

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**  
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**  
3 **BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY**  
4 **SPRING ROADS, ON THURSDAY, DECEMBER 20, 2012 AT 9:00 A.M.,**  
5 **NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**  
6 **DECEMBER 3, 2012 AND DECEMBER 10, 2012.**

7  
Members Present: R. A. Wright, Chairman  
James W. Nunnally, Vice Chairman  
Greg Baka  
Gentry Bell  
Helen E. Harris

Also Present: David D. O'Kelly, Jr., Assistant Director of Planning  
Benjamin Blankinship, Secretary  
Paul Gidley, County Planner  
R. Miguel Madrigal, County Planner

8  
9 Mr. Wright - Please stand and join me in the Pledge of Allegiance  
10 to the flag of our country.

11  
12 Mr. Blankinship, would you read our rules?

13  
14 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,  
15 ladies and gentlemen, the rules for this meeting are as follows. Acting as  
16 secretary I'll call—we only have one case on the agenda this morning. I'll call that  
17 case and the applicant should come up to the podium. We'll ask you to be sworn  
18 in, and then we'll ask you to state your name and to spell your last name, please,  
19 so we get it correctly in the record. Since there's only one case, the Board will  
20 take testimony, and then I guess will make their decision immediately thereafter.

21  
22 This meeting is being recorded, so we'll ask you to speak into the microphone  
23 and, as I said, state your name. I hope that you are familiar with the conditions  
24 that have been recommended by staff in the staff report. It's very important for  
25 applicants to be familiar with those conditions.

26  
27 I think we can dispense with everything else since we only have the applicant for  
28 this one case.

29  
30 Mr. Wright - No deferrals or anything of that nature, obviously, so  
31 please call the first case.

32  
33 **VAR2012-00007 LIBERTY HOMES, INC.,** requests a variance from  
34 Section 24-95(b)(5) of the County Code to build a one-family dwelling at 221  
35 Westover Avenue (BUNGALOW CITY) (Parcel 816-728-5240) zoned R-3, One-

36 Family Residence District (Varina). The lot width requirement and total lot area  
37 requirement are not met. The applicant proposes 6,932 square feet lot area and  
38 50 feet lot width, where the Code requires 8,000 square feet lot area and 65 feet  
39 lot width. The applicant requests a variance of 1,068 square feet lot area and 15  
40 feet lot width.

41  
42 Mr. Wright - Would all those who would speak with reference to  
43 this case please stand and raise your right hand to be sworn.

44  
45 Mr. Blankinship - Do you swear the testimony you're about to give is  
46 the truth and nothing but the truth so help you God?

47  
48 Mr. Tuthill - I do.

49  
50 Mr. Wright - Sir, please state your name for the record, and spell  
51 it, and then present your case.

52  
53 Mr. Tuthill - Shawn Tuthill. Shawn—S-h-a-w-n. Tuthill—T-u-t-h-i-l-  
54 l.

55  
56 Mr. Wright - Thank you. Please present your case.

57  
58 Mr. Tuthill - We're under contract with the seller to buy this  
59 property and then to build a single-family home on it. The home is not under  
60 contract at this point.

61  
62 Mr. Blankinship - Could you pull the microphone over just a little?

63  
64 Mr. Tuthill - As it stands, the house does meet the current zoning  
65 requirements. However, it was approved long before we came along and that  
66 variance expired.

67  
68 Mr. Wright - Your problem is that you have a fifty-foot lot.

69  
70 Mr. Tuthill - Correct.

71  
72 Mr. Wright - Under the code it's how much, Mr. Blankinship?

73  
74 Mr. Blankinship - Sixty-five feet.

75  
76 Mr. Wright - Sixty-five. You need sixty-five feet. And also that  
77 causes you to be short of the square footage requirement for the lot.

78  
79 Mr. Tuthill - Correct.

