

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**  
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY**  
3 **ADMINISTRATION BUILDING IN THE GOVERNMENT CENTER AT PARHAM**  
4 **AND HUNGARY SPRING ROADS, ON THURSDAY DECEMBER 18, 2014 AT**  
5 **9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**  
6 **DISPATCH DECEMBER 1, 2014, AND DECEMBER 8, 2014.**

7  
8  
Members Present: Gentry Bell, Chairman  
Greg Baka, Vice Chairman  
Helen E. Harris  
James W. Nunnally

Member Absent: R. A. Wright

Also Present: Jean M. Moore, Assistant Director of Planning  
Benjamin Blankinship, Secretary  
Paul Gidley, County Planner  
R. Miguel Madrigal, County Planner

9  
10  
11 Mr. Bell - Good morning. Welcome to the December meeting of  
12 the Henrico County Board of Zoning Appeals. I ask you to please stand and join  
13 me in pledging allegiance to the flag of our country.

14  
15 Thank you.

16  
17 Mr. Blankinship, please read the rules.

18  
19 Mr. Blankinship - Good morning, Mr. Chairman, ladies and gentlemen.  
20 The rules for this meeting are as follows: Acting as secretary, I'll announce each  
21 case. And as I'm speaking, the applicant should come down to the podium. We  
22 will then ask everyone who intends to speak to that case to stand and be sworn  
23 in. Then the applicant will present their testimony. Then anybody else who  
24 wishes to speak will be given the opportunity. After everyone has had a chance  
25 to speak, the applicant, and only the applicant, will have an opportunity for  
26 rebuttal.

27  
28 After the Board has heard all of the evidence on that case, they will move on to  
29 the next case on the agenda. They will render all of their decisions at the end of  
30 the meeting. So if you wish to hear their decision on a specific case, you can  
31 either stay until the end of the meeting or you can check the Planning  
32 Department website this afternoon—we get it updated about an hour after the  
33 meeting ends—or you can call the Planning Department this afternoon.

35 This meeting is being recorded, so we will ask everyone who speaks to speak  
36 directly into the microphone on the podium, state your name, and please spell  
37 your last name so we get it correctly in the record.

38  
39 Out in the foyer there is a binder containing the staff report for each case,  
40 including the conditions that have been recommended by the staff. It is very  
41 important that at least the applicant be familiar with those conditions.

42  
43 One other matter for this meeting, we are one member short. Mr. Wright is not  
44 able to be here this morning for medical reasons. It is a requirement of state law  
45 that in order to approve a variance or a use permit, the Board must have three  
46 affirmative votes. So if you would prefer to have a hearing before the full Board,  
47 then you have the right to request a deferral, and you will be put on the agenda  
48 for the January meeting. Of course you are welcome to continue on this morning  
49 if you prefer.

50  
51 Mr. Bell - Thank you.

52  
53 Mr. Blankinship - We do have one request for deferral that has already  
54 come in, and that is CUP2014-00034. A&F I, LLC requests a conditional use  
55 permit.

56  
57 **CUP2014-00034** **A&F I, LLC** requests a conditional use permit  
58 pursuant to Sections 24-52(d) and 24-103 of the County Code to extract  
59 materials from the earth at 3740 Charles City Road (Parcels 828-701-0583 and  
60 827-702-8810), zoned Agricultural District (A-1), (Varina).

61  
62 Mr. Bell - State your name and spell your last name, please.

63  
64 Mr. Williams - Marty Williams. I represent the owners of the  
65 property. We've asked for a deferral just to the next month's meeting in order to  
66 better prep the site and get a handle on what staff requirements are in terms of  
67 some of the drawings. This is a renewal for a permit. The drawings that we  
68 submitted were exactly like the drawings that had been approved in the past, but  
69 there are some additional stormwater management issues that the staff was  
70 going to get back to us about and either ask that they be included or give us an  
71 indication that the current drawings are okay. We have not cleared that yet.  
72 There is no rush for the approval in terms of timing for the project to start. The  
73 company that's going to be using the site for fill material is doing an expansion at  
74 the Richmond Airport. The proximity of the project is very important to them, but  
75 they won't start until March or April. So a deferral until January certainly suits our  
76 schedule.

77  
78 Mr. Nunnally - How many times have you had this?

79  
80 Mr. Williams - I think this would be the third.

81  
82 Mr. Nunnally - Third time?  
83  
84 Mr. Williams - Yes sir.  
85  
86 Mr. Nunnally - And you haven't done anything on it? You dumped  
87 something in there back in 2008, right?  
88  
89 Mr. Williams - Part of the berms have been built. No material has  
90 gone in there that is not approved for berm material.  
91  
92 Mr. Nunnally - And you are pretty sure that this is going to be acted  
93 on this—  
94  
95 Mr. Williams - Yes sir.  
96  
97 Mr. Nunnally - And you want two months.  
98  
99 Mr. Williams - Excuse me, sir?  
100  
101 Mr. Nunnally - Two months?  
102  
103 Mr. Blankinship - One month.  
104  
105 Mr. Williams - Just until next month, yes sir.  
106  
107 Mr. Nunnally - Okay.  
108  
109 Mr. Blankinship - January 22nd.  
110  
111 Mr. Williams - Right.  
112  
113 Mr. Bell - Any discussion?  
114  
115 Mr. Blankinship - Do you want to call and see if anyone in the audience  
116 is opposed?  
117  
118 Mr. Bell - Is there anyone in the audience opposed to the  
119 deferral?  
120  
121 Mr. Nunnally - I move we defer it for one month.  
122  
123 Ms. Harris - Second the motion.  
124  
125 Mr. Bell - All in favor say aye. All opposed say no. The ayes  
126 have it; the motion passes.

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After an advertised public hearing and on a motion by Mr. Nunnally seconded by Ms. Harris, the Board **deferred** application **CUP2014-00034, A&F I, LLC's** request for a conditional use permit pursuant to Sections 24-52(d) and 24-103 of the County Code to extract materials from the earth at 3740 Charles City Road (Parcels 828-701-0583 and 827-702-8810), zoned Agricultural District (A-1), (Varina).

Affirmative:	Bell, Baka, Harris, Nunnally	4
Negative:		0
Absent:	Wright	1

**CUP2014-00036 WESTBURY PHARMACY** requests a temporary conditional use permit pursuant to Section 24-116(c)(1) of the County Code to allow a temporary sales stand at 8901 Three Chopt Road (Parcel 755-744-0869), zoned Business District (B-1), Business District (B-2C) and Office District (O-2) (Three Chopt).

Mr. Blankinship - Does anyone else intend to speak to this case? Would you please raise your right hand? Do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth so help you God?

Mr. Oley - I do.

Mr. Blankinship - State your name.

Mr. Oley - Joe Oley—O-I-e-y.

Mr. Blankinship - All right.

Mr. Bell - Yes, go ahead.

Mr. Oley - We are requesting the use permit because we couldn't find any code in the regulations to guide us, and we wanted to stay within the County's compliance. That's why we're hearing looking for the use permit.

Mr. Bell - I noticed that the business that's going there—is that part of your group or is that a separately owned business?

Mr. Oley - A separately owned business.

172 Mr. Bell - With the truck and the tent that you plan to put out  
173 there and the hours of operation, I'm sure there will be generators involved. What  
174 will be the noise levels concerning those generators?  
175  
176 Mr. Oley - I'm going to ask the gentleman who actually runs the  
177 food truck to answer that question.  
178  
179 Mr. Bell - Would you speak into the microphone and give us  
180 your name?  
181  
182 Mr. Blankinship - I don't believe he was sworn. Would you raise your  
183 right hand, please? Do you swear the testimony you're about to give is the truth,  
184 the whole truth and nothing but the truth so help you God?  
185  
186 Mr. Yoder - I affirm that.  
187  
188 Mr. Bell - The generators was the question.  
189  
190 Mr. Blankinship - Well we need his name.  
191  
192 Mr. Bell - Oh. Your name.  
193  
194 Mr. Yoder - It's John Yoder—Y-o-d-e-r. The generator that we use  
195 is a 6500 IS Honda generator, which is a super quiet generator. I believe the  
196 decibel rating on that is in the range of seventy.  
197  
198 Mr. Bell - And it will operate from I believe seven in the morning  
199 to six at night?  
200  
201 Mr. Yoder - Until four-thirty.  
202  
203 Mr. Bell - Four-thirty.  
204  
205 Mr. Yoder - Yes sir.  
206  
207 Mr. Bell - How about your bathroom facilities?  
208  
209 Mr. Yoder - We use their facility.  
210  
211 Mr. Bell - So they'll be able to use the Westbury Pharmacy  
212 facilities?  
213  
214 Mr. Oley - Yes.  
215  
216 Mr. Bell - How about security in terms of parking problems?  
217

218 Mr. Oley - We're going to rope off three spots that are in the  
219 paperwork there for Mr. Yoder's trailer, as well as to have space for people to  
220 stand so that there is a safe barrier from parking vehicles, as well as fall within  
221 the fifty-foot setback from the road and ten-foot setback from the building.  
222

223 Mr. Bell - Do you have any other locations like this in the area  
224 here, let's say within fifty miles of the Richmond area?  
225

226 Mr. Yoder - Yes sir. We do close to downtown at Forest Hill Park,  
227 which is in the city limits.  
228

229 Mr. Bell - Are they in parking lots like this or—  
230

231 Mr. Yoder - Yes sir. It's in the park. That location is actually a  
232 farmers' market, and so we do that on Saturdays. And then during the summer,  
233 we also do a location in Chesterfield at the Great Big Greenhouse where it would  
234 be very similar to this setup in the parking lot.  
235

236 Mr. Bell - Have we had many complaints?  
237

238 Mr. Yoder - No sir. In fact, we have had many people who have  
239 very actively urged us to pursue this here and just can't wait to see if we can do  
240 this. And in fact they have asked if there's not a way that they could give their  
241 perspective to Henrico County.  
242

