

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**  
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**  
3 **BUILDING IN THE HENRICO COUNTY GOVERNMENT COMPLEX, ON**  
4 **THURSDAY, MARCH 28, 2002, AT 9:00 A.M., NOTICE HAVING BEEN**  
5 **PUBLISHED IN THE RICHMOND TIMES-DISPATCH ON MARCH 7 AND 14,**  
6 **2002.**  
7

**Members Present:**

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

**Also Present:**

**Benjamin Blankinship, Secretary**  
**Susan W. Blackburn, County Planner II**  
**Priscilla M. Parker, Recording Secretary**

8  
9 Pledge of Allegiance

10  
11 Mr. Balfour Welcome, ladies and gentlemen, to the April meeting  
12 of the Board of Zoning Appeals. Before we get started, I'll have the Secretary  
13 read the rules.

14  
15 Mr. Blankinship - Good morning, Mr. Chairman, Members of the Board,  
16 ladies and gentlemen. The rules for this meeting are as follows. The Secretary,  
17 myself, will call each case. Then the applicant will come to the podium to present  
18 the case. At that time I'll ask all those who intend to speak, in favor or  
19 opposition, to stand, and they will be sworn in. The applicants will then present  
20 their testimony. When the applicant is finished, anyone else will be given an  
21 opportunity to speak. After everyone has spoken, the applicant, and only the  
22 applicant, will be given the opportunity for rebuttal. After hearing the case, and  
23 asking questions, the Board will take the matter under advisement. They will  
24 render a decision at the end of the meeting. If you wish to know what their  
25 decision is, you may stay until the end of the meeting, or you may call the  
26 Planning Office at the end of the day. This meeting is being tape recorded, so  
27 we will ask everyone who speaks, to speak directly into the microphone on the  
28 podium, and to state your name for the record. Out in the foyer, there are two  
29 binders, which have the staff reports for each case, including the conditions  
30 suggested by the staff. Mr. Chairman, we have one request for a deferral on the  
31 9:00 o'clock agenda.

32  
33 Mr. Crown- I wish to defer my cases.

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34  
35 Mr. Balfour- What numbers are your cases?  
36  
37 Mr. Crown- A-41-02 and A-42-02.  
38  
39 Mr. Balfour- Have they been continued before?  
40  
41 Mr. Blankinship- This is the first time they have been heard.  
42  
43 Mr. Crown- This is the first time with this application.  
44  
45 Mr. Blankinship- Is anyone here to speak on this case?  
46  
47 Mr. Balfour- Are you here to speak on this case? Mr. Crown would like to  
48 defer this case to the next month. Do you have an objection  
49 to that?  
50  
51 Mr. McKinney- We are recording this meeting, and you need to come down  
52 to the podium so that we can get this on tape.  
53  
54 Mr. Balfour- Would you state your name?  
55  
56 Mr. DeShazo- Raleigh DeShazo. I live at 1904 Fordson Road, Richmond,  
57 Virginia. Mr. Chairman and members of the Board, all of us  
58 here this morning are here in opposition to this case. We  
59 would like to have it heard today.  
60  
61 Mr. Balfour- How many people are here? Would you stand please. . .10  
62 of you. Mr. Crown why do you want to continue this case?  
63  
64 Mr. Crown- They did this before. The last time, I couldn't get the  
65 information that I needed until 9:00. When I got the  
66 information, and the slander that they put in the paper  
67 against me. And the paper that I got from you said that you  
68 would not hear the case without me being represented. And  
69 that has been changed.  
70  
71 Mr. Balfour- Is this case that you are talking about?  
72  
73 Mr. Crown- I am talking about the case in 1999. .  
74  
75 Mr. Balfour- I am sorry Sir, we are talking about the case before us this  
76 morning, not 2 years ago.  
77  
78 Mr. Crown- Why can't I get it deferred?  
79

80 Mr. Balfour- Why do you want it deferred?  
81  
82 Mr. Crown- I would like to have it deferred so I can get me a lawyer.  
83  
84 Mr. Balfour- Have you tried to get a lawyer before?  
85  
86 Mr. Crown- Yes, I tried, he couldn't be here this morning. He told me to  
87 get it deferred and he would be here next Thursday.  
88  
89 Mr. Balfour- We hear your motion, members of the Board have any  
90 comment?  
91  
92 Mr. Wright- I think if all these people are here and there is no reason in  
93 the world why we shouldn't go forward. He has known all  
94 this time he is going to have this case. Have the Board take  
95 a vote.  
96  
97 Mr. Balfour- Members, all in favor of hearing this case today, say Aye. .  
98  
99 Mr. Crown- Can you defer it for 30 minutes so I can go home and get  
100 some papers? This is not right, this is not fair.  
101  
102 Mr. Balfour- Mr. Crown, I am sorry you feel that way, and we will pass it  
103 on by, but you need to get back here.  
104  
105 Mr. Crown- Why can't I get this deferred? These people are retired and  
106 don't work?  
107  
108 Mr. Balfour- I am sorry, Mr. Crown. But the Board took a vote and it was  
109 unanimous. And we ask you to be back here at 10:00am.  
110  
111 Mr. McKinney- You can withdraw it and re-apply. . .  
112  
113 Mr. Crown- If I withdraw it and reapply, it will cost me another \$600.00,  
114 right?  
115  
116 Mr. Balfour- That is right.  
117  
118 A - 35-2002: Janice A. Donati requests a variance from Sections 24-  
119 95(i)(2) and (d) of Chapter 24 of the County Code to build an  
120 addition at 2614 Hilliard Road (Hilliard Park) (Parcel 777-  
121 749-8461), zoned R-3, One-family Residence District  
122 (Brookland). The accessory structure location requirement  
123 and minimum side yard setback are not met. The applicant  
124 has a detached garage in the side yard and 2 feet side yard  
125 setback, where the Code allows accessory structures in the

126 rear yard and requires 3 feet side yard setback. The  
127 applicant requests a variance for an accessory structure in  
128 the side yard with 1 foot side yard setback.  
129  
130 Mr. Balfour- Please identify yourself.  
131  
132 Mr. Wright- My name is Tim Wright, I am the contractor that is going to  
133 do the work.  
134  
135 Mr. Balfour- Would you raise your right hand and be sworn in.  
136  
137 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
138 the whole truth and nothing but the truth so help you God?  
139  
140 Mr. Wright- I do.  
141  
142 Mr. Balfour- You may proceed.  
143  
144 Mr. Wright- In order to build an 26x 34 addition, they have a garage that  
145 is sitting behind the existing house, but if I build the addition,  
146 the garage will no longer be behind the house but to the side  
147 of the addition. Also in checking the plats, the garage was  
148 built closer than 3 feet to the side property line. It has been  
149 there for over 30 years, and they decided to add that to this  
150 variance request.  
151  
152 Mr. Balfour- How did it happen to get 1 foot off the property line?  
153  
154 Mr. Wright- When I came to apply for the variance to build the addition, it  
155 was discovered that the garage was built in the wrong place.  
156 So we included the garage into the request.  
157  
158 Mr. Blankinship- Was your company involved in building that shed?  
159  
160 Mr. Wright- No sir. It has been there for many years.  
161  
162 Mr. Balfour- Any other questions by the Board?  
163  
164 Mr. Kirkland- Mr. Wright, I do not have any architectural drawings of the  
165 addition, what is this going to be used for?  
166  
167 Mr. Wright- It will be two bedrooms and a living room. She has an  
168 elderly father and sister that are coming to live with her.  
169 They were hoping to add this to accommodate their needs.  
170

171 Mr. Kirkland- If you would put your drawings on the overhead camera then  
 172 everyone can see. Is this addition going to have a flat roof?  
 173  
 174 Mr. Wright- No, it is going to have a A-roof and I am also going to put an  
 175 A-roof on top of that existing flat roof on the sunroom.  
 176  
 177 Mr. Kirkland- The roof I am looking at is the old roof? So that would be an  
 178 old room with a new roof on top. . .  
 179  
 180 Mr. Wright- Yes sir.  
 181  
 182 Mr. Balfour- Any other questions by Board Members? Thank you Mr.  
 183 Wright.  
 184  
 185

186 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by  
 187 Mr. Wright, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
 188 granted your request for the above-referenced variance. The Board granted the  
 189 variance subject to the following condition:  
 190

191 1. This variance applies only to the side yard setback and the location of the  
 192 garage in the rear yard. All other applicable regulations of the County Code shall  
 193 remain in force.  
 194

195 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
196 Negative:		0
197 Abstain:		0

198  
 199 The Board granted this request, as it found from the evidence presented that,  
 200 due to the unique circumstances of the subject property, strict application of the  
 201 County Code would produce undue hardship not generally shared by other  
 202 properties in the area, and authorizing this variance will neither cause a  
 203 substantial detriment to adjacent property nor materially impair the purpose of the  
 204 zoning regulations.  
 205

206 A - 36-2002: Advance Auto Parts requests a variance from Section 24-  
 207 96(b)(13) of Chapter 24 of the County Code to build a  
 208 concrete lift pad at 7051 Brook Road (Parcel 785-750-0092),  
 209 zoned B-3, Business District (Fairfield). The required  
 210 number of parking spaces is not met. The applicant has 23  
 211 parking spaces, where the Code requires 27 parking spaces.  
 212 The applicant requests a variance of 4 parking spaces.  
 213

214 Mr. Balfour- Is anyone else here to speak on this case?  
 215

216 Mr. Balfour- Any one who may testify, would you please stand and raise  
217 your right hand and be sworn in.  
218  
219 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
220 the whole truth and nothing but the truth so help you God?  
221  
222 Mr. Blake- I do.  
223  
224 Mr. Balfour- You may proceed.  
225  
226 Mr. Blake- My name is Brian Blake, I am with Blake Construction of  
227 Virginia. We are looking at the project for Advanced Auto  
228 Parts. Basically to make alterations to the lift that is existing,  
229 the lift itself is sitting on the asphalt parking lot. We are  
230 under the impression that lift was added after the store was  
231 built. It took up several parking spaces, thus causing the  
232 difference in the number of parking spaces required and the  
233 number provided on the site.  
234  
235 What we are asking to do is to leave the lift in the same  
236 location, and due to safety issues add bollards in front of the  
237 lift so no damage would occur to the lift and pour a concrete  
238 slab under it and attach a new lift. That is Advanced Auto  
239 Parts request and there have been some safety issues and  
240 there have been some workman comp claims filed due to  
241 injuries related to this lift. Looking at the lot and building,  
242 there is really no other way we can add any more parking to  
243 that site. The building size itself and the lot size restrict any  
244 more additional parking spaces.  
245  
246 Mr. Balfour- Any questions by the Board Members?  
247  
248 Mr. Wright- This lift was put in after the building was constructed and  
249 took away some parking spaces.  
250  
251 Mr. Blake- Yes sir, we believe that is what happened.  
252  
253 Mr. Wright- Mr. Blankinship, should they have obtained a permit to put  
254 this lift in?  
255  
256 Mr. Blankinship- I don't know whether that would be considered a structure or  
257 a piece of equipment.  
258  
259 Mr. Wright- But it took some of the parking spaces away. . .  
260

261 Mr. Blankinship- It probably should have gone through an amended POD, but  
262 we would have picked that up off the building permit. And I  
263 do not know if you need a building permit to install that kind  
264 of equipment.  
265  
266 Mr. Wright- When was this lift put in?  
267  
268 Mr. Blake- That I do not know. Given the general condition of the lift, it  
269 was probably put in shortly after the building was  
270 constructed. It is a very old lift.  
271  
272 Mr. Wright- When was the building constructed?  
273  
274 Mr. Blake- I believe it was constructed in 1990.  
275  
276 Mr. Wright- Since the lift was put in, have you had any problems with  
277 parking?  
278  
279 Mr. Blake- No sir. I have spoke to the store manager and the assistant  
280 manager, and they have told that at no time do they ever  
281 have a full parking lot. The spaces off to the side are the  
282 ones that are used. Very seldom are there customers  
283 parked at the rear of the store unless they are picking up  
284 parts to large to carry.  
285  
286 Mr. Wright- So what you are asking here today, is to replace the lift and  
287 put a concrete pad under the lift. That is no different than  
288 what is there now?  
289  
290 Mr. Blake- Yes sir.  
291  
292 Mr. Wright- And it is your testimony that over the years you have never  
293 had a parking problem at this location.  
294  
295 Mr. Blake- Yes. Sir. That was from the Advanced Auto Parts store  
296 manager.  
297  
298 Mr. McKinney- As a customer, I can testify to that. I have used the store  
299 quit often and never had a problem finding a parking space.  
300  
301 Mr. Balfour- From the picture, it looks like the lift only takes up one spot,  
302 but I gather the use of it requires 3 spots?  
303  
304 Mr. Blake- I would say that when a truck is loading and unloading,  
305 normally they are using it in the early store hours. It usually

306 takes no more than 30 minutes. So you are correct that it  
307 does take up the space in front of the lift.  
308  
309 Mr. Balfour- Your point is that ordinarily the only space that is taken up is  
310 where the lift sits.  
311  
312 Mr. Blake- Yes sir.  
313  
314 Mr. Balfour- You are really only using one spot.  
315  
316 Mr. Blake- You are losing one spot as the lift exist, but when loading a  
317 truck you loose another 3 or 4 spaces.  
318  
319 Mr. Balfour- I understand, but you are saying it is only used for about 30  
320 minutes in the morning. The rest of the day the other spaces  
321 are available anyway.  
322  
323 Mr. Blake- Yes sir.  
324  
325 Mr. Balfour- Any other questions by the Board members?  
326  
327 Mr. Kirkland- How many days of the week do you have deliveries?  
328  
329 Mr. Blake- One day.  
330  
331 Mr. Blankinship- And what is your name sir?  
332  
333 Mr. Evans- My name is Scott Evans, I am the division manager for  
334 Advanced Auto Parts.  
335  
336 Mr. Balfour- Any other questions? If not thank you gentlemen.  
337  
338 After an advertised public hearing and on a motion by Mr. McKinney, seconded  
339 by Mr. Wright, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
340 granted your request for the above-referenced variance. The Board granted the  
341 variance subject to the following condition:  
342  
343 1. This variance applies only to the required number of parking spaces. All other  
344 applicable regulations of the County Code shall remain in force.  
345  
346 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
347 Negative: 0  
348 Abstain: 0  
349  
350 The Board granted this request, as it found from the evidence presented that,  
351 due to the unique circumstances of the subject property, strict application of the



352 County Code would produce undue hardship not generally shared by other  
353 properties in the area, and authorizing this variance will neither cause a  
354 substantial detriment to adjacent property nor materially impair the purpose of the  
355 zoning regulations.

