

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
2 **HENRICO COUNTY HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
3 **HENRICO COUNTY GOVERNMENT COMPLEX ON THURSDAY, APRIL 27, 2000,**
4 **AT 9:00 A.M. NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES**
5 **DISPATCH ON APRIL 6 AND 13, 2000.**
6

Members Present: Richard Kirkland, Chairman
Gene L. McKinney, C. P. C., C.B.Z.A.
James W. Nunnally
R. A. Wright

Member Absent: Daniel Balfour, Vice-Chairman

Also Present: Benjamin Blankinship, Secretary
Susan W. Blackburn, County Planner II
Priscilla M. Parker, Recording Secretary

7
8 Mr. Kirkland - Ladies and gentlemen, welcome to the April meeting of the
9 Board of Zoning Appeals. Before we get started, I'd like the Secretary to read you the
10 rules. If you would, please.

11
12 Mr. Blankinship - Good morning, Mr. Chairman, Members of the Board, ladies
13 and gentlemen. The rules for this meeting are as follows. The Secretary, myself, will
14 call each case. Then the applicants will come to the podium to present their case. At
15 that time I'll ask all those who intend to speak, in favor or opposition, to stand, and they
16 will be sworn in. The applicants will then present their testimony. When the applicant is
17 finished, anyone else will be given an opportunity to speak. After everyone has spoken,
18 the applicant, and only the applicant, will be given an opportunity for rebuttal. After
19 hearing the case, and asking questions, the Board will take the matter under
20 advisement. They will render a decision at the end of the meeting. If you wish to know
21 what their decision is, you may stay until the end of the meeting, or you may call the
22 Planning Office at the end of the day. This meeting is being tape recorded, so we will
23 ask everyone who speaks, to speak directly into the microphone on the podium, and to
24 state your name for the record. In the foyer, there are two binders, which have the staff
25 reports for each case, including the conditions suggested by the staff. Mr. Chairman?

26
27 Mr. Kirkland - Mr. Secretary, do we have any requests on the 9:00 o'clock
28 agenda for deferrals or withdrawals?

29
30 Mr. Blankinship - Yes sir, we have two – one is **A-27-2000**, on page two of
31 your agenda. Bettina Jordan has **withdrawn** her application. Two cases down from
32 that, **UP-7-2000** – Mr. Penrose has requested a **deferral** of that case to next

34 month's meeting, the May 25 meeting, and on page three, **A-29-2000**, Barnes and
35 Noble Bookstore has requested a **deferral** to the May meeting. I believe that's all.

36 **A - 27-2000** **BETTINA JORDAN** requests a variance from Section 24-96(a) of
37 Chapter 24 of the County Code to use off-site parking at 104 Koch
38 Avenue (Windsor Place) (Tax Parcel 146-5-A-31A), zoned R-4,
39 One-family Residence District (Varina). The parking lot location
40 requirement is not met. The applicant has off-site parking where the
41 Code requires on-site parking. The applicant requests a variance to
42 allow off-site parking.
43

44 Upon a motion by Mr. McKinney, seconded by Mr. Wright, the Board **granted** the
45 withdrawal of **A-27-2000** application by the applicant.

46			
47	Affirmative:	Kirkland, McKinney, Nunnally, Wright	4
48	Negative:		0
49	Absent:	Balfour	1

50
51 Mr. Kirkland - Is anybody here to speak on any of these cases? Or in
52 opposition to any of these cases?

53
54 Mr. Blankinship - UP-7-2000 is the FBI Building on Parham Road.

55
56 Mr. Kirkland - Yes sir, come forward. You need to be sworn in – would you
57 raise your right hand.

58
59 Mr. Blankinship - Do you swear the testimony you are about to give is the
60 truth, the whole truth, and nothing but the truth, so help you God?

61
62 Mr. Rowe - Yes I do.

63
64 Mr. Kirkland - Would you state your name for the record, please.

65
66 Mr. Rowe - My name is Dan M. Rowe. I live at 1823 Hungary Road,
67 which is adjacent to the FBI site there. I was going to ask for this case to be deferred.

68
69 Mr. Kirkland - In other words, you don't mind it being deferred. Okay, I
70 have a motion to defer case UP-7-2000.

71
72 Mr. McKinney - I move we defer UP-7-2000.
73

74 Upon a motion by Mr. McKinney, seconded by Mr. Wright, the Board **deferred** the **UP-**
75 **7-2000** application for 30 days, from the April 27, 2000, until the May 25, 2000, meeting,
76 on the 9:00 o'clock agenda, at the request of the applicant.
77

78 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
79 Negative: 0
80 Absent: Balfour 1

81
82 Mr. Kirkland - **A-27-2000** was withdrawn. **A-29-2000** – is anyone here to
83 speak on **Barnes & Noble**? If not, I entertain a motion to defer it to May 25.

84
85 Upon a motion by Mr. Wright, seconded by Mr. McKinney, the Board **deferred** the **A-29-**
86 **2000** application for 30 days, from the April 27, 2000, until the May 25, 2000, meeting,
87 on the 9:00 o'clock agenda, at the request of the applicant.

88
89 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
90 Negative: 0
91 Absent: Balfour 1

92
93 Mr. Kirkland - Before we get started, I'd like for everyone to know that one
94 of our members is not here today; we're normally made up of a five-member group. Mr.
95 Balfour is out of town. All right, first case. Please call it sir.

96
97 Mr. Blankinship - Mr. Chairman, we're having some difficulty with the
98 computers, getting the images to come up on the screens and the monitors. Would you
99 prefer to continue with the hearing while we try to pull that together, or do you want to
100 wait until all that information is available to

101
102 Mr. Kirkland - What do the rest of the Board members want to do?

103
104 Mr. McKinney - Well, we used to operate without them before.

105
106 Mr. Kirkland - Let's do it. Call it.

107
108 **UP-6-2000** **MT. OLIVE BAPTIST CHURCH** requests a temporary use permit
109 pursuant to Section 24-116(c)(1) of Chapter 24 of the County Code
110 to use a trailer as a temporary class/meeting room at 8775 Mt.
111 Olive Avenue (Tax Parcel 52-A-72), zoned R-3, One-family
112 Residence District (Fairfield).

113
114 Mr. Kirkland - Is the applicant here? Does anyone else wish to speak on
115 UP-6-2000? If you would, sir, raise your right hand and be sworn in by the Secretary.

116
117 Mr. Blankinship - Do you swear the testimony you are about to give is the
118 truth, the whole truth, and nothing but the truth, so help you God?

119
120 Mr. Kirkland - Would you state your name for the record?

121
122 Mr. Jackson - My name is Lloyd E. Jackson, Jr., Trustee at Mt. Olive
123 Baptist Church.

124
125 Mr. Kirkland - Have all your notices been turned in, according to the
126 County Code? We have them in the file. If you would, proceed with your case.
127
128 Mr. Jackson - Yes sir. We've requested a temporary use permit for a
129 trailer to be used temporarily for our classrooms. We are in a growing mode of our
130 church, and we have a pretty huge congregation, and on Sunday mornings for our
131 Sunday school, and during the week, we have a lot of classes of different ministries,
132 and we'd like to get a trailer and put it in place to be used for these extra classes. We
133 are in the planning stage of building a church, and within a year or 18 months, we
134 certainly hope that we will have a more permanent setting for our expansion.
135
136 Mr. Kirkland - Any questions by Board members?
137
138 Mr. Wright - When will these trailers be used, what hours and so forth,
139 what days?
140
141 Mr. Jackson - Basically, on Sunday mornings, between the hours of 9:30
142 and 11.
143
144 Mr. Wright - And I said "trailers," but it's just one trailer, isn't it?
145
146 Mr. Jackson - Just one trailer, yes sir. And during the week, usually maybe
147 on Monday through Thursday nights, but more so on Wednesday night when we have
148 our Bible studies. There's only a few Monday and Tuesday and Thursday nights during
149 the whole month, maybe just one of each of those, because we don't have ministry
150 meetings every week, but our Bible study we do have every week. Which means that,
151 that particular night when we have a larger crowd, it is likely to be used on a
152 Wednesday night as well.
153
154 Mr. Wright - I notice that these trailers would have no restroom facilities,
155 but you wouldn't be, they wouldn't be using the trailers all day long?
156
157 Mr. Jackson - Oh no, not at all, that's right sir.
158
159 Mr. Wright - And you would have facilities in your church?
160
161 Mr. Jackson - Yes sir, we have facilities in our church, and it's not that far
162 from our church.
163
164 Mr. Wright - Thank you.
165
166 Mr. McKinney - Mr. Jackson, you say on Sunday from 9:30 to 11?
167
168 Mr. Jackson - Basically, that's when our Sunday school hour is.
169

170 Mr. McKinney - I mean, if this becomes a condition, wouldn't you rather have
171 it say, from 8:00 to 1:00?

172
173 Mr. Jackson - Yes, I would appreciate that.

174
175 Mr. McKinney - And also, Monday through Thursday – what hours of
176 operation do you want then?

177
178 Mr. Jackson - Well actually, I think we start our meetings around 6:00
179 o'clock, and we're out of our church for the most part every night, we're required to be
180 out by 10, but basically by 9:30 most of the meetings are over with. We have a limit
181 right now at 10 o'clock to be away from our church.

182
183 Mr. McKinney - How about we put it down from 5:00 pm to 10:30 in case you
184 need to clean it up. You don't mind that being a condition?

185
186 Mr. Jackson - Oh no, not at all.

187
188 Mr. Kirkland - Any other questions? Anyone else to speak on UP-6-2000?
189 If not sir, that concludes the case, and you can get your answer this afternoon, or stay
190 around a while, but it would probably be easier to get it then.

191
192 Mr. Jackson - I'll call back. Thank you so much; I appreciate it. Have a
193 good day.

194
195 After an advertised public hearing and on a motion by Mr. Nunnally seconded by Mr.
196 Wright, the Board **granted** the case **UP-6-2000**.

197
198 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
199 Negative: 0
200 Absent: Balfour, 1

201
202 The Board **granted** your application for a temporary use permit to use a trailer as a
203 temporary class/meeting room at 8775 Mt. Olive, subject to the following conditions:

- 204
205 1. Only the trailer shown on the plan filed with the application may be constructed
206 pursuant to this approval. Any additional improvements shall comply with the applicable
207 regulations of the County Code.
208
209 2. The trailer shall comply with the zoning ordinance requirements for setback from
210 any property line. It shall be located as far as practical from 9517 Kennedy Station
211 Terrace.
212
213 3. The trailer shall be removed from the site on or before June 1, 2001.
214

215 4. The trailer shall only be used during the following hours: 8:00 am to 1:00 pm on
216 Sunday, and 5:00 to 10:30 pm Monday through Thursday.

217
218 **A - 24-2000** **LORENZO AND MASHELL GOODE** request a variance from
219 Section 24-9 of Chapter 24 of the County Code to build a single
220 family home at 10845 Good Oak Lane (Tax Parcel 30-A-21A),
221 zoned A-1, Agricultural District (Brookland). The public street
222 frontage requirement is not met. The applicants have 0 feet public
223 street frontage where the Code requires 50 feet. The applicants
224 request a variance of 50 feet public street frontage.

225
226 Mr. Blankinship - Do you swear that the testimony you are about to give is the
227 truth, the whole truth, and nothing but the truth, so help you God?

228
229 Mr. Kirkland - State your name for the record.

230
231 Mr. Goode - Yes sir. Lorenzo Goode

232
233 Mr. Kirkland - Have all your notices been turned in, according to County
234 Code?

235
236 Mr. Goode - No sir. I was under the assumption that – I had the request
237 granted one time – and I thought this was just a reissue, so I got a call from your
238 secretary, Ms. West, yesterday, and she informed me that notices had to be in to her no
239 later than yesterday, and we went around and got the notices from everybody except for
240 one person. I called Ms. West to confirm that she knew about the notice and
241 everything, so at this point all I really can do is ask the Board to give me a deferral, but
242 I've been waiting so long to get this project started, I would, if there's any way the Board
243 can give me some consideration for having this already granted one time before, I
244 would like to move forward with my project.

245
246 Mr. Kirkland - No sir, according to law, we have to make sure we have the
247 notices turned in, in the required time, and there is a sheet with the instructions, and I'm
248 sure you probably received one, you need to go by that, and basically we have to defer
249 it till next month if that's your wishes.

250
251 Mr. Goode - Yes sir, that'll be fine, and that'll give me time to get it all
252 properly done.

253
254 Upon a motion by Mr. Wright, seconded by Mr. Nunnally, the Board **deferred** the **A-24-**
255 **2000** application for 30 days, from the April 27, 2000, until the May 25, 2000, meeting,
256 at the request of the applicant.

257
258 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
259 Negative: 0
260 Absent: Balfour, 1

261
262 **A - 25-2000** **EDITH H. WHITAKER** requests a variance from Section 24-95(k) of
263 Chapter 24 of the County Code to build a detached garage at 6300
264 Impala Drive (Pinehurst Gardens) (Tax Parcel 83-14-A-13), zoned
265 R-4, One-family Residence District (Brookland). The minimum side
266 yard setback is not met. The applicant has 30 feet minimum side
267 yard setback where the Code requires 55 feet. The applicant
268 requests a variance of 25 feet side yard setback.
269

270 Mr. Kirkland - Does anyone else wish to speak on this case? If not,
271 ma'am, raise your right hand and be sworn in by the Secretary. And state your name
272 for the record please.
273

274 Mr. Blankinship - Do you swear the testimony you are about to give is the
275 truth, the whole truth and nothing but the truth, so help you God?
276

277 Ms. Whitaker - Yes. I'm Edith H. Whitaker.
278

279 Mr. Kirkland - Might need to get a little closer to the mike. Don't be
280 nervous. Have all your notices been turned in? We have them in the file; I see them. If
281 you would, state your case.
282

283 Ms. Whitaker - I'm naturally that way. Well, the Code requires 55 feet from
284 Briar Lane, and I only have 30 feet; I just need a 25 foot variance to build a garage.
285

286 Mr. Wright - What's the size of the garage, Ms. Whitaker?
287

288 Ms. Whitaker - Eighteen by 24.
289

290 Mr. Wright - Two-car garage?
291

292 Ms. Whitaker - One.
293

294 Mr. Wright - Oh, 18, okay, 24 deep, and is this, I believe you have a
295 reverse corner lot – I don't know whether you understand what that means.
296

297 Ms. Whitaker - Yes, we've been over it.
298

299 Mr. Wright - That's what causes your problem. You would access this
300 garage from what, from Briar Lane? You have any parking facility there now. Do you
301 bring your car in that way, or would this be a new access?
302

303 Ms. Whitaker - There's parking there, and I also have a driveway in from
304 Impala.
305

306 Mr. Wright - But you would not use the driveway from Impala to access
307 this garage?
308
309 Ms. Whitaker - No, it would be from Briar.
310
311 Mr. Wright - The house that would be, I guess, to the, west of your
312 property, the one that would be adjacent to the garage, sits back, just looks like to us
313 from our diagram, about even with the garage, is that correct? I mean, how far would it
314 sit back in line with the other house?
315
316 Ms. Whitaker - Well, Briar Lane kind of curves a little bit, past my lot, and
317 the house in back of me faces away. I think they would only see about 4 feet of the
318 garage.
319
320 Mr. Wright - You're on the other side of the curve from them? Is there
321 any screening between your lot and that lot?
322
323 Ms. Whitaker - Yes. They have bamboo planted, and various bushes and
324 trees and things.
325
326 Mr. Wright - So your answer is, there would be some screening there.
327
328 Ms. Whitaker - Some, yes. I have some written comments to the evaluation
329 of my request for a variance. I have 5 copies for each of you if you would like to see
330 them; I don't want to take the time to read them.
331
332 Mr. Kirkland - What is the garage going to be constructed of? Is it going to
333 be similar to the house, same materials?
334
335 Ms. Whitaker - Yes. Well basically, it will be painted to match the house,
336 trimmed to match the house. It certainly will look better than the shed that's there now.
337
338 Mr. Kirkland - Yes ma'am. Are you going to pave or gravel that driveway
339 that leads to the garage?
340
341 Ms. Whitaker - There's some gravel there, and it will be probably gravel for
342 the time being. You can skip that first part if you like.
343
344 Mr. Wright - Well I see what you're saying, but the first part, but the fact
345 of the matter is, we're in a new generation now. We have new zoning.....
346
347 Ms. Whitaker - I realize that, my son did that, I'll have to admit, I would
348 rather he'd left it out. I understand that. I think he was being a little facetious.....
349
350 Mr. Kirkland - Any other comments by Board members? If not, that
351 concludes your case, and you can call later this afternoon and get your answer.

352
353 Ms. Whitaker - Thank you so much; I appreciate your patience.
354

355 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
356 Wright, the Board **granted** the case **A-25-2000**.

357
358 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
359 Negative: 0
360 Absent: Balfour 1

361
362 The Board **granted** this request, as it found from the evidence presented, that
363 authorizing this variance of 25 feet side yard setback, subject to the following conditions,
364 will not be of substantial detriment to adjacent property and will not materially impair the
365 purpose of the zoning regulations.

366
367 1. Only the improvements shown on the plan filed with the application may be
368 constructed pursuant to this approval. Any additional improvements shall comply with
369 the applicable regulations of the County Code.

370
371 2. If land disturbance will exceed 2,500 square feet, the requirements of Chapter 10
372 of the County Code apply. At the time of building permit application, the applicant shall
373 submit the necessary information to the Department of Public Works to ensure
374 compliance with the requirements of the Chesapeake Bay Preservation Act and the
375 code requirements for water quality standards.

