

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 19, 2013 AT 9:00 A.M.,**
5 **NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**
6 **DECEMBER 2, 2013, AND DECEMBER 9, 2013.**

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 - Welcome, ladies and gentlemen, to the December
10 meeting of the Board of Zoning Appeals of Henrico County. Please stand and
11 join me in pledging allegiance to the flag of our country.

12
13 Thank you.

14
15 Mr. Blankinship, please read our rules.

16
17 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
18 ladies and gentlemen, the rules for this meeting are as follows. We're only going
19 to call one case, actually, this morning. As I call that case, the applicant should
20 come on down to the podium, state your name, and spell your last name for the
21 record. The applicant will be given the opportunity to speak. Then anyone else
22 who wishes to address that case can also speak. Afterward, the applicant will
23 have an opportunity for rebuttal. And then I guess we will just go ahead and vote
24 on that case since it's the only one on the agenda.

25
26 This meeting is being recorded, so we will ask everyone who speaks to speak
27 directly into the microphone on the podium. State your name, as I said, and
28 please spell your last name. Out in the foyer there is a binder containing the staff
29 report for the case, and it includes the conditions that have been recommended
30 by the staff. It's very important that you be familiar with those.

31
32 We do have one request for deferral, Mr. Chairman, CUP2013-00038.

33
34 **CUP2013-00038 SHORT PUMP TOWN CENTER** requests a
35 temporary conditional use permit pursuant to Section 24-116(c)(1) of the County
36 Code to hold a fundraising event at 11700 W Broad Street (Parcel 738-764-

37 0203) zoned B-3C, Business District (Conditional) and WSBO, West Broad
38 Street Overlay District (Three Chopt).

39
40 Mr. Wright - What is the basis for the deferral?

41
42 Mr. Blankinship - The detailed site plan was not received in time for
43 staff to consider it in the staff report.

44
45 Mr. Wright - So that will be deferred to the next meeting?

46
47 Mr. Blankinship - To the January meeting.

48
49 Mr. Wright - Do I hear a motion to defer this case?

50
51 Mr. Bell - I move that we defer the case.

52
53 Mr. Baka - Second.

54
55 Ms. Harris - I have a question.

56
57 Mr. Wright - All right. Any discussion?

58
59 Ms. Harris - Yes. The fundraising event, when is that scheduled?

60
61 Mr. Blankinship - For May.

62
63 Ms. Harris - For May. Okay. Thank you.

64
65 Mr. Wright - Same one they had last year. This is a repeat, I
66 believe. All right. Any discussion? Hearing none, all in favor say aye. All opposed
67 say no. It is deferred.

68
69 After an advertised public hearing and on a motion by Mr. Bell, seconded by
70 Mr. Baka, **CUP2013-00038, Short Pump Town Center**, has been deferred until
71 the January 23, 2014 meeting.

72
73
74 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5

75 Negative: 0

76 Absent: 0

77
78
79 Mr. Wright - Do we have to take action on the Bourgeois case?

80
81 Mr. Blankinship - No sir. The Bourgeois case has not—well, we would
82 like you to take action, yes. It was not advertised and notifications were not sent.

83 So we did not ask the applicant to be present this morning. But yes, let's go
84 ahead and call that.

85
86 **CUP2013-00034 BRUCE AND PAGE BOURGEOIS** request a
87 conditional use permit pursuant to Section 24-95(i)(4) of the County Code to
88 allow a pool in the side yard at 2316 Persimmon Trek (LAKE LOREINE) (Parcel
89 743-754-0927) zoned C-1, Conservation District and R-2A, One-Family
90 Residence District (Three Chopt).

91
92 Mr. Wright - This case is still pending a decision before the
93 Planning Commission, I understand.

94
95 Mr. Blankinship - Yes sir. The application that was filed was not
96 complete in time for the Planning Commission application deadline.

97
98 Mr. Wright - We deferred it at the last meeting because we would
99 not know the location of the pool.

100
101 Mr. Blankinship - Yes sir.

102
103 Mr. Wright - So we couldn't move on that. Is there a motion that
104 we defer this case until the February meeting?

