

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
3 **HENRICO COUNTY GOVERNMENT COMPLEX, ON THURSDAY, OCTOBER 24,**
4 **2002, AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND**
5 **TIMES-DISPATCH ON OCTOBER 3 AND 10, 2002.**
6

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

7
8 Mr. Balfour - I call the meeting of the County of Henrico Board of Zoning
9 Appeals to order. Would you stand for the **Pledge of Allegiance**. Mr. Secretary, would
10 you read the rules, please.

11
12 Mr. Blankinship - Good morning, Mr. Chairman, Members of the Board, ladies
13 and gentlemen. The rules for this meeting are as follows. As Secretary, I will call each
14 case. Then at that time the applicant should come to the podium. I will ask everyone
15 who intends to speak on that case, in favor or in opposition, to stand and be sworn in.
16 The applicants will then present their testimony. After the applicant has spoken, the
17 Board will ask them questions, and then anyone else who wishes to speak will be given
18 the opportunity. After everyone has spoken, the applicant, and only the applicant, will
19 be given the opportunity for rebuttal. After hearing the case, and asking questions, the
20 Board will take the matter under advisement. They will render all of their decisions at
21 the end of the meeting. If you wish to know their decision on a specific case, you can
22 either stay until the end of the meeting, or you can call the Planning Office later this
23 afternoon. This meeting is being tape recorded, so we will ask everyone who speaks, to
24 speak directly into the microphone on the podium, and to state your name. And finally,
25 out in the foyer, there are two binders, containing the staff report for each case,
26 including the suggested conditions.

27
28 Mr. Balfour - Thank you sir. Do we have any requests for withdrawals or
29 deferrals on the 9:00 o'clock docket?

30
31 Mr. Blankinship - Not for 9:00 o'clock; we have one for 10:00 o'clock.
32

33 Mr. Balfour - I believe we have one deferred from the previous meeting.
34 Would you call that.

35
36 **A -147-2002** **MICHEL ZAJUR** requests a variance from Section 24-95(i)(2)c. of
37 Chapter 24 of the County Code to build a detached garage at
38 12124 Gayton Manor Place (Gayton Park) (Parcel 732-762-3068),
39 zoned R-3AC, One-family Residence District (Conditional) (Three
40 Chopt). The accessory structure location requirement is not met.
41 The applicant proposes 2 feet separation between an accessory
42 structure and the existing dwelling, where the Code requires 10
43 feet. The applicant requests a variance of 8 feet separation
44 between an accessory structure and the existing dwelling.
45

46 Mr. Balfour - Any others to testify in this matter? Would both of you raise
47 your right hand and be sworn please.

48
49 Mr. Blankinship - Do you swear that the testimony you are about to give is the
50 truth, the whole truth, and nothing but the truth, so help you God?

51
52 Mr. Vanfossen - I do. My name is Tommy Vanfossen, and my father-in-law is
53 Michel Zajur. He's out of town, so I'm representing him today. He wants to build a
54 detached garage, 24 by 24, at this dwelling. He asks for an 8-foot separation, but he
55 has a foot overhang on his house, and he was talking about putting a foot overhang on
56 his garage, which is where they got their 2 feet from. You actually have 4 feet in
57 between the 2 buildings. That's what this is for.

58
59 Mr. Balfour - You're saying the overhang is what creates the problem for
60 him?

61
62 Mr. Vanfossen - Yes sir. The overhang is on the roof of the house, and he
63 was going to put a foot overhang on the garage, but he said he didn't have to do that,
64 and it would be 4 feet in between the 2 buildings.

65
66 Mr. Balfour - Is that vacant lot behind the house?

67
68 Mr. Vanfossen - No sir. There is a house behind the house.

69
70 Mr. Balfour - Any questions by Board members?

71
72 Mr. Wright- How would you access this garage?

73
74 Mr. Vanfossen - From the front?

75
76 Mr. Wright- You'd come in on the right side facing the dwelling, from the
77 cul-de-sac?

78

79 Mr. Vanfossen - You would access it from the driveway, which is on the right
80 side of the house.
81
82 Mr. Wright- There's an asphalt drive there now, in front of the house?
83 So you'd have to construct a driveway down the side of the house, correct?
84
85 Mr. Vanfossen - Correct.
86
87 Mr. McKinney - Mr. Vanfossen, when you're speaking of the overhang,
88 you're talking about the soffit on the house? What is that, a 10 or 12 inch?
89
90 Mr. Vanfossen - Yes sir, it's a 12-inch overhang on the house.
91
92 Mr. Wright- Outside of the soffit, or the overhang, how far is it from the
93 base of the house to the base of the garage? Do we know that, the actual physical
94 house?
95
96 Mr. Vanfossen - From the house actually to the garage building itself? It
97 would be 4 feet.
98
99 Mr. Balfour- That drive is going on the right-hand side between the house
100 and the border, it looks like it's about 15 ½ feet there.
101
102 Mr. McKinney - Mr. Blankinship, what happens if he connects this with a
103 breezeway?
104
105 Mr. Blankinship - Then it would have to meet the side and rear yard setbacks
106 for the dwelling.
107
108 Mr. McKinney - The same as the house.
109
110 Mr. Blankinship - Yes sir. But it does look like there's room to the left side of
111 the house, to put the garage back there and to meet all the setbacks. Is there a reason
112 it couldn't be put over there?
113
114 Mr. Vanfossen - The driveway already being there, and he wanted a garage
115 on the right side. Anyway, he said he could actually move the driveway and he wanted
116 the garage there because of the flow, what he wanted to do with his yard. The driveway
117 is already there.
118
119 Mr. Wright - How far would you have to move it over Mr. Blankinship, so
120 it would satisfy the zoning requirements?
121
122 Mr. Blankinship - It's hard to tell without a scale on this drawing, but I would
123 say, not too far, something like the middle of the house.
124

125 Mr. Kirkland - Then you could enter from he side.
126
127 Mr. Wright- You could turn the garage around and enter from that way.
128
129 Mr. Vanfossen - Try moving the garage behind the house.
130
131 Mr. Wright- And if you wanted to access, turn it around so you could
132 come in. This looks like to me, is going to be a little awkward to get it in there, you may
133 be able to get it in there, but it looks like it's going to be a little awkward to access the
134 garage from where it is.
135
136 Mr. Vanfossen - He was going to put a 24 by 24 and put a 16-foot door on the
137 front of the garage, one opening.
138
139 Mr. Wright- It's a 2-car garage though.
140
141 Mr. Vanfossen - Yes sir, but he's going to put a 16-foot door on the front of it.
142
143 Mr. Wright- Overhead door. I understand, but still the corner of the
144 house is almost mid-way of the garage.
145
146 Mr. Balfour - Any other questions?
147
148 Mr. McKinney – Is this County water and sewer?
149
150 Mr. Blankinship - Yes sir, I'm sure it is.
151
152 Mr. Balfour - Thank you sir. Did you want to speak?
153
154 Mr. Cooke - My name is James Cooke; I live in the adjoining lot, lot 9, to
155 the right of this. I can't say I'm in opposition to Mr. Zajur on the garage, because I think
156 as a member of the association, it helps property value. It's the only house in the
157 subdivision that doesn't have a garage. It was a ranch that was moved back from the
158 front up on Gayton, the original house for the acreage. We have some concerns about
159 noise, about the driveway coming right down along the lot line. I've got 3 sons, and
160 they've got some play equipment back there right where the garage is going to sit, and if
161 you look at the site plan for the lot, one of the members was speaking about the
162 difficulty in getting down that line and making that turn, and I don't see how he's going to
163 do it. We were told the house was approved to get a garage or was going to have a
164 garage on the lot, but we were all under the assumption, or were told it was going to be
165 on the other side of the property.
166
167 Mr. Balfour - The other corner. Is there a fence near between – you're on
168 the
169
170 Mr. Cooke - Lot 10 and Gayton Station are adjoining, yes, that fence

171 belongs to the people in Gayton Station; that's not Mr. Zajur's.
172
173 Mr. Balfour - There's not a fence then between. You're on lot 9 next to it?
174
175 Mr. Cooke - I'm on lot 9. That view there, that's the playset right on my
176 lot, and that's a few feet over.
177
178 Mr. Wright- What is that play station there – is that on your property?
179
180 Mr. Cooke - Yes. Those 3 or 4 trees and bushes there, you're looking at
181 his house right here on the right. It's U-shaped; he's got 2 extensions off the back; it
182 was a ranch made into a duplex actually.
183
184 Mr. Wright- Would you have any objection if he moved the garage over
185 back by the center of his house, away from that corner?
186
187 Mr. Cooke - So that he would make the turn and come in? I've got to be
188 honest with you; I haven't seen anything to indicate how they plan to do it, and I'm
189 learning more right now as to how they actually plan. To me, that would make more
190 sense.
191
192 Mr. Wright- Of course, if he did that and complied with the ordinance, he
193 wouldn't be here. He would not have to come to this Board. He would have the perfect
194 right to do that.
195
196 Mr. Cooke - It's a large lot; it's the largest lot in the subdivision.
197
198 Mr. Balfour- Your driveway would be adjacent to his driveway.
199
200 Mr. Cooke - No, actually our driveway is not shown here. Our driveway
201 is further over to the east, and he does have a large area there on the drawing. It's just
202 that he would have to extend that back along my line, and I can't see what that
203
204 Mr. Wright- What is your house number?
205
206 Mr. Cooke - Lot 9, 12120.
207
208 Mr. Wright- I see it, yes.
209
210 Mr. Cooke - So again, I'm not opposed; I'm just a little concerned about
211 where it's going to be placed.
212
213 Mr. Balfour - Any other questions? Thank you sir. Would you like to say
214 anything further?
215
216 Mr. Vanfossen - I understood where he's concerned about his children, as far

217 as the garage or the driveway. I don't know if this will matter, but as soon as he gets
218 this done, he's talking about putting up a fence around the house to match the one on
219 the other side that you saw on the drawing. I don't know if that helps things or not.
220 That's what they're planning on doing. Mr. Zajur has a lot of grandchildren himself, so
221 they're from a huge family, so he understands the noise and all that.

222

223 Mr. Balfour - Thank you sir.

224

225 Upon a motion by Mr. Wright, seconded by Mr. Kirkland, the Board **denied** application
226 **A-147-2002** for a variance to build a detached garage at 12124 Gayton Manor Place
227 (Gayton Park) (Parcel 732-762-3068). The Board denied your request as it found from
228 the evidence presented that approving the variance would be of substantial detriment to
229 adjacent property or would materially impair the purpose of the zoning regulations.

230

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

232 Negative: 0

233 Absent: 0

234

235 **A -152-2002** **MARK S. DESGAIN** requests a variance from Section 24-94 of
236 Chapter 24 of the County Code to build an addition at 10704
237 Shadyford Lane (Woods at Innsbrook) (Parcel 753-764-6788),
238 zoned R-3A, One-family Residence District (Three Chopt). The
239 rear yard setback is not met. The applicant proposes 24 feet rear
240 yard setback, where the Code requires 35 feet rear yard setback.
241 The applicant requests a variance of 11 feet rear yard setback.

242

243 Mr. Balfour - Any others to testify in this matter? Would you raise your
244 right hand and be sworn please.

245

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

248

249 Mr. Desgain - I do. My name is Mark S. Desgain. What I want to do, is put
250 an addition on the back of the present dwelling that is 22 by 22, and once we laid that
251 off, we realized that the rear yard setback was not met, which is 35 feet. We're
252 proposing changing that with a variance of 11 feet, so that I think the rear yard setback
253 is 24 feet.

254

255 Mr. Wright- It looks like it almost meets it at that left corner facing the
256 dwelling. You have an odd-shaped lot, which causes you the problem.

257

258 Mr. Desgain - Yes I do. I think if I were going to put a garage in, I'd put it in
259 that back left corner, but in this case, it's coming off of the house. It's a family room. I
260 have 3 sons, and my wife's just decided that they need a large room to keep track of
261 them.

