

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 HENRICO COUNTY GOVERNMENT**  
4 **COMPLEX, ON THURSDAY, MARCH 22, 2007, AT 9:00 A.M., NOTICE**  
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH MARCH**  
6 **1, 2007 AND MARCH 8, 2007.**

7  
Members Present: James W. Nunnally, Chairman  
Richard Kirkland CBZA, Vice-Chairman  
Elizabeth G. Dwyer  
Helen E. Harris

Members Absent: R.A. Wright

Also Present: David D. O'Kelly, Assistant Director of Planning  
Benjamin Blankinship, Secretary  
Paul Gidley, County Planner  
Ann B. Cleary, Recording Secretary

8  
9  
10 Mr. Nunnally - Good morning, ladies and gentlemen, we welcome  
11 you to our March 22, 2007 Board of Zoning Appeals meeting. We'll ask you to  
12 stand and join in the **Pledge of Allegiance to the Flag of Our Country**. Mr.  
13 Blankinship, will you read the rules for the meeting, please?

14  
15 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,  
16 ladies and gentleman. The rules for this meeting are as follows. As Secretary, I  
17 will announce each case and while I'm speaking, the applicant should come  
18 down to the podium. We will then ask everyone who intends to speak on that  
19 case to stand and be sworn in. The applicant will be given an opportunity to  
20 speak and then anyone else who wishes to speak will be given the opportunity.  
21 After everyone has spoken, the applicant and only the applicant will have an  
22 opportunity for rebuttal. After hearing all of the evidence and asking questions,  
23 the Board will take the matter under advisement and they will render all of their  
24 decisions at the end of the meeting. If you wish to know their decision on a  
25 specific case, you can either stay until the end of the meeting or you can check  
26 the Planning Department website this afternoon or you can call the Planning  
27 Department this afternoon. This meeting is being tape recorded, so we'll ask  
28 everyone who speaks to speak directly into the microphone on the podium. State  
29 your name and please spell your last name for us. Finally, out in the foyer, there  
30 are two binders that contain the staff report for each case, including the  
31 conditions that have been recommended by the staff.

32  
33 Mr. Nunnally - Do we have any deferrals or withdrawals, Mr.  
34 Blankinship?

36 Mr. Blankinship - Not that I'm aware of.  
37  
38 Mr. Nunnally - All right, sir, thank you. Please call the first case then,  
39 sir.  
40  
41 **A-005-07** **BETTY G. LEGGETT** appeals a decision of the  
42 director of planning pursuant to Section 24-116(a) regarding the property at 3615  
43 Malpas Drive (Old Cannon Estates) (Parcel 846-708-9615, zoned A-1,  
44 Agricultural District (Varina).  
45  
46 Mr. Nunnally - Is there anyone here interested in this case?  
47  
48 Mr. Blankinship - We have plenty of staff, but I don't see Mrs. Leggett  
49 or her attorney. Should we pass by?  
50  
51 Mr. Nunnally - Yes, we'll just hold off and go on to the next one.  
52  
53 **UP-005-07** **DAYTON HUDSON CORP.** requests a temporary  
54 conditional use permit pursuant to Section 24-116(c)(1) to install a 150' by 50'  
55 tent at 10100 Brook Road (Parcel 783-770-1727), zoned B-2C, B-3C, Business  
56 District (Conditional), and O-2C, Office District (Conditional) (Fairfield).  
57  
58 Mr. Nunnally - Anyone else here interested in this case? If so,  
59 please stand and be sworn in.  
60  
61 Mr. Blankinship - Raise your right hand, please. Do you swear the  
62 testimony you're about to give is the truth and nothing but the truth so help you  
63 God?  
64  
65 Mr. Nunnally - Please state your name for the record and tell us what  
66 you're requesting.  
67  
68 Mr. Bunch - My name is Barry Bunch. I represent John S. Clark  
69 Company and we are asking for the 150 by 50-foot tent to put up on Brook Road.  
70  
71 Mr. Nunnally - Can you give us a little background on what you're  
72 going to use it for, sir?  
73  
74 Mr. Bunch - This is a lay down yard. We are doing a remodel for  
75 the Target store in this parking area. This is a lay down yard. What we are doing  
76 is this is a fenced-in area. To do these remodels, approximately 40 to 50 trailers  
77 normally come in to do the remodeling and the restocking of this store. What we  
78 are asking for the tent for is aesthetically for your neighbors and what you have in  
79 that area, this tent is a little more pleasing to look at than having the storage  
80 containers out by your road and out in front of your businesses.  
81

82 Ms. Dwyer - Will the whole area be enclosed by fencing?  
83  
84 Mr. Bunch - Yes ma'am.  
85  
86 Ms. Dwyer - What kind of fencing?  
87  
88 Mr. Bunch - It's a chain link fence. It's eight foot and it has a  
89 barbed wire top on it as well.  
90  
91 Mr. Nunnally - How many feet?  
92  
93 Mr. Bunch - The tent itself—  
94  
95 Mr. Nunnally - I mean the height of it.  
96  
97 Mr. Bunch - The height of the fence is eight foot tall and it does  
98 have a barbed wire top. There are four gates gated into this entrance area along  
99 this fenced area so we can get the trucks inside, unload them, and then they will  
100 leave the property.  
101  
102 Ms. Dwyer - Then will you have trailers outside the tent area?  
103  
104 Mr. Bunch - Yes ma'am, there will be some more trailers outside.  
105 We're trying to eliminate the number of trailers that we have to park in front of  
106 this area.  
107  
108 Ms. Dwyer - I'm not clear from the packet exactly where the tent  
109 will be on the site.  
110  
111 Mr. Bunch - Are you familiar with the area at all?  
112  
113 Ms. Dwyer - Yes and we have an aerial photograph. We have a  
114 plan that shows the tent area, but it's such a close-up, I can't tell where the tent  
115 area is located on the plan.  
116  
117 Mr. Bunch - There are two things that are stated in the staff report  
118 here. The store will remain open. It says in here that the store is closed. The  
119 store is open all the time, so they're working normal business hours. In the area  
120 you're showing right here, there's a McDonald's in the yellow area just adjacent  
121 to that. The fenced-in area—Does this work? Okay. This area right here, right in  
122 this little area, our fence starts right here, comes to the outside of where these  
123 rows are here. Then they will come back around to here. It also says 300 feet  
124 from Brook Road. We're actually somewhere in the neighborhood of about 150  
125 feet.  
126

