

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 17, 2020 AT 9:00 A.M., NOTICE HAVING BEEN**
5 **PUBLISHED IN THE *RICHMOND TIMES-DISPATCH* NOVEMBER 30, 2020 AND**
6 **DECEMBER 7, 2020.**

7
8 **Members Present:** Terone B. Green, Chair
9 Walter L. Johnson, Jr., Vice-Chair
10 Gentry Bell
11 Terrell A. Pollard
12 James W. Reid
13

14 **Also Present:** Benjamin Blankinship, Secretary
15 Leslie A. News, Senior Principal Planner
16 Paul M. Gidley, County Planner
17 R. Miguel Madrigal, County Planner
18 Rosemary Deemer, County Planner
19 Kristin Smith, County Planner
20 Kuronda Powell, Account Clerk
21

22
23 **Mr. Green -** Good morning and welcome to today's meeting of the Henrico
24 County Board of Zoning appeals. Would those of you who are able to stand please join
25 me in the Pledge of Allegiance.
26

27 **[Recitation of the Pledge of Allegiance]**
28

29 **Mr. Green -** Thank you. Mr. Blankinship will now read our rules.
30

31 **Mr. Blankinship -** Good morning, Mr. Chair, members of the Board. And good
32 morning to those of you who are following us remotely this morning.
33

34 I'd like to welcome everyone who's joining us. If you wish to observe the meeting but you
35 do not intend to speak, welcome, and thank you for joining us. For those of you on Webex,
36 if you wish to speak, we need to know that in advance so we can connect you at the
37 appropriate time. So if you're an applicant or if you have questions or comments on one
38 of the cases, please press the chat button now. It's located in the bottom right corner of
39 the screen. When the chat window opens, please select Kristin Smith from the list of
40 participants and let her know your name and which case you are interested in.
41

42 The chat feature is only being used to identify speakers, so please do not type questions
43 or comments into a chat, but please send a chat to Kristin Smith now so we can organize
44 the queue.
45

46 All right. Acting as secretary I will call each case and then we will ask -- if there is anyone
47 in the room, we will ask them to stand and be sworn in. Then a member of the Planning
48 Department staff will give a brief presentation. Then the applicant will speak. And then
49 anyone else who wishes to speak will be given the opportunity.

50
51 We will hear from citizens in the room first and then from those on Webex. And after
52 everyone has had a chance to speak, the applicant and only the applicant will have an
53 opportunity for rebuttal.

54
55 This meeting is being recorded, so for those in the room, if anyone comes to the room,
56 we will ask you to speak into the microphone on the lectern at the back of the room and
57 we will ask everyone to state your name and please spell your last name so that we get
58 it correctly in the record.

59
60 And, Mr. Chair, we have one request to defer this morning and that is the first case. So
61 we can jump right into the agenda. Which is conditional use permit 2020, number 43,
62 Rosemary T. Tufaro.

63
64 **CUP2020-00043 ROSEMARY T. TUFARO requests a conditional use permit**
65 **pursuant to Section 24-12(h) of the County Code to allow short-term rental of a**
66 **dwelling at 7708 Biscayne Court (WILLIAMSBURG PARK) (Parcel 763-750-4223)**
67 **zoned One-Family Residence District (R-3) (Tuckahoe).**

68
69 Mr. Blankinship - Do we have Ms. Tufaro on Webex?

70
71 Ms. Deemer - Yes. We do.

72
73 Mr. Blankinship - All right.

74
75 Mr. Green - Is there a motion to defer?

76
77 Mr. Johnson - Motion to defer.

78
79 Mr. Green - Is there a second?

80
81 Mr. Pollard - Second.

82
83 Mr. Green - The motion was made to defer. There was a second by Mr.
84 Pollard and Mr. Johnson made the motion. Any discussion? All in favor of deferral say
85 aye. Opposed. Motion is deferred. The case is deferred.

86
87 On a motion by Mr. Johnson, seconded by Mr. Pollard, **the Board deferred case**
88 **CUP2020-00043 until the January 28, 2021 meeting.**

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

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Mr. Blankinship - Conditional use permit 43 will be heard on January the 28th for those of you who are listening on Webex. That case will be taken up again January 28th.

Conditional use permit 2020, number 45, Grace Fuentes-Roberts.

