

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**  
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**  
3 **HENRICO COUNTY GOVERNMENT COMPLEX, ON THURSDAY, SEPTEMBER 26,**  
4 **2002, AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND**  
5 **TIMES-DISPATCH ON SEPTEMBER 5 AND 12, 2002.**  
6

**Members Present:** Daniel Balfour, Chairman  
Richard Kirkland  
Gene L. McKinney, C.P.C., C.B.Z.A.  
James W. Nunnally

**Members Absent:** R. A. Wright, Vice-Chairman

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

7  
8 Mr. Balfour - I call the meeting of the County of Henrico Board of Zoning  
9 Appeals to order. Would you stand for the **Pledge of Allegiance**. While the Board  
10 members are standing, I'd like to take a minute to present an award, a little late in  
11 coming, but that's because we wanted to do a nice job with it. We have a plaque we'd  
12 like to present to the former Chairman, Richard E. Kirkland, for his time as Chairman of  
13 the Henrico Board of Zoning Appeals for the year 2000 and 2001. He did a fine job;  
14 some of you people weren't here to see him do his job, but we all did, and he did a good  
15 job, ran smooth meetings and let everybody have an opportunity to present their case in  
16 a fair manner. It's my pleasure to present you with this plaque for your good services.  
17 Mr. Secretary, would you read the rules, please.

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

34  
35 Mr. Balfour - Thank you sir. Do we have any requests for withdrawals or  
36 deferrals?

37  
38 Mr. Blankinship - We don't have any deferrals or withdrawals, but I will tell you  
39 I got one phone call from someone who is stuck in traffic, so we may have one to pass  
40 by.

41  
42 **A -141-2002** **MARIA HUSKERSON POLLARD** requests a variance from  
43 Sections 24-94 and 24-9 of Chapter 24 of the County Code to build  
44 a one-family dwelling at 514 Dabbs House Road (Parcel 808-726-  
45 0146), zoned A-1, Agricultural District (Varina). The lot width  
46 requirement and public street frontage requirement are not met.  
47 The applicant has 12 feet lot width and 12 feet public street  
48 frontage, where the Code requires 150 feet lot width and 50 feet  
49 public street frontage. The applicant requests a variance of 138  
50 feet lot width and 38 feet public street frontage.

51  
52 Mr. Balfour - Would you raise your right hand and be sworn in please.

53  
54 Mr. Blankinship - Does anyone else intend to testify on this case? Do you  
55 swear that the testimony you are about to give is the truth, the whole truth, and nothing  
56 but the truth, so help you God?

57  
58 Mr. Huskerson - I do. My name is Henry Huskerson. I live at 8404 Fredonia  
59 Road, Henrico. This property is my sister's, and I submitted the paperwork for her some  
60 time ago. This property my parents purchased in 1949. In 1979 they built a new home  
61 near the front of the property, which you can see. All the siblings gave my sister the 4  
62 acres some time ago to build a home on. When they built a new home in 1979, we left  
63 the entranceway to the old home place as a driveway to get to the old property, so it's  
64 not landlocked. The home she plans to build is comparable to the homes in the area,  
65 and it's going to be about 800 feet from Dabbs House Road, so it's going to be back in a  
66 wooded area. It's 800 feet from Dabbs House on the one side; on the east side, it's  
67 going to be about 600 feet, because the road goes around like a horseshoe. I've  
68 spoken to most of the people in the general area, I may have missed one or two, but  
69 nobody was opposed to our building back there. It would be no problem for them.

70  
71 Mr. Balfour - Any questions of Mr. Huskerson?

72  
73 Mr. Blankinship - Mr. Chairman, if you don't mind, I'd like to ask him a  
74 question. We weren't able to work this out when we drafted the staff report, but we  
75 have suggested a condition that the new house share the same driveway entrance as  
76 the existing house. Was that the plan, or had you intended .....

77  
78 Mr. Huskerson - Well yes, because the new home would be on that, as you  
79 can see the narrow strip there, that's the old driveway to the old home place. So we'd

80 use the same one. That's my home right there in the front. I have no problem with that.

81

82 Mr. Balfour - It looks like a pretty drive. Any other questions?

83

84 Mr. McKinney - Mr. Huskerson, you said you live on Fredonia?

85

86 Mr. Huskerson - I live on Fredonia, yes. This is my home here though, also.

87

88 Mr. McKinney - So you live in Wildwood, Chamberlayne Farms? You're one  
89 of my neighbors.

90

91 Mr. Huskerson - Right, right, right down the street from you I think.

92

93 Mr. Balfour - Any other questions? Thank you sir.

94

95 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by Mr.  
96 McKinney, the Board **granted** application **A-141-2002** for a variance to build a one-  
97 family dwelling at 514 Dabbs House Road (Parcel 808-726-0146). The Board granted  
98 the variance subject to the following conditions:

99

100 1. This variance applies only to the lot width and public street frontage  
101 requirements. All other applicable regulations of the County Code shall remain in force.

102

103 2. At the time of building permit application, the applicant shall submit the  
104 necessary information to the Department of Public Works to ensure compliance with the  
105 requirements of the Chesapeake Bay Preservation Act and the code requirements for  
106 water quality standards.

107

108 3. Connections shall be made to public water and sewer.

109

110 4. The property shall be served by the driveway to 510 Dabbs House Road. The  
111 owners of the property, and their heirs or assigns, shall share responsibility for  
112 maintaining access to the property.

113

114 Affirmative: Balfour, Kirkland, McKinney, Nunnally 4

115 Negative: 0

116 Absent: Wright 1

117

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

123

124 **A -142-2002** **HOLLY AND RICK MEARS** request a variance from Section 24-94  
125 of Chapter 24 of the County Code to build an addition at 11005

126 New Harvard Court (Wyndham) (Parcel 741-781-6753), zoned R-  
127 3C, One-family Residence District (Conditional) (Three Chopt).  
128 The rear yard setback is not met. The applicants propose 37 feet  
129 rear yard setback, where the Code requires 40 feet rear yard  
130 setback. The applicants request a variance of 3 feet rear yard  
131 setback.  
132

133 Mr. Balfour - Any others expect to testify in this matter? Would you raise  
134 your right hand and be sworn.  
135

136 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
137 truth, the whole truth, and nothing but the truth, so help you God?  
138

139 Ms. Mears - Yes I do. Holly Mears. We wanted to build an addition onto  
140 our bedroom, for more storage and more closet space. We're a little bit limited,  
141 because we don't have a basement, and an unfinished attic. It's difficult with a lot line,  
142 we're in a pie-shaped lot in the back, so we're hitting the setback in the back by a little  
143 bit under 3 feet.  
144

145 Mr. Balfour - I see. Are there any questions of Ms. Mears?  
146

147 Mr. Kirkland - Yes ma'am. When did you purchase your home?  
148

149 Ms. Mears - In 1995.  
150

151 Mr. Balfour - Any other questions? Did you purchase this house new,  
152 was it built for you?  
153

154 Ms. Mears - No, it was already built; it was 2 years old.  
155

156 Mr. Balfour - Any other questions? I think that will do it. Thank you.  
157

158 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
159 Kirkland, the Board **granted** application **A-142-2002** for a variance to build an addition  
160 at 11005 New Harvard Court (Wyndham) (Parcel 741-781-6753). The Board granted  
161 the variance subject to the following conditions:  
162

163 1. Only the improvements shown on the plan filed with the application may be  
164 constructed pursuant to this approval. No substantial changes or additions to the layout  
165 may be made without the approval of the Board of Zoning Appeals. Any additional  
166 improvements shall comply with the applicable regulations of the County Code.  
167

168 2. The new construction shall match the existing dwelling as nearly as  
169 practical.  
170

171 Affirmative: Balfour, Kirkland, McKinney, Nunnally 4

172 Negative: 0  
173 Absent: Wright 1  
174

175 The Board granted this request, as it found from the evidence presented that, due to the  
176 unique circumstances of the subject property, strict application of the County Code  
177 would produce undue hardship not generally shared by other properties in the area, and  
178 authorizing this variance will neither cause a substantial detriment to adjacent property  
179 nor materially impair the purpose of the zoning regulations.  
180

181 **A -143-2002** **DELAINE MOORE** requests a variance from Section 24-95(i)(2)a of  
182 Chapter 24 of the County Code to build a detached garage at 9716  
183 Purcell Road (East Jenningsville) (Parcel 770-759-5086), zoned R-  
184 4, One-family Residence District (Brookland). The accessory  
185 structure size requirement is not met. The applicant proposes 960  
186 square feet of accessory structure floor area, where the Code  
187 allows 683 square feet. The applicant requests a variance of 277  
188 square feet of accessory structure floor area.  
189

190 Mr. Balfour - Any others to testify in this matter?  
191

192 Mr. Blankinship - Mr. Chairman, there is a letter at each person's place that  
193 pertains to this case.  
194

195 Mr. Balfour - Would you raise your right hand and be sworn in please.  
196

197 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
198 truth, the whole truth, and nothing but the truth, so help you God? State your name  
199 please.  
200

201 Mr. Davis - I do. H. L. Davis; I'm Harvey L. Davis, the father of DeLaine  
202 Moore, and subcontractor of this project.  
203

204 Mr. Balfour - Do you have a copy of the letter that Mr. Blankinship referred  
205 to?  
206

207 Mr. Davis - When I presented the plans for this project a while back, the  
208 lady that I was working with in the Planning Office did change the roof structure of this.  
209 We were going with a short truss that was based from the point that would be the east  
210 and the west. She suggested that we go with the longer truss across it that would follow  
211 from the south to the north. That did create a little problem with the picture there of the  
212 project. That's when I was notified before of the size of the building, when I took it out.  
213 It was then 10 feet from the property on the east, north and south sides, where the  
214 house sits. Correction, on the north, west, and south sides; the house sits on the east.  
215 We thought it was presented properly. So I've got the letter. Of course we came down  
216 and had a discussion over it, and that's why I'm here.  
217

