

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 SPRINGS ROADS, ON THURSDAY, JANUARY 22, 2009, AT**  
5 **9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**  
6 **DISPATCH JANUARY 1, 2009, AND JANUARY 8, 2009.**

7  
Members Present: Elizabeth G. Dwyer, Chairman  
Helen E. Harris, Vice Chairman  
James W. Nunnally  
Robert Witte  
R. A. Wright

Also Present: David D. O'Kelly, Jr., Assistant Director of Planning  
Benjamin Blankinship, Secretary  
Paul Gidley, County Planner  
R. Miguel Madrigal, County Planner  
Carla Brothers, Office Assistant IV  
Angela Edmonds, Account Clerk III

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9  
10 Ms. Dwyer - The January 22, 2009 meeting of the Board of Zoning  
11 Appeals will come to order. We'll begin our meeting with the Pledge of  
12 Allegiance.

13  
14 Mr. Blankinship, let's begin the meeting with calls for withdrawals and deferrals.

15  
16 Mr. Blankinship - Yes ma'am. Let me read the rules for the meeting  
17 first. The rules for this meeting are as follows: Acting as Secretary, I will call each  
18 case, and as I'm speaking, the applicant should come down to the podium. We  
19 will then ask everyone who intends to speak on that case to stand and be sworn  
20 in. Then the applicant will speak. It doesn't look like we have too much  
21 opposition this morning, but anyone else who wishes to speak will be given an  
22 opportunity, and then the applicant will have the opportunity for rebuttal. After the  
23 case has been heard, the Board will take the matter under advisement, and they  
24 will render all of their decisions at the end of the meeting. Again, it looks like a  
25 short agenda this morning, so it won't be a very long wait. All the decisions will  
26 be rendered at the end of the meeting. If you wish to hear their decision on a  
27 specific case, you can wait until the end of the hearing, check the Planning  
28 Department website this afternoon, or you can call the Planning Department this  
29 afternoon. This meeting is being recorded, so I will ask everyone who speaks to  
30 speak directly into the microphone on the podium, state your name, and please  
31 spell your last name so we get it correctly in the record. There are binders in the  
32 foyer that contain the staff report for each case, including the conditions that  
33 have been recommended by the staff. Particularly the applicants for use permit  
34 cases need to be familiar with those conditions.

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Madam Chairman, we do have one request for a deferral this morning. We have had some conversations among the various departments in the County, and have expressed some concerns to the applicant that arose in just the last week, and that we still have under consideration. So, the applicant has requested that the hearing be deferred. Staff would like to hear any concerns or comments that anyone may have today so that we can take those under advisement as we continue studying this matter going forward.

**UP-002-09 THE EAST END LANDFILL, LLC** requests a conditional use permit pursuant to Section 24-116(c)(3) to allow municipal solid waste and industrial waste at 1820 and 1850 Darbytown Road (Parcels 808-706-6679 and 809-707-1585), zoned B-3, Business District and M-2, General Industrial District (Varina).

Ms. Dwyer - Is there anyone here to speak to the East End Landfill case, other than the applicant? Mr. Blankinship, did you want to hear from the Board at this point, or are you primarily interested in any public comment?

Mr. Blankinship - I think any information that we can get going forward will be helpful to us as we continue to study the case.

Mr. Nunnally - The only thing I have to say, Mr. Blankinship, is we have quite a few calls of people complaining about their operation down there. I don't know whether the County's received anything from people that it's not a very good operation, but they're telling me there's a lot of trash on the road, and they're not cleaning up like they should be. Quite a few of them have complained about that.

Ms. Dwyer - Do we have any written complaints?

Mr. Blankinship - I have not received any complaints, telephone or written, but I'm certainly interested in discussing that with anybody who has concerns. We need their input in the formal process as much as possible.

Ms. Dwyer - Other comments by Board members?

Ms. Harris - I had two concerns, one I expressed to Mr. Blankinship that the neighbors to the south of the landfill probably need to be notified. We have some new housing developments, and Mr. Blankinship assured me that it would be best to contact some of those people. I can't say it's the major problem, but one of the problems that I have is the institutional waste. As I looked at the definition and I saw that we're talking about waste from hospitals and nursing homes, I have a grave concern about receiving or increasing the receipt of institutional waste that would involved that. I think we have a definition of the types of waste in our packet, and we thank you for that. I

81 do have grave concerns about the waste from hospitals. I know that we do have  
82 inspectors, but I don't know what an inspector can do when it comes to  
83 preventing hazardous materials coming from a hospital.

84  
85 Mr. Blankinship - Our inspectors do not check for that. I don't know how  
86 frequently DEQ has inspectors on the site.

87  
88 Ms. Harris - That was one of my major concerns. If the applicant  
89 has anything that would help us with that, I would appreciate it. I didn't notice in  
90 the packet that we talked about the range of areas that we would be accepting  
91 waste. Has that changed?

92  
93 Mr. Blankinship - No ma'am.

94  
95 Ms. Harris - That has not changed.

96  
97 Ms. Dwyer - Is there a motion on the case? We have a request for  
98 deferral.

99  
100 Mr. Nunnally - What are they asking for, the next meeting?

101  
102 Mr. Blankinship - Yes sir.

103  
104 Mr. Nunnally - Next month? I move we defer it to the February  
105 meeting.

106  
107 Mr. Wright - I'll second that.

108  
109 Ms. Dwyer - Motion by Mr. Nunnally, seconded by Mr. Wright to  
110 defer this case to our February meeting. All in favor say aye. All opposed say no.  
111 The ayes have it; the motion passes.

112  
113 After an advertised public hearing, and on a motion by Mr. Nunnally, seconded  
114 by Mr. Wright, the Board, per the applicant's request, **deferred** application **UP-**  
115 **002-09, The East End Landfill, LLC's** request for a conditional use permit  
116 pursuant to Section 24-116(c)(3) to allow municipal solid waste and industrial  
117 waste at 1820 and 1850 Darbytown Road (Parcels 808-706-6679 and 809-707-  
118 1585), zoned B-3, Business District and M-2, General Industrial District (Varina).

119  
120 Affirmative: Dwyer, Harris, Nunnally, Witte, Wright 5  
121 Negative: 0  
122 Absent: 0

123  
124  
125 Ms. Dwyer - We will hear this case in February. Comments made  
126 by Board members are [inaudible].



