

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 HENRICO COUNTY GOVERNMENT**
4 **COMPLEX, ON THURSDAY, JULY 24, 2008, AT 9:00 A.M., NOTICE HAVING**
5 **BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH JULY 3, 2008 AND**
6 **JULY 10, 2008.**

7
Members Present: Richard Kirkland CBZA, Chairman
Elizabeth G. Dwyer, Vice-Chairman
Helen E. Harris
James W. Nunnally
R. A. Wright

Also Present: David D. O'Kelly, Jr., Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul Gidley, County Planner
Miguel Madrigal, County Planner
Carla Brothers, Recording Secretary

8
9 Mr. Kirkland - Good morning, Ladies and Gentlemen, welcome to
10 the July 2008 Board of Zoning Appeals meeting. Before we get started, if we
11 could all stand and say the **Pledge of Allegiance to the Flag of Our Country.**

12
13 All right. Before we get started this morning, I would like to make everyone aware
14 in the room that this will be my last meeting. Some of you might know that last
15 year I ran for Supervisor in the Brookland District. My friends and my family are
16 not surprised about what's going on today. I've had a wonderful time being on
17 this Board for almost 13 years. At no time when I've come into this room have I
18 ever brought any politics, or have I ever let politics play a part of any of my
19 decisions. I can say this about my fellow Board members also. I felt that the
20 reason I was put on this Board was that I could help the citizens and developers
21 of this County. At no time during my decisions, or other Board members'
22 decisions, have we ever violated any zoning ordinances, or Supreme Court
23 decisions. We have always tried to find a place to allow people to build their
24 homes, or sheds, or whatever, within the law. So, Ms. Harris, Mr. Nunnally, Ms.
25 Dwyer, Mr. Wright—I've had a great time, and I've really enjoyed working with
26 you. You guys are about the best people I've ever worked with in any
27 organization. Good luck to you. And also, Mr. Blankinship, it's been a pleasure
28 working with you, and Mr. O'Kelly, and Mr. Gidley, and Carla. They're always
29 calling me on Wednesday to let me know that today is the next day. And for the
30 wonderful coffee we've had through the years. So, thank you very much, and
31 good luck.

32
33 Ms. Dwyer - Well Rick, on that note, would you step to the
34 podium? You know you have to.

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Well, we were aware that this was your last meeting.

Mr. Kirkland - Good.

Ms. Dwyer - We wanted to commemorate your service on the BZA with this plaque. It says, "Presented to Richard E. Kirkland in recognition of his service on Henrico County Board of Zoning Appeals, November 16, 1995 to July 24, 2008, including two terms as Chairman." So, I hope you display this proudly.

Mr. Kirkland - Yes, I will.

Ms. Dwyer - On behalf of the other Board members, and staff, and the people of Henrico County, we thank you for your dedicated service.

Mr. Kirkland - Thank you very much. I'll be here occasionally. You never know, I might come in front of you for something.

Ms. Dwyer - This is just a fun thing from us on the Board. We know that you are a fisherman.

Mr. Kirkland - Oh, yes.

Ms. Dwyer - Be careful, there are some hooks in there.

Mr. Kirkland - Okay. And my insurance is paid up. Thank you very much.

Mr. Wright - I guess I'm the senior member afloat, since I've been on this Board 37 years. I've seen a lot of members come and go during the last 37 years. I think, Rick, you stand out as one of the ones I respect the most in what you've done, and what you've done for the County. So, we certainly appreciate it.

Mr. Kirkland - Thank you very much, Mr. Wright.

Mr. Nunnally - Rick, I'd like to emphasize that, too. You've been a good friend of mine, and we've had a lot of good times. We worked together as Chairman and Vice Chairman I think two or three times. You've been a great help to us, to me personally, and to the Board. We just wish you the very best in the future. And I hope it happens quickly.

Ms. Harris - Mr. Kirkland, as the new one on the block, I have to say as my father would say at this moment—he was a minister—eyes have not seen, neither have ears heard just what is in store for you. So, it's been my pleasure.

81
82 Mr. Kirkland - Thank you. Cancel the council meeting and go fishing,
83 okay?
84
85 All right, Mr. Secretary, if you would, read the rules for this meeting, please.
86
87 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
88 ladies and gentlemen. The rules for this meeting are as follows. Acting as
89 Secretary, I will call each case, and while I'm speaking, the applicant should
90 come down to the podium. We will then ask everyone who intends to speak on
91 that case and be sworn in. The applicant will then have an opportunity to speak,
92 and then anyone else who wishes to speak will be given an opportunity. After
93 everyone has spoken, the applicant, and only the applicant, will be given an
94 opportunity for rebuttal. After everyone has spoke and the Board has asked
95 questions, they will take the matter under advisement, and they will render all of
96 their decisions at the end of the meeting. There are only four cases this morning,
97 so that won't be too long. If you wish to hear their decision on a specific case,
98 you can either stay until the end of the meeting, or you can check the Planning
99 Department website this afternoon—we usually update it within about half an
100 hour of the end of the meeting—or you can call the Planning Department later
101 this afternoon. This meeting is being tape-recorded, so I will ask everyone who
102 speaks to speak directly into the microphone on the podium, state your name,
103 and please spell your last name so we get it correctly in the record. Finally, there
104 is a binder out in the foyer that contains the staff report for each case, including
105 the conditions that have been recommended by the staff. Particularly if you're
106 the applicant for a use permit case, you need to be familiar with those conditions.
107
108 Mr. Kirkland - All right. Would you call the first case please?
109
110 **UP-013-08 RICHMOND ELKS LODGE** requests a temporary
111 conditional use permit pursuant to Section 24-116(c)(1) to conduct a turkey shoot
112 at 10022 Elk Pass Lane (Parcel 750-768-4929), zoned A-1, Agricultural District
113 (Three Chopt).
114
115 Mr. Kirkland - Does anyone else with to speak on this case? If you
116 would, ma'am, raise your right hand and be sworn.
117
118 Mr. Blankinship - Do you swear the testimony you're about to give is
119 the truth and nothing but the truth so help you God?
120
121 Ms. Willard - I do.
122
123 Mr. Kirkland - All right, ma'am, what would you like us to do for you?
124
125 Ms. Willard - Grant us a conditional use permit to conduct our
126 turkey shoot.

