

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
3 **GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON**
4 **THURSDAY JUNE 23, 2022 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN**
5 **THE *RICHMOND TIMES-DISPATCH* JUNE 6, 2022 AND JUNE 13, 2022.**
6
7

8 Members Present: Terone B. Green, Chair
9 Walter L. Johnson, Jr., Vice-Chair
10 Gentry Bell
11 Terrell A. Pollard
12 James W. Reid, Jr.
13

14 Also Present: Jean M. Moore, Assistant Director of Planning
15 Benjamin Blankinship, Secretary
16 Paul M. Gidley, County Planner
17 R. Miguel Madrigal, County Planner
18 Rob Peterman, Technology Support Specialist
19 Kuronda Powell, Account Clerk
20
21

22
23 Mr. Green - I'd like to call the June 23, 2022 Henrico County meeting of
24 the Board of Zoning Appeals to order. Those who are able, please stand and join us for
25 the Pledge of Allegiance.
26

27 [Recitation of Pledge of Allegiance]
28

29 Mr. Green - Thank you, and now we'll turn it over to Mr. Ben Blankinship
30 so he can read our rules.
31

32 Mr. Blankinship - Good morning, Mr. Chair, members of the Board. Good
33 morning to those of you who are in the room with us today. I'd also like to welcome
34 everyone who is joining us remotely on Webex.
35

36 If you wish to observe the meeting, but you do not intend to speak, welcome and thank
37 you for joining us. For those of you on Webex who wish to speak, we need to know that
38 in advance so we can connect you at the appropriate time. If you are an applicant or if
39 you have questions or comments on one of the cases, please press the chat button now.
40 It's located at the bottom-right corner of the screen.
41

42 And when the chat window opens, please select Kuronda Powell from the list of
43 participants and let her know your name and which case you're interested in. The chat
44 feature is only being used to identify speakers, so please do not type questions or
45 comments into a chat, but please send a chat to Kuronda Powell now.
46

47 So acting as secretary I will call each case and then we will ask everyone in the room
48 who intends to speak to that case to stand and be sworn in. Then a member of the
49 Planning Department staff will give a brief presentation, and then the applicant will present
50 their application. Then anyone else who wishes to speak will be given the opportunity.
51 We'll hear from citizens in the room first, and then from those on Webex. After everyone
52 has had a chance to speak, the applicant and only the applicant will have an opportunity
53 for rebuttal.

54
55 This meeting is being recorded so we'll ask everyone who speaks to speak directly into
56 the microphone on the lectern in the back of the room. We'll ask everyone to state your
57 name and please spell your last name so that we get it correctly in the record, and once
58 your case is over, you are free to leave. There's no reason for you to stay in the room for
59 the rest of the meeting.

60
61 There is only one withdrawal and it was before the final agenda was printed. So, that's
62 already shown on the agenda as a withdrawn case. With that, are we ready to proceed?
63

64 **VAR2022-00003 KRISTINA CALHOUN - WITHDRAWN**

65
66 Mr. Green - Yes, Mr. Blankinship, we can. Please call our first conditional
67 use permit.

68
69 Mr. Blankinship - Alright. We have five conditional use permits on this morning's
70 agenda. The first case is CUP2022-00024.

71
72 **CUP2022-00024 J. E. LIESFELD CONTRACTOR, INC.** requests a conditional use
73 permit pursuant to Section 24-4205 of the County Code to deposit soil as a fill material at
74 8950 Strath Road, Parcel 816-677-8788, zoned A-1, Agricultural District (Varina).

75
76 Mr. Blankinship - Would everyone who intends to speak to this case please
77 stand and be sworn in. Raise your right hands please. Do you swear the testimony you
78 are about to give is the truth, the whole truth, and nothing but the truth so help you God?
79

80 Mr. Gidley - I do.

81
82 Mr. Blankinship – Thank you. Mr. Gidley.

83
84 Mr. Gidley - Thank you, Mr. Secretary. Good morning, Mr. Chair,
85 members of the Board. The subject property is located at the northwest corner of
86 Kingsland and Strath Roads. It is owned by Liesfield Contractor, and they work on large
87 construction projects in the area. As part of their work, they typically have soil that has
88 been excavated at these construction sites and they need a place to store this material.

89
90 You may recall back in 2018, the Board approved a conditional use permit here. This is
91 a 64-acre site. Forty are used to deposit the soil, with the remaining amount of the site
92 being wooded. The use permit was renewed in 2020, and since another two years have

93 lapsed, they are requesting another conditional use permit today. Basically, an extension
94 of the previous ones.

95
96 This is a good site for the applicant. It was previously excavated by West, Sand and
97 Gravel, and when they did that there was a low area towards the center of the site, and
98 rather than filling it they just went ahead and bought in a little bit of topsoil and reclaimed
99 it. So, the applicant is taking advantage of that to fill it in and bring it to grade similar to
100 that of surrounding property.

101
102 The surrounding area is rural in character, although you will note that there are dwellings
103 near the site as well. To protect these, the applicant, as you can see here has a 100 -
104 foot buffer around the perimeter of the site. In addition, they agreed to preserve this notch
105 down here which is 9.7 acres. So it stays wooded as well and that helps to protect the
106 neighbors. Then finally, at the neighbor's request that they agreed to pay for any testing
107 of any wells within 1,000 feet of the southern and western boundaries of the site. To date,
108 no one's taken advantage of that offer, but it is still on the table.

109
110 In evaluating this request, the site is designated Rural Residential on the Land Use Plan
111 Map. It is zoned A-1 Agricultural District. The operation is consistent with these
112 designations. In addition, by converting the land to a more natural grade, the operation
113 enhances any future potential use of the site. Long term, this is a benefit.

114
115 The construction entrance is here on Strath Road, and that's a major collector and there's
116 adequate site distance there as well.

117
118 And finally, regarding any detrimental impact, there was the original clearing of trees
119 which was done. Trucks still bring materials to the site and spread it so they can be some
120 noise and dust nuisances. But as noted, there is a 100-foot buffer that helps to mitigate
121 that along with limitations on the hours of operation. Staff has not received any complaints
122 since this operation commenced.

123
124 In conclusion, the previous operation left the surface below the original grade. This
125 operation will restore that, which is an improvement for the property.

126
127 As for impacts, the applicants have taken steps to mitigate these. In addition, the use is
128 temporary. As a result, staff recommends approval. If you have any questions, I'll be
129 happy to answer those. Thank you.

130
131 Mr. Green - Are there any questions from the Board to staff? Hearing
132 none, we'll move to the applicant.

133
134 Mr. Hooker - Good morning members of the Board, Mr. Blankinship, Ms.
135 Moore. My name is Randy Hooker, R-A-N-D-Y H-O-O-K-E-R, with Engineering Design
136 Associates. I have Kelby Morgan here today with me, and Mr. Liesfield. We're asking
137 for your consideration extending our use at this mine, excuse me, pit, and the reclamation
38 of the pit. We are also asking to export some material out of this site as part of this

139 renewal. Kelby can elaborate on the expectations of exporting, as well as general
140 operations of what's going on at the mine area today.

141
142 Mr. Morgan - Kelby Morgan, M-O-R-G-A-N. Where currently the map sites
143 show, moving left to right across the site, stabilizing everything as we put it on grade. As
144 you can see from the picture, grass is growing and our goal is to just keep working across.
145 It is on schedule for what we anticipated the duration being. No complaints so far.

146
147 We have begun receiving some material recently that's suitable earth and fill. We would
148 like to be able to reuse that material on other projects, if possible. The majority of the
149 material we bring in to this site is unsuitable. It's either wet top soil, sticks; that kind of
150 thing. Materials that are not usable but when we do have usable material, we would like
151 that opportunity to move that material out and use it on other jobs. Specifically, we have
152 a substantial job right down the street, at the wastewater treatment plant where they need
153 that material. That's kind of what set it off to take some of this material out of here. Like
154 I said before, most of the material in this pit is unsuitable for anything. We put it in there,
155 put top soil in there, seed it and move on. Any questions?

156
157 Mr. Green - Are there any questions from the Board to the applicant?

158
159 Mr. Johnson - The material that you export ... are taking out, is that the soil
160 part or what part are you taking out?

161
162 Mr. Morgan - So, that would not be soil sir, which we refer to so as topsoil.
163 The topsoil stays. It is used to be spread out over the top of vegetation. Any material
164 that would come out is material that was hauled in but is suitable. Its good dirt, in layman's
165 terms, and that's what we would like to export back out and use on other projects. That's
166 it.

167
168 Mr. Johnson - Thank you.

169
170 Mr. Green - Are there any other questions from the Board to the applicant?
171 Is there anyone in the audience and/or on Webex who wishes to speak for or against this
172 application?

173
174 Mr. Peterman - Nobody on Webex.

175
176 Mr. Green - Hearing none, I close the case. You may sit down now.

177
178 Mr. Morgan - Thank you.

179
180 Mr. Green - A motion is in order.

181
182 Mr. Johnson - I move that we approve the conditional use permit subject to
183 conditions recommended by staff. And it is consistent with the Comprehensive Plan and

184 Zoning Ordinance. They have been working for three years with these various
85 constraints. When the project is complete, the land will be better than it was before.

