

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 **GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON**
4 **THURSDAY APRIL 28, 2022 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN**
5 **THE *RICHMOND TIMES-DISPATCH* APRIL 11, 2022 AND APRIL 18, 2022.**
6
7

8 **Members Present:** Terone B. Green, Chair
9 Walter L. Johnson, Jr., Vice-Chair
10 Gentry Bell
11 Terrell A. Pollard
12 James W. Reid, Jr.
13

14 **Also Present:** Jean M. Moore, Assistant Director
15 Benjamin Blankinship, Secretary
16 Paul M. Gidley, County Planner
17 R. Miguel Madrigal, County Planner
18 Livingston Lewis, County Planner
19 Lisa Blankinship, County Planner
20 Kuronda Powell, Account Clerk
21
22

23 **Mr. Blankinship -** -- it's located in the bottom-right corner of the screen. And
24 when the chat window opens, please select Mike Morris from the list of participants and
25 let him know your name and which case you are interested in. The chat feature is only
26 being used to identify speakers, so please do not type questions or comments into a chat,
27 but please send a chat to Mike Morris now.
28

29 So acting as secretary I will call each case and then we will ask everyone in the room
30 who intends to speak to that case to stand and be sworn in. Then a member of the
31 Planning Department staff will give a brief presentation and then the applicant will speak.
32 And then anyone else who wishes to speak will be given the opportunity.
33

34 After everyone has -- we'll hear from those in the room first, and then from anyone on
35 Webex who wants to speak. And then after everyone has had a chance to speak, the
36 applicant and only the applicant will have an opportunity for rebuttal.
37

38 This meeting is being recorded, so for those in the room we will ask you to speak directly
39 into the microphone at the podium in the back of the room there. I will ask you to state
40 your name, and please spell your last name to make sure we get it correctly in the record.
41 And once your case is over, you're free to leave. There's no need for you to remain in
42 the room for the rest of the meeting.
43

44 We don't have any requests for deferrals or withdrawals, Mr. Chair, so I think we're ready
45 for the first case.
46

47 Mr. Green - Thank you. Will you please call for our request?
48

49 Mr. Blankinship - All right. The first we have four conditional use permits on this
50 morning's agenda. And the first is Conditional Use Permit 2022, number 2, Hugo E. Cruz.
51

52 **CUP2022-00002** **HUGO E. CRUZ** requests a conditional use permit pursuant
53 to Section 24-4419.G.1. of the County Code to keep up to six hens in the rear yard at
54 2104 Cool Brook Drive (ROXBURY) (Parcel 751-751-6684) zoned One-Family
55 Residence District (R-3) (Three Chopt).
56

57 Mr. Blankinship - Would everyone who intends to speak to this case, please
58 stand and be sworn in? Raise your right hands, please. Do you swear the testimony
59 you're about give is the truth, the whole truth, and nothing but the truth, so help you God?
60 Thank you. Mr. Madrigal.
61

62 Mr. Madrigal - Thanks, Mr. Secretary. Good morning, gentlemen, Mr. Chair,
63 members of the Board. Before you is a request to keep up to six hens in the rear yard of
64 a single-family dwelling. When this request was last heard in January, several neighbors
65 expressed their concern that the hens were attracting vermin to the area. The Board
66 decided to defer action on this item for three months to allow the applicant time to work
67 with a pest control professional to address this issue.
68

69 The property is located in the Roxbury Subdivision and is improved with a single-family
70 dwelling constructed in 1956. The applicant acquired the property in 2017. The home is
71 near the center of the lot and an addition and deck extend into the rear yard. There are
72 two storage buildings in the rear-left corner of the lot and there is an area in the middle of
73 the yard that would meet the code requirements to keep the hens.
74

75 In November of last year the County received a complaint that the owner was keeping
76 chickens. After confirming the violation, staff advised the property owner to apply for a
77 CUP.
78

79 Prior to the hearing, neighbors complained that they had observed rats in the
80 neighborhood starting at about the same time the chickens were brought to the property.
81

82 Since the deferral, the applicant has hired a pest control company and built a new chicken
83 coop, confined the hens to the coop, and secured the storage of the feed. The applicant
84 is confident that the vermin problem has been solved and the neighbors -- and the
85 neighbors have not expressed any further concerns.
86

87 With respect to the staff's evaluation, the existing and proposed use is consistent with
88 both the Zoning and Comprehensive Plan designations on the property. The applicant
89 has brought the property into compliance with code requirements by constructing a new
90 coop, confining the hens to the coop, and securing their feed.
91

92 The property appears large enough to accommodate the six hens, and this use appears
93 to be compatible with the neighborhood provided that the hens are kept enclosed and the
94 applicant continues to address his neighbor's concerns.

95
96 The chicken coop will be 10 to 20 feet from the owner's dwelling. Approximately 40 feet
97 from the eastern neighbor and approximately 100 feet from the northern neighbor. The
98 rear addition to the home will screen the coop from the western neighbor.

99
100 As a result, any detrimental impact should affect the property owner more than anyone
101 else as long as the applicant assures that no other vermin is attracted to the property,
102 there should be no adverse impacts on the neighborhood.

103 Based on the facts of the case, the applicant's efforts to control the vermin, and
104 addressing his neighbor's concerns and the improvements made to the coop and the
105 storage of feed, staff recommends approval of this request subject to conditions.

106
107 Be happy to answer any questions.

108
109 Mr. Green - The question I have is, recently there's been a lot of
110 discussion about the avian flu and the transmission of that among chickens. What is the
111 County doing to protect that? I mean I even saw a news report where a family, I don't
112 know where they were, were so concerned that they moved their chickens and hens to
113 the attic. They built a coop up there. And it seems like this thing is spreading. And what
114 impact is that going to have on us in the County? And is approving, you know, I can
115 understand folks wanting to do it. Is it prudent for us to consider these, given that there's
116 a major avian flu issue out there?

117
118 Mr. Madrigal - I'm not aware of what the County is doing to be quite honest
119 with you. That's kind of outside my sphere of expertise and influence. I can tell you that
120 from what I've read, it is a concern. It's affecting several states. They've been culling
121 chickens. It's something that's very difficult to control, because wild birds carry the virus,
122 and when they mingle with other flocks, I guess that's how the other birds get infected.
123 From what I've read.

124
125 At the moment, it does not pose a threat to us. They haven't found any transmission of
126 that to humans at this moment. But it is something that they are monitoring. I think either
127 -- probably our Health Department would probably take the lead, if not the Department of
128 Agriculture. But, beyond that, I really don't know what's going on.

129
130 Mr. Green - Yeah. No. And I'm not looking at the transmission from birds
131 to us. I'm talking about the transmissions from birds to birds. Hens to hens and chickens
132 to chickens. And understanding a lot of people are having to eliminate their entire flocks
133 because they've come down with this. And so I'm just, you know, wondering what to do.

134
135 I mean, is this the right time to really approve this. Or should we wait until we know this
136 whole issue has been -- has passed or been resolved? I certainly don't want to see a

137 major outbreak in the County and folks, you know, lose their livestock. And maybe the
138 applicant can address that. Because I'm sure they're on top of that situation.

139
140 Mr. Madrigal - Well I mean, quite honestly, I think we probably -- it's probably,
141 in my mind, it's probably best to continue to set, you know, with what we're doing now in
142 approving these uses. Because at least we're aware of them and the Health Department
143 can, you know, will have a database they can reach out to all these folks that do have the
144 chickens, as opposed to people just having them and not reporting and getting the
145 appropriate permits.

146
147 Mr. Blankinship - We did work with the State Veterinarian's Office in developing
148 these regulations, and I can contact them and try to bring you more information next
149 month. That doesn't help you for this morning. But I'll certainly do that and try to have
150 some updated information on that issue for next month.

151
152 I can tell you that the transmission of disease was something that was discussed, you
153 know, as we were going through the development of the regulations. And it was not a
154 reason to not allow for this use. If that makes sense. But it is a reason for some of the
155 somewhat restrictive guidelines like that the hens have to be enclosed. You know. That's
156 one of the reasons they're not allowed to free range. In order to limit that transmission
157 somewhat.

158
159 Mr. Green - Are there any questions from the Board to staff? Hearing
160 none, we'll listen -- hear from the applicant.

161
162 Mr. Cruz - Hello. My name is Hugo Cruz, spelled C-r-u-z. And since last
163 time I was here, we -- since we built the run, we have not let the chickens out to free range
164 or anything. The only time I open the door is when to feed them. And some of them
165 escape, but I automatically scope them back in. but besides that, they have not left the
166 area.

167
168 One concern I have is, as you can see, the patch where they are inside, there's no grass
169 growing in there. So what I usually do is just grab grass from patches. I grab clovers.
170 Anything that they eat, and just throw them there. But that is a concern I have, since they
171 can't have fresh grass any time they want.

172
173 Mr. Blankinship - You sent me an email last night, I believe.

174
175 Mr. Cruz - Yes.

176
177 Mr. Blankinship - About securing the food storage?

178
179 Mr. Cruz - Yes.

180
181 Mr. Blankinship - Do you want to mention that? The Board hasn't had a chance
182 to see that email, since it came so late.

183

184 Mr. Cruz - Oh, yes. I -- we bought a metal bucket since the inspector
185 told us he recommends metal buckets rather than plastic ones. It has a lid. It says it's
186 rodent proof, so rodents can't get into it. And rather than, in the shed, we now keep the
187 feed inside the actual house.