127
128 Mr. Blankinship - Can I get your name in the record, please?
129
130 Ms. Willard - My name is Faye Willard.
131
132 Mr. Nunnally - Is this the same activity this year as you've had in the
133 past?
134
135 Ms. Willard - This will be our 21st year. Yes sir.
136
137 Mr. Wright - Will you tell us a little bit about it, especially about the
138 difference between the area now and, say, 20 years ago when you were doing it.
139
140 Ms. Willard - Well, there was no Innsbrook 20 years ago. Now,
141 we're in the middle of an office park, but we have a dirt mound. It's behind the
142 line. We operate it after all the office buildings are empty. We're kind of like
143 secluded in our own little space in the midst of the office park.
144
145 Mr. Wright - I just want to make a point that your hours of
146 operation would be after the hours of operation of these office buildings—
147
148 Ms. Willard - Yes.
149
150 Mr. Wright - —where people would be frequenting those places.
151
152 Ms. Willard - Yes. Friday evening, Saturday.
153
154 Mr. Wright - How is your shot directed?
155
156 Ms. Willard - The shooting range is at the rear of our property.
157 There is nothing behind us. We have the dirt mound, and then we have a little bit
158 more property, and then some wooded area that goes back to the concert area
159 for Innsbrook. There is no building directly behind us.
160
161 Mr. Wright - How high is the dirt mound?
162
163 Ms. Willard - I want to say it's like 10 to 12 feet high.
164
165 Mr. Wright - That would be adequate to insure that no shot would
166 go beyond that?
167
168 Ms. Willard - Yes.
169
170 Mr. Wright - Do you permit any alcoholic beverages?
171
172 Ms. Willard - No sir.

173
174 Mr. Wright - You know if this is approved, there will be a condition
175 that those are not permitted on the premises.
176
177 Ms. Willard - Yes sir. That's been a condition every year. We also
178 don't allow anything more than 8 shot, 12 gauge.
179
180 Mr. Wright - That's limited, too.
181
182 Ms. Willard - Right.
183
184 Mr. Wright - The type of shot and so forth.
185
186 Ms. Willard - Yes.
187
188 Mr. Wright - As we have in the proposed conditions here. All right,
189 thank you.
190
191 Mr. Nunnally - You have read all the conditions.
192
193 Ms. Willard - Yes sir.
194
195 Ms. Harris - Ms. Willard, have any office buildings in the complex
196 been built since the last approval?
197
198 Ms. Willard - No.
199
200 Ms. Harris - Not within the last two years.
201
202 Ms. Willard - No.
203
204 Ms. Harris - Okay. How close is the turkey shoot to the nearest
205 building, would you say?
206
207 Ms. Willard - I don't know. It's pretty far. I don't know specifically.
208
209 Ms. Harris - Where is the concert area?
210
211 Ms. Willard - There's our building, and there are the woods. It's
212 behind the woods, a great deal behind the woods.
213
214 Ms. Harris - Do you know how many acres of land you have here?
215
216 Ms. Willard - 8.81, I think.
217

218 Ms. Dwyer - Have you received any complaints about your
219 operation in the last year?

220
221 Ms. Willard - No. Actually, we get people coming buy all the time
222 that want to just use it as a shooting range, and we have to tell them we can't.

223
224 Mr. Kirkland - What is your average attendance, do you think, on
225 let's say a Friday night?

226
227 Ms. Willard - We have places for 25.

228
229 Mr. Kirkland - Okay.

230
231 Ms. Willard - So, that's the max.

232
233 Mr. Kirkland - Okay. Any other questions by Board members?
234 Anyone else wish to speak on this case? If not, that concludes the case.

235
236 Ms. Willard - Thank you.

237
238 Mr. Wright - I move we approve it on the grounds that the
239 proposed use will not affect the health, safety, and welfare of persons residing or
240 working in the neighborhood; it will not unreasonably impair an adequate supply
241 of light adjacent to the property; it will not increase in the congestion in the
242 streets; or be likely to reduce or impair the value of buildings or properties that
243 surround the area; and it will be in substantial accordance with the general
244 purposes of Chapter 24 of the Code.

245
246 Mr. Kirkland - Do I have a second?

247
248 Mr. Nunnally - Second.

249
250 Mr. Kirkland - Motion made by Mr. Wright, seconded by Mr.
251 Nunnally. Any discussion? All those in favor say aye? All those opposed say no.
252 The ayes have it; the case is approved.

253
254 After an advertised public hearing and on a motion by Mr. Wright, seconded by
255 Mr. Nunnally, the Board **approved** application **UP-013-08, Richmond Elks**
256 **Lodge's** request for a temporary conditional use permit pursuant to Section 24-
257 116(c)(1) to conduct a turkey shoot at 10022 Elk Pass Lane (Parcel 750-768-
258 4929), zoned A-1, Agricultural District (Three Chopt). The Board approved this
259 conditional use permit subject to the following conditions:

260
261 1. The land shall be clearly posted to show the particular area where the
262 shooting is to occur and where the impact area is located.

263

264 2 No alcoholic beverages may be consumed on the site during the turkey
265 shoot. A sign to this effect shall be conspicuously posted in the immediate
266 vicinity of the shooting area. No person under the influence of alcohol, as defined
267 in Section 18.2-266 of the Code of Virginia, may be permitted in the shooting
268 area.

269
270 3. Restrooms shall be provided.

271
272 4. No firearm shall be discharged within 300 feet of any lot occupied by a
273 dwelling, or within 300 feet of any building other than buildings on the same
274 parcel, or across any road or street.

275
276 5. The turkey shoot shall only involve the use of shotguns no larger than 12
277 gauge and low powered (2-3/4") shells containing No. 8 shot.

278
279 6. A shot barrier, a minimum of 6 feet in height and composed of mounded dirt,
280 shall be maintained behind the targets as an added precaution. This barrier shall
281 be located a maximum of 10 feet behind the targets and extend 10 feet beyond
282 each end of the target line.

283
284 7. Sufficient off-street parking shall be provided for all cars visiting the premises.

285
286 8. This permit allows the turkey shoot on Fridays between 6:00 pm to 10:00 pm
287 and on Saturdays, 2:00 pm to 10:00 pm, from September 2008 - March 2009 and
288 September 2009 - March 2010, after which time this use permit shall expire.

289
290
291 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
292 Negative: 0
293 Absent: 0

294
295
296 **A-015-08 R. DALE GOODING** requests a variance from
297 Section 24-94 to build a one-family dwelling at 5507 Jefferson Street (E S Read)
298 (Parcels 816-725-4606 and 4223 (part)), zoned R-2A, One-family Residence
299 District (Varina). The lot width requirement is not met. The applicant has 57 feet
300 lot width where the Code requires 80 feet lot width. The applicant requests a
301 variance of 23 feet of lot width.

