

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY**
3 **ADMINISTRATION BUILDING IN THE GOVERNMENT CENTER AT PARHAM**
4 **AND HUNGARY SPRING ROADS, ON THURSDAY, AUGUST 28, 2014 AT**
5 **9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
6 **DISPATCH AUGUST 11, 2014, AND AUGUST 18, 2014.**
7

Members Present: R. A. Wright, Chairman
Greg Baka
Gentry Bell
Helen E. Harris

Member Absent James W. Nunnally

Also Present: Benjamin Blankinship, Secretary
Paul Gidley, County Planner
R. Miguel Madrigal, County Planner

8
9
10 Mr. Wright - Welcome to the August meeting of the Henrico
11 County Board of Zoning Appeals. I ask you all to please stand and join me in
12 pledging allegiance to the flag of our country. Thank you.
13

14 Mr. Blankinship, please read our rules.

15
16 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
17 ladies and gentlemen, the rules for this meeting are as follows: Acting as
18 secretary, I will call each case, and as I'm speaking, the applicant should come
19 on down to the podium. We will then ask everyone who intends to speak to that
20 case to stand and be sworn in. Then the applicant will present their case. Then
21 anyone else who wishes to speak will be given the opportunity. After everyone
22 has had a chance to speak, the applicant and only the applicant will have an
23 opportunity for rebuttal. After the Board has heard all the comments and asked
24 any questions, they will take that matter under advisement and proceed to the
25 next case. They will render all of their decisions at the end of the meeting. So if
26 you wish to hear their decision on a specific case, you can either stay until the
27 end of the meeting, or you can check the Planning Department website—we
28 update it about an hour after the meeting ends—or you can call the Planning
29 Department this afternoon.
30

31 This meeting is being recorded, so we'll ask everyone who speaks to speak
32 directly into the microphone on the podium, state your name, and please spell
33 your last name to make sure we get it correct in the record.
34

35 And finally, out in the foyer there is a binder containing the staff report for each
36 case, including the conditions that have been recommended by the staff. It's

37 particularly important the applicants be familiar with those conditions. A copy
38 should also have been mailed to you.

39
40 Finally, Mr. Chairman, we note that Mr. Nunnally is absent this morning, which
41 means that there will only be four votes cast. The Code of Virginia requires three
42 affirmative votes to approve any variance or conditional use permit. So if you
43 would like to have your case carried over to next month in the hopes that we'll
44 have a full five-member board, you have the right to request that as well.

45
46 Mr. Wright - Does anyone here desire to have their case deferred
47 to next month? You have that privilege. If you do, will you please come forward
48 now and we'll take care of that. It appears that everyone is satisfied to proceed.
49 Please call the first case.

50
51 **CUP2014-00024 ELNA M. JOHNSON** requests a conditional use
52 permit pursuant to Section 24-12(g) of the County Code to operate a 24-hour
53 family day home at 8413 Hood Drive (WILDWOOD) (Parcel 789-758-7802)
54 zoned One-Family Residence District (R-2A) (Fairfield).

55
56 Mr. Wright - All persons desiring to speak with reference to this
57 case, please stand and be sworn whether you are for or against.

58
59 Mr. Blankinship - Would you raise your right hand? Do you swear the
60 testimony you're about to give is the truth, the whole truth and nothing but the
61 truth so help you God?

62
63 Ms. Johnson - I do.

64
65 Mr. Blankinship - Thank you.

66
67 Mr. Wright - Please state your name and then present your case.

68
69 Ms. Johnson - Elna Johnson—J-o-h-n-s-o-n. I have been running a
70 24/7 daycare since November 2001. Well, I moved in 2001. I started in 2002.
71 There have been no problems. I have a large property. Nothing is parked on the
72 street. I get along fine with my neighbors. And I asked them if they have any
73 questions to please call me or any complaints to please call me.

74
75 Mr. Wright - How many children have you had in your care?

76
77 Ms. Johnson - What do you mean, total or right now?

78
79 Mr. Wright - Right now.

80
81 Ms. Johnson - Eight. I have a family of six and a family of two that
82 come at night.

83
84 Mr. Wright - And you've been operating—
85
86 Ms. Johnson - Since 2002.
87
88 Mr. Wright - Overnight?
89
90 Ms. Johnson - Overnight. From 4:30 p.m. to 7:30 a.m. with the family
91 of six and 8 p.m. to 7:30 a.m. with the family of two.
92
93 Mr. Wright - But you have no outside employees at this point.
94
95 Ms. Johnson - At this point no.
96
97 Mr. Wright - So what is it that you desire to do? Do you desire to
98 have an outside employee to come in?
99
100 Ms. Johnson - Well, I'm getting older, so I might need it sometime
101 later.
102
103 Mr. Wright - And you want to extend your operation beyond 6 p.m.
104
105 Ms. Johnson - Yes.
106
107 Mr. Wright - With up to how many children?
108
109 Ms. Johnson - Up to twelve.
110
111 Mr. Wright - Twelve children.
112
113 Ms. Johnson - Up to the license, yes.
114
115 Mr. Wright - Have you read the conditions proposed for this case?
116
117 Ms. Johnson - Yes. And I called in. They had something that was not
118 working for me. They said until Friday morning. I need until Saturday morning
119 because they come in Friday night.
120
121 Mr. Blankinship - That was my mistake, Mr. Chairman. In the middle of
122 the sentence on Condition #1, that should read Sunday afternoon through
123 Saturday morning. It's correct in the report and it's correct on the application
124 form. I just put the wrong date on the report's conditions.
125
126 Mr. Wright - To Saturday morning.
127
128 Mr. Blankinship - Yes sir.

129
130 Mr. Wright - Okay. All right. Any questions from members of the
131 Board?
132
133 Ms. Harris - Yes. Ms. Johnson, do you have children during the
134 day as well as during the night?
135
136 Ms. Johnson - Okay. The family of six, she just started Tuesday.
137 She's taking a class on Tuesday and Thursday, and I would have them from
138 10:30 a.m. to 2:30 p.m. Then they leave and come back at 4:30 p.m.
139
140 Ms. Harris - They are in school?
141
142 Ms. Johnson - No, she's in school, the mother.
143
144 Ms. Harris - Okay. How many employees do you have working
145 now?
146
147 Ms. Johnson - None.
148
149 Ms. Harris - None. Except you.
150
151 Ms. Johnson - Except me.
152
153 Ms. Harris - Okay. Do you have a waiting list for your daycare
154 business?
155
156 Ms. Johnson - No. No, I don't keep one.
157
158 Ms. Harris - Okay. I did drive by your neighborhood. I had a
159 question about the play equipment. There is a lot of it in one part of the yard.
160 What about the other part? Do the kids come out there?
161
162 Ms. Johnson - I have it set up for toddlers and babies. You can see
163 right here that's toddlers and babies. And on the back it's school-age children.
164 And they are supervised wherever they are.
165
166 Ms. Harris - Okay. What are the ages of your children?
167
168 Ms. Johnson - Sixteen months to almost nine.
169
170 Ms. Harris - Those were my questions.
171
172 Mr. Wright - Any further questions from members of the Board?
173

174 Mr. Baka - Just one question. On Hood Drive or Ironington Road,
175 do you have any comments or complaints about cars backing up or traffic
176 backing up when families drop off?

177
178 Ms. Johnson - No. I have an in-and-out driveway from Hood and
179 Ironington. So I make sure everyone parks in the driveway.

180
181 Mr. Baka - That dual access makes it look more accessible.

182
183 Ms. Johnson - Yes.

184
185 Mr. Baka - Thanks.

186
187 Ms. Johnson - I have a letter from one parent, if you want it.

188
189 Ms. Harris - Yes, I'd like to hear it. I thought you were going to
190 read it.

191
192 Ms. Johnson - Oh.

193
194 Mr. Wright - You could read it.

195
196 Ms. Johnson - You want me to read it?

197
198 Ms. Harris - Yes.

199
200 Ms. Johnson - Okay.

201
202 To whom it may concern:

203
204 My name is Daveice Carter-Tan, and I currently receive childcare
205 through Starlight Childcare where Ms. Johnson, is the childcare
206 provider.

207
208 Ms. Johnson's facility is essential to my everyday routine. I have
209 worked 3rd shift for fifteen years, and before bringing my children to
210 Ms. Johnson, I was leaving my two children with family or friends
211 that could keep them nightly.

212
213 Ms. Johnson and Starlight Childcare has given me a stable
214 environment for my children to rest at night as well as peace of
215 mind knowing that she is available when needed.

216
217 In closing, Starlight Childcare has not only helped me, but my
218 children enjoy the facility and love sleeping in a comfortable bed
219 each night that they are away from home.

220
221 Mr. Wright - Anything else, Ms. Johnson, you desire to say?
222
223 Ms. Johnson - Other than maybe being able to hire someone later in
224 the year. Other than that, no.
225
226 Mr. Wright - If we approve this, that would give her that.
227
228 Mr. Blankinship - Would you like to add that?
229
230 Ms. Johnson - Yes.
231
232 Mr. Blankinship - Because she didn't request it—
233
234 Mr. Wright - Oh, I see.
235
236 Ms. Johnson - No I didn't request it, but they said I would have to
237 come back if ever changed my mind.
238
239 Mr. Blankinship - I'll just add a couple of words to Condition #1.
240
241 Mr. Wright - That will be added in the conditions that you can
242 employ—what, one person?
243
244 Ms. Johnson - Yes, one would be enough.
245
246 Mr. Blankinship - One employee? Okay. I'll do that, and in the letter you
247 received.
248
249 Ms. Johnson - Okay.
250
251 Mr. Wright - Anyone here in opposition to this request? Hearing
252 none, that concludes the case. Thank you very much for appearing.
253
254 Ms. Johnson - Thank you.
255
256 **[After the conclusion of the public hearings, the Board discussed the case**
257 **and made its decision. This portion of the transcript is included here for**
258 **convenience of reference.]**
259
260 Mr. Wright - Do I hear a motion on this case?
261
262 Ms. Harris - Yes. I move that CUP2014-00024 be approved. I feel
263 that this family daycare business could be expanded and would accommodate
264 families who need that service at night. And she seemed to be in compliance with

265 all that is required. So I feel that it does not adversely affect the health, safety, or
266 welfare of all those involved.

267
268 Mr. Baka - Would you like that Saturday?

269
270 Mr. Wright - The conditions were changed.

271
272 Ms. Harris - Yes. We did make a—

273
274 Mr. Wright - We need to mention that condition #1, it should be
275 Sunday afternoon through Saturday morning, rather than Friday.

276
277 Ms. Harris - Yes. It may employ an employee outside of the home
278 was the condition that was added.

279
280 Mr. Wright - And you did have a condition about the number of
281 employees?

282
283 Mr. Blankinship - Yes sir, I will make a note of that.

284
285 Mr. Wright - Are you in accord with that, Ms. Harris?

286
287 Ms. Harris - Yes I am.

288
289 Mr. Wright - Okay. A motion has been made. Is there a second?

290
291 Mr. Bell - Second.

292
293 Mr. Wright - Seconded. Is there any discussion on this case?
294 Hearing none, all in favor say aye. All opposed say no. The ayes have it; the
295 motion passes.

296
297 After an advertised public hearing and on a motion by Ms. Harris, seconded by
298 Mr. Bell, the Board **approved** application, **CUP2014-00024, ELNA M.**
299 **JOHNSON's** request for a conditional use permit pursuant to Section 24-12(g) of
300 the County Code to operate a 24-hour family day home at 8413 Hood Drive
301 (WILDWOOD) (Parcel 789-758-7802) zoned One-Family Residence District (R-
302 2A) (Fairfield). The Board approved the use permit subject to the following
303 conditions:

304
305 1. [Amended] This conditional use permit applies only to the 24-hour operation
306 of a family day home, Sunday afternoon through Saturday morning, for up to 12
307 children, with one employee from outside the home. All other applicable
308 regulations of the County Code shall remain in force.

309

310 2. There shall be no more than one sign, not exceeding one square foot in area,
311 advertising the family day home. The sign shall not be illuminated.

312

313

314 Affirmative: Baka, Bell, Harris, Wright 4

315 Negative: 0

316 Absent: Nunnally 1

317

318

319 **[At this point, the transcript continues with the public hearing on the next**
320 **case.]**

321

322 **CUP2014-00025 JACQUELINE F. HOLLOWAY** requests a conditional
323 use permit pursuant to Section 24-95(i)(4) of the County Code to build a
324 detached garage in the side yard at 11074 Opaca Lane (Parcel 749-773-2325)
325 zoned Agricultural District (A-1) (Three Chopt).