105
106 Mr. Blankinship - The February meeting is the soonest that it could be
107 heard.

108
109 Mr. Wright - Do I hear a motion?

110
111 Mr. Nunnally - I move we defer it until the February meeting.

112
113 Mr. Wright - All right, motion made. Is there a second?

114
115 Mr. Bell - Second.

116
117 Mr. Wright - Second. Any discussion?

118
119 Ms. Harris - Yes, I have a question. In the staff report it said
120 deferral until the February 27th meeting. That's the next meeting, is it not?

121
122 Mr. Blankinship - We will have a January meeting.

123
124 Ms. Harris - I mean after the January meeting.

125
126 Mr. Blankinship - Yes ma'am.

127

128 Ms. Harris - Okay. I just wanted to be sure that what they had to
129 do, the process, would not be completed until February 27th. But that's the date
130 that we're going to consider it again.

131
132 Mr. Blankinship - Yes ma'am.

133
134 Mr. Wright - That gives them two more months to consider it.

135
136 Ms. Harris - Yes.

137
138 Mr. Blankinship - To get it before the Planning Commission.

139
140 Mr. Wright - All right. All in favor say aye. All opposed say no. The
141 ayes have it; the motion passes.

142
143 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
144 Mr. Bell, **CUP2013-00034, Bruce and Page Bourgeois**, has been deferred until
145 the February 27, 2014 meeting.

146
147
148 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
149 Negative: 0
150 Absent: 0

151
152
153 Mr. Wright - Mr. Blankinship, please call the first case.

154
155 **CUP2013-00037 VALERIE A. JORDAN** requests a conditional use
156 permit pursuant to Section 24-12(g) of the County Code to operate a 24-hour
157 family day home with employees at 204 N Beech Avenue (HIGHLAND
158 SPRINGS) (Parcel 823-726-1888) zoned, R-4, One-Family Residence District
159 (Varina).

160
161 Mr. Wright - All those who would speak on this case, please stand
162 and be sworn. If the applicant would come forth, please?

163
164 Mr. Blankinship - Sir, do you intend to speak to this case? Raise your
165 right hand, please. Do you swear the testimony you're about to give is the truth
166 and nothing but the truth so help you God?

167
168 Ms. Jordan - Yes.

169
170 Mr. Blankinship - Thank you.

171
172 Ms. Jordan - Hi.

173

174 Mr. Wright - Please state your name.
175
176 Mr. Blankinship - Valerie Jordan. *Jordan* is J-o-r-d-a-n.
177
178 Mr. Wright - Please state your case, Ms. Jordan.
179
180 Ms. Jordan - Hi. I'm currently running a family day home; I'm just
181 extending my hours. And also at some point I may have to hire someone to help
182 with additional—right now I already have my daughter, but she doesn't live in the
183 home with me. So I may at some point have to hire someone for like four hours a
184 day for after-schoolers. It's just Monday through Friday.
185
186 As for the twenty-four hours, it may not be—you know, at night, I may not have
187 as much going on as during the day. It may just be one or two families that may
188 have like two or three children. I just wanted to leave that open just in case I
189 wanted to do something like that, you know, some evening hours. I put in twenty-
190 hours for that.
191
192 As far as the neighborhood, it's a nice neighborhood. The neighbors, they're
193 aware of what I'm doing. I introduced myself to each one of them, so it's pretty
194 okay right now. I don't have any complaints.
195
196 Mr. Wright - How long have you been conducting this type of
197 operation?
198
199 Ms. Jordan - At this residence, it's been about seven months. But
200 prior to this residence, it's been two years at another residence.
201
202 Mr. Wright - Have you had any complaints from the neighbors
203 about the operation?
204
205 Ms. Jordan - No.
206
207 Mr. Wright - You say you want approval for up to twelve children.
208 Is that what this application says?
209
210 Ms. Jordan - Yes. But not at one time. Mostly, they're more after-
211 schoolers, so they come in after like 2 p.m. They may have a brother or sister
212 there in the day.
213
214 Mr. Nunnally - How many do you have right now?
215
216 Ms. Jordan - Right now I have eight. And I have four in the daytime
217 and—maybe five in the daytime and three after-schoolers I pick up.
218
219 Mr. Wright - What are the ages of the children that you keep?

