

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, DECEMBER 16,  
4 1999, AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-  
5 DISPATCH ON DECEMBER 2, 1999, AND NOVEMBER 25, 1999.

6  
Members Present: Richard Kirkland, Chairman  
Daniel Balfour, Vice-Chairman  
Gene L. McKinney, C.P.C., C.B.Z.A.  
James W. Nunnally  
R. A. Wright

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

7  
8 Mr. Kirkland - Good morning, ladies and gentlemen, and welcome to the  
9 December meeting of the Board of Zoning Appeals. I would like to let you know that  
10 there are conditions in the back of the room for each case. If you wish to read them  
11 during the meeting they are there for your convenience.

12  
13 Mr. Blankinship - Good morning, Mr. Chairman, Members of the Board, ladies  
14 and gentlemen. The rules for this meeting are as follows. As Secretary, I, will call the  
15 case. Then the applicant will come to the podium to present their case. At that time I'll  
16 ask all those who intend to speak, in favor or opposition, to stand, and they will be sworn  
17 in. The applicant will then present testimony. When the applicant is finished, anyone  
18 else will be given an opportunity to speak. After everyone has spoken, the applicant,  
19 and only the applicant, will be given the opportunity for rebuttal. After hearing the case  
20 and asking questions, the Board will take the matter under advisement. They will render  
21 a decision at the end of the meeting. If you wish to know what their decision is, you may  
22 stay until the end of the meeting, or you may call the Planning Office at the end of the  
23 day. This meeting is being tape recorded, so we will ask everyone who speaks, to speak  
24 directly into the microphones on the podium, and to state your name for the record. In  
25 the back of the room on the table, there is a binder, which has the staff report for each  
26 case, including the conditions of approval suggested by the staff.

27  
28 Mr. Kirkland - Do we have any requests for deferrals for the 9:00 am  
29 agenda?

30  
31 Mr. Blankinship - We have one, I believe. We do not have the request in  
32 writing yet, but I spoke to the applicant on behalf of Cary L. Bowen, A-153-99. I believe  
33 they are going to defer the request until the January 2000 meeting.

34 Mr. Kirkland - Is Mr. Bowen here? Or Neil Ingram? If not, we will pass this  
35 by and come back to it later. If you would, call the first case.

36  
37 A -151-1999 Trinity Baptist Church requests a variance from Sections 24-94 of  
38 Chapter 24 of the County Code to build a church at 3601 Dill Road  
39 (Tax Parcel 128-A-1A), zoned M-2, General Industrial District and R-  
40 4, One-family Residence District (Fairfield). The building height and  
41 number of stories are not met. The applicant has 65 feet in height  
42 and 4 stories where the Code permits 45 feet in height and 2.5  
43 stories. The applicant requests a variance of 20 feet in height and  
44 1.5 stories.

45  
46 Mr. Kirkland - If anyone wishes to speak on this case besides the applicant, please  
47 raise your hand and be sworn in by the Secretary.

48  
49 Mr. Blankinship - Do you swear the testimony you are about to give is the truth,  
50 the whole truth, and nothing but the truth, so help you God?

51  
52 Mr. Scott - My name is Spencer Scott. I am representing the applicant

53  
54 Mr. Kirkland - Have all your notices been turned in according to the County  
55 Code? They are in the file, thank you sir.

56  
57 Mr. Scott - The applicant is a 5,000 member church located at 2811  
58 Fenwick Ave. The Church has acquired this 12-acre site, with the purpose of  
59 constructing a new sanctuary and accessory structures that will house its chapel and  
60 church offices, choir, classrooms and multi-purpose areas. It is designed to meet the  
61 recreational and meeting needs of the church. As your staff summary indicates, the  
62 project is divided between the M-2 and R-4 zoning districts. The M-2 zoning district  
63 allows for 3 stories and a 50-foot building height. This zone contains about 80% of the  
64 total square footage of the project. In this particular zone, we also have the sanctuary,  
65 which is a 61-foot tall structure but has the median height of 40.5 feet. So it complies  
66 with the code.

67  
68 In the R-4 zone we have a portion of the building that is 4 stories in height and only 43  
69 feet in height. We received a variance last year for parking in the front yard. This is that  
70 same plan that was submitted with that request, but we failed to address the height of  
71 the building and the number of stories.

72  
73 We think that the hardship conditions that were spelled out in the prior request are the  
74 limitations of the site. We are claiming there are exceptional topographic concerns that  
75 have to be met. Under the circumstances, the strict application of the ordinance, as it  
76 relates to the number of stories, would unreasonably restrict the applicant's use of the  
77 property. Finally, I want to address the massiveness of the structures. There are only 3  
78 stories of this building out of the ground. This 43-foot high structure is 140 feet from the  
79 road and it is another 220 feet from the nearest house, which is across the street.

80  
81 Mr. Kirkland - Any questions by the Board Members?  
82  
83 Mr. McKinney - Mr. Scott, if this should not be granted, what would your next  
84 avenue be? To lower it or spread it out?  
85  
86 Mr. Scott - What is driving the project, is the size of the sanctuary. One  
87 cannot do anything about that. We are talking about classrooms, and what would  
88 happen is that we would reduce the number. If this were to happen, they would not be  
89 able to realize the full measure of their program, because they have no other location on  
90 the site to place the building.  
91  
92 Mr. McKinney - What is the congregation number of Trinity Baptist Church?  
93  
94 Mr. Scott - They have 5,000 members.  
95  
96 Mr. McKinney - So you are a regional church. So you have congregation that  
97 comes from the entire metropolitan area.  
98  
99 Mr. Nunnally - What is the average Sunday attendance?  
100  
101 Mr. Scott - The average attendance would be split between 2 services.  
102 The attendance would be in the neighborhood of 1500 to 1700 people a service.  
103  
104 Mr. Wright - How many does the sanctuary seat?  
105  
106 Mr. Scott - It holds about 1700 people.  
107  
108 Mr. McKinney - How many parking spaces?  
109  
110 Mr. Scott - 570 spaces or so.  
111  
112 M. Wright - Mr. Scott, have you had any input from the surrounding  
113 neighbors?  
114  
115 Mr. Scott - We have had positive input from the neighboring church.  
116 They are glad that a church is going to be built here instead of a possible warehouse.  
117  
118 Mr. Wright - Have the people who live in the adjacent houses seen the  
119 plans? And they understand the height situation?  
120  
121 Mr. Scott - I can't say personally that I have shown them all the plans. I  
122 am sure they are aware of the project because of the hearing last year. We will have a  
123 plan of development presented before the Planning Commission at a public hearing, and  
124 they will be able to voice their comments at that time.  
125

126 Mr. Kirkland - Any other questions?  
127  
128 Mr. McKinney - Mr. Blankinship, this has to go for a POD, we haven't seen  
129 any plans on this. Except for those that that young lady had. We received nothing in our  
130 packets. What is this to be constructed of, Mr. Scott?  
131  
132 Mr. Scott - It is masonry,  
133  
134 Mr. McKinney - What type of masonry?  
135  
136 Mr. Scott - Brick.  
137  
138 Mr. McKinney - So Brick and glass. . .Where it says second floor and third  
139 floor, what is that to be constructed of.  
140  
141 Mr. Scott - Masonry.  
142  
143 Mr. McKinney - And show us where you are above the height regulations on  
144 this.  
145  
146 Mr. Scott - (Illustrates on the drawing)  
147  
148 Mr. McKinney - Don't we have a portable microphone?  
149  
150 Mr. Scott - Your question was where is the area that the building  
151 exceeds the height regulation. It is at the top of the ridge. It is 5 feet above the 45-foot  
152 height limitation. We are saying it is 50 feet.  
153  
154 Mr. McKinney - Show us where this building is in compliance with the Code.  
155  
156 Mr. Scott - The 43-foot dimension shown here (picture) is from the grade  
157 to the parapet wall. Under the Code the height is measured from the grade to the top of  
158 the roof deck. The roof deck is actually 2 feet below the parapet. Instead of looking at  
159 43 feet we are looking at 41 feet. So that would make that section of the building within  
160 the height restriction of the Code. The skylight, which is 50 feet, is not visible from the  
161 street.  
162  
163 Mr. McKinney - The total square footage of this building is what?  
164  
165 Mr. Scott - The total square footage is 114,000 square feet. We have  
166 around 27,000 – 30,000 square feet in the sanctuary. The rest is in education and multi-  
167 purpose space.  
168  
169 Mr. McKinney - What will your hours of operations be here?  
170

171 Mr. Scott - I think the hours of operations will be like most churches.  
172 Activities during the week and Sunday services.

173  
174 Mr. McKinney - Sunday and Wednesday are normally the busiest times at a  
175 church.

176  
177 Mr. Scott - This building has a family services operation and the multi-  
178 purpose room has a gymnasium in it. They expect that the citizens will be able to send  
179 their kids to play basketball.

180  
181 Mr. McKinney - Will it have a daycare?

182  
183 Mr. Scott-- Yes.

184  
185 Mr. McKinney- Is that to run 5 days a week? And is it free and are the  
186 parents charged?

187  
188 Mr. Scott- Yes sir, and they will be charged.

189  
190 Mr. McKinney- Thank you sir.

191

192 Mr. Kirkland- Are there any other questions? Anyone else wishing to  
193 speak on this case. ? If not that concludes the case, you can get your answer this  
194 afternoon.

195

196 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.  
197 Wright, the Board granted the case A-151-1999.

198

199

200

201 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5	
202 Negative:			0
203 Absent:			0

204

205 The Board granted this request, as it found from the evidence presented, that authorizing  
206 this variance will not be of substantial detriment to adjacent property and will not  
207 materially impair the purpose of the zoning regulations.

208 1. The property shall be developed in substantial conformance with the plan filed  
209 with the application. No changes or additions to the layout may be made without the  
210 approval of the Board of Zoning Appeals.

211

212 2. This approval is subject to all conditions that may be placed on the proposed Plan  
213 of Development by the Planning Commission.

