

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**
3 **BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY**
4 **SPRING ROADS, ON THURSDAY, NOVEMBER 21, 2013 AT 9:00 A.M.,**
5 **NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**
6 **NOVEMBER 4, 2013, AND NOVEMBER 12, 2013.**
7

Members Present: James W. Nunnally, Acting Chairman
Greg Baka
Helen E. Harris

Members Absent: Gentry Bell
R. A. Wright

Also Present: David D. O'Kelly, Jr., Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul Gidley, County Planner
R. Miguel Madrigal, County Planner

8
9 [Reciting Pledge of Allegiance]

10
11 Mr. Nunnally - Thank you. Now I'll ask Mr. Blankinship if he could
12 read the rules of our meeting.

13
14 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
15 ladies and gentleman. The rules for this meeting are as follows. Acting as
16 secretary, I will call each case. And as I'm speaking, the applicant should come
17 down to the podium. We will then ask everyone who intends to speak to that
18 case to stand and be sworn in. Then the applicant will present their case. If there
19 is anybody else to speak, they will have an opportunity to speak. Then the
20 applicant will have an opportunity for rebuttal. When the Board has heard all the
21 evidence and asked any questions, they will proceed to the next case. They will
22 render all of their decisions at the end of the meeting. So if you wish to hear their
23 decision on a specific case, you can either stay until the end of the meeting, or
24 you can check the Planning Department website this afternoon, or you can call
25 the Planning Department this afternoon. It looks like a pretty short meeting this
26 morning, so that probably won't really be an issue.

27
28 This meeting is being recorded, so we'll ask everyone who speaks to speak
29 directly into the microphone on the podium, state your name, and please spell
30 your last name so we get it correctly in the record.

31
32 There is also a binder in the foyer that includes the staff reports for each case,
33 including the conditions that have been recommended by staff. It's very
34 important that the applicants be familiar with those conditions.

81 Mr. Foster - The utility house right behind our house? That's a
82 pump house.
83
84 Mr. Nunnally - I rode by there and looked at it the other day. Do you
85 have a shed or something underneath your carport back there?
86
87 Mr. Foster - That's the front of the house there.
88
89 Mr. Nunnally - The dogs are not in either place there, right?
90
91 Mr. Foster - No. The dogs are in the very back.
92
93 Mr. Nunnally - Okay. With your chain fence?
94
95 Mr. Foster - Yes sir. I planted twenty-four Leland cypress trees to
96 help with the noise. They're probably twenty to twenty-five feet tall now.
97
98 Mr. Blankinship - It's a very effective screen.
99
100 Mr. Foster - I definitely plan to plant some more around the back
101 side of them. They're (dogs) quiet. I have had no complaints. I've probably had
102 them now for six or seven years. I actually knew I had too many at one time and I
103 gave them to a friend in Powhatan. He ended up getting in trouble. So the dogs
104 were getting in bad shape, so I actually had to go back and get the dogs
105 because I care about their health.
106
107 Mr. Blankinship - So how did you become aware of the requirement for
108 the conditional use permit?
109
110 Mr. Foster - Taking them to the vet and getting their rabies shots.
111
112 Mr. Blankinship - Okay. So you haven't had any complaints or notices
113 or anything.
114
115 Mr. Foster - No. When I actually went up there and got their rabies
116 shots and then I applied for the rabies—, they sent me a letter back saying that
117 they wouldn't grant me that, because I had more than three dogs. So that's when
118 I found out I had to come and apply for a kennel license.
119
120 Mr. Blankinship - If you were to have a dog run off or for any other
121 reason your number of dogs was reduced, would you intend to replace that dog
122 and remain at the level of seven?
123
124 Mr. Foster - I wouldn't mind keeping seven for a while. I probably
125 wouldn't keep seven forever. I'm getting a little age on me, and running dogs,
126 and the price of gas. Stuff like that. But I probably would keep seven for a while.

