

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 28, 2016 AT 9:00**
5 **A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
6 **DISPATCH JULY 11, 2016, AND JULY 18, 2016.**
7

Members Present: Gentry Bell, Chairman
Dennis J. Berman
Helen E. Harris
William M. Mackey, Jr.

Member Absent: Greg Baka, Vice Chairman

Also Present: Jean M. Moore, Assistant Director of Planning
Benjamin Blankinship, Secretary
R. Miguel Madrigal, County Planner
Sally Ferrell, Account Clerk

8
9 Mr. Bell - Welcome to the July 28th meeting of the Henrico
10 County Board of Zoning Appeals. I ask you to please stand and join me in
11 pledging allegiance to the flag of our country.
12

13 Thank you. Mr. Blankinship, please read our rules.
14

15 Mr. Blankinship - Good morning, Mr. Chair, members of the Board,
16 ladies and gentlemen, the rules for this meeting are as follows: Acting as
17 secretary, I'll call each case. And as I'm speaking, the applicant is welcome to
18 come down toward the podium. Then we will ask everyone who intends to speak
19 to that case to stand and be sworn in. Then a member of the Planning
20 Department staff will give a brief presentation. Then the applicant will speak. And
21 then anyone else who wishes to speak will be given the opportunity.
22

23 After everyone has had a chance to speak, the applicant, and only the applicant,
24 will have an opportunity for rebuttal. After the Board has heard all the evidence
25 and asked all their questions, they will proceed to the public hearing on the next
26 case on the agenda. After all of the public hearings, they will go back through the
27 agenda and discuss each case. They will render all of their decisions at the end
28 of the meeting. So if you wish to know their decision on a specific case, you can
29 either stay until the end of the meeting, or you can check the Planning
30 Department website—we usually get it updated within the hour after the end of
31 the meeting—or you can call the Planning Department this afternoon.
32

33 This meeting is being recorded, so we'll ask everyone who speaks to speak
34 directly into the microphone on the podium. State your name, and please spell
35 your last name to make sure we get it correctly in the record.

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The Code of Virginia provides that in order to rule in favor of an applicant, there must be three affirmative votes. We have one member absent today. So if anyone would like to defer your case until next month, that would give you that fifth vote that might make the difference for your case. Does anyone want to defer until next month? All right, Mr. Chairman, hearing none, I guess we're ready to go.

CUP2016-00013 **RICHMOND ELKS LODGE #45** requests a conditional use permit pursuant to Section 24-116(d)(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).

Mr. Blankinship - Is the applicant here? Okay. Would everyone who intends to speak to this case please stand and be sworn in? Raise your right hand please. Do you swear the testimony you're about to give is the truth, the whole truth, and nothing but the truth so help you God?

Male: I do.

Mr. Blankinship - Thank you. Mr. Madrigal, if you would begin.

Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the board, before you is a request to allow a fraternal organization to conduct a turkey shoot. The subject property is located near the intersection of Nuckols Road and Interstate 295. The site is 8.87 acres in size and is improved with a 6,000-square-foot assembly hall and a 1,100-square-foot picnic shelter with parking located at the front of the meeting hall.

The lodge was constructed in 1983 by way of a provisional use permit and a plan of development. The Elks Lodge has been continuously conducting competitive turkey shoots at this location for the last 29 years, commencing in 1987. The purpose of this request is to renew their biannual use permit and continue with this fundraising activity. When the original permit was approved in 1987, the surrounding area was undeveloped.

Since 1994, the surrounding area has developed into a large office complex. In the late 1990s, the adjacent property to the north was used to host concert events, the Innsbrook After Hours Concert Series. The existing concern pavilion is located approximately 500 feet north of the Elks Lodge firing range. Here is the firing range, and the pavilion is right up here.

The Elk's shooting range is located at the northwest corner of their property and measures approximately 100 feet by 100 feet deep and is 100 feet distant from the rear property line. In addition to the 100-foot wooded buffer behind the target line, there is an 8-to-10-foot earthen berm that serves as a backstop for the shot.

82 Beyond the Elk's rear property line, there is an additional 70 feet of wooded
83 buffer followed by an open field that occasionally serves as an overflow parking
84 lot for large-draw concert events. Due to the orientation of the shooting range,
85 participants shoot in a northeasterly direction away from the concert pavilion.

86
87 The subject property is zoned A-1 and is designated an Urban Mixed-Use on the
88 2026 Land Use Plan. The existing fraternal organization is consistent with both
89 the Comprehensive Plan and zoning designation of the property. The turkey
90 shoot is also consistent so long as there are no significant impacts on
91 neighboring property, safety being the primary concern. Although the concert
92 venue was recently allowed to increase their maximum attendance numbers and
93 extend their weekday hours when county schools are not in session, staff does
94 not anticipate any significant conflicts between the office park, the concert venue,
95 and the proposed use.

96
97 The office uses operate during normal business hours, so there is little conflict
98 expected. There is more potential for conflict to occur between the turkey shoot
99 and concern events, especially if they coincide on a Friday or Saturday evening
100 between September and March.

101
102 With this in mind, staff is not aware of any conflicts or complaints arising from the
103 two uses. In order to limit potential conflicts, maintain minimum safety standards
104 and mitigate any detrimental impacts, staff has developed specific conditions of
105 approval for the Board's consideration. Additionally, staff recommends that the
106 Elks board and Innsbrook management continue working together to avoid any
107 scheduling conflicts between the two venues.

108
109 In conclusion, the proposed turkey shoot is an accessory function of the Elks
110 Lodge allowing them to raise funds for their charitable work and continue with a
111 long-established use they are known for. Staff has also found the proposed use
112 to be consistent with both the zoning and the Comprehensive Plan designations
113 for the property. So long as the events follow established safety protocols and
114 adhere to the recommended conditions, the shooting competition should not
115 pose a substantial detriment to nearby property. Staff therefore recommends
116 approval subject to the conditions found in your staff report.

117
118 This concludes my presentation.

119
120 Mr. Bell - Thank you. Any questions? Thank you.

121
122 Ms. Willard - Hi, I'm Faye Willard. W-i-l-l-a-r-d. I'm secretary for the
123 Richmond Elks Lodge.

124
125 Mr. Blankinship - Yes ma'am. Can you tell us a little bit about the turkey
126 shoot?

127

128 Ms. Willard - The turkey shoot, as he said, is one of our major
129 fundraisers for the year. We don't do bingo or anything like that anymore. We
130 have met with the Innsbrook people—Sydney Gunst and Paul Kreckman—and
131 we are in communication with Yvonne Nelson and Brian Menditto. We coordinate
132 so that we do not have at turkey shoot when they are having a Friday night
133 concert. They're having Alabama on September 16th, so we're not even going to
134 start until the next week.

135
136 Mr. Bell - Alcohol I know is sold inside the lounge area. How do
137 you control that from getting outside?

138
139 Ms. Willard - We don't have ABC off, so they can't go out of the
140 building with it. And you have to be a member to come inside. Our turkey shoot,
141 there are just a handful of members that participate in it. It's mostly people in the
142 area.

143
144 Mr. Bell - What size shot do you use now?

145
146 Ms. Willard - Number eight?

147
148 Mr. Bell - Same as in the past?

149
150 Ms. Willard - Yes.

151
152 Mr. Bell - For the record, what's the maximum effective distance
153 of that shot?

154
155 Ms. Willard - Thirty yards.

156
157 Mr. Bell - And then behind the targets your have—

158
159 Ms. Willard - A berm.

160
161 Mr. Bell - Thank you.

162
163 Mr. Berman - I'm not sure if you're already doing this, but in other
164 turkey shoots we've been recommending that a range marshal be on site on at
165 all times. They could be making sure that people are sober, that they are using
166 the proper ammunition, and that they're abiding by gun safety. Would you have
167 any issues adding that as a condition?

168
169 Ms. Willard - No. We have two members that are Henrico County
170 police officers that do participate. And one of them actually helps run it. So we
171 have people. We check their guns. We provide the ammo. We do have
172 somebody out there. So if that's part of the thing, that's no problem.

173

174 Mr. Berman - Thank you.
175
176 Ms. Harris - Ms. Willard, I have a couple of questions. How skilled
177 are your shooters?
178
179 Ms. Willard - Well they have to get a shotgun pellet into the middle
180 of a small target 30 yards away, so they're pretty sharp.
181
182 Ms. Harris - And we probably asked this question in past years,
183 but how far from Interstate 295 are you? I know the shooters are skilled, but if I
184 were shooting, I might need a greater distance in case the shot goes wild.
185
186 Ms. Willard - The shotgun pellets don't go that far. It's quite a
187 distance.
188
189 Ms. Harris - It's quite a distance?
190
191 Ms. Willard - There's an emergency access road—there's 12 acres
192 beside our property that Innsbrook owns. And there's an emergency access road
193 that goes right down to Innsbrook, by the concerts. And even beyond that; it's
194 quite a distance.
195
196 Ms. Harris - Okay. How often do you meet with the Innsbrook
197 managerial staff to determine when the events are held and to be sure that they
198 don't conflict? How often do you meet?
199
200 Ms. Willard - I just met with Mr. Gunst and Mr. Kreckman, and I'm
201 working with Yvonne Nelson. If there's something special that they're doing, they
202 let me know by e-mail.
203
204 Ms. Harris - Thank you.
205
206 Mr. Bell - Lastly, for me, have you read the conditions?
207
208 Ms. Willard - Yes.
209
210 Mr. Bell - And do you agree to all of them?
211
212 Ms. Willard - Yes.
213
214 Mr. Bell - Thank you. Any other questions? Thank you,
215 Ms. Willard.
216
217 Ms. Willard - Thank you.
218

219 Mr. Blankinship - Would anyone else like to speak to this case? All
220 right, we'll proceed with the next case.

221

222 **[After the conclusion of the public hearings, the Board discussed the case**
223 **and made its decision. This portion of the transcript is included here for**
224 **convenience of reference.]**

225

226 Mr. Bell - Do I hear a motion on this conditional use permit?

227

228 Mr. Berman - I move that we approve it with the addition of a tenth
229 condition that a range marshal is on site at all times checking gun safety,
230 sobriety, and ammo restrictions.

