

C-64C-05
Zoning
Single-Family Residential
Brookland District

400 Feet

PS August 2005 Ref: 765-769-5497



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

January 31, 2006

Clarendon Associates, LLC
4191 Innslake Drive, Suite 118
Glen Allen, Virginia 23060

Re: Conditional Rezoning Case C-64C-05

Dear Clarendon Associates:

The Board of Supervisors at its meeting on January 24, 2006, granted your request to conditionally rezone property from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 765-769-5497, described as follows:

Beginning at a point on the west line of Mountain Road, said point being the intersection of the west line of Mountain Road and the west line of Good Oak Lane, a private road; thence along the west line of Good Oak Lane S 42°30'00" W for a distance of 807.45 feet to a point; thence N 47°30'00" W for a distance of 301.66 feet to a point; thence N 44°02'34" E for a distance of 904.86 feet to a point on the west line of Mountain Road; thence along the west line of Mountain Road, S 28°12'17" E for a distance of 293.80 feet to the point of beginning. Said parcel containing 5.70 acres and being all of Henrico County Parcel No. 765-769-5497.

The Board of Supervisors accepted the following proffered conditions, dated January 19, 2006 which further regulates the above described property in addition to all applicable provisions of Chapter 24, Code of Henrico (Zoning Ordinance):

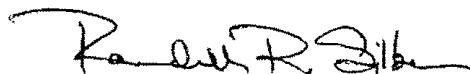
1. **Foundations.** All exposed foundations of each home shall be brick or stone.
2. **Chimneys.** Chimneys constructed on the exterior wall of the home shall be constructed of brick. All exterior chimneys shall have full foundations with the exterior of said foundation, visible above ground level, constructed of brick. The exposed portion of a flue for a direct vent gas fireplace shall be constructed of the same material used on the home and shall be built on a foundation constructed of the same material as the home foundation.

3. **Fireplaces.** Any fireplaces or heating elements that require over a three (3) inch diameter flue and are constructed on the exterior wall of the home shall be constructed of brick, stone or dryvit; gas or ornamental fireplaces may be wall-vented with no chimneys as allowed by applicable building codes.
4. **Driveways.** All driveways for each lot shall be finished with either asphalt, concrete, exposed aggregate or brick/concrete pavers.
5. **Minimum House Size.** All one-story homes shall have a minimum of 2,000 square feet finished floor area and all two-story homes shall have a minimum of 2,500 square feet finished floor area.
6. **Underground Utilities** Except for junction boxes, meters, pedestals, transformers, transmission mains and existing overhead utility line and for technical and environmental reasons, all utility lines shall be underground.
7. **Restrictive Covenants.** Prior to or concurrent with the recording of the subdivision plat approved by the County, restrictive covenants describing development controls and maintenance of the property shall be recorded in the Clerk's Office of the Circuit Court of Henrico County.
8. **Brick Steps and Stoops.** Steps and stoops to the main entrance of homes shall be of brick.
9. **Street Trees.** Each lot shall have installed two (2) 2 ½ inch caliper trees within twenty-five (25) feet of the right-of-way adjoining such lot unless an equivalent tree save area exists within said twenty-five (25) feet.
10. **Public Water and Sewer.** All homes constructed on the Property shall be served by public water and sewer.
11. **Curb and Gutter.** All roads constructed on the Property shall have three (3) feet roll face curb and gutter.
12. **Existing Home.** The existing home on Lot 2 as shown on the Conceptual Plan (as hereinafter defined) shall be preserved unless substantially destroyed by fire, storm or other such casualty loss or it becomes structurally unstable. No home shall be constructed between such home and Mountain Road. No additional structures accessory to the main dwelling shall be constructed on Lot 2. Except as otherwise provided, proffers other than this Proffer 12 are not applicable to the existing home on the Property.
13. **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.

14. **Density.** There shall be no more than nine (9) homes on the Property, including the existing home on the Property.
15. **Yards.** The front and side yards of the lots on the Property shall be sodded and irrigated.
16. **Garages.** All homes on the property shall have a minimum of a two (2) car garage.
17. **Materials.** The exterior wall surfaces of all homes on the Property (with the exception of foundations, trim and architectural treatments) shall be constructed of brick, stone, hardiplank or vinyl covering. All homes utilizing brick on the front exterior wall surface shall have the brick wrap at least twelve (12) inches around the corner of the side of elevations.
18. **Fences/Walls.** Any fences or walls greater than forty-two (42) inches in height shall be constructed of finished masonry or constructed with a combination of masonry piers and aluminum, metal or cast iron pickets. No wooden stockade-type fences or chain link fences shall be permitted.
19. **Conceptual Plan.** Development of the Property shall be in substantial conformance with the conceptual site plan attached hereto as Exhibit "A" (see case file). The public road connecting to Mountain Road shall be located along the southeastern portion of the Property.
20. **Lot 1 Conditions.** The home to be constructed on Lot 1 shall face Mountain Road and shall not cross the front main building line of the existing house on Lot 2 as such front line is extended across Lot 1. The home to be constructed on Lot 1 shall be substantially the same architectural style as the existing home on Lot 2. Other than the home to be constructed on Lot 1, no other structures shall be constructed on Lot 1. There shall be no direct vehicular access to and from Lot 1 and Mountain Road.