243 Mr. Bell - Give us a brief overview of what the business is  
244 actually selling and how it operates.  
245

246 Mr. Yoder - Okay. What we actually have is a mobile food truck.  
247 It's outfitted. It's inspected by our local health department and permitted. And as  
248 has been explained to me, the permit is good for anywhere in the state when  
249 they do that. And so what we basically do is we mix up our own ingredients, and  
250 we work out our dough, and actually do everything in the truck. We mix it up,  
251 make the doughnuts, and sell them freshly made.  
252

253 Mr. Bell - Thank you. Any other questions?  
254

255 Ms. Harris - Yes. The name of your business is Mrs. Yoder's  
256 Kitchen?  
257

258 Mr. Yoder - That's correct.  
259

260 Ms. Harris - Okay. What is the connection between you and  
261 Westbury Pharmacy?  
262

263 Mr. Oley - There is no business connection. There is no family  
264 connection. The way I got to know Mr. Yoder was my uncle, who is a dentist, he  
265 really, really likes his doughnuts. He told me to "get Yoder's doughnuts in your  
266 store." And this was the best way we could do that.  
267

268 Ms. Harris - So the applicant is Westbury Pharmacy, but the  
269 owner of the business is Yoder's Kitchen? Is that correct?  
270

271 Mr. Oley - Yes. Westbury Properties owns the physical location,  
272 and the truck and trailer are owned by the Yoders.  
273

274 Ms. Harris - Okay. So there would be no drive-thru business,  
275 right? It's only walk-up?  
276

277 Mr. Oley - Correct.  
278

279 Ms. Harris - Okay. And your three-spot parking stalls that you're  
280 going to rope off will include room for people to walk up and get the doughnuts.  
281

282 Mr. Oley - Absolutely. Mr. Yoder and I were discussing how it  
283 would be best just to disconnect the truck from the trailer so that we don't take up  
284 that much space. And then we'll have more space to rope off for people to stand  
285 in line.  
286

287 Ms. Harris - Okay. I need you to clarify the hours. I noticed that in  
288 the condition we are approving Monday through Sunday from—  
289

290 Mr. Oley - Six a.m. to eleven.  
291

292 Ms. Harris - Yes. But I thought he said something about four being  
293 the closing.  
294

295 Mr. Oley - The pharmacy is active from 6 a.m. to 11. We're open  
296 from 6 a.m. to 11. Mr. Yoder does not intend to be there until 11:00 at night. So  
297 4:30 is what you said?  
298

299 Mr. Yoder - Yes sir.  
300

301 Mr. Oley - So he'll be shutting down at 4:30 p.m., but the  
302 pharmacy is still open until eleven.  
303

304 Ms. Harris - Okay. And the Sunday hours are the very same?  
305

306 Mr. Oley - Mr. Yoder plans to be there one day a week. It's just  
307 Monday.  
308

309 Ms. Harris - Just Mondays. I believe those are all my questions.  
310  
311 Mr. Blankinship - I have one question. You mentioned the health  
312 permit. Which district? You have a commissary?  
313  
314 Mr. Yoder - Yes sir. We have an inspected facility where we live.  
315  
316 Mr. Blankinship - And where is that?  
317  
318 Mr. Yoder - I believe it's the Petersburg district. It's Dinwiddie  
319 County.  
320  
321 Mr. Blankinship - Okay.  
322  
323 Ms. Harris - I do have one quick question. Are we going to amend  
324 Condition #3 where we're saying the hours of operation should be limited to?  
325 Since it's only going to be—we have Monday through Sunday, but it's only going  
326 to be on one day.  
327  
328 Mr. Blankinship - My only concern with that, Ms. Harris, is that  
329 sometimes applicants decide to—he may for some reason decide to switch from  
330 Monday to Wednesday, and then he'd have to come back before the Board just  
331 in order to make a change like that—or if he stayed open until five one evening.  
332 When we crafted those hours of operation, we understood that they don't intend  
333 to operate these hours, but what they intend to operate falls within these hours.  
334 Because the center is open and active during these hours, staff's perspective  
335 was that it wouldn't do any harm if the mobile food unit was there any time that  
336 the pharmacy is open. But of course if the Board disagrees with that, there is no  
337 reason you can't amend those.  
338  
339 Ms. Harris - Do you foresee any opening hours on Sundays?  
340  
341 Mr. Yoder - Absolutely not. We do not operate on Sundays. That's  
342 one of our conditions.  
343  
344 Ms. Harris - Thank you.  
345  
346 Mr. Baka - Question for Mr. Oley. The loss of only three parking  
347 spaces, that won't adversely affect the parking situation whatsoever?  
348  
349 Mr. Oley - No. We're actually over-parked.  
350  
351 Mr. Baka - Right. And just to clarify for the purpose of the Board,  
352 I drove by the site several times while commuting and looked at those three  
353 spaces driving by. I don't recall in the past week seeing any cars even parked in  
354 those three spaces.

355

356 Mr. Oley - Ideally, we would have liked to have been up against  
357 the curb, but that was within the fifty-foot setback. That's why we moved it to  
358 where it is now.

359

360 Mr. Baka - One other question, Mr. Yoder, with this business you  
361 don't have the need for extensive signage out on the roads or at other properties  
362 offsite do you?

363

364 Mr. Yoder - No sir. Our truck has ample signage. We try to be  
365 non-invasive any further than that.

366

367 Mr. Baka - Thanks.

368

369 Mr. Bell - Any other questions? Thank you.

370

371 Mr. Oley - Thank you.

372

373 **[After the conclusion of the public hearings, the Board discussed the case**  
374 **and made its decision. This portion of the transcript is included here for**  
375 **convenience of reference.]**

376

377 Mr. Bell - Do I hear a motion on this case?

378

379 Ms. Harris - I move that this conditional use permit be granted. It  
380 seems there is only one day that they will be in business. I can't see it adversely  
381 affecting the health, safety, or welfare of the community if it's run as they said  
382 with the parking spots being blocked off for the customers. So that is my motion.

383

384 Mr. Bell - Do I hear a second?

385

386 Mr. Baka - Second.

387

388 Mr. Bell - Any other discussion? Hearing none, all in favor say  
389 aye. All opposed say no. The ayes have it; the motion passes.

390

391 After an advertised public hearing and on a motion by Ms. Harris, seconded by  
392 Mr. Baka, the Board **approved** application **CUP2014-00036, WESTBURY**  
393 **PHARMACY'S** request for a conditional use permit pursuant to Section 24-  
394 116(c)(1) of the County Code to allow a temporary sales stand at 8901 Three  
395 Chopt Road (Parcel 755-744-0869), zoned Business District (B-1), Business  
396 District (B-2C) and Office District (O-2). The Board approved the temporary  
397 conditional use permit subject to the following conditions:

398

399 1. This conditional use permit applies only to the temporary operation of a single  
400 mobile food unit at the Westbury Shopping Center. All other applicable  
401 regulations of the County Code shall remain in force.

402  
403 2. The mobile food unit shall be removed from the property on or before  
404 December 19, 2016, at which time this permit shall expire. This permit shall not  
405 be renewed.

406  
407 3. Hours of operation shall be limited to 6:00 am to 11:00 pm, Monday through  
408 Sunday.

409  
410 4. The mobile food unit operator shall submit a copy of their current Health  
411 Permit at the time of business license application.

412  
413 5. Only the improvements shown on the site plan filed with the application, as  
414 amended by these conditions, may be established pursuant to this approval. Any  
415 additional improvements shall comply with the applicable regulations of the  
416 County Code. Any substantial changes or additions to the design or location of  
417 the improvements shall require a new conditional use permit.

418  
419 6. The mobile food unit shall adhere to the 50 foot building setback requirement  
420 from the property boundary lines as per §24-101(e)(2).

421  
422 7. The mobile food unit and temporary tent associated with the operation shall  
423 maintain a 10 foot setback from buildings. The temporary tent shall not be  
424 enclosed (with tarps or fabric) and generators shall not be placed underneath the  
425 tent. Furthermore, the tent shall be properly tethered as required by the Fire  
426 Division.

427  
428 8. The mobile food unit shall occupy no more than four parking stalls within the  
429 shopping center. Additionally, traffic flow within the center shall not be blocked or  
430 impeded by the operation of the mobile food unit.

431  
432 9. This approval is subject to the conditions of the following approvals:  
433 conditional use permit CUP-049-66, plan of development POD 034-88, rezoning  
434 C-65C-96, provisional use permit PUP-026-96, and transfer of approval TOA-  
435 034-88.

436  
437  
438 Affirmative: Bell, Baka, Harris, Nunnally 4  
439 Negative: 0  
440 Absent: Wright 1

441  
442  
443 **[At this point, the transcript continues with the public hearing on the next**  
444 **case.]**

445

446 **CUP2014-00037**                    **MICHAEL AND ANDREA WASSMER** request a  
447 conditional use permit pursuant to Section 24-95(i)(4) of the County Code to  
448 allow a pool in the side yard at 3701 Glades End Lane (BARRINGTON) (Parcel  
449 741-757-6184), zoned General Residence District (Conditional), (R-5C) (Three  
450 Chopt).

451

452 Mr. Blankinship -                    Does anyone else intend to speak to this case?  
453 Please raise your right hand. Do you swear the testimony you're about to give is  
454 the truth, the whole truth and nothing but the truth so help you God?

455

456 Ms. Wassmer -                        I do.

457

458 Mr. Blankinship -                    State your name, please.

459

460 Ms. Wassmer -                        Andrea Wassmer—W-a-s-s-m-e-r. We are asking  
461 permission to put a pool in what is technically our side yard. I assume you have  
462 looked at the pictures. I didn't know it was our side yard technically until we went  
463 through this process. The way it's been explained to me, is on a corner lot, they  
464 always take the shorter side of the lot and say that that is the front. If you were to  
465 look at my house, you would think where we're putting the pool is actually the  
466 backyard. So I guess it's a technicality that we're trying to work through. To put it  
467 in what is technically our backyard would actually be our side yard, and that  
468 wouldn't make any sense.