231

232 Mr. Bell - Do I hear a second?

233

234 Mr. Mackey - Second.

235

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

238

239 After an advertised public hearing and on a motion by Mr. Berman, seconded by
240 Mr. Mackey, the Board **approved** application **CUP2016-00013, RICHMOND**
241 **ELKS LODGE #45** request for a conditional use permit pursuant to Section 24-
242 116(d)(1) of the County Code to allow a turkey shoot at 10022 Elks Pass Lane
243 (Parcel 750-768-4929) zoned Agricultural District (A-1) (Three Chopt). The
244 Board approved the conditional use permit request subject to the following
245 conditions:

246

247 1. This conditional use permit applies only to a temporary event – a competitive
248 turkey shoot. All other applicable regulations of the County Code shall remain in
249 force.

250

251 2. The turkey shoot shall be limited to the following dates and times: Fridays,
252 6:00 pm to 10:00 pm, and Saturdays, 2:00 pm to 10:00 pm, from September
253 2016 through March 2017, and September 2017 through March 2018.

254

255 3. No alcoholic beverages may be consumed on the site during the turkey shoot.
256 A sign to this effect shall be conspicuously posted in the immediate vicinity of the
257 shooting area. No person under the influence of alcohol, as defined in Section
258 18.2-266 of the Code of Virginia, may be permitted in the shooting area.

259

260 4. Restrooms shall be provided.

261

262 5. All trash shall be in closed containers with regular pickups, the containers
263 shall be properly screened, and the area shall be kept clean.

264

- 265 6. No firearm shall be discharged within 300 feet of any lot occupied by a
- 266 dwelling, or within 300 feet of any building other than buildings on the same
- 267 parcel, or across any road or street.
- 268
- 269 7. The turkey shoot shall only involve the use of shotguns no larger than 12
- 270 gauge and low powered (2-3/4") shells containing No. 8 shot.
- 271
- 272 8. A shot barrier, a minimum of 6 feet in height and composed of mounded dirt,
- 273 shall be maintained behind the targets as an added precaution. This barrier shall
- 274 be located a maximum of 10 feet behind the targets and extend 10 feet beyond
- 275 each end of the target line.
- 276
- 277 9. Sufficient off-street parking shall be provided for all cars visiting the premises.
- 278
- 279 10. A range officer shall be present at the firing line at all times when the turkey
- 280 shoot is in progress to enforce these conditions and general firearm safety.

| | | | |
|-----|--------------|------------------------------|---|
| 281 | | | |
| 282 | | | |
| 283 | Affirmative: | Bell, Berman, Harris, Mackey | 4 |
| 284 | Negative: | | 0 |
| 285 | Absent: | Baka | 1 |
| 286 | | | |

287

288 **[At this point, the transcript continues with the public hearing on the next**

289 **case.]**

290

291 Mr. Blankinship - The next case, I will mention to the members of the

292 Board that we left a revised set of conditions on the table for you, and they were

293 provided to the applicant just a few minutes ago. So I hope he's had a chance to

294 at least look at them. In the drafting process, we changed some of the provisions

295 of the staff report and just didn't carry all of those changes through. I apologize

296 for that oversight.

297

298 **CUP2016-00014 POWELL TILGMAN HASTINGS, III** requests a

299 conditional use permit pursuant to Section 24-95(i)(4) of the County Code to

300 allow a carport to remain in the front yard at 2008 Skipwith Road (Parcel 761-

301 748-3961) zoned One-Family Residence District (R-3) (Three Chopt).

302

303 Mr. Blankinship - Would everyone who intends to speak to this case

304 please stand and be sworn in? Do you swear the testimony you're about to give

305 is the truth, the whole truth, and nothing but the truth so help you God? Thank

306 you. Mr. Madrigal?

307

308 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chairman, members of

309 the Board.

311 The applicant owns a 0.887-acre parcel, improved with a one-family dwelling that
312 was constructed in 1940. The County received a complaint regarding a detached
313 carport located in the front yard of this property. After confirming the complaint,
314 the applicant was told to either move the carport to his rear yard or apply for a
315 conditional use permit, thus today's application.
316

317 The property is zoned R-3 and is designated as Suburban Residential 2 on the
318 Comprehensive Plan. The use of the property as a one-family dwelling is
319 consistent with both of these designations. Accessory structures like a carport
320 are also consistent so long as they are located in the rear yard. It is also possible
321 to place them in a front or side yard with the approval of a conditional use permit.
322

323 The front yard contains several deciduous trees that help screen the carport. It is
324 moderately visible from Skipwith Road with greater visibility during the winter
325 months when the trees are bare. It is set back 89 feet from Skipwith Road, more
326 than twice the 40 feet required for a home in the R-3 district. At the same time,
327 none of the adjacent homes have accessory structures located in their front
328 yards. While the current location does not rise to the level of having a substantial
329 detrimental impact on nearby property, its location is not ideal.
330

331 In conclusion, the applicant should attempt to comply with the standards of the
332 zoning ordinance where possible. In this case, the applicant constructed a
333 carport in the front yard without obtaining the required building permit, which
334 would have alerted him the required setbacks in the zoning district. While the
335 existing location is convenient for the applicant, there is ample room to place a
336 carport in the rear yard without the need for a use permit.
337

338 Alternatively, placing the carport beside the home will provide the applicant easy
339 access, aligned with the existing driveway, and be more consistent with the
340 typical residential development pattern in the area.
341

342 With this in mind, staff recommends the Board approve the conditional use
343 permit, subject to conditions requiring the applicant relocate the carport to the
344 side yard and obtain a building permit. We've presented revised conditions with
345 respect to this recommendation.
346

347 This concludes my presentation.
348

349 Mr. Bell - Any questions? Thank you.
350

351 Mr. Hastings - My name's Powell Hastings. H-a-s-t-i-n-g-s. I'm taking
352 it with their recommendation that it needs to be moved back towards the side of
353 the house. It cannot be put in the backyard. I used to have a septic tank, and the
354 County told me years ago when I hooked up to the County for sewage and water
355 that they didn't advise me to build anything back in the backyard because of the
356 drainage field in the back.

357
358 Mr. Blankinship - And that's in the rear yard?
359
360 Mr. Hastings - Yes sir.
361
362 Mr. Blankinship - Okay. What about the side yard?
363
364 Mr. Hastings - Maybe 15, 20 feet back towards the side of the
365 house.
366
367 Mr. Blankinship - Okay. So is that agreeable to you to move it to the
368 side yard?
369
370 Mr. Hastings - If I had to, yes. Like he was saying, the only time it's
371 actually visible is during the wintertime when there are no leaves on the trees.
372 Now it's not very visible because all of the trees and brush that I do have in the
373 front yard are coving it up. It's on pavement, which I've already paved. I don't
374 keep anything underneath there but my car. There are no lawnmowers or trash
375 or anything of that sort.
376
377 Mr. Bell - Have you read the conditions?
378
379 Mr. Hastings - Yes sir, I have.
380
381 Mr. Bell - Would you agree with those conditions if it was
382 approved?
383
384 Mr. Hastings - Yes sir.
385
386 Mr. Bell - Any questions.
387
388 Mr. Berman - Is the current carport anchored to the ground? How
389 hard would it be to move it?
390
391 Mr. Hastings - It is anchored to the ground, sir. It's like the 4- or 6-
392 foot beam poles going down to anchor it down to hold it down.
393
394 Mr. Blankinship - It strikes me just looking at it, Mr. Berman and Mr.
395 Hastings, that it would be a lot more expensive to move the paving than it would
396 be to move the carport. It there's an expense involved, it's going to be having to
397 repave.
398
399 Mr. Hastings - Yes sir, I understand that. If I have to move it down to
400 the right further, I'd have to get that repaved for it to set on there. I'm sure you
401 have got letters from my neighbors who have signed off on it saying they had no
402 problem with it either. I am backed up to 64 so I only have neighbors on the right-

403 hand side and left-hand side. Thousand Oaks is across the street from me, and
404 those houses are covered by woods too. So I really only have two sets of
405 neighbors, one on each side of my house.

406
407 Mr. Blankinship - I'm glad you mentioned that.

408
409 Mr. Berman - So if the letters of approval are from adjacent property
410 owners, do we know where the complaint letter is from?

411
412 Mr. Blankinship - I do not, no sir. Let's see, we have 2004 Skipwith,
413 2012 Skipwith, and one here that does not have an address on it.

414
415 Mr. Berman - Those are the approvals?

416
417 Mr. Blankinship - Yes. They are very brief notes. They're all three the
418 same, so I presume you typed them and presented them to your neighbors.

419
420 Mr. Hastings - Yes I did, sir.

421
422 Mr. Blankinship - "We are next door neighbors of P. T. Hastings the III
423 of 2008 Skipwith Road, Henrico County, Virginia, 23294. We have no objection to
424 the carport in his yard." One of them is noted Steffen Barnes, 2004 Skipwith
425 Road. One is Mike Cowl, and one is Hung Luu, 2012 Skipwith Road.

426
427 Mr. Hastings - That's her husband.

428
429 Mr. Blankinship - Oh, okay. So those are the two.

430
431 Mr. Hastings - Yes, it's just two neighbors on each side of me, one
432 on each side. That's all I have for neighbors.

433
434 Ms. Harris - I have a question. Mr. Hastings, why did you turn this
435 carport in this manner? Is it more convenient for you to have it this way instead of
436 actually looking like a garage almost?

437
438 Mr. Hastings - I did not want a garage. I wanted a carport because I
439 take very good care of my cars. Actually, I called a gentleman who was a
440 contractor to do this for me. And then when the County called and complained, I
441 called him. He gave me the runaround about, "Oh, I know we should have had a
442 permit," and this and that. And I didn't go about it the right way, so I can't blame
443 anybody but myself. I should have looked thoroughly to see exactly what needed
444 to be done so I wouldn't run into this problem.

445
446 Ms. Harris - Right. But why are you having it face east/west rather
447 than having it face—I drove by there; it's quite visible. I don't know how anyone

448 could say it's not visible from Skipwith. I was wondering why you have the
449 entrance going from east to west rather north/south?