CUP2020-00045 GRACE FUENTES-ROBERTS requests a conditional use permit pursuant to Section 24-95(i)(4) of the County Code to allow a pool in the side yard at 3000 Krueger Drive (Parcel 773-743-2655) zoned One-Family Residence District (R-2) (Brookland).

Mr. Madrigal - Thank you, Mr. Chair. Good morning, members of the Board. Before you is a request to allow a pool in the side yard of a one-family dwelling. The existing house on the property was built in 1930 and it was the first house on Krueger Drive.

The land was purchased by John W. Krueger in 1931. At that time he owned approximately 10 acres between the subject property and what is now Dickens Road. In 1963 the state acquired most of the subject property for the construction of Interstate 64.

Today the lot is triangular in shape with 250 feet along Krueger Drive, 209 feet abutting the property to the north, and 391 feet along Interstate 64. The home stands at the widest part of the lot and is set back 78 feet from Krueger Drive, 39 feet from the adjoining property to the north, and 40 feet from I-64.

The current owners acquired the property in 1993. They would like to build an in-ground swimming pool measuring 16' by 36' in the side yard. The code allows a swimming pool by right in the rear yard, but that location is not suitable due to the proximity to I-64. They have requested a CUP to allow a pool in the side yard because of this situation.

Their proposal indicates that the pool will be surrounded by a deck and a fence. Although these are not dimensioned on the drawing, they are enclosed by a fence that appears to be approximately 36 by 72 feet. The proposed fence perimeter would be 4 feet tall. The pool would be located approximately 49 feet from Krueger Drive, and the fence would have an approximately 40-foot setback.

The property is zoned R-2 and is designated SR-2 on the 2026 Future Land Use Map. And the existing one-family dwelling is consistent with both designations and a swimming pool is a customary and incidental accessory use to the home.

A CUP is required because the pool will be located in the side yard. The applicant's home

138 will be between the proposed pool and the neighbor's home to the north. The interstate
139 abuts the property on the south and west.

140
141 The only property that would be affected by the pool is to the east across Krueger Drive.
142 That property is improved with a dwelling which is located over 100 feet from the proposed
143 pool. It is also improved with a swimming pool and pool house which are located directly
144 across Krueger Drive from the proposed location of the pool. Staff does not anticipate
145 any detrimental impacts from the proposed pool.

146
147 In conclusion, the applicants propose to build an in-ground swimming pool in the side
148 yard because their rear yard abuts I-64. The proposed pool is consistent with the
149 Comprehensive Plan and Zoning Ordinance. The proposed location is over 100 feet from
150 the nearest home and across a private drive from the neighbor's swimming pool. There
151 should be no substantial detrimental impacts on nearby property. Based on these facts,
152 staff recommends approval subject to conditions.

153
154 Mr. Green - Thank you. Are there any questions from the Board to staff?
155 Hearing none, we will now hear from the applicant.

156
157 Ms. Deemer - Yes. We have Grace Fuentes-Roberts on the line.

158
159 Ms. Fuentes-Roberts - Good morning.

160
161 Mr. Green - Good morning.

162
163 Mr. Blankinship - Good morning.

164
165 Ms. Fuentes-Roberts - Thank you for considering our conditional use permit for the
166 side pool. We've heard from our neighbors and there are no concerns.

167
168 Mr. Blankinship - Can you tell us a little bit about the proposal?

169
170 Ms. Fuentes-Roberts - Yes. The pool is 36' by 16'. It will be surrounded by a black
171 chain-linked fence, as you said, 4-feet tall. We are looking to have 5 to 10 feet of concrete
172 around the various sides of the pool. And we're excited about it.

173
174 Mr. Green - Are there any questions for the applicant from the Board?

175
176 Mr. Bell - Yes. I have a couple. Have you read the conditions and
177 understand them?

178
179 Ms. Fuentes-Roberts - Yes. I have read the conditions and understand them. And
180 we would absolutely agree with those conditions.

181
182 Mr. Bell - Particularly the one that deals with -- are you aware about the
183 noise ordinance in the county?

184
185 Ms. Fuentes-Roberts - Yes. Yes. We're a very quiet street, I can assure you. It will
186 continue to be a very quiet street. It's a private road with only five or six houses and it's
187 a very quiet street. And as our neighbors will agree with, we're very quiet people.

