

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
3 **HENRICO COUNTY GOVERNMENT COMPLEX, ON THURSDAY, AUGUST 22, 2002,**
4 **AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
5 **DISPATCH ON AUGUST 1 AND 8, 2002.**
6

Members Present: R. A. Wright, Vice-Chairman
Richard Kirkland
Gene L. McKinney, C.P.C., C.B.Z.A.
James W. Nunnally

Members Absent: Daniel T. Balfour, Chairman

Also Present: Benjamin Blankinship, Secretary
Susan W. Blackburn, County Planner II
Priscilla M. Parker, Recording Secretary

7
8 Mr. Wright - I call the meeting of the County of Henrico Board of Zoning
9 Appeals to order. Would you stand for the **Pledge of Allegiance**. Are there any
10 referrals or withdrawals on the 9:00 o'clock agenda?
11

12 Mr. Blankinship - Not by the applicant.
13

14 Mr. Wright - Mr. Secretary, would you read the rules, please.
15

16 Mr. Blankinship - Good morning, Mr. Chairman, Members of the Board, ladies
17 and gentlemen. The rules for this meeting are as follows. As Secretary, I will call each
18 case. Then at that time the applicant should come down to the podium. I will ask
19 everyone who intends to speak on that case, in favor or in opposition, to stand and be
20 sworn in. The applicants will then present their testimony. After the applicant has
21 finished, the Board will ask them questions, and then anyone else who wishes to speak
22 will be given the opportunity. After everyone has spoken, the applicant, and only the
23 applicant, will be given the opportunity for rebuttal. After hearing the case, and asking
24 questions, the Board will take the matter under advisement. They will render all of their
25 decisions at the end of the meeting. If you wish to know their decision on a specific
26 case, you can either stay until the end of the meeting, or you can call the Planning
27 Office later this afternoon. This meeting is being tape recorded, so we will ask everyone
28 to speak directly into the microphone on the podium, and to state your name. And
29 finally, out in the foyer, there are two binders, containing the staff report for each case,
30 including the suggested conditions.
31

32 **UP- 28-2002 TRAMMELL CROW CO.** requests a temporary conditional use
33 permit pursuant to Section 24-116(c)(1) of Chapter 24 of the

34 County Code to locate a temporary office/storage trailer at 3951
35 Westerre Parkway (Parcel 750-759-4330), zoned O-3C, Office
36 District (Conditional) (Three Chopt).

37
38 Mr. Blankinship - Raise your right hand please. Do you swear that the
39 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
40 help you God?

41
42 Ms. Wittersheim - I do. Hi. I'm Lynn Wittersheim, and I'm the property
43 manager for Trammell Crow. We're requesting a temporary use permit for a trailer in
44 the back parking lot of the Westerre One Building on Westerre Parkway. We have 2
45 buildings there. We are requesting a temporary use permit for a trailer for our 2
46 engineers and some supplies. It's at the back parking lot; it will not be encroaching on
47 any of the other parking lot. In fact, it's kind of near the electrical post that's out there,
48 so we can hook up electrically easily. We will not have any utilities. There will not be
49 sanitary restrooms on the trailer. They will use the buildings that already have the
50 bathrooms. We're doing this because the buildings are fully occupied, and when we
51 originally asked for this a couple of years ago, we had a prospective tenant take the last
52 space, but then they didn't, so we didn't get the trailer, we didn't need it at the time.
53 That's why we're requesting it a second time, because we never really put the trailer in
54 place.

55
56 Mr. Wright - Have you read the conditions that are proposed? You
57 understand that you have to file a report by August 1, 2003, and it has to be removed by
58 August 1, 2004.

59
60 Ms. Wittersheim - Correct. We understand that.

61
62 Mr. Wright - Any questions by members of the Board? Is anyone here in
63 opposition to this request. Hearing none, that concludes the case. Thank you.

64
65 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
66 Nunnally, the Board **granted** application **UP-28-2002** for a temporary conditional use
67 permit to locate a temporary office/storage trailer at 3951 Westerre Parkway (Parcel
68 750-759-4330). The Board granted the use permit subject to the following conditions:

69
70 1. Only a trailer, as shown on the plan filed with the application, may be constructed
71 pursuant to this approval. No substantial changes or additions to the layout may be
72 made without the approval of the Board of Zoning Appeals. Any additional
73 improvements shall comply with the applicable regulations of the County Code.

74
75 2. A detailed landscaping plan shall be submitted to the Planning Office with the
76 building permit for review and approval. All landscaping shall be maintained in a
77 healthy condition at all times. Dead plant materials shall be removed within a
78 reasonable time and replaced during the normal planting season.

80 3. If any new lighting is to be installed, a detailed lighting plan shall be submitted to
81 the Planning Office for review and approval. All exterior lighting shall be shielded to
82 direct light away from adjacent property and streets.

83
84 4. The trailer shall be sited so that it does not occupy more than one existing
85 parking space. Five additional parking spaces shall be provided to serve the trailer.

86
87 5. If a bathroom is provided in the trailer, it shall be connected to sanitation facilities
88 approved by the Health Department.

89
90 6. On or before August 1, 2003 the applicant shall submit a report to the Planning
91 Office describing their plans for permanent office space.

92
93 7. The trailer shall be removed from the property on or before August 1, 2004, at
94 which time this permit shall expire. This permit shall not be renewed.

95
96 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
97 Negative: 0
98 Absent: Balfour 1
99

100 The Board granted the request because it found the proposed use will be in substantial
101 accordance with the general purpose and objectives of Chapter 24 of the County Code.

102
103 **A -134-2002** **HUU PHAM** requests a variance from Section 24-94 of Chapter 24
104 of the County Code to build a sunroom over the existing deck at
105 2516 Brookstone Lane (Kingcrest) (Parcel 736-754-6818), zoned
106 R-4C, One-family Residence District (Conditional) (Tuckahoe). The
107 rear yard setback is not met. The applicant proposes 30 feet rear
108 yard setback, where the Code requires 35 feet rear yard setback.
109 The applicant requests a variance of 5 feet rear yard setback.

110
111 Mr. Wright - Anyone else here intend to speak on this case?
112

113 Mr. Blankinship - Raise your right hand please. Do you swear that the
114 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
115 help you God?
116

117 Mr. Wright - Please state your name for the record.
118

119 Mr. Pham - Yes. My name is Huu Pham, owner of the property. In 1992
120 we talked to someone about building on a room. I actually have arthritis or gout attacks,
121 and it is very inconvenient for me to go upstairs, so if the Board would allow me to
122 setback 5 more feet, I will be able to build a sunroom that is attached, I can stay
123 downstairs. My deck was approved, but the room is not wide enough to build, so please
124 help me and give me the ability to build a room for me to be in when I have the gout.
125

126 Mr. Wright - Is this sunroom going to be constructed over where your
127 current deck is now?

128
129 Mr. Pham - I thought because of the room size it would be okay and will
130 only be used as a sunroom.

