requires a minimum lot area of 8,000 square feet and a minimum lot width of sixty-five feet. Later in 1960, the public street frontage requirement was added to the zoning ordinance, and the applicant acquired the property in 2022. The subject property is over 11,000 square feet in area, but only fifty-five feet in width as defined by the zoning ordinance. The frontage of the property abuts the public right-of-way, but the public street has not been extended to access the front of the lot.

Before submitting this variance application, the applicant met with the Department of Public Works and decided to extend the public street across the front of the lot. The applicant also owns the property to the south, 136 Cedar Fork Road. That lot is over 15,000 square feet in area and seventy-five feet in width and fronts a portion of Cedar Fork Road. So, it is, a house can go there by-right. The site map shows a dwelling on 136 for context, but there's no dwelling there yet. It has not been built. Public sewer is available in Cedar Fork Road, and the applicant will be required to connect to that system if the variance is approved and a dwelling is built.

783 In evaluating the hardship for this case, the hardship was created when the zoning was
784 changed in 1960. The applicant purchased a property in 2022, so he did not cause the
785 hardship. The applicant acquired the property in good faith knowing that the variance is
786 required for its development. The granting of the variance will not be of substantial
787 detriment to the adjacent and nearby property. The neighborhood is bounded to the north
788 and west by the Point at River City Apartments, which would not be affected by the
789 proposed dwelling. The property to the north, 144 Cedar Fork Road, is undeveloped. The
790 applicant has attempted to purchase this property but has been unable to get in contact
791 with the owner. The Department of Public Works noted that based on GIS, waters of the
792 US and/or hydric soils are present, indicating possible wetlands. The applicant has
793 worked with the Department of Public Works and will be required to get the proper DEQ
794 permits to build on this property. A single-family dwelling is permitted as a principal use
795 in the R-3, One-Family Residence District and a special exception or modification is not
796 available for this request.

797
798 In conclusion, this case does meet the legal requirements for a variance, the property is
799 otherwise suitable for a dwelling but cannot be used for that purpose. The hardship is
800 caused by a change in the zoning ordinance after the property was defined. The applicant
801 did not cause the hardship, and the conditions are specific to this lot. The use is allowed,
802 no other relief is available. Staff recommends approval, subject the conditions included in
803 the staff report. I can answer any questions, and I can show more pictures too.

804
805 Mr. Blankinship- And I'll just repeat one more time this is in the Fairfield District and
806 Mr. Massie has expressed that he is satisfied with the staff report.

807
808 Mr. Lawrence- Any other questions from the board? I had a couple, Ms. Rozmus, if
809 no one else does. How is the property currently accessed? I know it's not developed right
810 now, but how's the property owner, assuming they wanted to access the property, how
811 would they access it currently?

812
813 Ms. Rozmus- I don't think you really can.

814
815 Mr. Blankinship- If you click view to right...that shows it's a little bit of a gravel path or
816 something that cuts through to the apartment complex.

817
818 Ms. Rozmus- So you could put on some boots, and you can get there.

819
820 Mr. Lawrence- You can't deny someone access to their property. Right? They have
821 to have some sort of easement or access legally.

822
823 Mr. Blankinship- Yeah, it is actually public right-of-way there. So, they can construct,
824 they have offered to construct improvements in the public right-of-way.

825
826 Ms. Rozmus- It just doesn't exist.

828 Mr. Lawrence- My second question is the applicant has agreed to extend Cedar
829 Fork Road? Do we have an estimated cost of what that would be?
830
831 Ms. Rozmus- I have not asked.
832
833 Mr. Blankinship- We do not.
834
835 Mr. Lawrence- No ballpark?
836
837 Mr. Blankinship- The applicant may have.
838
839 Mr. Lawrence- I can imagine that's a pretty substantial expense.
840
841 Mr. Blankinship- If you show the concept plan, I think it was you could see they're not
842 doing like a full permanent cul-de-sac. I'm not sure exactly what degree of improvements
843 Public Works is requiring.
844
845 Mr. Lawrence- So the road will be extended. Is there any other property beyond that
846 extension that could possibly in the future get accessed by the developer?
847
848 Ms. Rozmus- Yeah, there is this property here that the applicant has inquired of
849 the owner to purchase but is unable to get, you know, in contact with them.
850
851 Mr. Lawrence- In a similar situation they probably have public access to the
852 property, they have I'm assuming some easement or some way to get to the property?
853
854 Ms. Rozmus- Yeah.
855
856 Mr. Lawrence- Okay. Alright.
857
858 Mr. Blankinship- And then the next property is the apartment complex.
859
860 Ms. Rozmus- The apartments over here.
861
862 Mr. Lawrence- Gotcha. Thank you. Any other questions? Okay, let's hear from the
863 applicant if we could.
864
865 Mr. Chowdhury- Good morning, sir. Rezaul Chowdhury. Last name is C H O W D H
866 U R Y And that's my son.
867
868 Mr. Lawrence- What's your son's name?
869
870 Mr. Chowdhury- My name is Noble Chowdhury, same last name C H O W D H U R
871 Y.
872
873 Mr. Lawrence- Thank you. Would you like to give us a little update?

874
875 Mr. Chowdhury- Yes, so right now we're not talking about 136, we're only talking
876 about 140. It's an undeveloped lot and it is correct that there is no actual road there, so
877 we will have to develop Cedar Fork Road down to the apartment property line, I guess,
878 to have access to 140. We did try to speak with the owner of 144. I'm not getting consistent
879 messaging back, back from him. He does want to sell it and he asked his family, it's like
880 a family thing, everybody needs permission from everybody, and holidays and whatnot.
881 I'm not sure, he just doesn't get back to me. So, we're just not, I mean if we purchased
882 that, then we could have just had all three of them, you know, consolidated and have it
883 looked nicer, you know. But just to work with what we have, we have to request this
884 variance. It is at a bend, so we don't think that it's going to really be detrimental to
885 everybody around the area, and those homes in this picture on the left side. Those are
886 fairly newer homes in the area as well. I believe they all have well water, and public sewer
887 connection. And our home would match what their homes look like. It's not going to look
888 anything extravagant; it's just going to have regular vinyl siding. They'll have a small
889 porch, 136 will have a bigger porch, but we're not talking about that. So that's just the
890 front porch area. Just a little entrance, you know, for whoever lives there if they have any
891 deliveries, you know, cover their packages, you know, protect from the environment. One
892 car garage, two floors, no basement, it'll be a crawl space. We will have a back deck
893 installed as well. But it's all going to be within the buildable area and there are wetlands
894 that are addressed and we will make sure that those aren't impacted. So, everything we're
895 trying to do, you know, is we're trying to do it by the books. So, everything that the variance
896 application requested we have submitted and we did get an email saying that I think they
897 want to approve the variance and so we're just here just to answer any other questions
898 you guys may have.

899
900 Mr. Lawrence- So, Mr. Noble, I just want to clarify one thing. In order to develop the
901 parcel that you're requesting, you're going to need to extend Cedar Fork Road to the
902 property line. I thought I heard you say from the road to the apartment complex property
903 line. Are you planning on extending the road all the way to the apartment complex
904 including the parcel, or are you just going to stop?

905
906 Mr. Chowdhury- That is a great question. I appreciate you catching me on that. We
907 are actually going to do just to our 140 property line. So, 144 won't have the road frontage.
908 Whoever builds on 144, they would have to extend it even further for their lot.

909
910 Mr. Lawrence- So if that owner decided they want to come and build on that lot, they
911 would need to come back to the board in the future and go through the same process?

912
913 Mr. Blankinship- Yes sir.

914
915 Mr. Chowdhury- I feel like yes, they would also need a variance as well, so 136 like
916 Ms. Rozmus stated. It's perfectly fine by right we can have a home there. So we had it
917 initially a variance application for that, but we canceled that one and we only need it for
918 140. And we were trying to get 144, but you know, not have to do the variance, but we
919 can't purchase that, so here we are.

