

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY**
3 **ADMINISTRATION BUILDING IN THE GOVERNMENT CENTER AT PARHAM**
4 **AND HUNGARY SPRING ROADS, ON THURSDAY MARCH 24, 2016 AT 9:00**
5 **A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
6 **DISPATCH MARCH 7, 2016, AND MARCH 14, 2016.**

7
Members Present: Gentry Bell, Chairman
Greg Baka, Vice Chairman
Dennis J. Berman
Helen E. Harris
William M. Mackey, Jr.

Also Present: Jean M. Moore, Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul Gidley, County Planner
R. Miguel Madrigal, County Planner

8
9 Mr. Bell - Welcome to the March 24th meeting of the Henrico
10 County Board of Zoning Appeals. I ask you to please stand and join me in
11 pledging allegiance to our flag. Thank you.

12
13 Mr. Blankinship, would you please read our rules.

14
15 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
16 ladies and gentlemen. The rules for this meeting are as follows: By acting as
17 secretary, I'll announce each case, and as I'm speaking, the applicant can come
18 down to the podium. We will then ask everyone who intends to speak to that
19 case to stand and be sworn in. Then a member of the staff will give a brief
20 presentation, and then the applicant will present their case. Then anyone else
21 who wishes to speak will be given the opportunity to speak. After everyone has
22 had a chance to speak, the Board will take that case under advisement and will
23 proceed to the next public hearing. There are two public hearings this morning.
24 After the second public hearing, the Board will go back and make the decisions
25 on both cases. You can either stay until they make those decisions, or you can
26 check the Planning Department website—we get it updated usually within the
27 hour of the end of the meeting—or you can call the Planning Department later
28 today.

29
30 This meeting is being recorded, so we will ask everyone who speaks to speak
31 directly into the microphone on the podium. State your name, and please spell
32 your last name so we get it correctly in the record.

33
34 With that, Mr. Chairman, all the members of the Board are present. We don't
35 have any requests for deferral or withdrawal. We did have a request from one
36 member of the staff to address the Board, if that would be agreeable.

37
38 Mr. Bell - That's agreeable.
39
40 Ms. Redford - I just wanted to tell the Board how much I've enjoyed
41 working for them for 30-some years.
42
43 Mr. Bell - Excuse me. Could you identify yourself, please?
44
45 Ms. Redford - I'm sorry. I'm June Redford. The initials that you see
46 on your maps as JTR, that's me. I've enjoyed working for you all these 30-some
47 years. I just wanted to let you know that I am retiring as of April 1st, so. I just
48 wanted to let you know it's been a pleasure working for you, and I hope I've done
49 a good job.
50
51 Mr. Bell - June, if you're like me, the next thing they ask you is
52 what you're retiring to.
53
54 Ms. Redford - Oh yeah. Yes, that's true. I haven't figured that one
55 out yet. I have loved what I've done. It's been hard to leave, but it's time. It's time
56 to go. Thank you all.
57
58 Mr. Berman - Thank you.
59
60 Mr. Bell - Thank you for your 30 years.
61
62 Mr. Blankinship - June was a drafts person and cartographer for many
63 years. Then one day we threw away all of her pens and things and put a
64 computer on her desk. Nobody asked her whether she wanted to make that
65 transition or not. She was one of several people on the staff who did a really
66 great job of making that transition. She's been very valuable to our process.
67
68 Mr. Bell - Thank you. Let's go ahead and call the first new
69 applicant.
70
71 **CUP2016-00003 ROYCE AND PATRICIA ROBINSON** request a
72 conditional use permit pursuant to Section 24-95(i)(4) of the County Code to
73 allow a pool in the side yard at 9313 Olde Mill Pond Drive (PONDS AT
74 DANDRIDGE FARM) (Parcel 758-764-1659) zoned One-Family Residence
75 District (R-3AC) (Brookland).
76
77 Mr. Blankinship - Would everyone who intends to speak to this case,
78 please stand and be sworn in. Raise your right hands, please. Do you swear the
79 testimony you're about to give is the truth, the whole truth, and nothing but the
80 truth so help you God? Thank you. Mr. Gidley, if you would begin.
81

82 Mr. Gidley - Thank you, Mr. Secretary. Good morning,
83 Mr. Chairman, members of the Board.

84
85 The subject property is 9313 Olde Mill Pond Drive in the Ponds at Dandridge
86 Farm subdivision. The applicant is requesting permission to place an in-ground
87 swimming pool partially in the side yard.

88
89 The property is located on the street's cul-de-sac. As you can see here, it's
90 narrower in the front and becomes wider as you go towards the back portion of
91 the yard. There's an existing dwelling on the property that was constructed in
92 2008.