80

81 Mr. Wright - That you need to satisfy the present code. You say  
82 this is under contract?  
83  
84 Mr. Tuthill - I am under contract with the owners of the land. But  
85 there is no contract for the home.  
86  
87 Mr. Wright - You're the contract purchaser.  
88  
89 Mr. Tuthill - Yes sir.  
90  
91 Mr. Wright - From Liberty Homes?  
92  
93 Mr. Tuthill - Yes.  
94  
95 Mr. Wright - How long has the present owner owned it, do you  
96 know?  
97  
98 Mr. Tuthill - I do not know.  
99  
100 Mr. Wright - Don't know.  
101  
102 Mr. Blankinship - It should be in the report.  
103  
104 Mr. Wright - It probably tells us in our report. Let's see.  
105  
106 Ms. Harris - It's not there.  
107  
108 Mr. Blankinship - Oh, I apologize.  
109  
110 Mr. Wright - It's not in the report.  
111  
112 Mr. Blankinship - I'll look that up for you.  
113  
114 Mr. Wright - Mr. Blankinship will tell us in a moment. His faithful  
115 computer will divulge it.  
116  
117 Mr. Blankinship - You can go on, and I'll let you know as soon as I find  
118 it.  
119  
120 Mr. Wright - What do you propose to put on this lot?  
121  
122 Mr. Tuthill - A two-story home, 30 feet wide, 24 feet deep, 1,440  
123 square feet.  
124

125 Mr. Wright - So other than the width of the lot and the square  
126 footage of the lot, the home you propose to construct will meet all the other  
127 requirements of the ordinance.  
128

129 Mr. Tuthill - As I understand it.  
130

131 Mr. Wright - Side yard, front yard, backyard, so forth.  
132

133 Mr. Tuthill - Everything else.  
134

135 Mr. Wright - How many square feet would be in this home?  
136

137 Mr. Tuthill - 1,440, I believe.  
138

139 Mr. Baka - And you just said thirty feet wide, twenty-four feet  
140 deep. So wider than it is deep. Why not flip it and you would need less of a  
141 variance?  
142

143 Mr. Tuthill - I'm not sure if we would need less of a variance.  
144

145 Mr. Blankinship - It's the lot that needs the variance. The setbacks are  
146 within limits.  
147

148 Mr. Baka - The setbacks are fine. All right. So we're only looking  
149 at the reduction from the sixty-five foot-lot-width requirement.  
150

151 Mr. Blankinship - And the 8,000-square-foot lot area.  
152

153 Mr. Wright - He only has a fifty-foot lot, that caused him not to  
154 meet the square-footage requirement.  
155

156 Mr. Baka - Thank you.  
157

158 Mr. Blankinship - The property was acquired in 2002. Transferred from  
159 John W. Gibbs Junior to Timothy Harrison. So the current owner has owned it for  
160 ten years, which I think 2002 was about the time of the previous variance, wasn't  
161 it? 2003?  
162

163 Mr. Wright - This was formerly platted as—these were 25-foot lots,  
164 which were platted prior to the code, the date of the code. So that's what we  
165 have before us. Have you read the conditions?  
166

167 Mr. Tuthill - I have. I have a question and a slight concern.  
168 Nothing monumental.  
169

170 Mr. Wright - What's your question?

171  
172 Mr. Tuthill - Condition #5, preserve the existing 80-foot-tall oak  
173 tree. I certainly have no issue with attempting to save it because every tree I  
174 have to take down costs me money, and it actually is the nicest thing about this  
175 property right now. But it says "shall consist of orange construction fencing  
176 creating a 10 foot diameter protection barrier around the base of the tree." If  
177 that's all that's required then certainly we don't have a problem with it.

178  
179 Mr. Blankinship - We recognize that you may not be able to preserve  
180 that tree. If it was a wider lot I think we would have required you to fence the drip  
181 line, which is really the most appropriate way. But if you did that you couldn't get  
182 onto the property.

183  
184 Mr. Tuthill - Right. I looked at it day before yesterday and  
185 measured it as 23-1/2 feet from the front of the house. So certainly we shouldn't  
186 have any problem saving it.

187  
188 Mr. Blankinship - If the tree doesn't survive there is no penalty for you  
189 here. We just expect you to make your best effort.

190  
191 Mr. Tuthill - Yes. And we want to; it's of value to the property. The  
192 other thing is #6, "discard the deteriorated metal fence located at the rear of the  
193 property." I neglected to look for that when I went out there. And I can only  
194 assume that somebody has determined that it is on the property. So I'll just say  
195 that if it's not on my property then obviously I'm not at liberty to take it down.