920
 921 Mr. Lawrence- Did the Department of Public Works give you an estimate on the cost
 922 of extending Cedar Fork?
 923
 924 Mr. Chowdhury- I don't know if it's that they want us to continue with the asphalt, or if
 925 they want us to do gravel, which you know are different costs as well.
 926
 927 Mr. Lawrence- My only concern is, and I guess that can be resolved if this case is
 928 approved, but you understand that in order.., If the case is approved as currently
 929 conditioned, you would have to construct that piece, and I have a feeling the cost is going
 930 to be a little bit higher than you're anticipating. But that's something you all will need to
 931 work out, I guess.
 932
 933 Mr. Chowdhury- Yeah, I mean we always deal with that kind of stuff, you know, things
 934 change all the time, so.
 935
 936 Mr. Lawrence- Okay. All right. Any other questions?
 937
 938 Mr. Green- When they have to extend, don't what they have to extend according
 939 to what's already there, so when it's asphalt, they have to go with asphalt.
 940
 941 Mr. Blankinship- I'm sure it will have to be paved. Yes, but it will be up to the
 942 Department of Public Works to give them the exact specifications.
 943
 944 Mr. Lawrence- That's going to add to the costs too. Okay. Any other questions?
 945 Thank you, sir. At this point we will hear if there's anyone on Webex or the audience who
 946 wishes to comment on the case. Is there anyone in the audience or Webex who wishes
 947 to speak in opposition to the case?
 948
 949 Mr. Blankinship- There's no one on Webex.
 950
 951 Mr. Lawrence- Is there anyone in the audience or Webex who wishes to speak in
 952 support of the case? Okay. Hearing none, do we have a motion? Mr. Massie is not here,
 953 would someone else like to make a motion on this case?
 954
 955 Mr. Green- Yeah, I move that we approve the variance subject to the conditions
 956 recommended by the staff. There's no other reasonable use for property. The applicant
 957 will extend the public street to serve the lot, the other test has been met as stated in the
 958 staff report.
 959
 960 Mr. Lawrence- Motion from Mr. Green, is there a second?
 961
 962 Mr. Broadway- Second.
 963
 964 Mr. Lawrence- Second by Mr. Broadway. All in favor of the motion say "Aye."
 965

Board- Aye.

Mr. Lawrence- Is there any opposition? Hearing none, the motion carries.

Mr. Chowdhury- Thank you gentlemen, thank you, Ms. Rozmus.

On a motion by Mr. Green, seconded by Mr. Broadway, the Board Approved case VAR-2025-102362 subject to the following conditions:

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

2. This variance applies only to the improvements shown on the plan titled "136/140 Cedar Fork Concept Plan" prepared by Silvercore and dated 9/17/2025 and the building design titled, "The Nazil" prepared by 200 Design Studio LLC and dated 11/22/2024, filed with the application. Any substantial changes or additions to the design or location of the improvements will require a new variance. Any additional improvements must comply with the applicable regulations of the County Code.

3. Prior to the issuance of a certificate of occupancy, the applicant must extend Cedar Fork Road as shown on the "136/140 Cedar Fork Concept Plan" to the satisfaction of the Department of Public Works.

4. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval from the Department of Public Works. The applicant must analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

5. At the time of building permit application, the applicant must submit a plan that shows the existing and proposed grading for both lots, with proposed wetland impacts for both lots shown. This grading and drainage plan must show how they will accomplish the required 1% fall across and off the lots, as well as how the proposed cul-de-sac will drain (curb & gutter, roadside ditch, etc). The 10-year storm must be delineated for any wetlands to remain; the 10-yr storm must be contained within the wetland limits.

6. Any dwelling on the property must be served by public sewer.

7. Unless the dwelling is to be served by public water, at the time of building permit application the applicant must provide evidence of Health Department approval of a private water supply.

8. The applicant must obtain a building permit for the proposed dwelling within two years of the date of approval (by January 22, 2028) or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

Affirmative:	Broadway, Green, Johnson, Lawrence	4
Negative:		0
Absent:	Massie	1

VAR-2025-103112 Eric Walker for Cauthorne Properties, LLC: variance from the public street frontage requirement and lot width requirement to build a single-family dwelling at 4900 Penick Road, Greendale Forest, Brookland. The applicant has 48 feet lot width and 48 feet public street frontage, where the Code requires 50 feet lot width and 50 feet public street frontage. The applicant requests a variance of 2 feet lot width and 2 feet public street frontage. Parcel 770-747-5350. Zoning: R-4, One- Family Residence District. Code Section: 24-4306.E.1 and 24- 6402.A.2.

Mr. Blankinship- Alright the next case is **VAR-2025-103112** Eric Walker for Cauthorne Properties, LLC: variance from the public street frontage requirement and lot width requirement to build a single-family dwelling at 4900 Penick Road, Greendale Forest, in the Brookland Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. Do you swear or affirm that the testimony that you're about to give is the truth, the whole truth and nothing but the truth, so help you God? Thank you. Ms. Rozmus. Before she begins, we call your attention to the email messages that were left on the table that are relevant to this case. Alright, Ms. Rozmus.

Ms. Rozmus- Thank you, sir. The subject property is located in the Greendale Forest subdivision in the Brookland Magisterial District. The property is an undeveloped lot at 4900 Pennick Road, 0.34 mi east of Glenside Drive. The Greendale Forest subdivision was platted in 1926. The area is zoned R-4, One-Family Residence District and is characterized by single-family homes on lots ranging from 0.13 to one acre in size. The subject property is also lot eight; it was platted as a forty-eight-foot wide lot and has remained the same since 1926. It was never owned in common with the adjoining properties, lots six and seven, and the house on these two lots at 4904 Pennick Road was built in 1937. The house on the east side, 4808 Pennick Road, was built in 1982. Although the subject lot is only forty-eight feet wide where the code requires fifty feet, it adjoins an unimproved right-of-way for a street that was never constructed. As a result, the two neighboring houses are 160 feet apart given the appearance of more spacious lots. The applicant stated he has approached the adjoining landowner about buying two feet of the adjoining lot, but they are not interested in selling. The county is not interested in vacating the street right-of-way because it could be needed in the future to serve lots to the north, although those lots do not appear to be buildable due to wetlands. This entire area here, and honestly, most of the right-of-way, is all wetlands. Because the land cannot be added from either side, the only way to make reasonable use of the subject property would be to obtain a variance. Staff evaluated this application based on the threshold requirements in the Code of Virginia. The first special requirement at the test has been met, the parcel was originally recorded in 1926. At the time there was no lot width or public street frontage requirement. The lot width requirement was established in 1933, and the public street frontage requirement was established in 1960. However, the subject property has never been developed. Second threshold test, is would the variance leave

a hardship due to the physical condition of the property? The test has also been met, as noted, the lot was recorded in 1926, prior to the adoption of the zoning ordinance. As a result, the hardship is related to the physical condition of the property that existed at the time of the effective date of the ordinance. Because the three threshold tests have been met, the board has the authority to grant a variance if all five of the subtests are also met. Again, because the lot was platted in 1926, prior to the current zoning code, the hardship was not created by the applicant. Granting the variance would not be a substantial detriment to the adjacent or nearby properties. The surrounding neighborhood is comprised of single-family homes on a variety of lot sizes. When the subdivision was platted in 1926, the lot size was established at forty-eight feet. Since then, some lots have been combined, including the adjoining property to the west of the subject lot. However, many nearby dwellings were built on original lots. The situation of this property is not general or recurring in nature. It is one of these older neighborhoods that our county has a lot of throughout the county and the original plat can differ from current zoning standards. A single-family residence is a permitted use in R-4 and a special exception or modification is not available.

In conclusion, this case does meet the legal requirements for a variance. The property is otherwise suitable for a dwelling but cannot be used for that purpose. The hardship is due to changes in the zoning ordinance after the property was defined. The current owner did not create the hardship, and staff does not anticipate any detrimental impacts to the surrounding neighborhood. Staff recommends approval subject to the conditions in the staff report. And I will say that we received two comments in opposition and then the third comment that was left on your desk this morning. I would like to note that you can see it a little better in this area. So the pattern of development are these smaller lots. So, there are some of these lots that are the original forty-eight ft. Some of them are a little wider, which houses that were built after 1926, but there are a lot of these houses of this size that were built in 1926 on the original sized lot. So, the staff's opinion is that this pattern of development is consistent with the neighborhood. It would not be detrimental to the surrounding area. The addition of the unimproved street right-of-way kind of gives a little bit more breathing room in between this house directly to the east, and then because the house directly to the west is a double lot, it also has that additional little bit of space. So I can answer any questions.

Mr. Lawrence- Any questions from the board?