302
303 Mr. Blankinship - Mr. Chairman, let me just mention in the record that
304 there are two parcels here that would be combined by this application. One of
305 these is owned by Mr. Gooding personally, and the other is owned by his
306 corporation, RDG of Virginia, Incorporated. That's not very clear in the
307 paperwork, so I just wanted to make sure it was in the record.

308

309 Mr. Kirkland - All right. Does anyone else wish to speak on this
310 case? Please stand, ma'am. Everybody raise their right hand and be sworn in.
311
312 Mr. Blankinship - Do you swear the testimony you're about to give is
313 the truth and nothing but the truth so help you God?
314
315 Mr. Kirkland - All right. Ma'am, you can sit down until I call for you.
316 Who is putting on the case?
317
318 Mr. Gooding: Mr. Melvin Spain is.
319
320 Mr. Kirkland - Okay. If you would, state—
321
322 Mr. Spain - Melvin Spain. I'm here with Mr. Gooding, the owner.
323 I think the staff report pretty well explains the situation that's evolved over the
324 past three years. I'll be glad to answer any questions, or Mr. Gooding would be
325 glad to answer any questions you might have.
326
327 Mr. Nunnally - The one question I have is when you laid out this
328 house that you have on there now, didn't you realize that you would have a
329 problem if you put two other houses there, when they should be on 80-foot lots?
330
331 Mr. Spain - Well, at the time the house was laid out that's there
332 now, that's when the previous variance was still active. So, we didn't feel like
333 that was a situation that would create the problem that exists now.
334
335 Mr. Nunnally - Well, didn't you know—
336
337 Mr. Spain - I'll let Mr. Gooding expand on that.
338
339 Mr. Nunnally - Didn't you know that he was going to put two other
340 houses on there, Mr. Gooding?
341
342 Mr. Gooding - At the time we laid the first house off, no sir.
343
344 Ms. Dwyer - Mr. Gooding, you own the two lots, right, lots 12 and
345 13. Right?
346
347 Mr. Gooding - Yes. Yes ma'am.
348
349 Ms. Dwyer - Those two lots combined have enough road frontage
350 for three 80-foot lots, but the problem is that you have used so much road
351 frontage for the first two lots that you now no longer have enough left for the third
352 lot. Is that correct?
353
354 Mr. Gooding - Yes ma'am, that's correct.

355

356 Ms. Dwyer - That's a situation that you have created. Whatever
357 the reasons why you made those decisions, that's a situation that is created
358 wholly by you in your decisions about where to set the lot line. Is that correct?

359

360 Mr. Gooding - That's correct. The previous variance approval
361 actually caused that decision of how it was done, but because of the conditions
362 that were made on the previous variance, on the family variance, it was not
363 known at that time. We went on to build a single-family house on the other site in
364 the location it is in, and it's causing us to request your approval for a road
365 frontage decision on the variance that we're here today for.

366

367 Ms. Dwyer - Now, you do have an existing house on Lot 12, and
368 an existing house on Lot 13. Is that correct?

369

370 Mr. Gooding - Yes.

371

372 Ms. Dwyer - A house on each lot.

373

374 Mr. Gooding - Yes.

375

376 Ms. Dwyer - Those are being used as residences.

377

378 Mr. Gooding - Yes ma'am. They are residential, yes ma'am.

379

380 Ms. Harris - I have a couple of questions. I noticed that your
381 report said more or less that you halted progress on work associated with the
382 earlier variances when you determined that the previously approved house sites
383 were in the new floodplain. Aren't they currently in the amended floodplain?

384

385 Mr. Gooding - The new house site that we're asking for the variance
386 on is not within the floodplain.

387

388 Ms. Harris - Okay.

389

390 Mr. Gooding - The previous variances, they were within the
391 floodplain. Basically, the new floodplain has necessitated this new request for a
392 variance.

393

394 Ms. Harris - To clarify that, could you point out the floodplain area,
395 if you know? I do see on one of the maps—

396

397 Mr. Blankinship - The next one. It's on the plat, which I apologize is not
398 in the presentation on the screen, but it is in your packages.

399

400 Ms. Harris - That seems to be only on one lot.

401
402 Mr. Blankinship - 5501 is here, 5503 is here. This is what they're
403 proposing. This lot goes all the way back here. Everything from here back is
404 floodplain. Originally, they were going to do a house here, here, and here.
405
406 Ms. Harris - Okay, I have another question. In the background
407 information on the report, we refer to Lot 12 as 5505 Jefferson. In the next
408 sentence, we refer to Lot 12 as 5503 Jefferson.
409
410 Mr. Blankinship - Oh, okay. There used to be house—Paul, could you
411 indicate the house right by the bend in the property line? Not that one, but just
412 south of there. Just south. There used to be a house there; it was 5505. That
413 house has been demolished.
414
415 Ms. Dwyer - That was on which lot?
416
417 Mr. Blankinship - It was on Lot 12.
418
419 Ms. Dwyer - Lot 12. Then he built a new house on Lot 12 closer to
420 the front.
421
422 Mr. Blankinship - Yes ma'am.
423
424 Ms. Dwyer - Okay.
425
426 Mr. Blankinship - That's 5503.
427
428 Ms. Dwyer - Yes.
429
430 Mr. Kirkland - Any other questions?
431
432 Ms. Dwyer - I have one more question. Mr. Gooding, when you
433 filled out the documents in the County offices to file this particular variance, there
434 was a page that lists the reasons why this Board might consider a variance, and
435 that language is lifted directly from the statute that governs what we can and
436 can't do. It's not clear to me which of these reasons you're relying on as a basis
437 for your variance today. Can you elaborate on that? Do you need to see this,
438 maybe, to be able to answer the question? Do you know the page I'm talking
439 about, Mr. Blankinship? It's actually the first paragraph. It says, "When a
440 property owner can show that his property was acquired in good faith." That's the
441 paragraph that lists the reasons a person can ask for a variance. Our decision
442 needs to be based on those, so I'm curious as to which of those reasons you're
443 relying on in your case.
444
445 Mr. Gooding - This is Item 1.
446

447 Ms. Dwyer - No, it's the paragraph above Item 1. Item 1 means the
448 questions are designed to help elicit your reasoning. I'm looking at the paragraph
449 above it when it says, "When a property owner can show." Do you see that
450 paragraph?

