HENRICO COUNTY
BOARD OF ZONING APPEALS AGENDA
FOR
APPEALS, VARIANCES, AND CONDITIONAL USE PERMITS

JULY 23, 2020
9:00 AM

BOARD OF ZONING APPEALS
Gentry Bell
Terone B. Green
Walter L. Johnson, Jr.
Terrell A. Pollard
James W. Reid

ZONING DIVISION - DEPARTMENT OF PLANNING
R. Joseph Emerson, Jr., AICP, Director of Planning
Jean M. Moore, Assistant Director of Planning
Benjamin W. Blankinship, AICP, Division Manager
Paul M. Gidley, County Planner IV
R. Miguel Madrigal, County Planner II
Kuronda Powell, Account Clerk
COUNTY OF HENRICO, VIRGINIA
BOARD OF ZONING APPEALS
THURSDAY, JULY 23, 2020

BEGINNING AT 9:00

PLEDGE OF ALLEGIANCE

REQUESTS FOR DEFERRAL OR WITHDRAWAL

CONDITIONAL USE PERMITS

CUP2020-00007  William A. Rogers requests a conditional use permit pursuant to Section 24-12(h) of the County Code to allow short-term rental of a dwelling at 5401 Dickens Road (Parcel 773-744-3103), zoned R-2, One-family Residence District (Brookland).

CUP2020-00014  Mindy Guyer requests a conditional use permit pursuant to Section 24-12(e) of the County Code to allow a noncommercial kennel at 11801 Oak Point Ct (BARRINGTON WEST) (Parcel 740-757-7072) zoned One Family Residential District (R-3C) (Three Chopt).

CUP2020-00015  J. E. Liesfeld Contractor, Inc. requests a conditional use permit pursuant to Section 24-116(d)(3) of the County Code to deposit soil as fill material at 8950 Strath Rd (Parcel 816-677-8788) zoned Agricultural District (A-1) (Varina).

CUP2020-00016  The Dominion Club requests a conditional use permit pursuant to Sections 24-12(b) and 24-59(a) of the County Code to expand a noncommercial recreation facility at 6000 Dominion Club Dr (Parcel 743-779-0623) zoned Business District (B-2C) (Three Chopt).

APPROVAL OF MINUTES: June 25, 2020

OTHER NEW BUSINESS: None

ADJOURNMENT
To Allow Short Term Rental of a Dwelling
Conditional Use Permit Application
County of Henrico, Virginia
Department of Planning

Property Address: 5401 Dickens Rd, Henrico, Va 23230
Parcel Number (GPIN): 773-744-3103
Subdivision: Acerage

Current Zoning: R-2
Magisterial District: Brookland

Section: 92  Block: A1  Lot: 42

Request for a conditional use permit pursuant to Section 24-13-3 of Chapter 24 of the Henrico County Code
Proposed use: Property (main house) to be used as a un-hosted short term rental

Owner: William A. Rogers
Address: 5401 Dickens Rd
City/State/Zip: Henrico, VA 23230

Phone: 804-640-3223  Fax: 
Email: bill@irrigationresearch.com

The property owner must sign the form or submit written authorization for an agent to sign. The property owner authorizes the members of the Board of Zoning Appeals and County employees to enter the property during normal business hours in the discharge of their duties in regard to this request.

Applicant:  
Address: 
City/State/Zip: 

Representative:  
Address: 
City/State/Zip: 

Two copies of a site plan must be submitted with this application showing the size and location of the lot, the location, and dimensions of the proposed building or structure, and the location, setbacks, and dimensions of any existing structures on the lot. If a building is proposed, one set of floor plans and elevations should be provided.

OFFICE USE
Date Received: 2/3/2020  Time Received: 10:30
PIV #: 1185M1  Fee: $300.00
Accepted by: K. J.  Case #: CUF2020-00007

Project #: CUF2020-00007  Rec. Date: 03/03/2020
Project Name:  
Master Case #: CUF2020-00007
Case #: CUF2020-00007  Case Name: WILLIAM A. ROGERS
Review: CUF Only
Submission: REC
GPIN: 773-744-3103  Mag. District: Brookland
Address: 5401 DICKENS RD
Please provide a complete description of the proposed use, building, structure, or activity:
The main house of the property shall be rented as an un-hosted short term rental (less than 30 days) exceeding 60 days per year and up to 10 renters (5 bedrooms).

IF TEMPORARY: Beginning date: __________________ end date: __________________

IF APPLICABLE: Hours of operation: 24 hours of operation

The Board of Zoning Appeals can grant a conditional use permit only if certain legal requirements have been met. The following questions are intended to help you show the Board that your request should be approved.

Please answer both questions completely. Attach additional pages if necessary.

1. How would this permit affect other property in the area? Would the proposed building or activity be visible from neighboring property?
   Property will not have an affect on other properties. Adequate parking exists within the property boundaries (no street parking is necessary). Building is visible from neighboring property. Property is no different than a long term rental.

2. Is this use generally compatible with the surrounding area? How is other property in the area used, and how will the proposed use fit in?
   Property is not within a sub-division nor is it subject to any home owners association covenants. Dickens Rd has commercial properties at either end. Adjoining neighborhood has many long term renter properties. No disturbances are likely.
Farmhouse Airbnb
5401 Dickens Road
Richmond, VA 23230

List of contacts for questions or issues that may arise during a guest stay.

Bill Rogers – Owner – 804 640 3223
Riley Martin – Manager – 434- 249-4071 Cell – Riley is 3 miles away.
Angel Fuller – House Cleaner – 304 – 240- 1092 – Angel is 2.5 miles away.

Start with Bill Rogers for all issues. If Bill is not available and it’s not an emergency then he will return your call within 30 minutes. If it’s an emergency or urgent then call Riley Martin. Angel is available for cleaning or cleaning questions.
I recently stayed at this home, with my brother-in-law, sister, & niece (06/12th & 13th), for a family event which was in Richmond. It was a wonderful experience!

The home was perfect & provided all the ‘comforts of a home’, beautiful yard, fresh bed & bath linens, washing machine, w/a Keurig coffee maker & a huge basket full of choices coffee pods.

The gentleman, who owns the home, came by to make sure everything was OK for us, which we appreciated. We also felt safe at night, because he had cameras outside.

Hope his home will be available for future visits. Thank you!

Sent from my iPhone
This report is prepared by the Planning Department staff to assist the Board of Zoning Appeals in considering this application. Additional information may be submitted by interested parties at the public hearing, and the final decision to grant or deny the application is reserved by law to the Board.