Mr. Green- Does this meet that small lot size? Remember the Board of Supervisors went back so you can build all the small lots. Would this fall under that?

Ms. Rozmus- This is zoned R-4, so it's not zoned to accommodate a small lot. It would have to be rezoned to R-5A or R-5B, excuse me. So, because of the current zoning it does not meet the zoning standards of that zoning district, so the relief that would be required is the variance.

Mr. Green- No, what I'm saying is if it was rezoned could they go even smaller?

1105 Ms. Rozmus- I mean if it was rezoned, they could build by-right, but the board does
 1106 not usually like to do, you know, spot zoning, spot rezonings, like individual lots in a
 1107 greater neighborhood.

1108

1109 Mr. Green- I guess my question is because of that new small lot zone thing
 1110 provision, it's bigger or larger than that? I mean.

1111

1112 Mr. Blankinship- This is bigger than what that district would allow if he had applied for
 1113 rezoning.

1114

1115 Mr. Green- So, in essence there are other districts where it's even smaller.

1116

1117 Ms. Rozmus- Yes, there are. And I will note that the lot width of this lot is only two
 1118 feet shy of what would be allowed by-right currently.

1119

1120 Mr. Green- That's what I was trying to figure out.

1121

1122 Mr. Lawrence- Any other questions? I may have some after we hear from the
 1123 applicant. So we have Mr. Walker?

1124

1125 Mr. Walker- Yes, correct.

1126

1127 Mr. Lawrence- Yeah, if you could just elaborate on the case, sir.

1128

1129 Mr. Walker- Sure, good morning, my name is Eric Walker. I'm representing
 1130 Cauthorne Properties as the contract purchaser. My goal here today is that I applied for
 1131 a variance to build a single-family dwelling on this property. As the staff member noted,
 1132 the property was recorded back in 1926 where there weren't certain ordinances that we
 1133 have now. There are several properties as mentioned previously that are built on forty-
 1134 eight ft lots or smaller, on the street. So, there is some consistency with being able to
 1135 build on a smaller lot. In terms of the impacts to the adjoining neighbors on either side.
 1136 There's approximately sixty feet in between my neighbor to the left and my neighbor to
 1137 the right, that, you know, it potentially will never change unless the property behind us is
 1138 developed if that road is improved. I'm happy to answer any questions if you have them.

1139

1140 Mr. Lawrence- So, Mr. Walker, the proposed house that would be built on this
 1141 property, do you have any idea what the setbacks would be?

1142

1143 Mr. Walker- Sure. In the agenda packet I've submitted the survey plat so the front
 1144 yard setback is approximately forty-five feet. The side yard minimum setback is eight and
 1145 a half and the other side is twelve and a half, so it's consistent with the setbacks of the
 1146 adjacent properties.

1147

1148 Mr. Lawrence- So the other thing is you're requesting a two-foot variance in the
 1149 actual lot width, but you still meet all the setbacks with the proposed dwelling?

1150

1151 Mr. Walker- Yes sir.
1152
1153 Mr. Lawrence- Okay. Anyone else from the board have any questions of Mr.
1154 Walker? Thank you sir. Let's hear from the public first and then I have a couple of
1155 questions, Ms. Rozmus. Okay, so do we have anyone here in the audience who wishes
1156 to speak in opposition or anyone on Webex?
1157
1158 Mr. Blankinship- There's no one on Webex.
1159
1160 Mr. Johnson- Right there.
1161
1162 Mr. Lawrence- Have you been sworn in ma'am?
1163
1164 Mr. Blankinship- No, she has not.
1165
1166 Ms. Hyatt- Oh, I'm sorry.
1167
1168 Mr. Blankinship- That's quite alright. You can come on up to the podium and we'll just
1169 do it all at once. Yeah, raise your right hand please. Do you swear the testimony you're
1170 about to give is the truth, the whole truth and nothing but the truth, so help you God?
1171
1172 Ms. Hyatt- Yes.
1173
1174 Mr. Blankinship- Thank you, tell us your name.
1175
1176 Ms. Hyatt- Yes. My name is Jen Hyatt. Oh, and I live in the adjacent property
1177 across that paper road area at 4808 Pennick Road.
1178
1179 Mr. Lawrence- Can you show us where that is?
1180
1181 Ms. Rozmus- Yeah, right here.
1182
1183 Mr. Lawrence- So, it joins the County right-of-way, right?
1184
1185 Ms. Rozmus- Yes.
1186
1187 Mr. Lawrence- So it's kind of adjoining and kind of not adjoining I guess is the best
1188 way to put it, right?
1189
1190 Ms. Rozmus- Yeah, this house.
1191
1192 Mr. Lawrence- Yeah, okay, thank you.
1193
1194 Ms. Hyatt- I appreciate your time. I appreciate you hearing me. This sign came
1195 up in our neighborhood and a lot of concern, came from my neighbors and myself. Our
1196 neighborhood is older and it has a lot of character, and part of that character are these

1197 wooded lots that give us some natural space, provide natural habitats and basically just
1198 keep the neighborhood looking, you know, kind of historic I guess. And so we see these
1199 houses get developed in our neighborhood that are newer houses. And they're very tall
1200 and they tend to stick out a little bit and don't really go with the character of the
1201 neighborhood, and I just want to be a voice for myself and my neighbors in saying that
1202 we'd like to keep our wooded areas and we'd like to keep you know, our small, different
1203 looking houses in our neighborhood. And that's really all I have to say. I respect, you
1204 know, the decisions of the Planning Department and all they've given me. Are you Sara?
1205 You gave me a lot of information over the phone, and I appreciate all of that. But I just
1206 wanted to speak for my neighborhood.

1207
1208 Mr. Lawrence- We appreciate that. I did have a question. Do you have any idea what
1209 the lot frontage is on your property?

1210
1211 Mr. Blankinship- I do, Mr. Lawrence, it's forty-six feet.

1212
1213 Mr. Lawrence- So her lot is actually smaller, doesn't comply either with the zoning
1214 ordinance. Was that a variance case, Mr. Blankinship?

1215
1216 Mr. Blankinship- No, it was another one of those old...

1217
1218 Mr. Lawrence- Because it was built before, okay. So, this lot will actually be a little
1219 bigger than your lot. The second thing I wanted to point out to you is that you're talking
1220 about the wooded area, I fully understand that everybody likes to have vegetation, but
1221 you understand that property adjoining you is actually County right-of-way proposed for
1222 a road. So, it's conceivable in the future you could have a road running right along your
1223 house. My suspicion is that if this lot is developed the county is going to be less inclined
1224 to build that road and you're probably going to end up with more open space than you
1225 might have otherwise. I can't guarantee that, but that's a feeling I have. It becomes a lot
1226 more difficult for the county to construct roads on rights-of-way once you have houses
1227 adjoining on either side, so I just wanted to point that out to you as well. Not to diminish
1228 your concerns, but just some things to think about. Anyone else?

1229
1230 Mr. Green- Ms. Hyatt, as we look at the aerial you said that the neighbors are
1231 concerned or would like to keep that vegetation. But if you kind of look at that
1232 neighborhood, it's pretty open. So, there's not a whole lot of vegetation other than what
1233 is the county's piece. And then, you know, when someone owns another piece of
1234 property, I suspect that they have a right to do what they want to. I mean even if the
1235 person didn't build a house, if they wanted to come and clear that lot they could do that
1236 without any oppositional problem. So that would deal with that. So, I guess across the
1237 street, there seems to be a lot of vegetation next to Hazelhurst Street. I see what you're
1238 saying, but as I look at this, there are houses. They're proposing to build a two-story
1239 house but if you look at that white house, the white house is two-story. I don't know if the
1240 house beside it is two-story. Yeah, all of those are two-story, but they seem to be building
1241 the same thing. And that white house doesn't look too out of character with those two
1242 brick houses, and I think you have a single-story house or is it a two story?

