

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 SPRING ROADS, ON THURSDAY, JULY 26, 2012 AT 9:00 A.M., NOTICE  
5 HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH JULY 9,  
6 2012 AND JULY 16, 2012.

7

Members Present: Helen E. Harris, Chairman  
R. A. Wright, Vice Chairman  
Greg Baka  
Gentry Bell  
James W. Nunnally

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

8

9 Ms. Harris - Welcome to the July 26, 2012 meeting of the Board  
10 of Zoning Appeals for Henrico County. Please stand and recite the Pledge of  
11 Allegiance.

12

13 Good morning, Mr. Blankinship. Would you read the rules that govern this  
14 meeting and let us know if there are any deferrals or withdrawals.

15

16 Mr. Blankinship - Good morning, Madam Chairman, members of the  
17 Board, ladies and gentlemen. The rules for this meeting are as follows. Acting as  
18 secretary I'll call each case. And as I'm speaking the applicant is welcome to  
19 come down to the podium. We will then ask everyone who intends to speak to  
20 that case to stand and be sworn in. Then the applicant will present their case.  
21 Then anyone else who wishes to speak will be given the opportunity. And then  
22 the applicant, and only the applicant, will have an opportunity for rebuttal. After  
23 everyone has had a chance to speak, the Board will take that matter under  
24 advisement and go on to the next case. They will render all of their decisions at  
25 the end of the meeting. So if you wish to know their decision on a specific case,  
26 you can either stay until the end of the meeting or you can check the Planning  
27 Department website—we update it about a half an hour after the meeting ends—  
28 or you can call the Planning Department this afternoon.

29

30 This meeting is being recorded so we will ask everyone who speaks to speak  
31 directly into the microphone on the podium, state your name, and please spell  
32 your last name so that we get it correctly in the record.

33

34 And finally, out in the foyer there is a binder that contains the staff report for each  
35 case, including the conditions that have been recommended by the staff. And it's  
36 particularly important that the applicants be familiar with all those conditions.  
37

38 Madam Chairman, we do have one request for deferral and one request for  
39 withdrawal. The request for deferral is the first item on the agenda, CUP2012-  
40 00005. Westhampton Memorial Park requests a conditional use permit pursuant  
41 to Section 24-52(h) of the County Code to expand an existing cemetery at 10000  
42 Patterson Avenue.

43  
44 **CUP2012-00005 WESTHAMPTON MEMORIAL PARK** requests a  
45 conditional use permit pursuant to Section 24-52(h) of the County Code to  
46 expand an existing cemetery at 10000 Patterson Avenue (Parcel 744-742-5871)  
47 zoned R-1, One-Family Residence District and A-1, Agricultural District,  
48 (Tuckahoe).

49  
50 Mr. Nunnally - Is it thirty days for the deferral?

51  
52 Mr. Blankinship - One month, yes sir.

53  
54 Ms. Harris - Do we want to make a motion at this point or listen to  
55 the applicant's reason for the deferral?

56  
57 Mr. Wright - I think we should listen to the applicant.

58  
59 Ms. Harris - Should he be sworn in?

60  
61 Mr. Blankinship - Not just for that, no.

62  
63 Ms. Harris - Okay. Please state your name.

64  
65 Mr. Hawkins - Good morning.

66  
67 Ms. Harris - Good morning.

68  
69 Mr. Hawkins - I'm Dean Hawkins. My last name is H-a-w-k-i-n-s. I'm  
70 a landscape architect representing Westhampton Memorial Park. We ask for  
71 another thirty-day deferral reluctantly. We are in close conversation with our  
72 neighbors, the homeowners' association behind us. And we only recently  
73 received some information from them. We are immediately going to continue our  
74 discussion with them to try to come to an agreement with conditions that we both  
75 can abide by. And so hopefully the first part of next week we'll have that meeting,  
76 and certainly be ready in thirty days to present our case. So with that we  
77 respectfully request a thirty-day deferral.

78

79 Ms. Harris - All right. Are there other persons here who may have  
80 questions today to this particular case? Any questions from Board members?  
81 Thank you so much.

82  
83 Mr. Barnett - Hi, how are you. My name is Alex Barnett. I'm a  
84 resident at Westhampton Glen, the adjacent property. I just wanted to verify what  
85 Dean said and concur that we would be in favor of a thirty-day deferral as well so  
86 that we can continue talking with Westhampton Memorial Park. Thanks.

87  
88 Ms. Harris - Thank you so much. Are we ready now for the motion  
89 by the Board?

90  
91 Mr. Baka - At this time I make a motion to defer the case for  
92 thirty days.

93  
94 Mr. Wright - Second.

95  
96 Ms. Harris - Motion by Mr. Baka, seconded by Mr. Wright that we  
97 defer this case for thirty days. The next meeting is—

98  
99 Mr. Blankinship - August the 23<sup>rd</sup>.

100  
101 Ms. Harris - Twenty-third. Are there any questions on the motion?  
102 All in favor of deferring this case until the August 23<sup>rd</sup> meeting say aye. All  
103 opposed say no. The ayes have it; the motion passes.

104  
105 After an advertised public hearing and on a motion by Mr. Baka, seconded by  
106 Mr. Wright, **CUP2012-00005, Westhampton Memorial Park**, has been deferred  
107 until the August 23, 2012 meeting.

108  
109  
110 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5  
111 Negative: 0  
112 Absent: 0

113  
114  
115 Mr. Blankinship - Madam Chairman, the case that has requested  
116 withdrawal is the second item on the agenda, APL2012-00002. Lolita Epps  
117 appeals a decision of the director of planning pursuant to Section 24-116(a) of  
118 the County Code regarding the property at 1296 Concord Avenue.

119  
120 **APL2012-00002** **LOLITA EPPS** appeals a decision of the director of  
121 planning pursuant to Section 24-116(a) of the County Code regarding the  
122 property at 1296 Concord Avenue (HUNGARY BROOK) (Parcel 783-757-5816)  
123 zoned B-3, Business District, (Fairfield).