**Public hearings:**
- June 25, 2020  Deferred
- July 23, 2020  Pending

**Property Identification and Location:**

**Property owner:** William A. Rogers  
**Applicant:** William A. Rogers  
**Representative:** William A. Rogers  
**Type of request:** Allow short-term rental of a dwelling  
**Property address:** 5401 Dickens Road  
**Parcel Number:** 773-744-3103  
**Property acreage:** 0.79 acre  
**Magisterial District:** Brookland  

**2026 Comprehensive Plan Recommendation:** Suburban Residential 2 (SR2)  

**Zoning of Property:** R-2, One-family Residence District  
**Zoning of Surrounding Property:**  
- North: R-2, One-family Residence District  
- West: R-2, One-family Residence District  
- South: R-2, One-family Residence District  
- East: R-2, One-family Residence District  

**Staff Contact:** Benjamin W. Blankinship, AICP
BACKGROUND

This case was deferred from the June meeting to allow time for the applicant to meet with the neighbors. Mr. Rogers reports that these conversations have been productive, and he has agreed to limit the use of Krueger Drive, and provide screening adjacent to the deck and a hedge between the guesthouse and the garage. Those agreements are addressed in proposed conditions #4 and 5.

Short-term rental of a dwelling through platforms such as Airbnb, VRBO, and Homeaway, has become widely accepted as a way to earn supplemental income by welcoming travelers into one’s home. Some rentals are hosted, similar to a traditional bed and breakfast inn, where the homeowner is present in the home while one or more bedrooms are occupied by short-term renters. Others are unhosted, meaning the whole house is rented while the homeowner is elsewhere.

On February 25, the Board of Supervisors amended the zoning ordinance to allow short-term rental of a dwelling within certain requirements. (For the purpose of these regulations, “short-term” is defined as rentals for less than 30 consecutive days.) Short-term rentals are allowed only in owner-occupied dwellings (i.e. the Code does not allow an investor to buy a house for the sole purpose of renting it on Airbnb).

Those rentals that are expected to have the least impacts on the neighbors are allowed by right. A rental is permitted by right if it meets all of the following limitations:

- hosted rentals only (where the homeowner is available to respond to complaints),
- limited to 60 days per year (e.g. eight week-long rentals, or 30 weekends)
- limited to no more than six renters at a time
- limited to the dwelling itself (as opposed to a guest house or other accessory building)
- located on a lot with at least 80 feet of street frontage (to allow for parking).

Proposed short-term rentals that do not meet the limitations above are allowed by conditional use permit. The Board of Supervisors has delegated to the Board of Zoning Appeals the authority to review each application on a case-by-case basis and determine if the proposed short-term rental will have a detrimental impact on the neighbors.

The dwelling at 5401 Dickens Road was built in 1919 and was renovated in 2001-2003. The applicant acquired it in 2005 and has continued to improve the property. He would like the flexibility to offer unhosted rentals, which requires this conditional use permit. The property comprises the main house, with five bedrooms and 3,448 square feet of floor area (including the finished basement), a guest house (757 square feet), a garage (408 square feet) and small storage building (160 square feet). It has an entrance on Dickens Road and a secondary entrance on Krueger Drive, a private road running along the west of the property.

The impacts of short-term rentals can vary greatly. Last year, during the process of amending the code, the County was informed that approximately 300 homes were listed on short-term rental platforms. Many neighbors were unaware of the use. However, there have been complaints regarding some locations, particularly a house that was rented to parties as large as 18 renters. (That house was also rented for wedding receptions and other commercial activities, which caused some of the complaints.) Most of the complaints have concerned parking, noise,
and late-night activities. In addition, some residents around the County have expressed concern about short-term rentals merely because they did not want transients in their neighborhoods.

The subject property has over 200 feet of frontage on each of two streets, one public and one private. There is room on the property for abundant parking. The Code allows a maximum of two renter per bedroom. The property has five bedrooms, so the maximum occupancy by short-term renters would be 10. Even if they each arrived in a separate car, there would be enough room for all of them to park on site. Dickens Road is a major collector and carried approximately 6,500 average daily trips in 2018. Site distance appears to be adequate in both directions. The nearest home, 5400 Dickens Road, is approximately 130 feet to the north, across Dickens Road. Three other homes are within 200 feet.

If the conditional use permit is approved, the applicant will also have to register with the County under a separate ordinance. The registry applies to all short-term rentals, whether allowed by right or by conditional use permit. The applicant will also be subject to transient occupancy tax. If there are three or more violations at the property, the operator will be prohibited from offering the property for short-term rental.

**EVALUATION**

(i) *Is the request consistent with the comprehensive plan and the zoning ordinance?*

The property is zoned R-2, One-family Residence District, and is designated Suburban Residential 2 on the 2026 Future Land Use Map. The dwelling is consistent with both designations. The Board of Supervisors has determined that short-term rental of a dwelling may be appropriate in a one-family district subject to conditions.

(ii) *Would the request result in a substantial detrimental impact on nearby property?*

The subject property is located along a major collector, has two entrances, and can accommodate abundant parking. There are no other dwellings within 100 feet and four within 200 feet.

The County Code limits the number of short-term renters and their guests to 10 (two per bedroom), so any gathering larger than that would be a violation of the zoning ordinance. The noise ordinance applies the same to short-term renters as to long-term occupants. During the June 25 public hearing, the neighbors expressed concern about the use of Krueger Drive, a private road that provides the primary access to their homes. In response to their concerns, the applicant has agreed that short-term renters will not be allowed use Krueger Drive.

The neighbors also expressed concern that noise or glare from the deck could have an impact on their privacy. The house, guesthouse, and garage provide almost continuous screening, but there are 20-foot gaps between the house and the guesthouse and between the guesthouse and the garage. The applicant has agreed to provide screening at both locations.
CONCLUSION

The property is reasonably well suited for the proposed use in terms of traffic, parking, and proximity to neighbors. The use is subject to the requirements of Sec. 24-13.01, and anyone staying at the property will be subject to the noise ordinance. In response to specific concerns expressed by neighbors, the applicant has agreed to prohibit the use of Krueger Drive by short-term renters, and to provide additional screening in the two locations where it is lacking. Staff recommends approval of the request, subject to the attached conditions.
Case Number: CUP2020-00007
Applicant: William A. Rogers
Hearing Date: 07/23/2020

Conditions of Approval:

1. This approval allows only the short-term rental of the five bedrooms in the principal dwelling on the property for up to 10 persons at a time. All other applicable regulations of the County Code shall remain in force.

2. This approval is subject to the County noise ordinance (Sec. 10-67 through 10-69), registry ordinance (Sec. 20-280 through 20-282) and short-term rental development standards (Sec. 24-13.01(b)).

3. All short-term renters shall use the private driveway (across from Wendover Lane) and shall park on the property. Short-term renters shall not use Krueger Drive and shall not park on Dickens Road.

