

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**
3 **BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY**
4 **SPRINGS ROADS, ON THURSDAY, JULY 22, 2010, AT 9:00 A.M., NOTICE**
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH JULY 1,**
6 **2010 AND JULY 8, 2010.**

7 **Members Present:** Helen E. Harris, Acting Chairman
Lindsay U. Bruce
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
Caria Brothers, Recording Secretary

8
9
10 **Ms. Harris -** Good morning, ladies and gentlemen. The July 22,
11 **2010** session of the Board of Zoning Appeals is now in session. Let's rise and
12 recite the Pledge of Allegiance.

13
14 **Good morning, Mr. Blankinship. Do we have any referrals or withdrawals this**
15 **morning or do you want to give us the rules first?**

16
17 **Mr. Blankinship -** Let me go ahead and start with the rules. **Madam**
18 **Chaiman,** members of the Board, ladies and gentlemen, the rules for this
19 meeting are as follows. Acting as secretary, I will call each case and as I'm
20 speaking, the applicant should come down to the podium. We'll then ask
21 everyone who intends to speak to that case to stand and be sworn in. Then the
22 applicant will present their testimony. Then anyone else who wishes to speak
23 will be given the opportunity. After everyone has had a chance to speak, the
24 applicant will then have an opportunity for rebuttal. After the Board has heard all
25 the evidence and asked any questions, they will take the matter under
26 advisement and proceed to the next case. They will render all of their decisions
27 at the end of the meeting. It's a very short meeting this morning. So if you wish
28 to know their decision on a specific case, you can either stay until the end of the
29 meeting or you can check the Planning Department website this afternoon, or
30 you can call the Planning Department this afternoon.

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

35 binder that contains the staff report for each case, including the conditions that
36 have been recommended by the staff.

37

38 Madam Chairman, if you'll allow me, I'd also like to introduce the newest member
39 of the Board, Mr. Lindsay Bruce to the Chairman's left there.

40

41 Ms. Harris - Thank you.

42

43 Mr. Blankinship - Yes, as you mentioned, there is one withdrawal this
44 morning, UP-13-10. Leonard McGhee requests a conditional use permit to allow
45 a swimming pool in the side yard at 10245 Greenwood Road. That case has
46 been withdrawn.

47

48 UP-013-10 LEONARD MCGHEE requests a conditional use
49 permit pursuant to Section 24-95(i)(4) to allow a swimming pool in the side yard
50 at 10245 Greenwood Road (Greenwood Park) (Parcel 780-764-2262), zoned R-
51 4, One-family Residence District (Fairfield).

52

53 Ms. Harris - Let me first say to Mr. Bruce we trust that you will
54 have a positively challenging experience on the Board. Welcome.

55

56 Let's call the first case, please.

57

58 UP-014-10 WEST END ASSEMBLY OF GOD requests a
59 temporary conditional use permit pursuant to Section 24-116(c)(1) to allow a tent
60 at 401 N Parham Road (Parcel 753-736-0655), zoned R-1, One-family
61 Residence District (Tuckahoe).

62

63 Mr. Bragg - Good morning, I'm Pat Bragg.

64

65 Ms. Harris - Excuse me. Before you begin, is there anyone else
66 who wishes to speak to this case or against this case?

67

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

71

72 Mr. Bragg - I do. I'm Pat Bragg—B-r-a-g-g. I'm here in Mr. Terry
73 Ruhlen's stead.

74

75 Mr. Blankinship - Please state your case.

76

77 Mr. Bragg - We wish to install a temporary tent at the rear of our
78 property, a 30 by 30 tent to be used for storage as we do our theatrical
79 production, *Glorious Christmas Nights*, as we have done each year for a number

