

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, AUGUST 24, 2000,**
4 **AT 9:00 A.M. NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
5 **DISPATCH ON AUGUST 3 AND 10, 2000.**
6

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

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

7
8 Mr. Kirkland - Welcome, ladies and gentlemen, to the August meeting of
9 the Board of Zoning Appeals. Before we get started, I'll have the Secretary read the
10 rules.
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 applicant will come to the podium to present the case. At that
15 time I'll ask all those who intend to speak, in favor or opposition, to stand, and they will
16 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 the opportunity for rebuttal. After
19 hearing the case, and asking questions, the Board will take the matter under
20 advisement. They will render all of their decisions at the end of the meeting. If you wish
21 to know what their decision is, you may stay until the end of the meeting, or you may
22 call the Planning Office at the end of the day. This meeting is being tape recorded, so
23 we will ask everyone who speaks, to speak directly into the microphone on the podium,
24 and to state your name for the record. Out in the foyer, there are 2 binders, which have
25 the staff report for each case, including the conditions suggested by the staff. Mr.
26 Chairman?
27

28 Mr. Kirkland - Thank you sir. Do we have any requests for withdrawals or
29 deferrals for the 9:00 o'clock agenda?
30

31 Mr. Blankinship - We have one withdrawal and two deferrals. The second
32 case, **A-65-2000 Jamestowne Builders** – this was a deferred case; due to a death in
33 the family, the applicant did not get the notice sent out, and as a result, they can't be

34 deferred since they've already been deferred once, so they called this morning and
35 requested withdrawal without prejudice so that they can refile.

36

37 Mr. Kirkland - Do I have a motion to that effect?

38 **A - 65-2000 JAMESTOWNE BUILDERS INC.** requests a variance from Section 24-
39 95(k) of Chapter 24 of the County Code to complete a dwelling under
40 construction at 1600 Fawcett Lane (Varina Station) (Tax Parcel 192-
41 10-E-16), zoned R-3C, One-family Residence District (Conditional)
42 (Varina). The minimum side yard setback is not met. The applicant has
43 17.8 feet minimum side yard setback, where the Code requires 25.0
44 feet minimum side yard setback. The applicant requests a variance of
45 7.2 feet minimum side yard setback.

46
47 Upon a motion by Mr. McKinney, seconded by Mr. Nunnally, the Board of Zoning
48 Appeals granted the request of the applicant to have this application withdrawn without
49 prejudice

50

51 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5	
52 Negative:			0
53 Absent:			0

54

55 **UP- 23-2000 000-3 LLC** requests a conditional use permit pursuant to Section 24-
56 116(c)(2) of Chapter 24 of the County Code to replace a waste water
57 pump station at 211 Old Memorial Drive (Tax Parcel 165-A-82), zoned
58 RTH, Residential Townhouse District (Varina).

59

60 Upon a motion by Mr. McKinney, seconded by Mr. Nunnally, the Board of Zoning
61 Appeals granted the request of the applicant to have this application withdrawn without
62 prejudice.

63

64 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5	
65 Negative:			0
66 Absent:			0

67

68

68 Mr. Blankinship - **UP-28-2000 VIRGINIA POWER, INC.** has requested
69 deferral until the September meeting.

70

71 Mr. Kirkland - Was that deferred last time?

72

73 Mr. Blankinship - No sir, that's a new case.

74 **UP- 28-2000 VIRGINIA POWER, INC.** requests a conditional use permit pursuant to
75 Section 24-116(c)(2) of Chapter 24 of the County Code to construct an
76 electrical substation at 3899 Portugee Road (Tax Parcel 187-A-5
77 (part)), zoned M-2, General Industrial District (Varina).

78

79 Upon a motion by Mr. Nunnally, seconded by Mr. Wright, the Board of Zoning Appeals
80 **deferred** this application to the September 28, 2000, meeting,

81

82 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

83 Negative: 0

84 Absent: 0

85

86 Mr. Blankinship - The next case, **A-87-2000 URSULA M. BARRAVECCHIA**,
87 also requests deferral to the September 28, 2000 meeting.

88 **A - 87-2000 URSULA M. BARRAVECCHIA** requests a variance from Section 24-
89 94 of Chapter 24 of the County Code to enclose a deck as a sunroom
90 at 3808 Reynard Court (Foxhall) (Tax Parcel 45-2-B-71), zoned R-
91 2AC, One-family Residence District (Conditional) (Three Chopt). The
92 rear yard setback is not met. The applicant has 34 feet rear yard
93 setback, where the Code requires 45 feet rear yard setback. The
94 applicant requests a variance of 11 feet rear yard setback.

95

96 Upon a motion by Mr. Wright, seconded by Mr. Balfour, the Board of Zoning Appeals
97 **deferred** this application to the September 28, 2000, meeting,

98

99 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

100 Negative: 0

101 Absent: 0

102

103 Mr. Kirkland - If you would, sir, call the first one.

104

105 **A-64-2000 MARK A. DALTON** requests a variance from Section 24-95(c)(1) of
106 Chapter 24 of the County Code to allow an attached tool shed to
107 remain at 6917 W. Grace St. (Duntreath) (Tax Parcel 102-3-5-19),
108 zoned R-3, One-family Residence District (Three Chopt). The
109 minimum side yard setback and total side yard setback are not met.

110 The applicant has 1.0 foot minimum side yard setback and 11.77
111 feet total side yard setback, where the Code requires 7.0 feet
112 minimum side yard setback and 19.5 feet total side yard setback.
113 The applicant requests variances of 6.0 feet minimum side yard
114 setback and 7.73 feet total side yard setback.
115

116 Mr. Kirkland - Anyone wish to speak on this case, please come forward.
117 The applicant? If you would sir, state your name. Oh, excuse me, raise your hand and
118 be sworn in.
119

120 Mr. Blankinship - Do you swear that the testimony you are about to give is the
121 truth, the whole truth, and nothing but the truth, so help you God?
122

123 Mr. Kirkland - Is anybody else going to speak? Are you the applicant?
124 Who's the applicant? If you're going to speak, you need to stand up and raise your right
125 hand also. You're going to speak on this case? Stand up and raise your right hand so
126 you can be sworn in.
127

128 Mr. Blankinship - Would you stand, please? Just where you are is just fine.
129 Do you swear that the testimony you are about to give is the truth, the whole truth, and
130 nothing but the truth, so help you God?
131

132 Mr. Kirkland - Sir, state your name.
133

134 Mr. Dalton - Mark A. Dalton.
135

136 Mr. Kirkland - Have all your notices been turned in according to the County
137 Code? We have them in the file. If you would, state your case.
138

139 Mr. Dalton - Yes sir. The reason for the, to have the variance done, is
140 related to a drainage problem. There are a number of people in the County who have
141 dealt with a similar situation over the past 10-15 years. The problem relates to the
142 alleyway, which is Donald Street, which runs between Monument Avenue and Horsepen
143 Road. When it rains hard, water comes off of Monument Avenue; it cannot get to the
144 actual drainage ditch that is running in the alleyway, because the alleyway is troughed,
145 and it comes straight down the alleyway and takes a right turn into my driveway, where
146 it comes roaring down and floods my carport and also goes off to the side, both my side
147 yard and my neighbor's side yard. What happened, is that after 3 or 4 times of water
148 and debris, leaves and pine needles and stuff, coming down the alleyway, down my
149 driveway, onto my neighbor's yard, they called the County because they were getting
150 debris in their yard, and they were assuming that the reason that it was happening was
151 because the tool shed that's attached to my carport, the water obviously has to go
152 around that. I, in turn had talked to Mr. James Rice, who came to talk to me the first
153 time, also to Mr. Richard Dameron, the license inspector, and also to a number of other
154 County officials, and they also have come out to the house to see what was happening

155 with the drainage problem. They all agreed with me, the fact was, it was not. I do have
156 one downspout coming off my tool shed that's right at the line of the property, but in fact
157 that's just draining the water off of the top of the tool shed area. We went out and
158 looked at the alleyway, and they looked at the drainage; in fact the County is supposed
159 to be looking at that drain on Donald Street to see if they can do something to help the
160 water, but the fact is that the water comes racing off Monument Avenue. I used to have
161 a gravel driveway; I had to get that paved because the water coming through literally
162 washed my entire driveway away. When I had it paved, I put a drain at the end of the
163 driveway right in front of my carport, to try to have the water come in there and just
164 naturally drain off, but the volume of water that's coming through the alleyway, plus the
165 debris just blocked up the drain at the end of the driveway.

166
167 At least one of the officials, who came out and talked with me, said that in reality my tool
168 shed sitting there actually is sort of a dam blocking some of the water that would
169 normally come out there. It's been known that that whole neighborhood has a drainage
170 problem; everything, the entire land comes downhill from Monument Avenue. The
171 alleyway is probably a good foot or more lower than Monument Avenue. The people I
172 purchased the house from actually put a full 2 dump loads of dirt in their front yard, built
173 the front yard up one full step on the stoop, trying to keep level ground. It's always been
174 a drainage problem since I moved in 15 years ago. I've talked with the County;
175 anything that I can do to work with them to help the drainage situation in the alleyway,
176 would certainly help the situation and the way the water drains. I'm requesting the
177 variance because the location of my tool shed and the setback that was not met really
178 has no affect at all on what the problem is, which is in fact the drainage coming off the
179 alleyway.