1243
1244 Ms. Hyatt- To be fair, ours is two stories, but technically it's more of a Cape Cod,
1245 because I don't have the windows on the front. But to be fair, yes ours is two-story.
1246
1247 Mr. Green- Okay, that's all I wanted to say.
1248
1249 Mr. Broadway- Well to Mr. Green's point, I also understand the appeal of having the
1250 adjacent wooded area in the neighborhood, but the problem is it belongs to someone
1251 else.
1252
1253 Ms. Hyatt- I understand and I appreciate that, and I'm simply here just to give
1254 my opinion and my voice.
1255
1256 Mr. Broadway- Well Ms. Hyatt, in your email that you submitted, this is yours, right?
1257
1258 Ms. Hyatt- Yes.
1259
1260 Mr. Broadway- You referred to a petition signed by other neighbors, then there's a
1261 link here but I don't think we have the petition.
1262
1263 Ms. Rozmus- My apologies. I didn't print it off.
1264
1265 Mr. Broadway- No, that's okay. I was just wondering how many people signed it.
1266
1267 Ms. Rozmus- Thirty-two.
1268
1269 Mr. Broadway- Okay, thirty-two. Okay.
1270
1271 Ms. Hyatt- I didn't, I didn't want to post it, you know, on social media and have
1272 everybody sign it, because I thought that would be irrelevant. So, I wanted to keep it in
1273 the neighborhood.
1274
1275 Ms. Rozmus- And Ms. Hyatt did tell me specifically that the signatures were for
1276 neighbors that are, you know, in the immediate area so it's not, you know, five blocks
1277 away.
1278
1279 Mr. Green- I guess my other question is when was the last house built in this
1280 neighborhood because, you know, if the neighbors of that opposed, why wouldn't have
1281 been opposed to any other house that was built.
1282
1283 Ms. Rozmus- On this block, I think like in the eighties was the most recent house?
1284
1285 Mr. Blankinship- Ms. Hyatt's is 1982. That may be more one of the recent ones. And
1286 let me correct myself from earlier. I said that her lot was forty-six feet. The original lot was
1287 forty-six feet wide. I did a little but more digging while you were talking and they did add

some property from the adjoining property. So it is over fifty feet. Her property is over fifty feet. Her original lot was forty-six but they added some land to it.

Mr. Lawrence- How was that done, Mr. Blankinship?

Mr. Blankinship- From the property next door, they just adjusted the boundary line. On the map it still says forty-six but actually that property line isn't right as shown on our map. Now I've forgotten what your question was. Oh, the newest house on the street. It's difficult to tell without having time to do the research.

Mr. Green- No, I'm just wondering if this is a situation where folks are just comfortable with things as they are and just a little resistant to change.

Ms. Rozmus- And we have seen other cases that have, you know, shown these lots that appear to be very small, some of them smaller than this one, so that I probably wouldn't recommend approval because the pattern of development was not consistent. They didn't have other lots that were of that size. I felt more comfortable with this particular neighborhood that this kind of goes with what is already established.

Mr. Blankinship- Yeah, it's a lot width request, so that's where we are focusing our attention, on the distance between the houses.

Ms. Rozmus- Yes.

Mr. Green- Yeah but we're recognizing that we are always cognizant of neighbors that they too weigh in and factor that in. Just trying to understand what that is all about.

Mr. Lawrence- Any other questions of Ms. Fisher? Thank you, Ms. Fisher, appreciate it. Do we have anyone else who has weighed in on Webex, Mr. Blankinship.

Mr. Blankinship- There is no one on Webex.

Mr. Lawrence- Is there anyone else in the audience or on Webex that wishes to speak in favor of the case? Okay, I have a couple questions for Ms. Rozmus. I think we've received a couple of other emails, from Ms. Ellar and Mr. Balasa. Do we know where they live in relation to this property?

Ms. Rozmus- Mr. Balasa lives up here off, he's not an immediate neighbor, and I don't recall where the other commentary lives. I apologize. Is she in this one? Yeah. This double one.

Mr. Blankinship- Mr. Walker identified Ms. Ellar our email correspondent as living to the property west of the subject property.

Ms. Rozmus- Thank you.

1334
1335 Mr. Lawrence- Ms. Rozmus, so we now know the lot width of Ms. Fisher's house,
1336 but staff has indicated there are other houses on this block that don't meet the fifty-foot,
1337 current requirement. Can you verify there are other houses here that are under fifty feet?
1338

1339 Ms. Rozmus- So I, without having GIS up in front of me, I don't want to be
1340 inaccurate. I mean these two on the end of Glenwood and Penick are definitely a little
1341 closer, and look like that regular pattern. There are certainly houses along this adjoining
1342 street that are closer and then there's some up on another side street that are originally
1343 forty-eight feet in width and they were built in 1926. So, they're definitely the older stock
1344 houses and, you know, complied with the regulations at the time.
1345

1346 Mr. Lawrence- Are there other houses that in addition to this block that would also
1347 not meet that fifty-foot requirement, do you suspect?
1348

1349 Ms. Rozmus- This area is pretty built up. In this immediate vicinity, this is the only
1350 open lot. There are lots back here, however, you know, due to the pretty extensive
1351 wetlands, they're not currently buildable, so, those are also kind of longer wider lots, like
1352 the width goes this way and they extend north. So, in this block, this is the only lot that's
1353 currently or that has always been undeveloped.
1354

1355 Mr. Lawrence- And there would be no impact on the adjoining properties behind this
1356 because there are no homes and you're saying there probably can't be any homes there
1357 in the future?
1358

1359 Ms. Rozmus- Currently today, with the state of the wetlands, I don't think that it
1360 would be possible to build there. I'm not a wetlands expert, so I can't say for certain, but,
1361 you know, I would guess that they're probably not very buildable. I think that's probably
1362 going to always remain.
1363

1364 Mr. Lawrence- So most likely that buffer would remain unless the County at some
1365 point, extended this road. What would be the purpose of extending this road? What is the
1366 goal of that? Why was this road preserved as a right-of-way?
1367

1368 Mr. Blankinship- I can answer that. This subdivision was laid out long before Glenside
1369 Drive was built, so back when this was laid out it was just a grid network of streets and
1370 then when Glenside came through that disrupted the pattern substitutionally and then of
1371 course wetlands became an issue, which weren't in the 1960's, so that added to the
1372 constraints that this property falls under.
1373

1374 Ms. Rozmus- There's more road behind, so this non-existent connection on eight
1375 Hazelwood Street goes up to what is that Leyburn? That road is also unimproved. So,
1376 there's a good section, kind of in the center here that just does not have a road connection
1377 and it's of a similar issue of the wetlands just not making it viable to be built. I would also
1378 like to point out that there's an alley that was vacated on this side of Inglewood, or on this

1379 side between Inglewood and Penick, but it was not vacated on the Glenwood's side. So,
 1380 it gives a little extra room in the back of this lot.
 1381
 1382 Mr. Lawrence- If this lot were developed with a house, how far would the dwelling
 1383 be from both of the adjoining dwellings?
 1384
 1385 Ms. Rozmus- I have that written down. Thank you. Mr. Walker says approximately
 1386 sixty feet. I think that he has the setbacks met here. I know that it would be the two
 1387 neighboring houses are currently a hundred and sixty feet apart. So, that takes into
 1388 consideration the road the right-of-way.
 1389
 1390 Mr. Blankinship- Yeah, Ms. Hyatt is very close to her property line and then you have
 1391 the fifty foot street right-of- way and ten feet on the subject property so that's the sixty feet
 1392 on that side. On Ms. Ellar's side it's about fifty or sixty feet, it's about the same distance.
 1393
 1394 Mr. Lawrence- There be about fifty or sixty feet on the other side? Im talking about
 1395 Ms. Ellar. Okay.
 1396
 1397 Mr. Blankinship- You can see there.
 1398
 1399 Ms. Rozmus- She has the, I wouldn't call it a double lot, but a wider lot.
 1400
 1401 Mr. Blankinship- It's at least a double lot.
 1402
 1403 Ms. Rozmus- Oh, I'm sorry.
 1404
 1405 Mr. Lawrence- The Eller side is the double lot?
 1406
 1407 Mr. Blankinship- Yes. She owns two lots.
 1408
 1409 Ms. Rozmus- And her house is on the other side of the...
 1410
 1411 Mr. Lawrence- So can you point that house out to us? Yeah, okay. So she's on a
 1412 double lot, yeah, I see. So what would you say her side yard setback is currently?
 1413
 1414 Ms. Rozmus- I wouldn't be able to say with accuracy and then, you know, GIS we
 1415 take with a grain of salt. Because it's not a survey.
 1416
 1417 Mr. Blankinship- Its approximately fifty feet. Between fifty and sixty.
 1418
 1419 Mr. Green- Mr. Blankinship, question for you. Mr. Chair brought up a point, if the
 1420 house were developed the county more than likely would not develop that property as a
 1421 road. I think he brought that up. Would that then subject that property to be sold by the
 1422 county?
 1423
 1424 Mr. Blankinship- It could in the future, the right-of-way could be vacated and sold.