93
94 As you're aware, the Zoning Ordinance typically requires swimming pools to be
95 located in the rear yard. However, as you can see on the plat, the applicant's rear
96 yard contains several easements—here, here, and then over here. All these
97 easements significantly encumber his rear yard making it difficult, if not
98 impossible, to place a swimming pool with its surrounding patio in the rear yard
99 and be outside of the easement. As a result, the applicant is proposing a location
100 that would place the pool right here, partially in the rear yard and partially in the
101 side yard. It would meet the required setbacks, being located 14 feet from both
102 the dwelling and from the side property line.

103
104 Evaluation. A swimming pool obviously is an accessory to a one-family dwelling,
105 and it's consistent with the site's R-2A residential zoning and SR-2 Suburban
106 Residential designation on the Comprehensive Plan. As far as any substantial
107 detrimental impact on nearby property, the home on the opposite side would be
108 screened by the applicant's home, so I don't anticipate any problem there. The
109 property to the rear is a 1.8-acre parcel that's particularly screened by trees.
110 Neither property should be particularly impacted, especially since the applicant
111 has installed a six-foot-tall wooden privacy fence in his rear and side yards.

112
113 The closest home is the adjacent one to the north right here. You can see the
114 privacy fence. This home would be approximately 37 feet from the pool and
115 would likely experience some impact in the form of kids playing and making
116 some noise. But staff doesn't really view this as being much different from kids
117 playing in a sandbox or on a swing set. It would be limited more likely to the
118 summer months. Regardless, staff does not believe this would rise to a
119 substantial detrimental impact.

120
121 As a result, staff can recommend approval of the request subject to the
122 conditions found in the staff report.

123
124 That concludes my presentation. I'll be happy to answer any questions you may
125 have.

126
127 Mr. Bell - Questions?

128
129 Ms. Harris - Mr. Gidley, do you know how many feet this pool
130 would encroach on the side yard?
131
132 Mr. Gidley - How many feet into the side yard?
133
134 Ms. Harris - Yes.
135
136 Mr. Gidley - As I recall, Ms. Harris, roughly half the pool went into
137 the side yard. So I believe it's approximately 12 feet. They had a couple of
138 designs they were looking at. If you're asking side-to-side, then that's 14 feet off
139 the house and 14 feet off the side property line.
140
141 Ms. Harris - Okay, thank you.
142
143 Mr. Gidley - Yes ma'am.
144
145 Mr. Baka - Were any objections received from the next-door
146 neighbor?
147
148 Mr. Gidley - No sir.
149
150 Mr. Baka - Thanks.
151
152 Mr. Bell - Anything else? Thank you, Paul.
153
154 Mr. Gidley - Thank you, Mr. Chair.
155
156 Mr. Blankinship - All right, sir.
157
158 Mr. Robinson - Good morning, Board members. My name is Royce
159 Robinson. I'm sorry my wife could not be here today; she's gone away on
160 business.
161
162 We purchased the property at 9313 Olde Mills Pond Drive in September of last
163 year, 2015. I'm retired; my wife still works. The purpose we purchased the house
164 for was to move closer—we lived in Northern Virginia, and I moved down here to
165 one, get out of the rat race, and two—and by the way, we do love it down here—
166 and number two, to be closer to our grandchildren and children, who all live in the
167 area. My children grew up with a swimming pool. My in-laws had a pool. They
168 were water babies from the time they were born, and they always enjoyed pools.
169 They were accomplished swimmers, high school swim teams. I would like to
170 instill that in my grandchildren as well to have a love for the water as they did.
171
172 When we bought the property, we fully intended to have a pool put in and I didn't
173 know at the time—I noticed there was a drain there, but I didn't know we had the

174 underground easement underneath the property. As you can see, it takes almost
175 all my backyard. So I'm very limited as to where I could place a pool, and we
176 really want to put a pool into our property. That was the sole purpose of moving
177 down here was to be able to do that.

178

179 I was just asking the Board if they would please consider this. We would greatly
180 appreciate that. Any questions?

181

182 Mr. Bell - Thank you. Any questions?

183

184 Ms. Harris - Yes, I have a few questions.

185

186 Mr. Robinson - Yes ma'am.

187

188 Ms. Harris - In the report it said that there were other in-ground
189 pools in the neighborhood.

190

191 Mr. Robinson - Yes ma'am.

192

193 Ms. Harris - Are any of them in a cul-de-sac like your property?

194

195 Mr. Robinson - In one of the cul-de-sacs, there are several that sit off.
196 But most of the time, they're in the backyards. I do not notice any that are on the
197 side yards. The way my property goes, our lot sits sort of downhill, so all the
198 drains have to come that way. We're pretty much limited. I understand you have
199 to have storm drains. I just happen to have the property that it all comes down to.
200 Yes, there are pools in other properties in that area. I would dare say I think there
201 are at least four or five.