376

376
377 **A - 26-2000** **ERNEST L. HENDRICK, JR.** requests a variance from Section 24-
378 94 of Chapter 24 of the County Code to build a single family
379 dwelling at 7370 Strath Road (Tax Parcel 215-A-84), zoned A-1,
380 Agricultural District (Varina). The lot width requirement, minimum
381 side yard setback, and total side yard setback are not met. The
382 applicant has 120.93 feet lot width, 18.96 feet minimum side yard
383 setback, and 37.93 feet total side yard setback where the Code
384 requires 150 feet lot width, 20 feet minimum side yard setback and
385 50 feet total side yard setback. The applicant requests variances of
386 29.07 feet lot width, 1.04 feet minimum side yard setback, and
387 12.07 feet total side yard setback.
388

389 Mr. Kirkland - Does anyone else wish to speak on this case? Well, you
390 guys are jumping at the gun here. Raise your right hands and be sworn in.
391

392 Mr. Blankinship - Do you swear the testimony you are about to give is the
393 truth, the whole truth, and nothing but the truth, so help you God?
394

395 Mr. Kirkland - Would you state your name for the record, please.
396

397 Mr. Hendrick - My name is Ernest Louis Hendrick, Jr.
398

399 Ms. Hendrick - And I'm Linda C. Hendrick.
400

401 Mr. Kirkland - All your notices been turned in, according to Code? We
402 have them in the file. If you would, state your case.
403

404 Ms. Hendrick - We purchased the property with the understanding that we
405 wanted to build a single family dwelling. With the 15 acres, we planned to have a barn
406 and horses. We were told that the variance was met, or that a variance wasn't
407 necessary. The well and septic are already on the property. There's 120 feet on Strath,
408 and there's 75 feet road frontage on Yarnell. It's not enough road frontage in order to
409 build a house, according to the County Code. We went for a variance because we'd like
410 to build on Strath Road, which would be in line with the other houses in the area.
411 Seventy-five feet on Yarnell is not quite enough road frontage to place a house that
412 would look attractive to the other houses in the neighborhood, and would force us to be
413 behind neighbors.
414

415 Mr. Hendrick - Their back yards would be in our front yard.
416

417 Ms. Hendrick - Right, so, with the variance that we were requesting is to
418 have the house built facing Strath Road, so that we'd be in line with the neighbors, and
419 have the barn and horses behind the property. We don't have a plot – do you have the
420 plot. Well, the acreage goes in the back. The power lines and the petroleum lines that
421 go through the property. Yes, we have 15 acres; it's not a real attractive piece of

422 property, so we were trying to make it look attractive in the area. We have the house
423 plans, and it was assessed at a very nice figure if we can place it in that spot.

424
425 Mr. Hendrick - Actually for the side setbacks, if you look at the plot, it looks
426 like it goes straight back, but it's actually, on the left hand side, it actually angles more to
427 the left, so where we would be putting the house is actually wider across there than the
428 120. So it's actually going to give us more room on each side than what we're actually
429 requesting.

430
431 Ms. Hendrick - And we've checked with the neighbors; we've talked to them;
432 we want to be considerate neighbors; we like the rural area. We have checked with
433 them about having the horses and putting up a privacy fence, and they have not
434 objected to it. We just don't want horses on that particular piece right there on the road,
435 to make the next-door neighbors have horses right in their side yard, or have it right in
436 their back yard. So we were trying to situate it in a way that would be attractive to the
437 area and hopefully, it will improve the area and make the property go up in value.

438
439 Mr. Nunnally - You did say that you would be lined up with your neighbor's
440 house?

441
442 Mr. Hendrick - Yes sir. What we want to do is put the house 150 feet off of
443 Strath Road, which is basically, the gentleman who, if you're on Strath Road looking at
444 the piece of property, the neighbor who's on the right-hand side, his house is about,
445 roughly about 150 feet off the road, from a rough measurement.

446
447 Mr. Wright - That would be Mr. Martin, James Martin?

448
449 Mr. Hendrick - Yes sir.

450
451 Ms. Hendrick - And then the people over, the Shanklins, their house is
452 similar in that area also. And then there's a house on Yarnell, and I don't know who
453 they are, but there's a house which, if we had to build facing Yarnell, we would be
454 behind them.

455
456 Mr. Wright - What size house do you propose to build?

457
458 Mr. Hendrick - It's a.....

459
460 Mr. Wright - Is it a single story?

461
462 Mr. Hendrick - No, it's a two-story house.
463 Mr. Blankinship - What is the length of the larger dimension?

464
465 Mr. Hendrick - Eighty-three feet.

466
467 Mr. Blankinship - Eighty-three feet – that's a long house.

468
469 Mr. Hendrick - Well, it's either 82 or 83 feet.
470
471 Mr. Kirkland - You say when you purchased the property, you were told
472 you didn't need a variance – who told you that?
473
474 Ms. Hendrick - We had a letter from the County that said that this particular
475 gentlemen that we bought the land from, had applied for a variance because it didn't
476 have the road frontage. And we had a copy of the letter saying that it wasn't required
477 because he was going to build
478
479 Mr. Hendrick -a church. Well, the church came later, but the church
480 was the second part.
481
482 Ms. Hendrick - We didn't even know about that one. He's got the septic
483 field and the well right in the middle of those two angles
484
485 Mr. Hendrick -like where the "L" is located?
486
487 Mr. Blankinship -not actually shown diagrammatically on here.
488
489 Ms. Hendrick - He's got the well and the septic right there. If you were to
490 drive off of Yarnell Road, it's right off to the right a little bit, the septic field, and the well
491 is right there. He was going to build in that area at an angle, and he said the variance
492 wasn't required, and so when we checked with the County and found out that, I guess,
493 for some reason, I don't understand why, but he didn't need it back there because,
494 anyway I guess it was back
495
496 Mr. Wright - He would have still needed a variance.
497
498 Mr. Blankinship - Well, the road frontage is actually adequate, because you
499 only need 50 feet of road frontage. It's the lot width, but on older lots like this, the lot
500 width can be measured at the actual building line rather than the required building line,
501 so if they built the house back where the lot is wider, they would not need the variance.
502 They only need the variance because they wanted it – it's in the narrow part of the lot.
503
504 Mr. Kirkland - It's so close up.
505
506 Mr. Hendrick - So basically what we're trying to do is to take it – we're trying
507 to get the most out of the acreage that we have because, if the house is not built
508 facing Strath, the little one acre piece of land right there is really useless.
509
510 Mr. Kirkland - Any other questions?
511
512 Mr. Wright - Where would you keep the horses?
513

514 Mr. Hendrick - The horses would be, if you're looking at the plot, basically
515 where, starting from this point right here, right where going in from Yarnell you come to
516 the point right there, a fence would be put across there, and going from here back will
517 be horses.

518
519 Mr. Blankinship - Is there a barn on the property right now? What is that
520 building I see pictured on the plot?

521
522 Mr. Hendrick - No sir. That is a trailer. On which one are you talking?

523
524 Mr. Kirkland - I'm talking about on your plot, I see a little, I've got a little box
525 on mine.

526
527 Mr. Hendrick - That's where the house is going to be. That's where we
528 would like to have

529
530 Mr. Kirkland - No, no, there's another box back, this one back here off of
531 Yarnell.

532
533 Ms. Hendrick - I don't know what that is

534
535 Mr. Kirkland - It's a County plat, and it shows this little box right here.

536
537 Mr. Hendrick - That's the trailer right there.

538
539 Ms. Hendrick - No Ernie, it's not, honey. I don't know what that is.

540
541 Mr. Hendrick - Because there's a trailer that's on the piece of property that
542 should be on the, if you move that box, it's right about there.

543
544 Mr. Kirkland - Okay, fine, just asking.

545
546 Mr. Hendrick - Yeah, that's not on ours.

547
548 Ms. Hendrick - We didn't get our package until yesterday, and I don't know
549 what that is.

550
551 Mr. Kirkland - Any other questions? Anyone else to speak on this case? If
552 not, that concludes the case.

553
554 Ms. Hendrick - Thank you.

555
556 Mr. Kirkland - You're welcome.

557
558 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
559 Wright, the Board **granted** the case **A-26-2000**.

560
 561 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
 562 Negative: 0
 563 Absent: Balfour 1

564
 565 The Board **granted** this request, as it found from the evidence presented, that
 566 authorizing this variance of 29.07 feet lot width, 1.04 feet minimum side yard setback,
 567 and 12.07 feet total side yard setback, subject to the following conditions, will not be of
 568 substantial detriment to adjacent property and will not materially impair the purpose of
 569 the zoning regulations.

570
 571 1. Only the improvements shown on the plan filed with the application may be
 572 constructed pursuant to this approval. Any additional improvements shall comply with
 573 the applicable regulations of the County Code.

574
 575 2. If land disturbance will exceed 2,500 square feet the requirements of Chapter 10
 576 of the County Code apply. At the time of building permit application, the applicant shall
 577 submit the necessary information to the Department of Public Works to ensure
 578 compliance with the requirements of the Chesapeake Bay Preservation Act and the
 579 code requirements for water quality standards.

580
 581 3. Approval of this request does not imply that a building permit will be issued.
 582 Building permit approval is contingent on Health Department requirements, including,
 583 but not limited to, soil evaluation for a septic drainfield and reserve area, and approval
 584 of a well location.

585
 586 **A - 28-2000** **JOHN D. REVENE, II** requests a variance from Section 24-95(q)(5)
 587 of Chapter 24 of the County Code to build a front porch at 10224
 588 Falconbridge Drive (Raintree) (Tax Parcel 78-1-H-6), zoned R-2A,
 589 One-family Residence District (Tuckahoe). The front yard setback
 590 is not met. The applicant has 33.3 feet front yard setback where the
 591 Code requires 35.0 feet. The applicant requests a variance of 1.7
 592 feet front yard setback.

593
 594 Mr. Kirkland - Does anyone else wish to speak on this case? If not, sir,
 595 raise your right hand and be sworn in.

596
 597 Mr. Blankinship - Do you swear the testimony you are about to give is the
 598 truth, the whole truth, and nothing but the truth, so help you God?

599
 600 Mr. Kirkland - Have all your notices been turned in, according to the
 601 County Code? We have them in the file. I'll have to abstain from this case. Mr.
 602 Nunnally, if you want to take this one.

603
 604 Mr. Nunnally - Okay. State your case then.
 605

606 Mr. Revene - They have. I'm John Revene, the owner of the property in
607 question, a 25-year resident of Henrico County at this property. I started about two
608 years ago on a renovation of the house, first renovation on the house, I'm the original
609 owner, to improve the property. We tore the roof off of the house, tore the front truss off
610 of the roof, put a new roof on, and had a porch designed to be added to the house, in
611 keeping with the architectural design of the neighborhood. Looking at the plot that was
612 originally drawn up for the construction of the house, we misread one of the setbacks on
613 the original plot, to indicate that I was not going to need a variance on construction. We
614 were at error further by looking at a house that was 4 houses down from us, that
615 appeared to be 6 feet closer to the road than the work that we were doing. When in
616 fact, the last item that we did on the construction, we submitted the blueprints and
617 drawings and everything, and when we got to the final point, which was probably too
618 late, when Timmons did the survey, we realized that we actually were encroaching over
619 the setback, but that was the first time that we realized that we had encroached over the
620 setback, when Timmons turned in the survey.

621
622 Mr. Wright - Has this porch already been constructed?

623
624 Mr. Revene - It has not.

625
626 Mr. Wright Okay, I thought the way you were talking about it

627
628 Mr. Revene - No, I have the plans submitted to the County for the total
629 construction of the renovation of the house.

630
631 Mr. Wright - And you already have an uncovered porch that complies
632 with the ordinance?

633
634 Mr. Revene - That is correct.

635
636 Mr. Wright - Your plan is to remove the one that's there now and build a
637 new one, is that the idea?

638 Mr. Revene - It's an open stoop type porch right now, and remove that,
639 and put a -- it's a tri-level house -- on the single story section of the house, put a six-foot
640 projection out for a porch for the single story length of the house.

641
642 Mr. Wright - It appears, I think you've stated, that the house is canted to
643 the property line, but even at the point where you're the shortest distance from the road,
644 you're 34.4, so you're still .6 of a foot from complying with the ordinance there. Are
645 there any other porches on the houses on your street of this type.

646
647 Mr. Revene - On the street, yes, but not adjacent to my house. Mine was
648 one of the last four houses built by the Irwin Co., who was the original developer of
649 Raintree Subdivision, at which point they went into bankruptcy and sold the property off
650 to multiple developers, and architectural changes and everything took place after that in
651 the neighborhood.

652
653 Mr. Nunnally - Mr. Revene, I thought you said that you'd kind of lined up
654 your porch with a house down the street – how far down the street was that?
655
656 Mr. Revene - Fourth house.
657
658 Mr. Nunnally - Fourth house on your block? Is this the one?
659
660 Mr. Revene - Yes, that is. What can be seen by the eye is a little bit
661 harder to photograph, I'm afraid, but this is the house next to me, and you can see
662 barely the face of the second house down from me, beyond the flag. The gray area that
663 you see above the flag is projection of 6 feet of the fourth house down from me. All the
664 first 4 houses on the street are basically in line, and the fourth house projects out an
665 additional 6 feet from the first floor. There wasn't any way to depict it, but the next 2
666 houses on that, actually the center line of the roof is farther in, you could actually see
667 the peak of the next 2 houses, you've got a different angle on it, but the foliage made it
668 difficult to photograph. So basically I was keeping with the architectural design of the
669 neighborhood, and I thought I was in compliance until we actually got the survey back
670 from Timmons.
671
672 Mr. Wright - The house that's to the west of you, faces on Raintree
673 Drive?
674
675 Mr. Revene - I face on Raintree Drive.
676
677 Mr. Wright - The rear of that house is at the side of your house, is that
678 correct?
679
680 Mr. Revene - The first house on Raintree is the property of what's the back
681 of my house, that's correct.
682
683 Mr. Nunnally - Any other questions for Mr. Revene, staff?
684
685 Mr. Revene - There's just one other item, it's on the – as far as the first
686 survey that we had – it looked like that where the problem came in, is it looked like that
687 the drawing was to the farthest projection on the house which I'd been in compliance
688 on, and there's a 2-foot between the single story and the 2-story section of the house,
689 there's a 2-foot projection on the house, and I thought that was what the measurement
690 was taken from, was from the 2-story portion of the house, rather than from the single
691 story portion of the house.
692
693 Mr. Nunnally - Any other questions? I ask once again, is anyone else
694 interested in this case? If not, that concludes the case; you can get the answer this
695 afternoon, Mr. Revene. Thank you for coming.
696

697 After an advertised public hearing and on a motion by Mr. McKinney, seconded by Mr.
698 Wright, the Board **granted** the case **A-28-2000**.

699			
700	Affirmative:	McKinney, Nunnally, Wright	3
701	Negative:		0
702	Absent:	Balfour	1
703	Abstain:	Kirkland	1

704
705 The Board **granted** this request, as it found from the evidence presented, that
706 authorizing this variance of 1.7 feet front yard setback, subject to the following
707 conditions, will not be of substantial detriment to adjacent property and will not
708 materially impair the purpose of the zoning regulations.

709
710 1. Only the improvements shown on the plan filed with the application may be
711 constructed pursuant to this approval. Any additional improvements shall comply with
712 the applicable regulations of the County Code.

713
714 2. The property shall be developed in substantial conformance with the plan filed
715 with the application. No changes or additions to the layout may be made without the
716 approval of the Board of Zoning Appeals.

717
718 **UP- 8-2000 HENRICO DOCTORS' HOSPITAL** requests a temporary use
719 permit pursuant to Section 24-116(c)(1) of Chapter 24 of the
720 County Code to use a temporary structure for an angio lab at 1602
721 Skipwith Road (Tax Parcel 91-A-55A), zoned O-3, Office District
722 (Three Chopt).

723
724 Mr. Kirkland - Okay, sir. Anyone else wish to speak on this case? If not,
725 as soon as the Secretary gets back over here, you need to be at the official desk, raise
726 your right hand, please, and be sworn in.

727
728 Mr. Blankinship - Do you swear the testimony you are about to give is the
729 truth, the whole truth, and nothing but the truth, so help you God?

730
731 Mr. Kirkland - If you would, state your name, please.

732
733 Mr. Booth - Yes sir. My name is Craig Booth, architect with Gresham,
734 Smith and Partners.

735
736 Mr. Buchanan - Ron Buchanan, Henrico Doctors' Hospital.

737
738 Mr. Kirkland - Have all adjacent landowners been notified, according to the
739 County Code? We have the notices in the file. If you would, proceed with your case.

740
741 Mr. Buchanan - We've completed design for a renovation on the first floor of
742 Henrico Doctors' Hospital for a new angio, or renovation to an existing angiography

743 exam room. The plans have been in the County for permanent approval, and we
744 anticipate starting construction in just a few weeks. In the meantime, we have about
745 and 8- to 10-week construction duration, and then a couple weeks after that, while the
746 new equipment is tested and calibrated, so for that period of time, we are requesting
747 permission to have a mobile angiography coach on the front, just to the left of the, just
748 to the backside of the blue parking deck, from about May 15 to September 1, to fill that
749 need.

750
751 Mr. Wright - Would this temporary structure be visible from any
752 residences around?

753
754 Mr. Buchanan - It is visible from Skipwith Road. It would be visible from the
755 property owners on the other side of Skipwith, but as you can see from the site plan, it's
756 set back a significant distance from Skipwith Road. I do not think, because of the
757 retaining wall, it wouldn't be visible from the elementary school to the left, and it's
758 certainly screened by the north wing of the hospital, so anyone on Forest would not be
759 able to see the structure, no.

760
761 Mr. Wright - You say that this would be, you estimate the completion of
762 your facility would be what date?

763
764 Mr. Buchanan - Beers Construction has given us an 8-10 week construction
765 period, and then Phillips Medical Systems says it's going to be about two weeks after
766 that to calibrate their equipment, so we anticipate being done with the entire renovation
767 and ready to dismantle the temporary structure by September 1.

768
769 Mr. Wright - Of 2000?

770
771 Mr. Buchanan - Of this year, yes.

772
773 Mr. Wright - I notice that the condition gives us until April of 2002, April
774 26, 2002.....
775

776 Mr. Buchanan - Yes sir, when we actually submitted the request, I was
777 asking for a 3-month time period. I was told by the County to go ahead and add that
778 date, because that was a typical time frame.

779
780 Mr. Wright - In case you run into some difficulties?

781
782 Mr. Buchanan - Yes sir, I just hope we don't see that length of problems.

783
784 Mr. Wright - And you've read the conditions that are proposed for the
785 case?

786
787 Mr. Buchanan - Yes.

788

789 Mr. Kirkland - Any other questions? Anyone else wish to speak on this
790 case? That concludes your case.

791
792 Mr. Buchanan - Thank you very much.

793
794 Mr. Kirkland - You're welcome.

795
796 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.
797 Wright, the Board **granted** the case **UP-8-00**.

798
799 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
800 Negative: 0
801 Absent: Balfour 1

802
803 The Board **granted** this request, as it found from the evidence presented, that
804 authorizing this conditional use permit to use a temporary structure for an angio lab at
805 1602 Skipwith Road, subject to the following conditions, will not be of substantial
806 detriment to adjacent property and will not materially impair the purpose of the zoning
807 regulations.

808
809 1. Only the improvements shown on the plan filed with the application may be
810 constructed pursuant to this approval. Any additional improvements shall comply with
811 the applicable regulations of the County Code.

812
813 2. The parking lot, driveways, and loading areas shall be subject to the
814 requirements of Section 24-98 of Chapter 24 of the County Code.

815
816 3. The temporary building shall be removed no later than April 26, 2002.

817
818 **UP- 9-2000** **MARTIN HOWARD** requests a temporary use permit pursuant to
819 Section 24-116(c)(1) of Chapter 24 of the County Code to hold a
820 carnival at 10101 Brook Road (Tax Parcel 24-A-7B), zoned B-3C,
821 Business District (Conditional) (Fairfield).