450

451 Mr. Hastings - That's just the way it got set up. Actually, the
452 company that installed it—if I'm not mistaken, I think they're down in South
453 Carolina. When they showed up, it was either three or four days earlier than they
454 were supposed to be there, so they had already started putting it together by the
455 time I got home from work.

456

457 Ms. Harris - Okay. Are you Hastings junior?

458

459 Mr. Hastings - The third.

460

461 Ms. Harris - The third. Okay. The property owner is junior. Okay,
462 thank you.

463

464 Mr. Berman - I'm not sure because I didn't write it down as I drove
465 by, but on the way to the Hastings home, I thought I saw another carport in a
466 front yard. Are you aware of any others in your neighborhood?

467

468 Mr. Hastings - There is one almost on the corner of Parham and
469 Skipwith.

470

471 Mr. Berman - Do we know if there are any filings on that?

472

473 Mr. Blankinship - I do not. I wasn't aware. Miguel, could you put the
474 aerial photo up please?

475

476 Mr. Bell - When you look at that aerial photo, that triangle
477 starting from the house and on back, all those people right there are the ones
478 you talked to?

479

480 Mr. Hastings - Yes sir. I have one house on one side of me and one
481 on the other. Just two neighbors. That's it, sir.

482

483 Mr. Bell - The one that's at Parham and Skipwith that he's
484 referring to that has another garage or a building that would be the triangle right
485 on the tip?

486

487 Mr. Hastings - No sir.

488

489 Mr. Bell - Where is the other one in the neighborhood is my
490 question.

491

492 Mr. Hastings - It's on Skipwith towards the end of Parham Road. It's
493 a couple miles away from me.

494
495 Mr. Bell - Okay. Thank you.
496
497 Mr. Hastings - Yes sir.
498
499 Ms. Harris - Mr. Hastings, you say you do agree with the
500 conditions. Look at condition 4 where it says you shall relocate.
501
502 Mr. Hastings - Yes ma'am.
503
504 Ms. Harris - You do agree with that.
505
506 Mr. Hastings - If that's what I have to do, then that's what I'll have to
507 do, ma'am.
508
509 Ms. Harris - Okay, thank you.
510
511 Mr. Hastings - Yes ma'am.
512
513 Mr. Bell - Any other questions? Thank you.
514
515 Mr. Hastings - Thank you.
516
517 Mr. Blankinship - Miguel, could you come back up to the podium,
518 please? Well actually, what's the question? Miguel is pinch-hitting for Paul this
519 morning, so he may not know the answer to your question.
520
521 Mr. Bell - If you move it to the side of the house or leave it
522 where it is, you need to get a conditional use permit.
523
524 Mr. Blankinship - Yes, that's correct. The only place he could do it by
525 right would be in the rear, and he's stated that he's been advised not to do that
526 because of the old septic system.
527
528 Mr. Bell - That's all I wanted to know. I thought that was the
529 case anyway, but I just wanted to be sure.
530
531 Mr. Blankinship - I really appreciate Miguel pinch-hitting for Paul who
532 could not be here this morning. Half of these reports are Miguel's and half of
533 them, he's presenting someone else's work. We appreciate that. Does anyone
534 else want to speak to conditional use permit #14? All right.
535
536 **[After the conclusion of the public hearings, the Board discussed the case**
537 **and made its decision. This portion of the transcript is included here for**
538 **convenience of reference.]**
539

540 Mr. Bell - Do I hear a motion on this conditional use permit? I
541 move that we accept it because we have no complaints of moving it there even
542 though it does not fall within the code. Do I hear a second? All right, hearing no
543 second, then the motion dies.

544

545 Mr. Blankinship - It dies without the second.

546

547 Mr. Berman - I would like to move that instead, as stated, that we
548 modify condition 4, the revised condition 4, such that the carport does not need
549 to be moved.

550

551 Mr. Bell - All right, do I hear a second?

552

553 Ms. Harris - I have a question. I guess we really need a second for
554 the discussion period. I don't care to second this at this point.

555

556 Mr. Bell - Is there any other motion?

557

558 Mr. Mackey - If we second the motion can we discuss it?

559

560 Mr. Blankinship - Yes.

561

562 Mr. Mackey - I second the motion so we can discuss it.

563

564 Ms. Harris - My concern, and I have been pondering this, is if we
565 do not get the property owner to comply with condition 4, it's going to remain just
566 as it is.

567

568 Mr. Blankinship - Yes ma'am.

569

570 Ms. Harris - Okay.

571

572 Mr. Mackey - But this motion has us striking the relocation part of 4.

573

574 Mr. Blankinship - To allow the carport to remain in its current location.

575

576 Mr. Mackey - Right.

577

578 Mr. Blankinship - That's how I understood the motion.

579

580 Mr. Berman - Yes. So basically file a retroactive building permit. I
581 understand the concerns about setting a precedent of accessory structures in the
582 front yard. I also understand that there is not a huge precedent that there are
583 already some in the front yard. I thought I passed one near Parham and the other
584 cross street. I also understand that the immediate neighbors have filed their
585 approval as-is. And I do understand that there is a complaint on file with the

586 Department of Community Revitalization, but I have no further details on where
587 that complaint is from.

588

589 Ms. Harris - My concern is that when I drive by and look at the
590 property, it just stands out. It's very different from the community. I find it hard to
591 believe that the neighbors are just going to go along with it. Evidently, there's
592 some sentimental value in it remaining, this historical site, seemingly. I cannot in
593 good conscious condone keeping things the way they are. I think they should be
594 improved.

595

596 Mr. Mackey - The applicant did say he would be in favor of
597 accepting moving it. I think the biggest hardship on him would be the cost of
598 having some more pavement up to the carport.

599

600 Mr. Berman - If he chooses to pave. The other option, which is up to
601 him, is the pea gravel or grass.

602

603 Mr. Mackey - True.

604

605 Mr. Bell - Any other discussion? Do I hear any more motions?

606

607 Mr. Blankinship - Well there is a motion on the floor that needs a vote.

608

609 Mr. Bell - And that's the motion that came originally?

610

611 Mr. Blankinship - The motion to approve in the existing location, striking
612 revised proposed condition 4.

613

614 Mr. Bell - Right. Any further discussion?

615

616 Ms. Harris - Okay. Mr. Bell, the reason that I didn't vote for your
617 motion was I wasn't sure that we were telling the property owner to relocate the
618 existing carport. But now that I understand it, I would support your motion. So I
619 have to say nay to this one.

620

621 Mr. Berman - We can always see if this gets shut down and then go
622 back to a third motion. So we'll see.

623

624 Mr. Mackey - I vote nay.

625

626 Mr. Blankinship - All right. Call the question?

627

628 Mr. Bell - The question, all those in favor of the motion say aye.

629 All those opposed say nay.

630

631 Mr. Blankinship - The vote is 2-2, so no action has been taken and
632 another motion would be in order.

633

634

635 Affirmative: Bell, Berman 2

636 Negative: Harris, Mackey 2

637 Absent: Baka 1

638

639

640 Mr. Bell - I then move that we accept the original motion.

641

642 Mr. Blankinship - To approve the conditional use permit with the revised
643 conditions as provided by staff this morning?

644

645 Mr. Bell - Exactly.

646

647 Mr. Mackey - Second.

648

649 Mr. Bell - Any discussion.

650

651 Mr. Berman - Seeing that my motion was defeated, I will likely
652 change the way I will vote.

653

654 Mr. Bell - All those in favor say aye. All those opposed say nay.
655 The ayes have it and the motion passes.

656

657 After an advertised public hearing and on a motion by Mr. Bell, seconded by Mr.
658 Mackey, the Board **approved** application **CUP2016-00014, POWELL TILGMAN**
659 **HASTINGS, III** request for a conditional use permit pursuant to Section 24-
660 95(i)(4) of the County Code to allow a carport in the side yard at 2008 Skipwith
661 Road (Parcel 761-748-3961) zoned One-Family Residential District (R-3) (Three
662 Chopt). The Board approved the conditional use permit request subject to the
663 following conditions:

664

665 1. This conditional use permit applies only to the location of a carport in the side
666 yard. All other applicable regulations of the County Code shall remain in force.

667

668 2. Only the improvements shown on the plot plan and building design filed with
669 the application, as amended by these conditions, may be constructed pursuant to
670 this approval. Any additional improvements shall comply with the applicable
671 regulations of the County Code. Any substantial changes or additions to the
672 design or location of the improvements shall require a new conditional use
673 permit.

674

675 3. The applicant shall obtain a building permit and pass all inspections no later
676 than September 30, 2016.

722 Due to the magnitude of the addition, their existing plant and operation will be
723 significantly impacted. In order to facilitate the proposed improvement and lessen
724 the impact on their deli operations, they have entered into a lease agreement
725 with VDOT for the use of the subject site as a temporary staging and storage
726 area, office trailer location, and employee parking lot.

727

728 The subject property is zoned M-1 and is designated as Planned Industrial on the
729 2016 Land Use Plan. Although a material storage yard is not a permitted
730 principal use in this district, the temporary storage yard will facilitate the
731 expansion of an existing manufacturing plant that is consistent with both the
732 zoning and Comprehensive Plan designations.

733

734 Due to the location of the property and the industrial nature of the area, staff
735 does not anticipate any substantial detrimental impacts to surrounding property.
736 The area is a light industrial warehousing and manufacturing hub located just
737 south of the airport. Surrounding property consists of large-acreage tracts with
738 industrial uses. The proposed use will be temporary in nature, will meet the
739 required setbacks, and will provide adequate screening for the proposed use,
740 which will help minimize any detrimental impacts.

741

742 In conclusion, the temporary storage yard will facilitate the physical expansion of
743 an existing manufacturing plant that it is consistent with both the zoning and
744 Comprehensive Plan designations. Although the storage yard is not a principal
745 permitted use, it is a temporary use that will have no lasting detrimental impacts
746 on the surroundings and will enable a significant improvement of an existing use.
747 Thus, staff recommends approval subject to the conditions found in the staff
748 report.