127
128 Mr. Blankinship - The reason I ask is because a lot of times the
129 applicants come to us because there's been a complaint about their animals. It's
130 standard for the Board to put a condition on their use permits that say as your
131 number of dogs is reduced to the three allowed by right, you can't replace them
132 or get any additional animals. And then once you reach that point, the permit is
133 no longer valid. But we didn't recommend that condition in this case—I'm just
134 explaining to the Board members—because there was no complaint. There's no
135 indication that the neighbors have any difficulty with this. As far as we knew you
136 did intend to continue keeping animals and to replace any that get lost or—
137
138 Mr. Foster - Correct.
139
140 Mr. Baka - Furthermore, it appears to be somewhat of a small,
141 rural lot. And the other cases with that condition were in well-developed
142 neighborhoods or small lot subdivisions.
143
144 Mr. Blankinship - Very often, yes sir.
145
146 Mr. Baka - I understand what the applicant has tried to do with
147 screening the setting.
148
149 Mr. Foster - There is a lot of acreage around me. It really helps
150 with the noise and stuff.
151
152 Mr. Nunnally - A lot of woods and all around there.
153
154 Mr. Foster - Yes sir. There's CSX behind me and there's a twenty-
155 five-acre lot that's vacant. And then right across the street from me in the front is
156 a big farm right there.
157
158 Ms. Harris - Mr. Foster, other than this case, do you have any
159 accessory structures other than the chain link enclosures for the dogs? Are there
160 any more accessory structures in the back of your yard?
161
162 Mr. Foster - No. I have a side porch that at times the vet
163 recommended me to put them on, to keep them inside until they healed up. And
164 I keep them on the side porch with one dog.
165
166 Ms. Harris - Can we look at the slide that says "Existing kennels in
167 rear yard"? May we see that picture? This is not the one that's in our packet.
168
169 Mr. Blankinship - We use different titles for them, so we just have to
170 look.
171

172 Ms. Harris - Okay. What is this structure in front of the chain link
173 enclosure?
174

175 Mr. Foster - That's an old structure, a block building. Debbie's
176 grandfather used to raise hogs there years ago. I was going to finish it up, but I
177 just haven't gotten around to it yet. It has a concrete floor. It has four sides on it. I
178 just need to get some blocks and put a roof on that.
179

180 Ms. Harris - Would that be in compliance, Mr. Blankinship, with
181 our code if he did complete the structure?
182

183 Mr. Blankinship - Yes ma'am. Because it's agricultural zoning, the
184 square footage of the yard that can be covered with accessory structures is quite
185 large. This building does look like it needs to be repaired. But it's back there
186 behind that screen on his property where no one else has access to it, and no
187 one else can see it. So we didn't raise it as an issue for those reasons.
188

189 Ms. Harris - Okay.
190

191 Mr. Nunnally - You say you are planning on doing a little bit more
192 work on it?
193

194 Mr. Foster - Yes sir. There is always upkeep, working on it a little
195 bit at a time. I'm actually on that last pen to the right of that picture right there. I
196 have half of that floor concreted. I just need to buy some more concrete. I'm
197 slowly concreting the floors where they're easier to clean. They don't dig out from
198 underneath the fences as much.
199

200 Mr. Nunnally - All right. Any other questions from the Board? Is
201 anyone here in opposition to this request? Hearing none, that concludes the
202 case.
203

204 Mr. Foster - Pardon?
205

206 Mr. Nunnally - You can hang around and we'll give you an answer at
207 the end.
208

209 **[After the conclusion of the public hearings, the Board discussed the case**
210 **and made its decision. This portion of the transcript is included here for**
211 **convenience of reference.]**
212

213 Ms. Harris - I move that we approve this conditional use permit on
214 the grounds that I don't foresee it adversely affecting the community or health,
215 safety, or welfare of those who are involved.
216

217 Mr. Baka - Second the motion.

264 I am basically requesting to build a detached garage, 24' by 32', in what is
265 actually considered—and I didn't even know this until I went through the whole
266 process of talking to the guys there at the County, that where I want to put this
267 thing, they consider it actually the front yard or front rear—or right rear front I
268 think is what they actually call it because I'm right in the circle.

269
270 What I initially planned is—this is actually the more feasible place to put this
271 thing, right along here. Again, I had no idea. I'm looking at this conventionally as
272 the rear part of a yard. Of course now I understand that it is actually considered
273 part of the front because it does face Nutfield Court.

274
275 I also want to position this thing to face Club Lane because that would also be a
276 little more feasible. And the way the lot is situated, there's a downhill, a slight
277 incline going downhill. So it wouldn't really be visible from, say, Club Lane.

278
279 I also looked at some of the notes that I got back from the last letter. What I
280 really want to do is kind of a two-story because of the pitch. We're talking a 10 to
281 12 pitch or 12-by-12 pitch. I'm willing to consider something a little less, a one-
282 story with less pitch or say a 4-by-12 pitch to kind of reduce the visibility from
283 Club Lane. When you look at the entire situation, I think where I want to put this
284 thing is a more appropriate place to put it.