214

215 **A -152-1999 Melani Brothers, Inc.** requests a variance from Section 24-94 of

216 Chapter 24 of the County Code to construct a 10 foot x 15 foot  
217 sunroom at 8372 Cardova Court (Northfield) (Tax Parcel 64-2-C-  
218 26), zoned R-2, One-family Residence District (Fairfield). The rear  
219 yard setback is not met. The applicant has 42 feet rear yard setback  
220 where the Code requires 45 feet rear yard setback. The applicant  
221 requests a variance of 3 feet rear yard setback.  
222

223 Mr. Kirkland- Anyone else want to speak on this case? If not, Sir will you  
224 raise your right hand and be sworn in by the Secretary.  
225

226 Mr. Blankinship - Do you swear the testimony you are about to give is the truth,  
227 the whole truth, and nothing but the truth, so help you God?  
228

229 Mr. Kirkland- Have all your notices been turned in according to the county  
230 Code? Thank you sir, If you would please state your name and present your case.  
231

232 Mr. Terry Farrar- We are designing a 10 x 15-foot sunroom and we have a 45  
233 foot setback requirement and we are requesting to have a 42 foot setback which is a 3  
234 foot difference. The hardship is obviously the very odd shape of the lot. If you notice on  
235 the right hand side, is the existing detach garage and this is the only place where we  
236 could place the sunroom on the home. I have some pictures. . .  
237

238 Mr. Kirkland- If you give that to us we have to keep it for 30 days.  
239

240 Mr. Farrar- The only difference from this picture is that there will be a 1  
241 foot brick skirting around it.  
242

243 Mr. Wright- What is the size of this addition?  
244

245 Mr. Farrar- 10 x 15 foot  
246

247 Mr. Kirkland- Any questions by Board Members?  
248

249 Mr. McKinney- You say your last name is Parham?  
250

251 Mr. Farrar Farrar- f-a-r-r-a-r  
252

253 Mr. McKinney- I am looking in my packet, and I am seeing a picture of a tri-  
254 level and a rancher. Do these houses back up to the property?  
255

256 Mr. Farrar- Yes, they do.  
257

258 Mr. McKinney- Is that the reason you are showing both of them?  
259

260 Mr. Farrar- Yes sir.  
261

262 Mr. Kirkland- Any other questions? Any one else wish to speak on this  
263 case? If not that concludes the case. You can get your answer in the afternoon from the  
264 Planning Office.

265  
266 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
267 Wright, the Board **granted** the case **A-152-1999**.

268  
269 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
270 Negative: 0  
271 Absent: 0

272  
273 The Board granted this request, as it found from the evidence presented, that authorizing  
274 this variance will not be of substantial detriment to adjacent property and will not  
275 materially impair the purpose of the zoning regulations.

276  
277 1. Only the improvements shown on the plan filed with the application may be  
278 constructed pursuant to this approval. Any additional improvements shall comply with the  
279 applicable regulations of the County Code.

280  
281 **A -153-1999** **Harry L. Bowen** requests a variance from Section 24-41(e) of  
282 Chapter 24 of the County Code to construct a Florida room on the  
283 existing deck at 12013 Heiber Court (Worthington Hills) (Tax Parcel  
284 56-10-B-5), zoned R-5C, General Residence District (Conditional)  
285 (Tuckahoe). The rear yard setback is not met. The applicant has 20  
286 feet rear yard setback where the Code requires 30 feet rear yard  
287 setback. The applicant requests a variance of 10 feet rear yard  
288 setback.

289  
290 Mr. Kirkland- Is any one here to speak on **A-153-99**? We will pass it by  
291 until the end of the meeting.

292  
293 The Board **deferred** the request from the December 16, 1999 meeting to the January 27,  
294 2000 at the request of the applicant.

295  
296 **A -154-1999** **William Price Haynes** requests a variance from Sections 24-94 and  
297 24-9 of Chapter 24 of the County Code to construct a single family  
298 home at 3476 Darbytown Road (Tax Parcel 216-A-106C), zoned A-  
299 1, Agricultural District (Varina). The lot width and public street  
300 frontage are not met. The applicant has 19.73 feet lot width and  
301 19.73 feet public street frontage where the Code requires 150 feet  
302 lot width and 50 feet public street frontage. The applicant requests a  
303 variance of 130.27 feet lot width and 30.27 feet public street  
304 frontage.

305  
306 Mr. Kirkland- Does anyone else wish to speak on this case? If you would  
307 sir, raise your right and by sworn by the Secretary.

308

309 Mr. Blankinship - Do you swear the testimony you are about to give is the truth,  
310 the whole truth, and nothing but the truth, so help you God?

311

312 Mr. Kirkland- Have all your notices been turned in according to the county  
313 Code? Thank you sir, If you would please state your name and present your case.

314

315 Mr. Haynes- My name is William Haynes. I applied for a variance for a  
316 parcel of land which I have always admired and wanted to build on for my parents.  
317 Since then, a few changes have taken place. Such as - someone has built right next  
318 door to my father's property. It was originally owned by my brother, who had sold it to  
319 Marshall Campbell. Since that has taken place, there is a 20 foot strip of land that runs  
320 from Darbytown Road back to where I want to build my house. On the left hand side of  
321 the property, there is an easement right of way which is accessible to anyone who lives  
322 on the property or adjoining the property. My hardship is that I have no other way of  
323 getting to the property other than these two access points. The width of the lot complies  
324 with the county regulation as to where I am putting my house. The side yard setbacks  
325 and front and rear yard setbacks are met also. As far as the neighbors are concerned,  
326 no one has any problem with me building back there. The property, which is 3434  
327 Darbytown Road, is owned by my brother, sister and my self. We own that piece of  
328 property. Mr. Marshall Campbell has no problem with it either. The driveway is pretty  
329 much in place, which Mr. Campbell uses it and that is fine.

330

331 Mr. Nunnally- This will be your own personal home?

332

333 Mr. Haynes- Yes. Sir.

334

335 Mr. Wright- You have read the suggested conditions for this case?

336

337 Mr. Haynes Yes, sir.

338

339 Mr. Wright- If this case is approved, those would be the conditions of  
340 approval.

341

342 Mr. McKinney- Mr. Haynes, this road going into the property, who maintains  
343 it?

344

345 Mr. Haynes- All of us do.

346

347 Mr. McKinney- What kind of road maintenance agreement do you all have?

348

349 Mr. Haynes- The road maintenance agreement is simply through the  
350 family and has been for years. We all take care of it as far as keeping it up. That is the  
351 easement right of way. I am going to use the driveway on the other side.

352

353 Mr. McKinney - You are going to maintain that driveway? What I am getting  
354 at is , if someone else buys the property in the future, and says I am not going to do  
355 anything to keep that road up but I am going to use it. What are you going to do?  
356

357 Mr. Haynes - If they don't want to use it that is up to them.  
358

359 Mr. McKinney - Who is going to maintain it 50 years down the road?  
360

361 Mr. Haynes - This driveway is part of my land, if I sold the house the land  
362 would go with it.  
363

364 Mr. McKinney - Your ingress and egress, will be maintained by you and no  
365 one else, attached to your property?  
366

367 Mr. Haynes - Yes sir.  
368

369 MR. Kirkland - Any other questions by Board Members? Any one else wish  
370 to speak on this case?  
371

372 Mr. Haynes - I have already applied for my well and septic permit.  
373

374 Mr. Kirkland That concludes the case. You can get your answer this after  
375 noon. Thank you sir. Next case.  
376

377 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.  
378 Wright, the Board **granted** the case **A-154-1999**.  
379

380 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright	5	
381 Negative:		0
382 Absent:		0

383  
384 The Board granted this request, as it found from the evidence presented, that authorizing  
385 this variance will not be of substantial detriment to adjacent property and will not  
386 materially impair the purpose of the zoning regulations.  
387

388 1. Only the improvements shown on the plan filed with the application may be  
389 constructed pursuant to this approval. Any additional improvements shall comply with the  
390 applicable regulations of the County Code.  
391

392 2. Approval of this request does not imply that a building permit will be issued.  
393 Building permit approval is contingent on Health Department requirements, including, but  
394 not limited to, soil evaluation for a septic drainfield and reserve area, and approval of a  
395 well location.  
396

397 3. If land disturbance will exceed 2,500 square feet, the requirements of Chapter 10  
398 of the County Code apply. This includes water quality and erosion control requirements.  
399 The applicant is responsible for contacting the Department of Public Works.

400  
401 **A -155-1999 Shady Grove United Methodist Church** requests a variance from  
402 Section 24-94 of Chapter 24 of the County Code to place two modular  
403 buildings in the side yard at 4825 Pouncey Tract Road (Tax Parcels 26-  
404 A-20A and -21A), zoned A-1, Agricultural District (Three Chopt). The  
405 minimum side yard setback is not met. The applicant has 6 feet  
406 minimum side yard setback where the Code requires 40 feet minimum  
407 side yard setback. The applicant requests a variance of 34 feet  
408 minimum side yard setback.

409  
410 Mr. Kirkland- Any one else wish to speak on this case? If you would raise  
411 your right hand and be sworn in by the secretary.

412  
413 Mr. Blankinship- Do you swear the testimony you are about to give is the truth,  
414 the whole truth, and nothing but the truth, so help you God?

415  
416 Mr. Wright- Mr. Chairman, I must disqualify myself.

417  
418 Mr. Kirkland- Have all the notices been turned in?

419  
420 Mr. Axelle- Yes sir they have.

421  
422 Mr. Kirkland- If you would state your name for the record and proceed with  
423 your case.

424  
425 Mr. Axelle Chairman, Members of the Board, my name is Bill Axelle  
426 and I am here on behalf of Shady Grove Methodist Church. With me is Wilson Collie,  
427 who is one of the Trustees of the Church and will be able to respond to any questions  
428 that you may have that I am not able to address.

429  
430 Shady Grove Methodist Church is a church located on the east line of Pouncey Tract  
431 Road and has been since 1852 - A long time institution in our community. It is the  
432 northwest quadrant that has experience such tremendous growth in the County. In fact  
433 this church has doubled its size in 3 years. They now have a church Sunday services 3  
434 different times on each Sunday. They have 2 Sunday schools. They are busting at the  
435 seams. They have just finished a new building and have submitted a master plan to the  
436 county showing new construction.

437  
438 They need more space immediately. That is why they are requesting this temporary use  
439 permit for the trailers while the construction is being done. If I can orient you this is  
440 Pouncey Tract Road and this is the exiting sanctuary in the middle of the property is the  
441 new facility and area where the modular units are requested is in the upper right hand  
442 corner of the property.