262

263 Mr. Wright - Is it one-story or two-story?
264
265 Mr. Desgain - The addition is one-story.
266
267 Mr. Wright - And what type of construction will it be?
268
269 Mr. Desgain - It'll be wood frame with vinyl siding; we'll use a vinyl window.
270
271 Mr. Wright - Will it match the house?
272
273 Mr. Desgain - Yes sir, yes, we're going to vinyl side the rest of the house
274 once this little project is done. There's no plumbing in there; there will just be electricity
275 going to it. The heating and air will come through from the main house.
276
277 Mr. Wright - What will happen to that deck that's there?
278
279 Mr. Desgain - At this time the deck is just being done away with. I'm not
280 sure what I'm going to do back there. I may do something on the side area, on the left
281 of the room, as we're looking at it there.
282
283 Mr. Wright - So your deck will be removed? How about the window on the
284 rear there, that little area that protrudes out from the house.
285
286 Mr. Desgain - That angled bay will be done away with; that will actually
287 become a cased opening with a knee wall, so that you can look into the new main room.
288 That's a kitchen where that is.
289
290 Mr. McKinney - You can use that on the side of your addition.
291
292 Mr. Desgain - That angled bay? Unfortunately, it's a little rotted, and I sell
293 millwork for a living.
294
295 Mr. Kirkland - Time to get rid of it?
296
297 Mr. Desgain - Yes sir; we're just going to do away with that and the deck.
298
299 Mr. Balfour - Any other questions? Thank you.
300
301 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
302 McKinney, the Board **granted** application **A-152-2002** for a variance to build an addition
303 at 10704 Shadyford Lane (Woods at Innsbrook) (Parcel 753-764-6788). The Board
304 granted the variance subject to the following condition:
305
306 1. Only the addition shown on the plan filed with the application may be constructed
307 pursuant to this approval. No substantial changes or additions to the layout may be

308 made without the approval of the Board of Zoning Appeals. Any additional
309 improvements shall comply with the applicable regulations of the County Code.

310
311 2. The new construction shall match the existing dwelling as nearly as practical.

312
313 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
314 Negative: 0
315 Absent: 0

316
317 The Board granted this request, as it found from the evidence presented that, due to the
318 unique circumstances of the subject property, strict application of the County Code
319 would produce undue hardship not generally shared by other properties in the area, and
320 authorizing this variance will neither cause a substantial detriment to adjacent property
321 nor materially impair the purpose of the zoning regulations.

322
323 **A -154-2002 JOHN AND LINDA SKORACKYJ** request a variance from Section
324 24-94 of Chapter 24 of the County Code to build a screened porch
325 over the existing deck at 929 Ayers Way (Ayers Tavern) (Parcel
326 785-762-5845), zoned R-3AC, One-family Residence District
327 (Conditional) (Fairfield). The rear yard setback is not met. The
328 applicants propose 25 feet rear yard setback, where the Code
329 requires 35 feet rear yard setback. The applicants request a
330 variance of 10 feet rear yard setback.

331
332 Mr. Balfour - Any others to testify in this matter? Would you raise your
333 right hand and be sworn please.

334
335 Mr. Blankinship - Do you swear that the testimony you are about to give is the
336 truth, the whole truth, and nothing but the truth, so help you God?

337
338 Mr. Skorackyj - Yes sir. John Skorackyj. We want to put a screened porch
339 on an existing deck that's already there. We have, I think it's supposed to be a 35-foot
340 variance, and by being on the deck that was already on there when we bought the
341 home, that's going to knock it down to 25 feet. We request a 10-foot variance.

342
343 Mr. Balfour - Looks like you've got some neighbors who want you to do it
344 too.

345
346 Mr. Skorackyj - Yes sir, they said they didn't oppose anything. Actually we
347 had 4 letters, but the gentleman to the right of our property, we're on Ayers Way, and
348 he's on Tavern Green, and he got his in a little late. We submitted it, but I don't know
349 whether it got to the Board in time.

350
351 Mr. Wright - Is his name Mr. Deem?

352
353 Mr. Skorackyj - Right.

354
355 Mr. Kirkland - We got it this morning.
356
357 Mr. Skorackyj - So they're kind of behind us, beside us, to the left of us, and
358 across the street.
359
360 Mr. Balfour - Is that an old home, did you move there, or is that a steep
361 roof you put on there?
362
363 Mr. Skorackyj - No, I was told that that home was kind of facing Telegraph
364 Road, and it was moved over in that section like that, in that lot. That's what my
365 understanding is, so it's an older home than the rest of them, yes sir.
366
367 M. Balfour - Sure looks like it.
368
369 Mr. Skorackyj - It's got hardwood doors in it, and it's pretty well constructed.
370 They've re-done the inside of it.
371
372 Mr. Balfour - Any questions of Board members?
373
374 Mr. Wright- Is this addition – will it be the same size as the deck?
375
376 Mr. Skorackyj - Yes sir, I believe it's, that's what the gentleman who's going
377 to do our deck said – he might extend it a little bit, over to the left and additional foot or
378 so, but not toward the rear of the property, no sir.
379
380 Mr. Balfour - Any other questions? Thank you.
381
382 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
383 Wright, the Board **granted** application **A-154-2002** for a variance to build a screened
384 porch over the existing deck at 929 Ayers Way (Ayers Tavern) (Parcel 785-762-5845).
385 The Board granted the variance subject to the following condition:
386
387 1. Only a porch over the existing deck may be constructed pursuant to this
388 approval. Any additional improvements shall comply with the applicable regulations of
389 the County Code.
390
391 2. The new construction shall match the existing dwelling as nearly as practical.
392
393 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
394 Negative: 0
395 Absent: 0
396
397 The Board granted this request, as it found from the evidence presented that, due to the
398 unique circumstances of the subject property, strict application of the County Code
399 would produce undue hardship not generally shared by other properties in the area, and

400 authorizing this variance will neither cause a substantial detriment to adjacent property
401 nor materially impair the purpose of the zoning regulations.

402
403 **A -155-2002** **KENNETH A. PLOTZ** requests a variance from Section 24-94 of
404 Chapter 24 of the County Code to build a screened porch over an
405 existing deck at 4009 Graham Meadows Court (Graham Meadows)
406 (Parcel 729-764-9622), zoned C-1C, Conservation District
407 (Conditional) and R-3AC, One-family Residence District
408 (Conditional) (Three Chopt). The rear yard setback is not met. The
409 applicant proposes 31.33 feet rear yard setback, where the Code
410 requires 35 feet rear yard setback. The applicant requests a
411 variance of 3.67 feet rear yard setback.

412
413 Mr. Balfour - Any others to testify in this matter? Would you raise your
414 right hand and be sworn please.

415
416 Mr. Blankinship - Do you swear that the testimony you are about to give is the
417 truth, the whole truth, and nothing but the truth, so help you God?

418
419 Mr. Plotz - I certainly do. I'm Ken Plotz. First of all, I want to state that
420 I'm not going to build a screened in porch over an existing deck. The deck that is there
421 is very small; I'm going to tear that down and build a new one. As you can see, it's a
422 pie-shaped lot, forcing our dwelling to be built back basically into the middle of it, but
423 that really restricts my rear yard setback. This is a very low lying community. Down the
424 particular road that I live on, there is a lot of mosquitoes; there is a lot of marshland
425 further back into a commons area, so this building is basically just for convenience and
426 comfort for my family. The 10 by 20 screened in porch that I would like to construct
427 approaches that setback by about 3 ½ feet. I'm asking for that variance.

428
429 Mr. Wright - What's located to the rear of your property?

430
431 Mr. Plotz - It is a commons area, and behind the commons area is
432 basically a large field. About 200 yards of that field is Henrico County, and after that is
433 Goochland County. It is my understanding that as a low lying area, it can never receive
434 any construction in that particular area.

435
436 Mr. Wright- So there's no way this could ever have any impact on
437 anybody to the rear of you.

438
439 Mr. Balfour - Any other questions by Board members? Thank you sir.

440
441 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
442 Kirkland, the Board **granted** application **A-155-2002** for a variance to build a screened
443 porch over an existing deck at 4009 Graham Meadows Court (Graham Meadows)
444 (Parcel 729-764-9622). The Board granted the variance subject to the following
445 conditions:

446
447 1. Only the improvements shown on the plan filed with the application may be
448 constructed pursuant to this approval. No substantial changes or additions to the layout
449 may be made without the approval of the Board of Zoning Appeals. Any additional
450 improvements shall comply with the applicable regulations of the County Code.

451
452 2. The new construction shall match the existing dwelling as nearly as practical.

453
454 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
455 Negative: 0
456 Absent: 0
457

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

463
464 **A -156-2002 TALBOT AND MARTHA CORNETT** request a variance from
465 Section 24-94 of Chapter 24 of the County Code to build an
466 attached garage at 9635 Rainbrook Drive (Rainbrook) (Parcel 747-
467 747-4176), zoned R-3, One-family Residence District (Tuckahoe).
468 The front yard setback and total side yard setback are not met.
469 The applicants propose 39 feet front yard setback and 24 feet total
470 side yard setback, where the Code requires 40 feet front yard
471 setback and 30 feet total side yard setback. The applicants request
472 a variance of 1 foot front yard setback and 6 feet total side yard
473 setback.

474
475 Mr. Balfour - Any others to testify in this matter? Would you raise your
476 right hand and be sworn please.

477
478 Mr. Blankinship - Do you swear that the testimony you are about to give is the
479 truth, the whole truth, and nothing but the truth, so help you God?

480
481 Mr. Cornett - I do. My name is Talbot Cornett. We would like to build an
482 attached garage on the side of my house. The dimensions are 19 by 30. We would like
483 to extend our bedroom over top of the garage and add a bathroom in the back. The
484 bathroom that we have is very small, so we want to put our bathroom over top of that
485 and convert our bathroom to our mother-in-law's bathroom, so she can have her own
486 bathroom. The side of the property is pretty wide. I don't know why there would be any
487 problem. There's quite a bit of distance between our property and our neighbors.

488
489 Mr. Wright- The problem is not how close it is to the line there, the
490 problem is caused because you have to have a certain distance from both sides of the
491 house and the sideline. This is a total side yard requirement, not how far it is from the

492 sideline. The ordinance requires it. How far is that house which is at 9637 from your
493 sideline? That's your next door neighbor.

494
495 Mr. Cornett - He's got a pretty good area.

496
497 Mr. Wright- In other words, he's not jammed up there to the line, that this
498 would cause him any problem.

499
500 Mr. Cornett - He has a wider lot than I do. His is not as deep, but it's
501 wider.

502
503 Mr. Blankinship - The staff report says approximately 60 feet.

504
505 Mr. Wright- Looks like you have a good deal of screening there too
506 between your property and the next-door neighbor's property.

507
508 Mr. Cornett - Screening?

509
510 Mr. Wright- Trees, bushes.

511
512 Mr. Cornett - Oh yes, quite a few. I've had 7 trees cut out of my front
513 yard, and on the side of my house. We wanted the depth of the garage so that we
514 could park 2 cars. I have a small truck and a larger vehicle that we wanted to park back
515 to back. The garage will be 19 feet, so I'm not really sure whether that will be wide
516 enough to get 2 vehicles in there side by side.

517
518 Mr. Wright- What's the size of the proposed garage?

519
520 Mr. Cornett - Nineteen by 30.

521
522 Mr. Wright- Nineteen wide – you're not going to get 2 cars in there, I can
523 tell you that. It takes 24 really to do it right.

524
525 Mr. Balfour - Any other questions by members of the Board? Thank you.

526
527 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
528 McKinney, the Board **granted** application **A-156-2002** for a variance to build an
529 attached garage at 9635 Rainbrook Drive (Rainbrook) (Parcel 747-747-4176). The
530 Board granted the variance subject to the following conditions:

531
532 1. Only the attached garage shown on the plan filed with the application may be
533 constructed pursuant to this approval. No substantial changes or additions to the layout
534 may be made without the approval of the Board of Zoning Appeals. Any additional
535 improvements shall comply with the applicable regulations of the County Code.

536
537 2. The new construction shall match the existing dwelling as nearly as practical.

538
 539 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
 540 Negative: 0
 541 Absent: 0

542
 543 The Board granted this request, as it found from the evidence presented that, due to the
 544 unique circumstances of the subject property, strict application of the County Code
 545 would produce undue hardship not generally shared by other properties in the area, and
 546 authorizing this variance will neither cause a substantial detriment to adjacent property
 547 nor materially impair the purpose of the zoning regulations.

548
 549 **A -157-2002 PAUL AND THANH SARGENT** request a variance from Section
 550 24-94 of Chapter 24 of the County Code to build a screened porch
 551 over the existing deck at 10908 Tray Way (Lexington) (Parcel 751-
 552 761-1986), zoned R-4C, One-family Residence District
 553 (Conditional) (Three Chopt). The rear yard setback is not met. The
 554 applicants propose 27 feet rear yard setback, where the Code
 555 requires 35 feet rear yard setback. The applicants request a
 556 variance of 8 feet rear yard setback.