822
823 Mr. Kirkland - Anyone else wish to speak on this case? If you would, raise
824 your right hand, sir.

825
826 Mr. Blankinship - Do you swear that the testimony you are about to give is the
827 truth, the whole truth, and nothing but the truth, so help you God?

828
829 Mr. Martin - Yes I do.

830
831 Mr. Kirkland - State your name for the record, sir.

832
833 Mr. Martin - Gentlemen – good morning. My name is Kenneth Martin,
834 and I'm here on behalf of Martin Howard.

835
836 Mr. Kirkland - Have all your notices been turned in, according to the
837 County Code? We have them in the file. Now you can proceed with your case.
838

839 Mr. Martin - Thank you very much sir. I originally came to the County
840 back in January to request what I would need to do a carnival. Visited the Zoning Office
841 on 4 separate occasions and had an opportunity to talk to 4 separate people. Basically
842 got 4 separate opinions or processes to follow. I then proceeded to contact people in
843 the County, who do business in the County, who have little carnivals and fairs at some
844 of the locations, and they advised me that there was nothing to it, there was no permit
845 process, or anything like that, and the information that I was hearing just didn't seem
846 exactly right. So I finally came back out and spoke with someone who seemed to be
847 knowledgeable, they gave me the application to fill out, I filled out the application,
848 volunteered the information that was requested, and submitted it. Then I talked with
849 Ms. Blackburn in the Zoning Office, and we had some conversations, and I talked with
850 someone in the police department, and so forth, and realized that there were some
851 concerns that people had, and had I known this information in the beginning, I would
852 have submitted a very detailed report. But when I attempted, on these 4 occasions, to
853 ask questions, no one knew anything about it, because I found out that the people
854 who'd been doing carnivals in the County in the past, have never gone through the
855 process that I'm having to go through today. And I'm not here to put those folks down,
856 I'm here, we're interested in doing something. Now I received this past week in the
857 mail, the information packet that was sent out to everyone who's in attendance today,
858 and I'm sure the members of the Board. The information that's on here, I don't know
859 where they got it from, gentlemen. This is a fund raising event for a charity, okay? In
860 here it says that it's not. Some of the requests that are being recommended, or I guess
861 required, by the police department, hiring 12 off-duty police officers – well, there goes all
862 our profits. And there's a statement in here about the circus that was at Virginia Center
863 Commons last year. That circus, in fact, was for profit, because I can assure you the
864 circus wouldn't have come to town if they were giving all their money away. So I'm kind
865 of confused right now. I'm here to present my case, and I think I have a very good
866 case, but after sitting here knowing that I can ask for a deferral, I think that maybe that's
867 what I need to do, because I attempted to do everything that has been asked of me
868 after the fact, before the fact, and I'm confused as to what action I need to go, because I
869 want to present my case in a positive light, and this is something, I know when people
870 think of carnival rides, they think of the state fair. Gentlemen, I can assure you, this is
871 not the state fair. This is going to be 12 to 15 rides on a vacant piece of land at Virginia
872 Center Commons, that we're leasing from Virginia Center Commons, and in return
873 we're making a donation to the Simon Properties charity, which helps children of Simon
874 Properties employees and an organization called "Beware of Drugs." So I can continue
875 to go, but I need some help, I need some advice. This is not the first time I've done this;
876 I've done it in other areas of the state, and I've never had as much problem doing my
877 homework, and I'm a person who prides myself on doing my homework. I'm willing to
878 ask for a deferral, to better present my case, because this report that was issued by the
879 County office, just is erroneous.
880

881 Mr. Kirkland - I have some concerns with what you said about other
882 carnivals being run in the County, and also about the non-profit status of last year's
883 circus, so, but I think you're right in calling for a deferral. We don't have enough
884 information here, I don't believe, if you're saying this is not correct.

885
886 Mr. Martin - Yes sir, when I got it, I just said, wow, who did they talk to? I
887 mean after 4 trips out here, trying to find out the right person, after I, pardon the
888 expression, "paid my money," I found out who the right person was. And I don't have a
889 problem with fees and so forth, and so I just, you know, it kind of was a time sensitive
890 issue, but after I received the packet in the mail from the County, I said, "Wow, maybe a
891 deferral is in order," because it seems like there is some erroneous information, and if I
892 could find a staff member that I could work one on one with, and actually sit down and
893 do everything. I mean I very hurriedly responded to the police comment. I mean this is
894 a true family event, and I mean, I've shopped in Henrico County since 1983, and I've
895 never seen 12 police officers in any one place at one time. It makes me wonder where
896 they come up with these figures. Again, I can only assume that the police department is
897 assuming that we're putting on an event such as the state fair, and I can assure you, it's
898 not. I mean it's all on less than an acre of ground.

899
900 Mr. McKinney - Mr. Martin, let me ask you a question. All these events are
901 considered non-profit, but they don't operate, they've got to pay their expenses. You
902 say you're making a contribution for an organization. Are they selling tickets?

903
904 Mr. Martin - Yes sir, there are two charities. No sir, there are not going to
905 be any advanced ticket sales; there's not going to be any advertising; this entire event is
906 just basically going to attract the patrons who already come to the Virginia Center
907 Commons area. There's not going to be anybody calling you up on the phone, trying to
908 get you to buy tickets or anything. It's just kind of an impulse-type buying situation.

909
910 Mr. McKinney - What percentage of your profits are you going to give to this
911 charity?

912
913 Mr. Martin - It's roughly, works out to between 15 and 20%, depending
914 on the expenses. Of course expenses would "come off the top," as you were.

915
916 Mr. McKinney - How much revenue do you expect to generate?

917
918 Mr. Martin - Well, it's really tough to tell. If we held it the last 10 days,
919 probably zero, because of all the rain. So I would imagine, now this is just a wild stab in
920 the dark, okay, I would imagine the event at Virginia Center Commons could, what they
921 refer to in the industry, gross around \$50,000. And basically, you know, 20% of that
922 would be going to charitable causes.

923
924 Mr. McKinney - Where is the carnival equipment coming from?

925
926 Mr. Martin - The carnival equipment, right now, well this particular

927 carnival for the May date – if we defer it, it probably will not be the same carnival – but
928 the carnival that we were anticipating for the May date is called “Funtastic Midways.”
929 It’s on the way north from Florida, which most carnival companies spend the winter in
930 Florida, because it’s kind of a year-round business, and it’s real nice down there. I
931 believe they are en route, actually through the County right now, to play a date in
932 Washington, D. C., right outside of the Armory there, across from the stadium.

933
934 Mr. McKinney - Martin Howard – you said you were here for Martin Howard?

935
936 Mr. Martin - Yes sir. Mr. Howard lives in Atlantic County, New Jersey,
937 and his business is Starbride Productions, and he basically is kind of a retired fellow
938 who goes around helping raise money for charities.

939
940 Mr. McKinney - So you, more or less, are going to be an agent?

941
942 Mr. Martin - I’m his representative just because I live here, sir.

943
944 Mr. McKinney - Are you in the promotion business?

945
946 Mr. Martin - No sir, I’m not. Actually, I’m an insurance inspector, and I
947 inspect carnival rides for a living, so I have a very good first-hand knowledge of the
948 requirements and what goes on at these places, and I can assure you we have no
949 intentions of bringing anything near what you folks may have experienced with the state
950 fair into that piece of property. We take into consideration that Virginia Center
951 Commons is what I consider to be a very upscale mall and a very nice area where
952 people can take their families out, and that the type of environment we’re going to be
953 promoting, is a family environment.

954
955 Mr. McKinney - I don’t think anyone on the Board ever considered it would
956 be anything like the state fair; it’s entirely different. But if you would like to request a
957 deferral till May 25, that would be your prerogative.

958
959 Mr. Martin - Let me ask this – if we request a deferral, there are going to
960 be many things to go – would I only be granted one deferral, or could I ask for an
961 extension.

962
963 Mr. Kirkland - No, only one.

964
965 Mr. Martin - Now, my next question would be in that particular case,
966 could I request an extended deferral to the June meeting by chance? I could do that?

967
968 Mr. Blankinship - The problem is not the number of deferrals; the problem is,
969 the Code requires a decision within 60 days.

970
971 Mr. McKinney - That will be 60 days, when he comes back. Sixty days from
972 the application. Let me get the Code out here.

973
974 Mr. Martin - I would be willing to do that. The problem is, on May 25 I
975 have a very large carnival to inspect. I had already checked my calendar when I heard
976 about the deferral dates to the next meeting, so there's just no way that I can be here.
977
978 Mr. Blankinship - The report here says that this carnival was scheduled to
979 begin on May 17.
980
981 Mr. Martin - Yes sir, that was the original date, but as I said, after looking
982 at the report, there are some issues that I need to more clearly define and address.
983
984 Mr. Blankinship - Just as long as you understand that that's going to bump the
985 schedule.
986
987 Mr. Martin - Oh yes sir, I understand completely, and we may in fact
988 even change the dates to some point and time in the distant future, rather than the near
989 future.
990
991 Mr. Wright - Why couldn't we give him until June 22 –
992
993 Mr. Kirkland - Would June 22 work, Mr. Blankinship?
994
995 Mr. Wright - That's less than 60 days from today.
996
997 Mr. McKinney - We've deferred them for two months at a time at a hearing
998 before.
999
1000 Mr. Blankinship - I'm not sure where that 60-day requirement is; it's not where
1001 I thought it would be in the Code.
1002
1003 Upon a motion by Mr. McKinney, seconded by Mr. Nunnally, the Board **deferred** the
1004 **UP-16-2000** application for 60 days, from the April 27, 2000, until the June 22, 2000,
1005 meeting, at the request of the applicant.
1006
1007 Affirmative: Kirkland, McKinney, Nunnally, Wright 5
1008 Negative: 0
1009 Absent: Balfour 1
1010
1011 Mr. Martin - Thank you gentlemen. Officially, thank you gentlemen.
1012
1013 Mr. Kirkland - Okay, ladies and gentlemen, have a seat, and we'll get
1014 started here. We're getting ready to start our 10:00 o'clock agenda. Mr. Secretary, do
1015 we have any requests for deferrals or withdrawals.
1016
1017 Mr. Blankinship - No sir, we do not.
1018

1019 Mr. Kirkland - If you would, read the rules and regulations for these new
1020 people who came in.

1021
1022 Mr. Blankinship - I will, Mr. Chairman. The rules for this meeting are as
1023 follows. The Secretary, myself, will call each case. Then the applicants will come to the
1024 podium to present their case. At that time I'll ask all those who intend to speak, in favor
1025 or opposition, to stand, and they will be sworn in. The applicants will then present their
1026 testimony. When the applicant is finished, anyone else will be given an opportunity to
1027 speak. After everyone has spoken, the applicant, and only the applicant, will be given
1028 an opportunity for rebuttal. After hearing the case, and asking questions, the Board will
1029 take the matter under advisement. They will render a decision at the end of the
1030 meeting. If you wish to know what their decision is, you may stay until the end of the
1031 meeting, or you may call the Planning Office at the end of the day. This meeting is
1032 being tape recorded, so we will ask everyone who speaks, to speak directly into the
1033 microphone on the podium, and to state your name for the record. In the foyer, there
1034 are two binders, which have the staff reports for each case, including the conditions
1035 suggested by the staff. Mr. Chairman?

1036
1037 **A - 30-2000** **MR. AND MRS. J. G. CARTER** request a variance from Section
1038 24-95(c)(1) of Chapter 24 of the County Code to build an addition at
1039 2 Gaymont Road (River Hills) (Tax Parcel 126-3-E-10), zoned R-1,
1040 One-family Residence District (Tuckahoe). The minimum side yard
1041 setback is not met. The applicants have 10 feet minimum side yard
1042 setback where the Code requires 13 feet. The applicants request a
1043 variance of 3 feet minimum side yard setback.

1044
1045 Mr. Kirkland - Before we get started, I want everyone to know that there's
1046 normally five of us up here on the Board, and we have one absent today, just for the
1047 record. If you would, ma'am, raise your right hand and be sworn in.

1048
1049 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1050 truth, the whole truth, and nothing but the truth, so help you God?

1051
1052 Mr. Kirkland - Would you state your name for the record.

1053
1054 Ms. Price - Dana Price.

1055
1056 Mr. Kirkland - Have all your notices been turned in, according to County
1057 Code?

1058
1059 Mr. Price - Yes.

1060
1061 Mr. Kirkland - Do we have them in the file?

1062
1063 Mr. Blankinship - Mr. Chairman, this is the one I mentioned to you before the
1064 meeting, where they submitted copies of the notice signed by the neighbors.

1065
1066 Mr. Kirkland - Do we have all the sheets? Hang on a second, how many
1067 are there supposed to be?
1068
1069 Mr. Blankinship - Six, and they brought the sixth one today; I checked them
1070 yesterday, and there was only one out; it came in this morning.
1071
1072 Mr. Kirkland - We've got five of them.....
1073
1074 Mr. Blankinship - I think there's one on the other side of file, for some reason.
1075 On the right side of the file.
1076
1077 Mr. Kirkland - We've got them all. If you would proceed with your case.
1078
1079 Ms. Price - I'm a partner with Katheryn Robertson & Associates, and I'm
1080 here representing Mr. and Mrs. J. G. Carter. I'm a designer who has been helping the
1081 Carters with their renovation project, and the project consists of renovating an existing
1082 sunroom and kitchen. We're adding on square footage to their sunroom, for the
1083 purpose of enhancing a more appropriate home-school setting for their four children.
1084 Their existing space right now is too small for an effective home-school atmosphere. In
1085 doing this project, we were faced with many design constraints, which brings me here
1086 today to ask for a variance, to build beyond the minimum side yard setback. Expansion
1087 in the most effective manner, would be to add four feet to each side of this existing
1088 sunroom, which is shown in exhibit A, and highlighted in red. I have a board over there.
1089 Our design constraints that do not allow us to expand in other directions, are as follows.
1090 In exhibit B, we cannot expand 8 feet towards the north side, off of the sunroom, due to
1091 there is an exterior door that's on a different ground level, that would cause massive
1092 reconstruction to the existing structure, plus also bringing out the existing roof line and
1093 expanding it in the direction, would cause the roofline to hit the center of that existing
1094 second story window. In exhibit C, expanding off of the back side of the house would
1095 also entitle another massive reconstruction of a roof window construction project, along
1096 with the demolition of an existing tree, which is a contributing factor to the Carter
1097 residence, for their privacy between them and their neighboring properties. Therefore,
1098 the most square footage that could be obtained without a lot of reconstruction to the
1099 existing house, would be to expand 4 feet on either side of the sunroom. The 6-foot
1100 privacy fence, currently on the Carter property, as shown in exhibit D, helps to inhibit the
1101 neighbors' view of the proposed addition. On the south side of the addition, we are
1102 encroaching upon the minimum setback by three feet. The County requires that one
1103 side of the setback be 13 feet, and today we are asking for you to allow us to have a 10-
1104 foot side yard setback. This addition on the south side would actually line up evenly
1105 with the existing structure, but due to the nature of the footprint of the house on the pie-
1106 shaped lot, the additional space encroaches upon our minimum requirements. In
1107 approval, this variance would allow for a minimum amount of construction for the
1108 maximum amount of space to benefit the homeowner, while also increasing the property
1109 value.
1110

1111 Mr. Kirkland - Any questions?
1112
1113 Mr. Wright - Seems like your problem really is the irregular shape of your
1114 lot. That line goes in; if it went back, it would parallel with the other line, you would have
1115 plenty of room over there.
1116
1117 Ms. Price - Right.
1118
1119 Mr. Kirkland - Anyone else? Board members? Anyone else wish to speak
1120 on this case. If not, that concludes your case. Thank you ma'am.
1121
1122 After an advertised public hearing and on a motion by Mr. Wright, seconded by Mr.
1123 McKinney, the Board **granted** the case **A-30-2000**.
1124
1125 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
1126 Negative: 0
1127 Absent: Balfour 1
1128
1129 The Board of Zoning Appeals granted your request for a variance to build an addition at
1130 2 Gaymont Road (Tax Parcel 126-3-E-10). The Board granted a variance of 3 feet
1131 minimum side yard setback subject to the following conditions:
1132
1133 1. Only the improvements shown on the plan filed with the application may be
1134 constructed pursuant to this approval. Any additional improvements shall comply with
1135 the applicable regulations of the County Code.
1136
1137 2. The property shall be developed in substantial conformance with the plan filed
1138 with the application. No changes or additions to the layout may be made without the
1139 approval of the Board of Zoning Appeals.
1140
1141 The Board granted this request, as it found from the evidence presented, that
1142 authorizing this variance will not be of substantial detriment to adjacent property and will
1143 not materially impair the purpose of the zoning regulations.
1144
1145 **A - 31-2000** **IKON OFFICE SOLUTIONS, INC.** requests a variance from
1146 Section 24-96(b)(12) of Chapter 24 of the County Code to permit
1147 office use at 2211 Dickens Road (Tax Parcel 93-A-27), zoned B-2,
1148 Business District and R-5, General Residence District (Brookland).
1149 The required number of parking spaces is not met. The applicant
1150 has 70 parking spaces (33 on site and 37 off site) where the Code
1151 requires 80. The applicant requests a variance of 10 parking
1152 spaces.
1153
1154 Mr. Kirkland - Anyone else wish to speak on this case? If not, sir, raise
1155 your right hand and be sworn in.
1156

1157 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1158 truth, the whole truth, and nothing but the truth, so help you God?

1159
1160 Mr. Theobald - I do.

1161
1162 Mr. Kirkland - Have all your notices been turned in, according to the
1163 County Code? We have them in the file. If you would, state your case.