356  
357 A - 37-2002: Robinson & Robinson Realtors requests a variance from  
358 Section 24-9 of Chapter 24 of the County Code to build a  
359 one-family dwelling at 1906 Doron Lane (Parcel 802-731-  
360 7919), zoned R-4, One-family Residence District (Fairfield).  
361 The public street frontage requirement is not met. The  
362 applicant has 0 feet public street frontage, where the Code  
363 requires 50 feet public street frontage. The applicant  
364 requests a variance of 50 feet public street frontage.  
365

366 Mr. Balfour- Would you raise your right hand and be sworn in.

367  
368 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
369 the whole truth and nothing but the truth so help you God?  
370

371 Mr. Wright- I do.

372  
373 Mr. Balfour- You may proceed.  
374

375 Mr. Robinson- My name is W. Robinson of Robinson & Robinson Realtors.  
376 I would like to bring to your attention that I am not the one  
377 who is going to build this home. I am the owner/agent for  
378 the property. It has been sold to a gentile that lives on the  
379 same street, his name is Mr. Phillip Tyler, JR. who lives at  
380 1804 Doron Lane. It is his desire to construct the home on  
381 the property. As indicated in a previous letter, it would seem  
382 that this property would serve the neighborhood much better  
383 if it were developed. The lot is wooded and there is a  
384 possibility that rodents and reptiles are present. There 2  
385 houses located on the west side of the lot and houses  
386 located on the east side of the lot.  
387

388 Mr. Wright- Mr. Robinson, how do those houses which are west of this  
389 lot, how are they accessed?  
390

391 Mr. Robinson- There is an easement, I owned those two houses many  
392 years ago. In order for me get a FHA loan, I had to buy the  
393 lot closest to the end of the public road in order to get an  
394 easement. I was told the road was a part of the lots.  
395

396 Mr. Wright- They could not build those houses without getting a variance  
397 from this Board, because they have no public road frontage.  
398 I was just curious.  
399

400 Mr. Kirkland- Mr. Blankinship, if we grant this request, and the gentleman  
401 who buys this house decides to close this road, how are the  
402 other lots accessed? Since he will own it.. .  
403

404 Mr. Blankinship- I think we put a condition on it. . .  
405

406 Mr. Kirkland- No we didn't, that is what I was wondering. . .he could close  
407 the road off and no one could get to the other houses.  
408

409 Mr. Blankinship- There should be a second condition guaranteeing access to  
410 the property.  
411

412 Mr. Balfour- what they are saying is that they want to add a condition that  
413 will state that who ever buys this property from you cannot  
414 prevent people from getting to their homes, the other  
415 property to the west.  
416

417 Mr. Robinson- I do not own the property to the west, the property was sold  
418 under FHA financing.  
419

420 Mr. Balfour- I understand. We are talking about who ever is buying this  
421 lot, so the people can get across this property to those two  
422 houses.  
423

424 Mr. Robinson- When I bought those other 2 houses some years ago, an  
425 easement was given to cross the land.  
426

427 Mr. Blankinship- We will just need a copy of that easement.  
428

429 Mr. Balfour- We are asking you to get a copy of the easement, if you  
430 cannot find your copy you can probably get a copy of it from  
431 the Record Room in the Courthouse. Are there any other  
432 questions of the Board members? Thank you Mr. Robinson.  
433  
434

435 After an advertised public hearing and on a motion by Mr. McKinney, seconded  
436 by Mr. Kirkland, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
437 granted your request for the above-referenced variance. The Board granted the  
438 variance subject to the following conditions:  
439

- 440 1. This variance applies only to the public street frontage requirement. All  
441 other applicable regulations of the County Code shall remain in force.

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2. The applicant shall present proof with the building permit application that a legal access to the property has been obtained, and access has been provided to the adjoining lots.

Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
Negative:		0
Abstain:		0

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

A - 39-2002: James Steve Coleman requests a variance from Section 24-95(i)(2)a. of Chapter 24 of the County Code to build a garage at 221 Barker Avenue (Robin Park) (Parcel 819-729-3640), zoned R-3, One-family Residence District (Varina). The accessory structure size limit is not met. The applicant wishes to build a 2,000 square foot garage in addition to existing accessory building totalling 748 square feet. The Code allows up to 960 square feet. The applicant requests a variance of 1,788 square feet in accessory structure size.

Mr. Balfour- Is any one here to speak for or against this case? Would you raise your right hand and be sworn in.

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

Mr. Coleman- I do.

Mr. Balfour- You may proceed.

Mr. Coleman My name is James Steve Coleman. I would like to build a garage on the back of this property. What I would like to do is build a garage to store my vehicles. I have a few vehicles that I am licensing right now. There are classic vehicles and the cost of storing them elsewhere is very high. The price of the garage and the cost of storing them elsewhere is less. It would also make the neighborhood look a lot better since the cars would not be out in the yard.. I do have an existing garage, and I have one vehicle in there. The other out building is too small to house and of the other vehicles.

488  
489 Mr. Nunnally- The garage you have now is right next to your house?  
490  
491 Mr. Coleman- Yes.  
492  
493 Mr. Nunnally- Where is this new garage suppose to go? On the northeast  
494 corner of the lot?  
495  
496 Mr. Coleman- Yes sir.  
497  
498 Mr., Nunnally- Is there any building back there now?  
499  
500 Mr. Coleman- No sir, I do have vehicles back there underneath the canopy  
501 tent.  
502  
503 Mr. Nunnally- That would come down if the garage were built.?  
504  
505 Mr. Coleman- Yes sir.  
506  
507 Mr. Nunnally- What are going to use this garage for?  
508  
509 Mr. Coleman- To store my vehicles?  
510  
511 Mr. Nunnally- No automotive work?  
512  
513 Mr. Coleman- No, only fixing the cars themselves.  
514  
515 Mr. Nunnally- As a hobby?  
516  
517 Mr. Coleman- Yes sir. Not as a business.  
518  
519 Mr. Balfour- How many do you have?  
520  
521 Mr. Coleman- I have '55 Buick, 2 '71 Mach I Mustangs, '77 Chevy Van, '69  
522 Camero.  
523  
524 Mr. Wright- What is the size of you lot?  
525  
526 Mr. Coleman- It is close to an acre lot.  
527  
528 Mr. McKinney- What is the size of your home?  
529  
530 Mr. Coleman- A little Cape Cod.  
531  
532 Mr. McKinney- The garage will be bigger than your house?  
533

534 Mr. Coleman- yes sir.  
 535  
 536 Mr. Kirkland- What is the garage going to be constructed of?  
 537  
 538 Mr. Coleman- It would be constructed out of wood. It would be a regular  
 539 garage.  
 540  
 541 Mr. Balfour- Any other questions by Board Member? Thank you Mr.  
 542 Coleman.  
 543

544 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
 545 Mr. Kirkland, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
 546 granted your request for the above-referenced variance. The Board granted the  
 547 variance subject to the following condition:  
 548

549 1. Only the improvements shown on the plan filed with the application may  
 550 be constructed pursuant to this approval. No substantial changes or additions to  
 551 the layout may be made without the approval of the Board of Zoning Appeals.  
 552 Any additional improvements shall comply with the applicable regulations of the  
 553 County Code.  
 554

555 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
556 Negative:		0
557 Abstain:		0

558  
 559 The Board granted this request, as it found from the evidence presented that,  
 560 due to the unique circumstances of the subject property, strict application of the  
 561 County Code would produce undue hardship not generally shared by other  
 562 properties in the area, and authorizing this variance will neither cause a  
 563 substantial detriment to adjacent property nor materially impair the purpose of the  
 564 zoning regulations.  
 565

566 A - 40-2002: Darryl R. and Sandra R. Kemp request a variance from  
 567 Section 24-94 of Chapter 24 of the County Code to build an  
 568 addition at 7815 Walkenhut Drive (Walkenhut Estates)  
 569 (Parcel 768-751-7766), zoned R-3, One-family Residence  
 570 District (Brookland). The minimum side yard setback and  
 571 total side yard setback are not met. The applicants have 7  
 572 feet minimum side yard setback and 27.9 total side yard  
 573 setback, where the Code requires 12 feet minimum side yard  
 574 setback and 30 feet total side yard setback. The applicants  
 575 request a variance of 5 feet minimum side yard setback and  
 576 2.1 feet total side yard setback.  
 577

578 Mr. Balfour- Is any one here to speak for or against this case? Would  
 579 you raise your right hand and be sworn in.

580  
581 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
582 the whole truth and nothing but the truth so help you God?  
583  
584 Mr. Kemp- I do.  
585  
586 Mr. Balfour- You may proceed.  
587  
588 Mr. Kemp- My name is Darryl Kemp. We are requesting a variance of 5  
589 feet side yard setback and 2.1 feet total side yard setback to  
590 build an attached garage on the south side of the house.  
591  
592 Mr. Balfour- Is it where the driveway is now?  
593  
594 Mr. Kemp- Yes.  
595  
596 Mr. Balfour- How many cars would this garage hold?  
597  
598 Mr. Kemp- One.  
599  
600 Mr. Balfour- Any questions by members of the Board? No questions,  
601 thank you.  
602  
603 Ms. Kemp- There is something I would like to clear up. On the second  
604 page of the report there is a statement that the applicants  
605 indicate that the variance is necessary to construct a suitable  
606 garage to accommodate his disability. It is my disability. I  
607 am diabetic, and did not get diagnosed until 1993 and it is  
608 now that we are financially able to construct this garage.  
609 The report wondered why we hadn't done it sooner, and that  
610 is why. I would like to have this garage to cover my vehicles  
611 so I do not have to expose myself to the inclement weather  
612 and aggravate my condition.  
613  
614 Mr. Balfour- Thank you.  
615  
616 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by  
617 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
618 granted your request for the above-referenced variance. The Board granted the  
619 variance subject to the following condition:  
620  
621 1. The property shall be developed in substantial conformance with the plan  
622 filed with the application. No substantial changes or additions to the layout may  
623 be made without the approval of the Board of Zoning Appeals.  
624  
625 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

626 Negative: 0  
627 Abstain: 0

628  
629 The Board granted this request, as it found from the evidence presented that,  
630 due to the unique circumstances of the subject property, strict application of the  
631 County Code would produce undue hardship not generally shared by other  
632 properties in the area, and authorizing this variance will neither cause a  
633 substantial detriment to adjacent property nor materially impair the purpose of the  
634 zoning regulations.

635  
636 A - 41-2002: John A. Crown requests a variance from Section 24-94 of  
637 Chapter 24 of the County Code to build a one-family dwelling  
638 at 2009 Fordson Road (Parcel 757-748-5417 (part)), zoned  
639 R-2, One-family Residence District (Three Chopt). The lot  
640 width requirement is not met. The applicant has 85 feet lot  
641 width, where the Code requires 100 feet lot width. The  
642 applicant requests a variance of 15 feet lot width.

643  
644 Mr. Balfour- Is any one here to speak for or against this case? Would all  
645 of you raise your right hands and be sworn in.

646  
647 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
648 the whole truth and nothing but the truth so help you God?

649  
650 Mr. Crown- I do.

651  
652 Mr. Balfour- You may proceed.

653  
654 Mr. Crown- My name is John Crown, and would like to ask you to defer  
655 this case.

656  
657 Mr. Balfour- I don't see any use to take another vote.

658  
659 Mr. Crown- The only thing about that sir is that to get this case properly  
660 presented it is going need slides, maps and other material.

661  
662 Mr. Balfour- You didn't discover that you needed that 10 minutes ago?  
663 You have known that fro some time. . . .

664  
665 Mr. Crown- Yes 10 minutes ago, I just discovered that I need it. I  
666 thought I could get it deferred and have all that done within  
667 the next 30 days.

668  
669 Mr. Balfour- It was a unanimous vote to not continue the case. which  
670 means if one of those members of the Board would like to  
671 move to reconsider the vote. I will ask for such a vote, Is

672 there such a motion by members of the Board? No such  
673 motion, then we will move forward. Please present you  
674 case, Mr. Crown, or withdraw your case.  
675

676 Mr. Crown- I would like to have a variance as it said on this paper, to  
677 make 2 lots out of this property, each being 85 feet x 300  
678 feet. I am going to take down the old house and you see  
679 right there, and I am going to build two houses that would be  
680 comparable to what is built around them. There really is no  
681 reason not to do this. Rather than to repair this and make  
682 rental property out of it. I have that option. What I want to  
683 do is raise the tax base in the county by better than a  
684 \$250,000.00. Man is building a house next door on a 72.5-  
685 foot wide lot. And he claims it is going to be \$250,000.00 for  
686 the house. I could certainly come up with that and I have  
687 bigger lots. These folks did not fight that, why are they  
688 fighting this? Down the road, a man built with 42.5-foot  
689 frontage.  
690

691 Mr. Balfour- Mr. Crown we are only talking about just your case this  
692 morning. What you need to do is . . .  
693

694 Mr. Crown- Why can't I present my case? I have to give my reasons. If  
695 I just say I want a variance and built it, is that enough? Is  
696 that all I am going to have to do?  
697

698 Mr. Balfour- No. You need to tell us as to why you think we should grant  
699 you this request. I think you are trying to do this.  
700

701 Mr. Crown- It is not a hardship sir, they have already stated that. I would  
702 like to introduce this material to you. This is from the last  
703 time I was before you, October 25, 1999 for the same thing.  
704

705 Mr. Balfour- If you give us those papers, we will have to keep them for  
706 230 days.  
707

708 Mr. Crown- These are the papers I went home and got.  
709

710 Mr. Balfour- Have you tried to purchase the property next to this?  
711

712 Mr. Crown- Sir, Yes I tried to purchase the property. That is what you  
713 recommended first time I came up here. I tried that, but  
714 someone else bought it out from under me. To build his  
715 mother a house.  
716



717 Mr. Wright- I want to follow up on what Mr. Crown said. I am interested  
718 to know what the size of the adjacent lots are. I think this  
719 has a bearing on this case.  
720  
721 What is 2011 Fordson, is that a separate lot?  
722  
723 Mr. Crown- That is a separate 72.5-foot lot, that they are building a  
724 house on right now.  
725  
726 Mr. Wright- Mr. Blankinship, how can they do that?  
727  
728 Mr. Blankinship- I presume that that lot is an exception lot and meets the  
729 exception standards.  
730  
731 Mr. Wright- Why doesn't this lot meet the exception standards?  
732  
733 Mr. Blankinship- Because it was joined in the past and now it is re-divided. .  
734  
735 Mr. Wright- You could permit someone to build a house on a lot smaller  
736 if it were created prior to 1960 than if it were created now?  
737  
738 Mr. Blankinship- Yes sir.  
739  
740 Mr. Balfour- Any other questions by the Board?  
741  
742 Mr. Wright- Do you know how wide 2007 is?  
743  
744 Mr. Crown- It is 120 feet wide. I had to buy 2007 and 2009 to create a  
745 buildable lot.  
746  
747 Mr. Balfour- So that lot is 120 Feet?  
748  
749 Mr. Crown- Yes sir.  
750  
751 MR. Balfour- And you can't add anymore to make it 100 feet wide to 2009  
752 because you can't meet the side yard requirements. . .  
753  
754 Mr. Crown- That is correct. The Board recommended buying additional  
755 land because they denied my variance. I took 25 feet off of  
756 2007, I had not sold the property at that time, and I tried to  
757 buy 2011. But I was too late in buying that.  
758  
759 Mr. McKinney- Mr. Crown, has Dr. Cametas started a house on 2011  
760 Fordson?  
761  
762 Mr. Crown- Yes sir. It is under roof.