4. No later than November 13, 2020, the applicant shall install a row of Nellie Stevens hollies or equivalent evergreens generally along the property line between the house and guesthouse and between the guesthouse and the garage.

5. The property owner or one of his designated emergency contacts shall respond in person at the property within 30 minutes whenever necessary to resolve issues and complaints arising in connection with the short-term rental.

Emergency contacts: Bill Rogers (804) 640-3223, Riley Martin (434) 249-4071, Angel Fuller (304) 240-1092.
5401 Dickens Rd – street view of home

Western view of main house & guest house

CUP2020-00007
Southern view of internal driveway

Eastern view of property

CUP2020-00007
CUP2020-00014

Vicinity
Three Chopt District
To Allow a Noncommercial Kennel
Conditional Use Permit Application

County of Henrico, Virginia
Department of Planning

Property Address: 11801 Oak Point Court
Parcel Number (GPIN): 740-757-7072
Subdivision: Barrington West

Current Zoning: 
Magisterial District: Three Chopt
Section: 3 Block: C Lot: 5
Request for a conditional use permit pursuant to Section 24-12(e) of Chapter 24 of the Henrico County Code

Proposed use: 
Requesting permission so that we can get another family pet.

Owner: Mindy Guyer
Address: 11801 Oak Point Court
City/State/Zip: Henrico, VA 23233
Phone: (804) 741-2771
Fax:
Email: mpguyer@gmail.com

Owner’s Signature: [Signature]

By signing this application the property owner authorizes the members of the Board of Zoning Appeals and County employees to enter the property during normal business hours in the discharge of their duties in regard to this request.

Applicant: Mindy Guyer
Address: 11801 Oak Point Court
City/State/Zip: Henrico, VA 23233
Phone: (804) 921-2002
Fax:
Email: mpguyer@gmail.com

Representative:
Address:
City/State/Zip:

Two copies of a plan must be submitted with this application showing the size and location of the lot, the location and dimensions of the proposed building or structure, and the location and dimensions of any existing structures on the lot.

OFFICE USE

Date Received: 0-1-2020 Time Received: 9
PIV #: 122866 Fee: $ 450.00
Accepted by: [Signature] Case #: CUP2020-14

Project #: CUP2020-00014 Rec. Date: 08/01/2020
Project Name: 
Master Case #: CUP2020-00014
Case #: CUP2020-00014
Case Name: MINDY GUYER
Review: CUP Only
Submission: RBC

GPIN: 740-757-7072 Mag. District: Three Chopt
Address: 11801 OAK POINT CT
Please provide a complete description of the proposed use, building, structure, or activity:

We are requesting permission to allow us to get a fourth family pet to reside with us inside our home.

____________________________________________________________________________________

IF TEMPORARY: Beginning date: ___________________________ end date: ___________________________

____________________________________________________________________________________

IF APPLICABLE: Hours of operation: ___________________________

____________________________________________________________________________________

The Board of Zoning Appeals can grant a conditional use permit only if certain legal requirements have been met. The following questions are intended to help you show the Board that your request should be approved.

Please answer both questions completely. Attach additional pages if necessary.

1. How would this permit affect other property in the area? Would the proposed building or activity be visible from neighboring property?

   No, there would be no difference to the structure of our home. The new puppy would live inside with us.

   ___________________________________________________________________________________

2. Is this use generally compatible with the surrounding area? How is other property in the area used, and how will the proposed use fit in?

   Yes, this is a family home in a neighborhood with other families and their pets.

   ___________________________________________________________________________________
This is to certify that on 8/21/17 I made an accurate field survey of the known premises shown herein; that all improvements known or visible are shown herein; that there are no encroachments by improvements either from adjoining premises, or from subject premises upon adjoining premises, other than shown herein.

NOTE: THIS LOT APPEARS TO BE IN FEMA FLOOD ZONE X AS SHOWN ON HUD COMMUNITY PANEL NUMBERS 51097C0040C.

NOTE: This survey has been prepared without the benefit of a soils report and does not therefore necessarily indicate all encumbrances on the property.

LAKE BARRINGTON
Limits of 100 Year Flood Plain, Variable Width Drainage & Utility Basement

Note: Utilities Underground

O/P Along Edge of Lake Barrington

Lot 5

Lot 6

Lot 2

Lot 4

OAK POINT COURT

SURVEY OF LOT 5 BLOCK C SECTION 3 BARRINGTON WEST THREE CHOPT DISTRICT HENRICO, VIRGINIA

Note: Plat prepared for the exclusive use of the conveyance to Barbara R. Peskin & Mindy P. Guer

A.G. HAROCOPOS & ASSOCIATES, P.C.
CERTIFIED LAND SURVEYOR AND CONSULTANT

4928 E. MILL RIDGE PKWY, SUITE 200 MIDLOTHIAN VA 23112
Office 804 744 2630 FAX 804 744 2633
E-MAIL AGHAROCOPOS6572@GMAIL.COM

Scale 1"=40' Date 8/21/17 Drawn by GAH
We added a fence in the front and back of the house when we moved in, after these photos were taken.
Good afternoon,

We are contacting you to request permission to allow us a kennel license so that we can purchase a fourth family pet. We currently live at the end of a cul-de-sac in a large home on almost an acre of land that backs up to a small lake (so no neighbors directly behind us). We moved to this home a few years ago so that we could live with and take care of my mom. Because she has one dog already and we have two, we are making this request so that we can get a puppy. Working for Henrico County Public Schools, I have the opportunity to work from home during the current health pandemic. Therefore, we feel this is a perfect time for us to get a puppy. Having this additional time at home will allow us put in extra time and effort to properly raise and train the puppy. We are looking to get a mini Bernedoodle (who would be approximately 30 pounds).

Our current pets include:

Kelly (female Irish Wolfhound, 7 years old, approximately 140 pounds)

Henry (male Polish Lowland Sheepdog, 4 years old, approximately 40 pounds)

Molly (female Bernedoodle, 3½ years old, approximately 50 pounds)

We have had our dogs since they were puppies and they are all up to date on shots and regular visits to our vet, Dr. Brad Zubowsky (Pouncey Tract Veterinary Hospital).

It is my understanding that if you have more than three dogs, a kennel license is required in Henrico. We do not intend to breed any of these dogs as a normal kennel implies. We are not requesting additional structures or any changes to our property. We are just animal lovers and would like to get another puppy, who will remain inside other than times to get exercise and play.

We appreciate your time and consideration. If you need any additional information, please let me know. We look forward to hearing positively from you soon. Thank you for your help.

Sincerely,

Mindy Guyer and family
This report is prepared by the Planning Department staff to assist the Board of Zoning Appeals in considering this application. Additional information may be submitted by interested parties at the public hearing, and the final decision to grant or deny the application is reserved by law to the Board.