188

189 So. And the only time it's opened is in the morning when I go feed the chickens and then
190 I immediately close it.

191

192 Mr. Green - Are there any questions from the Board to the applicant?

193

194 Mr. Johnson - I noticed that -- thank you. I noticed that the -- you have -- on
195 the chicken coop, you have a cover over the top when they are out in the grassy area so
196 that nothing else can get in with the chickens? Or -- like we was talking about the flu with
197 the different birds coming in. I notice you have a top on it as well, so they can't come out
198 or nothing can get in.

199

200 Mr. Cruz - Yes.

201

202 Mr. Pollard - Have you got any feedback from the neighbors?

203

204 Mr. Blankinship - You need to turn off your mute, please. Thank you.

205

206 Mr. Pollard - Good morning. Have you got any feedback from your
207 neighbors?

208

209 Mr. Cruz - They have said that they have not experienced any other
210 problems ever since we started fixing the issues. They say that their okay with the
211 chickens, as long as they are under the proper guidelines.

212

213 Mr. Pollard - Thank you.

214

215 Mr. Blankinship - You need to turn off your mute as well if you're going to speak.
216 (indiscernible)

217

218 Mr. Reid - How long have these chickens been at this location?

219

220 Mr. Cruz - In this location I would like to say beginning of March.
221 Because we spent all of February building it. But even then, we did not take them out the
222 old coop, we just let them stay in there. But since the beginning of March they -- we
223 moved them there, and they have not left that area.

224

225 Mr. Bell - I have all of these chickens been in Henrico County only, or
226 did you go get other chickens to bring with them?

227

228 Mr. Cruz - Could you repeat the question, please? I don't understand it.

229
230 Mr. Bell - Simply where did the chickens come from?
231
232 Mr. Cruz - I cannot tell you for sure, because the address we went to, it
233 was on my dad's old phone. And that phone has since been destroyed.
234
235 Mr. Blankinship - Was it in Henrico County?
236
237 Mr. Cruz - I can't tell you. I would say it was a lengthy drive, but I'm not
238 sure if it's in or not Henrico.
239
240 Mr. Bell - Do you have any concerns about the disease with chickens?
241 Flus, et cetera.
242
243 Mr. Cruz - I don't believe so since our flock is separate for any other
244 birds. They don't -- they don't come in contact with any birds. And we got them before
245 the virus was a concern.
246
247 Mr. Bell - Thank you.
248
249 Mr. Reid - Mr. Cruz. I saw that Evergreen Pest Solutions has been out
250 there twice. Are they coming out every month?
251
252 Mr. Cruz - Yes.
253
254 Mr. Reid - Okay. Thank you.
255
256 Mr. Green - One more question. Also, are the chickens you have in -- are
257 you getting eggs from them as well?
258
259 Mr. Cruz - Yes, sir.
260
261 Mr. Green - And are they staying inside the house during nights and stuff
262 like that?
263
264 Mr. Cruz - They usually lay eggs in the morning. I would like to say they
265 finish laying eggs around 1:00 in the afternoon. And by that time -- we always pick them
266 up every day. We put them in egg cartons and put them in the refrigerator inside the
267 house.
268
269 Mr. Green - Are there any other questions from the Board to the applicant?
270 Is there anyone here to speak for or against these requests?
271
272 Ms. Pittman - Good morning. My name is Elizabeth Pittman, P-i-t-t-m-a-n.
273 I am one of the neighbors that live in close proximity to this residence. And I am speaking

274 for several neighbors. And we do appreciate Mr. Cruz and his family taking the proper
275 precautions to try to keep these hens confined.

276
277 Our concern is, at this point, not only with the disease but, as you saw before, the
278 conditions that those chickens were in before they reported not having the permit is
279 keeping it, you know, suitable for the chickens and for the residential neighbors.

280
281 We are very concerned that we all live in such close proximity of each other. The yards
282 that was -- does the County, I guess, is what we were wanting to know, do you guys check
283 to see that they're keeping it up to par, or if, you know, or once it's done it's a done deal
284 and we have to kind of keep a look out?

285
286 Mr. Blankinship - I'll answer that for you, Mr. Chair, if you don't mind. We do
287 check sites on an occasional basis. Not this sort of thing, we wouldn't normally do a
288 routine monthly inspection.

289
290 Ms. Pittman - Right.

291
292 Mr. Blankinship - But we would remain aware of it. And, certainly, if we hear
293 anything from the neighbors, we will respond promptly, as we can.

294
295 Ms. Pittman - Yeah. Because we all have -- well, I myself, I won't speak for
296 everyone, but I am speaking -- I have spent a lot of finances trying to get rid of pest and
297 things that -- and I've spoken intensively with my pest control people and they're like,
298 There's no way.

299
300 There's a lady behind me that's been there 20 years. I've been there close to 10. And
301 none of this ever happened until -- and, like I say, I do appreciate them taking care of it
302 and you guys acting so quickly on it. Because we were all in a panic. So.

303
304 Mr. Blankinship - But is it your position, ma'am, that as long as he maintains it
305 the way it is today, you would not be in opposition to it?

306
307 Ms. Pittman - I, honestly, the way the houses are so close in proximity I am
308 totally against residential people having chickens.

309
310 Mr. Blankinship - Okay.

311
312 Ms. Pittman - I'm sorry. I know that --

313
314 Mr. Blankinship - No I just wanted that to be clear.

315
316 Ms. Pittman - Yeah. That's -- and a lot of us feel that way, but, you know,
317 not everybody.

318
319 Mr. Blankinship - Right.

320
321 Ms. Pittman - I mean, I do appreciate them since the County has passed the
322 law that they can have them trying to do better. We want to make sure it stays better and,
323 you know, I just -- I personally don't think that living that close chickens are something
324 that should be in our area. That's just my opinion.
325
326 Mr. Blankinship - I understand.
327
328 Ms. Pittman - And that just all it is.
329
330 Mr. Blankinship - Yes, ma'am.
331
332 Ms. Pittman - It's just my opinion. But I do thank you guys -- you all really
333 acted fast and they took care of it, you know, as you requested. So that's --
334
335 Mr. Green - Have you seen a decrease in rodents?
336
337 Ms. Pittman - Well, I have had my pest control people out there for over a
338 year and a half. This has been going on that long. They still set out the baits. They see
339 a little activity, but they don't know if it's actually rodents or, at this point, there's
340 chipmunks, like they say, the -- when they set it the baits, anything small can get in there.
341 But my -- honestly, I have not seen anything or heard anything in traps or anything like
342 that.
343
344 Mr. Green - Good.
345
346 Ms. Pittman - At this point. So it's been over a year we've been treating this
347 situation. So. Yes. Thank you.
348
349 Mr. Green - Are there any other questions from the Board to the applicant?
350 I mean, to the person expressing a reservation? Are there any other individuals on Webex
351 or in the audience who would like to speak for or against this?
352
353 Mr. Blankinship - Is there anyone on Webex?
354
355 Mr. Lewis - There's no one on Webex for this case.
356
357 Mr. Green - Thank you. You wanted to refute or say anything? Thank
358 you.
359
360 Mr. Cruz - I understand her and the neighbors' concern. But something
361 that was odd to me, she said a year and a half. I apologize, I do not have the receipt for
362 the chickens, but we got them a year ago. So April of 2021.
363
364 Mr. Blankinship - So there may have been rodents even before you got the
365 chickens.

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Mr. Cruz - Yes.

Mr. Green - Okay. Does anyone else have any questions for the applicant? Thank you. Hearing none, I think we'll go to the process of which we will vote.

I move that we approve the conditional use permit subject to the conditions recommended by staff. It is consistent with the Comprehensive Plan and the Zoning Ordinance. There is plenty of room in the backyard to accommodate six hens. The applicant has built a new, better coop, and has provided for secure storage of feed. The applicant worked with his neighbors to resolve the pest control issues, and from the evidence it appears it has been resolved.

And, more importantly, I appreciate what you said in reference to how if this is registered, if the avian flu does hit, we do have a means by which we can track and contact. I think that's a -- that's the most important piece for me to hear. That at least it's registered, so if you know that 50 people that have it that they can do it.

And one editorial comment. The County has decided to allow folks to have chickens and allow those who are for and against it, you know, we think if the County has approved it, and applicants bring forward this request, then we have to consider it. So that is my motion to approve. Is there a second?

Mr. Pollard - I second the motion.

Mr. Green - The motion has been approved. Any discussion.

Mr. Pollard - I second the motion.

Mr. Blankinship - Yeah. You're on. You're on.

Mr. Green - You have something to say Mr. Pollard?

Mr. Pollard - No.

Mr. Green - Okay. The motion was made by me, Terone Green, approved by Mr. Pollard. Is there any discussion? All in favor say aye.

On a motion by Mr. Green, seconded by Mr. Pollard, the Board **approved CUP2022-00002, HUGO E. CRUZ's** request for a conditional use permit pursuant to Section 24-4419.G.1. of the County Code to keep up to six hens in the rear yard at 2104 Cool Brook Drive (ROXBURY) (Parcel 751-751-6684) zoned One-Family Residence District (R-3) (Three Chopt). The Board approved the request subject to the following conditions:

1. This conditional use permit authorizes the applicant to keep up to six hens (no roosters) on the property. All other applicable regulations of the County Code remain in force.

457 investigating, cited the applicant for having horses within 400 feet of dwellings zoned
458 residential.