557
 558 Mr. Balfour - Any others to testify in this matter? Raise your right hand
 559 and be sworn please.

560
 561 Mr. Blankinship - Do you swear that the testimony you are about to give is the
 562 truth, the whole truth, and nothing but the truth, so help you God?

563
 564 Mr. Sargent - I do. Paul Sargent. We're looking to build over our existing
 565 deck. In fact the plans have changed slightly, in that we are going to remove that deck
 566 and build a new one in place of it, but it will be in the same place where the deck stands
 567 now. Once again, it's a screened-in porch, 10 by 15. The deck that's going to go out to
 568 the right of that is not going to go any further into the rear yard setback than the
 569 enclosure does itself. We've got homeowners' approval from our association. We also
 570 have support from both our side neighbors and our rear neighbor. That is essentially
 571 the layout of what we'd like to do.

572
 573 Mr. Wright- How close is that house to the rear of you, from your
 574 property line?

575
 576 Mr. Sargent - There is 27 feet from where the deck is there, back to our
 577 property line, and there's 46 feet from their deck to their property line, for a total of 73
 578 feet between the edge of their deck and what would be our screened-in porch.

579
 580 Mr. Wright- Pretty good area back there, and his house seems to be sort
 581 of on an angle from your house too.

582
 583 Mr. Sargent - It is slightly. I would say they're not directly behind one

584 another, but they're pretty close to one behind the other.

585

586 Mr. Wright- How about screening, trees, etc.?

587

588 Mr. Sargent - They have more trees in their back yard. Our trees are
589 located more on the side of our property. You can see way off to the left, we have trees
590 all up to the side, and there's that one tree you can see there with the retaining wall
591 around it.

592

593 Mr. Wright- Is that in your back yard or theirs?

594

595 Mr. Sargent - That's our back yard, our dog.

596

597 M. Balfour - Any other questions? Thank you.

598

599 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
600 Nunnally, the Board **granted** application **A-157-2002** for a variance to build a screened
601 porch over the existing deck at 10908 Tray Way (Lexington) (Parcel 751-761-1986).
602 The Board granted the variance subject to the following conditions:

603

604 1. Only the improvements shown on the plan filed with the application may be
605 constructed pursuant to this approval. No substantial changes or additions to the layout
606 may be made without the approval of the Board of Zoning Appeals. Any additional
607 improvements shall comply with the applicable regulations of the County Code.

608

609 2. The new construction shall match the existing dwelling as nearly as practical.

610

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

612 Negative: 0

613 Absent: 0

614

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

620

621 **A -158-2002** **MICHAEL T. CRIST** requests a variance from Section 24-94 of
622 Chapter 24 of the County Code to build an addition at 2105
623 Summerhook Court (Summerfield) (Parcel 779-764-2769), zoned
624 R-4, One-family Residence District (Fairfield). The front yard
625 setback and rear yard setback are not met. The applicant proposes
626 33 feet front yard setback and 31 feet rear yard setback, where the
627 Code requires 35 feet front yard setback and 35 feet rear yard
628 setback. The applicant requests a variance of 2 feet front yard
629 setback and 4 feet rear yard setback.

630
631 Mr. Balfour - Any others to testify in this matter? Would you raise your
632 right hand and be sworn please.
633
634 Mr. Blankinship - Do you swear that the testimony you are about to give is the
635 truth, the whole truth, and nothing but the truth, so help you God?
636
637 Mr. Crist - Yes I do. Mike Crist. I want to build an addition out to the
638 side of my home. That deck would be removed, and that piece there would be
639 removed, and that would stay, and the rest of the addition would be built on top of it, the
640 second floor, and come out to the side. When the addition is done, while building the
641 addition, the whole house would be vinyl sided. The entire house would be re-roofed.
642 On the other side of the tree you can see a chimney; that will be coming down to put a
643 vented gas type of fireplace in. The porch on the front of the house will go the entire
644 length of the house instead of just over the front door and the first window.
645
646 Mr. Nunnally - I see you have a lot of support from your neighbors here.
647
648 Mr. Crist - Yes sir. Well, we've been there since the neighborhood was
649 built, and 90% of the people in the cul-de-sac are original people, and the guy that lives
650 right behind me is original. Our kids have grown up together. The reason we're
651 building the house is because we just had a baby, and the tree over on the edge was
652 from a baby we lost, and so that's why we're real reluctant to move.
653
654 Mr. Wright - What would you use this addition for?
655
656 Mr. Crist - There will be a master bedroom upstairs; then my daughter
657 will move into the bedroom that we're currently in, and her bedroom will be the baby's
658 bedroom, and my son will stay where he is. There will be a den downstairs; the kitchen
659 will be expanded, and a utility room will be added.
660
661 Mr. Wright - What will happen to that little area that's on the side of the
662 house right there?
663
664 Mr. Crist - That's a bathroom right there, so the top will come off of it,
665 and that's going to be part of the support structure. In fact, the bedroom will be above it.
666 On this side of that wall will be where the utility room is going to be. Right where your
667 little hand was, that's the venting for the gas heat. All of that will move to this side of
668 that wall inside the utility room, and that existing bathroom will stay there. I've got the
669 plans here if you want to look at them, but that will be part of the support structure for
670 the second floor.
671
672 Mr. Wright - So it will be incorporated into the new?
673
674 Mr. Crist - Yes sir, yes sir, now the deck is being taken out, and there
675 won't be any place to put a deck actually.

676
677 Mr. Wright - You don't use it anyhow, do you?
678

679 Mr. Crist - The only thing we do on it is walk across it and use the gas
680 grill; that's about it. The dogs use it.
681

682 Mr. Balfour - Any other questions? Thank you.
683

684 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
685 Kirkland, the Board **granted** application **A-158-2002** for a variance to build an addition
686 at 2105 Summerhook Court (Summerfield) (Parcel 779-764-2769). The Board granted
687 the variance subject to the following conditions:
688

689 1. Only the addition shown on the plan filed with the application may be constructed
690 pursuant to this approval. No substantial changes or additions to the layout may be
691 made without the approval of the Board of Zoning Appeals. Any additional
692 improvements shall comply with the applicable regulations of the County Code.
693

694 2. The new construction shall match the existing dwelling as nearly as practical.
695

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

697 Negative: 0

698 Absent: 0
699

700 The Board granted this request, as it found from the evidence presented that, due to the
701 unique circumstances of the subject property, strict application of the County Code
702 would produce undue hardship not generally shared by other properties in the area, and
703 authorizing this variance will neither cause a substantial detriment to adjacent property
704 nor materially impair the purpose of the zoning regulations.
705

706 **A -159-2002** **DAVID AND CATHERINE FOSTER** request a variance from
707 Section 24-94 of Chapter 24 of the County Code to build an
708 attached garage at 10614 Baypines Lane (Wynmoor) (Parcel 736-
709 748-5876), zoned R-2, One-family Residence District (Tuckahoe).
710 The minimum side yard setback is not met. The applicants propose
711 9 feet minimum side yard setback, where the Code requires 15 feet
712 minimum side yard setback. The applicants request a variance of 6
713 feet minimum side yard setback.
714

715 Mr. Balfour - Any others to testify in this matter? Would both of you raise
716 your right hand and be sworn please.
717

718 Mr. Blankinship - Do you swear that the testimony you are about to give is the
719 truth, the whole truth, and nothing but the truth, so help you God?
720

721 Ms. Foster - I do. Catherine Foster. We request a 6-foot side variance to

722 build a 2-car attached garage, and we will make it fit with the rest of the house. We plan
723 on adding 2 carriage doors so that it looks like a carriage house. Our neighbors on the
724 side have a very large side lot, and we talked to them, and they said they don't mind if
725 we build the garage because there are so many trees, it's very private.

726
727 Mr. Balfour - Both of the houses look like they're pretty far from your
728 border.

729
730 Ms. Foster - Right.

731
732 Mr. Wright - You've got kind of a funny shaped lot too, odd shaped lot.

733
734 Ms. Foster - It's a very odd-shaped lot, so it was hard to figure out the
735 best place to put it. We consulted an architect, and he thought that was one of the best
736 places, and as far as the flow of the house, that would be the best place to put a garage
737 as well.

738
739 Mr. Wright - You already have a driveway on that side.

740
741 Ms. Foster - Right. The driveway's already there.

742
743 Mr. Wright - Looks like a lot of trees in this area too.

744
745 Ms. Foster - A lot, we have a lot of trees.

746
747 Mr. Balfour - Any other questions? Thank you.

748
749 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
750 McKinney, the Board **granted** application **A-159-2002** for a variance to build an
751 attached garage at 10614 Baypines Lane (Wynmoor) (Parcel 736-748-5876). The
752 Board granted the variance subject to the following conditions:

753
754 1. Only the garage shown on the plan filed with the application may be constructed
755 pursuant to this approval. No substantial changes or additions to the layout may be
756 made without the approval of the Board of Zoning Appeals. Any additional
757 improvements shall comply with the applicable regulations of the County Code.

758
759 2. The new construction shall match the existing dwelling as nearly as practical.

760
761 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

762 Negative: 0

763 Absent: 0

764
765 The Board granted this request, as it found from the evidence presented that, due to the
766 unique circumstances of the subject property, strict application of the County Code
767 would produce undue hardship not generally shared by other properties in the area, and

768 authorizing this variance will neither cause a substantial detriment to adjacent property
769 nor materially impair the purpose of the zoning regulations.

770
771 **A -160-2002** **ERIC L. GILLESPIE** requests a variance from Section 24-94 of
772 Chapter 24 of the County Code to build an addition at 1610
773 Denham Court (Pinedale Farms) (Parcel 751-748-4212), zoned R-
774 2A, One-family Residence District (Tuckahoe). The rear yard
775 setback is not met. The applicant proposes 38 feet rear yard
776 setback, where the Code requires 45 feet rear yard setback. The
777 applicant requests a variance of 7 feet rear yard setback.

778
779 Mr. Balfour - Any others to testify in this matter? Would you raise your
780 right hand and be sworn please.

781
782 Mr. Blankinship - Do you swear that the testimony you are about to give is the
783 truth, the whole truth, and nothing but the truth, so help you God?

784
785 Mr. Gillespie - I do. My name is Eric Gillespie. We would like to add a
786 family room off the back of our house. It's 14 by 16, coming directly out of the kitchen.
787 You can tell by our lot, it's very odd-shaped, and because the house is set back to meet
788 the front yard setback, they put it in the middle of the lot, which caused the rear to be
789 very shallow. What we're requesting is 7 feet. As I said, our extension will come where
790 you see the gas meters there on the right, and the deck goes out farther than it would
791 extend. As you can see, of the surrounding property, we're actually touched by 6
792 properties. The immediate one on the right will not be able to see the addition, and
793 there are trees and lots of screen. The next one over also has a lot of screen. The third
794 one coming around, there's a big tree, and then a hedge goes down to the next one,
795 which is about 15 feet tall. They have to come and cut it because of the power lines,
796 from time to time, right behind the play equipment. The next lot down, neighbors just
797 moved in and put up an 8-foot privacy fence, so I don't think they would be concerned,
798 and then the lot right next to us, where this picture is taken from, has about a 15-foot
799 hedge also. Really none of the properties, except maybe this brown one directly behind
800 us, could even see the new addition, and we will be making it all the same siding.
801 We're about ready to side the back of the house, and it would all be vinyl siding, and so
802 it would match the house entirely.

803
804 Mr. McKinney - Mr. Gillespie, are you sure they put up an 8-foot privacy
805 fence?

806
807 Mr. Gillespie - That's what I was told; I didn't go out and measure it.

808
809 Mr. McKinney - The Code won't let you put up an 8-foot privacy fence.
810 Seven is the maximum.

811
812 Mr. Gillespie - Like I said, it's their fence. That's a different story. They just
813 moved in. The brown house is currently rented, and the new owner is planning to come

814 back in. Our neighborhood has been turning over quite a bit, and when we moved in 9
815 years ago, we were the first house to be sold within the previous 18 months. We would
816 like to stay, but because we have 3 young children, 8, 5, and 3, the house size is getting
817 kind of tight, and we would like to not have to move.

818
819 Mr. Wright - You want some breathing room.

820
821 Mr. Gillespie - Yes please.