202

203 Ms. Harris - But you say in the cul-de-sac you've only noticed
204 one?

205

206 Mr. Robinson - We're the only one that I know in our cul-de-sac, yes
207 ma'am.

208

209 Ms. Harris - Okay. Have you spoken with your neighbors at 9308?

210

211 Mr. Robinson - Yes, yes.

212

213 Ms. Harris - They have no objections?

214

215 Mr. Robinson - They're very favorable. No, no objections at all,
216 ma'am.

217

218 Ms. Harris - Do you have pictures of the pool that you want to
219 install?

220
221 Mr. Robinson - No ma'am, I do not. I thought the representative from
222 Pla-Mor Pools, who is going to install the pool, would be here this morning. But
223 she let us know yesterday that she would not be able to attend the meeting. She
224 had all that information.
225
226 Ms. Harris - Okay, thank you.
227
228 Mr. Robinson - It's a kidney-shaped pool. It's not a square. It's just
229 sort of a kidney shape. It's not a diving pool. It's going to be just mostly for
230 swimming. It's a 3 foot 6, I believe, and it goes to 5 foot 10 inches at the deepest.
231
232 Ms. Harris - Thank you.
233
234 Mr. Berman - You say it's not a diving pool. Is there no diving
235 board?
236
237 Mr. Robinson - No diving boards, no.
238
239 Mr. Mackey - Mr. Robinson, are there any plans to add a
240 waterslide?
241
242 Mr. Robinson - No sir.
243
244 Mr. Mackey - Okay.
245
246 Mr. Bell - Any other questions? Thank you, Mr. Robinson.
247
248 Mr. Robinson - Thank you very much, ladies and gentlemen.
249
250 Mr. Bell - We'll go on to the next one, which is a variance.
251
252 **[After the conclusion of the public hearings, the Board discussed the case**
253 **and made its decision. This portion of the transcript is included here for**
254 **convenience of reference.]**
255
256 Mr. Bell - Do I hear a motion on this case?
257
258 Mr. Berman - I move that we approve this based on the conditions
259 set forth.
260
261 Mr. Baka - Second.
262
263 Mr. Bell - Any discussion?
264

265 Ms. Harris - Yes. I think that we need to enter into the record the
266 fact that there are so many restrictions to placing anything on this property
267 because of the different easements. I think they have little or no choice here.
268

269 Mr. Bell - Any other discussion? All those in favor say aye. All
270 those opposed? The ayes have it; the motion passes.
271

272 After an advertised public hearing and on a motion by Mr. Berman, seconded by
273 Mr. Baka, the Board **approved** application **CUP2016-00003, ROYCE AND**
274 **PATRICIA ROBINSON's** request for a conditional use permit pursuant to Section
275 24-95(i)(4) of the County Code to allow a pool in the side yard at 9313 Olde Mill
276 Pond Drive (PONDS AT DANDRIDGE FARM) (Parcel 758-764-1659) zoned
277 One-Family Residence District (R-3AC) (Brookland). The Board approved the
278 conditional use permit subject to the following conditions:
279

280 1. This conditional use permit applies only to the location of a swimming pool in
281 the side yard. All other applicable regulations of the County Code shall remain in
282 force.
283

284 2. Only the improvements shown on the plot plan filed with the application may
285 be constructed pursuant to this approval. Any additional improvements shall
286 comply with the applicable regulations of the County Code. Any substantial
287 changes or additions to the design or location of the improvements shall require
288 a new conditional use permit.
289

290 3. All exterior lighting shall be shielded to direct light away from adjacent
291 property and streets.
292

293 4. The swimming pool shall be enclosed by a fence as required by the Building
294 Code.
295

296
297 Affirmative: Baka, Bell, Berman, Harris, Mackey 5
298 Negative: 0
299 Absent: 0
300

301
302 **[At this point, the transcript continues with the public hearing on the next**
303 **case.]**
304

305 Mr. Blankinship - Does anyone else wish to speak to this case? All
306 right.
307

308 **VAR2016-00007** **ROBERT E. STREATER** requests a variance from
309 Section 24-95(b)(8), 24-95(c)(1) of the County Code to build a one-family
310 dwelling at 1008 Scott Road (GARDEN CITY) (Parcel 785-757-1793) zoned

311 Agricultural District (A-1) (Fairfield). The lot width requirement, total lot area
312 requirement and total side yard setback are not met. The applicant proposes
313 28,900 square feet lot area, 100 feet lot width, and 24 feet sum of side yard
314 setbacks, where the Code requires 30,000 square feet lot area, 150 feet lot
315 width, and 30 feet sum of side yard setbacks. The applicant requests a variance
316 of 1,100 square feet lot area, 50 feet lot width, and 6 feet sum of side yard
317 setbacks.