196  
197 Mr. Blankinship - That's certainly correct, yes.

198  
199 Mr. Tuthill - Okay. And everything else is fine.

200  
201 Mr. Wright - You say you question Condition #5 or do you have  
202 any problems with it?

203  
204 Mr. Tuthill - I don't question it now.

205  
206 Mr. Wright - Or six either.

207  
208 Mr. Blankinship - He just wanted to make sure exactly what it required.

209  
210 Mr. Wright - Oh, what it said. Okay. All right. Any other questions  
211 from members of the Board?

212  
213 Ms. Harris - I have a couple of questions, Mr. Tuthill. On one side  
214 of the property, to the north, I believe you have a fifty-foot lot on the side. A  
215 house is sitting on the fifty-foot lot, is it not? On the north side of the property?

216

217 Mr. Tuthill - I'll have to call it the left side. Let me look and see  
218 what north is here. That's correct.  
219  
220 Ms. Harris - Okay. On the south side we have a 120-foot lot with a  
221 home on it. Do you know if the owners of this particular parcel for which you're  
222 trying to achieve the variance, have the owners of that property tried to get the  
223 fifteen additional feet from the property to the south that has the 125-foot lot?  
224  
225 Mr. Tuthill - I have not, and I have not had any contact with the  
226 owner with respect to that. So my guess is no. And looking at the picture of that,  
227 it looks like the owner next door is pretty well entrenched in his little abode there  
228 with a carport and things of that nature.  
229  
230 Ms. Harris - Okay. My second question is do you have a picture of  
231 the house that you plan to build? You said it's a two-story, single-family home.  
232  
233 Mr. Tuthill - Not a picture, but the plans.  
234  
235 Ms. Harris - Your plans. May we see them? The depth is how  
236 many feet?  
237  
238 Mr. Tuthill - Twenty-four.  
239  
240 Ms. Harris - Twenty-four. Those are the only two questions I have.  
241  
242 Mr. Nunnally - Do you have a contract on this subject to receiving a  
243 variance?  
244  
245 Mr. Tuthill - Correct.  
246  
247 Mr. Nunnally - Okay.  
248  
249 Mr. Wright - Any other questions from members of the Board?  
250  
251 Mr. Baka - One question deals with a potential acquisition, as  
252 Ms. Harris alluded to, of the fifteen feet of property from 217 Westover. Have you  
253 had any written or verbal communication with the owner to try to acquire fifteen  
254 feet from that property?  
255  
256 Mr. Tuthill - No.  
257  
258 Mr. Baka - Were you anticipating contacting them prior to this  
259 meeting or after this meeting or at what stage?  
260

261 Mr. Tuthill - Not at all. My thought being that it (the variance) has  
262 already been approved in the past for the exact same thing I think we're asking  
263 for.

264  
265 Mr. Baka - In reading through the staff report, I understand the  
266 history of it being approved before. I guess my question would be given the new  
267 information, the decision—the reasoning from the Cochran case, are there any  
268 limitations on this Board to approve this variance?

269  
270 Mr. Blankinship - Well, under Cochran the operative phrase is “the  
271 property taken as a whole.” And if you look at this fifty-foot-wide lot as the  
272 property taken as a whole, I can't see any other practical use for it if the variance  
273 is denied.

274  
275 Mr. Wright - I think it clearly passes the Cochran case. I think  
276 there's a constitutional issue here. I've always taken that position. These lots  
277 were there before the ordinance was enacted, and I think they have a  
278 constitutional right to use their property.

279  
280 Mr. Baka - If there's a constitutional right to use the property as  
281 such because the rights are taken, isn't there also a necessary prerogative of the  
282 applicant to at least make a good faith effort to try to exhaust all remedies  
283 necessary before acquiring such a variance?

284  
285 Mr. Wright - Not in my mind, but that's up to you.

286  
287 Mr. Baka - What I mean by that, just to clarify, is that a Board  
288 can certainly grant a variance, but is it necessary to take all steps to exhaust that  
289 remedy? To say all right, we tried and we weren't able to get the fifteen feet from  
290 the neighbor. But your opinion, sir, is that that's not necessary?