822
823 Mr. McKinney - Do you have a variance for that privacy fence, Mr.
824 Blankinship?

825
826 Mr. Blankinship - We didn't research that.

827
828 Mr. Gillespie - And that's not why I'm here. We are in the process of
829 getting to know them. My wife has had contact with them, but basically, we would just
830 love to stay. This is where my 3 children were born. We have the marks on the door
831 jams as they grow, and this would help us continue to stay in this house in this
832 neighborhood.

833
834 Mr. Balfour - Any other questions? Thank you.

835
836 Mr. Gillespie - One last thing about – because of the shape of the lot, none
837 of my associated neighbors share this problem, and so it makes us rather unique in this
838 cul-de-sac. Thank you.

839
840 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
841 McKinney, the Board **granted** application **A-160-2002** for a variance to build an addition
842 at 1610 Denham Court (Pinedale Farms) (Parcel 751-748-4212). The Board granted
843 the variance subject to the following conditions:

844
845 1. Only the addition shown on the plan filed with the application may be constructed
846 pursuant to this approval. No substantial changes or additions to the layout may be
847 made without the approval of the Board of Zoning Appeals. Any additional
848 improvements shall comply with the applicable regulations of the County Code.

849
850 2. The new construction shall match the existing dwelling as nearly as practical.

851
852 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

853 Negative: 0

854 Absent: 0

855
856 The Board granted this request, as it found from the evidence presented that, due to the
857 unique circumstances of the subject property, strict application of the County Code
858 would produce undue hardship not generally shared by other properties in the area, and

859 authorizing this variance will neither cause a substantial detriment to adjacent property
860 nor materially impair the purpose of the zoning regulations.

861
862 **A -161-2002** **CHARLES CLAUDE GARRISON** requests a variance from
863 Sections 24-95(b)(6) and 24-9 of Chapter 24 of the County Code to
864 build a one-family dwelling at 5411 Edgefield Street (Chamberlayne
865 Estates) (Parcel 790-746-1540), zoned R-4, One-family Residence
866 District (Fairfield). The lot width requirement, public street frontage
867 requirement, and total lot area requirement are not met. The
868 applicant has 5,009 square feet total lot area, 40 feet lot width, and
869 40 feet public street frontage, where the Code requires 6,000
870 square feet total lot area, 50 feet lot width, and 50 feet public street
871 frontage. The applicant requests a variance of 991 square feet
872 total lot area, 10 feet lot width and 10 feet public street frontage.

873
874 Mr. Balfour - Any others to testify in this matter? Would you raise your
875 right hand and be sworn please.

876
877 Mr. Blankinship - Do you swear that the testimony you are about to give is the
878 truth, the whole truth, and nothing but the truth, so help you God?

879
880 Mr. Walker - I do. Good morning, gentlemen. My name is Eric Walker;
881 I'm representing Mr. Garrison in this matter. Suntech Homes is the contract purchaser
882 of this lot. I am representing Suntech Homes also. I have contracted with my employer
883 to build this dwelling. It's a single-family dwelling, very similar to what's built next door.
884 A variance was also granted on that lot, which you'll see there on the left. The house
885 that we're proposing is basically the same structure, with some aesthetic or front
886 elevation differences.

887
888 Mr. Balfour - Any questions by Board members?

889
890 Mr. McKinney - Mr. Walker, you have a contract on this house?

891
892 Mr. Walker - Yes sir. I currently live a block down the road on Wilmer,
893 and I purchased that lot about a year and a half ago, not realizing how congested
894 Wilmer and Woodrow Avenue was, and I have a 9-year-old daughter who, I don't even
895 let her play outside because of the traffic that's diverted off of Azalea Avenue onto
896 Chamberlayne.

897
898 Mr. Balfour - You say the other lots along Edgefield are 40, in fact one
899 house is already built on one that's 40 feet across?

900
901 Mr. Walker - That's correct. The lots along this side of Edgefield, most of
902 them in this section are 40 feet wide.

903
904 Mr. McKinney - You'd better build it well if you only live a little ways away

905 from it.
906
907 Mr. Wright - It appears that there are no other houses built on
908 Greenwood Glen Drive on the north side, is that correct?
909
910 Mr. Walker - That's correct sir; that road hasn't been improved.
911
912 Mr. Wright - How wide are those lots, 516, 514; they look about the
913 same. Forty feet? Mr. Blankinship, how come these lots got to be 40 feet?
914
915 Mr. Walker - Yes, they're 40 feet.
916
917 Mr. Blankinship - They're just so old. They were recorded in 1935. I guess
918 we had a zoning ordinance, but it wasn't very strict.
919
920 Mr. Wright - So 40 feet was what was permitted then.
921
922 Mr. McKinney - So you've got to extend the water and sewer?
923
924 Mr. Walker - Actually the water and sewer are there in the street, so
925 there's no extension needed.
926
927 Mr. Balfour - Any other questions? Thank you.
928
929 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
930 Wright, the Board **granted** application **A-161-2002** for a variance to build a one-family
931 dwelling at 5411 Edgefield Street (Chamberlayne Estates) (Parcel 790-746-1540). The
932 Board granted the variance subject to the following conditions:
933
934 1. This variance applies only to the public street frontage and lot width requirement.
935 All other applicable regulations of the County Code shall remain in force.
936
937 2. Connections shall be made to public water and sewer.
938
939 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
940 Negative: 0
941 Absent: 0
942
943 The Board granted this request, as it found from the evidence presented that, due to the
944 unique circumstances of the subject property, strict application of the County Code
945 would produce undue hardship not generally shared by other properties in the area, and
946 authorizing this variance will neither cause a substantial detriment to adjacent property
947 nor materially impair the purpose of the zoning regulations.
948
949 **A -162-2002** **TIMOTHY HARRISON** requests a variance from Section 24-
950 95(b)(5) of Chapter 24 of the County Code to build a one-family

951 dwelling at 221 Westover Avenue (Bungalow City) (Parcel 816-728-
952 5240), zoned R-3, One-family Residence District (Varina). The lot
953 width requirement and total lot area requirement are not met. The
954 applicant has 6,400 square feet total lot area and 50 feet lot width,
955 where the Code requires 8,000 square feet total lot area and 65
956 feet lot width. The applicant requests a variance of 1,600 square
957 feet total lot area and 15 feet lot width.
958

959 Mr. Balfour - Any others to testify in this matter? Would you raise your
960 right hand and be sworn please.
961

962 Mr. Blankinship - Do you swear that the testimony you are about to give is the
963 truth, the whole truth, and nothing but the truth, so help you God?
964

965 Mr. Harrison - I do. Timothy Harrison. I propose to build a one-family,
966 single-story rancher-type dwelling, brick veneer, with vinyl on the back. A variance has
967 been granted once before. I bought this property with the intention of building a home
968 on it, and I still intend to build a house on it if I can get this variance, but I just don't have
969 quite enough room to meet your Codes.
970

971 Mr. Nunnally - Are you going to build this house for yourself?
972

973 Mr. Harrison - Yes I am.
974

975 Mr. Nunnally - Are you a contractor?
976

977 Mr. Harrison - Yes I am.
978

979 Mr. Nunnally - What is all that junk on that lot now?
980

981 Mr. Harrison - To some people it's junk; to me it's building materials sir. I
982 have been planning to build this house for

983
984 Mr. Nunnally - No, I went by there yesterday, and there was a truck out
985 there with a wheel off of it, and no tires,

986
987 Mr. Harrison - Yes, I'm working on that truck. A guy was supposed to
988 come by and pick it up. I had a problem with cleaning the yard up before. I came into
989 compliance with it. The guy was supposed to come by and pick the truck up, and he
990 didn't show up to get it, so I had to take it off the street to put it back in the yard,
991 temporarily. It's going to be moved. I've come into compliance; an inspector came out
992 and checked the yard; I've cleaned it up, the back part. The building materials right
993 here is part of my foundation, that I intend to use on the house; I intend to be in
994 compliance with whatever, keep the place clean like I'm supposed to, just like everyone
995 else does, but over a period of time, doing construction work, I've collected some things
996 that I intend to use on my house, and those blocks and stuff are part of it.

997
998 Mr. Kirkland - Mr. Blankinship, have there been any citations on this?
999
1000 Mr. Blankinship - There have. We actually had an inspector out there
1001 yesterday, who reported the truck that I guess you were talking about, Mr. Nunnally.
1002
1003 Mr. Kirkland - How long has it been?
1004
1005 Mr. Blankinship - We first received the complaint before the variance was filed,
1006 but not long before, so I'd say 6 or 7 weeks ago. Of course one of the options you
1007 would have is to defer this, to see that the property gets corrected, brought into
1008 compliance before the variance is issued. Or you could grant the variance contingent
1009 on the condition that it be cleaned.
1010
1011 Mr. Nunnally - Yes, there is a condition proposed. Mr. Harrison, are you
1012 familiar with this condition that's been proposed if this gets approved? Have you seen
1013 the condition that's been proposed?
1014
1015 Mr. Harrison - No, I haven't.
1016
1017 Mr. Nunnally - Well, I'll read it. "Only materials used for constructing a
1018 dwelling may be stored on the property once a building permit has been issued. All
1019 other materials shall be removed from the property prior to issuance of a building
1020 permit."
1021
1022 Mr. Harrison - No, I hadn't heard about that.
1023
1024 Mr. Nunnally - Do you have any problem with this condition?
1025
1026 Mr. Harrison - With removing the stuff until the permit is granted?
1027
1028 Mr. McKinney - Stuff that doesn't have anything to do with building the
1029 house.
1030
1031 Mr. Nunnally - Only materials that can be used in building the house can be
1032 permitted to be stored on the property. All the other stuff has to be removed.
1033
1034 Mr. Harrison - That's what's on there besides my air compressor. I
1035 understand that. I came into compliance with that a week ago. The inspector came out,
1036 and she inspected the yard, and she said that everything was in compliance.
1037
1038 Mr. Nunnally - If we approve this, that condition would be imposed on this.
1039
1040 Mr. Kirkland - Do you have another place of business other than this lot,
1041 where you can store stuff?
1042

1043 Mr. Harrison - No I haven't. I'm renting a house; I have no other property
1044 anywhere.
1045
1046 Mr. Kirkland - You don't propose storing materials there after you build the
1047 home, do you?
1048
1049 Mr. Harrison - I'm hoping to put a garage there later on.
1050
1051 Mr. Kirkland - Do you do your business out of the house?
1052
1053 Mr. Harrison - Yes sir.
1054
1055 Mr. Nunnally - The neighbors are going to keep complaining if you don't
1056 keep it clean.
1057
1058 Mr. Blankinship - You can't store materials related to a business. In the future,
1059 if you build a garage and have a contracting business, you can't store material for the
1060 contracting business on a residential lot. You're going to have to find another place.
1061
1062 Mr. Harrison - I understand. The only reason I have it there now is I intend
1063 to build my house using the blocks for my foundation.
1064
1065 Mr. Nunnally - How about that house right behind you, Mr. Harrison? Did
1066 you build that house, since you're a contractor?
1067
1068 Mr. Harrison - No I didn't. I did an addition on the one right next to it on the
1069 right-hand side.
1070
1071 Mr. Nunnally - Is that house, I think it's on Liberty Avenue, isn't it, right
1072 behind you, is that built on the same size lot that you have?
1073
1074 Mr. Harrison - No that lot is 25 feet larger than mine. They had 3 25-foot
1075 lots, and I only have 2.
1076
1077 Mr. Nunnally - When did you purchase this lot?
1078
1079 Mr. Harrison - I just closed on it maybe about 4-5, maybe 3 months ago.
1080
1081 Mr. Nunnally - And we issued a variance on this, Mr. Blankinship, 1999 I
1082 think he said?
1083
1084 Mr. Wright - That's what the notes say.
1085
1086 Mr. Blankinship - For lot width.
1087
1088 Mr. Balfour - Are there any more questions of Mr. Harrison? We have 2

1089 more people who want to speak. Thank you sir. You'll get a chance to come back up if
1090 you like.

1091
1092 Mr. Robinson - My name is Thomas Robinson. I own the property at 223
1093 Westover Avenue. That driveway has been a part of that house for 70 years, and the
1094 owner of 221 has denied me the privilege of using it since he acquired that property.
1095 You can see the cinder blocks blocking my entrance and exit from my property. Also,
1096 the property next to me is an established junk yard. I don't know who passed it. He
1097 says someone passed it; I don't know who passed it.

