

**REZ2020-00021**

**Zoning**

**Single-Family Residential**  
**Three Chopt District**

0 100 200 300 400 Feet

PS April 2020 Ref: 739-767-0559



COMMONWEALTH OF VIRGINIA  
**COUNTY OF HENRICO**

John A. Vithoulkas  
County Manager

August 18, 2020

Kain Road Investors, LLC  
4130 Innslake Drive  
Glen Allen, VA 23060

Re: Rezoning Case REZ2020-00021

Dear Sir/Madam:

The Board of Supervisors at its meeting on August 11, 2020, approved your request to conditionally rezone from A-1 Agricultural District to R-5AC General Residence District (Conditional) part of Parcels 738-767-7472 and 739-767-0559 containing 5.959 acres located on the north line of Kain Road, approximately 230' west of its intersection with Pouncey Tract Road (State Route 271).

Legal description portions of 738-767-7472 and 739-767-0559

Beginning at a point on the north line of Kain Road, said point being 234.22' from the west line extended of Pouncey Tract Road thence continuing along the north line of Kain Road S 87°24'16" W, a distance of 289.24' to a point; thence along a curve to the right having a delta angle of 00°53'16", a radius of 243.27', an arc length of 3.77', a chord bearing of S 87°50'54" W, with a chord length of 3.77' to a point; thence leaving the north line of Kain Road N 02°57'44" W, a distance of 274.71' to a point; thence N 22°44'45" W, a distance of 75.04' to a point; thence N 54°53'45" W, a distance of 135.00' to a point; thence N 88°55'07" W, a distance of 125.24' to a point; thence N 01°04'53" E, a distance of 207.72' to a point; thence N 01°02'06" E, a distance of 156.62' to a point; thence S 73°37'27" E, a distance of 190.54' to a point; thence S 54°53'45" E, a distance of 441.06' to a point; thence S 02°35'44" E, a distance of 467.69' to the point and place of beginning containing 5.959 acres of land.

The Board of Supervisors accepted the following proffered conditions, dated July 2, 2020, which further regulate the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

1. **Conceptual Master Plan.** Development of the Property shall be in general conformance with the Conceptual Master Plan entitled "Conceptual Plan" prepared by Youngblood, Tyler & Associates, P.C. as EXHIBIT A (see case file) (the "Concept Plan"), which Concept Plan is conceptual in nature and may vary in detail, unless otherwise requested and specifically approved at the time of Plan of Development and/or subdivision review.



2. **Density.** There shall be no more than 22 units.
3. **Kain Road Improvements.** Sufficient right of way for the ultimate width from the centerline of Kain Road shall be dedicated along the entire frontage of the property. Improvements to the north side of Kain Road as it adjoins the property shall include the installation of curb and gutter, pavement widening, a five (5) foot wide sidewalk and any necessary storm sewer or utilities and shall be the only improvements made to Kain Road. Should the dedicated property not be used for its intended purpose within thirty (30) years of the date of dedication, title to the dedicated property shall revert to the owner or its successors in interest.
4. **Kain Road Buffer.** A natural and/or landscape buffer of twenty-five (25) feet in width shall be provided along the boundary of the property adjoining Kain Road. The buffer shall be planted to the level of a Transitional Buffer TB-25 requirements.
5. **Eastern Property Line Fence.** A six (6) foot privacy fence shall be provided along the eastern boundary of the property adjoining GPIN 739-767-3152 except for breaks where necessary for drainage and utility easements and other purposes requested and specifically permitted, or if required, at the time of Plan of Development and/or subdivision review, or by any other governmental body.
6. **Architectural Treatment.** Homes constructed on the Property shall be generally in conformance with EXHIBIT B (see case file), unless otherwise requested by the owner and specifically approved by the Director of Planning.
7. **Minimum Dwelling Size.** Any new dwelling constructed on the Property shall have a minimum of 2,000 square feet of finished floor area.
8. **Lighting.** Pedestrian scale residential lighting within the Property shall be provided on each lot. Such lighting shall be non-glare, decorative in style, residential in character and shall be provided at least in the front yard of each residential lot.
9. **Landscaping.** A minimum of one (1) tree measuring a minimum of 2.5" in caliper shall be retained or planted in the front yard of each residential lot and side yards on corner lots in the Property. In no case, shall any such tree be planted more than ten (10) feet from the right-of-way unless otherwise approved at the time of landscape plan approval. The front and side yards of any lot within the Property shall be irrigated and planted with sod. Each new dwelling on the Property shall have prototypical plantings (shrubs and ornamental ground cover) along the entire front foundation.
10. **Foundations.** All dwelling units on the Property shall be constructed on slabs at grade, elevated slabs or crawl space foundations except for basements and



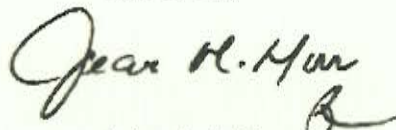
garages. The exterior portion of the foundations below the first-floor level which is visible above grade shall be finished with full standard brick or stone unless otherwise approved by the Director of Planning. Dwelling units not built on a crawl space foundation shall be faced with a minimum one (1) foot full standard brick or stone foundation.