285
286 I held back on talking to the—or submitting a formal letter to the association, but
287 I have spoken with just about every board member, and I do have some letters
288 from them as well. I didn't really want to put the cart before the horse, so to
289 speak. But I do have some letters from them on my behalf.

290
291 Mr. Nunnally - How many vehicles do you have, sir?

292
293 Mr. Williams - I have four.

294
295 Mr. Nunnally - Four?

296
297 Mr. Williams - Yes.

298
299 Mr. Nunnally - And you're using that one garage now for two
300 vehicles. My problem is I don't understand why you want the storage on the
301 second floor. You say you're going to use it for storage? You're going to use the
302 bottom for two more cars, right?

303
304 Mr. Williams - Exactly. Cars, riding tractors, lawnmowers, that kind
305 of thing. But another option is—I mean, that's a feasible option that they sent
306 back, a one-story. Now what I would like to do is—I have a pretty nice sized lot.
307 But what I would like to do is maybe extend the rear. Instead of doing a 24' by
308 32', maybe do a 32' by 28'. That would give me the extra storage that I need on
309 the bottom floor and no storage on the top.

310
311 Mr. Baka - And that might be adequate for you?
312
313 Mr. Williams - Oh yes.
314
315 Mr. Baka - One of the concerns the Board has had on previous
316 cases of a second garage in a residential subdivision is just they were trying to
317 avoid the long-term potential if it was ever converted to a second house on a
318 small residential lot in a small subdivision.
319
320 Mr. Williams - Right, I understand.
321
322 Mr. Blankinship - And also just the visual impact. I don't think there's
323 any objection to the steep roof, because it's not merely the height. The house
324 has a steep roof on it, so to match that might be more attractive than a flatter
325 roof.
326
327 Mr. Williams - Exactly. And that's exactly why I wanted to kind of do
328 that initially.
329
330 Ms. Harris - Mr. Williams, did you see Condition 7 that says it shall
331 be limited to one story? Have you seen the conditions?
332
333 Mr. Williams - Yes. Yes, I've read them.
334
335 Ms. Harris - So you agree with Condition #7 that this detached
336 garage should be limited to one story?
337
338 Mr. Williams - I would adhere to that.
339
340 Ms. Harris - Okay.
341
342 Mr. Baka - At a larger 32' by 28' size, correct?
343
344 Mr. Williams - Exactly. Yes, I would adhere to that if need be.
345
346 Ms. Harris - Okay. Because I've heard three sizes for the
347 dimensions of the garage. And you said now it's going to be what by what?
348
349 Mr. Williams - Well, the thing is, when I got this the other day,
350 looking at it, I said well you know this is something I could work with. I could
351 come down to a one-story to reduce the pitch, to reduce the visibility from Club
352 Lane. But I would also—I mean, if that's going to be the case, I would like to add
353 to the dimensions say four feet and do a 32' by 28', which would give me the
354 storage on the first floor and nothing on the second at all.
355

356 Ms. Harris - Do you have a picture of the detached garage we're
357 talking about?
358
359 Mr. Williams - Yes I do.
360
361 Ms. Harris - May we see it? Would this garage come off of the
362 driveway?
363
364 Mr. Williams - [Speaking off microphone.] These are the proposals
365 and this would be [inaudible].
366
367 Ms. Harris - The driveway that you already have, how far would
368 that be from the garage?
369
370 Mr. Williams - [Speaking off microphone.] Approximately ten feet.
371 And I would need to come off of my driveway to meet the garage with pavement,
372 blacktop, so that it would match up nicely.
373
374 Ms. Harris - Why did you decide to make it detached rather than
375 attached?
376
377 Mr. Williams - [Speaking off microphone.] Well, I'll tell you.
378
379 Ms. Harris - Use your mike, please.
380
381 Mr. Nunnally - Get back to the mike, please.
382
383 Mr. Williams - I looked at other options. The first thing I think Rick
384 asked me was, you know, had you thought about, say, an extension from the
385 house to the garage. When I went back and looked at breezeways—as you can
386 see how the lot runs down. I mean, we're talking probably about a three-platform
387 roof to come down to meet the garage. And it's going to be quite expensive. It
388 would be nice. If I had a flat lot and it was a little closer—no problem. As you can
389 see the—line. It would be some level of difficulty to try to meet that. But it was a
390 thought, it was a thought.
391
392 Mr. Nunnally - Any other questions from the Board? Is anyone here
393 in opposition to this request? Hearing none, that concludes the case. Thank you,
394 sir. We'll let you know something in a little bit.
395
396 Mr. Williams - Thank you.
397
398 **[After the conclusion of the public hearings, the Board discussed the case**
399 **and made its decision. This portion of the transcript is included here for**
400 **convenience of reference.]**
401