1098
1099 Mr. Nunnally - You say that driveway is your driveway, or you just use it?

1100
1101 Mr. Robinson - It's a driveway that's been used by the property for over 70
1102 years; it's the only one.

1103
1104 Mr. Nunnally - Who owns the driveway? I believe it belongs to 221. Now I
1105 have talked to Mr. Hyde, Jr., construction engineer, for Henrico County, and also Mr.
1106 Hickman, and they have told me my options about that. Those cinder blocks I found,
1107 were on my property by about 2 feet.

1108
1109 Mr. Nunnally - If it belongs to 221, you don't have a right to use it, legally.

1110
1111 Mr. McKinney - Mr. Robinson, have you been using that driveway to access
1112 your property? Had you been using it in the past, to get in and out as your driveway?

1113
1114 Mr. Robinson - Yes. I can't use it. That was before he ever acquired the
1115 property; it's been that way.

1116
1117 Mr. McKinney - How about the people who owned the house before you?

1118
1119 Mr. Robinson - That's what they used, that driveway.

1120
1121 Mr. McKinney - So what kind of driveway do you have now to get into your
1122 property?

1123
1124 Mr. Robinson - I have none.

1125
1126 Mr. Nunnally - You may have some legal rights relating to those cinder
1127 blocks and the use of the driveway, but that's not really before us.

1128
1129 Mr. Wright - We don't really have a thing to do with that.

1130
1131 Mr. Nunnally - We're not in a position to make him do anything, one way or
1132 the other, relating to the driveway, but the County can certainly make him keep the lot
1133 clean. We're not a court; you're not here as a lawyer to ask us to make him move those
1134 cinder blocks.

1135
1136 Mr. Robinson - No, I'm not asking him to move those cinder blocks; I'm just
1137 stating that I'm already having a problem.
1138
1139 Mr. Nunnally - Do you object or not object to him putting the house up
1140 there?
1141
1142 Mr. Robinson - Of course, where's he going to get the variance from?
1143
1144 Mr. Nunnally - Us, if we give it to him. That's why he's here, but we told
1145 him if we did it, if we approved it, that he's got to keep that place clean, and you've
1146 certainly got a right to notify the County if he doesn't, as maybe you've already done.
1147 You heard a discussion with him, that if we approved the variance, he would have to
1148 keep the property straight and clean. That would be a condition. Of course, you're
1149 going to say, well suppose he doesn't do it, in which case you or others would have to
1150 complain, and let the County cite him for it.
1151
1152 Mr. Robinson - So far he hasn't.
1153
1154 Mr. Nunnally - I understand, and apparently he's already been cited, and I
1155 guess, been inspected again last week, and I heard your comment that you'd like to
1156 know who inspected it. You must not agree with their approval.
1157
1158 Mr. Robinson - There's been a vehicle motor been in the ditch, and it's still
1159 in the ditch as I speak.
1160
1161 Mr. Blankinship - That's still there?
1162
1163 Mr. Robinson - The vehicle motor is still in the ditch, yes.
1164
1165 Mr. Nunnally - If it were approved, he can't get a building permit until he
1166 cleans it up. If he cleans it up and he abides by the Code, it's up to us to decide if we
1167 still want to let him build there or not. That's where we are.
1168
1169 Mr. Robinson - I appreciate it.
1170
1171 Mr. Balfour - Next.
1172
1173 Mr. Pryor - Good morning. My name is Bernard Pryor. I live next door
1174 to that, at 217 Westover Avenue. The only thing I was trying to find out is how it would
1175 affect me. Mr. Gibbs, the guy who previously owned the property, came to me before
1176 he tried to sell it, to get 15 feet in order to make it a buildable lot. The only thing I was
1177 trying to figure out is how it would affect me, that at the time I wouldn't sell it to him.
1178
1179 Mr. Wright - How wide is your lot sir?
1180

1181 Mr. Pryor - Mine is 6 lots; I don't know exactly what the footage is there.
1182 It's probably on my deed, but it's 6 lots in there.
1183
1184 Mr. Wright - Six lots adjacent to 221?
1185
1186 Mr. Pryor - It was 94, 92 to 96.
1187
1188 Mr. Kirkland - See where 217 is, see the 3 blank spots coming towards
1189 221?
1190
1191 Mr. Wright - I'm confused. That couldn't be 6 lots.
1192
1193 Mr. Kirkland - Yes it is; they're 25-foot lots.
1194
1195 Mr. Blankinship - That would be 150 feet.
1196
1197 Mr. Wright - Would you sell him the necessary footage for him to make
1198 this a lot that would conform to the Code?
1199
1200 Mr. Pryor - I hadn't planned on selling any. At the time they first started
1201 this, back a couple of years ago, my aunt used to own the property, and they were
1202 talking about it. That's why she had the fence put up, because she didn't want to break
1203 it up, and I had never really thought about doing it myself.
1204
1205 Mr. Wright - If we approve this, this won't have anything to do with your
1206 property.
1207
1208 Mr. Pryor - That's the only thing I needed to know
1209
1210 Mr. Balfour - All right. Thank you. Mr. Harrison, do you have anything
1211 further you want to say?
1212
1213 Mr. Harrison - I just want to say, yes I have had problems with a lot of
1214 debris in the yard. I had cleaned that up. The truck is still in the front yard, but that will
1215 be removed out of the yard. I intend to keep my house as clean as they keep theirs,
1216 and I want to have a nice place also, but the situation, I just didn't have anywhere else
1217 to keep my stuff. I live in an apartment, and there's nowhere I can keep my truck and
1218 trailers and air compressors and things like that. I can't park them by the apartment, so
1219 I just brought them to the property temporarily. I've had problems with Mr. Robinson for
1220 some time, but I intend to keep my place cleaned up just like they are and comply with
1221 the law.
1222
1223 Mr. Nunnally - What's this about an engine in a ditch; are you going to get
1224 that out of there?
1225
1226 Mr. Harrison - I had the wrecker tow the other trucks away, and this other

1227 guy, the junk man, he's supposed to pick the engine up and take the truck away, and he
1228 hasn't showed up to do it.
1229
1230 Mr. Balfour - If they approve this, the County's not going to let you do
1231 anything until you get it fully cleaned up. You might want to move those cinder blocks
1232 over too if they're on another man's property.
1233
1234 Mr. Harrison - They're not on his property. It's been surveyed.
1235
1236 Mr. McKinney - Mr. Harrison, when you build this house, you're going to
1237 move into it, right? What are you going to do with this equipment when you move into
1238 the house? What's the difference between this house and the apartment? Where are
1239 you going to put your equipment then?
1240
1241 Mr. Harrison - The only equipment I've got is the air compressor. The rest
1242 of them are tools, small tools. They can go in the garage or utility house in the yard.
1243 There's no large stuff, like a big truck or a whole lot of stuff like that, not like that. We'll
1244 do the construction with may a scaffold or something like that, but nothing real huge.
1245
1246 Mr. McKinney - Where'd this stuff come from that's on this lot now?
1247
1248 Mr. Harrison - I've done jobs, and this was some of the materials left over
1249 or whatever, and I said, well, I intend to build my house. I can use this on my house, on
1250 my foundation. I bought the 8-inch block, the new ones, I bought those because when I
1251 start doing my foundation I'm going to need the blocks for it. The 12-inch block goes on
1252 the bottom. You do 2 coats of the 12, then drop back to 8, then you brick veneer the
1253 front, and all these are good materials. To most people looking at it, it's trash to them,
1254 but being in the business, it's stuff that could be used, and all that stuff will be gone
1255 when I get the house up. A nice vinyl fence will be on the front, the back. The house
1256 starts about this other little fence I have up there, that black stuff, the house will start
1257 about 40 feet from the street, so all that will be gone.
1258
1259 Mr. McKinney - What do you have behind that fence now?
1260
1261 Mr. Harrison - I'm cleaning up behind there. I have a big truck back there.
1262 The little truck is the one they're talking about, that the guy's supposed to pull away. I
1263 had to straighten it up back there. The inspector came and passed it. I took a whole lot
1264 of debris, a whole lot of trash, and you can walk back there; it's clean back there now.
1265
1266 Mr. Nunnally - How about that dumpster back there?
1267
1268 Mr. Harrison - That's not mine. That's on the property that just built a new
1269 house behind it, and that's the dumpster for them.
1270
1271 Mr. Nunnally - When do you plan on building your house?
1272

1273 Mr. Harrison - As soon as I can. As soon as I can get the variance here
1274 and the permit. I already paid for a temporary pole. They told me I can't get the pole
1275 until I get the variance. I can't get the permit until after the variance, and I can't put the
1276 pole up until after I get the permit, and I can't do anything until I get the variance
1277 permission to build all that, and then the temporary pole, and then I get the permit, and
1278 then I can start building.

1279
1280 Mr. McKinney - What kind of trade are you in?

1281
1282 Mr. Harrison - I started out being a brick layer, and now I'm a remodeler; I
1283 do renovations, additions, vinyl siding, bricks and all that stuff.

1284
1285 Mr. McKinney - How much of the work are you going to do on this house
1286 yourself?

1287
1288 Mr. Harrison - Ninety percent of it. I can do everything except the air
1289 conditioning. I'm not licensed to do air conditioning or plumbing; I can do everything
1290 else.

1291
1292 Mr. McKinney - Can you do the electrical?

1293
1294 Mr. Harrison - No, I have a friend who will take care of that for me. I'm not
1295 licensed for electrical, plumbing or AC.

1296
1297 Mr. Balfour - You've got a B contractor's license?

1298
1299 Mr. Harrison - Class C.

1300
1301 Mr. Balfour - Any other questions? Thank you.

1302
1303 Upon a motion by Mr. Nunnally, seconded by Mr. McKinney, the Board **deferred**
1304 application **A-162-2002** for a variance to build a one-family dwelling at 221 Westover
1305 Avenue (Bungalow City) (Parcel 816-728-5240). The case was deferred for 30 days, to
1306 allow you to bring the property into compliance, from the October 24, 2002, until the
1307 November 21, 2002, meeting.

1308
1309 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

1310 Negative: 0

1311 Absent: 0

1312
1313 Mr. Balfour - We'll start our 10:00 o'clock docket in about 5 minutes.

1314
1315 **After Recess:**

1316
1317 Mr. Secretary, we'll start the 10:00 o'clock docket. Do we have any deferrals or
1318 withdrawals.

1319
1320 Mr. Blankinship - Yes, we do. We have a withdrawal on A-167-2002, top of
1321 page 5. Mrs. Spencer spoke to a neighbor yesterday and was surprised to find that her
1322 neighbor was concerned about this, and she asked to withdraw, but she'd like to
1323 withdraw without prejudice in case she can get her neighbor settled down, and she may
1324 like to re-file in less than a year

1325
1326 Mr. Balfour - Want to take the first 2 cases together.

1327
1328 **A -163-2002** **REX HUFF, SR.** requests a variance from Section 24-94 of Chapter
1329 24 of the County Code to build a one-family dwelling at 542 Mullens
1330 Lane (Greendale Park) (Parcel 827-727-1705), zoned R-3, One-
1331 family Residence District (Varina). The lot width requirement is not
1332 met. The applicant has 46 feet lot width, where the Code requires
1333 150 feet lot width. The applicant requests a variance of 104 feet lot
1334 width.

1335
1336 **A -164-2002** **REX HUFF, SR.** requests a variance from Section 24-94 of Chapter
1337 24 of the County Code to divide a parcel with existing structures at
1338 530 Mullens Lane (Greendale Park) (Parcel 827-727-1705), zoned
1339 R-3, One-family Residence District (Varina). The front yard setback
1340 and lot width requirement are not met. The applicant has 70 feet lot
1341 width and 18 feet front yard setback, where the Code requires 150
1342 feet lot width and 40 feet front yard setback. The applicant
1343 requests a variance of 80 feet lot width and 22 feet front yard
1344 setback.

1345
1346 Mr. Balfour - Any others to testify in this matter? Would anybody who's
1347 interested in this matter please stand and raise your right hand and be sworn.

1348
1349 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1350 truth, the whole truth, and nothing but the truth, so help you God?

1351
1352 Mr. Huff - I do. I'm Rex Huff, Sr. I'm asking the Board to assist me
1353 with this. I've got other family members who I would like to come and share this
1354 property with me. The original dwelling at 530 has been there for quite a while. The
1355 existing frontage on that property, with the division, would still leave the property with an
1356 acre of land. The proposed site at 542 is 1.6 acres and has a driveway that concerns,
1357 because of frontage that leads back to an opening of 1.6 acres in the back of the
1358 property.