749

750 This concludes my presentation.

751

752 Mr. Bell - Any questions?

753

754 Ms. Harris - Yes. Do we know how temporary the use will be?

755

756 Mr. Madrigal - The use permit is for a maximum of two years, so
757 they have 24 months essentially.

758

759 Ms. Harris - Okay. And you talked about the screening. Do we
760 have information on how they're going to accomplish that?

761

762 Mr. Madrigal - There's existing screening now all along the front of
763 the property, a little here on the corner. Here you can see the site and you can
764 see all of the existing screening along Sprouse. So that will remain, and that will
765 help to mitigate any visual impact from the temporary storage yard.

766

767 Ms. Harris - So the screening is basically landscaping?

768
769 Mr. Madrigal - Yes.
770
771 Ms. Harris - Okay.
772
773 Mr. Madrigal - Existing landscaping.
774
775 Ms. Harris - Let me ask this question. We knew that according to
776 your report, or Paul Gidley's report, that because of the success of the business,
777 there will be an increase in manufacturing. Has that increase occurred yet?
778
779 Mr. Madrigal - It is a successful business. By the mere fact that they
780 made an application to double their existing plant shows that they're doing well
781 and they plan to grow—or they are growing, essentially.
782
783 Ms. Harris - So they're going to grow. In other words, I was
784 wondering—. I can ask the applicant when he steps to the podium. I'll just save
785 my question. Thank you.
786
787 Mr. Madrigal - Thank you.
788
789 Mr. Bell - Any other questions? Thank you.
790
791 Mr. Russell - My name is John Russell. R-u-s-s-e-l-l. I'm the project
792 manager. We're the owner's representative for design and construction of the
793 new plant.
794
795 Mr. Blankinship - What can you tell us about the project?
796
797 Mr. Russell - Well, we're going to invest close to \$50 million in
798 Henrico County in the next 20 months. We're going to provide 170 new jobs in
799 this county. It's a pretty fast-track job. We've got a lot of equipment coming in
800 from Japan. It's owned by a Japanese company. We've been working about a
801 year on the engineering. We've got our utility permits, our building permits.
802
803 What we found was that we needed more space for laydown. So we approached
804 VDOT about six months ago. Through some situations with our property, we're
805 not allowed to do any soils disturbance on our property. So we leased the
806 property. We really didn't know we had a CUP until we came in here I think three
807 or four months ago and were told we need a CUP. We had a local engineer do
808 the drawings. We submitted those drawings and told you about everything we
809 know.
810
811 We've got a couple construction trailers, storage trailers. We're going to be
812 putting a lot of precast stuff on this lot for about the next six months. At the end of
813 the lease, which is 24 months, we have to restore that lot exactly like it was. So

814 that's why we didn't cut any trees down, we didn't do anything. It's a big parking
815 lot. We're going to do some parking, we're going to have a lay-down area. We
816 got two construction trailers. That's a pretty typical job. We'll be out of here in
817 about 20 months, we hope.

818

819 Ms. Harris - I think that answered the question about how
820 temporary. You said you're going to invest \$50 million in Henrico County?

821

822 Mr. Russell - It will be approximately that much. There's a lot of
823 equipment coming from Japan that's non-taxed, so that's not counted in the
824 building permit. The permit itself I think is around 30 million.

825

826 Ms. Harris - Okay. How much have you invested already in this
827 proposed new construction?

828

829 Mr. Russell - We've made two down payments for equipment of 2.5
830 million dollars. And we've got about a million in it. So we've got about five million
831 in this project so far.

832

833 Ms. Harris - So you think you can complete the project in about 20
834 months?

835

836 Mr. Russell - Yes ma'am. I'm hoping to be finished, out of here,
837 online by February 2017.

838

839 Ms. Harris - Thank you.

840

841 Mr. Russell - We're on schedule right now.

842

843 Mr. Bell - Any questions?

844

845 Mr. Mackey - I think he already spoke to restoring the property.

846

847 Mr. Russell - Yes. We're having minimal impact on that property
848 because we have to restore it. There's a parking lot shown. We may not even
849 build a parking lot. It's very expensive to remove a parking lot, it turns out.

850

851 Mr. Mackey - The parking lot of the temporary parking of the
852 employees?

853

854 Mr. Russell - Yes sir, if we need that. We're not even sure we're
855 going to need that, so we're going to wait. If we start getting pressured, then we'll
856 probably have to put something in.

857

858 Mr. Mackey - All right, thank you.

859

860 Mr. Bell - Thank you, Mr. Russell. Anybody else like to speak to
861 this issue? All right.

862
863 **[After the conclusion of the public hearings, the Board discussed the case**
864 **and made its decision. This portion of the transcript is included here for**
865 **convenience of reference.]**

866
867 Mr. Bell - Do I hear a motion on this conditional use permit?

868
869 Mr. Mackey - I move that we accept the County's recommendation
870 of approval with the inclusion of the conditions as written.

871
872 Mr. Bell - Do I hear a second?

873
874 Mr. Berman - Second.

875
876 Mr. Bell - Any discussion?

877
878 Ms. Harris - I think we need to state here that the granting of this
879 motion is in keeping with what they are planning to do. I just feel it's in keeping
880 with the progress of the business. It will be good for the County of Henrico as
881 well and jobs for whomever. Thank you.

882
883 Mr. Bell - Any other discussion? Hearing none, all in favor say
884 aye. All opposed say no. The ayes have it; the motion passes.

885
886 After an advertised public hearing and on a motion by Mr. Mackey, seconded by
887 Mr. Berman, the Board **approved** application **CUP2016-00015, SAN-J**
888 **INTERNATIONAL's** request for a conditional use permit pursuant to Section 24-
889 116(d)(1) of the County Code to allow a temporary storage yard at 2891 Sprouse
890 Drive (SEVEN HILLS INDUSTRIAL CENTER) (Parcel 818-705-7634) zoned
891 Light Industrial District (M-1) (Varina). The Board approved the conditional use
892 permit request subject to the following conditions:

893
894 1. This conditional use permit allows a temporary storage and staging yard
895 including temporary office trailers and gravel parking. All other applicable
896 regulations of the County Code shall remain in force.

897
898 2. Only the improvements shown on the plot plan filed with the application may
899 be constructed pursuant to this approval. Any additional improvements shall
900 comply with the applicable regulations of the County Code. Any substantial
901 changes or additions to the design or location of the improvements shall require
902 a new conditional use permit.

903
904 3. Before beginning any clearing, grading, or other land disturbing activity, the
905 applicant shall submit an environmental compliance plan to the Department of
906 Public Works.

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953

4. The applicant shall obtain building permits for the temporary office trailers no later than 30 days after the approval of this permit.

5. Security lighting shall be provided on the property. Electrical permits for the relocated light poles around the property shall be obtained no later than 30 days after the approval of this permit. Any new light poles shall match the height of existing light poles. All exterior lighting shall be shielded to direct light away from adjacent property and streets.

6. The proposed gravel driveway shall be designed and constructed to the Department of Public Works standards and specifications

7. The proposed pedestrian crosswalk across Sprouse Drive shall be designed and striped to the Department of Public Works standards and specifications.

8. All traffic control signs shall be fabricated as shown in the Virginia Manual of Uniform Traffic Control Devices for Streets and Highways.

9. All existing landscaping shall be maintained in a neat and healthy condition at all times. Dead plant materials shall be removed within a reasonable time and replaced during the normal planting season.

10. All on-site trash shall be kept in closed containers with regular pickups, the containers shall be properly screened, and the area shall be kept clean.

11. On or before July 28, 2017, the applicant shall submit a written progress report on the San-J construction project and provide an anticipated date for the discontinuation of use of the storage yard including the removal of trailers and gravel parking lot.

12. The applicant shall vacate the property and remove all of the trailers from the property on or before July 28, 2018, at which time this permit shall expire. This permit shall not be renewed.

13. Within 30 days after the expiration of this permit, the applicant shall remove the temporary gravel parking lot and top dress and reseed the affected area so that it is returned to its pre-construction state.

| | | |
|--------------|------------------------------|---|
| Affirmative: | Bell, Berman, Harris, Mackey | 4 |
| Negative: | | 0 |
| Absent: | Baka | 1 |

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

954 **CUP2016-00016** **DAVID NANCE** requests a conditional use permit
955 pursuant to Section 24-95(i)(4) of the County Code to allow a garage to remain in
956 the side yard at 107 N New Avenue (HIGHLAND SPRINGS) (Parcel 824-723-
957 7067) zoned One-Family Residence District (R-4) (Varina).

958
959 Mr. Blankinship - Would everyone who intends to speak to this case
960 please stand and be sworn in? Do you swear the testimony you're about to give
961 is the truth, the whole truth, and nothing but the truth so help you God? Thank
962 you. You can have a seat while Mr. Madrigal begins.

963
964 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chair, members of the
965 Board.

966
967 The subject property is located at 107 New Avenue in Highland Springs. It is 50
968 feet wide and 120 feet deep. The property is improved with a one-family dwelling
969 built in 1937 and a 220-square-foot detached garage located in the rear yard.

970
971 The applicant would like to construct an addition onto the rear of his home;
972 however, this would place the existing detached garage in the side yard. In order
973 to allow this addition to move forward, the applicant is requesting a conditional
974 use permit to allow the garage to remain in the side yard.

975
976 The property is zoned R-4 and is designated Suburban Residential 2 on the
977 Comprehensive Plan. The residential use of the property is consistent with both
978 of these designations. Accessory structures like a detached garage are also
979 consistent so long as they are located in the rear yard. It is, however, possible to
980 place them in the side yard with the approval of a conditional use permit.

981
982 The proposed addition would be architecturally similar to the existing home with
983 vinyl siding and a cinderblock crawlspace. It would also meet all setback
984 requirements. The existing garage would remain in its current location with no
985 change in its overall look or size. As a result, staff does not believe that there will
986 be any detrimental impact to nearby property if this request is approved.

987
988 In conclusion, the proposed addition onto the rear of the home is consistent with
989 both the Zoning Ordinance and the Comprehensive Plan, with the exception that
990 it would result in the existing detached garage being located in the side yard.
991 Since the garage already exists, as a practical matter the only change in the
992 property would be from the proposed addition. Since the addition would comply
993 with all setback requirements, staff does not see any detrimental impact to this
994 request. As a result, staff can recommend approval of this request subject to
995 conditions found in the staff report.