131
132 Mr. Wright - What's located to the rear of your property? That is in the
133 left rear of my property.

134
135 Mr. Wright - Looks like an open area back there.

136
137 Mr. Pham - That's it, an open area.

138
139 Mr. Wright - So there are no houses behind there?

140
141 Mr. Pham - No house behind.

142
143 Mr. Wright - Any questions by members of the Board? Anyone here in
144 opposition to this case? Hearing none, that concludes the case. Thank you very much.

145
146 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
147 Kirkland, the Board **granted** application **A-134-2002** for a variance to build a sunroom
148 over the existing deck at 2516 Brookstone Lane (Kingcrest) (Parcel 736-754-6818).
149 The Board granted the variance subject to the following conditions:

150
151 1. Only the improvements shown on the plan filed with the application may be
152 constructed pursuant to this approval. No substantial changes or additions to the layout
153 may be made without the approval of the Board of Zoning Appeals. Any additional
154 improvements shall comply with the applicable regulations of the County Code.

155
156 2. The new construction shall match the existing dwelling as nearly as practical.

157
158 Affirmative: Kirkland, McKinney, Nunnally, Wright 4

159 Negative: 0

160 Absent: Balfour 1

161
162 The Board granted this request, as it found from the evidence presented that, due to the
163 unique circumstances of the subject property, strict application of the County Code
164 would produce undue hardship not generally shared by other properties in the area, and
165 authorizing this variance will neither cause a substantial detriment to adjacent property
166 nor materially impair the purpose of the zoning regulations.

167
168 **A -135-2002** **JAMES L. AND SARAH S. SAVAGE** request a variance from
169 Section 24-94 of Chapter 24 of the County Code to build a
170 screened porch over the existing deck at 5737 Oak Mill Court
171 (Oakmill at Millstone) (Parcel 738-779-1300), zoned R-3C, One-

172 family Residence District (Conditional) (Three Chopt). The rear
173 yard setback is not met. The applicants propose 31 feet rear yard
174 setback, where the Code requires 40 feet rear yard setback. The
175 applicants request a variance of 9 feet rear yard setback.
176

177 Mr. Wright - Anyone here wish to speak in connection with this case?
178

179 Mr. Blankinship - Raise your right hand please. Do you swear that the
180 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
181 help you God?
182

183 Ms. Savage - Yes. I'm Sarah Savage, and our property line, the way the
184 house is set on our property, one corner of our deck that we want to enclose, would
185 require a 9-foot setback in order to enclose it into a screened porch. The rest of the
186 porch meets the requirement for the setback. We spoke with everyone on the list, all of
187 our neighbors. You sent us a list of the neighbors. We called all of them, and no one
188 seemed to have a problem with it. The screened porch will look exactly like the house;
189 it will have siding like the house, and will look like it was built when the house was built.
190

191 Mr. Wright - This will be constructed on your existing deck, is that
192 correct? What size lot do you have – it looks like on the basic information that we have,
193 that the rear line cuts in very sharply and sort of like a triangular effect.
194

195 Ms. Savage - Correct. Right.
196

197 Mr. Wright - What you're saying is, if the rear line were sort of
198 perpendicular, parallel to the house, you wouldn't have a problem, would you?
199

200 Ms. Savage - Right. We'd have plenty of room. It's just that one corner.
201

202 Mr. Nunnally - You say you're not going to increase the size of this
203 sunroom; it will be the same size as your deck, right?
204

205 Ms. Savage - One edge of it will be, we're going to square it off, if that
206 makes sense. The deck is sort of an L-shape, and we'll square it and make it totally
207 square, which we drew in on the plot line that we handed in with our application.
208

209 Mr. Wright - You will extend it sort of across the

210
211 Ms. Savage - If we didn't square it off, we'd run into a large window, so we
212 have to square it off in order to build it, so that we don't run into the window with the
213 wall.
214

215 Mr. Wright - Any questions of members of the Board? Anyone here in
216 opposition to this request? Hearing none, that concludes the case. Thank you very
217 much.

218
219 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
220 Nunnally, the Board **granted** application **A-135-2002** for a variance to build a screened
221 porch over the existing deck at 5737 Oak Mill Court (Oakmill at Millstone) (Parcel 738-
222 779-1300). The Board granted the variance subject to the following conditions:

223
224 1. Only the improvements shown on the plan filed with the application may be
225 constructed pursuant to this approval. No substantial changes or additions to the layout
226 may be made without the approval of the Board of Zoning Appeals. Any additional
227 improvements shall comply with the applicable regulations of the County Code.

228
229 2. The new construction shall match the existing dwelling as nearly as practical.

230
231 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
232 Negative: 0
233 Absent: Balfour 1

234
235 The Board granted this request, as it found from the evidence presented that, due to the
236 unique circumstances of the subject property, strict application of the County Code
237 would produce undue hardship not generally shared by other properties in the area, and
238 authorizing this variance will neither cause a substantial detriment to adjacent property
239 nor materially impair the purpose of the zoning regulations.

240
241 **A -136-2002** **MILTON AND MARGE PRITCHETT** request a variance from
242 Section 24-95(l)(2)(c) of Chapter 24 of the County Code to build a
243 screened porch over the existing deck at 2405 Boissevain Road
244 (Westbriar) (Parcel 754-752-0614), zoned R-3, One-family
245 Residence District (Three Chopt). The accessory structure setback
246 is not met. The applicants propose 6 feet setback from an
247 accessory building, where the Code requires 10 feet setback from
248 an accessory building. The applicants request a variance of 4 feet
249 setback from an accessory building.

250
251 Mr. Wright - Is there anyone here who would speak on this case. All
252 right, proceed.

253
254 Mr. Blankinship - Raise your right hand please. Do you swear that the
255 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
256 help you God?

257
258 Mr. Pritchett - I do. My name is Milton Pritchett. I live at 2405 Boissevain
259 Road; we've lived there for 30 years. We would like to convert our existing deck into a
260 screened porch, and we meet the 6-foot variance for a deck, but we didn't meet the 10-
261 foot variance for the porch. We would like to have this porch so that we can enjoy being
262 outside without having mosquitoes and flies, and the tree debris, and the afternoon sun
263 on us. We've contacted all of our neighbors; none of our neighbors objected. We

264 provided you with 3 letters, the 2 on each side of us, and the one behind us, and they
265 have no objections. I've provided you with a picture, some color photos of our back
266 yard. I believe that's one that the County took, but I took 2. One of them is a straight-in
267 shot, and one of them is a shot from the back of our yard. If you look at the one that's
268 from the back of our yard, there's a door and pathway right next to the deck, so we
269 cannot extend out in that direction. On this picture, if you look – that corner, to give us a
270 6-foot variance right in there, is kind of squared out. If we were to take that plus the
271 additional 4 feet, 5 feet off, and we have a 4-foot walkway to go up to the sidewalk, we
272 would really only have about 5 feet of living space in there. That's one reason we don't
273 want to cut back on the size. The other reason is that we would like to maintain the
274 same floor and not have to rebuild the floor right there.