188
189 Mr. Bell - Since you're mentioning your neighbors, have you had
190 anybody talk to you or complain to you about putting it in?

191
192 Ms. Fuentes-Roberts - I'm sorry. I didn't hear that entire question.

193
194 Mr. Bell - Has any of your neighbors contacted you about putting in the
195 pool?

196
197 Ms. Fuentes-Roberts - Yes. I've talked to Ethel Melton, who I also am aware -- so
198 Ethel lives catty-corner from us. So that pool house and that pool is across from our side
199 yard. Ethel's address is actually 5122 Earlwick Road. She also owns, you know, that
200 circular drive that's in front of our house also? She owns that property as well. So she
201 owns all of that property. Also Earlwick Drive she owns that triangle across from her
202 house. Ethel has written to Benjamin Blankinship that she is in full support of us getting
203 a pool.

204
205 Now to the other side of our property, the neighbor that is on our left side, John Stockard,
206 I gave him the call-in information. I don't know if he's called in a different way. But John
207 also said that he had no concerns. But I did think he was going to join today to listen in.

208
209 Mr. Bell - Thank you. No more questions.

210
211 Mr. Green - Are there any other questions for the applicant from other
212 Board members? Does anyone else wish to speak in support of this request? Does
213 anyone wish to speak in opposition of this request? Hearing none, public hearing is now
214 closed, and a motion would be in order. What is the pleasure of the Board?

215
216 Mr. Bell - I move that we approve the conditional use permit, subject to
217 the conditions recommended by staff. The property is located the end of a private drive
218 so no one really drives past. The neighbors on the north are screened by the applicant's
219 house and the neighbors across the street have their pool almost opposite this one. So
220 the pool will not have detrimental impact on the nearby property. So I move that we
221 approve.

222
223 Mr. Green - There's a motion by Mr. Bell to approve. Do I hear a second?

224
225 Mr. Reid - Second.

226
227 Mr. Pollard - Second.

228
229 Mr. Green - The motion was seconded by Mr. Reid. Is there any

277 **VAR2020-00026 DUTCH AND LAUREN JONES request a variance from Section 24-**
278 **95(c)(2) of the County Code to build a screened porch on an existing patio at 7703**
279 **Brookside Road (WESTHAM) (Parcel 760-739-0002) zoned One-Family Residence**
280 **District (R-3) (Tuckahoe). The rear yard setback is not met. The applicant propose**
281 **9 feet rear yard setback, where the Code requires 25 feet rear yard setback. The**
282 **applicant request a variance of 16 feet rear yard setback.**
283

284 Mr. Blankinship - While you're standing would you please raise your right hands
285 and let me swear you in? Do you swear the testimony you're about to give is the truth,
286 the whole truth, and nothing but the truth so help you God?
287

288 Mr. Blankinship - Thank you. All right. Mr. Gidley is ready to begin.
289

290 Mr. Gidley - Thank you, Mr. Secretary, and good morning, Mr. Chair,
291 members of the Board. The subject property is located in the Westham subdivision. In
292 1952 a one-story, 1400-square-foot home was constructed on the property. The front
293 portion of the lot contains a small creek, so the home was constructed towards the back
294 of the lot. And here's a survey from that time.
295

296 Even though there was adequate room to construct a home within the setbacks, it was
297 nonetheless constructed three feet into the required 25-foot rear-yard setback. And, as
298 you can see here, it's some 22.1 feet off the rear lot line rather than 25. And, again, there
299 was room to construct it, if you note at the 35-foot front setback there was an additional
300 6 feet there, so the home could have been built within code.
301

302 In 2017 the previous owner built an addition onto the front of the home and also wanted
303 to add an entire second floor to the home. Because the existing home already went into
304 the setbacks they applied for a variance and were granted the variance and so they added
305 an entire second floor on top of the home. And this is a view of the home today.
306

307 The applicants today purchased the property in 2018. In August of this year the Building
308 Inspections Department received a complaint about new construction on the property
309 extending too close to the property line. When the inspector visited the site, he found a
310 screen porch under construction that had not received the required building permit.
311

312 This is one view of the addition here. And then another view here. As you can see, it's
313 just a little bit over 9 feet off the rear line rather than the required 25 feet.
314