996
997 This concludes my presentation.

998

999 Mr. Berman - This CUP is for the garage only, not the addition,
1000 right?
1001
1002 Mr. Madrigal - That is correct.
1003
1004 Mr. Bell - Any other questions?
1005
1006 Ms. Harris - I have a question about the setback from New
1007 Avenue. I'm looking at the site plan. Do we know how far the dwelling will be from
1008 New Avenue right now?
1009
1010 Mr. Madrigal - Right now it's 30 feet from the property line and then
1011 23 to the porch.
1012
1013 Ms. Harris - And with the new construction?
1014
1015 Mr. Madrigal - That would be towards the back behind the home.
1016 The hash-marked area on the plot plan you see, that's the proposed addition.
1017
1018 Ms. Harris - All right. So there would be no demolition at all in this
1019 proposal?
1020
1021 Mr. Madrigal - Not towards the front. Any demo will be just
1022 opening—actually probably removing the siding off the back of the home and
1023 opening that up in order to allow for connection and passage through the house
1024 to the new addition.
1025
1026 Ms. Harris - Okay.
1027
1028 Mr. Madrigal - Here's a floor plan. This is the existing residence
1029 here. They'll be connecting along this back wall, and they're going to install a
1030 door here into what would be a new bedroom and a three-quarter bath.
1031
1032 Ms. Harris - As it stands, how many bedrooms do they have in this
1033 dwelling now, do you know?
1034
1035 Mr. Madrigal - I'm not sure.
1036
1037 Ms. Harris - I noticed in their report they wanted it to conform.
1038
1039 Mr. Madrigal - The applicant's indicating that it's an existing two-
1040 bedroom home now, so this would be a third bedroom added on, and probably
1041 another bathroom.
1042
1043 Ms. Harris - Okay, thank you.
1044

1045 Mr. Bell - I noticed we received a complaint regarding a
1046 business being run out of the property. In your investigation, what did you find out
1047 about that?
1048
1049 Mr. Madrigal - That was referred to Community Maintenance. They
1050 are conducting an investigation. I know they've made contact with the applicant,
1051 and I believe that is moving forward.
1052
1053 Mr. Bell - Any other questions?
1054
1055 Mr. Mackey - Yes. That is the garage behind the van.
1056
1057 Mr. Madrigal - Yes. I can show you a better view here. So that's the
1058 garage there in question. This is along the front plane of the house. You can see
1059 how close it is to that rear plane of the house.
1060
1061 Mr. Mackey - And that had already been approved?
1062
1063 Mr. Madrigal - Yes. That's all existing, so yes. All that construction is
1064 original on the house, just by looking at it.
1065
1066 Mr. Bell - Thank you.
1067
1068 Mr. Nance - David Nance, N-a-n-c-e, property owner.
1069
1070 Mr. Ilch - I'm Mike Ilch, I-I-c-h, applicant.
1071
1072 Mr. Blankinship - All right, can you tell us a little bit about what you're
1073 doing?
1074
1075 Mr. Nance - This was a rental house. The fellow is disabled. He
1076 works like a part-time deal selling crabs over on Laburnum Avenue. The van was
1077 the issue. I've addressed that with him. He drives the van home at night, drives it
1078 back to where he sells his crabs in the mornings. I advised him that he can no
1079 longer put the van there per the rules. So he's going to abide by that. He's
1080 cleaned up the place considerably over those pictures. He has a grandson that's
1081 I believe 13 years old that he's taken custody of, trying to get him on the right
1082 road instead of the wrong road. He needs a third bedroom, and I'm willing to put
1083 it on. It's a Section 8 house, so he gets assistance. That's what my plan is.
1084
1085 Mr. Bell - Any questions?
1086
1087 Mr. Berman - Is this the van that I see sometimes on the corner at
1088 the gas station on Laburnum?
1089

1090 Mr. Nance - I believe it's at the corner of a gas station, Laburnum
1091 and Creighton.

1092
1093 Mr. Berman - Yes.

1094
1095 Ms. Harris - Was he doing any selling from his home?

1096
1097 Mr. Nance - No. No, he's not allowed. I told him that he could not
1098 run a business out of there. And what he was doing was he takes the crabs in the
1099 van over to the sale location site on Laburnum and Creighton. And then he was
1100 driving the van home. And I told him he was no longer allowed to do that. He's
1101 got to find a place to park the van, which he's in the process.

1102
1103 Ms. Harris - This question does not pertain directly to the CUP, but
1104 I was concerned about the roof. Is this the lighting or do you really have roofing
1105 problems?

1106
1107 Mr. Nance - The roof is going to be replaced also in the contract
1108 with the contractor. I'm trying to update the house quite a bit. The house is nice
1109 inside. The roof has been in the process of being replaced. I'm trying to
1110 coordinate, and he said let's just do it all at one time. So that is in the process.

1111
1112 Mr. Blankinship - That will make the addition look original.

1113
1114 Mr. Nance - Yes, yes.

1115
1116 Mr. Berman - Do you know where the complaint of odor is
1117 emanating from? Is it from steaming crabs on site or is it from just what's left over
1118 at the end of the day and parked there?

1119
1120 Mr. Nance - When he was getting crabs, he had those baskets
1121 that the crabs come in located in a pickup truck. I went over there and smelled
1122 them, and I told him he had to clean it up. Evidently a neighbor or somebody had
1123 complained. There was a new neighbor next door. And he mentioned that the
1124 people next door had eaten crabs and put them in a trash bag over a holiday
1125 weekend, and they sat out, and they were smelling. And he said that he kind of
1126 got the blame for it. And I said I don't care who gets the blame, this is going to
1127 get cleaned up. So I've been on him about ensuring any waste goes into a
1128 dumpster wherever, at the Henrico County Refuse on Charles City Road,
1129 whatever he needs to do, but it's not going to be a pigsty and it's not going to turn
1130 into one. So he's on board with that. I was by there day before yesterday. There
1131 was no odor, no smell. It was cleaned up.

1132
1133 Mr. Berman - Yes, I didn't smell anything over the weekend. Thank
1134 you.

1135

1136 Mr. Nance - Yes sir.
 1137
 1138 Mr. Bell - Any other questions? Thank you.
 1139
 1140 Mr. Nance - Thank you.
 1141
 1142 Mr. Blankinship - Anyone else like to speak to this case? All right, then.
 1143

1144 **[After the conclusion of the public hearings, the Board discussed the case**
 1145 **and made its decision. This portion of the transcript is included here for**
 1146 **convenience of reference.]**
 1147

1148 Mr. Bell - Do I hear a motion on this conditional use permit?
 1149

1150 Mr. Mackey - Mr. Chairman, I move that we accept the County's
 1151 recommendation to approve it with the addition of all conditions being adhered to.
 1152

1153 Ms. Harris - I second because I feel that the upgrade is going to
 1154 be good for the community.
 1155

1156 Mr. Bell - Is there any discussion? Hearing none, all in favor say
 1157 aye. All opposed say no. The ayes have it; the motion passes.
 1158

1159 After an advertised public hearing and on a motion by Mr. Mackey, seconded by
 1160 Ms. Harris, the Board **approved** application **CUP2016-00016, DAVID NANCE's**
 1161 request for a conditional use permit pursuant to Section 24-95(i)(4) of the County
 1162 Code to allow a garage to remain in the side yard at 107 N New Avenue
 1163 (HIGHLAND SPRINGS) (Parcel 824-723-7067) zoned One-Family Residence
 1164 District (R-4) (Varina). The Board approved the conditional use permit request
 1165 subject to the following conditions:
 1166

1167 1. This conditional use permit applies only to the location of the existing detached
 1168 garage in the side yard following the proposed addition. All other applicable
 1169 regulations of the County Code shall remain in force.
 1170

1171 2. Only the improvements shown on the plot plan and building design filed with
 1172 the application may be constructed pursuant to this approval. Any additional
 1173 improvements shall comply with the applicable regulations of the County Code.
 1174 Any substantial changes or additions to the design or location of the
 1175 improvements shall require a new conditional use permit.
 1176

1177
 1178 Affirmative: Bell, Berman, Harris, Mackey 4
 1179 Negative: 0
 1180 Absent: Baka 1
 1181

1182 [At this point, the transcript continues with the public hearing on the next
1183 case.]
1184

1185 **CUP2016-00017** **NIKUNJ PARIKH** requests a conditional use permit
1186 pursuant to Section 24-95(i)(4) of the County Code to build accessory structures
1187 in the side yard at 5808 Grayley Court (HENLEY) (Parcel 732-774-7197) zoned
1188 Agricultural District (A-1) (Three Chopt).
1189

1190 Mr. Blankinship - Would everyone who intends to speak to this case
1191 please stand and be sworn in? Do you swear the testimony you're about to give
1192 is the truth, the whole truth, and nothing but the truth so help you God? Thank
1193 you. Mr. Madrigal, you can begin. You might want to come down just because
1194 you're going to have to speak in a minute.
1195

1196 Mr. Madrigal - Mr. Chair, members of the Board, before you is a
1197 request to allow an accessory structure in the side yard. The subject property is
1198 located in the Henley subdivision, which was recorded in 2005. The applicant
1199 acquired the lot in 2008 and built a 6,000-square-foot dwelling in 2010. Last year
1200 the applicant expanded the residence by way of a room addition and a new deck.
1201 This year, he has applied for a building permit to add a pavilion with an outdoor
1202 kitchen and dining area.
1203

1204 The lot is oddly shaped due to its location alongside a cul-de-sac, and the
1205 existing residence is oriented toward the bulb of that cul-de-sac. As a result, the
1206 front and rear of the house face the side yards. Although the proposed pavilion
1207 will be located behind the house, it is technically in the side yard and requires the
1208 approval of a use permit.
1209

1210 The property is zoned A-1 and is designated as Rural Residential on the Land
1211 Use Plan. The existing dwelling is a permitted use in the A-1 district, and the
1212 proposed improvements are allowed as an accessory use. Although the Zoning
1213 Ordinance restricts accessory buildings to the rear yard, an argument can be
1214 made that the proposed pavilion is consistent with the intent of the regulations.
1215