326

327 Mr. Wright - All persons desiring to speak with reference to this
328 case, please stand and be sworn, whether you're for or against.

329

330 Mr. Blankinship - Will you raise your right hand, please? Do you swear
331 the testimony you're about to give is the truth, the whole truth and nothing but the
332 truth so help you God?

333

334 Ms. Holloway - I do.

335

336 Mr. Wright - Please state your name for the record and present
337 your case.

338

339 Ms. Holloway - Good morning, Mr. Chairman, committee members,
340 and guests. My name is Jacqueline F. Holloway, spelled H-o-l-l-o-w-a-y. I own
341 and live at the 11074 Opaca Lane property. I appreciate very much the
342 opportunity to present my case for consideration.

343

344 First, I'm appealing to you to permit use of my side yard to build a two-car
345 detached garage 22 feet by 30 feet. The garage will be located off the side of my
346 existing home with about a nine-foot overlap. The majority of the structure is to
347 the backyard. We currently have a two-car garage, but due to the recent
348 acquisition of my father's antique truck, my husband's recent retirement, the
349 truck, the woodworking tools, and our dog are taking up space in our existing
350 garage.

351

352 The new garage would be used for two cars. The upstairs would be a hobby area
353 for sewing and reupholstering projects and Christmas decoration storage. There
354 will be a three-quarter bath with access to a pool as we do not have any bath

355 accommodations nearby. The proposed garage should be accessible to the
356 existing garage so we can enter and exit easily into the home.

357
358 In order to accommodate this arrangement, we will need to use a portion of our
359 side yard. My father lives next door to me at 11088 Opaca Lane. The side of the
360 proposed garage will be somewhat visible to his property through the trees. The
361 only other visual would be the front of the garage seen from Opaca Lane down a
362 200-foot driveway with no homes directly in front. The garage construction will be
363 as my home, custom built by the same builder, stick construction with matching
364 brick foundation and HardiPlank siding. It will be built with the necessary fire
365 construction to code. We have exactly thirty-five feet from the side of our yard to
366 my father's property.

367
368 My second request would be to allow a three-foot setback on the side bordering
369 my father's property instead of the five feet. We are aware that the current
370 requirements are ten feet from the existing home and five feet from property
371 lines.

372
373 Thank you very much for taking my request under consideration.

374
375 Mr. Wright - Mr. Blankinship, is the request of the three feet
376 included in this?

377
378 Mr. Blankinship - Just to clarify that, the Zoning Ordinance requires a
379 three-foot setback.

380
381 Mr. Wright - Yes.

382
383 Mr. Blankinship - The Building Code requires that any building within
384 five feet of your property line be fire rated on that side. So you could put it there
385 at three feet, it just has to be fire rated.

386
387 Mr. Baka - But it's not the purview of this Board to decide that
388 three, correct?

389
390 Mr. Blankinship - Yes. Three is what she's intending to build.

391
392 Mr. Baka - By right.

393
394 Mr. Blankinship - —and three is what the code requires.

395
396 Mr. Wright - So we are all right on that point.

397
398 Mr. Blankinship - Yes sir.

399
400 Mr. Wright - All right. Have you read the conditions, Ms. Holloway?

401
402 Ms. Holloway - Yes sir, I have.
403
404 Mr. Wright - Are you in accord with the conditions proposed?
405
406 Ms. Holloway - Yes sir.
407
408 Mr. Wright - All right.
409
410 Mr. Gidley - [Off microphone.] This will be 10 feet from the house,
411 ma'am?
412
413 Ms. Holloway - Pardon?
414
415 Mr. Gidley - [Off microphone.] It's going to be ten feet from the
416 house?
417
418 Ms. Holloway - Yes.
419
420 Mr. Wright - That's what is stated in the case. Now this is back off
421 of Opaca Lane about 200 feet I believe. Is that correct?
422
423 Ms. Holloway - That's correct.
424
425 Mr. Wright - Is the lot very wooded?
426
427 Ms. Holloway - It's all pretty wooded.
428
429 Mr. Wright - So from the rear of your garage to the—I believe
430 there's a subdivision behind your property.
431
432 Ms. Holloway - Yes. It's all woods.
433
434 Mr. Wright - I went out and looked at it and I saw all the trees out
435 there. Is there much traffic down Opaca Lane?
436
437 Ms. Holloway - Due to Martin's Ridge—we used to have a very, very
438 quiet neighborhood, but Martin's Ridge has changed things for us.
439
440 Mr. Wright - It didn't used to be paved, did it, Opaca Lane? Wasn't
441 it just gravel for years?
442
443 Ms. Holloway - My dad used to maintain Holly Lane before it was
444 taken into the system.
445
446 Mr. Wright - Any questions from members of the Board?

447

448 Mr. Baka - Yes. The only question I have is sometimes this
449 Board has asked questions on a garage like this, a concern about if ever a
450 second kitchen were going to go into the property in the future. So you have no
451 plans for a second kitchen.

452

453 Ms. Holloway - Absolutely not.

454

455 Mr. Baka - That's fine. Thanks.

456

457 Ms. Holloway - We have a third floor in our home actually now that
458 could be converted to additional living space. But no.

459

460 Mr. Baka - Thank you.

461

462 Mr. Wright - Is anyone here in opposition to this request? Hearing
463 none, that concludes the case. Thank you very much for appearing.

464

465 Ms. Holloway - Thank you.

466

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

470

471 Mr. Wright - Do I hear a motion on this case?

472

473 Mr. Bell - I move that we approve the case because I don't see
474 where it will adversely affect the health, safety, or welfare of the community.

475

476 Mr. Wright - Is there a second?

477

478 Mr. Baka - Second.

479

480 Mr. Wright - Seconded. Is there any discussion? Hearing none, all
481 in favor say aye. All opposed say no. The ayes have it; the motion passes.

482

483 After an advertised public hearing and on a motion by Mr. Bell, seconded by
484 Mr. Baka, the Board **approved** application, **CUP2014-00025, JACQUELINE F.**
485 **HOLLOWAY's** request for a conditional use permit pursuant to Section 24-
486 95(i)(4) of the County Code to build a detached garage in the side yard at 11074
487 Opaca Lane (Parcel 749-773-2325) zoned Agricultural District (A-1) (Three
488 Chopt). The Board approved the use permit subject to the following conditions:

489

490 1. This conditional use permit applies only to the construction of a detached
491 two-car garage in the side yard. All other applicable regulations of the County
492 Code shall remain in force.

537 Mr. Blankinship - Raise your right hand, please. Do you swear the
538 testimony you're about to give is the truth, the whole truth and nothing but the
539 truth so help you God?

540
541 Ms. Moss - Yes sir.

542
543 Mr. Wright - Please state your name and present your case.

544
545 Ms. Moss - My name is Catherine Moss—M-o-s-s. I currently run
546 a voluntarily registered day home, which I only have like five children. And the
547 parents of these children, their hours are flexible. I usually have the kids
548 sometimes from 5 in the evening to 2 in the morning or even overnight. I am
549 applying for state licensing, which is required for me to ask for the conditional use
550 permit and also to see if I can expand to twelve children and hire one employee.

551
552 Mr. Wright - So your desire is to do both—to hire an employee and
553 expand to twelve children.

554
555 Ms. Moss - Yes sir.

556
557 Mr. Wright - How long have you been operating a daycare home
558 for these children?

559
560 Ms. Moss - At this residence it's been two years, but overall,
561 eleven years.

562
563 Mr. Wright - And how many children do you normally have?

564
565 Ms. Moss - As of right now I only have five.

566
567 Mr. Wright - Five.

568
569 Ms. Moss - Yes sir.

570
571 Mr. Wright - And you desire to expand to twelve.

572
573 Ms. Moss - Yes sir.

574
575 Mr. Wright - Have you had any complaints from any of the
576 neighbors so far?

577
578 Ms. Moss - Not about the kids.

579
580 Mr. Wright - I'm concerned about the kids.

581
582 Ms. Moss - No sir.

583
584 Mr. Wright - Neighbors always complain about something.
585
586 Ms. Moss - Yes sir.
587
588 Mr. Wright - All right.
589
590 Mr. Blankinship - I was worried about what you were going to say there
591 for a minute because I wasn't aware of any complaints about the kids. I thought I
592 had missed something.
593
594 Mr. Wright - Have you read the condition proposed for the case?
595
596 Ms. Moss - Yes sir.
597
598 Mr. Wright - All right. And you're in accord with the condition?
599
600 Ms. Moss - Yes sir.
601
602 Mr. Wright - One thing, Mr. Blankinship. It doesn't say the number
603 of children in this condition.
604
605 Mr. Blankinship - We could add that, certainly.
606
607 Mr. Wright - I thought you usually had it in there. Don't you think
608 you should have it in there?
609
610 Mr. Blankinship - Yes sir. It's a matter of code, but there's no reason
611 not to include it. We will have all the information in one place that way.
612
613 Mr. Wright - Yes. So there won't be any concerns about it. All
614 right. Do you have a question, Mr. Bell?
615
616 Mr. Bell - Yes. I notice the backyard has no fence.
617
618 Ms. Moss - Sir?
619
620 Mr. Bell - You don't have any fence in the backyard.
621
622 Ms. Moss - Yes sir, I do. It's all the way around. It's even behind
623 the garage.
624
625 Mr. Bell - All right, I missed it. Thank you.
626
627 Ms. Moss - Yes sir.
628

629 Mr. Wright - Any other questions?
630
631 Ms. Harris - Yes, I do. What are the ages of the children, the five
632 children that you have now?
633
634 Ms. Moss - The children I have now from one family is a little girl,
635 two, and then the second family it's two, five, seven, and eleven.
636
637 Ms. Harris - Did you maintain this business during the summer,
638 this summer?
639
640 Ms. Moss - Yes ma'am.
641
642 Ms. Harris - The complaints from the neighbors, were they about
643 parking, the parents?
644
645 Ms. Moss - No ma'am.
646
647 Ms. Harris - So you have one person working other than yourself
648 here. That's your goddaughter, or you would like to bring her—
649
650 Ms. Moss - I would like to bring her on once I expand.
651
652 Ms. Harris - Expand?
653
654 Ms. Moss - Yes ma'am.
655
656 Ms. Harris - And one other employee would be all you need?
657
658 Ms. Moss - Yes ma'am.
659
660 Ms. Harris - Okay, those were my questions. Thank you.
661
662 Mr. Wright - All right. Any other questions?
663
664 Mr. Baka - Just one. If expanded up to twelve children, would
665 you have concerns about the number of parents parking along Austin Avenue to
666 drop off kids at the same time and leave?
667
668 Ms. Moss - No sir. They have access to my driveway and the
669 front of the house.
670
671 Mr. Baka - Driveway and front. Okay.
672
673 Ms. Moss - Yes sir.
674

675 Mr. Baka - It's a secondary street. All right. Thank you.
676
677 Mr. Wright - Any further questions? Is there anyone here in
678 opposition to this request? Hearing none, that concludes the case. Thank you
679 very much for appearing.
680
681 Ms. Moss - Thank you.
682
683 **[After the conclusion of the public hearings, the Board discussed the case**
684 **and made its decision. This portion of the transcript is included here for**
685 **convenience of reference.]**
686
687 Mr. Wright - Do I hear a motion on this case?
688
689 Ms. Harris - Again, I move that we approve this conditional use
690 permit. It does not adversely affect the health, safety, or welfare of the
691 community. I think we need to add the condition that she too wanted to be able to
692 operate a large daycare center, which would be from 6 to 12 children and would
693 involve one more employee.
694
695 Mr. Wright - And the number of children was—should be included
696 in that, right?
697
698 Ms. Harris - Yes. When you say large, it means 6 to 12 children.
699
700 Mr. Wright - Yes, but I think it's good to express it.
701
702 Ms. Harris - Express it, yes.
703
704 Mr. Wright - So there's no question.
705
706 Ms. Harris - I agree.
707
708 Mr. Wright - Motion's made on this case. Is there a second?
709
710 Mr. Baka - Second.
711
712 Mr. Wright - Seconded. Is there any discussion? Hearing none, all
713 in favor say aye. All opposed say no. The ayes have it; the motion passes.
714
715 After an advertised public hearing and on a motion by Ms. Harris, seconded by
716 Mr. Baka, the Board **approved** application **CUP2014-00026, CATHERINE**
717 **MOSS's** request for a conditional use permit pursuant to Section 24-12(g) of the
718 County Code to operate a 24-hour family day home with employees at 4103
719 Austin Avenue (AUSTIN HEIGHTS) (Parcel 801-737-4378) zoned One-Family

720 Residence District (R-3) (Fairfield). The Board approved the use permit subject
721 to the following condition:

722
723 1. [Amended] This conditional use permit only authorizes the existing family
724 day home on the property to operate 24 hours per day Monday through Friday for
725 up to 12 children with one employee who does not live in the dwelling. All other
726 applicable regulations of the County Code shall remain in force.

