

COUNTY OF HENRICO, VIRGINIA
BOARD OF SUPERVISORS
SPECIAL MEETING
April 8, 2008

The Henrico County Board of Supervisors convened a Special Meeting on Tuesday, April 8, 2008 at 4:30 p.m. in the County Manager's Conference Room, Administration Building, Henrico County Government Center, Parham and Hungary Spring Roads, Henrico County, Virginia. The Chairman called the meeting to order at 4:42 p.m. Those present at the meeting were:

PRESENT

The Honorable David A. Kaechele, Chairman
The Honorable Patricia S. O'Bannon, Vice-Chairman
The Honorable James B. Donati, Jr., Varina District Supervisor
The Honorable Richard W. Glover, Brookland District Supervisor
Mr. Virgil R. Hazelett, P.E., County Manager
Mr. George T. Drumwright, Jr., Deputy County Manager for Community Services
Ms. Angela N. Harper, FAICP, Deputy County Manager for Special Services
Mr. Leon T. Johnson, Deputy County Manager for Administration
Mr. Robert K. Pinkerton, P.E., Deputy County Manager for Community Operations
Mr. Randall R. Silber, Deputy County Manager for Community Development
Mr. Barry R. Lawrence, Assistant to the County Manager/Clerk to the Board
Mrs. Linda B. Jones, Deputy Clerk to the Board
Mr. C. Michael Schnurman, Legislative Liaison
Mr. Joseph P. Rapisarda, Jr., County Attorney
Mr. J. Thomas Tokarz, Senior Assistant County Attorney
Mrs. Jennifer K. Acker, Assistant Director of Public Relations & Media Services
Mr. Ralph J. Emerson, Director of Planning
Mr. David D. O'Kelly, Jr., Assistant Director of Plan Review and Code Support
Ms. Aimee Berndt, County Planner I
Ms. Melodie N. Martin, *Richmond Times-Dispatch*

ABSENT

The Honorable Frank J. Thornton, Fairfield District Supervisor

Mr. Kaechele announced that Mr. Thornton would be absent for the special and regular meetings because he had undergone surgery earlier in the day.

Appeal of Planning Commission
Decision on Alternative Fence Height
Request

Mr. Hazelett noted that a resolution regarding this matter was scheduled as a public hearing item on the evening's regular meeting agenda. The resolution concerned an appeal of a Planning Commission decision to deny a request for an alternative fence height for residential property located at 2008 Fon-Du-Lac Road. Mr. Hazelett

mentioned that the Board might later wish to consider going into a closed meeting with the County Attorney to discuss certain legal issues evolving from this case.

Mr. Hazelett recognized Mr. O'Kelly, who provided facts surrounding the applicant's request for an alternative fence height of 58 inches in a front yard located along the south property line of the lot adjacent to a neighboring residential property. Mr. O'Kelly presented slides that depicted the location of the property and design of the proposed fence (see enclosed copies). He stated that the purpose of the applicant's request was to provide privacy from the neighbor's yard, which the applicant had described as unsightly. Mr. O'Kelly advised that the Department of Public Works had no comments on the proposed fence and that the County's Traffic Engineer had determined it would not adversely affect road safety. Mr. O'Kelly informed the Board that staff initially received calls from neighbors who supported the request for the fence, but that a neighbor residing immediately adjacent to the property opposed the request when it was heard before the Planning Commission because of visibility, maintenance, and drainage concerns. After deferring the request, the Planning Commission unanimously denied it on February 27, 2008.

During Mr. O'Kelly's presentation, he and Mr. Rapisarda responded to questions and comments from members of the Board pertaining to possible visibility and aesthetic issues associated with the proposed fence, the number of similar fence height requests considered by the Planning Commission during the past four years, why the applicant contended that the Planning Commission improperly denied the request, whether road safety issues were raised at the Planning Commission's public hearing, whether any fence height denials have previously been appealed to the Board, whether a six-foot hedge complies with the County Code, why similar cases have been approved in the past by the Planning Commission, and what

distinguishes a fence from a wall. At Mrs. O'Bannon's request, Mr. O'Kelly showed examples of similar fences that have been approved by the Planning Commission (see enclosed slides).

Mr. Rapisarda pointed out that although the original resolution before the Board would deny the appeal, staff had prepared a substitute resolution that would reverse the Planning Commission's decision and grant the applicant's request for an alternative fence height. The approval would be subject to the Department of Planning's Standard Conditions for Landscape/Lighting/Fence Plans.

On motion of Mr. Glover, seconded by Mr. Donati, the Board approved going into a Closed Meeting at 5:03 p.m. for the following matter:

Consultation with the County Attorney regarding specific legal matters requiring the provision of legal advice pertaining to an appeal of a Planning Commission decision on an alternative fence height request, pursuant to §2.2-3711(A)(7) of the Code of Virginia, 1950, as amended.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
David A. Kaechele		Frank J. Thornton
Patricia S. O'Bannon		
James B. Donati, Jr.		
Richard W. Glover		

On motion of Mr. Glover, seconded by Mrs. O'Bannon, the Board approved going out of the Closed Meeting at 5:28 p.m.

The vote of the Board was as follows:

<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
David A. Kaechele		Frank J. Thornton
Patricia S. O'Bannon		
James B. Donati, Jr.		
Richard W. Glover		

In open session, on motion of Mrs. O'Bannon, seconded by Mr. Donati, the Board approved the attached Certificate of Closed Meeting.

The vote of the Board was as follows:

Aye
David A. Kaechele
Patricia S. O'Bannon
James B. Donati, Jr.
Richard W. Glover

Nay

Absent
Frank J. Thornton

Mr. Kaechele advised that some citizens in his district have expressed concerns that the County's public infrastructure is underfunded and that new development should bear the cost of needed public improvements. He indicated that there might be public comments on this issue at the evening meeting.

The Board recessed for dinner at 5:32 p.m. and reconvened at 5:45 p.m.

Mr. Hazelett reviewed the list of persons who had signed up in advance to speak at the 6:00 p.m. budget public hearing. He mentioned that the Capital Region Arts and Cultural Funding Consortium has been reviewing possible changes in its procedures for funding member organizations. Mr. Hazelett briefly reviewed the agenda for the 7:00 p.m. regular meeting and referred to a case for which the applicant had requested a deferral. There was some discussion by Board members and Mr. Hazelett relating to a resolution scheduled for public hearing that would authorize him to execute a third amendment to a Lease Agreement for property currently leased by the County to Community Based Services, Inc. There was also discussion about the existing procedure for County residents to appeal fence height requirements and whether the adjoining property owner opposing the appeal scheduled for the evening's public hearing agenda had committed community maintenance violations.

There being no further business, the meeting was adjourned at 5:52 p.m.



Chairman, Henrico County Board of Supervisors