469

470 Mr. Blankinship -                    Why would it not make sense?

471

472 Ms. Wassmer -                        Because what the County sees as our backyard is  
473 actually our side yard. Our house fronts onto Glades End Lane not onto  
474 Barrington Bridge Court. So what the County sees as our backyard is literally the  
475 side of our house. It's not fenced or anything.

476

477 Mr. Blankinship -                    Is it closer to the neighbors on that side? Would it be  
478 more visible from the street—

479

480 Ms. Wassmer -                        Oh yes. I mean it would literally be a pool in a side  
481 yard.

482

483 Mr. Bell -                                Have you had any concerns from anyone about the  
484 pool's location?

485

486 Ms. Wassmer -                        No we haven't.

487

488 Ms. Harris -                            Okay. Do your neighbors know that this is what you  
489 plan to do?

490

491 Ms. Wassmer - Yes. I believe they were notified.  
492  
493 Ms. Harris - Okay. The footage that overlaps, I think we saw it in  
494 our report that the addition is creating the problem. The proposed addition has  
495 created the problem?  
496  
497 Ms. Wassmer - No.  
498  
499 Mr. Blankinship - I think you're on the next case.  
500  
501 Ms. Harris - Oh, I'm so sorry.  
502  
503 Ms. Wassmer - What you're seeing here—you see a dog in the  
504 picture—this is the backyard of our house. But the County sees it as our side  
505 yard. Does that make sense?  
506  
507 Ms. Harris - Yes.  
508  
509 Mr. Blankinship - We're familiar.  
510  
511 Ms. Wassmer - Okay. So it is really our backyard. If you were at my  
512 house, it is very obvious that it is my backyard.  
513  
514 Mr. Bell - The pool is going to go where the green grass is?  
515  
516 Ms. Wassmer - Yes.  
517  
518 Mr. Bell - And all of that coverage area—the fireplace and the  
519 trees and the wall is all going to remain as-is?  
520  
521 Ms. Wassmer - Yes it is. It's a very private backyard. The neighbors  
522 can't see what's back there at all.  
523  
524 Mr. Blankinship - That's going to be a tough construction job to get  
525 equipment in and out of there without damaging those brick walls.  
526  
527 Ms. Wassmer - Yes, because there are walls on the other side too.  
528 The gentleman from the Ultimate Pools says it's doable.  
529  
530 Mr. Bell - The steps too.  
531  
532 Ms. Harris - You did say in the report that the neighbors also have  
533 pools?  
534  
535 Ms. Wassmer - Yes they do.  
536

537 Ms. Harris - Okay.  
538  
539 Ms. Wassmer - Not all of them, but some.  
540  
541 Ms. Harris - Is there an adjacent neighbor who has a pool?  
542  
543 Ms. Wassmer - Yes. Behind the fireplace, they also have a pool. So a  
544 lot of them actually do have pools.  
545  
546 Ms. Harris - Thank you.  
547  
548 Mr. Bell - Any other questions? Thank you.  
549  
550 Ms. Wassmer - Thank you very much.  
551  
552 Mr. Blankinship - Does anyone else wish to speak to this? Okay.  
553

554 **[After the conclusion of the public hearings, the Board discussed the case**  
555 **and made its decision. This portion of the transcript is included here for**  
556 **convenience of reference.]**  
557

558 Mr. Bell - Do I have a motion on this case?  
559

560 Mr. Baka - Mr. Chairman, I'll make a motion to approve  
561 CUP2014-00037, with the three conditions as presented in the staff report  
562 because this case will not adversely affect the health, safety, or welfare of the  
563 surrounding neighbors or properties. I think the pool will fit in well as designed on  
564 the plan.  
565

566 Mr. Bell - Do I hear a second?  
567

568 Mr. Nunnally - Second.  
569

570 Mr. Bell - Is there any additional discussion? Hearing none, all  
571 in favor say aye. All opposed say no. The ayes have it; the motion passes.  
572

573 After an advertised public hearing and on a motion by Mr. Baka, seconded by  
574 Mr. Nunnally, the Board **approved** application **CUP2014-00037, MICHAEL AND**  
575 **ANDREA WASSMER's** request for a conditional use permit pursuant to Section  
576 24-95(i)(4) of the County Code to allow a pool in the side yard at 3701 Glades  
577 End Lane (BARRINGTON) (Parcel 741-757-6184) zoned General Residence  
578 District (Conditional), (R-5C) (Three Chopt). The Board approved the conditional  
579 use permit subject to the following conditions:  
580

581 1. Only the improvements shown on the plot plan filed with the application may  
582 be constructed pursuant to this approval. Any additional improvements shall

583 comply with the applicable regulations of the County Code. Any substantial  
584 changes or additions to the design or location of the improvements shall require  
585 a new conditional use permit.

586  
587 2. The swimming pool shall be enclosed by a fence as required by the Building  
588 Code.

589  
590 3. Any exterior lighting associated with the pool shall be shielded to direct light  
591 away from adjacent properties and streets.

592  
593  
594 Affirmative: Bell, Baka, Harris, Nunnally 4  
595 Negative: 0  
596 Absent: Wright 1  
597

598  
599 **[At this point, the transcript continues with the public hearing on the next**  
600 **case.]**

601  
602 **CUP2014-00038 SALLIE BRIGGS** requests a conditional use permit  
603 pursuant to Section 24-95(i)(4) of the County Code to allow a garage to remain in  
604 the side yard at 6002 S. Crestwood Avenue (WESTWOOD HOME SITES)  
605 (Parcel 769-739-4840) zoned One-Family Residence District (R-3), (Brookland).

606  
607 Mr. Blankinship - Does anyone else intend to speak to this case?  
608 Would you please raise your right hands? Do you swear the testimony you're  
609 about to give is the truth, the whole truth and nothing but the truth so help you  
610 God?

611  
612 Ms. Briggs - I do.

613  
614 Mr. Blankinship - State your name, please.

615  
616 Ms. Briggs - Sally Briggs—B-r-i-g-g-s.

617  
618 Mr. Smouse - Darrin Smouse—S-m-o-u-s-e.

619  
620 Mr. Bell - Give us a background of the situation, please.

621  
622 Mr. Smouse - Good morning. This case is one where the garage  
623 has existed since the house was put in. And I know you all have seen this  
624 commonly. What we are proposing to do is construct a 10-by-12 foot addition on  
625 the back of the home. It's been verified that it would fit within the rear yard  
626 setback requirements. As you can see from the drawing, the addition is proposed  
627 far into the home whereas the garage is over off the other corner. So the addition

628 off the back creates a situation where the garage on paper moves from the,  
629 quote, rear yard to the side yard.

630  
631 If you drive along those neighborhoods over there, you have a lot of side-yard  
632 driveways, you have folks who have done garage additions off the corners, and  
633 also additions off to the back. It's consistent. The 25-foot rear yard setback is  
634 maintained. There is a lot of old growth at the back property line. Right there is a  
635 cyclone fence. So all of that remains. None of that gets disturbed.

636  
637 And similar to questions that have been asked about some other additions, you  
638 can't see the addition from the road. If you look from an angle or straight on, you  
639 can't catch it with where the house sits. The main corner of the home where that  
640 downspout is, is actually where the addition would start and come back ten feet,  
641 over twelve feet, and then return to the house.

642  
643 Mr. Bell - I understand that the garage has been there ever  
644 since the house was built in the '90s?

645  
646 Mr. Smouse - Yes.

647  
648 Mr. Bell - Have your neighbors made any comments about the  
649 addition that you're building?

650  
651 Ms. Briggs - They've said they didn't have any problem with it.

652  
653 Ms. Harris - How much is overlapping? That was my question.

654  
655 Mr. Smouse - There is no overlap of any setbacks or anything like  
656 that. There is no variance to a setback or encroachments. In fact, the garage  
657 itself meets the setback requirements as a separate outbuilding. It's in  
658 compliance. The non-compliance is being created by the fact that when we add  
659 the addition off the rear, we move the on-paper rear yard line I guess rearward as  
660 a result, and that causes the garage to, on paper, become part of the side yard.

661  
662 Mr. Blankinship - I think the question was how far will that new line be  
663 beyond the front plane of the garage.

664  
665 Mr. Smouse - We didn't look at that specifically. If I can point to it—I  
666 don't think I can make the mouse move that far.

667  
668 Mr. Baka - Two or three feet?

669  
670 Mr. Smouse - Yes. If you were to take this line right here and cast it  
671 across, yes, you're looking at maybe two or three feet right there on the face.  
672 Visually, everything stays the same from the street. Nothing is moving. The rear  
673 wall of the addition meets the original building setback requirement in that area of

674 twenty-five feet. It's further away from the neighbors than any other addition, you  
675 know, outbuildings.

676

677 Ms. Harris - And it would be impractical for you to make your  
678 addition shorter.

679

680 Mr. Smouse - For the purpose intended. It's intended as a master  
681 bath. The house doesn't have a—it's an old style with a very postage stamp-size  
682 bath to serve all the bedrooms. This is going to add a master bath there. To fit in  
683 the elements intended, to really make it into a decent master bath/master  
684 bedroom, we need that ten feet of depth. In fact, originally it was a 12-by-12, and  
685 it's been cut back to ten feet deep in order to satisfy the rear yard setback  
686 requirements.

687

688 Mr. Baka - Since it's an existing garage, I've no additional  
689 questions.

690

691 Mr. Bell - Any other questions? Thank you.

692

693 Mr. Smouse - Thank you for your time.

694

695 Ms. Harris - Excuse me, I do have one more question. I think you  
696 said that the neighbors had constructed similar additions.

697

698 Mr. Smouse - Yes.

699

700 Ms. Harris - Did they have a similar situation with the garage?

701

702 Mr. Smouse - I don't know if they had to come in for variances. If  
703 you look to the north I guess on the map, the next one, there's an addition. This  
704 one right here. This piece off the back is an addition. They have some additions  
705 that were done I think on this one over here. That was a big addition off the rear.  
706 This addition would be just in this corner right here. There are others as you drive  
707 around.