318
319 Mr. Blankinship - Would everyone who intends to speak to this case
320 please stand and be sworn in. Raise your right hands, please. Do you swear the
321 testimony you're about to give is the truth, the whole truth, and nothing but the
322 truth so help you God? Thank you. You may be seated. Mr. Madrigal, if you
323 would begin.

324
325 Mr. Madrigal - Mr. Chair, members of the Board, good morning.

326
327 Before you is a variance request in order to build a one-family dwelling on an
328 exception lot located in an agricultural district. The property is located in Section
329 D of the Garden City subdivision, which is approximately one-quarter mile
330 northeast of the intersection of Parham and Brook Roads.

331
332 This is an older subdivision platted in 1920 during a time when the County did not
333 have an adopted zoning ordinance. The lot is situated on the north side of Scott
334 Road, directly across the street from an existing residence and is one lot
335 removed from a second residence to the east. Because of the age of the
336 subdivision, the lot is subject to the exception standards of the Zoning Ordinance.
337 In the agricultural district, these standards require a developable lot to have
338 30,000 square feet of lot area, 150 feet of lot width, and 30 feet for the sum of
339 sides, assuming connection to County water. Because the lot measures 100 feet
340 by 289 feet deep, the applicant is requesting a variance for the waiver of 1,100
341 square feet of lot area, 50 feet of lot width, and 6 feet sum of side yards in order
342 to accommodate a new modular home.

343
344 At the present time, the subject lot is undeveloped, relatively flat, and is heavily
345 wooded. The property is currently owned by Mr. Robert E. Streater, who became
346 the sole owner of the lot in 2001. The applicant, Oakwood Homes, is a modular
347 homebuilder out of Hanover County and is representing Ms. Priscilla Claiborne, a
348 contract purchaser of the property. Ms. Claiborne would like to construct a one-
349 story, 2,026-square-foot residence with open parking on the property.

350
351 Moving on to the evaluation. With the respect to the threshold question, the
352 property was platted in 1920, prior to the adoption of the Zoning Ordinance.
353 Under Cherrystone, the date the lot was created is significant when determining
354 eligibility for a variance. In this case, the lot was created prior to the adoption of
355 any development standards for the County, making it a viable candidate.

356

357 In its current configuration, the property is not large enough to accommodate an
358 agricultural use or any other use other than a dwelling. There are four other
359 existing dwellings on Scott Road, three of which are part of the Garden City
360 subdivision. Unless the owner or applicant acquires additional land or obtains a
361 variance for lot size and width, they cannot make any reasonable use of the
362 property as it currently stands.

363

364 With respect to the variance request to reduce the side yard setback, staff
365 believes it is unnecessary in order to establish a reasonable use on an
366 undeveloped lot.

367

368 Now the five tests for a variance. Item number 1 requires that the property be
369 acquired in good faith and any hardship is not self-inflicted. In this case, the
370 property owner acquired sole ownership of the property in 2001 and has held it
371 since then. The applicant recently entered into a purchase agreement subject to
372 the approval of a variance to allow the construction of a dwelling. Neither party
373 created the current situation. Also, the courts have determined that purchasing a
374 property knowing that a variance will be required for an intended use does not
375 constitute a self-inflicted hardship or diminish good faith. Thus staff is confident
376 that both parties have acted in good faith.

377

378 Item number 2, granting the variance will not be a substantial detriment to
379 adjacent or nearby property. Staff does not anticipate any substantial detrimental
380 impacts to adjacent properties if the variance is approved. Granting the variance
381 for lot size and lot width will bring the property into parity with the other
382 residentially developed lots along Scott Road. The existing A-1 zoning
383 designation is inconsistent with the Comprehensive Plan designation for this
384 section of the subdivision. And in this instance, both designations create an
385 impediment for future residential development of the area. With the exception to
386 the existing home directly across the street, the abutting lots surrounding the
387 subject property aren't improved and should not be affected. Of the four existing
388 residences along Scott Road, the impact will be negligible and limited to a slight
389 increase in traffic.

390

391 Staff is not supportive of the applicant's request to reduce the side yard setback
392 requirement for new construction. The lot is sufficiently wide to accommodate a
393 new home under the exception standards. Under these reduced standards, the
394 least yard must be 10 feet and the sum of side yards is 30 feet. Instead, the
395 applicant is proposing 12 feet on either side of the proposed home for a 24-foot
396 sum of side yards, resulting in a 6-foot reduction, which is less than what the
397 code requires.