125 Ms. Harris - Please state your name.

126

127 Mr. Condlin - Madam Chair, my name is Andrew Condlin—C-o-n-d-i-n—from Williams Mullen on behalf of Mr. and Mrs. Epps. It's a little unusual to  
128 speak to a withdrawal, but I did want to make a couple of statements regarding  
129 our discussion with the county attorney. Just on Tuesday at about three o'clock I  
130 received—and I apologize, Mr. Blankinship, I didn't get, but I assume you have—a  
131 copy of the letter from the county attorney withdrawing the Notice of Violation  
132 from which we appealed. From a procedural standpoint, I'm not sure my appeal  
133 is worth anything because there's nothing to appeal because it's now been  
134 withdrawn by the County. But I do have three statements I wanted to make, two  
135 of which I believe are going to be confirmed by the county attorney.

136

137 This morning I received a new Notice of Violation. So they withdrew the previous  
138 Notice of Violation on Tuesday and today delivered to me a new Notice of  
139 Violation to clarify. I have some other opinions that I'll express and what that  
140 really means at the next hearing. But they said that they would waive the fee, so  
141 I'm going to ask for that to be confirmed. Because I'm only withdrawing my  
142 previous appeal with the understanding that it's not fair for them to file a  
143 violation, we appeal it, then they withdraw the violation, issue a new violation,  
144 and we have to file a new one.

145

146 I also want to make sure that I clarify that—there's a business license. This is an  
147 on-going business. Our understanding was—and was issued a temporary  
148 business license that issued it up to this date, because this was the hearing to  
149 which we appealed from. Because a new notice has been filed today, I would  
150 also like to confirm as a second point that they will continue to operate until such  
151 time as the Board of Zoning Appeals rules. Maybe next month, maybe the month  
152 after that; you may continue it. But until the BZA rules that the County will allow  
153 for issuance of the temporary business license until such time. Which again, I  
154 believe the county attorney will address those two points.

155

156 And finally, I would just like to express on behalf of my clients the unbelievable  
157 frustration by me, and by them, as to what has gone on in this case thus far. It  
158 was not an unsubstantial amount of time, money, and effort for us to line up  
159 speakers, to put together material—that you have in front you—that was  
160 prepared very professionally and well thought out based on the notice we  
161 received from the County. To only receive a notice two days before the hearing I  
162 think is unreasonable and unfair to my clients. I'm sure the County is not going to  
163 reimburse us for all the time, money, and effort that went into that, other than the  
164 waiver of fees. And we certainly appreciate that. But I do want to express to you  
165 on behalf my clients that this is one more step that has been taken against them,  
166 that they're very frustrated and very confused, as I am, and I think as the County  
167 is, that I will show you either next month or the month after, depending upon the  
168 time of our appeal.

169

170

171 With that, I don't believe that the county attorney is going to address the last  
172 point, but I think he's going to address the first two points.

173  
174 With that, I'll be happy to answer any questions. But I'll plan on seeing you on  
175 the new Notice of Violation once we appeal that in a few months' time.

176  
177 Ms. Harris - Are there any questions for Attorney Condlin?

178  
179 Mr. Condlin - Thank you.

180  
181 Ms. Harris - Thank you.

182  
183 Mr. Hart - Good morning, Madam Chair and members of the  
184 Board. My name is Jason Hart—H-a-r-t. I'm the Assistant County Attorney  
185 representing the County of Henrico in this matter. And I'm just getting up to  
186 confirm that the County has agreed to waive the appeal fee and will allow the  
187 Epps's to continue operating under the previous temporary business license that  
188 was issued until the BZA rules on this matter on a future date. Thank you.

189  
190 Ms. Harris - Is a motion in order?

191  
192 Mr. Wright - I don't think a motion is necessary. If it's withdrawn,  
193 we have nothing before us to consider.

194  
195 Ms. Harris - I really wanted the discussion to take place because I  
196 was questioning whether it's a withdrawal or whether in fact it's a deferral.

197  
198 Mr. Blankinship - We had discussed with them the two different  
199 options. And just this morning the two lawyers in the hallway apparently decided  
200 on withdrawal, so.

201  
202 Ms. Harris - Okay.

203  
204 Mr. Wright - We certainly can't go against the lawyers, you know.

205  
206 Ms. Harris - Is there any more action we need to take on this  
207 withdrawal?

208  
209 Mr. Blankinship - No ma'am.

210  
211 Ms. Harris - All right. Mr. Blankinship, please call the first case.

212  
213 CUP2012-00022 ROGERS L. JACKSON requests a conditional use  
214 permit pursuant to Section 24-12(d) and (e) of the County Code to allow a pigeon  
215 loft at 3708 Hargrove Avenue (PLEASANT VIEW) (Parcel 801-735-4375) zoned  
216 R-4, One-Family Residence District, (Fairfield).

217  
218 Ms. Harris - All persons who wish to speak to this case please  
219 stand and raise your right hand.  
220  
221 Mr. Blankinship - Raise your right hand, please. Do you swear the  
222 testimony you're about to give is the truth, the whole truth and nothing but the  
223 truth so help you God?  
224  
225 Mr. Jackson - Yes.  
226  
227 Ms. Harris - Okay. Please state your name and spell your last  
228 name.  
229  
230 Mr. Jackson - My name is Rogers Jackson—J-a-c-k-s-o-n.  
231  
232 Ms. Harris - Okay. State your case.  
233  
234 Mr. Jackson - This is about a home improvement loft, raising  
235 pigeons, a conditional use. I'm applying for a conditional use permit to keep  
236 homing pigeons in the backyard.  
237  
238 Ms. Harris - Mr. Jackson, are you aware of the Code  
239 requirements?  
240  
241 Mr. Jackson - No I'm not.  
242  
243 Ms. Harris - Okay. Do you have a copy of the report?  
244  
245 Mr. Jackson - Yes.  
246  
247 Ms. Harris - Okay. If you would notice there, they tell you what the  
248 Code states and how you have more pigeons and other animals that go against  
249 the Code. Can you look at that? I need to see if you can possibly comply with the  
250 Code. If you look at Condition 2 it says, "The applicant shall reduce the size of  
251 the 204-square-foot building so that it is no larger than 160 square feet."  
252  
253 Mr. Jackson - I cut it down one time. And then they said it was okay.  
254 If I have to cut it down two more feet or whatever, I will cut it down two more feet.  
255 But I reduced the size one time.  
256  
257 Ms. Harris - Okay. Are you aware that neighbors are complaining  
258 about the pigeon loft, the smell?  
259  
260 Mr. Jackson - No, they're not complaining because really, you can't  
261 really smell it unless you get up on the loft. Like if you're raising dogs you can't  
262 smell them unless you get up on them. They're not complaining about it. They're

263 complaining just to complain. A couple of neighbors have dogs that bark all night.  
264 And they asked me if it bothered me and I said no, those are your dogs, let them  
265 bark. They don't bother me. Some people are just going to complain to complain,  
266 I don't care what you have.

