

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY**
3 **ADMINISTRATION BUILDING IN THE GOVERNMENT CENTER AT PARHAM**
4 **AND HUNGARY SPRING ROADS, ON THURSDAY JULY 24, 2014 AT 9:00**
5 **A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
6 **DISPATCH JULY 7, 2014, AND JULY 14, 2014.**

7
Members Present: R. A. Wright, Chairman
Greg Baka
Gentry Bell
Helen E. Harris

Member Absent 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 Mr. Wright - Welcome to the July meeting of the Henrico County
10 Board of Zoning Appeals. Please stand and join me in pledging allegiance to the
11 flag of our country.

12
13 I will mention this in case some of you don't know. Mr. Nunnally had a
14 pacemaker put in. He went to the doctor and they said his heartbeat was too low,
15 so he can't drive for a couple weeks. That's why he's not here. Otherwise, he
16 seems to be doing okay. I talked to him.

17
18 Mr. Blankinship - I guess we can dispense with the reading of the rules.

19
20 Mr. Baka - Should we do the BZA minutes first.

21
22 Mr. Blankinship - Yes. We were thinking we could do the minutes.

23
24 Mr. Wright - Okay, how about the minutes? Are there any
25 comments on the minutes? Is this the applicant?

26
27 Mr. Blankinship - I believe it is.

28
29 Mr. Wright - I believe so. Okay.

30
31 Mr. Blankinship - All right. We'll get right back on order then. You can
32 come right on down to the podium.

34 Ms. Willard - I saw I was the only one, and I was like oh no, don't
35 tell me they're going to close up before I get there.

36
37 **CUP2014-00023** **RICHMOND ELKS LODGE NO. 45** requests a
38 conditional use permit pursuant to Section 24-116(c)(1) of the County Code to
39 allow a turkey shoot at 10022 Elks Pass Lane (Parcel 750-768-4929) zoned
40 Agricultural District (A-1) (Three Chopt).

41
42 Mr. Wright - All persons desiring to speak with reference to this
43 case, please stand and be sworn whether you are for or against.

44
45 Mr. Blankinship - Raise your right hand, please. Do you swear the
46 testimony you're about to give is the truth and nothing but the truth so help you
47 God?

48
49 Ms. Willard - I do.

50
51 Mr. Wright - Please state your name for the record and then state
52 your case.

53
54 Ms. Willard - Faye Willard. I'm applying for a conditional use permit
55 for a turkey shoot at Richmond Elks Lodge #45. We've had it since 1988 without
56 incident. That's why I'm here.

57
58 Mr. Wright - Have you read the conditions proposed for this case
59 by the staff?

60
61 Ms. Willard - Yes.

62
63 Mr. Wright - Are you in accord with the conditions?

64
65 Ms. Willard - Yes. Per a statement from our Chairman of the
66 Trustees, he met with the senior electrical inspector. They will have all electrical
67 violations abated on or before August 9th. The majority of the abatement will be
68 completed on July 26. They will engage a licensed contractor to obtain a permit,
69 perform the work, and obtain approval of a final inspection for all the electrical
70 work done in and around the picnic shelter, shooting range, and gathering area.
71 And the shot barrier, they're bringing in new soil to be maintained at a minimum
72 of six feet in height, maximum of ten feet behind, and extend ten feet beyond
73 each end of the target line.

74
75 Mr. Wright - Sounds like, then, you will be in accord with #10.

76
77 Ms. Willard - Yes.

78
79 Mr. Wright - Same operation as you've had over the years?