173 Mr. Burruss - Yes. We contacted the owner, and that owner has  
174 the property under contract and is not interested in anything that might jeopardize  
175 the successful closing of that contract. That person happened to also be  
176 McCarthy, whom I believe you all considered a few months back.  
177  
178 Mr. Blankinship - Right.  
179  
180 Mr. Wright - Also, could you tell us something about the house that  
181 would be constructed on this lot?  
182  
183 Mr. Burruss - I have a photograph of it. Do you have a copy of that?  
184  
185 Mr. Nunnally - We have one here, but it's not very clear.  
186  
187 Mr. Burruss - Yes. It's basically a picture—Of course, if this  
188 approval is granted, an architect will do a final draft. This may be [off mike].  
189  
190 Mr. Blankinship - Is the document camera working?  
191  
192 Ms. Dwyer - According to the note on the copy we have in our  
193 packet, the garage will not be built.  
194  
195 Mr. Burruss - Yes, that's right. The garage will not be there.  
196  
197 Mr. Wright - You wouldn't have enough room to build a garage.  
198  
199 Mr. Burruss - That's right. You're right, sir.  
200  
201 Mr. Wright - This proposed dwelling that you show us here would  
202 come within the side lot yard there.  
203  
204 Mr. Burruss - Yes sir. It fits within the footprint of the lot, yes sir.  
205 You see the width dimensions 34 feet 4 inches. That's well within the footprint.  
206  
207 Ms. Dwyer - The neighbors who spoke last week were concerned  
208 that this house would be so close to their lot line. According to the plat that's  
209 provided, it would only be 7-1/2 feet from the lot line.  
210  
211 Mr. Burruss - Right.  
212  
213 Ms. Dwyer - Had you considered a different kind of floor plan that  
214 would perhaps make the house a little deep but not quite as wide?  
215  
216 Mr. Burruss - If you take a look at their concern, if you look at the  
217 house—and here's a photograph that's supplied with your packet—you can see

218 that the house to north, they're much closer to their property line and much closer  
219 to the existing house than this newly proposed house would be.

220

221 Ms. Dwyer - I don't see any dimensions.

222

223 Mr. Burruss - You kind of have to—Let's see, which one is that for?

224

225 Ms. Dwyer - I see a photograph, but I don't know what the  
226 dimensions are.

227

228 Mr. Burruss - Can you see the rooftops?

229

230 Ms. Dwyer - Yes, I can, but sometimes photographs can be—I  
231 don't know if it's [inaudible.]

232

233 Mr. Burruss - We have a survey location of their house. Let's see,  
234 it's page—The plat, the first page of the plat, you can see the relationship of their  
235 property line to the north is closer than the property line to the south, which is the  
236 proposed lot. Also, if you look at the photograph, I think you can see the  
237 rooftops. I scaled it this morning at the office, and it's about 8-1/2 feet to the  
238 property line to the north, and 16 feet from building to building. Now, this newly  
239 proposed house will have a distance of 12-1/2 feet to the south property line from  
240 their house, and a distance of 20.2 feet to the footprint. Of course we're going to  
241 be in the footprint and maybe a little less. And that is only to the stoop. If you  
242 look at page 2, that stoop that shows on page 2 is inclusive of the footprint, and  
243 it's a five-foot stoop. So, the main body of the house would be an additional five  
244 feet. Of course I don't know the individual, but I feel like there might have been  
245 some tension between the seller and them. They bought the house in '05, I  
246 believe, at the height of the housing boom. We also would like for you to  
247 recognize that this lot has always had a separate tax number.

248

249 Mr. Nunnally - It's always had what?

250

251 Mr. Burruss - It's always had a separate tax number, and a  
252 separate assessment. The assessment of this lot is consistent with the  
253 assessment of the next-door lot. A \$25,000 assessment, which in my mind  
254 would lead you believe that the County recognizes an availability to build on that  
255 lot.

256

257 Ms. Dwyer - I guess what we have to wrestle with is a conflict  
258 because in 1960, the Board imposed setbacks and—

259

260 Mr. Burruss - Right.

261

262 Ms. Dwyer - —buildable areas and all of that for lots. It recognizes  
263 that some lots might be too small, so it allowed an exception standard. But even

264 under the exception standard, this lot doesn't comply. The statute already has  
265 built into it exceptions for small lots that were created before 1960. This lot is  
266 even smaller than that.

267

268 Mr. Burruss - Right. But this lot was already created, and already in  
269 existence when the ordinance came about. I assume that must have been a  
270 blanket zone. I certainly don't know what consideration was given to this whole  
271 section. It was a recorded lot. It's always had its autonomy, and the fact that it's  
272 been separately assessed, it's been separately taxed as an availability to build,  
273 it's my opinion that would be somewhat of an acquiescence of the County that  
274 there was some intention at some point that this lot be built on.

275

276 Ms. Dwyer - Mr. Blankinship, what is the side yard setback for an  
277 R-4, and then the exception?

278

279 Mr. Blankinship - In the exception standards, the least side yard has to  
280 be at least 10% of the lot width, and the sum of the side yards has to be at least  
281 30% of the lot width, but in no case less than 7 feet. So, with a 50-foot lot, that  
282 works out to a minimum sum of 15 feet. So, they go 7 and 8, or 7-1/2 and 7-1/2.

283

284 Ms. Dwyer - For the standard R-4 what is the side yard setback?

285

286 Mr. Blankinship - Let me look that up.

287

288 Ms. Dwyer - I know we don't have R-4's anymore.

289

290 Mr. Blankinship - The least side yard would have to be 10 feet, and the  
291 sum of the side yards, 25 feet.

292

293 Mr. Wright - Mr. Burruss, on this plat we have showing a proposed  
294 dwelling with that little stoop, would you have any problem, if this is approved, if  
295 our condition was this dwelling has to be located as is shown on the plat?

296

297 Mr. Burruss - The question is it has to be shown exactly as on this  
298 plat? Yes sir. My clients won't have any problems with that.