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What I would point out to you is that if you went out there today you would see the exiting facility and the new facility and the parking. The next phase is a 700 seat sanctuary to be constructed in the middle of the property and a 12000 education building and the parking around it. There is also a cemetery on the site.

The point I would make from that is that the church is in a rapid expansion mode. As part of that, the county asked that a master plan be submitted to coordinate the sewer and water and the parking.

What they propose to put in are 2 modular units 24 x 70 feet each, I am handing out a brochure describing the units. These are the type of units that are used in schools, churches. They will be on a foundation with a surrounding skirt and landscaping. As I looked at the brochure, I was pleased. These would be used for adult classroom space and they would be used about 1 ½ to 2 hours every Sunday. We have a requirement of 40 foot setback, and are asking for a 34 foot variance. The trailers will be placed 6 feet from the property line. The property, to the rear of where the location of the trailers, is owned by the Strikers Soccer Association. The question that the staff report asked is why are the trailers being placed here? I would suggest to you that there are 2 reasons:

1. We think this is the only option we have
2. We think this is the best location for the trailers.

The area in question is high, the drainage is good. The area is graveled and adjacent to a graveled parking and is close to the main sanctuary. It is a matter of convience to the old sanctuary. But that is not the basis for the request to day. It is the best location so that the trailers will not be visible from Pouncey Tract Road. The berm along the Striker Park will block it from the park and this location is the farthest from the adjacent homes.

Between these units and Striker Park is a berm and a fence and a utility shed. There is really no impact on the adjacent property. Another question might be “why can’t you put it somewhere else on the Property”? If you look at the site, there is a forced main that limits the location and the cemetery and its access is also a limiting factor. We tried to keep the modular units away from the cemetery in respect to the families who visit the cemetery. That area also has bad drainage.

The other possible location on the site is where the proposed education building and sanctuary will be constructed. Consequently, the modular units would conflict with the construction of the permanent buildings.

This proposed location for the units is the most convient and due to the other activities on the site it is the most available location, the most consistent with good planning practices, and the least impact on adjacent properties.

487 We have notified all the property owners and have written letters explaining the  
488 intentions of the church. I would be glad to respond to any questions that you might  
489 have.

490

491 Mr. McKinney; Mr. Axselle, how long do you plan to have the modular units  
492 there?

493

494 Mr. Axselle: We had talked to the County Planning staff, and as part of the  
495 revised POD, if the units are consistent with the policies they have, they could be there  
496 for 5 years. We just need them there until the new buildings are built, but that could take  
497 5 years.

498

499 Mr. Kirkland; Mr. Axselle, in the photo of the little refreshment stand on  
500 Strikers Park, that backs up to these trailers, will people be able to come off that property  
501 and go right around these trailers? Is there a fence there to protect these? I know there  
502 are a lot of kids out there during the season, and these things are going to be there 5  
503 years. Will that be covered under the landscape plan, Mr. Blankinship?

504

505 Mr. Blankinship: We would require them to show that on a landscape plan, I  
506 believe the fence they show here is on the Strikers' property. \

507

508 Mr. Axselle - That fence would remain, and we can add one if necessary,  
509 The activities are all focused on the other side of that building. The church and the  
510 Strikers have a very good relationship and it shouldn't be a problem.

511

512 Mr. McKinney - Do these trailers accommodate the Congregation today? Or  
513 would one do the job?

514

515 Mr. Axselle - One would not, and I would say two is not enough, we really  
516 need more.

517

518 Mr. McKinney - You say it has doubled in the past 3 years. What are you  
519 going to do if it doubles again in the next 3 years?

520

521 Mr. Axselle - That is why we are going to build the new buildings. They are  
522 having a hard time keeping up with the growth. They have the Sunday schools divided  
523 into different time schedules.

524

525 Mr. Kirkland - What is the realistic start date for this project?

526

527 Mr. Axselle - I would say 3 years by the time all the approvals and funding  
528 in place. That is a rough estimate. They need for the space is now.

529

530 Mr. Kirkland - Any other questions? Any one else wish to speak on this  
531 case? If not that concludes the case.

532

533 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.  
534 McKinney, the Board **granted** the case **A-155-1999**.

535  
536 Affirmative: Balfour, Kirkland, McKinney, Nunnally, 4  
537 Negative: 0  
538 Abstained: Wright 1  
539

540 The Board granted this request, as it found from the evidence presented, that authorizing  
541 this variance will not be of substantial detriment to adjacent property and will not  
542 materially impair the purpose of the zoning regulations.

543  
544 1. Only the improvements shown on the plan filed with the application may be  
545 constructed pursuant to this approval. Any additional improvements shall comply with the  
546 applicable regulations of the County Code.

547  
548 2. At the time of building permit application, the applicant shall submit the necessary  
549 information to the Department of Public Works to ensure compliance with the  
550 requirements of the Chesapeake Bay Preservation Act and the code requirements for  
551 water quality standards.

552  
553 3. This approval is subject to the submittal of a revised plan of development  
554 submitted to the Planning Department showing the addition of the trailers on the site and  
555 all conditions that may be placed on the plan by the Planning Commission or Planning  
556 Department.

557  
558 4. A landscape and lighting plan shall be submitted with the building permit for  
559 review and approval by the Planning Department.

560  
561 **A -156-1999** **Country Club of Virginia, Inc.** requests a variance from Sections  
562 24-96(c) and 24-96(a) of Chapter 24 of the County Code to  
563 reconstruct the parking lots at 709 Gaskins Road (Tax Parcels 123-  
564 A-24A and -24B), zoned R-0, One-family Residence District  
565 (Tuckahoe). The parking lot location and parking lot site are not met.  
566 The applicant has off-site parking and parking in the front yard  
567 where the Code permits on-site parking and parking in the rear yard.  
568 The applicant requests a variance to allow off-site parking and  
569 parking in the front yard.

570  
571 **UP- 45-1999** **Country Club of Virginia, Inc.** requests a use permit pursuant to  
572 Section 24-12(b) of Chapter 24 of the County Code to reconstruct the  
573 parking lots and clubhouse at 709 Gaskins Road (Tax Parcels 123-  
574 A-24A and -24B), zoned R-0, One-family Residence District  
575 (Tuckahoe).

576  
577 Mr. Kirkland- Any one else wish to speak on this case? If you would raise  
578 your right hand and be sworn in by the secretary.

579

580 Mr. Blankinship- Do you swear the testimony you are about to give is the truth,  
581 the whole truth, and nothing but the truth, so help you God?

582

583 Mr. Balfour and Mr. Wright abstain from the case.

584

585 Mr. Kirkland: Have all notices been turned in according to the County  
586 Code?

587

588 Mr. Condlin: Yes Sir. Mr. Chairman, Members of the Board I have a  
589 variance request for the location of the parking lot across the street (south side of  
590 Gaskins Road) and a use permit. In discussions with the neighbors, it appears that this  
591 is causing some issue with the neighbors. We want to continue to work with them on this  
592 issue. We would actually like to defer the variance request for the parking across the  
593 street in order come to a agreement with the neighbors.

594

595 Mr. Kirkland: You want a deferral on which one, the use permit?

596

597 Mr. Condlin: Not on the use permit, only the portion of the variance that  
598 deals with the parking across Gaskins Road.

599

600 Mr. Blankinship:: You can not divide the variance request. The Board can  
601 approve a portion of a request.

602

603 Mr. McKinney: You have opposition here and it is not fair to have them come  
604 back for a portion of the request. You have to defer the whole request or hear the  
605 request today.

606

607 Mr. Kirkland: That is correct. You either defer the whole A-156-99 or we  
608 hear it.

609

610 Mr. Condlin: We will go forward. Our primary objective is to get the use  
611 permit and the front yard parking for the Country Club of Virginia. At this location there  
612 are two facilities, one of which is the James River Course and the other is the Creek  
613 Course. As seen in the Staff report, this property was zoned A-1 before 1960 and parking  
614 was permitted in the front yard. In the 1960 Comprehensive Rezoning, the property was  
615 zoned to R-1, One family Residence District. Parking in the front yard is not permitted in  
616 that district, consequently, the existing parking is non-conforming.

617

618 The front yard is the street frontage along the public road. The first tee is across the  
619 street from the Clubhouse and there is the need to have the parking in the front yard.

620

621 Part of the reason of this request today is that the Country Club of Virginia is proposing  
622 to reconstruct the facilities, this includes the Clubhouse, maintenance buildings and  
623 parking. Show exhibits- existing and proposed.

624

625 The primary objective is to upgrade the facility including the parking. They are not  
626 increasing the membership of the club, which is contrary to the staff report, but would like  
627 to make the facilities more efficient. The other items they want to do in respect to  
628 parking is to eliminate the problem with inadequate parking during tournaments. There  
629 is an existing gravel lot that they would like to pave over. The goal is to provide enough  
630 parking for the needs of the facilities.

631

632 There is a second request for a parking lot across Gaskins Road from the Clubhouse.  
633 During tournaments, Gaskins Road is used as a drop off point which blocks the road.  
634 We propose to provide off street parking on the Creek Course side of the road to  
635 eliminate congestion within the right of way. This will help the flow of traffic and help  
636 eliminate the cross over from the existing parking lot to the other course. If the members  
637 can park on the Creek Course side they would not have to cross the road.

638

639 The neighbors have express some concern with the esstectics of the parking area  
640 across the street as well as the need. We will continue to work with them on this issue.

641

642 Finally, the Code states that a parking lot across a street from the principal use requires  
643 variance approval. If the Creek Course was a separate course the variance request  
644 would not be needed. Again, the Country Club is committed to working with the  
645 neighbors on the parking issues.

646

647 I will be happy to answer any questions.

648

649 Mr. McKinney: Have you ever thought about down zoning back to A-1?

650

651 Mr. Condlin: We have not discussed that option.

652

653 Mr., McKinney: That would fix your problem, wouldn't it?

654

655 Mr. Condlin: Yes Sir.

656

657 Mr., Kirkland: Are there any other questions? If not, let us hear from the others in  
658 the audience. Please state your name for the record.