1164
1165 Mr. Theobald - Mr. Chairman, gentlemen, my name is Jim Theobald, and
1166 I'm here today on behalf of IKON Office Solutions, Inc. This is a request for a 10-space
1167 variance from required parking affecting 2211 Dickens Road. As you saw on the map
1168 that was up there previously, as you turn off Broad Street near Brookfield, and go down
1169 Dickens Road, and go past the Extended Stay Hotel and the Budget Rent-a-Car, you
1170 come to a, these 2 buildings that you see before you, they're across the entrance from
1171 Brookfield and Southern States, the 2 brick buildings well maintained and well
1172 landscaped. The top one is 2211, which is the one really before you today. Could we
1173 have the aerial, Ben, please? This is a great picture that I think highlights what's going
1174 on here. 2211 is this building here. This is 2209, and this would be 2211-A behind.
1175 You have the Budget Rent-a-Car facility here, and if you'll note in the back, all of this
1176 rather denuded area, etc., is a Davey Tree operation, where they store equipment for
1177 their tree removal and tree trimming. While this request is technically just related to
1178 2211, you really need to look at these 3 buildings that are on the picture before you, to
1179 understand the integrated nature of this complex as a whole, because these buildings
1180 have really been used in combination with one another, with de facto cross access and
1181 parking, although until recently there was no legal document that set forth the rights and
1182 obligations with regard to cross-access and cross-parking. These buildings have
1183 sometimes been owned by separate owners, sometimes by the same owner or some
1184 combination of the two. 2209, you may remember, at one point, was the Executive
1185 Supper Club, then the Chesapeake Restaurant. At one time 2209 was a Copy
1186 Systems. 2211 was Copy Van, and 2211-A behind was Copy Cat. This was sort of the
1187 copying center of the world at one time. But ultimately, through mergers and
1188 acquisitions, an outfit called Alco Standard, of which IKON is a wholly owned subsidiary,
1189 has obtained the assets entitled to all three organizations, and in fact, all three
1190 buildings. IKON is desirous of severing the ownership so that they might sell the 3
1191 facilities to 3 different owners, and Ben if you could put that plat up for me, I would
1192 appreciate it. This is a consolidated plat of the 3; that shows the parking field, and I've
1193 been working with staff since January on how to basically carve up this property and do
1194 the least amount of damage to approvals in existence, POD's, etc., but you just can't
1195 imagine the challenges in working through the regulatory process here. We hit issues
1196 with POD lines, updated development standards, changing parking requirements, and
1197 add to that the fact that Davey Tree enjoys a recorded access easement down each
1198 side of this property, to reach the rear. We finally came up with a strategy that
1199 accomplished everything but the 10 spaces that I'm here seeking approval for today.
1200 We've left the POD intact for 2209; we're going to leave the POD intact for 2211 and
1201 2211-A, where they will share. We've redrawn a parcel line to meet a front yard setback
1202 for 2211-A, and on 2209, that building requires basically 46 spaces. It's 11,500 square

1203 feet in size, but those 46 spaces are basically this area in here. It has a net access of
1204 32 spaces. 2211, 2211-A, 2211 has basically 33 spaces on its own site by recorded
1205 Declaration of Cross Access and Parking Easement Agreement, which is of record in
1206 the clerk's office. We have dedicated 32 spaces, back in this area, which are
1207 contiguous to the 2211 property for their use, and 5 spaces that are part of the 2211-A
1208 property, to bring us up to 70 spaces, out of a required 80 spaces, in order to fully utilize
1209 the 20,000 square feet of that building for office space. And this recorded agreement
1210 locks in the uses on this site, and no one user can have a use that would require in
1211 excess of the amount of Code required parking allocated to it under this agreement,
1212 which is basically based on office standards for these 2, and this person back here runs
1213 a specialty printing business, and so he has very small office space, and the rest is
1214 storage for a printed pens and coffee mugs and promotional type materials, and he has
1215 but 17 spaces allocated to him, again by binding legal agreement. Another reason
1216 we're 10 spaces short is, in order to bring this into compliance with today's standards,
1217 we eliminated parking that had been used by prior occupants all along the edge here,
1218 there was enough room for people to parallel park and still allow access back in here.
1219 So we eliminated 11 spaces in here, and we eliminated over here on 2209, you see this
1220 "X," there were 4 spaces here that were for double stacked parking, which had been
1221 specifically permitted by a prior POD. So in order to comply, we have taken away 15
1222 spaces, and tried the best that we could, to make up for them. What we've done is,
1223 we've taken out a few islands over here on the edge, to gain an additional few spaces,
1224 and done a little re-striping in order to get it as close as we can. But I guess what I'd
1225 like to leave you with, is that we have essentially done all we can do physically on the
1226 site, by taking out islands, providing for some re-striping to come as close as we can.
1227 We've done all we can administratively, with your staff's help, and there is an official
1228 interpretation letter, confirming how we have divided the property, and the use of the
1229 different parking spaces, and we've done all we can do by private agreement, by this
1230 Declaration of Cross Access and Parking Agreement. The one necessary step left, and
1231 that, of course, is the step that's out of our control, and that is the 10 spaces that we are
1232 technically short, and thus the request for this variance. These properties are zoned a
1233 combination of B-2 and B-3, and a strip of R-5 for a buffer. I submit to you that these
1234 uses are locked in, and as one of your proposed conditions would suggest, is that for
1235 office use, this is a much less intense use than really the zoning would permit.
1236 Apparently somewhere along the line, the Board of Supervisors thought that retail use
1237 was appropriate, but apparently nobody bothered to count the parking to see if that was
1238 really do-able. The only other uses under your Code, that we could make of these
1239 properties, that would require less parking, would be for non-retail service
1240 establishments for the handling of goods or furniture, hardware, or appliance store,
1241 which have less of a parking requirement. And so, this body is really our only source of
1242 relief for this situation. I respectfully suggest that to not allow a small variance would
1243 mean that a portion of this building, some 2500 square feet, would not be able to be
1244 used for office purposes. And the rehabilitation and productive use of this building, I
1245 have to think, is in the interest of Henrico County and will not have any negative impact
1246 on neighbors. This request is consistent with the public interest, in that we have
1247 demonstrated that owing to specific conditions of this case, a literal enforcement of the
1248 ordinance would result in an unnecessary hardship, that being the inability to use a

1249 portion of this building for a reasonable use, far less intense than the zoning would
1250 otherwise permit. It was acquired by IKON in good faith, and this title combined only
1251 through corporate acquisitions and mergers. Given the history of joint use and
1252 development, I think a strict application would actually prohibit or unreasonably restrict
1253 the use of this property, and I hope that you would agree that the circumstances
1254 presented this morning would not generally apply to other properties. I do believe the
1255 variance is necessary for the preservation and enjoyment of a substantial property right.
1256 This would not be a detriment to adjacent property owners. If you look again at this
1257 picture, you will see that all issues related to property – there's been just numerous
1258 POD's on this, but there's a 6-foot board-on-board fence the entire length of this
1259 property line over here, and this is the only house that's really close in proximity, and
1260 this thing will look, act and function the way it has for a long time, and so I do not
1261 believe there will be a negative impact on neighbors, those issues having been really
1262 resolved with prior POD's. I do think that it's in the public interest to accommodate the
1263 promotion of full utilization and rehabilitation of already approved commercial space,
1264 and gentlemen, you are the body that can provide us with this relief. I appreciate your
1265 attention. I am happy to answer any questions. Sir?

1266
1267 Mr. McKinney - Mr. Theobald, you say this building consists of 20,000
1268 square feet, on each floor. The Code was, as I recall, is predicated on the gross square
1269 footage. Do you know how much area in here is common area?

1270
1271 Mr. Theobald - I've been in the building, Mr. McKinney, and it's a rather; it's
1272 currently a rather cut up building with partitions; it's capable of being opened and better
1273 utilized. There is a, there's not an elevator in the building; there are stairways; there is a
1274 core involved, but I guess the way your ordinance works, if I understand it, is, I need to
1275 provide 80 spaces if the building's going to be permitted to be utilized for office use,
1276 albeit there may be some tenants who use a significant portion of it for storage, and in
1277 the real world it could, I suppose, be academic, but you won't know that, I suppose, until
1278 the full complement of tenants is there on any given day.

1279
1280 Mr. Kirkland - Any other questions? Anyone else wish to speak on this
1281 case? That concludes the case.

1282
1283 Mr. Theobald - Thank you, gentlemen.
1284

1284
1285 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.
1286 Wright, the Board **granted** the case **A-31-2000**.

1287
1288 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
1289 Negative: 0
1290 Absent: Balfour 1

1291
1292 The Board of Zoning Appeals **granted** your request for a variance to permit office use at
1293 2211 Dickens Road (Tax Parcel 93-A-27). The Board granted a variance of required
1294 number of 10 parking spaces subject to the following conditions:

1295
1296 1. This approval is only for the number of parking spaces needed in relationship to
1297 this building being used as an office. If the owners wish to put a use that requires a
1298 high ratio of parking per square footage of building area, a new request to the
1299 appropriate Board or Commission will be required.

1300
1301 2. This approval is subject to the approval of the transfer of Plan of Development
1302 by the Planning Commission which includes the acceptance of the parking agreements
1303 and cross access easements.

1304
1305 The Board granted this request, as it found from the evidence presented, that
1306 authorizing this variance will not be of substantial detriment to adjacent property and will
1307 not materially impair the purpose of the zoning regulations.

1308
1309 **UP- 10-2000 RCTC WHOLESALE CORP, D/B/A ALLTEL**, requests a
1310 temporary use permit pursuant to Section 24-116(c)(1) of Chapter
1311 24 of the County Code to locate a temporary cell-on-wheels at 625
1312 East Laburnum Avenue (Highland Gardens) (Tax Parcel 106-11-F-
1313 14), zoned B-1, Business District (Fairfield).

1314
1315 Mr. Kirkland - Is the applicant here for this case? Does anyone else wish
1316 to speak on this case? If you would, ma'am, raise your right hand and be sworn in.

1317
1318 Mr. Blankinship - Do you swear that the testimony you are about to give is the
1319 truth, the whole truth, and nothing but the truth, so help you God?

1320
1321 Mr. Kirkland - Would you state your name for the record, please.

1322
1323 Ms. Parker - Yes. Yes sir. My name is Heidi Parker. I am from
1324 Charlottesville, Virginia, and I am here on behalf of RCTC Wholesale Corp., d/b/a
1325 ALLTEL.

1326
1327 Mr. Kirkland - Have all your notices been turned in, according to the
1328 County Code? We have them in the file. All right, if you would, state your case.

1329
1330 Ms. Parker - Yes sir. Yes sir. Good morning. I'm here on behalf of

1331 ALLTEL Communications, to request a special permit to place a COW, a cell-on-
1332 wheels, on property located at 625 East Laburnum Avenue. If the Board may recall, I
1333 don't know if you're still the same gentlemen, but in 1998 we obtained a similar permit to
1334 use the COW on that property. In 1999 we were able to secure from the Atlantic Rural
1335 Exposition, a license to place the COW on the fairground property during the special
1336 events. However, Atlantic Rural Exposition has sold the property, and we have been
1337 unsuccessful at obtaining a license to place the COW on the fairgrounds property for
1338 these special events. And I would like to submit to Mr. Blankinship as part of these
1339 record, an affidavit from Larry Bickings. He is the site acquisition specialist for ALLTEL
1340 Communications, and in that affidavit he outlines all the steps he went through, in
1341 seeking to obtain a license from the new owners of that property, because if we were
1342 able to do that, we would not need a special permit; it would be permitted by right on
1343 that property. So, we're kind of stuck in the same situation again; however, to avoid this
1344 situation in the future, we have sought, and I believe located, a permanent solution for
1345 this area; however, by the time we get the lease negotiated, finalized and signed by all
1346 the parties, and also have the zoning complete, the races that ALLTEL wishes to
1347 provide service for, will be over. And those races are going to be held on May 6 and
1348 September 9. And so we're asking only for a permit to last through the fall. I believe in
1349 the staff report, and in our application, we applied for a permit through, at lease
1350 September 30, and the staff report said October 27, which is fine. We just needed
1351 something to give us coverage of those events during the summer. And with respect to
1352 the conditions that have been suggested by staff, let's see if I can, here they are, with
1353 respect to those conditions, those are fine, with the exception of # 4. The COW shall be
1354 removed from the site within 24 hours of the close of each event. Just because of the
1355 nature of removing the COW, also getting people in there, just in case an event ends on
1356 a Sunday afternoon, they won't be able to get in there till Monday to remove the COW,
1357 so we're simply asking that that deadline be changed from 24 hours to 36 hours. And
1358 then also, where it says the applicant, # 3, shall provide the Director of Planning with a
1359 list of events and dates during which the COW will be used. I would just like to know
1360 when we would have to submit that list. Because right now all ALLTEL plans to do is
1361 cover the race on May 6, and also in September; however, those dates may change, or
1362 an event may be scheduled at the last minute, that would want to cover, and so I would
1363 just need to know specifically what this Board would like us to do in notifying the
1364 Director of Planning of that. In closing, I am happy to answer any questions. And I also
1365 wanted to let the Board know that in 1998, when a COW was placed on this property for
1366 events, the landowners did not receive any complaints from adjoining neighbors. In
1367 filing this application, we only received one phone call from an adjoining neighbor, and
1368 once he understood that the COW would only be there during events and then
1369 removed, he had no problems. And I believe Mr. Blankinship only received one phone
1370 call.

1371
1372 Mr. Blankinship - We received one question, just about where the permanent
1373 site was going to be; there was no opposition to the request.

1374
1375 Ms. Parker - So we have not heard any complaints from adjoining
1376 landowners.

1377
1378 Mr. Kirkland - How many days prior to this, do you all bring this in before
1379 the event?
1380
1381 Ms. Parker - Let's see, for this one, I've got crews crossing their fingers
1382 that we get this permit today, so they can start today. They're waiting for a phone call.
1383
1384 Mr. Blankinship - They're out there, right now, waiting for a call.
1385
1386 Mr. Kirkland - You don't think the race is next weekend, do you?
1387
1388 Ms. Parker - I believe the weekend is May 6, so I do think they need a
1389 longer window to get the COW set up, and also to provide coverage for the people
1390 coming before the race. And then, when the race is over, they only need 36 hours to
1391 take it down, but I guess it takes longer to get it up.
1392
1393 Mr. Kirkland - Let me ask you a question – will this be secured in some
1394 way?
1395
1396 Ms. Parker - Well, it's a van with, you know, just the tower telescoping on
1397 the top of the van, but I don't know. What kind of security would...
1398
1399 Mr. Kirkland - I mean, do they periodically check it during the event, or do
1400 they just leave it, and drive off?
1401
1402 Ms. Parker - I would imagine so. I mean, I guess I don't want to lie, but I
1403 can't imagine them leaving such an expensive piece of equipment alone.
1404
1405 Mr. McKinney - Do you have a picture of it? Do you have a picture of the
1406 COW?
1407
1408 Ms. Parker - I do not. It was my understanding that this Board was very
1409 familiar with COW's. I'm sorry. It's just a typical looking van. Ben, did we....
1410
1411 Mr. Blankinship - There'd be one in the file.
1412
1413 Ms. Parker - Yes, it telescopes up, out of the top.
1414
1415 Mr. Kirkland - It's like a TV, like a TV van, same thing with the spiral
1416 around it.
1417
1418 Ms. Parker - Yes, the tower will be about 60 feet in height, and I
1419 apologize, I did not bring a picture of the COW.
1420
1421 Mr. McKinney - You have a concern about condition # 4, you said?
1422

1423 Ms. Parker - Yes sir, we just wanted to change that 24 hours to 36.
1424
1425 Mr. Kirkland - And we need to give her a date in this case, because she
1426 needs to let the County know prior to her event.
1427
1428 Ms. Parker - I just don't want to be in violation at any point, so I just need
1429 to understand.....
1430
1431 Mr. Kirkland - Ten days fine?
1432
1433 Mr. Blankinship - Ten days prior to the event?
1434
1435 Ms. Parker - Yes, about 2 weeks prior, because they'll probably have to
1436 start setting up 10 days in advance. Two weeks, or as soon as we know.
1437
1438 Mr. Kirkland - Fourteen days prior to the event?
1439
1440 Ms. Parker - Yes, that sounds fair, except in this case, for the race on
1441 May 6.
1442
1443 Mr. Blankinship - We had your notice 5 weeks ago.
1444
1445 Ms. Parker - Yes, I sent Mr. Blankinship a letter several days ago, telling
1446 him there would be 2 events we would definitely want to cover.
1447
1448 Mr. McKinney - The fall race is, is that September 9?
1449
1450 Ms. Parker - I believe so; that's what it's scheduled for now.
1451
1452 Mr. McKinney - They got condition # 1 on the temporary use permit shall
1453 expire on October 27?
1454
1455 Ms. Parker - Yes, I would imagine they just wanted to give us a 6-month
1456 permit, to make it simple.
1457
1458 Mr. McKinney - You don't need 6 months?
1459
1460 Ms. Parker - No, unless they schedule an even in October, and then we'll
1461 be grateful, but.....
1462
1463 Mr. Kirkland - And you'll let him know 14 days prior that you're going to be
1464 there?
1465
1466 Mr. Kirkland - You say you've secured a permanent site for this, after this
1467 year?
1468

1469 Ms. Parker - We're hoping. Right now we have secured a site; I've been
1470 in negotiations with the landowner, and in fact, just 2 days ago, sent him the lease
1471 packet for him to sign off on everything, and then we still need to go through zoning and
1472 have it approved by the corporate office, but I think within the next six months we can
1473 get it all taken of.

1474
1475 Mr. Kirkland - Okay. Any other questions by Board members? Anyone
1476 else with to speak in opposition to this case, for or against it, for it, whatever? If not,
1477 that concludes the case. Thank you ma'am.

1478
1479 After an advertised public hearing and on a motion by Mr. Balfour, seconded by Mr.
1480 Wright, the Board **granted** the case **UP-10-2000**.

1481
1482 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
1483 Negative: 0
1484 Absent: Balfour 1

1485
1486 The Board of Zoning Appeals **granted** your application for a conditional use permit to
1487 locate a temporary cell-on-wheels at 625 East Laburnum Avenue (Tax Parcel 106-11-F-
1488 14). The Board granted the use permit subject to the following conditions:

- 1489
1490 1. This temporary use permit shall expire on October 27, 2000.
1491
1492 2. This approval is only for the temporary cellular communications tower that is
1493 illustrated in the case.
1494
1495 3. The applicant shall provide the Director of Planning with a list (at least 14 days in
1496 advance) of events and dates during which the COW will be used.
1497
1498 4. The COW shall be removed from the site within 36 hours of the close of each
1499 event.

1500
1501 **UP- 11-2000** **W. C. ENGLISH CONSTRUCTION, INC.** requests a use permit
1502 pursuant to Sections 24-52(d) and 24-103 of Chapter 24 of the
1503 County Code to extract materials from the earth at 3541 Britton
1504 Road (Tax Parcels 206-A-33 and 217-A-1 and 31), zoned A-1,
1505 Agricultural District (Varina).

1506
1507 Mr. Kirkland - If you would sir, anyone else wish to speak on this case?
1508

1509 Mr. Hinson - If it pleases the Board, sir, we'd like to switch the order of
1510 Use Permit 11 and 12; there seems to be quite a lot of public involvement for UP-12,
1511 and we'd like to let them leave as soon as they could, and we'll just follow with UP-11, if
1512 that would be acceptable.