708

709 Ms. Harris - They all have garages?

710

711 Ms. Briggs - Some do.

712

713 Mr. Smouse - Some do. Some have side entries. Some have street  
714 parking. I think this one has off-street parking to the side. This one has a  
715 structure that was done over here. It just kind of varies as you go down through  
716 these neighborhoods. But yes, this structure has been there a good while. The  
717 new structure will be back here behind the corner of the house, similar to the way  
718 this one was done. You can't see this one from the street. Unless you're in the  
719 backyards looking side to side, you can't tell it's there. It will be a single-story

720 addition as well. So the peak of existing roof is much higher than what the roof of  
721 the addition will be.

722

723 Ms. Harris - Let me ask Mr. Blankinship. That adjacent lot that he  
724 pointed out that has the addition.

725

726 Mr. Blankinship - The one to the north?

727

728 Ms. Harris - Yes.

729

730 Mr. Blankinship - Yes ma'am.

731

732 Ms. Harris - It doesn't seem to have the same problem.

733

734 Mr. Blankinship - I don't see a detached garage there. But also you can  
735 see that that lot is quite a bit deeper, at least on the north side, than this one is.  
736 And Paul, if you'd zoom back out. It looked like most of the lots in this subdivision  
737 are deeper than these right in that block. I guess the street layout caused them to  
738 have those lots be a little swallower, so you don't have as much room in the rear  
739 yard to maneuver.

740

741 Ms. Harris - Thank you.

742

743 Mr. Smouse - And that's exactly why we've sized it the way we  
744 have. But in doing so, it does still meet the setback requirements of the original  
745 structure.

746

747 Mr. Bell - Thank you.

748

749 Ms. Harris - Thank you.

750

751 Mr. Smouse - Thank you.

752

753 Mr. Blankinship - Does anyone else wish to speak to this case? All  
754 right.

755

756 **[After the conclusion of the public hearings, the Board discussed the case**  
757 **and made its decision. This portion of the transcript is included here for**  
758 **convenience of reference.]**

759

760 Mr. Bell - Do I hear a motion on this case? I will so move that  
761 this case be approved. I do not see any safety concerns or noise concerns. I just  
762 think that the way the house was built in 1990 included the garage, and this  
763 addition changes that situation, and the owners had no control over that. So I do  
764 move that we approve it. Do I hear a second?

765

766 Mr. Baka - Second.  
 767  
 768 Mr. Bell - Is there any additional discussion?  
 769  
 770 Ms. Harris - Yes. I think we need to add to that discussion that I  
 771 think the owners have done all they can do in cutting back the size of the addition  
 772 to accommodate that area. So therefore I too feel it should be granted.  
 773  
 774 Mr. Bell - Thank you. Hearing no objections, all in favor say  
 775 aye. All opposed say no. The ayes have it; the motion passes.  
 776

777 After an advertised public hearing and on a motion by Mr. Bell, seconded by  
 778 Mr. Baka, the Board **approved** application **CUP2014-00038, SALLIE BRIGGS'**  
 779 request for a conditional use permit pursuant to Section 24-95(i)(4) of the County  
 780 Code to allow a garage to remain in the side yard at 6002 S. Crestwood Avenue  
 781 (WESTWOOD HOME SITES) (Parcel 769-739-4840) zoned One-Family  
 782 Residence District (R-3) (Brookland). The Board approved the conditional use  
 783 permit subject to the following condition:  
 784

785 1. This conditional use permit only authorizes the existing detached garage to  
 786 remain in the side yard following the construction of the proposed addition shown  
 787 on the plot plan submitted with the application. All other applicable regulations of  
 788 the County Code shall remain in force.  
 789

791 Affirmative:	Bell, Baka, Harris, Nunnally	4
792 Negative:		0
793 Absent:	Wright	1

794  
 795  
 796 **[At this point, the transcript continues with the public hearing on the next**  
 797 **case.]**  
 798

799 **CUP2014-00039 CHRISTINA M. PILGRIM** requests a conditional use  
 800 permit pursuant to Section 24-12(g) of the County Code to operate a family day  
 801 home with employees at 8406 Ridge Road (Parcel 754-739-9107) zoned One-  
 802 Family Residence District (R-3), (Tuckahoe).  
 803

804 Ms. Pilgrim - Good morning.  
 805  
 806 Mr. Blankinship - Does anyone else wish to speak to this case? Would  
 807 you stand and be sworn in, please? Would you all raise your right hands, please?  
 808 Do you swear the testimony you're about to give is the truth, the whole truth and  
 809 nothing but the truth so help you God?  
 810

811 Ms. Pilgrim - Yes.

812

813 Mr. Blankinship - Thank you.

814

815 Ms. Pilgrim - My name is Christina Pilgrim—P-i-l-g-r-i-m. I'm  
816 applying for a conditional use permit to have an outside employee work at my  
817 daycare center. I've been doing my licensed daycare at this residence for five  
818 years now.

819

820 Mr. Nunnally - Five years?

821

822 Ms. Pilgrim - Yes sir. Before that it was two years at a different  
823 location.

824

825 Mr. Blankinship - So seven years' experience?

826

827 Ms. Pilgrim - Yes sir.

828

829 Mr. Bell - How many children do you have there now, and what  
830 are their ages?

831

832 Ms. Pilgrim - I care for ten children as of right now. My youngest is  
833 six months of age, and my oldest is seven.

834

835 Mr. Bell - Have you had any complaints about the daycare  
836 center?

837

838 Ms. Pilgrim - No, not to my knowledge, sir.

839

840 Mr. Blankinship - And the reason you're here this morning is because  
841 you want to have an employee from outside your home come to the home to  
842 work.

843

844 Ms. Pilgrim - Yes sir. With the license, I'm reapplying this month.  
845 And one of their conditions was that I had to get a conditional use permit to do  
846 that. And if the hours were before seven or after six then I had to get one. Or if I  
847 wanted to use an employee outside of my home I had to apply for one also.

848

849 Mr. Blankinship - Tell us about your employee a little bit.

850

851 Ms. Pilgrim - Oh, I'm sorry. Her name is Ms. Davis. She's been  
852 working with me since July. She's good. All my parents adore her, and I adore  
853 her also. She seems to be a good asset to my daycare.

854

855 Mr. Blankinship - And why do you need an additional—

856

857 Ms. Pilgrim - Oh, I'm sorry. Because of my numbers, because of  
858 the kids that I have. I have over sixteen points, and it's sixteen points per one  
859 person.  
860  
861 Mr. Blankinship - That's under state law.  
862  
863 Ms. Pilgrim - Yes sir.  
864  
865 Mr. Blankinship - They assign points based on the age of the children.  
866  
867 Ms. Pilgrim - Yes sir.  
868  
869 Mr. Blankinship - And when you reach a certain number of points, you  
870 have to have an additional employee.  
871  
872 Ms. Pilgrim - Yes sir, I apologize. I did not understand the question.  
873  
874 Mr. Blankinship - That's fine.  
875  
876 Ms. Harris - Ms. Pilgrim, I notice you don't have all ten children in  
877 the house at the same time?  
878  
879 Ms. Pilgrim - No ma'am.  
880  
881 Ms. Harris - How do you stagger those hours with the children?  
882 Then my second question would be are any of the children residents, are any of  
883 those children your children?  
884  
885 Ms. Pilgrim - No ma'am. They're all just kids that I care for. Some  
886 of them I got from Social Services, and then other ones are just from word of  
887 mouth or from just other parents.  
888  
889 Ms. Harris - Right. How do you stagger your hours so that you will  
890 not have twelve children in the house at the same time?  
891  
892 Ms. Pilgrim - The majority of my kids are part-timers, so they only  
893 come a good two or three days a week. The kids that are full-timers, their parents  
894 work between 8 to 4 or 9 to 5. So the most I've ever had in house at one time has  
895 been eleven kids over the whole five years that I've been in business.  
896  
897 Ms. Harris - So it's eleven children with one employee, and that's  
898 you. Now since July there are two employees?  
899  
900 Ms. Pilgrim - No. Ms. Davis was hired in July. Before that I had  
901 another employee. It's just that Ms. Tina has been with me since July. I've always

902 had at least one other person working with me. Just since we reapplied for the  
903 license renewal, this is something that's been different and that I had to apply for.

904  
905 Ms. Harris - I'm just trying to imagine. I had two children. I'm trying  
906 to image ten children in the house.

907  
908 Ms. Pilgrim - It's pretty easy. The majority of them—from each  
909 other and stuff like that. So it helps out a lot. I'm sorry; I don't really understand  
910 the question.

911  
912 Ms. Harris - Isn't a little crowded?

913  
914 Ms. Pilgrim - No, it's not really crowded. I use my family room, and  
915 then my dining conjoins so it's a big enough space. It's probably a little smaller  
916 than this, of course. And then I also have my third bedroom that I use as my  
917 infant room. So it's not overcrowded or anything like that. So we use three rooms  
918 in my house. And then of course I have one bathroom that they use, and it has  
919 three toilets inside of it for each one of them also.

920  
921 Ms. Harris - What was the last thing you said? You had three  
922 toilets where?

923  
924 Ms. Pilgrim - In the bathroom that they use. Well there are two  
925 bathrooms in the home, and just one bathroom is just for them. And then in that  
926 bathroom I have two porta-potties also for the kids. So that way there's enough  
927 toiletries for everybody.

928  
929 Mr. Baka - I have a question about I guess traffic conflicts. If a  
930 parent is leaving the driveway and turning out onto Ridge Road, tell me how that  
931 works if another parent is coming in at the same time, if you have two or three  
932 parents dropping off at the same time.

933  
934 Ms. Pilgrim - Yes. We've had a couple parents meet at the bottom.  
935 The way the driveway is, there's a little bit of room on both sides. They just wait  
936 on the side or something like that. We've not had any accidents or anything like  
937 that. I did have one parent last year—it was at wintertime of course—she slid.  
938 And when she slid, she ended up right there where the fire hydrant was. And  
939 then some of my neighbors around us helped us pull her out and everything. The  
940 driveway is inclined, and part of the right there's a little bit of space in the grassy  
941 area where the parents are able to get on the side if somebody is coming down  
942 the driveway or coming up the driveway.