127 Mr. Blankinship - Three hundred feet is what I would like to see, but if  
128 it's going to remain open, then that's not practical.  
129  
130 Mr. Bunch - Well, there's another reason for that. This area right  
131 here, where the new addition is going onto the building, there is a storm sewer  
132 drain that actually takes us into the parking area, which is where we originally  
133 thought they were going to put it. We can't do that because there are services  
134 going in that area and we have to take that parking lot off.  
135  
136 Ms. Dwyer - It's part of the construction area?  
137  
138 Mr. Bunch - Yes ma'am.  
139  
140 Ms. Harris - Had you considered putting it behind the store?  
141  
142 Mr. Bunch - There's no room for it behind the store. There's no  
143 access behind the store where we could get to it.  
144  
145 Mr. Kirkland - I didn't know you were going to put an addition, but in  
146 the total renovation of the store, will there be any other contractors on site beside  
147 yourself?  
148  
149 Mr. Bunch - Yes sir, there are.  
150  
151 Mr. Kirkland - Are they going to be in this same area?  
152  
153 Mr. Bunch - Yes sir.  
154  
155 Mr. Kirkland - Everyone that's working on this project, and storage,  
156 will be in this area?  
157  
158 Mr. Bunch - Yes sir. We're trying to make sure that everything is in  
159 one area. Again, we're trying to eliminate trailers and we're trying to eliminate  
160 traffic with the trucks and everything coming into the area. If we can get a tent,  
161 like I said, aesthetically it's much more pleasing to look at for the neighbors and  
162 the other businesses than having all these trailers. Everybody will store their  
163 equipment in there. Also, the expansion that's going on with the building that's  
164 right in this area right here, our access zone is into the back. The lay down yard  
165 for the brick and the steel and so forth that's coming, we've applied for an area  
166 here in this area.  
167  
168 Mr. Kirkland - Okay.  
169  
170 Mr. Bunch - What we've done is the fixtures and everything that's  
171 in the store will be in this area. The construction trailer will be in this area right  
172 here. So, all of our parking vehicles and so forth will be here and our work area

173 will be in this fenced-in area so [unintelligible] and where we're keeping  
174 everything confined is inside that fenced area.

175  
176 Mr. Kirkland - Will this be secured and lit?

177  
178 Mr. Bunch - Yes sir. There are four entrances, there are four  
179 gates. We've got a gated area right here, one on this side, one right here, and  
180 over here. What that does for us is we'll have just two shifts. There's a day shift  
181 working and there will also be people working in the store at night. So, there will  
182 always be someone on this job. We do have our own security staff.

183  
184 Mr. Kirkland - The people security is what I was interested in.

185  
186 Mr. Bunch - Yes sir, we will have that.

187  
188 Ms. Harris - Will you have to divert public parking around the work  
189 area?

190  
191 Mr. Bunch - No ma'am. What we've done with the fence, there's  
192 an access road that actually goes all the way around our fenced area here. Then  
193 there's another entrance here that's still intact. We won't affect anything within  
194 the traffic area or the zoned area for your traffic in and off this parking lot.

195  
196 Mr. Kirkland - Mr. Blankinship, have you all calculated whether or  
197 not there is enough parking once this is taken away?

198  
199 Mr. Blankinship - No sir, we have not. Somebody told someone on our  
200 staff that the store was going to be closed during this process, so we didn't worry  
201 about the parking for that reason. We'll have to go back and confirm them. You  
202 have to maintain your required number of parking spaces all through the project.

203  
204 Mr. Bunch - As long as the store is open.

205  
206 Ms. Dwyer - So, we need to defer the case then since the staff  
207 report was written based on an assumption that the store will be closed?

208  
209 Mr. Kirkland - That's a big issue because Target's not the only store  
210 there.

211  
212 Mr. Blankinship - What is your timeline? Are you ready to get out  
213 there?

214  
215 Mr. Bunch - The fenced area has already been installed. The  
216 trailers have been ordered. They'll be put in place next Tuesday. We didn't affect  
217 the parking area for McDonald's, which is right here. We didn't affect their

218 parking here or this line of parking that goes through this area. None of this is  
219 affected.

220

221 Mr. Kirkland - How many spaces are you taking away with this  
222 project?

223

224 Mr. Bunch - I really don't know. We've taken four of these islands.  
225 So, if you count from this area right here, we've taken four islands up and come  
226 to the back of it at this point. Right there. So, we've gone from here four islands  
227 up and inside.

228

229 Mr. Kirkland - That's a quarter of the lot.

230

231 Mr. Blankinship - That's probably between 80 and 100 spaces.

232

233 Ms. Dwyer - Will the entire store be open or just portions of it?

234

235 Mr. Bunch - No ma'am, the entire store will stay operational.  
236 Normal business hours. They open at 7 and they close at 9:30.