186
187 Mr. Pollard - I second the motion.

188
189 Mr. Green - The motion has been moved by Mr. Johnson, seconded by
190 Mr. Pollard. All in favor say aye.

191
192 The Board - Aye.

193
194 Mr. Green - Opposed like sign. Passes. Thank you, sirs.

195
196 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case
197 **CUP2022-00024, J. E. LIESFELD CONTRACTOR, INC.’s** request for a conditional use
198 permit pursuant to Section 24-4205 of the County Code to deposit soil as a fill material at
199 8950 Strath Road, Parcel 816-677-8788, zoned A-1, Agricultural District (Varina). The
200 Board approved the request subject to the following conditions:

201
202 1. This conditional use permit only authorizes the clearing, grading, filling, and
203 reclamation shown on the plans titled “Liesfeld Contracting Strath Road Mine” prepared
204 by Engineering Design Associates and revised May 9, 2022.

205
206 2. The final grades shall have a minimum slope of 2% and a maximum slope of 33% (3
207 feet horizontal to 1 foot vertical).

208
209 3. The applicant must maintain a financial guaranty in the amount of \$135,300 insuring
210 that the land will be restored as shown on the “Final Reclamation Plan.” The applicant
211 shall maintain the financial guaranty until the Planning Department and the Department
212 of Public Works approve the reclamation of the property. Reclamation shall not be
213 considered complete until the site has been graded as shown on the approved
214 reclamation plan, is covered completely with permanent vegetation, and is seeded with
215 red cedar trees, loblolly pine trees, or a similar native species in a manner approved by
216 the Director of Planning.

217
218 4. The applicant must continuously satisfy the requirements of the environmental
219 compliance plan approved by the Department of Public Works (DPW), including
220 compliance with the Chesapeake Bay Preservation Act and maintenance of all erosion
221 control measures in accordance with the approved plan. As site conditions change,
222 updated plans and bonds may be required by DPW.

223
224 5. The material to be deposited on the site must be limited to soil and similar materials
225 excavated from construction sites and shall not include any hazardous materials as
226 defined by the Virginia Hazardous Waste Management Regulations. The applicant shall
227 submit a quarterly report stating the origin, nature, and quantity of all material deposited
228 on the site, certifying that no hazardous materials were included.

229

- 230 6. Any activity that results in sound clearly audible at the property lines must be limited to
231 Monday through Friday, from 7:00 am to 5:30 pm. There must be no activity that results
232 in sound clearly audible at the property lines on Saturdays, Sundays, or national holidays.
233
- 234 7. All access to the property must be from the designated construction entrance onto
235 Strath Road. The applicant shall maintain a gate at the entrance, which shall be locked
236 at all times except when authorized representatives of the applicant are on the property.
237
- 238 8. The applicant must maintain a sign at the entrance to the site stating the name of the
239 applicant and a telephone number to contact in case of emergency.
240
- 241 9. The applicant must maintain standard "Truck Entering Highway" signs on Strath Road
242 on each side of the entrance to the property.
243
- 244 10. The applicant must maintain a standard stop sign at the entrance to Strath Road.
245
- 246 11. The applicant must maintain "No Trespassing" signs every 250 feet along the
247 perimeter of the property. At the request of the Division of Police, the applicant will send
248 a representative to testify in court to enforce the "No Trespassing" signs.
249
- 250 12. There must be no burning on the site at any time.
251
- 252 13. Trucks leaving the site must travel at intervals and not in groups of three or more. If
253 requested by the Division of Police, the applicant shall provide a flagman to control traffic
254 from the site onto Strath Road.
255
- 256 14. The applicant must sweep Strath Road as necessary to prevent tracking of mud, and
257 must control dust in accordance with the latest version of the Virginia Erosion and
258 Sediment Control Handbook.
259
- 260 15. If the applicant discovers cultural or historic resources, endangered species, or
261 significant habitat, it must notify appropriate authorities and provide them with an
262 opportunity to investigate the site. The applicant must report the results of any such
263 investigation to the Planning Department.
264
- 265 16. At the request of the owner of any water well located within 1,000 feet west or south
266 of the fill area, the applicant will reimburse the reasonable cost of testing the well water
267 once per year while this permit is active. The tests will be performed by a Commonwealth
268 of Virginia Certified Drinking Water Laboratory, and the results will be reported to the
269 applicant, the well owner, and the Planning Department. If such tests show contamination,
270 the applicant may request collection and testing of a new sample by an independent third
271 party.
272
- 273 17. If evidence shows that the fill operation authorized by this conditional use permit has
274 an adverse impact on a water well, the owner of the well may request a hearing before
275 the Board. If the Board finds, after reviewing the evidence at a public hearing, that the

322 outlined in Code. The subject property is a corner lot, less than a fifth of an acre in area.
323 It is part of an older subdivision consisting of 25-foot wide lots, assembled into two or
324 three lot combinations. And, improved with modest single-family dwellings.

325
326 Homes in the immediate area are 16 feet apart. The closest neighbor is to the north,
327 approximately 14 feet from the applicant's home. The applicant's garage is at the rear of
328 the lot and is 13 feet off of Jeter Street, providing a shallow driveway. He will have to
329 remove a section of the chain link fence along the side street to accommodate two onsite
330 required parking stalls adjacent to structure.

331
332 Although it is a small lot, it is consistent with the established development pattern for this
333 subdivision. The proposed use appears to be appropriate as so long as the transient
334 guests are limited to no more than four and are respectful of the property, zoning
335 requirements, house rules, and neighbors. Staff does not anticipate any significant
336 adverse impacts if approved. Although the proposed use would increase the intensity of
337 the property, it is mitigated by the fact that it is a corner lot backing onto a church parking
338 lot and playfield and can provide onsite parking. So long as the applicant adheres to
339 county regulations and the recommended conditions of approval, staff recommends
340 approval of this request. This concludes my presentation. I'll be happy to answer any of
341 your questions.

342
343 Mr. Green - Are there any questions from the Board to staff? Hear none.
344 We'll hear from the applicant.

345
346 Mr. Farley - Hello, my name is William Patrick Farley, F-A-R-L-E-Y. As
347 stated, I'm just looking to make my primary residence a short term rental for three
348 weekends a month, two days at a time, mainly just Fridays and Saturdays while I stay
349 either at my parents or my partner's parents in Charlottesville or Richmond. There's one
350 rebuttal, if I may add, the four-foot privacy fence that is in between my house and my
351 neighbor's house ... I think there is a condition to add a six-foot privacy fence. I was
352 wondering if there was any way to get around that just because that's a pretty extensive
353 cost for what I'm looking to do.

354
355 Mr. Green - So, you wish to add a six-foot fence?

356
357 Mr. Blankinship - No, staff just recommended a 6-foot fence, he wishes to keep
358 the existing fence. Is that correct, sir?

359
360 Mr. Farley - Yes, sir.

361
362 Mr. Green - Ok, I think he's asking could we consider keeping the four-foot
363 fence. We'll have that unto discussion.

364
365 Mr. Farley - I'm sorry, sir?

366
367 Mr. Green - You can continue.

368
369 Mr. Farley - I have no problem taking down the ... it's covered in kind of
370 bush and vines, right there to the left of the garage. I don't mind taking that down and
371 putting in some hard parking surfaces there. Other than that, I think that concludes all I
372 have.
373
374 Mr. Green - Thank you. Are there any questions from the Board to the
375 applicant?
376
377 Mr. Madrigal - Just for clarification, I think the applicant was talking about
378 placing parking on this area. His property ends relatively close to the garage. So, actually,
379 he has to move this portion of the fence to put parking stalls in this area here, adjacent to
380 the right of the garage in this picture.
381
382 Mr. Green - So, he would have to remove the fence anyway, and ...
383
384 Mr. Madrigal - Remove a section of this fence to allow for parking on the
385 property. And, then he's talking about this back fence here, leaving it as is, and staff is
386 recommending a 6-foot tall privacy fence.
387
388 Mr. Green - That back fence is ...
389
390 Mr. Madrigal - You see the back fence with that material on it?
391
392 Mr. Green - That's not a chain fence?
393
394 Mr. Madrigal - That's a chain link fence.
395
396 Mr. Green - The back fence?
397
398 Mr. Madrigal - Yeah.
399
400 Mr. Blankinship - With the mesh attached.
401
402 Mr. Madrigal - Yes, with mesh.
403
404 Mr. Green - Ok.
405
406 Mr. Madrigal - The concern from staff is if he is hosting people here and they
407 are enjoying the back yard, we don't want it to become an issue, a privacy issue, or any
408 kind of issue with the adjacent neighbor.
409
410 Mr. Blankinship - If the houses were spaced a little farther apart, I don't think
411 we'd have that concern, but they are fairly close together. We can just imagine that people
412 who are there on vacation or whatever could be disruptive to the neighbors. A privacy

413 fence would help, but it's certainly within the purview of the Board whether to modify that
414 condition.

415
416 Mr. Green - And what kind of challenge would it pose for you to consider
417 a 6-foot fence? Is it within your realm?

