

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**  
2 **APPEALS OF HENRICO COUNTY HELD IN THE COUNTY ADMINISTRATION**  
3 **BUILDING IN THE HENRICO COUNTY GOVERNMENT COMPLEX ON**  
4 **THURSDAY, JULY 22, 1999 AT 9:00 A.M. NOTICE HAVING BEEN**  
5 **PUBLISHED IN THE RICHMOND TIMES DISPATCH ON JULY 1, 1999, AND**  
6 **JULY 8, 1999.**

7  
8  
9 Members Present: Gene L. McKinney, C. P. C., C.B.Z.A.  
10 Chairman  
11 Richard Kirkland, Vice-Chairman  
12 Daniel Balfour  
13 James W. Nunnally  
14 R. A. Wright

15  
16 Also Present: John Marlles, Secretary  
17 Susan W. Blackburn, County Planner II  
18 Kay S. Lam, Recording Secretary  
19

20  
21 Mr. Marlles - If they need to learn a decision may do so or if they wish  
22 they may call the Planning Office at the end of the day to find out whether the decision,  
23 to find out what the decision is. Again, if you prefer, you can stay until the end of the  
24 meeting.

25  
26 Mr. McKinney - All right, thank you, Mr. Secretary. Are there any requests  
27 for deferrals or withdrawals on the 9:00 a.m. agenda?  
28

29 Mr. Marlles - Staff is not aware of any requests for withdrawals or  
30 deferrals on the 9:00 a.m. agenda.  
31

32 Mr. McKinney - Are there any requests from the audience to continue any  
33 of the cases? Sir, you have to come down front and get on the mike. We record all of  
34 this, and if you are going to speak, you need to raise your hand and be sworn in by our  
35 Secretary.  
36

37 Mr. Marlles - Sir, please raise your right hand. Do you promise to tell  
38 the truth, the whole truth, and nothing but the truth, so help you God.  
39

40 Mr. Fernman - Yes, I do.  
41

42 Mr. McKinney - Would you state your name for the record, sir?  
43

44 Mr. Ken Fernman - My name is Ken Fernman. I just received some  
45 information in error and I am looking for Mr. Herzog to give this to him. It came to me in  
46 the mail, and I guess he had a hearing here today and it is not my paper work.  
47

48 Mr. Marlles - You do not live at the address?  
49

50 Mr. Fernman It came to me in the mail, but in error.  
51  
52 Mr. McKinney - All right, thank you, sir. Yes, ma'am. Would you raise your  
53 hand and be sworn in by the Secretary?  
54  
55 Mr. Marlles - Do you promise to tell the truth, the whole truth, and  
56 nothing but the truth, so help you God?  
57  
58 Ms. Kathleen Motley - Yes, I do.  
59  
60 Mr. McKinney - Your name for the record, ma'am.  
61  
62 Ms. Motley - Kathleen Motley.  
63  
64 Mr. McKinney - All right, Ms. Motley.  
65  
66 Ms. Motley - We have not had a chance yet to send out the notices to  
67 our two neighbors.  
68  
69 Mr. McKinney - Excuse, me. What case do you have?  
70  
71 Ms. Motley - This is a variance.  
72  
73 Mr. McKinney - Well, you are going to have to present that when your case  
74 comes up.  
75  
76 Mr. Balfour - You may want to continue it.  
77  
78 Mr. McKinney - What case is it? What is the number of your case?  
79 Because it may not be on the 9:00 a.m. agenda. It may be on the 10:00 agenda.  
80 Ma'am, you can't bring this up until after 10:00 a.m. Anything else? All right, Mr.  
81 Secretary, if you would call the first case.  
82  
83 **A-86-99** **Andrew S. Herzog** request for a variance from Section 24-  
84 94 of Chapter 24 of the County Code to place a screened  
85 porch over an existing uncovered deck at 5900 Kelbrook  
86 Lane (Benning Oaks at Wyndham) (Tax Parcel 9-7-B-5),  
87 zoned R-3C, One-Family Residence District, Conditional  
88 (Three Chopt). The rear yard setback is not met. The  
89 applicant has 36.48 feet rear yard, where the Code  
90 requires 40.00 feet rear yard setback. The applicant  
91 requests a variance of 3.52 feet rear yard setback.  
92  
93 Mr. McKinney - This is a deferred case. Is anyone else in the audience  
94 going to speak in reference to A-86-99 other than the applicant?  
95  
96 Mr. Herzog - Well, I am represented.  
97  
98 Mr. McKinney - Would you raise your hand and be sworn in by our  
99 Secretary, sir?  
100

101 Mr. Marlles - Do you promise to tell the truth, the whole truth, and  
102 nothing but the truth, so help you God?  
103  
104 Mr. Fred Harrison - Yes, I will.  
105  
106 Mr. McKinney - Would you state your name for the record, sir?  
107  
108 Mr. Harrison - My name is Fred Harrison.  
109  
110 Mr. McKinney - All right, Mr. Harrison, have all of the adjoining and  
111 adjacent property owners been notified of this request according to the County Code?  
112  
113 Mr. Harrison - Yes.  
114  
115 Mr. McKinney - Would you turn those in to the Secretary? Mr. Harrison,  
116 you are representing Mr. Herzog?  
117  
118 Mr. Harrison - Yes, I am.  
119  
120 Mr. McKinney - Would you state your case?  
121  
122 Mr. Harrison - Well, the information I received from him this morning is  
123 that he is adding a screened-in porch on his property, and he said that he has notified all  
124 of the surrounding neighbors to his property, and he also mentioned to me that in the  
125 near future, that if he wanted to add on a deck, would he have to go through this process  
126 again?  
127  
128 Mr. Wright - Why isn't Mr. Herzog here?  
129  
130 Mr. McKinney - Why is he not here, sir?  
131  
132 Mr. Harrison - He is down in Richmond Circuit Court this morning at 9:30  
133 a.m.  
134  
135 Mr. McKinney - Mr. Secretary, in this third paragraph on this letter we  
136 received this morning, may I call your attention to the fact that all of the neighbors whose  
137 property touches a portion of his property, have they been notified now? Could you  
138 address that paragraph?  
139  
140 Mr. Marlles - Mr. Chairman, I am going to check the map real quickly to  
141 determine that.  
142  
143 Mr. McKinney - Because this is dated July 16. Mr. Harrison, did you get a  
144 copy of this? I will just give you a copy of it.  
145  
146 Mr. Harrison - Yes, I got one.  
147  
148 Mr. McKinney - All right, Mr. Secretary, where are we? Do you want to  
149 pass this one by and come back to it?  
150 Mr. Marlles - Mr. Chairman, we have determined that all adjacent and  
151 adjoining property owners have been notified.

152  
153 Mr. McKinney - OK. You had a question, Mr. Wright?  
154  
155 Mr. Wright - Not right now.  
156  
157 Mr. McKinney - All right, Mr. Harrison.  
158  
159 Mr. Harrison - That is all I have to say to you, sir.  
160  
161 Mr. Wright - What does he want to do? Tell us.  
162  
163 Mr. Harrison - He just wanted to add a screened - he just wants the  
164 porch, the existing porch that he has now on his home, he just wanted to screen the  
165 porch in. That is it. He does not want to add another inch or two onto the porch. He just  
166 wants to put a screen on the existing porch he has now.  
167  
168 Mr. Wright - What is the size of the porch, do you know? Actually, it is  
169 a deck, isn't it? He has got a deck right now. He wants to put a screened-in porch over  
170 the deck.  
171  
172 Mr. Harrison - Yes, I am sorry. He wants to build a screened porch over  
173 the existing deck.  
174  
175 Mr. Wright - What kind of roof will this porch have? Do you know  
176 anything about the construction of it?  
177  
178 Mr. Harrison - No, I don't sir. No, I don't. I do have the dimensions here  
179 that he has given me.  
180  
181 Mr. McKinney - It looks like a shed type of roof.  
182  
183 Mr. Wright - We have some plans here. I see it. Do you know how far  
184 it will be from the neighbor to the rear? Do you have any idea?  
185  
186 Mr. Harrison - No. From what I gather on this letter that your man just  
187 gave me, no I don't.  
188  
189 Mr. Marlles - It says on the plot plan 36.40.  
190  
191 Mr. Wright - From what, the rear line?  
192  
193 Mr. Marlles - Yes. The rear line.  
194  
195 Mr. Wright - I was talking about to the house to the rear. I guess it was  
196 the house of Mr. Hill, who wrote this letter.  
197  
198 Mr. Balfour - Do you have any idea how much the roof is going to  
199 extend beyond the boundaries of the present deck?  
200  
201 Mr. Harrison - He just mentioned that it may be an inch or two over the  
202 porch for drainage purposes. Other than that, it shouldn't be that far off.

203  
204 Mr. Balfour - I guess that it would still be over 35 feet, at least, to the  
205 rear of the yard.  
206  
207 Mr. Harrison - I couldn't answer that for you.  
208  
209 Mr. McKinney - What is your affiliation with Mr. Herzog, Mr. Harrison?  
210  
211 Mr. Harrison - I work for Mr. Herzog. I've got the law firm of Joel Bieber,  
212 sir.  
213  
214 Mr. McKinney - Any other questions of Mr. Harrison by Board members?  
215 Does staff have any comments? Anyone else in the audience interested in A-86-99 to  
216 speak for or against? All right. That concludes your case. You can get your answer this  
217 afternoon by calling the Planning Office or you may stay until 11:30 or 12:00 noon, if you  
218 like.  
219  
220 Mr. Harrison - All right, thank you for your time.  
221  
222 Mr. McKinney - Thank you, sir.  
223  
224 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
225 Mr. Nunnally, the Board **granted** the variance.  
226  
227 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5  
228 Negative  
229 Absent:  
230  
231 **REASON:** The Board **granted** this request as it found from the evidence  
232 presented that authorizing this variance will not be of substantial detriment to  
233 adjacent property and will not materially impair the purpose of the zoning  
234 regulations.  
235  
236 1. This approval is only for the variance of the rear yard setback created as a  
237 result of converting the existing deck into a screened porch. Future  
238 improvements to the property shall comply with the applicable regulation of  
239 the County Code.  
240  
241

241  
242 **A-87-99** **Robert N. Shapiro** request for a variance from Section 24-94 of Chapter  
243 24 of the County Code to build a Florida room at 13413 College Valley  
244 Lane (Foxhall) (Tax Parcel 45-2-B-101) zoned R-2AC, One-Family  
245 Residence District (Conditional) (Three Chopt). The rear yard setback is  
246 not met. The applicant has 41.0 feet rear yard setback where the Code  
247 requires 45.0 rear yard setback. The applicant requests a variance of 4.0  
248 feet rear yard setback.

249  
250 Mr. McKinney - Is anyone other than the applicant going to testify on  
251 behalf of A-87-99? Anyone else in the audience wish to speak? All right, would you  
252 raise your hand and be sworn in by the Secretary, sir?

253  
254 Mr. Marlles - Do you promise to tell the truth, the whole truth, and  
255 nothing but the truth, so help you God?

256  
257 Mr. Craig Matze - I do.

258  
259 Mr. McKinney - Would you state your name for the record sir?

260  
261 Mr. Matze - My name is Craig Matze.

262  
263 Mr. McKinney - Craig M A T E S?

264  
265 Mr. Matze - M A T Z E.

266  
267 Mr. McKinney - All right, Mr. Matze. Have all of the adjacent and adjoining  
268 property owners been notified of this request according to the County Code?

269  
270 Mr. Matze - We are lacking one signature. Last week I called Mr.  
271 Shapiro to see if they had received this, after I think we had a deferral on the last  
272 meeting, and they had not received a copy of this. I talked to her Friday and she called  
273 the County, and the County said it was their error. They did not mail anything out. They  
274 faxed her this on Friday afternoon at quarter to five. So, they have four signatures. The  
275 fellow that lives next door, he is out of town on vacation, so they have not gotten that  
276 signature.

277  
278 Mr. McKinney - Couldn't you send him a certified letter via registered mail?

279  
280 Mr. Matze - No.

281  
282 Mr. McKinney - As required if you can't get their signature on there. Would  
283 you like to withdraw this case?

284  
285 Mr. Matze - They would not like to withdraw another month.

286  
287 Mr. McKinney - Well, we can't hear it if all of the adjoining and adjacent  
288 property owners have not been notified and if you have already had a deferral.

289  
290 Mr. Matze - There is no way I could get the signature from the next  
291 door neighbor and bring it back?

292  
293 Mr. McKinney - Would you like to bring it back at the end of the meeting?  
294  
295 Mr. Matze - I don't know if he is going to be at home.  
296  
297 Mr. McKinney - That is up to you, sir. You are welcome. We can pass it  
298 by and if you are not back by the time we finish, we are just going to have to deny it  
299 because of all of the adjoining and adjacent property owners. If it is denied, it can't be  
300 heard for another year. If you withdraw it without prejudice and get the signatures, you  
301 can come back and re-file it.  
302  
303 Mr. Matze - I don't think that is going to be a problem. I don't know if  
304 the guy is out of town on vacation, but that is going to be impossible for me to do.  
305  
306 Mr. McKinney - That is the reason the Code says you can send a letter via  
307 registered mail according to the last address on the tax assessor's office, to that  
308 address, to notify them that you are applying for this, and that is all you are required to  
309 do. You are not required to go around and get them all signed unless you think you can  
310 do that. That is acceptable, also.  
311  
312 Mr. Balfour - Mr. Chairman, may I suggest you go and try to call him on  
313 the telephone, and if you can't get them, you can come back and do what you've got to  
314 do. But if you can reach him by phone and see if you can go and get the signature, that  
315 is fine.  
316  
317 Mr. Matze - I am just the representative for Shapiro. They have tried to  
318 get in touch with him and I'd have to call her, and she'd have to try to, and they tried this  
319 morning, you know, before I picked this letter up.  
320  
321 Mr. McKinney - Well, Mr. Matze, you've probably got a couple of hours to  
322 see if you can get this done because we cannot hear it if you haven't notified all of the  
323 adjoining and adjacent property owners.  
324  
325 Mr. Matze - OK. Well, I can go call the Shapiros and see.  
326  
327 Mr. McKinney - That will be fine. We will pass this by and you can come  
328 back.  
329  
330 Mr. Matze - OK.  
331  
332 Mr. Balfour - Do you understand that you have been given your choices.  
333 You can withdraw it, or we deny it. And if we deny it, it is going to be a year before you  
334 can come back up here. Make sure they understand that.  
335  
336 Mr. Matze - Can it be deferred for a month?  
337  
338 Mr. McKinney - No. It has already been deferred.  
339  
340 Mr. Matze - Can it be deferred again?  
341

341 Mr. McKinney - It can't be deferred again. But, if you withdraw it without  
342 prejudice, after you get the signatures, you can refile it. It is going to cost you another  
343 \$300.

344  
345 Mr. Matze - Right, right. Well, they didn't want to do that either. Let  
346 me see what I can do.

347  
348 Mr. McKinney - That is the best we can do for you. Come back and let us  
349 know. Thank you.

350  
351 This case was passed by until later in the meeting.

352  
353 **The request to withdraw this case without prejudice was made by the**  
354 **applicant. Due to the circumstances of the case, the applicant may reapply**  
355 **for the next month's hearing, August, 1999 and the fee will be waived.**

356  
357 **UP-24-99** **Gloria R. Rowson** request for a conditional use permit under  
358 Section 24-12(e) of Chapter 24 of the County Code to operate a  
359 private kennel for cats at 1203 Amesbury Lane (Wildwood) (Tax  
360 Parcel 63-10-J-10) zoned R-2, One-Family Residence District.

361  
362 Mr. McKinney - Is anyone going to testify on behalf of UP-24-99 other than  
363 the applicant? Is anybody here interested in that case? All right, ma'am. If you would  
364 raise your hand and be sworn in by the Secretary.

365  
366 Mr. Marlles - Ma'am, do you promise to tell the truth, the whole truth,  
367 and nothing but the truth so help you God?

368  
369 Ms. Gloria Rowson - I do.

370  
371 Mr. McKinney - Would you state your name for the record, ma'am.

372  
373 Ms. Rowson - It is Gloria Rowson.

374  
375 Mr. McKinney - All right, Ms. Rowson, have all of the adjoining and  
376 adjacent property owners been notified of this request according to the County Code?  
377 Turn those in to the secretary. All right. You may present your case, ma'am.