451
452 Mr. Spain - The only way I can address that, ma'am, is when the
453 previous variance was applicable, and it's explained that Mr. Gooding did not
454 obtain the financing that he needed for the family division, that's when the
455 revised FEMA floodplain became effective in the fall of 2007. That's what created
456 the necessity for this new variance. The old variance, the lots would not have
457 been buildable anyway because of the new FEMA floodplain. So, we revised the
458 variance request.

459
460 Ms. Dwyer - I'm going to pursue this point because I think it's an
461 important one for me to understand before we make a decision. As I read this,
462 one of the reasons for asking for a variance is, "exceptional topographic
463 conditions or other extraordinary or exceptional situation, where the strict
464 application of the terms of this Chapter would prohibit or unreasonably restrict the
465 use of the property." Is that the one that you're saying, because of the floodplain,
466 that that's an exceptional topographic condition?

467
468 Mr. Spain - Yes.

469
470 Ms. Dwyer - Okay. So, that's one of the reasons. There are two
471 other reasons. Do either of those apply in your mind? One is "exceptional
472 narrowness, or size or shape of the property at the time of the effective date of
473 this Chapter." That's the first one. Second one is, "exceptional topographic
474 conditions," which you said you want to apply. And this is, "to alleviate a
475 demonstrable hardship approaching confiscation." That's why we print this on
476 here, so people will be somewhat familiar with it.

477
478 Mr. Spain - I don't know how to address that.

479
480 Mr. Kirkland - Mr. Gooding, do you have any?

481
482 Mr. Gooding - [Off mike.] I would need you to repeat [inaudible].

483
484 Mr. Wright - Speak into the mike, please.

485
486 Ms. Dwyer - The paragraph that we're looking at lists three
487 reasons why we can grant a variance, so we need to know which of these three
488 you're relying on, or maybe you're relying on more than one. That's what I'm
489 trying to figure out.

490
491 Mr. Gooding - I feel that what Mr. Spain said about the floodplain
492 came into play. This is the main reason.

493
494 Ms. Dwyer - All right.
495
496 Ms. Harris - Mr. Gidley, can we show this on the screen, please? I
497 have a question. On the application, I noticed you wrote 5507. Can you show me
498 which lot is 5507 Jefferson Street?
499
500 Mr. Blankinship - That would be the little brick one.
501
502 Mr. Gidley - [Off mike.] [Inaudible.]
503
504 Ms. Harris - Okay. And the structure that's on 5505 is not there
505 anymore? Or that house.
506
507 Mr. Spain - That is a building that is going to be removed,
508 demolished.
509
510 Ms. Harris - So, that's a building, it's not a house.
511
512 Mr. Spain - No ma'am, it's not a house.
513
514 Ms. Harris - Thank you.
515
516 Mr. Kirkland - Any other questions? All right. We have another lady
517 who wanted to speak. Are you in opposition, ma'am?
518
519 Ms. Berbaum - [Off mike.] Yes.
520
521 Mr. Kirkland - Please come forward. Gentlemen—Mr. Gooding, Mr.
522 Spain—you will have a rebuttal period after she speaks. All right, ma'am. You
523 can pull the mike down towards you there. Please state your name for the
524 record.
525
526 Ms. Berbaum - Carol Berbaum.
527
528 Mr. Kirkland - Where do you live?
529
530 Ms. Berbaum - 5513 Jefferson.
531
532 Mr. Kirkland - Okay. What is your opposition?
533
534 Ms. Berbaum - It's much too close to my side property. He wants a
535 23-foot variance, and that's too close to my property.
536
537 Mr. Kirkland - You're at 5513, you said?
538

539 Ms. Berbaum - Yes.
540
541 Mr. Kirkland - That's the one over from 5511.
542
543 Mr. Blankinship - To the east.
544
545 Mr. Kirkland - It's on the screen, Mr. Wright.
546
547 Mr. Kirkland - What size lot do you have, ma'am? How many
548 acres?
549
550 Ms. Berbaum - I don't know the exact size, but it's enough that it's—I
551 own it, and my niece and nephew own the other part that they inherited from my
552 sister. It's a wedge shape, but it's big enough to put a house on.
553
554 Mr. Blankinship - It's a little over an acre, maybe an acre and a quarter.
555
556 Ms. Dwyer - Is that 5511? Is that the one you're talking about that
557 your niece owns, or a relative owns?
558
559 Ms. Berbaum - Yes.
560
561 Mr. Kirkland - Your niece owns 5511?
562
563 Ms. Berbaum - My niece and nephew.
564
565 Mr. Blankinship - Jennifer Quill. Daniel and Jennifer Quill.
566
567 Ms. Berbaum - Right, yes.
568
569 Mr. Blankinship - That's 5511.
570
571 Ms. Harris - Could they not be here to voice their opposition, if
572 they are?
573
574 Ms. Berbaum - They live in Tulsa.
575
576 Ms. Harris - That would explain it.
577
578 Mr. Kirkland - Long drive.
579
580 Ms. Dwyer - So, what you're saying, essentially, is that it's too
581 narrow a lot for the neighborhood?
582
583 Ms. Berbaum - What Mr. Gooding wants to build on.
584

585 Mr. Kirkland - Any other questions by Board members?
586
587 Mr. Nunnally - You say it's close to your lot, ma'am. Do you have
588 any idea how many feet it is between your lot and his side yard there?
589
590 Ms. Berbaum - Off hand, no.
591
592 Mr. Nunnally - Take a guess.
593
594 Mr. Blankinship - One hundred thirty-two feet, according to our maps.
595 From her house to Mr. Gooding's property line. But that's passing over her niece
596 and nephew's lot, which abuts Mr. Gooding's property.
597
598 Ms. Berbaum - What if my niece and nephew decide to build a house
599 on there? That's going to pose a problem if he has something built there.
600
601 Mr. Blankinship - Right. Then you would be close.
602
603 Ms. Berbaum - Right.
604
605 Mr. Kirkland - They have a buildable lot, correct?
606
607 Mr. Blankinship - Yes.
608
609 Ms. Berbaum - Yes.
610
611 Mr. Kirkland - Okay. Any other questions? Thank you very much,
612 ma'am.
613
614 Ms. Berbaum - Okay, thank you.
615
616 Mr. Kirkland - Mr. Gooding, Mr. Spain, do you have any rebuttal
617 statements?
618
619 Mr. Spain - I'm a little confused. Is a rebuttal against 5511?
620
621 Mr. Blankinship - Yes. If you have any comments on what she just
622 said.
623
624 Mr. Kirkland - Anything she said, you can comment on.
625
626 Mr. Spain - Okay. Well, I mean, what's happening here is from an
627 appearance standpoint, you'll have three homes there. To be honest with you, I
628 can't remember what the total width for Mr. Gooding's original parcel was there.
629 Was it 245?
630