218 Mr. Kirkland - Mr. Davis, did you apply for a building permit?  
219  
220 Mr. Davis - Oh yes sir.  
221  
222 Mr. Kirkland - What was the size of the garage on the building permit?  
223  
224 Mr. Davis - It was 24 by 40, yes sir.  
225  
226 Mr. Blankinship - I believe on the original drawing for the building permit, it  
227 was 24 by 20. I've got that permit up in the office; I forgot to bring it down with me, but it  
228 was not the building that was built. What was approved was not the building that was  
229 built.  
230  
231 Mr. Davis - No sir. 24 by, you said 20? No, that was a 2-car garage; it  
232 was 24 by, here it is here, 24 by 40, I have it here.  
233  
234 Mr. Blankinship - I think that's what it was. Might have been 24 by 24, but it  
235 wasn't this one. That's what's on the variance application.  
236  
237 Mr. Davis - That was what was apparently in conflict, 24 by 40.  
238  
239 Mr. Kirkland - I was more interested in what was on the building permit  
240 itself, as far as the size of the garage, because .....  
241  
242 Mr. Davis - Well that's what I took down, 24 by 40, I carried it down  
243 personally myself.  
244  
245 Mr. Kirkland - So we approved a garage larger than should be going on the  
246 site?  
247  
248 Mr. Blankinship - No, we approved smaller.  
249  
250 Looks like the numbers may have been rearranged on that  
251 plat at least.  
252  
253 Mr. McKinney - Are you saying that the building inspector issued a building  
254 permit for this garage, 24 by 40?  
255  
256 Mr. Blankinship - No sir, I'm saying the building permit application showed a  
257 smaller garage than what was built.  
258  
259 Mr. McKinney - Well don't you think we ought to pass this by, and you get  
260 someone to bring that over here so we can see it.  
261  
262 Mr. Blankinship - Susan, would you mind calling somebody upstairs, the  
263 permit? Oh never mind, I should probably get it. I'll get it at the break.

264  
265 Mr. McKinney - Mr. Davis, what we'd like to do is get a copy of the original.  
266 You said you submitted 24 by 40; I'd like to see the request for 24 by 40, where they  
267 issued you a permit.  
268  
269 Mr. Davis - Well that's what I've got here, is 24 by 40.  
270  
271 Mr. McKinney - Yes, but I'm talking about the one that the County has, the  
272 one where you paid the fee.  
273  
274 Mr. Davis - I know, you're talking about the original.  
275  
276 Mr. Kirkland - The one where you paid the fee.  
277  
278 Mr. McKinney - If you don't mind, we'll just pass this by, temporarily, until  
279 they get a copy of that, and then we'll come right back to you.  
280  
281 Mr. Davis - That'll be fine. Thank you.  
282  
283 ***(Recess before the 10:00 o'clock agenda)***  
284  
285 Mr. Balfour - The meeting is back in order, and I gather that we're going to  
286 proceed with the earlier one on the docket, that's **DeLaine Moore, A-143-2002**, is that  
287 the one speaking of, Mr. Secretary? Would you repeat what you've found out upon your  
288 investigation.  
289  
290 Mr. Kirkland - Why don't we call Mr. Davis back up.  
291  
292 Mr. Blankinship - The permit I was remembering was the Simmons permit. I  
293 did not have this one in my office, but I spoke to Steve Tugwell, who approved the  
294 permit. He called it up on the computer, and what was shown was an area of 376  
295 square feet. So what we approved was a garage 376 square feet in floor area. What  
296 was built was 960 square feet.  
297  
298 Mr. McKinney - Good golly, that's a big difference.  
299  
300 Mr. Blankinship - Looking at the drawing that's been submitted here, you  
301 can see that there are 2 rectangles on there - one is labeled 18 by 24, and the  
302 other is labeled 40 by 24.  
303  
304 Mr. Blankinship - I could not find the building permit; the one I remembered  
305 seeing was the one for the Simmons case. But I spoke to Steve Tugwell, who approved  
306 this building permit for the garage. I asked him to pull it up on his computer and tell me  
307 what he saw there, and he told me that what was approved was a garage 376 square  
308 feet in floor area, and what was built was 960 square feet. I don't know what the source  
309 of the confusion was, but we have determined that what was approved is not what was

310 built.  
311  
312 Mr. Kirkland - Mr. Blankinship, when the inspections were done, I assume  
313 he did a slab inspection, this was not caught at the time?  
314  
315 Mr. Blankinship - Right, that's when it was brought to our attention.  
316  
317 Mr. Kirkland - When the slab was approved?  
318  
319 Mr. Blankinship - When the building inspectors went out to look at the thing,  
320 they compared what was in front of them to the plans that they had, and they didn't  
321 match.  
322  
323 Mr. McKinney - They had to approve the slab before he could frame it up.  
324  
325 Mr. Kirkland - You had to approve the bottom before you could get to the  
326 top finished.  
327  
328 Mr. Blankinship - At what step that happened, I don't know. I know that we got  
329 it from Building Inspections.  
330  
331 Mr. McKinney - And Building Inspections has got to have a set of approved  
332 plans when they inspect it.  
333  
334 Mr. Davis - That's what I had; that's what I presented to them; it was a  
335 40 by 24.  
336  
337 Mr. Kirkland - Have you got a set of plans? Have you got those with you  
338 Mr. Davis?  
339  
340 Mr. Davis - No, I've just come, let me back up just a little bit, I'm ahead  
341 of myself here. First of all, this is a house that my daughter owns. I am her father, and I  
342 live in Cumberland County on my farm. The letter that Mr. Blankinship presented me  
343 with just a few minutes ago, I just read. The lady said something about tractors. The  
344 wife and I've been retired. When I come up to Henrico County to cut her grass, I restore  
345 Loach antique tractors, and I bring one with me just about every time I come cut the  
346 grass, and we leave it there overnight. When we discussed the size of this building  
347 back a few months ago, I told her, "now if you're going to build this building, I'm not  
348 going to leave my tractor outside, because I put a lot of money into these little one-  
349 cylinder tractors. You build this building for your car, my truck, and to store this tractor  
350 in. You have the space back here. So we drew up a plan, 40 by 24, and I brought it up  
351 to the Planning Office. As far as I know, it was approved. I paid the fee and went back  
352 and started this structure and got it going and put a floor in and everything, and I get this  
353 letter. Now, I'm here today before you gentlemen, trying to explain this, which I already  
354 had the plans, and already had the inspector approve it. I didn't see what the problem  
355 was. As far as the tractor's concerned, the little tractors, I'm a retired person from Miller

356 Highlight Public Relations and Sales, and my daughter is a broker at GE, and she  
357 doesn't have time to do this work. We don't repair the tractors up here; we don't have a  
358 shop or anything there, but we do keep them overnight. My wife and I, we'll come up  
359 and stay, probably Saturday night, maybe Friday night and Saturday night. We always  
360 go back Sunday for church, and sometimes the tractor's there 2 days. But if you know  
361 anything about antique tractors, they're in better shape than the ones that you buy  
362 today, because we keep them in top shape.

363  
364 Mr. Balfour - How many tractors are you talking about?

365  
366 Mr. Davis - Oh I bring 2 with me. I bring one for the grass cutting and  
367 one for the trimming.

368  
369 Mr. Balfour - And both of them are 1-cylinder tractors?

370  
371 Mr. Davis - Yes sir, both of them are 1-cylinder tractors. And we take  
372 them back with us when we leave.

373  
374 Mr. McKinney - What year are they, Mr. Davis?

375  
376 Mr. Davis - I have a 1966, and I have a 1940, and they're just old  
377 antique tractors that we show around the country.

378  
379 Mr. McKinney - The '66 you couldn't use in a tractor pull.

380  
381 Mr. Davis - No sir, but I was in a tractor pull over the weekend with a  
382 1940.

383  
384 Mr. McKinney - You can use a '40, but you can't use a '66.

385  
386 Mr. Davis - You know something about tractors, I see. That's good, I'm  
387 glad.

388  
389 Mr. Blankinship - Where this says "we are under the impression," their  
390 impression is not correct, is that what you're saying?

391  
392 Mr. Davis, - I do bring them up; I use them for cutting the grass, and we  
393 keep them in the shop, and we take them home when we leave. They've got that part  
394 right. But we don't work on tractors up here. There's no shop or anything like that.

395  
396 Mr. Kirkland - Mr. Blankinship, I've got a real problem. I need to see, I  
397 guess, some more documentation on permits and really a physical permit and a drawing  
398 stamped, with an approved plan. This is really a large departure from 376 square feet  
399 to 960 square feet. This is 3 times the size, almost, of a garage, and I need to know  
400 what's going on here. If we can't receive the information in this meeting, I would ask the  
401 applicant if he would be okay with a deferment till next month.

402  
403 Mr. Davis - I'll bring it back; I'll have it when I come back, yes sir.  
404  
405 Mr. Kirkland - The garage isn't going anywhere.  
406  
407 Mr. Davis - Could you put the garage up on the screen for me please? I  
408 just want to show you what we're working with there. To make it to match the property  
409 there, the house, it's a really nice garage, a 2-car garage with a little storage on the right  
410 side of it. And we're within the limit of the property line, 10 feet from the rear, and that's  
411 it there.  
412  
413 Mr. Kirkland - The problem is you built something, I assume, that's not  
414 meeting the requirements of the site. That's why we're here, and that's what I need to  
415 tie down, whether or not, what was approved.  
416  
417 M. Davis - My problem is .....