378  
379 Ms. Rowson - Last month I believe we had a misunderstanding about the  
380 word catery. It did not appear in the Zoning Code, only the word kennel did. There is a  
381 tremendous difference between a catery and a kennel. The cats are brought up as pets.  
382 They are always confined within the dwelling. They never go outside. They are too  
383 valuable to go outside. So, there would be no physical changes in the building  
384 whatsoever. Also, I noticed on the plat or on the survey by Downing and Associates, it is  
385 marked as a one-story brick dwelling. It is not that small and it is correct in the real  
386 estate files. It is stated as a front-back split, and it is almost 1,900 square feet. So, it is  
387 not nearly as small as it appears from the front. The goals in having a catery, first of all,  
388 it is more of a hobby than anything else. You can't make any money at raising cats. A  
389 lot of people think we can, but its goal is to strengthen the breed in quality and control  
390 the numbers of good healthy animals. We support a spaying and a neutering program



391 very strongly. I belong to a national and international organization that professes those  
392 desires. So, any animal that I would use for breeding would be spayed or neutered and  
393 only kept as a pet. At the present time I have six adult cats and a couple of kittens that  
394 are not accepted as whole animals, yet. I work as a veterinarian's assistant at Stratford  
395 Hills Veterinary Center, Southside, Forest Hill Road, so I am qualified to care for the  
396 animals very well. I also have a certificate of excellence as far as the environment of my  
397 animals are concerned. A veterinarian comes onto the premises and inspects the whole  
398 house, inspects all of the animals, and it says right on here, "approval relates to the  
399 physical conditions of the subject catery at the time of inspection by an independent  
400 licensed veterinarian". And, I must say that there is no nepotism involved here. The vet  
401 comes and inspects my property. It is not the one that works for me and has no  
402 connection with that one. I would not do that. The reason for breeding, like I said, is to  
403 strengthen the breed and develop new lines. You don't want close inbreeding on cats or  
404 any animal because that really messes up the breed altogether. I just started, a little  
405 over a year ago, so I have not even acquired my stock yet. I am just in the process of  
406 doing that. My breeding male that I will have is only five months old at this time, and I  
407 have three females at the present time, and then two older cats that have already been  
408 neutered and spayed. But, a couple of these cats have grown into adulthood in the time  
409 frame that it has taken me to apply for this variance. I have no plans to increase over  
410 that, although there are a couple of statements that are in the papers that you sent me  
411 that were not according to what I had stated at the time that I made my application. On  
412 the first page where it states the number of my case and so forth, on the bottom, the last  
413 sentence, or next to the last sentence, it is the understanding of the staff that the  
414 applicant does not intend to breed the cats for commercial gain. Well, what happened  
415 was, the lady, Ms. Blackburn, I believe, that's a two-part question. She asked me was I  
416 breeding them for commercial gain and I say no, I am not breeding them for commercial  
417 gain. I am raising them to show them and to support the breed by bartering with other  
418 breeders to strengthen the lines and so forth. But, somehow, she got the idea that I  
419 would not be breeding at the time that I would not look for capital gain. Well, you can't  
420 have a catery if you don't breed because you cannot develop what you are looking for.  
421 Then, the next part I have already answered. They are all confined within the dwelling.  
422 They never go outdoors. And they are not kept in cages, either. They roam freely  
423 through the house. The only time you find it necessary to separate the cats would be if  
424 you had a male that you do not want to mix with your females. Sometimes you might  
425 isolate him for a short period of time, or you might put new kittens in a separate area to  
426 protect them and keep them safe from harm. This is where you state "If it was granted  
427 this would be a proposal, it says that it is only for the cats raised by the resident property  
428 owner" and I understand that. This approval is not for boarding or breeding. I would not  
429 be boarding. I would only have my own cats. Occasionally, a male is sent to me for  
430 breeding purposes. But that only takes a couple of weeks and then the cat goes back to  
431 the owner, and then, the second part, I can't operate if that goes into effect, because I  
432 am just starting. In other words, it says that I can't, that I am limited to that, and I can  
433 never have any more, and I'd have to go back down to the three. Now, it is my  
434 understanding that the Zoning Variance only applies to the person that lives at that  
435 address at that time. In other words, if we were to ever sell our property, the variance  
436 does not go with the property. Is that correct? Is stays with the individual person? So,  
437 naturally, if I am not there, the old, the original statement in your file would apply to the  
438 new owner. In other words, no more than three. So, that is my case. Let's see if there  
439 is anything else. I think I have covered everything. I think most of the - most of my  
440 neighbors know that I already have cats - maybe they don't know how many I have, but I  
441 don't see that it makes any difference because I keep them in excellent surroundings

442 and anyone is free to come and inspect it at any time.  
443  
444 Mr. Wright - Has Ms. Rowson seen this letter?  
445  
446 Mr. McKinney - I don't think that she has. Has she, Mr. Secretary? There  
447 is a petition that you said your neighbors have, that you've got opposition from the  
448 neighbors in the petition.  
449  
450 Mr. Wright - She ought to have an opportunity to read that.  
451  
452 Ms. Rowson - What is this for?  
453  
454 Mr. McKinney - That is in opposition against what you are applying for?  
455  
456 Ms. Rowson - Well, why wasn't I notified?  
457  
458 Mr. McKinney - We just received it.  
459  
460 Ms. Rowson - For heavens sake!  
461  
462 Mr. McKinney- You can have people come into this auditorium here and  
463 go into opposition. You know, when you present your case, and that has happened, but  
464 it was done by a petition.  
465  
466 Ms. Rowson - Oh, I am very surprised. You see, I don't think they  
467 understand what it is either, because it was stated as a kennel, and they had no way of  
468 knowing what it is.  
469  
470 Mr. McKinney - Ms. Rowson, it is anything over three is considered a  
471 kennel. And, in the past, in some cases we have let the owner keep what they had, and  
472 through attrition get it up to three, but to my knowledge, and I have set on this Board for  
473 about 10 years and these gentlemen to my right have been here a whole lot longer, and  
474 I don't think we have ever allowed anybody to breed animals.  
475  
476 Ms. Rowson - There are quite a few in the County doing it at the present  
477 time.  
478  
479 Mr. McKinney - Maybe they haven't been reported. They may be doing it  
480 in the A-1 District, not a residential density that you live in, and I will ask the Secretary,  
481 what constitutes an adult animal, John.  
482  
483 Mr. Marlles - Mr. Chairman, I think that is a subjective matter, a matter  
484 of interpretation, but I believe...  
485  
486 Mr. McKinney - Like she said, she had a couple of kittens, I'd like to know,  
487 she's got eight in there right now; six adults and two kittens.  
488  
489 Mr. Marlles - I do stand corrected. Ms. Blackburn has pointed out that  
490 under our definition in the Zoning Ordinance, an adult animal would be considered any  
491 animal over four months of age.  
492

493 Mr. McKinney - How old are your kittens, Ms. Rowson?  
494  
495 Ms. Rowson - OK, the one is five months.  
496  
497 Mr. McKinney - So one is an adult?  
498  
499 Ms. Rowson - Yes, he would not have been last month when I was  
500 deferred.  
501  
502 Mr. McKinney - So, you said "he" and you said you had two kittens. So,  
503 are both of them five months?  
504  
505 Ms. Rowson - No, I don't think I said I have two kittens.  
506  
507 Mr. McKinney - You said you had six adults and two kittens.  
508  
509 Ms. Rowson - I am sorry; I mis-spoke. I meant two breeding females. I  
510 have one...  
511  
512 Mr. McKinney - How many total animals do you have in your house  
513 including your one that is not a kitten anymore and is over five months old?  
514  
515 Ms. Rowson - Not including the kittens?  
516  
517 Mr. McKinney - Don't you know how many animals that you have?  
518  
519 Ms. Rowson - Yes.  
520  
521 Mr. McKinney - How many do you have?  
522  
523 Ms. Rowson - There is one of them that I have that is not mine.  
524  
525 Mr. McKinney - How many do you have in your household is the question?  
526  
527 Ms. Rowson - One, two, three, four, five, six.  
528  
529 Mr. McKinney - You have a total of six cats in your house?  
530  
531 Ms. Rowson - Not counting the kittens?  
532  
533 Mr. McKinney - I said how many animals do you have in your house?  
534  
535 Ms. Rowson - Well, we have a dog, too.  
536  
537 Mr. McKinney - OK. Nothing wrong with that.  
538  
539 Ms. Rowson - Well, nobody ever mentioned the dog.  
540  
541 Mr. McKinney - The Code says three animals. Period. So, you have six  
542 adult cats, and you have how many kittens?  
543

544 Ms. Rowson - The one male.  
545  
546 Mr. McKinney - So, you have one kitten and one that is not a kitten  
547 anymore? So, you have seven cats and you have one dog?  
548  
549 Ms. Rowson - Yes, sir.  
550  
551 Mr. McKinney - You have a total of eight animals.  
552  
553 Ms. Rowson - Yes. I think that is what I said last time.  
554  
555 Mr. McKinney - Do you have any birds?  
556  
557 Ms. Rowson - No. No other animals at all.  
558  
559 Mr. McKinney - Any other questions of Ms. Rowson by Board members?  
560  
561 Mr. Nunnally - Ms. Rowson, how long have you been living at this  
562 location?  
563  
564 Ms. Rowson - Fourteen years.  
565  
566 Mr. Wright - How long have you had cats?  
567  
568 Ms. Rowson - Well, I haven't had, we've had cats in the past. I've never  
569 had this many. Like I said, I had kittens earlier this year but they are all gone except the  
570 one, and the other two, I took two in this Spring from another breeder going out of  
571 business, and they were brand new. Up until that time, what did I have, 3 or 4, I think.  
572  
573 Mr. Wright - This Spring is when you went over, basically, went over the  
574 limit?  
575  
576 Ms. Rowson - Yes, when I applied for the variance. I didn't really know  
577 that was going to happen. I had not planned on it.  
578  
579 Mr. McKinney - Any other questions?  
580  
581 Mr. Wright - If we were to approve this, we'd have to put some limits on  
582 this thing. Now, you say the suggested conditions here, you couldn't live with anyhow,  
583 so, what, how many adult cats do you request that we approve?  
584  
585 Ms. Rowson - Well, golly.  
586  
587 Mr. Wright - We have to know what your request is.  
588  
589 Ms. Rowson - Right. I have two that I've had for quite a while as pets that  
590 are not breeding stock.  
591  
592 Mr. Wright - You have two and a dog. That would put you to your limit.  
593  
594 Ms. Rowson - Right there, with no breeding stock at all. I would think six

595 would be the lowest I could go and have any breeding stock at all.

596

597 Mr. Wright - But you would also have to be able to breed the cats  
598 there?

599

600 Ms. Rowson - Well, yes, because you can't acquire any new blood or  
601 new cats at all to show. You could only show exactly what you had, and it is an ongoing  
602 thing.

603

604 Mr. Wright - All right, thank you.

605

606 Mr. McKinney - Any other questions? Does staff have any comments?

607

608 Mr. Marles - No, sir.

609

610 Mr. McKinney - I will ask again. Is there anyone else in the audience  
611 who'd like to speak in reference to UP-24-99? All right, Ms. Rowson. That concludes  
612 your case. You can call the Planning Office this afternoon and get your answer. Thank  
613 you for coming and you have a nice day.

614

615 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
616 Mr. Wright, the Board **denied** the variance.

617

618 The Board **denied** this request as it found from the evidence presented that  
619 authorizing this use permit will be of substantial detriment to adjacent property  
620 and will materially impair the purpose of the zoning regulations.

621

622 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5

623 Negative

624 Absent:

625

626

627 **NEW CASES:**

628

629 **A-93-99** *T. E. Palmer, Jr.* request for a variance to build a dwelling at 5315  
630 Lucas Road (Tax Parcel 60-A-70B), zoned R-3, One-Family  
631 Residence District (Brookland). The front yard setback is not met.  
632 The applicant has 39.0 feet front yard setback where the Code  
633 requires 40.0 feet front yard setback. The applicant requests a  
634 variance of 1.0-foot front yard setback.

635

636 Mr. McKinney - Is anyone in the audience going to speak in reference to A-  
637 93-99 other than the applicant or would like to say anything in reference to this case?  
638 Sir, if you would raise your hand and be sworn in by our Secretary.

639

640 Mr. Marles - Do you promise to tell the truth, the whole truth, and  
641 nothing but the truth so help you God?

642

643 Mr. Palmer - Yes, sir, I do.

644  
645 Mr. McKinney - Would you state your name for the record, sir.  
646  
647 Mr. Palmer - Thomas E. Palmer, Jr.  
648  
649 Mr. McKinney - You are Mr. Palmer? Is that correct? Would you pull that  
650 mike a little bit closer to you? OK, Mr. Palmer, if you'd present your case. Excuse me,  
651 have all of the adjoining and adjacent property owners been notified of this request?  
652  
653 Mr. Palmer - They have not been notified in reference to the variance.  
654 They were notified upon application for the building permit, but the house has already  
655 been constructed.  
656  
657 Mr. McKinney - If you haven't notified the adjoining and adjacent property  
658 owners of your request, we cannot hear it. So, you're going to have to ask for a deferral  
659 for 30 days, and we can't defer it but once. If you are not familiar with the procedure,  
660 you can call the Planning Office and they will tell you exactly how to do it.  
661  
662 Mr. Palmer - As far as the deferral?  
663  
664 Mr. McKinney - As far as the deferral, as far as getting in touch with the  
665 adjoining and the adjacent property owners. If you are not sure, they will tell you exactly  
666 who they are.  
667  
668 Mr. Palmer - OK, is that all? Just go over there now and start the  
669 process of the deferral?  
670  
671 Mr. McKinney - Are you asking for a 30-day deferral?  
672  
673 Mr. Palmer - Yes, sir.  
674  
675 Mr. Kirkland- OK, do I have a motion?  
676  
677 Mr. Nunnally - So moved.  
678  
679 Mr. Wright - Second.  
680  
681 Mr. McKinney - We have a motion and a second. All in favor say aye. All  
682 opposed say nay. The motion carries. All right, Mr. Palmer, you come in next month  
683 and make sure that all of the adjoining and adjacent property owners have been notified  
684 according to what the County requires.  
685  
686 Mr. Palmer - Thank you.  
687  
688 This request was **deferred** from the July 22, 1999 meeting to the August 26, 1999  
689 meeting because the applicant failed to notify the adjacent property owners according to  
690 the state code.  
691  
692 **A-94-99** **Roger Taylor, Jr.** request for a variance from Section 24-9 of  
693 Chapter 24 of the County Code to build a dwelling at 1550 Cedar  
694 Valley Lane (Tax Parcel 247-A-6B), zoned A-1, Agricultural

695 District (Varina). The public road frontage is not met. The  
696 applicant has 0.0 feet public road frontage where the Code  
697 requires 50.0 feet public road frontage. The applicant requests a  
698 variance of 50.0 feet public road frontage.  
699

700 Mr. McKinney - Is anybody in the audience going to speak in reference to  
701 A-94-99 other than the applicant? You are. OK, anyone else? All right, if you would  
702 stand sir, and be sworn on, so we can save some time. You can stay right where you  
703 are.  
704

705 Mr. Marlles - Sir, do you promise to tell the truth, the whole truth, and  
706 nothing but the truth so help you God?  
707

708 Mr. Taylor - I do.  
709

710 Mr. McKinney - Would you please state your name for the record, sir?  
711

712 Mr. Taylor - Roger L. Taylor, Jr.  
713

714 Mr. McKinney - Mr. Taylor, have all adjoining and adjacent property  
715 owners been notified of this request according to the County Code?  
716

717 Mr. Taylor - Yes, sir, they have.  
718

719 Mr. McKinney - Would you turn them in to the Secretary, sir? Thank you.  
720 All right, you may present your case.  
721

722 Mr. Taylor - Well, I want to proceed to build a house next to my father-  
723 in-law, with my wife and my three children, so I can be closer to her grandparents and  
724 also her parents. This piece of property adjoins my father-in-law, and his piece of  
725 property adjoins his father.  
726

727 Mr. Nunnally - Mr. Taylor, have you read the conditions on this case?  
728

729 Mr. Taylor - Yes, sir, I have.  
730

731 Mr. Nunnally - Do you have legal access to the property from Cedar  
732 Valley Lane?  
733

734 Mr. Taylor - Yes, sir, I do.  
735

736 Mr. McKinney - All right, any other questions of Mr. Taylor by Board  
737 members? Does staff have any comments?  
738

739 Mr. Marlles - No, sir.  
740

741 Mr. McKinney - You can step down. You might want to address what this  
742 person is going to say. Would you come up? Would you state your name for the record,  
743 sir?  
744

745 Mr. C. Frank Hollis, III - My name is C. Frank Hollis, III.

746  
747 Mr. McKinney - What is your last name?  
748  
749 Mr. Hollis - Hollis. H O L L I S.  
750  
751 Mr. McKinney - All right, Mr. Hollis.  
752  
753 Mr. Hollis - Like I just said, this is kind of a spreading of the family. I  
754 was born and raised at 1278 Cedar Valley Lane and bought the piece of property next to  
755 that, and have been living there for 15 years. The property that Roger and Bonnie have  
756 bought borders me and we would just ask you that you give this zoning variance so we  
757 can proceed to build a house and expand their family a little bit.  
758  
759 Mr. McKinney - OK, any questions of Mr. Hollis by Board members? All  
760 right, thank you, Mr. Hollis. Mr. Taylor, I didn't know if he was for or against you.  
761 Anyone else to speak in reference to A-94-99? All right, Mr. Taylor, that concludes your  
762 case. You will get your answer this afternoon by calling the Planning Office. Thank you  
763 for coming, Mr. Hollis.  
764  
765 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
766 Mr. Wright, the Board **granted** the variance.  
767  
768 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5  
769 Negative  
770 Absent:  
771  
772 The Board **granted** this request as it found from the evidence presented that  
773 authorizing this variance will not be of substantial detriment to adjacent property  
774 and will not materially impair the purpose of the zoning regulations.  
775  
776 1. This approval is only for the proposed dwelling that is the subject of this case.  
777 Any future improvements to the property shall comply with the applicable  
778 regulations of the County Code  
779 2. The applicant shall present proof with the building permit application that they  
780 have legal access to the property via Cedar Valley Lane.  
781 3. The applicant shall obtain Health Department approval of a well and a septic  
782 system.  
783  
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**A-95-99**

**R. Scott Pence** request for a variance from Sections 24-9 and 24-94 of Chapter 24 of the County Code to build a dwelling at 11374 Old Mountain Road (Tax Parcel 21-A-18D), zoned A-1, Agricultural District (Brookland). The lot width and public road frontage are not met. The applicant has 139.57 feet lot width and 0.0 feet public road frontage where the Code requires 150.0 feet of lot width and 50.0 feet of public road frontage. The applicant requests variances of 10.43 feet of lot width and 50.0 feet of public road frontage.