291  
292 Mr. Wright - There are other fifty-foot lots. There's one right next  
293 door and there are others in the area. And I think he has a constitutional right to  
294 use that property the way it is. That's my feeling. I don't think Cochran is  
295 applicable here. I think we passed that test, as Mr. Blankinship said.

296  
297 Mr. Blankinship - We have had other cases in Bungalow City with fifty-  
298 foot lots that this Board has denied, but not based on the Cochran test; it was  
299 more on the substantial detriment on surrounding property.

300  
301 Mr. Wright - Mr. Nunnally may want to speak to that; he's looked  
302 at it. The impact it would have on the neighborhood would be something. We  
303 have one right next door to it and others in the neighborhood.

304  
305 Ms. Harris - If you look at the house next door to it, you can see  
306 that was constructed many years ago. I think the trend of the neighborhood is to

307 upgrade, not to have—we will hear from the neighbors if they're here—but not to  
308 have a congested area. I think in the case before, we had neighbors who spoke  
309 out against—I think across the street and maybe even next door—that they felt  
310 that jamming the proposed house would adversely affect the value of their  
311 property. That's what they were concerned about. Mr. Tuthill, I don't know if you  
312 want to address that. Are there other lots in the Bungalow City area that can be  
313 pulled together?

314

315 Mr. Tuthill - I can easily speak to that, and I can assure you that,  
316 in my opinion, there's no way that this house will be detrimental to anybody's  
317 present property value in Bungalow City, with the exception of one that backs up  
318 to the one we recently built on Virginia; and I don't know the name of that road.  
319 It's probably a 3,000- to 4,000-square-foot home.

320

321 Mr. Wright - It looks like this house that's proposed is a nice  
322 looking house, that it would improve what's there.

323

324 Ms. Harris - Except for jamming it. I think it's a fine structure. It  
325 looks great. But if we're going to jam it between these two lots, that's my  
326 concern. And I'll wait and reserve my opinion until we decide what to do with this  
327 case.

328

329 Mr. Wright - You have 120 feet on the other side, so it's not  
330 jamming those people at all.

331

332 Ms. Harris - Right. The little house on the other side is on a fifty-  
333 foot lot, I believe.

334

335 Mr. Wright - Well you have two 50-foot lots right next to it.

336

337 Ms. Harris - This one, the subject we're talking about.

338

339 Mr. Wright - 225 and 223.

340

341 Mr. Baka - Three in a row. I concur with what the applicant said. I  
342 think the home would be an improvement for the neighborhood. My only question  
343 is whether they need to make an effort to chat with the neighbor first; that's all.

344

345 Ms. Harris - Right. Well we can see if any neighbors here disagree  
346 with what we're saying.

347

348 Mr. Wright - One thing, Ms. Harris, they're observing the sideline  
349 setbacks, so it's not over-reaching on the sidelines. It's complying with the  
350 ordinance.

351

352 Ms. Harris - I just thought it would be an easy matter just to pick  
353 up fifteen feet. You could try, you know, before you even come before this  
354 Board. But we'll see as the case unfolds.

355

356 Mr. Wright - Any other questions from members of the Board?

357

358 Mr. Nunnally - I'd just like to say that on the whole street of  
359 Westover Avenue, there are plenty of fifty-foot lots down there. Right across the  
360 street from this particular property you have a park. Is that a Henrico County  
361 park?

362

363 Mr. Blankinship - I believe it is, yes.

364

365 Ms. Harris - Is that Matthew Robinson Park?

366

367 Mr. Nunnally - Yes ma'am. And then on the second block you have  
368 an apartment project on the same side of the park. I don't think it would be  
369 detrimental to the neighborhood. But I'd like to hear what this other gentleman  
370 has to say.

371

372 Mr. Tuthill - He's the owner of the property.

373

374 Mr. Wright - Does he want to speak in favor of the case or in  
375 opposition? In favor, okay. Good. Please state your name for the record.

376

377 Mr. Harrison - Timothy Harrison.

378

379 Mr. Blankinship - He needs to be sworn.

380

381 Mr. Wright - All right.

382

383 Mr. Harrison - I'm the owner of the property.

384

385 Mr. Wright - Raise your right hand please, and be sworn. You  
386 weren't sworn.

387

388 Mr. Blankinship - Do you swear the testimony you're about to give is  
389 the truth and nothing but the truth so help you God?