1359
1360 Mr. Blankinship - How long has it been since these houses were occupied?
1361 Approximately 9 or 10 months.

1362
1363 Mr. Nunnally - Where do you live, Mr. Huff?
1364

1365 Mr. Huff - I currently live in the city of Richmond. I purchased this
1366 property because I plan to move.
1367

1368 Mr. Nunnally - You're planning on moving down on Mullens Lane?
1369

1370 Mr. Huff - Yes sir, I do plan to move is the Board grants me these
1371 variances, I do plan to build on that 1.6 acres and to have my sons live in the other 2
1372 structures, so it would be a family situation on the 3.6 acres that exist now. It would be
1373 divided into 3 separate parcels, 2 parcels of 1 acre, and the 3rd parcel at 1/6 acres.
1374

1375 Mr. Nunnally - Are there 3 houses there now, and there will be a 4th when
1376 built, is that right?
1377

1378 Mr. Huff - There are 2 houses there now, and a series of outbuildings,
1379 on the first suggested piece of property. The second property has a house, and the
1380 third property is 1.6 acres of hardwood.
1381

1382 Mr. Nunnally - Two homes then, and you'll build a third one on a spot in the
1383 back.
1384

1385 Mr. Huff - Yes sir.
1386

1387 Mr. Wright - How long has that house been there, the one that's closest
1388 to the road, the one for which you're requiring the front yard setback?
1389

1390 Mr. Huff - That house, the initial survey that I have, I don't know if you
1391 have a copy of this

1392

1393 Mr. Nunnally - When was that survey made?
1394

1395 Mr. Huff - I think it was in the '30's.
1396

1397 Mr. Blankinship - We noted on the staff report that Greendale Park
1398 Subdivision was recorded in the early '30's.
1399

1400 Mr. Wright - Does that show the house on the property at the time? So
1401 the house was built prior to 1930, is that what you're saying?
1402

1403 Mr. Huff - On Henrico's Property Identification Map, identifying the lots
1404 along Mullens Lane, you can see the 3 structures that exist there, the 2 houses and the
1405 outbuilding.
1406

1407 Mr. Wright - Mr. Blankinship, since that house has been there this long,
1408 why is it necessary to get a variance for it??
1409

1410 Mr. Blankinship - Because it's all been on one lot, and that whole lot meets the

1411 lot width requirement. It does not meet the front yard setback; it would be
1412 nonconforming as to the front yard setback, but as long as they're here, they may as
1413 well request the variance for that as well, and then they don't have to worry about it
1414 being nonconforming.

1415
1416 Mr. Wright - He could theoretically work on the other one and not have
1417 asked for this one, couldn't he?

1418
1419 Mr. Blankinship - Well, the lot width would still not meet the requirements.

1420
1421 Mr. Wright - What I'm saying is, case A-164-2002 is not absolutely
1422 necessary to do what he wants to do, because those 2 houses are already there.

1423
1424 Mr. Blankinship - Right, but they're all on one parcel, and he wants to divide
1425 them onto separate parcels. He's creating a lot with less than 150 feet of lot width.

1426
1427 Mr. Nunnally - Assuming for the moment that you've got 2 homes; you're
1428 just going to put a boundary between them, and then you want us to approve the other,
1429 which would be access to the lot in the back.

1430
1431 Mr. Huff - Yes sir. The driveway is already there; it runs the length of
1432 the property, and then it curves around in the back.

1433
1434 Mr. Nunnally - I see it in the picture.

1435
1436 Mr. Balfour - Are there any other questions of Mr. Huff at this point?

1437
1438 Mr. McKinney - How do you cross the creek?

1439
1440 Mr. Huff - There's an existing land bridge that's there. Obviously, a
1441 number of years ago, whoever owned the property, there was at one time a creek bed
1442 that ran through the rear of the property, across 7 or 8 lots, and that creek bed has dried
1443 over the years, and there is a land bridge that runs right straight back to the back of the
1444 property. If you look at the survey, you can see that the surveyor has even marked it.
1445 They had to go back there with vehicles.

1446
1447 Mr. Nunnally - Mr. Huff, are you going to convey this property over to your
1448 children?

1449
1450 Mr. Huff - Yes sir, to family members alone.

1451
1452 Mr. Nunnally - And you did read the suggested conditions we have on here
1453

1454
1455 Mr. Huff - Whatever conditions need to be met, I will see that they are
1456 met. Wells, existing wells are already there. Septic is already there. If they need to be

1457 upgraded, I will see to that. Along with bringing the properties up to the existing values
1458 of the properties in the surrounding area.
1459
1460 Mr. Nunnally - This condition here says that the owner "shall demonstrate
1461 that the parcel created by this division has been conveyed to members of the immediate
1462 family" only.
1463
1464 Mr. Huff - That's correct.
1465
1466 Mr. Wright - When did you acquire this property, Mr. Huff?
1467
1468 Mr. Huff - This year, in fact my closing date on this property was --
1469 August 15 was the settlement date. I acquired it from Fairbanks Capital Corporation,
1470 Salt Lake City, Utah.
1471
1472 Mr. Wright - Have these houses been vacant all this time?
1473
1474 Mr. Huff - They've been vacant since earlier this year, yes sir, when
1475 the folks who were living there lost the properties, and I purchased these properties.
1476
1477 Mr. McKinney - Through the foreclosure?
1478
1479 Mr. Huff - Yes sir.
1480
1481 Mr. Balfour - Looks like on the adjoining properties there's only one
1482 house; on this piece of property there happens to be 2 already.
1483
1484 Mr. Huff - Yes, there's 2 existing houses already, and outbuildings.
1485
1486 Mr. Balfour - Are there any other questions at this point? We're going to
1487 hear from these 3 people if they want to speak, and then you get a chance to come
1488 back up. Do you want your survey back?
1489
1490 Mr. Huff - Yes, that's the only one I've got.
1491
1492 Mr. Balfour - All right, folks, who wants to go first?
1493
1494 Mr. Duggan - My name is Patrick Duggan, and I live at 510 North Mullens,
1495 which is actually the adjoining property east of what he's asking for. I don't necessarily
1496 have any problem with what he's asking to do, but I do have a problem about, being it's
1497 done, devaluing my property, my parcel of land.
1498
1499 Mr. Nunnally - It actually looks like it might enhance yours if he fixes up
1500 these 2 houses that are vacant.
1501
1502 Mr. Duggan - It's possible. There's some previous history to this particular

1503 piece of property that he probably is not aware of, some of the things that I've actually
1504 seen happen. There's been a tremendous amount of dirt actually brought to this
1505 particular piece of property in the back, so there's some things here that I think he kind
1506 of inherited when he purchased the property. I'm aware of a considerable amount of
1507 dirt that was actually brought into the property and put on the back side in order to build
1508 up the back edge. I don't necessarily have any problem with what this gentleman would
1509 like to do, as long as it appreciates my property, which is at 510.

1510
1511 Mr. Nunnally - We'll ask him about the dirt. Well he's already stated that
1512 what he intends to do, he'll make it commensurate with the other properties in the
1513 neighborhood, so what he'd build would be commensurate with their values.

1514
1515 Mr. Duggan - Right. I think the real key is the septic.

1516
1517 Mr. Nunnally - That's something he has to get approved before he can build
1518 on that back part anyway.

1519
1520 Mr. Duggan - I'm really referring to the 2 dwellings that actually sit there at
1521 the present time, because of all the additional dirt that was actually brought. I don't
1522 have any problem with anybody trying to better themselves or better their families at all,
1523 but whatever's done, I think that I would like to make sure that it's an asset for the entire
1524 street.

1525
1526 Mr. Balfour - Which house is yours sir, I'm sorry?

1527
1528 Mr. Duggan - 510.

1529
1530 Mr. Balfour - 510? OK, on the other side. Yes sir

1531
1532 Mr. Fant - Jim Fant, I live at 515 North Mullens, should be right across
1533 the street from the house to the east.

1534
1535 Mr. Balfour - Looks like 515 and 543 are both across the street.

1536
1537 Mr. Fant - The first thing is that the older home you were referring to,
1538 the 1930's. I've been there 5 years; that house has never been lived in; I believe it's
1539 condemned, if I'm not mistaken, so it's nowhere near being up to Code.

1540
1541 Mr. Nunnally - Sounds like you're going to get it up to Code.

1542
1543 Mr. Balfour - Looks like to me he's going to help the situation.

1544
1545 Mr. Fant - There is some new information I learned here that I didn't
1546 know. I only had the letters. There is some history to the back of that property. The
1547 previous owner got shut down by the Army Corps of Engineers for bringing all the dirt in.
1548 He was trying to fill in the gully; it's a natural drainage for the whole neighborhood,

1549 which changed the whole flood plain a little I think. So you may not be aware that the
1550 Army Corps of Engineers was involved with that and stopped all that.
1551
1552 Mr. Kirkland - That's how the dirt bridge got formed back there?
1553
1554 Mr. Fant - No, that was there, but I don't think it was adequate to put a
1555 house back there; you'd have to build something else. If he can do it, great, but he may
1556 run into some problems with that. And the drainfield's another thing, some problems
1557 there. The previous owner, he had a history down there. He buried a bulldozer down
1558 there and pretty much crushed all the drainfields down there. He may be inheriting
1559 something there he didn't know about also.
1560
1561 Mr. Nunnally - What are you saying, he's got a bulldozer back there on his
1562 land, underground?
1563
1564 Mr. Fant - The previous owner was bringing in all the dirt, and they
1565 were still having problems where he crushed the drainfields, and there was quite a bit of
1566 damage done.
1567
1568 Mr. Wright - Sounds like Mr. Huff's got his work cut out for him.
1569
1570 Mr. Fant - Yes sir, but it sounds like he wants to bring it up, so that
1571 would be great for everybody.
1572
1573 Mr. McKinney - Why would the drainfields on that land affect the other septic
1574 systems?
1575
1576 Mr. Fant - Where he was trying to bring the dirt in, he was over on Pat's
1577 property.
1578
1579 Mr. McKinney - He was on the other piece of property? And he broke the
1580 lines on another piece of property?
1581
1582 Mr. Fant - He was all over there.
1583
1584 Mr. McKinney - That was the previous owner? Did he replace it?
1585
1586 Mr. Fant - No. So there's quite a bit of expense to bring it
1587 commensurate with the other properties. My house is 5 years old, and I'd be concerned
1588 about going into a high density situation, where right now it's a low density, I assume.
1589 Right no everybody has an acre plus.
1590
1591 Mr. Blankinship - Each of these lots would be an acre also.
1592
1593 Mr. Fant - If he does everything he says he is, it sounds pretty good.
1594

1595 Mr. Kirkland - Did you read the case report outside? I think number 3
1596 would probably address all your concerns, soil reviews and reserve area; this is all
1597 stated in the suggested conditions, and if this is approved, he would have to go by this.
1598 We'll kind of hold him to the line of doing things correctly.
1599
1600 Mr. Fant - Both those pictures don't do it justice. Now I have some
1601 pictures; they're a little bit blurry, but they'll give you a better idea if you want to look at
1602 them. It's quite a bit of money he's going to have to spend to bring those other 2
1603 properties commensurate, as he says, up to the other property values.
1604
1605 Mr. Nunnally - Evidently family means a whole lot to Mr. Huff.
1606
1607 Mr. Balfour - Yes ma'am, you wanted to testify?
1608
1609 Ms. Wood - My name's Marie Wood; I live directly across the street at
1610 543. I too am getting some new information. I was not aware that his intent was to split
1611 them out so that he could have family members on there? One of the gentlemen had
1612 brought up to the point that the initial house, the 1930's one, that apparently is not
1613 meeting the front foot Code. In reading the initial documentation that was sent, it just
1614 seemed like the codes are there for a reason. A lot of these, for example the first one,
1615 A-163-2002, requesting a variance of 104 feet. Certainly there are 2 houses on that
1616 one property, and even though they still may be an acre or so apiece, I guess they
1617 would be elongated, so they're very short and shunty side to side. If it would appreciate
1618 the value of our homes, and certainly I would be very excited about that, because as I
1619 think you've gotten the indication, they are not really value added at this point in time. I
1620 have a question, I think you've referred to some documentation that maybe we don't
1621 have. You're putting stipulations in here that must be met, for example. Was I
1622 understanding you correctly when you said he would have to have family members
1623 living in these properties?
1624
1625 Mr. Kirkland - It's out front in the binders. Can we give her a copy of this?
1626 It's in the staff report.
1627
1628 Ms. Wood - So basically, is what's happening today, is you're taking
1629 notes, you're writing down what it should be

1630
1631 Mr. Nunnally - It's already in there. What you've got is the agenda. There's
1632 a report out there you can look at as well.
1633
1634 Mr. Kirkland - Under suggested conditions, is what I was discussing.
1635
1636 Mr. Blankinship - That's one of them; the other is similar.
1637
1638 Mr. Balfour - You can ask Mr. Huff; he's probably already looked into all
1639 these things.
1640

1641 Mr. Wright - Another thing Ms. Wood, this subdivision would not be
1642 permitted under the Henrico Code unless it's for family. So if he were to sell this to
1643 someone else, he'd be hauled into court. This is restricted to a family subdivision. You
1644 can't have this type of subdivision unless it's for family. So that's the first thing.
1645 Secondly, to address your question, this is kind of unique. You know, the house that
1646 he's proposing to build way back on the property – the problem is, under the Henrico
1647 Code, you have to have the width of the land at the building line, which is 50 feet back.
1648 So technically, he's got to have the width exception because he's putting it on the rear
1649 of the property. It's a technical type of thing. It's not getting him any big deal, but that's
1650 why we have to put that in there.