267  
268 Ms. Harris - What about the cleanliness of the loft?

269  
270 Mr. Jackson - My loft is clean and my yard is clean. You can ask  
271 anybody who comes by there.

272  
273 Ms. Harris - So you're controlling the odor?

274  
275 Mr. Jackson - Yes ma'am.

276  
277 Ms. Harris - I thought we had someone who went out to check on  
278 it and they did notice the odor there.

279  
280 Mr. Jackson - I mean, you get up on anything you're going to smell  
281 something. If you have a rabbit or a dog, if you get up on it you're going to smell  
282 the animal. You're not going to smell it out like from me to you, no.

283  
284 Ms. Harris - So how often do you clean the loft?

285  
286 Mr. Jackson - I clean it once a month. I clean all of them out once a  
287 month.

288  
289 Ms. Harris - Is it possible for you to reduce the number of  
290 pigeons?

291  
292 Mr. Jackson - I can reduce the number of pigeons. How many do  
293 you have to have in a place like that? I have a big backyard.

294  
295 Mr. Baka - How many pigeons were allowed in the previous  
296 case, Mr. Blankinship?

297  
298 Mr. Blankinship - We were discussing that before. I believe it was  
299 twenty-five.

300  
301 Mr. Gidley - [Speaking off microphone.] Fifteen, I think it came  
302 down to.

303  
304 Mr. Baka - I think it was proposed at twenty-five and it came  
305 down lower. I wonder if it was fifteen. That's the number I was thinking.

306  
307 Mr. Jackson - It depends on how many it is. I know people have  
308 pigeons and I know they have more than twenty-five.

- 309  
310 Ms. Harris - But we have the complaint and we have to address it.  
311 What about building the loft so many feet off of the ground?  
312  
313 Mr. Jackson - All of that has been checked out.  
314  
315 Mr. Blankinship - Mr. Gidley is correct. It was reduced to fifteen  
316 pigeons.  
317  
318 Mr. Jackson - In what size building? I mean fifteen pigeons is in  
319 what size building?  
320  
321 Mr. Blankinship - Since the Code sets the maximum at 160 square feet,  
322 I believe that was the size that we were working with in that case.  
323  
324 Mr. Jackson - Fifteen pigeons in a 165-square-foot building?  
325  
326 Mr. Blankinship - Yes sir.  
327  
328 Ms. Harris - 160 square feet. That's the Code.  
329  
330 Mr. Blankinship - The size of the building is limited by the Code.  
331  
332 Ms. Harris - What would you do with the other pigeons if you had  
333 to reduce them? I know you said you had about fifty pigeons, right?  
334  
335 Mr. Jackson - Yes.  
336  
337 Ms. Harris - What would you do with the other ones?  
338  
339 Mr. Jackson - I'd just have to find a home for them. I know the  
340 SPCA won't take them. I'll have to find a home or exterminate them.  
341  
342 Ms. Harris - Will they come back to—  
343  
344 Mr. Jackson - Yes they will.  
345  
346 Ms. Harris - They would come back.  
347  
348 Mr. Wright - I believe our report says he has a hundred pigeons  
349 there, doesn't it?  
350  
351 Mr. Blankinship - Fifty in one building and I think fifty in the other.  
352  
353 Ms. Harris - Wow, that's—.

355 Mr. Wright - Are these homing pigeons? Do you take them out  
356 and fly them?

357

358 Mr. Jackson - Yes.

359

360 Mr. Wright - Where do you take them when they fly?

361

362 Mr. Jackson - They go up to 500 miles.

363

364 Mr. Wright - And you actually take them up and then they fly  
365 back? Is that the way you work it?

366

367 Mr. Jackson - Right.

368

369 Mr. Wright - How often do you do that?

370

371 Mr. Jackson - Well, once you get them trained you don't have to do  
372 it—you know. But since I do construction work, I go to different sites I just take  
373 some and just turn them loose.

374

375 Ms. Harris - Do you race them?

376

377 Mr. Jackson - I used to be in a racing club.

378

379 Ms. Harris - Are you racing them now?

380

381 Mr. Jackson - No. I want to say one thing. People complain about  
382 everything. And kids now, they can't even raise animals or have nothing, but run  
383 in the streets. We as grown people want to look at them and say what they're  
384 doing is wrong. When nothing is wrong, people should be saying okay, let's  
385 change some of these laws so kids can stay home, kids can have animals in the  
386 backyard, instead of sitting them at the TV all day and playing on their  
387 computers, or running the streets. I mean, what is a few animals in the backyard  
388 for kids to stop running the streets? We already talked in the farmers, how the  
389 farmers are beginning to start complaining about kids running the streets having  
390 nothing to do. I mean, some animals are not that bad. It's just your neighbors.  
391 You can put a brand new car there and they're going to complain. Oh, you have  
392 a brand new car. What are you doing, you have a brand new car. Is he selling  
393 drugs or what? You have neighbors that are going to complain about whatever  
394 you do.

395

396 Ms. Harris - I think the point that we're missing here is that this is  
397 a residential neighborhood with a certain zoning. And therefore you have rules  
398 and codes that we all need to follow. You could request—in the report it says the  
399 applicant may request a CUP—that's a conditional use permit—for a kennel to

400 keep these animals. But you haven't done that right now. That's the code that it  
401 will fall under.