237

238 Ms. Dwyer - What I'm looking for was there a reduction in square  
239 footage in the store that would reduce the number of parking spaces you're  
240 required to have.

241

242 Mr. Bunch - No ma'am, not that I'm aware of at this point. What  
243 we've done is the parts of the store that are being remodeled, the inside, such as  
244 your pharmacy and different areas, we're just moving them from where they're  
245 going to be rebuilt to another location in the store. So, it will stay the business as  
246 normal.

247

248 Ms. Harris - Could we see this entire area? I wanted to see the  
249 left side. You said the area behind Target you don't have room to erect a tent  
250 and the trailers in the area.

251

252 Mr. Bunch - This is not useable property here. This area that's  
253 directly behind the store, there is an embankment here that's, I don't know, it's  
254 probably 12 feet high that slopes down into the backyard all the way around. In  
255 fact, it comes all the way around the building. Where the expansion is it kind of  
256 slopes around. The construction area lay down for steel and brick is in this area.  
257 What we're trying to do is eliminate, saying we can control that from an  
258 environmental standpoint in the back area back here rather than have it up in the  
259 front where you have a wash area. We can control that here.

260

261 Ms. Harris - If we don't have enough parking spaces, according to  
262 our guidelines, what would you do?

263

264 Mr. Bunch - We'd have to go back and look at what we could do.  
265 Like I said, this is not a useable area. As we said before, to do one of these  
266 stores it takes about 40 to 50 trailers of equipment coming in to make this  
267 transition to this store. I think that's what they had applied for earlier in this  
268 fenced area. The reason for the tent was aesthetically, back to your neighbors, it  
269 looks better than having all these trailers sitting out in your front yard. That was  
270 the reason for the tent.

271

272 Ms. Dwyer - What does staff recommend as far as this dilemma  
273 about parking spaces. Mr. Blankinship?

274

275 Mr. Blankinship - As I said, we hadn't really considered it because we  
276 were told that the store would be closed. Normally, my first instinct is to say they  
277 have to maintain the required number of parking spaces. I assume that they  
278 have overbuilt, that they have more spaces than the Code requires, so they could  
279 take up some.

280

281 Ms. Dwyer - Even if we approved it today, if they didn't have the  
282 required number of parking spaces, they couldn't put the tent up until they  
283 assured the [unintelligible].

284

285 Mr. Blankinship - They would have make adjustments.

286

287 Mr. Bunch - The one thing that we could do, if you look right in this  
288 area right here, the tent is actually set to go from here up. We could actually  
289 move this fence if we needed to. We could pull this fence here. We'd have to  
290 relocate some of the other trailers to a different area, if we needed to. We're at  
291 the back of this island at this point.

292

293 Mr. Kirkland - So, all the trailers have to come in at the same time,  
294 they can't be in and out. If you empty one out, it goes away. Do you have to  
295 have all 50 of them there the whole time?

296

297 Mr. Bunch - Yes sir. There are different sequences to the trades  
298 and most of the fixtures and things that come in are in one trailer.

299

300 Mr. Kirkland - Okay.

301

302 Mr. Bunch - During the floor sample, for instance, to keep the  
303 store operable, we can only do so many square feet at night and it's done during  
304 the night while the store's closed.

305

306 Mr. Kirkland - Right.

307

308 Mr. Bunch - We'll take it out and put it back. These trailers will  
309 house the things that go into each one of these pieces. It would be worse if we

310 were bringing trailers in and out because the traffic would just be constant all the  
311 time.  
312  
313 Mr. Kirkland - I just wondered if any of them ever get emptied during  
314 the process and could be moved.  
315  
316 Mr. Bunch - When they do, we remove them, we have them pulled  
317 out.  
318  
319 Mr. Kirkland - Okay.  
320  
321 Ms. Harris - Mr. Blankinship, do the neighbors know of this  
322 proposal? I know your property is on the opposite end and I was concerned  
323 about parking being affected for the other businesses in this complex.  
324  
325 Mr. Blankinship - We've notified everybody with adjoining property, as  
326 we always do.  
327  
328 Mr. Bunch - We have notified them as well that the construction  
329 has started. Each one of the adjoining customers all know that this is all  
330 happening as we speak.  
331  
332 Ms. Harris - The adjacent neighbors are all those in that complex?  
333  
334 Mr. Bunch - I'm sorry?  
335  
336 Ms. Harris - You have notified your adjacent neighbor or have you  
337 notified all of the businesses in that complex?  
338  
339 Mr. Bunch - Everybody in the complex. When we arrived on site,  
340 everyone was notified that we were beginning construction and things were going  
341 to begin to happen as far as the equipment and trailers and other things coming  
342 in and out of the parking lot. So, we've already notified everybody as such.  
343  
344 Ms. Harris - You have had no objections?  
345  
346 Mr. Bunch - None that I'm aware of, no ma'am.  
347  
348 Ms. Dwyer - Mr. Blankinship, is the parking calculation for Target  
349 based on just the yellow-bounded area that we're looking at or is it a total  
350 shopping center calculation?  
351  
352 Mr. Blankinship - Normally, it's done by the shopping center. I'd have  
353 to pull the Plan of Development to confirm that was the case here, but typically,  
354 that's what we do.  
355



356 Ms. Dwyer - What about this parking area in the back? Is it  
357 possible you could move back there and be less disruptive to the flow of traffic in  
358 front of the shopping center?  
359

