

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
3 **GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON**
4 **THURSDAY DECEMBER 19, 2019 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED**
5 **IN THE *RICHMOND TIMES-DISPATCH* DECEMBER 2, 2019 AND DECEMBER 9,**
6 **2019.**

7
8 **Members Present:** Gentry Bell, Chair
9 Terone B. Green, Vice-Chair
10 Walter L. Johnson, Jr.
11 Terrell A. Pollard
12 James W. Reid

13
14 **Also Present:** Jean M. Moore, Assistant Director of Planning
15 Benjamin Blankinship, Secretary
16 Paul M. Gidley, County Planner
17 R. Miguel Madrigal, County Planner
18 Kuronda Powell, Account Clerk
19

20
21 **Mr. Bell -** Like to welcome you today to the meeting of December 19th
22 for the Henrico County Board of Zoning Appeals. For those who are able, please stand
23 and join me with the Pledge of Allegiance.

24
25 **[Recitation of the Pledge of Allegiance]**

26
27 **Mr. Bell -** Thank you. Mr. Blankinship will now read our rules.

28
29 **Mr. Blankinship -** Good morning, ladies and gentlemen, members of the Board,
30 **Mr. Chair.** The rules for this meeting are as follows: Acting as secretary I will announce
31 the case. There's only one case on this morning's agenda. While I'm speaking we will
32 ask everyone who intends to speak to that case to stand and be sworn in. Then a member
33 of the staff will give a brief introduction to the case, and then the applicant will present
34 their case. After the applicant anyone else who wishes to speak will be given the
35 opportunity. After everyone has had a chance to speak the applicant, and only the
36 applicant, will have an opportunity for rebuttal.

37
38 The meeting is being recorded, so we'll ask everyone who speaks to speak directly into
39 the microphone on the podium, state your name, and please spell your last name so we
40 get it correctly in the record.

41
42 We now have a full board, and there are no requests for deferral or withdrawal, so I
43 believe we are ready to begin.

44
45 **Mr. Bell -** Let's now call our first request.
46

47 Mr. Blankinship - We have one case on the morning's agenda. Conditional Use
48 Permit 2019, number 35. Paul Scott Oliver.

49
50
51 **CUP2019-00035** **PAUL SCOTT OLIVER** requests a conditional use permit
52 pursuant to Section 24-95(i)(4) of the County Code to build a garage in the front yard at
53 101 El Dorado Drive (SLEEPY HOLLOW ESTATES) (Parcel 748-734-6453) zoned One-
54 Family Residence District (R-1) (Tuckahoe).

55
56 Mr. Blankinship - Would everyone who intends to speak to this case please
57 stand and be sworn in? Raise your right hands, please. Do you swear the testimony
58 you're about to give is the truth, the whole truth, and nothing but the truth, so help you
59 God? Thank you. Mr. Madrigal.

60
61 Mr. Madrigal - All right. Thank you, Mr. Secretary, Mr. Chair, members of the
62 Board, good morning.

63
64 Before you is a request to allow a garage in the front yard of a one-family dwelling. The
65 subject property is located at the northeast corner of El Dorado Drive and Sierra Road in
66 the Sleepy Hollow Estates subdivision, which was established in 1955.

67
68 The lot is over 26,000-square-feet in area, and is improved with a one-story, 2,700-
69 square-foot ranch-style dwelling with open parking, built in 1959. Although the home is
70 oriented toward El Dorado Drive, because of the property's dimensions, the lot frontage
71 is actually on Sierra Road as defined by code.

72
73 The applicant purchased the property in September of 2011. He would like to build a
74 one-story, 624-square-foot, detached two-car garage in the front yard, 15 feet from the
75 front property line. Although accessory structures are allowed by right in the rear yard,
76 the proposed garage location in the front yard requires the approval of a conditional use
77 permit. The property is zoned R-1, and is designated Suburban Residential 1 on the 2026
78 Future Land Use Map. A one-family dwelling is a principal permitted use in the R-1
79 district, and is consistent with the comprehensive plan designation.

80
81 A conditional use permit is required for the placement of the garage in the front yard to
82 ensure that will not cause any detrimental impacts to the subject property, adjacent
83 property, or the immediate neighborhood.

84
85 The existing subdivision was platted in 1964 -- or, excuse me, 64 years ago, and the
86 neighborhood is built out and well established. And this is the subject lot here. On-site
87 parking varies per property, and consists of open parking, attached and detached
88 garages. Detached garages tend to be predominately located in the rear yard throughout
89 the neighborhood.