180
181 Mr. Wright - The question is not the drainage; the question is that you're
182 into the side yard setback area.....

183
184 Mr. Dalton - I understand that.....

185
186 Mr. Wright - You only have a foot between your shed and the line.

187
188 Mr. Dalton - When that was, what ended up having to be, there was a
189 different tool shed that was on my property.....

190
191 Mr. Wright - We're aware of that; that's been torn down.

192
193 Mr. Dalton - Well, there was an agreement reached between the people
194 that owned my house previously and the people that owned the neighbor's house, that
195 he gave them the tool shed that's still sitting in their back yard for the building for them
196 to put the tool shed over the line in the back yard, because there's no real, there's
197 nowhere back there for, you know, he didn't have enough room to put his tool shed
198 there. I, when the situation came up with that original tool shed, instead of, if I'd wanted
199 to be a real hard core about it, I could have waited a couple months later and could

200 have left my tool shed there, because of the length of time it had been there, it had been
201 there for X number of years, and I could have kept it there. But in trying to work with my
202 neighbors and not try to be a problem, I went ahead and had the other one torn down
203 and hauled away, and I had this built so that it matched the side of the house; it would fit
204 in esthetically. Finally, there is nowhere else to put a tool shed on the property.

205
206 Mr. Wright - Why can't you put it on the other side of the carport?

207
208 Mr. Dalton - There's the air-conditioning unit and stuff, I mean there's
209 extremely small, and it was set up that way. The people that bought the house and built
210 it originally had set up the area where there's.....

211
212 Mr. Wright - The first thing, you didn't get a building permit to put the tool
213 shed up.

214
215 Mr. Dalton - I assumed that the person that built it for me, I assumed that
216 he had done that.

217
218 Mr. Wright - It was on the house when you bought it, is that what you're
219 saying?

220
221 Mr. Dalton - No, no, it was put on when I had to move, when I moved the
222 other tool house that was originally on the property.

223
224 Mr. Wright - But didn't you put the tool shed on yourself? Didn't you have
225 it built?

226
227 Mr. Dalton - Me, personally? I had somebody put it on for me, yes, I did,
228 but I assumed that they had checked out anything relative to building inspections and
229 you know, that type of thing. I mean I'm not knowledgeable at all in that area.

230
231 Mr. Wright - Who built it for you?

232
233 Mr. Dalton - It's an individual, Mr. Newcomer. I'd done some accounting
234 work for him in the past.

235
236 Mr. Wright - Is he a contractor?

237
238 Mr. Dalton - He's not a licensed contractor I don't believe. It's just that, I
239 mean he'd worked, I'd worked for him before, and he said that he could certainly do
240 that, and the cost of what I was having to do to try to work with my neighbors and have
241 something on there, you know, he said that he could do it less expensive, plus because
242 I was trying to match the siding on the house and everything so that it would look
243 decent, the cost of doing it was, you know, fairly high, so I was, you know, whatever I
244 could do to try to meet the, try to make it look decent and add on the, you know, I did

245 the best that I could under the circumstances.
246
247 Mr. Kirkland - Any other questions?
248
249 Mr. McKinney - Mr. Dalton, the water that comes off of your existing house,
250 that comes down to that carport, does it go on to the.....
251
252 Mr. Dalton - The water doesn't come off of the house onto the carport –
253 the only water that's coming down towards the carport.....
254
255 Mr. McKinney - No, no, no, as I'm looking at this plat, and I'm looking where
256 your house has a shed roof in the back that goes down to the carport. You see where
257 your air conditioning unit is on the back of your home.....
258
259 Mr. Dalton - Yes, where the "X" is?
260
261 Mr. McKinney - Just to the right of that, here is a shed-type roof that comes
262 down to the carport – correct? I mean it shows it in the picture just prior to this – it
263 comes down to the carport.
264
265 Mr. Blankinship - It's actually more clear in the photograph.
266
267 Mr. McKinney - Put the photograph back. All right, see the shed coming
268 down to where the tool shed is, right there?
269
270 Mr. Dalton - Yes sir. Yes sir. Yes sir.
271
272 Mr. McKinney - The water that comes off of that goes to the tool shed, right?
273
274 Mr. Dalton - You can't see it on there, on the back corner there's a
275 downspout, and then the gutter is across the side of the tool house. I don't believe
276 there's a
277
278 Mr. McKinney - No, no, no – you're not answering my question. I'm saying
279 the water that comes off of the roof of your house goes down, if you don't have gutters,
280 and I can't tell whether you do or not, goes down to this roof, then goes off of this roof
281 onto the tool shed roof, and then it goes, that's a shed roof too, it goes to your left, to
282 the neighbor on your left, toward their property. Is that correct?
283
284 Mr. Dalton - It just comes straight down at the very bottom, yes sir.
285
286 Mr. McKinney - All right, do you have a gutter on the end of your tool shed?
287
288 Mr. Dalton - The gutter that was on the side of the carport originally is on
289 the side of the tool house, and it's really.....

290
291 Mr. McKinney - So you've got a gutter that runs your lot line, beside your lot
292 line, on that tool shed, with a downspout.
293
294 Mr. Dalton - Yes sir, I believe it is.
295
296 Mr. McKinney - So you don't have water that comes down there fast enough
297 that goes over into your neighbor's yard.
298
299 Mr. Dalton - It's all literally coming straight down my driveway.
300
301 Mr. McKinney - It's not coming all down your driveway; it's coming off the
302 roof of your house, and it's coming off that shed roof.
303
304 Mr. Dalton - Well, there's some coming down there, but that's.....
305
306 Mr. McKinney - It's an impervious material, the water has to go somewhere.
307
308 Mr. Dalton - Right, well there's some water coming off there, yes there is,
309 but what's coming into our side yard is pine needles, which I don't have any pine trees
310 in my yard.....
311
312 Mr. McKinney - Which side yard are you speaking of – where the tool shed
313 is, because you don't have any side yard; all you've got is a foot.
314
315 Mr. Dalton - Right. Yes, well.....
316
317 Mr. McKinney - And you call that your side yard?
318
319 Mr. Dalton - Well, in front of that.....
320
321 Mr. McKinney - One foot is taking care of all this water?
322
323 Mr. Dalton - In that one particular spot, yes.
324
325 Mr. McKinney - So what I'm saying, is that water is encroaching on your
326 neighbor to the left?
327
328 Mr. Dalton - Right. And what I'm saying is if that, before that tool shed
329 was ever there, the water was still coming through there and flooding that entire.....
330
331 Mr. McKinney - Before that tool shed was there, what was there?
332
333 Mr. Dalton - Nothing.
334

335 Mr. McKinney - All right. Then you had ground that took in a certain amount
336 of water. The ground's not taking any of that water now; it's coming off that
337 roof.....
338
339 Mr. Dalton - No, no, it really wasn't, I mean the water, even then, and still
340 now, comes all the way down, past where the chimney is, I mean it's, we're talking
341 about a massive amount. I've even got a video tape that my wife took that I can make
342 available to the court, I mean, when it rains hard, water just comes gushing down.
343
344 Mr. McKinney - I just wonder what you were doing with that water that came
345 off that tool shed.
346
347 Mr. Dalton - It's going to the same place that it ended up before the tool
348 shed was there. There's one downspout at the back corner where the water that's
349 coming off the roof is coming out, but I mean that same water was coming down in the
350 side yard before the tool house was there.
351
352 Mr. McKinney - Is that downspout hooked to a gutter?
353
354 Mr. Dalton - Yes sir. There is a gutter on the ...
355
356 Mr. McKinney - What size gutter is it? Five inch?
357
358 Mr. Dalton - Standard gutter – I guess so. I mean whatever the standard
359 gutter would be.....
360
361 Mr. McKinney - Five inch? Because you could go to oversize 6 inch.
362
363 Mr. Dalton - I'm more than willing to try anything.
364
365 Mr. McKinney - I'm just asking. I don't have any other questions of this
366 gentleman.
367
368 Mr. Kirkland - Mr. Dalton, when you built this tool shed, is it on piers, or is it
369 a solid foundation underneath of it?
370
371 Mr. Dalton - I just know.....
372
373 Mr. Kirkland - Does water run underneath of it when it rains?
374
375 Mr. Wright - It's sitting up off the ground.....
376
377 Mr. Dalton - I believe it's, yes, it's not level, in fact you're right, it does go
378 underneath of it also, and so the water flow is the exact same as it was, basically when
379 there was no tool house there.

380
381 Mr. McKinney - Well as I see it, just looking at this picture, this picture looks
382 like the grade of the lot comes to the front; if you look at the back of the foundation of
383 the existing house, and the front of the chimney, you can see where the lot goes up,
384 because it shows it on the foundation. It doesn't show the water running backwards; it
385 shows it coming towards the front of the house.