80
81 Ms. Willard - Yes.
82
83 Mr. Wright - Have you had any complaints or any problems?
84
85 Ms. Willard - No complaints, no problems. Once in a while we get a
86 phone—we won't get a phone call, but the police will get a phone call of hearing
87 shots fired. And they will drop by and investigate.
88
89 Mr. Wright - Yes. Well I can understand that.
90
91 Ms. Willard - That's the only thing we've ever had.
92
93 Mr. Wright - Any questions of members of the Board?
94
95 Mr. Bell - One quick question. In reading the report it says that
96 there has never been any conflict between the midweek concerts and these
97 people. If there is a conflict, how is that handled?
98
99 Ms. Willard - We had one last year. We only had one shoot on a
100 Saturday. We went down there and told them that we were going to have it just
101 so that they were aware of it. Our stuff doesn't interfere with them, but we just let
102 them know that we were having it so that when they heard shots they wouldn't be
103 alarmed.
104
105 Mr. Bell - Thank you.
106
107 Mr. Wright - Any other questions?
108
109 Ms. Harris - Yes, I have a couple of questions. On the application
110 for conditional use permit, the proposed hours of operation, I notice that you have
111 two sets of hours that I was just concerned about. The line above that you have
112 an "A" and a "B."
113
114 Mr. Wright - That's covered on #2 in the proposed conditions.
115
116 Mr. Blankinship - That's two separate years, although they're not very
117 well differentiated.
118
119 Mr. Wright - This is for two years.
120
121 Mr. Blankinship - Yes.
122
123 Ms. Willard - It's a Friday and a Saturday for two years.
124

125 Mr. Blankinship - I think there's a typo there. "A" is correct. "B" should
126 be 9/13/2015. And then on the end "A" is correct. And "B" should be 3/31/2016. I
127 hadn't noticed that until just now.
128
129 Mr. Wright - But that's covered in the conditions.
130
131 Mr. Blankinship - It is spelled out correctly in the conditions, yes.
132
133 Mr. Wright - The conditions are proper.
134
135 Ms. Harris - Okay. The other question that I have is what is the
136 range of these shotguns?
137
138 Ms. Willard - The range?
139
140 Mr. Blankinship - How far can the shotgun fire?
141
142 Ms. Willard - I believe it's twenty-feet. I'm not 100 percent sure.
143
144 Mr. Wright - Don't we cover that in the report?
145
146 Mr. Blankinship - We do require the use of low-power shot.
147
148 Ms. Willard - Yes, it's 12 gauge, number 8 shot.
149
150 Mr. Baka - How far does the shooter stand from the actual target,
151 then, twenty-five?
152
153 Ms. Willard - I think it's twenty-five where the rail is.
154
155 Mr. Baka - Twenty-five feet? Okay. Okay.
156
157 Ms. Harris - And the shot actually travels about twenty-five feet?
158
159 Ms. Willard - Yes.
160
161 Ms. Harris - Okay.
162
163 Mr. Madrigal - [Off microphone.] The range is 100 feet long.
164
165 Mr. Baka - Yes, I was thinking the distance was longer.
166
167 Mr. Blankinship - Do they fire a hundred feet?
168
169 Mr. Wright - That's what it says? Range measures a hundred feet
170 by a hundred feet in size.

171
172 Mr. Baka - I think a 12 gauge goes—
173
174 Mr. Wright - It says the target line is 100 feet from the rear
175 property line, so there's plenty of area back there.
176
177 Mr. Blankinship - I guess I'm thinking in yards rather than in feet. I
178 usually shoot pistol at twenty-five yards.
179
180 Mr. Wright - Any further questions?
181
182 Mr. Baka - Just one question. Condition 7 talks about using
183 shotguns no larger than 12 gauge. What would you do if someone comes to the
184 shoot with a shotgun larger than that? What's the policy?
185
186 Ms. Willard - They don't shoot.
187
188 Mr. Baka - Okay.
189
190 Ms. Willard - We have a house gun at 12 gauge that they can use,
191 but they can't shoot.
192
193 Mr. Baka - A house gun. Thank you.
194
195 Mr. Blankinship - Is yours operated such that you actually hand the
196 shooter the shell when they step up to the line?
197
198 Ms. Willard - Yes. We test the gun and hand the shooter—we
199 supply the shell and hand it to them.
200
201 Mr. Baka - Thanks.
202
203 Mr. Wright - That's the answer.
204
205 Mr. Blankinship - That's why we feel comfortable putting in the
206 condition about what shells can be fired because we know they're going to go out
207 and acquire them all.
208
209 Mr. Wright - Any further question of members of the Board? And
210 just for the record, is anyone here in opposition to this request? Hearing none,
211 that concludes the case. Since this the only case we have on the agenda we will
212 now consider it for action. Do we have a motion on this case?
213
214 Mr. Bell - I make a motion that we approve it because I don't
215 see any safety, health, or wellbeing problems to other people. It seems to be well
216 covered.