90
91 The home's orientation is consistent with the alignment of other homes along El Dorado
92 Drive, and the proposed garage position he would make it appear to be located in the

93 rear yard, accessed from a side street, although it is technically in the front yard. The
94 only detrimental impact with the applicant's proposal is that it is too close to the front
95 property line as compared to other homes along Sierra Road. The garage would protrude
96 beyond the established building line, and the resulting driveway would be too shallow to
97 fully park a vehicle on the property.
98

99 If the applicant's request is approved, staff would recommend a 35-foot setback from
100 Sierra Road, which is the minimum front setback required under the exception standards
101 for this lot. The increased setback would limit the proposed structure's encroachment
102 into the front yard, reduce its visual impact on the streetscape, and allow for vehicles to
103 fully park on the property, without overhanging the public right-of-way. Additionally, the
104 revised location would be consistent with other similar properties throughout the
105 neighborhood.
106

107 In conclusion, the proposed use is consistent with both the zoning and comprehensive
108 plan designations of the property. The location would be acceptable if it met the minimum
109 front-yard setback which would significantly limit its encroachment into the front yard, limit
110 its visual impact on the streetscape, and make it more consistent with the established
111 setback along the north side of the street. The increased setback would also be
112 consistent with other properties in the neighborhood and would allow for vehicles to be
113 fully parked on the property without any overhanging into the public right of way.
114

115 Staff does not anticipate any significant impacts on adjacent property or the neighborhood
116 as long as the applicant adheres to the suggested conditions of approval. Based on the
117 facts of the case, staff recommends approval subject to conditions.
118

119 As a side note, staff has received two letters of opposition on this project. They have
120 been provided for your consideration. And that essentially concludes my presentation,
121 and I'll try to answer any questions you may have.
122

123 Mr. Bell - Are there any questions? Thank you, there are not any
124 questions.
125

126 Mr. Madrigal - All right, thank you.
127

128 Mr. Bell - Would the applicant please come up, on this side.
129

130 Mr. Oliver - Afternoon. Or morning. My name is Scott Oliver, Paul Scott
131 Oliver. I just came to be aware that there were two letters written. I knew of one, I was
132 given one, as of last Saturday. The other one I did not receive. I actually want to thank
133 you all for letting me have this appointment.
134

135 I actually talked to -- came in and -- well, or it's not going to do me much good right now.
136 I came and talked to Mr. Blankinship on Monday and he was very considerate of his time
137 and I probably sat down with him for about an hour and 15 minutes discussing the whole
138 project.

139
140 I actually contacted the, I guess, the HOA in our neighborhood. But it's not really an HOA,
141 it's more of an association, it's not a mandatory type of thing. And several of them had
142 come by and looked at, you know, what was going on. I actually tried to get one of them
143 to write a letter saying that it was okay, because they were like, "What's going on here?"
144 and according to our bylaws and our loosely knit association they are not allowed to write
145 a letter for a one particular customer or one particular house. And so, I was unable to
146 bring that.

147
148 I did, however, bring some emails that I had, you know, that he had, one of our board
149 members had, you know, emailed back and forth with Mr. -- I'm sorry.

150 Mr. Madrigal - Madrigal.

151
152
153 Mr. Oliver - Thank you. And one of the gentlemen that was emailing back
154 and forth with him was like, I've been studying plot plans for 40 years, and it makes no
155 sense whatsoever.

156
157 I actually, you actually saw on the teleprompter, but I have three pictures of my house
158 that are actually right here that --, and get yourself a --. But if you look at it, you know
159 which way my house was designed, and it was, you know, in 1955, as they said, I thought
160 the house was built in '58. I'm the second owner of that house.

161
162 But this neighborhood was not designed -- this was obviously designed -- I have a 50-
163 foot setback in my front yard, which the county now says is my side yard, and my back
164 yard is my side yard, and my side yard is my front yard according to the county. It's right
165 confusing to everybody in the neighborhood, and it took me quite a while to understand
166 that myself. And I still don't understand it.

167
168 The code went into play in 1960 and they didn't start it from 1960. They said every house
169 from this -- from, you know, that had been previously built before 1960 was going to be in
170 this code also. So it was, like, a retroactive to whenever it goes back to.

171
172 I know that this problem comes up several times a year you all have to hear different, you
173 know, arguments on this because of this one particular code that caught, you know, me
174 off guard as well as, I'm sure, other people. You know, that people have no idea that their
175 side yard, their front yard is now their side yard, and all that kind of stuff.

176
177 When I started this process I started it with going to the building permit people to find out
178 what my offsets were for my actual garage without a plan, because I wanted to find out
179 what it was. And then I found out I needed to do this.

180
181 I set down with the Planning Department with the building permit for two days trying to
182 figure out the place to place it, understanding that I was going to have to come here and
183 get this kind of, you know, talk to you all. But figuring out the best way to put -- where to
184 put the actual garage on the property with getting consent of y'all.