727
728
729 Affirmative: Baka, Bell, Harris, Wright 4
730 Negative: 0
731 Absent: Nunnally 1
732

733
734 **[At this point, the transcript continues with the public hearing on the next**
735 **case.]**

736
737 **CUP2014-00027 KEVIN SMITH** requests a conditional use permit
738 pursuant to Section 24-95(i)(4) of the County Code to allow a garage to remain in
739 the side yard at 7912 Stuart Hall Road (ROLLINGWOOD) (Parcel 758-739-2191)
740 zoned One-Family Residence District (R-3) (Tuckahoe).

741
742 Mr. Wright - All persons desiring to speak with reference to this
743 case, whether for or against, please stand and be sworn.

744
745 Mr. Blankinship - Raise your right hand, please. Do you swear the
746 testimony you're about to give is the truth, the whole truth and nothing but the
747 truth so help you God?

748
749 Mr. Smith - Yes it is.

750
751 Mr. Wright - Please state your name for the record and then
752 present your case.

753
754 Mr. Smith - Kevin Smith—S-m-i-t-h.

755
756 Mr. Wright - That's a tough one.

757
758 Mr. Blankinship - We probably would have gotten than one correct.

759
760 Mr. Smith - We just recently had a fourth kid, so after three girls
761 we finally had a boy. Worked hard for that one. What we have is a house and it
762 was actually my grandfather's house. We did one remodel for the original size,
763 and then decided to have that boy, and now we'd like to add a little bit into the
764 back of the house, an addition. Using the same builder, using the same materials
765 as what's currently on the house. And as you can see in the picture, you see the

766 proposed new two-story addition which will just add a bathroom, a bedroom, a
767 little playroom, and a laundry room on the top floor because in the basement right
768 now is the laundry room. So we're constantly going up and down two flights of
769 stairs to do the laundry.

770

771 The existing detached garage is the reason that we are requesting the use
772 permit.

773

774 Mr. Wright - So the garage has been there all along?

775

776 Mr. Smith - Correct.

777

778 Mr. Wright - So this wouldn't add or take away from anything so
779 far as your neighbors would be concerned.

780

781 Mr. Smith - No sir.

782

783 Mr. Wright - They are used to the garage.

784

785 Mr. Smith - They are used to it.

786

787 Mr. Wright - Have you read the conditions proposed for this case?

788

789 Mr. Smith - Yes sir.

790

791 Mr. Wright - And you're in accord with the conditions.

792

793 Mr. Smith - Yes sir.

794

795 Mr. Wright - Are there any questions from members of the Board?

796

797 Mr. Baka - No. I drove by the property. It's well screened from
798 that eastern side. No questions at this time. Thanks.

799

800 Mr. Wright - Okay.

801

802 Ms. Harris - I have a question. I noticed that the garage seems to
803 be very close to the adjacent property. Even though they are used to it, do you
804 know how many feet it is from the adjacent property line?

805

806 Mr. Smith - I'm not really sure. It's four to five feet. It's heavily—
807 there are a lot of bushes and foliage between the properties.

808

809 Mr. Wright - Any further questions from members of the Board? Is
810 anyone here in opposition to this request? Hearing none, that concludes the
811 case. Thank you very much for appearing.

812

813 Mr. Smith - Thank you for your time.

814

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

818

819 Mr. Wright - Do I hear a motion on this case?

820

821 Mr. Baka - Mr. Chairman, I make a motion that we approve this
822 case, CUP2013-00027, with the four conditions suggested by staff, in that this
823 use will not adversely affect the health, safety, or welfare of the surrounding
824 properties in the neighborhood and will be an asset to the neighborhood.

825

826 Mr. Wright - Motion made. Is there a second?

827

828 Ms. Harris - Second.

829

830 Mr. Wright - Seconded. Is there any discussion? Hearing none, all
831 in favor say aye. All opposed say no. The ayes have it; the motion passes.

832

833 After an advertised public hearing and on a motion by Mr. Baka, seconded by
834 Ms. Harris, the Board **approved** application **CUP2014-00027, KEVIN SMITH's**
835 request for a conditional use permit pursuant to Section 24-95(i)(4) of the County
836 Code to allow a garage to remain in the side yard at 7912 Stuart Hall Road
837 (ROLLINGWOOD) (Parcel 758-739-2191) zoned One-Family Residence District
838 (R-3) (Tuckahoe). The Board approved the use permit subject to the following
839 conditions:

840

841 1. This conditional use permit is only to allow the existing detached garage to be
842 located in the property's side yard following the proposed addition. All other
843 applicable regulations of the County Code shall remain in force.

844

845 2. Only the improvements shown on the plot plan and building design filed with
846 the application may be constructed pursuant to this approval. Any additional
847 improvements shall comply with the applicable regulations of the County Code.
848 Any substantial changes or additions to the design or location of the
849 improvements shall require a new conditional use permit.

850

851 3. The new construction shall match the existing dwelling as nearly as practical
852 in materials and color.

853

854 4. The proposed addition shall be located at least ten feet from the existing
855 detached garage.

856

857

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

861

862

863 **[At this point, the transcript continues with the public hearing on the next**
 864 **case.]**

865

866 **CUP2014-00028 REGENCY SQUARE MALL** requests a conditional
 867 use permit pursuant to Section 24-116(c)(1) of the County Code to hold a car
 868 show and sale at 1400 N Parham Road (PARHAM & QUIOCCASIN ROADS)
 869 (Parcels 752-743-9774 and 752-744-6336) zoned Business District (B-3)
 870 (Tuckahoe).

871

872 Mr. Wright - All persons desiring to speak with reference to this
 873 case please stand and be sworn, whether you are going to speak for or against.

874

875 Mr. Blankinship - Would you raise your right hands, please? Do you
 876 swear the testimony you're about to give is the truth, the whole truth and nothing
 877 but the truth so help you God?

878

879 Mr. Carwile - Yes.

880

881 Mr. Wright - All right. Please present your case.

882

883 Mr. Carwile - Good morning. My name is David Carwile—C-a-r-w-i-
 884 l-e.

885

886 Ms. Siverio - I'm Secille with a S-e-c-i-l-l-e. Last name S-i-v as in
 887 Victor, e-r-i-o.

888

889 Mr. Carwile - We are requesting permission to have an off-site car
 890 sale at the Regency Square Mall location in September. We've had two of these
 891 already this year in Chesterfield at the Chesterfield Towne Center. We want to
 892 make this out third and have it over in Henrico. I'm the regional market manager
 893 with Clear Channel Media Entertainment. I've done this event two times here in
 894 Richmond and eight times in Lynchburg.

895

896 Mr. Wright - Have you read the conditions proposed for the case?

897

898 Mr. Carwile - I have not. I have been out of town. I don't know if
 899 they were mailed to me.

900

901 Mr. Blankinship - They would have been, yes.

902

903 Mr. Wright - I think you should take a look at the conditions
904 because if we approve this case, it would be subject to these conditions.
905
906 Mr. Carwile - Certainly.
907
908 Mr. Wright - And we want to ensure that you are in accord with the
909 conditions.
910
911 Mr. Carwile - Where were the conditions?
912
913 Mr. Baka - Page 3 of 3 on the report.
914
915 Mr. Wright - Do you see them?
916
917 Mr. Baka - A list of twelve. We can just walk through them if you
918 want.
919
920 Mr. Carwile - Yes that would be great.
921
922 Mr. Baka - Condition 1 talks about setup not before Wednesday
923 at six.
924
925 Mr. Carwile - Correct.
926
927 Mr. Baka - Remove no later than noon on Monday.
928
929 Mr. Carwile - Correct.
930
931 Mr. Baka - How does that sound?
932
933 Mr. Carwile - Yes.
934
935 Mr. Baka - All business activity—
936
937 Mr. Carwile - Not a problem. The event will be over at the latest
938 9:00 p.m. The sale is technically over at 8:00 p.m.
939
940 Mr. Baka - Okay. Number three talks about you'll do what your
941 plan reflected.
942
943 Mr. Carwile - Correct.
944
945 Mr. Baka - Four, appropriate traffic barriers and drive aisles, fire
946 lanes.
947
948 Mr. Carwile - Correct. We've got that.

949
950 Mr. Baka - Five.
951
952 Mr. Wright - I notice in the last sentence in four, fire lanes shall be
953 maintained in accordance with the fire code. You'll just have to check all that out.
954
955 Mr. Carwile - Yes, not a problem. There are twenty-six feet
956 between the parking spaces. We're just using the existing parking spaces in the
957 mall, so the twenty-six feet should be ample amount of room for that.
958
959 Mr. Wright - You need to go over these very carefully to ensure
960 that you will comply with them. Number five, you have to get the necessary
961 building permits. I don't believe your tents exceed—
962
963 Mr. Carwile - No, they're just 20-by-20s.
964
965 Mr. Wright - They are 400 square feet, I believe. Yes?
966
967 Mr. Carwile - Correct. Yes. I talked to—Commonwealth Tent are
968 the ones putting up the tents. They said tents this size don't need a permit.
969
970 Mr. Wright - Six is your restroom facilities.
971
972 Mr. Baka - Quick question on the tents. Are the anchored in the
973 asphalt?
974
975 Mr. Carwile - No sir. They are water barreled because we're not
976 able to puncture any holes into the parking lot.
977
978 Mr. Wright - I would imagine you wouldn't.
979
980 Mr. Carwile - Yes, yes.
981
982 Mr. Baka - I just wanted to clarify.
983
984 Mr. Carwile - Every sale that we've done, each one of the tents
985 have been water barreled. There are eight fifty-five-gallon water barrels, so
986 they're well secured through Commonwealth Tent.
987
988 Mr. Wright - I don't know what the requirements of the 2012
989 Virginia State Fire Prevention Code are, but you'd have to check that out.
990
991 Mr. Carwile - Certainly.
992
993 Mr. Bell - Have you contacted the police department or fire
994 department at all about this?