360 Mr. Bunch - We don't have that property, that doesn't belong to  
361 Target.  
362

363 Mr. Blankinship - Their property line follows the zoning [unintelligible].  
364

365 Mr. Bunch - That's someone else's property, so that would be  
366 another easement we'd have to go through to try to get that with the other  
367 neighbor.  
368

369 Ms. Dwyer - I understand you're under the time constraint, but I'm  
370 just concerned what the status of this case would be if we approved it and you  
371 didn't have the required number of parking spaces.  
372

373 Mr. Bunch - I understand. I didn't know that was an issue. If I had  
374 known that, I could have had the number calculated prior to coming. But I didn't  
375 realize that was an issue.  
376

377 Ms. Dwyer - What would be the process, Mr. Blankinship, if we  
378 approved it and it didn't have the proper number of parking spaces. How would  
379 they know that? How would the County—  
380

381 Mr. Blankinship - Well, we're holding the building permit. We don't  
382 release the building permit until they find some way to comply with the parking  
383 requirement.  
384

385 Ms. Dwyer - As long as you know that.  
386

387 Mr. Bunch - Okay. What are we looking at as a timeframe?  
388

389 Mr. Blankinship - The next couple of days. We understand that you're  
390 in a hurry. It's not a lot of research, it's just we'll need to get the Plan of  
391 Development file and find out how it was calculated and see what you've got, if  
392 anything, left over.  
393

394 Ms. Dwyer - What about this 300-foot requirement that's not going  
395 to be met? The plan has been submitted and apparently—  
396

397 Mr. Blankinship - If the store is open, I don't think that's practical. That  
398 was written, again, on the understanding that the store was going to be closed. I  
399 think that would be preferable, but—  
400

401 Ms. Dwyer - How would we reword that condition?

402  
403 Mr. Blankinship - I would [unintelligible] just to striking.  
404  
405 Ms. Dwyer - Is that agreeable with you, Mr. Clark? Number 2.  
406  
407 Mr. Nunnally - Did you hear Ms. Dwyer's question for you, sir?  
408  
409 Mr. Clark - Yes sir.  
410  
411 Ms. Dwyer - Have you read the conditions to be imposed in the  
412 case?  
413  
414 Mr. Clark - Yes ma'am.  
415  
416 Ms. Dwyer - We're thinking that we will eliminate condition #2  
417 which requires the tent to be 300 feet from Brook Road. Is that agreeable to you?  
418  
419 Mr. Clark - Yes ma'am.  
420  
421 Mr. Nunnally - Do you have any questions, Ms. Harris?  
422  
423 Ms. Harris - I think we've answered them all.  
424  
425 Mr. Kirkland - I'm fine, sir.  
426  
427 Mr. Nunnally - Any other questions from the Board or staff? Let me  
428 ask once again, is anyone here in opposition to this case? Hear none, that  
429 concludes the case. We'll let you know something later on, sir.  
430  
431 Mr. Bunch - Thank you, sir.  
432  
433 Mr. Nunnally - Thank you for coming.  
434  
435 Mr. Blankinship - Mr. Chairman, before we have a motion on that, Mr.  
436 Lehmann in our office did a little research while we were continuing with the  
437 hearing. The required number of parking spaces for that shopping center is 468.  
438 They have provided 577. So there are 109 more parking spaces on the ground  
439 than the Code requires. They could occupy up to 109 parking spaces without  
440 creating any conflict with the Code.  
441  
442 Mr. Nunnally - Okay.  
443  
444 Ms. Dwyer - So they may not have a problem.  
445  
446 Mr. Blankinship - If they can design it so that it occupies less than 110  
447 spaces, they should be okay.

448  
449 Ms. Harris - I would like to move that we approve this use permit,  
450 eliminating condition #2, "The tent shall be set back at least 300 feet from the  
451 right-of-way of Brook Road." I understand that condition was there because he  
452 thought the store would be closed and the store will remain open. That is my  
453 motion.  
454  
455 Mr. Nunnally - Okay, motion by Ms. Harris.  
456  
457 Mr. Kirkland - Ms. Harris, do you mind if we put another condition  
458 there that as long as the tent and trailers do not occupy more than 110 parking  
459 places?  
460  
461 Ms. Harris - Would that be governed by the building permit?  
462  
463 Mr. Blankinship - I'd like to have it in the use permit, just so there's no  
464 question.  
465  
466 Ms. Dwyer - Shall we specify the number or just say as the  
467 number required, just in case there's some problem with the calculation.  
468  
469 Mr. Kirkland - That would probably be best.  
470  
471 Ms. Harris - Okay, I would like to add that condition.  
472  
473 Mr. Blankinship - Shall not occupy any required parking spaces.  
474  
475 Mr. Nunnally - Motion by Ms. Harris and seconded by you, Mr.  
476 Kirkland?  
477  
478 Ms. Dwyer - Second.  
479  
480 Mr. Nunnally - Seconded by Ms. Dwyer. We added a condition  
481 there, right Mr. Blankinship?  
482  
483 Mr. Blankinship - Yes sir.  
484  
485 Mr. Nunnally - Motion by Ms. Harris and seconded by Ms. Dwyer it  
486 be approved. All in favor say aye. All opposed say no. It's been approved.  
487  
488 After an advertised public hearing and on a motion by Ms. Harris, seconded by  
489 Ms. Dwyer, the Board **granted** application **UP-005-07** for a temporary conditional  
490 use permit to install a 150' x 50' tent at 10100 Brook Road (Parcel 783-770-  
491 1727), zoned B-2C, B-3C Business District (Conditional), and O-2C, Office  
492 District (Conditional) (Fairfield). The Board granted this use permit subject to the  
493 following conditions:

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539

1. Only the tent shown on the plan filed with the application may be installed pursuant to this approval. Any additional improvements shall comply with the applicable regulations of the County Code. Any substantial changes or additions may require a new conditional use permit.