299

300 Mr. Wright - That would be part of the condition.

301

302 Mr. Burruss - Yes sir.

303

304 Mr. Wright - That gives us extra footage between the two houses  
305 there on that side.

306

307 Mr. Burruss - Yes sir. If I understood, you want it to be—

308

309 Mr. Wright - What you show.

310  
311 Mr. Burruss - Right, yes sir. Yes sir, we fully intend to comply with  
312 that.  
313  
314 Ms. Dwyer - Any questions by Board members?  
315  
316 Ms. Harris - Yes. I was not here at the last meeting, but I have  
317 read the minutes and would like to vote on this issue. What about the other  
318 neighbors, the McCarthy's. Did we hear from the other neighbors at all? I know  
319 we've heard from the Turner's.  
320  
321 Mr. Burruss - Are they the ones to the south? Did you say  
322 McCarthy?  
323  
324 Mr. Blankinship - No, Turner.  
325  
326 Ms. Harris - Yes, I'm asking about the McCarthy's.  
327  
328 Mr. Burruss - Yes. They're the individuals who have their house  
329 under contract and we tried to buy the ten feet.  
330  
331 Ms. Harris - Okay.  
332  
333 Mr. Burruss - They didn't want to jeopardize their position in that  
334 contract. That is also the individual who had a variance, a lot behind over on I  
335 believe it's Beach Street. That was a few months back.  
336  
337 Mr. Blankinship - Yes.  
338  
339 Mr. Burruss - You may remember that one.  
340  
341 Ms. Dwyer - Mr. Burruss, Mr. Gidley just pointed out to me that in  
342 the plan, it appears that the width of the house is 33, whereas on the plot, you  
343 show it as 30 feet wide.  
344  
345 Mr. Burruss - Yes. The architects will take this plan and scale it  
346 down to fit this dwelling within the footprint. Well, actually, the 30 by 34 was given  
347 to us as a general plan before they actually produced this picture that I gave you  
348 this morning.  
349  
350 Ms. Dwyer - What we have is a conflict.  
351  
352 Mr. Blankinship - Isn't it just turned 90 degrees? He's showing the  
353 longer axis going through the depth of the lot.  
354  
355 Mr. Burruss - The footprint is 35 feet by 40 feet.

356  
357 Ms. Dwyer - This shows the front door on the 33 foot, 4 inch side.  
358 That's what I'm focusing on.  
359  
360 Mr. Burruss - The front door on this—The porch? Well, that's five  
361 feet wide, so you have 39 and 34.  
362  
363 Ms. Dwyer - I'm not so concerned about the depth as the width of  
364 the house, which you show as 30 feet on the plot, and the floor plan shows more  
365 than that.  
366  
367 Mr. Wright - If we approve it with the 30 feet, he has to comply  
368 with the 30 feet.  
369  
370 Ms. Dwyer - We've had problems in the past. On the ground,  
371 sometimes things [inaudible].  
372  
373 Mr. Wright - My point would be that the condition would say that  
374 his house would have to be the footprint that's shown on this plat.  
375  
376 Ms. Dwyer - We need to specify which of the exhibits that he's  
377 presented to us [inaudible].  
378  
379 Mr. Blankinship - Do you want to specify that the front of the house has  
380 to face the front of the lot? As it is, this house could be turned 90 degrees and  
381 put on that lot and it would fit.  
382  
383 Mr. Burruss - It's their intention to have an architect scale this  
384 house down. My clients, I'm sure, won't have any problem with adhering to the  
385 proposed dwelling layout as I have it. I'm sure they won't have a problem with  
386 that because they've given us those dimensions.  
387  
388 Ms. Dwyer - You've provided us documents that have conflicting  
389 dimensions—  
390  
391 Mr. Burruss - If you want to make that a condition of the approval—  
392  
393 Mr. Wright - That's what I was saying. We'll make that a condition  
394 of the approval, 30 feet. The house would have fit within the proposed dwelling  
395 shown on the plot plan.  
396  
397 Mr. Burruss - My clients won't have a problem with that.  
398  
399 Mr. Wright - Thirty feet, thirty-four with the thirty feet facing the  
400 street.  
401

402 Ms. Dwyer - The house dimension will be 30 by 34 as shown on—  
403 Let's identify this particular one, because there are two plots, one that shows the  
404 buildable area and one that shows the actual house.  
405  
406 Mr. Burruss - Buildable area is 35 feet. The side porch would use  
407 up the buildable area.  
408  
409 Ms. Dwyer - Any other questions by Board members? Okay.  
410  
411 Mr. Burruss - Thank you a lot for your consideration.  
412  
413 Mr. Wright - I move we approve this request with the condition that  
414 the proposed dwelling be placed on the lot as it is shown. Did you identify that—  
415  
416 Ms. Dwyer - There are two drawings. This one says, "Plat of a  
417 parcel of land in the Varina District of Henrico County, Virginia [inaudible].  
418  
419 Mr. Wright - That's the one.  
420  
421 Ms. Dwyer - Not the one that says showing the building—  
422  
423 Mr. Wright - No. Showing the proposed dwelling. That identifies it.  
424  
425 Ms. Dwyer - Limits the width of the [inaudible].  
426  
427 Ms. Harris - I second the motion.  
428  
429 Mr. Wright - Grounds for the recommendation are that this lot was  
430 there prior to the ordinance adopted in 1960, and without this approval, the  
431 property could not be used. I think it would be an unlawful taking.  
432  
433 Ms. Dwyer - Other comments by Board members?  
434  
435 Mr. Witte - I think since the County has been assessing this  
436 property at 25,000, it's obviously more than just a garden spot. It would seem as  
437 though they're assessing it as a building lot, along with the fact that it's been  
438 there for so long. My opinion is that it is a building lot, and it should be used as  
439 one.  
440  
441 Ms. Dwyer - I see a real conflict. This could be considered a  
442 special situation under the ordinance because this lot was devised in the 1800's.  
443 We don't run across that many of these kinds of lots. That tends to make me feel  
444 like this is a unique situation. I guess my concern is that in 1960, the Board  
445 adopted what it wanted to be development standards, and then it allowed an  
446 exception standard for lots that it knew would not be able to meet that standard.  
447 It seems to me that we are nullifying the Legislative Branch of [inaudible] to allow

448 an exception to the standard up to a certain limit. I think that's the conflict that we  
449 face.

450  
451 Mr. Wright - I disagree with that because I think that's why this  
452 Board was constituted, to take care of situations where there's an unreasonable  
453 taking.

454  
455 Ms. Dwyer - Any other comments?

456  
457 Ms. Harris - Yes. To address the concern of the Turner's who live  
458 in the adjacent property, I think if we go by the plat that was mentioned in the  
459 motion, there would be a 12.5-foot barrier between the two primary dwellings,  
460 which might relieve some of the anxiety of the neighbors.

461  
462 Ms. Dwyer - Right. The 7.5 is from the [inaudible]—

463  
464 Ms. Harris - Yes.