80 of years now. The dates that that would be in place would be on or about
81 October 1 and definitely gone by January 31.
82
83 Ms. Harris - You've been before us, at least West End Assembly
84 of God has been before us requesting the temporary conditional use permit. I
85 think we were told maybe the last time that there was some new construction
86 underway?
87
88 Mr. Bragg - Yes ma'am.
89
90 Ms. Harris - How did you use the new construction?
91
92 Mr. Bragg - How did we use the new construction?
93
94 Ms. Harris - Yes.
95
96 Mr. Bragg - Oh, you mean that we constructed.
97
98 Ms. Harris - Yes.
99
100 Mr. Bragg - I'm not sure we had any new construction. If you're
101 referring to the fact that we also usually had a trailer—
102
103 Ms. Harris - Yes.
104
105 Mr. Bragg - We've readjusted the use of some of the space inside
106 the church. It involved no construction, but just kind of reprioritized some space
107 to allow for our box office to be held within the church instead of in the trailer.
108
109 Ms. Harris - Is this tent going to be placed in an area similar to the
110 placement of the trailer?
111
112 Mr. Bragg - The trailer was actually on the north end of the
113 church. This is actually to the east at the rear of the church, the tent. It's in the
114 same place as prior years.
115
116 Mr. Wright - Have you read the conditions proposed for this case?
117
118 Mr. Bragg - Yes I have.
119
120 Mr. Wright - Are you in accord with the conditions?
121
122 Mr. Bragg - Yes sir.
123
124 Mr. Wright - Is there much activity relative to this tent? I believe it's
125 more for storage, isn't it.

126
127 Mr. Bragg - Yes it is.
128
129 Mr. Wright - So there isn't any going in and coming out or any
130 traffic around it.
131
132 Mr. Bragg - No sir.
133
134 Ms. Harris - There is one neighbor that has visibility to this tent?
135
136 Mr. Bragg - Yes ma'am, Clyde Toms to the rear.
137
138 Ms. Harris - Have you spoken with that neighbor?
139
140 Mr. Bragg - We've not had direct conversations with him about
141 this. We have general conversation with him on occasion. Our senior pastor and
142 some deacons have had dinner with him. Whenever he has a problem, he feels
143 free to contact us. We have a working relationship with him. As an example,
144 there is some lighting attached to the church facing the parking lot that was
145 perfectly fine when there was no traffic back there. He asked, because of the
146 light coming into his upper windows, if we could do something about that. We
147 installed some hoods over there and he's very pleased with it. So we do have a
148 good working relationship. But no ma'am, we've not gone to him directly about
149 the tent.
150
151 Ms. Harris - Okay, speaking of lighting, will there be any new
152 lighting with reference to this 30 by 30 tent?
153
154 Mr. Bragg - No ma'am.
155
156 Ms. Harris - Do you foresee any problem with traffic congestion?
157
158 Mr. Bragg - No ma'am. It only uses a few spaces at the very rear
159 up next to the building that are rarely used anyway.
160
161 Ms. Harris - Any questions from the Board? Thank you sir. That
162 concludes the case.
163
164 Mr. Bragg - Thank you ma'am.
165
166 [After the conclusion of the public hearings, the Board discussed the case
167 and made its decision. This portion of the transcript is included here for
168 convenience of reference.]
169
170 Ms. Harris - Can I have a motion on this case?
171

172 Mr. Nunnally - I move we approve it.
 173
 174 Mr. Witte - I'll second.
 175
 176 Ms. Harris - Motion by Mr. Nunnally, second by Mr. Witte that we
 177 approve the case. Are there any questions on this motion? All in favor say aye.
 178 All opposed say no. The ayes have it; the motion passes.
 179

180 Mr. Blankinship - Madam Chairman, could we get a brief statement of
 181 the grounds for the approval?
 182

183 Mr. Nunnally - I approve it on the grounds that it would not be
 184 detrimental to the neighborhood or property. They've had things out there like
 185 this for the last 20 years, I guess, and never had any problem with them. That's
 186 my reason for approval.
 187

188 Ms. Harris - I may add to it that there are no problems with traffic
 189 congestion and it does not adversely affect the health, safety, or welfare of this
 190 community
 191

192 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
 193 Mr. Witte, the Board approved application UP-014-10, West End Assembly of
 194 God's request for a temporary conditional use permit pursuant to Section 24-
 195 116(c)(1) to allow a tent at 401 N Parham Road (Parcel 753-736-0655), zoned
 196 R-1, One-family Residence District, (Tuckahoe). The Board approved the
 197 temporary conditional use permit subject to the following conditions:
 198