631 Mr. Blankinship - Two forty-seven.
632
633 Mr. Spain - Two forty-seven. The only rebuttal I can make is if
634 you stand in front of the homes, there is no distinct property line designation like
635 you would see in a subdivision. It actually gives more of a rural appearance.
636
637 Male: [Off mike.] Can you show the photo with the house?
638
639 Mr. Kirkland - I'd like to see that myself.
640
641 Mr. Spain - Not knowing where the house would be situated if it
642 was proposed on 5511, that's the only way you would really know whether the
643 25-foot side yard would create an apparent situation, look like it was a narrow lot.
644 There's an easement there, also, but nothing has been improved on the
645 easement. That's basically the only rebuttal that I know to make. Maybe Dale
646 would like to add something to it.
647
648 Mr. Kirkland - I think what Ms. Berbaum was talking about—if I said
649 her name correctly—is if a home was built on 5511 and it was of any size, as well
650 as close to the sideline, it would probably overshadow the small home that would
651 be there on that lot.
652
653 Mr. Spain - A small home on which side, sir?
654
655 Mr. Kirkland - Your proposed home that you would be building on
656 that site. The other, 5511, has a very large lot. Let's say you put a 2,500-, 3,000-
657 square-foot home on that lot, it would overshadow the size of the home that
658 you're putting on there. Plus, it would have large side yards on both sides. Your
659 home would look like a tool shed next to a large home. Now, I don't know what
660 they're going to build; that's future. I'm just saying I think that was part of her
661 issue. If they shove their house all the way over to their property line within the
662 limits, that would also cause a problem, especially if the County had to come in
663 there and dig a sewer line or a water line or something, because I see there's an
664 easement there. That would prevent you from having any structures whatsoever
665 over that property. Any other questions? Anyone else wish to speak? That
666 concludes the case.
667
668 Mr. Nunnally - I move we deny it because I think it would be
669 detrimental to the neighborhood.
670
671 Ms. Dwyer - Second.
672
673 Mr. Nunnally - They're on a 57-foot lot. That's just too small.
674
675 Mr. Kirkland - Motion made by Mr. Nunnally, seconded by Ms.
676 Dwyer. Any discussion?

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Ms. Dwyer - I think you could argue it doesn't satisfy Cochran because they purchased two lots, and there are two houses on the two lots. So, each lot has a reasonable and beneficial use. Even if we go beyond Cochran and look at the reasons in our ordinance, I don't see that this case satisfies any— If there is a hardship, it was a hardship that was self-imposed, so I don't see that that qualifies. Also, if you look at the property as a whole, and not the property as they've divided it, then clearly they have a reasonable and beneficial use on I believe it's Lot 12. Also, they're asking for over a 25% reduction in lot width and road frontage, which is excessive.

Ms. Harris - We can see that it would create a problem for the buildable lot that's adjacent to it in the future.

Mr. Kirkland - Okay. Motion's been made to deny. All those in favor say aye. All those opposed say no. The ayes have it; the case is denied.

After an advertised public hearing and on a motion by Mr. Nunnally, seconded by Ms. Dwyer, the Board **denied** application **A-015-08, R. Dale Gooding's** request for a variance from Section 24-94 to build a one-family dwelling at 5507 Jefferson Street (E S Read) (Parcels 816-725-4606 and 4223 (part)), zoned R-2A, One-family Residence District (Varina).

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

A-016-08 **CHAMPION PATIO ROOMS** requests a variance from Section 24-30.1(a) to build a screened porch at 943 Wynfield Terrace (Wynfield) (Parcel 815-723-7290), zoned R-5, General Residence District (Varina). The rear yard setback is not met. The applicant proposes 25 feet rear yard setback where the Code requires 35 feet rear yard setback. The applicant requests a variance of 10 feet rear yard setback.

Mr. Kirkland - Anyone else with to speak on this case? All right, sir, if you'd raise your right hand and be sworn in.

Mr. Blankinship - Do you swear the testimony you are about to give is the truth and nothing but the truth so help you God?

Mr. Copple - I do.

Mr. Kirkland - State your name for the record, sir.

722 Mr. Copple - It's Ryan Copple. I represent Champion Patio
723 Rooms.
724
725 Mr. Kirkland - Okay, what are you requesting from the Board?
726
727 Mr. Copple - We're requesting a zoning variance of approximately
728 nine to ten feet for the building of a patio room structure. The current parcel
729 layout is fairly shallow, and the property sits 38 feet from the rear setback
730 currently. Under the current zoning restrictions, only a three-foot addition could
731 ever be made without seeking a variance.
732
733 Mr. Kirkland - How much larger is this proposed screened room
734 than the existing deck?
735
736 Mr. Copple - Approximately five feet in projection.
737
738 Mr. Kirkland - In depth?
739
740 Mr. Copple - In depth, yes sir. I'm not 100% sure on the width, but
741 I don't know that that comes into play here.
742
743 Mr. Kirkland - No.
744
745 Mr. Copple - The current deck is about ten feet. I think there's a
746 photo of it, [unintelligible] table and chairs, it's pretty narrow and small.
747
748 Mr. Kirkland - The reason we ask these questions is that this is all
749 recorded in the record.
750
751 Mr. Copple - Yes sir.
752
753 Mr. Kirkland - We want to make sure everything gets put in.
754
755 Ms. Dwyer - Sir, did you sign a statement explaining the Cochran
756 case, and the standards, the legal standards under which variances can be
757 granted?
758
759 Mr. Copple - I did, and I was made aware by Mr. Gidley of the
760 Cochran v Fairfax case. This is my first appeal, or my first attempt at this. I do
761 appreciate you hearing this case. I'm from the Ohio region and have been
762 through several of these. I do understand the *Cochran v. Fairfax*. I also
763 understand the harmony and the intent of a zoning appeal. In this particular
764 case, I feel that everything seems to meet a logical standard. Other homes in the
765 area have been allowed, historically, to make additions, either by way of their lot
766 size or by an appeal. I do feel that granting this appeal under these conditions
767 would be harmonious with the intent of the Zoning Board.