995
996 Mr. Carwile - No sir. When I spoke to Miguel, I thought that was
997 part of this process. But I could certainly talk to them; not a problem.
998
999 Mr. Blankinship - We do coordinate with those departments, and any
1000 comments they have would be reflected here.
1001
1002 Mr. Carwile - Yes. And I followed up with Miguel last week—I think
1003 he was out—just to see if there were any last-minute items that needed to be
1004 attended to, and there weren't.
1005
1006 Mr. Wright - So you've already checked with the fire department?
1007
1008 Mr. Blankinship - Yes sir. Staff coordinates with them.
1009
1010 Mr. Baka - And that will help ensure police officers are aware of
1011 the event that day, that the police department is aware of it.
1012
1013 Mr. Carwile - Correct.
1014
1015 Mr. Baka - So they can stop by if needed.
1016
1017 Ms. Siverio - We normally have police on the property during—
1018
1019 Mr. Wright - Would you get nearer to the microphone, please?
1020
1021 Ms. Siverio - We normally have Henrico on the property during
1022 Friday, Saturday, and Sunday evenings anyway.
1023
1024 Mr. Baka - Okay. Thank you.
1025
1026 Ms. Harris - So you don't have hired security, you just use the
1027 County police department?
1028
1029 Ms. Siverio - No ma'am, we do have a security team on the
1030 property.
1031
1032 Ms. Harris - Hired security team on the property.
1033
1034 Ms. Siverio - We have a security team that maintains our property.
1035
1036 Mr. Carwile - If we need hired security, we can get it.
1037
1038 Ms. Harris - Okay.
1039

1040 Mr. Wright - Also, did you pay attention to number eleven. It talks
1041 about the sound, amplified sound, and it shall not exceed 65 dB.
1042
1043 Mr. Carwile - Correct. Yes, that's not a problem. These are just
1044 standard speakers that we use to broadcast the event. Nothing loud, nothing to
1045 disturb the neighborhood.
1046
1047 Mr. Wright - Number twelve is very important. Test driving a
1048 vehicle shall not occur in residential neighborhoods.
1049
1050 Mr. Carwile - Correct. We can instruct the auto dealers to make
1051 sure that they stay on the main roads with Parham and also down on Interstate
1052 64.
1053
1054 Mr. Wright - Describe how this operation will take place. What do
1055 you do?
1056
1057 Mr. Carwile - Certainly. We set up the tents, and we have area car
1058 dealers come and sell vehicles off site basically. So in essence, we're bringing in
1059 500 cars to this one location. The advantage is to the consumer where they can
1060 come and shop one location, 500 different cars, different automobile dealers
1061 there on site.
1062
1063 Mr. Wright - How many different dealers do you have?
1064
1065 Mr. Carwile - Currently right now five.
1066
1067 Mr. Wright - Five different dealers.
1068
1069 Mr. Carwile - So they'll come and they'll set up. Call Federal Credit
1070 Union will be there offering loans right on the spot so they can come and
1071 purchase vehicles and take them home that day.
1072
1073 Mr. Wright - What happens when they want to try it out, what do
1074 they do?
1075
1076 Mr. Carwile - They'll come and take a look at the vehicles with the
1077 automobile dealer. If a test drive is requested, we'll give them a route that they
1078 need to take. So they'll come and they'll exit out of the mall parking lot. Again, go
1079 down Parham, get on 64, do a loop, come back, park the car. At that point they
1080 decide whether this is the vehicle they want to purchase or not. They may come
1081 back, they may come test drive it again.
1082
1083 Mr. Wright - So you give them a specific route that they have to
1084 use in their test drive.
1085

1086 Mr. Carwile - Correct.
1087
1088 Mr. Bell - I have a question. Back up to number two. What type
1089 of activity do you see between 10 and midnight? Why couldn't it be like 10:00
1090 a.m. to 7:00 p.m.? You do have residential areas across the street and that might
1091 be more appropriate for them.
1092
1093 Mr. Carwile - I couldn't really hear your question.
1094
1095 Mr. Bell - Okay. Currently, number two shows midnight to six.
1096
1097 Mr. Carwile - Correct. There will be no one at the sale earlier than
1098 10:00 a.m. The sale starts at 10:00 a.m. each morning.
1099
1100 Mr. Blankinship - And what's the latest it would run?
1101
1102 Mr. Carwile - The latest it would run would be nine.
1103
1104 Mr. Blankinship - Would you object to having those times reflected in
1105 the condition rather than the way it is now?
1106
1107 Mr. Carwile - Certainly, certainly.
1108
1109 Mr. Wright - What would that be, Mr. Blankinship?
1110
1111 Mr. Blankinship - 10:00 a.m. to 9:00 p.m.
1112
1113 Mr. Carwile - The actual event would start at 10:00 a.m. Our
1114 dealers would start showing up about 8:30 a.m.
1115
1116 Mr. Blankinship - Okay. So 8:00 a.m. to 9:00 p.m.?
1117
1118 Mr. Carwile - Correct, 8:00 a.m. to 9:00 p.m. would be—
1119
1120 Mr. Blankinship - We would have just pulled those hours from the B-1
1121 and B-2 zoning districts.
1122
1123 Mr. Wright - Do you need anything past nine?
1124
1125 Mr. Carwile - No.
1126
1127 Mr. Wright - Okay.
1128
1129 Mr. Carwile - It will be dark at that point anyway with the time
1130 change.
1131

1132 Mr. Baka - Sir, if folks are coming to the car event that day and
1133 they're trying to park at the south side of Macy's, will there be any small
1134 directional signage to point them to where they can park?
1135
1136 Mr. Carwile - Yes.
1137
1138 Mr. Baka - Will they come in on Starling?
1139
1140 Mr. Carwile - Yes. We'll have designated signage just so people
1141 know where they can park. There is certainly parking up under the parking deck
1142 because we won't be taking any of that property. And there will be parking on the
1143 top, upper level parking deck, as well as on the back side of Sears. Typically
1144 those spaces are not—the spaces that we're using behind Sears are not being
1145 utilized to their capacity over the course of the weekend. From working with
1146 Regency Square Mall and some of the other retailers in the area, they're looking
1147 forward to the additional traffic that's generated. I've done this event in the Kmart
1148 parking lot in Lynchburg for about six years as an off-site sale. They would
1149 attribute an increase in sales of about 52 percent over the course of the weekend
1150 year over year just due to the extra traffic coming in to the event.
1151
1152 Mr. Wright - Mr. Blankinship, I just have a question about the
1153 application. It doesn't show Regency Square Mall as the owner.
1154
1155 Mr. Blankinship - We like to advertise something that when people read
1156 it in the newspaper it'll be meaningful to them. So if it said "Dave Carwile
1157 requests," you know, that may or may not have clued people into what was being
1158 requested. Whereas if you say "Regency Mall requests," as soon as you see that
1159 in the newspaper or on the notice, you immediately know what's going on.
1160
1161 Mr. Wright - It looks like to me the applicant should be Regency
1162 Mall with the agent—
1163
1164 Ms. Siverio - This is not our event, sir.
1165
1166 Mr. Blankinship - Right.
1167
1168 Mr. Wright - It's not your event, but you own the property.
1169
1170 Ms. Siverio - Yes.
1171
1172 Mr. Carwile - We're basically renting the property from them for the
1173 event.
1174
1175 Mr. Wright - Any further questions from members of the Board?
1176

1177 Mr. Bell - Yes. You're going to have several dealerships there.
1178 Will any of them be selling food or drinks?

1179
1180 Mr. Carwile - No sir. Strictly just cars. Again, this is an opportunity
1181 that came to us from the auto dealers here in Henrico because they saw the
1182 business that we were doing over on the Southside for the last two events. So
1183 the dealers basically came to us going hey, can you do a sale like that in the
1184 West End? Looking at different properties, Regency Square Mall seemed to be
1185 the best model for what we do and the least intrusive to the neighborhood at the
1186 same time. So definitely advantages for the mall as well as for the citizens of
1187 Henrico.

1188
1189 Mr. Wright - Any further questions from members of the Board?
1190

1191 Ms. Harris - Yes. The drawing on the third page from the back of
1192 our packet, you have X south, but you really meant Macy's south?

1193
1194 Mr. Carwile - Yes, I'm sorry.
1195

1196 Mr. Wright - Any further questions from members of the Board? Is
1197 anyone here in opposition to this request? Hearing none that concludes the case.
1198 Thank you very much for appearing.
1199

1200 Mr. Carwile - Thank you for your time.
1201

1202 **[After the conclusion of the public hearings, the Board discussed the case**
1203 **and made its decision. This portion of the transcript is included here for**
1204 **convenience of reference.]**
1205

1206 Mr. Baka - I make a motion we approve CUP2014-00028,
1207 Regency Square Mall, with the twelve conditions as presented, but also
1208 amending Condition #2 to reflect 8 a.m. to 9 p.m. as was discussed earlier. This
1209 is a temporary event, which will be beneficial as a single, temporary event, and
1210 should not adversely affect the health, safety, and welfare of adjacent
1211 surrounding properties.
1212

1213 Mr. Wright - Is there a second to that motion?
1214

1215 Ms. Harris - I second the motion. In fact, I would like to follow up
1216 on this event to see just how it turns out. It seems to be a forward-thinking idea.
1217 And I think the consumer would like having a choice of different dealerships in
1218 the same area.
1219

1220 Mr. Wright - Makes good sense to me.
1221

1222 Ms. Harris - It makes sense to me too.

1223
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1267

Mr. Baka - Great use of the property.

Mr. Wright - All in favor say aye. All opposed say no. The ayes have it; the motion passes.

After an advertised public hearing and on a motion by Mr. Baka, seconded by Ms. Harris, the Board **approved** application **CUP2014-00028, REGENCY SQUARE MALL's** request for a conditional use permit pursuant to Section 24-116(c)(1) of the County Code to hold a car show and sale at 1400 N Parham Road (PARHAM & QUIOCCASIN ROADS) (Parcels 752-743-9774 and 752-744-6336) zoned Business District (B-3) (Tuckahoe). The Board approved the temporary conditional use permit subject to the following conditions:

1. This conditional use permit is for the approval of a three-day temporary outdoor event (tent sale) to be held according to the following schedule. All other applicable regulations of the County Code shall remain in force. Setup shall not begin before Wednesday at 6:00 pm. All items appurtenant to the event shall be removed from the property no later than 12:00 pm, Monday, September 15, 2014, at which time this permit shall expire.
2. [Amended] All business activity related to the special event that generates excessive noise or traffic shall be limited to the hours 8:00 am to 9:00 pm.
3. Only the temporary improvements shown on the layout plan or as modified by these conditions, filed with the application may be erected pursuant to this approval. Any additional improvements shall comply with the applicable regulations of the County Code or as specified in the conditions of approval.
4. The applicant shall clearly delineate the perimeter (footprint) of the event area with temporary fencing and shall install traffic barriers at affected parking drive aisle entrances to block vehicular traffic from entering the event area. Main traffic drive aisles (providing general internal traffic circulation) leading in or out of the shopping center shall be kept free and clear of equipment, vehicles, and obstacles associated with the event. Fire lanes shall be maintained in accordance with the Fire Prevention Code. Access to on-site fire hydrants and fire department connections shall not be impaired.
5. The applicant shall obtain all necessary building permits for items including but not limited to tents (in excess of 900 square feet), elevated stages, mechanical amusement devices, electrical generators and electrical connections to be used during the event. The applicant shall request building permits no later than two weeks prior to the event and shall schedule required inspections no later than 10:00 am on the day of the event.

1268 6. The applicant shall provide adequate restroom facilities and hand wash
1269 stations as required by the Building Inspections Department.

1270 7. The proposed event shall comply with all requirements of the 2012 Virginia
1271 Statewide Fire Prevention Code.

1272
1273 8. On-site landscaping planters shall be kept free and clear of equipment and
1274 displays. All approved landscaping shall be maintained in a healthy condition at
1275 all times. Dead plant materials shall be removed within a reasonable time and
1276 replaced during the normal planting season.

1277
1278 9. The applicant shall maintain the property so that debris is controlled during
1279 the event. Adequate trash receptacles shall be provided throughout the site
1280 during the event.

1281
1282 10. The applicant shall prohibit loitering on the property.

1283
1284 11. Speakers for amplified sound and music shall be directed toward the main
1285 event in order to limit its impact on adjoining businesses and residential
1286 neighborhoods and shall not exceed 65 db measured at the property line.

1287
1288 12. Test driving of vehicles shall not occur in residential neighborhoods adjoining
1289 the shopping center.

1290
1291
1292 Affirmative: Baka, Bell, Harris, Wright 4
1293 Negative: 0
1294 Absent: Nunnally 1

1295
1296
1297 **[At this point, the transcript continues with the public hearing on the next**
1298 **case.]**

1299
1300 **VAR2014-00011 EUGENE M. LEWIS** requests a variance from Section
1301 24-94 of the County Code to allow a one-family dwelling to remain at 3035
1302 Mountain Road (FOREST LODGE ACRES) (Parcel 769-767-4183) zoned One-
1303 Family Residence District (R-2) (Brookland). The front yard setback is not met.
1304 The applicant proposes 7 feet front yard setback, where the Code requires 45
1305 feet front yard setback. The applicant requests a variance of 38 feet front yard
1306 setback.

1307
1308 Mr. Wright - All persons desiring to speak with reference to this
1309 case, whether for or against, please stand to be sworn.

1310
1311 Mr. Blankinship - Would you raise your right hand, please? Do you
1312 swear the testimony you're about to give is the truth, the whole truth and nothing
1313 but the truth so help you God?