390

391 Mr. Harrison - Yes I do.

392

393 Mr. Wright - All right, sir.

394

395 Mr. Harrison - My name is Timothy Harrison. I am the owner of the  
396 property who is trying to release the property to him. I had a permit on it before to  
397 do a house, but I couldn't afford it, so I didn't do it. And I paid for a variance

398 before I had the permit. I had the drawing. I had everything except the money.  
399 Now I can't afford it so I decided to sell the property to him.

400  
401 Mr. Wright - So you are the present owner of the property.

402  
403 Mr. Harrison - Yes sir.

404  
405 Mr. Wright - And how long have you owned it?

406  
407 Mr. Harrison - Nineteen years.

408  
409 Mr. Wright - Nineteen years.

410  
411 Mr. Harrison - Yes sir.

412  
413 Mr. Wright - Okay.

414  
415 Mr. Blankinship - Our real estate records show that John W. Gibbs  
416 owned it until 2002.

417  
418 Mr. Harrison - He used to own it. I bought it from Mr. Gibbs. I used  
419 to live in the house right next door to it. I met Mr. Gibbs and I bought the property  
420 from him.

421  
422 Mr. Wright - All right, sir. Is there anything else you wish to say?

423  
424 Mr. Harrison - No sir.

425  
426 Mr. Wright - So your request is that we approve this.

427  
428 Mr. Harrison - Yes sir.

429  
430 Mr. Wright - All right, sir. Thank you very much.

431  
432 Ms. Harris - I have a question. Have you tried to get the fifteen  
433 feet from the 125-foot lot next door to your property?

434  
435 Mr. Harrison - Have I tried to do what, ma'am?

436  
437 Ms. Harris - To acquire that, to purchase that, to talk with the  
438 owner. Do you know the owner there?

439  
440 Mr. Harrison - I know them. Mr. Robinson, Tommy Robinson, he  
441 lives on the left. And I don't know the people's name on the right.

442  
443 Ms. Harris - The one with the larger lot.

444  
445 Mr. Blankinship - The one on the right is the one we're talking about.  
446 Pryor? Bernard Pryor, Senior?  
447  
448 Mr. Harrison - No, I haven't tried to get anything from him.  
449  
450 Ms. Harris - Why haven't you sought that if you knew that you  
451 needed fifteen feet?  
452  
453 Mr. Harrison - Because I had the variance before; they approved it  
454 before. And part of their property is on the property that I have, because the  
455 fence is at an angle. So they're intruding on my side, and I didn't bother.  
456  
457 Ms. Harris - Not by fifteen feet though.  
458  
459 Mr. Harrison - No ma'am.  
460  
461 Ms. Harris - Okay. So that's my last question. Thank you.  
462  
463 Mr. Wright - All right. Any more questions of this gentleman?  
464 Thank you, sir. Does anyone else desire to speak with respect to this  
465 application? Hearing none, that concludes the case.  
466  
467 Mr. Blankinship - Mr. Chairman, just let me note that the owner of the  
468 property next door has a mailing address in Quinton, Virginia. According to the  
469 tax records they don't appear to live on the property. Could be they just have the  
470 tax bills sent somewhere else.  
471  
472 Ms. Harris - Mr. Blankinship, were they notified of this meeting?  
473  
474 Mr. Blankinship - Yes ma'am.  
475  
476 Ms. Harris - I mean even though they're in Quinton. And you're  
477 talking about the owner of the 125-foot wide lot.  
478  
479 Mr. Blankinship - Yes ma'am.  
480  
481 Ms. Harris - Okay, thank you.  
482  
483 **DECISION**  
484  
485 Mr. Wright - All right. Do I hear a motion on this case?  
486  
487 Mr. Nunnally - Yes. I move we approve it. I don't think it would be a  
488 detriment to adjacent property or change the character of the district. The whole  
489 street is full of fifty-foot lots. Well, not full of them, but there are plenty of them

490 there. I think it would be an improvement in that particular area there. That's my  
491 motion.