402 Mr. Baka - Mr. Chairman, I'll make a motion that we approve
403 CUP2013-00036, Mr. Williams, with the seven conditions. And I also have a
404 suggestion to slightly modify Condition #7. It currently reads in the staff packet
405 that the attached garage shall be limited to one story and may not be used for
406 dwelling purposes. The applicant gave testimony that he was comfortable with
407 that. Since we saw two diagrams of a one-story garage, it's probably worth taking
408 a minute just to clarify that the detached garage shall be limited to one story with
409 the diagram showing the lower pitched roof and a size of 28 by 32 feet. Is it
410 necessary to state all that, Ben?

411
412 Mr. Blankinship - If you want to limit him to the lower pitch, yes sir.

413
414 Mr. Baka - I guess my understanding was what I had heard, that
415 the applicant was willing to consider that lower pitch. Is that correct, sir?

416
417 Mr. Williams - [Speaking off microphone.] Yes.

418
419 Mr. Baka - Okay. In that instance, barring no outstanding
420 concern from the applicant with that, I'd recommend approval with those seven
421 conditions, modifying Condition 7 as read.

422
423 Mr. Nunnally - Motion Mr. Baka it be approved. Do I have a second?

424
425 Ms. Harris - Second that. I do have a question. I thought that in
426 his testimony, Mr. Williams said he was considering 32' by 28'.

427
428 Mr. Baka - Yes, that is what I had mentioned, 28' by 32', yes.

429
430 Ms. Harris - Okay.

431
432 Mr. Baka - Yes, correct.

433
434 Mr. Nunnally - Moved by Mr. Baka that we approve and seconded by
435 Ms. Harris. Any discussion. All in favor say aye. All opposed say no. The ayes
436 have it; the motion passes.

437
438 After an advertised public hearing and on a motion by Mr. Baka, seconded by
439 Ms. Harris, the Board **approved** application **CUP2013-00036, Michael D.**
440 **William's** request for a conditional use permit pursuant to Section 24-95(i)(4) of
441 the County Code to allow an accessory structure in the front yard at 5000
442 Nutfield Court (WHITE OAK FOREST) (Parcel 841-699-8851), zoned A-1,
443 Agricultural District (Varina). The Board approved the conditional use permit
444 subject to the following conditions:

445
446 1. This conditional use permit applies only to the proposed detached garage.
447 All other applicable regulations of the County Code shall remain in force.

448

449 2. Only the improvements shown on the plot plan filed with the application
450 may be constructed pursuant to this approval. Any additional improvements shall
451 comply with the applicable regulations of the County Code. Any substantial
452 changes or additions to the design or location of the improvements shall require
453 a new conditional use permit.

454

455 3. The new construction shall match the existing dwelling as nearly as
456 practical in materials and color.

457

458 4. At the time of building permit application, the applicant shall submit the
459 necessary information to the Department of Public Works to ensure compliance
460 with the requirements of the Chesapeake Bay Preservation Act and the code
461 requirements for water quality standards.

462

463 5. All exterior lighting shall be shielded to direct light away from adjacent
464 property and streets.

465

466 6. The side of the garage facing a public street and not used for vehicular
467 access shall be landscaped with shrubbery, including evergreens. All
468 landscaping shall be maintained in a healthy condition at all times. Dead plant
469 materials shall be removed within a reasonable time and replaced during the
470 normal planting season.

471

472 7. [AMENDED] The detached garage shall be limited to 32 X 28 feet, one-
473 story, 4:12 roof pitch, and may not be used for dwelling purposes.

474

475

476 Affirmative:	Baka, Harris, Nunnally	3
477 Negative:		0
478 Absent:	Bell, Wright	2

479

480

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

483

484 **VAR2013-00010** **GLENN VANLESSER** requests a variance from
485 Section 24-9 of the County Code to build a one-family dwelling at 11296 Trexler
486 Road (Parcel 747-767-3654), zoned A-1, Agricultural District (Three Chopt). The
487 public street frontage requirement is not met. The applicant has 0 feet public
488 street frontage, where the Code requires 50 feet public street frontage. The
489 applicant requests a variance of 50 feet public street frontage.