398

399 Item number 3, the situation occurring on the property is not of a general
400 recurring nature necessitating an amendment to the ordinance. The Board
401 typically hears a number of cases each year where lots in older subdivisions do
402 not meet the lot area and lot width requirements. In this instance, this is the third

403 variance request over the last 16 years for this section of the subdivision. The
404 last two requests were just east of the subject lot at 1000 and 970 Scott Road.
405 Notwithstanding these approvals, the inconsistency between the zoning and
406 Comprehensive Plan designations and the potential future requests for the
407 remaining lots along Scott Road, the frequency of variance requests has been
408 minimal for this section of the subdivision.

409

410 Item number 4, the granting of the variance does not result in a use variance or
411 change in zoning classification. The applicant's request is to waive a lot size and
412 lot width requirement of the A-1 exception standards. The proposed dwelling is
413 consistent with the principal uses allowed in the A-1 district and will not constitute
414 a change in the zoning classification of the property.

415

416 Item number 5, is relief available by way of a special exception. This is not an
417 available option in this case.

418

419 In conclusion, the code applied to the subject property would prohibit the only
420 reasonable use of the property. Granting the lot area and lot width variance
421 request will alleviate that hardship. The current zoning designation is obsolete,
422 and the Comprehensive Plan designation is inconsistent with the residential
423 development pattern in the area. Staff does not anticipate any substantial
424 detrimental impacts for the proposed use. And although the situation is of a
425 recurring nature from a countywide perspective, it is not a generally occurring
426 issue for this specific area at this time.

427

428 For these reasons, staff recommends approval of the lot area and lot width
429 variance request. Staff does not support a reduction to the side yard setback
430 requirements. The applicant can construct a dwelling up to 70 feet wide without
431 the need for a variance. And reducing the setback requirement could have a
432 detrimental impact on the neighboring property when it develops. For these
433 reasons, staff recommends denial of the side yard variance request.

434

435 This concludes my presentation. I'll be happy to answer any questions you may
436 have.

437

438 Mr. Berman - Mr. Madrigal, could you please help me understand
439 the ownership behind this lot as it relates to the difference between Mr. Streater
440 and Ms. Claiborne. I'm a little confused about that. And there are also still several
441 "for sale" signs on the lot.

442

443 Mr. Madrigal - The "for sale" signs are just subject to that property
444 being for sale. Mr. Streater is the sole owner. He acquired sole ownership in
445 2001. Originally he purchased the lot in 1952 with his first wife. He remarried.
446 And I'm not sure what happened with respect to ownership, but in 2001, it's
447 clearly visible that he acquired sole ownership of the property. Then he entered
448 into a purchase agreement with Ms. Claiborne. Is that what you were asking?

449
450 Mr. Berman - And it's Ms. Claiborne that desires to put the unit on
451 the lot?
452
453 Mr. Madrigal - Right.
454
455 Mr. Berman - Okay.
456
457 Mr. Madrigal - And she's working through Oakwood Homes, who's a
458 modular homebuilder.
459
460 Mr. Berman - Okay, thank you. I understand.
461
462 Ms. Harris - Mr. Madrigal, the width of the proposed modular
463 home, is that 76 feet? I was looking at the dimensions of the sketch or the
464 drawing. If we are not going to deal with the side yard setbacks, I think your
465 report said it needs to be scaled to no more than 70 feet. So what is the width of
466 this modular, do you know?
467
468 Mr. Madrigal - I believe it is 76 feet.
469
470 Ms. Harris - So it's going to have to be scaled back?
471
472 Mr. Madrigal - They'll have to reduce the width of it, yes.
473
474 Ms. Harris - Okay.
475
476 Mr. Madrigal - If not reduce the width, then go with a different floor
477 plan altogether.
478
479 Ms. Harris - Okay. Do you know if this property came before us
480 before? Is this the first time?
481
482 Mr. Madrigal - Yes. As far as I'm aware, this is the first time for this
483 lot.
484
485 Ms. Harris - We've had something similar in the neighborhood?
486
487 Mr. Blankinship - Yes ma'am.
488
489 Mr. Madrigal - Yes. If you'll look at the aerial. This lot here, 1000
490 Scott Road, was developed with a variance in 2000. And then there was another
491 variance request next door at 970. That did get approved, but never got built.
492

493 Ms. Harris - Okay. This triangular piece of land that we see here,
494 which is I suppose west of the subject property, do we know who owns that or
495 the dimensions?
496

497 Mr. Madrigal - No. It's a different property owner. I did ask the
498 applicant if they had reached out to the other surrounding property owners to pick
499 up additional land, but I was told that she wasn't interested in doing that.
500

501 Ms. Harris - Okay. Thank you.

502
503 Mr. Bell - Any more questions? Thank you.