1314
1315 Mr. Lewis - I do.
1316
1317 Mr. Wright - Please state your name for the record and present
1318 your case.
1319
1320 Mr. Lewis - Eugene M. Lewis—L-e-w-i-s.
1321
1322 Mr. Wright - All right, sir.
1323
1324 Mr. Lewis - My mother owns this particular property. I grew up
1325 there and it's a family property. It's zoned R-2 now. The size of the property
1326 would allow three building lots. There is one building there now, the house, which
1327 has been there for about seventy years. And our family has been there for about
1328 sixty-one years. Mother has recently had declining health, and we've had to put
1329 her in a nursing home. So what we want to do is sell the excess lots there so that
1330 we can raise money to continue to pay for her care there. From a zoning
1331 standpoint there is no reason why that can't be done except that the house that's
1332 been there does meet the current setback requirements. It's been there for
1333 seventy years or a little over seventy years. There have never been any
1334 complaints or anything like that. So we're hoping that with this variance we would
1335 be allowed to sell these additional lots without having to either move or destroy
1336 that house. The house is still occupied by a family member.
1337
1338 Mr. Wright - Have you read the conditions proposed for this case?
1339
1340 Mr. Lewis - Yes I have.
1341
1342 Mr. Wright - I notice from the picture we have and the information
1343 that we have been furnished—I want to refer to Condition #3.
1344
1345 Mr. Lewis - Is that about the garage or the shed? I'm aware of
1346 that.
1347
1348 Mr. Wright - What would you propose to do with that if this is
1349 approved?
1350
1351 Mr. Lewis - I think it would depend on where the lot line would
1352 ultimately be. I think, and based on what I've heard here, that could be too close
1353 to that line. And if it is, I would have to come back and ask for a conditional use
1354 permit to allow that garage to stay there.
1355
1356 Mr. Wright - The way I understand it from what Mr. Blankinship
1357 has given us, is it will be in the side yard.
1358

1359 Mr. Blankinship - If the property is subdivided such that—if it was
1360 divided into three lots that would be the case. But if it was divided in half, then the
1361 Mountain Road frontage would be the front of the northern lot and the Inglewood
1362 frontage would be the front of the southern lot.
1363

1364 Mr. Wright - What is your intent? What do you intend to do with the
1365 property?
1366

1367 Mr. Lewis - We hope to divide it into three lots.
1368

1369 Mr. Wright - If you divide it into three lots then there is no question
1370 that the garage would be in the side yard.
1371

1372 Mr. Lewis - That's correct.
1373

1374 Mr. Wright - And it would require a use permit or the garage to be
1375 moved.
1376

1377 Mr. Lewis - That's correct.
1378

1379 Mr. Wright - Are there any other buildings there, Mr. Blankinship?
1380

1381 Mr. Blankinship - Yes sir, there are. We have a photograph, I think, that
1382 shows all that.
1383

1384 Mr. Wright - I see a photograph. There seems to be a lot of—are
1385 they buildings or trucks?
1386

1387 Mr. Blankinship - Some of each. There is also one other building just
1388 out of this photograph to the right.
1389

1390 Mr. Wright - Is this the garage to the left with the car?
1391

1392 Mr. Blankinship - Yes sir.
1393

1394 Mr. Lewis - Yes. A garage with that carport. Those other two are
1395 trailers.
1396

1397 Mr. Wright - They can be moved.
1398

1399 Mr. Lewis - Yes, yes, they can be moved.
1400

1401 Mr. Wright - Are there any other buildings that need to be moved?
1402

1403 Mr. Blankinship - Yes sir. There is one other building just to the right.
1404

1405 Mr. Bell - There's another building behind it to the right.
1406
1407 Mr. Blankinship - Yes, just to the right in this photograph.
1408
1409 Mr. Wright - That building would have to be either moved or—
1410
1411 Mr. Lewis - Right. I'm aware of that. That's a building that actually
1412 is a movable building. If I remember correctly, that was brought there as a
1413 building.
1414
1415 Mr. Wright - When was this house constructed, do you know?
1416
1417 Mr. Lewis - 1938.
1418
1419 Mr. Wright - Well before the zoning code was adopted.
1420
1421 Mr. Lewis - Yes.
1422
1423 Mr. Wright - Has it been occupied since 1938 as a residence?
1424
1425 Mr. Lewis - Yes.
1426
1427 Mr. Wright - All the time.
1428
1429 Mr. Lewis - Yes sir.
1430
1431 Mr. Wright - And it is currently occupied.
1432
1433 Mr. Lewis - Yes sir.
1434
1435 Mr. Wright - What size house is it?
1436
1437 Mr. Lewis - The square footage, I think it's about 1,200 square
1438 feet.
1439
1440 Mr. Wright - That's a picture of it right there.
1441
1442 Mr. Lewis - Yes. That's the front of it. It actually fronts on
1443 Mountain Road.
1444
1445 Mr. Wright - But do you understand the staff's position? Once you
1446 divide the property, the frontage of the property—
1447
1448 Mr. Lewis - I understand, yes.
1449
1450 Mr. Wright - —is determined by the narrowest line, front line.

1451
1452 Mr. Lewis - Yes sir.
1453
1454 Mr. Wright - Therefore, although your front line would be turned
1455 differently, of course you can't turn the house.
1456
1457 Mr. Lewis - That's correct. We understand that.
1458
1459 Mr. Bell - Actually what will happen is you're going to have a
1460 100-by-150 lots with 100 shifted, so all of that piece of property will change.
1461
1462 Mr. Lewis - That's correct. I understand that.
1463
1464 Mr. Wright - All right. Anything further you wish to state?
1465
1466 Mr. Lewis - My only question would be should I have asked for
1467 that permit to leave that garage there now since we—
1468
1469 Mr. Wright - Well you didn't so. See, notice would have to be sent.
1470
1471 Mr. Lewis - I see. All right.
1472
1473 Mr. Wright - So there's no way that we could consider that at this
1474 time.
1475
1476 Mr. Lewis - I understand that.
1477
1478 Mr. Wright - Who is occupying this house now?
1479
1480 Mr. Lewis - My brother is occupying it.
1481
1482 Mr. Wright - What do you propose for the future?
1483
1484 Mr. Lewis - He will stay in the house an indeterminate amount of
1485 time. If my mother goes away from here, he's being allowed to stay in that house
1486 as long as he lives. It will be used as a residence. There are no plans to do
1487 anything with that house.
1488
1489 Mr. Wright - All right. Any questions from members of the Board?
1490
1491 Mr. Baka - Do you have a survey plat available?
1492
1493 Mr. Lewis - I do. I just got it, as a matter of fact.
1494
1495 Mr. Baka - Thank you. It would appear to be feasible. So Mr.
1496 Chairman, the garage is not before us today, but the two choices on that is that a

1497 property line would have to be far enough from that garage so that a conditional
1498 use permit would not be needed or else he'd have to be back here soon for a
1499 CUP on that.

1500
1501 Mr. Blankinship - Or demolish it.

1502
1503 Mr. Wright - Or move it.

1504
1505 Mr. Baka - Or thirdly remove the garage entirely and dismantle it.

1506
1507 Mr. Wright - Tear it down.

1508
1509 Mr. Baka - Tear it down. So those are options.

1510
1511 Mr. Wright - Well, if it's divided and then it creates a problem, then
1512 they will either have to move the garage or come before the Board for a use
1513 permit. Any further questions from members of the Board? Is anyone here in
1514 opposition to this request? Hearing none, that concludes the case. Thank you
1515 very much for appearing.

1516
1517 Mr. Lewis - Thank you.

1518
1519 **[After the conclusion of the public hearings, the Board discussed the case**
1520 **and made its decision. This portion of the transcript is included here for**
1521 **convenience of reference.]**

1522
1523 Mr. Wright - Do I hear a motion on this case?

1524
1525 Mr. Bell - I move that we approve this variance. I don't believe it
1526 will cause any adverse safety, health, or welfare issues for people residing or
1527 working on the premises or in the neighborhood.

1528
1529 Mr. Wright - Motion has been made. Is there a second?

1530
1531 Ms. Harris - Second. And I'd like to further say that this zoning,
1532 you know, we have a threshold question about the interference of reasonable
1533 use. So I believe in this case the Zoning Ordinance did interfere with the
1534 reasonable use of the additional property, and so I second the motion.

1535
1536 Mr. Wright - Motion is seconded. All in favor say aye. All opposed
1537 say no. The ayes have it; the motion passes.

1538
1539 After an advertised public hearing and on a motion by Mr. Bell, seconded by
1540 Ms. Harris, the Board **approved** application **VAR2014-00011, EUGENE M.**
1541 **LEWIS's** request for a variance from Section 24-94 of the County Code to allow a
1542 one-family dwelling to remain at 3035 Mountain Road (FOREST LODGE

1543 ACRES) (Parcel 769-767-4183) zoned One-Family Residence District (R-2)
1544 (Brookland). The Board approved the variance subject to the following
1545 conditions:

- 1546
- 1547 1. This variance applies only to the setback requirement for the existing dwelling.
1548 All other applicable regulations of the County Code shall remain in force.
1549
 - 1550 2. All dwellings on the property, existing or proposed, shall be served by public
1551 water and sewer.
1552
 - 1553 3. If the property is subdivided such that the lot at the corner of Mountain Road
1554 and Warren Road has a shorter frontage along Warren Road than along
1555 Mountain Road, making the Warren Road frontage the front lot line, the owner of
1556 the property shall bring all accessory structures into compliance with Section 24-
1557 95(i) of the County Code. This may require demolishing structures, or moving
1558 structures to the rear yard, or applying for and obtaining a conditional use permit
1559 pursuant to Section 24-95(i)(4).
1560
 - 1561 4. If the property is subdivided, 2.5 feet of right-of-way shall be dedicated along
1562 Warren Road.
1563

1564

1565 Affirmative:	Baka, Bell, Harris, Wright	4
1566 Negative:		0
1567 Absent:	Nunnally	1

1568

1569

1570 **[At this point, the transcript continues with the public hearing on the next**
1571 **case.]**
1572

1573 **CUP2014-00029 INTERCEPT YOUTH SERVICES** requests a
1574 conditional use permit pursuant to Section 24-52(e) of the County Code to
1575 expand a human care facility at 10187 Brook Road (Parcel 784-771-0986) zoned
1576 Agricultural District (A-1) (Fairfield).
1577

1578 Mr. Wright - All persons desiring to speak with reference to this
1579 case, whether for or against, please stand and be sworn.
1580

1581 Mr. Blankinship - Do you swear the testimony you're about to give is the
1582 truth, the whole truth and nothing but the truth so help you God?
1583

1584 Mr. Hawkins - I do.
1585

1586 Mr. Wright - All right, sir. Please state your name and present your
1587 case.
1588

1589 Mr. Hawkins - Mr. Chairman, members of the Board, I am Dean
1590 Hawkins, landscape architect, here today representing this case. With me
1591 today—my last name is Hawkins—H-a-w-k-i-n-s. With me today is Mr. Mark
1592 Bogert, who is the executive director of Intercept, as well as Mr. Eric Hepler, who
1593 is the architect for the project. They are here to answer questions if you have
1594 them as we discuss this case.

1595
1596 Mr. Wright - All right, sir.

1597
1598 Mr. Hawkins - I have reviewed the staff report, and I found that the
1599 report is very thorough and very appropriate, I believe, for our case. It describes
1600 our operation very well after they have reviewed—staff has reviewed our
1601 submitted information. I have prepared a plan, which I believe you have a
1602 reduced copy as a part of your staff report. But I've also brought the Board today
1603 a color rendering that can be put up on the screen so that we can discuss this in
1604 detail if you wish.

1605
1606 As the staff report says, you can see the darkest part of the plan here is an
1607 existing facility that is almost fifty years old. It was initially constructed as a home
1608 for unwed mothers. And over time its mission has evolved into other youth-
1609 oriented services. We are planning to use the existing building as well as to
1610 expand it to potentially a sixty-bed facility, as well as administrative offices and
1611 cafeteria space. The third part of our operation would be a gymnasium in the
1612 back.

1613
1614 I won't go into much detail or discussion of the program of the facility; because
1615 you have a letter from Intercept which I think very well explains their program. As
1616 I said, the staff report has done a good job in providing you a synopsis of their
1617 operation. I have the eleven conditions here in front of me, and I agree with all of
1618 them, except for #5, which I think has a small correction that needs to be made.
1619 And Mr. Blankinship is aware of that.

1620
1621 Mr. Wright - What would that be?

1622
1623 Mr. Blankinship - Mr. Chairman, we borrowed that language from
1624 another source, and it says that a professional engineer must prepare the plan. It
1625 doesn't actually have to be a professional engineer in all cases. A landscape
1626 architect can prepare it. So we would just strike the word *engineer* and change
1627 that to "must be prepared by a professional certified in the state of Virginia."

