

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**  
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**  
3 **BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY**  
4 **SPRING ROADS, ON THURSDAY, OCTOBER 21, 2010, AT 9:00 A.M.,**  
5 **NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**  
6 **SEPTEMBER 30, 2010 AND OCTOBER 7, 2010.**  
7

Members Present: Helen E. Harris, Chairman  
Robert Witte, Vice Chairman  
Lindsay Bruce  
James W. Nunnally  
R. A. Wright

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

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9  
10 Ms. Harris - Good morning. Welcome to the October 21, 2010  
11 meeting of the Board of Zoning Appeals. Please stand and recite the **Pledge of**  
12 **Allegiance.**  
13

14 Mr. Blankinship, would you read the rules that govern this meeting, please?  
15

16 Mr. Blankinship - Good morning, Madam Chairman, members of the  
17 Board, ladies and gentlemen. The rules for this meeting are as follows. Acting as  
18 secretary, I will call each case and as I'm speaking, the applicant should come  
19 down to the podium. I ask everyone who intends to speak in favor or in  
20 opposition to stand and be sworn in. After everyone has had an opportunity to  
21 speak, the applicant and only the applicant will have an opportunity for rebuttal.  
22 After hearing the case, the Board will, I guess, make its decision immediately  
23 since there is only one case on the agenda.  
24

25 In the foyer there is a binder containing the staff report for this case including the  
26 conditions that have been recommended. This meeting is being recorded so  
27 we'll ask everyone who speaks to speak directly into the microphone on the  
28 podium, state your name, and spell your last name so we can have it correct in  
29 the record.  
30

31 Ms. Harris - Thank you. Are there any referrals or withdrawals for  
32 this meeting?  
33

34 Mr. Blankinship - No ma'am.



81 Mr. Hooker - There is a plat showing that. Let's see, 290 feet.  
82  
83 Mr. Witte - Mr. McQuade also owns the parcel behind it?  
84  
85 Mr. Hooker - Yes sir.  
86  
87 Mr. Witte - Will this parcel land-lock the other parcel?  
88  
89 Mr. Hooker - No sir. Actually he owns the property that surrounds  
90 the existing house to the west, the adjacent lot to the west. He has property that  
91 wraps around this house. He does have intentions on developing the rest of this  
92 property but with the way the economy is, there's no telling when we'll be able to  
93 do anything with that. He would like to do something with this particular piece.  
94  
95 Ms. Harris - Developing it how?  
96  
97 Mr. Hooker - It would be developed as A-1 residential housing.  
98  
99 Ms. Harris - You say he has plans to further develop.  
100  
101 Mr. Hooker - I mean in the future. There are no specific plans on  
102 the table today.  
103  
104 Ms. Harris - If he were to construct a home here, would he see the  
105 rear of the neighboring home to the west?  
106  
107 Mr. Hooker - Somewhat, yes ma'am.  
108  
109 Ms. Harris - Will the trees block the view?  
110  
111 Mr. Hooker - Some screening may need to be added. There is an  
112 existing Virginia Power pole line that somewhat follows that property line and  
113 then the driveway is kind of proposed to follow that. So he can provide some  
114 screening. The power company does have a list of permitted plantings within  
115 their easements. There are possibilities, but it's not limitless in what he could  
116 plant along that area.  
117  
118 Ms. Harris - I noticed in the staff report on page two that we say  
119 the property as it stands is undevelopable due to a significant governmental act.  
120 To what are you referring?  
121  
122 Mr. Blankinship - The acquisition of the property for Interstate 295.  
123  
124 Ms. Harris - Okay.  
125

126 Mr. Blankinship - It's impossible for him to widen this property to meet  
127 the lot width requirement because he's right up against the interstate. When the  
128 property first took this shape, the interstate wasn't there.  
129  
130 Ms. Harris - Are there other questions from the Board members?  
131  
132 Mr. Nunnally - Have you read the conditions?  
133  
134 Mr. Hooker - Yes sir, yes sir. We don't see any issues with these  
135 conditions.  
136  
137 Mr. Nunnally - The first one says this variance applies only to the lot  
138 width requirement for one dwelling only.  
139  
140 Mr. Hooker - Yes sir.  
141  
142 Ms. Harris - Any other questions from Board members?  
143  
144 Mr. Nunnally - Let me just ask you one other thing. How close is  
145 your closest neighbor from the house you're going to build?  
146  
147 Mr. Hooker - I don't know the exact distance. I believe we're talking  
148 a hundred feet roughly. It's 55 feet from the property line to the proposed  
149 foundation, so I believe it's like another 50 feet to the other structure.  
150  
151 Mr. Nunnally - What type of home are you going to build? Are you  
152 going to build a rancher or a two-story?  
153  
154 Mr. Hooker - I'm not sure exactly. It will be a minimum of a rancher.  
155 He may build a two-story there. I don't know that we're really committed on what  
156 he's going to put there. It would be your conventionally-framed structure.  
157  
158 Ms. Harris - Does he plan to live there himself? Do the Adkins'  
159 know of this variance request? This is the family on the west according to our  
160 plat that says *Donald L. and Lisa D. Adkins*.  
161  
162 Mr. Hooker - I have not specifically spoken to the neighbors.  
163  
164 Ms. Harris - Mr. Blankinship, did we notify them?  
165  
166 Mr. Blankinship - Yes ma'am.  
167  
168 Mr. Hooker - I did speak with Miguel, the planner that assembled  
169 the report. He said he heard of no opposition from the neighbor.  
170

171 Mr. Witte - Condition #2 says that only the improvements shown  
172 on the plat filed with the application may be constructed. Any substantial  
173 changes or additions to design or location of the improvements will require a new  
174 variance. He has a pretty specific design there; it's a box.