220
221 Ms. Jordan - Right now I have infants. Well, I have infants up to
222 twelve years old. But the oldest I have right now is eight, and the youngest is ten
223 months.
224
225 Mr. Wright - You say you've moved your location. Are these the
226 same children you kept at the other location or are they different?
227
228 Ms. Jordan - Yes. Only two.
229
230 Mr. Wright - How do you accommodate these? Did we have some
231 diagrams? I believe we do. How many rooms do you have in your home?
232
233 Ms. Jordan - I have three bedrooms. Two bathrooms.
234
235 Mr. Wright - Do you have any children of your own?
236
237 Ms. Jordan - All of my children are grown. So I'm there—
238
239 Mr. Wright - I mean of your own. Are they yours or?
240
241 Ms. Jordan - No.
242
243 Mr. Wright - You do not have any children yourself.
244
245 Ms. Jordan - No. Not in the daycare, no.
246
247 Mr. Wright - And who helps you?
248
249 Ms. Jordan - My daughter.
250
251 Mr. Wright - Your daughter is there. Does she live with you?
252
253 Ms. Jordan - No.
254
255 Mr. Wright - She doesn't.
256
257 Mr. Nunnally - You say you have three bedrooms?
258
259 Ms. Jordan - Yes.
260
261 Mr. Nunnally - Do you have any room designated for where they
262 play?
263
264 Ms. Jordan - Yes. I have two bedrooms and also the living room. I
265 turned the living room into a day—you know, it's not a living room.

266
267 Mr. Nunnally - That's where most of the activity is?
268
269 Ms. Jordan - Yes.
270
271 Mr. Nunnally - I drove by there the other day. I saw two cars parked
272 in the front yard. Are those your cars or are they the employees' cars?
273
274 Ms. Jordan - That's my car. The van is mine, and then my
275 daughter's car.
276
277 Mr. Nunnally - Okay. You have I think it's a yellow garage. Is that on
278 your property?
279
280 Ms. Jordan - No.
281
282 Mr. Nunnally - I was wondering because it's pretty close to your
283 property. It's on Bridge Street, I think, isn't it?
284
285 Ms. Jordan - Yes. It's behind me.
286
287 Mr. Nunnally - You're on Beech, but that garage is actually behind
288 your house where it faces Bridge.
289
290 Ms. Jordan - Yes.
291
292 Mr. Nunnally - I think it's a yellow house right there on the corner of
293 Bridge, isn't it?
294
295 Ms. Jordan - Yes.
296
297 Mr. Wright - That would be Ash Street.
298
299 Ms. Harris - Ms. Jordan, is your property fenced in?
300
301 Ms. Jordan - No.
302
303 Ms. Harris - Okay. So they don't really have a play area in the
304 back?
305
306 Ms. Jordan - It's just in the back. They're not allowed out front.
307
308 Ms. Harris - Outside? Are they allowed, you know—
309
310 Ms. Jordan - Yes, in the back.
311

312 Ms. Harris - Okay. Without the fencing?
313
314 Ms. Jordan - Yes.
315
316 Ms. Harris - This is not a condition. Do you plan to fence the yard
317 in?
318
319 Ms. Jordan - It's not my property.
320
321 Ms. Harris - Okay. So you're renting the house?
322
323 Ms. Jordan - Yes.
324
325 Ms. Harris - Okay. Look at the conditions. Have you noticed the
326 conditions? Have you read the conditions?
327
328 Ms. Jordan - Yes.
329
330 Ms. Harris - Condition #1. I notice it said the hours are 8 a.m. to
331 6 p.m. And that's Monday through Friday, is it not?
332
333 Ms. Jordan - What are the hours? I'm sorry.
334
335 Mr. Baka - Eight a.m. to six o'clock in the evening?
336
337 Mr. Blankinship - Six a.m.
338
339 Mr. Wright - Six a.m.
340
341 Ms. Harris - Six—I'm sorry. Six a.m. to six p.m.
342
343 Ms. Jordan - Yes.
344
345 Ms. Harris - Should Monday through Friday also be in this
346 condition?
347
348 Ms. Jordan - Yes.
349
350 Ms. Harris - Okay, because it's not. I think we need to state that.
351
352 Mr. Blankinship - You don't have any intention of watching kids on the
353 weekends?
354
355 Ms. Jordan - No.
356
357 Mr. Blankinship - Okay.