386
387 Mr. Dalton - The whole neighborhood, I mean everything flows from
388 Monument towards Grace, you know, that way, I mean it's, water flows down Grace
389 Street towards Charles Street. Everything goes down and this way. And, you know,
390 because of the fact that you're pulling into the driveway every time, it makes a natural,
391 you know, gully in the alleyway, and that's why they like say, every time it rains, and
392 we've had our, it's not as bad now as it used to be since I've paved it and put the little
393 bit of a drain, but when it rained hard, my entire carport was flooded all the way down to
394 the steps coming up to the house. I mean there's that much water that's coming
395 through there. And the people from the County with the, I don't know what it's called,
396 drainage, I guess, I'd looked at it, and it said that they really needed to at least have a
397 wider ditch there in the alleyway. If you look at the alleyway between Grace Street and
398 Horsepen Road, that is virtually smooth there, and their ditches are much wider and
399 deeper and much clearer, and for some reason the ditch that's coming from Monument
400 Avenue along the alleyway towards Grace Street, it's smaller; it's not as deep; it runs
401 this way and that way; the pipe that goes, somebody dumped a couple of stumps in the
402 ditch right across from my driveway, which I think the County pulled a couple of them
403 out, but there's still one big stump that I couldn't, that's sitting right in front of the drains,
404 so on top of everything else, when it rains real hard, the water builds up, comes over the
405 edge, and you've got a pool out in front of my driveway out there.

406
407 Mr. Kirkland - Any other questions? Yes ma'am, you wish to speak? Are
408 you for the case or against the case? If you'd come up front, come up here. You're not
409 going to speak, are you? You need to be sworn in. You can speak, but you're going to
410 have to be sworn in. You can come on down.

411
412 Mr. Zhongmin - Yes, my name is Zhongmin.

413
414 Mr. Kirkland - Before we get started, she's going to speak, so raise your
415 right hand.

416
417 Mr. Blankinship - Do you swear that the testimony you are about to give is the
418 truth, the whole truth, and nothing but the truth, so help you God? And ma'am, would
419 you spell your name for me, please.

420
421 Mr. Zhongmin - My name is Zhongmin; we are neighbor of this house, see
422 that picture - we are neighbor of this house, left house. We buy this house since '97,
423 November 1997. So before we buy this house, the foundation is good as, I would say
424 is, inside, outside, is a long problem since building from 1977. After this 2 years, things

425 dramatic change. I think from our neighbor's back yard and roofs, water, our house is
426 suffering a lot. First I say is direct from that water, is a ring. Even the meter read, our
427 back yard is a little bit lower than our neighbors', so the back yard like river. In the big
428 rain, like thunderstorm, is so wide and so much water, you cannot imagine that, is so
429 bad. Before, we didn't know anything about that. The rear side have 4 or 5 place
430 leaking; we are ask the, you know, the sell/owner, ask if the house foundation – listen,
431 no problem, we didn't make that problem before. I say now is leaking. They say.....

432
433 Mr. Wright - You're saying that you had no problem before the tool shed
434 was put up, is that what you're saying?

435
436 Mr. Zhongmin - Actually before, yes, before we buy that house, they didn't
437 have a tool shed there, so after that, one day it was raining there, big raining. I
438 happened to stay home; I looked, and there's water; it's a surprise. I just look, and
439 there's water in my back yard, water, just like a big river. The whole roof of the house,
440 the house, the roof, and the garage, the shed, the gutter downstream, the curb he drain
441 to my house, so, and the back yard, they have a ditch for the water, the both back yard
442 and roof, the big water, special river, he mention about that, that his back yard probably
443 the water from Monument Avenue. That's a lot water, so now my house is a rear side
444 fireplace leaking, and the screen door cannot close and open completely, and also the
445 family room and laundry room in the first floor is so moisture. We cannot put, you know,
446 if you put the clothes, you want to wash them next week. They are so bad we cannot
447 use these 2 rooms right now, so I think the water affect the house foundation.

448
449 Mr. Kirkland - Well, we're here to hear about the shed, basically about the
450 variance on the shed – do you think the shed is the problem – yes or no?

451
452 Mr. Zhongmin - My question is – when he building this shed, did he get
453 approval for the lot?.

454
455 Mr. Kirkland - Excuse me, sir, if you would, state your name and speak,
456 please. If you would, speak into the microphone.

457
458 Mr. Du - My name is Tru Min Du, and I'm at 9150 West Grace Street.
459 May I ask a question? When Mr. Dalton built this shed, before he build that, get it
460 approved or permit from County or not. That is regulation needed to permit to approve
461 or not? Can you answer that?

462
463 Mr. Blankinship - A permit would be required, and we don't have any record
464 that one was applied for.

465
466 Mr. Du - Okay, okay, well now I just what this is to point to you
467 consideration? That is a problem that will affect the value of our house with sale of the
468 house in the future. Consider that. That is a problem that is maybe how will affect or
469 decrease the value of our house, because this shed is not meeting the County's

470 requirement. That's one thing you need to consider it. Second thing is a part of water –
471 the water is from, some water from his back yard, maybe from Monument Avenue, but a
472 lot of water is from his, the house roof go to the carport roof, then go to the shed roof.
473 That is all the house roof from gutter go to the carport roof, then carport roof water
474 gutter go to the shed roof. When the shed's gutters, more gutters, that is before, 2
475 months ago or sometimes ago, this gutter is in the air directly toward my yard. Well now
476 Mr. Dalton, but the water still go into my back yard. This water caused a major problem.
477 My wife just said that is a problem; our house is already damaged by water, have
478 moisture, the basement and the first floor, and their walls are leaking. I think that the
479 matter is that the foundation is damaged by the water. That is all what I have to say for
480 your consideration.

481
482 Mr. Kirkland - Thank you very much. Anyone else wish to speak? No one
483 else wishes to speak on this case, that concludes the case.

484
485 Mr. McKinney - You've got some rebuttal.

486
487 Mr. Kirkland - Excuse me, I'm sorry. Proceed.

488
489 Mr. Dalton - I certainly appreciate what my neighbors are saying.
490 Virtually everything they are saying, I agree with as far as the water and how it could
491 damage their house. The neighbors that were there before them had this same
492 problem. I wish we had a picture of the back part, you see, the back part of their house,
493 they've got their air conditioning units in the back, and their back yard has more than
494 one time, been totally under water. It's been that way ever since I moved into the
495 house, and in my house in 1987. It's been that way since the first day we've been here.
496 It's always had a drainage problem; there's always been water that has, just natural flow
497 of water. If you saw the back, both my yard and their yard, the back yard slants down
498 towards the houses this way. If my house did not exist, they would still have water
499 problems at their house. The water flows that way. And I hope that you all would
500 please talk to the County people that I have talked to; they've looked at this in depth.
501 There's definitely a water problem; my shed has little, if any, effect, on what's going on;
502 the amount of water that causes the problems is not caused by just rain water coming
503 off of a roof. It's caused by an incredible amount of water that flows, like an absolute
504 river, down the alleyway, into my driveway. It's caused, I've had to replace my
505 driveway, the back laundry room at my house has a musty smell in it most of the time
506 because the water coming down, having nowhere to go and is, you know, before the
507 shed was there, it was water up underneath the house and stuff. It's a drainage
508 problem that I'm not sure how it can be addressed because Donald Street is considered
509 an unimproved roadway. The County, back about 8-10 years ago, even had a proposal
510 out, there was a town meeting at Crestview Elementary School about trying to pave
511 Donald Street through there. Unfortunately, when they proposed to do that, instead of
512 the original meandering little road, they were going to pave a straight, just a straight
513 asphalt through there, with no change in the drainage. There was not going to be
514 anything done about, you know.....

515
516 Mr. Balfour - Mr. Dalton, stop a second. What do you have to say about
517 the people's fact that this gutter, they say, runs right off your

518
519 Mr. Dalton - What happened, and they're absolutely right on that; I'm
520 sorry I didn't mention it. When the building was originally done, before the, because it
521 was less area coming down, originally the original long drain pipe.....

522
523 Mr. Balfour - Give a short answer – does it go into their yard or does it
524 not?

525
526 Mr. Dalton - Yes, it comes down, what they were complaining about,
527 there was originally, there was a

528
529 Mr. Balfour - Why are you letting it do that? Why don't you divert it?

530
531 Mr. Dalton - That's the only way that it can, I mean, it just comes straight
532 down, I mean I could put a black hose and move it this way, but it's just going to be the
533 same, I mean I'm more than willing.....

534
535 Mr. Balfour - You must be a lawyer; you take too long to answer the
536 question.

537
538 Mr. Dalton - I'll take that as a compliment. I could probably get one of
539 those black hose things and hook on it and run it down.....

540
541 Mr. Balfour - That's all right; I understand.....

542
543 Mr. Dalton -but it's going to be the same amount of water at the
544 same spot.

545
546 Mr. McKinney - Mr. Dalton, let me ask you a question – this guy that built this
547 thing for you – why was the gutter put on the rear of this building instead of towards the
548 street the way the land falls, and why wasn't the "L" turned towards the street so the
549 water would come out between the 2 houses instead of flowing to the adjacent
550 property? Now the way you cure this, I mean you've, I'm not saying it didn't flood
551 before, but when you put this tool shed up, it's flooding more. So you have added to the
552 problem because you put the tool shed up, it's no question about that, but you can
553 alleviate that by putting a downspout on the front end of it, dig up and put drain tile down
554 to the yard, and let it dissipate in that drain tile as it goes towards the street, because
555 that's the natural flow of the ground.

556
557 Mr. Dalton - I would have no problem at all; I'm sure that the reason it's
558 the way it is now is because they just took the original gutter that was on the side of the
559 carport and just put up the.....I would have no trouble at all switching it down to the

560 other end. I'd be more than willing to do that; all I'm saying is, that is not going to solve
561 these people's problem; the drain being.....

562
563 Mr. McKinney - It would solve the problem that you have created to these
564 people.

565
566 Mr. Dalton - I'd be more than willing to do that.