2. [DELETED]

3. The applicant shall obtain a building permit for the tent and shall comply with all requirements of the Office of Building Construction and Inspections.

4. The tent shall be erected such that the parking surface and required landscaping shall not be damaged.

5. The tent shall be removed from the property on or before October 16, 2007, at which time this permit shall expire.

6. [ADDED] The tent and laydown area shall not occupy any required parking spaces.

Affirmative:	Dwyer, Harris, Kirkland, Nunnally	4
Negative:		0
Absent:	Wright	1

Mr. Nunnally - Do you want to recall the first case, Mr. Blankinship, and see if they're here?

**A-005-07** **BETTY G. LEGGETT** appeals a decision of the director of planning pursuant to Section 24-116(a) regarding the property at 3615 Malpas Drive (Old Cannon Estates) (Parcel 846-708-9615), zoned A-1, Agricultural District (Varina).

Mr. Nunnally - Is anyone else here interested in this case? If so, will you please stand and be sworn.

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

Mr. Nunnally - Okay, ma'am, if you'll come forward and state your name for the record and tell us what you're requesting.

Ms. Cosby - Certainly. My name is Ann Neil Cosby and I'm attorney with Sands, Anderson, Marks and Miller. I'm here this morning

540 representing Mrs. Leggett. I do want to apologize to the Board for our late  
541 arrival. We were actually here at 8:30 standing outside the boardroom.  
542 Somebody came down and told us that the meeting had been moved to the third  
543 floor of the annex building. So, we went over to the annex building and a very  
544 nice lady in Public Utilities made some phone calls and redirected us here. So,  
545 we were here bright and early, and so I do apologize for that.

546  
547 Ms. Dwyer - We're always here.

548  
549 Ms. Cosby - I think she may have gotten us confused with the  
550 Board of Equalization because I believe they're meeting there. I think she was  
551 maybe trying to be helpful, but at any rate. Mrs. Leggett is here today seeking to  
552 appeal the zoning determination that was issued on January 4, 2007. Her  
553 property is—I believe you have the site map. It's located in Sandston on Malpas  
554 Drive. On January 4<sup>th</sup>, 2007, she was issued a Notice of Violation for having  
555 more than one dwelling unit on the property and for having that dwelling unit  
556 located improperly to the rear of a principal dwelling. We are here and  
557 appealing because we believe that Notice of Violation was incorrect on the law  
558 and the facts, and I'd like to explain why.

559  
560 A little bit of background. Mrs. Leggett— who is here with neighbors and her  
561 daughter—purchased this property in 1998. Mr. Leggett passed away January  
562 and Mrs. Leggett, who is now 73, continues to live in the property, in the home by  
563 herself. The home was built in 1970 and when the property was first purchased  
564 by the Leggett's, there was a small accessory building to the back of the  
565 property, sort of in the rear side yard, which has been referred by the Leggett's  
566 and believe the neighbors as "the cottage." So, I'll refer to it as "the cottage."  
567 What the cottage is, is what we're here today to decide.

568  
569 After Mr. Leggett passed away, Mrs. Leggett began having some health  
570 problems and it became apparent to her daughter that perhaps the best thing to  
571 do was for her daughter to move into the cottage on the property. This cottage  
572 has been occupied consistently since the house was first built. This cottage was  
573 built simultaneously, so it has always been there. It has always been occupied. I  
574 believe there would be some neighbors that can respond to any questions that  
575 you might have about occupancy. It has been the same structure and occupied  
576 since the 1970's.

577  
578 When Mrs. Leggett and her daughter decided that it would be best for her  
579 daughter to come and live nearby, they discussed first enlarging the cottage to  
580 make it a little bit bigger, give her daughter a little bit more room. They called the  
581 County to ask, first of all, if there was any problem with her daughter living there  
582 in the cottage and then secondly, whether or not they could enlarge the cottage.  
583 That first phone call to the County took place on October 16<sup>th</sup> of 2006 to the  
584 Planning Office. The individual advised Mrs. Leggett. Mrs. Leggett told her she  
585 was 73 and she was having health problems. Her daughter wanted to come and

586 live nearby so that she would be there, as happens all the time, to take care of  
587 her mother. The staff person advised her at that time that under the Zoning  
588 Ordinance, the cottage would be considered a caretaker's quarters and that her  
589 daughter living there was permitted.

590

591 Mr. Nunnally - Ms. Cosby, let me stop just for a moment.

592

593 Ms. Cosby - Certainly.

594

595 Mr. Nunnally - How many people live in this house with Mrs.  
596 Leggett? Just Mrs. Leggett alone?

597

598 Ms. Cosby - Mrs. Leggett currently is the only occupant of the  
599 principal dwelling, yes.

600

601 Mr. Nunnally - Why can't her daughter move in that house? That's a  
602 large house; I rode by there yesterday.

603

604 Ms. Cosby - Mrs. Leggett's daughter is a grown woman and I think  
605 this cottage is back there, and just for privacy. She can be nearby but not  
606 underfoot. They are both grown women and it seems to be a better fit for them,  
607 but certainly there would be room in the main house. Again, it was just preferred  
608 to use the structure that was already there and had been occupied.

609

610 Ms. Dwyer - Ms. Cosby, you say this cottage, as you call it, has  
611 been occupied since the 1970's. Has it been consistently occupied as a second  
612 dwelling or has it been occupied as a guesthouse intermittently?