402  
403 Mr. Wright - Non-commercial kennel if you have more than three  
404 animals.

405  
406 Ms. Harris - That's the Code.

407  
408 Mr. Wright - That's the Code.

409  
410 Mr. Jackson - So I have to apply for a kennel?

411  
412 Ms. Harris - A kennel.

413  
414 Mr. Jackson - Where do I go to apply for that?

415  
416 Mr. Blankinship - It's the same process. If it's the pleasure of the Board,  
417 we could carry this case over and allow him to amend the request to be a kennel  
418 license to include some of these other animals as well, and bring it back to you.

419  
420 Mr. Jackson - Some guinea pigs and a parakeet.

421  
422 Ms. Harris - Right. There again, we want to conform to the Code.  
423 He was saying that this can be amended. What you're doing before us today, the  
424 case could be amended so that you can be requesting a non-commercial kennel,  
425 which would allow you to keep some of these animals.

426  
427 Mr. Jackson - So I have to pay a kennel fee every year?

428  
429 Mr. Blankinship - No. I think you only pay the kennel fee—the annual  
430 kennel fee for a kennel license for dogs. Our approval is the same, but you  
431 wouldn't need that.

432  
433 Ms. Harris - Because you don't have dogs.

434  
435 Mr. Jackson - How much is that fee?

436  
437 Mr. Blankinship - It would be the same fee you've already paid. We  
438 would just turn this application into an application for a kennel.

439  
440 Ms. Harris - If you desire that.

441  
442 Mr. Jackson - Yes.

443  
444 Ms. Harris - You would desire that?

- 446 Mr. Jackson - Yes.
- 447
- 448 Ms. Harris - Are there other questions by Board members? Mr.  
449 Nunnally, you have a question?
- 450
- 451 Mr. Nunnally - How many pigeons can he have under this?
- 452
- 453 Mr. Blankinship - There is not a number of pigeons specified in the  
454 Code. That decision would be made by the Board at a future meeting. The size  
455 of the pigeon loft is limited by the Code. That question is not before the Board.  
456 But the number of animals would be at the Board's discretion at a future  
457 meeting.
- 458
- 459 Mr. Bell - But we would still be addressing the parakeets and  
460 the gerbils?
- 461
- 462 Mr. Blankinship - Yes sir.
- 463
- 464 Mr. Jackson - So if I move the parakeets and the gerbils in the  
465 house, what code is that? Because half of them are in the house anyway.
- 466
- 467 Mr. Wright - It doesn't make any difference where they are. The  
468 code says you can only have three.
- 469
- 470 Mr. Jackson - Whether they're in the house or not?
- 471
- 472 Mr. Wright - Unless you get a non-commercial kennel. That's what  
473 he's suggested.
- 474
- 475 Ms. Harris - You would have to come back before the Board. But  
476 under a separate application for a kennel.
- 477
- 478 Mr. Jackson - So I have to reapply for that or are you all going to do  
479 that today?
- 480
- 481 Mr. Blankinship - Mr. Gidley will work with you on that.
- 482
- 483 Mr. Jackson - Okay.
- 484
- 485 Mr. Blankinship - You met him out at your home.
- 486
- 487 Mr. Baka - And the point to clarify is that that case would then be  
488 advertised to the public and to the neighbors that it is truly a kennel rather than  
489 just keeping homing pigeons. Correct?
- 490
- 491 Mr. Blankinship - Yes.

492  
493 Mr. Baka - That's why that's necessary.  
494  
495 Mr. Wright - You would re-advertise it.  
496  
497 Mr. Blankinship - Yes.  
498  
499 Ms. Harris - Each time we meet we have to advertise that we are  
500 going to meet so that neighbors and anyone else interested in the cases can  
501 come, can be here. Are there other questions by Board members? Okay, thank  
502 you, Mr. Jackson.

503  
504 Mr. Wright - Don't we have to have a motion?  
505  
506 Mr. Blankinship - Yes, to defer.  
507  
508 Ms. Harris - Okay. At this point could we have a motion to defer?  
509  
510 Mr. Wright - I move we defer the case to the next meeting.  
511  
512 Mr. Bell - I'll second it.  
513  
514 Mr. Jackson - When is the next meeting?  
515  
516 Mr. Blankinship - August 23<sup>rd</sup>.  
517  
518 Mr. Jackson - All right.  
519  
520 Ms. Harris - It's been moved by Mr. Wright, seconded by Mr. Bell  
521 that we defer this case until the next meeting. Are there any questions on the  
522 motion? It is understood that Mr. Jackson will get with Mr. Gidley, and he will  
523 direct you as to what you need to do.

524  
525 Mr. Jackson - Okay.  
526  
527 Ms. Harris - Your preparation. All in favor say aye. All opposed  
528 say no. The ayes have it; the motion passes.  
529  
530 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
531 Mr. Bell, **CUP2012-00022, Rogers L. Jackson**, has been deferred until the  
532 August 23, 2012 meeting.

533  
534  
535 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5  
536 Negative: 0  
537 Absent: 0

538  
539 CUP2012-00023 RICHMOND ELKS LODGE requests a temporary  
540 conditional use permit pursuant to Section 24-116(c)(1) of the County Code to  
541 allow a turkey shoot at 10022 Elks Pass Lane (Parcel 750-768-4929) zoned A-1,  
542 Agricultural District, (Three Chopt).

543  
544 Ms. Harris - All persons who wish to speak to this case please  
545 stand to be sworn in, raising your right hand.

546  
547 Mr. Blankinship - Do you swear the testimony you're about to give is  
548 the truth, the whole truth and nothing but the truth so help you God?

549  
550 Ms. Willard - I do.

551  
552 Ms. Harris - Please state your name and your case.

553  
554 Ms. Willard - Faye Willard. I'm representing the Richmond Elks  
555 Lodge.

556  
557 Ms. Harris - W-i-l-l-i-a-r-d?

558  
559 Ms. Willard - a-r-d.