567
568 Mr. McKinney - Mr. Dalton, the problem is that you didn't file for a building
569 permit, and all this stuff would have been brought up before.

570
571 Mr. Dalton - Yes sir, that is absolutely.....

572
573 Mr. Wright - The problem is that we sympathize, empathize with the
574 water problem, but that's not our problem. You got to go to another department in the
575 County, Public Works or whatever. The problem you got is you're asking for a variance
576 here, and nobody's even addressed that. You've got to demonstrate there's a hardship
577 that would enable you to build this shed 1 foot from your line; the water is immaterial. I
578 mean, that's a part of it, but I'm looking at the legal implications, and you've got to
579 demonstrate to me that you have a hardship that would justify the building of this shed,
580 and you haven't done it.

581
582 Mr. Dalton - Well, I did not realize that there was not a permit pulled. I
583 assumed that the guy was going to pull the permit; now that it is.....

584
585 Mr. Wright - You're the owner, and you got tosomebody to, it was
586 cheap to do it for you, and you should have checked it out yourself, because you would
587 not have been permitted to build this thing to start with.

588
589 Mr. Dalton - I understand that now; I was not aware of that at the time.
590 The reason that it was placed where it is, is because there was literally no other
591 physical place on the property to do it, and had I, I'd have had him, make it a little bit,
592 not quite as wide, had I known that originally.

593
594 Mr. Kirkland - Did you read the staff report? On this case? And it shows
595 on here that said there was a place for a 10 by 10 storage building, could have been
596 built in the southern corner of the lot without blocking the driveway.

597
598 Mr. Blankinship - Mr. Wright pointed out that the opposite side of the carport
599 would be another possible location.

600
601 Mr. Dalton - Right now there's a deck there, and

602
603 Mr. Kirkland - How big is this portable shed, lengthwise?

604

605 Mr. Dalton - It's the exact length of the carport, whatever.....
606
607 Mr. Kirkland - Twenty-four feet long?
608
609 Mr. Dalton - Whatever -- if that's what it is, then yes sir.
610
611 Mr. Kirkland - Okay, thank you. Any other questions? Anyone else? That
612 concludes the case.
613

613
614 Upon a motion by Mr. Wright, seconded by Mr. Balfour the Board of Zoning Appeals
615 **denied** your request as it found from the evidence presented that authorizing this
616 variance would be of substantial detriment to adjacent property or would materially
617 impair the purpose of the zoning regulations.

618
619 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
620 Negative: 0
621 Absent: 0

622
623 Mr. Kirkland - May I ask you a question, Mr. Blankinship? How long does
624 this gentleman have before he has to remove that shed? After we have the 30 days in
625 case he wants to appeal.

626
627 Mr. Blankinship - I would have to check back with the inspector who served
628 the notice, but normally we give 30 days. On a demolition we may stretch it a little bit if
629 he needs to build something to move all of his tools into, or whatever, we'd be a little bit
630 flexible on that, but we wouldn't let it drag out.

631
632 Mr. Kirkland - I wouldn't want to get into the winter season and have more
633 water and other things.

634

635 **A - 77-2000** **JOEL AND GAIL LEWIS** request a variance from Sections 24-95(k)
636 and 24-94 of Chapter 24 of the County Code to build an attached
637 garage at 12726 Glen Kirk Road (Pine Run) (Tax Parcel 55-6-B-
638 18), zoned R-2A, One-family Residence District (Tuckahoe). The
639 minimum side yard setback and rear yard setback are not met. The
640 applicant has 21.0 feet minimum side yard setback and 38.5 feet rear
641 yard setback, where the Code requires 25.0 feet minimum side yard
642 setback and 45.0 feet rear yard setback. The applicant requests
643 variances of 4.0 feet minimum side yard setback and 6.5 feet rear yard
644 setback.

645

646

647 Mr. Kirkland - Anyone wish to speak on this case, please come forward.
648 The applicant? If you would sir, state your name.

649

650 Mr. Booth- My name is Wayne Booth, I am speaking as a representative
651 for the Lewis'.

652

653 Mr. Blankinship - Would you stand, please? Just where you are is just fine.
654 Do you swear that the testimony you are about to give is the truth, the whole truth, and
655 nothing but the truth, so help you God?

656
657 Mr. Booth- Yes sir.

658
659 Mr. Kirkland- Have all your notices been turned in according to the County
660 code, yes we have them in the file. Proceed with your case.

661
662 Mr. Booth- The property is located on a reverse corner lot. The Lewis's
663 are looking to build an attached garage where the current driveway is located. The rear
664 lot line is angled. They are looking to intrude into the rear yard setback a triangular area
665 that is approximately 144 square feet. Additional the side property line is angled to the
666 house and again they need to intrude into the side setback approximately 54 square
667 feet. Many of the other homes in the area have garages, and the Lewis' would like to
668 have a garage as well.

669
670 Mr. Kirkland- Any questions by the Board Members? Anyone else wish to
671 speak on this case? If not that concludes the case.

672
673 Upon a motion by Mr. Balfour, seconded by Mr. Wright the Board of Zoning Appeals
674 **granted** your request for the above-referenced variance. The Board granted the
675 variance subject to the following conditions:

- 676
677 1. Only the improvements shown on the plan filed with the application may be
678 constructed pursuant to this approval. Any additional improvements shall comply with
679 the applicable regulations of the County Code.
680
681 2. The existing landscaping shall be preserved to the maximum extent practical.

682
683 The Board **granted** this request, as it found from the evidence presented, that
684 authorizing this variance will not be of substantial detriment to adjacent property and will
685 not materially impair the purpose of the zoning regulations.

686
687 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
688 Negative: 0
689 Absent: 0

690
691 **A - 79-2000 ERNEST D. AND ARLENE S. DAMRON** request a variance from
692 Section 24-10(b) of Chapter 24 of the County Code to board a horse at
693 4967 Scandia Road (Tax Parcel 199-A-51), zoned A-1, Agricultural
694 District (Varina). The accessory structure location requirement is not
695 met. The applicant has 20 feet setback, where the Code requires 200
696 feet setback. The applicant requests a variance of 180 feet setback.

697 Mr. Kirkland - Anyone wish to speak on this case, please come forward.
698 The applicant? If you would sir, state your name.

699
700 Mr. Blankinship - Would you stand, please? Just where you are is just fine.
701 Do you swear that the testimony you are about to give is the truth, the whole truth, and

702 nothing but the truth, so help you God?

703

704 Mr. Damron- My name is Ernest Damron, I am speaking as a
705 representative for the Lewis'.

706

707 Mr. Damron - Yes sir.

708

709 Mr. Kirkland- Have all your notices been turned in according to the County
710 code, yes we have them in the file. Proceed with your case.

711

712 Mr. Damron - I going to have Floyd Mays is going to speak for me.

713

714 Mr. Blankinship - Would you stand, please? Just where you are is just fine.
715 Do you swear that the testimony you are about to give is the truth, the whole truth, and
716 nothing but the truth, so help you God?

717

718 Mr. Mays- My name is Floyd Mays, the reason we are asking for this
719 variance is because Mr. Damron has been showing American Saddlebred horses for
720 about 30 years. He retired recently, and in the past because of the time restraints of his
721 employment he was not able to actually show the horses. He could only be in
722 attendance and have some one else handle the horse. Now he wants to train and show
723 the horse. To accomplish this, he needs to exercise the horse about 20-30 minutes a
724 day 4 or 5 times a week. Currently, his horse is in Dinwiddie County where he has to
725 make 160 mile round trip every time he goes to ride.

726

727 It seems appropriate that at this time in his life that he should be able to enjoy the horse
728 and have the travel time eliminated. Regarding the plan, I have several photos showing
729 how well he keeps his property and will keep the stable as well. When he has his barn
730 there and the fencing it will be kept as nice and a compliment to the neighborhood and
731 not a detriment.

732

733 There is a pumping station in the neighborhood and the barn will help hide the view of
734 the pumping station. So this barn will not negatively affect the neighborhood. To be
735 consistent with the neighborhood, here are two photos that show the out buildings are
736 consistent with the other buildings on the neighboring lots. To put an attractive facility
737 there would blend in the others in the neighborhood. About 4 doors, a horse was kept
738 there by a former neighbor.

739

740 Mr. McKinney- Did they have the horse there legally?

741

742 Mr. Mays- I do not know. Until recently, this type of use has not been a
743 big issue. My appeal is that you would grant this variance so he could construct this
744 stable for his horse with the conviction that it will a complement to the neighborhood and
745 not a detriment. And Mr. Dameron would be relieved of traveling so far to exercise his
746 horse.