1628
1629 Mr. Wright - Okay.

1630
1631 Mr. Hawkins - And I would agree with that language.

1632
1633 Mr. Wright - All right.

1634

1635 Mr. Hawkins - So as I said, Mr. Bogert, the executive director is
1636 here, as well as the architect is here, Mr. Hepler. I know in the staff report there
1637 was some comment about my submission not having any detailed information
1638 about the proposed architecture of the facility. So Mr. Hepler is here to answer
1639 any questions you may have about that. We have not gone very far in our detail
1640 drawings on that. We have conceptual ideas in mind that we think will address
1641 any of your concerns. So with that, I'll answer any further questions or cede the
1642 podium.

1643

1644 Mr. Wright - What would you need with respect to that issue,
1645 Mr. Blankinship, the architectural drawings?

1646

1647 Mr. Blankinship - I'm not sure that there's anything that we needed,
1648 Mr. Chairman, but the staff usually has some comments on the design that is
1649 submitted. So if one is submitted, we would have some comment on that. In this
1650 case there wasn't.

1651

1652 Mr. Wright - How would that affect the case?

1653

1654 Mr. Blankinship - I don't know that it would, Mr. Chairman. In this
1655 particular instance there's nothing else particularly close to this building that it
1656 would have a relation to. Like a building in the middle of a shopping center we
1657 would want to be consistent with the shopping center. A new house in a
1658 neighborhood we would want to be consistent with the other houses in the
1659 neighborhood. But this is a little bit off on its own on the east side of Brook Road.

1660

1661 Mr. Wright - Does the plan show where the proposed building
1662 would be located?

1663

1664 Mr. Blankinship - Yes sir, it does show that, just not what it would look
1665 like.

1666

1667 Mr. Wright - So you have a concern not about the location but
1668 about the appearance that it could have?

1669

1670 Mr. Blankinship - We just like to have that information for the Board,
1671 and in this case we didn't. We just let you know the reason we didn't make any
1672 statement about it was because we didn't have it.

1673

1674 Mr. Hawkins - If I could, Mr. Hepler would be glad to—

1675

1676 Mr. Wright - If he could give us some information along that line it
1677 would help. Yes sir.

1678

1679 Mr. Hepler - Yes I'd be happy to assist.

1680

1681 Mr. Wright - Please state your name.

1682

1683 Mr. Hepler - The name is Eric Hepler. It's H-e-p-l-e-r. I am a
1684 registered architect in the Commonwealth of Virginia. And I've had the privilege
1685 to work with Dean and Mark on a conceptual plan, and that's all you're looking at
1686 at this point. We have created a mass model or a schematic site plan for the
1687 purpose of this meeting.

1688

1689 The construction of this addition, which is really what it is, will probably take place
1690 in two phases. We anticipate a central core. That would be the triangular piece in
1691 the middle there. That would be our administrative offices. That would be primary
1692 to the success of this project because right now they would need to staff up to
1693 handle increased enrollment. So it would be a phase one with a porte-cochère
1694 out front, possibly for a drop-off, covered drop-off. And then inside that space at
1695 this point we anticipate a nice atrium with clerestory lighting, a big open space.

1696

1697 The concept here is to actually screen the existing building, if you will. The new
1698 building, of course, would be of more modern material. The existing building, if
1699 you've ever seen it, it's a one-story brick building with a flat roof, very sixties
1700 looking, if you know what I mean. Vertical windows. We're trying to basically
1701 screen that with our phase one addition. And then I anticipate that the
1702 southwestern and southern wall would be somehow clad with new material to
1703 match the new addition. So in essence when you approach the site it would
1704 look—the entire facility would work together as one structure.

1705

1706 Mr. Wright - It would be uniform.

1707

1708 Mr. Hepler - It would be uniform or consistent in material, yes. And
1709 then on the north side you see a lighter shade of green. That would be a double-
1710 loaded corridor. And each one of those fingers if you will, are for rooms, single-
1711 loaded corridor, some staff offices. That would potentially be phase three,
1712 although it may all happen at the same time. But the intent would be that all the
1713 material would be more up to date, modern looking. It would definitely read as
1714 institutional, that would be our goal here. I haven't discussed in detail with my
1715 client whether or not this is a clad product or a new brick or a painted brick or
1716 whatever we're going to do. But it would be a nice approach.

1717

1718 Mr. Wright - Now this says phase two would be these residences
1719 and the gymnasium would be phase three.

1720

1721 Mr. Hepler - I'm sorry; I skipped phase two or stage two. Phase
1722 one is the administration, primarily offices. New restrooms. Everything would be
1723 updated. We need some ADA-accessible restrooms in the place; we do not have
1724 that. We have some, but not entirely. And then phase two, the section there at
1725 the north that Dean is showing you. And then phase three, probably a pre-

1726 engineered building of some sort that really no one is going to see in the back.
1727 That would be for gymnasium use.

1728
1729 Ms. Harris - Do you have a timeline for these phases?

1730
1731 Mr. Hepler - I do not. You would have to talk to my client.

1732
1733 Ms. Harris - You don't know when the—should we approve it
1734 today, how long would it take the new administration building to be completed,
1735 phase one?

1736
1737 Mr. Hepler - From an architectural standpoint, I would need at
1738 least six months to prepare plans. And then it's going to have to go through the
1739 County review process, and that could be a three-month situation. So I would say
1740 this time next year we're close to construction. Usually it's about a year. I tell all
1741 my clients don't get too excited, but by the time we go through this whole process
1742 it can be nine to twelve months.

1743
1744 Ms. Harris - For phase one?

1745
1746 Mr. Hepler - For phase one construction, yes.

1747
1748 Ms. Harris - And the old administration building, you say you're
1749 going to use that how?

1750
1751 Mr. Hepler - We're going to maintain the existing facility, the dark
1752 color on the site plan there. That all stays pretty much as-is. There will be some
1753 interior renovations and remodeling though.

1754
1755 Ms. Harris - So the only new residences you will have would be
1756 where we see this finger or this wing?

1757
1758 Mr. Hepler - Yes ma'am. That would be new room construction for
1759 residences.

1760
1761 Ms. Harris - So in other words the administration building would be
1762 expanded.

1763
1764 Mr. Hepler - Correct.

1765
1766 Ms. Harris - Okay. The wings that you have, are they for boys,
1767 girls, or? How do you handle that?

1768
1769 Mr. Hepler - It's coed.

1770

1771 Ms. Harris - I know it's coed, but I'm talking about actual—where
1772 would the beds be placed? You have wings here seemingly—
1773
1774 Mr. Hepler - Right. I'm going to let my client address that.
1775
1776 Ms. Harris - Okay.
1777
1778 Mr. Wright - Please state your name for the record.
1779
1780 Mr. Bogert - Mark Bogert—B-o-g-e-r-t. We would intend for the
1781 sexes to be separate, on separate wings, separate halls.
1782
1783 Ms. Harris - What is your role there, please?
1784
1785 Mr. Bogert - I'm the executive director.
1786
1787 Ms. Harris - Okay. I do have a few other questions, but I don't
1788 know which one of you would answer. How far will this new addition be from
1789 Brook Road? The setback, in other words.
1790
1791 Mr. Bogert - Currently there's a large field and that's where it
1792 would be put.
1793
1794 Mr. Hawkins - [Off microphone.] I think it's about 120 feet from the
1795 road.
1796
1797 Mr. Wright - You need to be—
1798
1799 Mr. Blankinship - Could you repeat that on the microphone?
1800
1801 Mr. Wright - All of this is recorded.
1802
1803 Mr. Hawkins- It's about 120 feet from the road to the proposed
1804 addition.
1805
1806 Ms. Harris - Okay. And the architect was saying that—well you
1807 described the old building as being a sixties-type of building I believe?
1808
1809 Mr. Hepler - Yes ma'am.
1810
1811 Ms. Harris - You have brick. Will the addition be constructed out of
1812 brick?
1813
1814 Mr. Hepler - The new building could be brick. I would probably
1815 recommend that the existing building be painted because of its color. It's so
1816 dated we would want to update it to some degree. I envision some kind of a

1817 panelized system enclosing the south and west elevations on the existing
1818 building so that everything becomes homogenous, if you will.

1819
1820 Ms. Harris - Okay. Mr. Bogert, you have twelve beds now, right?

1821
1822 Mr. Bogert - Correct.

1823
1824 Ms. Harris - And you're going to expand to sixty beds.

1825
1826 Mr. Bogert - Correct.

1827
1828 Ms. Harris - Can you show us on this drawing where the twelve
1829 beds are? Which area houses the twelve beds?

1830
1831 Mr. Bogert - Sure. [Off microphone.] Okay. The current location for
1832 the bedrooms is down a hall here and down a hall here. The building was
1833 constructed to have two residents in each room. We—and actually across our
1834 whole company—we typically put one resident in one room. So the facility is
1835 much larger than it needs to be for what we currently use it for, but that's just how
1836 we operate in terms of privacy and better treatment really. So there are currently
1837 twelve bedrooms that—single bedrooms that we use right here. And there are
1838 also bedrooms on this side, but we use them as some offices.

1839
1840 Ms. Harris - Okay. So the new bedrooms will be in phase two for
1841 residences?

1842
1843 Mr. Bogert - Correct.

1844
1845 Ms. Harris - Okay.

1846
1847 Mr. Wright - So you're not going to really increase the number until
1848 you get phase two constructed?

1849
1850 Mr. Bogert - Correct.

1851
1852 Mr. Wright - You'll have the same number you have now until
1853 phase two is constructed. Is that correct?

1854
1855 Mr. Bogert - Correct, yes. There are twenty. There's an allowance,
1856 I think, for twenty. There is a certificate of occupancy for twenty-four representing
1857 sort of the size of the building. We typically would do it at sixteen. That's what we
1858 would normally do, which would be allowed for the type of facility in terms of
1859 licensure. State licensing would allow sixteen before anything sort of changes
1860 with regards to them. That may complicate things here a little bit, but sixteen
1861 would be the max that we would ever go to there. It allows for twenty or twenty-
1862 four.

1863
1864 Mr. Wright - Where is that? Are you talking about the old building?
1865
1866 Mr. Bogert - Yes, in the old building only. I am referring only now
1867 to the old building. Yes.
1868
1869 Ms. Harris - Okay. And you also have classrooms being
1870 proposed? Where would they be?
1871
1872 Mr. Bogert - Correct. There currently is space in the existing
1873 building for classrooms, which we use. And in the new building we would be—
1874 according to the Department of Education's requirements, we would be
1875 constructing educational space. They have requirements per pupil that we would
1876 have to meet.
1877
1878 Ms. Harris - Where would that be housed? Where would those
1879 classrooms be housed?
1880
1881 Mr. Bogert - It could be partly in our current space, which is the
1882 middle section basically. There is currently educational space there. We well
1883 could design it—because it has not been flushed out totally—in the new space.
1884
1885 Ms. Harris - Okay, where in the new space?
1886
1887 Mr. Bogert - It could be in the administrative area there as it
1888 connects to the second phase.
1889
1890 Ms. Harris - Okay. All right. I don't think I have any more
1891 questions. Oh, there was one thing. Normally the young people who you have
1892 are there from—is it six to nine months or six to twenty-four months? In the
1893 proposal it says six to twenty-four months. And I think, Mr. Blankinship, in the
1894 report I noticed that there were—
1895
1896 Mr. Hawkins: I think the report says six to—zero to nine months is
1897 what the term states of the length of stay. But that could vary.
1898
1899 Ms. Harris - Did you notice that, Mr. Blankinship? Under the
1900 evaluation in the third paragraph it says six to nine months. But in the letter we
1901 received I believe it said up to twenty-four months. So which is it going to be
1902 now?
1903
1904 Mr. Blankinship - At the bottom of the second page of the letter it says
1905 average length of stay—the anticipated length of stay for residents is six to nine
1906 months. That's where we took that. I don't see where you see twenty-four
1907 months.
1908