560  
561 Ms. Harris - Okay.

562  
563 Ms. Willard - Representing the Richmond Elks Lodge to apply for  
564 the conditional use permit to conduct our turkey shoot, which has been ongoing  
565 since 1984 without incident.

566  
567 Mr. Wright - Ms. Willard, I live out nearby, near this area. There  
568 has been a lot of development since 1984 in the area. We have to ensure that  
569 we protect those people who are working around there or living around there. I  
570 think the staff's concern is the Snagajob. You know where they're located in  
571 relationship to where this operation would be?

572  
573 Ms. Willard - Yes.

574  
575 Mr. Wright - Off sort of to the left back there.

576  
577 Ms. Willard - They're at the rear of the property.

578  
579 Mr. Wright - Yes, to the rear and then to the left. It's not directly in  
580 the rear. Tell us how you can ensure that there wouldn't be any problem with any  
581 shot or anything bothering those people.

582  
583 Ms. Willard - Well, we have the berm.

- 584  
585 Ms. Harris - How high is the berm?
- 586
- 587 Ms. Willard - Well, you all know better than I do because you come  
588 out and measure it. I don't know. I've never measured it, but it has to be a certain  
589 number of feet. Last time we had to raise one end of it a bit. But we have the  
590 berm. And then it's a good distance beyond that. And we're shooting shotguns,  
591 not rifles.
- 592
- 593 Mr. Wright - Have you read the conditions that have been  
594 proposed?
- 595
- 596 Ms. Willard - Yes.
- 597
- 598 Mr. Wright - Okay. Number six says you need a shot barrier a  
599 minimum of six feet in height.
- 600
- 601 Ms. Willard - It's at least that. I mean it's more than that.
- 602
- 603 Mr. Wright - Of mounded dirt and so forth.
- 604
- 605 Ms. Willard - Yes.
- 606
- 607 Mr. Wright - So you maintain that.
- 608
- 609 Ms. Willard - Yes.
- 610
- 611 Mr. Wright - Okay.
- 612
- 613 Mr. Blankinship - It varies between six and ten feet, I think. We didn't  
614 actually measure it, but just eyeballing it. And you did add some material after  
615 the last approval.
- 616
- 617 Ms. Willard - Yes.
- 618
- 619 Mr. Blankinship - Because it had started to wash away.
- 620
- 621 Ms. Willard - Right.
- 622
- 623 Mr. Wright - With that berm, Mr. Blankinship, do you still have  
624 some concern about Snagajob, the operation there?
- 625
- 626 Mr. Blankinship - We received a phone call from the property  
627 management staff at Innsbrook, just kind of raising the issue, making sure we  
628 were aware of it, and asking us to look into it. So we felt it was important that the  
629 Board be familiar with that and know exactly where the pavilion is. It's not clear to

630 me whether there is ever an event going on at the pavilion during the turkey  
631 shoot. Most of what they do I know is over the summer. The Innsbrook After  
632 Hours Concert Series ends before the turkey shoot begins in the calendar.

633  
634 Ms. Willard - Right.

635  
636 Mr. Blankinship - And most of their events I think are Wednesday and  
637 Thursday nights. I don't think they do a lot of weekend nights, which is when the  
638 turkey shoot is going on.

639  
640 Ms. Willard - I don't think they've ever had a Friday night.  
641 Occasionally they've had a Saturday afternoon, but they've never had a Friday  
642 night.

643  
644 Mr. Blankinship - Plus there is a standard condition regarding low-  
645 power shells. I don't think there is really any danger of shot carrying that  
646 distance, especially through those woods. But we feel like it's our responsibility—

647  
648 Mr. Wright - To point it out. We just wanted you to be concerned  
649 about this. And you said you've read all of these conditions and you're in accord  
650 with these conditions.

651  
652 Ms. Willard - Yes.

653  
654 Ms. Harris - What is the range of the shotgun that you use?

655  
656 Ms. Willard - Twelve gauge.

657  
658 Ms. Harris - How far does it travel, how many feet? Do you know?

659  
660 Ms. Willard - The target is ninety feet.

661  
662 Ms. Harris - How far can a shot from that shotgun travel?

663  
664 Ms. Willard - A hundred and twenty feet. It's not very far.

665  
666 Ms. Harris - And do we know how many feet the—

667  
668 Mr. Wright - That probably wouldn't even come close to the  
669 Snagajob place.

670  
671 Ms. Harris - Okay, okay.

672  
673 Mr. Baka - It's 550 more.

674  
675 Ms. Harris - Five hundred and fifty more? From the—okay.

676  
677 Mr. Wright - If the target is ninety feet—  
678  
679 Mr. Baka - Oh, from the firing line.  
680  
681 Mr. Wright - And they're low-powered shells. That's the key.  
682  
683 Ms. Harris - Is it an imposition for you to be at least aware if a  
684 concert is scheduled at the same time that at turkey shoot is scheduled?  
685  
686 Ms. Willard - We're aware because we do parking for the concert.  
687  
688 Ms. Harris - So you are aware.  
689  
690 Ms. Willard - Yes.  
691  
692 Ms. Harris - Okay. That's good to know. And if you found that you  
693 had something going on the same night, what would you do?  
694  
695 Ms. Willard - The same night as the turkey shoot?  
696  
697 Ms. Harris - Yes.  
698  
699 Ms. Willard - I don't think it's an issue because it's that far away.  
700 But we could suspend for that evening.  
701  
702 Mr. Wright - Or you could advise your people just to exercise  
703 extreme care.  
704  
705 Ms. Willard - Right.  
706  
707 Mr. Wright - And be aware of it. I think that would probably take  
708 care of it.  
709  
710 Ms. Willard - I don't know if they further told you that they have  
711 their own police that come. We have that access road down there. They park up  
712 there so that nobody goes down that side of the property period. That's  
713 emergency access only. So there is no traffic going to and from. And these  
714 shotguns are not going to shoot that far back to Snagajob. If they do then it's a  
715 miracle. We've never had any problem with Snagajob until it was Snagajob.  
716 When it was Highwoods or whoever, we never had issues. We were there before  
717 they were, but we are cognizant that we are in an office area now. We shoot  
718 after everybody goes home from work. We're not near any residents. And like  
719 I've said, we've never had an incident. Nobody has ever been injured. We've  
720 never had any police action. We run a very clean shoot. And it's very rare to