185
186 And that's where we ended up putting it was on the 15-foot thing I thought this was going
187 to be a little bit more informal, for some reason. I thought we were all going to be sitting
188 down at one round table, so I don't have everything -- I actually fabricated my plans to a
189 house that's within 100 yards of mine, and I have some pictures of that, and that's
190 basically what I'm looking to do. This will take up a -- of looking at buildings. It's also in
191 my application.

192
193 I know that some of you all -- my understanding from Mr. Blankinship is that some of you
194 had probably driven by the house, and I appreciate you all doing that. Two things that I
195 want to explain. My fence is down right now. If you all drove by. And also, I think, when
196 you took pictures it was down. I had a tree that, when my dogs chase a squirrel, it would
197 go in one hole and come out on the other side in another hole, so I had to cut that tree
198 down. And I had the actual stump dug up instead of grinding. Because when you grind
199 it, eventually they sink. And I had it dug up, which did a little damage to my driveway.

200
201 So I also had called two real estate agents to come by and look at it. And I actually have
202 two letters from them. And I don't think I need to read them, but I can. And they basically
203 explain that at 15 -- putting it where I have proposed would be no detriment to the
204 neighborhood or the street. As far as they saw it, being in the, you know, the real estate
205 business, one being 19 years, one being 7 years. And by moving it back 35 feet as you
206 would, it would be a loss to the house and its value. It would devalue the house if I
207 decided to put a garage there. And I'll go ahead and pass these out for you to look at
208 those.

209
210 Just to go back to the 35-foot. And I'm actually -- and I've read everything that I was
211 given. I'm looking for my notes. Looking on all the proposals that they had said, the
212 recommendations and the conditions and the approval. I'm okay with most of the
213 conditions that we actually have on there. You know, one through four, six, seven and
214 nine I do not have a disagreement.

215
216 I do have a disagreement with number 5 and number 8, which I would like to discuss.
217 Number 5 is the 30-foot setback, which will be, you know, an additional financial burden,
218 as well as an interruption to a, you know, the yard, patio, trees. And I have, you know,
219 and I've sent you letters pertaining to that particular thing.

220 The trees I would probably have to, if I moved it back to 35 feet, I would have to probably
221 cut down 5 very mature trees, and trees are not cheap to get, you know, to get cut down.
222 But at the same time, I'm not willing to do that.

223
224 If I was forced to put it back to 35 feet, I would abandon the whole project. And I would -
225 - just because I can't do that. To devalue my house, you know, to devalue the
226 neighborhood by taking all the trees out would just be ridiculous.

227
228 At the same time, I am a second owner, and the original owner was an electrical engineer,
229 and everything was well overdone in the house. And the day him and his two sons poured

230 that concrete, concrete must have been free, because it's like a foot deep. And it has
231 rebar in it, and it's just not an economical thing to dig up.

232
233 The second one, which is number 8, which is what he has up on this teleprompter here.
234 I understand with talking to Mr. Blankinship he said that we needed to get rid of that
235 driveway part, the part that's ex-ed out. Number one, there is no code or anything that's
236 saying that you can have too much driveway. So I don't know why I was forced to get rid
237 of a driveway. And I was talking to him on the phone and we sort of said, Well, you know,
238 and he got me thinking that do I want to get rid of some of my driveway?

239
240 But I actually, you know, this is where my informality comes into play, is that I thought we
241 were going to be at a little round table and I could show you my little -- my little thing that
242 when I talked to him. But I'm going to hand this up there, and if you all have any questions
243 you can, you know, please give me a holler.

244
245 The green, which is right here, is where existing is. And this is my patio and this is my
246 existing driveway. The orange is proposed. This is where we are proposing a new
247 driveway for the garage, and this is where the County of Henrico is proposing I put it 35
248 feet back. And it shows that even if I put it right next to the house, it's still going to interfere
249 with the patio and the outdoor living of the house, and as well as the driveways.

250
251 But you actually got me thinking when you were talking about doing that, number one, is
252 that my front of my house, as we well know, is on El Dorado, according to me. And I have
253 a, you know, a nice brick sidewalk that goes from the edge of the driveway to the front
254 door. By getting rid of that part they want and, Mr. Blankinship said typically they say get
255 rid of one closest to the corner of the street. But, at the same time, he also did admit that
256 it was not a busy street at all, and there shouldn't be any problem with getting rid of it.
257 Because if I have visitors coming to that driveway, I would like for them to be able to drive
258 up and walk down the sidewalk.

259
260 So, me and my little cutouts, these two orange ones are proposing if I have to get rid of a
261 driveway I want to get rid of the other half, not that half. And I actually made two proposals
262 of ways that I could do it with getting rid of a portion of it. But both of them would leave
263 more greenspace on the road than what is actually right there at this point in time. So I'm
264 going to hand this up there.