358

359 Mr. Bell - What arrangements do you make now if you're not
360 available to watch the kids during the week? Doctors' appointments, things like
361 that.

362

363 Ms. Jordan - I have my daughter, and I'm in the process of getting
364 the paperwork for my mom. I am licensed through the state, so I have to have
365 background checks on my mom. So she usually comes in if my daughter is
366 unable to watch the children alone. It depends on how many I have that day.

367

368 Mr. Bell - You were in another location for two years, I believe
369 you said. Where was that location?

370

371 Ms. Jordan - I was on Lyndover 1818 Lyndover Road.

372

373 Mr. Bell - That's here in Henrico?

374

375 Ms. Jordan - Yes.

376

377 Mr. Bell - Did you have any complaints from neighbors over
378 there for any reason?

379

380 Ms. Jordan - No.

381

382 Mr. Bell - Was it set up the same way with you and your
383 daughter?

384

385 Ms. Jordan - Well, it was just myself. I just had five at that time.

386

387 Mr. Bell - Okay.

388

389 Mr. Wright - Any further questions?

390

391 Mr. Baka - I have the same question Ms. Harris asked. This is
392 regarding the perimeter fencing. As I recall previous and similar cases, it seems
393 like many of them have also had the opportunity to have a fence around the
394 perimeter. So have you had any issues with kids wandering off from the limits of
395 the property without having a fence?

396

397 Ms. Jordan - No.

398

399 Mr. Baka - Okay. Generally, I'd be very inclined to support the
400 case quickly if it had a fence or perimeter control. It just leaves a little bit of
401 concern in my mind. But if the applicant believes it can be done in a safe
402 manner, then I think that's worth considering.

403

404 Mr. Wright - Obviously, you are with these children when they're
405 out in the yard.
406
407 Ms. Jordan - Yes, both of us.
408
409 Mr. Wright - At all times.
410
411 Ms. Jordan - Mmm-hmm. And they have plenty of activity and toys
412 out there to keep them busy.
413
414 Mr. Baka - Okay.
415
416 Ms. Jordan - And we pretty much stand—you know. We have
417 someone there, and we pretty much stand on the outside right there and keep
418 them close. One area there is a fence. Going towards the back of the house,
419 there's a fence from the other neighbor's house. So they won't run out that way.
420
421 Mr. Bell - When the parents pick up the children, do they pull
422 into the driveway or stay on the street?
423
424 Ms. Jordan - I have some that pull in the driveway, but some pull
425 out on the street right before my house, and just come in and come out. They
426 don't even come in my house. I just give them their child, and they just keep—
427
428 Mr. Bell - If you would hire another employee, would there be
429 any problem with them having full-time parking there? Do you have enough
430 room?
431
432 Ms. Jordan - No, it wouldn't be a problem. There's enough room,
433 because then I'll move over a little bit.
434
435 Mr. Wright - Any further questions from members of the Board?
436
437 Mr. Nunnally - Your lot is a little larger than the ones on each side of
438 you, isn't it?
439
440 Ms. Jordan - I'm sorry?
441
442 Mr. Nunnally - Your lot.
443
444 Ms. Jordan - My light?
445
446 Mr. Nunnally - Lot.
447
448 Ms. Jordan - Lot?
449