1513
1514 Mr. Kirkland - Is that fine with Board members? We'll switch it; we'll go to

1515 UP-12. If you would, read UP-12.

1516

1517 **UP- 12-2000** **W. C. ENGLISH CONSTRUCTION, INC.** requests a use permit
1518 pursuant to Sections 24-52(d) and 24-103 of Chapter 24 of the
1519 County Code to extract materials from the earth at 7101 Strath
1520 Road (Tax Parcel 215-A-100B), zoned A-1, Agricultural District
1521 (Varina).
1522

1523 Mr. Kirkland - Anyone else wish to speak on this case, please stand and
1524 be sworn in. Raise your right hand.

1525
1526 Mr. Blankinship - Do you swear the testimony you are about to give is the
1527 truth, the whole truth, and nothing but the truth, so help you God?
1528

1529 Mr. Kirkland - If you would, sir, state your name for the record.

1530
1531 Mr. Hinson - Paul Hinson.

1532
1533 Mr. Kirkland - Have all your notices been turned in, according to Code?
1534 They're in the file. Okay, proceed.
1535

1536 Mr. Hinson - Yes sir, they have. I'm with Koontz-Bryant, P. C.; we're the
1537 engineer representing W. C. English Inc., and we're here today to ask the members of
1538 the Board for a conditional use permit to allow extraction from the earth at the site on
1539 Strath Road. We have prepared our plan in accordance with all the County Codes; we
1540 have the excavation limits and the restoration limits are all in a binder with all the
1541 setbacks as required by Section 103 of the Code; we have a 200-foot setback from
1542 Strath Road, and a 100-foot setback from all other property lines. We've placed the
1543 construction entrance as close as physically possible within those allowed setbacks, to
1544 limit the travel distance down public roads to the 895 site. We believe we're within as
1545 close a distance as possible, could be as close as 200 yards to the 895 corridor. We're
1546 in the process of performing our environmental investigation, so there will be some
1547 modifications to our plan, based upon field determination of wetland limits. We've also
1548 been advised that there is possibly the presence of three or four gravesites on the
1549 property, and we will do all that's necessary to preserve those and to modify our plan to
1550 excavation and the E&S plan to allow those sites to remain. The excavation limits on
1551 our E&S plan are all going to be in accounts with County Code; we will install the
1552 sediment basins, erosion control measures and all other requirements in accordance
1553 with County requirements. That plan will be submitted and approved by Public Works in
1554 accordance with the requirements of the Code. The materials that we're proposing to
1555 extract from this site are necessary for the I-895 construction project; that project needs
1556 in excess of a million [unintelligible] construction of the road project. We're proposing to
1557 extract two- to three hundred cubic thousand yards from this site. The site in total area
1558 is approximately 30 acres, and we're only proposing to extract materials from
1559 _____ acres of the site, and I did want to stress again, that we have placed
1560 the construction entrance as close as possible to the I-895 project zone to limit the truck

1561 traffic and the travel distance to the project, and also in accordance with County
1562 requirements, we will be posting a well bond to alleviate any concerns there might be
1563 concerning impacts to neighboring wells. I also understand there is public water
1564 available on Strath Road as well.

1565
1566 Mr. Nunnally - Mr. Hinson are you coming right out on Strath Road – you
1567 realize that Strath Road is kind of narrow right there at that part – I think it's about 16 ½
1568 feet, I believe.

1569
1570 Mr. Hinson - Yes, sir, we've done a fairly thorough investigation of the
1571 available sites; we've used as many sites as possible directly adjacent to the I-895
1572 corridor. This site was chosen due to the size of it, and the proximity to the 895
1573 corridor; we could not find any more sites that were any closer to the construction site
1574 than this; we do understand that Strath Road is a narrow county road, but we are going
1575 to take any necessary provisions – I think there's a County condition that says we can't
1576 let trucks go in increments of less than three, that would be a continuous operation.
1577 There's a requirement for a flag man if necessary, as determined by the police or the
1578 environmental department. There's provisions for a stop sign on Strath Road. We're
1579 going to use whatever means necessary to keep dust to a minimum on our site, by
1580 wetting or calcium chloride methods. And I'm sure that we would do whatever we
1581 needed to, to maintain the integrity of Strath Road and the other travel routes to and
1582 from 895. The conditions suggested by the Board do impose a traffic route to the
1583 shortest distance possible, and we would follow that route, and again, we did place the
1584 construction entrance on our site as close as we could, without moving any of the
1585 setbacks, to try to limit the travel distance down a public road.

1586
1587 Mr. Nunnally - I understand what you're saying, but when you come out on
1588 Strath Road, and other cars are coming, I would say that you would go ¾ of the way
1589 over on the other side of the road just to come out of that..... I know you're
1590 supposed to have a stop sign or flagman there, as the trucks come out, but a dump
1591 truck and another pick-up truck or automobile would be pretty close where you're talking
1592 about on Strath Road.

1593
1594 Mr. Hinson - Yes sir, we'd even propose, if it would be acceptable, to do
1595 some limited clearing in the setback area to improve site distances so that there would
1596 be good visibility in both directions down Strath Road. Where we're proposing the
1597 entrance onto Strath Road is not on any curves; they have good sight distance in both
1598 directions; it's about as good as you can get on that section of the road to allow the
1599 truckers to ensure that there's no oncoming traffic that they would pull out and impede
1600 when they're making their movements onto Strath Road. We could also make
1601 improvements on the construction entrance itself, put some signs or such, that we could
1602 begin our turning movement before we got onto Strath Road; it would involve a little
1603 wider construction entrance up there, but we'd be more than happy to assist by doing
1604 those type measures if it would give the Board an extra comfort level for our ability to
1605 protect the public health and safety.

1606

1607 Mr. McKinney - Mr. Hinson, how many yards do you plan to dig out of there?
1608
1609 Mr. Hinson - Approximately two-to three hundred thousand cubic yards.
1610
1611 Mr. McKinney - Have you checked with any of the other mining facilities
1612 down there about purchasing this from another company?
1613
1614 Mr. Hinson - I cannot answer that question, sir; we were contracted to
1615 prepare the erosion control plan and present the case today, and I have not discussed
1616 that particular issue with the applicant, but I imagine he could discuss that with
1617 you.....
1618
1619 Mr. McKinney - Is the applicant here?
1620
1621 Mr. Hinson - Yes sir, he is.
1622
1623 Mr. McKinney - Sir, come forward. State your name for the record.
1624
1625 Mr. Higginbotham - Jay Higginbotham, with W. C. English.
1626
1627 Mr. Kirkland - Mr. McKinney, you want to ask him the question again?
1628
1629 Mr. McKinney - Did you hear the question?
1630
1631 Mr. Higginbotham Yes sir, there are other sites that are much farther away;
1632 there's a site down near the wastewater treatment plant. We actually did haul some
1633 material; English also has the contract with Henrico County on the wastewater
1634 treatment plant. We had surplus material down there that we did haul to the job site,
1635 and we did haul some up Strath Road, and I know there were some complaints. I've
1636 talked to Ms. Smith – called me at work – and it's; there are other sites, but as far as, I
1637 don't think there is another site that's closer than this, that would be less traffic on the
1638 public roads.
1639
1640 Mr. Nunnally - On a public road, but are you speaking of?
1641
1642 Mr. Higginbotham - This is, I guess, the fourth or fifth application that we've had
1643 before you, and the first objective was to get everything right onto the right-of-way that
1644 we could; we're still about three hundred thousand yards short. We think we can pick
1645 up another ten or fifteen on the next ten or fifteen thousand yards on combining on the
1646 next application, but we still need approximately three hundred thousand yards; we
1647 think we can get somewhere two to three hundred, might be two hundred and fifty
1648 thousand out of this sight.
1649
1650 Mr. Nunnally - I know what you're saying now, but that's for English
1651 Construction's benefit, but we're talking about these people who live down in that area
1652 who are going to see all these trucks coming out on Strath Road, and so forth.

1653
1654 Mr. Higginbotham - Well, I mean the truck's are going to come, the dirt's got to
1655 come from somewhere.....
1656
1657 Mr. Nunnally - I realize that.....
1658
1659 Mr. Higginbotham - And it's again, there are a lot of houses that are across from
1660 this property, but I don't know, we're on the upper end; and again, at most we've got a
1661 quarter mile haul. I think we're two or three hundred yards from Darbytown, and some
1662 of these property owners know it a little better than I do, but we're as close as we can
1663 get. We can't guarantee – this is the only site I know of that is this close and would
1664 have minimum inconvenience to the public. The material is needed to build the job. We
1665 don't want any more pits than necessary, but we do have to build the 895 construction,
1666 and the material will actually be coming up and then going down the right-of-way on the,
1667 kind of parallel to Miller Road, but on the right-of-way, but that's right where it intersects
1668 Darbytown's where the trucks get onto the project.
1669
1670 Mr. Wright - You say you've got to have it, but suppose the property
1671 owner would not permit you to do this – what would you do? Do you think you could
1672 condemn the property and take this material? You say you've got to have it, but the
1673 property owner has to agree for you – suppose the property owner wouldn't.....
1674
1675 Mr. Higginbotham I've been to, I'm just guessing, but fifteen or twenty property
1676 owners who own more than 25 acres, and I dealt with a gentleman who owned a
1677 seventy-acre tract for four months, and he just said he wasn't interested, so we've been
1678 diligently for the past year, trying to find every yard of dirt we can, that's close to the
1679 project, with the obvious understanding that if you can find it adjacent to it, it's better for
1680 everyone involved. It's just, the job is under construction now; it's got to be built, and as
1681 a last resort, we're having to get away from the project to find the material.
1682
1683 Mr. Wright - Well, let's make it even more pertinent – suppose the Board
1684 disapproves this request – what are you going to do?
1685
1686 Mr. Higginbotham - I don't know, sir, I really don't – I think it's going to delay the
1687 project.
1688
1689 MR. Wright - Well, delay, how long has it been being built. I mean
1690 delays..... I take it you'd have to find a way somewhere – get you some materials
1691 from other place. This application says the operation will begin at 6:00 am to 6:00 pm
1692 during the summer time – that's daylight savings time. Trucks will begin to come in and
1693 out of there at 6:00 am in the morning, is that what you're saying?
1694
1695 Mr. Higginbotham - Well, normally, our operation would probably, normally we
1696 start work at 7:00 am in the morning; I don't think we start at 6:00 am, but at 7:00
1697 o'clock, we want to be working.
1698

1699 Mr. Wright - And then, I take it, to do what you need to do, it would be a
1700 steady progression of trucks, beginning at the time you begin, all day long, in and out?

1701
1702 Mr. Higginbotham - Yes sir, I mean the quicker we can get it over with, the better
1703 everyone is, and obviously we need to be conscious driving on the public roads; we're
1704 certainly aware of that, and we build roads all over the state, and it's, I don't like to call it
1705 a necessary evil, but it is. I mean the project is going to be built, and it's got to be built,
1706 and we need material to build it. I mean I've talked to a lot of people, and a lot of them
1707 didn't know that Britton Road was going to be shut down, that there wouldn't be an
1708 overpass there, and it's really, it's the overpass at Darbytown and at Monahan that, you
1709 know, you've got to get up to get over, and that's what's requiring the large volumes of
1710 dirt, so, you know, and Henrico doesn't have hills to get dirt out of.

1711
1712 Mr. McKinney - Mr. Higginbotham, I don't think you have answered Mr.
1713 Wright's question. Mr. Higginbotham if you were unable to acquire any mining
1714 operations, let's say, within a three-mile radius of this, what would you do?

1715
1716 Mr. Kirkland - The second part of the question – how did you bid the job to
1717 do this if you didn't have the sites located in the first place? I mean, did you, do you just
1718 do this as you go when you move dirt?

1719
1720 Mr. Higginbotham - Well, Henrico and Fairfax are unique, in that you've got to
1721 have the Board's permission to excavate material, or the Board of Zoning Appeals. I
1722 didn't bid the job; I personally don't know the answer to that, but, you know, I mean, it's
1723 much bigger, I mean, and we're a subcontractor to F. D. M. K. and I specifically don't
1724 know the answer to that, I mean there's no hidden agenda here or anything.

1725
1726 Mr. Kirkland - No, I'm not saying that; I'm just wondering how they figured
1727 how to get the dirt in the first place if they didn't have the sites.....

1728
1729 Mr. Higginbotham - Well, I'm sure there were estimates that you could find some
1730 on the job, we have found some on the job, areas we thought we could get material, we
1731 could. You know, we do have wetland restrictions that control how much material you
1732 can take out of the ground. It's a multi-faceted, very complex issue. It takes us, you
1733 know, 60 days to get before you; it's a complex issue.

1734
1735 Mr. McKinney - You still haven't answered my question. What would you
1736 do?

1737
1738 Mr. Higginbotham - What will we do? We've got to find another site.

1739
1740 Mr. McKinney - Suppose this site is five miles away?

1741
1742 Mr. Higginbotham - Then I guess we'll be hauling dirt from five miles away.

1743
1744 Mr. McKinney - How would you haul it to where you need it?

1745
1746 Mr. Higginbotham - Well, it depends, and that's what I was saying, there is some
1747 material down by the wastewater treatment plant, and if we had to haul, that's not part
1748 of our contract down there, but there is some surplus material that we'd actually be
1749 hauling it up Strath Road. That's the best answer I can give you; I mean, we've got to
1750 find it from somewhere.
1751
1752 Mr. McKinney - The Hansen's property goes all the way to Darbytown?
1753
1754 Mr. Higginbotham - No sir.
1755
1756 Mr. Kirkland - Those little speckles are houses?
1757
1758 Mr. Higginbotham - Yes sir, there are several houses.
1759
1760 Mr. Kirkland - Any other questions of the Board members? Mr.
1761 Higginbotham?
1762
1763 Mr. Nunnally - Not right now.
1764
1765 Mr. Kirkland - All right – anyone else wish to speak? Okay, let's try not to
1766 be redundant, but be positive. Come on down.
1767
1768 Mr. Lundsford - Thank you and good morning; I'm Jerry Lundsford; I live at
1769 2795 Darbytown Road. My property's approximately located around just south of the
1770 letter "o" in Darbytown. My property adjoins the property that is in question here today.
1771 I have a couple of points I'd like to make, in my reasoning for opposing this: number 1,
1772 you can see by even the map we have, the size of Darbytown, which is a 55-mile-an-
1773 hour zone, and I live on Darbytown, and it's the nature of the animal, the traffic there.
1774 I'm not opposed, it's fine the way it is, but if you'll see Strath is so much more narrow,
1775 and I'd like to submit to the Board today, that already there is an increase in traffic on
1776 Strath because of the very thing that was mentioned, surprised everybody, write-up in
1777 the paper, Britton Road closed off, in spite of the fact that there were 600 cars a day
1778 using Britton Road. All right, now, those cars, 600 of them, where are they going?
1779 They still need to go north and south like Britton runs; I submit to you that many of them
1780 are taking Strath Road up to Darbytown, taking a left, taking a right on Miller to get into
1781 Charles City Road. Also, on the other end of it is Doran Road taking part of them.
1782 Doran to Darbytown, either taking a left on Monahan or going right and taking a left on
1783 Turner. So Strath, I'm not saying it's already increased 600, but let's just say a portion
1784 of those 600 vehicles using Britton Road, who are no longer using it now, have got to go
1785 somewhere. Secondly, I grew up in York County, and we had a number of pits like this
1786 nearby. They are a necessary evil, as the gentlemen, Mr. Hinson and the other
1787 gentleman, have said, the dirt has to come from somewhere. But if you'll look in the
1788 area surrounding the 17 or 18 acres there, there are houses. I have small children; my
1789 neighbors have small children. There's no way they can seal up that; and it's always
1790 the case, where I grew up there were a number of drownings. I know parents have got

1791 to watch your children and all, but it's just a concentration of residences surrounding this
1792 property in question, that's a safety issue that I'd like to bring to your attention.
1793 Secondly, I think it's a little precipitatory, pardon my stutter, when an environmental
1794 impact study, as Mr. Hinson has said, has not been completed. I regularly look out in
1795 my back yard; I have 3 ½ acres there on Darbytown; I regularly look out, and at different
1796 times of the year, specifically in the month of September, I've seen a flock of more than
1797 twenty wild turkeys. Now I'm not saying "let's stop the progress on 895 for a bunch of
1798 turkeys," but what I'm saying is, why has there not been an environmental impact study
1799 done. I don't know, another gentleman will probably bring it to your attention how much
1800 of this property is actually designated wetland. I can just tell you about my property; my
1801 water, my drainage on my property rolls that way; it's natural. Eventually, I always
1802 pictured, I don't know for sure, I'm not an engineer, but I think it finally winds up at Four
1803 Mile Creek. I have, when I bought the property, I had a thousand Christmas trees, white
1804 pine Christmas trees. The droughts in the recent years have been doing damage as it
1805 is. I would like to know how much of my ground water is going to be taken from my
1806 Christmas trees to fill this pit after they're done with it. Regarding the traffic, as I say,
1807 Darbytown Road, it's the nature of the animal; we're going to have traffic; it's a 55-mile-
1808 per-hour zone, but it is capable of handling it. And if they have to bring the dirt from the
1809 wastewater treatment plant or from Charles City County, wherever they have to bring it,
1810 yes, it's going to be on public roads, but it's going to be on roads such as Darbytown,
1811 such as Charles City Road, which are more, have a better capacity to handle the trucks.
1812 Andy remember that traffic will only be temporary. This 18-acre hole in the ground is
1813 going to be permanent, and I'll be a neighbor having to live with it. I respectfully request
1814 your rejection of this application for waiver, and I thank you for the opportunity to speak
1815 today. Good day, gentlemen.

