



COMMONWEALTH OF VIRGINIA
COUNTY OF HENRICO

December 17, 2021

R. J. Emerson, Jr. AICP
Director of Planning
(804) 501-4602

Hirschler
P. O. Box 500
Richmond, VA 23218-0500
Attention: Susan Smith

RE: ***Revised letter***
Automobile Auction
1955 Portugee Road
Parcel 837-703-5428
("The Property")

Ladies and Gentlemen:

At your request we have examined our records with respect to the Property and have determined the following information.

The Property is zoned M-3, Heavy Industrial District, and is subject to the use restrictions generally applicable to that classification in the Henrico County Zoning Ordinance. No application is pending for rezoning of the Property, a provisional use permit, a conditional use permit, or a variance.

The M-3 district allows the following uses, among others, as principal uses permitted by right (see § 24-4205 of the Zoning Ordinance): automobile sales, automotive painting and body shop, automotive repair, auction house, towing or wrecker service, and outdoor storage (as a principal use). A salvage and junkyard may be permitted by provisional use permit and must not be located within 500 feet of a public right-of-way (§ 24-4331.E.1).

The Virginia Department of Motor Vehicles (DMV) issues licenses for "salvage pools" and "vehicle removal operators," and has its own definitions of those terms. Those terms are incorporated into the Zoning Ordinance. In general, uses that are licensed by DMV as salvage pools or vehicle removal operators will be classified under the Zoning Ordinance as salvage and junkyards. The purpose of that classification is to mitigate the detrimental impacts of permanent abandonment or long-term storage of scrap materials such as vehicles certified by DMV as nonrepairable.

Temporary storage of vehicles, whether operable or temporarily inoperable, falls within the towing or wrecker service use. The Zoning Ordinance defines a towing or wrecker service as follows: "An establishment providing the service of transporting individual motor vehicles and providing temporary storage of the vehicles, whether operable or temporarily inoperable, in an impound yard or storage area. This does not include junk, salvage, scrap, or wrecking yards." (§ 24-8405.I). Vehicles may be transported to an impound yard or storage area by a motor vehicle transporter.

A business that transports and provides temporary storage of vehicles, whether operable or temporarily inoperable, will be classified as a towing or wrecker service, even if it is licensed by DMV

as a "salvage pool" or "vehicle removal operator." Conversely, a business that provides permanent or long-term storage of vehicles that have been certified by DMV as nonrepairable will be classified as a "salvage and junkyard." The area where such permanent or long-term storage will occur requires a provisional use permit and is subject to the 500-foot distance requirement cited above.

The use of the Property for providing temporary storage of operable or temporarily inoperable vehicles in an impound yard or storage area, and the sale of such vehicles, including by auction, is allowed by right subject to a front yard setback of 25 feet and a rear yard setback of 30 feet. Because the Property does not abut Residential zoning, it is not subject to a side yard setback. Where a street is designated for widening or extension on the Major Thoroughfare Plan, the reference line is the future right-of-way line as determined by the County Engineer (§ 24-8307.A.1).

The use of the Property, or a portion thereof, for the commercial collection, storage, and sale, including by auction, of vehicles certified by DMV as nonrepairable, or other abandoned, discarded, demolished, or worn-out materials, may be permitted by provisional use permit subject to the provisions of § 24-4331.E.1., including the 500-foot distance requirement cited above. This provisional use permit and the 500-foot distance requirement only apply to the portion of the property containing these items.

There are no open complaints of zoning violations relating to the Property.

If you have any questions, please feel free to contact me.

Sincerely yours,

Benjamin W. Blankinship, AICP
Zoning Division Manager

ZCL2021-00188

pc: Weis Family Property LLC