418
419 Mr. Farley - Primarily, it would be a financial concern and to go back on
420 the other fencing ... Could I keep that fencing, as well? I think I could argue that there is
421 plenty of parking space in that concrete slab right there, as well as alongside of the
422 property, next to the fence, I personally park my vehicle alongside that fence, in front of
423 that tree, to the front right of that picture and I'm completely off the road.

424
425 Mr. Reid - Where's the back property line in relation to that telephone
426 pole?

427
428 Mr. Madrigal - Well, it's probably a foot or two off the garage, like you see on
429 the aerial. So, probably somewhere here in this area.

430
431 Mr. Reid - So, Mr. Farley, you're talking about improving the area in front
432 of the garage? To put two more ...

433
434 Mr. Farley - So, my understanding of the conditions, to revise it, was to
435 take down that minor chain link fence that's sticking out next to the concrete slab right
436 there. But now my understanding is that I need to move the fence to the east side of that
437 garage.

438
439 My rebuttal to that would be that I think there's plenty of parking space in front of the
440 garage. I could fit two cars on that concrete slab. And, then alongside the whole side of
441 the property on Jeter Street. There is plenty of off street parking that consist of grass and
442 gravel that any vehicle, including pickup trucks, would be completely off the road.

443
444 Mr. Madrigal - Unfortunately, the garage is 13-feet off of Jeter Street. So, it
445 does not allow for the full depth of a car to park there without overhanging into the right-
446 of-way, and Code requires onsite parking for the guests. So since there's two bedrooms,
447 it would be two stalls onsite.

448
449 Mr. Green - And it seems like the question is not in reference to the
450 parking, it is more the privacy and the noise. That's why you are recommending the six-
451 foot fence.

452
453 Mr. Madrigal - Two issues, right. So, the six-foot fence we're recommending
454 is here, in the back yard area, so that way if he has guests and they are enjoying the rear
455 yard they don't intrude into the adjacent neighbor's use and enjoyment of their property.
456 And then the other issue is he's talking about parking vehicles in front of his garage, which
457 really isn't feasible because they overhand into the right-of-way. And we want two parking
458 stalls on the property, here in this area adjacent to the garage which will entail removing

459 a portion of this fence to allow the vehicles to get in and out. And here you can see a
460 portion here to be removed to provide parking onsite in this area. And then this is that
461 fence on the side yard that we would like to be replaced with a six-foot tall privacy fence.

462

463 Mr. Green - So do you support, sir, the removal of the fence?

464

465 Mr. Farley - I would prefer not to do that.

466

467 Mr. Green - the parking problem...

468

469 Mr. Blankinship - The provision of two parking spaces, this would be a Code
470 requirement. Where he provides them, there's some flexibility, but they have to be on his
471 property. It can't be in the right-of-way. Parking in the right-of-way does not count towards
472 that requirement.

473

474 Mr. Green - So how do you address that?

475

476 Mr. Farley - Would parking on my property on Jeter Street be considered
477 a violation of the right-of-way? Because as far as I'm concerned, just from what I read,
478 that it was through the right-of-way on Martin Avenue.

479

480 Mr. Blankinship - Yeah, we wouldn't want short term renters to park on the right-
481 of-way of Martin Avenue under any circumstances just because that's a through street
82 with traffic.

483

484 Mr. Farley - Busy traffic.

485

486 Mr. Blankinship - Yeah. Where the people... if you happen to have three cars
487 there, if one group of people happen to come in three cars, then the third car could park
488 on Jeter Street, but you are required to provide parking on your property.

489

490 And, Mr. Madrigal, am I correct in thinking that chain link fence is pretty close to the
491 property line? I mean pretty much right on the property line.

492

493 Mr. Madrigal - This one here?

494

495 Mr. Blankinship - Yes.

496

497 Mr. Madrigal - Yes, I believe that's on the property line.

498

499 Mr. Blankinship - Yeah, so you think you can park anywhere out to the edge of
500 the pavement, but that's not where the property line is. The property line is back where
501 the fence is located. So you have to have room for two cars, and the stalls are 9 x 18-ft.,
502 typically.

503

504 On your side of that fence, if you can figure out a way to do that without taking the fence
505 down, we can work that out. But it is a Code requirement that there be two parking spaces
506 on your property, specifically designated for the short term rental.

507
508 Mr. Farley - So there's no parking allowed on the side of Jeter Street, on
509 the side of the fence?

510
511 Mr. Blankinship - It's not that there's no parking allowed there, it's that you're
512 required to provide parking on your property. It's a subtle difference.

513
514 Mr. Farley - Ok, that wouldn't be providing parking?

515
516 Mr. Blankinship - Right, correct. You have to provide two parking spaces on
517 your property in addition to the opportunity for people, because everybody in the
518 neighborhood has the right to park on Jeter Street. So we don't want your short term
519 renters to take spaces that other people in the neighborhood might want. So that's why
520 you have to provide the additional parking. And we do understand that there is some
521 expense involved, but of course, you are making some money off the Airbnb, and so we
522 hope that all that levels out. It's sort of the cost of doing business.

523
524 Mr. Farley - So the Airbnb, it's not going to be a full time thing?

525
526 Mr. Blankinship - Right.

527
528 Mr. Farley - It's going to be a primary residence. Something I'll do when
529 I'm away for a weekend.

530
531 Mr. Farley - I just don't see the cost making sense ... putting in a whole
532 new fence in, refurbish the driveway. Would the garage, itself, be considered a parking
533 space?

534
535 Mr. Madrigal - That's required parking for the property.

536
537 Mr. Blankinship - Your garage is the one that is counting towards the property,
538 except you don't have a driveway on Jeter Street. You are required one for the house,
539 and then one for each bedroom for the short term rental. We're counting the garage for
540 you, basically.

541
542 Mr. Farley- Yes, sir. If there's nobody in the garage, couldn't two cars
543 basically fit in that spot right there within the garage and in front of the garage? I personally
544 park a Jeep Cherokee on that slab every day and it does not stick out into the road, at all.

545
546
547 Mr. Blankinship - You say into the road, but it sticks out past that fence.

548
549 Mr. Farley - I would argue it doesn't, sir.

550
551 Mr. Blankinship - It's only 13-feet between the fence and the front of the garage.
552
553 Mr. Green - Right.
554
555 Mr. Farley- I understand that.
556
557 Mr. Blankinship - You couldn't possibly park two vehicles
558
559 Mr. Farley - No, but if you put one in the garage
560
561 Mr. Blankinship - Then you would still only have two, one in the garage and one
562 on the slab.
563
564 Mr. Farley - Yes, sir.
565
566 Mr. Green - You need three.
567
568 Mr. Blankinship - And you have to have three, if you are counting your garage.
569 Because we are counting the garage for your house.
570
571 Mr. Madrigal - And that's a one-car garage, it's not a two-car garage.
572
573 Mr. Pollard - I have a question for staff. If he makes the changes to the
574 fence, he doesn't have to do anything to the concrete?
575
576 Mr. Madrigal - No, the concrete can stay, he would just have to remove a
577 portion of this fence here in front, and then he would have to provide a surface for the
578 parking of the vehicles. That could be asphalt, gravel, cement, or whatever he prefers.
579 Pavers. It's up to him.
580
581 Mr. Pollard - So the asphalt that's there already, is not enough? He has to
582 add additional.
583
584 Mr. Madrigal - That's correct. Yeah, if I go to the aerial, here between the
585 garage and that property line, there's only 13-feet. Most vehicles are anywhere between,
586 let's say 16 and 20-feet in length. So, there's no way that he can park there without
587 overhanging into the right-of-way.
588
589 Mr. Pollard - Otherwise, he'd be parked on the grass.
590
591 Mr. Madrigal - Yes, which is why he has to provide parking, and this is the
592 most logical area. It won't affect the front façade and it's off a side street on his property.
593

594 Mr. Green - How are you going to address the parking if you had to take
595 the fence down? What material would you put down? You're not just going to have them
596 park on the grass.

597
598 Mr. Farley - Yes, sir. I would ... This is just coming into my head right now.
599 I'd adjust the fence probably accordingly, and put it on a diagonal, put it towards the shed
600 and fill it with gravel. Off the top of my head that's the quickest I think I can resolve that.
601 I need to remove that one tree that's next to the fence line.

602
603 Mr. Green - Alright.

604
605 Mr. Pollard - Ready to make a motion?

606
607 Mr. Green - First, we need to see if there are any other individuals in the
608 audience or on Webex who's for or against this proposal. Are there?

609
610 Mr. Blankinship - Is there anyone on Webex?

611
612 Mr. Peterman - Nobody's on Webex.

613
614 Mr. Green - Ok, I'm going to close this case and entertain a motion.

615
616 Mr. Pollard - I move that we approve the conditional use permit subject to
617 the recommendations by the staff. It's consistent with the Comprehensive Plan and
618 Zoning Ordinance. There are only two bedrooms, so there will be only four renters. Jeter
619 Street ends at the church parking lot so there's very little traffic on that side.

620
621 Mr. Blankinship - And you are not amending the conditions, at all.

622
623 Mr. Pollard - No sir, I'm not amending the conditions.