418  
419 Mr. Kirkland - I need to know if that inspector looked at that slab before you  
420 built that garage, got the framing up, or whether he looked at the footing, or did he come  
421 out and do a one-time inspection, or did he do it do it in the beginning.  
422  
423 Mr. Davis - Yes sir, I have it on 3 or 4 where he approved it. I called him  
424 when we dug it; I called him before we poured it. Yes sir. You don't do things like that,  
425 no sir.  
426  
427 Mr. Kirkland - I need to see all that documentation before I can make a  
428 decision.  
429  
430 Mr. Davis - All right, fine.  
431  
432 Mr. Kirkland - Did you say you'd try and bring it over?  
433  
434 Mr. Blankinship - Steve's looking for it right now.  
435  
436 Mr. Kirkland - If you can hang on a little longer, and we'll go to the next  
437 case.  
438  
439 I can go get it.  
440  
441 What is that on the right-hand side, the right elevation of the  
442 garage?  
443  
444 Mr. Davis - Oh that's a little storage bin, a little shed, you keep stuff in.  
445  
446 Mr. Blankinship - Is it on a foundation of any kind?  
447

448 Mr. Davis - It's just on cinder blocks.  
449  
450 Mr. McKinney - Is it attached to the garage?  
451  
452 Mr. Davis - No sir, it's just on the side there.  
453  
454 Mr. McKinney - It's just a little storage building, less than 150 square feet.  
455  
456 Mr. Blankinship - Here's Steve (*delivering the permit/papers*); he's just the  
457 messenger.  
458  
459 Mr. Kirkland - If you'll bear with us for just a minute, Mr. Davis.  
460  
461 Mr. McKinney - Mr. Blankinship, you've got a set of the approved stamped  
462 plans.  
463  
464 Mr. Kirkland - Approved sketches.  
465  
466 Mr. Blankinship - I'm looking at them right now. No, they are not stamped.  
467 They are internally inconsistent. This kind of construction doesn't require an architect or  
468 anything.  
469  
470 Mr. McKinney - It requires a stamp by the building inspector.  
471  
472 Mr. Blankinship - Right. Okay, I'm sorry; I thought you meant sealed. Yes,  
473 these are approved as noted.  
474  
475 Mr. Kirkland - There are several inconsistencies in the sheets.  
476  
477 Mr. Blankinship - The problem is, the plat that is submitted shows an 18 by 24  
478 building; it's the one that on, underneath the 24 by 40 on the application. The  
479 application says 376 square feet; it doesn't have the dimensions, just the square  
480 footage, but then the footing diagram .....

481  
482 Mr. Kirkland - We've got some elevations here, showing someone's written  
483 through it and put 40 feet .....

484  
485 Mr. McKinney - At the building inspector's office?  
486  
487 Mr. Blankinship - That has been written over. You're right, I didn't notice that  
488 at first. It's obviously not drawn.  
489  
490 Mr. Kirkland - It had 24 feet, and someone's written over it and put 40.  
491  
492 Mr. Blankinship - And it's got 3 feet as the height of the ....., and then  
493 there's a resubmission on top of it, to build what is there now.

494  
495 We paid extra.  
496  
497 Mr. McKinney - Could I see that, Ms. Blackburn. I've fooled with enough of  
498 those things.  
499  
500 Mr. Blankinship - You know how to read construction plans?  
501  
502 Mr. McKinney - Oh yes, I know how to read them.  
503  
504 Mr. Balfour - I think they've got it resolved, but there are some  
505 inconsistencies between what the Code requires and what you proposed and what was  
506 finally approved in the Building Office. I think they've got some different numbers and 2  
507 different pages, if I overheard the conversation correctly.  
508  
509 Mr. McKinney - I think what you understood is what we've got on those  
510 papers. I think you did what you thought was right.  
511  
512 Mr. Davis - Yes sir, I sure did, because I spoke with the inspector 3 or 4  
513 times myself.  
514  
515 Mr. Balfour - We'll take that into consideration when we make our vote, if  
516 you want to wait a few minutes. We don't have but 2 more. Thank you Mr. Davis.  
517  
518 **(At end of meeting, after vote)**  
519  
520 Mr. Blankinship - Before he leaves, I have one question. There was mention  
521 in the letter about a privacy fence. Did somebody mention a condition .....

522  
523 Mr. Kirkland - There's already a wood fence up there, correct?  
524  
525 Mr. Davis - It's fenced around, yes. My daughter purchased the house  
526 with a fence on the right and a fence on the left, and we installed a fence in the back.  
527  
528 Mr. Kirkland - It's already got a fence; it's as big a fence as you can put,  
529 according to the Code.  
530  
531 Mr. Davis - One is a wooden fence to the left there, but we installed the  
532 shingle fence in the back.  
533  
534 Mr. Blankinship - It's the one on the right, I think, that this person is concerned  
535 with – is it wood or chain link?  
536  
537 Mr. Davis - Chain link.  
538  
539 Mr. Blankinship - So that doesn't provide them any privacy then.



586 footage on the rear back. It's supposed to be 50 feet, and I guess it's showing 44 feet  
587 here. I didn't know about it, and I'm not sure why it was picked up, but when I applied  
588 for an occupancy permit, that's when it came up that I didn't have the 50 feet needed.  
589

590 Mr. McKinney - When was this built?  
591

592 Mr. Simmons - It was completed probably the first part of this year.  
593

594 Mr. McKinney - What's behind you, Mr. Simmons?  
595

596 Mr. Simmons - Nothing but 13 acres wooded area.  
597

598 Mr. McKinney - Is that your land?  
599

600 Mr. Simmons - No sir, that's another acre back there that I'm trying to  
601 purchase, I guess the one you see .....

602

603 Mr. McKinney - You don't have anyone on either side of you either, close by,  
604 do you?  
605

606 Mr. Simmons - Yes sir, I do, on both sides of me, if you're facing the road.  
607

608 Mr. McKinney - But they're a right good ways away, aren't they?  
609

610 Mr. Simmons - Yes sir.  
611

612 Mr. Nunnally - How far is a right good ways away? How far is each house  
613 away from you?  
614

615 Mr. Simmons - Each house is at least 85-90 feet away from me.  
616

617 Mr. McKinney - I believe they're further than that.  
618

619 Mr. Balfour - Any other questions? Thank you, Mr. Simmons, it appears  
620 not.  
621

622 Mr. Simmons - The other issue here is about the .93 acres. This is an old  
623 homesite that I built on. I went through Planning, and they picked this up, and they said  
624 it would have to be at least an acre, but you're grandfathered in, I guess, because of the  
625 land was surveyed years ago. That showed up here for some reason, but that was  
626 okay .....

627

628 Mr. McKinney - For the well and septic?  
629

630 Mr. Simmons - And the other thing is about the distance between the sheds  
631 and stuff like that.

632  
633 Mr. Blankinship - If the lot size had been the only problem, we wouldn't have  
634 required you to come before this Board, but if your house were destroyed, and the land  
635 sat unimproved for more than 2 years, you would not be allowed to rebuild. So there's  
636 kind of a disadvantage in that. Since you already had to come to the Board on the other  
637 matter, we just added that in here to clear that up for you, so you won't have to worry  
638 about that if you sell the property.

639  
640 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.  
641 Kirkland, the Board **granted** application **A-145-2002** for a variance to allow dwelling and  
642 accessory structures to remain at 8320 Bradbury Road (Parcel 837-684-8872). The  
643 Board granted the variance subject to the following condition:

644  
645 1. This variance applies only to the lot area requirement and the existing  
646 improvements. All other applicable regulations of the County Code shall remain in  
647 force. Any additional improvements shall comply with the applicable regulations of the  
648 County Code.

649  
650 Affirmative: Balfour, Kirkland, McKinney, Nunnally 4  
651 Negative: 0  
652 Absent: Wright 1

653  
654 The Board granted this request, as it found from the evidence presented that, due to the  
655 unique circumstances of the subject property, strict application of the County Code  
656 would produce undue hardship not generally shared by other properties in the area, and  
657 authorizing this variance will neither cause a substantial detriment to adjacent property  
658 nor materially impair the purpose of the zoning regulations.

659  
660 **A -146-2002** **CHRIS RICE** requests a variance from Section 24-96(12a) of  
661 Chapter 24 of the County Code to open a medical office at 3920  
662 Springfield Road (Springfield Commons) (Parcel 754-759-8717),  
663 zoned O-2C, Office District (Conditional) (Three Chopt). The  
664 number of parking spaces required is not met. The applicant has  
665 164 parking spaces, where the Code requires 165 parking spaces.  
666 The applicant requests a variance of 1 parking space.

667  
668 Mr. Balfour - Anyone here on this matter? Pass it by. Are you here for  
669 the previous matter? We just called you. Would you raise your right hand?

670  
671 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
672 truth, the whole truth, and nothing but the truth, so help you God?

673  
674 Mr. Balfour - Is anyone else speaking?

675  
676 Mr. Rice - I do. I'm Christopher Rice. What we are requesting is one  
677 extra additional parking space. We would exceed the parking ratio by one space. This

678 is an office condominium development beside the Price Club, Costco, in the west end,  
679 and what we have is a bunch of individual owners who come in and buy their suite and  
680 own and maintain it and take pride of ownership, and Dr. Raffeei, who is a high-end  
681 physical therapist, who does a lot of sports medicine, and so forth, requests that his  
682 suite is rated medical. The County looks at it as a clinic of medical use, and he would  
683 exceed the total number of spaces required by one.