1425
1426 Mr. Green- And then would it be big enough to build a house there if the county
1427 ever did that in the future?
1428
1429 Mr. Blankinship- It could potentially because again its fifty feet wide. Lots on each side
1430 are forty-eight, forty-six so its actually the right of way is slightly wider than the lots right
1431 there. But all that is going to be contingent on what happens behind it and that at this time
1432 is completely unknown.
1433
1434 Mr. Green- Okay. Right.
1435
1436 Mr. Lawrence- It's not really 46, she said Mr. Blankinship, right?
1437
1438 Mr. Blankinship- Right, the original subdivision is forty-six.
1439
1440 Mr. Lawrence- Okay. So what happens if this case is denied? What would be the
1441 value of this property?
1442
1443 Ms. Rozmus- I'm sure it would remain a vacant property. I mean, you know, they
1444 could reapply in a year's time.
1445
1446 Mr. Lawrence- Well there's no other use for the property other than a single-family
1447 home.
1448
1449 Ms. Rozmus- No, I don't think that we are going to like a community garden or, you
1450 know, a bird sanctuary here. I think it would probably remain vacant. I think Mr. Green
1451 pointed out that, you know, the property owner could clear the lot, and it could be, you
1452 know, a field, so the fact that it has trees on it now it is nice.
1453
1454 Mr. Blankinship- There is no other reasonable, economically beneficial use for the
1455 property.
1456
1457 Mr. Lawrence- I put a lot of faith in staff's evaluation in these cases, and we get
1458 some cases that staff recommends denial and we approve them anyway and sometimes
1459 we don't. In this case, staff says this case meets all the tests for a variance. I put a lot of
1460 faith in the neighborhood, and you all know that, and I, you know, I hesitate to approve of
1461 anything that is going to give neighbors consternation, but at the same time we have a
1462 duty to be fair to property owners as well. and, you know, if this is not approved, the
1463 property's going to sit there. It's going to be out of the county tax role. And if we had
1464 another home next to it, I'd feel a little bit differently, I think. We have a fifty-foot right-of-
1465 way. We have a fairly substantial setback on the other side of the property. We can't
1466 control what the county is going to do in the future, but I'd be very surprised if this house
1467 goes up that they are going to put a road between two houses. I'm aware of other
1468 situations in the county where we've had development along the road and the county said
1469 that most likely it might become a trail or, you know, green space, natural space behind

1470 it. So, does anyone else on the board have any other questions or discussion on this?
 1471 Okay, having said all that, I'm sorry...

1472
 1473 Mr. Johnson- In addition to what you were saying. I notice if the one they're working
 1474 on now, if it was dividing where the other tree area, would be feasible?

1475
 1476 Ms. Rozmus- Oh, to build back here?

1477
 1478 Mr. Johnson- Beside the house, here yes.

1479
 1480 Ms. Rozmus- Oh, no, that's the road right-of-way.

1481
 1482 Mr. Joohnson- That's going to be a right-of-way?

1483
 1484 Ms. Rozmus- I mean, it was platted to be a road, but I don't think anybody in the
 1485 county is, you know, putting boots on the ground trying to go and make it into a road. If I
 1486 was in the prediction business, I would make more money, but I mean, I think that today
 1487 would remain open space. Okay.

1488
 1489 Mr. Blankinship- There is no reason to believe that road would be extended.

1490
 1491 Mr. Johnson- Okay.

1492
 1493 Mr. Lawrence- Anything else?

1494
 1495 Mr. Broadway- It seems to be if at some point the property owner is able to come to
 1496 an arrangement with the adjoining owner and buy two feet, then he has fifty feet and so
 1497 it makes it all a moot point. If a house is built there, the appearance is not going to be any
 1498 different than if its forty-eight feet.

1499
 1500 Ms. Rozmus- Yeah.

1501
 1502 Mr. Lawrence- Any other questions for Ms. Rozmus? I had a question, Mr. Walker,
 1503 if you don't mind, before we wrap this up. Mr. Walker, you're representing Cauthorne
 1504 Properties. I'm assuming you all have, I've recognized the name of it, you all have built
 1505 other houses in Henrico, right? And maybe in the same area.

1506
 1507 Mr. Walker- Absolutely. I've been a builder in Henrico County for over twenty
 1508 years. I've built four homes in this specific neighborhood within the last four years.

1509
 1510 Mr. Lawrence- Have you ever had any complaints from property owners about the
 1511 design or construction of your homes or...?

1512
 1513 Mr. Walker- That's a great question. The house that I'm proposing is very similar
 1514 to the other four homes that I built in the neighborhood. So typically, I'm an infill builder,
 1515 so I build in existing lots similar to this. And early on in the process, the neighbors do get

upset because they've been accustomed to a wooded area. But once the house is built and the new family moves in, usually all that goes away and everybody is fine. But it's just the initial idea of a wooded area that's been there for years being cleared and the house being built.

Mr. Lawrence- And what you're proposing is consistent with what's in the neighborhood currently?

Mr. Walker- Absolutely.

Mr. Lawrence- Alright, thank you, sir. Alright, is there any other discussion from the board? Alright. Before I make the motion, I just want to reiterate, you know, I appreciate Ms. Fisher coming out speaking and taking the time to canvas her neighbors. I also appreciate those that commented on the case. It's difficult because I really do put a lot of stock into what neighbors have to say and the integrity of the neighborhood, and I'm reluctant generally to grant variances if we can't meet the test, and if we're exceeding the setbacks, the variances by a considerable margin. This is a two-foot setback. It's got adjoining property that's open space, we've got a lot of setback on the other side of the property. And, you know, there's nobody impacted behind the property. And I'm confident that what's going to be located here is going to be consistent with the neighborhood and may actually improve the neighborhood. So having made those comments, I'm going to move that we approve this variance subject to the conditions recommended by the staff. The points I wish to make in doing so is there is no other use of the property as pointed out by the staff, the hardship was caused by the change in the zoning ordinance, so this would have met the county's requirements when the subdivision was platted, the spacing of the houses would be consistent with the neighborhood. The other tests are met as stated in the staff report. Do we have a second?

Mr. Green- Second.

Mr. Lawrence- Motion by Mr. Lawrence, the Chairman, seconded by Mr. Green. Once again, Mr. Massie is absent. All in favor say "Aye."

Board- Aye.

Mr. Lawrence- Is there anyone opposed? The motion carries. Thank you.

On a motion by Mr. Lawrence, seconded by Mr. Green, the Board approved case VAR-2025-103112 subject to the following conditions:

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

2. This variance applies only to the dwelling shown on the plot plan and building design filed with the application. Any substantial changes or additions to the design or location

of the dwelling will require a new variance. Any additional improvements must comply with the applicable regulations of the County Code.

3. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works. The applicant may be required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

4. Any dwelling on the property must be served by public water and sewer.

5. The applicant must obtain a building permit for the proposed single-family home within two years of the date of approval (January 22, 2028) or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

Affirmative:	Broadway, Green, Johnson, Lawrence	4
Negative:		0
Absent:	Massie	1

VAR-2025-103121 Kate Lafayette for 908 S Gaskins LLC: variance from the lot width requirement to build a single-family dwelling at 916 S Gaskins Road, Tuckahoe. The applicant has 50 feet lot width where the Code requires 200 feet lot width. The applicant requests a variance of 150 feet lot width. Parcel 738-732 0576. Zoning: R-0, One-Family Residence District. Code Section: 24-3303.D.