265
266 Mr. Blankinship - It might be more helpful for you to use the mouse on the
267 lectern there and point on the drawing that's on the screen.

268
269 Mr. Oliver - Like this part right here, I need to -- if you park here --

270
271 Mr. Blankinship - That you would prefer to leave?

272
273 Mr. Oliver - I would like to leave this part right here, and go ahead and,
274 you know, have this sidewalk go up here to my front door.

275

276 Mr. Blankinship - The sidewalk, which is there now, but is not shown on this --

277
278 Mr. Oliver - My pre-existing sidewalk, correct. On this drawing, what I
279 propose is getting rid of this part right here, and either making this go into that, hitting this
280 little header right here and getting rid of this and making this the entrance, and it be around
281 to right here, which I'd end up more green space here.

282
283 In my actual drawing if I'm able to keep where I want it to, you know, which would be like
284 right here, I would end up with the greenspace along this driveway and here, and eliminate
285 this all together, this portion right here. I would eliminate leaving, you know, a driveway
286 here and this would be a round, which would give me greenspace between here and
287 there. And if you sort of use your imagination on this you can figure it out.

288
289 Mr. Blankinship - Okay.

290
291 Mr. Oliver - I think it makes sense if you look at -- I folded it a couple
292 different ways that you can actually look at it. The orange is what is proposed. The
293 orange is back here. The pink is actually where I propose the garage -- that's where I
294 originally proposed the garage to be. I think that's all I have. You all can look through
295 that. I appreciate your time.

296
297 And I think, you know, according to my -- I'm going to give you this, too. Because see I
298 have -- the board and everybody else in my neighborhood. And I guess they were talking
299 about a different way to say it. You know, I think a lot of people thought that I was trying
300 to build it 15 feet from the street, and that's not the case. It's 15 feet from my property
301 line is where it was started with.

302
303 I also talked to Mr. Blankinship on Monday, and he said that they're -- they had tried to
304 work up four different ways of working this particular problem up, because when he
305 actually first looked at it he couldn't believe that that was the way it was also. I hope I'm
306 not misquoting you, because you actually -- but it's 30 feet difference between my front
307 yard and my side yard. And that is the difference that's made all this code come into play.
308 Thank you.

309
310 Mr. Bell - We may have some questions, would you mind?

311
312 Mr. Oliver - Oh, I'm sorry.

313
314 Mr. Bell - So the conditional use approval, the nine different conditions
315 you say you can live with except five and eight?

316
317 Mr. Oliver - Yes, sir. And eight is actually, I'm okay with it, but I'm not okay
318 with it. I'm actually okay with getting rid of some of my, you know, driveway. But the part
319 that they are -- that the county originally had suggested was sort of not the right way to
320 go about it. Since I had already done damage to my driveway taking up the tree, I'd rather
21 go ahead and -- I'm going to have to do something to that anyway, I'd rather go ahead

322 and eliminate that side versus the other side. Or either do what I said connecting it from
323 right here to right there and getting rid of this. I could get rid of this and bring this over to
324 here and make a circular driveway. But, at the same time, if everything stays where it is
325 I'd rather get rid of the side that's not ex-ed out, the side that is, you know, that...
326

327 Mr. Bell - When you mention the county are you talking about one of the
328 --

329
330 Mr. Oliver - One of the people in the building permit center, yes sir.

331
332 Mr. Bell - Building permit area.

333
334 Mr. Oliver - Yes. You know, because you have electrical guy, you have a
335 planning guy and all that kind of stuff. His name was Mr. --

336
337 Mr. Bell - Did they say to what you objected to was code?

338
339 Mr. Oliver - Excuse me?

340
341 Mr. Bell - Would they say that what you objected to would come under
342 code?

343
344 Mr. Oliver - Well, what we did is when I first went there, we actually
345 discussed and he said, you got a problem that you going to have to do this. I said, Can I
346 get a variance? and he said, Good luck on that. And he said, You're just not going to get
347 a variance, because there's no hardship. And, you know, you're not a disabled veteran
348 or veteran or something like that. He goes, "You just won't get it, and I'm sorry to say
349 that."

350
351 And then he said, but you can apply for a conditional use variance, well not variance, but
352 conditional use. And so at that point in time I knew that I was going to have to pay the
353 \$300 and come to this. But I said, before we go any further, before I pay the \$300 and
354 actually apply for this, I'd like to sit down. And we actually worked out a place where it'd
355 be if it was approved, you know, that if I could build it where I wanted to it would be okay
356 within the code at that point in time.

357
358 Meaning that with the approval of the conditional it's within code. It's 10 feet away from
359 the house and everything else was in line with it. I did not give him a set of plans, so I did
360 just give him the dimensions, I guess, of the actual building I want to build.