943  
944 Mr. Bell - Have you read the conditions?

945  
946 Ms. Pilgrim - Yes sir, I have.

947

948 Mr. Bell - Do you agree to them?  
949  
950 Ms. Pilgrim - Yes sir, I do.  
951  
952 Mr. Bell - In relationship to the driveway, they're talking about  
953 filling the potholes.  
954  
955 Ms. Pilgrim - Yes. I just had those done on December 1st. I try to  
956 keep that up about every three or four months.  
957  
958 Ms. Harris - Is your play area fenced in?  
959  
960 Ms. Pilgrim - No it's not, ma'am. You can't see our house from the  
961 road. The neighbors to the right of me have a fence, and then the neighbors in  
962 front of me also have a fence. I use the sidewalk as my little timeout thing for the  
963 kids, so the kids know not to pass the sidewalk. Even when their parents pull up,  
964 they run and they just halt at the sidewalk.  
965  
966 Mr. Bell - Is this a seven-day operation?  
967  
968 Ms. Pilgrim - No it's not, sir. It's Monday through Friday from 7 a.m.  
969 to 6 p.m.  
970  
971 Mr. Baka - I see the board-on-board fence in the backyard. Are  
972 there any situations where the children are playing outside of the fenced-in  
973 backyard area? Your house fronts on Ridge Road, a busier road. When they're  
974 outside playing, are they always inside the fenced area?  
975  
976 Ms. Pilgrim - It's not fenced in. You can't see our house from the  
977 road. There's a house in front of us, directly in front of us. Then I have a house  
978 beside me also. But you can't see anything, and the kids can't even get to it.  
979 They would get to the driveway before they even get to anything else that they  
980 would see. The toy area is probably about twenty-five feet away from the  
981 driveway. It's on the right side of my house; the driveway is on the left side of my  
982 house.  
983  
984 Mr. Blankinship - The sidewalk you were referencing before is right in  
985 the center of the front of the house?  
986  
987 Ms. Pilgrim - Yes.  
988  
989 Mr. Blankinship - Right where the mouse is indicating? Okay. So it's to  
990 the west or the left of that area.  
991  
992 Ms. Pilgrim - Yes sir.  
993

994 Mr. Blankinship - Okay.  
995  
996 Ms. Pilgrim - I apologize.  
997  
998 Mr. Blankinship - No, that's fine.  
999  
1000 Mr. Bell - Any other questions?  
1001  
1002 Mr. Baka - So that fence we're looking at is the rear of your home  
1003 right there.  
1004  
1005 Ms. Pilgrim - No, that's the front of my home.  
1006  
1007 Mr. Baka - The front left corner, the front southwest corner.  
1008  
1009 Ms. Pilgrim - Yes sir.  
1010  
1011 Mr. Blankinship - Right.  
1012  
1013 Mr. Baka - And then the perimeter—I'm sorry; you may have just  
1014 mentioned it. In the front of your home along the yellow line between you and the  
1015 house in front of you, that also has a fence that we see on the left of the picture  
1016 there?  
1017  
1018 Ms. Pilgrim - Yes sir.  
1019  
1020 Mr. Baka - Okay. I didn't remember seeing that out there.  
1021  
1022 Ms. Pilgrim - Henrico County told me I didn't have to get a fence for  
1023 my playground because I guess—the two parents and that the kids don't see the  
1024 road or anything like that. So I guess they didn't see that would be a safety  
1025 hazard. They said if I did end up getting a pool or anything, then I had to get a  
1026 fence for that, of course. But I don't have a pool on my premises.  
1027  
1028 Ms. Harris - So the driveway to your house is a private driveway?  
1029  
1030 Ms. Pilgrim - Yes ma'am.  
1031  
1032 Ms. Harris - Okay.  
1033  
1034 Mr. Bell - Thank you. We have someone else to testify. If you  
1035 want to stick around for a rebuttal, please do.  
1036  
1037 Ms. Pilgrim - All right. Thank you.  
1038  
1039 Ms. Jennings - Good morning, I'm Lisa Jennings—J-e-n-n-i-n-g-s.

1040  
1041 Mr. Jennings - And I'm Josh Jennings, her husband.  
1042  
1043 Ms. Jennings - We live at 8408 Ridge Road, which is the property  
1044 directly in front of the Pilgrims. We didn't know exactly what she was applying for.  
1045 At this point, we didn't know if it was to add more children. Those were the  
1046 concerns that we have, because the noise level at times is bad enough right now.  
1047 If we're in our backyard. It butts up—it's our fence. It's in the backyard.  
1048  
1049 Mr. Blankinship - Right.  
1050  
1051 Ms. Jennings - So if we're in the backyard, it butts up directly against  
1052 their playground, basically. And the traffic that we get because our driveways are  
1053 right beside one another. We often get the traffic, thinking they're going to the  
1054 Pilgrims and they're actually coming to our home.  
1055  
1056 Mr. Blankinship - Right.  
1057  
1058 Ms. Jennings - So those, I think, are our major concerns right now,  
1059 and just there being any more people back there. There is a lot already. And the  
1060 fact that, you know, the signage that is in between our driveways—we're  
1061 planning on selling our home at some point, and we didn't know if that was going  
1062 to be a major factor in the resale of our house. Those are just some concerns  
1063 that we wanted to hash out.  
1064  
1065 Mr. Blankinship - Did you say sign?  
1066  
1067 Ms. Jennings - I'm sorry?  
1068  
1069 Mr. Blankinship - Did you say there was a sign?  
1070  
1071 Ms. Jennings - There is a sign. She has a sign down beside their  
1072 mailbox, which is not shown in this picture.  
1073  
1074 Mr. Blankinship - Is it off to the left or?  
1075  
1076 Mr. Jennings - You might be able to see it actually. It looks like it's a  
1077 side view. Right beside the mailbox there's a little black line sort of. Yes, there it  
1078 is. It's just a sideways view.  
1079  
1080 Mr. Blankinship - Oh, oh.  
1081  
1082 Ms. Jennings - And that is our driveway to the—what would be the  
1083 left of where I'm standing.  
1084  
1085 Mr. Blankinship - Okay.

1086  
1087 Ms. Jennings - So as you see, the driveways are right beside one  
1088 another.  
1089  
1090 Mr. Blankinship - Yes.  
1091  
1092 Ms. Jennings - So people frequently get confused, and we frequently  
1093 get knocks on the door asking about childcare. I'm a social worker for children. I  
1094 don't need any other children when I get home from work.  
1095  
1096 Ms. Harris - Ms. Jennings, if the sign were moved to the other  
1097 side, would that alleviate the problem?  
1098  
1099 Ms. Jennings - Possibly for me. I don't know about the other  
1100 neighbors because then it would be in their yard.  
1101  
1102 Mr. Blankinship - But at least their driveway isn't right there, right? Has  
1103 there been any conflict over the driveway? I mean you mentioned parents turning  
1104 in by mistake, picking the wrong driveway. But has there been anything more  
1105 serious?  
1106  
1107 Ms. Jennings - There's just been a couple people come kind of like  
1108 nine or ten at night, which is not okay with me, when asking about daycare  
1109 facilities. So other than that, there hasn't been any major annoyances. I have not  
1110 spoken to Ms. Pilgrim about it because I understand that she's running a  
1111 business and trying to make a living, and I respect that.  
1112  
1113 Mr. Blankinship - Have you ever seen traffic back up on Ridge Road  
1114 waiting to turn into the driveway?  
1115  
1116 Ms. Jennings - I have seen parents waiting. There can't be two cars  
1117 on that—in that driveway. It's impossible. So I have seen people waiting. There  
1118 has not been a line of traffic; that's not what I'm saying. There may be like one or  
1119 two cars waiting to pull in.  
1120  
1121 Ms. Harris - Ms. Jennings, do you think two more children would  
1122 create unbearable noise?  
1123  
1124 Ms. Jennings - I think when they're all outside playing it's a little loud  
1125 now. So two children probably—  
1126  
1127 Ms. Harris - So your answer is yes?  
1128  
1129 Ms. Jennings - Probably, yes.  
1130  
1131 Mr. Jennings - For a residential area.

1132  
1133 Ms. Jennings - Yes. I mean they are completely surrounded by  
1134 houses. Obviously nobody else is here, but we're the property that runs almost  
1135 completely parallel to them and where the playground is.  
1136  
1137 Mr. Blankinship - Right.  
1138  
1139 Mr. Jennings - And the driveway.  
1140  
1141 Ms. Harris - We can't hear you, sir.  
1142  
1143 Mr. Jennings - Plus the driveway with the constant traffic in and out,  
1144 so.  
1145  
1146 Ms. Harris - When you say constant in and out, do you mean  
1147 during the day or?  
1148  
1149 Mr. Jennings - During the day, yes ma'am.  
1150  
1151 Ms. Harris - Or during normal drop-off times in the morning and  
1152 pick-up times in the evening?  
1153  
1154 Mr. Jennings - During normal hours. After hours, that's their personal  
1155 time, so that's—yes.  
1156  
1157 Ms. Jennings - I guess one other thing we forgot is we frequently find  
1158 toys in our yard. I understand that they're probably coming over the fence.  
1159  
1160 Ms. Harris - You say they're coming over the fence. You mean the  
1161 toys are coming over the fence.  
1162  
1163 Ms. Jennings - No, I know Ms. Pilgrim takes very good care of her  
1164 children. She's not throwing anybody over the fence. That's pretty much it, I  
1165 think, for us.  
1166  
1167 Mr. Bell - Any other questions?  
1168  
1169 Mr. Baka - The only other question I had would be about noise  
1170 reduction. Are there any other practical measures that you can suggest that  
1171 would mitigate the noise issues that you're talking about?  
1172  
1173 Ms. Jennings - I don't know how you would quiet down multiple  
1174 children in the yard. They're children, and they're going to run and play. And she  
1175 does have set times, so we do know when they're going to be out there. It's just if  
1176 we're having visitors or whatever it can be overwhelming sometimes.  
1177