1909 Ms. Harris - I'll see if I can find it before—
1910
1911 Mr. Bogert - It may have been stated somewhere only because if
1912 you were to ask what's the historic sort of like possible length of stay it could go
1913 to two years, although I'd have to say that's highly unusual.
1914
1915 Mr. Bell - It's actually in the background, last paragraph: "Their
1916 stay typically lasts six months to two years. Consulting was provided to these
1917 children."
1918
1919 Mr. Blankinship - Okay.
1920
1921 Mr. Bell - Background.
1922
1923 Mr. Blankinship - Oh, that's under the 1976 permit. That's why. That
1924 was taking out of the 1976 file.
1925
1926 Ms. Harris - Oh, okay.
1927
1928 Mr. Bogert - It would be historically possible. But in today's
1929 environment, rarely would it go past six months actually.
1930
1931 Ms. Harris - So the conditions that you had from the letter in 1966
1932 and the letter dated March 29, 1976, have been modified.
1933
1934 Mr. Blankinship - Those would be superseded by this approval.
1935
1936 Ms. Harris - Yes. I believe those are all the questions I have now.
1937
1938 Mr. Wright - Any further questions from members of the Board?
1939
1940 Mr. Bell - Yes, I have a couple. Do you have any other Intercept
1941 Youth Services facilities like this in the state of Virginia or any other state?
1942
1943 Mr. Bogert - We have similar services. We serve similar
1944 populations. They are not under this type of categorization exactly that would be
1945 residential treatment center. But we serve this population in various other types
1946 of services here in Henrico, Chesterfield, and around the state of Virginia. So
1947 we're very familiar with this population.
1948
1949 Mr. Bell - It's a well-needed service; I appreciate that. However,
1950 have there ever been any security concerns that you've had to face with the
1951 communities once you want to move in?
1952
1953 Mr. Bogert - Sure. Yes. Any time, of course, you're in the
1954 community there's that potential. We've had up to seventeen, twenty-some sites

1955 around the state of Virginia. Rarely do we have concerns. There have been
1956 historical concerns regarding these types of programs in communities, obviously.
1957 Our whole approach is to mitigate that as much as possible. We've developed a
1958 very good reputation for that. We've not had people complaining, things like that,
1959 just because we're very responsive and understanding of what concerns might
1960 be. So since 1996, we've had little to no, you know, concerns. As soon as a
1961 concern comes up we're very responsive to it. And just have not had any
1962 problems.

1963
1964 Mr. Bell - Thank you.

1965
1966 Ms. Harris - I said I was done with my questions, but being a
1967 former educator I do have to ask some questions about certification or
1968 accreditation. Does that fall under the Department of Education with you, with
1969 Intercept?

1970
1971 Mr. Bogert - Yes. Currently we are—the DOE has certified us for a
1972 school on that location now. So we do operate a school for the young men that
1973 are there now. So we are certified, accredited—yes, all of what is necessary to
1974 run it.

1975
1976 Ms. Harris - Do they have to take SOLs and all of that?

1977
1978 Mr. Bogert - Yes. You know, I'm not an educator, so I don't know
1979 exactly all of what they have to do. I imagine they do for any students that are
1980 regular ed. I'm not sure what provisions are made for the special ed students in
1981 regards to that.

1982
1983 Ms. Harris - Okay, thank you.

1984
1985 Mr. Wright - Any further questions from members of the Board?

1986
1987 Mr. Baka - Just one. We talked a lot about the specifics on the
1988 property, but if we zoom out and were able to look at the aerial photograph, Paul,
1989 if that's possible. Looking at the area where the ten-acre property is, you're on a
1990 busy road, Brook Road, with a right-in, right-out. You have the Virginia Center
1991 Commons mall bounded by the river. You have a commercial area which would
1992 seem to be—might appear to be compatible with the use. My only question is
1993 would you envision any effect on the surrounding properties? Is there any need
1994 for any type of second entrance? I see you're showing just one entrance on this
1995 drawing but—

1996
1997 Mr. Bogert - That's a good question.

1998
1999 Mr. Baka - —you're adding so much more usage to the property.

2000

2001 Mr. Bogert - Yes, maybe—well ten acres is our site. We're
2002 probably using about half of it. I don't have a great overview; you might have a
2003 better aerial photo than I have here. But as you can see, to the north of our site
2004 at the top of this page we're bounded by the Chickahominy River. And right
2005 across from there is Hanover County. So we're on the very edge of Henrico. To
2006 the east of our site, to the right of our site, the property tapers down to point and
2007 then abuts the property of Virginia Center Commons. There is nothing there
2008 behind us but undeveloped property that I can see right next to us. To the south
2009 of us is very interesting too. If ever a castle needed a moat, we have one
2010 because we're adjacent to a BMP that is inaccessible to cross. And then of
2011 course on the west we have Brook Road.

2012
2013 We do know that our entrance is deficient. It is a one-way in-and-out, right-
2014 in/right-right-out. While we cannot change the median or will not get involved in
2015 the median in the road, we are going to widen that entrance to be two-way traffic.
2016 I've shown the entrance road being widened to at least twenty-two feet for two-
2017 way traffic with no parking beside it.

2018
2019 Mr. Baka - Okay. Thank you.

2020
2021 Ms. Harris - When will you widen that road, do you know?

2022
2023 Mr. Bogert - Our entrance will—

2024
2025 Ms. Harris - I was over there yesterday and I saw exactly what you
2026 meant. Cars coming into that may not be able to see you getting ready to pull
2027 out.

2028
2029 Mr. Bogert - Right, right. Well, I think it might be noted as part of
2030 the condition on the report that—well that will be the first thing we do. We will
2031 need to have a construction entrance put in. And there are currently two brick
2032 pillars beside that driveway that—it's just too narrow. It is a residential entrance
2033 right now. It should have been made wider initially. But that will be one of the first
2034 things we do with any improvements to site will be modifying that entrance.

2035
2036 Mr. Wright - Any further questions? Is anyone here in opposition to
2037 this request? Hearing none, that concludes the case. Thank you very much for
2038 appearing.

2039
2040 Mr. Bogert - Thank you.

2041
2042 **[After the conclusion of the public hearings, the Board discussed the case**
2043 **and made its decision. This portion of the transcript is included here for**
2044 **convenience of reference.]**

2045
2046 Mr. Wright - Do I hear a motion on this case?

2047
2048 Ms. Harris - I move that we approve this conditional use permit for
2049 the Intercept Youth Services facility. I believe it's a much needed service that
2050 they're offering and I wish them every success.
2051
2052 Mr. Wright - Now you have—
2053
2054 Mr. Baka - Condition 5.
2055
2056 Mr. Wright - —an amendment to Condition 5.
2057
2058 Ms. Harris - Oh, we do have an amendment to the conditions.
2059
2060 Mr. Wright - That's what I was looking for.
2061
2062 Ms. Harris - Okay.
2063
2064 Mr. Wright - It takes out the word "engineer," and says
2065 "professional certified in the state."
2066
2067 Ms. Harris - Okay.
2068
2069 Mr. Wright - Are you okay with that?
2070
2071 Ms. Harris - Yes. Condition 5, yes.
2072
2073 Mr. Wright - Do I hear a second to that motion?
2074
2075 Mr. Bell - Second.
2076
2077 Mr. Wright - Motion's made and seconded. Any discussion?
2078 Hearing none, all in favor say aye. All opposed say no. The ayes have it; the
2079 motion passes.
2080
2081 After an advertised public hearing and on a motion by Ms. Harris, seconded by
2082 Mr. Bell, the Board **approved** application **CUP2014-00029, INTERCEPT YOUTH**
2083 **SERVICES'** request for a conditional use permit pursuant to Section 24-52(e) of
2084 the County Code to expand a human care facility at 10187 Brook Road (Parcel
2085 784-771-0986) zoned Agricultural District (A-1) (Fairfield). The Board approved
2086 the use permit subject to the following conditions:
2087
2088 1. This conditional use permit applies only to the use of the property as a human
2089 care facility as described in the July 23, 2014 letter from Mark Bogert filed with
2090 the application. All other applicable regulations of the County Code shall remain
2091 in force.
2092

- 2093 2. Only the improvements shown on the preliminary site master plan filed with
 2094 the application may be constructed pursuant to this approval. Any additional
 2095 improvements shall comply with the applicable regulations of the County Code.
 2096 Any substantial changes or additions to the design or location of the
 2097 improvements shall require a new conditional use permit.
 2098
- 2099 3. The property shall be served by public sewer prior to receiving a certificate of
 2100 occupancy for the Phase I administration building or any other proposed building.
 2101
- 2102 4. The applicant shall comply with the Chesapeake Bay Preservation Act and all
 2103 state and local regulations administered under such act applicable to the
 2104 property, and shall furnish to the Planning Department copies of all reports
 2105 required by such act or regulations.
 2106
- 2107 5. [Amended] The applicant shall present a complete grading, drainage, and
 2108 erosion control plan prepared by a professional certified in the state of Virginia to
 2109 the Department of Public Works for approval. This plan must include the
 2110 necessary floodplain information if applicable.
 2111
- 2112 6. No more than sixty clients may reside on the property at any time.
 2113
- 2114 7. A detailed landscaping and lighting plan shall be submitted to the Planning
 2115 Department for review and approval. This shall include supplemental
 2116 landscaping along the property's western boundary to help discourage youth
 2117 from running onto Brook Road.
 2118
- 2119 8. All landscaping shall be maintained in a healthy condition at all times. Dead
 2120 plant materials shall be removed within a reasonable time and replaced during
 2121 the normal planting season.
 2122
- 2123 9. All exterior lighting shall be shielded to direct light away from adjacent
 2124 property and streets.
 2125
- 2126 10. All trash shall be in closed containers with regular pickups, the containers
 2127 shall be properly screened, and the area shall be kept clean.
 2128
- 2129 11. Prior to the beginning of any work authorized by this use permit, the
 2130 applicant shall widen the entrance of the property onto Brook Road to the VDOT
 2131 standard required for this project.
 2132

2134	Affirmative:	Baka, Bell, Harris, Wright	4
2135	Negative:		0
2136	Absent:	Nunnally	1
2137			
2138			

2139 [At this point, the transcript continues with the public hearing on the next
2140 case.]

2141
2142 **VAR2014-00012** **FRANK SHIMCHICK** requests a variance from
2143 Section 24-95(b)(4) of the County Code to build a one-family dwelling at 1113
2144 Glidewell Road (WILDWOOD) (Parcel 788-756-5450) zoned One-Family
2145 Residence District (R-2A) (Fairfield). The total lot area requirement is not met.
2146 The applicant proposes 9,716 square feet total lot area, where the Code requires
2147 10,000 square feet total lot area. The applicant requests a variance of 284
2148 square feet total lot area.

2149
2150 Mr. Wright - All persons desiring to speak with reference to this
2151 case, please stand and be sworn.

2152
2153 Mr. Blankinship - Raise your right hand, please. Do you swear the
2154 testimony you're about to give is the truth, the whole truth and nothing but the
2155 truth so help you God?

2156
2157 Mr. Shimchick - I do.

2158
2159 Mr. Wright - Please state your name for the record and present
2160 your case.

2161
2162 Mr. Shimchick - I will. My name is Frank Shimchick. That's S-h-i-m-c-
2163 h-i-c-k. And I'm here today as executor of my aunt, Helen Carneal's estate.

2164
2165 We're asking for a variance of approximately 300 square feet of the current
2166 property located at 1113 Glidewell to be approved as a buildable lot. And there's
2167 another caveat that I'd like to stick in here because I didn't have time to do it
2168 initially, but you can kind of hear it. There is a sixteen-foot easement that also
2169 runs on this property next to a triangular-shaped piece of property that's adjacent
2170 to ours. But I'd like to see if we can get at least half of that easement split
2171 between where we are now and the adjacent property.

2172
2173 Mr. Blankinship - I'm sorry, this is the wrong body for that.

2174
2175 Mr. Shimchick - Just thought I'd throw it out here so.

2176
2177 Well, let me start by saying in 1957 my aunt and her husband purchased the
2178 adjacent property, 8303 Tarkington, and had a home built there. Approximately
2179 four years later—November 10, 1961—they purchased the 1113 Glidewell
2180 property and with the understanding at that time that it was certainly a building lot
2181 for a residence. The current tax assessments for that property are the same—the
2182 1113 Glidewell property and the 8303 Tarkington property are exactly the same;
2183 they are assessed at \$40,000 each. One has a home on it; one's her lot that she
2184 purchased thinking that a home could be built. The assessment was never

2185 challenged because she was always under the impression that that was a
2186 buildable lot.