492  
493 Mr. Bell - I'll second the motion.

494  
495 Mr. Wright - Motion by Mr. Nunnally, seconded by Mr. Bell. Now, is  
496 there any discussion?

497  
498 Ms. Harris - Yes, I would. I'm still very concerned. It's a lovely  
499 home, but it's too close to the fifty-foot lot. The plans are one day that the person  
500 who lives on the fifty-foot lot is going to offer their property or whatever, you  
501 know, that's one concern I have, about it being jammed up. Nothing against the  
502 construction of the house or the plan of the house.

503  
504 The other thing is, if we have other houses in this Bungalow City community that  
505 might come before this Board to be built on a fifty-foot lot, I would hate for us to  
506 set a precedent that this can be done. I would like for this community to be as  
507 elaborate or as nice as any community in Henrico County. That's a part of my  
508 discussion.

509  
510 Mr. Wright - The only thing I would say in favor of this is that we've  
511 had other fifty-foot lots we have rejected—I think this last month or two—based  
512 on the situation, the neighborhood and how it affects the neighborhood. So we  
513 take each case on its own merit. Just because we approve this case doesn't  
514 mean we could not disapprove another fifty-foot lot application. Any further  
515 discussion?

516  
517 Mr. Baka - Yes. I concur with Ms. Harris's comments. I agree  
518 with the applicant that the quality and the construction of this home will actually  
519 improve the neighborhood. I do understand the Chairman's comments that this  
520 case is not affected by the Cochran case. But what gives me some pause is  
521 that—I'm not opposed to the case. I would think that it's appropriate to be  
522 approved at some point. For me it's a question of whether the case is ripe to be  
523 voted on right now. And what I mean by that is if we have a number of other fifty-  
524 foot lots in Bungalow City, and you're looking to achieve the best results for the  
525 long term for the stability of the neighborhood, it seems like it's a reasonable  
526 step for any applicant today or any future applicant down the road to take to  
527 simply contact the neighbors to see if the necessary land can be acquired so that  
528 a variance is not needed. My thought is if the applicant came here today and  
529 said hey, I made that effort, I wasn't able to secure that land, then I'm inclined to  
530 agree with the Chairman's assertion that this case would appear to be ready to  
531 be approved. At that point I'd be ready to vote for approval of it. But I'd be  
532 inclined to look at a thirty-day deferral to allow the applicant some time to try to at  
533 least open that door of communication to the neighbor and see whether it's even  
534 possible. If it turns out it's not and the owner of that property is adamantly

535 opposed to the sale of fifteen feet, then I agree with the Chairman's assertions  
536 that perhaps this case is ready to be approved. Those are just my thoughts.

537

538 Mr. Wright - Any further discussion? Hearing none, we'll take a  
539 vote. All in favor say aye. All opposed say no. The ayes have it; the motion  
540 passes. Three to two, so it's approved.

541

542 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
543 Mr. Bell, the Board **approved** application **VAR2012-00007, LIBERTY HOME**  
544 **INC'S** request for a variance from Section 24-95(b)(5) of the County Code to  
545 build a one-family dwelling at 221 Westover Avenue (BUNGALOW CITY) (Parcel  
546 816-728-5240) zoned R-3, One-Family Residence District (Varina). The lot width  
547 requirement and total lot area requirement are not met. The Board approved the  
548 variance subject to the following conditions:

549

550 1. This variance applies only to the lot width and lot area requirements for one  
551 dwelling only. All other applicable regulations of the County Code shall remain in  
552 force.

553

554 2. Only the improvements shown on the plot plan filed with the application may  
555 be constructed pursuant to this approval. Any additional improvements shall  
556 comply with the applicable regulations of the County Code. Any substantial  
557 changes or additions to the design or location of the improvements will require a  
558 new variance.

559

560 3. At the time of building permit application, the applicant shall submit the  
561 necessary information to the Department of Public Works to ensure compliance  
562 with the requirements of the Chesapeake Bay Preservation Act and the code  
563 requirements for water quality standards.

564

565 4. Any dwelling on the property shall be served by public water and sewer.