- 721 have them anymore, and so we'd like to continue to do it. It's a very large  
722 money-maker for us as well.
- 723
- 724 Mr. Wright - When was that pavilion installed? Do you know how  
725 long ago?
- 726
- 727 Ms. Willard - Probably fifteen, twenty years.
- 728
- 729 Mr. Wright - So it's been there while you have been operating all  
730 these years.
- 731
- 732 Ms. Willard - Yes.
- 733
- 734 Mr. Wright - And you've had no events.
- 735
- 736 Ms. Willard - No.
- 737
- 738 Mr. Nunnally - How many years have you been operating?
- 739
- 740 Ms. Willard - Since 1984. Continuously.
- 741
- 742 Ms. Harris - Have they had concerts for the fifteen years that  
743 they've been there?
- 744
- 745 Ms. Willard - Yes. Since the pavilion's been there? Yes. They had  
746 them originally up at the front of the Innsbrook park. I think the Easter Seals  
747 people handled it then. But it's been back there for a long time. Many years.
- 748
- 749 Mr. Wright - I think that indicates it couldn't be any problem.  
750 They've been operating with those people back there for these number of years.
- 751
- 752 Ms. Willard - I think they changed leadership of their foundation  
753 over there. And we worked very well with Denise Kranich and she's no longer  
754 there. So the new people aren't as familiar with us, so that probably is their only  
755 concern.
- 756
- 757 Ms. Harris - You can't be too careful because in a concert,  
758 depending on the drawing crowd, you might have an abundance or an overflow  
759 of persons attending depending on what the attraction is.
- 760
- 761 Ms. Willard - But our property goes all the way back. There would  
762 be nobody on that property between our turkey shoot and Snagajob because it's  
763 our property all the way back there.
- 764
- 765 Mr. Baka - A question about the property line then. Do you see  
766 the firing line up on that sketch plan? And then you more northeastward where it

767 says "target." It's about ninety feet from the firing line of the target. So  
768 approximately how far is it from the target to that property line? There you go.

769  
770 Ms. Willard - You know, I don't know the distance.

771  
772 Mr. Blankinship - It appears to be about a hundred feet.

773  
774 Mr. Baka - And then my other question was the use. Where it  
775 says the word, "Innsbrook," if we flip to the aerial, it appears that that's presently  
776 open land. There are some trees. There it is. And what is that? Is that overflow  
777 parking, that open space?

778  
779 Ms. Willard - That's Innsbrook; I don't know.

780  
781 Mr. Baka - I think that's overflow parking for events. So what I  
782 was trying to point out is that it appears there is no building there. The Snagajob  
783 pavilion is further north, up in that area, 500 feet from the firing line. It appears  
784 there is ample distance.

785  
786 Ms. Harris - Then, too, if you handle all the parking, you would be  
787 aware of an overflow crowd that might be in danger.

788  
789 Ms. Willard - Yes.

790  
791 Ms. Harris - So I would think you would be mindful of that. Are  
792 there any other questions by Board members? Thank you, Ms. Willard, for  
793 coming.

794  
795 Ms. Willard - Thank you.

796  
797 [After the conclusion of the public hearings, the Board discussed the case  
798 and made its decision. This portion of the transcript is included here for  
799 convenience of reference.]

800  
801 Ms. Harris - What is the pleasure of the Board?

802  
803 Mr. Wright - I move we approve this request for a temporary  
804 conditional use permit on the grounds it will not adversely affect the health,  
805 safety, or welfare of persons on the premises, not unreasonably impair an  
806 adequate supply of light nor increase congestion in the streets. And I think it will  
807 be in substantial accordance with the general purpose and objectives of the  
808 Code.

809  
810 Ms. Harris - Is there a second?

811  
812 Mr. Baka - Second.

813 Ms. Harris - Motion by Mr. Wright, seconded by Mr. Baka that we  
814 approve the Richmond Elks Lodge conditional use permit. Are there any  
815 questions on the motion? All in favor say aye. All opposed say no. The ayes  
816 have it; the motion passes.

817  
818 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
819 Mr. Baka, the Board approved application CUP2012-00023, RICHMOND ELKS  
820 LODGE's request for a temporary conditional use permit pursuant to Section 24-  
821 116(c)(1) of the County Code to allow a turkey shoot at 10022 Elks Pass Lane  
822 (Parcel 750-768-4929) zoned A-1, Agricultural District (Three Chopt). The Board  
823 approved the temporary conditional use permit subject to the following  
824 conditions:

825  
826 1. The land shall be clearly posted to show the particular area where the  
827 shooting is to occur and where the impact area is located.

828  
829 2. No alcoholic beverages may be consumed on the site during the turkey  
830 shoot. A sign to this effect shall be conspicuously posted in the immediate  
831 vicinity of the shooting area. No person under the influence of alcohol, as defined  
832 in Section 18.2-266 of the Code of Virginia, may be permitted in the shooting  
833 area.

834  
835 3. Restrooms shall be provided.

836  
837 4. No firearm shall be discharged within 300 feet of any lot occupied by a  
838 dwelling, or within 300 feet of any building other than buildings on the same  
839 parcel, or across any road or street.

840  
841 5. The turkey shoot shall only involve the use of shotguns no larger than 12  
842 gauge and low powered (2-3/4") shells containing No. 8 shot.

843  
844 6. A shot barrier, a minimum of 6 feet in height and composed of mounded dirt,  
845 shall be maintained behind the targets as an added precaution. This barrier  
846 shall be located a maximum of 10 feet behind the targets and extend 10 feet  
847 beyond each end of the target line.

848  
849 7. Sufficient off-street parking shall be provided for all cars visiting the premises.