659

660 Mr. Atkinson: Samuel T. Atkinson I am a property owner at 1 Lorraine Station  
661 Road. I have consulted with the other neighbors that have a interest in this property.  
662 The view points that I am going to present are generally the view points of all of those  
663 who are listed. At the request of some of those neighbors, I have reviewed the variance  
664 and the use permit, and our concerns are - .we have a special interest in this case  
665 because we have to pass by the Country Club to get to our homes south of the Club. I  
666 wanted to point out that a correction to their concept that letters submitted with the  
667 application clearly state that the facility would be about doubled in size. My recollection  
668 is that the current facility is about 17,000 square feet. The property facility is about  
669 38,000 square feet. It is certainly going to be a large increase in the square footage of  
670 the facility and it also indicates that participation at the site would increase with the

671 increase in the size. It is easy to believe that there will be a total increase in activity on  
672 the site. Our primary concerns have to do with traffic. I have a letter here that several  
673 different neighbors have signed. And I want to submit it to the Board.

674

675 Mr. Kirkland: Has Mr. Conklin seen this letter.

676

677 Mr. Atkinson: No sir.

678

679 Mr. Kirkland: He needs to see a copy of them in order to review them..

680

681 Mr. Atkinson: I believed that we, the neighbors, could come to some sort of  
682 compromise in regards to the parking across the street. It became impossible to reach  
683 an agreement. Some of the neighbors having the opinion that it might be acceptable  
684 under certain conditions and others believing that it will not be acceptable at all.

685

686 I would like to read the paragraph, the undersigned having received notice of the  
687 proposed variance and being owners of the adjacent properties hereby notify you, the  
688 Board of Zoning Appeals. of objections to the proposed variance. It appears to us that  
689 the applicant seeks to avoid detrimental impact to his own landscape the southeast of  
690 the building by locating parking areas adjacent to South Gaskins Road where they  
691 present a detrimental impact on South Gaskins and diminish the character of residential  
692 accessed by South Gaskins Road.

693

694 With over 851 acres at their site, the applicant clearly has other options for parking that  
695 comply with the zoning regulations. The zoning ordinance functions to foster tasteful and  
696 appropriate development, to prohibit unattractive feature such as parking in the front  
697 buildings on public roads and to protect the neighboring property from adverse impacts  
698 that diminish the quality of the residential environment.

699

700 Front yard parking is a serious detriment to the surrounding properties and the character  
701 of the surrounding residential areas that depend on South Gaskins Road for their  
702 access. It does not comply with the R-0 regulations. An acceptable resolution would be  
703 to locate and maintain an effective visual barrier between the proposed parking areas on  
704 Gaskins Road.. To be acceptable, the buffer must be dense evergreen plants installed  
705 and maintained at a height of 36-42 inches without the access that would permit sight  
706 line to the parking areas on Gaskins Road. The plantings must be located to screen the  
707 front of both sides of the parking area from Gaskins Road with conjunction with an  
708 acceptable landscape plan of the facility. The resolution of the impact would also require  
709 that any lighting for the parking areas be consistent with county standards and be light  
710 only when the facility is open.

711

712 Parking area proposed for the opposite side of Gaskins Road creates a serious traffic  
713 problem in addition to the unacceptable ethistic impact. The next matter is particularly  
714 important. All of those who use the proposed west parking lot will more than likely cross  
715 Gaskins Road to utilize the Clubhouse during their stay. It would be difficult to effectively

716 restrict the use of the proposed west parking areas to those who only utilize the facilities  
717 west of Gaskins Road.

718

719 Regarding the traffic issues. . . We are very concerned regarding traffic issues that we  
720 already have and concerned that additional issues that will arise from the additional  
721 parking across the road. Since there is no traffic outlet to the south, almost all vehicle  
722 traffic leaving the proposed west parking area will turn left. To execute this left turn  
723 safely, the driver must be visually from the vehicles approaching from the north and  
724 south . And from vehicles and golf carts exiting from the south and east parking area.  
725 The surrounding area is rich with a wide variety of distractions and unexpected actions  
726 by operators of vehicles and golf carts. Operators of golf cart and vehicles frequently fail  
727 to yield right of way to Gaskins Road traffic. Club House serves alcohol and the law  
728 does not impose strict standards for pedestrians or operators of golf carts. We believe  
729 that an inevitable increase of traffic crossing Gaskins Road that is unacceptable because  
730 it greatly increasing the risk of serious accidents involving vehicles and predestrians  
731 crossing Gaskins Road.

732

733 Some of use would consider withdrawing our objections to the opposite side of the street  
734 parking if all cars and golf carts crossing Gaskins Road were routed through a tunnel  
735 under Gaskins Road and landscaping for the across the road parking facility would met  
736 our approval.

737

738 To summarize, we believe the proposed front yard parking if it were properly landscaped  
739 would be a benefit and we do not object to the front yard parking variance provided that  
740 it complies with the landscape requirements and the lighting requirements as stated in  
741 our letter. I would like to make a few other comments. We believe there is a serious  
742 traffic problem in connection with the use permit and we believe that the most  
743 satisfactory way to that is to have the opportunity to participate in the planning and to  
744 have the plan reviewed by the Traffic Engineer where we would also be able to state our  
745 views.

746

747 We want to have an opportunity to review and participate in the landscape plan and the  
748 lighting plan regarding the parking areas. I would like to be reassured that the I would  
749 have the opportunity to be notified and participate in that whatever planning review that  
750 the County requires for approval. So that I can bring my neighbors concerns to the  
751 attention of people doing the review for final approval.

752

753 Mr. McKinney: Mr. Atkinson, you would get that opportunity at the POD  
754 session.

755

756 Mr. Atkinson, I am just a layman, and I have attempted to resolve this problem.  
757 The area that seems to be the unanimous objection is the parking area across the road.  
758 The consensus of the people that I have talked to is that this is a good plan f we address  
759 the issues that I have discussed

760

761 Mr. McKinney: How long have you lived in your residence?

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Mr. Atkinson: Since 1987.

Mr. McKinney: So 12 years. . . . Do you think that this facility is going to increase the rounds of play at the Golf Course?

Mr. Atkinson: Your question is do I think so, I would have to say I think so.

Mr. McKinney: For them to increase the rounds on an average basis, they would have to take in more members?

Mr. Atkinson: What I learned from reading the material included in the application, it is not necessary that they could increase the members but this particular facility will become more attractive for the use by the existing members. It is certainly the intent of the Club to make it more appealing facility and is probably going to draw in additional participants. Even with not increasing the membership it will increase the use. I only bring this to your attention because it emphasis the need to take some extra care in traffic planning. The traffic presently presents some hazards and we may be able to reduce the hazards through careful planning.

Mr. McKinney: In your 12 years of residence there, are you aware of any accidents that has taken place between the residence coming from your neighborhood to CC.?

Mr. Atkinson: No sir. I have not have witnessed any accident related to the golf course.

Mr. McKinney: Do you know of any?

Mr. Atkinson: No sir. Practically any one that you speak to can discuss mere misses with you. It is common to have a mere miss on the order from once a month. They result from several different areas. I confident that the Club is focused on addressing those matters. I would like to have the opportunity to be sure that the concerns of those of us who use the corridor are addressed and that the Traffic Engineer will include our input in his final determination.

Mr. McKinney: He will have your input at the POD. I do not have any other questions.

Mr. Kirkland: Mr. Blankinship do we have concerns by Traffic Saftey on this project. Nothing has come up on this; Thank you sir. Any one else wish to speak?

Mr. Skidmore: My name is Alex Skidmore and I am residence of 2 Lorraine Station Road, just south of this facility. I wanted to address this safety issue of parking because that having driven this road for 10 years I can shed some light on it. There are about 40 or 50 people that use this road. The problem occurs when you confronted

808 either with a golf cart, individual walking or the cars parked. And of the three, the golf  
809 cart is main concern. It is my contention that someone will be seriously hurt at this  
810 facility after this is put in. simply because of the traffic. You are forced to brake because  
811 of someone forgetting to stop at the crossing. An analogy is to be drawn from the early  
812 days at the Belmont Golf Course. It would be a hazard there with any type of a parking  
813 lot on the other side of the road, it is a hazard here. The golf carts will still cross the  
814 road. With the increase of two more egresses, the increase of an accident is just that.  
815 With the use of the Club increases, an accident of a vehicle against a golf cart. We all  
816 know how that works. I personally have a moderate amount of fear when entering the  
817 area. I am also getting ready to have a 16-year-old son start driving. That is why I am  
818 here. There is a great ad on TV now that shows a car driving with no one driving and all  
819 of a sudden you see a young person come up with a CD and he is not in control of what  
820 is going on he thinks he does. Any problem in this area will facility those who are guests  
821 and not the residents.

822

823 Mr. McKinney: When you come from your home towards River road and you  
824 pass the Country Club what do you say if you are alert for 1,000 feet, right?

825

826 Mr. Skidmore This will be the most crucial area., right?(looking at map) This is a  
827 90 degree angle, where a golf cart 5% of the time will not stop.

828

829 Mr. McKinney: My question was, when you leave your home and you go  
830 through this facility how many feet do you think you really have to be aware from when  
831 you approach it and when you get through it and go out to River Road., 1,000 – 1,500  
832 feet?

833

834 Mr. Skidmore Unfortunately, we are widening this road and also digging this road  
835 up.

836

837 Mr. McKinney: I am talking about just through this facility?

838

839 Mr. Skidmore About 600 feet. .

840

841 Mr. McKinney You have a son that is turning 16 years old and you have to  
842 really be on your toes for 600 feet, when you get out to River Road and go east on River  
843 Road?

844

845 Mr. Skidmore: I'd say that your height of awareness is reduced from A level  
846 to normal, which I would call C

847

848 Mr. McKinney: You are saying that you have a normal level on River Road  
849 with all the traffic on Gaskins Road, with all the traffic up there, is less than it is here?