465  
466 Ms. Dwyer - —to the property line. Most of the house, according  
467 to this, [inaudible]. Any other comments? We have a motion to approve as  
468 requested, with an additional condition that relates to the plat showing the  
469 proposed dwelling. That would be Condition 2. Is that right, Mr. Wright?

470  
471 Mr. Wright - Yes.

472  
473 Ms. Dwyer - Seconded by Ms. Harris. All in favor say aye. All  
474 opposed say no. The ayes have it; the motion passes.

475  
476 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
477 Ms. Harris, , the Board **approved** application **A-031-08, Frank Blakeslee Cox,**  
478 **Jr.'s** request for a variance from Section 24-95(b)(6) to build a one-family  
479 dwelling at 16 S. Cedar Avenue (Highland Springs) (Parcel 821-725-5422),  
480 zoned R-4, One-family Residence District (Varina). The total lot area requirement  
481 is not met. The Board approved the variance subject to the following conditions:

482  
483 1. This variance applies only to the lot area requirement for one dwelling only. All  
484 other applicable regulations of the County Code shall remain in force.

485  
486 2. [ADDED] Only the improvements shown on the "Plat ... Showing the  
487 Proposed Dwelling" filed with the application may be constructed pursuant to this  
488 approval. The dwelling shall be similar to the building design submitted with the  
489 application, adjusted to fit within the 30' X 34' area shown on the plat. Any  
490 additional improvements shall comply with the applicable regulations of the  
491 County Code. Any substantial changes or additions to the design or location of  
492 the improvements may require a new variance.

493

494 Affirmative: Dwyer, Harris, Nunnally, Witte, Wright 5  
495 Negative: 0  
496 Absent: 0

497  
498

499 **UP-001-09** **DIANA L. BRICKELL** requests a temporary  
500 conditional use permit pursuant to Brookland Section 24-12(e) to operate a  
501 private noncommercial kennel at 2331 Lenora Lane (Dickensdale) (Parcel 771-  
502 743-2609), zoned R-3, One-family Residence District (Brookland).

503

504 Mr. Blankinship - I'm sorry, the word "temporary" should not be in there.

505

506 Ms. Dwyer - Anyone who is here to speak to this case, please  
507 stand and be sworn in.

508

509 Mr. Blankinship - Raise your right hands, please. Do you swear the  
510 testimony you're about to give is the truth and nothing by the truth so help you  
511 God?

512

513 Ms. Brickell - I do.

514

515 Ms. Dwyer - Please state your name.

516

517 Ms. Brickell - Good morning. Diana Lynn Brickell.

518

519 Ms. Dwyer - All right. And tell us what you are here for today.

520

521 Ms. Brickell - I have four dogs, and they are members of my family.  
522 I brought pictures of the dogs. I didn't set out to have four dogs. One came  
523 walking down the sidewalk one Christmas, and stayed. One, a neighbor moved  
524 away and left. So, of course, I gave it a home. The third one I did adopt from the  
525 SPCA. And then my sister came down with macular degeneration after her son  
526 had bought her a Peekapoo for Mother's Day, and she could no longer take care  
527 of the puppy. So, soft-hearted me took the puppy. And I had just had my second  
528 hip replacement, but I still took the puppy. Now, I'm not going to get any more  
529 dogs, but they are members of my family. I do not want to get rid of my dogs.  
530 They're inside dogs. They go outside very reluctantly. Two are old—one is 16,  
531 one is 14, one is 3, and one is 2. I brought my next door neighbor who can  
532 testify that—Well, I'll let her testify that they're not a problem in the neighborhood.  
533 They're not out long enough to create a problem. I have several doghouses in  
534 the yard that if it were raining they could get in, but I don't leave them out if I'm  
535 not there. They're very rarely out more than say a half hour at a time, and not  
536 that long in the wintertime.

537

538 Ms. Dwyer - How do you exercise the dogs? Do you take them for  
539 walks or?

540  
541 Ms. Brickell - Oh, no, I have a large backyard, and they do play and  
542 run around.  
543  
544 Ms. Dwyer - How much are they out in the yard in a day?  
545  
546 Ms. Brickell - Oh, I'd say six or eight times a day.  
547  
548 Ms. Dwyer - For what period of time?  
549  
550 Ms. Brickell - Not more than a half hour or so at a time simply  
551 because in the wintertime it's too cold, and in the summertime it's too hot. Now,  
552 in the spring and the fall, they like to be out longer. But the older girls, they have  
553 arthritis and they don't like it.  
554  
555 Ms. Dwyer - What about barking?  
556  
557 Ms. Brickell - I had one barker. There are possums in the  
558 neighborhood, and if he sees those—He's territorial. If somebody's near the  
559 property, he'll bark. When I hear him, I bring him in.  
560  
561 Ms. Dwyer - Have you ever received any complaints for anybody  
562 about—  
563  
564 Ms. Brickell - One neighbor behind me.  
565  
566 Ms. Dwyer - What was the nature of the complaint?  
567  
568 Ms. Brickell - He doesn't want me to let them out before 8:30 in the  
569 morning. He has called me at 8:00 at night. He works for himself, and he doesn't  
570 work very much. So, I think he sleeps a lot. Whenever he's complained, I've  
571 always brought the dogs in.  
572  
573 Ms. Dwyer - He's concerned about the dogs barking?  
574  
575 Ms. Brickell - Not the dogs, just one.  
576  
577 Ms. Dwyer - But before 8:30 in the morning, and then [inaudible] at  
578 night is his request.  
579  
580 Ms. Brickell - At his request, yes.  
581  
582 Mr. Wright - Which dog is that that's barking? How old is that  
583 dog?  
584  
585 Ms. Brickell - Three.