315 The applicant subsequently applied for the building permit. However this was denied
316 because the existing home itself was already in the setback, never mind the new
317 construction. So rather than bring the property into compliance, they have applied for a
318 variance.
319

320 In evaluating this request, as you know, there are three threshold tests, and the applicant
321 must prove compliance with at least one of those three threshold tests. In this case they
322 mention unreasonable restriction on the use of the property and a hardship due to a

323 physical condition. Staff does not believe either of these two are applicable.
324

325 A one-story home was constructed on the property in 1952 and that's a reasonable use
326 of the lot. In addition, this Board in 2017 approved a variance allowing the previous owner
327 to more than double the size of the home. The home now contains 3,532 square feet of
328 floor area, which is more than 50 percent larger than any of the surrounding homes. As
329 a result the property has certainly not been unreasonably restricted by the zoning
330 ordinance or by this Board.

331
332 The applicant kind of also suggested the creek in the front yard creates a hardship caused
333 by a physical condition of the property. However, state law requires a hardship to occur
334 previous to the enactment of the zoning ordinance in question. In this case the zoning
335 ordinance's 25-foot rear-yard setback predates both the recordation of the property, and
336 the building of the original home on it. As a result, no hardship existed at the time of the
337 effective date of the ordinance as required by the Code of Virginia. Even if there was a
338 hardship, the granting of the 2017 variance that allowed for a doubling of the home's size
339 would have resolved it.

340
341 Finally, this request does not involve a modification to allow access for a person with a
342 disability. As a result, none of the required threshold tests for a variance are met.

343
344 Now normally we could stop there rather than getting into the five subtests. There are
345 two I want to mention, though, that are not met. One deals with whether or not a hardship
346 was created by the applicant. In this case this is a self-created hardship. If the applicant
347 had applied for a building permit, they would have realized they didn't have room to
348 construct the screen porch and they would have never moved forward with it to begin
349 with. So it is a self-created hardship.

350
351 Secondly, substantial detrimental impact to nearby property. Staff has received five
352 emails in opposition to this request, including a detailed letter from the property owner
353 immediately to the rear, Ms. Borman, and that's in your staff report, so I suspect you've
354 seen that. In addition I received two phone calls from adjacent property owners who also
355 expressed opposition to this request.

356
357 To summarize, basically, the neighbors expressed concern that the home already violates
358 setbacks and that its size overpowers nearby property. Concerns were also mentioned
359 regarding lack of open space, privacy and concerns about potential impacts on property
360 values.

361
362 So, in conclusion, the original home was a one-story home constructed in 1952. Although
363 a portion of this extended into the rear-yard setback, the Board approved a variance that
364 allowed the previous owner to more than double the size of the home. The 2017 addition
365 resulted in a home more than 50 percent larger than the surrounding homes. The
366 property is clearly not unreasonably restricted, and any hardship is self-created.

367
368 The proposed porch would be just over 9 feet off the adjacent property, significantly less

369 than the 25 feet required by the zoning ordinance. This would have a detrimental impact
370 on nearby property, as expressed by opposition from three of the adjacent property
371 owners. As a result, staff recommends denial of this request.

372
373 This concludes my presentation and I would be happy to answer any questions you may
374 have. Thank you.

375
376 Mr. Green - Thank you. Are there any questions from the Board to staff?
377 Hearing none we will now hear from the applicant.

378
379 Ms. Deemer - Yes. We have a Mr. Dutch Jones on Webex. Mr. Jones, I'm
380 unmuting you now.

381
382 Mr. Jones - Good morning, everybody.

383
384 Mr. Blankinship - Good morning.

385
386 Mr. Jones - I want to first thank you for taking the time to hear us out. And
387 thank you, Paul, for your detailed recap of the situation we're in. You know, the hardship
388 that we created I 100 percent agree to. I was unaware when doing my research that it
389 was required to get a permit to build a screened-in porch. I thought it was a completely
390 enclosed thing. So that was 100 percent my fault and totally agree to that.

391
392 In terms of some of the older legislation and the zoning rights, you know, we were three
393 years off from 1949 to 1952 from when the first people built the home. You know, that
394 was just then. And I apologize for that, too. We love the area. We love the house. That's
395 kind of all I can say.