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Mr. Wright - All right. Is there a second to that motion?

Mr. Baka - Second.

Mr. Wright - Seconded. Is there any discussion? Hearing none, all in favor say aye. All opposed say no. The ayes have it; the motion passes.

After an advertised public hearing and on a motion by Mr. Bell, seconded by Mr. Baka, the Board **approved** application **CUP2014-00023, RICHMOND ELKS LODGE NO. 45's** request for a conditional use permit pursuant to Section 24-116(c)(1) of the County Code to allow a turkey shoot at 10022 Elks Pass Lane (Parcel 750-768-4929) zoned Agricultural District (A-1) (Three Chopt). The Board approved the temporary conditional use permit subject to the following conditions:

1. This conditional use permit applies only to a temporary event – a competitive turkey shoot. All other applicable regulations of the County Code shall remain in force.
2. The turkey shoot shall be limited to the following dates and times: Fridays, 6:00 pm to 10:00 pm, and Saturdays, 2:00 pm to 10:00 pm, from September 2014 thru March 2015, and September 2015 thru March 2016.
3. The property shall be clearly posted to show the particular area where the shooting is to occur and where the impact area is located.
4. No alcoholic beverages may be consumed on the site during the turkey shoot. A sign to this effect shall be conspicuously posted in the immediate vicinity of the shooting area. No person under the influence of alcohol, as defined in Section 18.2-266 of the Code of Virginia, may be permitted in the shooting area.
5. Restrooms shall be provided.
6. No firearm shall be discharged within 300 feet of any lot occupied by a dwelling, or within 300 feet of any building other than buildings on the same parcel, or across any road or street.
7. The turkey shoot shall only involve the use of shotguns no larger than 12 gauge and low powered (2-3/4") shells containing No. 8 shot.
8. A shot barrier, a minimum of 6 feet in height and composed of mounded dirt, shall be maintained behind the targets as an added precaution. This barrier shall be located a maximum of 10 feet behind the targets and extend 10 feet beyond each end of the target line.

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9. Sufficient off-street parking shall be provided for all cars visiting the premises.

10. Prior to the commencement of any competitive match, the applicant shall obtain permits, perform corrective work, and obtain approval of a final inspection for the all of the electrical work done underneath the picnic shelter, shooting range, and gathering area (located in front of the picnic shelter).

Affirmative:	Baka, Bell, Harris, Wright	4
Negative:		0
Absent:	Nunnally	1

Ms. Willard - Thank you very much.

Mr. Wright - Thank you very much for appearing. This is probably the shortest one we've ever had. Okay. That ends the agenda, does it not?

Mr. Blankinship - The applications, yes sir.

Mr. Wright - No secret ones, nothing hidden or whatever. All right, let's take up the amended rules. I've had an opportunity to review these very carefully; I assume the Board members have. I have no problem with the resolution the way it is stated. It certainly clarifies our meeting dates, when we meet, and what happens if we have inclement weather. Let's see if we have a motion and then we'll discuss it. Do I hear a motion that we approve this resolution? Then we can discuss it.

Mr. Baka - I make a motion that we approve the resolution as amended.

Mr. Wright - Is there a second?

Ms. Harris - Second.

Mr. Wright - Second. Now, any further discussion? It's pretty clear. It follows the Virginia statute. I think we'll commend Ben on his—are you going into the practice of law?

Ms. Harris - I have a question. I see that we received the Code of Virginia hours and duties of the Board of Zoning Appeals. Number 8 should be replaced by—I think it was the first page that I—I'm just concerned. The page that it has here on March 26, 2014, this is for Henrico County.