586  
587 Mr. Wright - Three.  
588  
589 Mr. Witte - Are you aware that the suggested conditions say the  
590 animals shall be kept indoors or on a leash at all times?  
591  
592 Ms. Brickell - Even in the yard?  
593  
594 Mr. Witte - This is what it says. This is a staff recommendation.  
595 With a bad hip, I don't know how you're going to walk four dogs.  
596  
597 Mr. Wright - I don't understand why we have to put, "on a leash."  
598 She has a backyard.  
599  
600 Ms. Brickell - I have double-high fence.  
601  
602 Mr. Blankinship - I was going to mention—  
603  
604 Ms. Brickell - It's impossible for them to get out of the yard.  
605  
606 Mr. Blankinship - I was going to mention, Mr. Witte, that we might need  
607 to amend that condition. I had understood that the original complaint had to do  
608 with dogs running at large.  
609  
610 Mr. Witte - Okay.  
611  
612 Mr. Blankinship - That's why I drafted that condition that way. After the  
613 report went out, I met with the complainant, who actually came to the office. He  
614 expressed that, no, he had never seen the dogs running at large, he only had a  
615 concern with the barking.  
616  
617 Mr. Witte - Okay.  
618  
619 Mr. Blankinship - So, I was going to suggest that we amend that  
620 condition.  
621  
622 Mr. Wright - We could say within the confines of her yard, if you  
623 want. Whichever way you want to do it.  
624  
625 Ms. Dwyer - Stay in the fenced yard. What had you done to  
626 address the barking issue?  
627  
628 Ms. Brickell - He hasn't complained in quite a while. Anytime that  
629 I've heard Buddy bark, I bring him right in.  
630

631 Ms. Dwyer - Can he hear the dogs barking indoors, or is the  
632 outdoor barking that's troublesome?  
633  
634 Ms. Brickell - You mean the neighbor?  
635  
636 Ms. Dwyer - Yes.  
637  
638 Ms. Brickell - I don't know.  
639  
640 Ms. Dwyer - Mr. Blankinship, what's the exact nature of the  
641 complaint to us, do we know?  
642  
643 Mr. Blankinship - Well, there are least two complaints going on here. I  
644 believe there was a complaint filed with Community Maintenance of a dog  
645 running at large that had killed a cat or something. I'm sorry, I didn't have that  
646 conversation myself. My discussion with the neighbor that she's describing was  
647 exactly as she described it, that there is one dog that barks more than he likes,  
648 and that because of his particular work situation working from home, there are  
649 certain hours that it bothers him for the dog to bark. During the day, it doesn't  
650 bother him as much, but in the morning or at night, it does bother him.  
651  
652 Mr. Wright - Does he say the dog is out in the yard when he barks,  
653 or in the house?  
654  
655 Mr. Blankinship - His concern is that he would like the dog to be  
656 brought in when he's barking. I asked him several questions about the complaint  
657 about the dog running at large, and he was very clear that he's lived in the  
658 neighborhood for quite sometime, and has never seen these dogs outside of the  
659 yard.  
660  
661 Ms. Dwyer - That must be unrelated.  
662  
663 Mr. Blankinship - That's my guess; I don't know.  
664  
665 Ms. Brickell - May I answer about the cat? I had taken the dogs for  
666 grooming that day. The neighbor that you're talking about that owned the cat had  
667 four cats. Three of them had gotten killed when she just turned them loose. I  
668 personally took that cat and had it spayed and got its shot because it was on the  
669 street. I know Marty had fed it, I'd fed it because it was catching rabbits and  
670 squirrels and mice and things to feed its kittens. So, I knew that it wasn't being  
671 fed at home. Well, anyway, I brought the dogs home from being groomed, let  
672 them out in the back yard. My dogs do not run the street. If they ever get out, it's  
673 because the mailman's brought a package or UPS has brought a package, and  
674 the door's been opened too wide and they've slipped out. They are not allowed to  
675 run loose. Anyway, they go out in the yard. I'm in the house. I heard a ruckus in  
676 the backyard. Unbeknownst to me, the cat has gotten in the backyard. It

677 climbed a double-high fence, went in the backyard where I feed the birds. It ran  
678 under the deck, got trapped, and two of the big dogs killed it. I hated it. I liked  
679 the cat, obviously. I paid money to take care of the cat. But it wasn't the dogs'  
680 fault; they were in their own yard. It was her fault.

681  
682 Ms. Harris - I have a couple of questions. May we see those  
683 pictures of your dogs?  
684

685 Ms. Brickell - Certainly.  
686

687 Ms. Harris - On the picture, the backyard view, is this the double-  
688 high fence you were talking about? I just need to visualize. It doesn't seem very  
689 tall. It's on your screen, if you can see the screen.  
690

691 Ms. Brickell - That's not mine. I don't have a sign on my yard that  
692 says, "Beware of Dog." And my deck is green.  
693

694 Mr. Blankinship - My goodness, did we take a photograph of the wrong  
695 house?  
696

697 Mr. Witte - I actually rode by her house and she has a higher  
698 fence than that.  
699

700 Ms. Brickell - I have a double-high fence.  
701

702 Ms. Dwyer - Scratch that.  
703

704 Mr. Blankinship - Well, that's never happened before. We've had the  
705 wrong photograph in the presentation before, but we've never photographed the  
706 wrong house.  
707

708 Ms. Brickell - [Possibly off mike.] This is the [inaudible] She's 14,  
709 and that's Ladybug. [Inaudible] little girl.  
710

711 Ms. Dwyer - This is the German shepherd breed?  
712

713 Ms. Brickell - Yes. Buddy's the barker.  
714

715 Mr. Witte - Which one is Buddy?  
716

717 Ms. Brickell - The black, medium—Yes.  
718

719 Ms. Dwyer - Buddy's the barker.  
720

721 Ms. Brickell - [Off mike.] Not much I can do about [inaudible].  
722

723 Ms. Dwyer - Are the dogs out at night after dark? I know raccoons  
724 can be.  
725  
726 Mr. Blankinship - We'll have to hold onto these since they've been  
727 entered as evidence. We can return them to you.  
728  
729 Ms. Dwyer - Any other questions by Board members? Anything  
730 else, Ms. Brickell, that you'd like to say?  
731  
732 Ms. Brickell - No, not really. Just that they are members of my  
733 family.  
734  
735 Ms. Dwyer - You understand that the condition is that if the special  
736 exception is allowed and one of the dogs dies, then you cannot replace that.  
737  
738 Ms. Brickell - I understand. I have no intentions of getting any more  
739 dogs.  
740  
741 Mr. Wright - Actually, once one of them dies, this use permit  
742 expires, because she can have three dogs. Under the ordinance, you can have  
743 three dogs.  
744  
745 Ms. Dwyer - Thank you very much.  
746  
747 Ms. Brickell - Thank you.  
748  
749 Ms. Dwyer - Is there someone else to speak to the case? It's up to  
750 you if you want to. Come on up to the podium, if you would, so we'll have it on  
751 the record. Please state your name.  
752  
753 Ms. Pool - Martha Pool.  
754  
755 Mr. Blankinship - Where do you live, ma'am?  
756  
757 Ms. Pool - I live at 2329  
758  
759 Ms. Dwyer - You were saying?  
760  
761 Ms. Pool - Well, just that they're not a problem. I mean, the way  
762 she handles them, and the way that she coordinates them going outside, what  
763 little barking they do, it doesn't last long because she'll bring them inside. I've  
764 never had any problem with noise or anything else.  
765  
766 Ms. Dwyer - Any questions from Board members? Thank you very  
767 much. That closes the case, and we'll render our decision at the end of the  
768 meeting.