490

491 Ms. VanLesser - Good morning. My name is Faith VanLesser—V-a-n-l-
492 e-s-s-e-r.

493

494 Mr. Blankinship - Thank you. Does anyone else intend to speak to this
495 case? Would you stand and be sworn in, please. Do you swear that the
496 testimony you are about to give is the truth, the whole truth and nothing but the
497 truth, so help you God?

498
499 Ms. VanLesser - I do.
500

501 Mr. Blankinship - Thank you.
502

503 Ms. VanLesser - My husband and I are actually looking at a piece of
504 property that we have not yet purchased, but we are looking at this piece of
505 property.
506

507 Mr. Nunnally - Will you pull that microphone a little closer to you,
508 please, ma'am?
509

510 Ms. VanLesser - Sure. What we discovered in our due diligence
511 process is that because it does not sit on any public road that there is no ability
512 to build on it. So that's what we're here to request today. I have a few pictures.
513 Hopefully, they're available here to kind of talk through today.
514

515 The first picture that I have here to show you is really just a view of the
516 surrounding area. Right here is the actual property that we're looking at. You can
517 see that there is actually a large subdivision—Willow Gate—here behind it.
518 There is another subdivision right here across from it, Sadler Green. And then
519 this is a piece of property that has one home on it, and there's nothing currently
520 on this other piece of land right now.
521

522 This is a County survey plat view. I think the only thing to add here is that the
523 access road runs really—this is Sadler Road right here. The access road runs
524 from here all the way down. And then right back here the property actually abuts
525 295, Interstate 295.
526

527 This is a view that we actually received from the County that shows you the piece
528 of property; a good chunk of it has been shown to be wetlands. That's this red
529 block right here. We would envision putting the—the home that we plan to build
530 would probably be right around here depending on kind of what we find out. But
531 that's kind of what we're envisioning right now.
532

533 Then I just have a few pictures to kind of talk through so you can just get a view
534 of what we're looking at. This is the front entrance from Sadler Road. You can
535 see the compact gravel road that's there, that leads all the way back to the
536 property, which is in relatively good condition. You can also see the—it's not
537 called an easement, but where the power company has that access right here
538 coming down through there.
539

540 Then we show you a couple of views from the different neighbors. And to be
541 honest with you, they all look the same to me, so I have to look. It's just a lot of
542 woods. Let's see. So this is the view from the Sadler Green neighborhood across
543 the way. This would be the view from the neighbor on Sadler Road. Here are a
544 couple of views back towards Sadler Road. So from the property going back.
545 And again, you can see the compact gravel road that is there right now, which is
546 in relatively good condition. Not a lot of traffic, actually, on this road right now.

547
548 Here's the power line easement that I mentioned earlier, which runs all the way
549 down from the front of Sadler all the way through. It would be our desire—or
550 what we're looking into is being able to at least bury some portion of this in front
551 of the property just from a visibility perspective. It's not the most attractive thing.
552 And then this is the view facing the Sadler Road neighbor. This is the piece of
553 property that I kind of highlighted where there's one home on a big block. You
554 can see there's a little bit of something back here. This is like a shed that they
555 have in the backyard of their home, so there's a little bit of visibility there, but not
556 to the actual home.

557
558 Here are some views facing the Willow Gate subdivision. This is where the
559 property is probably most deep, and that's where the wetlands are. So there
560 would be no visibility change there because we would not be able to build on any
561 of that property.

562
563 At the end of that access road, which is actually what the access road is there
564 for, is a cell tower that you can see, which is not the most attractive. But it is at
565 the very end of that road.

566
567 And then there are just a couple more views here to show you from Sadler
568 Green Place. So the views from the actual subdivisions that are in place right
569 now. If you go into Sadler Green Place and you look back at the property, this is
570 what you see. You can see they already sort of built up a hedge there to prevent
571 visibility. We would not anticipate taking down a lot of trees anyway. We like the
572 idea of a wooded lot. So we wouldn't anticipate those trees—I mean obviously
573 we would put in a driveway, and the home site would be a little bit deeper in.

574
575 And these are some of the homes that are in that neighborhood, which are really
576 nice, attractive looking homes. We would anticipate putting something in place
577 that looks similar in style and was of a similar size.

578
579 From the Willow Gate subdivision. Here is a view of some of the homes in the
580 Willow Gate subdivision. These last few pictures are a view from Willow Gate
581 that shows you kind of looking back into the property. Again, this is the back side
582 of the property where the wetlands are.