1816

1817 Mr. Kirkland - Next, please.

1818

1819 Mr. Owens - Good morning, gentlemen. My name's Ron Owens, and I
1820 live with my wife Margaret at 7201 Strath Road. We border the proposed development
1821 area on the south. I've got a brief statement to read to you; I've given you a handout
1822 with some pictures and tables; it's not as onerous as it looks; we'll go through it very
1823 quickly. I've got two major points to make; the first is, we are respectfully requesting
1824 that you reject this bid outright, because of the nature, the character of the
1825 neighborhood, which is proposed to be developed. The second point to make would be,
1826 if, in your deliberations in this matter, after you've heard all the testimony this morning,
1827 you've read all the documents in the file, if you feel at this point that you still don't have
1828 enough information to outright reject it today, we would be requesting that you delay a
1829 decision, a give us time, your staff time, and the applicants time perhaps, to get together
1830 and more fully develop some of the concerns that we have. Very briefly, the owners of
1831 contiguous property to this development site described in the conditional use permit
1832 under UP-12-2000, respectfully petition this Board to deny the request for the permit.
1833 We request that the application be denied out of hand because of the location and the
1834 working of the proposed development site would pose an egregious assault on the
1835 destruction of the quiet enjoyment of the other properties in the surrounding
1836 neighborhood, which, while we realize the property is zoned A-1 Agricultural, this

1837 neighborhood has a distinct and overwhelming prevalent residential character. The
1838 surrounding properties are predominantly one- and two-acre parcels. If you refer to, the
1839 document referred is document # 2, Prevailing Character of Neighborhood is
1840 Residential, not agricultural, the first page of that document, I have a table, Table 1, and
1841 I list 19 contiguous properties to the proposed site. There are a few more on
1842 Darbytown, but due to the nature, the quickness of this proceeding for us – we really
1843 haven't had enough time to get together and coordinate a reference – I know there are
1844 other sites over there. We've talked to, we gotten petitions from all these people, and
1845 we've gotten a petitions up and down Strath Road. All the petitions that I'm aware of,
1846 my wife and I participated in, and the ones I've gotten feedback on, there was
1847 contiguous property owner who said something to the effect that, well, he "didn't really
1848 care what they did," and I got one response like that further down Strath Road, but the
1849 others, and again someone else will speak to how many we got. I know we collected
1850 about 120 ourselves: I imagine there's about 180 or so signatures. As far as I know,
1851 there's 2 people who said they didn't really care; the others were either adamant or very
1852 adamant in their opposition. This chart's supposed to show and demonstrate for us,
1853 except for one person, at 7223 Strath, Helen Small, my dear mother-in-law, busting the
1854 curve, these are one- and two-acre plots. If you took her out of there, out of the
1855 equation, the average, I think, is 1.6 or 1.8 acres. These are not farms, are not acres
1856 and acres of waving green, corn as high as an elephant's eye, and so forth. This is not
1857 agriculture; this is residential. The next table, on page two, summarizing the data we
1858 collected for table 1. On Strath Road, 40 of those homes are 1 acre, 44 are 2-4 acres,
1859 and so forth. On the bottom line of that table you can see that 93% of all these homes,
1860 120 homes, along Strath Road, Barnby Lane, Moswith, Darbytown; 93% of those are 4
1861 acres or less; this is a residential neighborhood. The pictures, the attachment, I wish I'd
1862 known about your nice video graphics here, but I didn't, black and white pictures, but
1863 these are just pictures of homes. The first page, 1 and 2, is the home just to the north
1864 of the site; just to the south of the site, bordering the proposed area. The next couple
1865 pages are homes directly across the street from the site. Again, there's no barns and
1866 silos, no acres and acres of dairy cows and so forth. This is a residential character to
1867 the neighborhood. The last page, 3 pictures there, that's of views between Strath Road
1868 and the interstate construction; I think I have the wrong labels, I have 685. But those
1869 are views from Strath Road down to I-895. The last picture at the bottom is the
1870 intersection of Strath and Darbytown, and towards the right, that big tree to the right,
1871 that's down towards the construction, a major bottleneck in the area, as the gentleman
1872 just alluded to, and getting worse. So that whole submission there of documents is, I
1873 hope, supposed to give a good picture of the residential neighborhood, the character of
1874 the neighborhood. There are two primary reasons why we're seeking this denial of the
1875 application. One is that the proposed development is grossly inappropriate for the
1876 neighborhood. 1. During development, the noise of digging and pumping, and we think
1877 that this is going to be continuous pumping, or near continuous; I'm not a hydrologist or
1878 geologist; I've got some background in similar cases across the country in my job in the
1879 last 25 years, but I'm not an "ist"; I'm not a hydrologist or geologist, or whatever, but I
1880 am familiar with that land, and one of the reasons I guess we're here today is because
1881 it's thirty acres of land that has trouble perking, I mean right across the street at Strath
1882 Estates, they've got these one- and two-acre places, people developed, made some

1883 money, and built nice houses. This land is not being developed, obviously for reasons;
1884 it's water-sodden soil. We have no problems whatsoever with our wells; we have
1885 problems with septic tanks and drain fields. My big fear, I've heard people talk about
1886 dry wells, my big fear, and again, this is probably colored by some experience with
1887 subsidence, from Florida, Ohio, Tennessee, and Colorado, and so forth, subsidence, I
1888 have a real fear of it in this area, because my picture of this land is just water-sodden,
1889 hydrostatic pressure, high piece of land, and if they start pumping, I think they're going
1890 to have to do a lot of pumping to keep that pit dry. As they start pumping, my fear is the
1891 subsidence, or drying out of the wells. Again, I sorry, I apologize, I don't have the facts;
1892 we haven't had time to go out and get expertise; I have no idea whether that's a real
1893 fear or not, or a reality or not, but it's not anything I saw addressed in the file; I didn't
1894 see things, I noticed there were people coming up behind me, but I had a real problem
1895 with what I didn't see in the file as to when problems come up, what specific problems
1896 will be addressed by this bond, and is the presumption on the owner to prove that my
1897 mother-in-law's well hasn't gone dry for 58 years, if it suddenly goes dry, is that enough
1898 evidence that we can immediately get some kind of correction of that problem – I don't
1899 know. I'd like to see things like that in the file if this thing does go through. Second,
1900 after development – if this site is developed as proposed, the resulting 17- or 18-acre
1901 wide, 17 or 18 acres, up to 37 feet deep chasm, in the middle of this residential area,
1902 certainly would be destructive to the "attractive and harmonious" character of the
1903 existing neighborhood. The result would be a permanent scarring of the landscape that
1904 would be a threat to unwary animals, to pets, and we think, extremely dangerous, as Mr.
1905 Lunsford referred to, extremely dangerous attractive nuisance, to neighborhood children
1906 and grandchildren. In addition, I believe, this nuisance is "attractive" enough,
1907 "attractive" in quotes, has a potential to serve as a magnet to adolescents from outside
1908 the community, who might view the site as a desirable place for various recreational
1909 activities. Second point, if you don't outright deny this application today, we're
1910 respectfully requesting that you delay the decision so that the Board, staff, and we can
1911 be afforded a reasonable opportunity, reasonable period for discovery and full
1912 examination of the health , economic, environmental and historical impacts on this
1913 proposed development. The applicant has had months, in fact he's talking in terms of
1914 years, I think, talking about various sites, to develop plans for this application, months to
1915 contact potential land sellers, and negotiate prices, and months to develop their
1916 submissions to various legal and regulatory entities. The applicant has been afforded
1917 the time to hire the engineering expertise, and we've heard from this representative this
1918 morning, to facilitate and expedite the administrative approval process of this
1919 application. Through our use and experience associated with problems with septic
1920 systems and drain fields and water-sodden soils throughout this area the contiguous
1921 property owners feel it is imperative and additional care be taken to examine the effects
1922 of the proposed development on water supplies and particularly on the potential for
1923 subsidence damage to homes, buildings and fields. Finally, I think I'd like to leave, and
1924 he's addressed it, and you've addressed it in your questions, I think you've hit on a key
1925 point – if this site at Strath Road is not selected, we all know no one in this room is
1926 going to assert, not even the applicants, that the interstate highway construction is
1927 going to come to a screeching halt. This site, as the applicant has pointed out, was
1928 chosen, rightly so, because of the proximity to the construction. If this were truly an

1929 agricultural area, and we were going displace 800 milk cows or whatever, then so be it,
1930 fine. But it's not, the character of the neighborhood has changed, and we think it's
1931 totally inappropriate, and we think the scars would be, as Mr. Lunsford pointed out,
1932 permanent, and we would be left holding that bag. Thank you for your time.

1933
1934 Ms. Smith - Good morning, gentlemen – my name is Lisa Hill Smith, and
1935 I'm a homeowner of 7134 Strath Road. I don't know if Mr. Blankinship's office provided
1936 you with a copy of the large map showing the dig site and the surrounding properties, I
1937 do have a copy of that if you'd like for us to show that to you. You do, okay. It does
1938 show each of the adjoining properties; I am across the street at the south end of the
1939 property. First, I would like to thank you for allowing the residents a say in this matter; I
1940 have come to learn that that does not happen in all counties in Virginia, and we do
1941 appreciate having this opportunity. In addition to my family, I am speaking for affected
1942 residents, Mr. and Mrs. Madison at 7040 Strath, as they are confined to their home and
1943 unable to attend. Many other neighboring residents are either physically unable to
1944 attend this meeting or unable to take leave from work, but also stand in opposition to
1945 this plan, and you will find they signed the petitions which Mrs. or Mr. Williamson will be
1946 presenting to you, which has over 200 signatures. That said, I would like to express my
1947 total support for Mr. Owens' statements regarding the character of our neighborhood
1948 and the potential impact on the residents. We live in a residential neighborhood, and a
1949 borrow pit does not fit into that. We ask that you decline UP-12-2000, as the
1950 ramifications on residents far outweigh the potential inconvenience and expense for W.
1951 C. English to find another suitable, less populated area from which to obtain fill dirt. I
1952 understand the contractor wishes to find the closest and cheapest solution to their fill
1953 dirt problem; however, I am sure they are aware of other sites from which they can
1954 accomplish this with less neighborhood impact. We join Mr. Owens in asking that, if we
1955 cannot obtain a denial of this application today, that this matter be continued until your
1956 next meeting. The applicant has had several months to prepare for this meeting, while
1957 we received less than two weeks notice, and Mr. Owens alluded to much of that. One
1958 of the most affected property owners, Mr. and Mrs. Jenkins at 7020 Strath on your map,
1959 have yet to be notified, due to being out of state until mid-May, and that entrance will be
1960 looking into their living room window. Just this past Saturday, I personally notified Mr.
1961 Lunsford, among other people, as they had not received their registered letters, were
1962 unaware of the application, and also did speak with some elderly residents who
1963 received a formal notification, didn't understand it, didn't know who to ask, and just kind
1964 of said "I don't know what to do with this." (I) explained it to them, they were obviously
1965 upset; many of them again are unable to attend today. We would request time to
1966 contact the State Department of Historical Resources to determine the nature of the
1967 existing grave and adjacent Civil War sites. We would like to note there is no mention
1968 nor markings on any of the information, and again, Mr. Hinson did allude today that they
1969 are aware of the graves, but we had not received any answers when asking those
1970 questions as to any sort of plan to accommodate those. There are Civil War sites on
1971 Mrs. Small's property next door; we don't know if any of that carries over, but certainly
1972 that is a concern. All of that said, Mr. Owens addressing most of the neighborhood
1973 issues, I would like to address, if you do, we recognize there is a possibility you could
1974 still choose to go forward. With this, if you do, there are some restrictions we would like

1975 to ask that you place on the applicant. Certainly, the County has, Mr. Blankinship's
1976 office has, stated, that if the applicant discovers historical or things of that nature on the
1977 property, that they are to notify appropriate government agencies, and as residents, we
1978 would say, due to the huge financial incentives that are associated with the early
1979 construction of 895, combined with the fact that there are possible wetlands, that before
1980 today we had not heard of any plan to investigate, that all of that be done by the Corps
1981 of Engineers prior to anything beginning at this property. We would ask that we be
1982 allowed to determine the actual status of the marked areas, actually that the Corps do
1983 that, and to do an endangered species search prior to any disturbance of the land. I
1984 also understand from the Department of Environmental Quality, there is a permit which
1985 is required for clearing properties of over 5 acres, and we would like your assurance
1986 that someone would make sure that that happens. They have requested a two-year
1987 renewable permit; we would request that the time period be reduced, be non-renewable,
1988 and state that it be used solely for the 895 project. As you alluded earlier, the applicant
1989 has requested hours of 6:00 am to 6:00 pm Monday through Friday; we would request
1990 those hours be limited to a more reasonable 9:00 to 5:00; there are three school bus
1991 stops that are located across from this site; those children would be waiting for the bus
1992 with dump trucks pulling significantly into the roadway, accessing and leaving this
1993 property. Those locations are at 7078 Strath, Mr. Battle's property; 6950 Strath, Mr.
1994 Johnson's property; and the corner of Strath and Barnsway. Additionally, there are
1995 elderly and handicapped neighbors directly next door to, and across from the entrance,
1996 those being Mr. LeMaster at 7001 and Mr. Madison at 7040 Strath, and they would be
1997 significantly disturbed by the proposed hours. We would request that the applicant not
1998 be permitted to burn any cleared lumber, as has happened with 895 – the fire risk to our
1999 homes would be extreme, and the smoke would be unbearable to neighbors that close.
2000 The County has requested a \$5,000 bond per well, and as Mr. Owens alluded to, we
2001 are certainly aware that there have been wells along the 895 corridor that have dried up.
2002 It has been during a drought, and it has been up to the property owner to prove that it
2003 was the construction that caused that problem; we don't want to deal with that; we
2004 would ask that we have a three-year period of time that if our wells become
2005 contaminated or our wells dry up, that it automatically be taken care of, either repaired
2006 or replaced by the applicant. We would also request that the financial guarantee posted
2007 to the County Attorney be significantly increased from the \$2,000 per acre requested. A
2008 \$35,400 penalty is seemingly less expensive than actual reclamation, especially
2009 considering the property is being purchased by a holding company subsidiary of the
2010 highway constructor, of whom the principals have not been disclosed to the neighbors,
2011 or in the County files. We also wonder what the new owners, the highway constructors,
2012 intend to do with this now-worthless property after reclamation. Along those same lines,
2013 no specific reclamation plan has been filed with the County, and at least three different
2014 versions have been relayed to me -- of what those plans would be, one version in the
2015 County files, one version from Mr. Hinson at Koontz-Bryant, and another version from
2016 Mr. Higginbotham at W. C. English. I recognize that it may not have been determined,
2017 but there's different ideas bantering about, and we would like a commitment on what
2018 that would be. We don't want a mosquito breeding ground, nor an unsightly or
2019 dangerous mess left behind. We also would request a traffic study, and I'm sure my
2020 husband will allude more to that, being done regarding the intersection of Strath and

2021 Darbytown Roads, as there are already significant issues with turning and increased
2022 truck traffic, combined with the planned Varina road closings, would be an additional
2023 burden. And lastly, we request that the neighbors be provided a list of official
2024 government or regulatory contacts, should they observe violations of the agreed upon
2025 terms by the contractor. Thank you for your time; if you have any questions, I'll be
2026 happy to answer them. Thank you.

2027
2028 Mr. Smith - My name is Clint Smith; I also live at 7134 Strath Road. The
2029 business that I'm in, I'm in the radio business; I work for 4 radio stations in Richmond. I
2030 provide the traffic reports for those radio stations. I use the name Scott Stevens and
2031 have been doing traffic reporting in the Richmond area for over 14 years. So needless
2032 to say, I'm here just to talk just a moment about the traffic implications. What you're
2033 looking at, Strath Road, as is mentioned, it is a 45 per hour speed limit, all along this
2034 area, right along Strath Road as you're coming up towards Darbytown, everything over
2035 here is all residential, and as my wife mentioned, there are 3 school bus stops almost
2036 directly across from where we're looking at the areas with the, where the construction
2037 would be coming in. Strath, as Mr. Lunsford said, is a cut-through as you're coming up
2038 from lower portions of Route 5 on up towards Darbytown Road and towards the airport.
2039 In fact, several accidents have occurred right here at the intersection of Strath and
2040 Darbytown, one of which a fatality. What we're looking at are dump trucks going from a
2041 standstill, pulling out onto Strath Road, and as Mr. Nunnally mentioned, you're coming
2042 from cars that are going 45 miles per hour, into an area where the trucks are just pulling
2043 out. This is no longer an agricultural district, even though this particular area may be
2044 considered that in is still zoned that; in fact, when we built our house and moved, and
2045 the sign is still on the ground advertising that lot for sale, it was being advertised as a
2046 place to build a small subdivision. So the characteristic of this neighborhood is no
2047 longer that of an agricultural district, and from a traffic standpoint, that's not even getting
2048 into the dust and the dirt and everything else that's involved. We're possibly creating a
2049 very dangerous situation by having dump trucks pull out onto that very narrow roadway.
2050 Thank you.

2051
2052 Ms. Rankin - I'm Dolly Rankin, of 7279 Strath Road. I haven't heard
2053 anyone say anything, the gentleman who spoke for the English Construction, on
2054 October 29 they were already granted permission to dig gravel, 63 acres on Britton
2055 Road. Did you tell the Board that today? I have a letter here where they've already
2056 been granted 63 acres on Britton Road; you wonder why they need 30 more acres on
2057 Strath Road to dig; that'll make 93 acres totally to dig on. Strath Road is such a heavy
2058 traveled road, from Route 5 to Darbytown, school buses coming up and down it all day
2059 long. And I think to grant this 30 acres to dig that dirt on that road will be real
2060 dangerous to the whole community, and I ask you not to grant him that permission.
2061 Thank you.

2062
2063 Mr. Williamson - I'm David Williamson, 7056 Mosswood Road. First thing, I
2064 do want to give to the Board petition of 349 signatures opposing. I've lived in this area
2065 28 years; I've seen it grow and I've seen Strath Road grow, as far as traffic wise, and I
2066 don't feel it can carry the amount of trucks that will be coming out of this pit, and

2067 certainly not 6:00 to 6:00, 8:00 to 1:00 on Saturday. It's no way. Another thing, he
2068 mentioned that Strath Road was furnished by County water. This is an error; at least, I
2069 don't have public water; maybe they're hiding something, and that's another big concern
2070 that I have. I spoke to a Mr. Roy Dowdy, of Dowdy Well, and he said that with the
2071 construction of this pit, there could be a cone of depression that would develop, and
2072 what you mean by this is, it would then be drawing with the 37-foot depth, and my well
2073 is only 32 feet deep. Well, if this draws the water from the wells, I'm left high and dry.
2074 We would definitely want some kind of agreement, that if any wells did go dry, that they
2075 would be responsible, not just a well that went dry this year, but at least 3-5 years in the
2076 future, because for some reason, it could go dry then, and it could be the ultimate
2077 reason of this pit. There is that cemetery; I think that they should definitely have to
2078 agree to take care of anything in the future on the cemetery that is located on the
2079 property. I do request that the zoning be denied. Thank you.

2080
2081 Mr. Wright - Let me ask you a question. Mr. Williamson, petitions are
2082 fine; I'm just glancing down this petition; we've got some people from Highland Springs
2083 on this petition.....

2084
2085 Mr. Williamson - Well now, I understood that they had to be County residents.

2086
2087 Mr. Wright - Well, I'm concerned about Strath Road, and the impact this
2088 has got on Strath Road. We'll go through here and find out; I see, obviously a lot of
2089 these people are in this area, but just because they live down on, near New Kent, on the
2090 County line, I don't think that has any bearing on this, that was my point.

2091
2092 Mr. Williamson - Okay, sir.

2093
2094 Mr. Kirkland - Anyone else wish to speak?