361
362 Mr. Bell - To shift subjects, did you talk to anyone other than the people
363 that are in your residential association? I think there's about four or more. There's a lot
364 of mixed judgements on things that --

365
366 Mr. Oliver - No, I...
367

368 Mr. Bell - -- you've had any complaints from any other person or talked
369 to any other people?

370
371 Mr. Oliver - No, I didn't. Because once I'd talked with the gentleman in
372 the Planning Department that gave me the offsets and stuff like that, he seemed to be
373 very familiar with all the codes and all that kind of stuff. And that's why I didn't go to
374 anybody else. I didn't really see where I needed to go to anybody else, because I didn't
375 actually have a set of plans.

376
377 The plans are going to cost me, like, \$550 to get drawn up, and that's why I hadn't gone
378 -- I still don't have a plan. And the packet that I, you know, that I had gotten is the one
379 y'all got. I picked out a garage that's in the same area within 100 yards of my house that
380 has a garage that's a very attractive garage. It's only one year old, and I thought it was
381 an attractive garage. It has two doors and that's one of the pictures I think if I haven't
382 sent it to you, I have it in my packet and I have extra ones.

383
384 Yeah, like this house right here. And this is really the exact same condition. I actually
385 went out and measured his driveway, and his driveway is 3,900-square-feet, and mine is
386 way less than that. And so I didn't really see where -- knowing that there wasn't a code.
387 At one point in time, I know there was an argument from, Mr. Penny had talked -- not Mr.
388 Penny, Mr. Blankinship had talked about if anybody was to park a car in the driveway of
389 the garage at that -- it would be overhanging the easement, which is paved by my
390 driveway, which would be paved by three feet. It'd be -- meaning 15 feet and 18 feet.
391 But, actually, the easement from my fence to the driveway, I mean, to the road surface is
392 actually 12 feet. I measured it and, you know, I think it probably changes here and there
393 throughout things, but it's actually, you know, 12 feet. So it wouldn't be hanging out in
394 the road, it might be in the easement, but at the same time I can actually park my car on
395 the road, on the hard surface, so I didn't really think that that was a valid argument.

396
397 Mr. Bell - Any other questions? Mr. Johnson.

398
399 Mr. Johnson - How many feet is your patio from the house, and also from
400 there to the...?

401
402 Mr. Oliver - It's approximately, I had it written down, my patio is actually
403 approximately 40-feet long and, like, 25-feet wide. And as you said, the previous owner
404 had built that. That round, big green patio that's on my thing, yeah. I passed it out. It's
405 a rather large patio, and I believe it's and I might be mistaken, but I would say it's probably
406 40 by 30. It's big enough there to have a fire pit, a bench, I have a little pond in it, and
407 quite a -- . And I can put two tables, you know, 16 chairs and all that kind of stuff.

408
409 Mr. Johnson - And what's the distance from the house to that patio?

410
411 Mr. Oliver - The difference between the house and the patio is probably
412 12 feet. The only reason I'm saying 12 feet is because I know where I staked my stakes
413 in for you all to look at and stuff and where the county to look at where I staked it. I'm just

414 imagining where my patio is, and I think I got two additional feet. And right now that's 10
415 feet, so I'm thinking there's probably 12 feet from the actual house. From the, what I call,
416 the back door it would be according to the county, I mean, it's the side door, and I have
417 two side doors and one front door.

418
419 Mr. Bell - Any other questions?

420
421 Mr. Reid - Mr. Oliver, are you very strong in your opposition to items 5
422 and 8 in the staff report?

423
424 Mr. Oliver - I'm very strong on number 5, the 35 feet, but on 8 I'm not so
425 much against it. I think it would be a commonsense thing. My understanding from Miguel
426 is when we originally talked he said he gives the appearance of having too much
427 driveway. Which I can understand that, but at the same time, there is no code saying you
428 can't have too much driveway.

429
430 Mr. Blankinship - But, if I can interrupt, your objection is that you'd rather
431 remove the right-hand entrance than the left-hand entrance of the two existing.

432
433 Mr. Oliver - Correct. If I'm going to have to have to eliminate one of the
434 two, that's my only opposition to that is that I think that if you're looking at this right here
435 with the pictures up, this was a big tree right here. Right there. And this actually got
436 damaged in digging up the tree, and so I'm already going to have to do repairs here. If
437 you pull in here, if I have a guest, if you pull in here there's a sidewalk right here that goes
438 all the way to the front. So if I have somebody visiting I'd like for them to be able to drive
439 into here and actually go ahead and walk out the front door. Instead of pulling in here,
440 parking in here then having to walk all the way around the house, it just to me it made
441 more sense.