504
505 Mr. Madrigal - Thank you.

506
507 Mr. Blankinship - All right, who would like to speak on behalf of this
508 application?
509

510 Mr. Minton - Good morning. My name is Scott Minton. M-i-n-t-o-n. I
511 work for Oakwood Homes. My client, Ms. Claiborne, she's renting right now.
512 We're basically just trying to get her a new home. This is a piece of property
513 that's convenient for her as far as her job and everything else.

514
515 When I was applying for the variance and so forth—we can accommodate to any
516 width of the property, so if I need to shrink the floor plan or go to a different floor
517 plan that still works for her, that's not a problem. Basically, I was just looking for a
518 buildable area for us to be able to build this house for her.

519
520 Do you have any questions about the home?
521

522 Mr. Bell - Will there be any problems with reducing the size of
523 the house to fit this?
524

525 Mr. Minton - No sir. Whether it's the same floor plan or not, I can
526 shrink down the house, basically making it equal throughout the house or getting
527 a different floor plan that fits within the actual buildable setbacks. But no sir, there
528 is no problem with that.
529

530 Mr. Bell - Any other questions?
531

532 Mr. Minton - I do have one question for you. When reading
533 through, it states that it be built on a crawlspace. That's not a problem; we always
534 do our homes on crawlspaces. But as far as the exterior being a brick foundation,
535 sometimes we do what we call a split-face block. It's an architectural block
536 versus just a smooth block. I didn't know if that was something for the County
537 itself or that particular area, if it has to be brick.
538

539 Mr. Baka - Are you referring to condition #7?
540
541 Mr. Minton - Yes sir.
542
543 Mr. Blankinship - So you would request that the Board change the
544 condition to be brick or split-face block?
545
546 Mr. Minton - Either/or. I just didn't know if that was like a covenant
547 that's happening with that particular neighborhood.
548
549 Mr. Blankinship - No. It's a recommendation from staff based on the
550 character of the neighborhood.
551
552 Mr. Minton - Sure, sure. Most of the homes there are all on brick
553 foundations. I don't think I saw any that were on a split-face, but I just wanted to
554 ask if that was a requirement for you guys or not.
555
556 Mr. Blankinship - If that condition is there and it's approved that way,
557 then it would become a requirement.
558
559 Mr. Minton - Yes sir. Okay. Not a problem.
560
561 Mr. Blankinship - It would be up to the Board whether to impose that.
562
563 Mr. Minton - Sure.
564
565 Ms. Harris - I think in keeping with the character of the
566 neighborhood, it would need to be brick. I'm looking at the house that's across
567 the street from it.
568
569 Mr. Blankinship - Yes ma'am.
570
571 Ms. Harris - Two doors down, I guess, or two lots down. I noticed
572 that. And we have a picture of it in our packet too.
573
574 Mr. Minton - Correct. Yes ma'am.
575
576 Ms. Harris - Just need to conform to that.
577
578 Mr. Minton - Not a problem.
579
580 Mr. Bell - Any other questions? Ms. Claiborne?
581
582 Ms. Claiborne - Good morning. I'm Priscilla Claiborne. I just am very
583 interested in purchasing this home. It will be the first home I've ever bought, and
584 it's exclusively going to be mine. Right now I don't have any children; it's just me

585 and my dog. But I'm really looking forward to having a piece of property that is
586 mine here in this area. I own a piece of property in King William, but it's a little too
587 far from work. So I really would like to be able to live in this place, in this
588 neighborhood. Do you all have any questions for me?

589 Mr. Bell - Do you own the property?
590

591 Mr. Blankinship - She's the contract purchaser.
592

593 Ms. Claiborne - Yes. If you all approve what we're talking about today,
594 then I will definitely be willing to buy the property. However, if you deny it, there's
595 no point in me buying it.
596

597 Mr. Bell - Have you read the conditions in here as well?
598

599 Ms. Claiborne - I've read some. I have not read all of it, no. A lot of it
600 was explained to me by Mr. Minton.
601

602 Mr. Bell - When we vote on it, we'll be voting on all the
603 conditions as well.
604

605 Ms. Claiborne - Those that he has spoken to me about—and I'm sure
606 he hit all the ones that were most relevant—I have no problem with agreeing to.
607

608 Mr. Bell - Would you like to read them before we vote or just go
609 ahead?
610

611 Ms. Claiborne - You can go ahead. I take him at his word. He's been
612 very good working with me, and very cooperative, answering all questions. He
613 has not said anything that I thought would be a game changer for me at all.
614

615 Mr. Bell - You understand that there are two parts that we'll be
616 voting on, one with the area—
617

618 Ms. Claiborne - Yes.
619

620 Mr. Bell - —which could be approved.
621

622 Ms. Claiborne - Yes.
623

624 Mr. Bell - And then the other part for the side yard could be
625 denied.
626

627 Ms. Claiborne - Yes.
628

629 Mr. Bell - Okay. That's also in here.
630

631

632 Ms. Claiborne - Okay.

633

634 Mr. Bell - Okay, thank you.

635

636 Ms. Harris - Ms. Claiborne, why did you decide on this lot? I
637 noticed that on Columbus there are quite a few lots. I know this one had a "for
638 sale" sign on it, but how did you make your decision?