583
584 So that's what I have.
585

586 Mr. Nunnally - Any questions from members of the Board or staff?
587
588 Ms. Harris - Ms. VanLesser, do you know how wide that access
589 road is?
590
591 Ms. VanLesser - You know what? I do not know exactly how wide it is.
592 It looks to me like a pretty standard road. And then of course given the fact that
593 there is that easement, it actually makes it look a little bit wider.
594
595 Mr. Blankinship - I would guess it's twelve feet of hard surface.
596
597 Ms. Harris - Wouldn't that pose a problem for emergency vehicles
598 should you need them?
599
600 Ms. VanLesser - I think that is something that's been brought up. What
601 we had looked at—actually there is from within this neighborhood that you can
602 see on the left side of this picture here, there is a big round circle that comes at
603 the end. That does have a fire hydrant there. If it was that kind of a situation, if it
604 were like a fire truck that was trying to get through, we would probably contact
605 the fire department and say that that's probably the best way to get to the
606 property because it's still within the footage. Yes, right there.
607
608 Ms. Harris - Is there an easement condition? How do you know
609 you have access to this road to get to your property?
610
611 Ms. VanLesser - That is a great question. We have already done the
612 due diligence around the—what do you call it. I'm sorry. My husband would do so
613 much better at this; unfortunately, he's not here. When you—the lawyers go and
614 check out the—what am I trying to say. They make sure that you have access to
615 that. Our lawyer has already gone through and done the due diligence on that,
616 and we do have access to that.
617
618 Mr. Nunnally - Any other questions?
619
620 Mr. Blankinship - Would you talk a little bit about providing sewer to the
621 property?
622
623 Ms. VanLesser - Yes. There is a variance—not a variance; that's the
624 wrong word. There is an easement, I think is the word, or access that has been
625 granted. I believe it's the Willow Gate subdivision, when that was put into place,
626 the owners of this property—it was kind of one piece of property, I believe. And
627 so they were granted access to that. So it would be public water and sewage.
628
629 Mr. Blankinship - I understood there was some difficulty in making the
630 connection to the sewer. Has that been resolved?
631

632 Ms. VanLesser - Well, I mean, it can be done. We had somebody
633 come out and look at it. It's definitely expensive. The sewage has to be pumped
634 up through a hill or something, so it ends up being very expensive. But it is
635 possible, it is feasible.

636
637 Ms. Harris- Mr. Blankinship, do we have any records of an
638 easement or right of way to that property?

639
640 Mr. Blankinship - Yes ma'am, we do. I was flipping back and forth, and
641 we don't have it in the packet. But we do have the survey from when the property
642 was created. And it did reserve use of that easement. And they will have to
643 demonstrate that at the time of building permit as well. That is one of the
644 conditions.

645
646 Mr. Nunnally - Any other questions? I think we did have someone
647 that wants to talk in opposition. So if you will have a seat, ma'am, we'll give you
648 time to rebut.

649
650 Mr. Shehzad - My name is Syed Shehzad—S-h-e-h-z-a-d.

651
652 Mr. Nunnally - Pull the mike up close to you, sir.

653
654 Mr. Shehzad - I have a property adjacent to this property and
655 adjacent to the 295 on the back side. I don't have any objection as such, but I do
656 have concerns on what is the impact of this on my property, maybe positive or
657 negative.

658
659 The second thing is I do have a little concern about the road. That will be one
660 property there. And then what will happen to my lot? At this point, I just want to
661 ask the Board to consider this in making a decision. And also, I thought maybe in
662 the future, if it is possible, if you can expand the road. I don't know if that would
663 be possible, but if that is possible, then we can probably make all the lots much
664 better with a wider road. I'm open to giving a piece off of my property for the road
665 in case that may be possible in the future.

666
667 So I just wanted to put some points here in that regards.

668
669 Ms. Harris - I have a question. Would you identify your property?
670 What is the address of your property?

671
672 Mr. Shehzad - 11300 Trexler Road. Yes, that one.

673
674 Ms. Harris - We can't see it from this view, but there is a house
675 here?

676

677 Mr. Shehzad - There used to be a house there, and I got it
678 demolished a few years back. So there is nothing there at present. It's open land
679 with some trees of course on the property.

680

681 Ms. Harris - Do you have a problem with wetlands on this
682 property?

683

684 Mr. Shehzad - I believe I don't, as far as I know. That particular
685 property does not have wetlands, as far as I know.