Public hearings: July 23, 2020 Pending

Property Identification and Location:

Property owner: Barbara R. Peskin and Mindy Peskin Guyer
Applicant: Mindy Guyer
Representative: Mindy Guyer
Type of request: Allow a noncommercial kennel
Property address: 11801 Oak Point Court
Parcel Number: 740-757-7072
Property acreage: 0.86 acres
Subdivision: Barrington West
Magisterial District: Three Chopt

2026 Comprehensive Plan Recommendation: SR1, Suburban Residential 1, and EPA, Environmental Protection Area

Zoning of Property: R-3C, One-family Residence District, Conditional

Zoning of Surrounding Property:
North: R-3, One-family Residence District
West: R-3, One-family Residence District
South: R-3C, One-family Residence District, Conditional
East: R-3C, One-family Residence District, Conditional

Staff Contact: R. Miguel Madrigal
BACKGROUND

The subject parcel is located in the west end of the County in Section 3 of the Barrington West subdivision, established in 1996. The property is located at the end of a cul-de-sac and backs onto Barrington Lake. The lot is approximately 37,500 square feet in area and is improved with a three-story, 5,556-square-foot dwelling with a walkout basement and an attached four-car garage, built in 2004. The rear yard is over 10,000 square feet in area, is enclosed by a four-foot tall wrought-iron fence, and is at a lower grade than the front of the lot.

The applicant acquired the property in August 2017 as a way to consolidate her household and her mother into one home. As a result of this family merger, they currently have three dogs consisting of an Irish Wolfhound, a Polish Lowland Sheepdog, and a Bernedoodle—see letter from applicant dated May 27, 2020. The dogs range in age between 3.5 and 7 years old (the Irish Wolfhound being the eldest). All the dogs reside in the dwelling with the applicant’s family.

Because of health issues related to age and the breed, they anticipate euthanizing the Irish Wolfhound sometime this year. The applicant would like to acquire two new puppies, mini Bernedoodles. If approved, they would temporarily have five dogs in the home, which would be reduced to four as a result of attrition by the end of the year. All of the dogs are family pets and they have no intentions of breeding them.

EVALUATION

(i) Is the request consistent with the comprehensive plan and the zoning ordinance?

The property is zoned R-3C, One-family Residence District (Conditional) and is designated SR1, Suburban Residential 1 on the 2026 Future Land Use Map. A one-family dwelling is a principal permitted use in this district and is consistent with the land use designation. The zoning ordinance allows up to three pets by right as an accessory use; additional pets may be allowed through the issuance of a conditional use permit as per § 24-12(e).

(ii) Would the request result in a substantial detrimental impact on nearby property?

Although the subject property is zoned R-3, where the prescribed minimum lot area is 11,000 square feet, the lots in Barrington West range in size from 30,000 square feet to over 58,000 square feet. The closest home is over 80 feet distant from the applicant’s home. Additionally, the applicant’s rear yard backs onto a man-made lake. Because of the large size of the lots and distance between the homes, staff does not anticipate any substantial detrimental impacts on nearby property. This is further augmented by the fact that the dogs will be kept primarily in the home and have a large fenced-in rear yard for exercise, play, and necessities—see site photos.
**CONCLUSION**

The subject lot is over ¾ acre in area and is located in a subdivision with large lots, with homes spaced 80 feet to over 100 feet apart. The rear yard is below street grade, is over 10,000 square feet in area, is fenced, and backs onto a lake. The temporary keeping of five dogs has the potential to negatively impact adjacent neighbors but the number will be reduced to four dogs by the end of the year due to attrition. The dogs would be kept primarily in the home and would be let out into the rear yard for exercise and play. Staff is not aware of any complaints against the property. Based on the facts of the case, staff recommends approval of this request, subject to the attached conditions.
Case Number: CUP2020-00014
Applicant: Mindy Guyer
Hearing Date: 07/23/2020

Conditions of Approval:

1. This conditional use permit applies only to the keeping of five dogs on the property. All other applicable regulations of the County Code shall remain in force.

2. This approval is only for dogs owned by the property owner, and is not for the boarding or breeding of dogs at any time.

3. The number of dogs shall be reduced to four by December 31, 2020. No new or replacement animals may be added. When the number of animals is reduced by attrition to three, this conditional use permit shall expire.

4. The applicant shall maintain the property so that noise and odors are controlled.
Southern view overlooking rear yard

Northern view of grade change

CUP2020-00014
Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation.
Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation.

To Deposit Soil as Fill Material
Parcels or Portions thereof identified on this sheet are within the Airport Safety Overlay District and are subject to Special Regulation.
Conditional Use Permit Application
To Extract Materials from the Earth
County of Henrico, Virginia
Department of Planning

Property Address: Strath Road
Parcel Number (GPIN): 816-677-8788
Total acreage of parcel: 147.611

Current Zoning: A-1
Magisterial District: Varina
Acres to be disturbed: 41.0

Renewal of CUP #: CUP2018-00015
Beginning on (date): August 1, 2020
Ending on August 1, 2022
Proposed hours of operation: Monday – Friday 7:00 am - 5:30 pm
Saturday 7:00 am - 5:30 pm

Owner: J. E. Liesfeld Contractor, Inc.
Address: 1851 Bennington Road
City/State/Zip: Rockville, VA 23146
Phone: (804) 749-3276
Email: kmorgan@liesfeld.com

Operator: Liesfeld Contractor, Inc.
Address: 1851 Bennington Road
City/State/Zip: Rockville, VA 23146
Phone: (804) 749-3276
Fax: (804) 749-4566
Email: kmorgan@liesfeld.com

Representative: Engineering Design Associates
Address: P.O. Box 50067
City/State/Zip: Richmond, VA 23250
Phone: (804) 236-0190
Fax: (804) 236-0194
Email: rhooker@edaengr.com

By signing this application the property owner authorizes the members of the Board of Zoning Appeals and County employees to enter the property during normal business hours in the discharge of their duties in regard to this request.

Five sets of plans and two copies of a narrative must be submitted with this application. See page 2 for detailed instructions.

OFFICE USE
Date Received: 6/1/20
Time Received: 11:00
P1V #: 122886
Fee: $ 915
Accepted By: Johnson
Case #: CUP2020-00015

Project #: CUP2020-00015
Rec. Date: 06/01/2020
Project Name: 
Master Case #: CUP2020-00015
Case #: CUP2020-00015
Case Name: J. E. LIESFELD CONTRACTOR, INC.
Review: Construction Plan
Submissions: EEC

CPIN: 810-077-8788
Mag District: Varina
Address: 5950 STRATH RD
1. Mining Methods

No mining shall take place under this permit.

2. Processing Methods

There will be no processing of materials on this site.

3. Disposal Methods

Clean soil, free of organic matter and debris, may be brought in and stockpiled or used in rehabilitation of the site.