276 Mr. Wright - You still have, looks like on this plot, about 6 feet between
277 the corner of the porch and your garage, is that correct?

279 Mr. Pritchett - Yes sir.

281 Mr. Wright - Any questions from any members of the Board? Anyone
282 here in opposition to this request? Hearing none, that concludes the case.

284 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
285 Nunnally, the Board **granted** application **A-136-2002** for a variance to build a screened
286 porch over the existing deck at 2405 Boissevain Road (Westbriar) (Parcel 754-752-
287 0614). The Board granted the variance subject to the following conditions:

- 289 1. Only the improvements shown on the plan filed with the application may be
290 constructed pursuant to this approval. No substantial changes or additions to the layout
291 may be made without the approval of the Board of Zoning Appeals. Any additional
292 improvements shall comply with the applicable regulations of the County Code.
- 294 2. The new construction shall match the existing dwelling as nearly as practical.

296 Affirmative:	Kirkland, McKinney, Nunnally, Wright	4
297 Negative:		0
298 Absent:	Balfour	1

300 The Board granted this request, as it found from the evidence presented that, due to the
301 unique circumstances of the subject property, strict application of the County Code
302 would produce undue hardship not generally shared by other properties in the area, and
303 authorizing this variance will neither cause a substantial detriment to adjacent property
304 nor materially impair the purpose of the zoning regulations.

306 **A -137-2002** **JOHN W. TUCKER** requests a variance from Section 24-9 of
307 Chapter 24 of the County Code to build a one-family dwelling at
308 1450 North Washington Street (Greendale Park) (Parcel 828-725-
309 4695 (part)), zoned A-1, Agricultural District (Varina). The public

310 street frontage requirement is not met. The applicant has 0 feet
311 public street frontage, where the Code requires 50 feet public street
312 frontage. The applicant requests a variance of 50 feet public street
313 frontage.
314

315 Mr. Wright - Anyone else who desires to speak on this case, please
316 stand and be sworn.
317

318 Mr. Blankinship - Raise your right hand please. Do you swear that the
319 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
320 help you God?
321

322 Mr. Tucker - I do. I'm John Tucker, and I hope the Board will allow me to
323 have my granddaughter here; I have a hearing problem, if it'll be all right for her to stand
324 here by me. If you ask me a question that I don't understand, she can convey it to me.
325

326 Mr. Wright - That'll be fine.
327

328 Mr. Tucker - This easement that I'm asking for, I don't have. I do have
329 380-some feet in front of my house entrance to the 36 acres that I have. The
330 requirement is not met. I haven't been able to get the requirement off of North
331 Washington Street. What it amounts to, is a house for my granddaughter to be
332 somewhere near close to me. I am a single person, and I would appreciate the Board
333 giving me the variance to allow her to build a home on my property. That's about it.
334

335 Mr. Wright - How will you access this property Mr. Tucker?
336

337 Mr. Tucker - I moved there in 1970, and I access the property by the road
338 that I have going down to the Chickahominy River that's been there since 1970.
339

340 Mr. Wright - Have you read the conditions proposed by the staff for this
341 case? No I haven't.
342

343 Mr. Blankinship - Attached to the staff report that we mailed you.
344

345 Mr. Tucker - Yes sir.
346

347 Mr. Wright - If this is approved, you have to comply with all those
348 conditions.
349

350 Mr. Tucker - Absolutely, absolutely.
351

352 Mr. Wright - Any questions of members of the Board? Anyone in
353 opposition to this case? Please have a seat, and we'll hear from the opposition, and
354 then you'll have a chance to rebut. I might say that our rules are, that the opposition
355 can speak now, but the opposition has one opportunity to speak, and once you're

356 finished, you can't speak again. The opponent would have an opportunity to rebut.

357
358 Mr. Gary - Good morning, Board members. My name is Robert V.
359 Gary. I'm Vice President of North Airport Drive Civic Association, and I have a petition
360 with 25 signatures that was faxed to Mr. Blankinship, but I was elected to speak in
361 behalf of the 22 signatures. Mr. Tucker showed some interest in buying a lot that would
362 be directly in front of his granddaughter's home, that he could put a road in, right directly
363 to it. I've put a lot of time into this thing. I've checked with the rescue squad to see if
364 there would be any confusion. They say there would be. I spoke with the fire
365 department. They said, however, that if the road were well marked, like "Tucker's
366 Lane," or something like that, they would have no problem. I've tried to reach Mr.
367 Tucker by phone. I've tried to reach him by personally going to his address twice. I
368 even tried to mail him. I haven't been in town but a short while, so I reckon he hasn't
369 gotten it by now. Our concern, and Mrs. Sale's concern, Mrs. Massey rather, she
370 couldn't be here; I don't know whether you had time to read her letter. If you didn't, I'd
371 like to take time for you to read the letter and the photographs of where the road would
372 be coming out. It comes in front of Mr. Tucker's house, almost to his driveway. It also
373 goes behind Blanton's home, the back of their lot, which is very unusual to have a road
374 in your back yard, so to speak, and the concern is, the Rogers family, they have small
375 children, and they would be right out in their back yard. The road would be adjacent to
376 their back yard. There was a stipulation on this lot that Mr. Sale offered to John Tucker,
377 that there would be no right-of-way on it to his property. However, the restrictions for
378 that have been lifted. I talked to Roy Sale a few days ago, and he said that he would
379 release those stipulations, and Mr. Tucker could purchase that lot. He'd have a much
380 shorter drive; it would have much less confusion, it would be a safety factor. The road
381 coming out in its present plan is a very hazardous entrance. This is my last chance to
382 speak, so we would like it deferred for 30 days or at your next meeting, so we can get
383 Mr. Tucker to speak to the association and the residents who signed the petition and
384 talk things over. But we couldn't get Mr. Tucker to talk with us. Mrs. Sale asked him, I
385 had asked him; we tried every way to get Mr. Tucker to sit down and just discuss things
386 with us. That about wraps it up I think.

387
388 Mr. Wright - Under the present Code that we operate under, once a case
389 has been advertised, as it has been legally advertised, the applicant has a right to be
390 heard. Unless the applicant will agree to defer it, the Board has no authority to defer
391 this case.