Mr. McKinney - Is anyone in the audience going to speak to A-95-99 other than the applicant? Is there anyone in the audience? All right, sir, if you would raise your hand and be sworn in by our Secretary.

Mr. Marlles - Do you promise to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Scott Pence - Yes.

Mr. McKinney - Would you state your name for the record, sir?

Mr. Pence - Scott Pence.

Mr. McKinney - All right, Mr. Pence, have all adjoining and adjacent property owners been notified of this request according to the County Code? Would you turn those in to the secretary? You may present your case, sir.

Mr. Pence - My wife and I want to build a family dwelling on the property. My mother-in-law lives in the front area and we just want to be closer to them. She is getting older, my mother-in-law is getting older, and we want to help out and she helps out with our children some, and that's all we are asking for.

Mr. McKinney - I see on here your representative is Bill Johnson with Foster and Miller. Is he the one doing your plans?

Mr. Pence - Yes, and he also is developing the land that Russell Harper has, that is next to ours, building a neighborhood over there, Mill Place West.

Mr. McKinney - OK. Does anyone have any questions of Mr. Pence?

Mr., Wright - Mr. Pence, have you read the conditions proposed for this case?

Mr. Pence - Yes, I have.

Mr. Wright - You can comply with those conditions?

Mr. Pence - That is right.

Mr. McKinney - Any other questions? Does staff have any comments?

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Mr. Marlles - No, sir.

Mr. McKinney - Is there anyone else in the audience who may have come in who has any comments or questions on A-95-99? All right, Mr. Pence, that concludes your case. You can get your answer this afternoon by calling the Planning Office.

Mr. Pence - Thank you.

After an advertised public hearing and on a motion by Mr. Kirkland, seconded by Mr. Wright, the Board **granted** the variance.

Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5  
Negative  
Absent:

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. A septic system approval by the Health Department must be obtained.
2. The owners of the property, their heirs or assigns, must accept responsibility for maintaining access to the property until such time as the access is improved to County standards and accepted into the County road system for maintenance.
3. The applicant must present proof with the building permit application that a legal access to the property has been obtained.
4. The applicant must 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.

**A-96-99** *Dorothy Clark* request for a variance from Section 24-94 of Chapter 24 of the County Code to enclosed existing screened porch at 210 Lakewood Drive (Westham) (Tax Parcel 113-9-2-13), zoned R-1, One-Family Residence District (Tuckahoe). The rear yard setback is not met. The applicant has 46.0 feet rear yard setback where the Code requires 50.0 feet rear yard setback. The applicant requests a variance of 4.0 feet rear yard setback.

Mr. McKinney - Is anyone other than the applicant going to speak in reference to A-96-99? Anyone else to speak to this case? All right, sir, would you raise your hand and be sworn in by the Secretary.

Mr. Marlles - Do you promise to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. Kenneth Everett - I do.

884 Mr. McKinney - Would you state your name for the record?  
885  
886 Mr. Everett - Kenneth Everett.  
887  
888 Mr. McKinney - Everett?  
889  
890 Mr. Everett - E V E R E T T.  
891  
892 Mr. McKinney - All right, Mr. Everett. Have all adjoining and adjacent  
893 property owners been notified? Would you turn those in to the Secretary? Mr. Everett,  
894 would you present your case, sir.  
895  
896 Mr. Everett - What we are looking to do is enclose an existing screen  
897 porch. We are minus four feet from meeting the rear yard setback for enclosed structure  
898 if existing, and from the letter we received, we found out that the existing structure is  
899 already in violation of the setback, but I guess that was something that was done before  
900 the home was purchased by the Clarks. So, I guess we are looking to have that rectified  
901 also, with this variance we are trying to do. We are just basically going to put some  
902 windows in on both sides, door on either side, steps coming off of both sides of the  
903 home. It is a brick structure, the main part of the house. The screened porch has  
904 hardwood siding on it and we want to continue the siding down around the windows and  
905 doors. It is just a matter of not having enough rear yard to get it done.  
906  
907 Mr. McKinney - All right. Any questions of Mr. Everett by Board members?  
908  
909 Mr. Wright - What is the size of this screened porch?  
910  
911 Mr. Everett - It is 12 foot by 14.  
912  
913 Mr. Wright - You just want to close in what is there now?  
914  
915 Mr. Everett - Yes, sir. Exactly. The roof line would stay as it is. We are  
916 not going to touch the roof itself. We are just going to frame the walls.  
917  
918 Mr. Wright - Basically the structure is already there, isn't it?  
919  
920 Mr. Everett - Yes, it is.  
921  
922 Mr. Wright - You'd take the screen out and put some windows in.  
923  
924 Mr. Everett - Yes, windows and doors in it and insulate it and enclose  
925 the inside of it.  
926  
927 Mr. McKinney - All right. Any other questions of Mr. Everett by Board  
928 members? Does staff have any comments?  
929  
930 Mr. Marlles - No, sir.  
931  
932 Mr. McKinney - All right, Mr. Everett. That concludes your case. You can  
933 call the Planning Office.  
934

935 Mr. Wright - Did you ask for opposition?  
936  
937 Mr. McKinney - I had already asked for opposition, but I will ask again. Is  
938 there anyone in opposition to A-96-99? No one had indicated that they wanted to speak.  
939 Sir, that concludes your case, Mr. Everett, and you can call the Planning Office this  
940 afternoon and get your answer. Thank you for coming.  
941  
942 After an advertised public hearing and on a motion by Mr. Balfour, seconded by  
943 Mr. Wright, the Board **granted** the variance.  
944  
945 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5  
946 Negative  
947 Absent:  
948  
949 The Board **granted** this request as it found from the evidence presented that  
950 authorizing this variance will not be of substantial detriment to adjacent property  
951 and will not materially impair the purpose of the zoning regulations.  
952  
953 1. Only the addition shown on the plan filed with the case may be constructed  
954 pursuant to this approval.  
955  
956 **A-97-99** **Kenneth and Edith Frishtick** request for a variance from Section  
957 24-41 (e) of Chapter 24 of the County Code to convert an existing  
958 deck to a sunroom at 1824 Fairwind Circle (Gayton Forest) (Tax  
959 Parcel 78-14-K-1) zoned RTH, Residential Townhouse District  
960 (Tuckahoe). The rear yard setback is not met. The applicant has  
961 21.34 feet rear yard setback where the Code requires 30.0 feet  
962 rear yard setback. The applicant requests a variance of 8.66 feet  
963 rear yard setback.  
964  
965 Mr. McKinney - Is anyone in the audience going to speak in reference to A-  
966 97-99? You are. All right. If you would raise your hand. Sir, we are recording this and  
967 we hear what you are saying back there. If you intend to speak, you can be sworn in at  
968 the same time that the applicant is. If you'd raise your hand and be sworn in by our  
969 Secretary.  
970  
971 Mr. Marles - Do you promise to tell the truth, the whole truth, and  
972 nothing but the truth so help you God.  
973  
974 The People in Unison - Yes, I do.  
975  
976 Mr. McKinney - Would you state your name for the record, sir.  
977  
978 Mr. Kenneth Frishtick - My name is Kenneth Frishtick.  
979  
980 Mr. McKinney - All right, Mr. Frishtick, have all of the adjoining and  
981 adjacent property owners been notified of this request according to the County Code?  
982  
983 Mr. Frishtick - Yes, sir.  
984

985 Mr. McKinney - Turn those in to the Secretary. All right, Mr. Frishtick, if  
986 you would present your case, sir.  
987  
988 Mr. Frishtick - Yes, sir. With your permission, we are seeking to enclose  
989 half of our deck with a patio enclosure.  
990  
991 Mr. Wright - What is the size of the enclosure?  
992  
993 Mr. Frishtick - The enclosure is approximately 10 x 13.  
994  
995 Mr. Wright - So you would still have part of the deck unexposed, the  
996 remaining deck.  
997  
998 Mr. Frishtick - The remaining deck would be as is.  
999  
1000 Mr. McKinney - And the purpose of this enclosure is for what?  
1001  
1002 Mr. Frishtick - The purpose is to allow us to sit out on the deck without  
1003 being bitten by mosquitoes and enjoy the outdoors a little bit which we have never had  
1004 the pleasure of.  
1005  
1006 Mr. McKinney - So you are going to do it in a sun room and not a screened  
1007 porch. Is that correct?  
1008  
1009 Mr. Frishtick - Screened and glass enclosed, both.  
1010  
1011 Mr. McKinney - All right, any other questions of Mr. Frishtick by Board  
1012 members? Does staff have any comments?  
1013  
1014 Mr. Marlles - Mr. Chairman, just as was pointed out in the staff report,  
1015 there was no written documentation provided with the request stating what the  
1016 justification would be for the variance.  
1017  
1018 Mr. McKinney - All right. All right, Mr. Frishtick, you may sit down. We  
1019 have a gentleman back there who would like to speak. Are you the contractor? Any  
1020 other questions by Board members? I will ask. Is there anyone else to speak in  
1021 reference to A-97-99? That concludes the case. You can get your answer this  
1022 afternoon. Thank you for coming.  
1023

1023

1024 After an advertised public hearing and on a motion by Mr. Balfour, seconded by  
1025 Mr. Wright, the Board **granted** the variance.

1026

1027 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5

1028 Negative

1029 Absent:

1030

1031 The Board **granted** this request as it found from the evidence presented that authorizing  
1032 this variance will not be of substantial detriment to adjacent property and will not  
1033 materially impair the purpose of the zoning regulations.

1034

1035 1. This approval is only for the sunroom illustrated on the plans submitted with  
1036 the case. Future development on the property shall be subject to the  
1037 applicable requirements of the County Code.

1038

1039

1040 **A-98-99** **Martha A. Johnson** request for a variance from Section 24-  
1041 95(c)(4) of Chapter 24 of the County Code to build a covered  
1042 screened front porch at 103 Wootton Road (Sandston) (Tax  
1043 Parcel 174-1-H-2) zoned R-3, One-Family Residence District  
1044 (Varina). The front yard setback has not been met. The applicant  
1045 has 28.21 feet front yard setback where the Code requires 35.0  
1046 feet front yard setback. The applicant requests a variance of 6.79  
1047 feet front yard setback.

1048

1049 Mr. McKinney - Is the applicant here?

1050

1051 Mr. Wright - Rear yard?

1052

1053 Mr. Marlles - I am sorry. There was a typo when I was reading it. It is a  
1054 front yard. That is correct.

1055

1056 Mr. Wright - Was it advertised front yard? You'd better check to see if it  
1057 was advertised. Well, it says in the advertisement front yard, at least that is what is in  
1058 our paper here, but I don't know whether that is what it was.

1059

1060 Mr. Silber - Ms. Blackburn, could we have the file to check the  
1061 advertisement?

1062

1063 Mr. McKinney - It says front yard.

1064

1065 Mr. Wright - OK. It was just a typo on the agenda.

1066

1067 Mr. McKinney - Is there anyone else in the audience going to speak on  
1068 behalf of A-98-99? All right. Would you hold your right hands up and be sworn in by the  
1069 Secretary.

1070

1071 Mr. Marlles - Do you promise to tell the truth, the whole truth, and  
1072 nothing but the truth so help you God?

1073

1074 The People in Unison - I do.

1075

1076 Mr. McKinney - If you would state your name for the record.

1077

1078 Ms. Johnson - I am Martha Johnson.

1079

1080 Mr. Johnson - And I am Joseph Johnson.

1081

1082 Mr. McKinney - All right, Mr. and Mrs. Johnson, have all adjoining and  
1083 adjacent property owners been notified of this request according to the County Code?  
1084

1085 Mr. and Mrs. Johnson - Yes, they have.

1086

1087 Mr. McKinney - Would you hand those in to the Secretary? All right, Mr. or  
1088 Mrs. Johnson or whoever would like to present your case.  
1089

1090 Mr. Johnson - What we are looking forward to doing is building a country-  
1091 style porch on the front of our home with a partial enclosure, so that we can sit out as the  
1092 other gentleman explained, so we would not be bitten by mosquitoes, and also sit out  
1093 during the day and enjoy the outside.  
1094

1095 Mr. Nunnally- What size porch are you talking about?

1096

1097 Mr. Johnson - A country-style porch that covers the entire front of the  
1098 house, full length.  
1099

1100 Mr. Nunnally - What size would that be, the entire front of the house, but  
1101 what size is that?  
1102

1103 Mr. Johnson - It will be 8 by 40 feet.

1104

1105 Mr. Nunnally - I know there are no other screened front porches in the  
1106 entire block down there.  
1107

1108 Mr. Johnson - We have got pictures of it.  
1109

1110 Mrs. Johnson - We went around the whole neighborhood and the next  
1111 street over and around, and they have a side porch and...  
1112

1113 Mr. Nunnally - We are talking about on Wooten Road now? On the first  
1114 block, I was down there yesterday and the first block, you have what looks like two or  
1115 three over-sized stoops.  
1116

1117 Mrs. Johnson - There are a couple of additions we have noticed.  
1118

1119 Mr. McKinney- But not on the front.  
1120

1121 Mrs. Johnson - We have taken pictures.  
1122

1123 Mr. Wright - Let us have them. We don't show them on our map. Mr.

1124 Nunnally, did you see that on Wooten Road?  
1125  
1126 Mrs. Johnson - There are a lot of additions in the neighborhood that we  
1127 have watched people build stuff without bothering to get a building permit. We are doing  
1128 it the right way. I also note that if you look, the house next door to us, is six feet back  
1129 further than ours. So, if we owned that house, and we wanted to put a front porch on it,  
1130 we could shorten it to 7 feet and we would meet the Code. So, it just so happens that  
1131 we happen to own a house that comes out a little bit further than the other one. You all  
1132 also made a comment about we could have put it in the backyard. But, we just had air  
1133 conditioning put in, central air, and they put that thing, you know what I am talking about,  
1134 that you can't cover, plus there are oil tanks back there, also. And I have pictures of the  
1135 back yard if you want to see that, too.  
1136  
1137 Mr. McKinney - Now, did you say your house protrudes out rather than the  
1138 adjacent one?  
1139  
1140 Mrs. Johnson - Yes, sir. The next house beside us is six feet back from  
1141 ours and there is another one on the street, also, that is, 105, 107, and I think it was 113,  
1142 all are six feet further back than ours is, although it does not show that on this map.  
1143 Because you could look at that picture, actually, and see where it is back.  
1144  
1145 Mr. McKinney - Yes, I can see. Yours and the one right on the corner are  
1146 in line. Is that correct?  
1147  
1148 Mrs. Johnson - Yes, sir. It is two up and two back, and I think that it two  
1149 up and one or two more back. They are staggered down the block.  
1150  
1151 Mr. McKinney - So, you want to come out at eight feet for a porch?  
1152  
1153 Mr. Johnson - Which basically comes out to the end of the stoop.  
1154  
1155 Mr. McKinney - If you come out eight feet, the property to the left-hand  
1156 side of you will not be able to see up the street.  
1157  
1158 Mrs. Johnson - I don't understand what that, if you knew the lady next  
1159 door, you never see her anyway. I don't think she ever looks up the street.  
1160  
1161 Mr. McKinney - That has nothing to do with it, ma'am. There may be  
1162 somebody there down the road.  
1163  
1164 Mr. Johnson - It will be an open porch, so you will be able to see.  
1165  
1166 Mrs. Johnson - Yes, I know. It will be screened, but it will not be dark that  
1167 they can't see.  
1168  
1169 Mr. Johnson - Actually, the opposite end will be screened.  
1170  
1171 Mr. Nunnally - Could we see those pictures that you said you have.  
1172  
1173 Mrs. Johnson - That is a picture of the front of the house and the back of  
1174 the house, for the view, what you will be seeing, depending on whatever house you're at.