- 199 1. Only the improvements mentioned in the application may be constructed
 200 pursuant to this approval. Any additional improvements shall comply with the
 201 applicable regulations of the County Code. Any substantial changes or additions
 202 to the location of the temporary improvements may require a new use permit.
 203
- 204 2. The tent shall be removed from the property on or before January 31, 2011.
 205
- 206 3. The applicant shall obtain an electrical permit for any proposed external
 207 lighting for the tent. Any external lighting shall be shielded so as to avoid light
 208 glare onto adjacent property.
 209
- 210 4. Fire lanes shall be marked and maintained in accordance with the current Fire
 211 Prevention Code in effect.
 212

213			
214	Affirmative:	Bruce, Harris, Nunnally, Witte, Wright	5
215	Negative:		0
216	Absent:		0
217			

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

220

221 Mr. Blankinship - Madam Chairman, the next two cases are
222 companions. If you don't mind, I'll call them together.

223

224 A-007-10 MARY F. LEWIS requests a variance from Section
225 24-95(b)(6) to build a one-family dwelling at 122 N Fern Avenue (Highland
226 Springs) (Parcel 823-725-4487 (part)), zoned R-4, One-family Residence District
227 (Varina). The total lot area requirement is not met. The applicant has 5,000
228 square feet total lot area where the Code requires 6,000 square feet total lot
229 area. The applicant requests a variance of 1,000 square feet total lot area.

230

231 A-008-10 MARY F. LEWIS requests a variance from Section
232 24-95(b)(6) to allow an existing one-family dwelling to remain at 124 N Fern
233 Avenue (Highland Springs) (Parcel 823-725-4487 (part)), zoned R-4, One-family
234 Residence District (Varina). The total lot area requirement is not met. The
235 applicant has 5,000 square feet total lot area where the Code requires 6,000
236 square feet total lot area. The applicant requests a variance of 1,000 square feet
237 total lot area.

238

239 Ms. Harris - Is there anyone who intends to speak to this case,
240 either pro or con? Okay, would you identify yourself please, spell your last name,
241 and then—

242

243 Ms. Lewis - Hi, my name is Mary Lewis—L-e-w-i-s. And this is
244 John Sattelmaier.

245

246 Mr. Sattelmaier - John Sattelmaier—S-a-t-t-e-l-m-a-i-e-r.

247

248 Mr. Blankinship - Raise your right hands, please. Do you swear the
249 testimony you're about to give is the truth and nothing but the truth so help you
250 God?

251

252 Ms. Harris - Please state your case.

253

254 Ms. Lewis - Okay. We, along with our spouses, bought the
255 property at 124 N. Fern Avenue on August the 26th of 2009. We bought it with
256 the intention of restoring the existing dwelling and selling or building on the
257 additional lot. We later found out that the lot was not buildable without a
258 variance. There are currently 32 dwellings in the 100 block of N. Fern Avenue;
259 26 are already on 50-foot lots, there are 4 on 75-foot lots, and 2 on 100-foot lots.
260 So if this variance is granted, there will be 28 on 50-foot lots, 4 on 75-foot lots,
261 and 1 on a 100-foot lot. This is consistent with the pattern of existing
262 development and in 2004, the Board approved a similar variance next door to us.
263 In 2000, variances were approved on two lots in the next block. Without the

264 variance, the lot is pretty much dead and of little value. We do have tenants in
265 the house now and they don't even want to cut the grass on that lot. So what we
266 want to do is get the variance so we can either build on it or sell it.

267

268 Mr. Nunnally - You say you have a tenant in there now?

269

270 Ms. Lewis - Yes we do.

271

272 Mr. Nunnally - You don't live in that house there.

273

274 Ms. Lewis - No, I do not live there. Never did.

275

276 Mr. Nunnally - For the property owners, it has Johnny E. and Mary F.
277 Lewis, and J.S. and K.L.K.

278

279 Ms. Lewis - Who is J.S.?

280

281 Mr. Sattelmaier - I'm J. S.

282

283 Ms. Lewis - This is John Sattelmaier and then I'm Mary Lewis. My
284 husband and I, and him and his wife, brought the property together.

285

286 Mr. Nunnally - I think on the application you state that you're a real
287 estate broker?

288

289 Ms. Lewis - I am a real estate agent, yes.

290

291 Mr. Nunnally - Are you going to build a house on this other lot?

292

293 Ms. Lewis - We are going to build a house or sell the lot, but we
294 found out we couldn't do either without the variance. We're thinking more along
295 the line of selling the lots. But the current tenants that are in the house don't
296 really want to cut grass. It's hard to even get the grass cut on it, so.