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Mr. Witte - I make a motion that we approve this request. I don't see where it adversely affects the health, safety, or welfare of the area, the neighborhood. Some of her animals are so old, I don't think it's going to be an issue but for a short period of time anyway.

Mr. Blankinship - Mr. Witte, did you want to amend Condition 3?

Mr. Witte - Oh, yes I did. I wanted to amend it so that the dogs would be allowed to go unleashed in the fenced back yard, rear yard. Thank you.

Mr. Nunnally - Second.

Ms. Dwyer - Seconded by Mr. Nunnally. Any discussion? Motion by Mr. Witte, seconded by Mr. Nunnally. 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. Witte, seconded by Mr. Nunnally, the Board **approved** application **UP-001-09, Diana L. Brickell's** request for a ~~temporary~~ conditional use permit pursuant to Section 24-12(e) to operate a private noncommercial kennel at 2331 Lenora Lane (Dickensdale) (Parcel 771-743-2609), zoned R-3, One-family Residence District (Brookland). The Board approved this variance subject to the following conditions:

1. This approval is only for the four dogs presently owned by the applicant. The approval is not for the commercial boarding or breeding of dogs at any time.
2. No new or replacement animals may be added, so that the number of existing animals will be reduced by natural means to three, as permitted by code, at which time this conditional use permit shall expire.
3. [AMENDED] All animals shall be kept indoors or within the fenced yard at all times. The applicant shall maintain the property so that noise and odors are controlled.

Affirmative:	Dwyer, Harris, Nunnally, Witte, Wright	5
Negative:		0
Absent:		0

**UP-003-09 MOUNT OLIVE BAPTIST CHURCH** requests a temporary conditional use permit pursuant to Section 24-116(c)(1) to place two temporary storage units at 8775 Mount Olive Avenue (Parcel 781-760-6408), zoned R-3, One-family Residence District (Fairfield).

814 Ms. Dwyer - Anyone else here to speak to the case? Please raise  
815 your hand and be sworn.

816  
817 Mr. Blankinship - Do you swear the testimony you're about to give is  
818 the truth and nothing but the truth so help you God?

819  
820 Rev. Redmond - I do.

821  
822 Ms. Dwyer - If you would state your name and spell it.

823  
824 Rev. Redmond - I'm Reverend Wayne Redmond—R-e-d-m-o-n-d. I'm  
825 the church administrator at Mount Olive Baptist Church. Earlier this year, we  
826 received permission to demolish our existing annex building and erect a new  
827 multipurpose building. In doing so, the only ministry that was impacted was our  
828 food pantry ministry, which provides food to those in need in the community. In  
829 order to keep the ministry going for the time of the construction and until we get  
830 an occupancy permit for the new building, we decided that we would bring on two  
831 temporary units in order to house the freezers and the refrigerators and to store  
832 the food. I apologize for getting ahead of the process; however, the vendor that  
833 we rented those units from informed us that because they sat flat on the ground,  
834 and because there was no need for disability or handicapped entrance, we did  
835 not need a permit. So, we allowed him to deliver those units because we wanted  
836 to have the food ministry to continue to operate when we started the building.

837  
838 We located those units at the rear of the church where we thought they would not  
839 be seen by a large majority of the people who enter the church and the  
840 neighbors, and also that we would be able to connect those units to the existing  
841 power in the church. However, we have found that we are not able to make that  
842 connection, and we have to have electrical power separate from the building.  
843 Therefore, in accordance with the recommendation from the Planning  
844 Department, we have talked to Dominion Power, and we are asking for an  
845 amendment of the location to now locate the units in front of the building on the  
846 grassy area that's right at the entrance of the church. That will be where the  
847 construction company will have their mobile unit during the construction time, and  
848 also Dominion Power indicates that from a safety standpoint, and a convenience  
849 standpoint, they will be able to connect the power because the transformer pole  
850 is right there on the corner.

851  
852 Ms. Dwyer - Let me stop you right there. I'm not clear exactly  
853 where it is.

854  
855 Rev. Redmond - If you look at the proposed new building in front, there  
856 is a—

857  
858 Ms. Dwyer - Okay, there. Okay.

859

860 Rev. Redmond - There is a little curve way. Right in between where the  
861 red dots are there is a little grassy area right at the entrance.  
862  
863 Ms. Dwyer - Is it where the magnifying glass is now? Is that the  
864 correct area?  
865  
866 Rev. Redmond - Now. Come over—Yes, right in there.  
867  
868 Ms. Dwyer - Okay.  
869  
870 Rev. Redmond - Right there.  
871  
872 Ms. Dwyer - You say there will be the two trailers that you're  
873 proposing, as well as the construction trailers?  
874  
875 Rev. Redmond - Construction company says that's where they  
876 propose to put their construction trailer.  
877  
878 Ms. Dwyer - That's right directly behind the [inaudible].  
879  
880 Rev. Redmond - Right. The houses are, as you can see, further up the  
881 street. It's right at the entrance of our property.  
882  
883 Ms. Dwyer - All right, thank you.  
884  
885 Ms. Harris - Reverend Redmond, you've already moved the  
886 trailers, right?  
887  
888 Rev. Redmond - Yes ma'am. They were moved last week because the  
889 company, once I talked to them about the fact that we needed to go through this  
890 process, they were willing to come back and move those units out to that  
891 location.  
892  
893 Ms. Harris - I drove by there yesterday, and they were busy  
894 working. I saw those small trailers. They are very small, but I guess the  
895 construction trailer is going to be the thing that might give you some complaints.  
896 Have we had any complaints from the neighbors so far?  
897  
898 Mr. Blankinship - No ma'am. Again, when we were on the site, they  
899 were in a very inconspicuous location, so. I don't know how this neighbor would  
900 feel about having them all right in the backyard.  
901  
902 Ms. Harris - Have you spoken with the neighbor at 9510?  
903

904 Rev. Redmond - No ma'am. Those units sit to the rear of that house,  
905 and we have not had any difficulty with the neighbors since we've been in that  
906 location, since I've been there for the last 2-1/2 years.  
907