639

640 Ms. Claiborne - Some options were sent to me. I went to review the
641 different pieces of property that I saw. I liked this piece of property because it's
642 very close to Brook Road. I also like the idea of being able to walk to buy
643 groceries, be able to walk to go to Walmart, to just do things that are very
644 available, very close in the neighborhood. I like the idea of having that access,
645 being so close to Brook Road, to just about everything. That's why I like that
646 piece.

647

648 Ms. Harris - Right. Because I was saying there are quite a few
649 parcels of land in this area that have the same advantage that you just
650 mentioned. And I was wondering why this piece. Is your to-be land level? I think it
651 extends back 200-and-some feet. But is that level?

652

653 Ms. Claiborne - Primarily it's level. I think it might be a little rocky, but
654 primary it is.

655

656 Ms. Harris - Okay. Thank you.

657

658 Mr. Bell - Any other questions? Thank you.

659

660 Ms. Claiborne - Thank you.

661

662 Mr. Bell - Is there anyone else in here that would like to speak
663 on this? Come forward, please.

664

665 Ms. Lee - Good morning. My name is Duchess Lee. I am power
666 of attorney for my father, Robert Streater. L-e-e. Duchess. D-u-c-h-e-s-s. I've
667 spoken with him, and he is very interested in selling the land to Ms. Claiborne.
668 Any variance, anything he has no problems with it. That's why I wanted to come.
669 I got the notice, everything. He told me he really wants to go ahead and sell the
670 land. With his illness, he says he needs to get everything in order. If she's asking
671 for a beautiful home to be built on it, I just ask you all to approve it so that she
672 can do this. Any questions for me?

673

674 Ms. Harris - What's your last name?

675

676 Ms. Lee - Lee. L-e-e.

677
678 Ms. Harris - Thank you. Have you spoken with any of the
679 neighbors?
680
681 Ms. Lee - No. I pretty much know all of the neighbors and most
682 of them have passed. I grew up there my whole life. The big brick house you see,
683 that was Reverend Fleming's house where everybody played. Two doors down,
684 that's Reverend Fleming's house. We used to live right straight across from
685 them.
686
687 Ms. Harris - So you have not checked with the neighbors recently
688 to see if they would approve.
689
690 Ms. Lee - No. No I have not.
691
692 Ms. Harris - Okay. Thank you.
693
694 Ms. Lee - Any more questions?
695
696 Mr. Bell - Any other questions? Thank you, Ms. Lee.
697
698 Ms. Lee - Thank you.
699
700 Mr. Bell - Is there anyone else? State your name.
701
702 Mr. Deering - My name is Dennis Mark Deering. I stay across the
703 street from this house. Is there a certain particular house you have to build in that
704 area? Can it be a modular home or a trailer or whatever?
705
706 Mr. Blankinship - Because it's agricultural zoning, you could put a
707 manufactured home there or a trailer. This is a modular home, which is permitted
708 by right. Or you could build a conventional home.
709
710 Mr. Deering - I have the property right beside hers. I own both of
711 those lots. I actually have four right in that area.
712
713 Mr. Blankinship - Okay.
714
715 Mr. Deering - All right. Thank you.
716
717 Ms. Harris - Excuse me, what is your name? Would you spell your
718 last name, please?
719
720 Mr. Deering - Deering. It's spelled D-e-e-r-i-n-g.
721
722 Ms. Harris - Okay.

723

724 Mr. Berman - Mr. Deering, do you have a concern that you want the
725 Board to consider when we render a decision?

726

727 Mr. Deering - Just the setbacks, that it meets those. I don't have
728 any other problems. Thank you.

729

730 Mr. Bell - Any other questions? Thank you.

731

732 That's the agenda. If there's no one else that wishes to say anything, we'll go on
733 and go to the voting of the agenda.

734

735 **[After the conclusion of the public hearings, the Board discussed the case**
736 **and made its decision. This portion of the transcript is included here for**
737 **convenience of reference.]**

738

739 Mr. Bell - Do I hear a motion?

740

741 Ms. Harris - I move that we approve this variance. It seems that
742 there is no other practical use for this property without a dwelling placed on it. I
743 believe that the modular home that we have seen with the conditions would be
744 an attractive addition to the neighborhood. My motion is to approve.