684  
685 Mr. Balfour - What's the difference between a high-end and low-end  
686 physical therapist?

687  
688 Mr. Rice - He does a lot of professional athletes, the hockey teams, the  
689 baseball teams.

690  
691 Mr. Balfour - Any questions about this? You've got a letter too, about this,  
692 from Wilton Development, supporting this case.

693  
694 Mr. Rice - That's the self-storage across the street.

695  
696 Mr. Balfour - I suppose you want us to accept the letter?

697  
698 Mr. Rice - Yes sir.

699  
700 Mr. Balfour - Any other questions of Mr. Rice?

701  
702 Mr. Blankinship - There is one other point here that probably ought to be  
703 raised while Mr. Rice is at the podium. We received a building permit application for a  
704 tenant in this same center for another medical office, and you've got exactly the same  
705 problem.

706  
707 Mr. Rice - If you look at my sheet, which I believe is attached as an  
708 exhibit, which I prepared, I've already rated them medical. The parking variance takes  
709 into account the existing owners, and I've met with Mr. Kennedy concerning the rating of  
710 the existing owners, and we went through by each owner, and he assisted me with this  
711 and said the financial planning, the American Express, that would be considered office,  
712 West End Family Counseling, that would be considered a clinic, and we went through  
713 and rated all the existing owners, and they are already rated. Advanced Art Cosmetic is  
714 already rated at a 5 per 1,000, Dr. Dwyer, he does plastic surgery for augmentations.

715  
716 Mr. Blankinship - Oh I see, you have 2 of them listed with the address of 3974.

717  
718 Mr. Rice - Yes sir, and part of his suite is his business office, etc.

719  
720 Mr. McKinney - Mr. Rice, how do we get 4.8 parking spaces and 7.2? What  
721 happens to these tenths?

722  
723 Mr. Rice - West End Family Counseling is actually considered office.

724 Dr. Fortner, a dentist at 2520, I went through and did 5 times the ratio of 1 per 200 feet,  
725 based on the 2520, and then I get 12.6, and then I totaled them up for the whole thing.

726  
727 Mr. McKinney - What do they actually have, or did you count them?  
728

729 Mr. Rice - The parking spaces? Dr. Fortner, the dentist, is probably the  
730 heaviest user; he has 3 employees and 7 chairs. He might have 7 people there at one  
731 time, but you have other people, such as West End Family Counseling, who are a  
732 husband and wife family counseling type deal, where they just have one exam room,  
733 and it's either one of them there any day, and they might only use 2 or 3 spaces.

734  
735 Mr. McKinney - If he has 7 patients, where do his employees park?  
736

737 Mr. Rice - They park there on site.  
738

739 Mr. McKinney - So if he's got 3 employees, they're taking up, he's only got 4  
740 spaces left, and if he's got 7 patients, he's short 3.

741  
742 Mr. Rice - Yes sir. That would be the worst case; that's why I brought  
743 him up.

744  
745 Mr. McKinney - Is Springfield Commons all in one building?  
746

747 Mr. Rice - No sir, it's in 3 separate buildings.  
748

749 Mr. Balfour - Any other questions of Mr. Rice?  
750

751 Mr. Rice - I really don't anticipate there ever being a parking problem at  
752 that development. The dentist who's in there, Dr. Solatarian, is only in there 2 days a  
753 week. A lot of these medical offices are extensions of other offices, and they're not  
754 there 7 days a week. I also included a letter in the application that stated he would  
755 never need more than 13 or 14 spaces at any one time.

756  
757 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.  
758 Nunnally, the Board **granted** application **A-146-2002** for a variance to open a medical  
759 office at 3920 Springfield Road (Springfield Commons) (Parcel 754-759-8717). The  
760 Board granted the variance subject to the following conditions:

761  
762 1. This variance applies only to the required number of parking spaces. All other  
763 applicable regulations of the County Code shall remain in force.  
764

765 2. This approval is subject to all conditions placed on Plan of Development POD-  
766 42-00 by the Planning Commission.  
767

768 Affirmative: Balfour, Kirkland, McKinney, Nunnally 4  
769 Negative: 0

770 Absent: Wright 1  
771

772 The Board granted this request, as it found from the evidence presented that, due to the  
773 unique circumstances of the subject property, strict application of the County Code  
774 would produce undue hardship not generally shared by other properties in the area, and  
775 authorizing this variance will neither cause a substantial detriment to adjacent property  
776 nor materially impair the purpose of the zoning regulations.  
777

778 **A -147-2002 MICHEL ZAJUR** requests a variance from Section 24-95(i)(2)c. of  
779 Chapter 24 of the County Code to build a detached garage at  
780 12124 Gayton Manor Place (Gayton Park) (Parcel 732-762-3068),  
781 zoned R-3AC, One-family Residence District (Conditional) (Three  
782 Chopt). The accessory structure location requirement is not met.  
783 The applicant proposes 2 feet separation between an accessory  
784 structure and the existing dwelling, where the Code requires 10  
785 feet. The applicant requests a variance of 8 feet separation  
786 between an accessory structure and the principal structure.  
787

788 Mr. Balfour - Is someone here on Michel Zajur? I thought someone stood  
789 up a minute ago. Oh, you're an adjacent landowner, not the applicant. We'll pass this  
790 by; it looks like the applicant's not here.  
791

792 **(Returned at end of 10:00 o'clock agenda)**  
793

794 Mr. Balfour - Is anyone here on that matter?  
795

796 Upon a motion by Mr. Balfour, seconded by Mr. McKinney, the Board **deferred**  
797 application **A-147-2002** for a variance to build a detached garage at 12124 Gayton  
798 Manor Place (Gayton Park) (Parcel 732-762-3068). The case was deferred from the  
799 September 26, 2002, until the October 24, 2002, meeting.  
800

801 Affirmative: Balfour, Kirkland, McKinney, Nunnally 4  
802 Negative: 0  
803 Absent: Wright 1  
804

805 The Board deferred the request because there was no one present at the meeting to  
806 present the case.  
807

808 **A -148-2002 THEODORA A. MERRY** requests a variance from Section 24-9 of  
809 Chapter 24 of the County Code to build a one-family dwelling at  
810 4200 Whistling Arrow Drive (Parcel 809-717-5888), zoned R-3,  
811 One-family Residence District (Varina). The public street frontage  
812 requirement is not met. The applicant has 0 feet public street  
813 frontage, where the Code requires 50 feet public street frontage.  
814 The applicant requests a variance of 50 feet public street frontage.  
815

816 Mr. Balfour - Is someone here on this case? Anyone else to testify in this  
817 case? Raise your right hand please.  
818

819 Mr. Blankinship - Just in time. This is the person who called. Do you swear  
820 that the testimony you are about to give is the truth, the whole truth, and nothing but the  
821 truth, so help you God?  
822

823 Ms. Merry - I do. I'm Theodora Ann Merry. I'd like to build a private  
824 residence. I understand that originally the road was planned to extend on though, and  
825 those plans were never realized. I purchased the land with the intent to build, and a  
826 friend of mine went around to all the appropriate commissions to make sure that it was a  
827 buildable lot, and somehow or another, the fact that it was at a terminus was missed.  
828 So I'd like to request a variance so that we could go ahead and build this building.  
829

830 Mr. Nunnally - How would you access or get to your property?  
831

832 Ms. Merry - By Whistling Arrow Drive, at the end there, I'd build a  
833 driveway that extends over to the side of the house.  
834

835 Mr. Balfour - What's that we're looking at - is that the driveway already  
836 there?  
837

838 Ms. Merry - No, that's a driveway that comes up along side of the  
839 property. This would be the rear of the property. It crosses over a bit of a ravine, so the  
840 house would actually sit to the right of where you're looking. This goes up into an older  
841 part of the neighborhood to the left. There are a couple of private homes there, and just  
842 to your immediate left, somebody's just purchased that land and is building as well.  
843

844 Mr. Balfour - 4309?  
845

846 Ms. Merry - Yes, right up in there.  
847

848 Mr. Balfour - Are there questions of Ms. Merry?  
849

850 Mr. McKinney - Ms. Merry, what size home do you intend to build?  
851

852 Ms. Merry - It's just under 1,000 square feet; it's 3-bedroom.  
853

854 Mr. McKinney - You can't build just under 1,000 square feet in R-3 zoning;  
855 it's got to be a minimum of 1,100 square feet.  
856

857 Mr. Kirkland - You've got to have a minimum of 1100-square foot home.  
858

859 Mr. McKinney - What are the other homes in the area? Do you know square  
860 footage-wise what they are?  
861

862 Ms. Merry - OK. I'll remember that. They are mostly one story and two  
863 story, I believe in the range of 1,000 to 1500.  
864  
865 Mr. McKinney - Well they wouldn't be 1,000; they've got to be over 1,000;  
866 they've got to be 1100 to 1500. Are they framed, brick?  
867  
868 Ms. Merry - They are mostly frame, concrete footing with frame. That  
869 would be the subdivision there. The other homes that are more widely spread apart  
870 there – they are brick.  
871  
872 Mr. McKinney - Mr. Blankinship, did you go down and look at this?  
873  
874 Mr. Blankinship - Yes we did.  
875  
876 Mr. McKinney - What are the other homes in the area?  
877  
878 Mr. Blankinship - We weren't really looking so much at that, but I would guess  
879 they're 1200 square feet, typically.  
880  
881 Mr. McKinney - Do you have your plans for the house you're going to build  
882 now?  
883  
884 Ms. Merry - Yes.  
885  
886 Mr. McKinney - And it calls for how many square feet?  
887  
888 Ms. Merry - It's just at 1,000. I'll make the living room bigger.  
889  
890 Mr. McKinney - Don't do the living room; that's the most wasted room in the  
891 house. Make it the bedroom, family room, or kitchen.  
892  
893 Mr. Blankinship - Make it a big kitchen.  
894  
895 Mr. McKinney - You do what you want; we're just kidding.  
896  
897 Mr. Balfour - Any other questions of Ms. Merry? Thank you. You weren't  
898 here at the beginning, but what we do is, we decide all the cases at the end of the  
899 docket. If you wish, you can wait, or if you want to get on home, you can call back this  
900 afternoon.  
901  
902 Mr. McKinney - We're not going to be too long, we hope.  
903  
904 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.  
905 McKinney, the Board **granted** application **A-148-2002** for a variance to build a one-  
906 family dwelling at 4200 Whistling Arrow Drive (Parcel 809-717-5888). The Board  
907 granted the variance subject to the following conditions:

908  
909 1. This variance applies only to the public street frontage requirement. All other  
910 applicable regulations of the County Code shall remain in force.