747
748 Mr. Nunnally- Mr. May you said that Mr. Damron is the owner of this
749 horse? He is the sole owner of the horse?
750
751 Mr. Mays- Yes.
752
753 Mr. Wright- Just one horse?
754
755 Mr. Kirkland- And that is all you ever plan to have there?
756
757 Mr. Mays- Yes.
758
759 Mr. Nunnally- So if we approve this, there may a condition that you can
760 only have one horse, are you agreeable to that? If it is approved?
761
762 Mr. Mays- Yes.
763
764 Mr. Kirkland- Any other questions?
765
766 Mr. McKinney- Do you have any other animals?
767
768 Mr. Damron- I have three dogs. Jack Russell Terriers, they stay in the
769 house.
770
771 Mr. McKinney- But you now you have a kennel, the code says you can have
772 three. . . and you have a fourth.
773
774 Mr. Mays- One of the concerns that staff had was the impact on the
775 neighbors by the horse. Probably that is not an issue, it is a beautiful horse. It stays
776 stabled most of the time.
777
778 Mr. Kirkland- Any other questions of Board Members? Any one else wish
779 to speak in opposition to this case? come on down sir. Would you state your name for
780 the record.
781
782 Mr. King- My name is Sandy King, we are neighbors that live next door
783 to the Damrons. We live on the side that the horse will be located. 4955 Scandia Road
784 is our address. We live on the right of them. I want to show you some pictures will I am
785 talking. The concerns that we have with this is that there house is on the top of the hill
786 and we are at the bottom of the hill. Since water flows downhill, we do not want the
787 waste from the barn to be in our yard or our well. We are concerned that we might end
788 up with contaminated water. The pumping house, located near the barn, is also where
789 a community well is located. My other concern is that our bedroom windows are located
790 about 75 feet from the proposed barn and am concerned about the smell and the bugs
791 that hang out in the barn. We feel that would be a problem to us. Another thing, many

792 houses in this community have acreage from 1 acre to several acres, to my knowledge I
793 do not know anyone who has barnyard animals. There are farms farther down the road,
794 that have larger parcels and they have cows and horses.

795
796 Mr. Nunnally- Mr. King, did you say how long you have been living here?

797
798 Mr. King- 25 years

799
800 Mr. Kirkland- Is this your well? You have a septic field out there also?

801
802 Mr. McKinney- Mr. Secretary, don't you also need to have something in
803 here to have four animals?

804
805 Mr. Blankinship- That is an interesting question. I am not sure what we would
806 do with that.

807
808 Mr. Kirkland- How many homes in the area does this pumping station
809 supply?

810
811 Mr. Blankinship- I have no idea.

812
813 Mr. Kirkland- Any other questions? Anyone else opposed to this case?
814 Now we will hear from the applicant.

815
816 Mr. Mays- Just a couple of thoughts. Trail horses are kept differently
817 than show horses. The specialized care that this class of horse requires is not readily
818 available. Mr. Damron is commuting to the horse, because it needs such special care.
819 Certainly manure smells, but if your stables are properly cleaned, the smell is not there.
820 I think that is a non-issue from my perspective from being around the barn. The
821 gentleman that is opposed to this request, his house is for sale.

822
823 Mr. Wright- This could adversely affect the sale of his house. It could
824 decrease the value of his property.

825
826 Mr. Mays- It could increase the appeal also.

827
828 Mr. Wright- Our code says that you have to have a 200 foot setback
829 from the property line. What is your hardship under the Code that would justify us
830 granting this variance?

831
832 Mr. Mays- The property is one acre and he cannot meet the distance
833 requirements.

834
835 Mr. Wright- That is why the Code is like this, you are not supposed to put
836 this type of thing on an acre lot. You can't put it on there and therefore you have to

837 have a variance demonstrate to this Board a hardship under the statute that is not a
838 personal hardship or convenience but a legal hardship. We need you to address that
839 issue.

840

841 Mr. Mays- From my lack of experience may deny me the property
842 answer, but my perspective is the hardship is that unless we have a variance we will not
843 be allowed to keep the horse on this property.

844

845 Mr. Wright- That is not a hardship under the Code. That is why the
846 Code was drafted this way is to protect the neighboring properties by requiring such a
847 use to be 200 feet from the property line.

848

849 Mr. Mays- Could you help with a hardship?

850

851 Mr. Blankinship- Part of the statutory language is a "hardship approaching
852 confiscation". Or something that would unreasonably restrict the use of the property,
853 the principal use of this lot is a single-family dwelling and is there any reason that he
854 cannot use this property as a single-family dwelling.

855

856 Mr. Mays- As you can see, other neighbors in the area have had the
857 privilege for their own comfort and what Mr. Damron is asking is for is not inconsistent
858 with what else is going on the neighborhood.

859

860 Mr. Wright- The testimony that we have is that no other barns are in the
861 neighborhood on one-acre lots. If they are, they have not come before this board. And
862 a lot of people do things that are illegal.

863

864 Mr. Nunnally- Mr. Damron, you say there is one near your house? How
865 close is it to your house?

866

867 Mr. Damron- It is about a quarter of mile from my property. It is four
868 neighbors away on the same side of the street

869

870 Mr. McKinney- On one acre?

871

872 Mr. Kirkland- Do they have horses?

873

874 Mr. Damron- Yes, they have two. Any they are across the street.

875

876 Mr. Kirkland- any other questions by Board Members? That concludes
877 the case.

878

879 Upon a motion by Mr. Nunnally, seconded by Mr. Wright, the Board of Zoning Appeals,
880 The Board **denied** this request, as it found from the evidence presented, that

881 authorizing this variance will be of substantial detriment to adjacent property and will
882 materially impair the purpose of the zoning regulations.

883
884 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
885 Negative: 0
886 Absent: 0
887

888 **A - 80-2000** **JOHN B. AND MARGARET E. SULLIVAN** request a variance from
889 Section 24-9 of Chapter 24 of the County Code to build a single-family
890 dwelling at 1550 Kimbrook Lane (Tax Parcel 149-A-82), zoned A-1,
891 Agricultural District (Varina). The public street frontage requirement is
892 not met. The applicant has 0 feet public street frontage, where the
893 Code requires 50 feet public street frontage. The applicant requests a
894 variance of 50 feet public street frontage.

895 **A - 81-2000** **JOHN B. AND MARGARET E. SULLIVAN** request a variance from
896 Section 24-9 of Chapter 24 of the County Code to build a single-family
897 dwelling at 1590 Kimbrook Lane (Tax Parcels 156-A-68, 69B (part) and
898 81 (part)), zoned A-1, Agricultural District (Varina). The public street
899 frontage requirement is not met. The applicant has 0 feet public street
900 frontage, where the Code requires 50 feet public street frontage. The
901 applicant requests a variance of 50 feet public street frontage.

902
903 **A - 82-2000** **JOHN B. AND MARGARET E. SULLIVAN** request a variance from
904 Section 24-9 of Chapter 24 of the County Code to build a single-family
905 dwelling at 1600 Kimbrook Lane (Tax Parcel 156-A-69B (part)), zoned
906 A-1, Agricultural District (Varina). The public street frontage
907 requirement is not met. The applicant has 0 feet public street frontage,
908 where the Code requires 50 feet public street frontage. The applicant
909 requests a variance of 50 feet public street frontage.

910
911 Mr. Kirkland - Anyone wish to speak on this case, please come forward.
912 The applicant? If you would sir, state your name.

913
914 Mr. Blankinship - Would you stand, please? Just where you are is just fine.
915 Do you swear that the testimony you are about to give is the truth, the whole truth, and
916 nothing but the truth, so help you God?

917
918 Mr. Kirkland- Have all the notices been turned according to County Code?
919 Yes we have them, state your case.

920

921 Mr. Felts- I am Everett A. Felts and I represent the Sullivans, the
922 applicants. These three cases are essentially the same. They are 3 parcels of land that
923 do not have public road frontage. They all front on Kimbrook Lane, which is a private
924 road. This is A-1 zoning, which requires 150 feet of lot width and frontage on a public
925 road. That is what we are asking a variance for. Kimbrook Lane accesses off of
926 Hanover Road and the entrance meets all the requirements for sight distance and
927 visibility for an intersection.

928
929 These parcels contain over an acre of land. And the plats we have presented are the
930 plats as they would be developed. They are all owned by the applicant. These
931 properties are the remaining portions of the land inherited from Mr. Sullivan's parents.
932 They have lived on this portion of property approximately 70 years.

933
934 The soil tests have been done and it has been determined a drain field can be located
935 on each lot. There is a road maintenance agreement for Kimbrook Lane. The bulk of
936 the work has been done by Mr. Sullivan. Here is a copy of the agreement, signed by all
937 the residents on Kimbrook Lane.

938
939 I would like to present some pictures showing the road in its present condition. Mr.
940 Sullivan owns this road, a 50 foot wide parcel of land. All new property owners will need
941 to sign this agreement.

942
943 The hardship here is that this is a private road and it would cost thousands of dollars to
944 improve the road to comply with county standards. This is impractical due to cost.

945
946 There are four conditions in the staff report that the applicants agree to if these
947 variances are granted. The road maintenance agreement is not very specific and that
948 will be addressed by the Sullivans.

949
950 We believe that these variances will not impact the surrounding property. The property
951 is residential in use and the proposed houses would be in keeping with the surrounding
952 uses in the area. I can answer any questions that you may have.

953
954 Mr. Kirkland- Any questions of board members?

955
956 Mr. Wright- Mr. Felts, I am not clear. To whom will these lots be sold?
957 Are there contracts on these lots now?

958
959 Mr. Felts- No sir. It will be possible be family members, but we can not
960 certify that to you.

961
962 Mr. Wright- Mr. Blankinship, do they have a subdivision problem here?

963
964 Mr. Blankinship- Well, they are combining parts of lots, and creating 3 parcels
965 from 3 parcels. So we do not consider this a resubdivision.