850

851 Mr. Skidmore: Yes.

852

853 Mr. McKinney: Not me.

854

855 Mr. Kirkland Please try to not be redundant.

856

857 Mr. Hancock I am a resident at 5 Lorraine Station Road. I have been living  
858 there since 1983. I am opposed to the opposite of the road parking variance. The look  
859 will make it look more like an industrial area. The traffic complexity would be increased  
860 by this additional ingress/egress as well as the left turns created by the automobiles  
861 which now have to turn onto Gaskins as well as the golf carts. The safety issue to live  
862 on this road cannot be dismissed. I totally agree with my neighbor, I have probably 3  
863 times the height of awareness as I cross this area as I do on River Road. I have had  
864 during the summer at least once a week have a golf cart go straight across the road in  
865 front of me and never even look. The driver is frequently talking to the passenger and  
866 they don't even turn their head. I have had to slam on the brakes. I have missed a cart  
867 by as little as 2 or 3 feet. I have reported this a dozen times over the last 5 years,  
868 requesting a speed bump or something because it is a down hill slope and the carts go  
869 flying. May they ar4e going 20 mph. There are stop signs but they don's stop. And it is  
870 just not the golf members but also the employees also that shuttle the carts. It is very  
871 dangerous. I am confident that a parking lot on the opposite side will make the safety  
872 issue much worse.

873

874 Mr. McKinney: Mr. Hancock, suppose you had a speed limit of 5 or 10 miles  
875 per hour just through this area. Like you have for a wake for a boat, and get the people  
876 from the Country Club of Virginia to adhere to that with the operators also of the golf  
877 carts, I am not only speaking of the golf carts but also for the vehicles traveling on  
878 Gaskins Road. I know you said your height of awareness is a whole lot greater there. . . I  
879 have not heard of any accident there, but I have heard of a lot of accidents on River  
880 Road and these other roads. So maybe you best start watching out more when you get  
881 out of there then when you are in there.

882

883 But my question is to you, what would you think about a condition like that?

884

885 Mr. Hancock: I don't think that is appropriate to require we go that slow on the  
886 road we all use to get to our property.

887

888 Mr. McKinney: They do not have stop signs between the River Course and  
889 the Creek Course. What if they put stop signs up there for the golf carts?

890

891 Mr. Hancock: I think a speed bump would be more effective than a stop sign. As it  
892 exists now, a speed bump is need now. So they would slow down before they cross the  
893 road.

894

895 Ms. Wood: I am Delores Wood , I live at 1000 South Gaskins Road. I  
896 have lived there since 1973. I think River Road is dangerous, but there is a light there. I  
897 know that yesterday, I was driving with my neighbor and got to that section of the road  
898 and slowed down because there was a golf cart driver cutting across the road not paying  
899 attention.

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We received this letter from the attorneys by registered mail and we all got it at different times. So we have had to really scramble to get all of our thoughts together in such a short period of time.

Looking at the plans, I noticed that there were many places that they had added more parking on the front yard side of the road. This is a public road and not just a road for the Country Club of Virginia, there are residents that live on this road. I do not see the need to have 2 parking lots on either side of the road.

Mr. Kirkland: Any other questions? Does anyone else wish to speak? Mr. Conclin. . .

Mr. Conclin: A couple points of clarification. . .The plans included demolishing 5,000 square feet building currently used for housing carts and storage. The main floor is used locker rooms, events and restaurants is being increased from 17,000 to 20,000 square feet. The remainder of the increase in square footage is for the maintain and storage of golf carts. The up side of this is that is not a substantial increase in the actual facility but an attempt to make is more efficient and more open space.

In addition, the membership has internal limits that it does not increase more than ½% per year over the past 10 years. The play on the courses is just about max out.

In respect to the additional parking, the existing parking includes the gravel parking will be paved and reconfigured for the better use of the facility. The number of spaces will not be increasing.

We will continue to work with the neighbors in respect to the esthetics, landscape, lighting and traffic issues. Let me address that point about parking across the street. That seems to be the most controversial. There was discuss about a tunnel under Gaskins Road. This will not be possible due to the water lines (56 inch) that run adjacent to the right of way. The parking across the street was to address the traveling back and forth across Gaskins Road. There was reference made to Belmont, which is one course, These courses are two separate courses and the golfers will be kept on one or the other. The Courses are self contained and serviced by individual amentias.

The cart lanes are going to be reduced from 2 to 1 and speed bumps can be placed in the new cart paths. The speed bumps could not be placed in the paths when they were shared with vehicles. The additional parking across the street was to elevate the crossing of Gaskins Road not to increase it.

Mr. McKinney: How about the buffer Mr. Conclin?

Mr. Conclin: The buffer between the parking, the 39 spaces on the south side of the road?

946 Mr. McKinney: That was suggested by the opposition. They said 36-42 inch  
947 evergreen screen on both sides of the parking. .  
948  
949 Mr. Condlin: We are looking at that now, those are the problems we will try  
950 to work out with the neighbors.  
951  
952 Mr. McKinney: That will come up in landscaping.  
953  
954 Mr. Condlin: That is one of the later things to do.  
955  
956 Mr. McKinney: It could be a condition of the Board that a buffer be approved  
957 by the Planning Commission. How many rounds of golf are played at these courses on  
958 the average?  
959  
960 Mr. Condlin: There are 30,000 a year on the James River Course and  
961 24,000 on the Creek Course.  
962  
963 Mr. McKinney: 30,000 a year on the James River Course and 24,000 on the  
964 Creek Course. . . These rounds of golf are played primarily at what times of the day?.  
965  
966 Mr. William Harris: I  
967  
968 Mr. McKinney: What I am asking is your rounds of play, and you have  
969 neighbors that pas your facility, the bulk of the golf carts in and out , during the summer  
970 is around 7 am. With this facility change is there any way possible that the you can  
971 increase your rounds of play at drive time in the morning or in the evening.  
972  
973 Mr. Harris: We have limited play at the James River Course at 30,000  
974 rounds.  
975  
976 Mr. McKinney:` What I am asking is between the hours of 7-9 in the morning  
977 with the new proposed facility will that in any way increase the golf carts going from the  
978 Creek Course to the James River Course?  
979  
980 Mr. Harris: I have no reason to think it would.  
981  
982 Mr. McKinney: Or could it?  
983  
984 Mr. Harris: I would stand here and say probably not, because those are  
985 peak times of play and the tees are generally full so the carts are not crossing the road.  
986  
987 Mr. McKinney: And the same thing in the evenings?  
988  
989 Mr. Harris: Evenings are generally not full, No, not significantly.  
990

991 Mr. McKinney: I am just trying to establish are you going to have more golf  
992 carts going back and forth across the road than what you have now?  
993

994 Mr. Harris: I do not anticipate any, we are running at peak capacity right  
995 now at James River and nothing is going to change there. At the Creek Course, we  
996 have been pushing to get the grounds up. In recent years we have been successful in  
997 doing that, one thing we have done this past year to minimize the rounds, We had  
998 reduced the number of tournaments so to reduce the number of guests and  
999 inexperienced golfers.

1000  
1001 Mr. McKinney: OK, thank you.  
1002

1003 Mr. Kirkland: Any other questions of Mr. Conclin? If not that concludes the  
1004 case, you may get your answer this afternoon.  
1005

1006 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
1007 Nunnally, the Board **granted** the case **A-156-1999**.  
1008

1009	Affirmative:	Kirkland, McKinney, Nunnally,	3
1010	Negative:		0
1011	Abstained:	Balfour, Wright	2

1012  
1013 The Board granted this request, as it found from the evidence presented, that authorizing  
1014 this variance will not be of substantial detriment to adjacent property and will not  
1015 materially impair the purpose of the zoning regulations.  
1016

1017 1. This approval is only for the location of the parking lot in the front yard of the  
1018 facility and the parking lot across the Gaskins Road. All improvements on the site,  
1019 including these parking lots, will be subject to the conditions of **UP-45-99**.  
1020

1021 2. The golf cart paths shall have speed bumps and stop signs where they cross  
1022 Gaskins Road.  
1023

1024 3. The applicant shall submit a landscaping plan to the Planning Office for review  
1025 and approval. At a minimum there shall be a continuous row of evergreen shrubs, 36" to  
1026 42" high, separating the parking lots from Gaskins Road.  
1027

1028 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
1029 Nunnally, the Board **granted** the case **UP-45-99**.  
1030

1031	Affirmative:	Kirkland, McKinney, Nunnally,	3
1032	Negative:		0
1033	Abstained:	Balfour, Wright	2

1034

1035 The Board granted this request, as it found from the evidence presented, that authorizing  
1036 the revisions to this use permit will not be of substantial detriment to adjacent property  
1037 and will not materially impair the purpose of the zoning regulations.

1038

1039 1. The property shall be developed in substantial conformance with the plan filed with  
1040 the application. No changes or additions to the layout may be made without the approval  
1041 of the Board of Zoning Appeals.

1042

1043 2. If land disturbance will exceed 2,500 square feet, the requirements of Chapter 10 of  
1044 the County Code apply. This includes water quality and erosion control requirements.  
1045 The applicant is responsible for contacting the Department of Public Works.

1046

1047 3. This approval is not transferable, except that the holder of the first mortgage on the  
1048 property may assume responsibility, after notification of the Board of Zoning Appeals.

1049

1050 4. The parking lots, driveways, and loading areas shall be subject to the requirements of  
1051 Section 24-98 of Chapter 24 of the County Code.

1052

1053 5. A detailed site lighting plan shall be included with the landscaping plans for Planning  
1054 Office review and approval at time of building permit submission for the temporary  
1055 structures as well as the permanent structures.

1056

1057 6. All landscaping shall be maintained in a healthy condition at all times. Dead plant  
1058 materials shall be removed within a reasonable time and replaced during the normal  
1059 planting season.

1060

1061 7. Fire lanes shall be marked and maintained in accordance with the Fire Prevention  
1062 Code in effect. Parking spaces shall be marked on the pavement surface with four inch  
1063 wide painted lines. All lane lines shall be white in color, with the exception that those  
1064 dividing traffic shall be yellow.

1065

1066 8. The temporary structures shown on the plan submitted with the case, i.e. a club  
1067 house, pro shop, bag storage etc., will be subject to all the development standards  
1068 required for the site and will be removed by December 31, 2001.

1069

1070 **A -157-1999**                    **Richmond Assets, L.L.C.** requests a variance from Section 24-  
1071 96(b)(12) of Chapter 24 of the County Code to provide less parking  
1072 than required at 1970 East Parham Road (Tax Parcel 52-A-5),  
1073 zoned O-2C, Office District (Conditional) (Brookland). The parking  
1074 requirement is not met. The applicant has 270 parking spaces where  
1075 the Code requires 367 parking spaces. The applicant requests a  
1076 variance of 97 parking spaces.