Mr. Blankinship- Alright the last case on today's agenda is **VAR-2025-103121 Kate Lafayette for 908 S Gaskins LLC: variance from the lot width requirement to build a single-family dwelling at 916 S Gaskins Road, in the Tuckahoe Magisterial District.** Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hands please. Do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Gidley- Thank you, Mr. Secretary. The subject property is located off of South Gaskins Road near the Country Club of Virginia. At one point it was a 7.75-acre parcel with a 50-foot access strip to South Gaskins Road. Since this time, it has seen a number of family divisions and boundary adjustments, and that has resulted in today's property, which is a 3.96-acre parcel with the same fifty-foot access trip to South Gaskins Road that you can see here. In 2001, a variance was granted to allow a home to be built here. One of the neighbors appealed the decision and it was overturned by the court, which basically said the original parcel had a home on it and that was a reasonable use of the property. In 2015, the state statute changed and a new variance was applied for. This was denied by the BZA on the basis that the original variance was overturned by the courts and no further guidance was provided. As you know, in 2024 the Virginia Court of

1607 Appeals came up with their unreasonably restricts the use of the property standard. A
1608 year later the property was conveyed to the applicant who would like to build a single-
1609 family home on this property. This would be served by the same fifty-foot access trip that
1610 you see here. The zoning ordinance, however, does require a 200-foot-wide lot in the R-
1611 0 district, and with the access trip being fifty feet, it's considered to be shy 150 feet. This
1612 would essentially be the same variance as was previously overturned. However, today it
1613 should be reviewed under the Court of Appeals guidance. In reviewing this case, as you
1614 know, one of the three threshold tests must be met. Given the complicated history of the
1615 property, the presence of fifty feet of actual public street frontage and accompanying
1616 access strip, along with the fact that if a road were built into this property, at least three
1617 lots could be created, something neither the owners, the neighbors, nor the county wants.
1618 As a result, staff believes an argument can be made that it is unreasonably restricted to
1619 not allow a single home to be built here. Moving on to the five subtests, as noted in your
1620 staff report, we believe those are met, specifically the new owner obviously did not cause
1621 the hardship. And this is an elevation here of a potential home that could be constructed
1622 on the property.

1623
1624 Mr. Green- Home or office!

1625
1626 Mr. Gidley- Yes. This is the ADU!

1627
1628 Mr. Green- That's an office!

1629
1630 Mr. Gidley- In conclusion, the property is 3.96 acres and fifty feet of public street
1631 frontage. It is suitable for a dwelling but cannot be used for that purpose. The new owners
1632 did not cause the hardship and if forced to construct a public street, three homes could
1633 be constructed on the parcel, which would have a greater impact on the neighbors. As a
1634 result, staff recommends approval this case subject to the conditions in your staff reports.
1635 If you have any questions, I'll be happy to answer those. Thank you.

1636
1637 Mr. Lawrence- Okay. Thank you, Mr. Gidley. Does anyone from the board have
1638 questions of Mr. Gidley before we move on to the applicant? Okay, hearing none, we'll
1639 hear from Mr. Condlin.

1640
1641 Mr. Blankinship- Is there a remote clicker on there? Yeah. Make sure that's turned on.
1642 Does it have an on switch, the remote itself?

1643
1644 Mr. Condlin- I don't think I need any of the slides, I've got a number of slides
1645 more for questions. Mr. Chair, members of the board. My name is Andy Condlin. And I
1646 have with me Katherine Lafayette of Roth Jackson, here on behalf of the applicant. And
1647 with the principal of the applicant, Eric Krutz is here as well, who's the owner of the two
1648 adjoining parcels. The first one is on the front of Daniels Road, which is not the subject of
1649 this request, is 4.79 acres. Again, located on Daniels Road despite having a Gaskins
1650 Road address, but I'll refer to that as the Daniels Road lot. And then the back piece, which
1651 is the subject parcel of 3.96 acres, has Gaskins Road frontage. That was created in 1961,
1652 always intended for and designed for public road frontage to serve various properties,

including this property in the area. As Mr. Gidley has pointed out, its zoned R-0 and what we're proposing meets all the R-0 requirements, other than the lot frontage requirement. This specific property, as Mr. Gidley has pointed out, has some interesting history, some of which I was involved in with some of the other cases, so we know the property well. With the change in the law in regard to the standards and as confirmed by the Court of Appeals, we've come back again. As we've put forth in our staff report and in our applicant statement, we believe that we do meet those requirements. And I do believe the staff report and the staff presentation, along with our applicant statement, provides a comprehensive analysis of the standards and why we meet those. I'm not going to go through those standards. I would just incorporate those into my presentation. Instead, I would like to really focus on the practical aspects of this request, which is this fifty-foot access strip as designed for a public road. What we're asking for is a variance in a very unusual situation, I'm asking for a variance in order to build less and have less impact. In order to meet the code, I would have greater impact and probably have the right to and probably have to do a subdivision of this lot into three parcels. So, Mr. Gidley, if you could advance one.

What we're proposing and you can see both the Daniels Road lot on the top and then the subject property on the bottom, is to have a single access drive or private drive instead of a public right-of-way. That in and of itself, will allow for less impact by not having to build a thirty-six-foot-wide paved area with a twenty-four-foot-wide right-of-way and then have the six feet on each side. Along those fifty feet, we can do a private drive. And then have one single lot, of course, one single home being served by that private drive. Mr. Gidley, if you could go forward one. The alternative, in order to meet the code, is we can and have every right to build a public road over that fifty-foot right-of-way. We'd have to have a cul-de-sac. Again, more impact by clearing more trees, more public right-of-way, more pavement, more impervious surface. I think the real upshot is that's a costly road to put in to meet the public road standards versus a private drive that accesses that fifty-foot right-of-way. Just to that first lot is almost 300 feet, we'd have to extend it more than double that again, so it's over 600 feet plus, in order to build that public road plus the cul-de-sac and have three lots, three new homes, which we believe is out of character with the area. If you go to the next slide, sorry, next one after that, Mr. Gidley. There is an option to do two lots as well with the larger lot on Daniels Road. That was something that we've looked at, and I know the Hogan family looked at that as well. Finally, if you could just go to the next slide. What we do propose and instead we're simply requesting a variance to allow the lot to remain as it is, to not have to put in a public road at this juncture. In general, we are in agreement with all the conditions proposed by staff with one clarification and one request. Condition number two says it must be in substantial accord with what we've provided, including what's shown here. One of the neighbors on the private drive to the right has asked us to say, could we center that driveway? That condition doesn't talk about the driveway. I just wanted to clarify that at their request and then talking with them, they support the request. But again, I don't think that's in violation. I just wanted to clarify, we're probably going to put that driveway right down the middle of that, at least try to. It's close to the middle of that fifty-foot right-of-way to be able to make sure to give them a little more elbow room as they called it. The second question is the two-year limitation on having to come forward with the building permit. Mr. Crutz and his

1699 wife plan on rebuilding, taking down the house on the Daniels Road lot first. And then
1700 rebuilding that house, for their use. And then once that house is located, they would then
1701 sell the property that we're talking about, and they wanted to be able to make sure they
1702 have the proper sighting of their house and have all that taken care of before they sell the
1703 lot and not be under pressure to sell that. So they'd like to eliminate that two-year provision
1704 and have the variance come forward and allow for that development after they, you know,
1705 obviously go through their home building on the Daniels Road lot. I don't think that
1706 changes anything. It's not granting any extra rights by allowing extra time in that sense,
1707 so with that I'll be happy to answer any questions. As I said, Mr. Krutz is here as well if
1708 you have any questions of him.

1709
1710 Mr. Lawrence- Thank you, Mr. Condlin. Do we have any questions from the board?

1711
1712 Mr. Green- Do we have any pictures of the house? We saw the house that
1713 they're trying to build, what was the house that they're trying to take down?

1714
1715 Mr. Condlin- Oh, that's there's an existing house there. That's all by-right under
1716 the R-0 district. They access it off Daniels Road. I just mentioned that only because I don't
1717 think we provided an elevation of what that potential house would be because it's not part
1718 of the request. But that does influence the two years, is really why I mentioned that. Both
1719 lots are owned by the same owners. That's a smaller house. They want to build a larger
1720 house to meet their needs. That property is 4.79 acres, and it's a pretty substantial
1721 property, one of the larger ones in the area.

1722
1723 Mr. Green- So what you're saying is there's a house where the arrow is over that
1724 is smaller. They're going to want to build where the red is and you want us to grant longer
1725 than two years, because they want to take that house down.

1726
1727 Mr. Condlin- They're going to take that house down; they've already started
1728 designing a new house on that property.

1729
1730 Mr. Green- Right.

1731
1732 Mr. Condlin- And by the time they get done with the design, permitting and
1733 construction that's going to take close to the two-year time frame or a year plus. Then
1734 they would go and market the property that we're talking about today in order to build that
1735 house. Then they would market that, put it on the market, sell it, and then that person
1736 would design their house and the thought is that's going to take longer than two years to
1737 accomplish.