966
967 Mr. Felts- There will be no new lots created, we are just realigning lot
968 lines.
969
970 Mr. Kirkland- Any other questions? Lets hear from the opposition. And try
971 not to be repetitive. If you have a spokesman for the group that would be great.
972
973 Mr. Kirkland- Would you state your name for the record.
974
975 Ms. Wagner- Brenda Wagner and this is my husband Kenneth Wagner.
976 My family has owned land in this location for approximately 70 years. I am across the
977 road, I have four acres, my house is on 1 acre. I could say I want to divide my property
978 too, and that could put 10 houses on this narrow road. This road is so narrow, two cars
979 cannot pass. When it rains, we have places under water. We have helped maintain the
980 road. When we dug our well for our house, the neighbors had trouble with their well.
981 This is a concern of mine. If three more houses in this area are built, how will it affect all
982 of our wells? I don't think anyone of my neighbors wants to dig a new well so that the
983 additional houses can be built.
984
985 I know my land needed "help" to perk, and I have had trouble with my drain field since
986 the house was built. If someone is going to build a 1200 square foot house, they are
987 not going to have a lot of money to constantly deal with a poor drain field and help
988 maintain the road.
989
990 Mr. Nunnally- Isn't that road 50 feet wide?
991
992 Ms. Wagner- No sir. The gravel part of the road is only 10 feet wide.
993
994 Mr. Blankinship- The right of way is 50 feet but the gravel is only 10 feet wide.
995
996 Mr. Wright- Where do you live Ms. Wagner?
997
998 Ms. Wagner- Across the road from where the Sullivans use to live.
999
1000 Mr. Wright- Did you have to have a variance when you built your home?
1001
1002 Ms. Wagner- Yes I did. We needed to have all the neighbors sign the
1003 papers. I am concerned about additional houses on this road due to the poor drain
1004 fields and the wells being low.
1005
1006 Mr. Balfour- If the road were the correct width, you would develop your
1007 own land?
1008

1009 Ms. Wagner- Yes, the road needs to be wider, the soil needs to be better
1010 and the wells need more water. When the Sullivans lived on the road, they didn't want
1011 anyone building on the road. Mr. Sullivan told me that.
1012

1013 Mr. McKinney- We can put a condition on this that the road be widened and
1014 the wells be protected. To widen the road in the same surface it is in would not be that
1015 much.
1016

1017 Mr. Wright- What is the size of your lot?
1018

1019 Ms. Wagner- 4 acres.
1020

1021 Mr. Kirkland- Next speaker.
1022

1023 Mr. Leake- My name is Bill Leake. I live at 1620 Kimbrook which is just
1024 to the right of the highlighted area. We moved here in 1992, expecting to retire here.
1025 When we were looking for a house, the realtor insisted on meeting me and taking me to
1026 this site, I didn't know at the time that the realtor was the Sullivan's son. When I went to
1027 see the house, I noticed the site was secluded, the road was narrow, and investigated
1028 the surrounding area. We bought the house, became friends with the Sullivans. Many
1029 times he told me that no one would build on that road if he had anything to do with it.
1030

1031 Approximately 2 months ago, Mr. Sullivan was at the site with a builder and that he
1032 wanted to build some houses there. I have a say-so on the variance, not what he can
1033 do with his land. My house was cited incorrectly on the lot and the lot line had to be
1034 adjusted. I have a well problem, I am always running out of water. Putting more
1035 houses in here is not going to help the well problem. We maintain the road ourselves.
1036 More houses, more traffic, more maintenance.
1037

1038 Mr. Nunnally- If you put more houses back there you will have more help in
1039 maintaining the road.
1040

1041 Mr. McKinney- Do you have a bored well or a drilled well?
1042

1043 Mr. Leake- A bored well.
1044

1045 Mr. Kirkland- Did it go dry this summer?
1046

1047 Mr. Leake- No, It got cloudy but it did not go dry.
1048

1049 Mr. McKinney- Are there any drilled wells down there or are they all bored
1050 wells?
1051

1052 Mr. Leake- I don't know.
1053

1054 Mr. McKinney- I am thinking if a drilled well may not have an affect on your
1055 well.

1056
1057 Mr. Leake- When I found out the Sullivans were moving, I asked to buy
1058 the land beside me. I was told by Mr. Sullivan, that the land did not perk. It had been
1059 tested several times and failed each one. He wanted me to know that up front. Now it
1060 perks? We decided not to buy it because it did not perk, and therefore we were not
1061 concerned about a house being built there. It is a part of Henrico County that is private
1062 and I would appreciate y'als help in keeping it that way.

1063
1064 Joyce Leake- I am Joyce Leake, I am his wife. I am concerned about the
1065 road. I know that the Sullivans own the road and I am interested in what is going to
1066 happen to the road. If he is going to sell the properties what will he do with the road?
1067 Will he sell the road with the property, is he going to keep the road?

1068
1069 Ms. Redman- I am Sherri Redman. I live at 1646 Kimbrook Road at the
1070 very end of the road. I have lived on that dirt road all my life. We also have a problem
1071 with our well. And this didn't happen until the Sullivans son built the house that the
1072 Leake's bought. One additional house bothered our well, so additional houses could
1073 make it worse. We all worry about the road, the traffic and the condition of the road. I
1074 am opposed.

1075
1076 Mr. Kirkland- Any questions by Board Members of any of the last
1077 speakers? Mr. Felts do you want to rebut?

1078
1079 Mr. Felts- What we plan to do and we didn't say this is that we will
1080 condition on these parcels of land we will put in deep wells. As we all know, the wells
1081 can always be a problem on the land and the County does approve the location and
1082 condition of all the wells. As far as the road is concerned, what ever these people want
1083 to do with the road, The Sullivans are willing to deed the road over to them, give them
1084 permanent easements on the road or whatever. A more detailed road maintenance
1085 agreement can be developed.

1086
1087 Mr. McKinney- Is that a big hole in the right of the road on that picture?

1088
1089 Audience- Yes

1090
1091 Mr. Kirkland- Mr. Felts, is that the low spot where the trees hang over?

1092
1093 Mr. Felts- Yes. That section of the road does need some correcting

1094
1095 Mr. Wright- Are these proposed lots between Hanover Road and this
1096 point in the road or beyond that?

1097
1098 Mr. Felts- Between Hanover Road and this point.

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Mr. Wright- So they would not be affected by that.

Mr. Kirkland- Any board members have any questions? That concludes the case. Since it is after 10:00, Mr. Blankinship will you call for any deferrals or withdrawals for the 10:00 agenda.

Upon a motion by Mr. Nunnally, seconded by Mr. McKinney, the Board of Zoning Appeals **granted** your request for the above-referenced variance. The Board granted the variance subject to the following revised conditions:

1. The property shall be developed in substantial conformance with the plan filed with the application. No changes or additions to the layout may be made without the approval of the Board of Zoning Appeals.
2. If land disturbance will exceed 2,500 square feet the requirements of Chapter 10 of the County Code apply. At the time of building permit application, the applicant shall submit the necessary information to the Department of Public Works to ensure compliance with the requirements of the Chesapeake Bay Preservation Act and the code requirements for water quality standards.
3. Approval of this request does not imply that a building permit will be issued. Building permit approval is contingent on Health Department requirements, including, but not limited to, soil evaluation for a septic drainfield and reserve area, and approval of a well location.
4. The owners of the property, and their heirs or assigns, shall accept responsibility for maintaining access to the property until such a time as the access is improved to County standards and accepted into the County road system for maintenance.
5. Any new well on the property shall be a drilled well, not a bored well.
6. Before a certificate of occupancy is issued, Kimbrook Lane shall be widened to 30' of gravel over an appropriate base material.

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

Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
Negative:		0
Absent:		0

A - 86-2000 **MORENE SCHULTZ** requests a variance from Section 24-41(e) of Chapter 24 of the County Code to enclose a deck as a sunroom at

1144 1832 Fairwind Circle (Gayton Forest Townhouses) (Tax Parcel 78-14-
1145 L-2), zoned RTH, Residential Townhouse District (Tuckahoe). The rear
1146 yard setback is not met. The applicant has 21 feet rear yard setback,
1147 where the Code requires 30 feet rear yard setback. The applicant
1148 requests a variance of 9 feet rear yard setback.
1149

1150
1151 Mr. Kirkland- Is the applicant here for this case? Would you please come
1152 forward. Is anyone going to speak in opposition to this case?
1153

1154 Mr. Blankinship- Do you swear the testimony you are about to give is the
1155 truth, the whole truth, so help you God?
1156

1157 Ms. Schultz- I do.
1158

1159 Mr. Kirkland- Would you state your name for the record.
1160

1161 Ms. Schultz- I am Sallie Schultz, I am here representing my mother,
1162 Morene Schultz.
1163

1164 Mr. Kirkland- Have all adjacent and adjoining property owners been
1165 notified according to the County Code?
1166

1167 Ms. Schultz- I think you need copies of the original receipts.
1168

1169 Mr. Kirkland- Yes, thank you. Would you state your case.
1170

1171 Ms. Schultz- My mother is requesting a variance on a sun room that she
1172 wants to build on an existing deck. She wants to expand her square footage on the first
1173 floor. She is an elderly woman and has limited use of the second floor and wants to
1174 enjoy the outside and not being attacked by insects.
1175

1176 Mr. Kirkland- Any questions?
1177

1178 Mr. Wright- What is to the rear of this property?
1179

1180 Ms. Schultz- It is a common area.
1181

1182 Mr. Wright- Do you know how far it is from the proposed addition to the
1183 property line in the rear?
1184

1185 Ms. Schultz- There is a residential house beyond the common area, but
1186 you can not see it for the trees.
1187

1188 Mr. Balfour- What part of the lot are we looking at in this picture?

1189
1190 Ms. Schultz- That is the rear year and those are the woods.
1191
1192 Mr. Wright- Is that a berm behind the common area?
1193
1194 Ms. Schultz- yes.
1195
1196 Mr. Kirkland- Any other questions by the Board members? Anyone else
1197 wish to speak on this case? If not that concludes the case.
1198

1242
1243 Mr. Nunnally- You are not going to increase the size of the deck, you're just going
1244 enclose what you have?