624
625 Mr. Green - Discussion. So, what do we do about the?

626
627 Mr. Pollard - Second it.

628
629 Mr. Green - Oh, I'll second it, then discussion.

630
631 Staff has raised concern about the parking and that six-foot fence. What are your
632 thoughts on parking because there will be some overhang, as they say and I can see
633 someone ... I get a sense that they are going to allow the fence to stay and ... What about
634 the parking and the removal of the fence?

635
636 Mr. Pollard - So, their concerns are addressed in the conditions. The entire
637 time we were discussing this case, I was racking my brain and in driving by the home ...
638 racking my brain trying to figure out ... all the questions you asked were good questions
639 because they were questions I had. I was trying to figure out a way around those

640 conditions but to stay within the Code, I couldn't figure out any. So I left the
641 recommendations as is.

642
643 Mr. Green - A motion has been made by Mr. Pollard, seconded by myself,
644 Mr. Green. All in favor say, aye.

645
646 The Board - Aye.

647
648 Mr. Green - All those opposed. Ok.

649
650 Mr. Blankinship - We have to record your vote, Mr. Johnson.

651
652 Mr. Johnson - Yes, I agree with that.

653
654 Mr. Blankinship - You vote in favor?

655
656 Mr. Green - It's unanimous. Passes. Thank you, sir.

657
658 Mr. Farley - Sorry, can you just clarify what I need to do.

659
660 Mr. Blankinship - Miguel, can you help him?

661
662 Mr. Farley - I'm talking to you.

663
664 Mr. Blankinship - Oh, I'm sorry. Miguel's going to explain it to you.

665
666 Mr. Green - Yes.

667
668 Mr. Farley - Thank you.

669
670 On a motion by Mr. Pollard, seconded by Mr. Green, the Board **approved** case **CUP2022-**
671 **00026, WILLIAM PATRICK FARLEY, III's** request for a conditional use permit pursuant
672 to Section 24-4430.A. of the County Code to allow short-term rental of a dwelling at 3700
673 Martin Avenue, Ratcliffe, Parcel 800-735-2858, zoned R-4, One-Family Residence
674 District (Fairfield). The Board approved the request subject to the following conditions:

675
676 1. This conditional use permit authorizes the short-term rental of the existing dwelling,
677 including unhosted stays for a maximum of four guests. All other applicable regulations
678 of the County Code remain in force.

679
680 2. The applicant shall install two hard-surface parking spaces adjacent to the east side of
681 the garage and a six-foot-tall privacy fence along the northern property line.

682
683 3. This approval is subject to the County noise ordinance (Sec. 10-67 through 10-69),
684 registry ordinance (Sec. 20-280 through 20-282), and short-term rental development
685 standards (Sec. 24-4430).

731 area where the proposed garage would go, right here beside the driveway. And, you can
732 see here, the proposed garage is a one-story, three-car garage.

733
734 In evaluating this request, the property is zoned A-1, Agricultural District. Residences are
735 permitted in this district and a detached garage is customarily accessory to residences.

736
737 This is an aerial of the site here. The surrounding properties are typically acre plus lots.
738 And at 13-acres, you can see this is one of the larger sites in the area. This gives the
739 added benefit of providing more privacy with regard the neighbors as well. And, the
740 proposed garage location would be 411 feet off of Darbytown Road and it would be almost
741 200 feet from the nearest residence. The vegetation along this road would also screen it
742 from people driving down this street. As a result, I anticipate little if any impact from this.

743
744 In conclusion, the site is over 13 acres in area. The proposed garage location would be
745 over 400 feet from Darbytown Road and roughly 200 feet from the neighbors. Little
746 impact, if any, is anticipated by staff so we can recommend approval of this request
747 subject to the conditions in your staff report. If you have any questions, I'll be happy to
748 answer those. Thank you.

749
750 Mr. Green - Are there any questions from the Board to staff?

751
752 We'll now hear from the applicant.

753
754 Mr. Ladak - Good morning to the Board. I appreciate your consideration
755 for this. We've been in the house since 2010.

756
757 Mr. Blankinship - Tell us your name, please.

758
759 Mr. Ladak - Oh, Zaheer Ladak. L-A-D-A-K. I'm the homeowner.

760
761 Bought the house in 2010. I live there with my wife and two young children. We've been
762 gradually over time just renovating the home. It's an 1895 farmhouse. As you saw, it's
763 over 13 acres. My wife has several rescue horses and so we have barns at the back of
764 the property near the fence. And so as the family's growing, we've been looking to add a
765 garage for a couple of our vehicles. And we've looked at different places on the property
766 and you see a lot of it is wooded on the side, we've got a lot of wetlands. And so, the most
767 convenient place and logical place is off the driveway, right there. We know our neighbors
768 very well in the subdivision. We visit them frequently and they come over quite frequently,
769 and they know we are doing this. And so we appreciate --- the design. The last thing I'll
770 say is we're hoping that the design is very commensurate with the home as well. So not
771 anything jarring or anything, and I'll be happy to answer any questions.

772
773 Mr. Green - Mr. Blankinship, do you have a picture of the home and how
774 it would look?

775
776 Mr. Ladak - Yes, we do.

777
778 Mr. Gidley - I'm Mr. Gidley actually.
779
780 Mr. Green - Ah, Mr. Gidley. I'm sorry.
781
782 Mr. Gidley - Let's see here, there's one from the side.
783
784 Mr. Ladak - It'll match with the gray siding and we're going to do it so it's
785 complimentary to our home.
786
787 Mr. Green - Are there any questions from the Board to the applicant?
788
789 Mr. Johnson - Also I noticed that the other houses behind you ... they are
790 facing the street as well even though you are a long way from Darbytown, which makes
791 it a little bit different facing that direction and it also would make it hard for you to put
792 something behind your house or on the side. And I think that what you are doing is the
793 only ... that was just one of the things I was noticing.
794
795 Mr. Ladak - Yeah, it's a good point. We looked at what kind of feasible
796 options that we had and just the way the driveway is located up to our house and where
797 our house is positioned on the lot, this was kind of one of the only options. We did have
798 an option to go out from the home further, but actually that would have been disruptive to
799 the neighbors and there would have been no passage around the side of the home, at
800 that point, and so this is what we ended up with. And the reason we actually chose that
801 location too is that we have several trees on the property that we want to retain. We want
802 to keep --- This is one of clearest spots on the property to build a garage.
803
804 Mr. Johnson - Yes.
805
806 Mr. Green - Are there any questions from the Board to the applicant?
807
808 Is there anyone on Webex to speak for or against this Conditional Use Permit?
809
810 Mr. Peterman - Nobody on Webex.
811
812 Mr. Green - Hearing none, I'll close the hearing and entertain a motion.
813
814 Mr. Johnson - I move that we approve the Conditional Use Permit subject to
815 the conditions recommended by staff.
816
817 Mr. Bell - Second.
818
819 Mr. Johnson - And it is consistent with the Comprehensive Plan and the
820 Zoning Ordinance. So the garage will be, what, 500 feet from the road?
821
822 Mr. Blankinship - Almost.

823
824 Mr. Johnson - And the neighbor's house is 200 feet from the garage and it is
825 also screened by the trees as well. Then I approve that.

826
827 Mr. Green - So the motion has been moved. Seconded by Mr. Bell. Is
828 there any discussion? Hearing no discussion. All in favor say aye.

829
830 The Board - Aye.

831
832 Mr. Green - The motion passes.

833
834 Mr. Ladak - Thank you, sir. Thank you for your time.

835
836 On a motion by Mr. Johnson, seconded by Mr. Bell, the Board **approved** case **CUP2022-**
837 **00027 ZAHEER LADAK's** request for a conditional use permit pursuant to Section 24-
838 4404.A.1. of the County Code to build a garage in the front yard at 3891 Darbytown Road,
839 Parcel 828-691-3148, zoned A-1, Agricultural District (Varina). The Board approved the
840 request subject to the following conditions:

841
842 1. This conditional use permit authorizes the placement of one garage in the front yard of
843 the property as shown on the "Henrico GIS" plot plan submitted with the application. All
844 other applicable regulations of the County Code remain in force.

845
846 2. This conditional use permit applies only to the improvements shown on the "Henrico
847 GIS" plot plan and the building design by Glasgow Design Services filed with the
848 application. Any additional improvements must comply with the applicable regulations of
849 the County Code. Any substantial changes or additions to the design or location of the
850 improvements will require a new conditional use permit.

851
852 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant
853 must obtain approval of an environmental compliance plan from the Department of Public
854 Works.

855
856 4. The applicant must obtain a building permit for the proposed garage by June 24, 2024,
857 or this conditional use permit will expire. If the building permit is cancelled or revoked after
858 that date due to failure to diligently pursue construction, this conditional use permit will
859 expire at that time.

860
861
862 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
863 **Negative:** 0
864 **Absent:** 0

865
866
867 Mr. Blankinship - Alright, Conditional Use Permit 2022, number 28. Mathew
868 Cherian.