613

614 Ms. Cosby - We would say as a guesthouse. It's been relatives or  
615 friends of relatives. Again, Mrs. Leggett can respond as to particularly who has  
616 been there. It's not been used as a boarding house or rented to transients or  
617 advertised as being an apartment or anything like that. It's always been—

618

619 Ms. Dwyer - So, Ms. Leggett will testify today as to who has lived  
620 in the house since she's been there in '98.

621

622 Ms. Cosby - Yes.

623

624 Ms. Dwyer - Is there anyone to testify as to how the cottage was  
625 used prior to '98?

626

627 Ms. Cosby - I believe so. There are two neighbors, one across the  
628 street and another adjacent property that can certainly answer any of the Board's  
629 questions. Mrs. Leggett and her daughter believed that her daughter would be  
630 permitted to occupy this cottage as a living quarters. Unfortunately, what staff  
631 either missed or didn't fully explain was that under the Zoning Ordinance, the

632 only accessory use—and this would be an accessory use. It wouldn't be another  
633 principal use. This cottage would not be a dwelling, per se, a principal dwelling; it  
634 would be an accessory living quarters. The Zoning Ordinance only permits living  
635 quarters for persons employed at the principal dwelling. Mrs. Leggett never  
636 indicated to this staff person that her daughter was going to be employed by her.  
637 In our society, that would be really a reasonable assumption, that if you've got an  
638 elderly parent and the daughter is coming nearby, that's an employee/employer  
639 relationship. I would certainly think that that would be something quite obvious to  
640 this Board, that each of you would understand that that was really not a  
641 reasonable assumption to have even made. Certainly, the staff person could  
642 have asked and certainly Mrs. Leggett would have said, "No, absolutely not. I'm  
643 not going to pay her; she's my daughter. She's just going to live nearby."  
644

645 At any rate, Mrs. Leggett filed for a building permit to try to expand the structure.  
646 That was turned down due to drainfield problems, which was fine. No further  
647 plans went forward to do the expansion. The property just started to be cleaned  
648 up and carpet removed and some interior changes made, but nothing that  
649 changed the structure any more than what it was.  
650

651 On November 14<sup>th</sup>, an adjacent property owner called the County and  
652 complained about, presumably, this cottage being used as a residence, even  
653 though it had always been used as a residence, and there are neighbors here  
654 who will testify that even before these particular neighbors moved in it was  
655 always used as a residence. It was quite obvious.  
656

657 Ms. Dwyer - Ms. Cosby, let me stop you there. You said this  
658 earlier and it's a question that came to mind. Let's assume that the occupancy of  
659 this cottage was illegal and has been since it was constructed. Are you  
660 suggesting that because it's been illegally occupied or unlawfully occupied until  
661 now, that that unlawful occupation should therefore continue?  
662

663 Ms. Cosby - Absolutely not. This is not actually a non-conforming  
664 case. My advising you that folks have been living there is really just background  
665 so you will know the situation with the property. But no, we don't believe this is a  
666 non-conformity at all. We're not asking for a non-conforming determination. The  
667 legality or illegality of the prior use really doesn't mean much to my argument  
668 other than just letting the Board know the situation.  
669

670 After the adjacent property owners called the County, a different member of  
671 County staff—I think a different department, actually—came out. There were  
672 subsequent inspections because this inspector told Mrs. Leggett that no, in fact,  
673 she couldn't use the property the way she wanted to use it. So now Mrs. Leggett  
674 is very confused and called the County again. She's talked to, I think, at least five  
675 different people in the County offices and every time it's just a slightly different  
676 version of what can be done and folks, obviously, trying to do what they can do,

677 given that they're picking up in the middle of something. At any rate, she has  
678 tried her very best and has followed-up.

679

680 I would like at the end of this to submit, at least for the record, her notes just  
681 memorializing every time she has called the County, to whom she spoke, what  
682 she said. She took very copious notes. She has spoken to Mr. Blankinship and  
683 followed-up with a letter. I would like to, for the record, ask that that just be made  
684 a part of the record, the draft letter to the County, again, memorializing what she  
685 did. I don't want to belabor what Mrs. Leggett understood and what staff had  
686 said, and I certainly don't want to get up here and start an argument with Mr.  
687 Blankinship because I have all respect for Mr. Blankinship. Frankly, I don't think  
688 even what transpired is absolutely relevant to our appeal. Again, I just want the  
689 Board to know that this is the situation, Mrs. Leggett has tried. She comes to you  
690 as an innocent landowner. If there's any question that she is somebody who has  
691 been trying to skirt the rules or not comply, that's certainly not the case.

692

693 I would take issue factually with—My client absolutely does not recall anyone  
694 ever telling her at any time that this cottage could not be a guesthouse or that it  
695 couldn't—Because a guesthouse can't have a kitchen and may only be occupied  
696 temporary. Frankly, that's what we think this structure is. Given everything I've  
697 just explained to you as background, our basis for our appeal today is that this  
698 structure is a legal accessory guesthouse under the Zoning Ordinance. If I could,  
699 I'd like to go over the statutory standard of proof, which I'm sure you all know  
700 very well. But just to sort of set the framework of this, of your decision—The BZA  
701 decides whether or not the zoning inspector was correct and the BZA has to look  
702 at the ordinances. This is under 15.2-2309 of the Code. The BZA "must  
703 consider the purpose and intent of any applicable ordinances, laws, and  
704 regulations in making its decision." So clearly, you have to focus on the  
705 ordinance at issue. Mrs. Leggett's property is A-1. The accessory uses that are  
706 permitted in A-1 are those that are permitted in most of the residential districts.  
707 That would include a guesthouse. The Zoning Ordinance—I have it here; I'm  
708 sure Mr. Blankinship has it up there—does not define "guesthouse." So, it's for  
709 this BZA to determine if what Mrs. Leggett has there falls under a guesthouse. In  
710 addition to the statutory framework that the Board has to think about, there's also  
711 statutory [unintelligible] and that's really what this Board needs to do today. One  
712 of the first tenets of statutory construction—And I hate to sit here and site case  
713 law and all that because it can get very tedious, but one the first principals of  
714 statutory construction is that because zoning ordinances are contrary to the  
715 common law—they limit freedom—they have to be strictly construed. If there's  
716 any doubt, they have to be determined in favor of the property owner. That's not  
717 my language; that's the Virginia Supreme Court in 1992. So, it's in favor of the  
718 property owner unless it's very clear otherwise. We start, in other words, with the  
719 assumption she's permitted to do this unless the ordinance clearly states that she  
720 cannot.