763  
764 Mr. McKinney- And that is the width. . .  
765  
766 Mr. Crown- Yes, and VEPO cut down a beautiful tree of mine.  
767  
768 Mr. McKinney- VEPCO cut down one of your trees?  
769  
770 Mr. Crown- yes sir.  
771  
772 Mr. McKinney- Did you give them an easement?  
773  
774 Mr. Crown- No sir.  
775  
776 Mr. McKinney- Why did they cut down your tree?  
777  
778 Mr. Crown- Cuz, Dr. Cametas son told them to do it.  
779  
780 Mr. Kirkland- Mr. Blankinship, What was the answer to Mr. Wright's  
781 question?  
782  
783 Mr. Blankinship- 2011 Fordson was created prior to 1960, and this lot was a  
784 single parcel and has been a single parcel.  
785  
786 Mr. Wright- If Mr. Crown had divided the property prior to 1960, he could  
787 go ahead and build these houses without a variance.  
788  
789 Mr. Blankinship- Yes sir.  
790  
791 Mr. Crown- Let me question that. In 1958, built on Fordson Road.  
792 Everyone who built in that area then had to have at least 100  
793 feet of frontage. This house was built when the 100-foot  
794 frontage was required. That is the reason it was split the  
795 way it was. That was hanging off of something else. That  
796 was not a conforming lot to begin with. How can you  
797 grandfather a lot that did not conform to begin with.  
798  
799 Mr. Balfour- Any other questions? If not, then Mr. Crown you will have a  
800 chance to respond, but we need to hear from the opposition.  
801 I believe that about 8 people wanted to speak, and we are  
802 glad to hear from you. But I ask you not to be repetitive, if  
803 you want to have one person speak, OK. But we have a  
804 long docket and time is important. Who ever would like to  
805 speak first, to please come forward. Every one has been  
806 sworn in, so just state your name.  
807

808 Ms. DeShazo-

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853

My name is Sylvia DeShazo, I live on 1904 Fordson Road. This is the 3<sup>rd</sup> time that Mr. Crown has requested a variance and at the last hearing we had approximately 22 neighbors attending in opposition. They took time off from work and other responsibilities and Mr. Crown failed to appear. We have 74 signatures against this request, the 3<sup>rd</sup> request is prompted by the fact that the lot adjacent to Mr. Crown's property has been purchased and a building permit has been obtained even though it does not meet the current R-2 zoning requirements. The neighbors did not voice opposition because it did not come up for a variance. We did check at the county and was told it was a grandfather clause and that the house had been there and there was nothing we could do. If there was, we would have been here. When Mr. Crown purchased his property, just a few years ago, he was aware of the zoning requirements and expressed the opinion that it was easy to get approval of a variance in Henrico County. The new owner of the adjacent property did in fact request to purchase 25 feet of frontage from Mr. Crown to add to his lot. But Mr. Crown's asking price was not realistic. When we purchased our home, it was an old run-down house but we wanted it because of the 1-acre lot. All the homes on Fordson Road have large lots in keeping with R-2 zoning. Most of them have an average of 200 feet frontage. We have spent a great deal of money renovating our home, 34 years of work into improving our property, We are not against any other houses that Mr. Crown wishes to build, we are against the granting of any variance that would decrease the frontage by 15 feet. The size of his current lot is more in keeping with the average size of the lots on Fordson Road. It is not an oversized lot.

When Mr. Crown requested the variance in 1990, Mr. Crown visited most of the homes on Fordson Road, Milbank, Westdale, Appleridge, and Yolanda. He visited several homes on at least 2 occasions. Mr. Crown also sent packages by certified mail detailing the plan to residents who lived beside, in front and behind the property. Packages detailing the plan were also handed out by Mr. Crown to neighborhood residents when he visited their homes. We applaud him for the effort and we viewed his visits and representation to the residents as a positive fact. Even with all of this the neighbors still see fit to request that this variance be denied. We have collected many signatures protesting the granting of this request. Most people have to work for a living, it is not easy for them to take off work to

854 attend meetings. We request Mr. Crow's right to request a  
855 variance however we stand firm in our right to ask that it not  
856 be granted. The mission statement on the application for a  
857 variance states clearly that if the property can be developed  
858 in its present dimensions, that it does not justify granting a  
859 variance. Nothing prohibits or restricts Mr. Crown from  
860 developing the property in keeping with neighborhood, the  
861 only reason for building two houses is to maximum profit.  
862 And it clearly states in the mission statement on the  
863 application that it cannot be granted to maximize profit. Nor  
864 does Mr. Crown's request involve a hardship. We  
865 respectfully request that you do not grant this request.  
866

867 Mr. McKinney- What is your address?  
868

869 Ms. DeShazo- 1904 Fordson Road.  
870

871 Mr. McKinney- How far are you from this property?  
872

873 Ms. DeShazo- 2 blocks.  
874

875 Mr. Balfour- Any other questions?  
876

877 Mr. McKinney- Are you 2 blocks going toward Bronwood?  
878

879 Ms. DeShazo- Going toward Bronwood.  
880

881 Mr. Balfour- You are aware that the next-door neighbors to this property  
882 are in favor of this request?  
883

884 Ms. DeShazo- The next-door neighbors are the couple who have  
885 purchased the home from Mr. Crown.  
886

887 Mr. Balfour- Any other questions? Any one else wish to speak?  
888

889 Mr. Sime- My name is Larry Sime, I live at 1911 Fordson Road. I  
890 would like to go into the grand fathering clause . . . Just  
891 because someone built on a legal undersized lot does not  
892 mean 2 more can be built on. We bought our property in  
893 1954, it was zoned Agriculture. After living there several  
894 years, my neighbors went down to the offices on Main Street  
895 to work with the Board to change the zoning to R-2. This  
896 was done to preserve a good neighborhood. On numerous  
897 occasions, I have appeared before the Board on zoning  
898 appeals to do something less than R-2, each time the Board  
899 upheld the R-2 zoning and preserved the integrity of the

900 neighborhood. It is a delightful place to live. I only ask that  
901 you continue to support the zoning that your predecessors  
902 have always supported. Thank you.

903  
904 Mr. Balfour- Any one else wish to speak in opposition? If not, Mr.  
905 Crown. . .

906  
907 Mr. Crown- I would like to have a copy of what that lady read. When I  
908 purchased this property, I had to also pay back taxes on it  
909 and pay the county to clean it up. They never the complain  
910 about the lot that the Dr. bought. They turn me in for tall  
911 grass, everything they can think of. . . . But they never turn  
912 in the Dr. They don't like me because I am trying to improve  
913 the neighborhood and they don't like how I am doing it. The  
914 new houses will raise the taxes on their houses. It won't  
915 reduce the taxes it will raise them. All of this stuff they say  
916 are facts, I say is slander. I would like for you to pass this,  
917 give me an opportunity to improve the condition of the  
918 property.

919  
920 Mr. Balfour- Any questions of Mr. Crown? Thank you.

921  
922  
923 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
924 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
925 granted your request for the above-referenced variance. The Board granted the  
926 variance subject to the following condition:

927  
928 1. This variance applies only to the lot width requirement. All other  
929 applicable regulations of the County Code shall remain in force.

930  
931 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
932 Negative: 0  
933 Abstain: 0

934  
935 The Board granted this request, as it found from the evidence presented that,  
936 due to the unique circumstances of the subject property, strict application of the  
937 County Code would produce undue hardship not generally shared by other  
938 properties in the area, and authorizing this variance will neither cause a  
939 substantial detriment to adjacent property nor materially impair the purpose of the  
940 zoning regulations.

941  
942 A - 42-2002: John A. Crown requests a variance from Section 24-94 of  
943 Chapter 24 of the County Code to build a one-family dwelling  
944 at 2009 Fordson Road (Parcel 757-748-5417 (part)), zoned  
945 R-2, One-family Residence District (Three Chopt). The lot

946 width requirement is not met. The applicant has 85 feet lot  
947 width, where the Code requires 100 feet lot width. The  
948 applicant requests a variance of 15 feet lot width.  
949

950 After an advertised public hearing. and on a motion by Mr. Wright, seconded by  
951 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
952 granted your request for the above-referenced variance. The Board granted the  
953 variance subject to the following conditions:  
954

955 1. This variance applies only to the lot width requirement. All other applicable  
956 regulations of the County Code shall remain in force.  
957

958 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
959 Negative:		0
960 Abstain:		0

961  
962 The Board granted this request, as it found from the evidence presented that,  
963 due to the unique circumstances of the subject property, strict application of the  
964 County Code would produce undue hardship not generally shared by other  
965 properties in the area, and authorizing this variance will neither cause a  
966 substantial detriment to adjacent property nor materially impair the purpose of the  
967 zoning regulations.  
968

969  
970 A - 43-2002: Albert J. Anderson requests a variance from Sections 24-94  
971 and 24-9 of Chapter 24 of the County Code to build a one-  
972 family dwelling at 1120 Oakland Road (Parcel 802-707-  
973 0610), zoned R-3, One-family Residence District (Varina).  
974 The lot width requirement and public street frontage  
975 requirement are not met. The applicant has 30 feet lot width  
976 and 30 feet public street frontage, where the Code requires  
977 80 feet lot width and 50 feet public street frontage. The  
978 applicant requests a variance of 50 feet lot width and 20 feet  
979 public street frontage.  
980

981 Mr. Balfour- Is any one here to speak for or against this case? Would  
982 you raise your right hand and be sworn in.  
983

984 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
985 the whole truth and nothing but the truth so help you God?  
986

987 Ms. Holly- My name is Charlotte Holly and this is my agent Tommy  
988 Hodge, we are both with Holly Realty. We are here on  
989 behalf of Mr. Jeff Anderson in regard to requesting a  
990 variance to build a one family dwelling at 1120 Oakland  
991 Road. The lot width and public street frontage requirements

992 are not met. The applicant has 30 feet of road frontage and  
993 lot width where the Code requires 80 feet lot width and 50  
994 feet of street frontage. The applicant request a variance of  
995 50 lot with and 20 feet of street frontage.

996  
997 Mr. Balfour- Any questions of Ms. Holly?  
998

999 Mr. Nunnally- Have you read the conditions on this?  
1000

1001 Ms. Holly- I am not sure I did or not. . . .  
1002

1003 Mr. Blankinship- We sent you the staff report and they are the second page of  
1004 the report.  
1005

1006 Ms. Holly- Those conditions are fine.  
1007

1008 Mr. Balfour- Any other questions? Thank you.  
1009

1010  
1011 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
1012 Mr. Kirkland, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1013 granted your request for the above-referenced variance. The Board granted the  
1014 variance subject to the following conditions:

1015  
1016 1. This variance applies only to the public street frontage and lot width  
1017 requirement. All other applicable regulations of the County Code shall remain in  
1018 force.  
1019

1020 2. At the time of building permit application, the applicant shall submit the  
1021 necessary information to the Department of Public Works to ensure compliance  
1022 with the requirements of the Chesapeake Bay Preservation Act and the code  
1023 requirements for water quality standards.  
1024

1025 3. Approval of this request does not imply that a building permit will be  
1026 issued. Building permit approval is contingent on Health Department  
1027 requirements, including, but not limited to, soil evaluation for a septic drainfield  
1028 and reserve area, and approval of a well location.  
1029

1030 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

1031 Negative: 0

1032 Abstain: 0  
1033

1034 The Board granted this request, as it found from the evidence presented that,  
1035 due to the unique circumstances of the subject property, strict application of the  
1036 County Code would produce undue hardship not generally shared by other  
1037 properties in the area, and authorizing this variance will neither cause a

1038 substantial detriment to adjacent property nor materially impair the purpose of the  
1039 zoning regulations.

1040

1041 A - 44-2002: Robert C. and Michelle Busch request a variance from  
1042 Section 24-94 of Chapter 24 of the County Code to build a  
1043 front porch at 9302 Lyndonway Drive (Pinedale Farms)  
1044 (Parcel 751-748-7531), zoned R-2A, One-family Residence  
1045 District (Tuckahoe). The front yard setback is not met. The  
1046 applicant has 39 feet front yard setback, where the Code  
1047 requires 45 feet front yard setback. The applicant requests a  
1048 variance of 6 feet front yard setback.

1049

1050 Mr. Balfour- Is any one here to speak for or against this case? Would  
1051 you raise your right hand and be sworn in.

1052

1053 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
1054 the whole truth and nothing but the truth so help you God?

1055

1056 Mr. Steele- My name is Bob Steele. I am the architect working on the  
1057 addition. The documentation which was received was very  
1058 straightforward. They have an existing front porch that is 4  
1059 feet deep and projects 2 feet into the current front yard  
1060 setback. As you can see in the photograph, by the porch  
1061 being so shallow, they have two issues that have created a  
1062 hardship. They have 2 small children and each time they  
1063 open the front door, one has to step back onto the steps or  
1064 to the side, there is no room. The second reason is that the  
1065 porch is constructed of masonry and concrete, they have  
1066 water damage occurring into the wood structure of the home.  
1067 Our suggestion was to make the porch deeper, this would  
1068 accommodate the opening of the door, put a railings on the  
1069 sides for safety, and take care of the water issues by  
1070 reconstructing it.

1071

1072 Mr. Balfour- Any questions of Mr. Steele?

1073

1074 Mr. Wright- This addition would your extend the porch by widening it or  
1075 just deepen it?

1076

1077 MR. Steele- Just deepen it. It would stay the same width and respect the  
1078 same window and door pattern, it would just add 4 feet in  
1079 depth.