396
397 We also, you know, respect Ms. Borman. She shot us a note and then she was the one
398 that mentioned this to us and we've been in contact with her and don't want this to get
399 contentious in any way. So for that, I just wanted to make sure that was noted.

400
401 As you can see from the pictures, there really is no line of sight problem. I mean, it sounds
402 like the general consensus is the problem is with our house in general. In some of the
403 letters it was called an eyesore. And they seem to kind of be bullying the Zoning of
404 Appeals Board to not make a bad decision worse. In which case I just don't agree with.

405
406 We love living in the county. We love our house. I'm sorry if it's not as aesthetically
407 pleasing as some of the other people would hope that it was, but we really do love living
408 in the county.

409
410 We have a young daughter that is about three years old as you can see from some of the
411 poorly displayed junk in the yard. Apologize for that. And, really, we just wanted a safe
412 place for her to play. You know. The word hardship was brought up multiple times and I
413 want to make sure that it's noted, you know, given the pandemic where I am and what
414 we're all dealing with, this is such a small matter when it comes to what everybody is

415 dealing with, with the economy and everything else.

416
417 So, whatever you all decide I'm fully in support of. I do believe that we are creating a safe
418 space for not only our daughter, but for us to congregate outside during this pandemic
419 time. I do not feel like it imposes on any neighbors in any way. They brought up property
420 values, which is irrelevant in my opinion based on the property values in our neighborhood
421 having gone up exponentially over the past two to three years in general. So it's not
422 detrimental to any property value.

423
424 It does violate the 25-foot setback, I understand, however, I guess the house was already
425 in violation so we thought that just providing a safe space for our daughter would be
426 enough to have. So that's about it. And, again, I appreciate your time and it is -- . Thank
427 you.

428
429 Mr. Green - Thank you. Are there any questions for the applicant from the
430 Board? I have one. Your contractor. Your contractor didn't check -- or you may not have
431 been aware of the need for a building permit. Wouldn't your contractor have notified you
432 or looked for or applied for a building permit?

433
434 Mr. Jones - Yes, sir. I chose to do this on my own based on, really, a lot
435 of do-it-at-home projects that everybody's doing during the pandemic. So I didn't engage
436 in a contractor to get this work done. I was just doing it myself. So, again, it's totally my
437 fault in not checking on that.

438
439 Mr. Green - Oh. So you're building this yourself.

440
441 Mr. Jones - Yes, sir.

442
443 Mr. Green - Oh, okay. Any questions from the Board? Other questions
444 from the Board?

445
446 Mr. Bell - Also I would like to ask about the addition that was made by
447 the former contractor making it 50 percent larger. Were you there then when that house
448 was added on?

449
450 Mr. Jones - No, sir. We bought the house as-is today. All of that
451 additional work was done before we moved in. That's why, you know, it's unfortunate that
452 it left a sour taste in some of our neighbor's mouths, I guess, but that was before we
453 bought it. And, like I said, we really love just the area. We love our street. Which is why
454 we bought the house.

455
456 Mr. Bell - Another thing was, were you aware, when putting on the
457 porch, we noticed that that would be only about 9 feet away from the other property. Were
458 you aware of that regulation as well? Off the adjacent property?

459
460 Mr. Jones - I'm sorry, say that again.

461
462 Mr. Bell - It would be 9 feet from the adjacent properties. That's what I
463 was referring to.

464
465 Mr. Jones - Yes, sir. I thought we were leaving about 10 feet. Which is
466 generally what is needed or what we thought was needed, what I thought was needed.
467 So I, again, I apologize. With the 8-foot fence you see there and the trees, it didn't seem
468 to be impeding or encroaching any more additionally than the pad that was already laid
469 on the ground and that kind of thing.

470
471 So I assumed, as you can see from the front view of the house, not being able to see it
472 from the road and everything else, that it wasn't a detriment to anything to be perfectly
473 honest. And for that I, you know, I apologize. I thought it was a 10-foot distance. But,
474 like I said, there is a pad that's down there on the ground, and I was just doing it directly
475 on top of that.

476
477 Mr. Green - Any other questions? Does anyone wish to speak in support
478 of this request? Does anyone wish to speak in opposition to this request?

479
480 Mr. Blankinship - I'm sorry, you weren't here at the very beginning. If you would
481 go to the lectern in the back there.