459
460 During staff's visit, other violations are noted, including the roosters. Chickens and
461 roosters are shown there, a pool in the side yard, and a fence along Wildwood Street to
462 the rear that exceeds the height limits. While these issues are not before the Board today,
463 staff did inform Community Revitalization of our findings, so they are aware of them.

464
465 Meanwhile, the applicant has applied for a conditional use permit to keep the three horses
466 in a residential zoning district. Certain conditions, however, must be met for a conditional
467 use permit to be approved, and two of these are not met by the applicant.

468
469 Staff explained this to the applicant and offered him a chance to withdraw and get a refund
470 of his money. The applicant declined to withdraw, so the case is before the Board today,
471 despite the conditions not being met. In the meantime, he has indicated he is looking for
472 an alternative location that is zoned agricultural that would be more suited for this use.

473
474 In evaluating this request, the property is zoned R-3, One-Family Residence District, and
475 is designated Suburban Residential 2 on the Comprehensive Plan. These classifications
476 typically are for residential subdivisions and not agricultural uses. In a residential zoning
477 district, horses may be kept only with the approval of a conditional use permit. However,
478 before such a permit can be issued, certain conditions, as noted, must be met.

479
480 If you look right here, I don't know if you can read this, this is Section 24-4419, keeping
481 of animals outside of the dwelling as an accessory to that dwelling. It says the keeping
482 of animals outside of a dwelling that is an accessory to a dwelling is permitted only in
483 accordance with the standards in this section and all other applicable standards of this
484 ordinance.

485
486 Go down here to subsection E, horses and ponies, let's see if I can blow that up. Horses
487 and ponies. Number one basically states that if you're zoned R-3 Residential you need
488 a conditional use permit to keep those. Number 2 is a maximum of 3, which the applicant
489 has. The problem occurs starting with Number 3 that requires one acre of fenced pasture
490 for each horse or pony. The applicant owns just a smidgeon over 2 acres total and
491 obviously a lot of that's not fenced pasture, so he does not meet that condition.

492
493 The other issue he runs into is any barn, stable, or similar structure must be located at
494 least 400 feet from any dwelling in a residential district. If you go back to the aerial here,
495 you can see there are several dwellings all zoned residential right in through here that are
496 within 400 feet of this property.

497
498 So, two of these conditions are not met. The conditions are there not only to ensure the
499 animals have adequate room, but also that nearby property owners are not negatively
500 impacted. We did hear from three citizens or three neighbors. One by telephone and two
501 by email. Both of the emails expressed concern about noise and other impacts on the
502 neighbors. One came in yesterday and that should be before you at your desk.

503
504 In conclusion, while the applicant would like a conditional use permit to keep horses on
505 the property, two of the required conditions for the issuance of a conditional use permit
506 are not met. In addition, three neighbors have contacted staff in opposition to this request,
507 citing negative impacts on the neighborhood. As a result, staff recommends denial of this
508 request.

509
510 If you have any questions, I'll be happy to answer them. Thank you.

511
512 Mr. Green - You said something about a refund. What does that mean?

513
514 Mr. Gidley - The applicant did not meet two of the conditions he needed to
515 meet to get a conditional use permit. Initially Mr. Madrigal who processes these contacted
516 the applicant and said, Hey, you don't meet these. If you withdraw, before we advertise
517 the case, we'll be happy to refund your money. After a while, he didn't contact Mr.
518 Madrigal back. Since it was my case, I went ahead and contacted him and explained the
519 situation to him that, Hey, you have to meet these conditions. Again, before it's
520 advertised, if you withdraw, you'll get all your money back.

521
522 He kind of indicated to me he wanted to delay Community Maintenance taking action
523 against him and by filing this, that could happen.

524
525 I actually offered and then did call a supervisor down there and they contacted him and
526 said they would work with him as he looked for an alternative location that was zoned
527 agricultural and could better accommodate this use.

528
529 But he ultimately still declined to withdraw and so ultimately, it's up to the Board, I guess,
530 to give him an answer to that at this point.

531
532 Mr. Green - And how long had he maintained the horses on his property?

533
534 Mr. Gidley - The complaint came in in 2001. I'm not sure the exact date.

535
536 Mr. Blankinship - 2000 when?

537
538 Mr. Gidley - I'm sorry. 2021. Last year it came in.

539
540 Mr. Blankinship - We've been working on this case for 2 years.

541
542 Mr. Gidley - Yeah.

543
544 Mr. Green - Okay. Are there any questions from the Board to the staff?
545 Okay. We'll now hear from the applicant.

546
547 Mr. Castillo - Good morning, everybody. My name is Manuel Castillo, C-a-
548 s-t-i-l-i-o. And after I heard this from Mr. Paul, he was mentioning that we have animals

549 on 2019 loose. We don't have any animals at that time. The first horse we got that was
550 a pony, and that was a gift to my daughter in 2019, 15th birthday. So, we went to pick it
551 up around February of 2020.

552
553 After that, we come with the pandemic and we start cleaning the area, because we want
554 to get -- we cannot go out. My daughter is on therapy because of anxiety attacks. So,
555 we just have to do things around the house to keep her distracted. Right?

556
557 I know we might be not have 400 feet on the entire property, but I also was asking Mr.
558 Paul and the other person who called me several times and asking you need to cancel
559 this and withdraw your money because you're not going to get the case. So that seemed
560 kind of weird to me. Why too many people call me and say, You need to cancel this, You
561 need to withdraw -- the money?

562
563 And I even asked him if I can get this -- the inspector to come over and give me some
564 advice, because that even on the map he send me, we got 346 feet in the property already
565 plus the road, plus the setback on the other houses neighbor. It's over 400 feet to the
566 properties or the other people.

567
568 We never get a court inspector. Couple times I leave a message. Send a text message.
569 And every time I called the County asking for advice, for an inspector to come over and
570 meet me, Oh, he's on vacation. He cannot come until next week and we're going to tell
571 him to call you. I never get a call back from him. I was trying to correct the problem, but
572 I want to get some help from the County, from the inspector. I never did.

573
574 And even yesterday I talked to him and he say, well, you're not going to get the case.
575 Say you -- that's why I suggested earlier in the case to withdraw and get your money. But
576 I say, Well, who is the -- And I think if you measured this place, I can get over 400 feet to
577 the neighbor's property, to the neighbor's house. But I never get the help -- somebody to
578 come tell me other than come to take some pictures and take some measurements when
579 I wasn't home.

580
581 I think if we got some help from the County and measured the property and that they can
582 tell me -- I got a place where I can put the stalls, their little stables, then I can leave more
583 than 400 feet to the neighbor's residence. I understand the odor is not -- it's not bad. We
584 can -- we can fill it, but it's not bad. But it's more neighbors happy that having the horses
585 around than one or two were just they don't want the horses around.

586
587 I was really asking to keep the horses on the property. We can -- if I can get some help
588 from the County to come over -- some advice. Well, I would build the stables over here.
589 The stalls over here. You give me the code. I guess that's what I -- that's what I want to
590 say right now.

591
592 I think -- I got a neighbor over there that he is being -- kind of -- he got something against
593 horses or something. I don't know. He brings me to the court because my dogs. He
594 says the dog barks too much. I cannot get lunch, I cannot get dinner, because your dog

595 barks too much. Police come to the property and stay on the property for 10, 20 minutes.
596 The police come in the house and say, Well, I don't hear the dog barking. Because they
597 call the police all the time.

598
599 They called the animal control several times. That is correct. They come to check the
600 animals, check the horses, because the horses according with my neighbor you can see
601 their ribs because they are not eating well. My horses not that way. My horse is just nice
602 and fat as me, I think. They're well. They're well.

603
604 All I can say is all the comments I see on that email from her, they lie. I (indiscernible)
605 one a couple times and, yes, I got Dobermans. Yeah. That's true. I got the horses. Yes,
606 that's true. I got the chickens. It's true. But what they say about the animals is not true.
607 Or what they say about what I'm doing with them is not true.

608
609 Lately I've been experiencing white -- on top of the -- laying with the horse and stuff,
610 because they're not loose. They got their own stable. We feed them over there twice a
611 day. They get water every day. They eat at least 10 pounds of grain a day, plus the hay
612 to -- I think it's just this neighbor got something against horse. I cannot say why, but that's
613 what we feel.

614
615 Mr. Green - Thank you. Mr. Gidley, could you re-explain to us the
616 prevailing law related to horses in that area? Because I think that the applicant needs to
617 understand what the law is.

618
619 Mr. Gidley - Yes, sir. Number one, for each horse -- and this is kind of a
620 minimum for the horses' wellbeing -- you need one fenced acre of pasture per horse. He
621 has three horses, and he has essentially two acres of land, including where his house
622 and his driveway and all that is, so he doesn't have three acres of fenced pasture.

623
624 Mr. Green - Okay. Stop. Do you understand that?

625
626 Mr. Castillo - Yes, sir.

627
628 Mr. Green - Okay Mr. Gidley.

629
630 Mr. Gidley - Number --

631
632 Mr. Green - Hold on. Mr. Gidley.

633
634 Mr. Gidley - Number two, he needs to be 400 feet away from any homes
635 zoned residential. If you look at the plat, I mean, I scale it out on my computer mapping
636 program. I also went with the plat that we had in the staff report, which also showed the
637 street right-of-way. The only area that's not 400 feet is within the front setback, about a
638 30 by 30 area right up on the corner here by New Market. And you can't put that in the
639 front-yard setback.

640

641 So as a practical matter you cannot keep horses on the property and meet that 400-foot
642 distance, he stated he wanted the County to work with him, but I'm not sure what the
643 County's supposed to tell him other than he doesn't meet the requirements of code. And
644 I guess that's why he said -- said he was looking for an agriculturally zoned property
645 where the rules would be less.