1080

1081 Mr. Wright- It is 4 feet deep now. . . so you would add 4 more feet.

1082



1083 Mr. Steele- Correct. The reason for the 8 feet deep instead of 6 feet  
1084 deep is they really would like to put rocking chairs on the  
1085 front porch.  
1086

1087 Mr. Balfour- Any other questions of Mr. Steele? Thank you sir. We will  
1088 recess for 10 minutes.  
1089  
1090

1091 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
1092 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1093 granted your request for the above-referenced variance. The Board granted the  
1094 variance subject to the following condition:  
1095

1096 1. This variance applies only to the front yard setback for the porch. All other  
1097 applicable regulations of the County Code shall remain in force.  
1098

1099 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
1100 Negative:		0
1101 Abstain:		0

1102

1103 The Board granted this request, as it found from the evidence presented that,  
1104 due to the unique circumstances of the subject property, strict application of the  
1105 County Code would produce undue hardship not generally shared by other  
1106 properties in the area, and authorizing this variance will neither cause a  
1107 substantial detriment to adjacent property nor materially impair the purpose of the  
1108 zoning regulations.  
1109

1110 UP- 5-2002: Westside Christian Church requests a temporary conditional  
1111 use permit pursuant to Section 24-116(c)(1) of Chapter 24 of  
1112 the County Code to place a modular building at 2101  
1113 Fordson Road (Parcel 757-749-6731), zoned R-3, One-  
1114 family Residence District (ThreeChopt).  
1115

1116 Mr. Wright- I must disqualify myself from this case.  
1117

1118 Mr. Balfour- Is any one here to speak for or against this case? Would  
1119 you raise your right hand and be sworn in.  
1120

1121 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
1122 the whole truth and nothing but the truth so help you God?  
1123

1124 Mr. Carper- I do. My name is Paul Carper I am a representative of West  
1125 Side Christian Church. We feel that the Planning  
1126 Department has done an excellent job in describing our  
1127 request. The purpose of this request is that we are in the  
1128 process of merging two churches together. WE are

1129 relocating the new church to this location. We need  
1130 additional classroom space and this facility is going to  
1131 provide that space. We also have a number of  
1132 neighborhood groups that utilize our facility and this space  
1133 will help in accommodating them. We have 2 girls scout  
1134 groups, a garden club, and a neighborhood watch that meets  
1135 at our facility. We feel that we have done an excellent job in  
1136 terms of screening the trailer from the neighbors. We have  
1137 purposefully placed this within the context of a inched out  
1138 area of trees. It is going to be screened by a large growth of  
1139 trees on three sides.. The other side is going to be screened  
1140 by the existing storage building. The only place where you  
1141 could see the unit is along Anoka Road.  
1142  
1143 We also feel that precedent has been established of modular  
1144 units at other churches throughout the County. The last  
1145 point that I want to make is that it is not going to create any  
1146 additional parking needs, because it is an accessory use to  
1147 the facility. The parking is based on the number of seats in  
1148 the sanctuary.  
1149  
1150 Mr. Balfour- What do you plan to do after March, 2004?  
1151  
1152 Mr. Carper- Presently we have a planning committee together and we  
1153 are going to submit a plan of development for an addition by  
1154 the end of the year. We realize that this is a temporary  
1155 facility that can only be used for 2 years.  
1156  
1157 Mr. Balfour- Where do you expect you might add your permanent  
1158 building?  
1159  
1160 Mr. Carper- That is one of the planning committee's jobs is to determine  
1161 where that is going to be. We feel that the 2-year period will  
1162 be enough time for the planning and construction of the  
1163 addition.  
1164  
1165 Mr. Balfour- Any questions by Members of the Board?  
1166  
1167 Mr. Blankinship- The plat shows the cemetery on the property. . . Is that  
1168 shown correctly?  
1169  
1170 Mr. Carper- We really don't know. We have tried to delineate it by the  
1171 markers out there, but they are not very good. We will have  
1172 to further investigate the location at the time of POD. WE  
1173 know that it is not where we are placing the modular  
1174 structure.

1175  
1176 Mr. Balfour- You say the trees are going to remain to screen the  
1177 structure. . .  
1178  
1179 Mr. Carper- We are allowed to clear up to 2,500 square feet without a  
1180 POD. That will be the limits of our clearing.  
1181  
1182 Mr. Balfour- Any other questions? Thank you. We will hear from the  
1183 opposition. We ask that you not repeat what others have  
1184 said, but we want to hear from all of you.  
1185  
1186 Mr. DeShazo- I am Rollie DeShazo, I live at 1904 Fordson Road. I am  
1187 speaking on behalf of several people here that are in  
1188 opposition of granting this use permit for a modular structure.  
1189 Basically what we are opposed to is there is no specific  
1190 plans as to what the church is going to be doing. All they  
1191 want to do is put a trailer on the property for classrooms.  
1192 We have no problem with the additional classrooms, but that  
1193 nothing has been done about future plans. If at the end of  
1194 two years, the plans for the permanent structure are not  
1195 complete, they will get the use permit extended. I think if  
1196 they get their plans together, let the us know when they plan  
1197 to start building, have their contractor hired and if they need  
1198 the trailer for 12 months or so, then I think we would not  
1199 have any objections to it. But right now there are no specific  
1200 plans of what they are going to do, except put the trailer  
1201 there for classrooms. They need more concrete plans.  
1202  
1203 Mr. Kirkland- Mr. DeShazo, in condition #1 on this case, it states that this  
1204 use permit shall not be renewed. It has to be removed in  
1205 2004.  
1206  
1207 Mr. Balfour- Any one else want to speak on this matter?  
1208  
1209 Mr. Simon- I am Larry Simon and I live at 1911 Fordson road. Did I  
1210 understand that this permit for this trailer cannot be  
1211 renewed?  
1212  
1213 Mr. Balfour- If we approve this permit, one of the conditions is that the  
1214 permit cannot be renewed.  
1215  
1216 Mr. Simon- They have made a positive commitment that they will not  
1217 renew this permit. .?  
1218  
1219 Mr. Balfour- They may ask for it but we will not grant it. . . any one else?  
1220

1221 Mr. Carper- Not to take up any more of your time, but to address Mr.  
1222 DeShazo's concerns. . . We have committed to apply for a  
1223 POD and have it in place by the end of the year. It does  
1224 require some planning. We are selling our other property on  
1225 Yarnell Road to help fund this expansion.  
1226

1227 Mr. Balfour- Let them know what you are doing, because communication  
1228 is always the best tool. . . Thank you.  
1229

1230 After an advertised public hearing and on a motion by Mr. McKinney, seconded  
1231 by Mr. Nunnally, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1232 granted your application for the above-referenced conditional use permit. The  
1233 Board granted the use permit subject to the following conditions:  
1234

1235 1. This permit shall expire on March 28, 2004 and shall not be renewed. The  
1236 temporary building shall be removed by that date.  
1237

1238 2. A building permit will be required for the placement of this temporary  
1239 building on the property. All necessary permits and approvals shall be acquired  
1240 by the applicant at the time of building permit approval.  
1241

1242 Affirmative: Balfour, Kirkland, McKinney, Nunnally 4

1243 Negative: 0

1244 Abstain: Wright 1  
1245

1246 The Board granted the request because it found the proposed use will be in  
1247 substantial accordance with the general purpose and objectives of Chapter 24 of  
1248 the County Code.  
1249

1250 A - 45-2002: Frank Thomas Jr. requests a variance from Sections 24-  
1251 95(t) and 24-9 of Chapter 24 of the County Code to build a  
1252 one-family dwelling at 9160 Thomasville Lane (Parcel 758-  
1253 764-4303), zoned A-1, Agricultural District (Brookland). The  
1254 lot area outside floodplain and public street frontage  
1255 requirement are not met. The applicant has 0.904 acre  
1256 outside the floodplain and 0 feet public street frontage,  
1257 where the Code requires 1 acre outside the floodplain and  
1258 50 feet public street frontage. The applicant requests a  
1259 variance of 0.096 acre outside the floodplain and 50 feet  
1260 public street frontage.  
1261

1262 Mr. Balfour- Is any one here to speak for or against this case? Would  
1263 you raise your right hand and be sworn in.  
1264

1265 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
1266 the whole truth and nothing but the truth so help you God?

1267  
1268 Mr. Snipes- I am Harry Snipes and I am representing Mr. Thomas on this  
1269 request. We are basically asking for another variance which  
1270 is the same as the one granted in December of 1993. At this  
1271 time, they are selling the property next door and want to  
1272 move the house to this lot. We need a variance for this lot to  
1273 get a building permit.  
1274  
1275 Mr. Balfour- You are moving a house from what lot?  
1276  
1277 Mr. Snipes- There is a 4-acre parcel to the north of this lot, they have  
1278 sold that parcel and want to move the house to this lot.  
1279  
1280 Mr. Wright- How would you access this lot?  
1281  
1282 Mr. Snipes- This property is accessed from Thomasville Lane. It is a 50-  
1283 foot wide private right of way.  
1284  
1285 Mr. Balfour- That access is from Francistown Road?  
1286  
1287 Mr. Snipes- Yes sir.  
1288  
1289 Mr. Wright- This is not a public road; it is a private road. Have you read  
1290 the condition? Why do we only have one condition for this  
1291 case?  
1292  
1293 Mr. Snipes- The last time the Board heard the request, the condition  
1294 asked for proof of access to the property.  
1295  
1296 Mr. Wright- Normally we require building permit, sewer approval from the  
1297 Health department.  
1298  
1299 Mr. Blankinship- This site has public water and sewer, and the deed already  
1300 has the access easement recorded, so several of those  
1301 conditions are not needed.  
1302  
1303 Mr. Wright- Oh, I see. But I think they need to be on there, just for the  
1304 record.  
1305  
1306 Mr. Balfour- Mr. Blankinship, can you put the standard conditions on this  
1307 case, just for the record?  
1308  
1309 Mr. Blankinship- Yes sir.  
1310  
1311 Mr. Balfour- Any other questions by Board Members? Thank you. Which  
1312 one of you four would like to speak in opposition?

1313  
1314 Mr. Hayes- My name is Arnold Hayes and I just recently purchased the  
1315 property at 9150 Thomasville Lane. I request that this  
1316 variance be denied; we are satisfied with the arrangement  
1317 we have in our area, and we want to keep it that way. There  
1318 is little traffic and we have a lot of children playing there, and  
1319 we want to keep it safe for them. We respect Mr. Snipes'  
1320 ability to purchase and develop the land; however we  
1321 request that this request be denied, based on our desire that  
1322 this road remain private.  
1323  
1324 Mr. Balfour- Which one of those houses are yours?  
1325  
1326 Mr. Hayes- 9150 Thomasville Lane  
1327  
1328 Mr. Balfour- It looks like 3 homes use Thomasville Lane for access right  
1329 now?  
1330  
1331 Mr. Hayes- Yes sir.  
1332  
1333 Mr. Balfour- You are one of those 3?  
1334  
1335 Mr. Hayes- Yes sir.  
1336  
1337 Mr. McKinney- When did you purchase your property?  
1338  
1339 Mr. Hayes- This year. In December, I think.  
1340  
1341 Mr. Balfour- Any other question? Thank you sir.  
1342  
1343 Ms. Johnson- My name is Walnut Johnson. I live at 4826 Francistown  
1344 Road. I have access to the right of way of Thomasville  
1345 Lane. My house sits on the sub-lot of 4820 Francistown  
1346 Road. It is right beside Mr. Hayes house. I was granted  
1347 right of way to Francistown Road. I am opposition to this  
1348 request. If you know the history of this property, it is family  
1349 owned and over the years it has been sold off. There are  
1350 very few of the originals left in that area and we have moved  
1351 there and built homes there and want to keep this road  
1352 private because we are raising our children there. My  
1353 request would be to deny it.  
1354  
1355 Mr. Kirkland- The photos that we have in our staff report show trash trucks  
1356 on the property. Do they go up and down Thomasville Lane,  
1357 or are they not running?  
1358

1359 Ms. Johnson- They do go up and down Thomasville Lane.  
1360  
1361 Mr. Kirkland- They use that 50-foot wide right of way all the time?  
1362  
1363 Ms. Johnson- Yes. They leave in the morning and come back in the  
1364 afternoon. The trucks belong to Rev. James H. Prior Jr, and  
1365 his son who is the minister at Mount Vernon Baptist Church.  
1366 That was an arrangement made with the minister through  
1367 the Thomas family. My brother purchased that house and  
1368 that agreement is still in place. To my understanding, it is a  
1369 temporary thing. We are all family, the land has passed  
1370 down through the family. I request that we keep the land  
1371 and the road private.  
1372  
1373 Mr. Mc Kinney- How long have you lived there, Ms. Johnson?  
1374  
1375 Ms. Johnson- We move there in 1998.  
1376  
1377 Mr. Wright- Did you have to get a variance to get your house built?  
1378  
1379 Ms. Johnson- Yes.  
1380  
1381 Mr. Balfour- Any other questions? Any one else to speak? If not, Mr.  
1382 Thomas.  
1383  
1384 Mr. Thomas- My name is Franklin Thomas , JR.  
1385  
1386 Mr. Balfour- Do you plan to live on this property?  
1387  
1388 Mr. Thomas- No sir, I sold this property to my cousin. The reason I want  
1389 the variance to pass is because I had to include that acre in  
1390 the sale of the land for the subdivision. So what we want to  
1391 do is move the house from that acre of land to this other one.  
1392 If the variance is not approved, then it is a hardship on my  
1393 family because we can't sell that other land for a subdivision.  
1394 It has been about 5 years to get this whole thing settled.  
1395  
1396 Mr. Kirkland- Mr. Thomas, how much land are we talking bout here?  
1397  
1398 Mr. Thomas- It is a little over an acre.  
1399  
1400 Mr. Balfour- The problem is that some of it is in a flood plane. Any other  
1401 questions of Mr. Thomas? Thank you. Mr. Snipes, do you  
1402 have anything else to say, if not, then next case.  
1403

1404 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by  
1405 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1406 granted your request for the above-referenced variance. The Board granted the  
1407 variance subject to the following amended conditions:

1408  
1409 1. This variance applies only to the public street frontage requirement and  
1410 the area outside the floodplain. All other applicable regulations of the County  
1411 Code shall remain in force.

1412  
1413 2. At the time of building permit application, the applicant shall submit the  
1414 necessary information to the Department of Public Works to ensure compliance  
1415 with the requirements of the Chesapeake Bay Preservation Act and the code  
1416 requirements for water quality standards.

1417  
1418 3. The applicant shall present proof with the building permit application that a  
1419 legal access to the property has been obtained.

1420  
1421 4. The owners of the property, and their heirs or assigns, shall accept  
1422 responsibility for maintaining access to the property until such a time as the  
1423 access is improved to County standards and accepted into the County road  
1424 system for maintenance.

1425  
1426 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1427 Negative: 0  
1428 Abstain: 0

1429  
1430 The Board granted this request, as it found from the evidence presented that,  
1431 due to the unique circumstances of the subject property, strict application of the  
1432 County Code would produce undue hardship not generally shared by other  
1433 properties in the area, and authorizing this variance will neither cause a  
1434 substantial detriment to adjacent property nor materially impair the purpose of the  
1435 zoning regulations.

1436  
1437 A - 46-2002: Stephen M. Goddard requests a variance from Section 24-  
1438 95(q)(5) of Chapter 24 of the County Code to build an  
1439 addition at 8407 Valley Wood Road (Whitehall) (Parcel 754-  
1440 737-2977), zoned R-3, One-family Residence District  
1441 (Tuckahoe). The minimum side yard setback and total side  
1442 yard setback are not met. The applicant has 2.5 feet  
1443 minimum side yard setback and 12.5 feet total side yard  
1444 setback, where the Code requires 8 feet minimum side yard  
1445 setback and 20 feet total side yard setback. The applicant  
1446 requests a variance of 5.5 feet minimum side yard setback  
1447 and 7.5 feet total side yard setback.