911  
912 2. At the time of building permit application, the applicant shall submit the  
913 necessary information to the Department of Public Works to ensure compliance with the  
914 requirements of the Chesapeake Bay Preservation Act and the code requirements for  
915 water quality standards.

916  
917 Affirmative: Balfour, Kirkland, McKinney, Nunnally 4

918 Negative: 0

919 Absent: Wright 1

920  
921 The Board granted this request, as it found from the evidence presented that, due to the  
922 unique circumstances of the subject property, strict application of the County Code  
923 would produce undue hardship not generally shared by other properties in the area, and  
924 authorizing this variance will neither cause a substantial detriment to adjacent property  
925 nor materially impair the purpose of the zoning regulations.

926  
927 **A -149-2002 SUNTECH HOMES** requests a variance from Section 24-95(b)(8)  
928 of Chapter 24 of the County Code to build a one-family dwelling at  
929 8800 Hungary Road (Revalo) (Parcel 762-761-6559), zoned A-1,  
930 Agricultural District (Brookland). The lot width requirement and  
931 total lot area requirement are not met. The applicant has 15,047  
932 square feet total lot area and 84.46 feet lot width, where the Code  
933 requires 30,000 square feet total lot area and 150 feet lot width.  
934 The applicant requests a variance of 14,933 square feet total lot  
935 area and 65.54 feet lot width.

936  
937 Mr. Balfour - Anyone else to testify in this case? Would you raise your  
938 right hand and be sworn please.

939  
940 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
941 truth, the whole truth, and nothing but the truth, so help you God?

942  
943 Mr. Walker - I affirm. My name is Eric Walker, and I am here representing  
944 the Estate of Margaret Cross and Suntech Homes, Margaret Cross being the owner,  
945 Suntech Homes being the contract purchaser. This lot was recorded back in 1951, and  
946 at that time it met current zoning requirements. Since then, zoning requirements have  
947 changed, and it no longer conforms to those requirements. We are requesting to build a  
948 single-family dwelling on this lot.

949  
950 Mr. Kirkland - Mr. Walker, the lots that adjoin this property, how big are  
951 they? Let's say 8900, 8920 – how big are those lots?

952  
953 Mr. Walker - Same size as this one.

954  
955 Mr. McKinney - They may be smaller.  
956  
957 Mr. Kirkland - Have you made any attempts to purchase Vontay Road or  
958 anything like that? Is that going to be used in the future, do you know?  
959  
960 Mr. Walker - That road won't be used in the future. The adjacent property  
961 to the east and north of this property is owned by Attack Properties. I've talked with  
962 them; we're working out a deal for utilities for sewer. He's already platted out a  
963 subdivision, which hasn't been recorded, but he's already set up plans to develop that  
964 property. Now Vontay Road will never be developed, and at some point, we may or  
965 may not vacate Vontay. But still at that juncture, we wouldn't meet current standards.  
966  
967 Mr. Kirkland - What's got me concerned is basically, you're asking for an  
968 R-2 lot in an A-1 zone.  
969  
970 Mr. Walker - Sure. Now one thing I want you guys to look at is again, this  
971 subdivision was recorded back in '51, and at that point it met requirements.  
972 Requirements have since changed.  
973  
974 Mr. Kirkland - In 1960 they went through and did a comprehensive plan  
975 and rezoned and squared everything up.  
976  
977 Mr. Walker - So at that juncture we're requesting a variance.  
978  
979 Mr. Balfour - How long have the other homes been there, do you know?  
980  
981 Mr. Walker - Looking at the information on the background I guess Mr.  
982 Blankinship put together, they were built between 1951 and 1959.  
983  
984 Mr. Blankinship - Actually, even at that time, I don't think these lots met the  
985 requirements for A-1, because that's what the exception standards, they're 24-95(b),  
986 that's far less than today's standards for A-1, and these don't even meet those  
987 standards, so I'm not really sure how lots at that time were reviewed or why we would  
988 have approved lots that were below even the standards that were applicable at that  
989 time. Or maybe the exception standards go back to the '53 standards, because we  
990 amended the ordinance in '53 too. So these were divided in '51. No, Susan's shaking  
991 her head.  
992  
993 What's that building that's right next to the boundary line,  
994 that's on the adjacent lot – is that a garage?  
995  
996 Mr. Kirkland - It's a little shed on 8900 – is that a garage right against the  
997 property line on the other person's property, right against yours?  
998  
999 Mr. Walker - I'm not sure to be honest with you. It looks like it's probably

1000 a garage, because we have a driveway there.  
1001  
1002 Mr. Kirkland - So your answer to why you couldn't buy Vontay is that you  
1003 are probably going to use that as a sewer right-of-way to go into the Attack Properties, is  
1004 that what it is?  
1005  
1006 Mr. Walker - That's correct.  
1007  
1008 Mr. McKinney - Why wouldn't they use Vontay as an ingress into that  
1009 property? I would think that's why it's there.  
1010  
1011 Mr. Kirkland - It's one of those old paper streets, you know, done many  
1012 years ago.  
1013  
1014 Mr. Blankinship - It's probably not far enough offset from Walton Farms now.  
1015  
1016 Mr. McKinney - But Mr. Walker's lot looks like it's a little larger than the other  
1017 lots.  
1018  
1019 Mr. Blankinship - It's larger in the back; I think it's a little narrower in the front.  
1020  
1021 Mr. Kirkland - I was hoping he could have possibly worked out a purchase  
1022 on this Vontay.  
1023  
1024 Mr. McKinney - If they vacate it, he'll get half of it for a dollar.  
1025  
1026 Mr. Walker - That would be the case, but at that juncture, we still wouldn't  
1027 meet the current standards.  
1028  
1029 Mr. Kirkland - Sure, sure, I understand that, but it would be bigger than it is  
1030 now. What is that, 50 feet wide through there, paper street?  
1031  
1032 Mr. McKinney - This has public water and sewer?  
1033  
1034 Mr. Walker - Yes. Water's on Hungary; sewer we have to extend from  
1035 behind us, so essentially we need Vontay to be there to do that.  
1036  
1037 Mr. Balfour - Well I might help you right there, to get it vacated, if it's going  
1038 to be used for that purpose. Any other questions for Mr. Walker?  
1039  
1040 Mr. McKinney - You intend to use public water and sewer?  
1041  
1042 Mr. Walker - Yes sir.  
1043  
1044 Mr. McKinney - Is that a condition, Mr. Blankinship?  
1045

1046 Mr. Blankinship - If it's not, we can certainly add it. They'll be required to,  
1047 whether you have it as your condition or not, but there's no reason not to add it.

1048  
1049 Mr. Kirkland - Mr. Walker, are the other people on this street hooked up to  
1050 public water and sewer, or are they just well?

1051  
1052 Mr. Walker - I think the majority of them are well and septic, at least well.  
1053 Just to add to it, we're building approximately a 1900 square foot home there, and we're  
1054 building at least 1000 square feet bigger than those adjacent properties, so essentially  
1055 we're looking to add value as opposed to taking value away from that area.

1056  
1057 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by Mr.  
1058 McKinney, the Board **granted** application **A-149-2002** for a variance to build a a one-  
1059 family dwelling at 8800 Hungary Road (Revilo) (Parcel 762-761-6559). The Board  
1060 granted the variance subject to the following condition:

1061  
1062 1. This variance applies only to the lot area and lot width requirements. All other  
1063 applicable regulations of the County Code shall remain in force.

1064  
1065 Affirmative: Balfour, Kirkland, McKinney, Nunnally 4  
1066 Negative: 0  
1067 Absent: Wright 1

1068  
1069 The Board granted this request, as it found from the evidence presented that, due to the  
1070 unique circumstances of the subject property, strict application of the County Code  
1071 would produce undue hardship not generally shared by other properties in the area, and  
1072 authorizing this variance will neither cause a substantial detriment to adjacent property  
1073 nor materially impair the purpose of the zoning regulations.