1178 Mr. Bell - How long have you been living where you're living  
1179 now?  
1180  
1181 Ms. Jennings - Nine years.  
1182  
1183 Mr. Bell - So you've been there ever since she's been running  
1184 this for the last five years?  
1185  
1186 Ms. Jennings - We have.  
1187  
1188 Mr. Bell - Thank you. If there are no other questions, thank you.  
1189  
1190 Ms. Jennings - Thank you.  
1191  
1192 Mr. Bell - And we have rebuttal. Can you come back up?  
1193  
1194 Ms. Pilgrim - I was just wondering if I moved my toys back a little  
1195 bit would that help out with the noise?  
1196  
1197 Mr. Baka - To the backyard—to the rear yard?  
1198  
1199 Ms. Pilgrim - I didn't say to the backyard, more just the side of  
1200 house. I don't really like the backyard because there's a lot of bamboo in my  
1201 backyard. I mean if I had to I would just have to go back through with my  
1202 licensing for that reason, and just use more of the side of my house instead of  
1203 that close to her yard—to her part of the fence. I know even my swing set is right  
1204 in front of her fence also. I know the kids do get kind of loud especially when  
1205 they're all outside at one time. Right now the good thing is I have a majority of  
1206 babies.  
1207  
1208 Mr. Blankinship - It probably wouldn't hurt, but since there's no barrier  
1209 there, the sound would probably travel just about the same.  
1210  
1211 Mr. Baka - You mentioned the bamboo in the backyard. Is there  
1212 any opportunity to have the play yard entirely relocated to the rear yard?  
1213  
1214 Ms. Pilgrim - No, that actually wouldn't be a problem at all. I would  
1215 just have to contact Mr. Porter and just let him know that's what I wanted to do.  
1216  
1217 Mr. Blankinship - Because you don't own the home.  
1218  
1219 Ms. Pilgrim - Oh, no, Mr. Porter is actually my licensure. But yes,  
1220 Mr. Massenburg, he actually called me last night to see if he needed to come  
1221 down here with me also, my landlord. And I told him that I would be okay. But I  
1222 don't think it will be any problem with moving it to the back. I just kept it on the  
1223 side of the house just because the kids can see it, it's good advertising, and just

1224 for other reasons like that. And just so I can see who's coming up my driveway at  
1225 different times.

1226

1227 Ms. Harris - Is this the area that you would move the equipment?

1228

1229 Ms. Pilgrim - Yes ma'am.

1230

1231 Ms. Harris - This is the area?

1232

1233 Ms. Pilgrim - Yes ma'am. That's the backyard.

1234

1235 Ms. Harris - And what's behind those trees over there?

1236

1237 Ms. Pilgrim - More houses. The gentleman to the left of our house,  
1238 he owns the whole Fountain Lane and all the way back. And the house behind  
1239 that, there's one gentleman that owns all those houses, a Mr. Greg. And then I'm  
1240 friends with a majority of their neighbors also. And the same thing with the  
1241 daycare sign. I can move it on the right-hand side if that's better for them also,  
1242 where the fire hydrant is. It's just that there's a ditch right there so you're not able  
1243 to really see it unless you're actually passing by the location.

1244

1245 Mr. Baka - When some people try to visit your property and may  
1246 mistakenly go to a neighbor's house, are they typically looking for their children?  
1247 Are they current clients of yours or are they new parents?

1248

1249 Ms. Pilgrim - It could be new parents looking for childcare. Why  
1250 they would come that late at night I'm really upset about also because even my  
1251 house phone I cut off at nine o'clock. And I don't accept any phone calls after that  
1252 hour. It could be they're looking for my house, they're looking for the daycare,  
1253 they're looking for neighbors. I know the neighbor to the right of me, they use our  
1254 driveway a lot also. When I do get my driveway done, he does help me pay for it  
1255 also. The way our driveway is set up, he's able to use it, and he just goes up and  
1256 down it a lot like I do. So that could be for anybody also. But I will talk to my  
1257 parents also to try to keep some of the traffic down. The majority of them, they  
1258 get dropped off between 8 and 10 in the morning, and then most of them get  
1259 picked up between 3:30 and 5:30.

1260

1261 Mr. Baka - So looking at this aerial, if that small sign were to be  
1262 moved to the east of your driveway, on the right side of the driveway looking  
1263 down, would that better alert traffic to use your driveway and not theirs?

1264

1265 Ms. Pilgrim - Yes, I could do that. I just put it right there because it  
1266 was right beside the mailbox, and it had our address on it. So I just thought it  
1267 would be easier. I wasn't trying to hurt anybody or bring any attention to anybody  
1268 else's houses or locations.

1269

1270 Mr. Baka - Our biggest concern is we want to try to understand  
1271 the conditions on this property without disrupting the neighborhood and the  
1272 enjoyment of the other residential homes that other owners have invested in on  
1273 the properties around you. Not just one, but all of them.  
1274  
1275 Ms. Pilgrim - Yes, I understand.  
1276  
1277 Ms. Harris - If you move your play area to the other side where we  
1278 pointed out those trees, what about security? There's no fencing there, right?  
1279  
1280 Ms. Pilgrim - No ma'am, there wouldn't be. I would have to put a  
1281 fence up or something up to keep the kids in the area. That was the standard that  
1282 Henrico County had before.  
1283  
1284 Ms. Harris - So do we need to make that a condition or is that  
1285 something definitely you will do?  
1286  
1287 Ms. Pilgrim - To move it to the backyard?  
1288  
1289 Ms. Harris - To move the equipment to the side, you know.  
1290  
1291 Ms. Pilgrim - Oh, I can definitely do that. I can have that done by  
1292 the end of the day.  
1293  
1294 Ms. Harris - And then the fencing.  
1295  
1296 Ms. Pilgrim - To have the backyard fenced in also? I could have  
1297 that done, yes. I can look into that.  
1298  
1299 Mr. Baka - On the previous aerial photograph looking top down,  
1300 there are two other neighboring houses to the east of that dashed yellow line,  
1301 right there. They may have access from Fountain Lane.  
1302  
1303 Ms. Pilgrim - Yes sir.  
1304  
1305 Mr. Baka - Have you had any questions or comments,  
1306 complaints from those two neighbors?  
1307  
1308 Ms. Pilgrim - Oh, no. That's Mr. Cecil and Ms. Hawkins. But no, I've  
1309 never had any complaints from them either. That's what I said, they use our  
1310 driveway and we use they're driveway. My parents do use their driveway when  
1311 there are inclement weather conditions outside and it's snowing because their  
1312 driveway is less inclined than ours is. So our parents will use their driveway and  
1313 then cut through the middle to come up to my house. My driveway is very steep.  
1314

1315 Mr. Blankinship - Cut through between the two buildings that are  
1316 shown, the two garages?  
1317  
1318 Ms. Pilgrim - Yes sir. They go in and out of our driveway like that,  
1319 the residents do of those houses. And our parents have used their driveway also  
1320 before. I just text them that morning or something and let them know that it's  
1321 okay to use that driveway. And then Mr. Cecil, he'll move his cars up or over so  
1322 that way the parents can still get through and get out.  
1323  
1324 Mr. Blankinship - That's awful nice of him.  
1325  
1326 Ms. Harris - So you're saying that both neighbors use your  
1327 driveway?  
1328  
1329 Ms. Pilgrim - Yes ma'am. I'm not sure if Ms. Hawkins does too  
1330 much, but I know Mr. Cecil does, him and his wife.  
1331  
1332 Ms. Harris - And they're not your landlords.  
1333  
1334 Ms. Pilgrim - No ma'am.  
1335  
1336 Ms. Harris - Had you considered a larger facility?  
1337  
1338 Ms. Pilgrim - I have, and my licensure tells me that I should wait a  
1339 couple more years because he doesn't want me to fold or do bad. He wants me  
1340 to actually have more of my own money saved up so that way if anything does  
1341 happen then I guess more put on myself and I'll be okay. I have thought about it  
1342 a couple of times. And it's very hard to get a grant for a daycare center.  
1343  
1344 Ms. Harris - If you move your facility, the people who use your  
1345 daycare would have a problem, right, unless you moved it in the same vicinity.  
1346  
1347 Ms. Pilgrim - Yes. I went around to where my parents live to see if  
1348 could stay in the same location as that, and the majority of my parents do live off  
1349 of Patterson Avenue. I have only one parent that lives where Lakeside is. So if I  
1350 ever have to do that, I would still stay in the area. We were going to move this  
1351 year. I was trying to buy the house, but my landlord, he doesn't want to sell the  
1352 house this year, so unfortunately I had to stay for another year. So if I did move,  
1353 it would still be in the same area that I'm in. So I'm just not sure about that yet.  
1354 But I would love to. I mean I like the area, I love the house. It's good for the kids,  
1355 and it's away from the road.  
1356  
1357 I do apologize to my neighbors. I didn't know that it had caused that much of a  
1358 noise level for them. I know our noise is high sometimes, but I didn't know it was  
1359 that much of a problem for them. But I definitely will fix it.  
1360

1361 Mr. Baka - I have to follow up on Ms. Harris' comments. I would  
1362 agree that at some point in a business' lifecycle there's an opportunity to grow  
1363 and move to a new site. So I hope if that comes to you, I hope that works well in  
1364 the future to consider those options. For now, we're trying to understand if these  
1365 conditions will mitigate the perceived impact on the community.

1366  
1367 Mr. Bell - Any other questions? Thank you.

1368  
1369 **[After the conclusion of the public hearings, the Board discussed the case**  
1370 **and made its decision. This portion of the transcript is included here for**  
1371 **convenience of reference.]**

1372  
1373 Mr. Bell - Do I hear a motion on this case?

1374  
1375 Mr. Baka - Mr. Chairman, I'll make a motion that CUP2014-  
1376 00039 be approved with several conditions and perhaps adding a couple  
1377 conditions and a comment.