392
393 Mr. Gary - We asked him to defer it so we could speak to him, but he
394 said no, he didn't want to defer it.

395
396 Mr. Wright - He has a right under the Ordinance to be heard and his case
397 presented, and anybody's who's in opposition has a right to be here and speak, so
398 unfortunately, that's the way it will have to be.

399
400 Mr. Gary - We understand sir. So he would have to have it deferred,
401 and if he doesn't agree to have it deferred, then we really reject his putting this road in,

402 because it comes in at a dangerous angle, as you can see from the photographs there.
403 It comes in at an angle on a curve, on a hill, and the County doesn't cut the bushes too
404 often. In those pictures they had just finished cutting them because of some particular
405 thing that was happening, so they cut the bushes all the way down. The pictures are
406 really deceiving for a safety factor because very seldom are they cut that short.

407
408 Mr. McKinney - Mr. Gary, where does Mr. Tucker's driveway come in?
409

410 Mr. Gary - Mr. Tucker's driveway, far as I can tell, would go in about 50
411 feet from where his drive would come out.
412

413 Mr. McKinney - Are you saying that this access to his granddaughter's is
414 going to be a separate drive from his drive? So they're not going to utilize both of
415 them? But he's in the same situation as he comes into his home, as she would be to
416 come into hers, as it stands right now.
417

418 Mr. Gary - Yes sir. No, no, no. His driveway would come in about 50
419 feet northwest of her driveway, as well as I can tell.
420

421 Mr. Nunnally - You say it's a dangerous road back there?
422

423 Mr. Gary - The road runs in back of Blanton's house and Rogers house.
424 It abuts their back yards. I don't know how much. I don't know the granddaughter's
425 lifestyle. However, the Blantons and Rogers keep expensive equipment back there.
426 Mr. Blanton keeps his boat back there. Mr. Sale has offered John Tucker this lot next to
427 Rogers house, which would be ideal. I don't understand him, but it must be a financial
428 matter. It would certainly be cheaper to buy that lot, at \$2,500 for an acre, and he could
429 put his road right straight through to her house, and put the mailbox out there, and there
430 would be no confusion to the fire department or to the rescue squad.
431

432 Mr. Nunnally - Are either Mr. Blanton or Mr. Rogers here today?
433

434 Mr. Gary - Mr. Blanton is here, and Mr. Rogers couldn't\
435

436 Mr. Nunnally - Do you use that easement back there now? Don't you use
437 that easement in back of your house, that road that Mr. Tucker has there?
438

439 Mr. Wright - He hasn't been sworn in yet. If he's going to speak, he's
440 going to have to be sworn in.
441

442 Mr. Nunnally - You say Mr. Sale offered Mr. Tucker an acre of land for
443 \$2500?
444

445 Mr. Gary - Yes sir. There was a stipulation that if he cut a road to build
446 a house back there, he could buy that easement for \$50,000, but he's lifted that
447 restriction. Mr. Tucker won't meet with us for us to tell him that. Mr. Tucker is not being

448 very neighborly, because I am his neighbor also. I live one parcel over from him.
449
450 Mr. Nunnally - You live at 1720, which is about ½ mile down the road?
451
452 Mr. Gary - 300 feet through the woods sir.
453
454 Mr. Nunnally - A lot of these people who've signed this petition here, live
455 even further than you.
456
457 Mr. Gary - Exactly, but they've signed it strictly for the safety factor,
458 from what I understand, and concerns about what he proposes to do.
459
460 Mr. Nunnally - What he proposes to do is build a house for his
461 granddaughter.
462
463 Mr. Gary - That's what he says, sir.
464
465 Mr. Nunnally - If this is approved, that's what it will be approved for, strictly
466 for his granddaughter.
467
468 Mr. Gary - Right. Not knowing the lifestyle of his granddaughter, we
469 don't know how many cars will be going back there. Mr. Nunnally, I know you're a
470 friend of John Tucker's, but please

471
472 Mr. Nunnally - I think I'm a friend of yours too.
473
474 Mr. Gary - I hope you are, but try to keep an open mind here.
475
476 Mr. Nunnally - That's what I'm trying to get you to do, is to keep an open
477 mind.
478
479 Mr. Gary - That's what I'm doing sir. It would probably cost Mr. Tucker
480 more to put a drive of that length, more than it would to buy the lot from Mr. Sale, and
481 cut the road right through there. It would be better for him. As far as the safety of him
482 living alone, his granddaughter could drive right up that easement. Mr. Tucker wouldn't
483 post it against his granddaughter, I'm sure. John and I go way back. I did the brick
484 work on John Tucker's house many, many years ago, long before I moved in the area. I
485 thought we were on good terms, but I called Mr. Tucker and asked him to address these
486 concerns of the citizens who signed the petition, but he just hasn't cooperated at all. All
487 I requested was to meet with him.
488
489 Mr. Wright - Any further questions of this gentleman from the Board? Do
490 you have anything further to say? All right, thank you very much. Ma'am, would you
491 come forward please.
492
493 Ms. Newell - Good morning, my name is Bernice Newell. I live at 1800

494 North Washington Street. I have some grave concerns about this, and Mr. Blankinship
495 (*Blanton?*) has asked me to speak somewhat in his behalf. How would you like to have
496 a road, a paved road go from here to where this gentleman is sitting, from your fence
497 line, with traffic. Again, Mr. Blanton's next-door neighbor has young children. I have
498 grave concerns. I am also concerned about how much property Mr. Tucker is planning
499 to have with this house. Currently, we are Agriculture zoned, which means no less than
500 1 acre per house. I also am concerned as to whether or not if this road goes through
501 behind Mr. Blanton's and the Rogers' house, how many more houses would Mr. Tucker
502 wish to put back there. Would he wish to rezone? I think these are very legitimate
503 concerns of his neighbors. That road that we come through on North Washington
504 Street is narrow. It has a 45-degree angle curve coming in, and it continues to curve all
505 the way through. I am just a little concerned about the driveway. If Mr. Tucker would
506 say, take the other driveway, not come through his existing driveway, and then run a
507 road all the way down to her house, I think that would be far more acceptable. I would
508 like to know from Mr. Tucker approximately how much acreage or land he plans to have
509 with this house, and any other ones that he plans to build.

510
511 Mr. Wright - It's already stated in his plan, 2.896 acres.

512
513 Ms. Newell - Thank you very much.

514
515 Mr. Wright - We have that design.

516
517 Mr. McKinney - And Ms. Newell, just for your information, if Mr. Tucker plans
518 to build any other houses, he would have to go through an entirely different process.
519 He'd have to rezone it, and as I see the map, everything down there except over on the
520 far side, on Mullins Lane, is R-3. On this side where you people live, is A-1.