869
870 **CUP2022-00028 MATTHEW CHERIAN** requests a conditional use permit pursuant to
871 Section 24-4404.A.1. of the County Code to build a garage in the front yard at 12578 Kain
872 Road, Parcel 734-771-8609, zoned A-1, Agricultural District (Three Chopt).
873

874 Mr. Blankinship - Would everyone who intends to speak to this case please
875 stand and be sworn in. Raise your right hands please. Do you swear the testimony you
876 are about to give is the truth, the whole truth, and nothing but the truth so help you God?
877

878 Thank you. Mr. Madrigal.

879
880 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chair, members of the Board.
881

882 Before you is a request to build a detached garage in the front yard of a single-family
883 dwelling. The subject property is a stem lot resulting from a family division, which was -
884 developed in 2002 by way of variance. It is improved with a two-story, 3700-square-foot
885 home with a 960-square-foot garage constructed in 2002. Other improvements include
886 two storage buildings in the rear yard measuring 384 and 120 square feet.
887

888 The existing home is over 500 feet distance from Kain Road and 36 feet from the eastern
889 property line. Access to the property is by way of a 400-foot asphalt driveway that ends
890 in a circle in front of the house. All of the buildings on the property are located on the
891 eastern half of the lot. The septic drainfields are on the western side of the lot to the front
892 of the house.
893

894 The applicant purchased the property in May of 2020. Shortly thereafter, he constructed
895 a two-story, 1700 square-foot addition on the western side of the house, which was final
896 in June of last year.
897

898 In April of this year, he submitted plans for a 484-square-foot detached two-car garage.
899 During plan review, the applicant was informed of the need for a Conditional Use Permit
900 because the garage's proposed location was in the front yard. Although the garage will
901 be located in the front yard, it will have no bearing on adjoining neighbors nor will it be
902 visible from the street due to the site's limited access, the deep 400-foot driveway and the
903 500-foot house setback from the street. The garage will be located on the western side
904 of the home and is further obscured from view by the two front lots and existing trees and
905 vegetation.
906

907 The placement of the proposed structure will have negligible impacts due to the large size
908 of the surrounding lots. Their asymmetrical configuration and existing tree lines will
909 provide significant screening. The most visually impacted neighbor is to the east, at
910 12564 Kain Road, which is this property here. That home is oriented towards the
911 applicant's property and will have a line of sight towards the proposed garage. Although
912 the garage will be partially visible to this neighbor, no detrimental impacts are anticipated
913 since the garage will be 200 feet distant and there is an existing tree line and privacy
914 fence between the two properties. And you can see here on the photo, existing fence and

915 the trees and vegetation. The property is both consistent with underlying zoning and
16 Comprehensive Plan designations. No adverse impacts are anticipated by this proposal.

917
918 Although the proposed garage will be architecturally inconsistent with the applicant's
919 existing home, it will not be visible from Kain Road or the adjoining properties. Based on
920 the facts in this case, staff recommends approval subject to the conditions.

921
922 Mr. Green - You say inconsistent with the style of the home?

923
924 Mr. Madrigal - Yes, sir.

925
926 Mr. Green - I don't understand. Is there a reason why?

927
928 Mr. Madrigal - That's just the design that the applicant want to go with.
929 Here's the architectural style of the home, A-frame roof structure, and here's the garage
930 perspective, so it's just a shed roof essentially, garage. But since it's not visible from the
931 street or anybody else, it's really just the owner's prerogative and their liking.

932
933 Mr. Green - Thank you. Are there any questions from the Board to staff on
934 this Conditional Use Permit? Hearing none, we'll now hear from the applicant.

935
936 Please state your name and spell your last name.

937
938 Mr. Lee - My name is James Lee. L-E-E. I'm here representing the
939 owner who is out of town at the moment. We ask that you consider approving this request.
940 As stated, you cannot see it from the street and from the design standpoint, he went with
941 shed look in design because if you go back and look at the house, the front gable part ...
942 the rendering isn't in the color he's going to pick. If you look at the front where the big
943 window is, he has the same type of lines there. And since he has that dormer with a shed
944 roof, a shed roof in the same line in the front, as that kind of like blends in with the house.
945 And so if you have any questions, I'm here to answer your questions.

946
947 Mr. Green - Are there any questions from the members of the Board to the
948 applicant? Is there anyone on Webex to speak for or against this or in the audience?

949
950 Mr. Peterman - Nobody on Webex.

951
952 Mr. Green - Hearing none, this hearing is closed. As the Three Chopt
953 representative, representing my area, I recommend we approve the Conditional Use
954 Permit subject to the conditions recommended by staff. It is consistent with the
955 Comprehensive Plan and the Zoning Ordinance. The garage will be over 400 feet from
956 the road. Houses in the area are spread out so the garage will not impact other neighbors.
957 Do I hear a second?

958
959 Mr. Reid - Second.

60

961 Mr. Green - The motion is made by myself, Mr. Green, and seconded by
962 Mr. Reid. Is there any discussion from the Board? Hearing none. All in favor say, aye.

963
964 The Board - Aye.

965
966 Mr. Green - All opposed. Motion passes.

967
968 On a motion by Mr. Green, seconded by Mr. Reid, the Board **approved** case **CUP2022-**
969 **00028 MATTHEW CHERIAN's** request for a conditional use permit pursuant to Section
970 24-4404.A.1. of the County Code to build a garage in the front yard at 12578 Kain Road,
971 Parcel 734-771-8609, zoned A-1, Agricultural District (Three Chopt). The Board
972 approved the request subject to the following conditions:

973
974 1. This conditional use permit authorizes the construction of a detached two-car garage
975 in the front yard of a one-family dwelling. All other applicable regulations of the County
976 Code remain in force.

977
978 2. This conditional use permit applies only to the improvements shown on the plans titled
979 "Kain Road Garage Project" by C. L. Design LLC filed with the application. Any additional
980 improvements must comply with the applicable regulations of the County Code. Any
981 substantial changes or additions to the design or location of the improvements will require
982 a new conditional use permit.

983
984 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant
985 must obtain approval of an environmental compliance plan from the Department of Public
986 Works.

987
988 4. The new construction must match the existing dwelling as nearly as practical in
989 materials and color.

990
991 5. Any exterior lighting must be shielded to direct light away from adjacent property and
992 streets.

993
994 6. The applicant must obtain a building permit for the proposed garage by June 24, 2024,
995 or this conditional use permit will expire. If the building permit is cancelled or revoked after
996 that date due to failure to diligently pursue construction, this conditional use permit will
997 expire at that time.

998
999

1000	Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
1001	Negative:		0
1002	Absent:		0

1003
1004
1005 Mr. Blankinship - Alright, the last Conditional Use Permit for this morning is
1006 Conditional Use Permit 2022, number 29. Karen L. King.

1007 **CUP2022-00029 KAREN L. KING** requests a conditional use permit to operate a large
1008 family day home pursuant to Section 24-4402 of the County Code at 3008 Chartwood
1009 Drive, Chartwood, Parcel 833-721-4437, zoned R-3AC, One-Family Residence District
1010 (Conditional) (Varina).

1011
1012 Mr. Blankinship - Mr. Chair, I'll call your attention to an email message that was
1013 put on the table for you this morning regarding this case.

1014
1015 Would everyone who intends to speak to this case please stand and be sworn in. Raise
1016 your right hands please. Do you swear the testimony you are about to give is the truth,
1017 the whole truth, and nothing but the truth so help you God?

1018
1019 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chairman, Members of the
1020 Board.

1021
1022 Before you is a request for a large family day home in a single family district. The subject
1023 property is located adjacent and to the south of Oak Hall Ruritan Club. The lot is a quarter
1024 acre and is part of Section A of the Chartwood subdivision, which was recorded in 1999.
1025 The property is improved with a two-story, 1,800-square-foot home with 683 square feet
1026 of unfinished space and open parking, constructed in 2000. The rear one-third of the lot
1027 is wooded, and the parcel is served by county water and sewer.

1028
1029 The applicant has lived at this location since 2014 and has operated a small family day
1030 home since 2016. She would like to expand her business to be licensed to care for up to
1031 12 children. The applicant's sister resides with her and helps with the care of the kids.
1032 The applicant intends on hiring two outside employees if her request is approved. Her
1033 current hours of operation are from 5:00 a.m. to midnight and she is considering offering
1034 overnight service for a limited number of children.

1035
1036 With respect to the evaluation of this request, the property is consistent with both the
1037 underlying zoning and Comprehensive Plan designations. The lot complies with the
1038 minimum lot size, lot width with dimensional standards for the R-3A district. The proposed
1039 large family day home is allowed as an accessory use subject to the approval of a
1040 conditional use permit.

1041
1042 The applicant has been providing childcare services at this location for six years, and she
1043 would like to upgrade her license to a large family day home for up to 12 children.

1044
1045 The property is one lot removed from the northeast corner of Chartwood Lane and
1046 Chartwood Drive. It backs onto the Oak Hall Ruritan Club. The rear yard is approximately
1047 6,000 square-feet in area and is partially wooded. There is an 18-by-40-foot concrete
1048 driveway at the front of the home for onsite parking, and ample on-street parking is
1049 available, especially on the side street.