1651
1652 Ms. Wood - I do have one other thing, since I have the opportunity, I'd
1653 like to just comment on. I believe he had said, mid-August when you closed? I'm not
1654 quite familiar with the Code as far as keeping the lawn mowed or not, but I know that
1655 directly after the foreclosure, I personally was very happy because the lawn was at least
1656 mowed regularly. With the previous owners, we did not have that instance all the time.
1657 But I've noticed it's gotten a little long now, so I was curious as to what point in time
1658 could there be a consideration for a citation if the lawn's not cut.

1659
1660 Mr. McKinney - Twelve inches.

1661
1662 Ms. Wood - Twelve inches? I think we're kind of close.

1663
1664 Mr. Wright - I imagine when he gets these houses upgraded and the
1665 people move in, they're going to keep up the lawn.

1666
1667 Ms. Wood - Oh right, but in the interim he still has title to the property, so
1668 it's still his responsibility; that's what I'm worried about, because again, it's directly
1669 across the street from me.

1670
1671 Mr. McKinney - What happens on some occasions, Ms. Wood, is that if they
1672 cite it, they will contact the owner and give him so much time to cut it. If he doesn't cut
1673 it, the County cuts it and puts a lien against the property.

1674
1675 Ms. Wood - I'm very familiar with that; I work in the mortgage industry.
1676 That's why I wanted to ask about that, because I did have that familiarity. Thank you.

1677
1678 Mr. Balfour - Mr. Huff, does anybody have any questions of Mr. Huff?

1679
1680 Mr. McKinney - Mr. Huff, what type home do you plan on building in the rear
1681 for yourself?

1682
1683 Mr. Huff - I'm speaking with a gentleman from Hopewell, Virginia. He
1684 builds from your high 80's to your mid-range 100's, and the existing properties,
1685 gentlemen, are in need of repairs. I've gotten estimates to have them renovated prior to
1686 anyone moving into them, to bring them up to Code, and to make them established

1687 living areas. So it's not like these properties will be used for anything other than
1688 growing people in.

1689
1690 Mr. McKinney - You say your sons are moving in though?

1691
1692 Mr. Huff - Yes, I have a son, in fact he's already sent his resumes here
1693 to Henrico County, Richmond, and Chesterfield, and he's considering the job offers that
1694 he's received. As soon as he gets here, then I will deed a property to him, because he's
1695 going to live in one of those 2 existing houses.

1696
1697 Mr. McKinney - He's in New York now.

1698
1699 Mr. Balfour - You're going to build the one in the back for you? You're
1700 going to keep an eye on them?

1701
1702 Mr. Huff - Yes, I will that. I understand the concerns of my neighbors.
1703 Yes, I will see that the grass and the property is not only kept up, but that the existing
1704 things that are wrong with the property will be corrected, and I'm sure these gentlemen
1705 will be more than glad to help me along with that. Coming into a new area, a new
1706 neighborhood, you want to do the right thing, and at the same time, you want to make a
1707 way for your family. I have that opportunity now, and with everyone's assistance here, I
1708 think maybe I can get some things done.

1709
1710 Mr. Balfour - Thank you Mr. Huff. Any other questions?

1711
1712 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
1713 Kirkland, the Board **granted** application **A-163-2002** for a variance to build a one-family
1714 dwelling at 542 Mullens Lane (Greendale Park) (Parcel 827-727-1705). The Board
1715 granted the variance subject to the following conditions:

1716
1717 1. This variance applies only to the lot width requirement. All other applicable
1718 regulations of the County Code shall remain in force.

1719
1720 2. At the time of building permit application, the owner shall demonstrate that the
1721 parcel created by this division has been conveyed to members of the immediate family,
1722 and the subdivision ordinance has not been circumvented.

1723
1724 3. Approval of this request does not imply that a building permit will be issued.
1725 Building permit approval is contingent on Health Department requirements, including,
1726 but not limited to, soil evaluation for a septic drainfield and reserve area, and approval
1727 of a well location.

1728
1729 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

1730 Negative: 0

1731 Absent: 0

1732

1733 The Board granted this request, as it found from the evidence presented that, due to the
1734 unique circumstances of the subject property, strict application of the County Code
1735 would produce undue hardship not generally shared by other properties in the area, and
1736 authorizing this variance will neither cause a substantial detriment to adjacent property
1737 nor materially impair the purpose of the zoning regulations.
1738

1739 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
1740 Kirkland, the Board **granted** application **A-164-2002** for a variance to divide a parcel
1741 with existing structures at 530 Mullens Lane (Greendale Park) (Parcel 827-727-1705).
1742 The Board granted the variance subject to the following conditions:
1743

1744 1. This variance applies only to the lot width and front yard setback requirement. All
1745 other applicable regulations of the County Code shall remain in force.
1746

1747 2. At the time of building permit application, the owner shall demonstrate that the
1748 parcel created by this division has been conveyed to members of the immediate family,
1749 and the subdivision ordinance has not been circumvented.
1750

1751 3. Approval of this request does not imply that a building permit will be issued.
1752 Building permit approval is contingent on Health Department requirements, including,
1753 but not limited to, soil evaluation for a septic drainfield and reserve area, and approval
1754 of a well location.
1755

| | | |
|-------------------|---|---|
| 1756 Affirmative: | Balfour, Kirkland, McKinney, Nunnally, Wright | 5 |
| 1757 Negative: | | 0 |
| 1758 Absent: | | 0 |

1759
1760 The Board granted this request, as it found from the evidence presented that, due to the
1761 unique circumstances of the subject property, strict application of the County Code
1762 would produce undue hardship not generally shared by other properties in the area, and
1763 authorizing this variance will neither cause a substantial detriment to adjacent property
1764 nor materially impair the purpose of the zoning regulations.
1765

1766 **A -165-2002** **SCOTT AND KAREN MEARDON** request a variance from Section
1767 24-94 of Chapter 24 of the County Code to build an addition at
1768 13317 Shady Knoll Court (Autumn Chase at Wellesley) (Parcel
1769 733-760-9165), zoned R-4AC, One-family Residence District
1770 (Conditional) (Three Chopt). The rear yard setback is not met. The
1771 applicants propose 30 feet rear yard setback, where the Code
1772 requires 35 feet rear yard setback. The applicants request a
1773 variance of 5 feet rear yard setback.

1774
1775 Mr. Balfour - Any others to testify in this matter? Would both of you raise
1776 your right hand and be sworn please.
1777

1778 Mr. Blankinship - Do you swear that the testimony you are about to give is the

1779 truth, the whole truth, and nothing but the truth, so help you God?
1780

1781 Mr. Meardon - I do. My name is Scott Meardon, and we're looking for a
1782 rear setback variance. We propose that, in addition to our existing home that we've
1783 lived in for 10 years, rather than moving elsewhere, we like where we live. When we
1784 started drawing up the plans, the width of the addition, we abutted the rear setback line.
1785 We're asking the rear setback line to be setback an additional 5 feet. We have no
1786 neighbors to our rear; it's a street that's just common area, part of the Wellesley
1787 Homeowners Association, and I checked with both my neighbors on both sides, and
1788 they have no problems with it whatsoever. Also the other neighbor on the other street, I
1789 talked with them, and they have no problems with it either.
1790

1791 Mr. Wright - Mr. Meardon, what's located to the rear of your property?
1792

1793 Mr. Meardon - You see on the picture the fence line; right behind that is the
1794 common area of the Wellesley Homeowners Association. There's a jogging trail, and
1795 then this picture is being taken from the street.
1796

1797 Mr. Wright - So then there's no house between your house and the
1798 street?
1799

1800 Mr. Meardon - That's correct.
1801

1802 Mr. Wright - And describe the configuration of your lot.
1803

1804 Mr. Meardon - It is pie-shaped, so the front setback is, I think 53 feet. If it
1805 were a typical, normal-sized lot, it would be 35 feet, so the house is sitting much further
1806 back than would be typical. That causes my problem.
1807

1808 Mr. Balfour - Any other questions of Mr. Meardon? Thank you sir.
1809

1810 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
1811 McKinney, the Board **granted** application **A-165-2002** for a variance to build an addition
1812 at 13317 Shady Knoll Court (Autumn Chase at Wellesley) (Parcel 733-760-9165). The
1813 Board granted the variance subject to the following conditions:
1814

1815 1. Only the improvements shown on the plan filed with the application may be
1816 constructed pursuant to this approval. Any additional improvements shall comply with
1817 the applicable regulations of the County Code.
1818

1819 2. The new construction shall match the existing dwelling as nearly as practical.
1820

1821 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

1822 Negative: 0

1823 Absent: 0
1824

1825 The Board granted this request, as it found from the evidence presented that, due to the
1826 unique circumstances of the subject property, strict application of the County Code
1827 would produce undue hardship not generally shared by other properties in the area, and
1828 authorizing this variance will neither cause a substantial detriment to adjacent property
1829 nor materially impair the purpose of the zoning regulations.

1830
1831 **A -166-2002** **THOMAS E. HALL** requests a variance from Section 24-94 of
1832 Chapter 24 of the County Code to build a two-story addition at 2311
1833 Crowncrest Drive (Crown Grant) (Parcel 741-752-2589), zoned R-
1834 4, One-family Residence District (Tuckahoe). The front yard
1835 setback and minimum side yard setback are not met. The applicant
1836 proposes 31.5 feet front yard setback and 8 feet minimum side yard
1837 setback, where the Code requires 35 feet front yard setback and 10
1838 feet minimum side yard setback. The applicant requests a variance
1839 of 3.5 feet front yard setback and 2 foot minimum side yard
1840 setback.

1841
1842 Mr. Balfour - Any others to testify in this matter? Would both of you raise
1843 your right hand and be sworn please.

1844
1845 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1846 truth, the whole truth, and nothing but the truth, so help you God?

1847
1848 Mr. Hall - I do. I'm Tom Hall. I request, as was read, a variance of 3
1849 ½ feet on our front yard setback, and 2 feet on our side yard setback. We have
1850 proposed an addition to our home, and in proposing that addition, we are looking for
1851 more functional living space. We have a family of 5 in a 2,000-square foot home, and
1852 we're looking for more functional space, and in drawing out the proposed addition,
1853 which you should have in your packet, it did impede on the required variance. We are
1854 proposing to build a Dutch Colonial structure, in addition, to keep the same roof line, the
1855 same architectural look that the home now presents, and keep the same Colonial look
1856 that's in the Crown Grant neighborhood. So architecturally and aesthetically, it should
1857 fit in very well. I've talked with all of our neighbors and reported to them what was
1858 happening before you submitted any written documentation to them, and we've received
1859 no objections.

1860
1861 Mr. Wright - What is this proposed addition to be used for?

1862
1863 Mr. Hall - It's basically a family living room area, for the children, on
1864 the first floor, and the top floor will be access from my wife's and my existing bedroom,
1865 where it will just be a work area, study, and that's just what we're really in need of. The
1866 convenience of the front yard addition is that it would be an easier addition, in that it
1867 wouldn't affect plumbing or kitchen reconstruction or any internal demolition to the house,
1868 based on our existing floor plan, so it works well to be able to come off the front and
1869 meet the needs that we have at this time.