1245
1246 Ms. Carlton- I want to screen in what I have and extend it 3 feet into the
1247 rear yard.

1248
1249 Mr. Wright- What room of your neighbors is on that side of the house
1250 where the porch is going to be?

1251
1252 Ms. Carlton- My neighbors kitchen. My neighbors have all signed the
1253 notices and none of them object.

1254
1255 Mr. Kirkland- Any other questions from Board Members? If not that
1256 concludes the case.

1257
1258 Upon a motion by Mr. McKinney, seconded by Mr. Wright, the Board of Zoning Appeals
1259 **granted** your request for the above-referenced variance. The Board granted the
1260 variance subject to the following conditions:

1261
1262 1. Only the improvements shown on the plan filed with the application may be
1263 constructed pursuant to this approval. Any additional improvements shall comply with
1264 the applicable regulations of the County Code.

1265
1266 The Board **granted** this request, as it found from the evidence presented, that
1267 authorizing this variance will not be of substantial detriment to adjacent property and will
1268 not materially impair the purpose of the zoning regulations.

1269
1270 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
1271 Negative: 0
1272 Absent: 0

1273

1274 **A - 89-2000 PHU V. NGUYEN** requests a variance from Section 24-94 of Chapter
1275 24 of the County Code to build an addition at 9852 Brookemoor Place
1276 (Tall Oaks) (Tax Parcel 41-13-A-23), zoned R-2AC, One-family
1277 Residence District (Conditional) (Brookland). The rear yard setback is
1278 not met. The applicant has 37 feet rear yard setback, where the Code
1279 requires 45 feet rear yard setback. The applicant requests a variance
1280 of 8 feet rear yard setback.

1281
1282 Mr. Kirkland- Is the applicant here for this case? Would you please come
1283 forward. Is anyone going to speak in opposition to this case?

1284
1285 Mr. Blankinship- Do you swear the testimony you are about to give is the
1286 truth, the whole truth, so help you God?

1287
1288 Mr. Nguyen- I do.
1289
1290 Mr. Kirkland- Would you state your name for the record.
1291
1292 Mr. Nguyen- Phu Nguyen.
1293
1294 Mr. Kirkland- Have all your notices been turned according to the County
1295 Code? Yes, we have them. State your case.
1296
1297 Mr. Nguyen- When I applied to do the work in the back of my house, I
1298 misunderstood the hardship. I would like to expand my house. When we lived in
1299 Pennsylvania, we had a basement that we stored our exercised equipment in. In this
1300 house we don't have that room and I would like to expand the house to accommodate
1301 this equipment. I have my family and 2 nephews from Vietnam so we have a total of 7
1302 people living in the house and I need the extra room. My wife has been diagnosed with
1303 high blood pressure and has been told she needs to exercise. She will not exercise
1304 outside of the house and that is why we have the exercise equipment.
1305
1306 In the new addition, I want to create a bedroom and bath for my son, and an exercise
1307 room for my family.
1308
1309 Mr. Wright- Mr. Nguyen, what is directly behind your house?
1310
1311 Mr. Nguyen- The rear of our property is adjacent to the townhouses and
1312 my yard is fenced because I have 3 dogs.
1313
1314 Mr. Kirkland- Is this going to be a 2-story addition?
1315
1316 Mr. Nguyen- Just a 1-story addition. Any we already have a deck, and my
1317 deck right now is on the left side of my house. My dogs jump on the deck and bark at
1318 the neighbors. So I am going to build the addition there and move the deck to the right
1319 side of my house.
1320
1321 Mr. Kirkland- And your property is fenced in all the way around?
1322
1323 Mr. Nguyen- Yes sir.
1324
1325 Mr. Kirkland- Any other questions by the Board Members? If not that
1326 concludes the case. Thank you.
1327
1328 Upon a motion by Mr. McKinney, seconded by Mr. Wright, the Board of Zoning Appeals
1329 **granted** your request for the above-referenced variance. The Board granted the
1330 variance subject to the following conditions:
1331

1332 1. Only the improvements shown on the plan filed with the application may be
1333 constructed pursuant to this approval. Any additional improvements shall comply with
1334 the applicable regulations of the County Code.
1335

1336 The Board **granted** this request, as it found from the evidence presented, that
1337 authorizing this variance will not be of substantial detriment to adjacent property and will
1338 not materially impair the purpose of the zoning regulations.
1339

1340	Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5	
1341	Negative:			0
1342	Absent:			0
1343				

1344 **A - 90-2000 WILLIAM RAY LEWIS, III AND EVA DAY LEWIS** request a variance
1345 from Section 24-94 of Chapter 24 of the County Code to build a single-
1346 family dwelling at 5816 Bethlehem Road (Tax Parcel 93-A-4B (part)),
1347 zoned R-2, One-family Residence District (Brookland). The lot width
1348 requirement is not met. The applicant has 60 feet lot width, where the
1349 Code requires 100 feet lot width. The applicant requests a variance of
1350 40 feet lot width.
1351

1352 Mr. Kirkland- Is the applicant here for this case? Would you please come
1353 forward. Is anyone going to speak in opposition to this case?
1354

1355 Mr. Blankinship- Do you swear the testimony you are about to give is the
1356 truth, the whole truth, so help you God?
1357

1358 Mr. Lewis- I do.
1359

1360 Mr. Kirkland- Would you state your name for the record.
1361

1362 Mr. Lewis- William Ray Lewis, III.
1363

1364 Mr. Kirkland- Have all your notices been turned according to the County
1365 Code? Yes, we have them. State your case.
1366

1367 Mr. Lewis- The lot width requirement of 100 feet is not met at the front
1368 yard setback. The lot is 60 feet wide. Farther on back the lot is much wider and that
1369 front piece of property will only be used as our driveway. All of our soil tests have been
1370 approved.
1371

1372 Mr. Kirkland- The house that is being built on that property, did they
1373 connect to water and sewer?
1374

1375 Mr. Lewis- They have their own sewer, but they are connected to water.

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Mr. Kirkland- Is that a relative of your family?

Mr. Lewis- Yes.

Mr. Kirkland- Any other questions by Board Members? If not that concludes the case.

Upon a motion by Mr. McKinney, seconded by Mr. Wright, the Board of Zoning Appeals **granted** your request for the above-referenced variance. The Board granted the variance subject to the following conditions:

1. Only a dwelling, as shown on the plan filed with the application, may be constructed pursuant to this approval. Any additional improvements shall comply with the applicable regulations of the County Code.

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

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

4. Connection shall be made to public water.

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

1408
 1409 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
 1410 Negative: 0
 1411 Absent: 0
 1412

1413 **UP- 29-2000 NORTHSTAR ACADEMY** requests a temporary conditional use permit
 1414 pursuant to Section 24-116(c)(1) of Chapter 24 of the County Code to
 1415 place a temporary classroom trailer at 8055 Shrader Road (Tax Parcel
 1416 60-A-19), zoned B-2, Business District (Brookland).
 1417

1418 Mr. Kirkland- Is the applicant here for this case? Would you please come
 1419 forward. Is anyone going to speak in opposition to this case?
 1420

1421 Mr. Blankinship- Do you swear the testimony you are about to give is the
 1422 truth, the whole truth, so help you God?
 1423

1424 Ms. David- I do.
 1425

1426 Mr. Kirkland- Would you state your name for the record.
 1427

1428 Ms. David- Candice David, I am the director of Northstar Academy
 1429

1430 Mr. Kirkland- Have all your notices been turned according to the County
 1431 Code? Yes, we have them. State your case.
 1432

1433 Ms. David- We are requesting at this time to be able to put a temporary
 1434 trailer on the back of the property. We are at 8055 Shrader Road. We are licensed as
 1435 a special education school for children with learning challenges. Our population of
 1436 students has been diagnosed as having broad learning disabilities, attention deficit
 1437 disorder, and autism and other neurological disorders that makes learning in traditional
 1438 schools difficult or almost impossible.
 1439

1440 We are not a day treatment center and we do not take children with severe behavioral
 1441 difficulties. We are now beginning our 5th year of operation. Our brief history is
 1442 amazing. We began 4 years ago with only 14 students in a church on Horsepen Road.
 1443 After outgrowing that space with 28 students, we moved another church in the area.
 1444 Within one year, we outgrew the space and purchased the property on Shrader Road.
 1445 The parents have transformed the building into classrooms and the school with grades
 1446 1 through 11 and a population of 75 students. We never expected such growth.
 1447

1448 We have students from all surrounding counties and parents transport their students
 1449 from as far away as Charlottesville, VA. Modular classrooms are a necessity for us.
 1450 Our class size is no more than 8 students per teacher. We are building a multi-purpose
 1451 building as this time however it has not been started. The completion date is expected

1452 before the end of February. Realizing these units are only temporary, we are exploring
1453 the possibility for expansion by moving our middle and upper school to a different
1454 location. And keeping the present building for the lower school.