850  
851 8. This permit allows the turkey shoot on Fridays, 6:00 pm to 10:00 pm, and on  
852 Saturdays, 2:00 pm to 10:00 pm, from September 2012 - March 2013 and  
853 September 2013 - March 2014.

854  
855  
856 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5  
857 Negative: 0  
858 Absent: 0

859

860

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

863

864 CUP2012-00024 FAITH LANDMARKS MINISTRIES requests a  
865 temporary conditional use permit pursuant to Section 24-116(c)(1) of the County  
866 Code to hold a temporary event at 4034 Crockett Street (GREENDALE ANNEX)  
867 (Parcel 772-749-6306) zoned B-3C, Business District (Conditional), (Brookland).

868

869 Ms. Harris - All persons who wish to speak to this case please  
870 stand to be sworn in. Raise your right hand.

871

872 Mr. Blankinship - Do you swear the testimony you're about to give is  
873 the truth, the whole truth and nothing but the truth so help you God?

874

875 Mr. Isbell - Yes sir.

876

877 Ms. Harris - Please state your name, spell your last name, and  
878 state your case.

879

880 Mr. Isbell - Good morning. Scott Isbell—I-s-b-e-l-l. I am a staff  
881 minister with Faith Landmarks Ministries here in the County. And we are  
882 proposing to have a small festival at the Crockett Street location for the Hispanic  
883 community in partnership with the stores that are there on the Crockett Street  
884 property. We intend to have an 11:00 to 3:00 p.m. event. It's a four-hour event  
885 on Saturday, August the 11<sup>th</sup>. And we want to have a small band, just part of our  
886 ministry, and face painting, activities for the children, soccer, relay kind of things  
887 for the community.

888

889 Ms. Harris - Will Crockett Street be closed?

890

891 Mr. Isbell - No, I don't believe we can. We had a wonderful  
892 meeting with the attorney and all the different departments of the County where  
893 they have been very helpful in kind of guiding us and helping us to come to  
894 agreements on what we should do and what we shouldn't do. They've been very  
895 helpful and we're very pleased to have worked with everyone to this point to get  
896 to where we are. I believe it was Mr. Madrigal's suggestion, recommendation,  
897 that we take this procedure with the conditional use permit.

898

899 Ms. Harris - Can you point out parking, show us where parking will  
900 be?

901

902 Mr. Isbell - Right. For parking we plan to use the parking to the  
903 left of the facility. It's the Park and Ride. We have permission with them to use  
904 that parking lot.

905  
906 Ms. Harris - So there would be no on-the-street parking at all?  
907  
908 Mr. Isbell - No.  
909  
910 Ms. Harris - Are there any other questions?  
911  
912 Mr. Bell - How many people are you planning for?  
913  
914 Mr. Isbell - We don't know exactly, but we are estimating 300 to  
915 400 people.  
916  
917 Mr. Bell - That's total for the day.  
918  
919 Mr. Isbell - Over that time period, yes sir.  
920  
921 Mr. Bell - When you had your meetings with the County, these  
922 conditions I'm sure are part of that. Do you understand all the conditions?  
923  
924 Mr. Isbell - Yes sir, yes sir. And we don't have a problem with any  
925 of them.  
926  
927 Mr. Bell - There is one on there that I was wondering about that  
928 I don't see as a condition. During your conversation did you talk about the  
929 security, having your own security officers or police?  
930  
931 Mr. Isbell - Yes sir, we did talk—there was a representative of the  
932 police department at the meeting that we held. We did discuss that. We do have  
933 our own group of security that we would have positioned to help direct any kind  
934 of traffic issues. Or if there was an emergency, they would be in contact with  
935 police directly.  
936  
937 Mr. Bell - For the Board members, I did talk with a staff member  
938 who did tell us that the police department was planning to patrol it and were  
939 aware of it. Where the parking is, if you notice they have to cross one street  
940 getting to that area there. Are you going to have a main entrance to the area, or  
941 are they just going to be able to come in any place they want to come in?  
942  
943 Mr. Isbell - Well, we've been asked to temporally use like traffic  
944 cones to prohibit cars from coming into the parking lot of the Crockett Street  
945 mall. So we would direct people to park in one location and to walk across the  
946 street you're referring to into that central parking area.  
947  
948 Mr. Bell - And then enter the strip mall from any area—from the  
949 end, from the sides, etc.

951 Mr. Isbell - I think it would wise to try and accomplish that from  
952 the one end where the parking area is.

953  
954 Mr. Bell - Also, across the street you have a driveway that goes  
955 into the shopping center. And I notice that one of the conditions is for them to be  
956 aware not to use that parking area.

957  
958 Mr. Isbell - Yes sir.

959  
960 Mr. Bell - How are you going to control that?

961  
962 Mr. Isbell - I think the idea of security personnel monitoring  
963 people and informing them you're not able to park there if you're coming to the  
964 festival, that parking is in the other direction. We do have safety vests for  
965 security and traffic direction devices if needed.

966  
967 Mr. Bell - Thank you.

968  
969 Mr. Isbell - Yes sir.

970  
971 Ms. Harris - Any other questions from Board members? Have you  
972 sponsored this type of event in other communities?

973  
974 Mr. Isbell - This particular event is more or less catering to the  
975 Hispanic community in partnership with those stores. Over the years in the city of  
976 Richmond in project communities we have done very similar events. I also stand  
977 to do similar events outside of the United States, but at a much greater scale. So  
978 as I expressed to the team of the County's varying departments, we have a lot of  
979 experience in these types of events.

980  
981 Ms. Harris - Any other questions? That concludes the case. Thank  
982 you.

983  
984 Mr. Isbell - Thank you.

985  
986 [After the conclusion of the public hearings, the Board discussed the case  
987 and made its decision. This portion of the transcript is included here for  
988 convenience of reference.]

989  
990 Ms. Harris - What is the pleasure of the Board?

991  
992 Mr. Bell - I move that we approve this CUP.

993  
994 Ms. Harris - Is there a second?

995  
996 Mr. Nunnally - Second.