442
443 I think that if I extended this driveway down to that one, which was another one of my
444 proposals, would have been fine. But I think the best one is, is if I took this sidewalk right
445 here, I mean, this curbing right here, and circled it around to, like, right here. I would end
446 up with a whole lot of greenspace right in here. All this would be greenspace and not
447 pavement.

448
449 Mr. Bell - Okay, thank you.

450
451 Mr. Oliver - Thank you.

452
453 Mr. Bell - Now are there anyone here who objects to building the garage
454 in this man's front yard? Would you come up and give your objection, please?

455
456 Mr. Blankinship - Yes, please.

457
458 Mr. Bell - Begin with giving us your name and how you spell it.

459

460 Mr. Lister - Yes, sir. My name is Richard Lister, L-i-s-t-e-r, and I object to
461 the proposal to build a garage on Sierra Road. If we take a look at Sierra Road, we have
462 24 homes on Sierra Road. They were built beginning 1956. And all of the homes on
463 Sierra Road are all minimum of 50 feet from the street. So they respect the building code
464 and the zoning ordinance which I pulled off your website.
465

466 So on your website it says the minimum front yard is 50 feet. But his proposal is to build
467 a garage 15 feet from the property line, and I oppose that because I feel that'd be a
468 detriment to the neighborhood. We'll lose the line of sight. If you look at both sides of
469 Sierra Road, all the houses are 50 feet from the road. Those that do have garages, the
470 garages either located at the back of the property or they're integral in the building area
471 of the house.
472

473 And then we go back and take a look at the deed restrictions for Sleepy Hollow, these
474 were written in 1956. And if I can just quote Article 2, To improve -- any -- to improve
475 shall -- I can't read it here. Improvements shall be erected on said land no nearer than -
476 - I'm sorry. On said land nearer to any street than indicated by a building line on the
477 aforesaid plat. Which means that, you know, any improvements after the houses were
478 built should respect the building line. And the building line is 50 feet from the street.
479

480 So my feeling is, you know, the line of sight should be maintained and respected. We
481 should respect the building code of the 50-foot building line, and I think for the deed
482 restrictions, the deed restrictions were written, I think, for a period of 50 years. But I think
483 the tenor of the deed restrictions should be respected.
484

485 Sleepy Hollow is a nice neighborhood, we don't want a garage sitting in the front yard. I
486 think it just doesn't fit in with the neighborhood. And I live next door, I live on the corner
487 of Sleepy Hollow and Sierra Road, and this lot in question is also a corner lot so, basically,
488 you've got a setback from both sides. And, you know, the neighbors that are nearby are
489 very opposed to having this thing built, because we feel it would be an eyesore, it'll stick
490 out like a sore thumb. And we just don't feel it's in keeping with the neighborhood. I think
491 that's all that I have to say.
492

493 Mr. Bell - Are there any questions for Mr. Lister?
494

495 Mr. Lister - I've lived in my house since 1985. I've been the property
496 owner since '85 and I've lived there since '85, but I've owned the property since 1985.
497 And, at that point in time, the deed restrictions were still in place. They last for a period
498 of 50 years.
499

500 Mr. Bell - Thank you.
501

502 Mr. Lister - Thank you.
503

504 Mr. Bell - Is there anybody else that would like to speak? Ma'am, give
505 us your name and spell it, if you would.

506
507 Ms. Penny - Good morning. Yes, I'm Ann Penny, P-e-n-n-y. I'm a member
508 of the community, Sleepy Hollow Estates. And I actually live at 8903 Sierra Road, which
509 is directly across from the subject property. And while I'd like to see our neighbor build a
510 garage and enjoy a garage, I am opposed to this variance, or use permit that we're talking
511 about at this point. The reason being that it was my understanding that there's a 50-foot
512 setback for garages in Sleepy Hollow. This proposed 15 feet, would be pretty much on
513 the street there. And visually it would appear as though there's a building sitting very
514 close to the street, as you see in Maine, for example, the state of Maine. It's just not in
515 keeping with our community to have that line of sight interrupted.

516
517 The other factor would be the safety of backing out into Sierra Road, and that would be a
518 major point, far as I'm concerned. So those -- and in keeping with the character of Sleepy
519 Hollow, I recommend that we go back to a 50-foot setback. Thank you very much.

520
521 Mr. Bell - Excuse me Ms. Penny.

522
523 Ms. Penny - Yes, sir.

524
525 Mr. Bell - Are there any questions for Ms. Penny? Any questions?
526 Thank you.

527
528 Ms. Penny - Thank you.

529
530 Mr. Bell - Is there anyone else against it? And if you would, give us your
531 name and its spelling.