768

769 Ms. Dwyer - You may think that in your opinion, and I may even
770 think that in my personal opinion, but the problem is that this Board is a creature
771 of statute, and there are legal limits to our authority. Those limits are set by the
772 ordinance itself, which says you can't build this because it encroaches into the
773 setback requirement. Then there's the Cochran case, which says if a
774 homeowner, in this case, has any reasonable, beneficial use of the property, then
775 there is no authority on our part to grant a variance from that. The fact that they
776 have a home that they're using constitutes reasonable, beneficial use of their
777 property. So, we have no jurisdiction to impose our own personal judgment in
778 this case. We may think it's a beautiful addition, or it would enhance the value of
779 the house, but that's not our right, so to speak, to make those personal
780 judgments if we don't have the legal authority. I also noticed in your statement
781 you said it would be unfair not to allow this house to put an addition on when
782 other properties that have larger lots had been allowed to put additions on. The
783 difference is, is that those lots legally allow that addition because they are deeper
784 or larger. You're not really on equal footing with a larger lot. I just wanted to
785 respond to that so that you would understand why we will probably make the
786 decision we will make.

787

788 Mr. Copple - Right. That is very true. I'm sure when a homeowner
789 purchased this lot in 1994, if it indeed was these homeowners, they had no idea
790 that somebody would come along and say, no, you can never add onto this
791 property. Yet, your neighbors have. That's my main contention with this ruling.
792 Again, this probably isn't the forum to have this heard; I agree with that. This
793 homeowner, at the point of sale, will be handcuffed to whatever their home
794 structure is worth, when others in the area have been able to make additions
795 either historically or right ahead of the 2004 decision. I don't know if that was
796 taken into play when this decision was made. I guess for today's purpose, if
797 there's any way I could find out if there's any other next step that we can take to
798 maybe have this issue tabled with somebody that could maybe look a little further
799 or grant some kind of reasonable decision moving forward on these committees.

800

801 Mr. Wright - There's an answer, and we've been trying to get to it.
802 It's with the legislature.

803

804 Mr. Copple - Okay.

805

806 Mr. Wright - In the Cochran case, the Supreme Court of Virginia
807 based their decision on the premise that our statute, as now worded, makes this
808 what they call a "constitutional issue."

809

810 Mr. Copple - Yes sir.

811

812 Mr. Wright - What the case went on to say is that the legislature
813 could change the statute, or have another type of statute that would not base it

814 upon a constitutional issue, which, in effect, would grant this Board some
815 discretion to grant variances where the addition would not impact the other
816 properties. Unfortunately, we don't have the authority now because the statute,
817 as interpreted by the Supreme Court of Virginia, is that way. What we've been
818 trying to say is if you would get in touch with your legislator or a member of the
819 County Board of Supervisors to push the supervisors to work with the legislators
820 to do that, then we would be able to do something like this.

821

822 Mr. Copple - Okay.

823

824 Mr. Wright - That was done in another situation where we were
825 having difficulty. Someone wanted to put a swimming pool in the side yard,
826 which was not permitted, on the same basis. They've amended that statute, or
827 the County has amended the ordinance to make it now a use permit, rather than
828 come in for a variance. That gives us some discretion.

829

830 Mr. Copple - Okay. If I could restate what you said, seeking some
831 sort of an amendment or—

832

833 Mr. Wright - A change in the statute, yes. That would grant Boards
834 of Zoning Appeals some discretion in these matters, which now the Court has
835 taken away because of the way they interpreted that statute, which could be
836 changed.

837

838 Mr. Copple - Forgive me, this is the only format I've heard this. I've
839 never heard it in another state. That's why I wanted to come here today, just to
840 get some more information for our company and ourselves. We'd love to help
841 our homeowners as much as possible. Obviously, if that means—

842

843 Mr. Wright - It could be accomplished in a matter of a year, when
844 the legislature meets again, if it's approached in the proper manner.

845

846 Mr. Copple - That's something we'll definitely weigh in on then.

847

848 Mr. Wright - Yes.

849

850 Mr. Copple - Thank you for that information.

851

852 Ms. Harris - Mr. Copple?

853

854 Mr. Copple - Yes ma'am.

855

856 Ms. Harris - Had you considered building the screen porch in the
857 side yard? I know there's a 12-foot limitation there.

858

859 Mr. Copple - We had not. We have not approached the consumer
860 with that. I did see that in staff's report. That's a very valid point. Again, this is
861 my personal opinion; it does not mean we will not move forward with that. Having
862 a screened porch without any privacy does limit the use of that. This is not a
863 glass room or anything along those lines. At least this homeowner doesn't wish
864 to purchase that. That side access does have street access, so people would be
865 driving back and forth. Having it in their backyard would allow them a little bit of
866 privacy to enjoy that room. But that is something we'll definitely approach with
867 them.

868
869 Mr. Wright - What is your connection here? Are you representing
870 the owner of the property or what?

871
872 Mr. Copple - Yes sir. I'm involved with Champion Patio Rooms.
873 The homeowner contacted us to build this structure.

874
875 Mr. Wright - Oh, I see.

876
877 Mr. Copple - And on behalf of them asked us to speak.

878
879 Mr. Wright - So, you're acting as a representative of the
880 homeowner.

881
882 Mr. Copple - Yes sir.

883
884 Mr. Wright - You would build the structure.

885
886 Mr. Copple - Yes sir.

887
888 Mr. Wright - If it were granted.

889
890 Mr. Copple - Yes sir.

891
892 Mr. Kirkland - Any other questions? Anyone else wish to speak?
893 That concludes the case.

894
895 Mr. Copple - Thank you again.

896
897 Mr. Nunnally - I move we deny it because of the Cochran case.

898
899 Mr. Wright - I second it.

900
901 Mr. Kirkland - Motion by Mr. Nunnally, seconded by Mr. Wright that
902 we deny. Any discussion?

903

904 Ms. Dwyer - It doesn't satisfy Cochran because they obviously
905 have a reasonable and beneficial use of the property in their existing home.

906
907 Mr. Kirkland - Okay. All those in favor say aye. All those opposed
908 say no. The ayes have it; the case is denied.

909
910 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
911 Mr. Wright, the Board **denied** application **A-016-08, Champion Patio Rooms'**
912 request for a variance from Section 24-30.1(a) to build a screened porch at 943
913 Wynfield Terrace (Wynfield) (Parcel 815-723-7290), zoned R-5, General
914 Residence District (Varina).