646
647 Mr. Blankinship - And, Mr. Castillo, this Board does not have the authority to
648 change that 400 feet. That's set by the Board of Supervisors as a rule that this Board has
649 to abide by. So there's --

650
651 Mr. Castillo - Yeah. I understand that part, too. But like you say -- imagine
652 on my plat, on my documents of the lots, every lot -- both of the lots on 50 and 61 and 30,
653 31, they 170 feet long just the lots plus the ally in between them.

654
655 Mr. Blankinship - Right.

656
657 Mr. Castillo - Plus the road. It's more than 400 feet from the lot on 1561 to
658 the resident address which is the one that's complaining.

659
660 Mr. Blankinship - But there's also a 30-foot -- it doesn't matter who's
661 complaining. It's from any lot, whether they're complaining or not.

662
663 Mr. Castillo - Right.

664
665 Mr. Blankinship - And there's also a setback from the road, from New Market
666 Road, that you can't put the shed all the way up against New Market Road.

667
668 Mr. Castillo - Right.

669
670 Mr. Blankinship - So there's not place that meets both the 400-foot distance and
671 the front setback. They overlap.

672
673 Mr. Castillo - I got you. Yeah.

674
675 Mr. Blankinship - I mean, we can show you that on a map after the meeting. It's
676 a simple point of fact. It's not something that's up to the Board's discretion whether or not
677 they meet the 400 feet.

678
679 Mr. Green - Mr. Johnson.

680
681 Mr. Johnson - And also another thing about that is that you have three
682 horses and the regulation requires that you have an acre of land for each one of those
683 horses as well. Now also I noticed that you don't -- out there you have sheds for the
684 horses, but you have nothing enclosed that you could use in the winter and all from times
685 as well to there. And also the odor. I'm out there, got neighbors that calls me from there.

686

687 Mr. Castillo - Right.
688
689 Mr. Johnson - And mentioned something about the odor as well. And also,
690 with that, you know, that kind of diminished what you were trying to do because there are
691 homes around there and also you had Route 5, which one of the major roadways coming
692 through. And if something happened and those horses get out, that's also another danger
693 right there.
694
695 Mr. Castillo - Right.
696
697 Mr. Johnson - But the major thing is that you don't have the space for those
698 horses. And then you also have chickens on the farm -- on that as well.
699
700 Mr. Reid - Yes.
701
702 Mr. Johnson - Which is another deviation from what you need to be doing.
703
704 Mr. Green - And, Mr. Gidley, has he sought approval to have the
705 chickens?
706
707 Mr. Gidley - No, sir. And the roosters are not allowed, period.
708
709 Mr. Green - Right.
710
711 Mr. Gidley - Even with a conditional use --
712
713 Mr. Green - So has he been cited for that?
714
715 Mr. Gidley - I don't have the answer to that right now. We reported that to
716 Community Maintenance. But the question before you concerns the horses and the
717 indication he kind of has given us is that he'd look for an alternative site and I guess
718 they're waiting just for this to clear.
719
720 Mr. Green - Yeah. I know the issue of the horses are before us, but we
721 see the chickens.
722
723 Mr. Gidley - Right.
724
725 Mr. Green - So you can't ignore the fact that the chickens were here. But
726 if individuals are coming to seek our approval for the chickens and hens and we see
727 chickens and hens on the property, I feel we have an obligation to ask the question and
728 see if he's gone through the process that we are asking everybody else to go through.
729 So.
730
731 Mr. Blankinship - If we were recommending approval, we would certainly have
732 recommended a condition resolving that issue.

733
734 Mr. Gidley - Right.
735
736 Mr. Blankinship - But since we're recommending denial anyway, we didn't do
737 that.
738
739 Mr. Green - Yeah. But we may deny the --
740
741 Mr. Blankinship - The horses.
742
743 Mr. Green - -- the horses but we still got to address the chickens.
744
745 Mr. Blankinship - Right.
746
747 Mr. Green - Well, yeah. But someone needs to take that back and bring
748 that before us. Because he may potentially get rid of the horses. But then if the chickens
749 and hens and you say roosters are out there, then who's addressing that?
750
751 Mr. Blankinship - Community Maintenance will be addressing that.
752
753 Mr. Gidley - I'll be happy to follow up with the supervisor down there to
754 make sure that's something they are actively addressing.
755
756 Mr. Green - Yeah. What we would like you to do is get express permission
757 to have the chickens and hens on your property and roosters aren't allowed. So we would
758 have to, you know, you know, we saw it, so I feel we have to address it even though this
759 is not what you are dealing with the horses.
760
761 Mr. Castillo - All right.
762
763 Mr. Green - Are there any other questions from the Board to the applicant?
764
765 Mr. Pollard - I had a quick question. And I may just have misunderstood
766 you. Did you say that there are other persons that live close to you that had horses also?
767
768 Mr. Castillo - Yes. There's one on Old Osborne, on the back, they got
769 horses. There's one more person close to 7-Eleven that got horses. And then they -- just
770 close to my house there's the only two they got horses. But, you know --
771
772 Mr. Blankinship - There are areas near there that are zoned Agricultural that are
773 large farms and are appropriate for horses.
774
775 Mr. Pollard - Right.
776
777 Mr. Blankinship - This area's zoned Residential. It's a subdivision.
778

779 Mr. Pollard - Yes.
780
781 Mr. Johnson - And what he was referring to is you were talking about houses
782 at other places, not around where you are.
783
784 Mr. Castillo - Not in the same neighborhood. No, sir.
785
786 Mr. Johnson - Okay.
787
788 Mr. Castillo - No, sir.
789
790 Mr. Johnson - Just want to clarify that.
791
792 Mr. Green - Are there any --
793
794 Mr. Castillo - Yeah. The reason why I mentioned that, because it's I think
795 one of the persons they have less than two acres, that's my guess, I'm not complaining
796 about them, I just say if they've got horses, why I can't? You know. That was my only
797 comment about.
798
799 Mr. Green - All right --
800
801 Mr. Johnson - Of course, across the street from you there is -- that's
802 farmland. That's different.
803
804 Mr. Castillo - Yeah. That's a big field.
805
806 Mr. Johnson - Okay.
807
808 Mr. Green - Thank you. Are there any individuals in the audience to speak
809 for or against this request? Are there any individuals on Webex to speak for or against
810 this request?
811
812 Mr. Lewis - There is no one on Webex for this case.
813
814 Mr. Green - Hearing none, what is the pleasure of the Board?
815
816 Mr. Johnson - Mr. Chair, I move that we deny the conditional use permit.
817 The property is not large enough for three horses. And he cannot meet the required
818 setback. And also the neighbors have expressed concern concerning the odor as well.
819
820 Mr. Pollard - I'll second the motion.
821
822 Mr. Green - The motion has been made by Mr. Johnson and seconded by
823 Mr. Pollard. Is there any discussion? Hearing no discussion, all in favor say aye. The
824 motion is denied.

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On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **denied CUP2022-00013 MANUEL CASTILLO's** request for a conditional use permit pursuant to Section 24-4419.E of the County Code to keep three horses at 1555 New Market Road (SUNSET HEIGHTS) (Parcels 804-698-9704, 804-697-9897, 805-697-0388 and 804-697-8295) zoned One-Family Residence District (R-3) (Varina).

Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
Negative:		0
Absent:		0

Mr. Green - Before we move on to the next case, we'll take a five-minute break and we'll give folks an opportunity to get coffee and go to the restroom.

Mr. Blankinship - We do have Student Government coming in, so let's make it 5 and not any longer.

Mr. Green - Five. Yes, sir.

Mr. Blankinship - Or else I'll get in trouble.

Mr. Pollard - Yes, sir, Paul.

Mr. Blankinship - They almost didn't let us use the room this morning.

[Break in audio]

Mr. Green - All right. I'd like to call the meeting back to order. What I'd like to also do is have us recognize that Student Government needs to use this facility at 11:00, because we don't want Mr. Blankinship to get in any trouble or we'd need to-- Depending upon how you do it. We want to expeditiously, but diligently, hear the remaining cases.

Mr. Blankinship - That's right.

Mr. Green- And give your full attention. So, for Board members, please listen, ask your questions, so we can accommodate our Student Government students who need to use this facility.

Mr. Blankinship - All right. Thank you, Mr. Chair. And the third case is Conditional Use Permit 2022 number 18. And I'm sorry about the pronunciation -- Jeffrey Varljen.

870 **CUP2022-00018** **JEFFREY VARLJEN** requests a conditional use permit
871 pursuant to Section 24-4419.G.1 of the County Code to keep up to six hens in the rear
872 yard at 7156 Messer Road (Parcel 806-696-7441) zoned One-Family Residence District
873 (R-2A) (Varina).

874
875 Mr. Blankinship - Would everyone who intends to speak to this case, please
876 stand and be sworn in? Raise your right hand, please. Do you swear the testimony
877 you're about to give is the truth, the whole truth, and nothing but the truth so help you
878 God?

879
880 Mr. Varljen - I do.

881
882 Mr. Blankinship - Thank you. Mr. Madrigal.

883
884 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the Board,
885 before you is a request to keep up to six chickens in the rear yard of a single-family
886 dwelling.