4. Haul Roads and Access Roads

   a. The entrance and haul road are existing and consist of a paved/graveled surface approximately 30 feet in width.
   b. Dust shall be contained within the site by the existing woodland buffers around the site.
   c. There will be no onsite roads constructed.

5. Reclamation Plans

   a. The is no immediate proposed use of the property. It will remain vacant.
   b. The old mine area does not contain a topsoil surface. Topsoil will be spread once filling operation has been completed.
   c. Debris generated from clearing shall be hauled off-site to an appropriate facility. There is no other debris on the site. There are no existing or proposed structures on the site.
   d. The property shall be sloped with a maximum 3:1 side slope and then topsoil and seed shall be applied.
   e. All disturbed areas shall receive 6” of topsoil and shall be seeded with a mixture of 24% rye grass and 75% tall fescue.

6. Administrative Information

   a. Liesfeld Contractor, Inc.
      Joseph E. Liesfeld Jr – President
      1851 Bennington Road
      Rockville, Virginia  23146

      Joseph E. Liesfeld Jr. owns 100% of the stock.
b. J E Liesfeld Contractor, Incorporated is the current owner of the property and therefore has all rights to enter the property.
c. Joseph E. Liesfeld, III, Vice-President
d. Not applicable.
Strath Road Mine  
Case Number: CUP2018-00015  
Applicant: Liesfeld Contractors, Inc  
Quarter 1 Report, 2020

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<td>TOP SOIL</td>
<td>6200 Technology Blvd</td>
<td>J.E. Liesfeld</td>
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Total Cubic Yards = 2050

J.E Liesfeld Contractors Inc. certifies that all material deposited on site contained no hazardous material as defined by the Virginia Hazardous Waste Management Regulations.

X

William Woods
Strath Road Mine  
Case Number: CUP2018-00015  
Applicant: Liesfeld Contractors, Inc  
Quarter 3 Report

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Total cubic yards 19,140

J.E Liesfeld Contractors Inc. certifies that all material deposited on site contained no hazardous material as defined by the Virginia Hazardous Waste Management Regulations.

---

X

Kelby Morgan

Page 1 of 1
Strath Road Mine  
Case Number: CUP2018-00015  
Applicant: Liesfeld Contractors, Inc  
Quarter 4 Report, 2019

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Total cubic yards 630

J.E Liesfeld Contractors Inc. certifies that all material deposited on site contained no hazardous material as defined by the Virginia Hazardous Waste Management Regulations.

[Signature]

William Woods
RECLAMATION SEQUENCE

1. IN GENERAL, THE SITE WILL BE RECLAIRED/FILLED FROM NORTH TO SOUTH.
2. AS FILL IS PLACED, THE CONTRACTOR SHALL DIVERT ALL RUNOFF TOWARDS THE SEDIMENT BASIN.
3. THE CONTRACTOR SHALL ADJUST THE PREPARATION DITCH AS NEEDED TO CONDUCT SEDIMENT LAGGAGE TO THE SEDIMENT BASIN.
4. ANY GRADE ADJUSTMENT TO THE SEDIMENT BASIN OR TEMPORARY SEDIMENT CONTROL STRUCTURES AS MANDATED BY THE COUNTY INSPECTOR SHALL BE STABILIZED IMMEDIATELY UPON COMPLETION.
5. THE SEDIMENT AND SEDIMENT BASIN DRAINAGE AND SEDIMENT BASIN SHALL REMAIN IN PLACE UNTIL UPRIGHT AREA ARE STABILIZED.
RECLAMATION SEQUENCE

1. In general, the site will be reclaimed/filled from north to south.
2. All fill is placed, the contractor shall divert all runoff to the sediment basin.
3. The contractor shall assist the sediment drains as needed to convey sediment-laden runoff to the sediment basin.
4. Any slope adjustment to the sediment drains or temporary erosion control devices required by the county inspector shall be stabilized immediately upon completion.
5. The eastern and western diversion ditches and sediment basins shall be kept in place until upstream areas are stabilized.
6. Upon approval from the county inspector, the diversion ditches will be graded out, the sediment basins shall be filled, and drainage areas shall be immediately stabilized upon completion.

NOTE:
SEE SHEET 11 FOR SECTIONS A-D

NOTE:
SEE SHEET 15 FOR TREE PLANTINGS PER CONDITION NO. 18 OF APPROVED CUP 2010-06015.
This report is prepared by the Planning Department staff to assist the Board of Zoning Appeals in considering this application. Additional information may be submitted by interested parties at the public hearing, and the final decision to grant or deny the application is reserved by law to the Board.

**Public hearings:** July 23, 2020 Pending

**Property Identification and Location:**

- **Property owner:** J. E. Liesfeld Contractor, Inc.
- **Applicant:** J. E. Liesfeld Contractor, Inc.
- **Representative:** Randy Hooker, Engineering Design Associates
- **Type of request:** Place soil as fill material
- **Property address:** 8950 Strath Road
- **Parcel Number:** 816-677-8788
- **Property acreage:** 64.65 acres total (40 acres to be disturbed)
- **Magisterial District:** Varina
- **2026 Comprehensive Plan Recommendation:** Rural Residential (RR)
- **Zoning of Property:** A-1, Agricultural District
- **Zoning of Surrounding Property:**
  - North: A-1, Agricultural District
  - West: A-1, Agricultural District
  - South: A-1, Agricultural District
  - East: A-1, Agricultural District
- **Staff Contact:** Benjamin W. Blankinship, AICP
BACKGROUND

Liesfeld Contractor, Inc. owns 147.611 acres on both sides of Strath Road. The applicant performs excavation and site work for large construction projects, such as the Facebook project at White Oak Technology Park. Soil, rock, and other materials excavated from construction sites must be transported to other sites and disposed of as fill. In 2018, the Board approved a conditional use permit for the 64.65 acres on the west side of Strath Road (CUP2018-00015). That conditional use permit approved the disturbance of approximately 40 acres, while 24.65 acres will remain wooded. Work began in August 2019. As is customary, the Board approved the permit for a period of two years. It will expire July 31 unless a new permit is approved.

The subject property was excavated by West Sand and Gravel Company between 1988 and 1992. After excavation was complete, the operator did not fill the site; instead, they simply spread top soil and planted ground cover. As a result, the elevation near the center of the property is approximately 15-20 feet lower than the surrounding land. Over the past 25 years it has grown up in woodland, mostly white pine.

Liesfeld Contractor, Inc., has removed the trees from approximately 13 acres at the western end of the property and has begun filling the lower areas with excavated material. This application would allow them to continue filling the site for the next two years.