1175  
1176 Mr. Kirkland - Mr. Johnson, how far will the steps that you are going to  
1177 put on this new deck, how far out are they going to come from the new deck?  
1178  
1179 Mr. Johnson - It will probably be about three and a half feet.  
1180  
1181 Mr. Kirkland- How wide are they going to be?  
1182  
1183 Mr. Johnson - I think they are about 10 inches.  
1184  
1185 Mr. Kirkland- For the whole step area?  
1186  
1187 Mr. Johnson - The whole step area - four feet width wise.  
1188  
1189 Mr. McKinney - Your porch will be the same height as your stoop? Mr.  
1190 Johnson, do you plan on constructing this yourself?  
1191  
1192 Mr. Johnson - No, sir. I am going to have a contractor do it.  
1193  
1194 Mr. McKinney - Do you have any plans on it?  
1195  
1196 Mrs. Johnson - Yes, sir, we submitted those with the application for the  
1197 building permit.  
1198  
1199 Mr. McKinney - They are probably in the file; they didn't come in the  
1200 packet.  
1201  
1202 Mr. Johnson - We have a copy here.  
1203  
1204 Mrs. Johnson - That was the rough draft, I think.  
1205  
1206 Mr. Nunnally - Each one of these houses, the pictures you have given us  
1207 here, to me it is just an over-sized stoop. It is a not front porch all of the way across the  
1208 house.  
1209  
1210 Mrs. Johnson - There is one picture that's got one, but the trees are  
1211 covering it and you can't see it from the front yard. That is on Huntsman...unfortunately.  
1212  
1213 Mr. Johnson - That is the street over from us.  
1214  
1215 Mr. Nunnally - I am talking about one on Wootton Road, ma'am.  
1216  
1217 Mrs. Johnson - Well a lot of them just built over-sized stoops, which to us  
1218 is really not very nice looking. But you all made a comment, to soften the effect. I am  
1219 sorry, but those are not soft at all. What we want is the whole thing all the way across,  
1220 but it looks like it is actually a part of the original foundation.  
1221  
1222 Mr. McKinney - These pictures you have were done and they meet the  
1223 setbacks.  
1224  
1225 Mrs. Johnson - We understand that. Unfortunately, we just happen to buy

1226 the wrong house. Like I said, if I had bought the one next door, I wouldn't have a  
1227 problem. I could have just made the porch not as deep and it would have met the  
1228 requirement. And the gentleman who lives across the street from me, he came out after  
1229 he got the notice and he made a point to tell me that he did not have any objection to  
1230 anything we did to our home, because he has noticed since we have been there that all  
1231 we've done is make improvements.

1232  
1233 Mr. McKinney - Any other questions of Mr. and Mrs. Johnson by Board  
1234 members? Does staff have any comments?

1235  
1236 Mr. Marlles - No, sir.

1237  
1238 Mr. McKinney - I will ask again, does anyone else in the audience wish to  
1239 speak in reference to A-98-99?

1240  
1241 Mr. Nunnally - Mr. and Mrs. Johnson, would you be interested in cutting  
1242 that porch down any in length across the front of the house? Would you be interested in  
1243 putting in an over-sized stoop like these pictures you showed us on Wootton Road, or do  
1244 you want to go clear across the house?

1245  
1246 Mrs. Johnson - Then it would look stupid like the rest of them do and it  
1247 wouldn't really help the value of the house, which is another important thing. I mean,  
1248 because we are going to live here forever, until we die, obviously.

1249  
1250 Mr. Nunnally - I beg your pardon.

1251  
1252 Mrs. Johnson - We are going to live in this house until we die. We are not  
1253 looking to improve it and sell it.

1254  
1255 Mr. McKinney - You might hit the lottery next week. Who knows?

1256  
1257 Mrs. Johnson - Except that I don't play the lottery. We don't play the  
1258 lottery. We can't afford it.

1259  
1260 Mr. McKinney - All right, that concludes the case. You can get your  
1261 answer this afternoon by calling the Planning Office, and thank you for coming, Mr. and  
1262 Mrs. Johnson.

1263  
1264 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
1265 Mr. Wright, the Board **denied** the variance.

1266  
1267 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5

1268 Negative  
1269 Absent:

1270  
1271 The Board **denied** this request as it found from the evidence presented that  
1272 authorizing this variance will be of substantial detriment to adjacent property and  
1273 will materially impair the purpose of the zoning regulations.

1274

1275 **A-99-99** **Marsha S. Shuler** request for a variance from Sections 24-  
1276 95(c)(2) and 24-94 of Chapter 24 of the County Code to build an  
1277 addition at 1113 Santa Anna Road (Beverly Hills) (Tax Parcel 101-  
1278 11-12-1), zoned R-3, One-Family Residence District (Three  
1279 Chopt). The rear yard setback is not met. The applicant has 29.0  
1280 feet rear yard where the Code requires 40.0 feet rear yard  
1281 setback. The applicant requests a variance of 11.0 feet rear yard  
1282 setback.  
1283

1284 Mr. McKinney - Is the applicant here for A-99-99? Where are you? All  
1285 right, we will pass that by. Call the next case, Mr. Secretary.  
1286

1287 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
1288 Mr. Kirkland, the Board **granted the deferral** of this request from the July 22,  
1289 1999 meeting to the August 26, 1999 meeting because the applicant failed to  
1290 appear before the Board to present the case.  
1291

1292 **UP-27-99** **Eastern Henrico Ruritan Club** request for a temporary  
1293 conditional use permit under Section 24-116(c)(1) of Chapter 24 of  
1294 the County Code to conduct a turkey shoot at 3812 Nine Mile  
1295 Road (Tax Parcel 146-A-18), zoned A-1, Agricultural District  
1296 (Varina).  
1297

1298 Mr. McKinney - All right, is anyone going to speak in reference to UP-27-99  
1299 other than the applicant? Does anyone else plan to speak for or against or whatever?  
1300 All right, if you gentlemen would raise your hands and be sworn in.  
1301

1302 Mr. Marlls - Do you promise to tell the truth, the whole truth, and  
1303 nothing but the truth so help you God.  
1304

1305 Mr. Stanley Stewart - I do.  
1306

1307 Mr. John Ayers - I do.  
1308

1309 Mr. McKinney - Would you state your name for the record.  
1310

1311 Mr. Stewart - Stanley Stewart.  
1312

1313 Mr. Ayers - John Ayers.  
1314

1315 Mr. McKinney - Mr. Stewart and Mr. Ayers, have all adjacent and adjoining  
1316 property owners been notified of this request according to the County Code?  
1317

1318 Mr. Stewart - Yes, sir.  
1319

1320 Mr. McKinney - Have you turned your notices in?  
1321

1322 Mr. Stewart - Yes.  
1323

1324 Mr. Wright - You have had plenty of practice doing that.

1325  
1326 Mr. McKinney - He's been doing it for a long time. All right, gentlemen, if  
1327 you would state your case.  
1328  
1329 Mr. Stewart - We are requesting a turkey shoot permit and all of your  
1330 requirements have been met.  
1331  
1332 Mr. McKinney - Nothing has changed?  
1333  
1334 Mr. Stewart - No, the same thing.  
1335  
1336 Mr. McKinney - You have read the conditions?  
1337  
1338 Mr. Stewart - Yes. We have been doing this for 32 years.  
1339  
1340 Mr. Wright - Mr. Chairman, the conditions don't state the period of this  
1341 permit. It says something about what they can do in 1999 and 2000, but that could go  
1342 on, and they could do everything else...  
1343  
1344 Mr. McKinney - After 2000.  
1345  
1346 Mr. Kirkland - Yes. I think you should have something in there about the  
1347 period of the permit.  
1348  
1349 Mr. McKinney - Is it automatic two years?  
1350  
1351 Mr. Stewart - It is automatic, what we have been getting is two years.  
1352  
1353 Mr. McKinney - So, Condition #8, Mr. Secretary, says this if granted will  
1354 expire in two years?  
1355  
1356 Mr. Marlles - Yes, sir. That would be acceptable.  
1357  
1358 Mr. McKinney - On the day of approval? Is that agreeable with you  
1359 gentlemen?  
1360  
1361 Mr. Ayers - Not the date of approval; you are saying two years.  
1362  
1363 Mr. McKinney - I'm saying two years from the date of approval, if granted.  
1364  
1365 Mr. Ayers - OK.  
1366  
1367 Mr. McKinney - Two years from that date it would expire. That is the way  
1368 that it has been in the past.  
1369  
1370 Mr. Stewart - That is fine.  
1371  
1372 Mr. McKinney - Any other questions by Board members?  
1373  
1374 Mr. Nunnally - You have to be careful with this newly graded in-field over  
1375 here now.

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Mr. Stewart - That was there last year, and I talked to the man out there at Westminster and they are satisfied we kept it just fine.

Mr. McKinney - Is there anyone else in the audience to speak in reference to UP-27-99? I'll ask again. Seeing none, that concludes the case. Thank you, gentlemen. Have a nice day. You know how to get your answer.

After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr. Wright, the Board **granted** the temporary use permit.

Affirmative      Balfour, Kirkland, McKinney, Nunnally, Wright                      5  
Negative  
Absent:

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

1. The turkey shoot shall be at least 300 feet from any lot occupied by a dwelling or from a building other than buildings on the same parcel.
2. No shooting shall be done in or along any road or street or within 100 yards thereof, as required by the Code of Virginia.
3. The land shall be properly posted to show the particular area in which the shooting is occurring.
4. Sufficient off-street parking shall be provided for all cars visiting the premises.
5. No beer, wine or any other alcoholic beverage shall be consumed on the are of shooting. A sign to this general effect must be posted on the property.
6. Restrooms shall be provided.
7. Hours of firing shall be restricted to the period 6:00 p.m. and 10:00 p.m. on Fridays during October through December and on the Wednesday before Thanksgiving during calendar year 1999 and 2000.
8. This permit will expire on July 31, 2001.

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**A-100-99**

**Joseph V. and T. Thomas** request for variance from Sections 24-94 and 24-95(t) of Chapter 24 of the County Code to build a dwelling at 4023 Oakley's Lane, (Tax Parcel 147-A-84), zoned A-1, Agricultural District (Fairfield). The minimum lot size outside of floodplain is not met. The applicant has 30,492 square feet outside of floodplain where the Code requires 43,560 square feet (1 acre) outside of the floodplain. The applicant requests a variance of 13,068 square feet outside of the floodplain.

Mr. McKinney - All right, is the applicant here for A-100-99? Joseph V. and T. Thomas? All right. We will have to pass that by, also. Is there anyone here that was going to speak in reference to A-100-99? All right.

After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr. Kirkland, the Board **granted the deferral** of this request from the July 22, 1999 meeting to the August 26, 1999 meeting because the applicant failed to appear before the Board to present the case.

That concludes the 9:00 agenda. Mr. Secretary, would you explain the rules and regulations for the people that are here at 10:00 a.m. and we will ask for deferrals and then we will take them. Are there any withdrawals or deferrals on the 10:00 a.m. agenda? Do you have any?

**A-107-99**

**The Meadows Group, L.L.C.** request for a variance from Section 24-94 of Chapter 24 of the County Code to build a dwelling at 5013 Arapaho Trail (The Meadows) (Tax Parcel 38-13-B-13), zoned R-3AC, One-Family Residence District (Conditional) (Three Chopt). The front yard and rear yard setbacks are not met. The applicant has 15.21 feet front yard setback and 10.0 feet rear yard where the Code requires 35.0 feet front yard setback and 35.0 feet rear yard setback. The applicant requests variances of 19.79 feet front yard setback and 25.0 feet rear yard setback.

Mr. Marlles - Yes, sir. I do. We have received a request on Case A-107-99. The Meadows. They are requesting a deferral.

Mr. McKinney - That is on page 6. Is the applicant here for that? Mr. Mistr, if you would come down. Is anyone else here on A-107-99? Mr. Mistr, would you raise your hand and be sworn in by the Secretary?

Mr. Marlles - Do you promise to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. Mistr - I do.

Mr. McKinney - State your name for the record, sir.

Mr. Mistr - I am Spud Mister, Foster and Miller, representing the applicant.

1464 Mr. McKinney - And your request?  
1465  
1466 Mr. Mistr - We are requesting a deferral until the next meeting. The  
1467 neighbors had had questions and they don't completely understand what we are trying to  
1468 accomplish, and they are out of town this week, and we would like a chance to meet with  
1469 them and make sure that the homeowners association understands what we are  
1470 requesting before we go forward.  
1471  
1472 Mr. McKinney - OK.  
1473  
1474 Mr. Wright I move we defer it.  
1475  
1476 Mr. Kirkland Second.  
1477  
1478 Mr. McKinney - We have a motion and a second. All in favor say aye. All  
1479 opposed say nay. The motion passes.  
1480  
1481 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.  
1482 Kirkland, the Board **granted the deferral of this request** from the July 22, 1999 meeting  
1483 to the August 26, 1999 meeting because the applicant had not discussed all the aspects  
1484 of the case with the adjacent property owners.  
1485  
1486 **A-105-99** *Keith and Kathleen Motley* request for a variance from Section  
1487 24-9 of the County Code to build a dwelling at 1550 Cardinal  
1488 Woods Lane (Tax Parcel 257-A-3), zoned A-1, Agricultural District  
1489 (Varina). The public road frontage is not met. The applicant has  
1490 0.0 feet public road frontage where the Code requires 50.0 feet  
1491 public road frontage. The applicant requests a variance of 50.0  
1492 feet public road frontage.  
1493  
1494 Mr. McKinney - All right, you have already been sworn in, right?  
1495  
1496 Ms. Motley - Yes. It is A-105-99. I'd like a deferral until next month. I  
1497 have been unable to reach the one neighbor.  
1498  
1499 Mr. Nunnally -- I move we defer it.  
1500  
1501 Mr. Wright - Second.  
1502  
1503 Mr. McKinney - Is anyone else in the audience here who came for A-105-  
1504 99? All right, we have a motion and a second to defer it for 30 days. All in favor say  
1505 aye. All opposed. The motion passes.  
1506  
1507 It has been done, Ms. Motley. Thank you for coming and we look forward to seeing you  
1508 next month.  
1509  
1510 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
1511 Mr. Wright, the Board **granted the deferral of this request** from the July 22, 1999  
1512 meeting to the August 26, 1999 meeting because the applicant failed to notify the  
1513 adjacent property owners according to the requirements of the state Code.  
1514

1515 Mr. McKinney - All right, Mr. Secretary, do you have any others?  
1516  
1517 **UP-28-99** **Media One of VA, Inc.** request for a conditional use permit under  
1518 Section 24-12(c) of Chapter 24 of the County Code to construct  
1519 and operate a 960 square foot unmanned communications  
1520 equipment shelter at 8511 Jesse Senior Drive (Tax Parcel 90-A-  
1521 87), zoned R-3, One-Family Residence District (Three Chopt).  
1522  
1523 Mr. McKinney - Is there anyone in the audience here for UP-28-99 other  
1524 than the applicant? All right, you will be sworn in by the Secretary?  
1525  
1526 Mr. Marlles - Do you promise to tell the truth, the whole truth, and  
1527 nothing but the truth, so help you God?  
1528  
1529 Mr. Stacey Burcin - I do.  
1530  
1531 Mr. McKinney - All right, Mr. Burcin, would you state your name for the  
1532 record.  
1533  
1534 Mr. Burcin - I am Stacey Burcin with McKinney and Company and I am  
1535 here today on behalf of Media One of Virginia, Inc.  
1536  
1537 Mr. McKinney - And your request?  
1538  
1539 Mr. Burcin - We are requesting a deferral to the next available meeting.  
1540 This request is necessitated by a confusion over potentially the owner of the property.  
1541 Media One of VA, Inc. has entered into a good faith contract agreement to purchase this  
1542 property from a gentleman. The tax records, however, in the County, indicate the  
1543 property's ownership probably belongs to a different party. That party has been  
1544 deceased for a number of years. The County Attorney has advised us that we should  
1545 not proceed forward with this case until such time as we have been provided a clear  
1546 chain of title to show that the seller has the right to sell us this property.  
1547  
1548 Mr. McKinney - Do you have a spokesman? I see four of you here. If you  
1549 would come up, if you could speak for the others. I don't know if you can or not. Do all  
1550 of you want to speak in reference to this deferral? He is asking for a continuance of 30  
1551 days because of a technicality in the purchase of the land. If you would like to speak,  
1552 would you raise your hand. If you would stand, ma'am, and raise your right hand. If you  
1553 are not going to speak, you don't have to stand. All right, would you raise your hand and  
1554 be sworn in by our Secretary?  
1555  
1556 Mr. Marlles - Do you promise to tell the truth, the whole truth, and  
1557 nothing but the truth, so help you God?  
1558  
1559 Ms. Brenda Dabney Nichols -Yes.  
1560  
1561 Mr. McKinney - All right, would you step up to the podium and state your  
1562 name, ma'am.  
1563  
1564 Ms. Nichols - My name is Brenda Dabney Nichols.  
1565



1566 Mr. McKinney - All right, Ms. Nichols.  
1567  
1568 Ms. Nichols - I am one of the owners of the property adjoining the  
1569 alleged property where Media One is interested in having rezoned.  
1570  
1571 Mr. McKinney - Well, they may not buy it because of a technicality. They  
1572 are asking for a 30-day continuance.  
1573  
1574 Ms. Nichols - What we would like to know is will we be notified prior to  
1575 that?  
1576  
1577 Mr. McKinney - Mr. Burcin, would you see that they are notified?  
1578  
1579 Mr. Burcin - Yes, I will be certain to make sure that everybody is  
1580 notified and I would also like to meet you in the hallway and make sure I get your names  
1581 and telephone numbers, and I would be happy to go over the case with you.  
1582  
1583 Mr. McKinney - It would be next month.  
1584  
1585 Ms. Nichols - All right, so he would notify us.  
1586  
1587 Mr. McKinney - He will get together with you as soon as we finish, out in  
1588 the hallway, and you can get his card, and give him the addresses and phone numbers  
1589 and so forth, so you will know about it.  
1590  
1591 Mr. Wright - It will be August 26th at 9:00 a.m.  
1592  
1593 Ms. Nichols - Do you know what day of the week that is?  
1594  
1595 Mr. Wright - That is a Thursday. It is always on Thursday.  
1596  
1597 Mr. McKinney - All right, does that address your concerns, ma'am?  
1598  
1599 Ms. Nichols - Yes.  
1600  
1601 Mr. McKinney - OK.  
1602  
1603 Mr. Wright - Is there a question whether these folks object to a  
1604 continuance?  
1605  
1606 Mr. McKinney - Are you objecting to a continuance?  
1607  
1608 Ms. Nichols - No, we just want to get information as to when and what  
1609 time of the day.  
1610  
1611 Mr. McKinney - All right, we appreciate your coming. All right, I will  
1612 entertain a motion.  
1613  
1614 Mr. Wright I move that we defer it.  
1615  
1616 Mr. Kirkland Second.