1077

1078 Mr. Kirkland-                    Any one else wish to speak on this case? If you would raise  
1079 your right hand and be sworn in by the secretary.

1080

1081 Mr. Blankinship- Do you swear the testimony you are about to give is the truth,  
1082 the whole truth, and nothing but the truth, so help you God?

1083

1084

1085 Mr. Kirkland: Have all the adjacent land owners be notified of this request  
1086 according to the County Code.? Have you turned in your notices?

1087

1088 Mr. Douglas Jones: Mr. Chairman, I am here on behalf on the developer and I believe  
1089 that to be the case. Mr. Chairman, members of the Board, I am Doug Jones and I am  
1090 the administer officer with the FBI here in Richmond. The Richmond division of the FBI  
1091 is moving forward with plans to relocate its field office operations from 111 Greencourt  
1092 Road to 1970 Parham Road, known as Parham Place. As part of this planning process  
1093 the FBI, respectfully requests that the number of parking spaces required by the Code be  
1094 reduced to 270.

1095

1096 This request is based upon the following factors: the FBI requirement package specifies  
1097 the need for 211 –286 parking spaces. Based upon approval of this parking variance  
1098 requires the parking spaces to be eliminated will be in front of the building on Parham  
1099 Road. This will allow the developer to landscape the property in a manner that is more  
1100 pleasing. Less than 100 employees will work in the facility the flow of visitor traffic will be  
1101 minimal. In fact all the visitor parking is outside the perimeter fence. I cannot think of  
1102 hardly any occasions where the all 270 spaces would be occupied.

1103

1104 During our meeting with the various neighborhood groups, one of their prime concerns  
1105 has been traffic in and out of the FBI building. In support of this requires today, I  
1106 understand that the neighborhood support our request to decrease the number of  
1107 parking spaces. Further the developer has agreed that if the FBI ever vacates this  
1108 facility they will bring the parking requirements up to code.

1109

1110 I will be happy to answer any questions that you may have.

1111

1112 Mr. Kirkland: You have read all the suggested conditions with this case?

1113

1114 MR. Jones: I cannot state that I have read them, no sir. I have not read  
1115 them.

1116 \

1117 Mr. Kirkland: You just stated that the number of spaces would be added if  
1118 the FBI was to move out. It also states here that the storm water management facilities  
1119 would be upgraded also.

1120

1121 Mr. Jones; That is my understanding.

1122

1123 Mr. McKinney: Mr. Chairman, in a separate letter the applicant has assured  
1124 the county that they would install the required parking but that is not a condition on the  
1125 suggested conditions.

1126

1127 Mr. Blankinship: It is No. 5

1128

1129 Mr. Kirkland: Any other questions of the applicant, any one wish to speak  
1130 on this case? State your name for the record.

1131

1132 Mr. Dan Rowe: I am an adjacent land owner, I live at 1823 Hungary Road  
1133 which is adjacent to this property on the east side. I certainly report the require for this  
1134 variance. I had not any contact with the applicant. I think it is good plan, I don't think  
1135 they would every use the parking provided. I do not see the reason to pave spaces that  
1136 were not needed.

1137

1138 Mr. Kirkland: Mr. Jones, is this a 5 day a week or 7 day a week operation?

1139

1140 Mr. Jones: 7 day a week

1141

1142 Mr. Kirkland: Any other questions? If not that that concludes the case, you  
1143 may get your answer this after noon.

1144

1145 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
1146 Balfour, the Board **granted** the case **A-157-1999**.

1147

1148 Affirmative: Balfour, Kirkland, McKinney, Nunnally, 4

1149 Negative: 0

1150 Abstained: Wright 1

1151

1152 The Board granted this request, as it found from the evidence presented, that authorizing  
1153 this variance will not be of substantial detriment to adjacent property and will not  
1154 materially impair the purpose of the zoning regulations.

1155

1156 1. Only the improvements shown on the plan filed with the application may be  
1157 constructed pursuant to this approval. Any additional improvements shall comply with the  
1158 applicable regulations of the County Code.

1159

1160 2. This approval is subject to all conditions placed on the proposed Plan of Development  
1161 by the Planning Commission.

1162

1163 3. To alleviate any parking shortage, the 97 parking spaces that are the subject of the  
1164 variance will be constructed on the site, if deemed necessary by the Planning Office.  
1165 Such parking shall be provided within 120 days of written request of the County.

1166

1167 4. The storm water management facilities shall be designed and constructed to  
1168 accommodate the site development, including the potential build-out of 367 parking  
1169 spaces instead of the 270 parking spaces.

1170

1171 5. At such time as the Federal Bureau of Investigation leaves this location, the owner of  
1172 the property shall install additional parking, up to 97 spaces, at the request of the  
1173 Planning Office.

1174  
1175 **A -158-1999**                    **Carolyn G. H. Butler** requests a variance from Section 24-43(a) of  
1176 Chapter 24 of the County Code to build a screened porch at 12717  
1177 Storrow Road (Northbrooke) (Tax Parcel 45-14-B-33), zoned RTH,  
1178 Residential Townhouse District (Three Chopt). The rear yard  
1179 setback is not met. The applicant has 31 feet rear yard setback  
1180 where the Code requires 40 feet rear yard setback. The applicant  
1181 requests a variance of 9 feet rear yard setback.

1182  
1183 **Mr. Kirkland-**                    Any one else wish to speak on this case? If you would raise  
1184 your right hand and be sworn in by the secretary.

1185  
1186 **Mr. Blankinship-**                Do you swear the testimony you are about to give is the truth,  
1187 the whole truth, and nothing but the truth, so help you God?

1188  
1189 **Mr. Kirkland:**                    Have all your notices been turned in? Yes, we have them.

1190  
1191 **Ms. Butler:**                      We are desiring to enclose part of any existing deck and  
1192 expand across the back of the house to make a screened porch. The existing deck is in  
1193 two levels , we want to enclose the upper deck and extend the lower deck. That would  
1194 only extend 10 feet out from the windows, the existing deck extends 12 out from the  
1195 windows. The existing screen porch would not extend any farther into the rear yard than  
1196 the deck.

1197  
1198 We feel that this is a hardship case because the property line actually curves in where  
1199 we want to build the porch. That is a small creek bed that remains dry most o f the time  
1200 during heavy rains it does fill up. It drains through the back yard. Our neighbors behind  
1201 us have a screen of evergreen shrubs along the property line and they have a parking  
1202 area. It doesn't appear to be something that will cause problems. We have spoken to al  
1203 our neighbors behind us and on either side and they are fine with the plan.

1204  
1205 I turned in a note with my application from the Pediatrician about my son's fair skins. The  
1206 porch would be nice protected area for him to play and it would provide a dining area.

1207  
1208 **Mr. Wright:**                      If the rear line were straight, you would not be here today,

1209  
1210 **Ms. Butler:**                      That is true.

1211  
1212 **Mr. Kirkland:**                    Any other questions of Ms. Butler, any one else wish to  
1213 speak on this case. If not that concludes the case and you can get your answer this  
1214 afternoon.

1215

1216 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.  
1217 Nunnally, the Board **granted** the case **A-158-1999**.

1218  
1219 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1220 Negative: 0  
1221 Abstained/Absent: 0

1222  
1223 The Board granted this request, as it found from the evidence presented, that authorizing  
1224 this variance will not be of substantial detriment to adjacent property and will not  
1225 materially impair the purpose of the zoning regulations.

1226  
1227 1. Only the improvements shown on the plan filed with the application may be  
1228 constructed pursuant to this approval. Any additional improvements shall comply with the  
1229 applicable regulations of the County Code.

1230  
1231 **A -159-1999** **Steven Middleton** requests a variance from Section 24-9 of  
1232 Chapter 24 of the County Code to build a single family home at 9744  
1233 Old Dell Trace (Kingsbridge) (Tax Parcel 110-3-A-15(res)), zoned  
1234 R-0, One-family Residence District (Tuckahoe). The public street  
1235 frontage is not met. The applicant has 0 feet public street frontage  
1236 where the Code requires 50 feet public street frontage. The  
1237 applicant requests a variance of 50 feet public street frontage.

1238  
1239 Mr. Kirkland- Any one else wish to speak on this case? If you would raise  
1240 your right hand and be sworn in by the secretary.

1241  
1242 Mr. Blankinship- Do you swear the testimony you are about to give is the truth,  
1243 the whole truth, and nothing but the truth, so help you God?

1244  
1245 Mr. Kirkland: Have all your notices been turned in according to the County  
1246 Code? Yes, I see we have them. Please present your case.

1247  
1248 Mr. Middleton: My wife and I have a contract to purchase what is known as  
1249 lot 15 of Kingsbridge Subdivison. I am here because the lot does not have road  
1250 frontage. Five months ago we received a similar variance from you for a 10 acre lot that  
1251 is immediately south of the lot 156 that is now under contract. We intend to build a one  
1252 home for our family on the 10 acre tract. After we got that variance the owner of lot 15  
1253 with an offer to sell to us lot 15 the reason being the only way to access the property is  
1254 through our 10 acre tract. All the adjoining property has been developed with single  
1255 family homes.

1256  
1257 It is not clear why Lot 15 was created without any road frontage. However when it was  
1258 platted it was labeled reserved for future convenience to owner of lot 3 of Drouion Hills.  
1259 When it was created in 1963 it was conveyed to that property owner and has been owned  
1260 by them ever since. Since 1963 it has been a separately platted and taxed lot.

1261

1262 The home that we will build on this lot will be in the back yard of all the surrounding  
1263 homes. That would be lot 1 of Kingsbridge, lot 2,3,and 4 of Drown Hills and lot 16 is  
1264 vacant. It would comply with all the other setbacks and buffers required by Henrico Co.  
1265 We do not anticipate the need to seek any other variance

1266  
1267 The greatest impact of granting this variance would be on my wife and I who are the  
1268 owners of the adjoining 10 acres tract of land that will provide access to the lot. We  
1269 would anticipate the home on this lot will approximately 4,000-5,000 square feet brick  
1270 home, 2-story, probably with a debasement. The staff report says that this request is a  
1271 recurring situation. It is not my intent to be a recurring situation. The 10 acre lot that we  
1272 own is restricted by deed for one home and can not be further subdivided. Lot 15 is  
1273 zoned for 1 acre home so any further variances would require rezoning or violated the  
1274 deed restriction. We certainly don't intend to do that. The staff report also suggest  
1275 creating a subdivision, that does not appear to be feasible to get a public road back  
1276 there and we cannot a subdivision. That would have a greatest impact.