1216 Staff does not anticipate any detrimental impact from the proposed
1217 improvements. The proposed structure would be 200 feet from the nearest
1218 dwelling and will be screened from view. The front, rear and interior side yard of
1219 the lot are heavily wooded and would shield the structure from view.
1220

1221 In conclusion, the proposed pavilion is consistent with the zoning and
1222 Comprehensive Plan designations, and is not expected to cause a detrimental
1223 impact on nearby property. Thus, staff recommends approval subject to
1224 conditions.
1225

1226 Mr. Bell - Are there any questions? Thank you.
1227

1228 Mr. Pittman - Wesley Pittman, P-i-t-t-m-a-n, contractor.
1229
1230 Mr. Blankinship - Can you tell us a little about what's being proposed?
1231
1232 Mr. Pittman - Yes sir. In the backyard, we are constructing a
1233 covered area that's going to be used for the purpose of an outdoor kitchen. It's
1234 roughly 16 by 24, and it's right behind the house. It can't be seen from really any
1235 side neighbors or from the road. It's a pretty simple project.
1236
1237 I think when I was applying for the building permit, there probably wouldn't even
1238 be a request for it except when the original developer designed it, for some
1239 reason, it was positioned so that the back yard is actually called the side yard.
1240
1241 Mr. Blankinship - Right.
1242
1243 Mr. Pittman - I think that's why we're here. That's about it. Yes sir.
1244
1245 Mr. Berman - Have you consulted with the homeowners'
1246 association and has the owner consulted with neighbors?
1247
1248 Mr. Pittman - I personally have not on the pavilion or outdoor
1249 kitchen part. I have not been in touch with Dr. Nik in the last couple of weeks, so I
1250 couldn't answer that question if he has or not.
1251
1252 Mr. Berman - By our approval, if the owner hasn't pursued the
1253 homeowners' association standards, we can't be held responsible for any
1254 violations that they may be in.
1255
1256 Mr. Pittman - We just completed a room addition on the back, and
1257 we obviously did submit everything to the homeowners' association, so I'll just
1258 make sure. After today's meeting, I'll get back with Dr. Nik, and we will approach
1259 the homeowners' association on that, yes sir.
1260
1261 Mr. Berman - Thank you.
1262
1263 Mr. Bell - Any other questions?
1264
1265 Ms. Harris - Yes. Why did you decide on this location?
1266
1267 Mr. Pittman - He has a finished basement, so when you come out
1268 of the doors of the finished basement and the room addition—that's two stories,
1269 so you walk out under the room addition. Then right there is the outdoor kitchen,
1270 so it's convenient to the flow of traffic in and out of the area. And once again, it's
1271 actually in the backyard, so none of the neighbors or anyone can see what's
1272 going on there.
1273

1274 Ms. Harris - So these construction materials that we're seeing
1275 here are for what construction?

1276
1277 Mr. Pittman - If you'll notice up there in the picture, we just finished
1278 that room addition and we just finished that brand new deck. So there are some
1279 materials left over from that and some excavation and things of that nature.

1280
1281 Ms. Harris - Thank you.

1282
1283 Mr. Pittman - Yes ma'am.

1284
1285 Mr. Bell - Any other questions? Thank you, Mr. Pittman.

1286
1287 Mr. Pittman - Yes sir. Thank you.

1288
1289 Mr. Blankinship - Would anyone else like to speak to that application?
1290 All right, well that completes the conditional use permits for this morning's
1291 agenda. We'll move on to the two variances on the agenda.

1292
1293 **[After the conclusion of the public hearings, the Board discussed the case**
1294 **and made its decision. This portion of the transcript is included here for**
1295 **convenience of reference.]**

1296
1297 Mr. Bell - Do I hear a motion on this?

1298
1299 Mr. Berman - I move that we approve CUP2016-00017 with the
1300 acceptance of all conditions stated.

1301
1302 Mr. Bell - Do I hear a second?

1303
1304 Ms. Harris - Second. I feel that in this particular case—the site is
1305 gorgeous. And I feel that they have plenty of room to do whatever they would like
1306 to do. I think the neighbors and neighborhood would be pleased.

1307
1308 Mr. Bell - All in favor say aye. All opposed say no. The ayes
1309 have it; the motion passes.

1310
1311 After an advertised public hearing and on a motion by Mr. Berman, seconded by
1312 Ms. Harris, the Board **approved application CUP2016-00017, NIKUNJ**
1313 **PARIKH's** request for a conditional use permit pursuant to Section 24-95(i)(4) of
1314 the County Code to build accessory structures in the side yard at 5808 Grayley
1315 Court (HENLEY) (Parcel 732-774-7197) zoned Agricultural District (A-1) (Three
1316 Chopt). The Board approved the conditional use permit subject to the following
1317 conditions:

1318

1319 1. Only the improvements shown on the plans filed with the application may be
1320 constructed pursuant to this approval. Any additional improvements shall comply
1321 with the applicable regulations of the County Code. Any substantial changes or
1322 additions to the design or location of the improvements shall require a new
1323 conditional use permit.

1324
1325 2. The new construction shall match the existing dwelling as nearly as practical
1326 in materials and color.

1327
1328 3. If land disturbance will affect over 2,500 square feet of land area, before
1329 beginning construction the applicant shall submit an environmental compliance
1330 plan to the Department of Public Works.

1331
1332
1333 Affirmative: Bell, Berman, Harris, Mackey 4
1334 Negative: 0
1335 Absent: Baka 1

1336
1337
1338 **[At this point, the transcript continues with the public hearing on the next**
1339 **case.]**

1340
1341 **VAR2016-00011** **CHERYL B. COOPER** requests a variance from
1342 Section 24-94 of the County Code to build a one-family dwelling at 8488 Gibbs
1343 Lane (Parcels 818-682-2484 and 818-683-5403) zoned Agricultural District (A-1)
1344 (Varina). The lot width requirement is not met. The applicant proposes 115 feet
1345 lot width, where the Code requires 150 feet lot width. The applicant requests a
1346 variance of 35 feet lot width.

1347
1348 Mr. Blankinship - Would everyone who intends to speak to this case
1349 please stand and be sworn in? Raise your right hands, please. Do you swear the
1350 testimony you're about to give is the truth, the whole truth, and nothing but the
1351 truth so help you God? Thank you. Mr. Madrigal?

1352
1353 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chairman, members of
1354 the Board. This subject property is located at 8488 Gibbs Lane near its
1355 intersection with Buffin Road. The applicants actually own two parcels of land.
1356 The first is a 3.14-acre parcel that has public street frontage on Gibbs Lane, but
1357 lacks adequate lot width. It has a lot width of 115 feet versus the required 150
1358 feet. It is this parcel that is the subject of today's request for a lot width variance
1359 of 35 feet. The second parcel owned by the applicant contains three acres and is
1360 located to the rear and beside the first parcel. Although it lacks public street
1361 frontage, the applicants intend to combine this with the first parcel in the event
1362 that the requested variance is approved. The result would be a single six-acre
1363 parcel where a single-family dwelling could be constructed.

1364

1365 Both lots are heavily encumbered by Virginia Dominion Power easements, while
1366 the first lot also likely contains wetlands according to the Department of Public
1367 Works. Despite these issues, access to the site is afforded off Gibbs Lane, and
1368 there is room at the rear of the second lot to place a home in a wooded area
1369 located beyond the Virginia Dominion Power easements.

1370

1371 As a side note, a variance for the first lot was approved in 1977, but this expired
1372 without a home being constructed.

1373

1374 The key question when considering a variance is, does the Zoning Ordinance
1375 unreasonably restrict the utilization of the property or would the variance alleviate
1376 a hardship due to a physical condition related to the property or improvements
1377 thereon at the time of the effective date of the ordinance.

1378

1379 The first parcel lacks lot width while the second parcel lacks public street
1380 frontage. As a result, neither one can be built on. Given each parcel's three-acre
1381 size, this is an unreasonable restriction on the utilization of each of these parcels.
1382 By combining these two parcels and obtaining a lot-width variance, a use can be
1383 found for both of these. Thus, if the hardship threshold is met, then all five of the
1384 following tests must also be met.

1385

1386 Test number 1, the property interest for which the variance is being requested
1387 was acquired in good faith and any hardship was not created by the applicant.
1388 The applicants did not acquire the first parcel until eight years after its creation.
1389 As a result, they are not responsible for the hardship and purchased it in good
1390 faith. While the applicants were the first owners of the second parcel to the rear,
1391 this variance request pertains to lack of lot width on the first parcel. As a result,
1392 their acquisition of the second parcel should not impact this request.

1393

1394 Test number 2, the granting of the variance will not be a substantial detriment to
1395 adjacent and nearby property. The surrounding parcels are all zoned A-1 and
1396 contain one-family dwellings. Both of the applicant's parcels are also zoned A-1
1397 and once combined would also be used for a residential purpose. As a result,
1398 staff does not anticipate a substantial detrimental impact to adjoining properties
1399 from the proposed use. At the present time, however, the applicant has not
1400 provided details on the size or design of the proposed dwelling.

1401

1402 Test number 3, the condition or situation of the property concerned is not of a so
1403 general recurring nature as to make reasonably practical the formulation of a
1404 general regulation to be adopted as an amendment to the ordinance. The lot
1405 width requirement was adopted to provide adequate room for a dwelling on each
1406 lot. It was also adopted to provide separation between adjoining residences with
1407 greater distances in less dense districts such as the A-1 district. An ordinance
1408 amendment is not a practical option in this case. The problem as it pertains to the
1409 subject property came about as a result of its creation without the required lot
1410 width.

1411

1412 Test number 4, the granting of the variance does not result in a use that is not
1413 otherwise permitted on such property or a change of the zoning classification of
1414 the property. The proposed use of the property as a one-family dwelling is in
1415 keeping with both the Zoning Ordinance and Comprehensive Plan designations
1416 and does not constitute a use variance.