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Mr. McKinney - We have a motion and a second. All in favor say aye. All opposed say no. The matter has been deferred. Do we have any other requests for withdrawals or deferrals, or do we have any from the audience? The Board will take a short recess.

After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr. Kirkland, the Board **granted the deferral of this request** from the July 22, 1999 meeting to the August 26, 1999 meeting because the applicant failed to notify the adjacent property owners according to the requirements of the state Code.

**THE BOARD TOOK A RECESS AT THIS TIME.**

**A-101-99** *William Kuecker* request for a variance from Section 24-95(l)(2) of Chapter 24 of the County Code to build a garage at 11981 Old Washington Highway (Lakeview) (Tax Parcel 14-2-5-31D), zoned A-1, Agricultural District (Brookland). The accessory structure location requirement is not met. The applicant has an accessory structure in the front yard where the Code requires the accessory structure to be located in the rear yard. The applicant requests a variance allowing an accessory structure in the front yard.

Mr. McKinney - Is there anyone other than the applicant who wishes to speak in reference to A-101-99? Anyone in the audience on A-101-99? All right, sir, if you'd raise your hand, you will be sworn in by the Secretary.

Mr. Marles - Do you promise to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. Kuecker - Yes, sir.

Mr. McKinney - Will you state your name for the record, sir?

Mr. Kuecker - William Kuecker.

Mr. McKinney - All right, Mr. Kuecker, have all adjacent and adjoining property owners been notified of this request according to the County Code?

Mr. Kuecker - Yes, sir.

Mr. McKinney - You have turned those in to the secretary?

Mr. Kuecker - That is correct.

Mr. McKinney - All right, if you would present your case, sir.

Mr. Kuecker - I purchased this property a couple of months ago, and there is a shed, which is currently on the property, 26 x 12 foot shed which is in a state of some disrepair. My request is that I replace the shed with a garage. The primary reason is that the shed and garage need to be there because the lot takes up a pretty

1667 severe slope towards the rear of the lot. It is a 2-car garage. The garage will not be,  
1668 you can't see the garage from the public highway. There is only one neighbor, Mrs.  
1669 Bright, who could see the garage from her house, and she, in fact, would have to leave  
1670 the house because there are no windows on that side of her house that you can see the  
1671 garage. I've spoken with Mrs. Bright a couple of times and delivered her the form in  
1672 person. She has no objection to my building the garage there. To the right of that  
1673 structure is a horse pasture, which Mrs. Bright owns, and I just want to replace the shed  
1674 with a garage.  
1675  
1676 Mr. McKinney - All right. Any questions of Mr. Kuecker by Board  
1677 members?  
1678  
1679 Mr. Kirkland - Mr. Kuecker, It is your testimony then that the construction  
1680 of this garage would have no adverse impact on your neighbor. Is that it?  
1681  
1682 Mr. Kuecker - Yes, sir. I spoke with Mrs. Bright a couple of time in  
1683 reference to that.  
1684  
1685 Mr. McKinney - Any other questions by Board members?  
1686  
1687 Mr. Kirkland - Mr. Kuecker, I see you have private utilities. Where is your  
1688 drainfield and well and all of that?  
1689  
1690 Mr. Kuecker - That is in front, you see that 90 foot area right there  
1691 (pointing to it on plans). Right in there, that area right there.  
1692  
1693 Mr. Kirkland - This garage will not interfere with that?  
1694  
1695 Mr. Kuecker - No. We measured with a box there to make sure it wouldn't  
1696 interfere with anything.  
1697  
1698 Mr. McKinney - What size is this garage, Mr. Kuecker?  
1699  
1700 Mr. Kuecker - It is 36 x 24. It is a two-bay garage.  
1701  
1702 Mr. McKinney - One-story?  
1703  
1704 Mr. Kuecker - Yes, sir, nothing on top.  
1705  
1706 Mr. Wright - How do you access your property?  
1707  
1708 Mr. Kuecker - From Old Washington Highway, which is 335 feet - the  
1709 driveway, is 335 feet from Old Washington Highway, and then you kind of bear to your  
1710 left once you get up that 30 foot easement there.  
1711  
1712 Mr. McKinney - Any other questions by Board members? Does staff have  
1713 any comments?  
1714  
1715 Mr. Marlles - No, sir.  
1716  
1717 Mr. McKinney - I will ask again, is there anyone else in the audience who'd

1718 like to speak in reference to A-101-99? OK, Mr. Kuecker, that concludes your case.  
1719 You can get your answer this afternoon by phoning the Planning Office, or you are  
1720 welcome to wait until the end of the meeting. Thank you for coming, sir.

1721  
1722 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by  
1723 Mr. Wright, the Board **granted** the variance.

1724  
1725 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5  
1726 Negative  
1727 Absent:

1728  
1729 **REASON:** The Board **granted** this request as it found from the evidence presented that  
1730 authorizing this variance will not be of substantial detriment to adjacent property and will  
1731 not materially impair the purpose of the zoning regulations.

1732  
1733 1. This approval is only for variance of the requirement for location of an  
1734 accessory structure in order to allow a detached garage to be constructed in  
1735 the front yard. All other Code requirements shall be met.

1736  
1737 **A-102-99** **Edwin and H. Corbett** request for a variance from Section 24-  
1738 41(e) of Chapter 24 of the County Code to build a screened porch  
1739 at 10508 Red Maple Lane (Gayton Forest Townhouses) (Tax  
1740 Parcel 78-14-BB-8), zoned RTH, Residential Townhouse District  
1741 (Tuckahoe). The rear yard setback is not met. The applicant has  
1742 18.0 feet rear yard setback where the Code requires 30.0 feet rear  
1743 yard setback. The applicant requests a variance of 12.0 feet rear  
1744 yard setback.

1745  
1746 Mr. McKinney - Is there anyone other than the applicant going to speak in  
1747 reference to A-102-99? Is there anyone else in the audience who think they may speak?  
1748 All right, if you'd raise your hands and be sworn in by the Secretary.

1749  
1750 Mr. Marlles - Do you swear to tell the truth, the whole truth, and nothing  
1751 but the truth, so help you God?

1752  
1753 The People in Unison - We do.

1754  
1755 Mr. McKinney - All right, would you state your names for the record?

1756  
1757 Mr. Edward Morton Corbett - Edward Morton Corbett

1758  
1759 Ms. Corbett - Holland Bratton Corbett.

1760  
1761 Mr. McKinney - All right, Mr. and Mrs. Corbett, have all of the adjacent and  
1762 adjoining property owners been notified of this request according to the County Code?

1763  
1764 Mr. Corbett - Yes, sir.

1765  
1766 Mr. McKinney - Have you turned your notices in to the Secretary? You

1767 may present your case.  
1768  
1769 Mr. Corbett - OK, what we wanted to do is to put in a screened covered  
1770 porch, size would be 12 ft. by 25 ft. There would still be a little, about 5 or 6 feet of deck  
1771 on the other end of the porch for steps up, and we need, we would like to have this for  
1772 comfort and ease, and mosquito control and we just would spend a whole lot of time out  
1773 there. It is real nice place. In fact, earlier this week we saw a deer and two fawns right  
1774 behind the house, but it is place we'd really enjoy having.  
1775  
1776 Mr. McKinney - I think they must have gotten lost if they were right behind  
1777 your house.  
1778  
1779 Ms. Corbett - They were eating the little berries off of this tree right here.  
1780  
1781 Mr. McKinney - All right, any questions of Mr. and Mrs. Corbett by Board  
1782 members?  
1783  
1784 Mr. Wright- Will this porch be visible from, by your neighbor from the  
1785 rear?  
1786  
1787 Ms. Corbett - There is no neighbor to the rear except on the other side of  
1788 those trees. There is no one. It is probably a hundred yards to the next neighbor.  
1789  
1790 Mr. Wright- What is to the rear of your property?  
1791  
1792 Mr. Corbett - It is a drainage area.  
1793  
1794 Mr. Wright- Conservation area is what I believe they call it.  
1795  
1796 Mr. Corbett - Conservation area, yes, sir.  
1797  
1798 Mr. Wright- So this really would not impact anybody?  
1799  
1800 Mr. Corbett - No. It is by itself. You can't even see it from the other end.  
1801 We don't even see the people through there.  
1802  
1803 Mr. McKinney - Deep Run Creek.  
1804  
1805 Mr. Corbett - Right.  
1806  
1807 Mr. McKinney - Any other questions? Does staff have any comments?  
1808  
1809 Mr. Marlles - No, sir.  
1810  
1811 Mr. McKinney - I will ask again, is there anyone else in the audience to  
1812 speak in reference to A-102-99? Thank you. That concludes the case. Thank you for  
1813 coming, Mr. and Mrs. Corbett. You will get your answer this afternoon by phoning the  
1814 Planning Office or you are welcome to stay until the end of the meeting.  
1815  
1816 After an advertised public hearing and on a motion by Mr. Balfour, seconded by

1817 Mr. Wright, the Board **granted** the variance.

1818

1819 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5

1820 Negative

1821 Absent:

1822

1823 **REASON:** The Board **granted** this request as it found from the evidence presented that  
1824 authorizing this variance will not be of substantial detriment to adjacent property and will  
1825 not materially impair the purpose of the zoning regulations.

1826

1827 1. This approval is only for the screened porch illustrated on the plans  
1828 submitted with the case. Future development on the property shall be  
1829 subject to the applicable requirements of the County Code.

1830

1831 **A-103-99** *James and Ellen Turner* request for a variance from Section 24-  
1832 95(c)(1) of Chapter 24 of the County Code to build an addition at  
1833 8808 Watlington Road (Derbyshire Place) (Tax Parcel 100-7-B-  
1834 15), zoned R-2, One-Family Residence District (Tuckahoe). The  
1835 total side yard setback is not met. The applicant has 25.5 feet  
1836 total side yard setback where the Code requires 27.0 feet total  
1837 side yard setback. The applicant requests a variance of 1.5 feet  
1838 total side yard setback.

1839

1840 Mr. McKinney - Is there anyone in the audience other than the applicant  
1841 going to speak in reference to A-103-99? I have one, anyone else? All right, sir, if you'd  
1842 stand and be sworn in at the same time.

1843

1844 Mr. Marles - Do you promise to tell the truth, the whole truth, and  
1845 nothing but the truth so help you God?

1846

1847 The People in Unison - Yes we do.

1848

1849 Mr. McKinney - Would you state your name for the record, sir?

1850

1851 Mr. Jenkins - Dale Jenkins.

1852

1853 Mr. McKinney - All right, Mr. Jenkins, have all adjacent and adjoining  
1854 property owners been notified of this request according to the County Code?

1855

1856 Mr. Jenkins - Yes, sir, they have.

1857

1858 Mr. McKinney - Turn those in to the secretary, please. All right, if you  
1859 would present your case, sir.

1860

1861 Mr. Jenkins - All right. The Turners are trying to build an addition. They  
1862 have an au pair that takes care of their kids and helps when they are not available. They  
1863 work long hours and they are not home a lot. We were going to build an addition 14 x  
1864 28. The neighbor is opposing. We cut it down so we didn't need to go too close to his  
1865 property line, so we are only asking for a foot and a half variance, and I have a letter

1866 here from the Turners that I'd like to read to you: "We need an extension because our  
1867 home is growing and is too small for us as we both work outside of our homes as a  
1868 university professor and a podiatrist, and have four children. We have an au' pair to  
1869 provide our child care for our children when they are sick and after school, or on  
1870 vacation days when we must be at work. We need a bedroom for her. We also need a  
1871 study for our books. In order to perform our professions, we must keep current in our  
1872 fields. We have many reference books and the books have taken over our home to the  
1873 point where we no longer have a living room. There are bookcases in the dining room  
1874 and the hall and every other room in the house. We both have aging parents and would  
1875 like to have room for them on the first floor, with a bedroom and bathroom, should the  
1876 need arise when we no longer need an au' pair. We have lived in the neighborhood for  
1877 nine years and love it. Our synagogue has just built a new school building within walking  
1878 distance, and our children can walk or bike to the community pool and tennis courts.  
1879 Our dearest friends live here. We do not want to move. We just want some more space  
1880 to make our cluttered home a comfortable home."  
1881

1882 They have lived there nine years, the only thing they have ever agreed on with the  
1883 neighbors is that they do not like each other. The Turners have cut the addition down,  
1884 so that they have shown a little good faith and we hope your decision would help him  
1885 meet us in the middle.  
1886

1887 Mr. McKinney - Mr. Jenkins, are you the contractor?  
1888

1889 Mr. Jenkins - Yes, sir.  
1890

1891 Mr. McKinney - And you made a statement that the house has grown too  
1892 small? I have never heard of a house growing too small.  
1893

1894 Mr. Jenkins - They have four children and this is no joke. There are  
1895 books everywhere.  
1896

1897 Mr. McKinney - But the house is in shape?  
1898

1899 Mr. Jenkins - I think they have overgrown the house. But anyway, they  
1900 tried to meet the neighbor in the middle to show good faith. They cut it down from 14 to  
1901 12, which is a lot of floor space, and a lot of living space, quite frankly. And the drawings  
1902 show bookcases going into the new addition so they can have some of the house back,  
1903 and it is books from one end to the other. I've never seen so many books, but you know,  
1904 I am a carpenter, not a doctor. They tried to show good faith by cutting the size of the  
1905 addition down.  
1906

1907 Mr. Wright - Mr. Chairman, are the applicants here?  
1908

1909 Mr. McKinney - No. Mr. Jenkins is the representative, Mr. Wright.  
1910

1911 Mr. Wright - Has Mr. Jenkins seen the letter written by the McClearys?  
1912

1913 Mr. Jenkins - Yes, I read it.  
1914

1915 Mr. Wright - How about the one written by the Featherstones?  
1916

1917 Mr. Marlles - Yes, he just received that letter, which we received at the  
1918 meeting. In addition, Mr. Chairman, we received a letter which Ms. Blackburn is also  
1919 making copies of, in opposition to the request from a Mr. R. S. Gray, who is also a  
1920 neighbor.  
1921  
1922 Mr. McKinney - How come all of these things are coming in at such a late  
1923 date?  
1924  
1925 Mr. Marlles - They were actually handed to the staff at this meeting.  
1926 They were handed to staff prior to the break.  
1927  
1928 Mr. McKinney - Well, we have not seen them. Do you have so more  
1929 information for us?  
1930  
1931 Mr. Wright - He is making a copy of the letter.  
1932  
1933 Mr. McKinney - How long are we supposed to wait on this, Mr. Secretary?  
1934  
1935 Mr. Marlles - Mr. Chairman, I am sure Ms. Blackburn will be here in a  
1936 minute, but the substance of the letter was that the neighbor, Mr. R. S. Gray, was in  
1937 opposition to the request for a variance.  
1938  
1939 Mr. Wright - Where does he live in respect to this property.  
1940  
1941 Mr. Marlles - It is my understanding that he lives two doors away.  
1942  
1943 Mr. McKinney - That is your understanding but you are not sure?  
1944  
1945 Mr. Marlles - That is correct.  
1946  
1947 Mr. Wright - Is there any other way you can configure this addition  
1948 other than the way that it is?  
1949  
1950 Mr. Jenkins - This is where it needs to be put because there is a huge  
1951 back porch on the house already, but there is not room to add this on to the back, and  
1952 legally they can go out 10-1/2 feet off of the side, and we wanted to go 14, and we cut it  
1953 down to 12 trying to show that we are trying to work with everybody, and they can have  
1954 10-1/2 feet. That is just a small addition which may cause them to build it longer, and  
1955 the opposing neighbor and them don't get along and they think it is because of that.  
1956  
1957 Mr. Balfour- Which neighbor is the one that is going to be affected?  
1958  
1959 Mr. Jenkins - I don't know his name.  
1960  
1961 Mr. Balfour - Gray or ...  
1962  
1963 Mr. Jenkins - I think he is here. The Turners have done everything that  
1964 they can to show good faith and they just hope you'll grant the variance.  
1965  
1966 Mr. McKinney - Did you get a copy of that letter?  
1967



1968 Mr. Jenkins - He just gave me one. Yes, sir.  
1969  
1970 Mr. McKinney - OK. Well you can probably digest that when this other  
1971 gentleman speaks.  
1972  
1973 Mr. Jenkins - OK, thank you.  
1974  
1975 Mr. McKinney - Do you have anything else?  
1976  
1977 Mr. Jenkins - No, sir.  
1978  
1979 Mr. McKinney - Are there any other questions of Mr. Jenkins before the  
1980 other gentleman speaks? All right.  
1981  
1982 Mr. Balfour- Why couldn't they enclose the porch and move out that  
1983 way.  
1984  
1985 Mr. Jenkins - They have a real nice screened in porch on the back, and  
1986 just like everybody was saying about the mosquito thing, they use it constantly. The kids  
1987 play on it instead of playing in the backyard, because it is a very large porch, and they  
1988 do not want to lose their screened porch because they use it, and the kids can play out  
1989 there without getting eat up by mosquitoes. And, if you look in the back yard, it is heavily  
1990 wooded, and it has a lot of bugs. So, that was not even an option for them as far as they  
1991 were concerned. I suggested that.  
1992  
1993 Mr. McKinney - All right, thank you, Mr. Jenkins.  
1994  
1995 Mr. Jenkins - Thank you.  
1996  
1997 Mr. Robert Spann - My name is Robert Spann and I am the neighbor across  
1998 the street.  
1999  
2000 Mr. McKinney - Sir, would you state your name for the record, sir.  
2001  
2002 Mr. Spann - Robert Spann.  
2003  
2004 Mr. McKinney - S P A N D?  
2005  
2006 Mr. Spann - S P A N N.  
2007  
2008 Mr. McKinney - All right, Mr. Spann.  
2009  
2010 Mr. Spann - I think that the problem here is these houses are all built  
2011 during the last 40 years in the center of the plot, and I think the neighbors complain  
2012 because this will be kind of off-angle from the rest of them. I walked the yard last night  
2013 and I had seen them across the street, and I was walking my dog, and I went by there,  
2014 and the question is why can't it be built out back when there is sufficient space to meet  
2015 all of the requirements? All of those backyards are deep. Every addition that has been  
2016 added to the houses along that block have been built in the backyard and there is no  
2017 problem in making that space available. So, I am here, I guess, to join my neighbors in  
2018 the opposition.