915
916 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
917 Negative: 0
918 Absent: 0

919
920

921 **UP-014-08** **ARNOLD AND LANA EBERLY** request a conditional
922 use permit pursuant to Section 24-95(i)(4) to allow an accessory building in the
923 side yard at 1351 River Bend Road (Parcel 803-681-3529), zoned A-1,
924 Agricultural District (Varina).

925

926 Mr. Kirkland - Anyone else wish to speak? Please raise your right
927 hand and be sworn in.

928

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

931

932 Mr. Eberly - Yes.

933

934 Mr. Kirkland - Would you state your name for the record, please?

935

936 Mr. Eberly - My name is Arnold Eberly.

937

938 Mr. Kirkland - Are you going to speak, ma'am?

939

940 Mr. Blankinship - She's going to try not to.

941

942 Mr. Kirkland - How about stating your name, too.

943

944 Ms. Lana Eberly - Lana Eberly.

945

946 Mr. Kirkland - Okay. What do you request of the Board?

947

948 Mr. Eberly - We are requesting a conditional use permit in order to
949 allow an existing structure in the side yard of our parcel.

950
951 Mr. Kirkland - What was the existing structure prior? I see you have
952 built a new home on the lot?
953
954 Mr. Eberly - Yes sir.
955
956 Mr. Kirkland - What was the existing structure?
957
958 Mr. Eberly - It was a home.
959
960 Mr. Kirkland - It was a home?
961
962 Mr. Eberly - Part of it was a home; part of it was a garage. Well is.
963
964 Mr. Blankinship - Go ahead and tell the story.
965
966 Mr. Kirkland - Yes. Tell the whole story. Let's hear the story.
967
968 Mr. Eberly - Okay. We submitted all our building permit application
969 information. It was an agreement to tear down the old house upon completion of
970 the new house. We lived in it about a year while we were building the new
971 house, and the new house is now complete. We'd like to keep the old house and
972 use it for storage. Not as a dwelling, just as storage. She has horses. I like to
973 hunt and fish, and we have dogs. We'd just like to have it to keep all our stuff.
974 We didn't build a garage or anything on the new house, so we don't have
975 anywhere to store any of our stuff.
976
977 Mr. Kirkland - Have you removed the kitchen out of the old
978 dwelling?
979
980 Mr. Eberly - Not yet. I proposed doing that. I'm just kind of
981 waiting to hear if it's worth my effort to do that at this point.
982
983 Ms. Dwyer - Are you going to make any changes to the old house,
984 or leave it essentially as it is?
985
986 Mr. Eberly - Basically as it is. I want to in the future—there is a
987 bedroom on a slab on one end that used to be a garage—turn that back into a
988 garage and put a rollup door on it.
989
990 Mr. Kirkland - The footprint will stay the same, correct?
991
992 Mr. Eberly - Pretty much, yes. Yes.
993
994 Mr. Kirkland - You've read the conditions of this case, especially #2?
995

996 Mr. Eberly - Yes sir.
997
998 Mr. Nunnally - And you know that the cooking facility has to come
999 out of there.
1000
1001 Mr. Eberly - Yes sir. Does that include cabinetry—
1002
1003 Mr. Blankinship - No.
1004
1005 Mr. Eberly - —or is that just—Okay. Just cooking.
1006
1007 Mr. Kirkland - The stove and—
1008
1009 Mr. Eberly - There's an oven, a stove, and a sink in there. I'll take
1010 all of that out.
1011
1012 Ms. Dwyer - You could talk to staff about that. Essentially, they
1013 don't want a useable kitchen.
1014
1015 Mr. Eberly - Right.
1016
1017 Ms. Dwyer - Otherwise, you'd have two houses on one lot.
1018
1019 Mr. Eberly - Right. We agree to that.
1020
1021 Mr. O'Kelly - Mr. Eberly, how large is your lot?
1022
1023 Mr. Eberly - I believe it's 8.984 acres. It's almost nine acres.
1024
1025 Ms. Harris - Did you ever go back to the Building Permit
1026 Department and tell them about your modifications for this structure? Have you
1027 gone back to them? They told you you had to take it down, to tear it down after
1028 you built the other house.
1029
1030 Mr. Eberly - Correct.
1031
1032 Ms. Harris - Did you go back to them and propose what you're
1033 telling us about?
1034
1035 Mr. Eberly - Yes, I submitted a letter to Mr. O'Kelly on June the
1036 10th, explaining what we'd like to do to the existing structure. In the Planning
1037 Department. I didn't go back to Building.
1038
1039 Ms. Harris - I don't remember a case coming up like this. Have we
1040 ever reversed the conditions of the Building Permit?
1041

1042 Mr. Blankinship - I can't remember one quite like this. The reason we
1043 put the condition on there is because, as Ms. Dwyer said, you can't have two
1044 houses on the lot. They wanted to live in the one while they were building the
1045 other. That's why we conditioned the Building Permit the way we did, to make
1046 sure they didn't end up with two houses on the lot. As long as that's clearly
1047 understood by everybody that this is going to be a storage building and not a
1048 separate dwelling, there is no reason why it wouldn't be—
1049

1050 Ms. Harris - Approved.
1051

1052 Ms. Dwyer - Essentially, the older house is in the middle of a nine-
1053 acre lot, in the woods, 250 feet from the road.
1054