The Planning Department 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,

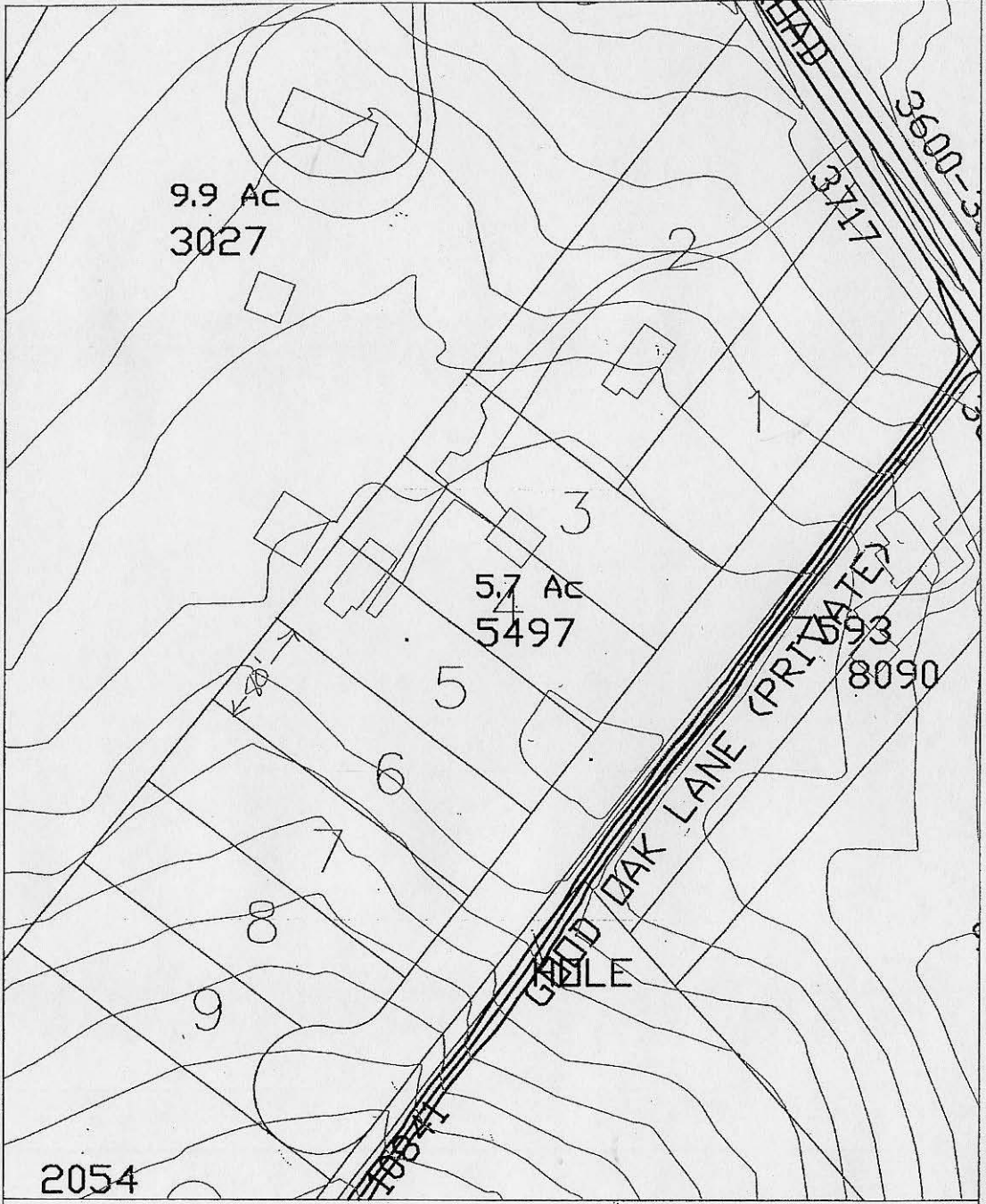


for Virgil R. Hazelett, P.E.
County Manager

pc: Nora Investments, LLC
Robert M. Atack

Clarendon Associates
January 31, 2006
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Kent P. & Mary L. Glass
Director, Real Estate Assessment
Conditional Zoning Index
Dr. Penny Blumenthal, Dir. Research and Planning, Henrico County Schools



GLASS PROPERTY

FOSTER & MILLER, P.C.

ENGINEERS • SURVEYORS • PLANNERS

1670 MOUNTAIN ROAD

GLEN ALLEN, VIRGINIA 23060

(804) 261-6764 • FAX (804) 261-6785

SCALE: 1" = NTS

DATE: 05-27-05

COMPUTED BY: CNS

DRAWN BY: CNS

CHECKED BY:

EXHIBIT A

C-64C-05