908 Ms. Harris - Right, but you've never put a construction trailer there  
909 either.  
910

911 Rev. Redmond - That's true.  
912

913 Ms. Harris - So, maybe you need to talk to your neighbor there, I  
914 would think, if that's going to be a large construction trailer. When will the  
915 construction of that new building be completed?  
916

917 Rev. Redmond - It's scheduled for 12 months; however, we do have to  
918 have the land tested that was underneath the old building. If that land is not  
919 appropriate, we have to bring in some fill, which will probably extend the time.  
920 We should know about that at the end of this month.  
921

922 Ms. Dwyer - These trailers are refrigerated?  
923

924 Rev. Redmond - They will hold freezers and refrigerators. Most of the  
925 food that we dispense is frozen. In the old building, we had two classrooms that  
926 we had freezers and refrigerators that held that food. The only activity will be to  
927 get the food out of those. We dispense the food one day a week on a regular  
928 schedule, and then the ministry will go in on emergencies to get food for people  
929 who are referred to us.  
930

931 Ms. Dwyer - The photograph of the trailer shows what I think is an  
932 HVAC unit on the side.  
933

934 Rev. Redmond - Yes ma'am, it does.  
935

936 Ms. Dwyer - Is that the HVAC unit there?  
937

938 Rev. Redmond - The box on the side? Yes.  
939

940 Ms. Dwyer - My concern is that could be noisy, now that it's right  
941 adjacent to [inaudible].  
942

943 Rev. Redmond - I doubt very seriously that we'll run them because the  
944 time is so limited in there. I haven't had an opportunity to see them in operation.  
945 If they are noisy, the food is dispensed from 11 to 12 on Wednesday, so it  
946 wouldn't be at a time when normally people would be sleeping.  
947

948 Ms. Dwyer - You wouldn't have to run the air conditioning even  
949 during the summer?

950  
951 Rev. Redmond - Not every day. It would just be when someone would  
952 be in there. Primarily, what we need those for is refrigeration and freezing of the  
953 food.  
954  
955 Ms. Dwyer - What you need what for, the electricity?  
956  
957 Rev. Redmond - The units. The reason we have to get the units is we  
958 didn't have a place to put the freezers and the refrigerators that store the food.  
959  
960 Ms. Dwyer - You can put a freezer in a really hot building in the  
961 summer? I would think you would have to keep the building somewhat cool.  
962  
963 Rev. Redmond - It might be. I can't speak to it because I just haven't  
964 heard them running at all.  
965  
966 Ms. Dwyer - Mr. Blankinship, if we approve this request and get a  
967 complaint from a neighbor, what would be the process at that point? It might not  
968 be a problem, but if it were a problem.  
969  
970 Mr. Blankinship - If there were no conditions on the permit relative to  
971 that, then there wouldn't be anything we could do for the complaint. We'd just  
972 have to tell them the Board approved the permit, it's temporary, it'll be gone as  
973 soon as the new building is completed and everything can be moved into it. But  
974 they're just going to have to live with it until then.  
975  
976 Mr. Witte - Reverend, this flyer from Mobile Mini, indicates that  
977 this is an office combo trailer. It's actually set up to house storage and an office.  
978 It shows the HVAC unit next to the office. So, I'm going to presume that that's  
979 probably a normal residential unit that's only going to heat a small space of 11 by  
980 8. Is that correct?  
981  
982 Rev. Redmond - Well, the office is really small. I would think you're  
983 probably right about that.  
984  
985 Mr. Witte - I can't imagine that would cause so much noise with it  
986 hanging right on the wall of the supposed office.  
987  
988 Ms. Dwyer - Mr. Blankinship, these are now at a location that they  
989 weren't in when staff reviewed this. Typically, we have—It looks like there are  
990 trees along that side.  
991  
992 Rev. Redmond - Yes ma'am.  
993  
994 Ms. Dwyer - That should provide sufficient visual screen?  
995

996 Rev. Redmond - Yes. And the trees will remain there.  
997  
998 Ms. Dwyer - You're not taking those down as part of the  
999 construction.  
1000  
1001 Rev. Redmond - No.  
1002  
1003 Ms. Dwyer - Okay. I'm most concerned about the visual, but I am  
1004 concerned about the noise. Mr. Blankinship, I'm not sure what kind of a condition  
1005 you might—  
1006  
1007 Mr. Wright - Well, we could fashion a condition that if there is  
1008 noise that causes some concern for the neighbors, then we would revisit it.  
1009  
1010 Mr. Nunnally - Couldn't you insulate it some way or another to knock  
1011 the noise down, if they have noise?  
1012  
1013 Rev. Redmond - We could look into that. I don't think the noise will  
1014 exceed that of the construction itself.  
1015  
1016 Ms. Dwyer - That may not be all that reassuring to the neighbors.  
1017  
1018 Rev. Redmond - But certainly if there were problems, I would be willing  
1019 to look into how we could eliminate them, and I would go back to Mobile Mini and  
1020 find out if there have been any complaints in using that unit.  
1021  
1022 Mr. Wright - We could fashion some language to give us some  
1023 way to reconsider it if the noise is a problem. We don' know whether it's going to  
1024 be a problem now or not.  
1025  
1026 Mr. Blankinship - I think that's reasonable in this case, particularly  
1027 because they can just move them to another spot on the site. You're not telling  
1028 them, well, they're too noisy, get rid of them, but they're too noisy, you have to  
1029 move them away from this person's house.  
1030  
1031 Ms. Dwyer - I'm not saying that you have to do anything up front,  
1032 because it may not be a problem. I just want to leave us some leeway if, you  
1033 know, we do get a complaint that we can be responsive to that. Is that all right  
1034 with you—  
1035  
1036 Rev. Redmond - Yes.  
1037  
1038 Ms. Dwyer - —to add a condition to that effect. Any other  
1039 questions by Board members?  
1040