Most of the surrounding area is rural in character. There is a cluster of 17 dwellings on both sides of Strath Road just to the north of the entrance to the property (8775-8910 Strath Road). There are also eight dwellings around the southern property line (9050 Strath Road, 1758-1792 Kingsland Road, and 1670-1680 Old Kingsland Road). The property is bordered on the west by a 220-foot easement for a high-voltage electrical transmission line, and the property on the other side of that power line was recently approved as the site of a solar farm (CUP2017-00038).

The plans submitted with this application are essentially the same as those approved in 2018. They show a 100-foot wooded buffer around the site. Disturbance along Strath Road and along the northern property line is minimal: the finished grades in that area would be close to the existing grades. The first sediment basin has been installed near the southwest corner; another will be installed in the southeast corner when that portion of the property is cleared. The reclamation plan shows up to 10 feet of fill over most of the site, with 12 and 14 feet over a few areas. It is important to note, however, that the edges of the fill tie into the existing elevations. Around the perimeter of the site, the slope makes a smooth transition from the existing, natural grade to the proposed finished grade. The effect would be to restore the property to a condition more consistent with its surroundings than currently.

During the public hearing process in 2018 the applicant made two significant concessions to the neighbors. First, a “notch” along the southern boundary of the property comprising approximately 9.7 acres was removed from the area to be filled. This change cost the applicant approximately 3 acres of potential fill area, and provided considerably more buffering to the nearest neighbors. Second, in response to concerns regarding potential contamination of wells, the applicant agreed to pay for testing of any wells within 1,000 feet to the west or south of the site. Although none of the neighbors took advantage of this offer, staff suggests retaining it in the conditions.
**EVALUATION**

(i) **Is the request consistent with the comprehensive plan and the zoning ordinance?**

The property is zoned A-1, Agricultural District, and is designated Rural Residential (RR) on the 2026 Future Land Use Plan. Extraction of sand and gravel is permitted by conditional use permit under the A-1 zoning (Sec. 24-52(d)). A landfill is also permitted by conditional use permit (Sec. 24-116(c)(3)). Extraction, and the reclamation of a former extraction site, are consistent with the Rural Residential designation. The future use of the property would be enhanced by this application, because the elevation would be returned to finished grades closer to what was in place prior to 1988. Therefore the request is consistent with the comprehensive plan and zoning ordinance.

(ii) **Would the request result in a substantial detrimental impact on nearby property?**

Extraction and fill sites typically have some detrimental impact on neighboring property. The potential impacts include the visual impact from tree removal, which will be mitigated by the 100-foot wooded buffer that will remain in place. The trucks bringing material to the site and dumping it, and the equipment that will spread and compact that material generate noise and dust. The noise impact is mitigated by limitations on the hours of operation, and no complaints have been received since the conditional use permit was approved in 2018.

**CONCLUSION**

When the subject property was previously mined, the reclamation left the surface 15-20 feet below the original grade. The site has been in operation since August 2019 with no complaints. The reclamation plan shows up to 10 feet of fill over most of the site, with 12 and 14 feet over a few areas. The effect will be to restore the property to a condition consistent with its surroundings. While the operation will have some detrimental impact on nearby property, the impacts will be temporary, and will be mitigated by the proposed conditions. Staff recommends approval of the request subject to the attached conditions.
Case Number: CUP2020-00015
Applicant: J. E. Liesfeld Contractor, Inc.
Hearing Date: 07/23/2020

Conditions of Approval:

1. This conditional use permit only authorizes the clearing, grading, filling, and reclamation shown on the plans titled “Liesfeld Contracting Strath Road Mine” prepared by Engineering Design Associates and revised May 2020.

2. The final grades shall have a minimum slope of 2% and a maximum slope of 33% (3 feet horizontal to 1 foot vertical).

3. The applicant shall maintain a financial guaranty in the amount of $135,300 insuring that the land will be restored as shown on the “Final Reclamation Plan.” The applicant shall maintain the financial guaranty until the Planning Department and the Department of Public Works approve the reclamation of the property. Reclamation shall not be considered complete until the site has been graded as shown on the approved reclamation plan, is covered completely with permanent vegetation, and is seeded with red cedar trees, loblolly pine trees, or a similar native species in a manner approved by the Director of Planning.

4. The applicant shall continuously satisfy the requirements of the environmental compliance plan approved by the Department of Public Works (DPW), including compliance with the Chesapeake Bay Preservation Act and maintenance of all erosion control measures in accordance with the approved plan. As site conditions change, updated plans and bonds may be required by DPW.

5. The material to be deposited on the site shall be limited to soil and similar materials excavated from construction sites, and shall not include any hazardous materials as defined by the Virginia Hazardous Waste Management Regulations. The applicant shall submit a quarterly report stating the origin, nature, and quantity of all material deposited on the site, certifying that no hazardous materials were included.

6. Any activity that results in sound clearly audible at the property lines shall be limited to Monday through Friday, from 7:00 am to 5:30 pm. There shall be no activity that results in sound clearly audible at the property lines on Saturdays, Sundays, or national holidays.

7. All access to the property shall be from the designated construction entrance onto Strath Road. The applicant shall maintain a gate at the entrance, which shall be locked at all times except when authorized representatives of the applicant are on the property.

8. The applicant shall maintain a sign at the entrance to the site stating the name of the applicant and a telephone number to contact in case of emergency.
9. The applicant shall maintain standard "Truck Entering Highway" signs on Strath Road on each side of the entrance to the property.

10. The applicant shall maintain a standard stop sign at the entrance to Strath Road.

11. The applicant shall maintain "No Trespassing" signs every 250 feet along the perimeter of the property. At the request of the Division of Police, the applicant shall send a representative to testify in court to enforce the "No Trespassing" signs.

12. There shall be no burning on the site at any time.

13. Trucks leaving the site shall travel at intervals and not in groups of three or more. If requested by the Division of Police, the applicant shall provide a flagman to control traffic from the site onto Strath Road.

14. The applicant shall sweep Strath Road as necessary to prevent tracking of mud, and shall control dust in accordance with the latest version of the Virginia Erosion and Sediment Control Handbook.

15. If the applicant discovers cultural or historic resources, endangered species, or significant habitat, it shall notify appropriate authorities and provide them with an opportunity to investigate the site. The applicant shall report the results of any such investigation to the Planning Department.

16. At the request of the owner of any water well located within 1,000 feet west or south of the fill area, the applicant shall reimburse the reasonable cost of testing the well water once per year while this permit is active. The tests shall be performed by a Commonwealth of Virginia Certified Drinking Water Laboratory, and the results shall be reported to the applicant, the well owner, and the Planning Department. If such tests show contamination, the applicant may request collection and testing of a new sample by an independent third party.