1417

1418 Test number 5, the relief or remedy sought by the variance application is not
1419 available through a special exception or modification. In this case, a special
1420 exception or modification is not available.

1421

1422 In conclusion, neither of these two parcels has a reasonable use. The first parcel
1423 lacks adequate lot width, while the second parcel to the rear lacks public street
1424 frontage. If the variance is granted, the applicant will combine the two parcels
1425 and build a home on it, thus enabling a beneficial use to be made of two
1426 presently unbuildable lots. Since the required setbacks would be met, staff does
1427 not anticipate a detrimental impact on neighboring properties. As a result, staff
1428 recommends approval of this request subject to the conditions found in the staff
1429 report.

1430

1431 Mr. Bell - In your background, you mentioned that in order to
1432 take care of the wetland situation, Nationwide Permit #18 was required. Have
1433 you had any further information on the status of that?

1434

1435 Mr. Madrigal - No sir. Just that there potentially is wetlands present.
1436 They probably will be disturbed in order to put a driveway through them, which is
1437 permitted. That's the minimal impact that would result from the proposal if it is
1438 approved. The house will essentially be built way in the back, right here on the
1439 plot plan where it says "Building Area." It's past the front of the lot, past the
1440 easement area. In the rear, you can see it a little more clearly in aerial. It would
1441 be going through this patch of wooded area here, past the easement, and then in
1442 the back area here.

1443

1444 Mr. Bell - All right, thank you. Any other questions?

1445

1446 Ms. Harris - I just want to understand the acreage. Are we dealing
1447 with about 6.13 acres of land?

1448

1449 Mr. Madrigal - Yes, 6.14 acres. This parcel here is three acres, and
1450 then this adjoining parcel is three acres. So combining the two would result in
1451 slightly over six acres.

1452

1453 Ms. Harris - And so the plan is to build one home?

1454

1455 Mr. Madrigal - Yes.

1456

1457 Ms. Harris - Okay. Thank you.
1458
1459 Mr. Mackey - I have a question. Mr. Madrigal, basically what the
1460 County is saying is without combining the two lots together, they are basically
1461 useless?
1462
1463 Mr. Madrigal - Essentially. They own two lots now. Combining them
1464 would afford them a six-acre parcel, which would then be used for a home.
1465
1466 Mr. Mackey - All right. Thank you.
1467
1468 Mr. Bell - Any other questions? Thank you.
1469
1470 Mr. Madrigal - Thank you.
1471
1472 Ms. Cooper - Hi, Cheryl Cooper.
1473
1474 Mr. Roberts - Ken Roberts.
1475
1476 Mr. Blankinship - Can you tell us a little bit about the property and what
1477 you propose?
1478
1479 Mr. Roberts - They were not usable as two separate parcels, so I
1480 had to combine the two to be able to build a house. She and her husband bought
1481 the two parcels separately. How long ago did you buy those?
1482
1483 Ms. Cooper - Something like '77 for one of them, and then the other
1484 one was like four years later.
1485
1486 Mr. Blankinship - So you've owned the property 34 years.
1487
1488 Ms. Cooper - Oh, yes, yes. A long time.
1489
1490 Mr. Bell - What's the status of building a home? Do you have
1491 plans? Have you done anything or just starting with this and then it's going to go
1492 forward?
1493
1494 Mr. Roberts - Starting here. Get this approved and then have to do
1495 the perk work—soil work on the property.
1496
1497 Mr. Bell - Questions?
1498
1499 Ms. Harris - Mr. Roberts, are you the contractor?
1500
1501 Mr. Roberts - No ma'am. I'm just helping Ms. Cooper do this.
1502

1503 Ms. Harris - Thank you.
1504
1505 Mr. Bell - Any other questions? Thank you.
1506
1507 Mr. Blankinship - Would anyone else like to speak to this application?
1508 Ma'am, I believe you stood before.
1509
1510 Ms. Fields - Good morning. My name is Deborah Fields, F-i-e-l-
1511 d-s. I'm only here because I got a notification about a variance. I have no
1512 objections of her having a variance.
1513
1514 Ms. Harris - Ms. Fields, where do you live?
1515
1516 Ms. Fields - Right behind her property.
1517
1518 Ms. Harris - Is it on Gibbs Lane?
1519
1520 Ms. Fields - It's on the very back line. I'm adjacent to her.
1521
1522 Mr. Blankinship - So you come off of Strath Road.
1523
1524 Ms. Fields - Yes. But it's a road called Old Coleman Road. I live
1525 there.
1526
1527 Mr. Bell - Any other questions?
1528
1529 Mr. Blankinship - You can just see her house. On the west side of the
1530 property, there are three homes there, and it's the one in the middle. Is that right?
1531
1532 Ms. Fields - Yes sir.
1533
1534 Mr. Berman - Thanks for coming.
1535
1536 Mr. Blankinship - Would anyone else like to speak to this application?
1537 All right, we'll go on to the last case.
1538
1539 **[After the conclusion of the public hearings, the Board discussed the case**
1540 **and made its decision. This portion of the transcript is included here for**
1541 **convenience of reference.]**
1542
1543 Mr. Bell - Do I hear a motion on this variance?
1544
1545 Mr. Berman - I move that we approve the variance in that it
1546 sufficiently meets all five of the evaluation tests set forth in Virginia code.
1547
1548 Mr. Bell - Do I hear a second?

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Ms. Harris - Second. I think it's sad when you have six acres of land and you can't use them. I think this will be great for the community. And again, it does conform to the requirements that we follow for variance approval.

Mr. Bell - 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. Berman, seconded by Ms. Harris, the Board **approved** application **VAR2016-00011, CHERYL B. COOPER's** request for a variance from Section 24-94 of the County Code to build a one-family dwelling at 8488 Gibbs Lane (Parcels 818-682-2484 and 818-683-5403) zoned Agricultural District (A-1) (Varina). The Board approved the variance request subject to the following conditions:

1. This variance applies only to the lot width requirement for one dwelling only. The proposed dwelling shall be located in the area designated as "Building Area" on the plat submitted with this request. All other applicable regulations of the County Code shall remain in force.
2. The two parcels (GPIN 818-683-5403 and GPIN 818-682-2484) shall be combined prior to the issuance of a building permit.
3. Approval of this request does not imply that a building permit will be issued. Building permit approval is contingent on Health Department requirements, including, but not limited to, soil evaluation for a septic drainfield and reserve area, and approval of a well location.
4. Before beginning any clearing, grading, or other land disturbing activity, the applicant shall submit an environmental compliance plan to the Department of Public Works. This will include compliance with any wetland regulations.

| | | |
|--------------|------------------------------|---|
| Affirmative: | Bell, Berman, Harris, Mackey | 4 |
| Negative: | | 0 |
| Absent: | Baka | 1 |

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

VAR2016-00012 **RAFAEL G. ROSALES** requests a variance from Section 24-95(b)(5) of the County Code to build a one-family dwelling at 15 Barker Avenue (ROBIN PARK) (Parcel 818-726-7986) zoned One-Family Residence District (R-3) (Varina). The lot width requirement is not met. The

1594 applicant proposes 60 feet lot width, where the Code requires 65 feet lot width.
1595 The applicant requests a variance of 5 foot lot width.

1596
1597 Mr. Blankinship - Would everyone who intends to speak to this case
1598 please stand and be sworn in? Raise your right hand, please. Do you swear the
1599 testimony you're about to give is the truth, the whole truth, and nothing but the
1600 truth so help you God? Thank you. You may want to come down here so you'll
1601 be available when Mr. Madrigal is finished.

1602
1603 Mr. Madrigal - Mr. Chair, members of the Board, before you is a
1604 request to waive the lot width requirement in order to build a one-family dwelling.
1605 The applicants acquired the property in December 2015 as an investment
1606 property through a foreclosure sale.

1607
1608 The property is located in the Robin Park subdivision, which was platted in 1890.
1609 The subject property was originally part of a larger lot, which measured 160 feet
1610 wide by 245 feet deep until it was split in the mid 1930s. That lot split created the
1611 subject property, which measures 60 feet wide by 245 feet deep.

1612
1613 The lot is currently improved with a very modest and antiquated one-story, 836-
1614 square-foot bungalow, which was constructed in 1937. Onsite parking is provided
1615 by way of a 400-square-foot metal carport located behind the home. The
1616 applicant would like to demolish the existing dwelling and replace it with a new
1617 one-story, 1500-square-foot residence.

1618
1619 Because the lot was created in the mid 1930s, it is subject to the exception
1620 standards of the code. These standards require a minimum lot size of 8,000
1621 square feet and a minimum lot width of 65 feet, assuming connection to County
1622 water and sewer. Although the lot meets the lot size requirement, it does not
1623 meet the minimum lot width requirement, thus making it non-conforming.

1624
1625 If the applicants voluntarily demolish the existing home, they would not be able to
1626 replace it with a new home under the county's non-conforming standards absent
1627 the approval of a variance.

1628
1629 With respect to the threshold question, the existing subdivision was platted prior
1630 to the County's adoption of a zoning ordinance. Also, the subject lot was created
1631 at time when there were no minimum lot size or lot width standards in the
1632 ordinance. Thus, the current lot width requirement creates a hardship that limits
1633 the improvements on the lot. Not until September 9, 1942, did the County start
1634 requiring a minimum lot size of 11,000 square feet and a lot width of 65 feet for
1635 residential lots with well and septic systems. Although the existing dwelling is a
1636 conforming use, the age, design, and condition of the home render it functionally
1637 obsolete. Absent the approval of a variance, it cannot be replaced with a modern
1638 dwelling. The non-conforming nature of the lot limits the applicant's improvement

1639 options, creating a hardship when compared to other conforming properties in
1640 the subdivision.

1641

1642 Test number 1, the property was acquired in good faith and the hardship was not
1643 self-inflicted. This appears to be met. The applicant's acquired the property in
1644 good faith and neither they nor the previous owner played a role in the non-
1645 conforming nature of the lot.