532
533 Mr. Sexton - My name is Tim Sexton, S-e-x-t-o-n. And I live on Sierra
534 Road, the corner of Sierra Road and Sleepy Hollow Road. And I have been there since
535 1979. And I just wanted to make a couple of points, as I do think that building a garage
536 that close to the street would not look that good. And, also, it'd be very dangerous for
537 backing out into the Sierra Road. It would negatively impact the property values, in my
538 opinion.

539
540 To my knowledge, there are no houses that have garages built that get that close to the
541 street. And this would be negative in my opinion. So that's all I have to say.

542
543 Mr. Bell - One minute. Is there any questions for Mr. Sexton? Thank
544 you.

545
546 Mr. Sexton - Okay.

547
548 Mr. Bell - Is there anyone else would like to speak against this
549 proposal? Is there anyone else that would like to speak for this proposal? Thank you.

550
551 Mr. Blankinship - You want to ask if the applicant has any rebuttal?

552
553 Mr. Bell - Did the applicant have any response?

554
555 Mr. Oliver - Yeah, I do. Because if you actually look at my deed, which is
556 up there and it's a copy of it, and I think you all have a copy of it, when my house was
557 originally built in 1958 or 1959, whatever we want to decide, it was before 1960. If you
558 look at the deed, and you look at my plot plan, I do have a 50-foot setback in what I and
559 the builders originally designed my house for to have a front yard. You have a 50-foot
560 setback on my front yard. Not what the county says now after 1960, but as of 1959 my
561 50-foot setback is off of El Dorado. I have an El Dorado Drive address. I do not have a
562 Sierra address.

563
564 This code that came into play was not meant to be retroactive back to 1930, it should
565 have been from 1960 on, so anybody that was building a subdivision would be able to
566 determine what is the front yard and what is the back yard for 9-1-1 or for whatever
567 reason. It was not built to go back into the 1950s, 1940s, and 1930s.

568
569 You know, Richard, you know, the first one that stood up, you know, he did agree that he
570 has been an owner of the neighborhood since 1985. He has not been a resident in that
571 house since 1985. Although his letter says he's been a lifetime member, you know, of
572 the neighborhood, he's been an owner. And, to me, when you rent a house, that's more
573 of a detriment to any neighborhood than an actual garage. And when I moved in, he was
574 renting the house. Which is, you know, I like the people that were living in the house, but
575 that doesn't mean that it's still not a rental. He is now living in the house that he bought
576 in 1985, and he's been there for probably, you know, seven years.

577
578 Just to go back that I think that when this code was built I don't think it should have been
579 built the way it was, and I don't think it should have been in play the way it was. It shouldn't
580 have gone back to subdivisions that were built previously.

581
582 If you actually go to corners of houses that, in my neighborhood, some of them have
583 garages that face the other corner. It just so happens that my house is 30 feet shorter on
584 the side yard than it is the front yard. Which changed it and that's what I'm fighting is that
585 35-foot setback. You know, I know that the county said everything was good, you know,
586 except, you know, I mean the Planning Department said everything is good, but we'd like
587 to suggest a 35-foot setback. If I have to go to a 35-foot setback, or a 25, it only fits where
588 it is. I mean, we spent two days trying to figure out where it would go within the codes of
589 building codes and offsets without y'all's permission.

590
591 Just saying, without y'all's permission, we had it set where the only place they could do it
592 was right there. Without doing detriment to the trees and the sidewalk. Unfortunately,
593 you know, and this is not a good way to say it, but if we cannot build it where we need to
594 build it, you know, we'll end up moving. And that's an easy thing for everybody else to
595 say. It's not easy thing for me. I actually enjoy it. I know all three of these people. I know
596 Richard's dog better than I know him, because his dog comes over into my yard, you
597 know, on a daily basis to say hello to my dog. So, you know, it's not.

598
599 Where he's saying it's back, I have a privacy fence on Sierra that is 12 feet from the road,
600 and so it's not a building, but it is, you know, it is a 6-foot-high privacy fence that was all
601 the way back to the corner. I don't see where, you know, going back another 15 feet from
602 there is such an eye sore or it's not going to interfere with your line of sight, I can tell you
603 that. I think that's all I got to say.

604
605 Mr. Bell - All right. Any questions? Thank you.

606
607 Mr. Oliver - Thank you very much for your time.

608
609 Mr. Bell - Since that's all the questions and answering, this case is over.
610 We'll take and continue now and go to the voting. You're welcome to stay if you want to
611 stay, however the results of what we vote on will be on the website a short period after
612 we leave, so you can look in there or you can stay here, either way. Thank you.

613
614 So let's go ahead and do I hear a motion for case number 2019-00035 to build a garage
615 in the front yard?