1870

1871 Mr. Wright - The house at 2309, which is to the right of your house,
1872 facing your house from the street, seems to be back off the street a good ways. How
1873 far is that from your side property line?

1874
1875 Mr. Hall - The driveway comes in to that side for their house, on the
1876 side that the addition would be on, and the house is probably, a guess, a good 50 feet
1877 or so from our house. It is the back side of their house. The front portion looks to
1878 Edenbridge Court. We have talked to the Websters, and they are fully supportive of us.

1879
1880 4Mr. Wright - Is there any screening in this area, trees, shrubs?

1881
1882 Mr. Hall - You can see there is wooded area right now. We would try
1883 to save as much of that wooded area as you see. There is no screening area today
1884 between the driveway and our house, as you move closer to the house. That's
1885 something we could easily work out if it's requested

1886
1887 Mr. Balfour - Any other questions? Thank you, Mr. Hall.

1888
1889 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
1890 McKinney, the Board **granted** application **A-166-2002** for a variance to build a two-story
1891 addition at 2311 Crowncrest Drive (Crown Grant) (Parcel 741-752-2589). The Board
1892 granted the variance subject to the following condition:

1893
1894 1. Only the addition shown on the plan filed with the application may be constructed
1895 pursuant to this approval. No substantial changes or additions to the layout may be
1896 made without the approval of the Board of Zoning Appeals. Any additional
1897 improvements shall comply with the applicable regulations of the County Code.

1898
1899 2. The new construction shall match the existing dwelling as nearly as practical.

1900
1901 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
1902 Negative: 0
1903 Absent: 0

1904
1905 The Board granted this request, as it found from the evidence presented that, due to the
1906 unique circumstances of the subject property, strict application of the County Code
1907 would produce undue hardship not generally shared by other properties in the area, and
1908 authorizing this variance will neither cause a substantial detriment to adjacent property
1909 nor materially impair the purpose of the zoning regulations.

1910

1910
1911 **A -167-2002** **MARY RANDOLPH SPENCER** requests a variance from Section
1912 24-95(c)(1) of Chapter 24 of the County Code to build an addition at
1913 108 Gaymont Road (River Hills) (Parcel 757-734-0741), zoned R-1,
1914 One-family Residence District (Tuckahoe). The minimum side yard
1915 setback is not met. The applicant proposes 5 feet minimum side
1916 yard setback, where the Code requires 12 feet minimum side yard
1917 setback. The applicant requests a variance of 7 feet minimum side
1918 yard setback.

1919
1920 Upon a motion by Mr. Wright, seconded by Mr. Kirkland the Board **granted withdrawal**
1921 **without prejudice** of application **A-167-2002** for a variance to build an addition at 108
1922 Gaymont Road (River Hills) (Parcel 757-734-0741).

1923
1924 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
1925 Negative: 0
1926 Absent: 1

1927
1928 **A -168-2002** **MARGARET ANDERSON** requests a variance from Section 24-94
1929 of Chapter 24 of the County Code to build an addition at 2801
1930 Rudwick Road (Laurel West) (Parcel 774-768-2803), zoned R-2A,
1931 One-family Residence District (Fairfield). The rear yard setback is
1932 not met. The applicant proposes 35 feet rear yard setback, where
1933 the Code requires 45 feet rear yard setback. The applicant
1934 requests a variance of 10 feet rear yard setback.

1935
1936 Mr. Balfour - Anyone here on this case? Pass it to the end.

1937
1938 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1939 truth, the whole truth, and nothing but the truth, so help you God?

1940
1941 **Called again at end of docket.**

1942
1943 Upon a motion by Mr. McKinney, seconded by Mr. Kirkland, the Board **deferred**
1944 application **A-168-2002** for a variance to build an addition at 2801 Rudwick Road
1945 (Laurel West) (Parcel 774-768-2803). The case was deferred for 30 days, because
1946 there was no one at the meeting to present the case, from the October 24, 2002, until
1947 the November 21, 2002, meeting.

1948
1949 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
1950 Negative: 0
1951 Absent: 0

1952

1952
1953 **A -169-2002** **STEVENSON PECK** requests a variance from Section 24-94 of
1954 Chapter 24 of the County Code to build a front porch at 6600
1955 Prospect Street (College Terrace) (Parcel 763-737-1028), zoned R-
1956 3, One-family Residence District (Tuckahoe). The front yard
1957 setback is not met. The applicant proposes 38 feet front yard
1958 setback, where the Code requires 40 feet front yard setback. The
1959 applicant requests a variance of 2 feet front yard setback.

1960
1961 Mr. Balfour - Any others to testify in this matter? Would you raise your
1962 right hand and be sworn please.

1963
1964 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1965 truth, the whole truth, and nothing but the truth, so help you God?

1966
1967 Mr. Hugo - I do. I'm Jay Hugo, with Bond, Hugo Farley Architects.
1968 We're here on behalf of Steve Peck, who's the applicant and the owner of the property.
1969 He's initiating a pretty comprehensive renovation addition to the property, and one
1970 component of it is cosmetic and functional improvements to the front of the house. As
1971 you can see, there's no real stoop or overhang at the front door right now, so we're
1972 proposing a front porch across the entire front of the house. I actually have a drawing of
1973 that as well, if it's not in the package. As we understand it, under the current ordinance,
1974 we'd be allowed to construct a front porch that would be approximately 6 ½ feet deep.
1975 We're proposing an 8-foot deep front porch. In our experience as designers, to do
1976 something that is suitable from a precedent standpoint, and functional as a sitting porch,
1977 8 feet is the minimum depth. It allows about a foot of structure, about 2 feet of
1978 clearance, in front of 3 feet of seating, and then 2 feet behind the seating as well, which
1979 comes out to 8 feet. We feel like the addition of this porch would certainly enhance the
1980 streetscape and enhance the neighboring properties. What would be more significant
1981 is, we're not sure that it actually should be under the current ordinance. As we
1982 understand it, if there's not been a subdivision of the property since 1960, then the
1983 current ordinance would not apply. We believe that there actually might be an error in
1984 the computer records that the County has, that begins to reference the adjacent
1985 property in about 1958. We've actually gone back and looked through the deeds and
1986 have a continuous chain of deed until 1932 that shows the same property size as the
1987 current size and a continuous chain of ownership through that time. Evidently, College
1988 Terrace was subdivided in about 1910 originally, and we have a deed from 1932 which
1989 matches the current lot size. The house was actually built in 1937 and I'm not quite
1990 sure how to go about resolving that. I've got photocopies of all the deeds that we've
1991 come up with. It doesn't appear to have been subdivided since 1960.

1992
1993 Mr. Wright - Mr. Hugo, what is located across the street from this
1994 property?

1995
1996 Mr. Hugo - There is a wooded area owned by the University of
1997 Richmond that is a fairly steeply sloping site, basically undevelopable, sort of a

1998 wonderful buffer for those who are on Prospect Street right now. There are no houses.

1999

2000 Mr. Wright - It looks like this house, based on our map here, already sits
2001 a little forward of the other houses on the street.

2002

2003 Mr. Hugo - It does, with the exception of a garage that is actually almost
2004 without a setback off the Prospect Street right-of-way, that is closer to Boatwright Drive.

2005

2006 Mr. Wright - Down near the corner of Boatwright and Prospect. That
2007 seems to be much closer. As a matter of interest, is Bandy Road now open between
2008 Prospect Street and Three Chopt?

2009

2010 Mr. Hugo - I don't know.

2011

2012 Mr. Blankinship - We had a terrible time finding the place, I know that.

2013

2014 Mr. Wright - Bandy Road used to be, if you went over that, you could lose
2015 your automobile. I've been over it many times, but I haven't been over it in a number of
2016 years. I just wondered if it was open.

2017

2018 Mr. Nunnally - How large is that house?

2019

2020 Mr. Hugo - The current house? It's about 2000 square feet, a little bit
2021 less.

2022

2023 Mr. Balfour - Any other questions? Apparently not. Thank you.

2024

2025 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
2026 Nunnally, the Board **granted** application **A-169-2002** for a variance to build a front
2027 porch at 6600 Prospect Street (College Terrace) (Parcel 763-737-1028). The Board
2028 granted the variance subject to the following condition:

2029

2030 1. This variance applies only to the front yard setback requirement. All other
2031 applicable regulations of the County Code shall remain in force.

2032

2033 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

2034 Negative: 0

2035 Absent: 0

2036

2037 The Board granted this request, as it found from the evidence presented that, due to the
2038 unique circumstances of the subject property, strict application of the County Code
2039 would produce undue hardship not generally shared by other properties in the area, and
2040 authorizing this variance will neither cause a substantial detriment to adjacent property
2041 nor materially impair the purpose of the zoning regulations.

2042

2043

2043 **A -170-2002** **CHRISTOPHER MORRIS** requests a variance from Section 24-94
2044 of Chapter 24 of the County Code to build a Florida room at 1027
2045 Bogart Road (Clarendon Farms) (Parcel 812-734-8523), zoned R-
2046 3C, One-family Residence District (Conditional) (Fairfield). The
2047 rear yard setback is not met. The applicant has 37 feet rear yard
2048 setback, where the Code requires 40 feet rear yard setback. The
2049 applicant requests a variance of 3 feet rear yard setback.

2050
2051 Mr. Balfour - Any others to testify in this matter? Would you raise your
2052 right hand and be sworn please.

2053
2054 Mr. Blankinship - Do you swear that the testimony you are about to give is the
2055 truth, the whole truth, and nothing but the truth, so help you God?
2056

2057 Mr. Ford - Yes I do. Leon Ford. We're actually the contractors to build
2058 this for him. Mr. Morris couldn't make it here this morning. We just want to put a Florida
2059 Room on the back of his home. He needs the room for his expanding family. His lot is
2060 at the end of the cul-de-sac. There's a common area behind it, and he's 3 feet shy of
2061 the room he needs to do this.

2062
2063 Mr. Nunnally - It is a funny shaped lot.

2064
2065 Mr. Wright - What's to the rear of this property?
2066

2067 Mr. Ford - He's got a small creek running through his property, and
2068 then beyond that is a common area.

2069
2070 Mr. Wright - Looks like it's Hanover County. Is that wooded area? Are
2071 any houses back there?
2072

2073 Mr. Ford - Yes it is a wooded area. No houses back there.

2074
2075 Mr. Wright - What's this addition to be used for?
2076

2077 Mr. Ford - It's my understanding it's basically just a room for his
2078 children and it's a Florida Room, just to sit back there and relax. He said he's planning
2079 on having another child and just needs more room.

2080
2081 Mr. Nunnally - There's a 100-year flood plain in the rear.

2082
2083 Mr. Ford - It's my understanding that goes in the opposite direction.

2084
2085 Mr. Balfour - Any further questions? Thank you. We're going to take
2086 these cases in reverse, after we call the passed cases.
2087

2088 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
2089 Wright, the Board **granted** application **A-170-2002** for a variance to build a Florida room
2090 at 1027 Bogart Road (Clarendon Farms) (Parcel 812-734-8523). The Board granted
2091 the variance subject to the following conditions:
2092

2093 1. Only the improvements shown on the plan filed with the application may be
2094 constructed pursuant to this approval. No substantial changes or additions to the layout
2095 may be made without the approval of the Board of Zoning Appeals. Any additional
2096 improvements shall comply with the applicable regulations of the County Code.
2097

2098 2. The new construction shall match the existing dwelling as nearly as practical.

2099 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

2100 Negative: 0

2101 Absent: 0
2102

2103 The Board granted this request, as it found from the evidence presented that, due to the
2104 unique circumstances of the subject property, strict application of the County Code
2105 would produce undue hardship not generally shared by other properties in the area, and
2106 authorizing this variance will neither cause a substantial detriment to adjacent property
2107 nor materially impair the purpose of the zoning regulations.
2108

2109 On a motion by Mr. McKinney, seconded by Mr. Kirkland, the Board **approved**
2110 the Minutes of the **June 27, July 25, and August 22, 2002**, Henrico County
2111 Board of Zoning Appeals meetings.
2112

2113 There being no further business, and on a motion by Mr. Wright, seconded by
2114 Mr. Nunnally, the Board adjourned until **November 21, 2002**, at 9:00 am.
2115

2116 Daniel T. Balfour,

2117 Chairman

2118

2119 Benjamin Blankinship, AICP

2120 Secretary

2121