1448



1449 Mr. Balfour- Is any one here to speak for or against this case? Would  
1450 you raise your right hand and be sworn in.  
1451  
1452 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
1453 the whole truth and nothing but the truth so help you God?  
1454  
1455 Mr. Goddard- I do.  
1456  
1457 Mr. Balfour-- Would you state your name for the record.  
1458  
1459 Mr. Goddard- I am Steven Goddard, I live at 8407 Valleywood Road. We  
1460 are requesting a variance for construct a small addition on  
1461 the west side of our home. We border a common area to the  
1462 left of our home. The reason we need the addition is that we  
1463 have outgrown our home. We have very small bedrooms  
1464 upstairs, and there is no mudroom or excess storage in the  
1465 home. We cannot go off the right and if we go out the back,  
1466 there are bathrooms in that space and moving the plumbing  
1467 would be costly. In addition, there is an underground spring  
1468 that is underneath the deck. No one is quite sure you can  
1469 build over it because it stays wet all the time. Our only  
1470 option is build onto the side of the home that is adjacent to  
1471 the common area. Nothing can be built in that area.  
1472  
1473 Mr. Balfour- You would loose a parking space.  
1474  
1475 Mr. Goddard- We will loose some parking space.  
1476  
1477 Mr. Balfour- I suspect the area you want to build is where you park your  
1478 cars now?  
1479  
1480 Mr. Goddard- Correct.  
1481  
1482 Mr. Kirkland- How wide is the common area?  
1483  
1484 Mr. Goddard- I do not know. It is at least 15 to 20 yards  
1485  
1486 Mr. Kirkland- Mr. Blankinship, do you know how wide the common area  
1487 is?  
1488  
1489 Mr. Blankinship- No I do not, but I think it is as wide as a lot.  
1490  
1491 Mr. Goddard- Where our driveway is, all the way to the other neighbors  
1492 fence is the common area.  
1493  
1494 Mr. Balfour- Any other questions? Thank you.

1495  
1496 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
1497 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1498 granted your request for the above-referenced variance. The Board granted the  
1499 variance subject to the following condition:

1500  
1501 1. Only the improvements shown on the plan filed with the application may  
1502 be constructed pursuant to this approval. No substantial changes or additions to  
1503 the layout may be made without the approval of the Board of Zoning Appeals.  
1504 Any additional improvements shall comply with the applicable regulations of the  
1505 County Code.

1506  
1507 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1508 Negative: 0  
1509 Abstain: 0

1510  
1511 The Board granted this request, as it found from the evidence presented that,  
1512 due to the unique circumstances of the subject property, strict application of the  
1513 County Code would produce undue hardship not generally shared by other  
1514 properties in the area, and authorizing this variance will neither cause a  
1515 substantial detriment to adjacent property nor materially impair the purpose of the  
1516 zoning regulations.

1517  
1518 UP- 6-2002: West End Assembly of God requests a temporary  
1519 conditional use permit pursuant to Section 24-116(c)(1) of  
1520 Chapter 24 of the County Code to park two temporary  
1521 storage trailers at 401 North Parham Road (Parcel 753-736-  
1522 0655), zoned R-1, One-family Residence District  
1523 (Tuckahoe).

1524  
1525 Mr. Balfour- Is any one here to speak for or against this case? Would  
1526 you raise your right hand and be sworn in.

1527  
1528 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
1529 the whole truth and nothing but the truth so help you God?

1530  
1531 Ms. Johnson- I do.

1532  
1533 Mr. Balfour-- Would you state your name for the record.

1534  
1535 Ms. Johnson- I am Cynthia Johnson. We would like to put two storage  
1536 trailers out back for the period of time prior to our yard sale,  
1537 which is on May 4<sup>th</sup>. It would not be visible from either  
1538 Parham Road or any of our neighbors. This is because of a  
1539 large wooded fence that surrounds our property and an  
1540 adjacent wooded area. We have done this for the last

1541 several years and have not received any complaints that I  
1542 am aware of.

1543  
1544 Mr. Balfour- Do the trailers sit over the top of some parking spaces?  
1545

1546 Ms. Johnson- Yes they do. They are located in a "dead area" that we do  
1547 not use very often.

1548  
1549 Mr. Balfour- Any questions? You have read the conditions?  
1550

1551 Ms. Johnson- Yes they are fine.  
1552

1553 Mr. Balfour- There being no questions and no one else to speak, thank  
1554 you.  
1555

1556 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
1557 Mr. Nunnally, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1558 granted your application for the above-referenced conditional use permit. The  
1559 Board granted the use permit subject to the following conditions:

1560  
1561 1. This approval is only for locating two storage trailers on the property from  
1562 March 30, 2002 through May 10, 2002. The trailers shall be removed prior to  
1563 May 11, 2002.

1564  
1565 2. All material shall be kept in the trailers. There shall be no storage of any  
1566 merchandise outside the trailers.

1567  
1568 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1569 Negative: 0  
1570 Abstain: 0

1571  
1572 The Board granted the request because it found the proposed use will be in  
1573 substantial accordance with the general purpose and objectives of Chapter 24 of  
1574 the County Code.

1575  
1576 A - 48-2002: Charles Wood requests a variance from Section 24-95(q)(5)  
1577 of Chapter 24 of the County Code to build a sunroom on an  
1578 existing deck at 5216 Fairlake Lane (Reids Pointe) (Parcel  
1579 758-766-5352), zoned R-3, One-family Residence District  
1580 (Brookland). The rear yard setback is not met. The  
1581 applicant has 19 feet rear yard setback, where the Code  
1582 requires 35 feet rear yard setback. The applicant requests a  
1583 variance of 16 feet rear yard setback.

1584  
1585 Mr. Balfour- Is any one here to speak for or against this case? Would  
1586 you raise your right hand and be sworn in.

1587  
1588 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
1589 the whole truth and nothing but the truth so help you God?  
1590  
1591 Mr. Wood- I do.  
1592  
1593 Mr. Balfour-- Would you state your name for the record.  
1594  
1595 Mr. Wood- I am Charles Wood. We are requesting to enclose our deck  
1596 in the back. We have two young children and we have  
1597 outgrown the size of the house. We would like to use that  
1598 area as a family room. To be located elsewhere on the  
1599 property, the floor plan does not work. It would be  
1600 constructed off of a bedroom.  
1601  
1602 Mr. Wright- You do have an odd shaped lot.  
1603  
1604 Mr. Wood- Yes we do.  
1605  
1606 Mr. Wright- Which causes you your problem with complying with the  
1607 setbacks.  
1608  
1609 Mr. Wood- That is correct.  
1610  
1611 Mr. Balfour- Any questions of Mr. Wood. Thank you.  
1612  
1613 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by  
1614 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1615 granted your request for the above-referenced variance. The Board granted the  
1616 variance subject to the following condition:  
1617  
1618 1. Only the improvements shown on the plan filed with the application may  
1619 be constructed pursuant to this approval. No substantial changes or additions to  
1620 the layout may be made without the approval of the Board of Zoning Appeals.  
1621 Any additional improvements shall comply with the applicable regulations of the  
1622 County Code.  
1623  
1624 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1625 Negative: 0  
1626 Abstain: 0  
1627  
1628 The Board granted this request, as it found from the evidence presented that,  
1629 due to the unique circumstances of the subject property, strict application of the  
1630 County Code would produce undue hardship not generally shared by other  
1631 properties in the area, and authorizing this variance will neither cause a

1632 substantial detriment to adjacent property nor materially impair the purpose of the  
1633 zoning regulations.

1634  
1635 UP- 7-2002: Resource Development Associates requests a conditional  
1636 use permit pursuant to Sections 24-52(d) and 24-103 of  
1637 Chapter 24 of the County Code to extract materials from the  
1638 earth at 1801 Kingsland Road (Parcel 818-676-5915), zoned  
1639 A-1, Agricultural District (Varina).

1640  
1641 Mr. Balfour- Is any one here to speak for or against this case? Would  
1642 you raise your right hand and be sworn in.

1643  
1644 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
1645 the whole truth and nothing but the truth so help you God?

1646  
1647 Ms. Isaacs- I do.

1648  
1649 Mr. Balfour-- Would you state your name for the record.

1650  
1651 Ms. Isaacs- My name is Lorraine Isaacs representing Resource  
1652 Development Associates. This is an existing borrow pit that  
1653 has been in existence for the past 12 years. I am not aware  
1654 of any problems associated with this borrow pit. It is not a  
1655 commercial enterprise, it is used on for the owners use for  
1656 his businesses. The owner is S.B. Cox. It is only used 2 or  
1657 3 times a year.

1658  
1659 Mr. Balfour- You have read the conditions?

1660  
1661 Ms. Isaacs- Yes. They are pretty much the same year to year. For the  
1662 record, condition # 3, 2 years ago when this was approved,  
1663 the erosion and sedimentation control plans were completely  
1664 redone. The county approved them, all the necessary bonds  
1665 were put up. We are still working under those plans, there  
1666 are no changes that have been made. My understanding is  
1667 that since those plans have not been changed, we have  
1668 satisfied that condition. I will be happy to answer any  
1669 questions.

1670  
1671 Mr. Balfour- Any questions by Board Members? Thank you.

1672  
1673 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
1674 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1675 granted your application for the above-referenced conditional use permit. The  
1676 Board granted the use permit subject to the following conditions:

1677

- 1678 1. This use permit is subject to all requirements of Section 24-103 of Chapter  
1679 24 of the County Code.
- 1680
- 1681 2. Before beginning any work, the applicant shall provide a financial guaranty  
1682 in an amount of \$2,000.00 per acre for each acre of land to be disturbed, for a  
1683 total of \$31,600.00, guaranteeing that the land will be restored to a reasonably  
1684 level and drainable condition. This permit does not become valid until the  
1685 financial guaranty has been approved by the County Attorney. The financial  
1686 guaranty may provide for termination after 90 days notice in writing to the  
1687 County. In the event of termination, this permit shall be void, and work incident  
1688 thereto shall cease. Within the next 90 days the applicant shall restore the land  
1689 as provided for under the conditions of this use permit. Termination of such  
1690 financial guaranty shall not relieve the applicant from its obligation to indemnify  
1691 the County of Henrico for any breach of the conditions of this use permit. If this  
1692 condition is not satisfied within 90 days of approval, the use permit shall be void.  
1693
- 1694 3. Before beginning any work, the applicant shall submit erosion control  
1695 plans to the Department of Public Works for review and approval. Throughout  
1696 the life of the operation, the applicant shall continuously satisfy the Department of  
1697 Public Works that erosion control procedures are properly maintained, and shall  
1698 furnish plans and bonds that the department deems necessary. The applicant  
1699 shall provide certification from a licensed professional engineer that dams,  
1700 embankments and sediment control structures meet the approved design criteria  
1701 as set forth by the State. If this condition is not satisfied within 90 days of  
1702 approval, the use permit shall be void.  
1703
- 1704 4. Before beginning any work, the applicant shall obtain a mine license from  
1705 the Virginia Department of Mines, Minerals and Energy. If this condition is not  
1706 satisfied within 90 days of approval, the use permit shall be void.  
1707
- 1708 5. Before beginning any work, the areas approved for mining under this  
1709 permit shall be delineated on the ground by five-foot-high metal posts at least five  
1710 inches in diameter and painted in alternate one foot stripes of red and white.  
1711 These posts shall be so located as to clearly define the area in which the mining  
1712 is permitted. They shall be located, and their location certified, by a certified land  
1713 surveyor. If this condition is not satisfied within 90 days of approval, the use  
1714 permit shall be void.  
1715
- 1716 6. In the event that the Board's approval of this use permit is appealed, all  
1717 conditions requiring action within 90 days will be deemed satisfied if the required  
1718 actions are taken within 90 days of final action on the appeal.  
1719
- 1720 7. The applicant shall comply with the Chesapeake Bay Preservation Act and  
1721 all state and local regulations administered under such act applicable to the  
1722 property, and shall furnish to the Planning Office copies of all reports required by  
1723 such act or regulations.

- 1724  
1725 8. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. when Daylight  
1726 Savings Time is in effect, and from 7:00 a.m. to 5:00 p.m. at all other times.  
1727  
1728 9. No operations of any kind are to be conducted at the site on Saturdays,  
1729 Sundays, or national holidays.  
1730  
1731 10. All means of access to the property shall be from the established entrance  
1732 onto Kingsland Road.  
1733  
1734 11. The applicant shall erect and maintain gates at all entrances to the  
1735 property. These gates shall be locked at all times, except when authorized  
1736 representatives of the applicant are on the property.  
1737  
1738 12. The applicant shall post and maintain a sign at the entrance to the mining  
1739 site stating the name of the operator, the use permit number, the mine license  
1740 number, and the telephone number of the operator. The sign shall be 12 square  
1741 feet in area and the letters shall be three inches high.  
1742  
1743 13. The applicant shall post and maintain "No Trespassing" signs every 250  
1744 feet along the perimeter of the property. The letters shall be three inches high.  
1745 The applicant shall furnish the Chief of Police a letter authorizing the Division of  
1746 Police to enforce the "No Trespassing" regulations, and agreeing to send a  
1747 representative to testify in court as required or requested by the Division of  
1748 Police.  
1749  
1750 14. Standard "Truck Entering Highway" signs shall be erected on Kingsland  
1751 Road on each side of the entrances to the property. These signs will be placed  
1752 by the County, at the applicant's expense.  
1753  
1754 15. The applicant shall post and maintain a standard stop sign at the entrance  
1755 to Kingsland Road.  
1756  
1757 16. The applicant shall provide a flagman to control traffic from the site onto  
1758 the public road, with the flagman yielding the right of way to the public road traffic  
1759 at all times. This flagman will be required whenever the Division of Police deems  
1760 necessary.  
1761  
1762 17. All roads used in connection with this use permit shall be effectively  
1763 treated with calcium chloride or other wetting agents to eliminate any dust  
1764 nuisance.  
1765  
1766 18. The operation shall be so scheduled that trucks will travel at regular  
1767 intervals and not in groups of three or more.  
1768

- 1769 19. Trucks shall be loaded in a way to prevent overloading or spilling of  
1770 materials of any kind on any public road.  
1771
- 1772 20. The applicant shall maintain the property, fences, and roads in a safe and  
1773 secure condition indefinitely, or convert the property to some other safe use.  
1774
- 1775 21. If, in the course of its preliminary investigation or operations, the applicant  
1776 discovers evidence of cultural or historical resources, or an endangered species,  
1777 or a significant habitat, it shall notify appropriate authorities and provide them  
1778 with an opportunity to investigate the site. The applicant shall report the results  
1779 of any such investigation to the Planning Office.  
1780
- 1781 22. If water wells located on surrounding properties are adversely affected,  
1782 and the extraction operations on this site are suspected as the cause, the  
1783 effected property owners may present to the Board evidence that the extraction  
1784 operation is a contributing factor. After a hearing by the Board, this use permit  
1785 may be revoked or suspended, and the operator may be required to correct the  
1786 problem.  
1787
- 1788 23. Open and vertical excavations having a depth of 10 feet or more, for a  
1789 period of more than 30 days, shall be effectively sloped to a 2:1 slope or flatter to  
1790 protect the public safety.  
1791
- 1792 24. Topsoil shall not be removed from any part of the property outside of the  
1793 area in which mining is authorized. Sufficient topsoil shall be stockpiled on the  
1794 property for respreading in a layer with five inches of minimum depth. All topsoil  
1795 shall be stockpiled within the authorized mining area and provided with adequate  
1796 erosion control protection. If the site does not yield sufficient topsoil, additional  
1797 topsoil shall be brought to the site to provide the required five-inch layer of cover.  
1798 All topsoil shall be treated with a mixture of seed, fertilizer, and lime as  
1799 recommended by the County after soil tests have been provided to the County.  
1800
- 1801 25. No offsite-generated materials shall be deposited on the mining site  
1802 without prior written approval of the Director of Planning. To obtain such  
1803 approval, the operator shall submit a request stating the origin, nature and  
1804 quantity of material to be deposited, and certifying that no contaminated or  
1805 hazardous material will be included. The material to be deposited on the site  
1806 shall be limited to imperishable materials such as stone, bricks, tile, sand, gravel,  
1807 soil, asphalt, concrete and like materials, and shall not include any hazardous  
1808 materials as defined by the Virginia Hazardous Waste Management Regulations.  
1809
- 1810 26. A superintendent, who shall be personally familiar with all the terms and  
1811 conditions of Section 24-103 of Chapter 24 of the County Code, as well as the  
1812 terms and conditions of this use permit, shall be present at the beginning and  
1813 conclusion of operations each work day to see that all the conditions of the Code  
1814 and this use permit are observed.