1074  
1075 **A -150-2002** **SHIRLEY A. TURNAGE** requests a variance from Sections 24-  
1076 95(b)(5), 24-95(c)(1), 24-9 and 24-95(k) of Chapter 24 of the  
1077 County Code to build a one-family dwelling at 500 Grayson Avenue  
1078 (Confederate Heights) (Parcel 793-740-1987), zoned R-3, One-  
1079 family Residence District (Fairfield). The lot width requirement,  
1080 minimum side yard setback, public street frontage requirement,  
1081 side yard on corner lot, total lot area requirement, and total side  
1082 yard setback are not met. The applicant has 47 feet public street  
1083 frontage, 7,050 square feet total area, 47 feet lot width, 6.25 feet  
1084 minimum side yard setback, 7.25 feet side yard setback on a corner  
1085 lot, and 13.5 feet total side yard setback, where the Code requires  
1086 50 feet public street frontage, 8,000 square feet total lot area, 65  
1087 feet lot width, 7 feet minimum side yard setback, 10 feet side yard  
1088 setback on a corner lot, and 14.1 feet total side yard setback. The  
1089 applicant requests a variance of 3 feet public street frontage, 950  
1090 square feet total lot area, 18 feet lot width, 0.75 foot minimum side  
1091 yard setback, 2.75 feet side yard setback on a corner lot, and 0.6

1092 foot total side yard setback.  
1093  
1094 Mr. Balfour - Anyone else to testify on this matter? Would you stand and  
1095 be sworn at the same time please.  
1096  
1097 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
1098 truth, the whole truth, and nothing but the truth, so help you God?  
1099  
1100 Mr. Walker - Again, my name is Eric Walker, for the record. I'm  
1101 representing Shirley Turnage, the owner, and Suntech Homes, the contract purchaser.  
1102 This property was put on the market approximately 3 months ago by Ms. Shirley  
1103 Turnage. We put it under contract and reviewed what we had there. Essentially, when I  
1104 initially looked at it, I thought we had a 50-foot lot. Realizing now that we have a 47-foot  
1105 lot there, we applied for a variance. As far as the total yard setback or that street yard  
1106 setback on the house that we're proposing to do, normally I think the requirement is 10  
1107 feet, am I correct, Mr. Blankinship? For the street side we're requesting a 7-foot  
1108 setback? There's a chain link fence around the property that we will probably remove,  
1109 but we're looking to build approximately a 1200-square foot ranch, which is comparable  
1110 to what's in the area.  
1111  
1112 Mr. Balfour - Which way is that house going to face?  
1113  
1114 Mr. Walker - It's going to face on Grayson Avenue.  
1115  
1116 Mr. McKinney - You have this under contract, contingent upon getting a  
1117 variance, I presume.  
1118  
1119 Mr. Blankinship - Has this plat been recorded, the one showing the 44-wide  
1120 lot, or the 46, or whatever? It's titled just a plat to be submitted with the variance  
1121 application.  
1122  
1123 Mr. Walker - The language is written in the deed according to that 47 feet.  
1124 At some point, I'm assuming, I don't know, prior to Ms. Turnage purchasing it, or since  
1125 she's purchased the property, approximately 3 feet was cut off of that 50-foot lot. As far  
1126 as it being recorded in Planning, I didn't find a record of that, but again, it's recorded or  
1127 there's language to that in the deed.  
1128  
1129 Mr. Balfour - Mr. Secretary, looking at the map, do the same lots exist all  
1130 the way down that street?  
1131  
1132 Mr. Blankinship - It was originally divided into 50-foot lots.  
1133  
1134 Mr. Balfour - I was just looking, and it looks like 7, 8, 9, and 10 look like to  
1135 me they've got little narrow lots too.  
1136  
1137 Mr. Blankinship - Actually, probably the best place to look is on the second

1138 map, not the vicinity map, but the case map. You really get a good overview of the  
1139 neighborhood there.  
1140  
1141 Mr. McKinney - Mr. Blankinship, 504 and 502 are the only 2 houses on that  
1142 block, right.  
1143  
1144 Mr. Blankinship - Yes sir, if you end the block at the alley, yes.  
1145  
1146 Mr. McKinney - And do you know what the width is of 504? Are they  
1147 basically split right in two?  
1148  
1149 Mr. Blankinship - I want to say it's 100; I want to say each of these houses –  
1150 504 is on 2 lots; 502 is on 3 lots. I believe that's right. There's a subdivision plat that's  
1151 in the file.  
1152  
1153 Mr. Balfour - If you move 2 streets down, it looks like you've got .....

1154  
1155 Mr. Blankinship - It's attached; there are 5 lots there, 1, 2, 3, 4, and 5. 502 sits  
1156 all across lot 2 and takes up lots 1, 2 and 3. 504 sits mostly on lot 5 and takes up lots 4  
1157 and 5.  
1158  
1159 Mr. Balfour - If you move down 3 blocks on that map, it looks like you've  
1160 got 4 houses at Fayette and Elba Streets – what's the width of those lots?  
1161  
1162 Mr. Blankinship - Fayette and Elba – there are 7 35-foot lots there, so they  
1163 were originally divided as smaller lots. I guess what they did was they split one of them,  
1164 and then 3 of those are 70-foot lots, and one of them is whatever's left.  
1165  
1166 Mr. McKinney - How wide are those lots, did you say?  
1167  
1168 Mr. Blankinship - Thirty-five feet – these were recorded in like 1916.  
1169  
1170 Mr. McKinney - But they're not built on 35-foot lots?  
1171  
1172 Mr. Blankinship - No, no, no – they're built on 2 of them.  
1173  
1174 Mr. McKinney - Prior to 1960, R-3 zoning requires 65-foot lot width.  
1175  
1176 Mr. Blankinship - Right, they're built on 2 of them. There is hardly a single  
1177 house in this subdivision that stands on one lot. They're all on 2, 2 ½, or 3 lots.  
1178  
1179 Mr. Balfour - There are 4 houses, is all I was pointing out, on a block the  
1180 same size as what he's requesting.  
1181  
1182 Mr. Blankinship - But it was originally platted as 7 lots.  
1183

1184 Mr. Walker - Mr. Blankinship, on this aerial photo I'm looking at, 500 and  
1185 502 - is the property line right against the 502 house?

1186  
1187 Mr. Blankinship - It does not show on the survey, and the property lines on the  
1188 aerial photographs are not accurate to the foot, so we don't really know that. The only  
1189 reason I can imagine why they would have moved that lot line over is because there  
1190 was an encroachment, and you can tell from the other photograph, that house, it looks  
1191 like the house is on the corner. There is just not very much space between.

1192  
1193 Mr. Kirkland - It's 44.3 feet.

1194  
1195 Mr. Blankinship - I imagine you're right; I imagine it's exactly on it, which  
1196 means of course, that we're going to have to consult with fire if we get a building permit,  
1197 because no matter what the setbacks are, there has to be a separation between  
1198 buildings, under the fire code. You can work around those things technically by putting  
1199 a fire wall on that side with no windows, but it's something we'll have to consult about.

1200  
1201 Mr. Balfour - Mr. Walker wanted to make a comment?

1202  
1203 Mr. Walker - Yes I did. Again, there's a fence in between the two  
1204 properties, and if I'm not mistaken, that house is sitting off of that, is sitting to the left of  
1205 this shot here, that house is sitting off of that fence. Again, I'm assuming that fence is  
1206 on the property line, and then again, the structure that we're building will be  
1207 approximately 6 feet away, so essentially you're going to have anywhere from 7 to 9  
1208 feet in between the 2 structures, and that is common in that subdivision. Again, this  
1209 subdivision was recorded .....

1210  
1211 Mr. Blankinship - Just a minute. That's not common. We're looking at the  
1212 map here; there's not any 2 houses anywhere near that close.

1213  
1214 Mr. Walker - I beg to differ. If you look in that entire subdivision,  
1215 Confederate Heights, this subdivision was recorded back in '51. It was revised, by your  
1216 notes, in '59, so there are some lots and some homes in that subdivision that are built  
1217 comparable to what I'm proposing, which means they're 50-foot lots, or 40-foot lots, and  
1218 they have a minimum of 7 or 8 feet on both sides.

1219  
1220 Mr. Balfour - I guess you're talking about up there by Craig and Pulaski,  
1221 looks like there are a lot of them in there.

1222  
1223 Mr. Walker - Fayette Avenue, Craig, Pulaski, Longhorn.

1224  
1225 Mr. McKinney - What are those lot widths?

1226  
1227 Mr. Walker - They vary. If you look at Delmont, those lots are 35 feet  
1228 wide. Again, there is no house on one lot. They're more toward 2 or 3 lots, but if you  
1229 look on Grayson, Craig and Fayette, you're going to get more of a cluster of 50-foot lots

1230 there, that people have built a house on that width lot.  
1231  
1232 Mr. McKinney - The smallest one I see is 54 feet.  
1233  
1234 Mr. Walker - There's probably a 50-foot one in there.  
1235  
1236 Mr. McKinney - Mr. Walker, I have a question for you – what is your  
1237 hardship?  
1238  
1239 Mr. Walker - Essentially the hardship, according to the current zoning  
1240 standards, is that we don't meet street frontage, there's a code of 50 feet.  
1241  
1242 Mr. McKinney - Mr. Walker, you don't own the lot.  
1243  
1244 Mr. Walker - No, we're just the contract purchaser.  
1245  
1246 Mr. McKinney - I'm asking you "what is your hardship?"  
1247  
1248 Mr. Walker - What is my hardship? OK, based on what's currently there,  
1249 we can't build on the lot.  
1250  
1251 Mr. McKinney - So you have a monetary hardship?  
1252  
1253 Mr. Walker - Correct, and essentially I'm representing the owner and the  
1254 contractor, and it's a hardship to the owner because if the variance isn't granted, she  
1255 can't do anything with that lot.  
1256  
1257 Mr. McKinney - She can sell her house with that lot .....  
1258  
1259 Mr. Blankinship - ..... as her side yard.  
1260  
1261 Mr. Walker - But as far as selling the lot separately, she wouldn't be able  
1262 to do that.  
1263  
1264 Mr. McKinney - Okay, thank you.  
1265  
1266 Mr. Balfour - Any other questions? Yes ma'am.  
1267  
1268 Ms. Allen - Good morning, my name is Joyce Allen, and I'm here  
1269 speaking about this issue. Essentially, I'm the owner of the house next door. I thought  
1270 it was 500 Grayson Avenue, but I see you have this lot represented by 500 Grayson  
1271 Avenue.  
1272  
1273 Mr. Balfour - You're at 502 or 504?  
1274  
1275 Ms. Allen - 502. Right next to that fence, that's me.