1738
1739 Mr. Green- Because the house in the red is going to be built as a custom house?
1740 So that could easily take...

1741
1742 Mr. Condlin- Absolutely.

1743
1744 Mr. Green- So it's not a turnkey house?

1745
 1746 Mr. Condlin- Absolutely. We're going to sell the lot and allow the buyer to build
 1747 that house. Now we've shown a potential plan, and the idea would be it would be
 1748 consistent with the community. I know that's important to the community. It's important to
 1749 Mr. Crutz. It's also going to be important to make sure it's consistent with the house that
 1750 they're going to build on the Daniels Road lot.
 1751
 1752 Mr. Broadway- As part of approving an application can we grant that an extension
 1753 of the two years?
 1754
 1755 Mr. Blankinship- Yes sir. That used to be written in the code, but it was taken out of
 1756 the code, and we decided to handle it by condition for exactly this reason, so you'll see
 1757 that standard condition on every case. But it is within the board's purview. What we would
 1758 not like to see from a staff perspective is to delete the date and put nothing in its place,
 1759 because then we could be back here twenty years from now with completely different
 1760 circumstances and another owner comes in and says, but I've had this variance. So, we
 1761 do like to have a sunset on them, just so we know if circumstances change dramatically
 1762 and nothing happens then we will get another look at it.
 1763
 1764 Mr. Condlin- If we could recommend five years then. Just again, by the time they
 1765 get done with the front lot, build that five years time, frankly, I think it's been five years,
 1766 maybe seven years since we did the last zoning case, last BZA case that we... not a
 1767 whole lot has changed. That's nice thing about this area. So that's reasonable, we'd think
 1768 five years would be more than reasonable to accomplish that and if they don't, they'll
 1769 come back.
 1770
 1771 Mr. Green- Mr. Lawrence. Since you have the aerial up could you explain once
 1772 again...
 1773
 1774 Mr. Gidley- Gidley.
 1775
 1776 Mr. Green- I'm sorry. Mr. Gidley, could you explain, well they both have white
 1777 hair!. Could you explain the appellate court case as it relates to this? Go back, what would
 1778 happen again?
 1779
 1780 Mr. Gidley- The appellate court standard is whether or not the zoning ordinance
 1781 unreasonably restricts the property. And staff's perspective is you do have public street
 1782 frontage here, you do have an access strip. You can build three houses here if you build
 1783 the public street down here. They want to build one and arguably to have a three-point-
 1784 some acre parcel with public street frontage, but not be able to build one home there is
 1785 arguably an unreasonable restriction.
 1786
 1787 Mr. Green- Someone wanted to do something before and it was appealed?
 1788
 1789 Mr. Blankinship- The prior statue and guidance from the Virginia Supreme Court was
 1790 if there is any reasonable use of the property taken as a whole you cannot grant a

1791 variance. That's what we call the Cochran test. The BZA approved this variance in 2001.
1792 But when it went to the Circuit Court the argument was made. Two things, it had originally
1793 been part of a larger parcel and there was a house on that parcel. So If you look at that
1794 eight acres, seven and a half acres properties taken as a whole, then it already had a
1795 reasonable use. I would still not agree that in a residential zoning district to allow only one
1796 house on eight acres is reasonable, but that is what the circuit court said. And their other
1797 point was that this property was not left with no reasonable use because you could build
1798 a public street and then build a house, so there was some other way to develop it without
1799 a variance. And so the Circuit Court overturned the variance. The statue was then
1800 amended to take out the very strict requirement and Mr. Condlin and the previous owner
1801 came back before this Board and said now that the statue has changed, we think there is
1802 a lesser standard and we think a variance would be appropriate. And staff was reluctant
1803 to go against the Circuit Court decision without having something from the higher courts
1804 in Virginia. So now we do have that. We do have the Board of Appeals saying the old
1805 Cochran standard is no longer the statue. The statue now allows the Board to use the
1806 discretion to determine that the zoning restriction is unreasonable as applied to this
1807 property. To say yes you can build a three-lot subdivision, no you cannot build one house
1808 with a driveway in my view is unreasonable. I felt comfortable supporting this, but of
1809 course it's the Board's decision.

1810
1811 Mr. Condlin- That was a spot-on, excellent summary. In 2019 I didn't agree with
1812 them, but we do know.

1813
1814 Mr. Lawrence- And they sent us a summary in the staff report, but it was a lot to
1815 wade through.

1816
1817 Mr. Green- It's easier to explain it.

1818
1819 Mr. Lawrence- Let me ask you a question, Mr. Condlin, or two. First of all, I'm a little
1820 confused I guess about the property. So the red lines on here indicate where the house
1821 is gonna be built. But do I understand that that is not the entire lot? The lot actually goes
1822 out to Daniels Road or is that a separate parcel?

1823
1824 Mr. Condlin- That's a separate parcel. Those are two separate lots and that parcel
1825 fronts on Daniel's road, even though it's a private road, but that's grandfathered in at that
1826 point.

1827
1828 Mr. Lawrence- Oh, Daniels is private, okay.

1829
1830 Mr. Condlin- Yes sir. It has a Gaskins Road address but there's a number of lots
1831 on Daniels Road. And that's a separate parcel owned by the same owners. It has been
1832 in the Higgins families for generations and Mr. Krutz bought it. And so that's the only
1833 reason I mentioned that was because that influences the time period in which they want
1834 to move forward, they want to do it right, both parcels and handle them in the right way.
1835

1836 Mr. Lawrence- The other question that I have is, I'm going to ask you the question I
1837 asked the gentleman here earlier, of course what he has to do is much less extensive
1838 than what you would have to do. Did you get an estimate about what it would cost to get
1839 a public road in here and a cul-de-sac?
1840
1841 Mr. Condlin- I don't believe we did, but it'd be substantial is the number I'd come
1842 up with and the upside of that and representing a number of developers, we didn't look at
1843 it because we don't want to do it but is that we couldn't build a cul-de-sac, even if there
1844 was one home on this lot, we'd still have to build a road with the cul-de-sac. Then those
1845 numbers are out of whack from a development standpoint; we'd have to subdivide the
1846 property at that point in order to recoup the cost to build that road.
1847
1848 Mr. Lawrence- And that would have to be a fifty-foot right-of-way? Even for one
1849 house?
1850
1851 Mr. Blankinship- Yes. And probably thirty-six feet of pavement, thirty-four pavement.
1852
1853 Mr. Condlin- And the difference is it's not a question of safety. The question is I
1854 have to get my lot width, so I'd have to build a public road on that fifty-foot back enough
1855 in order to get 200 feet. I guess that road would have to extend 200 feet past the fifty-foot
1856 stem in order to get my 200 feet of lot width on a public road. That's what I need. It's 200
1857 feet of public road frontage. That's why I need to build a public road back there to serve
1858 that lot.
1859
1860 Mr. Lawrence- Would that have to be an asphalt road?
1861
1862 Mr. Blankinship- Yes. That would have to be paved, curb and gutter, shoulders, Yeah,
1863 just like Middle Quarter Lane that you see on the adjoining subdivision there. It would be
1864 just like that. And he can do that tomorrow. But he can't build one house with a private
1865 driveway.
1866
1867 Mr. Lawrence- Right.
1868
1869 Mr. Green- Looking at the house that they're building, its gotta be a multi-million
1870 dollar house. I don't think a road... that's minor compared to what I think that house is
1871 going to come in at.
1872
1873 Mr. Lawrence- You're not going to put a bid in for it, Mr. Green?
1874
1875 Mr. Blankinship- It wouldn't be minor.
1876
1877 Mr. Green- You know what I mean.
1878
1879 Mr. Blankinship- It could very well be a million dollars worth of road.
1880