1050
1051 The proposed use appears to be appropriate for the size of the home and lot. No
1052 significant changes will be made to the home to accommodate the proposed use and it

1053 should be compatible to the general character, scale, and intensity of the neighborhood.
1054 The applicant does provide an essential service to the community and will continue to do
1055 so if her request is approved. Staff does not anticipate any significantly adverse impacts
1056 as long as the applicant adheres to the recommended conditions of approval. Based on
1057 the facts in the case, staff recommends approval subject to the conditions.

1058
1059 Mr. Green - Are there any questions from the Board to staff? I have one.

1060
1061 The person who says they are in opposition says there are a lot of these homes in that
1062 area. Do we know how many there are?

1063
1064 Mr. Madrigal - No. When I did my research for this area, only her's came up
1065 and she was voluntarily registered. If you have small family day homes, you don't have
1066 to register. It's just a voluntary process. Once you go beyond the threshold of the small
1067 family day home and you get to the large family day home, at that point, you do have to
1068 register and be state licensed. So, I think, in this general vicinity she is the only one I'm
1069 aware of.

1070
1071 Mr. Green - Ok. Are there any other questions from the Board to staff?

1072
1073 Mr. Reid - I have one.

1074
1075 Mr. Green - Mr. Reid.

1076
1077 Mr. Reid - Are you aware of any complaints from neighbors in the last six
1078 years during the operation of the small family home?

1079
1080 Mr. Madrigal - No, sir. I am not aware of any. There were a few issues in
1081 her record for the state, but it was really more as to the operation of the facility, not from
1082 neighbors.

1083
1084 Mr. Reid - Thank you.

1085
1086 Mr. Green - Mr. Pollard.

1087
1088 Mr. Pollard - Yes, after the expansion, will she have to be licensed by the
1089 state?

1090
1091 Mr. Madrigal - One more time, sir.

1092
1093 Mr. Pollard - After the expansion, will she have to be licensed by the state?

1094
1095 Mr. Madrigal - Yes, definitely. She goes to a large family day home and the
1096 state will conduct their inspection. They'll determine the number of children that she can
1097 have and she'll be licensed accordingly.

1098

1099 Mr. Bell - They made the new corrections on this particular coding. Did
1100 they leave the numbers the same or did they go up? Someone told me it went up from 12
1101 to 14. Is that right?
1102

1103 Mr. Madrigal - She'd be limited to a maximum of 12. She's licensed right
1104 now for up to five, not including her own children and then she's applying for a large family
1105 day home, which is six to twelve and twelve being the max.
1106

1107 Mr. Bell - Max.

1108 Mr. Madrigal - Yes.

1109 Mr. Green - Thank you. We'll now hear from the applicant. Please state
1110 your name and spell it.
1111

1112 Ms. King - Good morning, Mr. Chairman and panel of the Board. My
1113 name is Karen King, K-A-R-E-N K-I-N-G. Again, I'm here today ... I come to you with 25
1114 years plus of experience in child care. I worked in head start for many, many, years upon
1115 me having an accident in 2016, and me stepping out on faith to do it in my home. I've
1116 been doing so since. I've had a variety of families to come in which I've serviced from
1117 ages birth to the highest being my adopted daughter because I'm a former foster parent
1118 as well. So she's now 13 years old. So, that's the highest age that I've taken as far as
1119 care in my home.
1120
1121

1122
1123 I currently have a parent who is pregnant and the parents ... you know, you service people
1124 by word of mouth. So, I have a lot of people who are asking for quality care and I have to
1125 turn them down because I'm not able to take but so many children. I love what I do. I
1126 have a passion for it. I love my families. They are very respectful of their environment as
1127 well as my home, and we just want to be able to continue to service and offer quality care
1128 to people in the community as well as the need for services outside the community. As
1129 we know with the pandemic, things have changed and there's a great need for services
1130 for quality care. I consider myself quality care. And I just want to be able to expand my
1131 services to offer that to people in need. So, I thank you for your attention. Are there any
1132 questions?
1133

1134 Mr. Green - Yeah, one quick thing I picked up on what you seem to be
1135 doing differently. You're going to be offering overnight potential services for the kids as
1136 well?
1137

1138 Ms. King - The only thing as far as the overnight ... because you know,
1139 there are different shifts in terms of people need jobs, and it's a high need sometimes for
1140 overnight care. One of my bedrooms upstairs, I have two sets of bunk beds, which would
1141 offer four bunk beds. And upon the ... I've talked to my licensure and whatever the
1142 services that need to be met, I'm able to provide those services. So I will be able to expand
1143 and do so.
1144

44

1145 Mr. Green - Are there any other questions from the Board to the applicant?
1146

1147 Mr. Johnson - The ages of the children you're having, they go from little ones
1148 to what age?
1149

1150 Ms. King - I will only be servicing from age birth, newborn, to ... I'll
1151 probably stop at the age of nine to ten. I'm not going any higher. I have not serviced any
1152 children that high, other than my family coming over, something like that. I've never had
1153 the need or desire to go over that age.
1154

1155 Mr. Johnson - Also, you said you are looking at getting two more employees
1156 or something?
1157

1158 Ms. King - Yes, sir.
1159

1160 Mr. Johnson - Would you have space for them as far as parking and stuff like
1161 that as well?
1162

1163 Ms. King - As you see, my home is ... it's the second from the end so if
1164 employees need to park ... my vehicle and my sister's are parked right there in front of
1165 the home, but we, normally park around the corner. It's a long space beside the home
1166 where we can park at. And that's what we've been doing and hasn't been any problems
1167 as far as parking. Parents work at various hours, so they come in, say good morning.
1168 We talk a few minutes about the kids and then they are off to work. So, it's been a smooth
1169 transition thus far.
1170

1171 Mr. Johnson - And one more thing is that I noticed you mentioned something
1172 about having the kids in the front yard doing some activities.
1173

1174 Ms. King - We have a little mini slide and the kids that I service, that I
1175 have right now are from ages one to the oldest being three. And so, the little slide we go
1176 out in the morning and play sometimes. They go out and they may play in the yard
1177 sometimes. And the neighbors come by and we wait for the mailman. They greet the
1178 mailman and get the mail and things of that nature. Just to give them that outdoor time.
1179 Because the weather's been so hot lately, it varies, but most of the time if we are doing a
1180 variety of activities. We might do bubbles in the yard, or something like that. We go to
1181 various playgrounds. We do water play at Henrico Recreation. My sister, sometimes, we
1182 do weekend outings. We go to Twin Hickory. So, it depends. It's not a lot of time where
1183 we are just outside all day or the kids are out there unattended or anything. They're always
1184 supervised.
1185

1186 Mr. Johnson - What I was indicating was, would someone be around
1187 because there is no fencing around the front if they're going to be out there?
1188

1189 Ms. King - The kids are always site supervised, I'm saying, someone is
1190 always there. Someone will always be with the children at all times.

1191
1192 Mr. Johnson - Since they'll be small kids running around all the time,
1193 especially out in the yard, you don't want them running into the road. That's what I'm just
1194 concerned about, making sure that don't happen.

1195
1196 Ms. King - Yeah, we haven't had any problems with the kids going
1197 outside our boundaries. Like I said, someone is there with them. We are interacting with
1198 them at all times. So they are not allowed to get out of our site.

1199
1200 We have, in the shed, as was shown, I have little bicycles, so the kids they can ride their
1201 little trikes. In the driveway, our little sign that says "children ... I forgot what the sign
1202 says, but it's the little yellow sign with the flag on it. So like the neighbors come by, they
1203 speak. I've even had neighbors in the neighborhood that bring the kids toys, you know,
1204 and interact with them. So, it's not no inconvenience or any conflict as far as with them
1205 being able to go outside of the boundaries. Their boundaries are always met.

1206
1207 Mr. Green - And it's important to remember you've been doing this already
1208 for how many years?

1209
1210 Ms. King - I've been doing this since 2016 in that home, but I've been
1211 teaching head start. I started off as a head start teacher in 1998. And I went from
1212 assistant teacher to a lead teacher until that program ended. I started off at Sacred Heart
1213 Center until they closed. I was the program coordinator, and then I went over to the
1214 YWCA, Main Street, and I had to start over again. And, over there, I was able to extend
1215 my learning and leadership and had opportunities to lead there as well, upon me leaving
1216 in 2016.

1217
1218 Mr. Green - What I'm trying to get at is that you've been operating at this
1219 home since 2016 with no incidences, and all you are looking to do now is expand.

1220
1221 Ms. King - Yes, expand. Yes, sir.

1222
1223 Mr. Green - So, in terms of her credentials, we understand that. We
1224 understand that the state has some strict regulations that she's going to have to follow as
1225 it relates to the care of those children. At least we know that since she's been there since
1226 2016, there have been no incidences in terms of the kids, from 2016 to 2022, running into
1227 the street potentially and posing a problem. She seems to have contained that issue.

1228
1229 Ms. King - And, if I may also add, we also did like parenting events where
1230 parents come over for Easter and different things like that. We have things there, you
1231 know, like if you are having a family event. And we haven't had any problems as well.

1232
1233 Mr. Green - Are there any other questions from the Board for the
1234 applicant?

1235

1236 Is there anyone on Webex to speak for or against this proposal? Noting that we do have
1237 a letter of opposition that has been presented to us.