1455
1456 The modular classrooms will be located at the rear of the property facing the back of our
1457 building. Only the older students will be using these facilities. We have notified all
1458 surrounding properties of the plans and have not received any negative comments from
1459 our neighbors. We need the classrooms in order for us to provide enough space for our
1460 students this September.

1461
1462 Mr. Wright- Have you read the conditions that have been suggested for
1463 this case?

1464
1465 Ms. David- Yes. The only condition that we are not in accord with is the
1466 sewage hookup. The modular classroom does not have a bathroom

1467
1468 Mr. Wright- What provisions will be made for those students who use a
1469 facilities?

1470
1471 Ms. David- If you look at the drawing of the site, the bathrooms are
1472 located in the rear of the existing building. The students will enter through an old
1473 loading dock.

1474
1475 Mr. Wright- What is that trailer?

1476
1477 Ms. David- That trailer was left over from the previous owners and it is
1478 currently being used for storage.

1479
1480 Mr. Wright- How many students will be using this modular building?

1481
1482 Ms. David- 16 student, 2 classrooms.

1483
1484 Mr. Wright- So you are asking that remove the no. 2 condition
1485 concerning the sanitation facilities. And you notice there is a limit as to how long the
1486 unit can be there, it must be removed by September 1, 2002.

1487
1488 Mr. Kirkland- This has a handi-cap ramp and everything?

1489
1490 Ms. David- Yes.
1491 Mr. McKinney- Are these bathrooms outside?

1492
1493 Ms. David- No sir, these are the bathrooms from when the building was
1494 a restaurant.

1495

1496 Mr. McKinney- Mr. Blankinship, is there anything in the code that allows
1497 these students to go out of one building into another?
1498

1499 Mr. Blankinship- That will be a Social Services or Building Inspection issue.
1500

1501 Mr. McKinney- I know in certain public buildings, you must a restroom
1502 facilities every so many feet. I am concerned about the safety of the children, if it is icy
1503 how will they get to and from the buildings safely?
1504

1505 Ms. David- If it rains and freezes, we will not be open.
1506

1507 Mr. McKinney- What happens if it rains and freezes while school is in
1508 session?
1509

1510 Ms. David- Then we wouldn't have them go out to the trailer, they would
1511 stay in the main building.
1512

1513 Mr. McKinney- I thought you wanted to use these units for classrooms and if
1514 during the school hours incimate weather occurs, what are you going to about the
1515 students going to and from the units?
1516

1517 Ms. David- They can have their class in their library. We also have
1518 plenty of salt to deal with the walkways.
1519

1520 Mr. Kirkland- Any other questions by the Board Members? Anyone else to
1521 wish to speak on this case? If not that concludes the case. Thank you.
1522

1523 Upon a motion by Mr. McKinney, seconded by Mr. Nunnally, the Board of Zoning
1524 Appeals **granted** your request for the above-referenced temporary use permit. The
1525 Board granted the request subject to the following conditions:
1526

- 1527 1. The property shall be developed in substantial conformance with the plan filed with
1528 the application. No changes or additions to the layout may be made without the
1529 approval of the Board of Zoning Appeals.
1530
- 1531 2. If necessary, the trailer shall be connected to sanitation facilities approved by the
1532 Health Department.
1533
- 1534 3. The trailers shall be removed from the property on or before September 1, 2002.
1535
- 1536 4. This temporary conditional use permit is not transferable.
1537
- 1538 5. The trailer shall comply with all applicable regulations of the Uniform Statewide
1539 Building Code.
1540

1584 There are 2 houses behind him and they are screened by the tree line in the rear yard.
1585 I would be the builder, it will have a A-roof and brick piers which would blend with the
1586 other houses in the area. The main hardship is that he has the smallest lot in the area
1587 and he wants to enjoy his yard by sitting on the screen porch.
1588

1589 Mr. Wright- We have a picture on the screen, the deck that is there
1590 would be removed, and the screen porch would be in place of that with an additional 8
1591 feet. That would put it closer to the tree line. Do you know how far the house behind
1592 him is from the property line?
1593

1594 Mr. Leffingwell- 60 feet.
1595

1596 Mr. Wright- It looks like due to the layout of the street behind him,
1597 Wintercreek Drive, the houses are set a little closer to the street which provides a larger
1598 rear yard. That helps with the separation. Because the house is on a cul-de-sac street,
1599 does that make the house sit farther back on the lot than normal?
1600

1601 Mr. Leffingwell- The lot is smaller than most in the neighborhood, but it is
1602 centered on the lot.
1603

1604 Mr. Kirkland- What Mr. Wright is saying is that due to the encroachment of
1605 the cul-de-sac street in to the lot, the house sits farther back that it normally would.
1606

1607 Mr. Wright- If you had had a straight line across the front, the house
1608 would sit closer to the street.
1609

1610 Mr. Leffingwell- He considered putting the porch somewhere else on the lot,
1611 but the interior floor plan only works with this location.
1612

1613 Mr. Wright- It's a single story addition?
1614

1615 Mr. Leffingwell- Yes.
1616

1617 Mr. Kirkland- Any other questions by Board Members? Anyone else wish
1618 to speak on this case? If not that concludes the case.
1619

1620 Mr. Wright- Where will the access to the screen porch be?
1621

1622 Mr. Leffingwell- There will be a screen door entering off the deck.
1623

1624 Mr. Kirkland- Any other questions? That concludes the case.
1625

1626 Upon a motion by Mr. Wright, seconded by Mr. Nunnally, the Board of Zoning Appeals
1627 **granted** your request for the above-referenced variance. The Board granted the request
1628 subject to the following conditions:
1629

1630 1. The property shall be developed in substantial conformance with the plan filed with
1631 the application. No changes or additions to the layout may be made without the
1632 approval of the Board of Zoning Appeals.

1633
1634 The Board **granted** this request, as it found from the evidence presented, that
1635 authorizing this variance will not be of substantial detriment to adjacent property and will
1636 not materially impair the purpose of the zoning regulations.

1637
1638 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
1639 Negative: 0
1640 Absent: 0

1641
1642 **A - 92-2000** **WILLIS L. BARNETT** requests a variance from Section 24-30.1(a) of
1643 Chapter 24 of the County Code to build an addition at 5430 Barleycorn
1644 Drive (Village of Azalea) (Tax Parcel 84-4-A-33), zoned R-5, General
1645 Residence District (Fairfield). The rear yard setback is not met. The
1646 applicant has 24 feet rear yard setback, where the Code requires 35
1647 feet rear yard setback. The applicant requests a variance of 11 feet
1648 rear yard setback.

1649
1650 Mr. Kirkland- Is the applicant here for this case? Would you please come
1651 forward. Is anyone going to speak in opposition to this case?

1652
1653 Mr. Blankinship- Do you swear the testimony you are about to give is the
1654 truth, the whole truth, so help you God?

1655
1656 Mr. Barnett- I do.

1657
1658 Mr. Kirkland- Would you state your name for the record.

1659
1660 Mr. Barnett- Willis L. Barnett,

1661
1662 Mr. Kirkland- Have all your notices been turned according to the County
1663 Code? Yes, you have them. Thank you . State your case.

1664
1665 Mr. Wright- This receipt is dating August 22, 2000, that does not comply
1666 with the requirements of notification.

1667
1668 Mr. Kirkland - The notification needs to be 5 days prior to the case.

1669
1670 Mr. Barnett I had talked to all my neighbors before that time.

1671
1672 Mr. Kirkland- We need the official notice to be done 5 days prior to the
1673 meeting. So if you don't have any objection, we can defer your case to next month. We
1674 can't hear it because you did not do a legal notice.

1675
1676 Upon a motion by Mr. McKinney, seconded by Mr. Balfour, the Board of Zoning Appeals
1677 **deferred** your request for the above-referenced variance to the September 28, 2000
1678 meeting. The applicant failed to satisfy the notification requirements.
1679

1680
1681 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
1682 Negative: 0
1683 Absent: 0
1684

1685 Upon a motion Mr. Wright, seconded by Mr. Kirkland, the minutes April 27, 2000 were
1686 approved as corrected.

1687 Election of Officers, 2000-2001:

1688 1. Chairman Mr. Richard Kirkland, motion by Mr. McKinney, seconded by
1689 Mr. Wright

1690
1691 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
1692 Negative: 0
1693 Absent: 0
1694

1695

1695 2. Vice Chairman Mr. Daniel Balfour, motion by Mr.
1696 McKinney, seconded
1697 by Mr. Wright

1698
1699 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
1700 Negative: 0
1701 Absent: 0

1702 Approval of 2001 Calendar

1703 1. September 20 (third Thursday)

1704 2. October 18 (third Thursday)

1705 3. November 15 (third Thursday)

1706 4. December 13 (second Thursday)

1707
1708 Upon a motion by Mr. Nunnally, seconded by Mr. Wright, the calendar and the changed
1709 dates were approved.

1710
1711 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
1712 Negative: 0
1713 Absent: 0

1714
1715 There being no further business, and on a motion by Mr. Kirkland, seconded by
1716 Mr. Nunnally, the Board adjourned until September 28, 2000, at 9:00 am.

1717
1718 All of the aforementioned decisions have been filed in the office of the Board of
1719 Zoning Appeals as of August 28, 2000.

1720
1721

1722 Richard Kirkland,

1723 Chairman

1724

1725 Benjamin Blankinship, AICP

1726 Secretary

1727