1815  
1816 27. A progress report shall be submitted to the Board on March 31. This  
1817 progress report must contain information concerning how much property has  
1818 been mined to date of the report, the amount of land left to be mined, how much  
1819 rehabilitation has been performed, when and how the remaining amount of land  
1820 will be rehabilitated, and any other pertinent information about the operation that  
1821 would be helpful to the Board.

1822  
1823 28. Excavation shall be discontinued by March 31, 2004 and restoration  
1824 accomplished by not later than March 31, 2005, unless a new permit is granted  
1825 by the Board of Zoning Appeals.

1826  
1827 29. The rehabilitation of the property shall take place simultaneously with the  
1828 mining process. Rehabilitation shall not be considered completed until the mined  
1829 area is covered completely with permanent vegetation.

1830  
1831 30. All drainage and erosion and sediment control measures shall conform to  
1832 the standards and specifications of the Mineral Mining Manual Drainage  
1833 Handbook. Any drainage structures in place prior to October 14, 1992, and  
1834 which do not conform to the Mineral Mining Manual Drainage Handbook, may  
1835 remain in place until such time as any reconstruction is required, at which time  
1836 said structures shall be brought into conformance with the Mineral Mining Manual  
1837 Drainage Handbook.

1838  
1839 31. Failure to comply with any of the foregoing conditions shall automatically  
1840 void this permit.

1841  
1842 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1843 Negative: 0  
1844 Abstain: 0

1845  
1846 The Board granted the request because it found the proposed use will be in  
1847 substantial accordance with the general purpose and objectives of Chapter 24 of  
1848 the County Code.

1849  
1850  
1851 A - 49-2002: Keith McMullin requests a variance from Section 24-95(k) of  
1852 Chapter 24 of the County Code to build an addition at 705  
1853 Spottswood Road (Spottswood Park) (Parcel 756-738-0938),  
1854 zoned R-2, One-family Residence District (Tuckahoe). The  
1855 minimum side yard setback is not met. The applicant has 20  
1856 feet minimum side yard setback, where the Code requires 25  
1857 feet minimum side yard setback. The applicant requests a  
1858 variance of 5 feet minimum side yard setback.  
1859

1860 Mr. Balfour- Is any one here to speak for or against this case? Would  
1861 you raise your right hand and be sworn in.  
1862

1863 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
1864 the whole truth and nothing but the truth so help you God?  
1865

1866 Mr. McMullin- I do.  
1867

1868 Mr. Balfour-- Would you state your name for the record.  
1869

1870 Mr. McMullin- My name is Keith McMullin, to make a long story brief, we  
1871 have 2 small children and we need more room. We have  
1872 explored the possibility of adding a family room and we  
1873 quickly found out that because of the shape of the lot as well  
1874 as how the house is situated on the land, we are extremely  
1875 limited in our options. It seemed that the smartest thing to  
1876 do was to tear down the existing sunroom and to add on a  
1877 family room. In order to do that, we need a 5-foot variance.  
1878

1879 Mr. Wright- This is not only an odd shaped lot but it is also what we call  
1880 a reverse corner lot.  
1881

1882 Mr. Balfour- Any questions by the Board Members? Thank you.  
1883

1884 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
1885 Mr. Kirkland, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1886 granted your request for the above-referenced variance. The Board granted the  
1887 variance subject to the following condition:  
1888

1889 1. Only the improvements shown on the plan filed with the application may  
1890 be constructed pursuant to this approval. No substantial changes or additions to  
1891 the layout may be made without the approval of the Board of Zoning Appeals.  
1892 Any additional improvements shall comply with the applicable regulations of the  
1893 County Code.  
1894

1895 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
1896 Negative:		0
1897 Abstain:		0
1898		

1899 The Board granted this request, as it found from the evidence presented that,  
1900 due to the unique circumstances of the subject property, strict application of the  
1901 County Code would produce undue hardship not generally shared by other  
1902 properties in the area, and authorizing this variance will neither cause a  
1903 substantial detriment to adjacent property nor materially impair the purpose of the  
1904 zoning regulations.  
1905

1906 A - 50-2002: Raymond and Jona Williamson request a variance from  
1907 Section 24-9 of Chapter 24 of the County Code to build a  
1908 one-family dwelling at 7091 Mosswood Road (Parcel 815-  
1909 696-6231), zoned A-1, Agricultural District (Varina). The  
1910 public street frontage requirement is not met. The applicants  
1911 have 0 feet public street frontage, where the Code requires  
1912 50 feet public street frontage. The applicants request a  
1913 variance of 50 feet public street frontage.  
1914

1915 Mr. Balfour- Is any one here to speak for or against this case? Would  
1916 you raise your right hand and be sworn in.  
1917

1918 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
1919 the whole truth and nothing but the truth so help you God?  
1920

1921 Ms. Waltrip- I do.  
1922

1923 Mr. Balfour-- Would you state your name for the record.  
1924

1925 Ms. Waltrip- I am Lestra Waltrip, I am representing the Williamsons in  
1926 their request for a variance. The road frontage requirement  
1927 is not met. It is off the road at the end of a cul-de-sac. We  
1928 plan to build a one-story dwelling. We have it under  
1929 contract. If you have any questions, I will be happy to  
1930 answer them.  
1931

1932 Mr. Wright- Where will you access the property from?  
1933

1934 Ms. Waltrip- There is a driveway at the end of the cul-de-sac that is a  
1935 shared driveway with the adjacent homeowner. As you can  
1936 see, their property intersects the dirt driveway.  
1937

1938 Mr. Nunnally- At Mosswood Road?  
1939

1940 Ms. Waltrip- Correct. So it would be a shared driveway to a point and  
1941 then it would split.  
1942

1943 Mr. Wright- Mosswood Road is a public road?  
1944

1945 Ms. Waltrip- Yes it is.  
1946

1947 Mr. Wright- Have you reviewed the conditions that have been  
1948 suggested?  
1949

1950 Ms. Waltrip- Yes I have. I did want to take exception to the a statement  
1951 at the bottom of page 1, It says that the applicant acquired

1952 the property with the knowledge that no public road access  
1953 existed. Less any hardship was known and voluntarily  
1954 excepted when it was acquired. The property was acquired  
1955 through an estate division. The executor parceled out the  
1956 property and the Williamson's were given that parcel. It was  
1957 family property.  
1958

1959 Mr. Wright- So this was not an outright purchase. .  
1960

1961 Ms. Waltrip- That is correct.  
1962

1963 Mr. Balfour- Any other questions, thank you.  
1964

1965 Mr. Burney- I am Tim Burney, we are not oppose to the variance. We  
1966 were concerned that a road would not come through our  
1967 property. Which we understand there is an easement on the  
1968 Mosswood Road side. Lots 64, 67, 71 and 72 are adjacent  
1969 properties, and we would like it put into the approval that no  
1970 private road would be able to come through the woods  
1971 through our property.  
1972

1973 Mr. Wright- I am no so sure we have anything to do with that. That is a  
1974 legal proposition. If you do not grant some one the right to  
1975 come through your property, they cannot do it.  
1976

1977 Mr. Burney- That is what we understood.  
1978

1979 Mr. Wright- We don't grant the right of way, we make it subject to  
1980 obtaining the required legal access. They have to prove,  
1981 when they get the building permit, that they have a recorded  
1982 easement of record. If you don't grant them that right, they  
1983 cannot do it.  
1984

1985 Mr. Burney- OK. We just wanted to make sure.  
1986

1987 Mr. Balfour- I gather you are on Yarnell Road?  
1988

1989 Mr. Burney- Yes sir.  
1990

1991 Mr. Balfour- Any other question? Thank you.  
1992

1993 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
1994 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
1995 granted your request for the above-referenced variance. The Board granted the  
1996 variance subject to the following conditions:  
1997

1998 1. This variance applies only to the public street frontage requirement. All  
1999 other applicable regulations of the County Code shall remain in force.

2000  
2001 2. Only the improvements shown on the plan filed with the application may  
2002 be constructed pursuant to this approval. No substantial changes or additions to  
2003 the layout may be made without the approval of the Board of Zoning Appeals.  
2004 Any additional improvements shall comply with the applicable regulations of the  
2005 County Code.

2006  
2007 3. At the time of building permit application, the applicant shall submit the  
2008 necessary information to the Department of Public Works to ensure compliance  
2009 with the requirements of the Chesapeake Bay Preservation Act and the code  
2010 requirements for water quality standards.

2011  
2012 4. Approval of this request does not imply that a building permit will be  
2013 issued. Building permit approval is contingent on Health Department  
2014 requirements, including, but not limited to, soil evaluation for a septic drainfield  
2015 and reserve area, and approval of a well location.

2016  
2017 5. The applicant shall present proof with the building permit application that a  
2018 legal access to the property has been obtained.

2019  
2020 6. The owners of the property, and their heirs or assigns, shall accept  
2021 responsibility for maintaining access to the property until such a time as the  
2022 access is improved to County standards and accepted into the County road  
2023 system for maintenance.

2024  
2025 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
2026 Negative: 0  
2027 Abstain: 0

2028  
2029 The Board granted this request, as it found from the evidence presented that,  
2030 due to the unique circumstances of the subject property, strict application of the  
2031 County Code would produce undue hardship not generally shared by other  
2032 properties in the area, and authorizing this variance will neither cause a  
2033 substantial detriment to adjacent property nor materially impair the purpose of the  
2034 zoning regulations.

2035  
2036 UP- 8-2002: Nextel requests a temporary conditional use permit pursuant  
2037 to Section 24-116(c)(1) of Chapter 24 of the County Code to  
2038 permit a temporary Cell on Wheels at 609 East Laburnum  
2039 Avenue (Highland Gardens) (Parcel 795-738-2042), zoned  
2040 B-3C, Business District(Conditional) (Fairfield).

2041  
2042 Mr. Balfour- Is any one here to speak for or against this case? Would  
2043 you raise your right hand and be sworn in.

2044  
2045 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
2046 the whole truth and nothing but the truth so help you God?  
2047  
2048 Mr. Moore- I do.  
2049  
2050 Mr. Balfour-- Would you state your name for the record.  
2051  
2052 Mr. Moore- My name is Glenn Moore, I am an attorney appearing today  
2053 on behalf of Nextell. This case is very similar to a case you  
2054 heard about 6 months ago to allow a Cell-on Wheels at this  
2055 location. The reason for this is because of the increased  
2056 number of people at this location during the Nascar races.  
2057 There is a tremendous demand on the cell tower facilities so  
2058 in order to accommodate the customers, they need the  
2059 temporary tower. If the use is deemed non-objectionable  
2060 and there are no complaints lodged against the use, we  
2061 would like to get the approval for this facility for several dates  
2062 at this location.. This will eliminate the need to come before  
2063 the board several times for the same request. I think that it  
2064 is appropriate to approve this request because having this  
2065 additional capacity aides in the health, safety and welfare by  
2066 allowing people, who might be using the cell phones for an  
2067 emergency to get through. The conditions have been  
2068 reviewed and are acceptable to us, we would like to suggest  
2069 one minor modification, . . The third condition suggests that  
2070 the permit would expire on Sept, 10, 2003, because the date  
2071 of the race may change due to weather, we would like that  
2072 extended to Sept, 30, 2003. It would save us from having to  
2073 come back here unnecessarily.  
2074  
2075 Mr. Wright- Does that give you enough time for what you want?  
2076  
2077 Mr. Moore- Yes sir.  
2078  
2079 Mr. Balfour- So you will put it up for 2 weeks, take it down and re-erect it  
2080 for the next race?  
2081  
2082 Mr. Moore- Yes sir.  
2083  
2084 Mr. Balfour- Any other questions? Thank you.  
2085  
2086 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by  
2087 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2088 granted your application for the above-referenced conditional use permit. The  
2089 Board granted the use permit subject to the following conditions:

2090  
2091  
2092  
2093  
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2132  
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2134  
2135

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

2. The Cell on Wheels shall not be left on site for more than two weeks at any time.

3. This permit shall expire on September 30, 2003.

Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
Negative:		0
Abstain:		0

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

A - 51-2002: Joanne and Basil Tripp request a variance from Section 24-94 of Chapter 24 of the County Code to build a screened porch on an existing deck at 4408 Lumberjack Lane (The Woods at Innsbrook) (Parcel 754-764-0387), zoned R-3A, One-family Residence District (Three Chopt). The rear yard setback is not met. The applicants have 25 feet rear yard setback, where the Code requires 35 feet rear yard setback. The applicants request a variance of 10 feet rear yard setback.

Mr. Balfour- Is any one here to speak for or against this case? Would you raise your right hand and be sworn in.

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

Ms. Tripp- I do.

Mr. Balfour-- Would you state your name for the record.

Ms. Tripp- My name is Joanne Tripp, I have lived at 4408 Lumberjack Lane since 1989. As you can see we are in a cul-de-sac, which we chose because we love that type of location. We do have a strange shaped lot, which is pie shaped. That is narrow at the front and widens at the back. Because of this, the house had to be set back farther than the required setback for that district. The deck runs along the entire back

2136 of the house, what we would like to do is put a screened  
2137 porch on just one section of the deck. I am hoping to build  
2138 this screen porch now, since all of our children are through  
2139 college, in fact the last one graduates on June 11, of this  
2140 year. When I found out that we did not have enough space  
2141 in the rear yard to meet the code requirements, I did go to  
2142 our neighbors. Three neighbors could be affected by this.  
2143 One neighbor is adjacent to the right, and they have no  
2144 objections. The two neighbors behind me, both of these  
2145 folks said no problems, not an issue. After that, I found out  
2146 that one of my neighbors didn't want us to build a deck. I  
2147 didn't know about this, until she called me and said she had  
2148 written a letter to the county in opposition. She though it  
2149 would be noisy. We have been friendly neighbors for 7  
2150 years and I was surprised by this. My husband and I are in  
2151 our 50's and do not plan to have loud parties. She has latter  
2152 apologized to me and has changed her mind and has no  
2153 objections. I have a letter stating such. I have also brought  
2154 you a picture showing the back yard. It has a lot of trees that  
2155 act as a dense screen for the neighbors. The only reason for  
2156 the screen porch is to set out there in the evenings and read  
2157 books without the bugs biting me. I have been to the  
2158 architectural review board and they have approved my  
2159 plans.