450 Mr. Nunnally - Land.
451
452 Ms. Jordan - Yes.
453
454 Mr. Nunnally - It appears to be a little larger than 200.
455
456 Mr. Bell - Is there anybody else in your neighborhood that
457 keeps children that you're aware of?
458
459 Ms. Jordan - Yes, there are plenty surrounding the neighborhood,
460 but they're not licensed, like voluntary registered. They're allowed up to five. But
461 in Highland Springs, I only have one licensed lady. And she's on AP Hill. She
462 has twelve.
463
464 Mr. Wright - Any further questions from members of the Board? Is
465 anyone here in opposition to this request? Hearing none—yes.
466
467 Male - [Speaking off microphone; inaudible.]
468
469 Mr. Blankinship - Yes sir.
470
471 Mr. Wright - Yes sir.
472
473 Male - [Speaking off microphone; inaudible.]
474
475 Mr. Wright - If you're going to testify, we need you to come down
476 and be sworn, sir. You came in after the case was called. Please come down
477 and be sworn.
478
479 Mr. Blankinship - Raise your right hand, please. Do you swear the
480 testimony you're about to give is the truth and nothing but the truth so help you
481 God?
482
483 Mr. Williams - Yes sir.
484
485 Mr. Wright - Please state your name for the record.
486
487 Mr. Williams - Rodney Williams.
488
489 Mr. Wright - Mr. Williams. All right. Are you in opposition to this?
490
491 Mr. Williams - Yes sir.
492
493 Mr. Wright - All right, sir. State the basis of your opposition.
494

495 Mr. Williams - I came in late. Is this a daycare center or a nursing
496 home?

497
498 Mr. Blankinship - It's what's called a family day home under state law.
499 Ms. Jordan lives in the dwelling; it is her home. And she takes kids in primarily
500 after school. She does some care during the workday.

501
502 Mr. Williams - The opposition I would have is that Beech Avenue is
503 kind of a narrow street. It's one of the nicer blocks in Highland Springs. I own
504 different house—I don't know, ten or fifteen houses in that area, and this is one
505 of the nicer streets. I own right across the street, 205, which is a brick rancher.
506 210 is a nice frame rancher with a bath and a half. I think we would be
507 overcrowding the neighborhood, and it should somewhere else a little bit farther
508 away from other houses. This is a very congested area. The street is fairly
509 narrow too. I have to go to both 205 and 210 on occasions, and you have to park
510 off the road because of the traffic going up and down that road. So I think this
511 would be overcrowding the neighborhood.

512
513 I don't know who the other owners are in the neighborhood. There could be
514 some tenants on that street. I got a notice from the Board here. The secretary
515 said you better be there, so I came over. I forgot the number of the house. I
516 knew it was across the street from 205. No one contacted me individually about
517 it. It used to be on zoning cases years ago, we'd go to all the neighbors and
518 show them maps and plats and get their opinion. But no one's contacted me. I
519 thought it was a nursing home at first, until I read the notice. But I'd be opposed
520 to any extra activity at this house, especially if she's a tenant. I think she said
521 she's a tenant.

522
523 Mr. Blankinship - Yes.

524
525 Mr. Williams - A tenant. And that means she doesn't have the
526 backing of the landlord on fencing and things like that. Not likely. You're talking
527 about 5,000 dollars to fence this property in. So I'd be opposed to overcrowding
528 or putting more congestion on this neighborhood. And I believe more people
529 would be here. I don't know whether the owners are working if there are other
530 owners in the area. If there is a tenant nearby they probably don't know or don't
531 care. But I'd be opposed to overcrowding Highland Springs.

532
533 I don't know if you remember or not—Mr. Nunnally might remember. I think
534 Ralph Johnson's house further down Washington Street was zoned at Ivy and
535 Washington Street at one time for a nursing home. I think that failed, and now it's
536 a boarding home. They rent rooms out in the basement. But the advantage of
537 Ralph's old house is it's separated on Washington and Ivy. His house is kind of
538 away from the rest of the neighbors, and it's not a major problem. I think it
539 started as a nursing home. Either after he moved or after he died, one or the
540 other. But this house is in a highly congested neighborhood. I don't think it's

541 proper for Highland Springs to have something like this on that street. That's my
542 main opposition.

543
544 Mr. Nunnally - Where do you live, Mr. Williams?

545
546 Mr. Williams - I live in Hanover.

547
548 Mr. Baka - Hanover County?

549
550 Mr. Nunnally - Do you have property around this location?