297

298 Mr. Wright - Are these lots taxed separately for real estate tax
299 purposes by the County?

300

301 Ms. Lewis - I don't think so. I think they're together.

302

303 Mr. Wright - It's considered all one lot for tax purposes?

304

305 Mr. Sattelmaier - I believe it is.

306

307 Ms. Lewis - It's two lots, but I guess it's considered one parcel.
308 We've had it surveyed it was 100 by 100. Okay, he has it up there. It met all the
309 requirements as far as setbacks and everything.

310
311 Mr. Wright - If it's a separate lot whether the County considers it a
312 separate lot for tax purposes. When they send the bill, does it say Lot 24 and Lot
313 25?
314
315 Ms. Lewis - I think it has the lot numbers, Lot 24 and 26. I
316 honestly don't know. I don't have the tax bill in front of me, so I honestly don't.
317 But I mean it is two lots; that's what we were told.
318
319 Mr. Blankinship - They are combined for tax purposes.
320
321 Ms. Lewis - Okay.
322
323 Mr. Wright - Mr. Blankinship, do the lots meet all the other
324 requirements of the County ordinance?
325
326 Mr. Blankinship - The only issue is that the existing dwelling is too close
327 to the front yard setback. The existing dwelling was built in 1937 and is non-
328 conforming with respect to that setback. And they're not changing the front yard
329 in any way.
330
331 Mr. Wright - So that would not be an issue.
332
333 Mr. Blankinship - Right. Otherwise they can meet all of the setbacks.
334
335 Mr. Wright - There are numerous other lots in this subdivision that
336 have the same area?
337
338 Mr. Blankinship - Yes sir. I think it's clearest on the aerial photograph.
339 You can see almost all of the lots in that vicinity are the 50-foot lots. 133 N. Fern
340 Avenue just— 100-foot lot. Two 50-foot lots combined. 108 and 112 N. Fern
341 Avenue, you'll see it appear that they took three lots and divided them into two.
342
343 Mr. Wright - Most of the lots across the street are the 50-foot lots.
344
345 Mr. Blankinship - Yes sir. The ones directly across from this and the
346 three lots directly behind this as well.
347
348 Ms. Harris - Ms. Lewis, we're dwelling with the threshold question
349 as to whether or not you have all reasonable beneficial use of the property taken
350 as a whole. So if we consider those two lots as a whole, you do have beneficial
351 use of this parcel with the house being there. If we consider it two parcels, then
352 one parcel, though it only has 5,000 square feet, that does conform with your
353 neighbors, for the most part. But that's the un-buildable lot. The parcel with the
354 house on it—I just question why you need a variance for that? What do you want
355 to do with that house?

356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400

Ms. Lewis - I was told that I had to have—since that would reduce that to 5,000 square feet, even though all the other houses in there were on 5,000 square feet, that I needed to apply for two different variances. So that's why I paid for the two different ones. Originally I only paid for one and that was the lot that I wanted the variance on. But then I was told that I needed to apply for two variances.

Ms. Harris - To bring your entire parcel up to—

Ms. Lewis - Right. By the time they divide the two lots and make them separate, it makes the one where the existing dwelling is non-conforming.

Ms. Harris - But you clearly do not plan to do anything with the house that's on the parcel?

Ms. Lewis - Oh no. No, it's going to stay as it is. We just needed the variance because when we separate the lots it makes—even though they're the same as the other—out of 32, 26 are already on 50-foot lots. I was told I needed two variances.

Ms. Harris - Would you be completely satisfied with this case if we approve the un-buildable lot, the lot that's vacant, and did not approve the variance on the lot that has the house?

Ms. Lewis - I don't know how that would work because, I mean, what am I going to do with the house? If you approve the buildable lot and not the house—I'm not doing anything with the house, but I don't understand—I mean how would that sit with the County or whatever if I didn't have a variance for that lot where the house is? I may not be saying it exactly right. The buildable lot was the one I really needed the variance on, I thought. But then later found out I would also have to have the variance on the other one because it would make it non-conforming.