1238
1239 Mr. Peterman - Nobody's on Webex.

1240
1241 Mr. Green - I'd like to close the case and obtain a motion.

1242
1243 Mr. Johnson - I move that we approve the Variance subject to conditions
1244 recommended by staff.

1245
1246 Mr. Blankinship - Conditional Use Permit.

1247
1248 Mr. Johnson - As I mentioned, I move that we approve the Conditional use
1249 Permit subject to the conditions recommended by staff. And it is consistent with the
1250 Comprehensive Plan and Zoning Ordinance; and the family day home provides an
1251 important service to the community and the house has a large concrete driveway and
1252 also parking should not be an issue. So, with that, I recommend approval.

1253
1254 Mr. Green- A motion has been made by Mr. Johnson,

1255
1256 Mr. Pollard – I second it.

1257
1258 Mr. Green - Seconded by Mr. Pollard. All in favor say, aye. Well, is there
1259 discussion? All in favor say, aye.

1260
1261 Ms. King - Thank you. Have a great day.

1262
1263 Mr. Green - Thank you.

1264
1265 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case
1266 **CUP2022-00029 KAREN L. KING's** request for a conditional use permit to operate a
1267 large family day home pursuant to Section 24-4402 of the County Code at 3008
1268 Chartwood Drive, Chartwood, Parcel 833-721-4437, zoned R-3AC, One-Family
1269 Residence District (Conditional) (Varina). The Board approved the request subject to the
1270 following conditions:

1271
1272 1. This conditional use permit applies only to the operation of a large family day home
1273 with two employees from outside the home. All other applicable regulations of the County
1274 Code remain in force.

1275
1276 2. Outside employees must park on the property, not on the street.

1277
1278 3. Designated play areas and equipment must be located in the rear yard.

1279
1280 4. The applicant must satisfy all Virginia Department of Social Services licensing
1281 requirements for a large family day home.

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Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
Negative:		0
Absent:		0

Mr. Blankinship - Alright, that concludes the conditional use permits for this morning.

There are two Variances on this morning's agenda. The first is Variance 2022, number 8. Jamila A. Flowers.

VAR2022-00008 JAMILA A. FLOWERS requests a variance from the public street frontage requirement pursuant to Section 24-4306.E.1. of the County Code to build a one-family dwelling at 4295 Darbytown Road, Parcel 833-688-0992, zoned A-1, Agricultural District (Varina). The applicant has 0 feet public street frontage where the Code requires 50 feet public street frontage. The applicant requests a variance of 50 feet public street frontage.

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

Unknown speaker - Yes.

Mr. Blankinship - Thank you.

Mr. Green - Excuse me, prior to hearing the variances, we will take a 5-minute break.

Mr. Blankinship - Yes, sir.

[Break in audio]

Mr. Green - Welcome back to the Henrico County Board of Zoning Appeals meeting.

Mr. Gidley - Mr. Secretary, the subject property is located off of Darbytown Road and was previously part of a farm dating back to 1883. In 1942, the owner William Brown died and he left the property to his wife and kids.

Between 1978 and 1981, Ms. Brown conveyed four lots along with the site of the family cemetery.

1327 The subject property shown here was one of the four lots. And, included with it, up along
1328 Darbytown Road, there's an ingress and egress easement to the property; however, that
1329 did not satisfy the public street frontage requirement that was in effect at the time. As a
1330 result, the applicant who purchased the property last year has applied for a variance to
1331 allow a home to be constructed on this 3-acre parcel.

1332
1333 This is a picture of the home, right here. The proposed home, as you can see, will be one-
1334 story drive and it will have a finished basement along with three-car garage as well.

1335
1336 The applicant's uncle lives next door on the west side, and he has indicated the applicant
1337 will actually use part of the existing driveway that comes into his house as well.

1338
1339 As far as reviewing this request, as you know, there are three threshold tests and one
1340 needs to be met. Staff believes the first one is met and that deals with unreasonable
1341 restriction on the use of the property. The public street frontage requirement was in place
1342 at the time; that is reasonable. At the time of the lot's creation in the 1970s, however, it
1343 was common practice to provide easements to lots, especially to family subdivisions in
1344 the Varina area such as this.

1345
1346 In this case you have a gently sloping three-acre parcel that the applicant purchased to
1347 build a single-family home in line with the surrounding uses. It's really too small for other
1348 uses and it's not practical to have a public road built running through other people's
1349 property to access just this one parcel. So, absent a variance, the site has set unused
1350 and remained vacant. For these reasons, staff believes the first test is met.

1351
1352 We then move on to the five subtests which are noted in your staff report. We believe all
1353 five are met. The applicant's not responsible for the hardship and the proposed dwelling
1354 is consistent with the surrounding uses. So, in conclusion, without a variance, a home
1355 cannot be constructed on the property, which the Board can find to be an unreasonable
1356 restriction on the utilization of the property. The hardship was not created by the
1357 applicant. Again, all five subtests are met. As a result, staff recommends approval of the
1358 request subject to the conditions in your staff report.

1359
1360 This concludes my presentation. If you have any questions, I'll be happy to answer them.
1361 Thank you.

1362
1363 Mr. Green - Are there any questions from the Board to the staff in
1364 reference to this variance? Hearing none, we will now hear from the applicant.

1365
1366 Would you please state your name and spell it, please?

1367
1368 Ms. Flowers - Good morning, Board members. My name is Jamila A.
1369 Flowers, spelled F-L-O-W-E-R-S. I thank you all for your time and consideration of this
1370 matter. The property, as stated, belongs to my family, on my father's side. I did purchase
1371 the property from my cousin, which would be my second cousin, my dad's first cousin.
1372 The adjacent property that is next door belong to my grandmother and my uncle currently

1373 lives in the house that would be 4291, and to the left of that, the other parcel is my cousin
74 as well that's right next door. This property has been in my family for a very long time,
1375 and when my cousin decided that she wanted to sell it because she resides in Maryland
1376 and has no desire to live back here in Virginia, I asked her for the opportunity to purchase
1377 the property and because I wanted to build down there. I spent all my childhood in Varina,
1378 especially in that 4291, I grew up in that house. So, the house and the driveway I actually
1379 still help maintain the driveway, the yard and everything for my grandmother's house. My
1380 grandmother passed in 2015, but my dad actually owns the house now. My dad told me
1381 he didn't have any objections to me building on the property and using the driveway,
1382 which I would maintain, and I hope with you all's approval would allow me to build on the
1383 property.

1384
1385 Mr. Green - Are there any questions from the Board to the applicant?

1386
1387 Mr. Johnson - You said it's one of your family members that own the right-
1388 of-way.

1389
1390 Ms. Flowers - Yes. So, it's my dad that owns the 4291. When my
1391 grandmother passed, it passed on to my dad. He lives in Colorado. When the pandemic
1392 hit ... It originally was going to be put in my name, but he hasn't been back home to put
1393 it in my name, which was good because I came on the opportunity to buy my cousin's
1394 land. Only one property can be built on that three-acres. So ...

1395
96 Mr. Johnson - Ok.

1397
1398 Mr. Green - Are there any other questions from the Board to the applicant?
1399 Hearing no questions from the Board, is there anyone on Webex or in the audience who
1400 is for or against this variance?

1401
1402 Mr. Peterman - Nobody on Webex.

1403
1404 Mr. Green - Ok, I close this hearing and entertain a motion.

1405
1406 Mr. Johnson - I move that we approve this variance, subject to the conditions
1407 recommended by staff. And, without a variance, there is no reasonable use for the land
1408 and the hardships were created by the previous owner, not the applicant. And there will
1409 be no detrimental impact on the neighbors and the other tests as was stated in the staff
1410 report that without that right-of-way, there's nothing you can do with it. I recommend
1411 approval.

1412
1413 Mr. Pollard - I second the motion.

1414
1415 Mr. Green - Motion was by Mr. Johnson, approved by Mr. Pollard. Is there
1416 any discussion? Hearing none, all in favor say, aye.

1417
18 Board - Aye.

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Mr. Green - Opposed like sign. The variance is approved.

On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case **VAR2022-00008 JAMILA A. FLOWERS'** request for a variance from the public street frontage requirement pursuant to Section 24-4306.E.1. of the County Code to build a one-family dwelling at 4295 Darbytown Road, Parcel 833-688-0992, zoned A-1, Agricultural District (Varina). The Board approved the request subject to the following conditions:

1. This variance applies only to the public street frontage requirement for one dwelling only. All other applicable regulations of the County Code remain in force.
2. This variance applies only to the improvements shown on the plot plan and the building design titled "Flowers Residence" by Rayburn Design Studio dated 5-4-22 and filed with the application. Any additional improvements must comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements will require a new variance.
3. At the time of building permit application, the applicant must provide evidence of Health Department approval of a private water supply and onsite sewage disposal system.
4. At the time of building permit application, the applicant must demonstrate the existing driveway is located completely within the 25-foot easement. If the existing driveway is not located completely within the easement, a new easement must be recorded prior to building permit approval.
5. Prior to certificate of occupancy, the driveway must be improved with a durable asphalt or compacted gravel surface to provide access for police, fire, emergency medical services, and other vehicles. The owners of the property, and their heirs or assigns, must maintain access to the property.
6. The applicant must obtain a building permit for the proposed dwelling by June 24, 2024, or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
Negative:		0
Absent:		0

Mr. Blankinship - The last case on this morning's agenda is Variance 2022, number 9, Persaud Holdings, LLC.