551
552 Mr. Williams - Yes. I own 205 across the street from this house, and
553 I own 210 a couple houses down on Beech.

554
555 Mr. Baka - So you don't live at 205 right now?

556
557 Mr. Williams - Oh no; they're both rental houses. I've had them for
558 about twenty-five years. I did live at the end of Lee Avenue next to Ted Hanson
559 for twenty-some years, right there at the country club.

560
561 Mr. Wright - One thing that you have to realize is Ms. Jordan can
562 keep up to five children without any permit at all.

563
564 Mr. Williams - I see.

565
566 Mr. Wright - That's permitted under the code. She says she has
567 that or maybe a few more that come and go. She said there have been no
568 complaints in the neighborhood since she's been there.

569
570 Mr. Williams - So she can have five without coming here?

571
572 Mr. Wright - Yes sir.

573
574 Mr. Blankinship - She could have the twelve as long as she stayed
575 within the hours of 6 a.m. to 6 p.m. and did not have employees.

576
577 Mr. Williams - What is she asking for now?

578
579 Mr. Wright - She's asking for up to twelve. But they will not all be
580 there at one time. And, as Mr. Blankinship said, it will be mostly after school
581 when she would be taking care of these children.

582
583 Mr. Williams - She could have up to five. That would be satisfactory.
584 What happens if everybody in Highland Springs wants to do it?

585
586 Mr. Wright - Well, they could.

587
588 Mr. Baka - People could make that request, but that's not what
589 we're considering today. This is one case here on one block, one situation.
590
591 Mr. Williams - I think one thing important for the Board to consider is
592 that once you break the barrier here, what's next? In other words—
593
594 Mr. Baka - What's next is the opportunity for other—
595
596 Mr. Williams - If you're saying that all Highland Springs is going to
597 be boarding; I guess it doesn't make any difference. We might as well not be
598 hearing the case. What difference does it make? Mr. Nunnally, I think, was living
599 on Beauregard. Supposed they put a bunch of these on his street or next door to
600 him? It would be a continuous process. Everybody could have boarding—
601 childcare there. Who knows, next maybe boarding, who knows what. I think there
602 should be a limit on it [unintelligible] of this case as well as the present value of
603 the case. What's next? I mean, Highland Springs could use all the improvement
604 it can get.
605
606 They did Nine Mile Road a number of years ago when Donati was in power. Put
607 streetlights all up and down Nine Mile Road, redid the old theater. I think they
608 bought the country club, and that's a nice piece of property now. I think you have
609 to look forward to what's in the future. If Highland Springs falls, what about
610 Sandston? Where is the end of this thing? Why you allow five, I don't know, right
611 now. I certainly wouldn't up it to twelve.
612
613 I think it will seriously affect the property values in my opinion. They've already
614 gone down tremendously since 2007. The house I own on Beech Avenue, 210
615 Beech, and maybe 205, were probably worth \$140,000 in 2007. The one next to
616 me at 212 sold for \$145,000. But now you'd be lucky to get \$80,000 for them
617 with the recession. I mean, the market's taken a lot bigger hit than what the
618 diminution of the tax code has done in the County. They've lowered it about 12
619 percent. The real loss is probably 35 or 40 percent, if you're trying to unload a
620 house in Highland Springs or Sandston. So I just don't know what the diminution
621 would be with something like this. I recommend you think seriously about it and
622 that you reduce your capacity and try to put a limit on the situation. That's
623 basically my opposition.
624
625 Ms. Harris - I have a question. Mr. Williams, she's been operating
626 this business for the last seven months at this location. And you say you have
627 two homes that you own on that street. Have you noticed an increase in traffic
628 within the last seven months?
629
630 Mr. Williams - No I haven't.
631

632 Ms. Harris - Normally, young couples who are working need
633 someone in the area where they live—or near where they live—to keep their
634 children. So rarely would you have a massive number of daycare providers within
635 a block. We have one across the street from us, and she keeps the children in
636 the neighborhood, which is welcomed because we want them to have some
637 place to go. I understand how you feel about your neighborhood. I think that
638 since we judge each case on its own merit, we will have to definitely consider
639 what you said as the cases unfold before us.