1041 Ms. Harris - How active is your food bank? Are there any food  
1042 items in those trailers now?  
1043  
1044 Rev. Redmond - No. In the interim, I had to move those freezers and  
1045 refrigerators into the church in a classroom until we can get the appropriate  
1046 permits. That's what I'm doing right now, which is impacting my educational  
1047 space. But we have to do what we have to do.  
1048  
1049 Mr. Witte - You are just renting these units.  
1050  
1051 Rev. Redmond - Yes.  
1052  
1053 Mr. Witte - You're not purchasing them.  
1054  
1055 Rev. Redmond - No.  
1056  
1057 Mr. Witte - Okay.  
1058  
1059 Ms. Dwyer - No one else here to speak to the case? Reverend  
1060 Redmond, did you have anything else you'd like to say?  
1061  
1062 Rev. Redmond - No, thank you very much. I appreciate it.  
1063  
1064 Ms. Dwyer - Is there a motion on the case?  
1065  
1066 Ms. Harris - I move that we approve this temporary conditional use  
1067 permit. It will not adversely affect the health, safety, or welfare of the community.  
1068 However, the condition we wanted to add is if there are noise complaints from  
1069 the neighbors, we would revisit the case. Is this what we're saying?  
1070  
1071 Mr. Blankinship - Do you want to reopen the case, or do you just want  
1072 them to move the trailer, give the Planning Director the authority to require them  
1073 to move the trailers to a different location on the site.  
1074  
1075 Ms. Harris - Okay. If there are noise complaints from neighbors,  
1076 we want to give the authority to the Planning Director to move the trailers to  
1077 another area on the site that would alleviate the noise.  
1078  
1079 Ms. Dwyer - Should we say, "or reopen the case"? The reason I  
1080 suggest that is sometimes neighbors can be unreasonable, and it might be that  
1081 staff is unable to resolve the issue.  
1082  
1083 Mr. Blankinship - If you prefer that, we can just put the condition in that  
1084 way, that it would come back before you if there's a complaint.  
1085

1086 Ms. Dwyer - I'd prefer that it be resolved by staff, but if it can't be  
1087 resolved by staff, that staff could ask us to revisit it.

1088  
1089 Ms. Harris - Okay, we'll add, "or revisit the case."  
1090

1091 Ms. Dwyer - Neighbors are never really unreasonable. It has been  
1092 known to happen. We have a motion by Ms. Harris for approval. Is there a  
1093 second?

1094  
1095 Mr. Wright - I'll second it.

1096  
1097 Ms. Dwyer - Seconded by Mr. Wright. Any discussion? No  
1098 discussion. All in favor say aye. All opposed say no. The ayes have it; the  
1099 motion passes.

1100  
1101 After an advertised public hearing and on a motion by Ms. Harris, seconded by  
1102 Mr. Wright, the Board **approved** application **UP-003-09, Mount Olive Baptist**  
1103 **Church's** request for a temporary conditional use permit pursuant to Section 24-  
1104 116(c)(1) to place two temporary storage units at 8775 Mount Olive Avenue  
1105 (Parcel 781-760-6408), zoned R-3, One-family Residence District (Fairfield). The  
1106 Board approved this temporary conditional use permit subject to the following  
1107 conditions:

1108  
1109 1. Only the improvements shown on the plot plan and building design filed with  
1110 the application may be constructed pursuant to this approval. Any additional  
1111 improvements shall comply with the applicable regulations of the County Code.  
1112 Any substantial changes or additions to the design or location of the  
1113 improvements may require a new use permit.

1114  
1115 2. The trailers shall be removed from the property on or before July 22, 2010 at  
1116 which time this permit shall expire.

1117  
1118 3. On or before January 22, 2010 the applicant shall submit a report to the  
1119 Planning Department describing their plans for permanent storage space.

1120  
1121 4. Any trash shall be in closed containers with regular pickups, the area shall be  
1122 kept clean, and the containers shall be properly screened.

1123  
1124 5. The church will apply for any required permits, including building and electrical  
1125 permits on or before January 29, 2009. The church will successfully pass any  
1126 required inspections in connection with these permits no later than March 1,  
1127 2009. This use permit will be automatically void if this condition is not adhered  
1128 to.

1129

1130 6. [ADDED] If the Planning Department receives complaints regarding noise, the  
1131 applicant shall move the trailers to a less conspicuous location within 10 days of  
1132 receiving notice from the Planning Department.  
1133

1134 Affirmative:	Dwyer, Harris, Nunnally, Witte, Wright	5
1135 Negative:		0
1136 Absent:		0

1137  
1138

1139 Ms. Dwyer - That concludes the case portion of our meeting today.  
1140 I did want to ask Mr. Blankinship about the Horses in Service that we had some  
1141 discussion and testimony about last month. Where do we stand on that?  
1142

1143 Mr. Blankinship - We have monitored that case even more closely than  
1144 before since that meeting for 2 two-week periods. We visited the site three times  
1145 each week—Monday, Wednesday, and Friday—and photographed it and  
1146 inspected it. We compiled all those photographs, and yesterday we met with the  
1147 Director of Planning. He did make a finding, informally orally, that they are in  
1148 compliance with the conditions, or at least they have been since December 5<sup>th</sup>  
1149 when we started this. We are drafting a letter to that effect. I was hoping to have  
1150 that for you this morning. It's not quite ready, so you'll receive it in the next few  
1151 days, a copy of the letter and the photographs. The original of that letter will be  
1152 sent to the complainant. It invites her to appeal if she deems that she is  
1153 aggrieved by it.  
1154

1155 Mr. Wright - Bet you she will.  
1156

1157 Ms. Dwyer - Let's take up the minutes for December 18, 2008. Are  
1158 there any additions or corrections?  
1159

1160 Mr. Wright - I move they be approved as submitted.  
1161

1162 Mr. Nunnally - Second.  
1163

1164 Ms. Dwyer - Motion by Mr. Wright, seconded by Mr. Nunnally. All  
1165 in favor say aye. All opposed say no. The ayes have it; the motion passes.  
1166

1167 On a motion by Mr. Wright, seconded by Mr. Nunnally, the Board **approved** the  
1168 **Minutes of the December 18, 2008** Henrico County Board of Zoning Appeals  
1169 meeting.  
1170

1171 Affirmative:	Dwyer, Harris, Nunnally, Witte, Wright	5
1172 Negative:		0
1173 Absent:		0

1174  
1175

1176 Ms. Dwyer - The Board will recess and reconvene in the  
1177 conference room.

1178  
1179 Mr. Blankinship - All the members of the public who are here are invited  
1180 to come.

1181  
1182 Ms. Dwyer - You're welcome to come and hear what we have to  
1183 say.

1184  
1185 Mr. Blankinship - In fact, we'll feed you.

1186  
1187 Board Members and Staff reconvened in the Planning Department's large  
1188 conference room for a work session to discuss variances.

1189  
1190 There being no further business, the Board adjourned until the February 26, 2009  
1191 meeting at 9 a.m.

1192  
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1198 Elizabeth G. Dwyer  
1199 Chairman

1200  
1201  
1202

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1204

1205 Benjamin Blankinship, AICP

1206 Secretary

1207