721



722 In the A-1 District, guesthouses are permitted. What's a guesthouse? It's not  
723 defined. The Board of Supervisors, unfortunately, hasn't given me or you or Mr.  
724 Blankinship any direction in this, and the Board of Supervisors is the only body  
725 that can restrict what a guesthouse is. If it's plain on its face, they are the only  
726 body that can add restrictions. Staff can't add restrictions; I can't add restrictions;  
727 you can't add restrictions. That's only for the Board to do.

728

729 Another rule of statutory construction is that when there is no expressed  
730 definition of a term, the general rule is you look to the plain meaning of the  
731 language. All it says is "guesthouse." What do courts do, and lawyers and other  
732 people do? You go to Webster's Dictionary. What's the definition of a  
733 guesthouse? Webster's Dictionary says it's, "a building for guests or a separate  
734 establishment on a private estate for the accommodation of guests." Begs the  
735 question, what's a guest? A guest is simply, "a person to whom hospitality is  
736 extended," or, the common understanding is that a guest is someone—maybe a  
737 legal understanding—who has no legal right to be on your property, to whom you  
738 have invited to be there, to remain, and to whom you can ask to leave at any  
739 time. So, a guest is more somebody who doesn't have a right. It's not defined in  
740 Webster's Dictionary as somebody who can only be there for a day, or two days,  
741 or three days, or a month. There is no temporal aspect of a guest in either  
742 Webster's Dictionary or the legal definition. There's certainly nothing in the  
743 ordinance that says a guest can only be your guest for a month. I think it would  
744 be unusual for a guestroom in your house, that a Board would say, "You may  
745 only keep your family as your guest for two months or three months, and a  
746 guesthouse is really just a larger guestroom off your property." So again, I think  
747 the BZA needs to be very careful if it is concerned that there is some type of a  
748 limit on how long a guest can be there because it's not borne in the ordinance.  
749 The ordinance doesn't say it; Webster's Dictionary doesn't say it. It would be sort  
750 of an arbitrary how long can a guest be there.

751

752 Ms. Dwyer - Ms. Cosby, would you agree that the time a person is  
753 there is a fact that the Board could consider in determining whether a person is a  
754 guest or a resident? Are you saying that we're somehow not permitted to  
755 consider the time that they've been there or the time they intend to be there at  
756 all?

757

758 Ms. Cosby - I would say that unless and until the Board of  
759 Supervisors puts that in there—I hate to use this example in Virginia before this  
760 BZA, but Cato Caitlin in OJ Simpson, I don't know how—He was living in the  
761 guesthouse. He's probably the most famous occupant of a guesthouse ever to  
762 make national TV. He was living in that guesthouse two, three, four years. I  
763 don't know. OJ Simpson couldn't get rid of him. I think you want to think of a  
764 guest as somebody who stays for a limited period for time, but again, the Board  
765 hasn't said that, which it could, arguably.

766

767 Ms. Dwyer - We have to give the term plain meaning. My thought  
768 is, as you're speaking, that the time a person is there is one factor. It's not a  
769 determining factor. You're right, we can't say as a BZA we define "guesthouse"  
770 as a house occupied by a person less than three years, or pick an arbitrary time.  
771 I would agree with you on that, but I think the time a person is there is one fact  
772 that this Board could and should consider in trying to determine the plain  
773 meaning of the word, "guest."  
774

775 Ms. Cosby - That is certainly for the BZA to decide. Again, I would  
776 just counsel that Webster's Dictionary, the plain meaning, certainly doesn't have  
777 that. Again, the Board could do something like that. If the BZA did believe that  
778 there should be some sort of a limitation, then the question would arise, well,  
779 what is that? Once you start staying, well, what is that, then you start weighing  
780 policy. Then you start sort of thinking about health, safety, welfare issues, and  
781 then that starts sounding like, "Well, that's really for the Board to do." While yes,  
782 this is a body that has to make these determinations, you're absolutely right, I  
783 think, again, if your mind starts going—If your ruling is she can't be a guest  
784 because she's there more than—and you supply the "more than," I would say  
785 that's going into a policy determination versus a straight—We need to look at the  
786 ordinance as it's written and strictly construe it in favor of the property owner.  
787

788 Ms. Dwyer - Could you just proceed with your case and what facts  
789 do you want to present to show us that this is a guesthouse?  
790

791 Ms. Cosby - Certainly. I do have photographs, which I'll pass up.  
792 There are several sets.  
793

794 Mr. Kirkland - Mr. Blankinship, I'm sure there's no building permit for  
795 this so-called cottage or guesthouse on record many years ago.  
796

797 Mr. Blankinship - We don't have a copy of the building permit, but I  
798 don't doubt that there was a building permit. It was constructed in 1970, so we  
799 don't have a copy of that permit.  
800