566

567 5. The applicant shall protect and preserve the existing 80 foot tall Oak tree  
568 located in the front yard setback of the existing lot. A tree protection plan shall be  
569 submitted during the building permit plan review and shall consist of orange  
570 construction fencing creating a 10 foot diameter protection barrier around the  
571 base of the tree.

572

573 6. The applicant shall remove and discard the deteriorated metal fence located  
574 at the rear of the property. The fencing shall be removed prior to the issuance of  
575 a certificate of occupancy.

576

577 7. The applicant shall remove all trailers from the site and shall discard all trash  
578 and debris prior to the issuance of a certificate of occupancy.

579

580

581	Affirmative:	Bell, Nunnally, Wright	3
582	Negative:	Baka, Harris	2
583	Absent:		0

584  
585

586 Mr. Blankinship - Let me just add, Mr. Chairman, since the vote's over,  
587 just speaking for the staff, we almost always tell the applicant that. The first thing  
588 the Board's going to ask you is have you tried to acquire additional property. I  
589 have not spoken to Mr. Tuthill personally on this case, but generally speaking we  
590 make that very clear to the applicants that we like to see that step taken before  
591 they get here.

592

593 Mr. Wright - We have minutes not only of the last meeting but the  
594 meeting before that. That would be the October and November meetings.

595

596 Mr. Baka - I'll make a motion on the October minutes, after  
597 reading through them, to approve them as presented.

598

599 Ms. Harris - I have some corrections. Page 2, line 42. I don't know  
600 if you have it with you. I do believe when I received the plaque that I said thank  
601 you very much. I think they have Mr. Wright saying thank you very much. I think  
602 those are my comments on line 42. I didn't want the Board to think that I was not  
603 grateful.

604

605 Mr. Wright - Thank you, Ms. Harris; we know that's not the case.

606

607 Ms. Harris - On page 29, line 1284. It should be w-a-n-t, not what.

608

609 Mr. Wright - Any other corrections?

610

611 Ms. Harris - Yes. On page 72, line 3264. That's just a misspelled  
612 word, but it should be "staring" rather than "starring." And then coming on down  
613 to 3266. "Where there's a Lowe's that this type of unit does go"—it's not "in," I  
614 believe. It should be "on," I believe. And those are my corrections.

615

616 Mr. Wright - Okay. Is that it?

617

618 Ms. Harris - Yes.

619

620 Mr. Wright - Any other corrections? All right. Hearing none, do I  
621 hear a second?

622

623 Ms. Harris - Second.

624

625 Mr. Wright - Motion by Mr. Baka, seconded by Ms. Harris. All in  
626 favor say aye. All opposed say no. The ayes have it; the motion passes.

627

628

On a motion by Mr. Baka, second by Ms. Harris, the Board **approved as corrected** the **Minutes of the October 25, 2012**, Henrico County Board of Zoning Appeals meeting.

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633

Affirmative: Baka, Bell, Harris, Nunnally, Wright 5

634

Negative: 0

635

Absent: 0

636

637

638

Mr. Wright - Okay, the November minutes. Do I hear a motion on the November minutes?

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641

Ms. Harris - I move that the November minutes be approved as presented.

642

643

644

Mr. Bell - I'll second the motion.

645

646

Mr. Wright - Motion by Ms. Harris, seconded by Mr. Bell. Any discussion? Hearing none, all in favor say aye. All opposed say no. The ayes have it; the motion passes.

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On a motion by Ms. Harris, seconded by Mr. Bell, the Board **approved as submitted** the **Minutes of the November 15, 2012**, Henrico County Board of Zoning Appeals meeting.

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Affirmative: Baka, Bell, Harris, Nunnally, Wright 5

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Negative: 0

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Absent: 0

658

659

660

Mr. Wright - This may be one of the shortest meetings on record. I understand from Mr. Blankinship we only have one case next time.

661

662

663

Mr. Blankinship - Yes. It will be a little longer, the next one, I think.

664

665

Mr. Wright - Do I hear a motion we adjourn?

666

667

Ms. Harris - So moved.

668

669

Mr. Wright - A second? All right. Any discussion on that? All in favor say aye. All opposed say no. The ayes have it; the motion passes.

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We're adjourned.

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R. A. Wright  
Chairman



Benjamin Blankinship, AICP  
Secretary