17. If evidence shows that the fill operation authorized by this conditional use permit has an adverse impact on a water well, the owner of the well may request a hearing before the Board. If the Board finds, after reviewing the evidence at a public hearing, that the well was adversely affected by the fill operation, the applicant shall immediately cease operations until the problem has been corrected to the satisfaction of the Board. This protection applies to wells tested pursuant to Condition 16, or any other well in the vicinity for which evidence of adverse impact can be documented.

18. This conditional use permit shall expire July 31, 2022.
8950 Strath Rd – southern view of fill site

View of site access off Strath Rd

CUP2020-00015
To Expand a Noncommercial Recreation Facility
Conditional Use Permit Application
County of Henrico, Virginia
Department of Planning

Property Address: 6000 Dominion Club Dr., Glen Allen, VA 23059
Current Zoning: B-2C
Parcel Number (GPIN): Tract 2 Parcel A part of 743-779-0623
Magisterial District: Three Chopt District, Henrico County

Request for a conditional use permit pursuant to Section __________ of Chapter 24 of the Henrico County Code

Proposed use: The Dominion Club would like to erect a seasonal Tennis Bubble for indoor play during the winter months. This structure would be put up each year on or about November 1, and taken down each spring on or about March 15. The structure would fit within the boundaries of the existing tennis courts and would rise to a maximum height of 36 ft. example pictures are attached along with a page from the ALTA survey completed in 2020.

Owner: HGC Dominion, LLC
Address: 6000 Dominion Club Dr.
City/State/Zip: Glen Allen, VA 23059

Applicant: Eric Boberg
Address: 6000 Dominion Club Dr.
City/State/Zip: Glen Allen, VA 23059

The property owner must sign the form or submit written authorization for an agent to sign. The property owner authorizes the members of the Board of Zoning Appeals and County employees to enter the property during normal business hours in the discharge of their duties in regard to this request.

Relationship to owner: General Manager
Phone: 804 360-1200
Fax:
Email: eboberg@heritagegolfgroup.com

Representative: Eric Boberg
Address: 6000 Dominion Club Dr.
City/State/Zip: Glen Allen, VA 23059

Relationship to owner: General Manager
Phone: 804 360-1200
Fax:
Email: eboberg@heritagegolfgroup.com

Two copies of a site plan must be submitted with this application showing the size and location of the lot, the location, and dimensions of the proposed building or structure, and the location, setbacks, and dimensions of any existing structures on the lot. If a building is proposed, one set of floor plans and elevations should be provided.

OFFICE USE

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Project #: CUP2020-00016
Rec. Date: 06/11/2020
Project Name:
Master Case #: CUP2020-00016
Case #: CUP2020-00016
Case Name: THE DOMINION CLUB
Review: Building Permit
Submission: REC
GPIN: 743-779-0623 Mag. District: Three Chopt
Address: 6000 DOMINION CLUB DR
Please provide a complete description of the proposed use, building, structure, or activity: The Dominion Club would like to erect a seasonal Tennis Bubble for indoor play during the winter months. This structure would be put up each year on or about November 1, and taken down each spring on or about March 15. The structure would fit within the boundaries of the existing tennis courts and would rise to a maximum height of 36ft. Example pictures are attached along with a page from the ALTA survey completed in 2020.

IF TEMPORARY: Beginning date: on or about Nov 1  end date: on or about March 15

IF APPLICABLE: Hours of operation:  approx 6am to 10pm

The Board of Zoning Appeals can grant a conditional use permit only if certain legal requirements have been met. The following questions are intended to help you show the Board that your request should be approved.

**Please answer both questions completely. Attach additional pages if necessary.**

1. How would this permit affect other property in the area? Would the proposed building or activity be visible from neighboring property?

   Yes, this structure would be visible from the neighboring property. There is a stand of trees between the two properties that would obstruct a portion of the visibility. Many of the surrounding property owners would use this facility and have asked for such a structure for many years.

2. Is this use generally compatible with the surrounding area? How is other property in the area used, and how will the proposed use fit in?

   The structure does fit into the current use of the existing property and would be just another amenity for the Club's Members to use. The surrounding community already has their own tennis, swim and recreational facilities for all homeowners to use as part of their community dues.
LOCATION OF PROPOSED COVER
From: Emerson, Joe
To: Blankenship, Benjamin; Gidley, Paul
Cc: Moore, Jean
Subject: FW: CUP 2020-00016
Date: Tuesday, July 7, 2020 2:27:07 PM

Ben or Paul,
Please handle.
Thanks,
Joe

R.J. Emerson, Jr. AICP
Director of Planning
County of Henrico, VA.
P.O. Box 90775
Henrico, VA 23273 - 0775
Phone (804) 501-4605
Fax (804) 501-4379
Joe.Emerson@Henrico.US

-----Original Message-----
From: ThreeChopt <Threechopt@henrico.us>
Sent: Tuesday, July 7, 2020 2:21 PM
To: Emerson, Joe <eme@henrico.us>
Cc: Yob, Steven <yob@henrico.us>
Subject: CUP 2020-00016

Joe,
Does a CUP come through Planning? If so, please respond at the request of Mr. Branin and cc:
threechopt@henrico.us
Thanks,
Veta

-----Original Message-----
From: Vickie <pricev57@earthlink.net>
Sent: Tuesday, July 7, 2020 1:43 PM
To: ThreeChopt <Threechopt@henrico.us>
Subject: CUP 2020-00016

Dear Mr. Branin — I am writing to ask for your support in denying the above referenced zoning request by The Dominion Club to erect a tennis “bubble” over four of their tennis courts located adjacent to the Wyndham neighborhood.

The reason for my opposition is simple — I live directly behind the courts and while I am perfectly okay with the normal noise and activity generated from court usage, I never anticipated a 30-40 foot large grey tent behind my house. I’m concerned about the noise as well as the overall “ugliness” of these types of structures. I have consulted with a local real estate agent who believes that this will have a negative impact on home values in our neighborhood — because really, who wants to live behind a large tent?

While there is currently a very small buffer of trees between our homes and the courts, many of the trees are dead and will eventually need to be replaced with smaller plants that will essentially provide us with a bird’s eye view of the bubble.

I should tell you that we are members of the club. While we support the enhancement of amenities, we do not support the construction of something of this magnitude that will most likely prove to be an eyesore as well as a
noise generator.

Thank you for looking into this issue.

Vickie Price
919-302-3085
Dear Commissioners: Thank you for the opportunity to comment. As a resident of Club Commons, a part of the Wyndham Community, I am very dismayed hearing that the Dominion Club plans to install a large tennis bubble abutting homes in our neighborhood. Several comments:

1) The Dominion Club never notified the residents of Club Commons of their plans.
2) We are not aware that the Dominion Club conducted any feasibility study in terms of how this might effect our property values. Considering they plan to hold events in the bubble such as parties and weddings, we are not aware of any feasibility study to evaluate event noise or noise from their air fans. The bubble is approximately three stories high causing an unsightly view for the adjacent homeowners whose homes are literally only yards away.
3) The Club has other alternate sites on their property where they can place courts and the bubble where it won’t have a negative impact on anyone and the Club can still have a nice tennis facility.