521
522 Mr. Wright - That would not come before this Board.

523
524 Ms. Newell - Right, that would have to go before the zoning, Planning
525 Commission.

526
527 Mr. Wright -and the Board of Supervisors. We have no control
528 over that. This is to construct one house, and one house only. If this is approved, he
529 cannot construct another house without coming back to this Board or going to the
530 Planning Commission to get it rezoned.

531
532 Mr. McKinney - Another question. I didn't see anything where it said he was
533 going to pave this road. Are you presuming this road is going to be paved, or be a
534 gravel driveway?

535
536 Ms. Newell - I assumed that it's going to be a paved road, but if it's a
537 gravel road, that to me is even more dangerous with gravel flying as cars go back and
538 forth, so close to these people's yards.

539

540 Mr. McKinney - We're talking about a one-family dwelling.
541
542 Ms. Newell - Right, but if that road goes all the way back behind these
543 houses, as it shows right here, this is Rogers' house, this is Blanton's house, and if that
544 road goes all the way through as it exists now where their fences are, it's very narrow
545 there.
546
547 Mr. Wright - It's going to be a 40-foot driveway; it's not really a road.
548 That's bigger than a lot of the access driveways or roads that most people put in for
549 houses.
550
551 Mr. McKinney - Sir, you can speak if you'd like; we can swear you in, and
552 you can speak.
553
554 Mr. Blankinship - Raise your right hand please. Do you swear that the
555 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
556 help you God? Would you state your name sir.
557
558 Mr. Newell - I do. Yes I'd like to speak. My name is Grover Newell; I live
559 at 1800 North Washington Street. Our concern is, is all this information that you have in
560 hand, he has not discussed any of this with us. All we had asked was would he come
561 forward and tell us exactly what his plans were back down in that field. If he had come
562 forward and told us what he was going to do, then we wouldn't be as concerned as we
563 are now about what he's doing. His original driveway, by the way, doesn't come out
564 where he's going to plan to bring the road out. It's on the other side of his house where
565 he's got a better view coming down that road. Right now the road is going to come up
566 to where you go to his pasture, and they use that for carrying the horses back in there.
567 What we're trying to get out of Mr. Tucker, is for him to sit down with us, tell us exactly
568 what he's going to do, and we probably can agree with the man. But when he won't tell
569 us anything, it's really concerns about what he's going to do in the future. We have
570 heard rumors that he wants to sell his house and build another house down there with
571 his daughter in the back field. If that's true, then that's going to be 2 houses back there,
572 and then you've got the house in front, and that road's going to come up by the original
573 house that he wants to sell the front house there. If all this is coming down, it's a
574 concern to us what's being developed. I know every time he does something different,
575 he's got to come back to you. But what we'd like to do is just ask him, just sit down and
576 tell us what his whole plan is, and then we can agree to go with it.
577
578 Mr. McKinney - Mr. Newell, your property doesn't back up to this road, does
579 it?
580
581 Mr. Newell - No sir, but I travel up and down that road right now. We've
582 got a 35 mile per hour speed limit.
583
584 Mr. McKinney - I understand that. But we've got the Rogers, Blanton, and
585 Sale, who back up to this right-of-way he's proposing for that road. Are they here

586 today?

587

588 Mr. Newell - Mr. Blanton's here.

589

590 Mr. Wright - Let me ask Mr. Newell a question. Have you seen this plat.

591

592 Mr. Newell - Yes sir, it's up on the wall. I've seen it up there, proposed up
593 there. We know that it's R-3 on the other side, that we're A-1, and if he's got to redo it,
594 he's got to go before the Planning Commission, rezone and do everything like that. But
595 right now where he wants to bring that road out is right between his pasture where he
596 goes in his pasture. That is not his driveway out of his house. His driveway is on the
597 other side of his house.

598

599 Mr. Wright - What I was saying, is what's before us is he wants to build a
600 house back on this 2.896 acre parcel.

601

602 Mr. Newell - I agree with you sir, but you see as you come up along the
603 curve there where he wants to bring the road out - he's putting that road right in the
604 curve. His exit to his house doesn't sit in the curve. If he sells that front house, and
605 then they come out there, then you've got 2 driveways that are going to come out, and
606 especially one when those weeds are growing up that high, they're not going to be able
607 to see to come out on that road. The answer to your question of 35 miles per hour,
608 we're got kids on that road who run at 40 and 50 miles an hour through there now.
609 Right now we've had dogs been hit, run over and everything else back there, and it is
610 too dangerous to bring that driveway out right there, and that's why we're concerned
611 about it.

612

613 Mr. Wright - Ms. Newell, do you have anything further to say? I didn't
614 know whether you'd completed your statement; have you finished, said everything.

615

616 Ms. Newell - Yes.

617

618 Mr. Wright - Now, does anyone else wish to speak in opposition; this is
619 your last chance to speak. If you want to speak, we'll be glad to hear from you. Anyone
620 else wish to speak in opposition to this case? Hearing none, Mr. Tucker you have a few
621 minutes to rebut.

622

623 Mr. Tucker - Let me first tell you about the entrance to that, that I've been
624 using for approximately 30 years. It's only 25 feet from my driveway going to my home.
625 The one house is all that I intend to build. I'm 80 years old; I'm going to stay where I'm
626 at. I don't have any intentions of doing anything else to the property whatsoever. When
627 I pass away, it will go to my 2 daughters, and I don't know what they're going to do with
628 it; it won't concern me when I'm gone. I'd like to talk about Mr. Gary's answer to the
629 acre that I was told that I could have. I was dealing with Mr. Sale's son, and I went to
630 him about an acre to have an entrance to my granddaughter's house. I met with him at
631 my house, and out of his own mouth, he told me that he'd talked to all of his brothers

632 and sisters, and they said that the property was worth \$20,000, not \$2,500. If the
633 \$2,500 is true, I'd be glad to give Mr. Gary a check for it and let him take it to Mr. Sale,
634 and I'd be more than happy to even add \$500 to it. I'd rather not give you the whole
635 conversation between his son and me, but it amounted to, and the other thing that I
636 couldn't understand, that he wasn't going to allow me, he was going to put a thing in the
637 contract that I couldn't use the road to build any house back there. I asked him why,
638 and he said it was just a clause that I'm going to put in there that you could buy out. I
639 said how much money do you want for buying the contract out. He said \$50,000. It's
640 just a shame that I didn't have somebody to witness what he was saying.