1378  
1379 I wanted to refer to the staff report in the second paragraph of the evaluation. It  
1380 says "The accessory use as a family daycare home is also consistent provided  
1381 there are no detrimental impacts on the neighbors." I think just for the benefit of  
1382 the applicant, I want to again just share or emphasize that those are the types of  
1383 issues we're trying to address, particularly that a family day home is an  
1384 accessory use. I think in any situation, any daycare setting, if it gets busier and  
1385 with more activity and even more cars and traffic generation, it is sometimes  
1386 perceived by a community or by neighbors that it may be less of an accessory  
1387 use and starts to become more of a primary use. So I just wanted to caveat that.

1388  
1389 There are four conditions listed in the staff report. One comment I had was on  
1390 condition 4. It says there shall be no more than one sign. And I wanted to  
1391 suggest if we could add language to number four after the word "sign" to say the  
1392 sign shall be located on the east side of the applicant's driveway. I think that will  
1393 help clarify to the traffic coming through.

1394  
1395 A fifth condition I wanted to suggest and discuss among the Board to know  
1396 whether the Board is amenable to this or not. Number five is to move the play  
1397 area to the rear yard as was commented on by the applicant. And number six,  
1398 provide a fenced-in area with a six-foot-tall—I was going to suggest a six-foot-tall  
1399 board-on-board fence. Mr. Blankinship, is that appropriate to suggest specifics in  
1400 that or not?

1401  
1402 Mr. Blankinship - Yes sir, if you feel it's important.

1403  
1404 Mr. Baka - I think—let's see. If I try to take steps and even the  
1405 investment, the money investment to move this play area to the rear yard, I think  
1406 it may help to mitigate some of the impact on the neighboring properties by

1407 moving it away from the other homes. So that's what I would suggest for  
1408 numbers five and six.

1409  
1410 I think the applicant already mentioned comments about trying to stagger drop-off  
1411 times. That's just as best the applicant can work through that with her own  
1412 business.

1413  
1414 I would suggest those two additional conditions—five, move the play area to the  
1415 rear yard, and six, fence in the area with a six-foot-tall board-and-board fence.  
1416 That's my motion, Mr. Chairman.

1417  
1418 Mr. Bell - Is there any discussion concerning his motion?

1419  
1420 Ms. Harris - First of all, I second the motion. But I would like to ask  
1421 a question about the fencing. Are we just talking about fencing the play area? I  
1422 understand there are fences for two of the four sides. I don't think that fencing on  
1423 the two sides is six—I don't know the height of that area. So I was just question  
1424 two things: Should we state where we want the fencing to be placed, and should  
1425 we state six feet? Is that on the proposed fencing or is that six feet completely  
1426 around the property?

1427  
1428 Mr. Baka - Okay. Good questions. I'm not entirely—I wasn't  
1429 trying to imply it should go around the entire perimeter of the property.

1430  
1431 Mr. Bell - She showed the backyard, I believe, while we were  
1432 talking about it.

1433  
1434 Mr. Baka - Yes.

1435  
1436 Mr. Bell - Can we get that picture back up here?

1437  
1438 Mr. Baka - I was thinking it would be helpful to have some type of  
1439 perimeter limit in the rear yard only. So I was thinking it would be best to express  
1440 that a fence should be in the rear yard along the—if you take the rear line of the  
1441 house and extend it sideways both directions and then go from there back.

1442  
1443 Mr. Bell - And three sections is all you need if you come from  
1444 the house.

1445  
1446 Mr. Baka - So I'd say rear yard only. If you're behind the house, I  
1447 guess I'm not as concerned with the height. I think on other family daycare  
1448 homes in the county we've had six-foot fences, but I'd be willing to remove the  
1449 height number if that's a concern.

1450  
1451 Mr. Blankinship - We could leave the design of the fence up to  
1452 whatever the state Social Services requires for licensing the daycare.

1453  
1454 Mr. Baka - We could strike the six-foot height because that's  
1455 more of a privacy issue, and you already have an element of privacy built into the  
1456 site when I looked at the site from each direction.  
1457  
1458 Ms. Harris - So we're saying fencing of the play are according to  
1459 state guidelines?  
1460  
1461 Mr. Baka - In the rear yard.  
1462  
1463 Ms. Harris - In the rear yard.  
1464  
1465 Mr. Baka - With no height.  
1466  
1467 Ms. Harris - That's the play area, right?  
1468  
1469 Mr. Baka - Yes. I mean no minimum height specified. Whatever  
1470 seems reasonable to the applicant.  
1471  
1472 Mr. Gidley - [inaudible] — side, rear, side?  
1473  
1474 Mr. Baka - Yes, side rear side, sorry. Mr. Chairman?  
1475  
1476 Mr. Bell - Yes sir.  
1477  
1478 Mr. Baka - The applicant had a question for you.  
1479  
1480 Mr. Bell - Yes, go ahead.  
1481  
1482 Ms. Pilgrim - Do I get — [inaudible].  
1483  
1484 Mr. Blankinship - You'll need to come up.  
1485  
1486 Ms. Pilgrim - Do I get thirty days or sixty days to put a fence up or  
1487 how does that work?  
1488  
1489 Mr. Bell - In terms of time, how does that work?  
1490  
1491 Mr. Baka - Ninety?  
1492  
1493 Ms. Pilgrim - Ninety days? That's even better. Thank you.  
1494  
1495 Mr. Baka - I think the point is that it gets there. It's not that it has  
1496 to be rushed and done instantly.  
1497  
1498 Ms. Pilgrim - Okay, so you just want one done. Okay. Thank you.

1499  
1500 Mr. Baka - I would think within ninety days because I'm not as  
1501 concerned with it immediately being there as it is that you're going to be doing it.  
1502  
1503 Ms. Pilgrim - Okay. So just a fence up around the playground area.  
1504 And it does not have to be six feet; it can be whatever Social Services requires.  
1505 Okay. Thank you, I appreciate it. Thank you guys. Happy holidays.  
1506  
1507 Mr. Baka - Last question, then. The bamboo that's there, some of  
1508 that provides a natural noise buffer. Did you say earlier you'd need to clear some  
1509 of that or you wouldn't clear any more of the bamboo in the back?  
1510  
1511 Ms. Pilgrim - I wouldn't even touch the bamboo. Actually, if I would  
1512 buy the house, I would want to cut more of the bamboo back so I could have  
1513 more of a play area for the kids. That's the reason why I didn't use the rear area  
1514 before because it was a little bit smaller than the front side of the area and  
1515 because I couldn't see the front of my house. I'm a very private person; I like to  
1516 see who's coming up my driveway and who's leaving, especially because I have  
1517 kids on the premises. But I was able to get—I went to AT&T, and I have video  
1518 cameras on the front porch, and on the back porch, and inside the house now  
1519 too. Just for safety reasons.  
1520  
1521 Mr. Bell - For safety in this area right here at this time—I realize  
1522 it's new—how would you fence it in?  
1523  
1524 Ms. Pilgrim - I would do like the daycare I used to work for. It's like  
1525 a silver fence, and I would just take it out from the house. It would probably touch  
1526 the house on both sides of my laundry room, and it would come out and just go  
1527 like that.  
1528  
1529 Mr. Bell - Go out to the bamboo and then—  
1530  
1531 Ms. Pilgrim - Yes sir. It would be in front of the bamboo, probably  
1532 like a foot in front of the bamboo all the way around to be connected to the  
1533 house. That's how you all want it? Yes. I can definitely do that. That's easy.  
1534 Thank you so much. I appreciate it.  
1535  
1536 Mr. Bell - Thank you. Anything else? The motion has been  
1537 made by Mr. Baka and seconded by Ms. Harris. We've had a discussion, so let's  
1538 go on with the vote. All those in favor say aye. All opposed say no. The ayes  
1539 have it; the motion passes.  
1540  
1541 After an advertised public hearing and on a motion by Mr. Baka, seconded by  
1542 Ms. Harris, the Board **approved** application **CUP2014-00039, CHRISTINA M.**  
1543 **PILGRIM's** request for a conditional use permit pursuant to Section 24-12(g) of  
1544 the County Code to operate a family day home with employees at 8406 Ridge



1591 Mr. Blankinship - And what is your name?  
1592  
1593 Mr. Williams - Jamie Williams—W-i-l-l-i-a-m-s.  
1594  
1595 Mr. Blankinship - All right.  
1596  
1597 Mr. Bell - Yes, go ahead.  
1598  
1599 Mr. Williams - Our variance is for road frontage. The property that I  
1600 have under contract with Ms. Young to buy is landlocked by the other properties  
1601 that are adjacent. It meets all of the side requirements, but it doesn't have the  
1602 fifty feet of public road frontage that is required to obtain a building permit.  
1603  
1604 Initially we were talking to the owner of 7778 for an easement, but she then  
1605 changed her mind. In the between time, we have contacted the owners of 7740,  
1606 which is actually a better location for an easement. And they have agreed to give  
1607 us an easement twenty feet wide and the length of the property to have ingress  
1608 and egress from the property. And that's basically why we're here.  
1609  
1610 Mr. Blankinship - You're a contract purchaser of the property?  
1611  
1612 Mr. Williams - Yes.  
1613  
1614 Mr. Blankinship - Okay. And what's your intention?  
1615  
1616 Mr. Williams - My intention is to build a single-family residence.  
1617  
1618 Mr. Blankinship - For yourself or to sell?  
1619  
1620 Mr. Williams - To sell.  
1621  
1622 Mr. Nunnally - How does Linda Young come into the picture?  
1623  
1624 Mr. Williams - Linda Young is the current owner of the property, and  
1625 we have a contract with Ms. Young to purchase the property contingent on us  
1626 being able to get the easement—to get the variance today to actually be able to  
1627 build on the property. So she's the current owner, and we have a contract to  
1628 purchase from her. But we want to make sure that we can get the variance first  
1629 before we close out and purchase the property.  
1630  
1631 Mr. Nunnally - Did her uncle own all that property there at one time?  
1632  
1633 Mr. Williams - I'm not sure whether her uncle was the person who  
1634 owned it or not. She didn't really tell me all the particulars behind how the  
1635 property got subdivided. I do know that at some point it was eleven acres, and  
1636 then it was subdivided, and that piece of property was left landlocked.