2095
2096 Mr. Rusak - My name is John Rusak, and I live at 2661 Feldspar Drive.
2097 Now I worked for the highway department for 33 years and retired last year. No way in
2098 the world could we build a highway and do to this land what these gentlemen are
2099 proposing doing to the land. If you'll look at that map, they've got "possible wetlands" –
2100 is that like being a little bit pregnant? You know, it's either wetlands, or it's not, and with
2101 the department, I did permits, and we weren't allowed to file for anything until the
2102 permits were complete. And the mitigation for the wetlands was done. I don't
2103 understand how you can grant this guy a waiver in the zoning without all the
2104 information, that he's going to supply later? And Strath Road is about 17 feet wide.
2105 When one of those dump trucks pulls out, the turning radius is not that sharp, and rather
2106 than what Mr. Nunnally said, a truck will take the complete roadway. You have to stop
2107 traffic in the other direction for a truck to come out only Strath. You have to stop traffic
2108 in both directions. They're doing it now on Darbytown, and Darbytown is 24 feet wide,
2109 and they actually stop traffic in both directions when the trucks go in and out of there.
2110 And here again, I'd like to reiterate – this is a residential area, and no borrow pit in the
2111 world should be put in the middle of a residential; I'll tell you what – this wouldn't have
2112 got this far if it had been in the West End, I can tell you that. I'm tired of the East End

2113 being the stepchildren of Henrico County. I've lived in Henrico County all my life; I've
2114 known Jimmy all my life; I grew up in Highland Springs about 5 houses down from him,
2115 and I just hate to see the land devastated like we're doing out in the Varina area.
2116 Before you vote on this, go down and take a look on Strath on the other side of Route 5,
2117 and look at that site down there, that they used for 295, that supposedly they're going to
2118 do the same thing to it, they're going to plant these grasses and all this; there's nothing
2119 but bare earth down there. I mean the land is devastated; it looks like moonscape. And
2120 I'm definitely opposed to this, and I guess what really grates me, is having them set up a
2121 corporation, Henrico Properties, LLC. This is a private road; this is not a state road.
2122 They've set this up, and I'm sure they haven't bought the land yet; all they've got is the
2123 option on the land, based on this zoning request. If the zoning request doesn't go
2124 through, then they'll lose the option money; they won't buy the land, I'm sure of that.
2125 But say you vote, and they get to do this – how much a cubic yard is the borrow for this
2126 job; don't tell me you don't know, because you have to submit something to P. K. How
2127 much is the borrow?
2128

2129 Mr. Kirkland - Sir, you have to address your questions to us. Address
2130 them to us, and then he can rebuttal your comments.
2131

2132 Mr. Rusak - All right – I want to know how much he's paying per cubic
2133 yard for borrow on this job – what was his bid?
2134

2135 Mr. McKinney - Why is that relevant, sir?
2136

2137 Mr. Rusak - Why is it relevant? All right, if he pays \$150,000 for that
2138 land, and he takes out 300,000 cubic yards of borrow, and the borrow is \$7.00 a cubic
2139 yard, how much money is that?
2140

2141 Mr. McKinney - It would be 350,000 times 7.
2142

2143 Mr. Rusak - Huh?
2144

2145 Mr. McKinney - It would be 350,000 times 7.
2146

2147 Mr. Rusak - All right – how much money.....
2148

2149 Mr. McKinney - About \$2,000,000.
2150

2151 Mr. Rusak - That's capitalism at its best; I can tell you that.
2152

2153 Mr. McKinney - But I don't know if that's relevant to this or not....
2154

2155 Mr. Rusak - I think it's relevant, because it's a private road.
2156

2157 Mr. McKinney - But the County's going to make him put the land back if he's
2158 granted this permit to do this.

2159
2160 Mr. Rusak - The only way you can put that land back is to fill it back in
2161 again. Could you tell me what use that land would be for once he does this? The only
2162 thing it could be used for is a mitigation site for wetlands; that's the only thing it could be
2163 used for once he's through with it.
2164
2165 Mr. McKinney - Okay.
2166
2167 Mr. Rusak - You might not think it's relevant, but that's my tax money.
2168
2169 Mr. McKinney - I just wanted to see what you were saying.
2170
2171 Mr. Rusak - Well, the thing of it is, it's my tax money paying for this damn
2172 private road that's going to have a toll on it. I'm not happy about that either, and I just
2173 don't think we ought to subsidize W. C. English to the tune of about \$1,000,000,
2174 \$1,500,000 off this land, and that's exactly what we're doing. But the road, even the
2175 road itself, even when they had the trucks on it before, the road had started to come up
2176 when they took them off. And I'm sure the road is not designed to handle tandem dump
2177 trucks. The pavement design is not designed to handle that; the road will come up.
2178
2179 Mr. McKinney - Mr. Rusak, were you living there when they built 295?
2180
2181 Mr. Rusak - Yes, I've lived there for 22 years now.
2182
2183 Mr. McKinney - How much problem was it when they built 295?
2184
2185 Mr. Rusak - None, because it didn't come down Strath.
2186
2187 Mr. Kirkland - Anyone else?
2188
2189 Mr. Coopman - Good morning, my name is Bruce Coopman; I live at 7126
2190 Strath Road. I'm right in front of it. I want to say, I agree with what everybody else is
2191 saying, but I think the one thing nobody's brought up – what is this going to do to the
2192 value of our property? Do you have any idea? I know one thing; it'll probably make
2193 taxes go down, because your property's going to go down, so that's the only thing I've
2194 seen, but I haven't seen anybody mention that. I mean, the people who live on Strath
2195 Road have got a real nice parcel right across from it, and all of a sudden, you put a pit
2196 in, so I'm sure that's got to bring your value down, so that's another thing you might
2197 want to consider. Thank you.
2198
2199 Mr. Kirkland - Anyone else?
2200
2201 Ms. Harris - Good morning, I live at 7056 Strath, which is directly in front
2202 of this area – Jeanette Harris – and I don't want to be repetitious because I think
2203 everybody has brought out very valuable points, and as the gentleman just mentioned,
2204 the value has to deteriorate when this type of thing is brought in, so I just want to point

2205 out that I am concerned about my property, because I am in front of this area, directly in
2206 front of it. The traffic and the value and all of it, is going to make an impact on us, and I
2207 think with our tax dollars, and hard as you worked to build value and have a nice
2208 neighborhood, I think it's hurtful to all of us concerned to bring the value down, and
2209 that's just what I wanted to think, and I wanted to support all of the other neighbors that
2210 have worked so hard to get the information and to come before you this morning with all
2211 the information that they've presented, and I just wanted to be here to support them.
2212 And I was late getting the notice, because I was out of town on vacation, so I wasn't
2213 notified sooner, and I wasn't prepared more with more detail about it, but I think they've
2214 presented everything that needs to be told to you, and thank you.

2215
2216 Mr. Kirkland - Thank you. Is that.....anyone else? Mr. Hinson, would
2217 you like to answer any questions or make a statement at this time? About all these
2218 concerns we've had?

2219
2220 Mr. Hinson - I'm not going to try to address every individual term, but I
2221 would like to just clarify a few points, if I could. We will perform all required
2222 environmental studies. That includes historical, wetlands, also there's some conditions
2223 that are proposed with the use permit that would require that we notify if we find
2224 anything of any historical significance on the site. I did want to just iterate again that
2225 this site was chosen so that it would limit the traffic impact as much as possible to
2226 everybody in Henrico County. Due to the construction of 895, this was as close a site
2227 as we could find to the proximity of the 895 construction. The trucks are going to enter
2228 the site right there at the Darbytown Road and 895 construction. If the pit's not on
2229 Strath Road, there's a probability that they could still go down Strath Road or down
2230 Darbytown Road, so I did want to just iterate that we picked the site as close as
2231 possible to the construction site, to limit the traffic impact to the entire county. A
2232 restoration plan is required by the Code, and will be submitted and must be approved by
2233 the County; that is a requirement of the conditional use permit. We did include a cover
2234 letter with the request that was sent out by the County; I've received less than a dozen
2235 phone calls. The letter basically had my name and contact information on there; our
2236 office is open from 7:30 to 4:30 every day, and again, I did receive less than a dozen
2237 calls. We sent out the notification letters as soon as we received the official letter from
2238 the County that was required to be sent to all property owners, so we gave them as
2239 much time as possible. I think you will notice that you probably got your receipts back
2240 well in advance of the five days required that we notified everybody. We have return
2241 receipts available if the BZA would like to see them for who actually signed them and
2242 picked up their certified letters. But they all were sent out certified letters. An MPDES
2243 permit is required; that's listed on the Henrico County standard environmental sheet,
2244 and it is a requirement for any construction activity in excess of 5 acres. We are aware
2245 of that, and one will be obtained. We've indicated that we'd more than happy to
2246 engineer, and would insist that we engineer additional features into the construction
2247 entrance to eliminate some of the concerns about the truck movement onto the road.
2248 We will widen the entrances and the radiuses on the construction entrance on Strath
2249 Road. We will make sure that we have adequate sight lines so that we can see in both
2250 directions as far as possible. One of the conditions in the, suggested by the staff, says

2251 that a flagman would be required if necessary. It also states that the flagman must re-
2252 yield to the through traffic on Strath Road. So I feel that that is a concern that is being
2253 addressed with the conditions that the BZA and the staff have suggested with the
2254 permit. Probably a large portion of our construction will occur in the summertime, when
2255 it's optimum construction season, and that should eliminate some of the concerns about
2256 the school buses and school children and such. I will also just clarify for the individuals
2257 that we are not asking for a rezoning of the property, we are asking for a conditional use
2258 permit. This is an allowable use on this zoning with a conditional use permit. And that's
2259 all I had to say to the Board members today; we thank you for allowing us to present
2260 this case to you.

2261
2262 Mr. Blankinship - I have a couple of questions for Mr. Hinson.....

2263
2264 Mr. Kirkland - I have a questions for you, too.....

2265
2266 Mr. Blankinship - Of me? Why don't you go first.

2267
2268 Mr. Kirkland - Okay – how close is Dorey Park's boundary in proximity to
2269 this site.

2270
2271 Mr. Blankinship - I don't know.

2272
2273 Mr. Hinson - Less than a hundred yards.

2274
2275 Mr. Kirkland Are you going to be fenced all the way around?

2276
2277 Mr. Hinson - I do not know the answer to that question. It's not a
2278 requirement of the conditional uses. I assume.....

2279
2280 Mr. Kirkland - I assume you can walk from the Park and walk right over into
2281 the hole if they choose.

2282
2283 Mr. Hinson - Well, they'd have to walk through a rather substantial
2284 wetland-sized creek area, but yes sir, there is a possibility that they could get from the
2285 park to the site.

2286
2287 Mr. Blankinship - How long do you anticipate this borrow activity to last?

2288
2289 Mr. Hinson - We will shut this borrow operation down as soon as we've
2290 extracted the material for the 895 construction. If we could do it in a 3-month period,
2291 then that's when we would close it down. But conditional use permits have a 2-year
2292 term; that's what's been indicated in the permit. I think the construction period for I-895
2293 is approximately 2 years.

2294
2295 Mr. Higginbotham - The objective, Mr. Blankinship, is to get it done this summer,
2296 and the prime time is going to be June, July and August, during the driest time.....

2297
2298 Mr. Blankinship - Of 2000?
2299
2300 Mr. Higginbotham - Of this year, because next year we've got to get surface
2301 down on the road, and then we've got to get striping down, which has a limitation, so the
2302 objective is to get all the rough grading from the off-site borrow in place on I-895 project
2303 this construction season. So I don't anticipate anything coming out next year. I mean,
2304 it'll get done this summer.
2305
2306 Mr. Blankinship - So hypothetically you'd be, not hypothetically, but hopefully
2307 in your view, you'd like to be reseeding this property in, say, September?
2308
2309 Mr. Higginbotham - Yes, we're looking at 3 months to wrap this area.
2310
2311 Mr. Kirkland - Then how long would it take you to reclaim it?
2312
2313 Mr. Blankinship - What will this property look like in a year from September?
2314
2315 Mr. Hinson - You know, we're required to put topsoil back down, and re-
2316 seed it, you know; if we can get it in early enough this fall, then you know, we'll get
2317 some grass growing back. You know, the older gentleman that worked for VDOT, he
2318 made a good point, that it's not going to be cropland, and we're not up here saying it's
2319 going to be cropland. I do understand that, you know, talking to Ms. Smith, said that
2320 there were only like 2 perk sites on the 30-acre site. Somebody else had looked at
2321 buying it, so I think from that standpoint, you know, it's not a bad use of the property.
2322 Now the only thing that's really, that I made a note of, that everyone's saying, a 37-foot
2323 deep pit, and you've got this vision of a rock quarry out there, and that's just not the
2324 case. This thing is going to be down to about the water table, and like the older
2325 gentleman said right there, it's going to turn into either a grass or a wetland type area,
2326 and it's really going to be more of a preserve than it is anything else. The other young
2327 lady was saying, "what does it do to the value of your land. Well, I tried to put myself in
2328 their position. If I owned a house across the street from it, I mean the land's going to be
2329 developed some way, somehow, and this is my opinion, and I address it to the Board,
2330 but I don't see, I mean there's still 200 feet of, if you want to call it buffer, if you want to
2331 call it future lots. Again, I don't know if the land perks or not. I don't know if you could,
2332 Paul could maybe answer whether you could get 5 or 6 building lots along the road, but
2333 ultimately, and maybe it takes sewer coming down, but I see houses coming in along
2334 Strath Road if you can perk it or whatever on that 200-foot buffer strip, and then behind
2335 it, it's going to taper down on a 2 to 1 slope, and it's going to be a flatland in there.
2336
2337 Mr. Blankinship - Is there going to be a pit with standing water in there on this
2338 site?
2339
2340 Mr. Hinson - No sir.
2341
2342 Mr. Blankinship - Will there be during construction?

2343
2344 Mr. Higginbotham - Well, you might excavate down some, and then you might
2345 put, there might be some unsuitable that you have to stockpile and put back in, but
2346 generally speaking, we're not creating a lake, we're not creating a pit, we excavating
2347 and tapering down to the creek level. I think that's accurate, isn't it?
2348
2349 Mr. Hinson - We did state on the restoration plan that was submitted that
2350 there would be a wet pond upon conclusion of construction, but that can be modified in
2351 accordance with the Board's request if the desire is for no wet pond to be present.
2352
2353 Mr. Higginbotham - But there's not going to be a 37-foot pit out there down in the
2354 ground; we're trying to take as good a material as we can out, and leave it as flat and as
2355 sloped as we can.
2356
2357 Mr. McKinney - Mr. Higginbotham, have you thought about meeting with all
2358 of these residents? Well I did in here, and I said, you know, what I should have done
2359 was probably go door to door.....
2360
2361 Mr. McKinney - I mean I can see all their concerns. If I lived there, I would
2362 have a great concern with this; we know it's going to get built, one way or another, but if
2363 it can be built, if you could get together, I mean that Ms. Smith, she had a lot of
2364 concerns and some conditions that she wanted to put on here, that I'm sure the
2365 Secretary took notes of, that if you could meet, defer this for 30 days, and meet with all
2366 of these people, in one of the churches or something, and go over and show them
2367 exactly what you're doing, what it looks like now, and what it's going to look like when
2368 you're finished, and exactly how long it's going to take. I mean they may want some
2369 fencing up, like I said, some of them have small children down there, and they don't
2370 want these children to get into this project.
2371
2372 Mr. Higginbotham - I want to show you some small children. Put that on the
2373 screen right there.
2374
2375 Mr. Blankinship - But you're not going to live next door.
2376
2377 Mr. McKinney - They're talking about there; they're right in the area.
2378
2379 Mr. Higginbotham - I understand that, but asking us to wait to start until 9:00
2380 o'clock in the morning; you know, that's, we can't do that, you know, construction, we
2381 start at 7:00 in the morning, and you can't change the rules like that. The fencing, I
2382 don't know how you could fence it in. Again, you're talking about a wetland area; we
2383 could certainly take the topsoil and build some berms, but.....
2384
2385 Mr. McKinney - I hear what you're saying, but I'm talking about – these
2386 citizens here are just hearing this for the first time.
2387
2388 Mr. Higginbotham - I agree with you.

2389
2390 Mr. McKinney - They have not sat down and twisted your arm to do this; you
2391 know, they may hang you down there, I don't know. I don't think so. But if you could
2392 meet on mutual ground and just say, "look, this is what we're proposing." I guess the
2393 permit goes so far as the 2 years; it doesn't have to go 2 years; it could be amended to
2394 six months or something like that, if it could be worked out according, I mean we can't
2395 deal with Mother Nature; and we know that has some input in it. And I know that you
2396 said, you said you were hoping to do it all this summer in the three dry months. Well
2397 maybe you can; it might take 4 months, but I really think that you need to sit down with
2398 the folks out there and at that time, there won't be any school buses on the road.
2399
2400 Mr. Higginbotham - I don't know if we can recess for 20 minutes, and I can try to
2401 address some of the issues now.
2402
2403 Mr. Kirkland - This is our last, well one more case, and you've got that too.
2404
2405 Mr. Higginbotham- The purpose of that case is to try to acquire some more
2406 material, I mean we're out here to try to build a job. We're certainly not trying to do
2407 anything to lower property values; I don't think it will lower property values. I mean, if
2408 my response to your request would be, if I could spend 10 minutes with them.
2409
2410 Mr. McKinney - It's not my request, it's a suggestion.
2411
2412 Mr. Higginbotham - Yes sir, well, I mean, I would offer, if I could spend 10
2413 minutes with them in a recess, I can certainly.....
2414
2415 Voice from Audience - We cannot be convinced – 10 minutes, 10 hours – we're
2416 opposed to this.
2417
2418 Mr. McKinney - Sir, we're recording all this, and we need all this on tape, so
2419 we can't discuss it back and forth between the audience and the podium.
2420
2421 Mr. Kirkland - How many truckloads do you plan to take out in an hour?
2422 Now you say you're going to try to do this in the summer. Suppose you started in May
2423 or June, before school is out – how many truckloads do you plan on taking out an hour,
2424 roughly?
2425
2426 Mr. Higginbotham - Truckloads an hour? In a 12-hour day. I'm going to say,
2427 and I'm giving you a guestimate, but I'm going to say it would take a truck, 1 truck could
2428 probably make 4 trips in an hour. You're probably going to have 4 or 5 trucks running
2429 constantly.
2430
2431 Mr. Kirkland - About 20 – is that what you're saying? Twenty loads? Does
2432 that sound about right? One every 3 minutes?
2433

2434 Mr. Higginbotham - Again, I'm not so certain that, I mean, if we have to bring
2435 them from the other, again, don't take me wrong in this, but it is possible, and I didn't
2436 realize it until after I was asked, but it is possible we might have to haul the whole length
2437 of Strath, I mean the other pit. And I'm not trying to be ugly when I say that, but this,
2438 you know, is probably the lessor of any evil we can come up with, as far as finding off-
2439 site material and getting it on the job without having to run 3, 4, 5, 6, miles up the road.
2440 And again, you know, it is an agricultural zone, it is a permitted use. We do have to get
2441 a conditional use to do it, but it's as short a haul to get the material on the job, and
2442 again, I think the other big misconception is that there won't be a pit, a big hole in the
2443 ground out there. It's going to be a tapered out area to the creek.
2444