641
642 I understand also that my neighbors, who I thought were good neighbors, were
643 concerned that I was going to build 27 houses back there. I have no intentions of
644 building anything but the one house. I'd love to be closer to them, but I'm not that far
645 from them, but my driveway to the place, the people who are here have used that
646 driveway. It's not hazardous; the driveway that I've got coming to my house is not
647 hazardous. Now I agree with you that traffic tends to run more than the speed that
648 they're allowed to on it, but that's not my problem. The club could go to the County and
649 have radar set up and make them abide by the rules of the road. I'm just surprised that
650 my neighbors who have used this road to go on my property at different times, object to
651 me letting my granddaughter and her husband drive down it, maybe with a few friends.
652 That's about all I have to say.

653
654 Mr. McKinney - Mr. Tucker, should this case be granted, and you got with
655 Mr. Gary, and found out that you could buy this acre for \$2,500, you'd probably go
656 ahead and buy that acre for \$2,500 and put that road through there rather than put it
657 this way

658
659 Mr. Tucker - Absolutely, absolutely, and give him \$500 more than what
660 he's asking.

661
662 Mr. McKinney - Because I think this road you're putting here is going to cost
663 more than \$2,500.

664
665 Mr. Tucker - The road that's in there has been used by my neighbors and
666 myself for 30 years, with no complaints whatsoever. I've had friends use that road, to
667 go down to fish in the pond that you see on the map there. Nobody's ever complained
668 about the hazard that the road is. It's blacktop from the road facing North Washington
669 Street, for about 75 feet, it's paved, it's blacktop. The rest of it, I wouldn't dare let
670 anybody travel down there, if there was a house down there. My neighbors have said
671 something. In fact, Stuart Howard put the line in there and drove the big trucks and
672 trailers down through there; nobody complained about that.

673
674 Mr. McKinney - But you don't have any problem meeting with Mr. Gary after
675 this case if they could work it out where you could buy that lot for \$2,500?

676
677 Mr. Tucker - Absolutely sir, absolutely.

678
679 Mr. McKinney - Thank you.
680

681 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
682 Kirkland, the Board **granted** application **A-137-2002** for a variance to build a one-family
683 dwelling at 1450 North Washington Street (Greendale Park) (Parcel 828-725-4695
684 (part)). The Board granted the variance subject to the following conditions:
685

686 1. This variance applies only to the public street frontage requirement. All other
687 applicable regulations of the County Code shall remain in force.
688

689 2. At the time of building permit application, the applicant shall submit the
690 necessary information to the Department of Public Works to ensure compliance with the
691 requirements of the Chesapeake Bay Preservation Act and the code requirements for
692 water quality standards.
693

694 3. At the time of building permit application the owner shall demonstrate that the
695 parcel created by this division has been conveyed to members of the immediate family,
696 and the subdivision ordinance has not been circumvented.
697

698 4. Approval of this request does not imply that a building permit will be issued.
699 Building permit approval is contingent on Health Department requirements, including,
700 but not limited to, soil evaluation for a septic drainfield and reserve area, and approval
701 of a well location.
702

703 5. The applicant shall present proof with the building permit application that a legal
704 access to the property has been obtained.
705

706 6. The owners of the property, and their heirs or assigns, shall accept responsibility
707 for maintaining access to the property until such a time as the access is improved to
708 County standards and accepted into the County road system for maintenance.
709

710 Affirmative: Kirkland, McKinney, Nunnally, Wright 4

711 Negative: 0

712 Absent: Balfour 1
713

714 The Board granted this request, as it found from the evidence presented that, due to the
715 unique circumstances of the subject property, strict application of the County Code
716 would produce undue hardship not generally shared by other properties in the area, and
717 authorizing this variance will neither cause a substantial detriment to adjacent property
718 nor materially impair the purpose of the zoning regulations.
719

720 **A -138-2002** **SANDSTON WOODS L P** requests a variance from Section 24-94
721 of Chapter 24 of the County Code to allow existing apartment
722 buildings to remain at 1950 Betner Court (Sandston Woods Apts.)
723 (Parcel 837-713-7885), zoned R-5, General Residence District

724 (Varina). The minimum side yard setback is not met. The applicant
725 has 15.77 feet minimum side yard setback, where the Code
726 requires 25 feet minimum side yard setback. The applicant
727 requests a variance of 9.23 feet minimum side yard setback.
728

729 Mr. Blankinship - Raise your right hand please. Do you swear that the
730 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
731 help you God?
732

733 Mr. Wright - Before we begin, is there anyone else desiring to speak on
734 this case?
735

736 Mr. Stockmaster - I do. Good morning, Board members. My name is Adam
737 Stockmaster, and I am here today on behalf of Sandston Woods Limited Partnership.
738 Our partnership requests a 9.23-foot side yard setback variance for one of the seven
739 apartment buildings located on our property. We had bought this property back in
740 February of 2002, earlier this year, after competing and being awarded state and federal
741 financing to acquire and renovate this affordable housing development, by both the
742 Virginia Housing Development Authority, as well as the Virginia Department of Housing
743 and Community Development. It was recognized after our purchase of this property
744 that the sellers had at one point anticipated the building of a second phase on the
745 adjacent sub-parcel. It's a much smaller parcel, only, I believe, about 1.4 acres in size,
746 versus our 8.26-acre parcel, and this property was never built, nor was the sub-parcel
747 transferred as part of our purchase of this property, resulting in one of our buildings not
748 meeting the setback required by the County. We had contacted the sellers and tried to
749 purchase the sub-parcel, but unfortunately the sellers were unwilling to, as they owned
750 the land surrounding our development on all three sides of this picture, which is close to
751 a 55-acre parcel, that they're contemplating future development on, and they did not
752 want to lease any of their land.
753

754 Mr. Wright - All right, sir. Any questions of any members of the Board?
755 Anyone here in opposition to this request? Hearing none, that concludes the case.
756 Thank you very much.
757

758 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
759 McKinney, the Board **granted** application **A-138-2002** for a variance to allow existing
760 apartment buildings to remain at 1950 Betner Court (Sandston Woods Apts) (Parcel
761 837-713-7885). The Board granted the variance subject to the following condition:
762

763 1. This variance applies only to the side yard setback requirement for the existing
764 buildings. All other applicable regulations of the County Code shall remain in force.
765

766	Affirmative:	Kirkland, McKinney, Nunnally, Wright	4
767	Negative:		0
768	Absent:	Balfour	1

769

770 The Board granted this request, as it found from the evidence presented that, due to the
771 unique circumstances of the subject property, strict application of the County Code
772 would produce undue hardship not generally shared by other properties in the area, and
773 authorizing this variance will neither cause a substantial detriment to adjacent property
774 nor materially impair the purpose of the zoning regulations.
775