686

687 Ms. Harris - Thank you.

688

689 Mr. Blankinship - Trexler Road actually belongs to the company that
690 owns the cell tower. They would have the final say on any improvements to the
691 road, rather than the County. I would think that if the two of you got together and
692 approached them about making improvements, I would expect they would be
693 happy to see it improved. But that would be a private matter between you and
694 them.

695

696 Mr. Shehzad - Yes, I understand that. And not only that, the front lot
697 is also [unintelligible] if you want to make the road wider for everybody's benefit.
698 And I don't know how much interest they will have or not have. So that is
699 definitely a big question. But I just wanted to bring these points up.

700

701 Mr. Nunnally - Thank you, sir. Would you like to rebut any of that,
702 ma'am?

703

704 Ms. Harris - I have a question basically on what we just heard. Do
705 you think that water will back up on his property?

706

707 Ms. VanLesser - Water would back up? I don't think so, but that is
708 something that we would probably have to make sure of.

709

710 Ms. Harris - Okay. On this slide that we have before us, where
711 exactly on the property would the one-family dwelling that you are constructing
712 be placed?

713

714 Ms. VanLesser - I don't know that we can say exactly at this point in
715 time because we haven't had a survey. But we envision that it would go right
716 about here. Given the fact that there's so much wetland area here, there's not a
717 ton of area on it to actually build. So it would probably be somewhere right in
718 here.

719

720 Ms. Harris - Could you outline where the wetlands are?

721

722 Ms. VanLesser - It might make more sense for me to go back and just
723 show you this one here. The red block here is what is the estimated wetlands
724 area right now. So where we would envision putting the home would be right in
725 front of that.

726
727 Ms. Harris - Okay. And the property that we just heard testimony
728 on, you cannot foresee any type of backup on his property?

729
730 Ms. VanLesser - No. Especially given the way it lays out. The only
731 thing that he said that I do have maybe a little concern about is I heard what you
732 said about—obviously this is a private road. We recognize that the cell tower
733 company owns the road. To widen the road, refinish the road, all that, would be
734 extremely expensive and would not be something that would make us interested
735 in this purchase.

736
737 Mr. Nunnally - Anything else?

738
739 Ms. Harris - I noticed that she did not address Cochran. You
740 received a packet of information, did you not? Are you aware of the Cochran
741 case or the threshold question that we have to consider? The way that this
742 property is standing, if it interferes with all reasonable beneficial uses of the
743 property. I noticed that you didn't use that in your defense or your explanation. I
744 was wondering if you were aware of that.

745
746 Ms. VanLesser - Yes, I am aware of that. The point is that you have to
747 prove that there's no other use for the property that's beneficial. Is that right?

748
749 Ms. Harris - Exactly.

750
751 Ms. VanLesser - Other than building a house there. It is zoned
752 agricultural, but it's not like anybody's going to really be able to do anything
753 agricultural with it given the size of what you can really work with there. We
754 would not ever think about putting any additional homes there, and we would not
755 be able to, especially given all the wetlands. It would be a single home location.
756 Even though it's four acres, which is a sizeable piece of property—that's the big
757 challenge with this property, actually, is the fact that it doesn't allow for—I mean,
758 many people would be happy to get this property if they could subdivide it. It's in
759 a great location. As many of you probably know, it has a tremendous amount of
760 challenges that we've encountered as we've gone through the process of trying
761 to purchase it.

762
763 Mr. Blankinship - You're a contract purchaser at this point.

764
765 Ms. VanLesser - Yes.

766

767 Mr. Blankinship - Is your purchase contingent on obtaining the
768 variance?
769
770 Ms. VanLesser - That's right.
771
772 Ms. Harris - The residence at 4728 Sadler Road does not use the
773 access private road, right?
774
775 Ms. VanLesser - Is that this piece right here? Is this what you're
776 referring to?
777
778 Ms. Harris - That has a house on it, yes.
779
780 Ms. VanLesser - Yes. The only way they use it—I don't honestly know
781 if they use it, but see this little road here? There is a really primitive road that
782 leads back to that shed that I was showing you in the one picture that you could
783 kind of visually see through the property a little bit. I think that's the shed that you
784 can see. I haven't seen a lot of use there, but there is a road there.
785
786 Ms. Harris - Thank you.
787
788 Ms. VanLesser - You're welcome. Any other questions?
789
790 Mr. Nunnally - Any other questions from the Board? Hearing none,
791 that concludes the case.
792
793 **[After the conclusion of the public hearings, the Board discussed the case**
794 **and made its decision. This portion of the transcript is included here for**
795 **convenience of reference.]**
796
797 Ms. Harris - I move that we approve this variance. It seems as
798 though it has no beneficial use, the property taken as a whole. And I'm
799 considering that lot the property taken as a whole. We want to be sure that it
800 does not interfere with all reasonable use of this property. So I think this is a
801 case where the property would not have a beneficial use without this variance.
802
803 Mr. Nunnally - Motion by Ms. Harris that it be approved. Is there a
804 second?
805
806 Mr. Baka - Second.
807
808 Mr. Nunnally - All in favor say aye. All opposed say no. The ayes
809 have it; the motion passes.
810
811 After an advertised public hearing and on a motion by Ms. Harris, seconded by
812