175

176 Mr. Hooker - It's a basic footprint. And it's a generous size  
177 footprint, too, so we feel like we can work within that.

178

179 Mr. Wright - I think that means they have to build the house where  
180 it's shown on the plat.

181

182 Mr. Witte - That was my question because the box is just that  
183 small area right there.

184

185 Mr. Wright - Does that show the actual location and footprint of the  
186 house?

187

188 Mr. Witte - There's no footprint; it's just a box there with  
189 dimensions on it. It doesn't say *buildable area*; it says it's going to be 40 by 60.

190

191 Mr. Wright - How does that fit with the situation?

192

193 Mr. Blankinship - When the building permit application comes in, which  
194 could be tomorrow, it could be a year and a half from now, the Permit Center  
195 staff will see that there's a variance and they will pull this plat. Then they will  
196 check the application they receive against the plat.

197

198 Mr. Witte - So they'll be required to put that house in that 60 by  
199 40 box?

200

201 Mr. Blankinship - Yes sir.

202

203 Mr. Hooker - We have it as a proposed house site. It's not labeled  
204 as a proposed house footprint. Couldn't something be constructed to fit within  
205 that?

206

207 Mr. Witte - Within that 60 by 40, but that was my concern; it's a  
208 small box. You may want to put an 80-foot rancher on there, a 60-foot home  
209 with a two-car garage.

210

211 Mr. Hooker - This is what we reviewed with the client, so I would  
212 hate to change it.

213

214 Ms. Harris - But if he decides to use a garage, it could go behind  
215 this box, right?

216

217 Mr. Blankinship - It could, yes ma'am.

218

219 Ms. Harris - Of course it would be subject to approval for the  
220 building permit. Are there any more questions? If not, thank you. Is there  
221 anyone else who wishes to speak to this case? That concludes the case.  
222 Gentlemen, are we prepared to vote? May I have a motion on this case?

223

## 224 DECISION

225

226 Mr. Wright - I move that we approve this case on the grounds that  
227 this is not contrary to the public interest and enforcement of the zoning ordinance  
228 will result in unnecessary hardship to the property owner.

229

230 Mr. Witte - I'll second that.

231

232 Ms. Harris - Motion by Mr. Wright, second by Mr. Witte that we  
233 approve this case. Are there any questions on the motion? All in favor say aye.  
234 All opposed say no. The ayes have it; the motion passes.

235

236 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
237 Mr. Witte, the Board **approved** application **A-010-10, Michael P. McQuade's**  
238 request for a variance from Section 24-94 to build a one-family dwelling at 6099  
239 Old LaFrance Road (Parcels 834-708-8616 (part) and 834-706-5793), zoned A-  
240 1, Agricultural District (Varina). The Board approved the variance subject to the  
241 following conditions:

242

243 1. This variance applies only to the lot width requirement for one dwelling only.  
244 All other applicable regulations of the County Code shall remain in force.

245

246 2. Only the improvements shown on the plot plan, filed with the application, may  
247 be constructed pursuant to this approval. Any additional improvements shall  
248 comply with the applicable regulations of the County Code. Any substantial  
249 changes or additions to the design or location of the improvements will require a  
250 new variance.

251

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

256

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

261

262

263 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5  
 264 Negative: 0  
 265 Absent: 0

266  
 267

268 Ms. Harris - Let's look at the minutes now.

269

270 Mr. Wright - I have one thing on page five, line 177. It should be  
 271 "it" instead of "is."

272

273 Ms. Harris - Are there any more corrections? A motion is in order  
 274 to approve the minutes.

275

276 Mr. Wright - I move we approve them as corrected.

277

278 Mr. Bruce - Second.

279

280 Ms. Harris - Motion by Mr. Wright, second by Mr. Bruce that the  
 281 minutes be approved as corrected. Are there any questions on the motion? All  
 282 in favor say aye. All opposed say no. The ayes have it; the motion passes.

283

284 On a motion by Mr. Wright, seconded by Mr. Bruce, the Board **approved as**  
 285 **corrected** the **Minutes of the September 23, 2010**, Henrico County Board of  
 286 Zoning Appeals meeting.

287

288

289 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5  
 290 Negative: 0  
 291 Absent: 0

292

293

294 Ms. Harris - Is there anything else to come before the Board this  
 295 morning?

296

297 Mr. Blankinship - No ma'am.

298

299 Ms. Harris - The meeting is adjourned.

300

301 There being no further business, the Board adjourned until the November 18,  
 302 2010 meeting at 9 a.m.

303

304

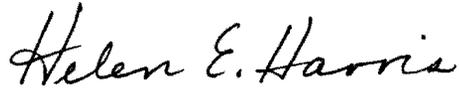
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Helen E. Harris  
Chairman



Benjamin Blankinship, AICP  
Secretary