887
888 The subject property is one of 6 parcels platted in 1936 and measures 150 feet wide by
889 290-foot deep. It is improved with -- woops -- it is improved with a 1 1/2-story, 1900-
890 square-foot Cape Cod-style home built in 1940. Other improvements include 160-square-
891 foot detached shed in the rear yard.

892
893 The applicant purchased the property in May of 2021 and he is requesting to keep up to
894 six hens on the parcel. His sketch shows a 40-square-foot chicken coop in the rear yard
895 behind his shed. It would sit approximately 10 feet away from the shed, 25 feet from the
896 side property line, and over 70 feet from the rear property line.

897
898 The lots on either side of the applicant's property are similar in size and are improved with
899 single-family dwellings with large front and rear yards. The immediate area is semi-rural
900 in nature. The applicant's property is one of eight residential lots on the north side of
901 Messer Road and east of New Market Road that back on to a 139-acre farm. You can
902 see that here. The 65-acre tract of land across the street is also used for farming.

903
904 The existing and proposed use is consistent with both the Zoning and Comprehensive
905 Plan designations on the property. The keeping of the six hens is allowed as an
906 accessory use subject to the approval of a conditional use permit, and specific code
907 requirements outlined in code.

908
909 The applicant's property lies between the two large farms. The properties on either side
910 are similarly situated and have large front and rear yards. The applicants rear yard is
911 over half an acre in area, and the coop will be over 120 feet distant from either neighbor's
912 home.

913

914 The proposed use should not be out of character, scale, or intensity for this semi-rural
915 area and a coop should not negatively impact the adjacent neighbors due to their large
916 yards and distances between homes.

917
918 Considering the large size of the residential lots, the distances between homes, and the
919 active farming bordering the homes, staff does not anticipate any negative impacts to the
920 adjacent and nearby homes by the proposed use. Based on the other facts of the case,
921 staff recommends approval subject to conditions.

922
923 Mr. Green - So there are no questions from staff to the -- no questions
924 from the Board to staff?

925
926 Mr. Reid - No.

927
928 Mr. Green - Okay.

929
930 Mr. Varljen - Okay. I'm Jeff Varljen, It's V-a-r-l-j-e-n.

931
932 Mr. Blankinship - I was close on that.

933
934 Mr. Varljen - The J is silent. No big deal. I appreciate the Board hearing
935 my case today. And we were trying to do everything by the books and wait -- we waited
936 to get chickens until this, you know, I could be here in front of you all. And I'd be happy
937 to answer any questions that you might have.

938
939 Mr. Green - The question I have is simple. Why are folks now getting a lot
940 of chickens? Is it because of the eggs and --

941
942 Mr. Varljen - That's a part of it for us. I've always -- I've -- I teach nearby at
943 Fairfield Middle School. I've been there eight years. So, I love the area. I've always
944 loved Varina, the area of Varina and Fairfield. I think for us and my wife and two kids.

945
946 Just on a personal note, we've always just wanted to appreciate where certain food
947 staples come from. And some of the pictures that were taken you could see we've been
948 working on some garden plots as well. And, you know, this is just our idea for what -- the
949 values we want to instill in our kids and the lifestyle we want to lead. We just want a very
950 sustainable life that's good for the environment and gives our kids a healthy view of where
951 food comes from and what we want them to believe in. So.

952
953 Mr. Green - Thank you.

954
955 Mr. Varljen - That's personally for us.

956
957 Mr. Green - Thank you.

958
959 Mr. Johnson - I also noticed that you are putting up a fence all around the

960 back. All the way around. And that looked pretty neat there. Is -- also your neighbors
961 next door, you know, which makes everything kind of a (indiscernible).

962
963 Mr. Varljen - Yes, sir. Yes. Between one neighbor we have -- between the
964 neighbor if you're looking at the house, if it's the neighbor to the right, they have a fence.

965
966 Mr. Johnson - Right.

967
968 Mr. Varljen - And there's, like, maybe a -- you can't see it from that picture.
969 Maybe like a 10-foot gap between our two fences. And then obviously it -- the fence goes
970 all the way around the back yard to meet the other neighbor on the other side. But both
971 neighbors on either side are in full support. They're excited for us to get chickens and --
972 yeah.

973
974 Mr. Johnson - And also I noticed you have the chicken coop there that also
975 you're going to have -- is -- a fence that will be a little bit larger than that, that they can
976 walk around in?

977
978 Mr. Varljen - You mean outside of that coop?

979
980 Mr. Johnson - Outside of the coop. Yeah.

981
982 Mr. Varljen - We had planed to potentially, like, while we're in the back yard,
983 you know, maybe working in the garden or playing with the kids -- they sell that, you know,
984 temporary chicken netting. You can kind of -- we could pin it to, you know, and just give
985 them a little bit of a larger area to walk around in while we're supervising them. That'd be
986 the plan. And we'd have a bunch of things, like, sort of in a -- in various shopping carts
987 online. We're just waiting to go ahead and pull the trigger on some of those things until
988 after this process was over. So. But, yes, sir. That's the plan.

989
990 Mr. Johnson - Okay. And also, where will you be storing your food at for the
991 chickens, as well? Keeping the feed containers?

992
993 Mr. Varljen - We did plan for that. The shed back there, we plan to -- one
994 of the things we had in said carts, as I mentioned, is one of those metal food canisters
995 that are rodent proof that goes in our shed. That's the plan for now.

996
997 Mr. Johnson - Okay.

998
999 Mr. Green - Any other questions from the Board to the applicant? Is there
1000 anyone in the audience to speak for or against this proposal? Is there anyone on Webex
1001 to speak for or against this proposal?

1002
1003 Mr. Lewis - There's no one on Webex for this case.

1004
1005 Mr. Green - Hearing none, what is the pleasure of the Board?

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Mr. Johnson - I move that we approve the conditional use permit subject to the conditions recommended by staff. And this consistent with the Comprehensive Plan and of the Zoning Ordinance. And there is plenty of room in the back yard to recommended for the six chickens. And it will be consistent with the surrounding farms as well. There's a farm in the back as well.

Mr. Green - Is there a second?

Mr. Reid - Second.

Mr. Green - The motion was made by Mr. Johnson and seconded by Mr. -
-

Mr. Blankinship - Reid.

Mr. Green - Reid. Is there any discussion among the Board? Hearing none all in favor say aye. The motion's approved. Thank you sir.

On a motion by Mr. Johnson, seconded by Mr. Reid, the Board approved **CUP2022-00018 JEFFREY VARLJEN's** request for a conditional use permit pursuant to Section 24-4419.G.1 of the County Code to keep up to six hens in the rear yard at 7156 Messer Road (Parcel 806-696-7441) zoned One-Family Residence District (R-2A) (Varina). The Board approved the request, subject to the following conditions:

1. This conditional use permit authorizes the applicant to keep up to six hens (no roosters) on the property. All other applicable regulations of the County Code remain in force.
2. The applicant must comply with all requirements of Section 24-4419.A and G of the Zoning Ordinance. The hens must be kept in a covered enclosure and not allowed to run free, and the activity must not produce any objectionable odors or vermin.
3. Chicken feed must be stored in lockable metal containers resistant to vermin.
4. All waste must be composted or removed from the site on a regular basis.

Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
Negative:		0
Absent:		0

Mr. Varljen - Thank you all.

Mr. Blankinship - All right. The last of our four conditional use permits is case 2022, number 19, James E. and Alison Byerly.

1052 **CUP2022-00019** **JAMES E. AND ALISON BYERLY** request a conditional use
1053 permit pursuant to Section 24-4404.A.1 of the County Code to allow a pool in the side
1054 yard at 5255 Pickett River Drive (PICKETT RIVER ESTATES) (Parcel 842-666-5226)
1055 zoned Agricultural District (A-1) (Varina).

1056
1057 Mr. Blankinship - Would everyone who intends to speak to this case, please
1058 stand and be sworn in? Do you swear the testimony you're about to give is the truth, the
1059 whole truth, and nothing but the truth so help you God?

1060
1061 Mr. Byerly - Yeah.

1062
1063 Mr. Blankinship - Thank you. Mr. Madrigal.

1064
1065 Mr. Madrigal - Thank you. Mr. Chair, members of the Board. Before you is
1066 a request to allow a pool in the side yard of a single-family dwelling.

1067
1068 The subject property is located on the north side of the James River, across from Turkey
1069 Island. It is part of a 10-lot residential subdivision recorded in 1973. The property is 1.8
1070 acres in area and sits atop the northern bluff of the river.

1071
1072 The applicant purchased the property in August of 2018 and has built a 2-story, 2,800-
1073 square-foot home with an attached garage completed in 2020. The property is served by
1074 a private well and septic system. The area is rural in nature and is actively farmed.

1075
1076 The applicant's residence is set back over 200 feet from the front lot line and is consistent
1077 with the adjacent homes to either side. He would like to place 480-square-foot in-ground
1078 swimming pool in the western side yard adjacent his home. The southern 100 feet of the
1079 rear yard is constrained by the Chesapeake Bay Resource Protection Area which limits
1080 the pool's placement in the side yard. This location requirements the approval of a
1081 conditional use permit.

1082
1083 The existing and proposed use is consistent with both the Zoning and Comprehensive
1084 Plan designations on the property. The proposed pool will exceed the minimum setback
1085 requirements outlined in code. As proposed, it will be approximately 15 feet distant from
1086 the home and over 25 feet from the side property line.

1087
1088 The property is located just east of Curles Neck. In the past, this area was heavily mined
1089 for sand and gravel, but is not used as active farmland. The property is part of a large-
1090 lot residential subdivision which is nearly built out. Excuse me. Only two undeveloped
1091 lots remain from the original subdivision. A single-family dwelling on a large lot is
1092 consistent with the general character of the area.