1646

1647 Test number 2, substantial detrimental impact to adjacent or nearby property.
1648 Staff does not anticipate any substantial detrimental impacts if the Board
1649 approves the applicant's request. The subject property has had a one-family
1650 dwelling on it for the last 79 years, and the neighborhood is built out with
1651 conforming homes of varying ages, sizes, and lot dimensions. In addition to the
1652 substandard lot width, the existing home is encroaching into the front yard
1653 setback by ten feet, providing at 25-foot distance from the front property line
1654 instead of the 35 feet required. Additionally, several small additions have been
1655 made to the home over time, contributing to the home's poor and fragmented
1656 design. Replacing the dwelling with a modern and up-to-date structure would
1657 help visually enhance the property, the neighborhood, and increase property
1658 values in the immediate area.

1659

1660 Test number 3, the situation is not of so general a recurring nature as to warrant
1661 a code amendment. A one-family dwelling is the highest and best use of the land
1662 as it currently stands. Absent the granting of a variance, the property will remain
1663 in a non-conforming substandard and dilapidated condition. Although the lot
1664 width requirement is not met, replacing a worn-out structure with a new home is
1665 consistent with the development pattern in the area, the intent of the Zoning
1666 Ordinance, and the Comprehensive Plan. The circumstances that give rise to the
1667 request are unique to the property and are not of a general or recurring nature
1668 which warrants legislative relief.

1669

1670 Test number 4, the granting of the variance would not result in an unpermitted
1671 change in use or zoning classification. The request is to waive a development
1672 standard in order to replace a dilapidated home. Approval of the applicant's
1673 request would not result in a change in zoning classification or a use issue.

1674

1675 Test number 5, the relief of the applicant's request is not available through a
1676 special exception or modification. This Zoning Ordinance does not allow for a
1677 special exception or modification in this case.

1678

1679 In conclusion, as applied to the property, the Zoning Ordinance prohibits the
1680 applicant's ability to make a significant improvement to the property, specifically
1681 the lot's non-conformity creates a hardship the limits their full use and benefit of
1682 the property. Granting the variance request would alleviate that hardship and
1683 allow the applicants to bring their property into parity with other homes in the
1684 vicinity. Replacing a dilapidated dwelling with a new home would aesthetically

1685 enhance the property. Also, staff does not anticipate any substantial detrimental
1686 impacts from the proposed use. As such, staff recommends approval subject to
1687 conditions.

1688
1689 This concludes my presentation.

1690
1691 Mr. Bell - Questions? Thank you.

1692
1693 Mr. Madrigal - Thank you.

1694
1695 Mr. Martin - My name is Steve Martin. I'm a friend of Rafael
1696 Rosales. Unfortunately, he couldn't make it today. I think his child was sick
1697 because I haven't been able to get a hold of him. He's from out of state. He's
1698 trying to better himself and better the livelihood of his family. He did buy this
1699 home thinking that he could just remodel it and get it better. But with the code
1700 changes and stuff, he wasn't able to do that. Again, I'm here just to help him to
1701 go through these legal things because he doesn't understand English very well.

1702
1703 Mr. Blankinship - Appreciate that. Thank you.

1704
1705 Mr. Bell - Have you read the conditions?

1706
1707 Mr. Martin - Yes.

1708
1709 Mr. Bell - Do you agree with them?

1710
1711 Mr. Martin - Yes I do.

1712
1713 Mr. Bell - Does he understand them?

1714
1715 Mr. Martin - The best part, yes.

1716
1717 Mr. Bell - Any questions.

1718
1719 Ms. Harris - What's your name again, sir?

1720
1721 Mr. Martin - My name is Steve Martin. I've been a friend of
1722 Rafael's for over ten years since he's been here. A very good guy.

1723
1724 Ms. Harris - Do you think he has considered buying the adjacent
1725 property? He only needs five feet on the width.

1726
1727 Mr. Martin - One, I don't know if it's for sale. And two, I don't know
1728 if he has the funds to buy adjacent property. He's trying to better the
1729 neighborhood with this one piece of property. The plans that he showed me are

1730 very nice and it's going to improve the neighborhood and the value of the
1731 neighborhood.

1732

1733 Ms. Harris - These are the plans that we have in our packet, right?

1734

1735 Mr. Martin - Yes ma'am.

1736

1737 Mr. Bell - Any other questions?

1738

1739 Mr. Mackey - You said you've known him for ten years?

1740

1741 Mr. Martin - Yes sir.

1742

1743 Mr. Mackey - Is that how long he's been living in the house?

1744

1745 Mr. Martin - He's been in the United States for probably 12 years.
1746 He's been renting and things like that. And now he wants to improve, and he just
1747 had a baby here about two months ago, and then it got sick. Been in and out of
1748 the hospital because it was premature. So we're just trying to help him.

1749

1750 Mr. Bell - Thank you, sir.

1751

1752 Mr. Blankinship - Would anyone else like to speak to that case? All
1753 right, that closes the last public hearing. Mr. Chair?

1754

1755 Mr. Bell - We'll go on to vote on the Board of Zoning Appeals'
1756 agenda starting with the first case.

1757

1758 **[After the conclusion of the public hearings, the Board discussed the case**
1759 **and made its decision. This portion of the transcript is included here for**
1760 **convenience of reference.]**

1761

1762 Mr. Bell - Do I hear a motion on this?

1763

1764 Mr. Mackey - Mr. Chairman, I make a motion that we accept the
1765 County's recommendation to allow the variance with the added conditions.

1766

1767 Mr. Bell - Do I hear a second?

1768

1769 Mr. Berman - I'm sorry, were there—did you say the added
1770 conditions?

1771

1772 Mr. Mackey - I'm sorry. With the conditions that came with it as
1773 written. I apologize.

1774

1775 Mr. Berman - No problem. I second.

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Mr. Bell - Is there any discussion?

Ms. Harris - Yes. I think since he only needs five feet, I don't think it's going to really be a major problem. I didn't say it when the applicant was here, but in driving through the neighborhood, I was amazed at how they are restoring that neighborhood. I think this is a great thing, so I will vote in the affirmative.

Mr. Bell - 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. Mackey, seconded by Mr. Berman, the Board **approved** application **VAR2016-00012, RAFAEL G. ROSALES's** request for a variance from Section 24-95(b)(5) of the County Code to build a one-family dwelling at 15 Barker Avenue (ROBIN PARK) (Parcel 818-726-7986) zoned One-Family Residence District (R-3) (Varina). The Board approved the variance request subject to the following conditions:

1. This variance applies only to the lot width requirement for one dwelling only. All other applicable regulations of the County Code shall remain in force.
2. Only the improvements shown on the plot plan and building design filed with the application may be constructed pursuant to this approval. Any additional improvements shall comply with the applicable regulations of the County Code or as amended by these conditions of approval. Any substantial changes or additions to the design or location of the improvements will require a new variance.
3. Before beginning any clearing, grading, or other land disturbing activity, the applicant shall submit an environmental compliance plan to the Department of Public Works.
4. The proposed dwelling shall be served by county water and sewer.
5. The applicant shall construct the proposed home with a brick foundation.
6. The existing carport shall be relocated further back on the property, if necessary, so that all setback requirements are satisfied.
7. The applicants shall have the abandoned well inspected by the Health Department to determine its physical condition and ensure it does not pose a safety issue.

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| Affirmative: | Bell, Berman, Harris, Mackey | 4 |
| Negative: | | 0 |
| Absent: | Baka | 1 |

1822
1823 Mr. Bell - We'll go on and approve the minutes of our June
1824 meeting.
1825
1826 Mr. Berman - I move that we approve the minutes—I'm sorry?
1827
1828 Ms. Harris - I do have one small correction. If you look on page
1829 28, line 1262. This is an expression that I use. It should have been "you wear it
1830 very well." It's just an expression that I use.
1831
1832 Mr. Blankinship - We will get that corrected. Thank you, ma'am.
1833
1834 Mr. Berman - I move that we waive the reading of these minutes
1835 and approve as-is into record including Ms. Harris's correction.
1836
1837 Mr. Bell - Do I hear a second?
1838
1839 Ms. Harris - Second.
1840
1841 Mr. Bell - Any discussion? Hearing none, all in favor say aye.
1842 All opposed say no. The ayes have it; the motion passes.
1843
1844 On a motion by Mr. Berman, seconded by Ms. Harris, the Board **approved as**
1845 **corrected the Minutes of the June 23, 2016**, Henrico County Board of Zoning
1846 Appeals meeting.
1847
1848 Affirmative: Bell, Berman, Harris, Mackey 4
1849 Negative: 0
1850 Absent: Baka 1
1851
1852 Mr. Bell - Anybody have any old or new business before I
1853 mention the new schedule?
1854
1855 Mr. Berman - I have a procedural question in that we had probably
1856 a record-breaking three motions for one of the cases. Will those three motions go
1857 into public record—
1858
1859 Mr. Blankinship - Yes.
1860
1861 Mr. Berman - —or just the final?
1862
1863 Mr. Blankinship - Yes, they will all be reflected in the minutes.
1864
1865 Mr. Berman - Okay. Thank you.
1866
1867 Mr. Blankinship - I've seen a lot worse.

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Mr. Bell - We have to vote on next year's meeting dates. Everybody should have a copy.

Mr. Blankinship - Yes sir. As usual, the meeting dates are set on the fourth Thursday of the month with the exception of November and December, which are moved to the third Thursdays in order to avoid the holidays. The application deadlines are generally five weeks in advance of the hearing deadline, but because of the December holidays, we moved that six weeks in advance. It's the same calendar you're used to seeing every year.

Mr. Berman - I move that we accept the dates for 2017.

Mr. Bell - Do I hear a second? I'll second it. Is there any discussion? Hearing none, all in favor say aye. All opposed say no. The ayes have it; the motion passes.

That just leaves us to vote for adjournment. Do I hear a motion that we adjourn?

Ms. Harris - I so move.

Mr. Bell - Do I hear a second?

Mr. Mackey - Second.

Mr. Bell - Discussion? Hearing none, all in favor say aye. All opposed say no. The ayes have it; the motion passes. We are adjourned.

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| Affirmative: | Bell, Berman, Harris, Mackey | 4 |
| Negative: | | 0 |
| Absent: | Baka | 1 |



Gentry Bell
Chairman



Benjamin Blankinship, AICP
Secretary