1276  
1277 Mr. Balfour - That's the house we were just talking about then.  
1278  
1279 Ms. Allen - Exactly, and I'm requesting that this variance be denied  
1280 because it's simple, based upon the description that you have provided me, this fails to  
1281 meet any of the Code requirements, the 47-foot public street frontage, from hearing,  
1282 usually that's 50, but like you say, this is one single lot. These other properties include  
1283 2, 3 lots combined. My property, if I was to go out on that porch, and reach over, it's  
1284 like, I could touch that house, and I believe that is a little bit too close. The view would  
1285 be diminished by building another property also, and I really do believe that would affect  
1286 the value of my property, so I'm requesting that you deny this request. If I can answer  
1287 any questions .....

1288  
1289 Mr. Kirkland - Let me ask you, there's a fence around this piece of property  
1290 that we're talking about, this 500? How close is your house to that fence?  
1291  
1292 Ms. Allen - That is about 2 feet.  
1293  
1294 Mr. Balfour - There's a picture in our packet – is that your house right on  
1295 the left I guess?  
1296  
1297 Mr. McKinney - Ms. Allen, how did you wind up with your lot without getting  
1298 this one?  
1299  
1300 Ms. Allen - You know, when I purchased this house, I thought I was  
1301 getting all of that. I really did. And a few years later we learned, because we purchased  
1302 it from HUD.  
1303  
1304 Mr. McKinney - You purchased it from HUD? So that wasn't in the estate of  
1305 Ms. Turnage?  
1306  
1307 Ms. Allen - Well I believe that she was the owner of both properties, and  
1308 we assumed that we were getting that lot in addition to 502, but I learned later that was  
1309 not the case.  
1310  
1311 Mr. Kirkland - Have you asked Mr. Walker about purchasing this land?  
1312  
1313 Ms. Allen - I have called Prosperous Realty a number of times, but  
1314 nobody, well one person did get back in touch with me, but then you know, it's like she  
1315 would call me, I would call her, and we never .....

1316  
1317 Mr. Kirkland - Phone tag.  
1318  
1319 Ms. Allen - That's about it.  
1320  
1321 Mr. Balfour - So your opposition would be because it would be too close

1322 to your house and destroy your property values.  
1323  
1324 Ms. Allen - Oh definitely. Plus it does not meet any of those Code  
1325 requirements.  
1326  
1327 Mr. Balfour - All right, thank you. He has a chance to respond to you, but  
1328 you don't have a chance to respond again, so is there anything else you want to say?  
1329  
1330 Mr. McKinney - In other words, he's going to address your concerns to us.  
1331  
1332 Ms. Allen - Well, basically, it's a single lot, and I think things would be  
1333 too close for comfort.  
1334  
1335 Mr. McKinney - It's a single half a lot.  
1336  
1337 Mr. Balfour - Is there anyone else to testify? Mr. Walker?  
1338  
1339 Mr. Walker - To address Ms. Allen's concerns, the width of my side yard  
1340 setback adjacent to her property is approximately 7 ¼ feet. That, but itself, meets  
1341 standards. Now when you add my street side setback, total side yard is not met, but as  
1342 far as that interior yard setback, it's met. So, based on that, I would be basically up to  
1343 Code.  
1344  
1345 Mr. Kirkland - The proposed home that you plan to put on this lot – how  
1346 wide is it?  
1347  
1348 Mr. Walker - It's approximately 33 ½ feet wide.  
1349  
1350 Mr. Blankinship - The plat that's submitted with your application shows a side  
1351 yard of 6.25 abutting her house, and 7.25 abutting Elba Street. I was thinking we  
1352 advertised the minimum lot size; why would we have advertised that if you met it?  
1353 Actually, I think you're only inches off.  
1354  
1355 Mr. McKinney - If the lot's 47, and the house is 33, that gives you 14 feet, 7  
1356 feet on each side?  
1357  
1358 Mr. Blankinship - He's showing 7 ¼ on one and 6 ¼ on the other.  
1359  
1360 Mr. Walker - So whatever the difference is, that's the width of the house.  
1361  
1362 Mr. Blankinship - Yes, 33 feet, 6 inches.  
1363  
1364 Mr. Balfour - I don't suppose there's any way you could take that house  
1365 and face Elba and move it.  
1366  
1367 Mr. Blankinship - Then you wouldn't meet the rear yard setback.

1368  
1369 Mr. Walker - What we would consider doing, is potentially changing the  
1370 proposed home. Essentially when we submitted the variance, we had to find a footprint  
1371 that would fit in this envelope. We don't necessarily have to utilize or use or build that  
1372 home, okay? What I'm essentially asking for is the setbacks, and then we'll try to work  
1373 within those parameters.  
1374  
1375 Mr. Balfour - Thank you. Any other questions?  
1376  
1377 Mr. McKinney - Where's Mr. Davis? Did you get anything on that building  
1378 permit? Did that come over yet?  
1379  
1380 Mr. Blankinship - I'm going to go get it.  
1381  
1382 Mr. Kirkland - We're going to take a break here, I guess.  
1383  
1384 Mr. Balfour - We've got 2 cases we can probably call, that we passed by.  
1385 Mr. Davis is one case, and we passed by Mr. Zajur. Is there a Mr. Michel Zajur in the  
1386 room or in the hall? Case A-147-2002.  
1387  
1388 Mr. Blankinship - We could hear this gentleman's testimony, the one who is  
1389 here to speak to the Zajur application, and then you could decide whether to defer it.  
1390 This guy's probably taken the morning off of work to come down here to speak.  
1391  
1392 Mr. Balfour - Sir, are you in favor or opposed? I think what they're saying  
1393 here is, if we hear you, we can't hear half a case. It may mean you'll have to come  
1394 back, and that's the bottom line.  
1395  
1396 Upon a motion by Mr. McKinney, seconded by Mr. Kirkland, the Board **denied**  
1397 application **A-150-2002** for a variance to build a one-family dwelling at 500 Grayson  
1398 Avenue (Confederate Heights) (Parcel 793-740-1987).  
1399  
1400 The Board denied the request as it found from the evidence presented that approving  
1401 the variance would be of substantial detriment to adjacent property or would materially  
1402 impair the purpose of the zoning regulations.  
1403  
1404 **UP- 33-2002** **GOOD NEIGHBOR VILLAGE** requests a conditional use permit  
1405 pursuant to Section 24-52(e) of Chapter 24 of the County Code to  
1406 expand a charitable institution for human care at 8825 Buffin Road  
1407 (Parcels 821-680-7411, 5244 and 3262), zoned A-1, Agricultural  
1408 District (Varina).  
1409  
1410 Mr. Balfour - Anyone here on that case? Are there any others to speak  
1411 on this case? If there are, would you stand and be sworn.  
1412  
1413 Mr. Blankinship - Do you swear that the testimony you are about to give is the

1414 truth, the whole truth, and nothing but the truth, so help you God?  
1415  
1416 Mr. Higgins - I do. I'm Ralph Higgins. We represent Good Neighbor  
1417 Village, and we have a master plan that was approved back in '95, and last year the  
1418 Village picked up some additional property. I don't know whether you can see on the  
1419 map, but you can see that there's a long rectangular piece of property right there that  
1420 was recently acquired, and it allowed us to take the master plan a step forward in terms  
1421 of access and utilization of property. We think it's a significant improvement of the  
1422 previous master plan and allows the Village a lot of flexibility in terms of the  
1423 development of their concept for this property. We're requesting approval of this master  
1424 plan subject to the conditions that you have.  
1425  
1426 Mr. Balfour - Have you read the conditions, and they're acceptable to  
1427 you?  
1428  
1429 Mr. Higgins - Yes sir, yes sir.  
1430  
1431 Mr. Nunnally - Mr. Higgins, how many residents do you have there now?  
1432  
1433 Mr. Higgins - We have 13 residents now.  
1434  
1435 Mr. Nunnally - Will it increase any with these new units?  
1436  
1437 Mr. Higgins - Yes, it will increase probably 4-fold with the units. That's  
1438 obviously the intent of the master plan, is to increase the capacity of the facility.  
1439  
1440 Mr. Balfour - So you'll have 50-52 residents there? And you say you have  
1441 read all the conditions?  
1442  
1443 Mr. Higgins - Yes sir. And I think we've got a couple of Board members  
1444 here who have, and I think they agree with the conditions as well.  
1445  
1446 Mr. Balfour - You haven't had any complaints or anything on this, have  
1447 you sir.  
1448  
1449 Mr. Blankinship - I have one question, Mr. Chairman. Do you have any idea  
1450 when build-out will occur on this?  
1451  
1452 Mr. Higgins - Part of the reason for this master plan is to solicit  
1453 development funds for the construction of the facilities. Most of the facilities are built by  
1454 private funds, and this master plan, the partial intent of it is to get development. We  
1455 don't know – somebody might come along and fall out of heaven and build all of the  
1456 units for us, next year hopefully, but we don't know.  
1457  
1458 Mr. Balfour - Are there any other questions of Mr. Higgins? Thank you sir.  
1459

1460 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.  
1461 Kirkland, the Board **granted** application **UP-33-2002** for a conditional use permit to  
1462 expand a charitable institution for human care at 8825 Buffin Road (Parcels 821-680-  
1463 7411, 5244 and 3262). The Board granted the use permit subject to the following  
1464 conditions:

1465  
1466 1. Only the improvements shown on the plan filed with the application may be  
1467 constructed pursuant to this approval. No substantial changes or additions to the layout  
1468 may be made without the approval of the Board of Zoning Appeals. Any additional  
1469 improvements shall comply with the applicable regulations of the County Code.