1093
1094 The proposed pool will not be out of scale or intensity as compared to the adjacent homes.
1095 It will be set back approximately 300 feet from the front property line, over 25 feet from
1096 the western line, and over 100 feet from the rear property line.

1097

1098 The nearest neighbor is 60 feet from the proposed pool. That neighbor has 160-square-
1099 foot shed in the side yard, which also helps screen the pool from view. Additionally, there
1100 are trees and other vegetation on the applicant's property that will aid in the screening of
1101 the pool.
1102

1103 The western side yard affords the best placement of the pool due to its flat grade, ample
1104 size, and larger setbacks from the neighbor's home as compared to the eastern side yard.
1105 It would also be consistent with the similar amenities found in the immediate area and
1106 should not be out of place. Staff does not anticipate any significant adverse impacts by
1107 the applicant's proposal.
1108

1109 In conclusion, the proximity of the lot to the river, the topography of the property, and
1110 existing limitations affect the ability to place the pool anywhere else on the lot. The wester
1111 side-yard provides ample space and allows for the most privacy for the applicant and
1112 negligibly affects the neighbors.
1113

1114 Based on the facts of the case, staff recommends approval subject to conditions. Be
1115 happy to answer any questions.
1116

1117 Mr. Green - Are there any questions from the Board to staff? Hearing
1118 none we'll hear from the applicant.
1119

1120 Mr. Byerly - Hi. I'm James Byerly. It's B-y-e-r-l-y. My wife and I, we look
1121 forward to approval of our conditional use permit with the conditions.
1122

1123 Mr. Blankinship - Tell us a little bit about your plan.
1124

1125 Mr. Byerly - Okay. Well, we built this home and laid out the house with the
1126 design for the pool to be placed in this area. We do have the RPA on the river side which
1127 sets back 100 feet, and then we have a septic system on the roadside of the property so
1128 the western side was the best placement for the pool, and so we slid the house and design
1129 towards the east to leave space for the pool. And the pool will have an auto-cover on it
1130 which will be closed when not in use.
1131

1132 Mr. Green - Are there any questions from the Board to the applicant?
1133

1134 Mr. Johnson I noticed there's a lot of homes out there. It's kind of rural
1135 area?
1136

1137 Mr. Byerly - Yes.
1138

1139 Mr. Johnson - It's nice out there. And also -- is anyone living in that facility
1140 now? I noticed the roadways didn't seem like it'd been used for a while.
1141

1142 Mr. Byerly - Where is this? What --
1143

1144 Mr. Johnson - The entrance to your -- to the facility.
1145
1146 Mr. Pollard - To your home.
1147
1148 Mr. Johnson - Yes.
1149
1150 Mr. Pollard - He's asking are you --
1151
1152 Mr. Blankinship - Are you living in the home now?
1153
1154 Mr. Byerly - Oh. Yes. Yes. Oh, yes.
1155
1156 Mr. Blankinship - Okay.
1157
1158 Mr. Johnson - Okay.
1159
1160 Mr. Green - Are there any other questions from the Board to the applicant?
1161
1162 Mr. Blankinship - Mr. Johnson is muted.
1163
1164 Mr. Johnson - Oh. I'm muted?
1165
1166 Mr. Blankinship - Thank you. Okay.
1167
1168 Mr. Johnson - Sorry. Also with -- is -- again, it's a nice area and large homes
1169 out there as well. And one -- be a nice place to have a pool out there. Is that -- is the
1170 roadway a private road that comes into your house?
1171
1172 Mr. Byerly - No. Picket River is a state road.
1173
1174 Mr. Blankinship - County
1175
1176 Mr. Johnson - County road?
1177
1178 Mr. Blankinship - Yeah.
1179
1180 Mr. Johnson - Okay. So other than that I -- I have no other questions, I think.
1181 It's nice area and, you know, I think -- liked what you plan on doing with it.
1182
1183 Mr. Byerly - Thank you.
1184
1185 Mr. Green - Any other questions from the Board to the applicant? Hearing
1186 none, what is the will of the Board?
1187
1188 Mr. Blankinship - Nope.
1189

1190 Mr. Green - Oh. I'm sorry. It's -- are there --
1191
1192 Mr. Blankinship - Go through the motions.
1193
1194 Mr. Green - Are there any individuals in the audience or on Webex who
1195 are for or against this proposal?
1196
1197 Mr. Lewis - There is no one on Webex for this case.
1198
1199 Mr. Green - Hearing none, what is the will of the Board?
1200
1201 Mr. Johnson - I move that we approve this conditional use permit subject to
1202 conditions recommended by the staff. And it is consistent with the Comprehensive Plans
1203 and the Zoning Ordinance. And he cannot build a pool on the rear yard because of the
1204 slope down to the river. And it fits in with the surrounding properties. And also, it has a
1205 lot of tree lines as well that blocks the views as well.
1206
1207 Mr. Green - All in favor of -- is there -- the motion. Is there a second?
1208
1209 Mr. Pollard - I second the motion.
1210
1211 Mr. Green - The motion was made by Mr. Johnson, seconded by Mr.
1212 Pollard. All in favor say aye. All opposed like sign.
1213
1214 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved CUP2022-**
1215 **00019 JAMES E. AND ALISON BYERLY's** request for a conditional use permit pursuant
1216 to Section 24-4404.A.1 of the County Code to allow a pool in the side yard at 5255 Pickett
1217 River Drive (PICKETT RIVER ESTATES) (Parcel 842-666-5226) zoned Agricultural
1218 District (A-1) (Varina). The Board approved the request subject to the following
1219 conditions:
1220
1221 1. This conditional use permit authorizes the placement of an in-ground swimming pool
1222 in the western side yard. All other applicable regulations of the County Code remain in
1223 force.
1224
1225 2. This conditional use permit applies only to the improvements shown on the plot plan
1226 and pool design filed with the application. Any additional improvements must comply with
1227 the applicable regulations of the County Code. Any substantial changes or additions to
1228 the design or location of the improvements will require a new conditional use permit.
1229
1230 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant
1231 must obtain approval of an environmental compliance plan from the Department of Public
1232 Works.
1233
1234 4. Any exterior lighting must be shielded to direct light away from adjacent property and
1235 streets.
1236

1237 5. The swimming pool must be secured as required by the Building Code.
1238
1239 6. The applicant must obtain a building permit for the proposed in-ground swimming pool
1240 by April 29, 2024, or this conditional use permit will expire. If the building permit is
1241 cancelled or revoked after that date due to failure to diligently pursue construction, this
1242 conditional use permit will expire at that time.

1243
1244
1245 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
1246 **Negative:** 0
1247 **Absent:** 0

1248
1249
1250 Mr. Byerly - Thank you.

1251
1252 Mr. Blankinship - All right. That completes the conditional use permits for this
1253 morning. There is one variance which is number 2022, number 4, Liberty Homes of
1254 Virginia, Incorporated.

1255
1256 **VAR2022-00004 LIBERTY HOMES OF VIRGINIA, INC.** requests a variance
1257 from Section 24-4306.E.1 of the County Code to build a one-family dwelling at 5401
1258 Eanes Lane (Parcel 806-712-9218) zoned One-Family Residence District (R-4) (Varina).
1259 The public street frontage requirement is not met. The applicant proposes 0 feet public
1260 street frontage, where the Code requires 50 feet public street frontage. The applicant
1261 requests a variance of 50 feet public street frontage.

1262
1263 Mr. Blankinship - Would everyone who intends to speak to this case, please
1264 stand and be sworn in? Raise your right hand, please. Do you swear the testimony
1265 you're about to give is the truth, the whole truth, and nothing but the truth so help you
1266 God? Thank you. Mr. Gidley.

1267
1268 Mr. Gidley - Thank you, Mr. Secretary. The subject property is located
1269 approximately 150 feet south of the intersection of Eanes Lane and Shirleydale Avenue.
1270 The lot was created by deed in 1956 and recorded in 1961. It has been vacant this entire
1271 time.

1272
1273 As you can see here, access to the lot is by way of a narrow private road that is paved.
1274 And this is a view here. This is the private road going down there. Although the lot
1275 complies with the lot-area and lot-width requirements, because the access is by way of a
1276 private drive, the home lacks the required 50 feet of public street frontage. As a result,
1277 the applicant is requesting a variance for public street frontage to allow a home to be built
1278 on the property.

1279
1280 In reviewing this case, as you're aware, one of three threshold tests needs to be met for
1281 a variance to be granted. This is the lot here. You have a level lot with almost a half an
1282 acre of area. Once utilities are extended to the lot, it would be a good building lot other

1283 than for the lack of public street frontage. Thus, absent a variance it would lack a
1284 reasonable and beneficial use and would be unreasonably restricted.

1285
1286 Secondly, prior to 1960 the Zoning Ordinance did not require a public street frontage.
1287 The deed subdividing the lot was executed prior to that in 1956. So, arguably, there was
1288 a hardship due to a condition of the property that existed prior to the effective date of the
1289 ordinance.

1290
1291 Because these threshold tests are met by the applicant, we can move on the five subtests.
1292 As noted in your staff report, we believe all five of those are met. Briefly, looking at
1293 detrimental impact, the surrounding lots are either vacant or contain single-family homes.