616
617 Mr. Reid - Mr. Chairman, I move that we deny the conditional use permit.
618 The garage is not consistent with the other property in the neighborhood, and there's no
619 house on El Dorado Drive or Sierra Road that has a detached garage near the street.
620 And, in addition, Mr. Oliver is not in agreement with condition number 8 in the staff report
621 requiring a 35-foot setback. It does not seem to matter whether it is 15 feet or 35 feet, or
622 how wide -- how wide the driveway is. Any of the plans proposed by the applicant would
623 have a detrimental impact on the neighborhood.

624
625 Mr. Bell - Do I hear a second to the motion?

626
627 Mr. Pollard - I second the motion.

628
629 Mr. Bell - Do I hear discussion? Hearing no discussion, let's vote on the
630 motion, then. The motion is do we take in all those who favor the CUP vote aye.

631
632 Mr. Blankinship - I'm sorry. The motion is to deny, Mr. Chair.

633
634 Mr. Bell - I'm sorry. The motion to deny the --

635
636 Mr. Pollard - I think there's more discussion to be had.

637
638 Mr. Blankinship - More discussion?

639
640 Mr. Pollard - Yes.

641
642 Mr. Bell - Somebody has something else today?

643

644 Mr. Johnson - The only unfortunately thing is that on those two properties,
645 the houses are turned opposite of all the other houses on that Sierra Road, and, like he
646 said, we have to abide by the regulations that we have. And, unfortunately, that was one
647 of the things that happened on this facility.

648
649 Mr. Bell - All right. All those --

650
651 Mr. Blankinship - In favor of the motion to deny.

652
653 Mr. Bell - There you go. In favor of the motion to deny.

654
655 Mr. Blankinship - Okay.

656
657 Mr. Bell - All those in favor of the motion to deny the CUP say aye. All
658 those who wish to vote to approve the CUP say aye. Hearing no ayes the motion is to
659 deny.

660
661 On a motion by Mr. Reid, seconded by Mr. Pollard, the Board **denied** application
662 **CUP2019-00035, PAUL SCOTT OLIVER'S** request for a conditional use permit pursuant
663 to Section 24-95(i)(4) of the County Code to build a garage in the front yard at 101 El
664 Dorado Drive (SLEEPY HOLLOW ESTATES) (Parcel 748-734-6453) zoned One-Family
665 Residence District (R-1) (Tuckahoe).

666
667
668 Affirmative: Bell, Green, Johnson, Pollard, Reid 5
669 Negative: 0
670 Absent: 0

671
672
673 Mr. Blankinship - All right, Mr. Chair. That brings us to the minutes.

674
675 Mr. Bell - All right. Do I hear any motions that we approve the minutes
676 as are, or different?

677
678 Mr. Johnson - Mr. Chairman, I motion that we approve the minutes as
679 presented.

680
681 Mr. Bell - Do I hear a second?

682
683 Mr. Pollard - Second.

684
685 Mr. Bell - We got a second from Mr. Pollard. All those in favor of
686 approving the minutes say aye. All those opposed. Hearing none opposed, the minutes
687 are approved.

688

689 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved the minutes**
690 **of the November 21, 2019 Board of Zoning Appeals public hearing.**

691

692

693 Affirmative: Bell, Green, Johnson, Pollard, Reid 5

694 Negative: 0

695 Absent: 0

696

697

698 Mr. Bell - And I believe now we got a work session coming up.

699

700 Mr. Blankinship - Yes, sir. Mr. Chair, a motion would be in order to recess this
701 meeting and reconvene upstairs in the Planning Department conference room. Okay.

702

703 Mr. Bell - Everybody know where that is?

704

705 Board - Nope.

706

707 Mr. Blankinship - Well we will show you. We do need a motion and a vote,
708 please.

709

710 Mr. Bell - Okay. Then I move that we take and --

711

712 Mr. Blankinship - Recess.

713

714 Mr. Bell - Recess and move upstairs to continue the work session on
715 training. Do I hear a motion?

716

717 Mr. Johnson - I motion.

718

719 Mr. Green - I second it.

720

721 Mr. Bell - And a second. All of those in favor of approved say aye. All
722 those not in approval say nay. Ayes have it, so we'll move upstairs and continue with the
723 training.

724

725 On a motion by Mr. Johnson, seconded by Mr. Green, the Board voted to **recess and**
726 **reconvene in the Planning Department's large conference room** for training
727 purposes.

728

729

730 Affirmative: Bell, Green, Johnson, Pollard, Reid 5

731 Negative: 0

732 Absent: 0

733

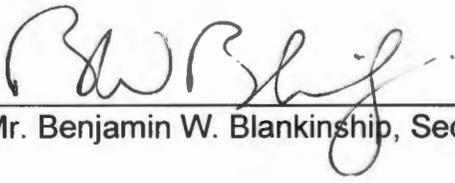
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Mr. Gentry Bell, Chair



Mr. Benjamin W. Blankinship, Secretary