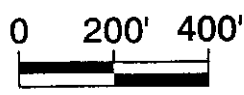


18 - A - 15A

SINGLE- FAMILY RESID. ZERO LOT LINE & RETAIL

THREE CHOPT DISTRICT

C-49C-96



HENRICO COUNTY PLANNING OFFICE



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

Virgil R. Hazelett, P.E.
County Manager

August 21, 1996

Re: **Conditional Rezoning Case C-49C-96**

**Mr. Daniel T. Schmitt
Loch Levan Land Limited Partnership
100 Concourse Blvd., Ste. 100
Glen Allen, Virginia 23060**

Dear Mr. Schmitt:

The Board of Supervisors at its meeting on August 14, 1996, granted your request to conditionally rezone property from A-1 Agricultural District to R-5AC General Residence District (Conditional) and B-2C Business District (Conditional), Parcel 18-A-15A, described as follows:

Parcel 1:

Beginning at a point on the southern right-of-way line of Old Nuckols Road, which point is the corner of the common boundary line of those parcels now or formerly owned by Nancy R. Coen (Tax Parcel No. 18-A-13) and Clarence S. Butler and Catherine O. Butler (Tax Parcel No. 18-A-15A); thence S. 80° 45' 05" E., 243.72' to a point; thence along a curve to the right having a radius of 564.70' for a length of 105.28' to a point which is the True Point of Beginning; thence along a curve to the right having a radius of 564.70' for a length of 198.87' to a point; thence S. 49° 53' 30" E., 102.18' to a point; thence S. 42° 15' 40" W., 270.51' to a point; thence N. 10° 29' 00" W., 371.20' to the True Point of Beginning, containing 0.985 acre.

Parcel 2:

Beginning at a point on the southern right-of-way line of Old Nuckols Road, which point is the corner of the common boundary line of those parcels now or formerly owned by Nancy R. Coen (Tax Parcel No. 18-A-13) and Clarence S. Butler and Catherine O. Butler (Tax Parcel No. 18-A-15A); which point is the True Point of Beginning; thence S. 80° 45' 05" E., 243.72' to a point; thence along a curve to the right having a radius of 564.70' for a length of 105.28' to a point; thence S. 10° 29' 00" E., 371.20' to a point; thence S. 42° 15' 40" W., 296.55' to a point; thence N. 35° 29' 00" W., 545.61' to a point; thence N. 27° 19' 00" E., 231.68' to the True Point of Beginning, containing 4.723 acres.

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):

APPLICABLE TO THE R-5AC, 4.723 ACRE PORTION:

1. **Dwelling Type.** All dwellings constructed on the Property shall be detached structures.
2. **Foundations.** The exposed exterior portions of exterior residence foundations shall be constructed of brick or natural stone; however, the exposed exterior portions of exterior foundations for single family detached residences may be constructed of drivit if applied to a masonry surface, provided that the exterior walls of such residence are sided primarily in drivit.
3. **Chimneys.** No chimneys or gas vent units shall be cantilevered. The exposed portions of all fireplace chimneys shall be of brick or a siding similar to the exterior treatment of the dwelling. This proffer shall not apply to direct vent gas fireplaces or appliances. The exposed bases of all chimneys shall be of the same material as the dwelling foundations.
4. **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, Virginia, setting forth controls on the development and maintenance of such portions of the Property.
5. **Pedestrian and Bicycle Access.** Pedestrian and bicycle access ways will be provided within and between major project areas at the time of subdivision approval.
6. **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.

APPLICABLE TO THE B-2C, 0.985 ACRE PARCEL:

7. The proffers applicable to the B-2C zoned parcels of Case Nos. C-19C-94 and C-56C-94, which parcels (the "Existing B-2C Parcels") are shown on that certain "Existing & Proposed Zoning Plan" prepared by Youngblood, Tyler & Associates, P.C. dated July 10, 1996, a copy of which is attached hereto as Exhibit "A" (see case file), shall be applicable to the 0.985 acre parcel so as to have the effect of revising the description of the Existing B-2C Parcels as though such revised description had been a part of such Case and thereby bound by the proffers applicable thereto.

Mr. Daniel T. Schmitt
Loch Levan Land Limited Partnership
August 21, 1996

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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,



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

cc: Director, Real Estate Assessment
Conditional Zoning Index
Messrs James W. Theobald and Charles H. Rothenberg
Mr. and Mrs. Clarence S. Butler