

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

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

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

8
9
10 Ms. Harris - Good morning. Welcome to the October 21, 2010
11 meeting of the Board of Zoning Appeals. Please stand and recite the **Pledge of**
12 **Allegiance.**
13

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

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

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

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

34 Mr. Blankinship - No ma'am.

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

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

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

175

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

178

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

181

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

184

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

187

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

190

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

192

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

197

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

200

201 Mr. Blankinship - Yes sir.

202

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

206

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

210

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

213

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

216

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

218

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

223

224 DECISION

225

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

229

230 Mr. Witte - I'll second that.

231

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

235

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

242

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

245

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

251

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

256

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

261

262

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

266
 267

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

269

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

272

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

275

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

277

278 Mr. Bruce - Second.

279

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

283

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

287

288

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

292

293

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

296

297 Mr. Blankinship - No ma'am.

298

299 Ms. Harris - The meeting is adjourned.

300

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

303

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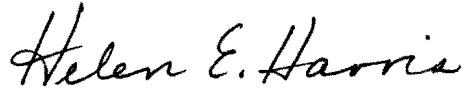
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Helen E. Harris
Chairman



Benjamin Blankinship, AICP
Secretary