309 Mr. Wright - You're looking at the Planning Commission.
310
311 Mr. Blankinship - Oh right, yes.
312
313 Mr. Wright - That's not us; that's the Planning Commission one.
314 They meet twice a month so they have different problems than we do.
315
316 Ms. Harris - I was wondering why we were given this page right
317 here, page 3.
318
319 Mr. Wright - He just wanted to show us what the Planning
320 Commission had done.
321
322 Ms. Harris - Okay.
323
324 Mr. Blankinship - Right. They just earlier this year adopted a similar
325 resolution.
326
327 Mr. Wright - That's what they adopted. That has nothing to do with
328 us. I think Ben just wanted us to take a look at it to see this is what they have
329 done.
330
331 Mr. Blankinship - Yes. When we discussed it last month, I mentioned
332 the Planning Commission had adopted a resolution. And somebody asked to
333 have a copy of it in the packet.
334
335 Ms. Harris - Okay, that's fine.
336
337 Mr. Wright - Okay. Any further discussion? Hearing none, all in
338 favor say aye. All opposed say no. The ayes have it; the motion passes. **This**
339 **resolution is approved and will be an amendment to our rules.**
340
341
342 Affirmative: Baka, Bell, Harris, Wright 4
343 Negative: 0
344 Absent: Nunnally 1
345
346
347 Mr. Blankinship - We also have the calendar of 2015 meeting dates and
348 filing deadlines.
349
350 Mr. Wright - All right, that looks okay. Any questions about the
351 calendar? All right. How about the minutes? Do I hear a motion on the minutes?
352
353 Ms. Harris - I move that we accept the minutes as presented.
354

355 Mr. Wright - All right. Motion's made. Is there a second?
 356
 357 Mr. Baka - Second.
 358
 359 Mr. Wright - Any discussion concerning the minutes? Hearing
 360 none, all in favor say aye. All opposed say no. The ayes have it; the motion
 361 passes. The minutes are approved.

362
 363 On a motion by Ms Harris, seconded by Mr. Baka, the Board **approved as**
 364 **presented the Minutes of the June 26, 2014**, Henrico County Board of Zoning
 365 Appeals meeting.

368 Affirmative:	Baka, Bell, Harris, Wright	4
369 Negative:		0
370 Absent:	Nunnally	1

371
 372
 373 Mr. Wright - Is there anything else to come before this August
 374 body?

375
 376 Ms. Harris - Before we adjourn, is it my correct assumption that
 377 we elect officers next—

378
 379 Mr. Wright - Next month.

380
 381 Ms. Harris - Next month, okay.

382
 383 Mr. Wright - Next month. So we will elect officers next month. And
 384 since this will be my second year, our procedure has been that we elect a new
 385 chairman in August. And I think Mr. Blankinship has it so we work them sort of in
 386 order so that everybody has an opportunity to serve, if they desire to serve.

387
 388 Any other questions?

389
 390 Mr. Baka - No, not today.

391
 392 Mr. Wright - Anything else that we need to know about, Ben?

393
 394 Mr. Blankinship - No sir. We do have a caseload for next time though.
 395 So far we have four cases.

396
 397 Mr. Wright - Oh, that's good.

398
 399 Mr. Blankinship - Maybe more than that.

400

401 Mr. Wright - All right. Okay. Do I hear a motion that we adjourn?
 402
 403 Mr. Baka - So moved.
 404
 405 Mr. Wright - Second?
 406
 407 Mr. Bell - Second.
 408
 409 Mr. Wright - Any discussion? Hearing none, all in favor say aye.
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 411
 412 Affirmative: Baka, Bell, Harris, Wright 4
 413 Negative: 0
 414 Absent: Nunnally 1
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 417 Mr. Wright - We are adjourned.
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R. A. Wright

R. A. Wright
 Chairman

Benjamin Blankinship
 Benjamin Blankinship, AICP
 Secretary