2019  
2020 Mr. McKinney - All right, Mr. Spann. Any questions of Mr. Spann by Board  
2021 members?  
2022  
2023 Mr. Balfour- Are you speaking as opposition, also?  
2024  
2025 Mr. Spann - Yes.  
2026  
2027 Mr. McKinney - OK. Thank you. Would you two ladies like to speak  
2028 individually or together, if you'd come down and be sworn in because I asked for that  
2029 earlier and you did not stand up. We are glad to have you.  
2030  
2031 Mr. Marlles - Do you swear to tell the truth, the whole truth, and nothing  
2032 but the truth so help you God?  
2033  
2034 The People in Unison - Yes, we do.  
2035  
2036 Mr. McKinney - Whoever is going to speak first, may we have your name?  
2037  
2038 Ms. Renate W. Thayer - Renate W. Thayer. I had not planned to speak, but upon  
2039 hearing the words of the contractor, I felt I had to say something to you, to advise you a  
2040 little bit about Derbyshire Road, which is the road directly north parallel to Watlington  
2041 Road. The comments that the contractor made was that the children would be able to  
2042 walk to the school or bicycle there. It is the most hazardous street probably in the west  
2043 end, and there is no way that a child can walk to that school. There is no path there.  
2044 There is no walk way. The lights are not even with you at times. Bicycling would be a  
2045 hazard, same as walking, so the reason they give for the addition for the au pair and the  
2046 children, they must not drive on Derbyshire Road, if you are familiar with it I think you  
2047 know what we are talking about. Also, the other reason I wanted to speak, we did not  
2048 know anything about the use of this room. All we heard was that they wanted to build a  
2049 12 x 28'2" addition. Now we find out what the addition is, for an au pair, which means a  
2050 bathroom and another room, and I feel the neighbors should have known or been told  
2051 what the use was going to be of this addition. Thank you.  
2052  
2053 Mr. Balfour - Where do you live?  
2054  
2055 Mr. McKinney - All right, thank you, Ms. Thayer. Would you state your  
2056 name for the record?  
2057  
2058 Ms. Judith Walter - Judith VanDyke Walter. W A L T E R.  
2059  
2060 Mr. McKinney - All right, Ms. Walter.  
2061  
2062 Ms. Walter - One thing that was not mentioned by the contractor is the  
2063 fact that the Turners, he said the Turners were very happy in the neighborhood except  
2064 for the fact that they put their house up for sale last year, and it didn't sell, so they are  
2065 not all that pleased with the neighborhood. We have found as folks who live in the  
2066 neighborhood the Turners, generally speaking, do not keep up the appearance of their  
2067 yard, either the outside front or the outside of their house, and I think that it has caused a  
2068 lot of friction among the neighbors. And, I come with Renate, as Vice President of the  
2069 Derbyshire Area Civic Association, and I live on the corner of Waitwood and Derbyshire.

2070  
2071 Mr. Wright - I take it that you are opposed to this addition?  
2072  
2073 Ms. Walter - Definitely. Yes.  
2074  
2075 Mr. McKinney - Any questions of Ms. Walter by Board members? Thank  
2076 you, ladies. I appreciate your coming. Is there anyone else who'd like to speak in  
2077 reference to A-103-99? All right, Mr. Jenkins, you have some rebuttal.  
2078  
2079 Mr. Jenkins - Mr. Turner has just joined us. If the Board has any  
2080 questions as to why he needs this or anything else, he is here for any answers.  
2081  
2082 Mr. McKinney - That is up to Mr. Turner. You have presented your case.  
2083 And we have heard from the opposition, and your function right now is to address what  
2084 the opposition had pertaining to your case.  
2085  
2086 Mr. Jenkins - He put his house on the market a year ago to gain more  
2087 space and he was going to buy a bigger house, and when his house didn't sell, then he  
2088 decided to stay. He had no choice, and now he wants to add on, so he still has more  
2089 house.  
2090  
2091 Mr. McKinney - I believe there is a question for Mr. Turner, if we can get  
2092 Mr. Turner sworn in.  
2093  
2094 Mr. Wright - Mr. Jenkins, perhaps. Does the porch go all of the way  
2095 across the rear of the house. It looks like it just goes across half of it.  
2096  
2097 Mr. Jenkins - It goes about half of it.  
2098  
2099 Mr. Wright - Did you consider putting your addition on the other side of  
2100 the porch that was across the rear of the house?  
2101  
2102 Mr. Jenkins - It is up to them.  
2103  
2104 Mr. McKinney - Mr. Turner, if you'd raise your hand and be sworn in by the  
2105 Secretary, please. Your right hand.  
2106  
2107 Mr. Mariles - Do you swear to tell the truth, the whole truth, and nothing  
2108 but the truth, so help you God?  
2109  
2110 Mr. Turner - I do.  
2111 Mr. McKinney - Would you state your name for the record?  
2112  
2113 Mr. James Turner - James Turner.  
2114  
2115 Mr. Balfour - Do you want to answer that question? Did you consider  
2116 putting your addition on the side of the porch that is on the rear of the house, across the  
2117 rear?  
2118  
2119 Mr. Turner - Yes, the rear side, next to the porch. Yes, we looked at it,  
2120 but it not really a good place to put on an addition because there is a bathroom back

2121 there and there is a utility room. We looked at it.  
2122  
2123 Mr. Balfour - Do you expect to have a bathroom in this addition?  
2124  
2125 Mr. Turner - Yes.  
2126  
2127 Mr. Balfour - So, if you put the addition where I just suggested, you'd  
2128 already have a bathroom, wouldn't you?  
2129  
2130 Mr. McKinney - He could back up to the one that is there.  
2131  
2132 Mr. Balfour- You wouldn't have to add an additional bathroom if you put  
2133 the addition next to the porch.  
2134  
2135 Mr. Turner - But we'd probably have to take out that bathroom and go  
2136 through that bathroom as a hallway to get into it, I would expect.  
2137  
2138 Mr. Balfour- Do you agree with that, Mr. Jenkins?  
2139  
2140 Mr. Jenkins - I had not looked at even putting it on the back. I could not  
2141 tell you if the bathroom has to come out or not, but I know it is easiest and accessible to  
2142 the new addition through the side.  
2143  
2144 Mr. Balfour- How large is the porch?  
2145  
2146 Mr. Jenkins - It is about 22 feet long, isn't it?  
2147  
2148 Mr. Turner - Yes, I think so.  
2149  
2150 Mr. Balfour - How does that compare to the size of your addition you are  
2151 talking about.  
2152  
2153 Mr. Jenkins - The addition still would not run from the porch to the end of  
2154 the house. It would still have to stick out past to the end of the house, and when you are  
2155 looking at this house, all the way to the backside would be an addition sticking out, and it  
2156 would be an eyesore.  
2157  
2158 Mr. Balfour - How about if you enclosed the porch and made the porch  
2159 on the other end where there is nothing there?  
2160  
2161 Mr. Jenkins - He does not want to lose his screened porch.  
2162 Mr. Balfour- Well, no. If you enclose the porch and make that a part of  
2163 your addition, then on the other end you have...  
2164  
2165 Mr. Jenkins - A bedroom off of your kitchen.  
2166  
2167 Mr. Balfour - You have a what?  
2168  
2169 Mr. Jenkins - That room is off of his kitchen. He has a kitchen, a  
2170 bathroom and a dining room, and if you take away his porch, which they don't want to  
2171 do, you'd be entering through the kitchen into your new bedroom.

2172  
2173 Mr. Balfour- New bedroom and bath?  
2174  
2175 Mr. Jenkins - Yes.  
2176  
2177 Mr. Balfour - For the au pair?  
2178  
2179 Mr. Jenkins - Yes.  
2180  
2181 Mr. McKinney - Any other questions? I will ask one more time. There is  
2182 no one else in opposition. We've gone through that. That concludes the case. Mr.  
2183 Jenkins, you can get your answer by calling the Planning Office later this afternoon.  
2184 Thank you for coming. Next.  
2185  
2186 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
2187 Mr. Wright, the Board **denied** the variance.  
2188  
2189 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5  
2190 Negative  
2191 Absent:  
2192  
2193 The Board **denied** this request as it found from the evidence presented that  
2194 authorizing this variance will be of substantial detriment to adjacent property and  
2195 will materially impair the purpose of the zoning regulations.  
2196  
2197 **A-104-99** **Walter L. Smith** request for a variance from Section 24-94 of  
2198 Chapter 24 of the County Code to build an addition at 12319  
2199 Countryview Drive, (Tax Parcel 4-1-A-2) (Granville Estates),  
2200 zoned A-1, Agricultural District (Three Chopt). The total side yard  
2201 is not met. The applicant has 46.0 feet total side yard where the  
2202 Code requires 50.0 feet total side yard. The applicant requests a  
2203 variance of 4.0 feet total side yard setback.  
2204  
2205 Mr. McKinney - Is there anyone in the audience that intends to speak in  
2206 reference to A-104-99? OK. Anyone else? All right, if you don't mind, stand and be  
2207 sworn in along with the applicant.  
2208  
2209 Mr. Marlls - Do you swear to tell the truth, the whole truth, and nothing  
2210 but the truth so help you God?  
2211  
2212 The People in Unison - Yes.  
2213  
2214 Mr. Wright - Mr. Chairman, I must abstain from this case.  
2215  
2216 Mr. McKinney - All right. If you would state your name for the record, sir.  
2217  
2218 Mr. Smith - Walter L. Smith.  
2219

2220 Mr. McKinney - All right, Mr. Smith, have all of the adjoining and adjacent  
2221 property owners been notified of this request according to the County Code?  
2222

2223 Mr. Smith - All 12.  
2224

2225 Mr. McKinney - If you would turn those in and present your case.  
2226

2227 Mr. Smith - My name is Walter Smith I am the applicant for the  
2228 variance of A-104-99 I think there is a number of compelling reasons to justify granting  
2229 this variance. We bought the home over 10 years ago and the process that led to this  
2230 request started last February. We finally gotten into the positions where we could afford  
2231 to finish off the house in the way we always dreamed. Our dream has always been to  
2232 put a craft room and a study on the second floor. The craft room is for my wife, we have  
2233 4 children and she would like some place where she could have some time alone and be  
2234 by herself. The study was always a dream for me to have it off the bedroom so I could  
2235 be closer to my wife and free up the bedroom. We also planned for a contingency, 4  
2236 years ago my wife had a brain tumor removed we wanted to make the craft room  
2237 potentially unusable as a first floor master bedroom. That was what we intended to draw  
2238 up. My friend at Taylor and Parish agreed who agreed to build what ever we did.  
2239 Before we started building or drawing up plans, we contacted the Planning Office and  
2240 asked what was permissible they said you are located in Granville Estates and you have  
2241 a 20 foot side yard setback. I concluded the call with so long as the architect does not  
2242 go closer than 20 feet to the property line we are OK? And he said yes sir.  
2243

2244 We met with the Architect a number of times over a 2 month period and tried to minimize  
2245 the impact on our neighbors. We designed it so there are very few windows on the  
2246 neighbor's side the windows will be front and back. We even designed the furniture so it  
2247 would face front and back and also planning handicap accessibility. When my friend and  
2248 Taylor and Parish submitted the plans for the building permit, I was shocked to learn that  
2249 we didn't meet the total side yard setback. I believe a number of good reasons, the first  
2250 reasons after all the months of planning and fees that to then learn of the total side yard  
2251 requirement is a little unfair. Second, the structure really can't be made smaller on the  
2252 first floor and work as a potential master suite. If you start with handicap assessable  
2253 closets and bathrooms you have to have a certain size and what you in effect would do  
2254 is reduce the living area from 14 feet to 10 feet and that would be a little tough for a  
2255 wheel chair in a bedroom. And if we do have to redesign it I think what might end up  
2256 happening is the structure would be less usable for us and be more intrusive with the  
2257 window positioning and placements because we structured closets on the side adjacent  
2258 to the neighbors so we wouldn't be looking at them. Third, the only thing that really  
2259 works from the floor of our house for a number of reasons is this direction. The county  
2260 staff report, which was nicely done, had to minor quibbles with it. Talks about our lot  
2261 being generally rectangular and generally level. It is an odd shaped lot, the central part  
2262 certainly rectangular but we have that funning stuff in the front and in the back we have  
2263 a huge buffer. The lot also has a steep slope of 12 feet from back to front.  
2264 Unfortunately, when the house was built it was built to low. Out back would be a good  
2265 place to go, but it is too low. It would have to be built up about 3 steps and I would still  
2266 have to provide for the drainage. On the other side is the garage, that side is close so  
2267 that doesn't really work. The front is a possibility but then you would have my study on  
2268 the other side of the house away from the master bedroom that really because of the  
2269 floor plan of the house, this plan is the one that works. Forth, I think the most compelling  
2270 reason, this might justify it. The house is constructed catty corner to the line. That near

2271 corner on the garage is 26 feet away from the line. It is approximately, 30 feet from the  
2272 side line. We would meet the side yard requirement The finally reason is that I just  
2273 want to do what the previous owners of my neighbors property did is build a first floor  
2274 master suite/bathroom/closet and second floor study, within 20 feet of the line. They  
2275 cleared all the trees to the line. We want to do the same thing and keep the trees in the  
2276 rear yard. Finally, we have designed this to maximize the privacy of my neighbors. I  
2277 intend to maintain as many trees as possible, I understand that no body wants to see  
2278 construction go up in their neighborhood I will plant what ever screenings is necessary,  
2279 But I think this is justified. Thank you.

2280  
2281 Mr. McKinney - Any question of Mr. Smith by Board members? Thank  
2282 you, Mr. Smith. Yes sir. If you would state your name for the record.

2283  
2284 Michael K. Dolan - My name is Michael Dolan.

2285  
2286 Mr. McKinney - Where do you live Mr. Dolan?

2287  
2288 Mr. Dolan - Right next door My wife and I are opposed to the building  
2289 of the structure and I have a few reasons why we are. There are really just 2.. We  
2290 believe that this is an encroachment on our enjoyment of the property that we bought.  
2291 The second point is that this affects the marketability of our home and so that is a  
2292 financial hardship on us, and that is something we are very worried about. And if you  
2293 can see in the picture I am the neighbor over on the left and I am the one who Mr. Smith  
2294 is referring to. When we bought the house it was our impression and opinion that the  
2295 houses were too close even then it was a worry for us. As Walter mentioned, the people  
2296 that owned the house prior to us had built an extension that ran right over to the limit of  
2297 what the zoning law would allow. This extension sort of adds to that problem when they  
2298 build over they are going come over to that close point When you look at the properties  
2299 there are 2 really attractive properties in the West End. They are large, they are 3 acre  
2300 lots, as you can see where the houses are, even though there is plenty of land, they are  
2301 right on top of one another. Exactly as he mentioned, there is a small grass yard on the  
2302 side of my house and then they are trees the extension that they are proposing would  
2303 require removing a number of very large and mature trees that amount to be the boarder  
2304 and the border today works without those trees it will not work. And what have you  
2305 have to envision here is there is a picture of the size of the building what they are  
2306 proposing and constructing is a two story addition to that building. You will see that on  
2307 the side there, there will be a 2 stories coming over into the trees and the trees will have  
2308 to be removed. We both talked about trying to landscape our way out of that and no  
2309 one can afford it nor can you get 60 foot trees. Walter mentioned that the alternatives  
2310 would to come off the front of the house. We have absolute no problem with that they  
2311 have plenty of room on the front. There are lots of trees out front and we would hope  
2312 that they would do that. The Marketability problem is so bad that we began looking for a  
2313 new home and that brought to mine, that moving away from this problem could happen  
2314 elsewhere. A new neighbor could possibility build the same type of addition with the  
2315 same outcome, too close to the property line.