Mr. Wright - The answer is that the two lots taken as a whole don't create any problem. There's sufficient area. That's the whole issue. When you take away half of the area, that renders the other one non-conforming and therefore we need a variance.

Ms. Lewis - I would have been here last month because I had applied for the one. But then by the time I found out that I needed a second variance, I had to wait until this month in order to do it. I was in the deadline for last month for the first lot, but then they said just wait and hear them both together.

401 Mr. Wright - What is the history of this lot, Mr. Blankinship, when it
402 goes back to when they were created? Were there separate owners for the two
403 lots?
404

405 Mr. Blankinship - It's stated in brief in the staff report there. Originally
406 Highland Springs was divided in 1890 as 50-foot by 100-foot lots in this
407 neighborhood. The two lots were sold together in 1907 together with the two lots
408 behind them, what are now 123 and 125 N. Elm Avenue. But the four lots did not
409 stay together very long. In the very next year, 1908, these two lots were
410 conveyed off together. Ever since 1908, these two lots have been conveyed— .
411 The dwelling was built in 1937. The family that bought it in 1923 and built the
412 house in 1937 stayed there until 1967. With that couple deceased, it was willed
413 to their kids. Since then, it's been sold a couple more times. I believe Ms. Lewis
414 and the four of them acquired it out of a commissioner sale of some sort?
415

416 Ms. Lewis - Foreclosure.
417

418 Ms. Harris - Ms. Lewis, do you have any plans for the construction
419 of a house on this vacant lot?
420

421 Ms. Lewis - I don't with me. Basically a three-bedroom. It would
422 be similar to what's next door to us currently.
423

424 Ms. Harris - Are there any more questions by Board members?
425

426 Mr. Nunnally - Are you talking 900 square feet?
427

428 Ms. Lewis - I think somewhere between—
429

430 Mr. Nunnally - That's about what they are down there on that street.
431

432 Mr. Sattelman - Whatever the County requires.
433

434 Mr. Nunnally - Okay.
435

436 Ms. Lewis - Everything else would be meeting County
437 requirements.
438

439 Ms. Harris - Other than the square footage of the area.
440

441 Ms. Lewis - Yes.
442

443 Ms. Harris - Any more questions from Board members? Thank
444 you; that concludes the case.
445

446 Ms. Lewis - You all are not as scary looking as I thought you were
447 going to be. I was scared. Thank you.

448

449 [After the conclusion of the public hearings, the Board discussed the case
450 and made its decision. This portion of the transcript is included here for
451 convenience of reference.]

452

453 Ms. Harris - Is there a motion on this case?

454

455 Mr. Nunnally - Do we make a motion on both of them at the same
456 time?

457

458 Mr. Blankinship - I'd prefer two separate motions, if you wouldn't mind.

459

460 Mr. Nunnally - I move we approve it because there is no reasonable
461 or beneficial use of the property other than building a dwelling on it and they
462 have so many other houses on the same size lots on Fern Avenue that it will not
463 be detrimental to anybody. So I move we approve A-007-10.

464

465 Ms. Harris - Is there a second on this motion?

466

467 Mr. Witte - Yes, I second it.

468

469 Ms. Harris - Motion by Mr. Nunnally, seconded by Mr. Witte that
470 this case be approved. Any questions or is there any discussion on this motion?
471 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

472

473 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
474 Mr. Witte, the Board approved application A-007-10, Mary F. Lewis' request for
475 a variance from Section 24-95(b)(6) to build a one-family dwelling at 122 N Fern
476 Avenue (Highland Springs) (Parcel 823-725-4487 (part)), zoned R-4, One-family
477 Residence District (Varina). The total lot area requirement is not met. The Board
478 approved the variance subject to the following condition:

479

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

482

483

484 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5

485 Negative: 0

486 Absent: 0

487

488

489 Ms. Harris - Now for A-008-10.

490

491 Mr. Nunnally - The same reason for A-008-10.

492
 493 Ms. Harris - The motion is that we approve?
 494
 495 Mr. Nunnally - Approve, yes ma'am.
 496
 497 Ms. Harris - Okay. Is there a second to this motion?
 498
 499 Mr. Witte - I'll second it again.
 500
 501 Ms. Harris - Motion by Mr. Nunnally, second by Mr. Witte that this
 502 case be approved. Are there any questions or is there any discussion on this
 503 motion? All in favor say aye. All opposed say no. The ayes have it; the motion
 504 passes.