1294
1295 The applicant is proposing one of two homes here that are similar and, as you can see,
1296 they have brick foundations, vinyl siding, and are two-story homes. These would be as
1297 nice or nicer than the surrounding homes on nearby property, so staff anticipates no
1298 detrimental impact to nearby homes if this is approved.

1299
1300 In conclusion, absent of variance, a home may not be constructed on the property which
1301 would leave it with no reasonable beneficial use. In addition, the deed subdividing the lot
1302 was executed prior to the 1960 establishment of the public street frontage requirement.

1303
1304 Finally, all subtests appear to be met. Accordingly, staff recommends approval of this
1305 request subject to the conditions attached to your staff report. This concludes my
1306 presentation and if you have any questions, I will be happy to answer those. Thank you.

1307
1308 Mr. Green - Are there any questions from the Board to staff?

1309
1310 Mr. Johnson - I noticed with the home that there is a private road. Is that
1311 going to be opened as a public road going through? Because in that curve right there, so
1312 in --

1313
1314 Mr. Gidley - The road in front of you is --

1315
1316 Mr. Johnson - I mean the one that -- oh, that little narrow road right there.
1317 Yes.

1318
1319 Mr. Gidley - That's the private road right there. Yes, sir.

1320
1321 Mr. Blankinship - The question is, will it become a public street.

1322
1323 Mr. Johnson - Will it become public?

1324
1325 Mr. Gidley - I'm not aware of any plans to make it a public street. No.

1326
1327 Mr. Blankinship - I think it serves one more house south of this one.

1328

1329 Mr. Johnson - Yes.
1330
1331 Mr. Blankinship - There is another, but I think it's served from the other side.
1332
1333 Mr. Johnson - Okay. And I noticed not that subdivision, but right behind it
1334 they're doing a large landscaping which is going -- putting in lots and lots of other houses
1335 as well. But, anyway, you answered my question.
1336
1337 Mr. Green - Okay. We'll now hear from the applicant.
1338
1339 Mr. Rempe - Good morning, Mr. Chairman, Board members, and staff. My
1340 name is Mark Rempe, I'm here to speak on behalf of the applicant. We appreciate staff's
1341 time on this matter. We concur with the staff -- with the findings that all the tests for the
1342 variance have been met, and we would like the Board to support the variance. We will
1343 work with the building permit process and the Permit Center and go through the process
1344 on getting a building permit for the house as well.
1345
1346 There is one note on the condition. We would like to do septic as opposed to sewer. The
1347 placement of the house would be beyond 300 feet of the sewer line, and I think that meets
1348 code. The code and the ordinance. Henrico Code. So that's the only thing, we would do
1349 septic as opposed to sewer.
1350
1351 Mr. Blankinship - It does meet the code requirement, but staff would not
1352 recommend that. There are a lot of houses -- this is a fairly dense area to the west and,
1353 you know, the sewer line is available right there. He can move the house to where it's
1354 more than 300 feet away, but he could easily build it within 300 feet of the sewer line. So,
1355 staff does stand by our recommendation. Of course, it is within the Board's purview to go
1356 either way, but our recommendation is that that condition remain.
1357
1358 Mr. Pollard - Okay. Can you help me understand?
1359
1360 Mr. Green - I would recommend that.
1361
1362 Mr. Pollard - Why?
1363
1364 Mr. Blankinship - Oh, yeah. Turn your mic on, please.
1365
1366 Mr. Pollard - Can you help me understand why it's better for the sewer?
1367
1368 Mr. Blankinship - A septic system is going to percolate waste into the soil, which
1369 is eventually going to percolate down into the ground water. So, if you only have one
1370 house on every three or four or five acres, there is enough soil and enough substrata that
1371 there is no accumulation of pollution into the ground water. But where you have a more
1372 dense area like that, we don't allow septic systems, we require the sewer line to be
1373 installed. And then once the sewer line is available, it's in the public interest to have as,

1374 you know, everybody connect to the sewer line rather than act like there's not a sewer
1375 line available to you.

1376

1377 Mr. Johnson - And, again, there are other houses, big lots, there's going to
1378 be more developing on there as well.

1379

1380 Mr. Gidley - That makes it available for those. Yes.

1381

1382 Mr. Pollard - And I'm curious why would the applicant prefer a septic over
1383 sewer.

1384

1385 Mr. Rempe - Well, you know, the -- does the lot by itself, the size of the lot,
1386 if you take out the sewer, does that meet with the ordinance to allow you to put a septic
1387 system out there?

1388

1389 Mr. Blankinship - Well, again, the ordinance would allow a septic system.

1390

1391 Mr. Rempe - Correct.

1392

1393 Mr. Blankinship - The utilities ordinance requires connection if you're within 300
1394 feet of an existing line. If you're more than 300 feet it doesn't require it. If he builds on
1395 the front of the lot, he would be within 300 feet if he pushes it to the back. He's not
1396 required by the Public Utilities Ordinance. But staff has recommended that as a condition
1397 of the variance that the sewer be required.

1398

1399 Mr. Rempe - We think it's financially not feasible to pull sewer. We'd rather
1400 just to septic out there and work with the Health Department to make sure that the site is
1401 suitable for all the conditions that go along with septic. We will have public water out
1402 there, tie in public water, but we'd work with staff. And we respect staff's opinion on this
1403 matter, but we just don't think it's financially feasible to do sewer. And we would work
1404 with the Health Department to make sure everything's -- all the conditions for the septic
1405 system would meet their conditions.

1406

1407 Mr. Green - Well what is the cost of sewer versus septic?

1408

1409 Mr. Rempe - It's a lot -- it's a lot more. I don't know the cost right off my --
1410 off the top of my hat. But you would have to get an engineer to design it, that's probably,
1411 you know, \$5000. You'd have to tie into the pavement out there in Eanes Lane. And that
1412 -- just the pavement, to replace the pavement, that's probably \$5-10,000. And then you
1413 got to hire a sewer contractor to pull all the sewer all the way down the street and you got
1414 more pavement out there you have to replace. So that's more money. It's just a lot of
1415 money and it's a lot of time, lot of effort.

1416

1417 There's other -- maybe if you go back to the screenshot, you can see how big the lots are
1418 around there in the neighborhood and there's other people on septic system out there.
1419 They're not little teeny tiny lots next door. They're bigger lots that -- and most people

1420 out there are probably on septic systems. Probably the house right next -- one over is
1421 probably on septic. The one behind is on septic. The one to the left's probably on septic.

1422
1423 Mr. Green - But, I mean, wouldn't one make the assumption that the
1424 County could put the sewer line out there for the purpose of tying into it? I mean, I mean,
1425 that's -- the county made a huge investment in doing that and they're trying to get
1426 everybody to that. So, I would think that folks would want that.

1427
1428 Mr. Rempe It's, you know, it's a matter of building a house where it's
1429 affordable for the family and that the builder can make some money off of it. And if that's
1430 not the case, then it's not feasible. We prefer to do septic, because financially feasible
1431 for the builder to do that. It's not financially feasible to tie into sewer for this particular
1432 builder. You know.

1433
1434 Mr. Green - I know -- with all due respect, I'm concerned about the County,
1435 not the builder making money. So, I think that's what --

1436
1437 Mr. Rempe - But we would go through the Health Department to make sure
1438 it's -- that the septic system works out there and all the conditions for that are met.

1439
1440 Mr. Green - Okay. Are there any other questions from the Board to --

1441
1442 Mr. Johnson - To staff. Isn't the County working out there to put the sewer
1443 systems out there?

1444
1445 Mr. Gidley - Sewer has been, as Mr. Green noted, installed in the area.
1446 The idea is that people do hook up to it once the County brings it out there. And the
1447 benefit, too, is as -- I mean, the applicant here is trying to move a house back on the lot
1448 to avoid the 300-foot rule from public utilities rather than moving it up here, which would
1449 be the more normal course of action. And by extending the sewer down, it does benefit
1450 future development in the area, as you noted there, as activity down there. And it enables
1451 those people to hook up also. And that's typically the way development occurs.

1452
1453 Mr. Johnson - Okay.

1454
1455
1456 Mr. Green - Okay. We'll hear from the applicant.

1457
1458 Mr. Blankinship - A neighbor.

1459
1460 Mr. Green - A neighbor? Is there a neighbor?

1461
1462 Ms. Lanning - Hello. My name is Linda Lanning, L-a-n-n-i-n-g. I've lived at
1463 this property since the 1970s. And I'm not exactly sure all that he's saying is correct.
1464 Because it is a very swampy area right there. Very wet. We have BFI right in front there.

1465 And what I wanted to say is that we bought this land -- and I'm not exactly sure that he
1466 owns it.

1467

1468 Mr. Green - Excuse me. Are you the neighbor, or an applicant? You're a
1469 neighbor?

1470

1471 Ms. Lanning - I live there. That's my house right there. We purchased that
1472 house in --

1473

1474 Mr. Blankinship - Immediately east of the property.

1475

1476 Mr. Green - Okay. So you're not --

1477

1478 Ms. Lanning - That's my house right there.

1479

1480 Mr. Green - Okay. So you're not the one who wants to build the house.

1481

1482 Ms. Lanning - No.

1483

1484 Mr. Green - Okay.

1485

1486 Ms. Lanning - We're trying to prevent it from happening. It's swampy there.
1487 It's wet. I've maintained that property. I've cut that grass for 50 years. There's no room
1488 for a house there. There's two telephone poles right in between there and an easement
1489 right through there.

1490

1491 Mr. Blankinship - It's an easement. Well, this is a plat, ma'am, that is recorded
1492 at the courthouse along with a deed.