11. **Building Materials.** Any dwelling, including any garage accessory to such dwelling upon the same lot whether attached or detached shall have exposed exterior walls (above finished grade) of full standard brick, stone, cementitious siding, or a combination of the foregoing, unless otherwise approved by the Director of Planning.
12. **Roof Material.** Any dwelling on the Property shall be constructed with a roof that has a minimum certified twenty-five (25) year warranty.
13. **Garages.** Each new dwelling on the Property shall be constructed with a one (1) car garage (either attached or detached).
14. **Driveways.** All new driveways shall be constructed of either cobblestone, brick, asphalt, pre-cast pavers, concrete or other similar materials approved by the Director of Planning or the Planning Commission at the time of subdivision review.
15. **Fireplace Chimneys.** The exposed portions of all fireplace chimneys shall be of full standard brick, stone, or cementitious siding. The exposed bases of all chimneys shall be of the same material as the building foundations. The exposed portion of a flue for a direct-vent gas fireplace shall be constructed of the same material used on the adjacent siding and shall be built on a foundation that is constructed of the same material that is used on the adjacent foundation.
16. **Cantilevering.** No cantilevered features will be allowed, except for direct gas vents and second story bay windows which will be designed and constructed with decorative corbels.
17. **Restrictive Covenants.** Prior to or concurrent with the recording of the subdivision plat approved by the County, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County.
18. **Underground Utilities.** Except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility lines, and for technical and environmental reasons, all utility lines shall be underground.
19. **Sidewalks and Fencing.** Sidewalks a minimum width of four (4) feet within the property shall be provided and constructed as required by the County at the time of subdivision. No chain link fencing shall be permitted on the property.

20. **Hours of Construction.** The hours of site work construction shall be between 7:00a.m. and 8:00 p.m. Monday through Friday and 8:00 a.m. to 8:00 p.m. on Saturdays, except in emergencies or where unusual circumstances require extending the specific hours in order to complete work such as concrete pours and utility connections. For purposes of this proffer, site work is defined as any construction work shown on approved construction plans for the initial construction of roads, utilities, infrastructure and the respective exteriors of structures. Hours shall be posted in both English and Spanish until the roads are accepted by Henrico County for maintenance.
21. **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.

The Planning Department has been advised of the action of the Board of Supervisors and will revise its records.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Vithoulikas", with a stylized flourish at the end.

John A. Vithoulikas  
County Manager

pc: Ms. Joyce M. Fry  
Mr. Robert W. Fry  
Director, Real Estate Assessment  
Mr. Chris Sorenson  
Mr. Justin Briggs  
Police, Special Services



# EXHIBIT A



### SITE STATISTICS:

1. OWNER: ROBERT W. FRY SR. & JOYCE M. FRY  
12124 KAIN ROAD  
GLEN ALLEN, VA, 23060
2. DEVELOPER: KAIN ROAD INVESTORS, LLC  
4130 INNSLAKE DRIVE  
GLEN ALLEN, VA, 23060
3. GPINS: PART OF 739-767-0559,  
PART OF 739-767-7472
4. EXISTING ZONING: A-1
5. PROPOSED ZONING: R-5AC

**YOUNGBLOOD, TYLER  
& ASSOCIATES P.C.**  
CONSULTING ENGINEERS, PLANNERS & SURVEYORS  
7309 HANOVER GREEN DRIVE P.O. BOX 517 MECHANICSVILLE, VIRGINIA 23111  
PHONE : (804) 746-5285 FAX : (804) 720-7824 EMAIL : YOUNGBLOOD-TYLER@YOUNGBLOOD-TYLER.COM

**12100 & 12124  
KAIN ROAD**

THREE CHOPT DISTRICT      HENRICO COUNTY, VIRGINIA

## CONCEPTUAL PLAN

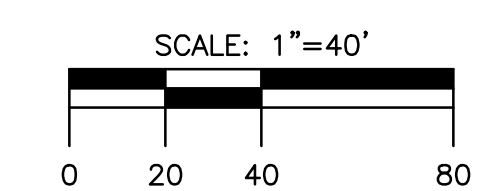
DATE: 07/06/2020

[illegible]

DESIGNED BY: JMD  
DRAWN BY: JMD  
CHECKED BY: WAB

J. N.: 496-01-001  
CAD FILE: 12100 - COLOR EXHIBIT

SHEET 1 OF 1







## PROPOSED ELEVATIONS

EXHIBIT B

REZ2020-00021