VAR2022-00009 PERSAUD HOLDINGS, LLC requests a variance from Sections 24-6402.A.2, 24-4306.E.1 and 24-3105.G.1. to build a one-family dwelling at 38 Loudon

1465 Street, Providence Park Annex, Parcel 792-737-8214, zoned R-5, General Residence
1466 District (Fairfield). The applicant has 3,620 square feet lot area, 35 feet lot width, 35 feet
1467 public street frontage, and 14 feet front yard setback, where the Code requires 6,000
1468 square feet lot area, 50 feet lot width, 50 feet public street frontage, and 35 feet front yard
1469 setback. The applicant requests a variance of 2,380 square feet lot area, 15 feet lot width,
1470 15 feet public street frontage, and 21 feet front yard setback.

1471
1472 Mr. Blankinship - For everyone who intends to speak to this case please stand
1473 and be sworn in. Do you swear the testimony you are about to give is the truth, the whole
1474 truth, and nothing but the truth so help you God?

1475
1476 Unknown speaker - I do.

1477
1478 Mr. Blankinship - Thank you. Mr. Gidley.

1479
1480 Mr. Gidley - Thank you, Mr. Secretary.

1481
1482 The subject property is located just south of the Richmond Raceway, in the Providence
1483 Park Annex subdivision. The subdivision was recorded in 1916, prior to the adoption of
1484 the first Zoning Ordinance in 1933.

1485
1486 If this looks familiar, there was a case last fall just down the road and this Board approved
1487 a variance there as well. So, you've seen this area before. And, that case is down here,
1488 48 Loudon. Coming back to the property, 38 Loudon, the eastern side of the street
1489 consists of 12 lots. Each of these is only 35 feet in width. With the exception of one
1490 property, all of the homes on this side of the street are located on one lot.

1491
1492 This is the lot, right here. There was a dwelling constructed here in 1937; however, it was
1493 demolished in 1987 and the site's been vacant since. The applicant is a contract
1494 purchaser who would like to build a home on the property. You can see the proposed site
1495 plan here. Due to the size of the lot, being so small, variances are being requested for
1496 the lot width, lot area and public street frontage. They are also requesting permission to
1497 move the home forward to come into line with the other homes on the property. This is
1498 an elevation of the proposed home. It's actually the same home that was proposed down
1499 the street and was just approved. And on the home, the front steps come down off the
1500 home towards the front yard.

1501
1502 As far as the threshold of requirement, in this case, staff believes two of them are actually
1503 met. Due to the small size of the lot, a home cannot be built on the property. Acquiring
1504 additional land is not possible because there are homes on parcels adjacent to it. As a
1505 result, the property lacks a reasonable and beneficial use. In addition, this lot was
1506 recorded prior to the first Zoning Ordinance, as I noted. So, the fact that it's not wide
1507 enough today is the result of a change in the Zoning Ordinance. So, that's a second test
1508 that is also met. So they actually meet two, when they only need one to be met.

1509

1510 Finally, staff has noted that all five of the subtests have been met as well. So, in
1511 conclusion, absent of a variance, a home cannot be constructed on the property, which
1512 leaves it with no reasonable use.

1513
1514 In addition, the lot was platted prior to the first Zoning Ordinance, so this hardship existed
1515 prior to adoption of this code. All five subtests are met, and staff does not believe there
1516 is any substantial detrimental impact on neighboring property. This will actually be
1517 beneficial, having investment in this neighborhood. As a result, staff recommends
1518 approval, subject to the conditions in your staff report. This concludes my presentation.
1519 If you have any questions, I'll be happy to answer those. Thank you.

1520
1521 Mr. Green - Are there any questions from the Board to staff in reference
1522 to this variance? Hearing none, we'll hear from the applicant.

1523

1524 Will you please state your name and spell it, please, sir?

1525

1526 Mr. Baker - Good morning, Mr. Chairman, Members of the Board. I'm
1527 Mark Baker, B-A-K-E-R, of Baker Development Resources. I'm here on behalf of the
1528 applicant. I know I'm last, but staff did a great job summarizing the details, so I'll be brief.
1529 As an ideal compatible dwelling, it's a quality home ownership opportunity. It's consistent
1530 with the existing and the historic lot pattern, and it's also consistent the existing
1531 neighborhood character in terms of both its siting and architectural design of the buildings.
1532 We feel pretty comfortable with that. The thing that I want to stress is that staff noted that
1533 the threshold tests are met, and in addition the statutory requirements are met and we
1534 certainly agree with that evaluation. We are agreeable to the conditions staff is suggesting
1535 as well. I wanted to be brief so thank you for your time. I'll try to answer any questions
1536 you may have.

1537

1538 Mr. Green - Are there any questions from the Board to the applicant?

1539

1540 Is there anyone on Webex for or against this application? This variance?

1541

1542 Mr. Peterman - There's nobody on Webex.

1543

1544 Mr. Green - Then I will close the hearing and ask for a motion.

1545

1546 Mr. Pollard - I move that we approve the variance, subject to the conditions
1547 recommended by the staff. The lot was created in 1916 and is a separate building lot.
1548 The other homes on Loudon Street are on the lots, 35-feet wide. The proposed house
1549 location will fit in with the other houses on the street. There will be no detrimental impact
1550 on the neighbors. Other tests are met as stated in the staff report.

1551

1552 Mr. Johnson - I second it.

1553

1554 Mr. Green - The motion was made by Mr. Pollard, seconded by Mr.
1555 Johnson. Is there any discussion? Hearing no discussion, all in favor say, aye.

1556
1557 The Board - Aye.
1558
1559 Mr. Green - Opposed like sign. This variance is approved.
1560
1561 On a motion by Mr. Pollard, seconded by Mr. Johnson, the Board **approved** case
1562 **VAR2022-00009 PERSAUD HOLDINGS, LLC's** request for a variance from Sections 24-
1563 6402.A.2, 24-4306.E.1 and 24-3105.G.1. to build a one-family dwelling at 38 Loudon
1564 Street, Providence Park Annex, Parcel 792-737-8214, zoned R-5, General Residence
1565 District (Fairfield). The Board approved the request subject to the following conditions:
1566
1567 1. This variance applies only to the lot area, lot width, public street frontage, and minimum
1568 front yard setback requirements for one dwelling only. All other applicable regulations of
1569 the County Code shall remain in force.
1570
1571 2. This variance applies only to the plot plan by Virginia Surveys dated 5-19- 2022 and
1572 revised 5-20-2022 (Job No. 220515054) and building design titled "38 Loudon St." by
1573 River Mill Development dated 04-26-2022. Any additional improvements must comply
1574 with the applicable regulations of the County Code. Any substantial changes or additions
1575 to the design or location of the improvements will require a new variance.
1576
1577 3. Before beginning any clearing, grading, or land disturbing activity, the applicant must
1578 obtain approval of an environmental compliance plan from the Department of Public
1579 Works.
1580
1581 4. Any dwelling on the property must be served by public water and sewer.
1582
1583 5. The applicant must obtain a building permit for the proposed dwelling by June 24, 2024,
1584 or this variance will expire. After that date, if the building permit is cancelled or revoked
1585 due to failure to diligently pursue construction, this variance will expire at that time.
1586
1587
1588 **Affirmative: Bell, Green, Johnson, Pollard, Reid 5**
1589 **Negative: 0**
1590 **Absent: 0**
1591
1592
1593 Mr. Green - Ok, let's move to the approval of minutes. Has everyone had
1594 an opportunity to review the minutes?
1595
1596 The Board - Yes.
1597
1598 Mr. Green - Is there a motion to approve the minutes? If so, we'll entertain
1599 it.
1600
1601 Mr. Pollard - I move to approve the minutes as written.

1602
 1603 Mr. Johnson - Second.
 1604
 1605 Mr. Green - The motion was moved and approved. Motion made by Mr.
 1606 Pollard, seconded by Mr. Johnson to approve the minutes. Hearing no discussion, all in
 1607 favor say, aye.
 1608
 1609 The Board - Aye.
 1610
 1611 Mr. Green - Motion's been approved.
 1612
 1613 On a motion by Mr. Pollard, seconded by Mr. Johnson, the Board **approved the minutes**
 1614 **of the May 26, 2022, Board of Zoning Appeals meeting.**
 1615
 1616
 1617 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
 1618 **Negative:** 0
 1619 **Absent:** 0
 1620
 1621
 1622 Mr. Green - There is no other business. Is there a motion for
 1623 adjournment?
 1624
 1625 Mr. Reid - So moved.
 1626
 1627 Mr. Green - Is there a motion for a second?
 1628
 1629 Mr. Bell - Second.
 1630
 1631 Mr. Green - Adjourned.
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 Mr. Terone B. Green, Chair


 Mr. Benjamin W. Blankinsip, Secretary