2187
2188 So the current square footage of the 1113 Glidewell property is about 300 square
2189 feet short of what the 10,000-square-foot limit was at that time. We had Potts
2190 Minter and Associates land surveyors do the square footage estimate on it, and
2191 that's where that number came from.

2192
2193 I have a deed to that property, but I don't have a plat plan attached to it.
2194 However, I do have a Lawyers Title Insurance Corporation's owner's policy and
2195 schedule D that describes the lot and its location. More importantly, the schedule
2196 C on that document describes the building setback lines and the easements for
2197 that property. So I think they were always under the impression that that lot was
2198 a buildable lot.

2199
2200 In closing, I guess I would ask that you approve our request for the variance for
2201 this property as a buildable lot. And I think it's supported by these points. That
2202 my aunt always thought that this was a buildable piece of property. She invested
2203 in it with this idea. Plus, the County has assessed that property the same as the
2204 current property that she owns right next to it at the same value. So I would think
2205 that would have some bearing.

2206
2207 Mr. Wright - Have you read the conditions proposed for the case?

2208
2209 Mr. Shimchick - I have.

2210
2211 Mr. Wright - And are you in accord with the conditions?

2212
2213 Mr. Shimchick - I certainly am.

2214
2215 Mr. Wright - Secondly, where is that plat showing the little corner?

2216
2217 Mr. Blankinship - That one? Could you put up my diagram, Paul? No,
2218 it's a diagram—

2219
2220 Mr. Wright - The diagram that shows—

2221
2222 Mr. Blankinship - That may not have made it into the presentation.

2223
2224 Mr. Wright - Okay. But it still shows the little corner there.

2225
2226 Mr. Baka - It shows the corner.

2227
2228 Mr. Wright - Do you see a triangular piece? Have you tried to
2229 acquire that piece?

2230

2231 Mr. Shimchick - I did. I sent Mr. Hicks a letter asking, you know, that
2232 he accept our offer at that point. He called me back in a couple days and said no,
2233 there's no way he could accept that amount of money. So in a conversation later
2234 I offered him some additional monies, and he said no, he would not do that.

2235
2236 Mr. Wright - What is your position on that? Is he asking an
2237 exorbitant amount for that little triangle?
2238

2239 Mr. Shimchick - Well, you understand I'm representing a group of folks
2240 who own this property. And they en mass thought that it was an exorbitant
2241 amount of money.
2242

2243 Mr. Wright - How much is that assessed for?
2244

2245 Mr. Shimchick - That little reserve piece is assessed for \$300. And I
2246 offered him twice that to start with, thinking that well, you know, you can't build on
2247 it so why not do that. And, quite frankly, I was—I won't say laughed at, but
2248 snickered at was probably a good description, that it would never go for that
2249 amount of money. So then I offered him a lot more than that, secondly, you
2250 know, the conversation on the phone. And again he said, "No, I can't take that
2251 either."
2252

2253 So in an effort to try to move this thing to a point where I didn't have to stand
2254 here today in front of you folks and do what I'm doing, I got with my brothers and
2255 said, you know, I—we mentioned some more money, what do you think? And
2256 they said no, you know what? It's just not—just go to the Board and say here we
2257 are, we're 300 square feet short of a buildable piece of property. And when you
2258 look at the easement that I was talking about before that is all on my aunt's
2259 property, the triangle, that whole sixteen feet is on hers. They said well even if we
2260 get it, we've still got that sixteen feet to deal with. What's the point? It doesn't
2261 really give us anything. So let's just roll the dice and see if we can—you know.
2262

2263 Mr. Wright - So your position is he's trying to hold you up.
2264

2265 Mr. Shimchick - I—those are your words, not mine.
2266

2267 Mr. Baka - Does that owner take care and maintain that small
2268 triangle of property? Is it maintained?
2269

2270 Mr. Shimchick - Actually no. My aunt's been maintaining—my brothers
2271 and my aunt have been maintaining that property for over fifty years.
2272

2273 Mr. Baka - For over fifty years. That's interesting.
2274

2275 Ms. Harris - Do we have a letter from him?
2276

2277 Mr. Blankinship - Yes.

2278

2279 Ms. Harris - Was it in your packet too, Mr. Shimchick? We have a
2280 letter from Mr. Hicks.

2281

2282 Mr. Blankinship - The facing page to the staff report.

2283

2284 Mr. Wright - That adds fuel to the fire.

2285

2286 Ms. Harris - Right. Of course he's against this variance. But his
2287 address is 8305 Tarkington. So I was trying to picture that in comparison to this
2288 property that we're considering today.

2289

2290 Mr. Shimchick - It's the triangle.

2291

2292 Ms. Harris - It's only the triangle. It's all he owns.

2293

2294 Mr. Blankinship - Right.

2295

2296 Mr. Baka - He doesn't own the adjacent parcel?

2297

2298 Mr. Blankinship - No. He is the son of the original developer. And the
2299 original developer left that little triangle and a couple of others. When they
2300 divided section F, these little triangles from section B should have been
2301 incorporated into the other lots. Four of them were not. In the other three cases
2302 the owners either bought the triangle at the same time that they bought their lot
2303 or they bought it a year or two later. But in this case it was just never transferred.
2304 So fifty years later the heir of the lot owner and the heir of the original developer
2305 are on opposite sides of this little sixteen-foot easement.

2306

2307 Ms. Harris - How much does he want for it? How much does
2308 Mr. Hicks want for this triangle?

2309

2310 Mr. Blankinship - Mr. Hicks came to see me. And he said that the whole
2311 lot—a buildable lot in that area is assessed at about \$40,000. And he figured that
2312 triangle was about 10 percent of a building lot. So he thinks it's worth \$4,000.
2313 That's what he said to me. Whether that number came up in his negotiations—

2314

2315 Mr. Shimchick - That was the number he discussed with me, plus
2316 lawyer's fees.

2317

2318 Ms. Harris - And it's assessed for \$300.

2319

2320 Mr. Blankinship - For \$300, yes sir.

2321

2322 Mr. Shimchick - And you can understand my position, hopefully.

2323
2324 Mr. Wright - Any further questions from members of the Board? Is
2325 there anyone here in opposition to this request? Hearing none, that concludes
2326 the case. Thank you very much for appearing.
2327
2328 Mr. Shimchick - Thank you for your time; I appreciate it.
2329
2330 Mr. Blankinship - It was fun to do the research on that.
2331
2332 Mr. Baka - Yes. That was a fun one.
2333
2334 **[After the conclusion of the public hearings, the Board discussed the case**
2335 **and made its decision. This portion of the transcript is included here for**
2336 **convenience of reference.]**
2337
2338 Mr. Wright - Do I hear a motion on this case?
2339
2340 Ms. Harris - I'm going to move that we approve this variance. In
2341 this particular case it seems to me that the owner of the property is being held
2342 hostage by a triangular piece of land and prices that are exorbitant. I do believe
2343 that the Zoning Ordinance interferes with the reasonable use of this property.
2344
2345 Mr. Wright - All right, motion is made. Is there a second?
2346
2347 Mr. Baka - Second.
2348
2349 Mr. Wright - It's seconded. Any discussion? Hearing none, all in
2350 favor say aye. All opposed say no. The ayes have it; the motion passes.
2351
2352 After an advertised public hearing and on a motion by Ms. Harris, seconded by
2353 Mr. Baka, the Board **approved** application **VAR2014-00012, FRANK**
2354 **SHIMCHICK's** request for a variance from Section 24-95(b)(4) of the County
2355 Code to build a one-family dwelling at 1113 Glidewell Road (WILDWOOD)
2356 (Parcel 788-756-5450) zoned One-Family Residence District (R-2A) (Fairfield).
2357 The Board approved the variance subject to the following conditions:
2358
2359 1. This variance applies only to the total lot area requirement for one dwelling
2360 only. All other applicable regulations of the County Code shall remain in force.
2361
2362 2. Any dwelling on the property shall be served by public water and sewer.
2363
2364 3. If required by the Department of Public Works at the time of building permit
2365 application, curb and gutter and necessary storm drainage improvements shall
2366 be constructed along Glidewell Road.
2367
2368

2369	Affirmative:	Baka, Bell, Harris, Wright	4
2370	Negative:		0
2371	Absent:	Nunnally	1
2372			
2373			
2374	Mr. Wright -	That concludes our agenda. Minutes. Do I hear a	
2375	motion on the minutes?		
2376			
2377	Mr. Bell -	I move we accept the minutes as is.	
2378			
2379	Mr. Wright -	Motion is made. Is there a second?	
2380			
2381	Mr. Baka -	Second.	
2382			
2383	Mr. Wright -	Second. Any discussion? Hearing none, all in favor	
2384	say aye. All opposed say no. The motion passes. The minutes are approved.		
2385			
2386	On a motion by Mr. Bell, seconded by Mr. Baka, the Board approved as		
2387	submitted the Minutes of the July 24, 2014 , Henrico County Board of Zoning		
2388	Appeals meeting.		
2389			
2390			
2391	Affirmative:	Baka, Bell, Harris, Wright	4
2392	Negative:		0
2393	Absent:	Nunnally	1
2394			
2395			
2396	Mr. Wright -	In accordance with our usual procedure,	
2397	Mr. Blankinship will now assume the temporary chairmanship to conduct the		
2398	election of our officers.		
2399			
2400	Mr. Blankinship -	Thank you, Mr. Chairman. The floor is open for	
2401	nominations for the office of chairman.		
2402			
2403	Mr. Wright -	I nominate Mr. Gentry Bell as chairman for the	
2404	forthcoming year.		
2405			
2406	Ms. Harris -	Second.	
2407			
2408	Mr. Blankinship -	There is a nomination of Mr. Bell. Are there any	
2409	further nominations? All right. A motion that the nominations be closed would be		
2410	in order.		
2411			
2412	Mr. Wright -	I so move.	
2413			
2414	Mr. Blankinship -	Is there a second to that motion?	

2415
 2416 Ms. Harris - Second.
 2417
 2418 Mr. Blankinship - All right. All in favor of the motion signify by saying
 2419 aye.
 2420
 2421
 2422 Affirmative: Baka, Bell, Harris, Wright 4
 2423 Negative: 0
 2424 Absent: Nunnally 1
 2425
 2426
 2427 The nominations are closed. Mr. Bell, you're the only nominee. You are therefore
 2428 elected by acclamation. Congratulations. The floor is now open for nominations
 2429 for the office of vice chairman.
 2430
 2431 Ms. Harris - For vice chair I wish to nominate Mr. Baka.
 2432
 2433 Mr. Wright - I'll second that nomination.
 2434
 2435 Mr. Blankinship - All right, Mr. Baka has been nominated. Are there any
 2436 further nominations? A motion to close the nominations would be in order.
 2437
 2438 Mr. Bell - I move we close the nominations.
 2439
 2440 Ms. Harris - Second.
 2441
 2442 Mr. Blankinship - It has been moved and seconded that we close the
 2443 nominations. All in favor say aye. All opposed no.
 2444
 2445
 2446 Affirmative: Baka, Bell, Harris, Wright 4
 2447 Negative: 0
 2448 Absent: Nunnally 1
 2449
 2450
 2451 The floor is closed to nominations. Mr. Baka, you're the only candidate; you're
 2452 therefore elected by acclamation. Congratulations.
 2453
 2454 Mr. Baka - Thank you. Congratulations, Mr. Chairman.
 2455
 2456 Mr. Wright - It's been a pleasure to have served this body for the
 2457 past two years.
 2458
 2459 Mr. Blankinship - And I'll just hold the gavel for another minute. Is there
 2460 a motion to adjourn the meeting?

2461
 2462 Mr. Wright - Is there a motion that we adjourn?
 2463
 2464 Ms. Harris - I so move.
 2465
 2466 Mr. Wright - I guess I can do that. Second?
 2467
 2468 Mr. Baka - Second.
 2469
 2470 Mr. Wright - All in favor say aye. All opposed say no. The ayes
 2471 have it; the motion passes.
 2472

2473			
2474	Affirmative:	Baka, Bell, Harris, Wright	4
2475	Negative:		0
2476	Absent:	Nunnally	1
2477			

2478
 2479 Mr. Wright - We're adjourned.
 2480

*Adjourned by
 the chair for*

R. A. Wright
 Chairman

BWB
 Benjamin Blankinship, AICP
 Secretary

2495