2445 Mr. McKinney - Mr. Blankinship, don't we have any restrictions on the size of
2446 vehicles on certain roads, load limits, so forth, I know we do on bridges?
2447

2448 Mr. Blankinship - I'm sure there are some regulations on that, of course, not
2449 within Planning's purview, but we could probably find

2450
2451 Mr. McKinney - I know that the Traffic Engineer didn't address that, and the
2452 gentleman back there said Strath Road is 17 foot wide. I don't know how old Strath
2453 Road is, if it was built to County standards at the time, or if it meets County standard
2454 now, and you're going to run 20-25 trucks over that road a day, what's going to happen
2455 to the road?
2456

2457 MR. Blankinship - That's certainly an area of concern.
2458

2459 Mr. McKinney - I mean, if you tear that road all to pieces, who's going to
2460 replace it?
2461

2462 Mr. Higginbotham - I think that's our responsibility if we tear the road up sir.
2463

2464 Mr. McKinney - Well, that's not a condition.
2465

2466 Mr. Higginbotham - Well, that would be our responsibility through the Public
2467 Works section.
2468

2469 Mr. McKinney - My question was "would Strath Road take these trucks?"
2470

2471 Mr. Higginbotham - Was that to me, sir?
2472

2473 Mr. McKinney - No, I was talking to the Secretary.
2474

2475 Mr. Blankinship - That's sort of a subjective question – will it take the trucks?
2476 Some damage will be done, but you could say that every car that goes down the road
2477 does some damage, so there will be some damage.
2478

2479 Mr. McKinney - Cars weigh less than 4,000 pounds. What does a tandem
2480 truckload of dirt weigh, Mr. Higginbotham? Including the truck?
2481

2482 Mr. Blankinship - Didn't come prepared for that one, did you? A lot more than
2483 a car.
2484

2485 Mr. McKinney - One of you gentlemen should know. The gentleman who
2486 used to work at the highway department probably knows.
2487

2488 Mr. Rusak - It's almost 2 tons a cubic yard.
2489

2490 Mr. McKinney - All right, say 2 tons per cubic yard – how many cubic yards
2491 are you going to haul per load.
2492

2493 Mr. Higginbotham - Well, a tandem would, well, say you've got bulk dirt and
2494 you've got compacted.....
2495

2496 Mr. McKinney - Average.
2497

2498 Mr. Higginbotham - A tandem would probably haul in place 8 ½ cubic yards.
2499

2500 Mr. McKinney - Say you've got 16 tons – what is the.....
2501

2502 Mr. Higginbotham - That's probably the weight limit. Fifteen, sixteen tons is
2503 about the weight limit on a standard.....
2504

2505 Mr. McKinney - Plus the truck. The truck weighs approximately what – five –
2506 I don't think it weighs that much. I would say it probably does, that's 21 – no a truck
2507 wouldn't weigh 5 tons. Again sir, we're speculating; we don't have any doubt – a truck
2508 would weigh maybe 8,000 pounds. If we dump that 18 tons, 32,000 pounds, Mr.
2509 Blankinship, as opposed to less than 4,000 pounds for a car.....
2510

2511 Mr. Blankinship - I'm sure they're not debating that a car would do the same
2512 amount of damage. I'm just saying there's not a yes or no answer to the question, "will
2513 the road handle these trucks?" These trucks will do damage to the road; there will be
2514 wear and tear on the road. The road will still be there in some condition when they're
2515 finished. I do not know, and there's nobody, unless Mike knows, I don't know what
2516 leverage Public Works would have to require English to repave the road or repair the
2517 road. The Board could certainly place a condition on the use permit requiring them to
2518 satisfy the Department of Public Works, that the condition of the road at the end of the
2519 job is no worse than the condition now, or some degree better, or some degree of
2520 improvement, as the Board feels necessary.
2521

2522 Mr. Kirkland - Ma'am, you've already spoken, and now they're rebutting
2523 your information, so if we can finish this up, and let any other questions from Board
2524 members to these 2 applicants at the podium, or Mr. Blankinship, do you want to finish?

2525
2526 Mr. Blankinship - You certainly do have that authority, and we can draft a
2527 condition to that.....
2528
2529 Mr. McKinney - And Mr. Higginbotham, you also realize we're short one
2530 member today, so you lost one vote to start off with, whether it's pro or con.
2531
2532 Mr. Kirkland - Any other questions of the Board members?
2533
2534 Mr. Nunnally - So what you're saying, Mr. Higginbotham, is you're not
2535 requesting a deferral and talk to these people, have a special meeting with them to go
2536 over it, or you just want to take a chance on today.
2537
2538 Mr. Higginbotham - Sir, I'd be glad to do that, if I can get some guidance that
2539 that's probably what I ought to do.
2540
2541 Mr. McKinney - I would think you have a lot of guidance today.
2542
2543 Mr. Higginbotham - Then if that be the case, then we would – again, I don't know
2544 how to structure it, but I guess I can do it right after this meeting. We'll ask that, sit
2545 down.....
2546
2547 Mr. McKinney - You know, Mr. Lunsford might sell you his property, you can
2548 go across his property right out to Darbytown.
2549
2550 Mr. Higginbotham - You know I actually thought about that when, and I don't
2551 know about selling it, but you know, and I don't really know how it ties in,
2552
2553 Mr. McKinney - But that's between you and the citizens down there.
2554
2555 Mr. Kirkland - So you wouldn't have any problem with requesting a
2556 deferral?
2557
2558 Mr. Higginbotham - No sir.
2559
2560 Mr. Kirkland - Could I have a motion? Moved by Mr. Nunnally, seconded
2561 by Mr. McKinney – all those in favor say aye. All those opposed?
2562
2563 Mr. McKinney - How about UP-11?
2564
2565 Mr. Kirkland - Okay, now.
2566
2567 Mr. Rusak - Could I ask you something – what would have happened if
2568 you all would have tied, 2 to 2?
2569

2570 Mr. Blankinship - The motion would not have carried; it would have died, and
2571 there would have had to be a new motion; it would be denied.

2572
2573 Mr. Kirkland - Now, next month when we do hear this case, hopefully it
2574 won't be as many concerns, and we won't have to go through all these same people
2575 giving out this same information. You all can work all this out, and we'll just hear the
2576 case from the applicant, unless there's some major problems.

2577
2578 Mr. Higginbotham - Thank you sir.

2579
2580 Voice from Audience - What is the date of that meeting, sir?

2581
2582 Mr. Kirkland - May 25.

2583
2584 Mr. Blankinship - This will be on the 9:00 o'clock agenda.

2585
2586 Mr. Kirkland - Probably the second or third case.

2587
2588 Upon a motion by Mr. Nunnally, seconded by Mr. McKinney, the Board of Zoning
2589 Appeals **deferred** your **UP-12-2000** application for a conditional use permit to extract
2590 materials from the earth at 7101 Strath Road (Tax Parcel 215-A-100B). The Board
2591 deferred your request for 30 days, from the April 27, 2000, until the May 25, 2000,
2592 meeting, to allow time to consult with owners of adjoining property.

2593
2594 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
2595 Negative: 0
2596 Absent: Balfour 1

2597
2598 Mr. Kirkland - Okay, now, let's go back and hear UP-11-2000.

2599
2600 Mr. Blankinship - I've already called the case, Mr. Chairman.

2601
2602 Mr. Kirkland - They've already been sworn in,.....

2603
2604 Mr. Blankinship - Yes sir.

2605
2606 Mr. Kirkland -and we're ready to go.

2607
2608 Mr. Hinson - Members of the Board, we are proposing – Mr.
2609 Higginbotham's company has applied for use permits on two properties that are directly
2610 contiguous to each other. And what we are proposing today, is to combine the two use
2611 permits into one use permit, the purpose of that being to allow us to eliminate the
2612 hundred foot setback from the interior property line between the two contiguous
2613 permitted borrow pits. That is the gist of the case in a nutshell; the only other thing that
2614 we're doing is asking for clarification on item # 15, I do believe it is, that indicates an
2615 acreage in there, the combined acreage for the two parcels together for a total mining

2616 area would be approximately 92.5 acres. There is a statement in there that states 23.44
2617 acres, I do believe. That was the additional area between the two approved permanent
2618 borrow pits and what the final permitted borrow pit areas would be.

2619
2620 Mr. Blankinship - What condition would that be?

2621
2622 Mr. Hinson - I believe it was item # 15.

2623
2624 Mr. McKinney - You're extracting materials from 23.44 acres.

2625
2626 Mr. Hinson - Yes sir, that's just actually the additional area. The total
2627 combined area for both pits, that we would be requesting approval to extract from,
2628 would be 92.53 acres.

2629
2630 Mr. Blankinship - Do we have previous commitments from you to bond the
2631 difference. 69 acres is already bonded, so if you were to bond the 92 acres, you would
2632 be replacing that earlier bond?

2633
2634 Mr. Higginbotham - Well, the real request is what we're trying to do; we've got 2
2635 pits that adjoin each other, and we've got a buffer zone between them, and what we'd
2636 like to do is to be able to tie them together to get more material out of them, so that we
2637 have less requirements for material elsewhere.

2638
2639 If you see where it says, additional area 1, basically, that's where the 2 pits join, and
2640 we're trying to get more material out of these areas by combining the 2 together, and it'll
2641 generate probably 7 to 8,000 yards of materials, and leave the site graded instead of
2642 having a hump between the 2, so in order to do that, we were advised by the engineers
2643 that we need to come back before you, even though both sites have been approved, we
2644 were advised that we had to come back, because technically we were asking for a
2645 change.

2646
2647 Mr. Kirkland - Any questions? Anyone else wish to speak on this case? If
2648 not, that concludes the case. Okay, guys, you want to start at the end and work to the
2649 beginning?

2650
2651 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Mr.
2652 McKinney, the Board **granted** the case **UP-11-2000**.

2653
2654 Affirmative: Kirkland, McKinney, Nunnally, Wright 4
2655 Negative: 0
2656 Absent: Balfour 1

2657
2658
2659 The Board of Zoning Appeals, **granted** your application for a conditional use permit to
2660 extract materials from the earth at 3541 Britton Road (Tax Parcel 206-A-33, 217-A-1
2661 and 31). The Board granted the use permit subject to the following conditions:

- 2662
2663 1. This permit is subject to all requirements of Section 24-103 of Chapter 24 of the
2664 County Code.
2665
2666 2. Monday through Friday hours of operation shall be from 6:00 a.m. to 6:00 p.m.
2667 when Daylight Savings Time is in effect, and from 7:00 a.m. to 5:00 p.m. at all other
2668 times. Saturday hours of operation shall be 8:00 a.m. to 1:00 p.m.
2669
2670 3. No operations of any kind are to be conducted at the site on Sundays or on
2671 national holidays.
2672
2673 4. Open and vertical excavations having a depth of 10 feet or more for a period of
2674 more than 30 days, shall be effectively sloped to a 2 to 1 slope or flatter to protect the
2675 public safety.
2676
2677 5. All means of access to the property shall be from the public right of way of the
2678 proposed I-895.
2679
2680 6. A superintendent who shall be personally familiar with all the terms and
2681 conditions of Section 24-103 of Chapter 24 of the County Code as well as the terms and
2682 conditions of UP-11-2000, shall be present at the beginning and conclusion of
2683 operations each work day to see that all conditions of said Code and said Use Permit
2684 are carefully observed.
2685
2686 7. Topsoil shall not be removed from any part of the property outside of the area in
2687 which extraction is authorized. Sufficient topsoil shall be stockpiled on the property for
2688 respreading in a layer with five (5) inches of minimum depth. If the site does not yield
2689 sufficient topsoil, additional topsoil shall be brought to the site to provide the required
2690 five-inch layer of cover. All topsoil shall be treated with a mixture of seed, fertilizer, and
2691 lime as recommended by the County of Henrico after the results of soil tests have been
2692 submitted to the County of Henrico. All topsoil shall be stockpiled within the authorized
2693 borrow area and provided with adequate erosion control protection.
2694
2695 8. The rehabilitation of the property shall take place simultaneously with the
2696 extraction process. Rehabilitation shall not be considered completed until the extraction
2697 area is covered completely with permanent vegetation.
2698
2699 9. Responsibility for maintaining the property, fences, and roads in a safe and
2700 secure condition indefinitely, or for converting the property to some other safe use, shall
2701 rest with the applicant.
2702
2703 10. Entrance gates shall be erected and maintained at all entrances to the property.
2704 These gates shall be locked at all times, except when authorized representatives of the
2705 applicant are on the property.
2706

2707 11. Erosion Control Plans shall be submitted to the Department of Public Works for
2708 review and approval at time of application for the Use Permit. Throughout the life of this
2709 extraction operation, the applicant shall continuously satisfy the Department of Public
2710 Works that erosion control procedures are properly handled and furnish plans and
2711 bonds that the department deems necessary. The applicant shall provide certification
2712 from a licensed professional engineer that dams, embankments and sediment control
2713 structures meet standard and approved design criteria as set forth by the State.
2714

2715 12. The areas approved for extraction under this permit shall be delineated on the
2716 ground by the erection of five (5) foot high metal posts at least five (5) inches in
2717 diameter and painted in alternate one (1) foot stripes of red and white. These posts shall
2718 be so located as to clearly define the area in which the extraction is permitted. They
2719 shall be located, and the location certified by a certified surveyor, within ninety (90) days
2720 of the date of approval of this use permit by the Board of Zoning Appeals, or this use
2721 permit is void.
2722

2723 13. "No Trespassing" signs shall be posted and maintained on the property to warn
2724 against use of the property by unauthorized persons. The minimum letter height shall
2725 be three inches and signs are to be posted every 250 feet along the perimeter of the
2726 property. The applicant shall furnish the Chief of Police a letter authorizing enforcement
2727 by the County Police Officers of the "No Trespassing" regulations, and agreeing to send
2728 a representative to court for purposes of testimony whenever required or requested by
2729 the Division of Police.
2730

2731 14. Excavation operations shall be discontinued on said site by April, 30, 2002 and
2732 restoration accomplished not later than April 30, 2003 unless a new permit is applied for
2733 by not later than 60 days before the expiration of the permit, and is subsequently
2734 granted by the Board of Zoning Appeals.
2735

2736 15. A financial guaranty satisfactory to the County Attorney shall be posted with the
2737 Secretary of the Board of Zoning Appeals for extracting materials from 23.44 acres, in
2738 an amount of \$2,000.00 per acre for each disturbed acre of land included, for a total of
2739 \$46,880.00 guaranteeing that the land will be restored to a reasonably level and
2740 drainable condition with a minimum slope on the restored property being five to one or
2741 flatter. The guaranty may provide for the termination of the obligations after 30 days
2742 notice in writing. Such notice shall be served upon the principal and upon the obligee
2743 as provided by law for the service of notices. At the termination of the aforesaid 30 day
2744 notice to the principal, all authority of the principal under this use permit to extract
2745 materials, and work incident thereto, shall cease provided the applicant has not
2746 furnished another guaranty suitable to the County within said 30 days. The principal
2747 shall then proceed within the next ensuing 30 days following the termination of its
2748 authority under this use permit, to accomplish the complete restoration of the land as
2749 provided for under the terms of this permit. A notice of termination by such surety shall
2750 in no event relieve the surety from its obligation to indemnify the County of Henrico for a
2751 breach of the conditions of this use permit.
2752

- 2753 16. The applicant shall furnish a certification each year, verifying that the guaranty is
2754 in effect, premiums have been paid, and the bonding company reaffirms its
2755 responsibility under the use permit conditions. This certification shall be submitted to the
2756 Board on April 30th of each year.
- 2757
- 2758 17. This permit does not become valid until the guaranty, required in condition No.
2759 15, has been posted with the County, and necessary approval received. This must be
2760 accomplished within 30 days of the Board's action or the action becomes invalid.
- 2761
- 2762 18. A progress report shall be submitted to the Board on April 30th of each year
2763 during the life of this permit. This progress report must contain information concerning
2764 how much property has been disturbed to date of the report, the amount of land left to
2765 be disturbed, and how much rehabilitation has been performed, and when and how the
2766 remaining amount of land will be rehabilitated, and any and all pertinent information
2767 about the operation that would be helpful to the Board.
- 2768
- 2769 19. If, in the course of its preliminary investigation or operations, applicant discovers
2770 evidence of the existence of cultural or historical material or the presence on the site of
2771 significant habitat or an endangered species, it will notify appropriate professional or
2772 governmental authorities and provide them with an opportunity to investigate the site
2773 and applicant will report the results of such investigation to the Planning Office.
- 2774
- 2775 20. The applicant shall comply with the Chesapeake Bay Preservation Act and all
2776 state and local regulations administered under such act applicable to the property and
2777 shall furnish to the Planning Office copies of all reports required by such act or
2778 regulations.
- 2779
- 2780 21. In the event that an appeal of the Board's approval action is filed, all conditions
2781 requiring action on the part of the applicant within 90 days are considered satisfied if the
2782 required actions take place within 90 days of final action on the appeal process by the
2783 courts.
- 2784
- 2785 22. If the Virginia Department of Mines, Minerals and Energy determines that the use
2786 of this property constitutes a mine, the applicant shall obtain a mine license from the
2787 Division of Mineral Mining, Virginia Department of Mines, Minerals and Energy, within
2788 90 days of such determination, or the use permit is void.
- 2789
- 2790 23. No offsite-generated materials shall be deposited on the site unless the materials
2791 and the plans for their placement have been approved by the Planning Office.
- 2792
- 2793 24. If the Virginia Department of Mines, Minerals and Energy determines that the use
2794 of this property constitutes a mine, a sign shall be posted at the entrance to the mining
2795 site stating the name of the operator, the Henrico use permit number, the Division of
2796 Mineral Mining mine license number, and the phone number of the operator. The sign
2797 shall be 12 square feet in area and shall be properly maintained.
- 2798

2799 25. If the Virginia Department of Mines, Minerals and Energy determines that the use
2800 of this property constitutes a mine, all drainage and erosion and sediment control
2801 measures shall conform to the standards and specifications of the Mineral Mining
2802 Manual Drainage Handbook.

2803
2804 26. Failure to comply with any of the foregoing conditions shall automatically void this
2805 permit.

2806
2807 There being no further business, and on a motion by Mr. Wright, seconded by Mr.
2808 Nunnally, the Board adjourned until May 25, 2000.

2809
2810
2811
2812
2813
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2817
2818

Richard E. Kirkland, Chairman

Benjamin W. Blankinship, Secretary