1470  
1471 2. The applicant shall present a complete grading, drainage, and erosion control  
1472 plan prepared by a Professional Engineer certified in the state of Virginia to the  
1473 Department of Public Works for approval. This plan must include the necessary  
1474 floodplain information if applicable.

1475  
1476 3. At the time of building permit application, the applicant shall submit the  
1477 necessary information to the Department of Public Works to ensure compliance with the  
1478 requirements of the Chesapeake Bay Preservation Act and the code requirements for  
1479 water quality standards.

1480  
1481 4. The parking lot, driveways, and loading areas shall be subject to the  
1482 requirements of Section 24-98 of Chapter 24 of the County Code.

1483  
1484 5. A detailed landscaping and lighting plan shall be submitted to the Planning Office  
1485 with the building permit for review and approval.

1486  
1487 6. All exterior lighting shall be shielded to direct light away from adjacent property  
1488 and streets.

1489  
1490 7. All landscaping shall be maintained in a healthy condition at all times. Dead  
1491 plant materials shall be removed within a reasonable time and replaced during the  
1492 normal planting season.

1493  
1494 8. Fire lanes shall be marked and maintained in accordance with the Fire  
1495 Prevention Code in effect.

1496  
1497 9. All traffic control signs shall be fabricated as shown in the Virginia Manual of  
1498 Uniform Traffic Control Devices for Streets and Highways.

1499  
1500 10. All trash shall be in closed containers with regular pickups, the area shall be kept  
1501 clean, and the containers shall be properly screened.

1502  
1503 11. Those areas on the master plan designated for "future development" are not  
1504 included in this approval and may not be developed unless and until plans for their  
1505 development are approved by the Board of Zoning Appeals.

1506  
1507 12. Except those portions of the frontage along Buffin Road where there are no  
1508 existing trees, the applicant shall preserve the existing trees on the site wherever  
1509 practicable and shall preserve a natural buffer of trees for a depth of 35 feet around the  
1510 perimeter of the property.

1511  
1512 Affirmative: Balfour, Kirkland, McKinney, Nunnally 4  
1513 Negative: 0  
1514 Absent: Wright 1

1515  
1516 The Board granted this request, as it found from the evidence presented that, due to the  
1517 unique circumstances of the subject property, strict application of the County Code  
1518 would produce undue hardship not generally shared by other properties in the area, and  
1519 authorizing this use permit will neither cause a substantial detriment to adjacent  
1520 property nor materially impair the purpose of the zoning regulations.

1521  
1522 **A -151-2002** **JOHN S. HAYDEN** requests a variance from Section 24-94 of  
1523 Chapter 24 of the County Code to build an addition at 2303  
1524 Leighton Court (Tuckahoe Village West) (Parcel 730-749-0750),  
1525 zoned R-2A, One-family Residence District (Tuckahoe). The  
1526 minimum side yard setback and total side yard setback are not met.  
1527 The applicant has 10.8 feet minimum side yard setback and 23.3  
1528 feet total side yard setback, where the Code requires 12 feet  
1529 minimum side yard setback and 30 feet total side yard setback.  
1530 The applicant requests a variance of 1.2 feet minimum side yard  
1531 setback and 6.7 feet total side yard setback.

1532  
1533 Mr. Balfour - Are there any others to testify in this matter? Are you Mr.  
1534 Hayden? Raise your right hand and be sworn, please.

1535  
1536 Mr. Blankinship - Do you swear that the testimony you are about to give is the  
1537 truth, the whole truth, and nothing but the truth, so help you God?

1538  
1539 Mr. Hayden - I do. My name is John S. Hayden. What I've got here is, in  
1540 the course of developing this project, we discovered a deep, thick layer of shrink swell  
1541 soil along the north building line of the house. It's just over to the left of the pictures  
1542 showing. The soil has, with the dryness and whatnot, has caused cracking along the  
1543 foundation along that same side – both the front and the rear corners of the house have  
1544 already cracked, and where I propose building out to the back, I'm still in that same  
1545 thick, gooey layer of shrink swell soil. But we've found, just of to the left, looking at this  
1546 picture, there's a significantly better area of soil and a layer of rock. It transitions from  
1547 that gray, muchmorelessite. I'm not sure exactly the pronunciation of it, but it transitions  
1548 from that over to hardpan and a layer of rock, so it would give me a very solid  
1549 foundation to build on and prevent that possibility of cracking. I've got some pictures  
1550 showing the cracks on the front of the back, and then I also, last night took pictures of  
1551 the soils right there at the corner of the house that we were originally looking at building

1552 on, and then a little bit further towards my neighbor's yard, where it transitions to that  
1553 much better soil. What I have is a severe hardship on this property, due to geological  
1554 conditions, and we've looked hard with our engineer at other possible less expensive  
1555 designs, but this is the best permanent solution that we've been able to come up with.  
1556 It's a bad situation, and this is the best solution to that bad situation. We've got a pie-  
1557 shaped lot that pinches down both of our side yards to a point in the small back yard,  
1558 and Leighton Court also has an unusual curve, it's kind of a hooked curve you can see  
1559 there on the drawing, right in front of our house, that puts the majority of our land out  
1560 into the side yard, which really can't be used, on the right-hand side of that picture,  
1561 which limits our available space, and really limits our redesign options. It's a unique  
1562 situation, and this combination of factors truly does place us in a position of  
1563 unreasonable hardship. I need your help.

1564  
1565 Mr. Balfour - Is the construction going to be brick to match your house, or  
1566 brick and frame? How's it going to match it?

1567  
1568 Mr. Hayden - Yes sir, it's going to match up the same. We've already  
1569 purchased the bricks, and finding matching bricks that will blend in was quite a  
1570 challenge, but we've got the bricks available, to put bricks along the foundation, and  
1571 then the 5 inch vinyl siding going up from there, so it will match just as the rest of the  
1572 house.

1573  
1574 Mr. Balfour - Are they going to fix your problems here? Well if you've got  
1575 his name, I might want it; I've got some I need, and I can't get anybody to do it; it's too  
1576 small a job.

1577  
1578 Mr. Hayden - It's a challenge; there are a lot of different approaches, and  
1579 none of them will give you a guarantee that it's going to last forever, and that's the  
1580 reason that I want to get over to real solid soil, as opposed to just continuing on. I've  
1581 got an engineer's letter from Mr. Hall, stuck to the photos. I've also got signed letters  
1582 from each of my neighbors on Leighton Court stating no objections and offering he  
1583 reasons why they think it's a good idea to go ahead with this. No one objected at all,  
1584 and I've also got all the adjoining homeowners on Old Coach. In fact, my neighbor just  
1585 to the left, where this abuts, was the first to come over and brought this to me and said,  
1586 "John, take this to the Board to show that we don't have any objections," and then I  
1587 thought, well maybe I ought to talk to my other neighbors as well, since they couldn't be  
1588 here..

1589  
1590 Mr. McKinney - What kind of work do you do, Mr. Hayden?

1591  
1592 Mr. Hayden - I'm a fire systems engineer.

1593  
1594 Mr. McKinney - If we get a lot of rain, these cracks will go back together.

1595  
1596 Mr. Hayden - Yes sir, they do.

1597

1598 Mr. Balfour - Thank you Mr. Hayden. I appreciate the fact that you  
1599 addressed the issue in terms of hardship, which is a determining factor, but we  
1600 sometimes don't use that phrase. Thank you. Any other questions? Thank you sir. I  
1601 think we have one more case to call, Mr. Blankinship, one more time.  
1602

1603 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.  
1604 McKinney, the Board **granted** application **A-151-2002** for a variance to build an addition  
1605 at 2303 Leighton Court (Tuckahoe Village West) (Parcel 730-749-0750). The Board  
1606 granted the variance subject to the following conditions:  
1607

1608 1. Only the improvements shown on the plan filed with the application may be  
1609 constructed pursuant to this approval. No substantial changes or additions to the layout  
1610 may be made without the approval of the Board of Zoning Appeals. Any additional  
1611 improvements shall comply with the applicable regulations of the County Code.  
1612

1613 2. The new construction shall match the existing dwelling as nearly as practical.  
1614

1615 Affirmative:	Balfour, Kirkland, McKinney, Nunnally	4
1616 Negative:		0
1617 Absent:	Wright	1

1618  
1619 The Board granted this request, as it found from the evidence presented that, due to the  
1620 unique circumstances of the subject property, strict application of the County Code  
1621 would produce undue hardship not generally shared by other properties in the area, and  
1622 authorizing this variance will neither cause a substantial detriment to adjacent property  
1623 nor materially impair the purpose of the zoning regulations.  
1624

1625 On a motion by Mr. Kirkland, seconded by Mr. Nunnally, the Board **approved** the  
1626 Minutes of the **May 23, 2002**, Henrico County Board of Zoning Appeals meeting.  
1627

1628 There being no further business, and on a motion by Mr. Kirkland, seconded by  
1629 Mr. Nunnally, the Board adjourned until **October 24, 2002**, at 9:00 am.  
1630  
1631

1632 Daniel T. Balfour,  
1633 Chairman

1634

1635 Benjamin Blankinship, AICP  
1636 Secretary