- 997  
998 Ms. Harris - Okay. Motion made by Mr. Bell, seconded by Mr.  
999 Nunnally that this case be approved. Are there any questions on the motion?  
1000  
1001 Mr. Blankinship - Mr. Bell, for the record can you give some supporting  
1002 reasons for your motion?  
1003  
1004 Mr. Bell - Yes. I don't think it will adversely affect the health,  
1005 safety, or welfare of persons. It will not unreasonably affect public safety. I don't  
1006 think it affects the character of the district.  
1007  
1008 Ms. Harris - We know that in this case, as in the previous case,  
1009 the experience of the applicant certainly should ensure the success of this event.  
1010 All in favor say aye. All opposed say no. The ayes have it; the motion passes.  
1011  
1012 After an advertised public hearing and on a motion by Mr. Bell, seconded by Mr.  
1013 Nunnally, the Board **approved** application CUP2012-00024, FAITH  
1014 LANDMARKS MINISTRIES' request for a temporary conditional use permit  
1015 pursuant to Section 24-116(c)(1) of the County Code to hold a temporary event  
1016 at 4034 Crockett Street (GREENDALE ANNEX) (Parcel 772-749-6306) zoned B-  
1017 3C, Business District (Conditional), (Brookland). The Board approved the  
1018 temporary conditional use permit subject to the following conditions:  
1019  
1020 1. This conditional use perrnit is for the approval of a one day temporary outdoor  
1021 event to be held at the Glenside Center on August 11, 2012.  
1022  
1023 2. The outdoor event shall be limited to the following time: 8:00 am to 5:00 pm.  
1024  
1025 3. Only the temporary improvements shown on the plot plan and aerial site photo  
1026 filed with the application may be erected pursuant to this approval. Any additional  
1027 improvements shall comply with the applicable regulations of the County Code or  
1028 as specified in the conditions of approval.  
1029  
1030 4. Temporary tent structures and jump houses shall adhere to the following  
1031 setback requirements: 10 foot separation from buildings, 10 feet from front  
1032 property line, 5 feet from side and rear property lines, 6 feet separation between  
1033 exhibits.  
1034  
1035 5. Tents and jump houses shall be properly tethered as required by the Building  
1036 Inspections Department and/or Fire Division.  
1037  
1038 6. The applicant shall obtain necessary building permits for items including tents,  
1039 electrical generators, amusement devices, and elevated stages to be used at the  
1040 site.  
1041



1086 On a motion by Mr. Wright, seconded by Mr. Bell, the Board **approved as**  
1087 **submitted the Minutes of the June 28, 2012, Henrico County Board of Zoning**  
1088 **Appeals meeting.**

1089

1090

1091 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5  
1092 Negative: 0  
1093 Absent: 0

1094

1095

1096 Ms. Harris - The approval of the calendar of meeting dates and  
1097 application deadlines. Let's look at that, please. Do we need a motion for that?

1098

1099 Mr. Blankinship - Yes ma'am.

1100

1101 Ms. Harris - Okay.

1102

1103 Mr. Wright - I move we approve the calendar of meeting dates and  
1104 application deadlines as submitted.

1105

1106 Ms. Harris - Is there a second?

1107

1108 Mr. Nunnally - Second.

1109

1110 Ms. Harris - Its been moved and properly seconded that we would  
1111 approve the calendar for meeting dates and the filing deadlines. Are there any  
1112 questions on the motion? All in favor say aye. All opposed say no. The ayes  
1113 have it; the motion passes.

1114

1115 On a motion by Mr. Wright, second by Mr. Nunnally, the Board **approved as**  
1116 **submitted the Calendar of Meeting Dates and Application Deadlines** for the  
1117 Henrico County Board of Zoning Appeals.

1118

1119

1120 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5  
1121 Negative: 0  
1122 Absent: 0

1123

1124 Ms. Harris - If there is no other business before this body today,  
1125 the meeting is adjourned.

1126

1127

1128

1129

1130

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1155

Helen E. Harris

Helen E. Harris  
Chairman

BW Blif

Benjamin Blankinship, AICP  
Secretary

HENRICO COUNTY BOARD OF ZONING APPEALS  
2013 MEETING SCHEDULE

BOARD OF ZONING APPEALS - 9:00 A.M.	
<u>Meeting Date</u> (Thursday)	<u>Filing Deadline</u> (Thursday)
January 24, 2013	December 13, 2012
February 28	January 24, 2013
March 28	February 21
April 25	March 21
May 23	April 18
June 27	May 23
July 25	June 20
August 22	July 18
September 26	August 22
October 24	September 19
November 21	October 17
December 19	November 14

# HENRICO COUNTY PLANNING COMMISSION

## 2013 MEETING SCHEDULE

### REZONING - 7:00 P.M.

<u>Meeting Date (Thursday)</u>	<u>Filing Deadline (Thursday)</u>
January 10, 2013	November 15, 2012
February 14	December 20, 2012
March 14	January 17, 2013
April 11	February 14
May 9	March 14
June 13	April 18
July 11	May 16
August 15	June 20
September 12	July 18
October 10	August 15
November 14	September 19
December 5	October 10

### PLANS OF DEVELOPMENT, SUBDIVISIONS, LANDSCAPE & LIGHTING PLANS - 9:00 A.M.

<u>Meeting Date (Wednesday)</u>	<u>Filing Deadline (Friday)</u>
January 23, 2013	November 30, 2012
February 27	January 11, 2013
March 27	February 8
April 24	March 8
May 22	April 5
June 26	May 10
July 24	June 7
No Meeting	
September 25	August 9
October 23	September 6
November 20	October 4
December 11	October 25

#### NOTES

1. The Planning Commission rules and regulations specify that a maximum of nine (9) new applications for zoning map amendments (or a cumulative total of 12 applications for zoning map amendments and provisional use permits), may be placed on each month's agenda. Additional applications that are received will be placed on the agenda for the following month unless the Commission waives the rule.
2. The Board of Supervisors meets at 7:00 p.m. on the second and fourth TUESDAY of each month (with the exception of periodic adjustments). Rezoning requests are normally heard at the Board's first meeting of the next month following the Planning Commission action.