2316  
2317 When we bought the house, you buy a house as is and hope that the zoning laws will  
2318 shield you from problems. That is our hope today. We have been good neighbors but  
2319 we have a different point of view of how this addition will affect us.

2320  
2321 Mr. McKinney - Mr. Dolan, he could cut the size of the addition down by 4

2322 feet and build it.  
2323  
2324 Mr. Dolan - Yes sir.  
2325  
2326 Mr. McKinney - We are talking about a 4 foot side yard.  
2327  
2328 Mr. Dolan - Yes  
2329  
2330 Mr. McKinney - Which leaves 20 feet. Is that correct Mr. Secretary  
2331  
2332 Mr. Marlles - Yes sir.  
2333  
2334 Mr. McKinney - That is 20 foot to your property line.  
2335  
2336 Mr. Dolan - Yes sir.  
2337  
2338 Mr. McKinney - And without this it would be 24 foot.  
2339  
2340 Mr. Dolan - Yes sir.  
2341  
2342 Mr. McKinney - Any questions of Mr. Dolan by Board Members, Thank you  
2343 Mr. Dolan. I think Mr. Dolan is the only one who was going to speak in opposition, ok  
2344 Mr. Smith  
2345  
2346 Mr. Smith - The Dolans have been good neighbors. Finally after 10  
2347 years I am in the position to make the construction that we had always dreamed . The  
2348 other neighbors had made several improvements on the property. I don't want to be  
2349 landlocked by drainage and prior building on a neighbor's property. I just want to come  
2350 up to the side and fulfill the dream we have always had on this house. I want to look at  
2351 the trees in the back yard and the other neighbors enjoy. I don't think this has to be a  
2352 win lose proposition. I have designed it totally thinking of preserving the neighbor's  
2353 privacy and committed to keeping as many of the trees as possible. And I will plant what  
2354 ever plantings that will help preserve the buffer.  
2355  
2356 Mr. McKinney - Any questions of Mr. Smith by Board Member?  
2357  
2358 Mr. Kirkland - Mr. Smith, how big is your house, square foot wise?  
2359  
2360 Mr. Smith - I believe it is 3,300 square feet.  
2361  
2362 Mr. Kirkland - Thank you.  
2363  
2364 Mr. McKinney - Any other questions of Mr. Smith by Board members, staff  
2365 have any comments?  
2366  
2367 Mr. Marlles - No sir.  
2368  
2369 Mr. McKinney - Mr. Marlles, Mr. Dolan's home adjacent to this home, do  
2370 know what the distance is from his house to the property line?  
2371  
2372 Mr. Marlles - I do not know that distance, Mr. Blankinship do we have



2373 that distance?  
2374  
2375 Mr. Blankinship - Not hard or fast, but believe the applicant said it was right  
2376 at the setback line.  
2377  
2378 Mr. McKinney - I am trying to determine how far Mr. Dolan's house was  
2379 built off of the side yard. So he has 20 feet to the property line. Your home is 20 foot off  
2380 the property line. His home now is a lot farther from the property line than 20 feet what  
2381 he is requesting is to come the same distance off the property line as you have.  
2382  
2383 Mr. Dolan - He is requesting to come over 24 feet so he will be 4 feet  
2384 into the setback.  
2385  
2386 Mr. McKinney - No he is going to have 20 feet from the addition to the  
2387 property line if this is granted and the addition constructed.  
2388  
2389 Mr. Dolan - That is not my understanding.  
2390  
2391 Mr. Blankinship - There are two requirements, a minimum side yard  
2392 requirement and a total side yard requirement. Either side yard cannot be less than 20  
2393 feet and the two of them must equal 50 feet. Because he is only 26 feet from the side  
2394 line on the far side of you if he is right on the 20 foot line on your side then his total side  
2395 yard measurement is on 46 feet not the 50 feet required. And that is the variance  
2396 request.  
2397  
2398 Mr. McKinney - With the addition he will still only have a 20 foot side yard  
2399 on the side adjacent to Mr. Dolan which is the same thing that Mr. Dolan has.  
2400  
2401 Mr. McKinney - He will have 20 foot from the structure to the property line.  
2402  
2403 Mr. Dolan - that was not my understanding, I thought he was going to  
2404 be 16 feet from the property line.  
2405  
2406 Mr. McKinney - No sir, do you have any problem with that?  
2407  
2408 Mr. Dolan - Yes sir I do.  
2409  
2410 Mr. McKinney - Thank you. Mr. Smith that concludes your case you can  
2411 get your answer from the Planning Office this afternoon or wait until the end of the  
2412 meeting.  
2413  
2414 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
2415 Mr. Kirkland, the Board **granted** the variance. Mr. Wright abstained from voting.  
2416  
2417 Affirmative Balfour, Kirkland, McKinney, Nunnally, 5  
2418 Negative  
2419 Absent:  
2420  
2421 The Board **granted** this request as it found from the evidence presented that

2422 authorizing this variance will not be of substantial detriment to adjacent property  
2423 and will not materially impair the purpose of the zoning regulations.

2424

2425 1. This approval is only for the total side yard setback for the addition that is the  
2426 subject of this case. Future improvements to the property shall comply with  
2427 the applicable regulations of the County Code.

2428

2429

2430

2431

2432 **A-105-99**                    **Keith and Kathleen Motley** request for a variance from  
2433 Section 24-9 of the County Code to build a dwelling at 1550  
2434 Cardinal Woods Lane (Tax Parcel 257-A-3), zoned A-1,  
2435 Agricultural District (Varina). The public road frontage is not  
2436 met. The applicant has 0.0 feet public road frontage where  
2437 the Code requires 50.0 feet public road frontage. The  
2438 applicant requests a variance of 50.0 feet public road  
2439 frontage.

2440

2441 This request was deferred from the July 22, 1999 meeting to the August 26, 1999 meeting  
2442 because the applicant failed to notify the adjacent property owners according to the  
2443 requirements of the state Code.

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**A-106-99**

**Second Baptist Church** request for a variance from Section 24-96(a) of Chapter 24 of the County Code to build an auxiliary parking lot at 150 North Gaskins Road (part of Tax Parcel 111-A-4B), zoned R-0, One-Family Residence District (Tuckahoe). The parking requirements are not met. The applicant has parking across the street where the Code requires parking on site. The applicant requests a variance allowing parking across the street.

Mr. McKinney - Is the applicant here for A-106-99 Is there any one in the office who expects to speak on A-106-99? Alright gentlemen if you would raise your hand and be sworn in by the Secretary.

Mr. Marlles - Do you promise to tell the truth, the whole truth, and nothing but the truth so help you God?

In unison - I do.

Mr. McKinney - State your name for the record

Mr. Theobald - My name is Jim Theobald

Mr. McKinney - Have all the adjoining and adjacent property owners been notified of this request according to the County Code?

Mr. Theobald - Yes sir.

Mr. McKinney - You may present your case.

Mr. Theobald - You all should have received an aerial photo of this. Mr. Chairman, Ladies and gentlemen, I am here today on behalf of Second Baptist Church which has been located at the northeast corner of River Road and Gaskins since 1967 and with me today is Dr. Ray Spence, the senior minister of Second Baptist and members of the building and planning committee, Mr. Haze Watkins, Mr. Russell Harper, Ms. Kay Conden, Ms. Kathy Lee, as well as a number of supporters from the congregation all being interested in furthering the work of Second Baptist.

This is a request to permit a development of an accessory parking lot across the street from the Church, and this facility as you can tell is in-between the County's Fire Station and the Labovitch. In as much as we are across a public street Section 24-96(a) of your ordinance would require us to seek a variance from you in order to accomplish this accessory parking. Please note that this request has not made in order to make our required parking needs we already do that but rather to provide parking relief at those times when special events and services which so require it really is a matter of safety and convenience.

The site comprises all of the remaining land on Gaskins Road that is owned by the Peck Family and the use of this site has been the subject of many attempts over the years by many brave zoning attorneys trying to find its highest and best use. Question has

2494 always been what is the appropriate use for this 4.2 acres of land, which is surrounded  
2495 by the Fire Station, 2 churches and a single family subdivision to the rear. I respectfully  
2496 submit that this is perhaps the best solution of all the site being owned by the church and  
2497 one that would answer these questions for all time.  
2498

2499 As you know, Churches belong in neighborhoods and that is why they are allowed in  
2500 residential districts under your ordinance. But as churches grow with their communities  
2501 sometimes they outgrow their space. Above all Second Baptist takes pride in their  
2502 relationship with its neighbors and well as congregation really reaching out to many in so  
2503 many different ways. If I might I would like Dr. Spence to take just a moment to explain  
2504 some of the programming and how this facility would be used.  
2505

2506 Dr. Ray Spence - I am Raymond L. Spence, senior minister of Second  
2507 Baptist Church since 1962. Whenever Second Baptist moved from downtown in 1962 it  
2508 was our intention that we not only be a spiritual center but also a good neighbor to the  
2509 area in which we found ourselves relocated. With that philosophy in mind, through the  
2510 years we have made our facilities available to every organization within reason who  
2511 have requested the use of them. County of Henrico has held since 1967 numerous  
2512 public hearings and meetings concerning additions and things that would happen in our  
2513 area. When Fire House 17 moved in across the street from us, as good neighbors we  
2514 have made additional parking available to them when they have had training sessions,  
2515 fire prevention week fairs, or needed extra space when ever they have had persons in  
2516 their facility who did not have adequate places to park. Along with equipment that has  
2517 come from other stations during training time.  
2518

2519 Currently to the County, we make available the use of our parking facilities on the days  
2520 when you cut grass, service Gaskins Road, or need off road places where equipment  
2521 can brought in or taken out.  
2522

2523 When ever there has been utilities and services to be rendered Virginia Power and  
2524 Telephone company especially in times of crisis like the ice storm last year were allowed  
2525 to park their vehicles over night to give them a place of safety off road.  
2526

2527 We try to be a good neighbor to the entities in our communities, like civic organizations,  
2528 all of whom use our facilities on request even some now from Goochland county for  
2529 Garden Clubs whenever they have had meetings, the Collegiate Schools for functions  
2530 surrounding their graduation and particular during Christmas Time when on road parking  
2531 would be difficult form them.. We are currently a voting precinct we are the home of the  
2532 Evangelical Russian Church in the Richmond Area. We have allowed any service or  
2533 organization who would like to use our parking facilities to have trips that originate there  
2534 and come back there.  
2535

2536 We have also offered to neighbors, who have social functions, the availability of our  
2537 parking facilities to get off street parking for them. We have attempted to be a good  
2538 corporate citizen and community citizen. We have also maintained our property in such  
2539 a way so as not to bring any criticism from the neighbors.  
2540

2541 While it has already been said, we do meet the legal requirement of parking practically  
2542 we do not meet it. The Code says 4 people per car, sometimes it appears to me it takes  
2543 5 cars to get 4 people to church, and we are out of parking. We are in a grow mode, 22  
2544 years ago when I suggested we move to this location with 250 members it was my

2545 understanding that 12 acres would be more than we would ever need. I was wrong.  
2546 Now with parking at a premium, we realize that it is necessary for the church to move on  
2547 this piece of land that can be used for parking. I thank you for your consideration and  
2548 would be happy to answer any questions.

2549  
2550 Mr. McKinney - Any questions of Dr. Spence by Board Members.

2551  
2552 Mr. Wright - Dr. Spence, when did you move from downtown?

2553  
2554 Dr. Spence - In 1967, I have been with the congregation for 33 years and  
2555 it has been a wonderful experience.

2556  
2557 Mr. McKinney - Any other questions of the Board Members, Mr. Theobald  
2558 do you have anything to add?

2559  
2560 Mr. Theobald - Yes sir, I would just like to assure you that we have sought  
2561 our neighbors to make sure they were comfortable with our plans to that end we have  
2562 met on numerous occasions with representatives from George's Bluff subdivision who  
2563 are adjacent to us on the north, Riverlake Colony which is the subdivision behind us,  
2564 River Road citizen association, Rabbi Krantz of the Lubavitch Center, Tuckahoe District  
2565 supervisor Ms. O'bannon, and adjacent property owners one of which is here today, Mr.  
2566 Tom Casey. I also received a letter of support from Willie Goode who is the prime  
2567 developer and builder in Riverlake Colony. And we have made some commitments to  
2568 our neighbors, which I would like to make you aware of even though I recognize are  
2569 largely Plan of Development matters.

2570  
2571 We have committed to them that we would leave a 50 foot buffer in the rear adjacent to  
2572 their property that will remain natural and undisturbed. We have agreed to install a 6  
2573 foot tall board on board fence on our side of the buffer that we have agreed to maintain  
2574 to give them additional privacy. We will also have to pick up the storm water drainage  
2575 off of our property and we have assured them that the water from the paved area will be  
2576 discharged to the north. Any parking lot lighting will not be on past 9 p.m. unless  
2577 required by the Police Department. If that be the case, it will only be security lighting  
2578 designed to adversely affect the adjacent property owners. We have also agreed not to  
2579 use this lot after 9:30 p.m. in the evening. We have also met with many members of  
2580 your staff, to discuss access issues, pedestrian crossing, we will have a van shuttling  
2581 people across the street. We have talked to Mr. Foster about stripping a pedestrian  
2582 crossing on Gaskins Road. Finally, this request is justified in as much as there is no  
2583 other opportunity to expand our parking facilities. Our needed but not technically  
2584 required spaces cannot be provided for on site, which creates our hardship. The growth  
2585 of our church has given rise to this need, which is not shared by surrounding properties  
2586 and thus is unique. We also believe that this expansion is necessary for the  
2587 preservation and enjoyment of churches property rights and the furtherance of its  
2588 mission. This request will not be of substantial detrimentally to adjacent property owners  
2589 based on the commitments we have made and read into the record today and will not  
2590 materially impair the purpose of the ordinance or the public interest. This request is also  
2591 consistent with requests of other churches, in the area the most recent one that was  
2592 before you was the 3rd Presbyterian Church on Forest Ave. near Tuckahoe Elementary  
2593 School and for all those forgoing reasons I respectfully request that you approve Second  
2594 Baptist request for this application.

2595

2596 Mr. McKinney - Mr. Theobald, when did you get this letter from Mr. Goode.  
 2597 It is dates July 12, 1999  
 2598  
 2599 Mr. Theobald - Mr. Goode's letter was faxed to me . . .  
 2600  
 2601 Mr. McKinney - Well, the thing is this could have been in the packet rather  
 2602 than receiving it at the meeting. Any questions of Mr. Theobald by Board Members?  
 2603  
 2604 Mr. Wright - Mr. Theobald as you know the whole purpose of the  
 2605 ordinance is concern for safety of the people crossing Gaskins road. Other than that I  
 2606 don't think there would be any problem. Gaskins Road is a highly traveled road. You  
 2607 did mention that you propose a shuttle service to accommodate the traffic across the  
 2608 road to the church. Would you elaborate on that. and then I would like to ask if that will  
 2609 be handled in the POD process or will we need to handle it here.  
 2610  
 2611 Mr. Theobald - The church has committed to buying an additional van to  
 2612 provide transportation across Gaskins Road as you know however the times that this lot  
 2613 is to be in use are really not the times of heavy use of Gaskins Road. We discussed  
 2614 with Mr. Foster and Mr. Thompson how to best provide for pedestrian access and it was  
 2615 their opinion that we can provide some pedestrian stripping in the road way to help alter  
 2616 drivers and they were also agreeable to some sort of signage that would alert drivers  
 2617 that there was a pedestrian crossing for the church. There is a median so you can go 2  
 2618 lanes and rest before you cross the other 2 lanes.  
 2619  
 2620 Mr. McKinney - You could put a tunnel in. Any other questions?  
 2621  
 2622 Mr. Wright - Will this be addressed at the POD  
 2623  
 2624 Mr. McKinney - Mr. Foster will address this at the POD hearing. They  
 2625 would do a traffic count and any necessary. Mr. Marles you can put a condition on it that  
 2626 this issue will be addressed by the Traffic Engineer at the time of POD. Any one to  
 2627 speak in reference to A-106-99? That concludes the case, you can get your answer  
 2628 from the Planning Office this afternoon or wait until the end of the meeting.  
 2629  
 2630 After an advertised public hearing and on a motion by Mr. Balfour seconded by  
 2631 Mr. Kirkland, the Board **granted** the variance.  
 2632  
 2633 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5  
 2634 Negative  
 2635 Absent:  
 2636  
 2637 The Board **granted** this request as it found from the evidence presented that  
 2638 authorizing this variance will not be of substantial detriment to adjacent property  
 2639 and will not materially impair the purpose of the zoning regulations.  
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1. This approval is subject to all conditions that may be placed on the proposed development by the Planning Commission in the Plan of Development approval. Special attention needs to be given to the safety issues and precautions for the pedestrians traveling between the parking lot and the Church.