1637

1638 Ms. Harris - Mr. Williams, let's talk about the access road. You  
1639 said you can get the easement for 7778. Is there any type of road there now at  
1640 all?

1641

1642 Mr. Williams - The owners that are going to actually grant us the  
1643 easement are not 7778. What you have on the screen is actually not the owners  
1644 that are going to give us the easement. She decided for some reason that she  
1645 didn't want to do it. Part of it was I think that she wanted to actually just sell the  
1646 property. But 7740, which is the property that's directly in front, they have agreed  
1647 to give us an easement on the right side of their lot, the twenty-foot requirement  
1648 being met. And I sent a PDF of the actual survey that our surveyor went out and  
1649 did for the easement to Mr. Blankinship also. So the actual easement will go  
1650 through 7740.

1651

1652 Mr. Blankinship - Paul, you want to go to the aerial photograph and  
1653 zoom between—yes. Perfect. So you can see there, Ms. Harris, there is nothing  
1654 but woods there now.

1655

1656 Ms. Harris - Right.

1657

1658 Mr. Bell - The easement is going to go on which side?

1659

1660 Mr. Blankinship - On the north side of that lot.

1661

1662 Ms. Harris - Is there a house there at all?

1663

1664 Mr. Williams - No. There are no houses. The only structure is the  
1665 one that's to the left. It's in between 7778 and 7740. So that's the only house.  
1666 Our easement would be on the complete opposite side of the adjacent lot, so  
1667 they wouldn't be affected at all.

1668

1669 Ms. Harris - So you will actually have to cut down some trees and  
1670 all to create this access road.

1671

1672 Mr. Williams - Yes ma'am.

1673

1674 Mr. Bell - Any other questions?

1675

1676 Mr. Nunnally - You know that you need to get an access easement  
1677 across the property don't you?

1678

1679 Mr. Williams - Yes sir.

1680

1681 Mr. Nunnally - Are you in the process of that now?

1682

1683 Mr. Williams - In the process of—  
1684  
1685 Mr. Nunnally - Getting that access to cross the property?  
1686  
1687 Mr. Williams - Yes. The owners of 7740 have agreed to do it. And  
1688 basically we've gotten the survey already. We're just waiting for the signatures on  
1689 the easement to come back and be deeded.  
1690  
1691 Mr. Bell - Have you read and understand all the suggested  
1692 conditions and agree with them if the conditional use permit is approved?  
1693  
1694 Mr. Williams - Yes sir.  
1695  
1696 Mr. Bell - All right. Any other questions? Thank you.  
1697  
1698 Mr. Williams - Thank you.  
1699  
1700 **[After the conclusion of the public hearings, the Board discussed the case**  
1701 **and made its decision. This portion of the transcript is included here for**  
1702 **convenience of reference.]**  
1703  
1704 Mr. Bell - Do I hear a motion?  
1705  
1706 Mr. Nunnally - I make a motion that we approve this variance  
1707 because the proposed dwelling will not cause any substantial detrimental impact  
1708 on neighbors or change the character of the district. He's required to get the  
1709 access easement across the property. I understand that process is underway  
1710 now. So I move we approve it.  
1711  
1712 Mr. Bell - Do I hear a second on the motion?  
1713  
1714 Mr. Baka - Second.  
1715  
1716 Mr. Bell - Is there any discussion?  
1717  
1718 Ms. Harris - Yes. I think we need to discuss—this variance case is  
1719 different from our conditional use permit. We're not as concerned about the  
1720 adverse affects or the health, safety, or welfare of the community as we are  
1721 about whether or not this property is considered taken as a whole. When there  
1722 was 11.7 acres and it was subdivided, I think that was considered taken as a  
1723 whole. And that property was landlocked. The division was a family division; this  
1724 is not a family division. We have a lot of these landlocked properties throughout  
1725 Varina and probably all of the districts, but Varina especially. So I think we need  
1726 to clarify are we considering the property taken as a whole as this 2.2-acre lot or  
1727 are we considering the "taken as a whole" as the property before it was divided? I  
1728 think we need some clarification on that because this continues to come—the

1729 Supreme Court's ruling about whether or not the effect of the zoning ordinance  
1730 interferes with all reasonable use of the property taken as a whole. So I think we  
1731 need to deal with the taken-as-a-whole issue.

1732  
1733 Mr. Nunnally - I think it was taken as a whole.

1734  
1735 Ms. Harris - Using the 2.2 acres is taken as a whole.

1736  
1737 Mr. Nunnally - Yes.

1738  
1739 Ms. Harris - That's the *whole* we're dealing with. Okay. Just  
1740 wanted to clarify that. And it's not a family division. So this may be one of the few  
1741 cases that we have dealt with that doesn't involve a family division. Is that true,  
1742 Mr. Blankinship?

1743  
1744 Mr. Blankinship - Yes ma'am. If they were applying to create this lot at  
1745 this time, I think the Board would almost be forced into a position of denying the  
1746 request. Because it was divided so long ago—although it was after 1960. If it was  
1747 before 1960, I think it would be a very clear case that you should take the whole  
1748 property because prior to 1960, road frontage was not required. But because it is  
1749 after 1960 but still almost fifty years ago, I do think there is some ambiguity in  
1750 there that the Board needs to use your judgment about how this should be  
1751 viewed. On the one hand in 1960 when it was divided, if they had just applied for  
1752 a building permit, it would have been denied because they didn't have public  
1753 street frontage. But if they had applied for a variance in 1965, you know, judging  
1754 from I know of the history, it almost certainly would have been approved. So I  
1755 think there is some judgment that the Board—I mean, that's your responsibility,  
1756 to exercise your judgment in this sort of situation.

1757  
1758 Ms. Harris - I have no problem with it, especially if we say that this  
1759 lot is considered a one-family dwelling, you know, piece of property that's  
1760 unusable, unbuildable if they did not have this particular variance.

1761  
1762 Mr. Blankinship - Yes ma'am.

1763  
1764 Ms. Harris - So I think that "taken as a whole" can refer to just this  
1765 2.2-acre parcel of land.

1766  
1767 Mr. Bell - Any other discussion? Hearing none, all in favor say  
1768 aye. All opposed say no. The ayes have it; the motion passes.

1769  
1770 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
1771 Mr. Baka, the Board **approved** application **VAR2014-00016**, **LINDA YOUNG's**  
1772 request for a variance from Section 24-9 of the County Code to build a one-family  
1773 dwelling at 7760 Gill Dale Road (Parcel 838-690-8873) zoned Agricultural District

1774 (A-1), (Varina). The Board approved the variance subject to the following  
1775 conditions:

1776  
1777 1. This variance applies only to the public street frontage requirement for one  
1778 dwelling only. All other applicable regulations of the County Code shall remain in  
1779 force.

1780  
1781 2. Only the improvements shown on the plot plan and building design filed with  
1782 the application may be constructed pursuant to this approval. Any additional  
1783 improvements shall comply with the applicable regulations of the County Code.  
1784 Any substantial changes or additions to the design or location of the  
1785 improvements will require a new variance.

1786  
1787 3. Approval of this request does not imply that a building permit will be issued.  
1788 Building permit approval is contingent on Health Department requirements,  
1789 including, but not limited to, soil evaluation for a septic drainfield and reserve  
1790 area, and approval of a well location.

1791  
1792 4. At the time of building permit application, the applicant shall submit the  
1793 necessary information to the Department of Public Works to ensure compliance  
1794 with the requirements of the Chesapeake Bay Preservation Act and the code  
1795 requirements for water quality standards.

1796  
1797 5. The applicant shall present proof with the building permit application that a  
1798 legal access to the property has been obtained within an easement at least 20  
1799 feet wide from the property to Gill Dale Road. Before a certificate of occupancy is  
1800 issued the applicant shall construct a driveway with a surface at least 12 feet  
1801 wide constructed of gravel at least four inches deep, with all trees and other  
1802 obstructions cleared for a width of 18 feet and height of 14 feet. The owners of  
1803 the property, and their heirs or assigns, shall accept responsibility for maintaining  
1804 access to the property so that it is accessible by emergency vehicles at all times.

1805  
1806  
1807 Affirmative: Bell, Baka, Harris, Nunnally 4  
1808 Negative: 0  
1809 Absent: Wright 1

1810  
1811  
1812 Mr. Bell - That leads us to the minutes of last month. It was a  
1813 very short meeting. Do I hear a motion on the minutes?

1814  
1815 Ms. Harris - I move the minutes be accepted as presented.

1816  
1817 Mr. Baka - Second.

1818

1819 Mr. Bell - Hearing a second, is there any discussion? Hearing  
1820 none, all in favor say aye. All opposed say no. The ayes have it; the motion  
1821 passes.

1822  
1823 On a motion by Ms. Harris, seconded by Mr. Baka, the Board **approved as**  
1824 **presented the Minutes of the November 20, 2014**, Henrico County Board of  
1825 Zoning Appeals meeting.

1826  
1827  
1828 Affirmative: Bell, Baka, Harris, Nunnally 4  
1829 Negative: 0  
1830 Absent: Wright 1

1831  
1832  
1833 Mr. Bell - Before we adjourn for Christmas, let's take the last  
1834 vote of this year—we'll vote on adjournment. Do I hear a motion that we adjourn?

1835  
1836 Mr. Baka - So moved.

1837  
1838 Ms. Harris - Second.

1839  
1840 Mr. Bell - Hearing a second, all those in favor say aye. All  
1841 opposed say no.

1842  
1843  
1844 Affirmative: Bell, Baka, Harris, Nunnally 4  
1845 Negative: 0  
1846 Absent: Wright 1

1847  
1848  
1849 Mr. Bell - The ayes have it; the motion passes. We're  
1850 adjourned.

1851  
1852  
1853  
1854 

1855  
1856 Gentry Bell  
1857 Chairman

1858  
1859  
1860  
1861   
1862 Benjamin Blankinship, AICP  
1863 Secretary  
1864