813

814 Mr. Baka, the Board **approved** application **VAR2013-00010**, **Glenn**
815 **VanLesser's** request for a variance from Section 24-9 of the County Code to
816 build a one-family dwelling at 11296 Trexler Road (Parcel 747-767-3654), zoned
817 A-1, Agricultural District (Three Chopt). The public street frontage requirement is
818 not met. The Board approved the variance subject to the following conditions:

819

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

822

823 2. At the time of building permit application, the applicant shall submit the
824 necessary information to the Department of Public Works to ensure compliance
825 with the requirements of the Chesapeake Bay Preservation Act and the code
826 requirements for water quality standards.

827

828 3. The applicant shall obtain any required permits from the Corps of Engineers
829 and the Virginia Department of Environmental Quality in the event wetlands are
830 present on the property.

831

832 4. At the time of building permit application, the applicant shall submit a
833 complete grading, drainage, and erosion control plan prepared by a Professional
834 Engineer certified in the state of Virginia to the Department of Public Works for
835 approval. This plan must include the necessary floodplain information if
836 applicable.

837

838 5. Prior to the issuance of a building permit, the applicant shall present proof
839 that legal access to the property has been obtained. Additionally, the applicant
840 shall submit a plan for administrative review showing minimal improvements to
841 Trexler Road, consisting of clearing, grading, and adding a compacted gravel
842 base to the road.

843

844 6. The applicant shall install a street name sign at the intersection of Trexler and
845 Saddler Roads as per the minimum standards established by the Department of
846 Public Works.

847

848 7. The applicant shall install a post with the house address at the intersection of
849 his private driveway and the private road as per §R319.1 of the 2009 Virginia
850 Residential Code.

851

852 8. The proposed dwelling on the property shall be served by public water and
853 sewer.

854

855 9. The applicant shall not further split the lot in order to create a separate parcel
856 for future development.

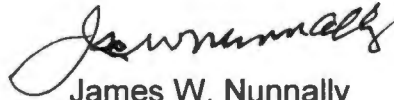
857

858

859	Affirmative:	Baka, Harris, Nunnally	3
860	Negative:		0
861	Absent:	Bell, Wright	2
862			
863			
864	Mr. Nunnally -	Is there anything else Mr. Blankinship?	
865			
866	Mr. Blankinship -	The minutes.	
867			
868	Mr. Nunnally -	Do we have a motion on the minutes from the	
869	October meeting?		
870			
871	Mr. Baka -	I move that we approve the minutes as presented for	
872	the October meeting.		
873			
874	Ms. Harris -	Second the motion.	
875			
876	Mr. Nunnally -	Motion by Mr. Baka, seconded by Ms. Harris. All in	
877	favor say aye. All opposed say no. The ayes have it; the motion passes.		
878			
879	On a motion by Mr. Baka, seconded by Ms. Harris, the Board approved as		
880	submitted the Minutes of the October 24, 2013, Henrico County Board of		
881	Zoning Appeals meeting.		
882			
883			
884	Affirmative:	Baka, Harris, Nunnally	3
885	Negative:		0
886	Absent:	Bell, Wright	2
887			
888			
889	Mr. Blankinship -	Thank you very much.	
890			
891	Mr. Nunnally -	Anything else to come before the Board?	
892			
893	Mr. Blankinship -	No sir.	
894			
895	Mr. Baka -	Motion to adjourn, Mr. Chairman.	
896			
897	Ms. Harris -	Second.	
898			
899	Mr. Nunnally -	Motion to adjourn by Mr. Baka, seconded by	
900	Ms. Harris.		
901			
902	Affirmative:	Baka, Harris, Nunnally	3
903	Negative:		0
904	Absent:	Bell, Wright	2

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This Board is adjourned.



James W. Nunnally
Acting Chairman



Benjamin Blankinship, AICP
Secretary