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103-B1-51

FAIRFIELD DISTRICT

SINGLE FAMILY RESIDENTIAL

C-63C-94



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

January 31, 1995

Virgil R. Hazelett, P.E.
County Manager

Re: **Conditional Rezoning Case C-63C-94**

Mr. Webb L. Tyler, Secretary, Treasurer
Fidelity Properties, Ltd.
P. O. Box 423
Mechanicsville, Virginia 23111

Dear Mr. Tyler:

The Board of Supervisors at its meeting on January 25, 1995, granted your request to conditionally rezone property from A-1 Agricultural District to R-4C One Family Residence District (Conditional), Parcel 103-B1-51, described as follows:

Beginning at a point on the E. line of Telegraph Road 0.23 +/- miles south of New York Avenue from said point of beginning leaving the E. line of Telegraph Road S. 70° 11' 00" E., 1242.77' to a point on the W. line of Interstate Route 95; thence continuing along the W. line of Interstate Route 95 S. 14° 10' 30" W., 299.75' to a point; thence leaving the W. line of Interstate Route 95 N. 70° 11' 00" W., 1277.53' to a point on the E. line of Telegraph Road; thence along the E. line of Telegraph Road N. 20° 50' 00" E., 298.30' to the point and place of beginning, containing 8.62 acres of land as shown on plat by Youngblood, Tyler & Associates, P.C. dated August 31, 1994.

The Board of Supervisors accepted the following proffered conditions which further regulate the above described property in addition to all applicable provisions of Chapter 22, Code of Henrico (Zoning Ordinance):

1. Protective Covenants - Prior to or concurrent with the recordation of a subdivision plat approved by the County and before the conveyance of any portion of the Property covered by said subdivision plat (other than for the dedication of easements, roads or utilities), there shall be recorded a document in the Clerk's Office of the Circuit Court of Henrico County, Virginia setting forth controls on the development and maintenance of such portions of the Property.
2. Foundations - All exposed exterior portions (above grade) of the foundations and any front entrance steps of each dwelling constructed on the Property shall be of brick or stone.
3. Fireplaces - All coal burning or wood burning fireplaces must have brick or stone chimneys; gas or ornamental fireplaces may be wall-vented with no chimneys as allowed by applicable building codes; provided, however, such vented enclosures shall not be cantilevered and must have a base to match the foundation.

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4. Utilities - Each dwelling constructed on the Property must be connected to and be served by public water and sewer facilities.
5. Prohibited Uses - No trailer, tent, garage, barn or other outbuilding erected on any lot shall, at any time, be used as a residence either temporarily or permanently.
6. Buffers - (a) For purposes of lessening the visual impact of Interstate 95 and Telegraph Road from adjacent single family, detached homes, a minimum buffer area of twenty-five (25) feet abutting I-95 and twenty (20) feet abutting Telegraph Road consisting of berms, landscaped or natural areas, or a combination thereof, will be provided on the single family zoned portion of the Property along the eastern and western portions of the Property, except to the extent required for utilities easements, signage, nature trails, or access to and from public or private rights-of-way and other purposes requested and specifically permitted, or required by the Planning Commission at the time of Plan of Development and/or Subdivision review or by any other governmental body or agency.

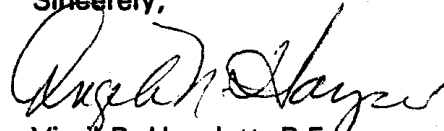
 (b) Any utility easements or other uses permitted within the aforesaid buffer area shall extend generally perpendicular to the buffer area, unless otherwise requested and specifically permitted or if required by the County at the time of Plan of Development and/or Subdivision review and, where permitted, areas disturbed for utility installation shall be restored to the extent reasonably practicable.

 (c) The aforesaid buffers shall be provided and maintained by the owners of the Property.
7. Driveways - All driveways shall be constructed of hard surface materials such as asphalt, concrete, brick pavers, cobblestones, or similar materials.
8. House Size - Each dwelling constructed on the Property shall meet the minimum requirements for finished floor area applicable to dwellings constructed in an R-3 zoning district.
9. Severance - The unenforceability, elimination, revision or amendment of any proffer set forth herein, in whole or in part, shall not affect the validity or enforceability of the other proffers or the unaffected part of any such proffer.

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The Planning Office has been advised of the action of the Board of Supervisors and will revise its records and place a copy of the accepted proffered conditions in the Conditional Zoning Index.

Sincerely,


Virgil R. Hazelett, P.E.
County Manager

cc: Director, Real Estate Assessment
Conditional Zoning Index
Mr. and Mrs. Aubrey W. King, Jr.