505
 506 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
 507 Mr. Witte, the Board approved application A-008-10, Mary F. Lewis' request for
 508 a variance from Section 24-95(b)(6) to allow an existing one-family dwelling to
 509 remain at 124 N Fern Avenue (Highland Springs) (Parcel 823-725-4487 (part)),
 510 zoned R-4, One-family Residence District (Varina). The total lot area requirement
 511 is not met. The Board approved the variance subject to the following condition:

512
 513 1. This variance applies only to the total lot area requirement for one dwelling
 514 only. All other applicable regulations of the County Code shall remain in force.
 515

516
 517 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5
 518 Negative: 0
 519 Absent: 0

520
 521
 522 [At this point, the transcript continues with the public hearing on the next
 523 case.]

524
 525 UP-015-10 RICHMOND ELKS LODGE requests a temporary
 526 conditional use permit pursuant to Section 24-116(c)(1) to conduct a turkey shoot
 527 at 10022 Elks Pass Lane (Parcel 750-768-4929), zoned A-1, Agricultural District
 528 (Three Chopt).

529
 530 Ms. Harris - Is there anyone else who wishes to speak to this case?
 531 Please raise your hand.

532
 533 Mr. Blankinship - Do you swear the testimony you're about to give is
 534 the truth and nothing but the truth so help you God?

535
 536 Ms. Willard - I do.
 537

538 Ms. Harris - What is your name, please, and please spell it. And
539 then you may state your case.
540
541 Ms. Willard - Faye Willard. Last name is W-i-l-l-a-r-d. We've been
542 coming back here every two years since 1987 to get a conditional use permit to
543 conduct our turkey shoot from September to March of each year.
544
545 Mr. Wright - Have you read these conditions that are proposed for
546 this case?
547
548 Ms. Willard - I have.
549
550 Mr. Wright - You're in accord with the conditions?
551
552 Ms. Willard - Yes.
553
554 Mr. Wright - Has anything changed since the last time?
555
556 Ms. Willard - No.
557
558 Mr. Wright - So everything is the same. Has it been pretty
559 successful?
560
561 Ms. Willard - It's been very successful.
562
563 Ms. Harris - Do you suppose there will be any new construction?
564 Do you have any idea of there being any new construction in or around that
565 area? For example, I see that in 1994 there was an industrial office complex for
566 that area.
567
568 Mr. Wright - We've approved it since that time.
569
570 Ms. Harris - Right. And then since then several other office
571 buildings have been approved and completed. The area seems like it's
572 becoming more populated.
573
574 Ms. Willard - We were here two years ago and nothing has been
575 built since then.
576
577 Ms. Harris - Okay, that's what I wanted to know. How close is the
578 nearest building, would you say, to your targeted area?
579
580 Ms. Willard - I have no idea because I don't know space. I don't
581 know feet. It's a good distance.
582
583 Mr. Blankinship - About 500 feet, I believe.

584
585 Mr. Witte - And it's pretty heavily treed behind the targets. Is that
586 correct?
587
588 Ms. Willard - Yes and we have a berm, too.
589
590 Mr. Blankinship - We have a photograph of that berm.
591
592 Ms. Willard - Directly behind it is nothing for quite a while.
593
594 Mr. Blankinship - We have some better photographs of the berm.
595
596 Ms. Willard - The last time we were here, you requested that we
597 add additional dirt or cut the targets down. We did add the additional dirt.
598
599 Mr. Blankinship - You can see where part of that berm has been added
600 right at that—this is the right end of the target line.
601
602 Ms. Willard - Right.
603
604 Mr. Blankinship - The left side is the old berm and to the right they have
605 added.
606
607 Ms. Harris - Do you constantly add soil to the berm to keep it so
608 many feet?
609
610 Ms. Willard - Yes.
611
612 Mr. Witte - I notice that the berm tapers down on your right side
613 there. I was thinking in the future you may need to bring in some more to level it
614 up, keep the height sufficient to the target.
615
616 Ms. Willard - Okay. I believe last time you put that in as a condition,
617 that we raise it. If you want to do that, that's fine, we'll raise it.
618
619 Ms. Harris - Are there any more questions from the Board?
620
621 Mr. Wright - What's the distance from the berm to the end of the—
622
623 Ms. Willard - There's another whole parcel of property in between
624 there and the interstate. And then it merges with the access road to the
625 Innsbrook concert area, which is also down there.
626
627 Mr. Wright - Can you point out the berm on this? That's the berm
628 right there?
629