1493

1494 Mr. Green - Right.

1495

1496 Mr. Blankinship - Well this one's not recorded. But there is a plat recorded with
1497 the deed that shows that Mr. Rempe's company or his associate owns the property.

1498

1499 Ms. Lanning - Yeah. We just went through the deeds and I have the deed.
1500 And we purchased that property in 2006 and we farmed that land all those years before
1501 then. Since the '70s with Mr. Windell, with Clifford Windell, Margaret Windell. We were
1502 told when we purchased that property, that all of that came together.

1503

1504 Mr. Blankinship - So you're saying --

1505

1506 Mr. Johnson - I'm -- you're saying --

1507

1508 Mr. Blankinship - So you believe that you own the property that Mr. Rempe
1509 represents for his client --

1510

1511 Ms. Lanning - Yes. Yes, sir. Somehow it was misinformed that it was gifted
1512 to him. It was not -- well I would have gone to that other side when it's on this side of our
1513 property. It follows our whole land line there.
1514

1515 Mr. Green - Mr. Gidley, who owns the property?
1516

1517 Mr. Gidley - Christopher Spencer and a Michelle Henry, I believe, is what
1518 it shows here.
1519

1520 Ms. Lanning - Henry.
1521

1522 Mr. Gidley - Yeah. Are listed as the owners. And they signed the
1523 application authorizing Mr. Rempe's company to apply for the variance.
1524

1525 Mr. Blankinship - And they pay the tax bill?
1526

1527 Ms. Lanning - The taxes have not been paid.
1528

1529 Mr. Blankinship - Okay.
1530

1531 Ms. Lanning - Since 1992.
1532

1533 Mr. Blankinship - Did we check that, Mr. Madrigal?
1534

1535 Mr. Madrigal - I don't remember seeing it on the tax record.
1536

1537 Mr. Blankinship - I know we sometimes do review the tax information.
1538

1539 Ms. Lanning - We purchased that property because of -- I have a copy of it
1540 here. But we purchased that property because of delinquent taxes in 2006.
1541

1542 Mr. Green - Can I ask that we defer this until we get proper ownership of
1543 this and just delay this for a month and have them come back? Because it's too confusing
1544 right now.
1545

1546 Ms. Lanning - It's very confusing.
1547

1548 Mr. Green - Yes. So.
1549

1550 Unknown Speaker - The staff -- who will get to the bottom of that?
1551

1552 Mr. Green - The staff. Yeah.
1553

1554 Mr. Blankinship - Yeah. We'll figure it out.
1555

1556 Mr. Green - An attorney. So, I mean, would you be receptive to a deferral?
1557 Because, if not, I'm not going to support building a house, personally.

1558
1559 Ms. Lanning - Is not enough room there, for one thing.

1560
1561 Mr. Green - T that may be the case. But because I don't know who owns
1562 the land, I'm not going to support -- I personally -- I can't speak for my Board -- my fellow
1563 Board members. I'm personally not going to support it until we know who clearly owns
1564 that land.

1565
1566 Mr. Johnson - It's the Board they're going to --

1567
1568 Mr. Green - So I'm asking for a deferral.

1569
1570 Mr. Johnson - It's my area.

1571
1572 Mr. Blankinship - Mr. Chair, can I suggest that we go ahead and complete the
1573 public hearing so that if we do have to bring the case back next month, at least we will
1574 have completed the public hearing you won't need to take any testimony. Or at least not
1575 take the same testimony again.

1576
1577 Mr. Green - I'm a little apprehensive doing that.

1578
1579 Mr. Blankinship - Okay.

1580
1581 Mr. Green - Because I'm trying to figure out who owns the land.

1582
1583 Mr. Blankinship - It's only my suggestion. That's fine.

1584
1585 Mr. Green - I hear this gentleman saying they want to build, but I'm hearing
1586 this couple say they own the land.

1587
1588 Mr. Blankinship - Yes, sir.

1589
1590 Mr. Green - And before I can -- I

1591
1592 Ms. Lanning - It is a mess.

1593
1594 Mr. Green - To me a proper hearing, you know, needs clarification of who
1595 owns what.

1596
1597 Mr. Blankinship - I understand.

1598
1599 Mr. Green - And I'm hearing two different things. And if the Board wants
1600 to go through with the public hearing, then that's fine.

1601

1602 Mr. Johnson - I have a question. Anyone have a deed? Who has the deed?
1603
1604 Ms. Lanning - I have a deed.
1605
1606 Mr. Blankinship - Our normal process, Mr. Johnson, is we compare the
1607 application form to the tax records. And if the person whose represented as the owner
1608 on the application form matches the person in the tax records that's listed as the owner,
1609 then we take it as written that that's the owner.
1610
1611 Mr. Johnson - Right. That's the owner. And also, they're the deed owner as
1612 well.
1613
1614 Mr. Blankinship - Right. Right. Okay.
1615
1616 Mr. Pollard - And I would assume that both parties have something -- so
1617 we'll let staff kind of look into it more.
1618
1619 Mr. Green - Okay. Yes.
1620
1621 Mr. Blankinship - And I don't know that there's anything pressing on this, that
1622 this house has to be built in the next month.
1623
1624 Mr. Green - Right.
1625
1626 Mr. Blankinship - To defer it is certainly not going to hurt -- I supposed Mr.
1627 Rempe has some carrying costs, but it's not going to kill the project to defer.
1628
1629 Mr. Pollard - And it looks like we don't have a, you know, 20 people waiting.
1630 So I would like to hear if there's -- I'm kind of neutral on it, but I'd like to hear if there's any
1631 more testimony. Because some information might be relevant.
1632
1633 Mr. Green - Other than the person speaking, I suspect that's your
1634 husband, are there any other individuals in the audience or on Webex who are willing to
1635 speak to this before you are removed from, you know, step forward?
1636
1637 Mr. Johnson - Anyone else on the Webex?
1638
1639 Mr. Green - Audience or Webex.
1640
1641 Mr. Lewis - There's no one on Webex for this case.
1642
1643 Mr. Green - Okay.
1644
1645 Mr. Blankinship - Okay. See now we close the hearing. That's all I wanted.
1646

1647 Mr. Green - I would like to go ahead and close the hearing and ask for
1648 opinion from the Board. Thank you.

1649
1650 Ms. Lanning - Thank you.

1651
1652 Mr. Johnson - What was just said, we would like to know who really owns
1653 the property. But staff already had recommendations on the --

1654
1655 Mr. Pollard - Are we deferring for a month?

1656
1657 Mr. Johnson - Yeah. We --

1658
1659 Mr. Green - You need to read the --

1660
1661 Mr. Blankinship - Yeah. You've got a motion to defer, if you want.

1662
1663 Mr. Green - You got a motion to defer.

1664
1665 Mr. Johnson - Okay. Because of this situation I move that we defer this
1666 request. We need additional information and address the neighbors' concern as well.
1667 And also that will be for the next meeting. And we would have the facts on it.

1668
1669 Mr. Blankinship - Okay.

1670
1671 Mr. Green - Is there a second?

1672
1673 Mr. Pollard - Yeah. I second the motion to defer until the next meeting so
1674 we can figure out ownership.

1675
1676 Mr. Green - A motion has been made by Mr. Johnson, seconded by Mr.
1677 Pollard. All in favor say aye. It's deferred.

1678
1679 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **deferred VAR2022-**
1680 **00004 LIBERTY HOMES OF VIRGINIA, INC.'s** request for a variance from Section 24-
1681 4306.E.1 of the County Code to build a one-family dwelling at 5401 Eanes Lane (Parcel
1682 806-712-9218) zoned One-Family Residence District (R-4) (Varina). The case was
1683 deferred until the May 26, 2022 public hearing.

1684
1685
1686 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
1687 **Negative:** 0
1688 **Absent:** 0

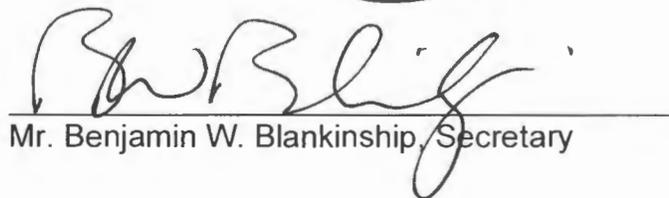
1689
1690
1691 Mr. Green - Is there any other matters to come before the Board this
1692 evening?

1693
 1694 Mr. Blankinship - Just the minutes from the last meeting.
 1695
 1696 Mr. Green - Has everyone had an opportunity to review the minutes? And
 1697 if so, is there a motion to approve the minutes?
 1698
 1699 Mr. Reid - Motion to approve.
 1700
 1701 Mr. Johnson - Second.
 1702
 1703 Mr. Green - Mr. Reid made a motion to approve, seconded by Mr.
 1704 Johnson. All in favor say aye. Done.
 1705
 1706 On a motion by Mr. Reid, seconded by Mr. Johnson, the Board **approved the minutes**
 1707 of the March 24, 2022 public hearing.
 1708

1709
 1710 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
 1711 **Negative:** 0
 1712 **Absent:** 0
 1713
 1714

1715 Mr. Green - All right. Is there a motion to adjourn?
 1716
 1717 Mr. Johnson - I make the move.
 1718
 1719 Mr. Blankinship - Thank you very much.
 1720

1721
 1722
 1723
 1724 
 1725 _____
 1726 Mr. Terone B. Green, Chair

1727
 1728
 1729 

 Mr. Benjamin W. Blankinship, Secretary