2160  
2161 Mr. Balfour- Are there any questions from Board members?  
2162

2163  
2164 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2165 Mr. Nunnally, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2166 granted your request for the above-referenced variance. The Board granted the  
2167 variance subject to the following condition:

2168  
2169 1. Only the improvements shown on the plan filed with the application may  
2170 be constructed pursuant to this approval. No substantial changes or additions to  
2171 the layout may be made without the approval of the Board of Zoning Appeals.  
2172 Any additional improvements shall comply with the applicable regulations of the  
2173 County Code.

2174  
2175 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
2176 Negative: 0  
2177 Abstain: 0

2178  
2179 The Board granted this request, as it found from the evidence presented that,  
2180 due to the unique circumstances of the subject property, strict application of the  
2181 County Code would produce undue hardship not generally shared by other



2182 properties in the area, and authorizing this variance will neither cause a  
2183 substantial detriment to adjacent property nor materially impair the purpose of the  
2184 zoning regulations.

2185  
2186 A - 52-2002: H. W. Johnson Partnership requests a variance from  
2187 Sections 24-95(i)(2), 24-95(i)(2)c. and 24-94 of Chapter 24  
2188 of the County Code to allow the existing improvements to  
2189 remain at 5224 Pouncey Tract Road (Parcels 737-772-0509  
2190 and 736-771-6768 (part)), zoned A-1, Agricultural District  
2191 (Three Chopt). The accessory structure location  
2192 requirement, accessory structure setback, and front yard  
2193 setback are not met. The applicant has 31 feet front yard  
2194 setback, 1 foot accessory structure setback and an  
2195 accessory structure in the front yard, where the Code  
2196 requires 50 feet front yard setback and 10 feet accessory  
2197 structure setback and allows accessory structures in the rear  
2198 yard. The applicant requests a variance of 19 feet front yard  
2199 setback and 9 feet accessory structure setback.

2200  
2201 Mr. Balfour- Is any one here to speak for or against this case? Would  
2202 you raise your right hand and be sworn in.

2203  
2204 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
2205 the whole truth and nothing but the truth so help you God?

2206  
2207 Mr. Johnson- I do.

2208  
2209 Mr. Balfour-- Would you state your name for the record.

2210 Mr. Johnson- I am Grayson Johnson, I am an attorney and I represent the  
2211 HW Johnson partnership. This property is a historic property  
2212 and the family wants to sell this parcel to settle the estate.  
2213 Because of the proximity to the road, we do have a setback  
2214 problem. We have worked really hard to met the setback  
2215 requirements as best as we can and I think the report  
2216 speaks for itself. We have read the conditions and have no  
2217 problems with that.

2218  
2219 Mr. Balfour- Any questions for Mr. Johnson?

2220  
2221 Mr. Wright- Who ran the store?

2222  
2223 Mr. Johnson- The store was run by Mrs. Aires for many years and then by  
2224 his son. He still lives next door. It was run by the Aires  
2225 family for over 60 years.

2226  
2227 Mr. Balfour- Any other questions?

2228  
2229 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2230 Mr. Nunnally, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2231 granted your request for the above-referenced variance. The Board granted the  
2232 variance subject to the following condition:

2233  
2234 1. This variance applies only to the improvements shown on the plat  
2235 submitted with the application. All other applicable regulations of the County  
2236 Code shall remain in force.

2237  
2238 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
2239 Negative: 0  
2240 Abstain: 0

2241  
2242 The Board granted this request, as it found from the evidence presented that,  
2243 due to the unique circumstances of the subject property, strict application of the  
2244 County Code would produce undue hardship not generally shared by other  
2245 properties in the area, and authorizing this variance will neither cause a  
2246 substantial detriment to adjacent property nor materially impair the purpose of the  
2247 zoning regulations.

2248  
2249 A - 53-2002: Thomas A. and Corrine L. Cooper request a variance from  
2250 Section 24-95(q)(5) of Chapter 24 of the County Code to  
2251 build an addition at 9521 Catesby Lane (Gateshead) (Parcel  
2252 748-749-0947), zoned R-2A, One-family Residence District  
2253 (Tuckahoe). The rear yard setback is not met. The  
2254 applicant has 31 feet rear yard setback, where the Code  
2255 requires 35 feet rear yard setback. The applicant requests a  
2256 variance of 4 feet rear yard setback.

2257  
2258 Mr. Balfour- Is any one here to speak for or against this case? Would  
2259 you raise your right hand and be sworn in.

2260  
2261 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
2262 the whole truth and nothing but the truth so help you God?

2263  
2264 Mr. Kain- I do.

2265  
2266 Mr. Balfour-- Would you state your name for the record.

2267  
2268 Mr. Kain- My name is Robert E. Kain Jr, representing the Coopers.  
2269 You have the drawings in front of you. As the staff correctly  
2270 notes that the lot is more shallow than most of the lots in the  
2271 subdivision. Therefore the need for this 4-foot variance. I  
2272 would briefly point out a few aspects that I would offer for  
2273 your kind consideration. This lot as configured would not

2274 allow an addition on either side of the house. It is very  
2275 narrow on both sides. In the rear of this lot there is a good  
2276 distance from the closest house. The Coopers could buy a  
2277 different house to obtain more space but they are fond of this  
2278 neighborhood. They have outgrown this house, they have 4  
2279 children, and other homes in the neighborhood have  
2280 constructed additions so this addition would not be out of  
2281 place. Much of the addition will be a playroom. The  
2282 neighbors have been spoken to and are in agreement. The  
2283 staff report states that the 4-foot variance would not be  
2284 detrimental to the neighbors. This addition will enhance the  
2285 Cooper house and the neighborhood and we thank you for  
2286 your consideration on this request..  
2287

2288 Mr. Balfour- Any questions for Mr. Kain? Thank you.  
2289

2290 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2291 Mr. Kirkland, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2292 granted your request for the above-referenced variance. The Board granted the  
2293 variance subject to the following condition:  
2294

2295 1. Only the improvements shown on the plan filed with the application may  
2296 be constructed pursuant to this approval. No substantial changes or additions to  
2297 the layout may be made without the approval of the Board of Zoning Appeals.  
2298 Any additional improvements shall comply with the applicable regulations of the  
2299 County Code.  
2300

2301 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
2302 Negative:		0
2303 Abstain:		0

2304  
2305 The Board granted this request, as it found from the evidence presented that,  
2306 due to the unique circumstances of the subject property, strict application of the  
2307 County Code would produce undue hardship not generally shared by other  
2308 properties in the area, and authorizing this variance will neither cause a  
2309 substantial detriment to adjacent property nor materially impair the purpose of the  
2310 zoning regulations.  
2311

2312 Mr. Blankinship- We will hear the next cases together.  
2313  
2314

2315 A - 54-2002: Charles Glen LLC requests a variance from Section 24-  
2316 95(b)(5) of Chapter 24 of the County Code to build a one-  
2317 family dwelling at 7009 Vanderbilt Avenue (Crestview)  
2318 (Parcel 764-742-9695), zoned R-3, One-family Residence  
2319 District (Three Chopt). The lot width requirement is not met.

2320 The applicant has 60 feet lot width, where the Code requires  
2321 65 feet lot width. The applicant requests Mr. Balfour- Is any  
2322 one here to speak for or against this case? Would you raise  
2323 your right hand and be sworn in.  
2324  
2325  
2326

2327 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2328 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2329 granted your request for the above-referenced variance. The Board granted the  
2330 variance subject to the following conditions:  
2331

2332 1. This variance applies only to the lot width requirement. All other  
2333 applicable regulations of the County Code shall remain in force.  
2334

2335 Affirmative:	Kirkland, McKinney, Nunnally, Wright	4
2336 Negative:		0
2337 Abstain:	Balfour	1

2338  
2339 The Board granted this request, as it found from the evidence presented that,  
2340 due to the unique circumstances of the subject property, strict application of the  
2341 County Code would produce undue hardship not generally shared by other  
2342 properties in the area, and authorizing this variance will neither cause a  
2343 substantial detriment to adjacent property nor materially impair the purpose of the  
2344 zoning regulations.  
2345

2346 A - 55-2002: Charles Glen LLC requests a variance from Section 24-  
2347 95(b)(5) of Chapter 24 of the County Code to build a one-  
2348 family dwelling at 7013 Vanderbilt Avenue (Crestview)  
2349 (Parcel 764-743-8600), zoned R-3, One-family Residence  
2350 District (Three Chopt). The lot width requirement is not met.  
2351 The applicant has 60 feet lot width, where the Code requires  
2352 65 feet lot width. The applicant requests a variance of 5 feet  
2353 lot width.  
2354

2355 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2356 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2357 granted your request for the above-referenced variance. The Board granted the  
2358 variance subject to the following condition:  
2359

2360 1. This variance applies only to the lot width requirement. All other  
2361 applicable regulations of the County Code shall remain in force.  
2362

2363 Affirmative:	Kirkland, McKinney, Nunnally, Wright	4
2364 Negative:		0
2365 Abstain:	Balfour	1

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2410

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

A - 56-2002: Charles Glen LLC requests a variance from Section 24-95(b)(5) of Chapter 24 of the County Code to build a one-family dwelling at 7001 Vanderbilt Avenue (Crestview) (Parcel 765-742-1783), zoned R-3, One-family Residence District (Three Chopt). The lot width requirement is not met. The applicant has 60 feet lot width, where the Code requires 65 feet lot width. The applicant requests a variance of 5 feet lot width.

After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002, granted your request for the above-referenced variance. The Board granted the variance subject to the following condition:

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

Affirmative:	Kirkland, McKinney, Nunnally, Wright	4
Negative:		0
Abstain:	Balfour	1

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

A - 57-2002: Charles Glen LLC requests a variance from Section 24-95(b)(5) of Chapter 24 of the County Code to build a one-family dwelling at 7007 Miami Avenue (Crestview) (Parcel 764-742-8764), zoned R-3, One-family Residence District (Three Chopt). The lot width requirement is not met. The applicant has 60 feet lot width, where the Code requires 65 feet lot width. The applicant requests a variance of 5 feet lot width.

2411 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2412 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2413 granted your request for the above-referenced variance. The Board granted the  
2414 variance subject to the following condition:

2415  
2416 1. This variance applies only to the lot width requirement. All other  
2417 applicable regulations of the County Code shall remain in force.

2418  
2419 Affirmative: Kirkland, McKinney, Nunnally, Wright 4  
2420 Negative: 0  
2421 Abstain: Balfour 1  
2422

2423 The Board granted this request, as it found from the evidence presented that,  
2424 due to the unique circumstances of the subject property, strict application of the  
2425 County Code would produce undue hardship not generally shared by other  
2426 properties in the area, and authorizing this variance will neither cause a  
2427 substantial detriment to adjacent property nor materially impair the purpose of the  
2428 zoning regulations.

2429  
2430  
2431 A - 58-2002: Charles Glen LLC requests a variance from Section 24-  
2432 95(b)(5) of Chapter 24 of the County Code to build a one-  
2433 family dwelling at 7005 Miami Avenue (Crestview) (Parcel  
2434 764-742-9160), zoned R-3, One-family Residence District  
2435 (Three Chopt). The lot width requirement is not met. The  
2436 applicant has 60 feet lot width, where the Code requires 65  
2437 feet lot width. The applicant requests a variance of 5 feet lot  
2438 width.

2439  
2440 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2441 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2442 granted your request for the above-referenced variance. The Board granted the  
2443 variance subject to the following condition:

2444  
2445 1. This variance applies only to the lot width requirement. All other  
2446 applicable regulations of the County Code shall remain in force.

2447  
2448 Affirmative: Kirkland, McKinney, Nunnally, Wright 4  
2449 Negative: 0  
2450 Abstain: Balfour 1  
2451

2452 The Board granted this request, as it found from the evidence presented that,  
2453 due to the unique circumstances of the subject property, strict application of the  
2454 County Code would produce undue hardship not generally shared by other  
2455 properties in the area, and authorizing this variance will neither cause a

2456 substantial detriment to adjacent property nor materially impair the purpose of the  
2457 zoning regulations.

2458

2459 A - 59-2002: Charles Glen LLC requests a variance from Section 24-  
2460 95(b)(5) of Chapter 24 of the County Code to build a one-  
2461 family dwelling at 7002 Miami Avenue (Crestview) (Parcel  
2462 765-742-0675), zoned R-3, One-family Residence District  
2463 (Three Chopt). The lot width requirement is not met. The  
2464 applicant has 60 feet lot width, where the Code requires 65  
2465 feet lot width. The applicant requests a variance of 5 feet lot  
2466 width.

2467

2468 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2469 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2470 granted your request for the above-referenced variance. The Board granted the  
2471 variance subject to the following condition:

2472

2473 1. This variance applies only to the lot width requirement. All other  
2474 applicable regulations of the County Code shall remain in force.

2475

2476 Affirmative: Kirkland, McKinney, Nunnally, Wright 4

2477 Negative: 0

2478 Abstain: Balfour 1

2479

2480 The Board granted this request, as it found from the evidence presented that,  
2481 due to the unique circumstances of the subject property, strict application of the  
2482 County Code would produce undue hardship not generally shared by other  
2483 properties in the area, and authorizing this variance will neither cause a  
2484 substantial detriment to adjacent property nor materially impair the purpose of the  
2485 zoning regulations.

2486

2487 A - 60-2002: Charles Glen LLC requests a variance from Section 24-  
2488 95(b)(5) of Chapter 24 of the County Code to build a one-  
2489 family dwelling at 7000 Miami Avenue (Crestview) (Parcel  
2490 765-742-1173), zoned R-3, One-family Residence District  
2491 (Three Chopt). The lot width requirement is not met. The  
2492 applicant has 60 feet lot width, where the Code requires 65  
2493 feet lot width. The applicant requests a variance of 5 feet lot  
2494 width.

2495

2496 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2497 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2498 granted your request for the above-referenced variance. The Board granted the  
2499 variance subject to the following conditions:

2500

2501 1. This variance applies only to the lot width requirement. All other  
2502 applicable regulations of the County Code shall remain in force.

2503  
2504 Affirmative: Kirkland, McKinney, Nunnally, Wright 4  
2505 Negative: 0  
2506 Abstain: Balfour 1

2507  
2508 The Board granted this request, as it found from the evidence presented that,  
2509 due to the unique circumstances of the subject property, strict application of the  
2510 County Code would produce undue hardship not generally shared by other  
2511 properties in the area, and authorizing this variance will neither cause a  
2512 substantial detriment to adjacent property nor materially impair the purpose of the  
2513 zoning regulations.

2514  
2515 A - 61-2002: Charles Glen LLC requests a variance from Section 24-  
2516 95(b)(5) of Chapter 24 of the County Code to build a one-  
2517 family dwelling at 7003 Tulane Avenue (Crestview) (Parcel  
2518 764-742-8229), zoned R-3, One-family Residence District  
2519 (Three Chopt). The lot width requirement is not met. The  
2520 applicant has 60 feet lot width, where the Code requires 65  
2521 feet lot width. The applicant requests a variance of 5 feet lot  
2522 width.