630 Ms. Willard - Yes.
631
632 Mr. Wright - And which way are you firing?
633
634 Ms. Willard - From where the building is back to the berm. That
635 direction, yes.
636
637 Mr. Blankinship - That's the firing line; that's the target line. About 500
638 feet off to the left there to the interstate.
639
640 Mr. Wright - Using a shot gun?
641
642 Ms. Willard - Twelve gauge.
643
644 Mr. Wright - Full-powered shotgun. How far do they travel? Say
645 after they reach the berm, how far would the shot travel if it went over the berm?
646
647 Ms. Willard - Not very far. It's a 12 gauge #8 shot.
648
649 Mr. Wright - I wouldn't think it would go very far.
650
651 Ms. Harris - Any other questions? Thank you, Ms. Willard.
652
653 Ms. Willard - Thank you.
654
655 [After the conclusion of the public hearings, the Board discussed the case
656 and made its decision. This portion of the transcript is Included here for
657 convenience of reference.]
658
659 Mr. Wright - I move we approve this application on the grounds
660 that it would not adversely affect the health, safety, or welfare of those persons
661 residing or working on the premises or in the area and that it will be in substantial
662 compliance with the general purpose of the Code.
663
664 Ms. Harris - Is there a second to this motion?
665
666 Mr. Nunnally - Second.
667
668 Ms. Harris - Motion by Mr. Wright, seconded by Mr. Nunnally to
669 approve this case. All in favor say aye. All opposed say no. The ayes have it;
670 the motion passes.
671
672 After an advertised public hearing and on a motion by Mr. Wright, seconded by
673 Mr. Nunnally, the Board approved application UP-015-10, Richmond Elks
674 Lodge's request for temporary conditional use permit pursuant to Section 24-
675 116(c)(1) to conduct a turkey shoot at 10022 Elks Pass Lane (Parcel 750-768-

676 4929), zoned A-1, Agricultural District, (Three Chopt). The Board approved the
677 temporary conditional use permit subject to the following conditions:

678
679 1. The land shall be clearly posted to show the particular area where the
680 shooting is to occur and where the impact area is located.

681
682 2. No alcoholic beverages may be consumed on the site during the turkey
683 shoot. A sign to this effect shall be conspicuously posted in the immediate
684 vicinity of the shooting area. No person under the influence of alcohol, as defined
685 in Section 18.2-266 of the Code of Virginia, may be permitted in the shooting
686 area.

687
688 3. Restrooms shall be provided.

689
690 4. No firearm shall be discharged within 300 feet of any lot occupied by a
691 dwelling, or within 300 feet of any building other than buildings on the same
692 parcel, or across any road or street.

693
694 5. The turkey shoot shall only involve the use of shotguns no larger than 12
695 gauge and low powered (2-3/4") shells containing No. 8 shot.

696
697 6. A shot barrier, a minimum of 6 feet in height and composed of mounded dirt,
698 shall be maintained behind the targets as an added precaution. This barrier
699 shall be located a maximum of 10 feet behind the targets and extend 10 feet
700 beyond each end of the target line.

701
702 7. Sufficient off-street parking shall be provided for all cars visiting the premises.

703
704 8. This permit allows the turkey shoot on Fridays between 6:00 pm to 10:00 pm
705 and on Saturdays, 2:00 pm to 10:00 pm, from September 2010 - March 2011
706 and September 2011 - March 2012, after which time this use permit shall expire.

707
708
709 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5
710 Negative: 0
711 Absent: 0

712
713
714 Ms. Harris - We have two more things before us, the approval of
715 minutes and the approval of the calendar. First, the approval of the minutes from
716 the June 24, 2010 meeting. Are there any corrections to the minutes?