The residents of Club Commons have always had a good relationship with the Club. I personally am a member. I believe there can be a resolution where both sides can agree. I urge the zoning board to postpone the approval and request both sides meet, come up with a resolution to present at the next zoning meeting. Thank you in advance for your consideration.

KENNETH OLSHANSKY, M.D.
Cell: 8046901635
Home: 8043602965
Fax: 8043643798
olshanskyken@gmail.com
Dear Commissioners,

Thank you in advance for your consideration regarding the Dominion Club tennis bubble proposal. My husband and I live on the tennis court boundary and would have an extreme loss to our property value if this were to be built. We were not informed of this proposal until we “happened” upon the Dominion Club’s sign on a walk, (one week ago). There has been no time to do any feasibility study or have any other options. We support the Dominion Club’s success, but not at the loss of our community (Club Commons) home values.

As you can see from the enclosed photos we lost 4 trees on the property line we share with Dominion Club, and have replacement trees (similar trees will also be replacing existing trees due to the fact that they are dead in the center). They do not provide any screening for the proposed three story tennis bubble and will have a devastating effect on our ability to enjoy our home plus as stated above the devaluation to our life investment. As one neighbor stated very eloquently:

“Home owners on Layton Drive adjacent to the tennis courts (about 8% of our houses) will unquestionably be impacted the most, and the view from other houses on Layton will also be changed. If the value of that many houses in Club Commons is reduced, the property value of all owners will suffer (all ships rise with an incoming tide - the opposite when the tide goes out).”

Please give us more time to consider all options.
Thank you again for your consideration regarding our home and neighborhood.

Debra and Charles Gould, M.D.
12045 Layton D
Glen Allen VA 23059

H(804)360-0062
This report is prepared by the Planning Department staff to assist the Board of Zoning Appeals in considering this application. Additional information may be submitted by interested parties at the public hearing, and the final decision to grant or deny the application is reserved by law to the Board.

Public hearings: July 23, 2020 Pending

Property Identification and Location:

Property owner: HGC Dominion, LLC
Applicant: The Dominion Club
Representative: Eric Boberg, General Manager
Type of request: Expand a noncommercial recreation facility
Property address: 6000 Dominion Club Drive
Parcel Number: Part of Parcel 743-779-0623
Property acreage: 205.223 acres
Magisterial District: Three Chopt

2026 Comprehensive Plan Recommendation: Open Space/Recreation (OS/R)

Zoning of Property: B-2C, Business District (Conditional)

Zoning of Surrounding Property:
North: RTHC, Residential Townhouse District (Conditional)
West: R-5C, General Residence District (Conditional)
South: C-1C, Conservation District (Conditional)
East: R-5C, General Residence District (Conditional)

Staff Contact: Paul Gidley
**BACKGROUND**

The Dominion Club serves the residents of the Wyndham development and includes an 18-hole golf course, clubhouse, swimming pool and tennis courts. It was approved in 1990 as part of plan of development POD-096-90.

The Dominion Club is proposing to place a seasonal bubble over four of the eight tennis courts that are located behind the existing swimming pool. This would allow their members to enjoy tennis year-round, even during the winter months. This structure would be put up around November 1 each year and be removed around March 15. The proposed operating hours are 6:00 a.m. to 10:00 p.m.

The plan shows the four westernmost courts being covered with a white fabric material. The maximum height of this enclosure would be 36 feet. The easternmost four courts are clay courts that are not used during the winter.

The adjoining property include a swimming pool, sunbathing deck and snack bar to the south, with a large parking area between the pool and the Dominion Club. The golf course is located to both the east and the west. To the north of the tennis courts is a neighborhood known as Club Commons at Wyndham. This community consists of 62, two-story freestanding condominium units that was approved by the Planning Commission in 1996.

**EVALUATION**

(i) *Is the request consistent with the comprehensive plan and the zoning ordinance?*

The property is zoned B-2C, Business District (Conditional) and is designated Open Space/Recreation on the 2026 Future Land Use Map. A neighborhood recreation center is consistent with these designations.

The B-2 district requires a 40-foot rear yard setback adjacent to residentially zoned property. The tennis courts were approved with a 26.32-foot setback. A cover over the tennis courts, even on a seasonal basis, should comply with the 40-foot rear yard setback. As a result, the proposed cover over the tennis courts would not comply with the rear yard setback requirement.

The Dominion Club is subject to the conditions proffered with rezoning case C-48C-90. One of these proffers requires that all buildings constructed on the Property shall have exposed exterior walls (above finished grade) of face brick, natural stone, glass, stucco, drivit, exposed aggregate concrete, or an equivalent permanent architecturally finished material, unless different architectural treatment and/or materials are specifically approved with respect to the exposed portion of any such wall, at the time of Plan of Development review. If the Board considers the seasonal cover a building, then the proposed structure would not comply with the proffered conditions governing building materials.
(ii) **Would the request result in a substantial detrimental impact on nearby property?**

The tennis courts are bordered to the south by a large swimming pool and to the east and west by the Wyndham golf course, neither of which should be impacted by the proposal. The area to the north, however, contains a residential community known as Club Commons at Wyndham. There are four homes directly behind the four tennis courts proposed to be covered that are as close as 50 feet away, with another home in close proximity. There is a significant evergreen screen between the tennis courts and these residences. Two homes, however, are more exposed than others due to gaps in the evergreen screen.

The proposed bubble that would cover the tennis courts would have a maximum height of 36 feet, taller than the adjoining homes. The evergreen screen would block much of this structure from the view of the nearby residents, however, because the land slopes upward from the tennis courts to the residences, the bubble would likely be visible from the second floor of these homes, especially when it is lighted.

Staff has received several inquiries about this case and three letters of opposition (one of which was addressed to the Board of Supervisor member for the district).

**CONCLUSION**

The Dominion Club would like to place a seasonal bubble over their tennis courts to allow for their use during the winter months. While recreational facilities abut these courts on three sides, there are residences to the north. Although the existing evergreen screen provides some buffering between the two uses, there are two gaps where the bubble would be clearly visible to the residents.

The proposed bubble would be located within the 40-foot setback and would not comply with the proffer regarding building materials. It would likely have a substantial detrimental impact on the dwellings to the north, as evidenced by three letters of opposition. For these reasons staff recommends denial of this request.
6000 Dominion Club Dr – Northeastern view of tennis court & buffer

Northern view of home adjacent tennis courts

CUP2020-00016