1881 Mr. Green- Yeah, but the value of the house is probably a four or five million
1882 dollar house.
1883
1884 Mr. Condlin- I'll put it this way, I went back and looked at my notes and in 2019 for
1885 the Higgins family when we did the variance the estimate at that time was \$675,000 for
1886 the road. So now, you know, taken by another, you know, fifty percent.
1887
1888 Mr. Lawrence- How much did you say, Mr. Condlin?
1889
1890 Mr. Condlin- Pardon me?
1891
1892 Mr. Lawrence- Can you give us that figure again?
1893
1894 Mr. Condlin- In 2019 it was \$675,000, was the estimate we received to do that
1895 road for the entire cul-de-sac, not, not to serve one, but to do the cul-de-sac with three
1896 lots around it.
1897
1898 Mr. Lawrence- That was seven years ago.
1899
1900 Mr. Condlin- Yeah, so certainly construction costs have gone up since then, but
1901 that was the time.
1902
1903 Mr. Blankinship- It is not a lot to you, it is a lot to me.
1904
1905 Mr. Green- No, I was about to tell Mr. Lawrence that he can just write a check
1906 for that. But that's got to be a five, six-million-dollar house I presume. Yeah, so that's
1907 consistent with the...
1908
1909 Mr. Condlin- And then the question is do you really need, you know, it's better to
1910 have a private drive to serve one home with a house size versus a public road. Quite
1911 frankly it just tears down more trees, it's more impervious surface that seems
1912 unnecessary.
1913
1914 Mr. Blankinship- Yeah, the environmental impact.
1915
1916 Mr. Lawrence- I did have a question, while we're having this discussion, for Mr.
1917 Blankinship. This is a very unusual case. Do you recall a situation from before where the
1918 BZA has approved a variance, it has been overturned in court and then we have acted
1919 on it again in the future?
1920
1921 Mr. Blankinship- No. I would really have to sit and think about any other cases this
1922 Board has been overturned by the Circuit Court. I mean we don't go there very often and
1923 when we do we have an excellent record.
1924
1925 Mr. Condlin- This only makes it more unique. The property itself is unique and the
1926 circumstances which we're facing today is very unique. The Court of Appeals quite

1927 frankly, you know, speaking specifically as to the standard that we're having to deal with,
 1928 so it's again a very unique situation.
 1929

1930 Mr. Lawrence- Does anyone else on the board have any questions of Mr. Condlin?
 1931 I only had one, Mr. Condlin. I was just curious, is Kate Lafeyette any relation Laura
 1932 Lafayette?
 1933

1934 Mr. Condlin- Yeah, she's right there and that's her mother.
 1935

1936 Mr. Lawrence- I thought maybe that was the case.
 1937

1938 Mr. Condlin- Katherine just graduated from law school in the fall, so she's just
 1939 joining us now.
 1940

1941 Mr. Lawrence- Congratulations. Which law school and where did you go to
 1942 undergraduate school?
 1943

1944 Kate Lafayette- The University of Richmond.
 1945

1946 Mr. Lawrence- Congratulations. Okay, very good. Great.
 1947

1948 Mr. Green- Yeah, I know your mother, she's a very nice woman.
 1949

1950 Mr. Lawrence- Okay, thank you Mr. Condlin. So we have finished hearing from the
 1951 applicant. This is a public hearing, do we have anyone in the audience or on Webex that
 1952 would like to speak in opposition to the case? Anyone on Webex, Mr. Blankinship?
 1953

1954 Mr. Blankinship- There is no one on Webex.
 1955

1956 Mr. Lawrence- Okay, and in the audience? Yes ma'am.
 1957

1958 Ms. Easterly- Hello board members and staff members. My name is Carrie Easterly
 1959 E A S T E R L Y. My address is 904 South Gaskins Road. My property is at the corner of
 1960 South Gaskins and Daniels Road. I'm in support of the variance. I just wanted to know if
 1961 it would be permissible for me to ask a question about the owner's new home, which is
 1962 adjacent to me on Daniels Road. I am 904 and that home would be 908.
 1963

1964 Mr. Blankinship- Are y'all in any objection in discussing that after the meeting? Okay.
 1965 You can just meet with them out in the lobby.
 1966

1967 Mr. Lawrence- It's really not pertinent to this case, but if the applicant would be good
 1968 enough to meet with Ms. Easterly, maybe you could clear up...
 1969

1970 Ms. Easterly- Alright, I'll see you afterwards. Thank you.
 1971

1972 Mr. Lawrence- We wouldn't have the answer, but yeah, thank you.

1973
 1974 Mr. Blankinship- . I'll also call to the board's attention there was one letter in support
 1975 from one of the adjoining neighbors, which was left on the table for you this morning.
 1976
 1977 Mr. Lawrence- Thank you, Mr. Blankinship. We're going to close the public hearing
 1978 then hearing no other comment and I think we're ready for a motion, Mr. Broadway.
 1979
 1980 Mr. Broadway- Yes. I think the applicant and their representative presented a very
 1981 thorough application and on that basis I would make a motion that we approve the
 1982 application subject to the various recommendations set up by the staff with one exception.
 1983 That is the period by which the applicant must obtain a permit would be January 22, 2033,
 1984 instead of 2028.
 1985
 1986 Mr. Green- Is that the five years that they requested?
 1987
 1988 Mr. Broadway- Yes.
 1989
 1990 Mr. Gidley- 2031 would be five years.
 1991
 1992 Mr. Broadway- Okay. Let me change that, 2031.
 1993
 1994 Mr. Lawrence- So can we repeat the date once again?
 1995
 1996 Mr. Blankinship- January 22, 2031.
 1997
 1998 Mr. Lawrence- Okay, thank you.
 1999
 2000 Mr. Broadway- I was giving you the seven years. Lets go with five.
 2001
 2002 Mr. Blankinship- You can come back and check on that.
 2003
 2004 Mr. Lawrence- Do we have Mr. Johnson's second to the motion? All in favor say
 2005 "Aye."
 2006
 2007 Board- Aye.
 2008
 2009 Mr. Lawrence- Do we have any opposition? Hearing none, the motion carries.
 2010
 2011 **On a motion by Mr. Broadway, seconded by Mr. Johnson, the Board Approved**
 2012 **case VAR-2025-103121 subject to the following conditions:**
 2013
 2014 1. This variance applies only to the lot width requirement for one dwelling only. All other
 2015 applicable regulations of the County Code remain in force.
 2016
 2017 2. This variance applies only to one dwelling as shown on the "Conceptual: Potential Site
 2018 Layout - Opt. A" and "Conceptual: Potential House Elevation - Opt. A" prepared by 3 North

Architects and filed with the application. The concept plan may be revised to show the driveway centered in the access strip. Any other substantial changes or additions to the design or location of the dwelling will require a new variance. Any improvements other than the dwelling must comply with the applicable regulations of the County Code.

3. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval from the Department of Public Works. The applicant may be required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

4. Any dwelling on the property must be served by public water and sewer.

5. The applicant must obtain a building permit for the proposed dwelling within five years of the date of approval (by January 22, 2031) or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

Affirmative:	Broadway, Green, Johnson, Lawrence	4
Negative:		0
Absent:	Massie	1

Mr. Blankinship- Alright, thank you very much. That brings us to the minutes. The minutes from your December meeting were distributed with the packet. Mr. Lawrence has kindly made some typographical and grammatical corrections, but I don't believe there were any substantive changes in his corrections. Did anyone else have any changes to the minutes or is there a motion?

Mr. Green- Second, I mean move for approval.

Mr. Lawrence- Okay, Mr. Green has made a motion on the minutes, do we have a second?

Mr. Broadway- Second.

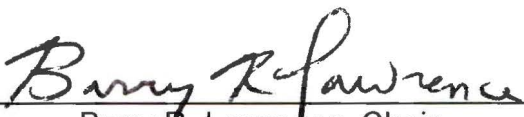
Mr. Lawrence- Second by Mr. Broadway. All in favor say "Aye."

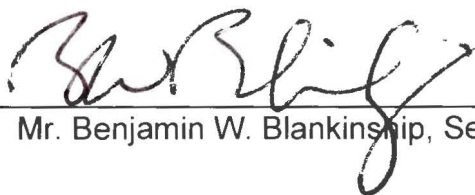
Board- Aye.

Mr. Lawrence- Any opposition? Hearing none, the motion carries.

Mr. Blankinship provided the Board with information regarding an appeal pertaining to a data center. He reported that the Planning Director had received a request to hold the public hearing on that appeal in the evening at a Henrico County high school closer to the location of the property involved. This would be more convenient for the public to attend.

Alternatively, it could be heard in the boardroom, either in the evening or at the usual time. The Board discussed the matter but did not take any action.


Barry R. Lawrence, Chair


Mr. Benjamin W. Blankinsip, Secretary