717
718 Mr. Witte - I have one on line 789 on page 18. It said "and you
719 diagram." That should be "your diagram."
720

721 Ms. Harris - Are there any more corrections? On lines 928 and
722 929, I believe I read the plague to Ms. Dwyer. I want to be sure that is verbatim
723 from that plague. Look at line 928. Actually 929. "In recognition of service on
724 the Henrico County Board of Zoning Appeals," and it gave the dates. I believe we
725 don't have the full reading of the plague on that. Mr. Blankinship, do recall the
726 writing on the plague?

727
728 Mr. Blankinship - I don't recall it, Madam Chairman, but I do have it
729 written down.

730
731 Ms. Harris - Okay. I just want to make sure it conforms to that.

732
733 Mr. Blankinship - I'll take care of it.

734
735 Ms. Harris - I noticed in the minutes that we had a lot of numbers.
736 For example line 29, you have 0:46:52. What's that?

737
738 Mr. Blankinship - Yes. Wherever there is a blank space on the tape or if
739 someone bumps a mike or leans away from a mike or for any reason the
740 transcriptionist can't get the words correctly, she makes a note of that and she
741 lets us know where on the recording it was so that we can go back and listen to
742 it. It might be a good idea to take that out of the final and only have it in there for
743 the draft.

744
745 Ms. Harris - Any more corrections to the minutes? May I have a
746 motion to address the minutes?

747
748 Mr. Witte - I make a motion we approve the minutes as
749 amended.

750
751 Ms. Harris - Is there a second?

752
753 Mr. Nunnally - Second.

754
755 Ms. Harris - Motion by Mr. Witte, seconded by Mr. Nunnally to
756 approve the minutes as amended. Are there any questions on the motion? All in
757 favor say aye. All opposed say no. The ayes have it; the motion passes.

758
759 On a motion by Mr. Witte, seconded by Mr. Nunnally, the Board approved as
760 amended the Minutes of the June 24, 2010, Henrico County Board of Zoning
761 Appeals meeting.

762
763 Affirmative: Harris, Nunnally, Witte, Wright 4
764 Negative: 0
765 Abstain: Bruce 1
766 Absent: 0

767
768 Ms. Harris - The calendar.
769
770 Mr. Blankinship - Madam Chairman, let me apologize. I asked staff to
771 go back and change the agenda to add the election of officers. That's next
772 month; I was confused again. The election of officers is in August. The approval
773 of next year's calendar is in July each year. I'm sorry that was misrepresented.
774
775 Ms. Harris - Thank you, Mr. Blankinship. On the 2011 Meeting
776 Schedule, which was placed before you at the beginning of the meeting, are
777 there any comments on these dates?
778
779 Mr. Blankinship - Let me just point out that, as always, November and
780 December have been moved from the fourth Thursday to the third Thursday to
781 avoid the holidays. When you do that, some years it makes six weeks between
782 the September meeting and the October meeting, and then only three weeks
783 between October and November. This is one of those years. We also moved
784 October up to the third week of the month just to even out the periods between
785 them.
786
787 Ms. Harris - A motion is in order to approve the calendar.
788
789 Mr. Wright - I move we approve the calendar as submitted.
790
791 Ms. Harris - Is there a second?
792
793 Mr. Witte - I second it.
794
795 Ms. Harris - Motion by Mr. Wright, seconded by Mr. Witte to
796 approve the 2011 Meeting Schedule as submitted. Any questions or discussion
797 on the motion? All in favor say aye. All opposed say no. The ayes have it; the
798 motion passes.
799
800 On a motion by Mr. Wright seconded by Mr. Witte, the Board approved as
801 submitted the 2011 Meeting Schedule of the Henrico County Board of Zoning
802 Appeals.
803
804
805 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5
806 Negative: 0
807 Absent: 0
808
809
810 Ms. Harris - Is there any other business before us this morning?
811
812 Mr. Wright - I move we adjourn.

813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846

Mr. Witte -

Second.

Ms. Harris -

Moved and seconded that we adjourn.

Affirmative:

Bruce, Harris, Nunnally, Witte, Wright

5

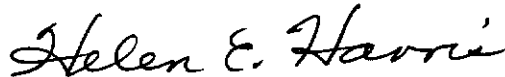
Negative:

0

Absent:

0

There being no further business, the Board adjourned until the August 26, 2010 meeting at 9 a.m.



Helen E. Harris
Acting Chairman



Benjamin Blankinship, AICP
Secretary