482
483 Ms. Borman - Oh, okay.

484
485 Mr. Emerson - And please tell us your name and spell your last name so we
486 get it correctly.

487
488 Ms. Borman - Do I leave my mask on or take it off?

489
490 Mr. Blankinship - Either way. As long as you're six feet from anyone else.

491
492 Mr. Green - Have they also been sworn in?

493
494 Mr. Blankinship - Yes. They were sworn in.

495
496 Ms. Borman - Sorry. My mini notebooks want to act up. Hi, gentlemen. My
497 name is Leslie Borman, and I am the property owner that is the most directly impacted as
498 Mr. Gidley and Mr. Jones referred to.

499
500 So I did write a super detailed letter that you guys all have in your packet. And, you know,
501 one of the things I want to reiterate is this is really hard to do. This is really hard to come
502 in in opposition to a neighbor. I've always had really cordial relationships with my
503 neighbors. Probably as most of you do. I mean, that's part of why I bought in the
504 neighborhood that I did.

505
506 And several of those folks have contacted me and, you know, and expressed some

507 general support around this. So I kind of just wanted to reiterate that I, too, as Dutch said,
508 I don't want conflict, but it creates conflict within me just to come and speak in opposition
509 to anything. So I just kind of wanted to acknowledge that. So if I seem nervous or shaky,
510 that's that. I just want to speak to the bullet points that I believe are sort of just the facts.

511
512 Mr. Green - Excuse me. Would you identify her home, so we can --

513
514 Mr. Gidley - Identify her home?

515
516 Mr. Green - Yes.

517
518 Ms. Borman - I'm at 828 West End Parkway.

519
520 Mr. Blankinship - She's immediately behind it.

521
522 Mr. Green - Just wanted to get some perspective. Thank you.

523
524 Ms. Borman - Yeah. And I've lived there since 2001. I've done a lot of
525 improvements, including the picket fence that was referred to. I thought it was 6-foot tall,
526 but it's been a while since I put it in, and so maybe it's 8. But it's a picket fence and so
527 we do see through it.

528
529 And, additionally, from a site-line perspective, my den and kitchen that I live in, which is
530 in the back of the home -- and when I say that I live in, those are the rooms that I spend
531 the most time in, directly are in the site-line of the new home that was built. The second
532 story. But now that there's a new roof, it's a direct impediment. And it's in extreme
533 proximity to my home.

534
535 So, yeah, those three things that I think are really kind of critical that I want to point out is
536 the permit regulations that you guys have already spoken to. Everybody's already sort of
537 entered that into the record, but it feels like -- and I think those permits exist for a reason.
538 I think that asking forgiveness rather than permission in building is not a way that the
539 county operates.

540
541 And I don't think it's the way -- when I considered building a back porch also, Bob Windsor
542 was the guy that came out. He's no longer with us. But he came out and he said, you
543 can't do that there, Les. You're going to have to go through a lot of variances and a lot -
544 - so following those rules I think is really important. And that's part of, again, what living
545 in a neighborhood is.

546
547 From a property-value perspective, an evaluation perspective, the extreme proximity of
548 the new addition -- I think that the pad was there and the way that the cut-in of the home,
549 the way the home was built. And I think there's a picture that you guys have seen of the
550 back of the home. But the way that cut-in is, it's in order to maintain that additional 3-foot
551 variance.

552

553 So now there's the screen porch on it, but that was originally just a concrete pad and the
554 reason they didn't build on that was because they didn't want it to be that much closer to
555 my property line.

556
557 I was thinking about it this morning. If anybody's a football fan in the room, nine feet is,
558 like, three yards. So, like, a running back could jump over that. It is that close. And I do
559 have, you know, and I do entertain in the back yard, as do my next-door neighbors. And
560 that's fine. We're going to interact and, again, also fine. But building a permanent
561 structure there is a lot different than being able to use the pad that I have in my backyard
562 and the corresponding concrete pad that they have in their backyard.

563
564 I think that it would deter any future person from buying my home. People do buy homes
565 as they did with this home, the property in question at 7703 Brookside. Folks buy homes
566 in Westham that are small, similar to mine, and they make them much, much larger as
567 this -- as was done here. That's all well and good. But I think that keeping that within
568 appropriate boundaries and within keeping of the properties around it is important to keep
569 -- to maintain that charm of Westham. And I think that's what some of those additional
570 letters were speaking to.