640
641 Mr. Williams - I think the significance to note in this case, is if you're
642 familiar with Highland Springs, it's a crowded street. I think these lots west of
643 Fern Avenue are fifty-foot lots. When you go to the east side—Gillie's
644 Barbershop used to be there and D & B Seafood and all those. My law office
645 was there at one time. They are sixty-foot lots. But in this neighborhood, these
646 are just fifty-foot-wide lots. So that makes for added congestion on that street.
647 And that's one of the points I wanted to point out. Maybe it could be in an area a
648 little bit off to itself, and it wouldn't be quite so bad. But I don't think this is the
649 block in Highland Springs that you want to increase the daycare situation. It has
650 to increase the traffic, especially that time of day that the kids are getting out of
651 school. That's what I'm suggesting at this time. It's just not the proper place to
652 increase what may already be legal.

653
654 Mr. Wright - Anything further, sir?

655
656 Mr. Williams - That's all I have, sir.

657
658 Mr. Wright - All right. Thank you very much for coming.

659
660 Mr. Williams - Thank you. Bye-bye.

661
662 Mr. Wright - Ms. Jordan, you have an opportunity to add or rebut
663 anything that's been said if you have anything further to say.

664
665 Ms. Jordan - Okay. At the moment, there is not any congestion or
666 anything. I've been doing it for seven months. The parents come. Most of them
667 have two or three kids. It's not like I have five, ten parents coming at one time.
668 Some of them have two or three kids. The majority of them have more than one
669 child. I'm not congesting the street or anything like that. And my neighbors know.
670 They say hi. They know.

671
672 Mr. Blankinship - Did you speak to the neighbor across the street at
673 205?

674
675 Ms. Jordan - No.

676
677 Mr. Blankinship - Okay.

678
679 Ms. Jordan - I don't know them. 205? I think that's right across—
680 She just said "Hey, how are you doing," when I first met her. She said, "You have
681 your hands full," and that was it.
682
683 Mr. Wright - All right. Anything further?
684
685 Ms. Harris - What about the other neighbors? What type of
686 response are you getting from them?
687
688 Ms. Jordan - No response. I have a lady right next door to me, and
689 she comes out and talks to the kids and stuff. I have one behind me, and he just
690 says hi. He cuts my grass. I don't know. That's it.
691
692 Mr. Wright - All right. Anything further?
693
694 Mr. Baka - Just one brief question. You've been operating in this
695 location since March. And I think it's notable there has been no opposition, no
696 concerns from any of the residents that live on Beech Avenue. For the drop-off
697 time in the morning, do the parents all come pretty much at different times? It's
698 not one specific set time when all the parents are there in front of the house at
699 one time?
700
701 Ms. Jordan - No.
702
703 Mr. Baka - And the same with the pickup time in the afternoon?
704
705 Ms. Jordan - Yes, it's different times. It's not all at the same time.
706
707 Mr. Baka - Okay. That's helpful to know. Thank you.
708
709 Mr. Wright - Anything else? Thank you very much. That concludes
710 the case.
711
712 Ms. Jordan - Thank you.
713
714 Mr. Wright - Since this is the only case we have on the docket, do
715 I hear a motion?
716
717 Mr. Nunnally - Mr. Chairman, I move we approve the case. I don't
718 think it will affect the health, safety, or welfare of the persons residing in that area
719 or decrease the price for the people that own property in that area. That's my
720 motion.
721
722 Mr. Wright - All right. Is there a second?
723