1277  
1278 We agree with the other staff recommendations within the report.

1279  
1280 Mr. Wright: Mr. Secretary, where is the building line on this site?

1281  
1282 Mr. Blankinship: That is a good question, Mr. Wright

1283  
1284 Mr. Wright: How is it that we are not granting the variance in that respect.  
1285 We usually do, you have to have a building line.. . .

1286  
1287 Mr. Kirkland: Where is the building envelope?

1288  
1289 Mr. Blankinship: We would have to see a plat showing that. It appears to be  
1290 adequate in width.

1291  
1292 Mr. Kirkland: Any other questions, any one else wish to speak on this case? If not  
1293 that concludes the case and you can get your answer this afternoon.

1294  
1295 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.  
1296 McKinney, the Board **granted** the case **A-159-1999**.

1297  
1298 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

1299 Negative: 0

1300 Abstained/Absent: 0

1301  
1302 The Board granted this request, as it found from the evidence presented, that authorizing  
1303 this variance will not be of substantial detriment to adjacent property and will not  
1304 materially impair the purpose of the zoning regulations.

1305  
1306 1. Approval of this request does not imply that a building permit will be issued. Building  
1307 permit approval is contingent on Health Department requirements, including, but not

1308 limited to, soil evaluation for a septic drainfield and reserve area, and approval of a well  
1309 location.

1310

1311 2. The applicant must present proof with the building permit application that a legal  
1312 access to the property has been obtained.

1313

1314 3. The owners of the property, and their heirs or assigns, shall accept responsibility for  
1315 maintaining access to the property until such a time as the access is improved to County  
1316 standards and accepted into the County road system for maintenance.

1317

1318 4. At the time of building permit application, the applicant shall submit the necessary  
1319 information to the Department of Public Works to ensure compliance with the  
1320 requirements of the Chesapeake Bay Preservation Act and the code requirements for  
1321 water quality standards.

1322

1323 **A -160-1999**                    **Virginia V. Throckmorton** requests a variance from Section 24-9 of  
1324 Chapter 24 of the County Code to build a dwelling at 7756 Osborne  
1325 Turnpike (Tax Parcel 224-A-86(part)), zoned A-1, Agricultural  
1326 District (Varina). The public street frontage is not met. The applicant  
1327 has 0 feet public street frontage where the Code requires 50 feet  
1328 public street frontage. The applicant requests a variance of 50 feet  
1329 public street frontage.

1330

1331 Mr. Kirkland-                    Any one else wish to speak on this case? If you would raise  
1332 your right hand and be sworn in by the secretary.

1333

1334 Mr. Blankinship-                Do you swear the testimony you are about to give is the truth,  
1335 the whole truth, and nothing but the truth, so help you God?

1336

1337 Mr. Kirkland:                    Have all your notices been turned in according to the County  
1338 Code? Yes, I see we have them. Please present your case.

1339

1340 Ms. Larrine Isaac:                Mrs. Throckmorton the present owner of this parcel of land is  
1341 in her 90's and has had a stroke. And although she can still live independently, the family  
1342 wants someone to be near her. To this end, her son has moved back to Richmond in  
1343 order to oversee her finances and to provide whatever care she may need. The problem  
1344 is he has no where to live. Ms. Throckmorton existing house where she live is too small  
1345 for the some family. The family decided that the acre at the rear of the property would  
1346 pass to her son at this time instead of at his mother 'death as stated in her will.

1347

1348 If the variance is granted, he will be able to build a house large enough for his family and  
1349 still be close enough to his mother to provide what ever care she may need.

1350 I will happy to answer any questions you may have.

1351

1352 Mr. Nunnally:                    Ms. Isaac you have read the suggest conditions and you are  
1353 agreeable with them?

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Ms. Isaac: Yes.

Mr. Kirkland: Any other questions of Ms. Isaac? Any one else wish to speak on this case? If not that concludes the case and you can get your answer this afternoon. Thank you.

After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr. Wright, the Board **granted** the case **A-160-1999**.

Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5	
Negative:			0
Abstained/Absent:			0

The Board granted this request, as it found from the evidence presented, that authorizing this variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the zoning regulations.

1. At the time of building permit application, the applicant shall submit the necessary information to the Department of Public Works to ensure compliance with the requirements of the Chesapeake Bay Preservation Act and the code requirements for water quality standards.
2. Approval of this request does not imply that a building permit will be issued. Building permit approval is contingent on Health Department requirements, including, but not limited to, soil evaluation for a septic drainfield and reserve area, and approval of a well location.
3. The applicant must present proof with the building permit application that a legal access to the property has been obtained.
4. The owners of the property, and their heirs or assigns, shall accept responsibility for maintaining access to the property until such a time as the access is improved to County standards and accepted into the County road system for maintenance.

**A -161-1999** **Lydia S. Hester** requests a variance from Section 24-95(i)(2) of Chapter 24 of the County Code to build an addition at 2730 Fawnwick Drive (Lynn-Juan Acres) (Tax Parcel 226-2-E-8), zoned A-1, Agricultural District (Varina). The accessory structure location requirement is not met. The applicant has an accessory structure in the side yard where the Code allows an accessory structure in the rear yard. The applicant requests a variance to allow an accessory structure in the side yard.

Mr. Kirkland- Any one else wish to speak on this case? If you would raise your right hand and be sworn in by the secretary.

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Mr. Blankinship- Do you swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Kirkland: Have all your notices been turned in according to the County Code? Yes, I see we have them. Please present your case.

Ms. Hester: I wish to enlarge my house and to make it handicap accessible living quarters for my mother. I here to ask this Board to approve my request to construct an addition onto the rear of my house. The slightly more than 1 acre property currently has a 2 car garage to the right rear of my house. I was told that the proposed addition would make my existing garage not conform because with the new addition, the garage would end up being located in the side yard instead of the rear yard. I ask you to allow this variance for the location of the existing garage in the side yard, this would allow me to expand and improve my home to be handicapped equipped accessible so that my mother can live with us.

She is currently living alone, but her health is reaching a point where this will no longer be possible. She is not able to climb steps or in and out of a tub. The planned addition includes walk-in shower with handicapped seats, grab bars, and all the necessary features. The handicap access ramp is also planned but that appears to not be in conflict with the zoning code. There is no direction other than the rear of the house to expand because of the setbacks requirements and the location of the existing well and septic fields. The side that has the most room is where the bedrooms are located in the existing house and there would be no accessibility from there to the common living quarters. Without the variance the hardship would be imposed because my mother would be unable to live in the house.

I am not sure why a variance is needed. In reading the ordinance I see no prohibition of the building being in the side yard. But I was told this is the current interpretation of Chapter 24. The Code section addresses the maximum percentage of the rear yard being able to be used for accessory buildings as 30%. In fact this maximum is mention 3 times in that one paragraph. In my mind making the crust and intent of the ordinance. No where in the Code does is there a prohibition of side yard structures. If the framers of the ordinance meant to prohibit accessory buildings in the side yard wouldn't they have said so?

I realize that there are setback restrictions in relation to the placement of the structures and the property lien. My case 50 feet from the front and rear line, 20 minim and aggregate 50 feet from the side. My new addition would not come in conflict with any of these restrictions nor would the addition cause the house to come any closer to the neighbors.

Since refusing the variance would be a hardship for my family and caring for my handicapped mother I request that the Board grant this request.

1446 Mr. Kirkland: Any questions for Ms. Hester?  
 1447  
 1448 Mr. Nunnally: What is the size of this addition?  
 1449  
 1450 Ms. Hester: It is 20 x 36.5 feet, a bedroom, bathroom and sitting room.  
 1451  
 1452 Mr. Kirkland: Is it constructed of brick also?  
 1453  
 1454 Ms. Hester: No, it will be constructed of siding with brick foundation. It  
 1455 would be similar to the rest of the house since it has white trim.  
 1456  
 1457 Mr. Wright: I would like the Secretary to explain to Ms. Hester why the  
 1458 variance was required.  
 1459  
 1460 Mr. Blankinship: The ordinance specifically says that an accessory buildings  
 1461 can be put in the rear yard. By stating that they are only allowed in the rear yard, it is  
 1462 inferred that they are not allowed and that has been the operation since this ordinance  
 1463 was adopted. This ordinance was adopted in 1960.  
 1464  
 1465 Mr. Kirkland: Any other questions of Ms. Hester? Any one else wish to  
 1466 speak on this case? If not, that concludes the case and you can get your answer this  
 1467 afternoon. Thank you.  
 1468  
 1469 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.  
 1470 McKinney, the Board **granted** the case **A-161-1999**.  
 1471  
 1472 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5  
 1473 Negative: 0  
 1474 Abstained/Absent: 0  
 1475  
 1476 The Board granted this request, as it found from the evidence presented, that authorizing  
 1477 this variance will not be of substantial detriment to adjacent property and will not  
 1478 materially impair the purpose of the zoning regulations.  
 1479  
 1480 1. Only the improvements shown on the plan filed with the application may be  
 1481 constructed pursuant to this approval. Any additional improvements shall comply with the  
 1482 applicable regulations of the County Code.  
 1483  
 1484 **A -162-1999** **Latane D. Baker** requests a variance from Section 24-95(b)(3) of  
 1485 Chapter 24 of the County Code to build a one-family dwelling at  
 1486 8234 Rambler Drive (Valentine Hills) (Tax Parcel 62-7-B-5), zoned  
 1487 R-2, One-family Residence District (Brookland). The total lot area is  
 1488 not met. The applicant has 10,275.7 square feet total lot area where  
 1489 the Code requires 11,000 square feet total lot area. The applicant  
 1490 requests a variance of 724.3 square feet total lot area.  
 1491