571
572 And then, finally, the encroachment piece. It does feel very close. I think encroachment
573 is even a legal term. And it's encroaching on the space. And it just feels that it's getting
574 closer and closer to my property. And so I vehemently oppose this.

575
576 It's possible I've left out some of the key facts that I wanted to tell you guys, but not only
577 is it factually and legally, I think, wrong for this to be built, you know, it just doesn't feel
578 right. So I wanted to come and tell you guys that and have a voice. I appreciate very
579 much you all taking the time to listen. Should I ask for questions?

580
581 Mr. Green - Oh. I will do that.

582
583 Ms. Borman - Okay. Sorry.

584
585 Mr. Green - Are there any questions of the person opposed to it from the
586 Board? Thank you. Do we have anyone else to speak in opposition to this request on
587 Webex or anything?

588
589 Ms. Deemer - We have no one on Webex.

590
591 Mr. Green - Public hearing is now closed and a motion would be in order.
592 What is the pleasure of the Board?

593
594 Mr. Reid - As the Tuckahoe representative I move that we deny the
595 variance. This property was granted a variance in 2017 to build a second floor. The
596 house is already larger than any other home on the block. I would say when I drove
597 through the neighborhood, I could not believe the size of that house related to the other
598 homes on Brookside. There is no hardship -- if there was it would be self-imposed

599 because the owners began construction without a building permit. Building an addition
600 only 9 feet away from the neighbor's property would have a detrimental impact.

601
602 Mr. Green - There's a motion by Mr. Reid to deny. Do I hear a second?

603
604 Mr. Johnson - Second.

605
606 Mr. Green - The motion was seconded by Mr. Johnson. Is there any
607 discussion from the Board? All in favor of the motion to deny say aye. All opposed say
608 nay. The motion is denied.

609
610 Mr. Blankinship - Motion's approved.

611
612 Mr. Green - I mean motion to deny is approved.

613
614 On a motion by Mr. Reid, seconded by Mr. Johnson, **the Board denied case VAR2020-**
615 **00026 DUTCH AND LAUREN JONES'** request for a variance from Section 24-95(c)(2)
616 of the County Code to build a screened porch on an existing patio at 7703 Brookside
617 Road (WESTHAM) (Parcel 760-739-0002) zoned One-Family Residence District (R-3)
618 (Tuckahoe).

619
620
621 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
622 **Negative:** 0
623 **Absent:** 0

624
625
626 Mr. Blankinship - Mr. Chair there is a mistake on your agenda. I apologize. The
627 next item will be the approval of the minutes of November 19. We already approved the
628 October minutes.

629
630 Mr. Green - Has everyone had a chance to read the minutes and if so do
631 I hear a motion to approve?

632
633 Mr. Johnson - I make a motion to approve.

634
635 Mr. Green - Is there a second?

636
637 Mr. Pollard - Second.

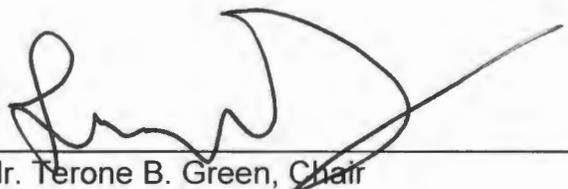
638
639 Mr. Green - There was a motion by Mr. Johnson, seconded by Mr. Pollard.
640 All in favor -- is there any discussion? Any other discussion? All in favor say aye. All
641 opposed nay.

642
643 On a motion by Mr. Johnson, seconded by Mr. Pollard, **the Board approved the minutes**
644 **of the November 19, 2020 Board of Zoning Appeals meeting.**

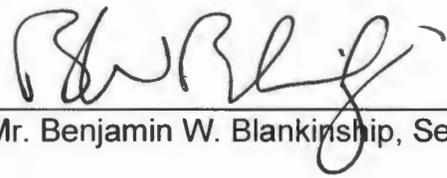
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Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
Negative:		0
Absent:		0

Mr. Green - This concludes our meeting.



Mr. Terone B. Green, Chair



Mr. Benjamin W. Blankinship, Secretary