724 Ms. Harris - I second the motion.
725
726 Mr. Wright - Motion is made and seconded. Is there any
727 discussion?
728
729 Mr. Baka - I appreciate the comments made by the gentleman
730 who owns property on the street, but I also agree with Mr. Nunnally that I think
731 this would be a good situation for the neighborhood and not adversely affect the
732 neighborhood.
733
734 Mr. Wright - One thing to note is if this is approved, it is subject to
735 control by the County. If there are any complaints or anything gets out of hand,
736 anybody can come back, this permit could be reconsidered, revised, or
737 terminated if there are violations which cause concerns to the community. So it's
738 not something that's permanent. It's a use permit that is subject to the conditions
739 imposed by this Board.
740
741 Ms. Harris - Okay. Another point of discussion. We did not include
742 in the motion Monday through Friday in Condition #1.
743
744 Mr. Wright - Would you amend that, Mr. Nunnally, to Monday
745 through Friday.
746
747 Mr. Nunnally - Monday through Friday. That's what she said.
748
749 Mr. Wright - Yes. That will be included.
750
751 Ms. Harris - In Condition #1.
752
753 Mr. Wright - All in favor say aye. All opposed say no. The ayes
754 have it; the motion passes.
755
756 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
757 Ms. Harris, the Board **approved** application **CUP2013-00037, Valerie A.**
758 **Jordan's** request for a conditional use permit pursuant to Section 24-12(g) of the
759 County Code to operate a 24-hour family day home with employees at 204 N
760 Beech Avenue (HIGHLAND SPRINGS) (Parcel 823-726-1888), zoned R-4, One-
761 Family Residence District (Varina). The Board approved the conditional use
762 permit subject to the following conditions:
763
764 1. [AMENDED] This conditional use permit applies only to the operation of a
765 family day home with employees beyond the hours of 6:00 am to 6:00 pm. The
766 operation shall be limited to Monday through Friday. All other applicable
767 regulations of the County Code shall remain in force.
768

769 2. This approval does not authorize any improvements to the property. Any
770 additional improvements shall comply with the applicable regulations of the
771 County Code. Any substantial changes or additions to the design or location of
772 the improvements shall require a new conditional use permit.
773

774 3. The Provider or Substitute Provider, who shall be a resident occupant of the
775 dwelling, shall be on the site whenever care is being provided. Assistants shall
776 not be left alone with children in care for more than two hours per day. The
777 Substitute Provider shall record his or her arrivals and departures as required by
778 the Commonwealth of Virginia
779

780 4. No more than twelve children, exclusive of the provider's own children, may
781 receive daycare services at any one time.
782

783 5. There shall be no more than one sign, not exceeding one square foot in area,
784 advertising the family day home. The sign shall not be illuminated.
785

786
787 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
788 Negative: 0
789 Absent: 0
790

791
792 Mr. Wright - The minutes. Has everyone read the minutes from
793 the last meeting? Any corrections to the minutes?
794

795 Mr. Baka - No corrections that I saw. I make a motion to approve
796 the minutes as presented.
797

798 Mr. Wright - Mr. Baka moves. Is there a second.
799

800 Ms. Harris - Second the motion.
801

802 Mr. Wright - Motion made and seconded. Any discussion? Hearing
803 none, all in favor say aye. All opposed say no. The ayes have it; the minutes are
804 approved.
805

806 On a motion by Mr. Baka, seconded by Ms. Harris, the Board **approved as**
807 **submitted the Minutes of the November 21, 2013**, Henrico County Board of
808 Zoning Appeals meeting.
809

810 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
811 Negative: 0
812 Absent: 0
813

814 Mr. Wright - Is that everything, Mr. Blankinship?

815
816 Mr. Blankinship - Yes it is, Mr. Chairman.
817
818 Mr. Wright - How many cases do we have so far for next year—
819 next month?
820
821 Mr. Blankinship - We have seven.
822
823 Mr. Wright - Seven for next month.
824
825 Mr. Baka - Wow!
826
827 Mr. Wright - Okay. I wish everyone a very merry Christmas and a
828 prosperous new year.
829
830 Ms. Harris - Same to you.
831
832 Mr. Baka - And healthy.
833
834 Mr. Wright - Do I hear a motion that we adjourn?
835
836 Ms. Harris - So move.
837
838 Mr. Bell - Second.
839
840 Mr. Wright - Motion is made and seconded. I assume there will be
841 no discussion on it. All in favor say aye. All opposed say no. The ayes have it;
842 the motion passes.
843
844 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
845 Negative: 0
846 Absent: 0

847
848 We are now adjourned.
849
850
851
852
853
854
855
856
857
858
859
860


R. A. Wright
Chairman


Benjamin Blankinship, AICP
Secretary