776 **UP- 31-2002** **SPRINT PCS** requests a temporary conditional use permit pursuant
777 to Section 24-116(c)(1) of Chapter 24 of the County Code to locate
778 a temporary cell on wheels at 625 East Laburnum Avenue
779 (Highland Gardens) (Parcel 795-738-4741), zoned B-1, Business
780 District (Fairfield).
781

782 Mr. Wright - Does anyone else desire to speak on this case?
783

784 Mr. Blankinship - Raise your right hand please. Do you swear that the
785 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
786 help you God?
787

788 Mr. McLemore - I do. Good morning Mr. Chairman, members of the Board.
789 My name is Gil McLemore; I'm Sprint's Zoning Manager here, for their Virginia markets.
790 I'd like to take just a brief moment of your time and give you some background as to
791 why we're requesting the temporary use permit. In brief summation, Sprint PCS has
792 filed a temporary conditional use permit application in order to locate a Cell-on-Wheels,
793 or COW, from September 2 through September 8, on the subject parcel. On this COW
794 is a self-contained base station and antennae. The antenna will extend to a maximum
795 of 100 feet. It will occupy less than a 30-foot by 20-foot portion of land, to be leased
796 during the requested permit time frame. The permit requested will allow Sprint PCS to
797 provide needed coverage to the influx of area visitors present at the incoming race
798 series to be held at the adjacent Richmond International Raceway. Sprint has also had
799 the opportunity to review the proposed conditions by staff and appreciatively accepts
800 the limited extension of the permit through 2004. With that, Sprint respectfully requests
801 approval of the permit, and I stand by for any questions you may have.
802

803 Mr. Wright - You did say that you have read the conditions.
804

805 Mr. McLemore - Yes, we sure have.
806

807 Mr. Wright - Any questions of members of the Board? Any opposition to
808 this? Hearing none, that concludes the case.
809

810 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
811 Kirkland, the Board **granted** application **UP-31-2002** for a temporary conditional use
812 permit to locate a temporary cell on wheels at 625 East Laburnum Avenue (Highland
813 Gardens) (Parcel 795-738-4741). The Board granted the use permit subject to the
814 following conditions:
815

816 1. The property shall be used in substantial conformance with the plan filed with the
817 application. No substantial changes or additions to the layout may be made without the
818 approval of the Board of Zoning Appeals.

819
820 2. The Cell on Wheels shall not remain on the site longer than fifteen days at any
821 time, and no more than twice in any six-month period.

822
823 3. This permit shall expire on September 30, 2004.

824
825 Affirmative: Kirkland, McKinney, Nunnally, Wright 4

826 Negative: 0

827 Absent: Balfour 1

828
829 The Board granted the request because it found the proposed use will be in substantial
830 accordance with the general purpose and objectives of Chapter 24 of the County Code.

831
832 **A -139-2002** **THERESA T. FAISON** requests a variance from Sections 24-94
833 and 24-9 of Chapter 24 of the County Code to build a one-family
834 dwelling at 5480 Darbytown Road (Parcels 844-688-4052 (part),
835 844-689-0636 (part) and 844-690-1015 (part)), zoned A-1,
836 Agricultural District (Varina). The lot width requirement and public
837 street frontage requirement are not met. The applicant has 30 feet
838 lot width and 30 feet public street frontage, where the Code
839 requires 150 feet lot width and 50 feet public street frontage. The
840 applicant requests a variance of 120 feet lot width and 20 feet
841 public street frontage.

842
843 Mr. Wright - Anyone else to speak on this case?

844
845 Mr. Blankinship - Raise your right hand please. Do you swear that the
846 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
847 help you God?

848
849 Ms. Faison - Yes I do. My name is Theresa Faison. Back in March 2001,
850 I was granted a variance, so I purchased a 30-foot wide strip from the Randolphs, who
851 have the road front property. Before that time, my variance expired. So I'm here to
852 request approval again.

853
854 Mr. Wright - You don't propose to do anything different than you did?

855
856 Ms. Faison - Not at all.

857
858 Mr. McKinney - It just cost you some more money.

859
860 Ms. Faison - Exactly.

861

862 Mr. Blankinship - We really looked for a way to make this one work.
 863
 864 Ms. Faison - You sure did. I'm ready, if you'll give me the go.
 865
 866 Mr. Wright - Any questions of any members of the Board? Anyone here
 867 to speak in opposition to this request? Hearing none, that concludes the case. Thank
 868 you very much.
 869

870 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
 871 McKinney, the Board **granted** application **A-139-2002** for a variance to build a one-
 872 family dwelling at 5480 Darbytown Road (Parcels 844-688-4052 (part), 844-689-0636
 873 (part) and 844-690-1015 (part)). The Board granted the variance subject to the
 874 following conditions:
 875

- 876 1. Only the improvements shown on the plan filed with the application may be
 877 constructed pursuant to this approval. Any additional improvements shall comply with
 878 the applicable regulations of the County Code.
 879
- 880 2. At the time of building permit application, the applicant shall submit the
 881 necessary information to the Department of Public Works to ensure compliance with the
 882 requirements of the Chesapeake Bay Preservation Act and the code requirements for
 883 water quality standards.
 884
- 885 3. Approval of this request does not imply that a building permit will be issued.
 886 Building permit approval is contingent on Health Department requirements, including,
 887 but not limited to, soil evaluation for a septic drainfield and reserve area, and approval
 888 of a well location.
 889
- 890 4. The owners of the property, and their heirs or assigns, shall accept responsibility
 891 for maintaining access to the property until such a time as the access is improved to
 892 County standards and accepted into the County road system for maintenance.
 893

894 Affirmative:	Kirkland, McKinney, Nunnally, Wright	4
895 Negative:		0
896 Absent:	Balfour	1

897
 898 The Board granted this request, as it found from the evidence presented that, due to the
 899 unique circumstances of the subject property, strict application of the County Code
 900 would produce undue hardship not generally shared by other properties in the area, and
 901 authorizing this variance will neither cause a substantial detriment to adjacent property
 902 nor materially impair the purpose of the zoning regulations.
 903

904 **A -140-2002** **DALLAS DANCE** requests a variance from Section 24-95(q)(5) of
 905 Chapter 24 of the County Code to build an addition at 6344
 906 Dawnfield Lane (Darbytown Meadows) (Parcel 808-704-8843),
 907 zoned R-3C, One-family Residence District (Conditional) (Varina).

908 The minimum side yard setback and total side yard setback are not
909 met. The applicant proposes 3.9 feet minimum side yard setback
910 and 12.8 feet total side yard setback, where the Code requires 8
911 feet minimum side yard setback and 20 feet total side yard setback.
912 The applicant requests a variance of 4.1 feet minimum side yard
913 setback and 7.2 feet total side yard setback.

914
915 Mr. Wright - Anyone else to speak on this case?

916
917 Mr. Blankinship - Raise your right hand please. Do you swear that the
918 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
919 help you God?