745

746 Mr. Bell - Do I hear a second?

747

748 Mr. Baka - Just to clarify. Is that a motion to approve the lot area
749 only or both variance requests?

750

751 Ms. Harris - Just the lot area and the width.

752

753 Mr. Baka - And the width.

754

755 Ms. Harris - Right.

756

757 Mr. Baka - But not the sum of the side yards?

758

759 Ms. Harris - I think that would be a separate motion, would it not?

760

761 Mr. Blankinship - Either way.

762

763 Ms. Harris - Okay.

764

765 Mr. Bell - We can make it as one.

766

767 Ms. Harris - Then I can include the fact that we are not approving
768 the side yard setbacks desired here or applied for because we believe that a
769 house can be constructed within the confines of the ordinance requirement.
770

771 Mr. Baka - I'll second the motion.
772

773 Mr. Bell - Any discussion? Hearing none, all those in favor of
774 the motion say aye. All those opposed? The ayes have it; the motion passes.
775

776 After an advertised public hearing and on a motion by Ms Harris, seconded by
777 Mr. Baka, the Board **approved** only the lot area and lot width variance requests
778 of application **VAR2016-00007, ROBERT E. STREATER's** request for a
779 variance from Section 24-95(b)(8), 24-95(c)(1) of the County Code to build a one-
780 family dwelling at 1008 Scott Road (GARDEN CITY) (Parcel 785-757-1793)
781 zoned Agricultural District (A-1) (Fairfield). The Board approved these variances
782 subject to the following conditions:
783

784 1. This variance applies only to the lot width and lot area requirements for the
785 construction of a one-family dwelling only. All other applicable regulations of the
786 County Code shall remain in force.
787

788 2. Only the improvements shown on the plot plan and building design filed with
789 the application, modified to comply with the side yard requirements, may be
790 constructed pursuant to this approval. Any additional improvements shall comply
791 with the applicable regulations of the County Code or as amended by conditions
792 of approval. Any substantial changes or additions to the design or location of the
793 improvements will require a new variance.
794

795 3. Approval of this request does not imply that a building permit will be issued.
796 Building permit approval is contingent on Health Department requirements,
797 including, but not limited to, soil evaluation for a septic drain field and a reserve
798 area.
799

800 4. At the time of building permit application, the applicant shall submit the
801 necessary information to the Department of Public Works to ensure compliance
802 with the requirements of the Chesapeake Bay Preservation Act and the code
803 requirements for water quality standards.
804

805 5. The proposed dwelling shall be set back no more than 100 feet from the right-
806 of-way of Scott Road.
807

808 6. The proposed dwelling shall comply with the requirements for the sum of the
809 side yard setbacks set forth in §24 95(c)(1) of the County Code.
810

811 7. The proposed dwelling shall be built on a crawl space with an exterior brick
812 foundation, including brick piers for the projecting covered front porch.

813

814 8. The proposed dwelling shall be served by county water.

815

816

817 Affirmative: Baka, Bell, Berman, Harris, Mackey 5

818 Negative: 0

819 Absent: 0

820

821

822 Mr. Bell - We'll go on then and approve the minutes of our last
823 meeting. Do I hear a motion on the minutes?

824

825 Mr. Berman - I move we waive the reading of the minutes and enter
826 them as written.

827

828 Mr. Bell - Do I hear a second?

829

830 Mr. Mackey - Second.

831

832 Mr. Bell - Any discussion? Hearing none, all those in favor of
833 the motion say aye. All those opposed? The ayes have it; the minutes have been
834 approved.

835

836 On a motion by Mr. Berman, seconded by Mr. Mackey, the Board **approved as**
837 **submitted the Minutes of the February 25, 2016**, Henrico County Board of
838 Zoning Appeals meeting.

839

840

841 Affirmative: Baka, Bell, Berman, Harris, Mackey 5

842 Negative: 0

843 Absent: 0

844

845

846 Mr. Bell - Any old business or new business we'd like to
847 discuss? All right, we'll vote to adjourn then. Do I hear a motion that we adjourn?

848

849 Mr. Baka - So moved.

850

851 Mr. Bell - Do I hear a second?

852

853 Ms. Harris - Second.

854

855 Mr. Bell - All those in favor say aye. The meeting is adjourned.

856 Thank you.

857

858

859 Affirmative: Baka, Bell, Berman, Harris, Mackey 5
860 Negative: 0
861 Absent: 0

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Gentry Bell
Chairman



Benjamin Blankinship, AICP
Secretary