1492 Mr. Kirkland- Any one else wish to speak on this case? If you would raise  
1493 your right hand and be sworn in by the secretary.  
1494  
1495 Mr. Blankinship- Do you swear the testimony you are about to give is the truth,  
1496 the whole truth, and nothing but the truth, so help you God? I am going to pass out 2  
1497 letters that we have just received on this case.  
1498  
1499 I do (unison)  
1500  
1501 Mr. Kirkland: Have all your notices been turned in according to the County  
1502 Code? Yes, I see we have them. Please present your case.  
1503  
1504 Mr. Baker: I am Latane Baker, the situation is my mother-in-law lives in  
1505 Florida and she wants to build a lot on the house behind us. So she can be closer to us.  
1506 The lot meets the setback requirements with no problem, but the lot area is short of the  
1507 requirements of the Code.  
1508  
1509 On the street that this lot is facing on, there are several properties there that are exactly  
1510 12,000 square feet so a small lot would not be out of place. That is pretty much it.  
1511  
1512 Mr. Wright: You say 12,000 square feet for the other lots. Your lot is  
1513 11,000 square feet.  
1514  
1515 Mr. Baker: I mean that there are several properties on that same street  
1516 that are small lots, so this would not be out of place.  
1517  
1518 Mr. Wright: What size are the other lots? Does the Secretary have that  
1519 information. . .  
1520  
1521 Mr. Blankinship: Not in detail.  
1522  
1523 Mr. Baker: I propose a brick rancher with a full basement. This is in  
1524 keeping with the rest of the neighborhood.  
1525  
1526 Mr. Wright: Mr. Baker, would it be possible for you to acquire the  
1527 additional properties of land that would enable your lot to comply with the Code  
1528 requirements? You would need to purchase additional land on the north side to  
1529 straighten the line out. . .  
1530  
1531 Mr. Baker: Well, the owner is right here, and you can ask them.  
1532  
1533 Mr. Wright: I did not know if you had explored the possibility or not.  
1534  
1535 Mr. Kirkland: Any other questions, you will be allowed to rebuttal after  
1536 everyone speaks. Any one else wish to speak?  
1537

1538 Mr. Berry: My name is William Berry and I am here representing my  
1539 mother. Dear sirs, in response to the request for a variance for Lantane E. Baker 8217  
1540 Woodman Road, to build a one family dwelling at 8234 Rambler Drive I am representing  
1541 Mrs. Berry, she would like to go on record as to opposing this request Mrs. Berry's  
1542 address is 8215 Rocky Branch Lane and is directly adjacent to and southeast of Mr.  
1543 Baker's property. She shares 234 feet of the property line with the Baker residence.  
1544 Mrs.,. Berry and her husband built their home in the early 1950's and have resided there  
1545 since that time. Mrs. Berry reasons for opposing this variance are as follows

1546  
1547 1. Stated in section 24-95 (d)3. Of the Chapter 24 of the County Code total lot size of  
1548 11,000 square feet that's needed to construct a dwelling of this size The Baker's  
1549 lot is 10,275.70 square feet, and lacks 724.30 square feet to complete the project.  
1550 The 724.30 square feet needed to bring the lot up to County Code is equal to 7%  
1551 of the total lot size or the size of a footprint for a modest size home. Placing the  
1552 structure here would make the Baker's property and the one they are proposing to  
1553 build out of synch with the adjacent properties and the other lots in Valentine Hills.  
1554

1555 Mr. Kirkland: Has the applicant seen the letters of opposition?

1556

1557 Mr. Baker: No I haven't.

1558

1559 Mr. Kirkland: Now you can proceed.

1560

1561 Mr. Berry - I have stated No.1 and now NO. 2

1562

1563 Mr. McKinney: Mr. Berry, we have this letter and we are able to read you are  
1564 reading this letter verbatim.

1565

1566 Mr. Berry: I would like to read this letter, I think the Baker's need to hear  
1567 it. Countless safety issues need to be addressed regarding of the condition of the  
1568 existing property. It is unfit for habitation. The years since the Baker's have lived at  
1569 8217 Woodman road the ;house and the property have continually declined., The yard  
1570 has continued to look like a dump. Seasonal items are left out all year long and building  
1571 materials are left strung around the yard. Most importantly, and this is of concern to Mrs.  
1572 Berry in regard to this request, construction projects are started and never completed.  
1573 This leaves the property in a constant state of disruption and disrepair. When the Bakers  
1574 moved into the property in 1976, they stated to extend the chain-link fence by bolting  
1575 extenders to the fence but never put the fence up. The summer of 1998, a privacy fence  
1576 was started along the property line with Mrs. Berry. Post were sunk into the ground and  
1577 fence panel sections were purchased but never installed. The panels sections remain  
1578 today, 2 years later, never installed and stacked as ready for installation. A dog kennel  
1579 was begun when the Baker's moved, but it was never completed. Due to County pet  
1580 regulations, their plan for the kennel never materialized.

1581

1582 No. 3 Over the past years, many animals have resided with the confines of the Baker  
1583 Property. This has created some unhealthy situations in warmer months. The stench

1584 and air quality at times is unbearable due to a mix of animal fecal matter and chemicals  
1585 used to clean up after the dog. The smell coming from the property alters between an  
1586 animal pen and a vet office. In summer of 1991 a septic system overflowed and leaked  
1587 raw sewage into the Bakers and Mrs. Berry yard for months. Eventually the Bakers  
1588 hooked up to public sewer. But only after creating a health hazard for an unreasonable  
1589 period of time. That summer and during subsequent times rats were found dwelling on a  
1590 about the property.

1591

1592 No.4 Since the Bakers moved in 23 years ago. The house has never been painted, the  
1593 gutters have rusted and fallen off, a corner of the slate roof has fallen off, one side of the  
1594 house is covered in ivy, the house appears to be ready for Halloween without even  
1595 decorating. At times automobiles have abandoned in the yard, it is apparent that the  
1596 Bakers cannot manage a building project that requires commitment and follow through. I  
1597 would like for you to look at these photos.

1598

1599 No. 5 In a letter mailed to Mrs. Berry requesting the variance and outlining the plan for a  
1600 new home to be built at 8234 Rambler Drive, Mrs. Baker states the design for the house  
1601 was selected to be in keeping with the other homes in Valentine Hills. For this house to  
1602 be in keeping the other homes in the area, it needs to be placed on an adequate size lot.  
1603 A lot of at least 11,000 square feet but preferably a lot to at least to match the existing  
1604 lots in Valentine Hills.

1605

1606 No.6 Property values of the existing homes surrounding the Baker lot are currently  
1607 reduced due to the issues cited above. The proposed single family home would be  
1608 positioned on a postage stamp lot and negatively impact the value of adjacent properties  
1609 even further. The front property line facing Rambler Drive is only 65 feet of road frontage  
1610 not enough for proper placement of a home and driveway. In conclusion, the Bakers  
1611 have always been a peaceful and quiet family keeping to themselves and otherwise are  
1612 good neighbors. Mrs. Berry wishes them no harm. In fact the Bakers have the right to  
1613 enjoy their property in any way that gratifies them. If they decide to paint their home any  
1614 color keep unusual pets with the allowance of the County Pet laws, or fly an American  
1615 Flag these rights should be open to them to enjoy. Mrs. Berry also has the same rights  
1616 and privileges to have her property protected. This state and county has instituted laws  
1617 codes and regulations to protect the health safety and monetary investments of not only  
1618 ourselves but those adjacent to us. We have freedom in this country to live as we desire  
1619 but there are limits to maintaining a civilized society in an urban environment. So Mrs.  
1620 Berry asked that the zoning board please not grant the application for a variance located  
1621 at 8217 Woodman Road. (further explained photos)

1622

1623 Mr. Kirkland: Any questions of Mr. Berry by Board Members? Any one  
1624 else wish to speak?

1625

1626 Mr. Maddox: Good morning. I am in total opposition to this request. My  
1627 family and I have just moved into the neighborhood. And we are most happy with out  
1628 home and the beautiful neighborhood in which we live. The land in question is not big  
1629 enough for a house, it may give an appearance of being crammed into a small area.

1630 This area is located along my back yard. The applicant states that the house designed  
1631 will be in character in Valentine Hills. I would have to take issue with the character of the  
1632 applicant's home with the overall appearance of the property.

1633  
1634 It is under these conditions that I and other neighbors believe that this will take away  
1635 value from our homes and investments. Thank you.

1636  
1637 Mr. Kirkland - Mr. Maddox, which lot do you live on, No. 4?

1638  
1639 Mr. Maddox - No. 1 and 2

1640  
1641 Mr. Kirkland - Ok, any other questions of Mr. Maddox? Mr. Baker would like  
1642 to make a statement.

1643  
1644 Mr. Baker - Well, a few years ago I had some serious financial setbacks.  
1645 We haven't been able to maintain it like we should. Things are better now and we are in  
1646 the process of doing just that. As I said before, the lot is small but marginal.

1647  
1648 Mr. Kirkland - Thank you, any other questions?

1649  
1650 Mr. McKinney - Mr. Baker, you say you will build this house for your mother-  
1651 in-law?

1652  
1653 Mr. Baker - That is correct.

1654  
1655 Mr. McKinney - Have you thought about putting an addition onto your own  
1656 house?

1657  
1658 Mr. Baker - She would prefer to live by herself. She is an independent  
1659 lady.

1660  
1661 Mr. McKinney - How old is she?

1662  
1663 Mr. Baker - She is 80 years old

1664  
1665 Mr. McKinney: If she changes her mind, and decides not to come and live in  
1666 that house. What would you do, just market it and sell it to someone else?

1667  
1668 Mr. Baker: My son probably would move into it.

1669  
1670 Mr. Kirkland: That concludes the case.

1671  
1672 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
1673 Wright, the Board **denied** the case **A-162-1999**.

1674  
1675 Affirmative: Balfour Kirkland, McKinney, Nunnally, Wright 5

1676 Negative: 0  
1677 Abstained/Absent: 0

1678  
1679 The Board denied your request as it found from the evidence presented that authorizing  
1680 this variance would be of substantial detriment to adjacent property or would materially  
1681 impair the purpose of the zoning regulations.

1682

1683

1684

1685

1686 On a motion by Mr. Balfour, seconded by Mr. Wright, the Board adjourned until January  
1687 27, 2000.

1688

1689

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Richard Kirkland, Chairman

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1696

1697

1698

1699

Benjamin Blankinship, AICP, Secretary