**A-108-99**                      **Amanda Carr** request for a variance from Sections 24-94 and 24-95(c)(4) of Chapter 24 of the County Code to build an addition at 7700 Dartmoor Road (Westham), (Tax Parcel 113-9-QQ-23), zoned R-3, One-Family Residence District (Tuckahoe). The front yard setback is not met. The applicant has 32.0 feet front yard setback where the Code requires 35.0 feet front yard setback. The applicant requests a variance of 3.0 feet front yard setback.

Mr. McKinney -                      Is the applicant here? Is anyone other the applicant going to speak in reference to A-108-99? Raise your hand and be sworn in by the Secretary.

Mr. Marllles -                      Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

Ms. Carr -                              I do.

Mr. McKinney -                      Have all adjoining and adjacent property owners been notified of this request according to the County Code? You may present your case.

Ms. Carr -                              My husband and I purchased our home about 2 years ago. As our family is growing and our parents are aging we feel the need to add additional bedroom to accommodate everybody. Since I have placed this application my father in law has been diagnosed with lung cancer so the need is more urgent than before. This addition would entail an oversized single garage with a bedroom above it. We proposed to put it off the Dartmore side of the lot, when I called to get the building permit I mentioned I needed to get the setback lines. Staff was very helpful and told me that the front was Dartmore was the front. It is a very unusual lot and what we are asking for is to place the addition where the driveway is currently locating. There were a couple of points in the staff report, someone suggested that we might place the addition on the other side eof the home. we questioned compliance with setbacks there also. The addition is 24 feet long and 20 feet deep and they said something about being only 15 from the property line. If we were to use the 2 story addition they way we would like, our house is a tri-level and placing the addition on the other side would make it attached to the single story portion of our home.

You would also be going out through the dinning room into the garage and up into the bedroom. I have been told by the building people that this is not permitted. Is just flows better to come off the 2 story portion of the house. They also suggested that we flip flop it , but that would not accommodate our car which is 18 feet long. It would be difficult to park a car of that size is a 20 foot long space. So we are hoping that y'all will grant the request to build the extra 3 feet. We really don't have side neighbors, they are across the street.

2690  
2691 Mr. McKinney - Do you have any architectural plans on the this addition?  
2692  
2693 Ms. Carr - We have rough sketches, our arch felt like everybody  
2694 would approve what we want to do. I have some very rough sketches.  
2695  
2696 Mr. McKinney - Is this to match the brick in your home?  
2697  
2698 Ms. Carr - Yes, we are going to do a brick facade across the front of  
2699 the home and you would still see a garage door on that side with windows above and  
2700 that portion of it would be vinyl.  
2701  
2702 Mr. Wright - Would be adjacent to the garage?  
2703  
2704 Ms. Carr - Yes, we currently have a bedroom there where the hall  
2705 way would be. It would just be 24 feet coming out and 20 feet over  
2706  
2707 Mr. Wright - Enclose that exist that you have there with that canopy  
2708  
2709 Ms. Carr - Yes, exactly. It will just become an inside entrance from  
2710 the garage into our den.  
2711  
2712 Mr. Wright - And what would this addition be used for?  
2713  
2714 Ms. Carr - A bedroom and parking garage.  
2715  
2716 Mr. Wright - You are going to expand the garage?  
2717  
2718 Ms. Carr - Yes  
2719  
2720 Mr. Wright - You have a garage now and you are going to another bay.  
2721  
2722 Ms. Carr - Correct  
2723  
2724 Mr. McKinney - Any other questions of Ms. Carr by Board members  
2725  
2726 Mr. Wright - You have already said this, but for the record you have an  
2727 odd shaped lot.  
2728  
2729 Ms. Carr - We had to notify 9 individuals and the lot slopes from front  
2730 to rear.  
2731  
2732 Mr. McKinney - Any other questions? Staff have any comments?  
2733  
2734 Mr. Marilles - No sir  
2735  
2736 Mr. McKinney - Any one else in the audience to speak in reference to A-  
2737 108-99? Ms. Carr that concludes your case thank you for coming you can get your  
2738 answer later this afternoon or you may wait.  
2739



2740 After an advertised public hearing and on a motion by Mr. Balfour, seconded by  
2741 Mr. Wright, the Board **granted** the variance.

2742

2743 Affirmative Balfour, Kirkland, McKinney, Nunnally,

5

2744 Negative

2745 Absent:

2746

2747 The Board **granted** this request as it found from the evidence presented that authorizing  
2748 this variance will not be of substantial detriment to adjacent property and will not  
2749 materially impair the purpose of the zoning regulations.

2750

2751 1. This approval is only for the proposed addition shown on the sketch submitted  
2752 with this case. Any future improvements to the property shall comply with the  
2753 applicable regulations of the County Code.

2754

2755

**UP-29-99**

**Media One of VA, Inc.** request for a conditional use permit under Section 24-12(c) of Chapter 24 of the County Code to construct and operate a 960 square foot unmanned communications equipment shelter at 9150 Thomasville Lane (part of Tax Parcel 39-A-30), zoned A-1, Agricultural District (Three Chopt).

2756

2757 Mr. McKinney - Is any one in the audience to speak in reference to UP-29-  
2758 99 other than the applicant?

2759

2760 Mr. Mariles - Do you swear to tell the whole truth and nothing but the  
2761 truth so help you god?

2762

2763 Mr. Burcin - I do.

2764

2765 Mr. McKinney - State your name for the record.

2766

2767 Mr. Burcin - I am Stacey Burcin and I an with McKinney and Company  
2768 and I am here today on behalf of Media One of Virginia Incorporated. The proposed  
2769 conditional use permit before you today is for an unmanned equipment shelter. This is  
2770 necessary to house computer equipment and backup batteries for the extended service  
2771 in this area of the county. Media One is a provider of cable television services. This  
2772 proposed use has no traffic generation at all. There will be approximately 4 visits during  
2773 a typical month to inspect the equipment. It would only be used in time of emergency.

2774

2775 We have worked closely with the land owner. There has been one change requested  
2776 by the landowner and that is to change the orientation of the building by 90 degrees. We  
2777 have provided a revised plan it does not significantly alter what we are requesting. The  
2778 driveway will remain in the same location. This is done to save one large existing oak  
2779 tree and we are willing to make that change. Any we would like the staff be granted the  
2780 ability to approve the building permit with the new location. IF you would like I could  
2781 show you the two side by side. One other point I would request that you consider is in  
2782 the staff report there is a condition no. 4 that specifically states that Chesapeake Bay

2783 requirements to be worked out with the department of Public Works. I would suggest  
2784 some extra language to that condition to clarify how that occurs.  
2785

2786 The reason I do so is that in the last three use permits that were approved by the Board  
2787 of Zoning Appeals when it came time for the building permit to be approved there was  
2788 some confusion as to whether this was going to be a building permit or a Pod was going  
2789 to be required. To eliminate that confusion I would suggest that no 4. be amended to  
2790 read that the applicant must submit the necessary information to the department of  
2791 public works with the building permit application to ensure compliance with  
2792 requirements with the Chesapeake Bay Preservation Act. and code requirements for  
2793 water quality standards. That is how it has been done over the past that is what we  
2794 intend to do with this building permit. I think adding the additional language would clarify  
2795 the process that the construction plans would go through.  
2796

2797 Mr. McKinney - You say with the building permit application.  
2798

2799 Mr. Burcin - We have already met with public Works and are fully  
2800 aware of the erosion control requirement storm water quality requirements we have  
2801 done the calculations and that shows up on the building permit plans. All that is handled  
2802 at that time.  
2803

2804 Mr. McKinney - What powers this structure?  
2805

2806 Mr. Burcin - 3 phase electrical is available on Thomasville Lane.  
2807

2808 Mr. McKinney - Do you have any generators?  
2809

2810 Mr. Burcin - There is a generator there as shown on your plans. That is  
2811 to operate only during the periods when there is a power failure. It is triggered to come  
2812 on for testing one time a day for 20 minutes. And in the past cases it was suggested  
2813 that those be only done during the middle of the afternoon. That condition was not  
2814 suggested here, but we would be glad to add that condition to this case. As you can see  
2815 there is a dwelling adjacent to the property. It belongs to Mr. Thomas, and we have  
2816 been working directly with him to protect his interest. If that is a condition, we would be  
2817 agreeable.  
2818

2819 Mr. McKinney - Mr. Burcin, we would like to see that the noise level does  
2820 not exceed 50 decibels at the property line.  
2821

2822 Mr. Burcin - That type of condition we would have to look at closer. I  
2823 do not believe that is a problem.  
2824

2825 Mr. McKinney - You would just have to insulate the generator to make sure  
2826 you have 50 decibels. That is what was required of the other facility in that area.  
2827

2828 Mr. Burcin - 50 decibels at the property line may be difficult to obtain.  
2829 In the past the standard was 65 decibels, I agree that those are a little high.  
2830

2831 Mr. McKinney - Mr. Burcin, this is what was required at MCI facility just  
2832 right down the street from you. This is a neighborhood this generator comes on once  
2833 every day, if we have bad weather and you lose your 3 phase you have to have a good

2834 size generator to take care of a 3 phase, are you looking at a 400 amp service?  
2835  
2836 Mr. Burcin - I believe so.  
2837  
2838 Mr. McKinney - Will that is probably going to be one of your conditions,  
2839 whether Media One like it or not.  
2840  
2841 Mr. Burcin - Alright  
2842  
2843 Mr. McKinney - Any other questions of Mr. Burcin?  
2844  
2845 Mr. Wright - I have A question Mr. Chairman, this facility on land owned  
2846 by the owner of the residence?. It appears that this facility is going to be in the flood  
2847 plain., is that correct?  
2848  
2849 Mr. Burcin - No. If you look at the rear of this facility, you will see that  
2850 the flood plain shown on the detailed county map show that it is not in the 100 year flood  
2851 plain. Also that corresponds with the FEMA mapping. Which is the agency that has  
2852 jurisdiction in this area.  
2853  
2854 Mr. Wright- Then my map is in error, because it shows the structure  
2855 within the floodplain.  
2856  
2857 Mr. Burcin - The old zoning maps do not always depict the food plain  
2858 accurately. But it does give you an indicator. We are within approximately 10 feet of the  
2859 flood plain at the closest point from the fenced area and 15 feet from the structure.  
2860  
2861 Mr. Wright - The answer is then that the structure is not in the flood  
2862 plain.  
2863  
2864 Mr. Burcin - Correct.  
2865  
2866 Mr. McKinney - Any other questions of Mr. Burcin by Board Members? Mr.  
2867 Marilles did you get the change in the condition NO. 4 and new condition no. 5 about the  
2868 decibels? That concludes the case, thank you for coming you can get your answer this  
2869 afternoon from the Planning Office or wait until the end of the meeting.  
2870  
2871 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
2872 Mr. Nunnally, the Board **granted** the use permit.  
2873  
2874 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5  
2875 Negative  
2876 Absent:  
2877  
2878 The Board **granted** this request as it found from the evidence presented that  
2879 authorizing this use permit will not be of substantial detriment to adjacent  
2880 property and will not materially impair the purpose of the zoning regulations  
2881  
2882

- 2883 1. This approval is only for the switching station shown on the plans and  
 2884 documents submitted with this case. Any revisions to the plans submitted  
 2885 shall require the approval of the Board of Appeals.  
 2886 2. A detailed landscape and lighting plan shall be submitted with the building  
 2887 permit for approval by the Planning Office.  
 2888 3. The activities at this site shall be limited to those which are required to  
 2889 properly operate and maintain this facility. This facility shall not be used as a  
 2890 sales office, nor a parts or supplies storage area.  
 2891 4. The applicant must submit the necessary information to the Department of  
 2892 Public Works to ensure compliance with the requirements of the Chesapeake  
 2893 Bay Preservation Act and the code requirements for water quality standards.  
 2894 5. The level of noise generated from the generators on the site shall not exceed  
 2895 a level of 50 decibels at the property line.  
 2896  
 2897

**A-109-99**                      **Hayden Wittmann** request for a variance from Section 24-95(c)(2) of Chapter 24 of the County Code to build an addition at 19 Glenbrooke Circle, West (Glenbrook Hills) (Tax Parcel 113-4-C-8), zoned R-1, One-Family Residence District (Tuckahoe). The rear yard setback is not met. The applicant has 35.0 feet rear yard setback where the Code requires 50.0 feet rear yard setback. The applicant requests a variance of 15.0 feet rear yard setback.

2898  
 2899 Mr. McKinney -                      Is the applicant here for A-109-99? Anyone else to speak  
 2900 in reference to A-109-99 other than the applicant. Alright, if you would raise your hand  
 2901 and be sworn in by the Secretary.

2902  
 2903 Mr. Marlls -                      Do you swear to tell the whole truth and nothing but the  
 2904 truth so help you god?

2905  
 2906 John K. George -                      I do

2907  
 2908 Mr. McKinney -                      Have all the adjoining and adjacent property owners been  
 2909 notified of the this request in accordance with the County Code?

2910  
 2911 Mr. George -                      Yes sir

2912  
 2913 Mr. McKinney -                      Would you turn those into the Secretary, and present your  
 2914 case.

2915  
 2916 Mr. George -                      I am the contractor, for the Wittmann's and they asked me  
 2917 to design for them an addition for their home. This is a 2300 square foot rancher in a  
 2918 nice neighborhood and they have a fairly large lot, which you can see. This home being  
 2919 a one story house and having only 3 bedrooms they wish to add on because they 2  
 2920 children and want another. So they need a 4<sup>th</sup> bedroom, so we decided to add a master  
 2921 bedroom thus freeing up the 3 smaller bedrooms for the children. I am sure that you  
 2922 read the staff report and it pointed out that the conditions of the lot, the narrowness of it,  
 2923 the fact that the house is set so far back that it leaves a relatively small backyard in  
 2924 which to add on to . And we didn't wish to add on in any way to the front of the house.

2925 So what we decided to do was we carefully selected the left rear corner to add on to  
2926 because that is where the most yard is and also it makes sense for the floor plan of the  
2927 existing house. We are only adding 544 square feet and in order to not block the only  
2928 window of the den which is adjacent to the area that we are adding on to, it necessitated  
2929 a long and narrow addition in order to fit a closet, bathroom and bedroom.

2930  
2931 The fact that the long narrow addition does go beyond the 50 foot rear yard setback, has  
2932 necessitated this request for a variance.

2933  
2934 Mr. McKinney - Alright, this house made of dryvit material?

2935  
2936 Mr. George - The house has a brick exterior, with an enclosed garage/turned  
2937 into a den that has a wood siding exterior. That portion of the house is not visible from  
2938 the street. We plan on constructing the addition in brick.

2939  
2940 Mr. McKinney - Any other questions of Mr. George by Board Members?

2941  
2942 Mr. Wright - What is located to the rear of this property?

2943  
2944 Mr. George - There is a very large lot behind this house and the house  
2945 immediately south of it that was remodeled recently from the foundation up. They  
2946 bulldozed the house to the foundation and built a new house on the foundation. But I  
2947 think that house sets on 2 lots. There is a large new house backing up to this house.

2948  
2949 Mr. Wright - Is there any screening between there and the proposed  
2950 addition?

2951  
2952 Mr. George - Yes there is, there is fencing between the houses and  
2953 there is also a large amount of natural vegetation. There are some very large azaleas,  
2954 rhododendrons, dogwoods that provide a year round screen. It is densely wooded and  
2955 all the surrounding neighbors have met with the home owner and have no objections.

2956  
2957 Mr. Wright - How far would you say that proposed addition would be  
2958 from that house in the rear?

2959  
2960 Mr. George - it looks like about 150 feet or more.

2961  
2962 Mr. Wright - It seems to be plenty of area between that house to the  
2963 rear and the rear line of the property.

2964  
2965 Mr. McKinney - Any other questions of Mr. George by Board Members?  
2966 Staff have any comments? Any one else to speak in reference to A-109-99 ? If not, that  
2967 concludes the case, you can get your answer from the Planning Office or wait until the  
2968 end of the meeting.

2969  
2970 After an advertised public hearing and on a motion by Mr. Balfour, seconded by  
2971 Mr. Wright, the Board **granted** the use permit.

2972  
2973 Affirmative Balfour, Kirkland, McKinney, Nunnally, Wright 5  
2974 Negative

2975 Absent:

2976

2977 The Board **granted** this request as it found from the evidence presented that  
2978 authorizing this use permit will not be of substantial detriment to adjacent  
2979 property and will not materially impair the purpose of the zoning regulations

2980

2981 1. This approval is only for the rear yard setback for the addition that is the  
2982 subject of this case. Future improvements to the property shall comply with  
2983 the applicable regulations of the County Code

2984

2985 On a motion made by Mr. Kirkland and seconded by Mr. Wright, the Board approved the  
2986 minutes as corrected for the meeting on March 29, 1999.

2987

2988 There being no further business and on a motion by Mr. Nunnally, seconded by  
2989 Mr. Kirkland, the Board adjourned until August 26, 1999.

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Gene W. McKinney, C. P. C., C. B. Z. A.  
Chairman

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John R. Marlles, Secretary

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