

**PARCEL 2A**  
 B-1C to C-1C  
 2.784 Ac.

**PARCEL 2B**  
 B-1C to R-3C  
 5.917 Ac.



**ZONING**  
 Single - Family Residential  
 and Conservation Area

**C-17C-04**

**Varina District**

0 400 Feet

February 2004

Ref. 807-707-6551



COMMONWEALTH OF VIRGINIA  
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.  
County Manager

August 17, 2004

Darbytown Partners, LLC  
c/o Mr. Bruce Hulcher  
5901 Lakeside Avenue  
Richmond, VA 23228

Re: Conditional Rezoning Case C-17C-04

Dear Mr. Hulcher:

The Board of Supervisors at its meeting on August 10, 2004, granted your request to conditionally rezone property from B-1C Business District (Conditional) to R-2AC One Family Residence District (Conditional) and C-1C Conservation District (Conditional), on part of Parcel 807-707-6551, described as follows:

**Legal Description, Parcel 2A**

Beginning at a stone on the west line of Darbytown Road and the south line of Oakland Road; then S54°32'11"E for 15.20' to a point; then S05°06'45"E for 97.65' to a point; then S00°12'40"E for 526.18' to a rod; then S88°41'10"W for 110'; then N16°26'21"W for 611.78' to a point; then N79°32'30"E for 264.48' to the point of beginning, containing 2.784 acres.

**Legal Description, Parcel 2B**

Beginning at a stone on the west line of Darbytown Road and the south line of Oakland Road, then S79°32'30"W 264.48' to the point of beginning; then S16°26'21"E for 611.78'; then S88°41'10"W for 493.66' to a rod; then N10°26'45"W for 530' to a point; then N79°32'30"E for 423.52' to the point of beginning, containing 5.917 acres.

The Board of Supervisors accepted the following proffered conditions, dated July 23, 2004, which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Planting Strip.** No ingress or egress shall be allowed across the twenty-five (25) foot enhanced setback along Oakland Road to individual lots. Natural vegetation may form part of the enhanced setback. Required plantings within the enhanced

setback shall be equivalent to the County's twenty-five (25) foot transitional buffer and shall be planted prior to release of the subdivision completion bond.

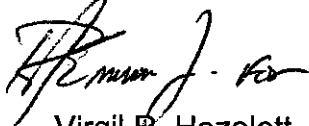
2. **Brick Steps.** Steps to the main entrance of homes shall be of brick. However, homes with a front porch without a brick foundation shall utilize brick pier supports with lattice screening between the porch floor and ground, and porch steps may be of brick or wood.
3. **Density.** No more than fourteen (14) homes shall be constructed on the Property.
4. **Foundations.** All residences shall have crawl spaces and all exposed foundations of each residence shall be of brick or stone. Additionally, a foundation, which matches the construction of the foundation of the home, shall be required around the entire perimeter of any deck that is converted for year-round use or to which a roof is added.
5. **Cantilevered Items.** No chimney, direct vent fireplace, or bay window shall be cantilevered. All chimneys, direct vent fireplaces, or bay windows shall have foundations with the exposed portions made of the same material as the house foundation. Chimneys shall be constructed entirely of brick or stone.
6. **Landscaping.** The area adjacent to the foundation of the front elevation of each home shall be screened by landscaping prior to the issuance of a final certificate of occupancy. Two (2) trees each having a caliper of at least two and one-half inches (2 1/2") shall be installed in the front yard of a lot that does not have at least two (2) existing trees of such size. Air conditioning equipment in the side yard of a home shall be screened with lattice fencing or shrubbery.
7. **Architectural Treatment.** All houses shall be of traditional or colonial design and at least thirty percent (30%) shall include covered front porches (minimum of 32 square feet). A minimum of 50% of the homes shall have at least 50% brick or stone building material on their front elevations, exclusive of doors, windows, or other architectural features.
8. **Driveways.** All driveways shall be finished with either asphalt, concrete or exposed aggregate. No driveways serving individual dwelling units shall have direct access to Oakland Road.
9. **House Size.** The minimum finished square footage of any dwelling shall be 1,800 square feet.

10. **Garages**. Garages shall be side or rear loaded. A minimum of 50% of the homes shall have at least a two-car garage.
11. **Underground Utilities**. Except for junction boxes, meters and existing overhead utility lines and technical or environmental reasons, all newly-installed utility lines shall be underground.
12. **Curb and Gutter**. Standard 6" curb and gutters complying with Henrico County standards shall be provided on the streets of the Property, except as otherwise required by the County.
13. **Conservation Area**. The C-1 portion of the Property may only be used for the following purposes:
  - a. Ponds, lakes and similar areas intended as aesthetic and/or Storm water management and/or retention areas.
  - b. Recreational amenities and/or wildlife habitats.
  - c. Utility easements, signage, walkways and recreational facilities installed in a manner to minimize their impacts.
  - d. Such additional uses to the uses identified in (a), (b) and (c) above as may be deemed compatible and of the same general character by the Planning Administrator (Director of Planning) pursuant to Chapter 24 of the County Code.
14. **Cash Proffer Commitment**. At the time of the application for a building permit to construct a single family residence on the Property, a cash amount shall be paid to the County determined pursuant to any cash proffer policy applicable to single family residential development adopted by the Board of Supervisors on or before July 1, 2005. The intent of this proffer is to make such a cash proffer policy applicable to this case, as if the case had been considered after the adoption of a cash proffer policy, on or before July 1, 2005.
15. **Severance**. The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

Darbytown Partners, LLC  
August 17, 2004  
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The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,

A handwritten signature in black ink, appearing to read "Virgil R. Hazelett". The signature is stylized and cursive.

Virgil R. Hazelett, P.E.  
County Manager

pc: Mr. Glenn R. Moore, Esquire  
Director, Real Estate Assessment  
Conditional Zoning Index  
Dr. Penny Blumenthal – Director, Research and Planning