1055 Mr. Eberly - Approximately. I believe that's correct.
1056

1057 Ms. Dwyer - It doesn't appear that it would be visible from any
1058 other lot.
1059

1060 Mr. Eberly - It's barely visible.
1061

1062 Mr. Blankinship - It's barely visible on your lot.
1063

1064 Mr. Eberly - Yes. You can stand in front of the new house, and
1065 you can barely see the existing.
1066

1067 Ms Lana Eberly - Our house is down a private drive.
1068

1069 Mr. Eberly - River Bend Road is private.
1070

1071 Ms. Lana Eberly - It's 1.3 miles off the main road.
1072

1073 Ms. Dwyer - Off Osborne?
1074

1075 Mr. Eberly - Yes.
1076

1077 Ms. Harris - Have you moved into your new home yet? Who lives
1078 here?
1079

1080 Mr. Eberly - No one lives in that house.
1081

1082 Ms. Lana Eberly - Our dogs.
1083

1084 Mr. Eberly - Yes, our dogs stay in there during the day while we're
1085 at work.
1086

1087 Ms. Harris - I just noticed the chairs outside and I was wondering.

1088
1089 Ms. Lana Eberly - We just haven't moved those over yet. We've only
1090 been in the new house for three to four weeks.
1091
1092 Mr. Blankinship - These photos were taken about three weeks ago.
1093 Show both houses again, please, Paul. See, you can just barely see the old
1094 house from the front of the new house, and it's only 75 feet away.
1095
1096 Ms. Lana Eberly - It has a lot of old trees. The house was built in 1942,
1097 so there are old plantings all around it.
1098
1099 Mr. Eberly - Dogwood trees and stuff. We'd rather not tear it apart.
1100
1101 Mr. Kirkland - Any other questions by Board members? Anyone
1102 else wish to speak? Are you in favor, ma'am?
1103
1104 Ms. Elaine Eberly - Good morning. I am. My name is Elaine Eberly, and
1105 I'm their aunt. The only thing I think that hasn't been mentioned is if they were to
1106 build a new garage and storage shed, it would be in an area where it would be
1107 much more visible. As you saw from the plans, it's really unobtrusive right now.
1108 They would have to knock down trees to build a new construction. It's so well
1109 hidden. Thank you.
1110
1111 Mr. Kirkland - Thank you. All right, if no one else wishes to speak,
1112 that concludes the case.
1113
1114 Mr. Eberly - Thank you.
1115
1116 Ms. Lana Eberly - Thank you.
1117
1118 Mr. Nunnally - I move we approve it.
1119
1120 Mr. Wright - Second.
1121
1122 Mr. Kirkland - Motion made by Mr. Nunnally, seconded by Mr.
1123 Wright. Any discussion?
1124
1125 Ms. Dwyer - Yes. I think this case satisfies the terms of a
1126 conditional use permit in the statute. It doesn't impair the character of the zoning
1127 area. It doesn't increase congestion. It doesn't impair the character of the
1128 district, or the value of surrounding properties. It's an existing house that is
1129 barely visible from a house on the same property. So, it will have no detrimental
1130 impact, it appears, whatsoever to any of the surrounding properties.
1131

1132 Mr. Kirkland - All right. Motion has been made and seconded. All in
1133 favor say aye. All opposed say no. The ayes have it; the case has been
1134 approved.

1135
1136 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
1137 Mr. Wright, the Board **approved** application **UP-014-08, Arnold and Lana**
1138 **Eberly's** request for a conditional use permit pursuant to Section 24-95(i)(4) to
1139 allow an accessory building in the side yard at 1351 River Bend Road (Parcel
1140 803-681-3529), zoned A-1, Agricultural District (Varina). The Board approved
1141 this conditional use permit subject to the following conditions:

1142
1143 1. This conditional use permit applies only to the existing house, which will
1144 remain in the side yard of the new dwelling. All other applicable regulations of the
1145 County Code shall remain in force.

1146
1147 2. The old house shall be disconnected from the well, and all cooking facilities
1148 shall be permanently removed. The old house shall not be occupied for any
1149 purpose other than storage.

1150
1151
1152 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1153 Negative: 0
1154 Absent: 0

1155
1156
1157 Mr. Kirkland - On our agenda, we have the dates for next year's
1158 meetings.

1159
1160 Mr. Blankinship - They are the fourth Thursday for every month except
1161 November, which we move because of Thanksgiving, and December, which we
1162 move for Christmas. They are the third. As usual, the following deadlines of five
1163 weeks prior to the meeting date, with the exception of the first one, which
1164 because of the holidays is six weeks to give us that extra week.

1165
1166 Mr. Wright - I move we approve the Board of Zoning Appeals'
1167 2009 meeting schedule as proposed.

1168
1169 Ms. Harris - Second the motion.

1170
1171 Mr. Kirkland - Motion made by Mr. Wright, seconded by Ms. Harris.
1172 All those in favor say aye. All those opposed say no. The ayes have it; the
1173 motion is approved.

1174
1175 On a motion by Mr. Wright, seconded by Ms. Harris, the Board **approved** the
1176 **Board of Zoning Appeals' 2009 Meeting Schedule.**

1177

1178 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1179 Negative: 0
1180 Absent: 0
1181
1182
1183 Mr. Kirkland - Minutes for our June 26, 2008 meeting. Any
1184 changes?
1185
1186 Mr. Wright - I have a question on page 8. Let me see what it is.
1187 Page 8, line 353. Oh, okay. When it said an 800-foot easement, it kind of blew
1188 my mind, but I think they were looking at the length and not the width. After I
1189 studied it a little bit, I think that's okay.
1190
1191 Mr. Kirkland - Any other?
1192
1193 Mr. Wright - I move we approve the minutes.
1194
1195 Mr. Kirkland - All right. Motion made by Mr. Wright, seconded by
1196 whom?
1197
1198 Ms. Harris - I second.
1199
1200 Mr. Kirkland - Seconded by Ms. Harris. All those in favor say aye.
1201 All those opposed say no. The ayes have it; the motion passes.
1202
1203 On a motion by Mr. Wright, seconded by Ms. Harris, the Board **approved** the
1204 **Minutes of the June 26, 2008** Henrico County Board of Zoning Appeals
1205 meeting.
1206
1207 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1208 Negative: 0
1209 Absent: 0
1210
1211
1212 Mr. Blankinship - Mr. Kirkland, in your honor, we're going to have some
1213 refreshment.
1214
1215 Mr. Kirkland - Okay.
1216
1217 Mr. Wright - Don't we have to elect—Is that next time?
1218
1219 Mr. Kirkland - Next month will be the elections. Ms. Dwyer will be
1220 helping out on those. If there is no other business to come before this Board—
1221
1222 Mr. Wright - I move we adjourn.
1223

1224 Ms. Dwyer - Second.
1225
1226 Mr. Kirkland - Motion by Mr. Wright, seconded by Ms. Dwyer. All in
1227 favor say aye. All opposed say no. The ayes have it; the meeting is adjourned.
1228
1229 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1230 Negative: 0
1231 Absent: 0
1232
1233
1234 There being no further business, the Board adjourned until the August 28, 2008
1235 meeting at 9 a.m.
1236
1237
1238
1239
1240
1241
1242 Richard Kirkland, CBZA
1243 Chairman
1244
1245
1246
1247
1248
1249
1250 Benjamin Blankinship, AICP
1251 Secretary
1252
1253