2523  
2524 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2525 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2526 granted your request for the above-referenced variance. The Board granted the  
2527 variance subject to the following condition:

2528  
2529 1. This variance applies only to the lot width requirement. All other  
2530 applicable regulations of the County Code shall remain in force.

2531  
2532 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4  
2533 Negative: 0  
2534 Abstain: Balfour 1

2535  
2536 The Board granted this request, as it found from the evidence presented that,  
2537 due to the unique circumstances of the subject property, strict application of the  
2538 County Code would produce undue hardship not generally shared by other  
2539 properties in the area, and authorizing this variance will neither cause a  
2540 substantial detriment to adjacent property nor materially impair the purpose of the  
2541 zoning regulations.

2542  
2543 A - 62-2002: Charles Glen LLC requests a variance from Section 24-  
2544 95(b)(5) of Chapter 24 of the County Code to build a one-  
2545 family dwelling at 7006 Tulane Avenue (Crestview) (Parcel  
2546 764-742-8152), zoned R-3, One-family Residence District



2547 (Three Chopt). The lot width requirement is not met. The  
2548 applicant has 60 feet lot width, where the Code requires 65  
2549 feet lot width. The applicant requests a variance of 5 feet lot  
2550 width.

2551

2552 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2553 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2554 granted your request for the above-referenced variance. The Board granted the  
2555 variance subject to the following condition:

2556

2557 1. This variance applies only to the lot width requirement. All other  
2558 applicable regulations of the County Code shall remain in force.

2559

2560 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4

2561 Negative: 0

2562 Abstain: Balfour 1

2563

2564 The Board granted this request, as it found from the evidence presented that,  
2565 due to the unique circumstances of the subject property, strict application of the  
2566 County Code would produce undue hardship not generally shared by other  
2567 properties in the area, and authorizing this variance will neither cause a  
2568 substantial detriment to adjacent property nor materially impair the purpose of the  
2569 zoning regulations.

2570

2571 A - 63-2002: Charles Glen LLC requests a variance from Section 24-  
2572 95(b)(5) of Chapter 24 of the County Code to build a one-  
2573 family dwelling at 7009 Tulane Avenue (Crestview) (Parcel  
2574 764-742-6738), zoned R-3, One-family Residence District  
2575 (Three Chopt). The lot width requirement is not met. The  
2576 applicant has 60 feet lot width, where the Code requires 65  
2577 feet lot width. The applicant requests a variance of 5 feet lot  
2578 width.

2579

2580 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2581 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2582 granted your request for the above-referenced variance. The Board granted the  
2583 variance subject to the following condition:

2584

2585 1. This variance applies only to the lot width requirement. All other  
2586 applicable regulations of the County Code shall remain in force.

2587

2588 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4

2589 Negative: 0

2590 Abstain: Balfour 1

2591

2592 The Board granted this request, as it found from the evidence presented that,  
2593 due to the unique circumstances of the subject property, strict application of the  
2594 County Code would produce undue hardship not generally shared by other  
2595 properties in the area, and authorizing this variance will neither cause a  
2596 substantial detriment to adjacent property nor materially impair the purpose of the  
2597 zoning regulations.

2598

2599 A - 64-2002: Charles Glen LLC requests a variance from Section 24-  
2600 95(b)(5) of Chapter 24 of the County Code to build a one-  
2601 family dwelling at 7011 Tulane Avenue (Crestview) (Parcel  
2602 764-742-6140), zoned R-3, One-family Residence District  
2603 (Three Chopt). The lot width requirement is not met. The  
2604 applicant has 60 feet lot width, where the Code requires 65  
2605 feet lot width. The applicant requests a variance of 5 feet lot  
2606 width.

2607

2608 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2609 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2610 granted your request for the above-referenced variance. The Board granted the  
2611 variance subject to the following condition:

2612

2613 1. This variance applies only to the lot width requirement. All other  
2614 applicable regulations of the County Code shall remain in force.

2615

2616 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4

2617 Negative: 0

2618 Abstain: Balfour 1

2619

2620 The Board granted this request, as it found from the evidence presented that,  
2621 due to the unique circumstances of the subject property, strict application of the  
2622 County Code would produce undue hardship not generally shared by other  
2623 properties in the area, and authorizing this variance will neither cause a  
2624 substantial detriment to adjacent property nor materially impair the purpose of the  
2625 zoning regulations.

2626

2627 A - 65-2002: Charles Glen LLC requests a variance from Section 24-  
2628 95(b)(5) of Chapter 24 of the County Code to build a one-  
2629 family dwelling at 7012 Tulane Avenue (Crestview) (Parcel  
2630 764-742-6561), zoned R-3, One-family Residence District  
2631 (Three Chopt). The lot width requirement is not met. The  
2632 applicant has 60 feet lot width, where the Code requires 65  
2633 feet lot width. The applicant requests a variance of 5 feet lot  
2634 width.

2635

2636 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2637 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,

2638 granted your request for the above-referenced variance. The Board granted the  
2639 variance subject to the following condition:

2640  
2641 1. This variance applies only to the lot width requirement. All other  
2642 applicable regulations of the County Code shall remain in force.

2643  
2644 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4  
2645 Negative: 0  
2646 Abstain: Balfour 1

2647  
2648 The Board granted this request, as it found from the evidence presented that,  
2649 due to the unique circumstances of the subject property, strict application of the  
2650 County Code would produce undue hardship not generally shared by other  
2651 properties in the area, and authorizing this variance will neither cause a  
2652 substantial detriment to adjacent property nor materially impair the purpose of the  
2653 zoning regulations.

2654  
2655 A - 66-2002: Charles Glen LLC requests a variance from Section 24-  
2656 95(b)(5) of Chapter 24 of the County Code to build a one-  
2657 family dwelling at 7014 Tulane Avenue (Crestview) (Parcel  
2658 764-742-6064), zoned R-3, One-family Residence District  
2659 (Three Chopt). The lot width requirement is not met. The  
2660 applicant has 60 feet lot width, where the Code requires 65  
2661 feet lot width. The applicant requests a variance of 5 feet lot  
2662 width.

2663  
2664 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2665 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2666 granted your request for the above-referenced variance. The Board granted the  
2667 variance subject to the following condition:

2668  
2669 1. This variance applies only to the lot width requirement. All other  
2670 applicable regulations of the County Code shall remain in force.

2671  
2672 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4  
2673 Negative: 0  
2674 Abstain: Balfour 1

2675  
2676 The Board granted this request, as it found from the evidence presented that,  
2677 due to the unique circumstances of the subject property, strict application of the  
2678 County Code would produce undue hardship not generally shared by other  
2679 properties in the area, and authorizing this variance will neither cause a  
2680 substantial detriment to adjacent property nor materially impair the purpose of the  
2681 zoning regulations.

2682

2683 A - 67-2002: Charles Glen LLC requests a variance from Section 24-  
2684 95(b)(5) of Chapter 24 of the County Code to build a one-  
2685 family dwelling at 7001 Tulane Avenue (Crestview) (Parcel  
2686 764-742-8726), zoned R-3, One-family Residence District  
2687 (Three Chopt). The lot width requirement is not met. The  
2688 applicant has 60 feet lot width, where the Code requires 65  
2689 feet lot width. The applicant requests a variance of 5 feet lot  
2690 width.

2691

2692 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2693 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2694 granted your request for the above-referenced variance. The Board granted the  
2695 variance subject to the following condition:

2696

2697 1. This variance applies only to the lot width requirement. All other  
2698 applicable regulations of the County Code shall remain in force.

2699

2700 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4

2701 Negative: 0

2702 Abstain: Balfour 1

2703

2704 The Board granted this request, as it found from the evidence presented that,  
2705 due to the unique circumstances of the subject property, strict application of the  
2706 County Code would produce undue hardship not generally shared by other  
2707 properties in the area, and authorizing this variance will neither cause a  
2708 substantial detriment to adjacent property nor materially impair the purpose of the  
2709 zoning regulations.

2710

2711 A - 68-2002: Charles Glen LLC requests a variance from Section 24-  
2712 95(b)(5) of Chapter 24 of the County Code to build a one-  
2713 family dwelling at 1506 Harvard Avenue (Crestview) (Parcel  
2714 764-742-3356), zoned R-3, One-family Residence District  
2715 (Three Chopt). The lot width requirement is not met. The  
2716 applicant has 60 feet lot width, where the Code requires 65  
2717 feet lot width. The applicant requests a variance of 5 feet lot  
2718 width.

2719

2720 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2721 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2722 granted your request for the above-referenced variance. The Board granted the  
2723 variance subject to the following condition:

2724

2725 1. This variance applies only to the lot width requirement. All other  
2726 applicable regulations of the County Code shall remain in force.

2727

2728 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4

2729 Negative: 0  
2730 Abstain: Balfour 1

2731  
2732 The Board granted this request, as it found from the evidence presented that,  
2733 due to the unique circumstances of the subject property, strict application of the  
2734 County Code would produce undue hardship not generally shared by other  
2735 properties in the area, and authorizing this variance will neither cause a  
2736 substantial detriment to adjacent property nor materially impair the purpose of the  
2737 zoning regulations.

2738  
2739 A - 69-2002: Charles Glen LLC requests a variance from Section 24-95(b)  
2740 of Chapter 24 of the County Code to build a one-family  
2741 dwelling at 1604 Harvard Avenue (Crestview) (Parcel 764-  
2742 742-3879), zoned R-3, One-family Residence District (Three  
2743 Chopt). The lot width requirement is not met. The applicant  
2744 has 60 feet lot width, where the Code requires 65 feet lot  
2745 width. The applicant requests a variance of 5 feet lot width.

2746  
2747 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2748 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2749 granted your request for the above-referenced variance. The Board granted the  
2750 variance subject to the following condition:

2751  
2752 1. This variance applies only to the lot width requirement. All other  
2753 applicable regulations of the County Code shall remain in force.

2754  
2755 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4  
2756 Negative: 0  
2757 Abstain: Balfour 1

2758  
2759 The Board granted this request, as it found from the evidence presented that,  
2760 due to the unique circumstances of the subject property, strict application of the  
2761 County Code would produce undue hardship not generally shared by other  
2762 properties in the area, and authorizing this variance will neither cause a  
2763 substantial detriment to adjacent property nor materially impair the purpose of the  
2764 zoning regulations.

2765  
2766 A - 70-2002: Charles Glen LLC requests a variance from Section 24-  
2767 95(b)(5) of Chapter 24 of the County Code to build a one-  
2768 family dwelling at 1704 Harvard Avenue (Crestview) (Parcel  
2769 764-743-4509), zoned R-3, One-family Residence District  
2770 (Three Chopt). The lot width requirement is not met. The  
2771 applicant has 60 feet lot width, where the Code requires 65  
2772 feet lot width. The applicant requests a variance of 5 feet lot  
2773 width.

2774

2775 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2776 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2777 granted your request for the above-referenced variance. The Board granted the  
2778 variance subject to the following condition:

2779  
2780 1. This variance applies only to the lot width requirement. All other  
2781 applicable regulations of the County Code shall remain in force.

2782  
2783 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4  
2784 Negative: 0  
2785 Abstain: Balfour 1

2786  
2787 The Board granted this request, as it found from the evidence presented that,  
2788 due to the unique circumstances of the subject property, strict application of the  
2789 County Code would produce undue hardship not generally shared by other  
2790 properties in the area, and authorizing this variance will neither cause a  
2791 substantial detriment to adjacent property nor materially impair the purpose of the  
2792 zoning regulations.

2793  
2794 A - 71-2002: Charles Glen LLC requests a variance from Section 24-  
2795 95(b)(5) of Chapter 24 of the County Code to build a one-  
2796 family dwelling at 7011 Vanderbilt Avenue (Crestview)  
2797 (Parcel 764-742-9197), zoned R-3, One-family Residence  
2798 District (Three Chopt). The lot width requirement is not met.  
2799 The applicant has 60 feet lot width, where the Code requires  
2800 65 feet lot width. The applicant requests a variance of 5 feet  
2801 lot width.

2802  
2803  
2804 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2805 Mr. McKinney, The Board of Zoning Appeals, at its meeting on March 28, 2002,  
2806 granted your request for the above-referenced variance. The Board granted the  
2807 variance subject to the following condition:

2808  
2809 1. This variance applies only to the lot width requirement. All other  
2810 applicable regulations of the County Code shall remain in force.

2811  
2812 Affirmative: , Kirkland, McKinney, Nunnally, Wright 4  
2813 Negative: 0  
2814 Abstain: Balfour 1

2815  
2816 The Board granted this request, as it found from the evidence presented that,  
2817 due to the unique circumstances of the subject property, strict application of the  
2818 County Code would produce undue hardship not generally shared by other  
2819 properties in the area, and authorizing this variance will neither cause a

2820 substantial detriment to adjacent property nor materially impair the purpose of the  
2821 zoning regulations.

2822

2823 Mr. Balfour- I will need to turn the meeting over to Mr. Wright, because I  
2824 need to abstain from hearing and voting on these cases.

2825

2826 Mr. Blankinship- Do you swear the testimony you about to give is the truth,  
2827 the whole truth and nothing but the truth so help you God?

2828

2829 Mr. Lewis- I do.

2830

2831 Mr. Wright-- Would you state your name for the record.

2832

2833 Mr. Lewis- My name is Monty Lewis, I am with the firm ED Lewis and  
2834 Assoc. and am representing the applicant on these matters.  
2835 This is an older subdivision that was recorded in the mid-  
2836 40's. The lots are 60 feet wide, the houses on these lots are  
2837 being torn down and rebuilt. The lots do not meet the  
2838 requirements for lot width and rebuilding a structure requires  
2839 that the lot comply with current standards. We need to come  
2840 before you to request variances for lot width on these lots.  
2841 Several of these lots have been granted variances, but the  
2842 time limit of a year has expired and we need to have your  
2843 approval again. They plan on building the same type of  
2844 products surrounding this area. These are lots that are  
2845 intermixed with lots that are privately owned, therefore the  
2846 Planning Staff did not want to rezone these individual lots  
2847 which would result in spot zoning. I did bring a map of the  
2848 overall development. If you have any questions, I will be  
2849 glad to answer them.

2850

2851 Mr. Wright- I have read all the information on all of these cases and I  
2852 have just one question, on each one of these lots you are  
2853 tearing down the old house and building a new dwelling  
2854 which will conform to the other requirements. The side yard  
2855 requirements. . . The only thing you are asking for is the lot  
2856 width requirements, correct?

2857

2858 Mr. Lewis- Yes sir.

2859

2860 Mr. Wright- Any other questions? Thank you.

2861

2862 On a motion by Mr. Wright, seconded by Mr. McKinney, the Board  
2863 approved the Minutes of the October 18, 2001, November 13, 2001,  
2864 December 15, 2001 meetings as amended.

2865

2866 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
2867 Negative: 0  
2868 Absent: 0

2869  
2870 There being no further business, the Board adjourned until **April 25, 2002**,  
2871 at 9:00 am.  
2872

2873 Daniel T. Balfour,

2874 Chairman

2875

2876 Benjamin Blankinship, AICP

2877 Secretary

2878