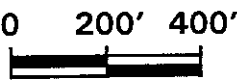


PT. OF 72-B1-1

THREE CHOPT DISTRICT

SINGLE FAMILY SUBDIVISION
C-12C-95



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

June 20, 1995

Re: Conditional Rezoning Case C-12C-95

Mr. William W. Johnson
3951-C Stillman Pkwy.
Glen Allen, Va. 23060

Dear Mr. Johnson:

The Board of Supervisors at its meeting on June 14, 1995, granted your request to conditionally rezone property from A-1 Agricultural District to R-3AC One Family Residence District (Conditional) and C-1C Conservation District (Conditional), Part of Parcel 72-B1-1, described as follows:

Parcel A:

Commencing at the northern terminus of Gayton Hills Lane, said point being the northwest corner of Lot 33, Block A, Section E, Gayton Station; thence S. $81^{\circ} 22' 38''$ E., 114.4' more or less to the southeast corner of the A. G. Bertozzi property, said point being the point of beginning; thence N. $29^{\circ} 27' 22''$ E., 261.0' more or less to a point in the centerline of a creek; thence westwardly and along the centerline of the creek 497.3' more or less to a point; thence N. $80^{\circ} 45' 08''$ W., 298.0' more or less to a point, said point being the northeast corner of Gayton Station, Section E; thence along the northern line of Gayton Station Subdivision, N. $85^{\circ} 03' 51''$ W., 1436.5' more or less to the Henrico/Goochland county line as shown on Gayton Station, Section C; thence along the county line N. $15^{\circ} 16' 09''$ E., 215.2' more or less to the flood plain; thence eastwardly and along the flood plain, 1409.0' more or less to its intersection with a creek; thence S. $56^{\circ} 06' 01''$ E., 198.7' more or less to a point; thence S. $80^{\circ} 45' 08''$ E., 550.0' more or less to a point; thence S. $61^{\circ} 04' 27''$ E., 240.5' more or less to a point; thence S. $76^{\circ} 30' 58''$ E., 480.0' more or less to a point; said point being the northwest corner of property owned by the Roman Catholic Dioceses; thence S. $13^{\circ} 27' 26''$ W., 521.7' more or less to a point on the N. line of Gayton Station, Section E; thence N. $56^{\circ} 59' 58''$ W., 84.2' more or less to a point; thence S. $87^{\circ} 11' 22''$ W., 247.8' more or less to a point; thence N. $81^{\circ} 22' 38''$ W., 55.6' more or less to a point and being the point of beginning, containing 22.04 acres more or less.

Parcel B:

Commencing at the northwest corner of Gayton Station, Section C, said point being the intersection of the N. line of Gayton Station, Section C and the Henrico/Goochland county line as shown on the Gayton Station, Section C subdivision plat; thence along the county line, N. $15^{\circ} 16' 09''$ E., 215.2' more or less to the flood plain, said point being the point of beginning; thence N. $15^{\circ} 16' 09''$ E., 334.6' more or less to the centerline of the creek; thence eastwardly and along the centerline of the creek for a distance of 986.6' more or less to its intersection with another creek; thence southwardly and along the centerline of the latter creek 276.8' more or less to its intersection with the flood plain; thence westwardly and

6

along the flood plain 1409.0' more or less to a point and being the point of beginning, containing 4.96 acres more or less.

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. Minimum House Size. Each residence shall have a minimum of 1,700 square feet of livable floor area as defined in Section 22-94(u) of the Henrico County Zoning Ordinance and a minimum of eighty percent (80%) shall be two-story dwellings.
2. Foundations. The exterior portion of residence foundations above finished grade shall be constructed of brick.
3. Fireplaces. All fireplace chimneys, including gas vents, shall have a brick foundation and be enclosed by brick or a siding similar to the home's exterior. There shall be no cantilevered chimneys or fireplaces.
4. Conservation Area. The area to be zoned C-1C (exclusive of any BMP's or lot setback areas) shall be conveyed to the Homeowners Association as Common Area or the County of Henrico at such time and as determined by the Planning Commission at the time of subdivision approval.
5. Trees. Before the issuance of a Certificate of Occupancy, there shall be a minimum of two (2) trees having at least a two and one-half inch (2-1/2") caliper in the front yard of such lot.
6. No Controlled Density. No portion of the Property shall be developed as a controlled density subdivision.
7. Historic Site. As long as the Nuckols historic farm house (Site Number 43-259) remains in existence, the existing trees which adjoin the farm house on the southern line of the Property shall be retained to the extent reasonably practical as determined by the Planning Commission at the time of subdivision approval.
8. Vehicular Access. Vehicular access to and from the Property shall be provided to and from West Broad Street and at such other location as may be required at the time of subdivision approval.
9. Tree Retention. The cedar trees along the southern boundary of the Property shall, to the extent reasonably practicable, be retained at the time of the original development of lots in the subdivision, except to the extent required for utilities and access which shall generally run perpendicular to said property line.
10. Secondary Access. Before the thirtieth (30th) building permit, or a building permit for either lot adjacent to a second point of access, is issued for dwellings to be constructed on the Property, a second and sole additional point of access, over, upon

Mr. William W. Johnson
June 20, 1995

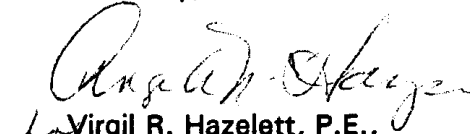
3

and across a twenty (20) foot mid-section area of Lot 17, Block E, Section D, of Gayton Station Subdivision, for emergency purposes only, shall be provided.

11. Severance. The unenforceability or 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.

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,


for Virgil R. Hazelett, P.E.,
County Manager

cc: ✓ Director, Real Estate Assessment
Conditional Zoning Index
Mr. Jay M. Weinberg, Esquire
Mr. Oscar N. Nuckols & Ms. Nancy Nuckols Rhoades