920
921 Ms. Lundy - Yes I do. My name is Cheryl Lundy, and I'm representing
922 Dallas Dance, who's applying for a variance to build an addition onto his home at 6344
923 Dawnfield Lane in the Darbytown Meadows subdivision in the Varina district. Dallas
924 could not be here today because of his position as an English teacher and freshman
925 transition coordinator at Highland Springs High School. Dallas would like to build the
926 addition onto his home, due to an increase in occupants of the residence. Originally
927 only two people, he and his brother, lived in the home. However, due to a fire at his
928 mom and stepfather's home, 2611 Yarnell Road, he now has additional roommates.
929 When the fire occurred at his parents' home, obviously some things could be salvaged
930 and brought to his residence. Thankfully, his parents were not physically harmed at all
931 by this. Basically, this has given him a hardship at his home. Additionally, Dallas would
932 like to build the addition onto his home as a safety mechanism for automobiles at the
933 residence, because obviously, he's parking on the street, and having a garage would
934 obviously be a much safer place to put his vehicles. He also understands that the
935 neighborhood where he lives is a controlled density division. His neighbors are
936 overwhelmingly supportive of this venture. He's contacted all neighbors surrounding
937 him, and they've written letters, which can be found in the package that were given to
938 you with the application. He's verbally spoken to them, and I also have an additional
939 letter from Steven and Angela Bailey, who live right directly across from Dallas, and
940 obviously, again, he's gotten, again, the letters from people who are next to him. The
941 most notable and probably the most pertinent form of support is from William and Eos
942 Knepshield, who live directly next to Dallas, and whom the addition would have the most
943 impact on. The project has also been supported and approved by the Darbytown
944 Meadows Homeowners Association, and I have a copy of that approval letter if you'd
945 like that as well. The Darbytown Meadows Homeowners Association approved Dallas's
946 request because according to them, approximately 30 other homes in the community
947 have had this same garage addition, and it does not pose a threat to the neighborhood.
948 The addition would consist of the improvements shown on the plan that's been filed with
949 the application. The addition would also match the residence 100%.

950
951 Mr. Wright - Were the other homes that had these garages built, were
952 they about to do it without obtaining a variance, do you know?

953

954 Ms. Lundy - I'm not certain of that. I would imagine that is he has to get a
955 variance, I would imagine that in fact, they would have had to as well. I can't be
956 comment on that for sure.
957

958 Mr. Nunnally - Where were these other garages? I was by there the other
959 day, and I didn't see a garage; I saw one garage in the whole subdivision.
960

961 Ms. Lundy - I really don't know. That's probably something that the
962 Darbytown Meadows Homeowners Association could tell you, but in fact, he did share
963 that there were 30 other people who had those garages put on there. I've actually been
964 in that neighborhood and have seen more than one.
965

966 Mr. Wright - I don't recall our having had any requests for variances in
967 this

968

969 Mr. Blankinship - I don't recall seeing any when we did our research.
970

971 Mr. Wright - That's one of the problems we face in this type of situation; if
972 we did it for one, everybody else in the whole subdivision could come in and request
973 variances for garages. Is this a one-car garage. It's 15.9 feet; you can't get but one car
974 in that.
975

976 Mr. Nunnally - What's the square footage in this house?
977

978 Ms. Lundy - What's the square footage in the home? Let's see, I don't
979 know exactly the square

980

981 Mr. Blankinship - I might have that.
982

983 Mr. Nunnally- That's all right; the application says it's too small for 2 people
984 to share. That's what's in the staff report. It's a 2-story home, so it must be at least 3 or
985 4 bedrooms in it.
986

987 Ms. Lundy - Yes, I believe there are 4. Three or 4.
988

989 Mr. Nunnally - And what does he plan on using the room over top of the
990 garage for?
991

992 Ms. Lundy - That I'm not sure.
993

994 Mr. Blankinship - The total finished space is 1876 square feet; that's 3
995 bedrooms, 2 ½ baths. In the application, it says he's going to use the room over the
996 garage for an office.
997

998 Mr. McKinney - The application states the house is too small for 2 people.
999

1000 Mr. Kirkland - Says it right here in the staff report on the second page. The
1001 application states that the house is too small for 2 people.
1002
1003 Mr. Blankinship - He didn't mention in the application that his parents were
1004 living in the house.
1005
1006 Mr. Lundy - Actually that's temporary, because of the fire.
1007
1008 Mr. McKinney - Maybe it's actually 4 people.
1009
1010 Mr. Kirkland - You mean 2 families?
1011
1012 Mr. Wright - Are the parents still living there, or are they just
1013
1014 Ms. Lundy - They're storing items there while they're building.
1015
1016 Mr. Wright - Any further questions from members of the Board?
1017
1018 Ms. Lundy - Are there questions perhaps that you did not have
1019 answered, that we could answer at another time, since I'm representing him?
1020
1021 Mr. Wright - Any other questions from members of the Board? Anyone
1022 here in opposition to this request? Hearing none, that concludes the case. Thank you.
1023
1024 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
1025 Kirkland, the Board **denied** application **A-140-2002** for a variance to build an addition at
1026 6344 Dawnfield Lane (Darbytown Meadows) (Parcel 808-704-8843). The Board denied
1027 your request as it found from the evidence presented that approving the variance would
1028 be of substantial detriment to adjacent property or would materially impair the purpose
1029 of the zoning regulations.
1030
1031 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
1032 Negative: 0
1033 Absent: Balfour 1
1034
1035 Mr. Wright - Okay, we have minutes of the April 25 May 23 meetings.
1036
1037 Mr. Blankinship - I believe we distributed April in advance, and we're
1038 distributing May right now.
1039
1040 Mr. Wright - Do I hear a motion on the April 25 minutes?
1041
1042 On a motion by Mr. McKinney, seconded by Mr. Kirkland, the Board approved the
1043 Minutes of the April 25, 2002, Henrico County Board of Zoning Appeals meeting.
1044
1045 Mr. Blankinship - We will now hold our election of officers for the 2002-2003

1046 year, and the floor is now open for the office of Chairman.

1047

1048 On a motion by Mr. McKinney, seconded by Mr. Kirkland, Mr. Daniel T. Balfour was
1049 elected Chairman, and Mr. R. A. Wright was elected Vice Chairman of the Board of
1050 Zoning Appeals for the term of 2002-2003, effective with the September 26, 2002,
1051 meeting.

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1053 There being no further business, and on a motion by Mr. Nunnally, seconded by Mr.
1054 Kirkland, the Board adjourned until September 26, 2002, at 9:00 am.

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Daniel T. Balfour,
Chairman

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Benjamin Blankinship, AICP
Secretary

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