801 Ms. Harris - Attorney Cosby, as we look through these pictures,  
802 my question is did Ms. Leggett ever consider adding a wing to her house for her  
803 daughter and her daughter's friend?  
804

805 Ms. Cosby - I don't know that she did, but I don't know that she  
806 could, given the setbacks of the property. I think the answer is no, she never did.  
807 I would defer to Mr. Blankinship, who I think has seen this property somewhat, as  
808 to whether setbacks or drain fields, she could do that. I don't know.  
809

810 Ms. Harris - These are the interior?  
811

812 Ms. Cosby - Yes ma'am.

813  
814 Mr. Kirkland - Was this like this when she purchased it in 1998?  
815  
816 Ms. Cosby - Yes.  
817  
818 Mr. Blankinship - She should probably come to the podium.  
819  
820 Ms. Cosby - She can, certainly.  
821  
822 Mr. Nunnally - Ms. Leggett, if you want to come up.  
823  
824 Ms. Cosby - I just had a few more remarks. This is, of course, the  
825 outside and the inside of the cottage. One bedroom, bathroom, small kitchen.  
826 With respect to the statement, I think, in the staff report that kitchens aren't  
827 permitted, again, that language isn't in the guesthouse definition. Importantly, I  
828 think, it is in the definition for a guestroom. So, the Board has chosen where it  
829 wants to limit kitchens and it has chosen to do it in guestrooms, but no definition  
830 and no limitations are in the guesthouse. That's also another principal of statutory  
831 construction. When a governing body puts it purposefully one place and doesn't  
832 put it another place, there's a big Latin term, but basically it means it was  
833 intended. So, I think there's no question as far as the limitation on kitchens is  
834 adding language to the statute. I would quote the Virginia Supreme Court in  
835 Amherst versus the Board of—the Amherst Board of Supervisors, rather, that  
836 said, "We," and by that, they're talking about the Virginia Supreme Court, "may  
837 not be interpreting or otherwise adding language to a statute which the  
838 legislature has chosen not to include." So, if it says, "guesthouse," without  
839 anything else and it's by decision or interpretation, you're adding language—  
840 kitchen, how long you can be there, anything, square footage; you can't do that.  
841 The Supreme Court can't do it; none of us can do it.  
842  
843 Ms. Dwyer - Well, again, Ms. Cosby, the Board has not chosen to  
844 even define "guesthouse," so we have to find a practical definition of  
845 "guesthouse." We can consider the time period a person has occupied it. I think  
846 we can also look at other factors. It doesn't prevent us from looking at whether  
847 or not there is a full kitchen in the guesthouse. I would just respond to you in that  
848 way. Certainly, we can't define it specifically, any house that has a kitchen  
849 therefore cannot be a guesthouse. We certainly wouldn't do that. But again, I  
850 don't think it prevents us from considering that as one factor.  
851  
852 Ms. Harris - Ms. Cosby, you said in your definition that a guest  
853 doesn't have a right. Do you think that implies a non-permanent condition, a  
854 person doesn't have a right, they can be asked to leave by?  
855  
856 Ms. Cosby - I think it implies—Well, you're there at the invitation  
857 and desire of the person who lets you there. If that person wants you to be there  
858 for a significant amount of time, you could do that. I have a guestroom in my

859 home and if I wanted my sister to come live there, stay there, I could kick her out  
860 at any time, but it's up to me. That's a guest, I believe, based on Webster's  
861 Dictionary and the legal term. It's almost confusing a visitor with a guest. A  
862 guest is more of a legal you're here at my invitation. You don't have a lease; you  
863 don't have title to the property; you don't have an easement; you don't have  
864 anything. You're only here as my guest. I have all rights to this property. You  
865 can remain there as long as I say.

866

867 Ms. Harris - So, is that temporary, is my question.

868

869 Ms. Cosby - I would say no. I would say maybe a visitor, if it were  
870 a visitor or a lodger is something different. No, I don't think there's anything in a  
871 guest, legally speaking, that would require they can only be there for some  
872 amount of time.

873

874 Ms. Harris - No, I didn't say for a certain amount of time. I said is  
875 it temporary.

876

877 Ms. Cosby - Temporary. Again—

878

879 Ms. Harris - That's [unintelligible] time.

880

881 Ms. Cosby - I think it may be temporary, but it may not be  
882 temporary.

883

884 Mr. Kirkland - Are the utilities, the electrical and maybe cable or  
885 whatever's in there, is that paid for by Mrs. Leggett or is that paid for by the  
886 person that lives there?

887

888 Mr. Blankinship - This would probably be a good time for Mrs. Leggett  
889 to come up to the microphone and state your name for the record. I think we'll  
890 have several questions.

891

892 Ms. Cosby - Certainly. I'm sorry, go ahead.

893

894 Mrs. Leggett - My name is Betty Jean Leggett and I reside at 3615  
895 Malpas Drive and I am [unintelligible].

896

897 Mr. Kirkland - Mrs. Leggett, does the electrical service that goes to  
898 the cottage and whether cable television or any other utilities, are they paid for by  
899 the person living in the cottage or is it paid for by you?

900

901 Mrs. Leggett - It's paid by my daughter.

902

903 Mr. Kirkland - Therefore, it's a permanent situation.

904

905 Mrs. Leggett - Not necessarily. This is something I can [unintelligible]  
906 at any time.  
907  
908 Mr. Kirkland - Okay.  
909  
910 Ms. Dwyer - The utilities, then, are separate.  
911  
912 Mrs. Leggett - They always have been separate.  
913  
914 Ms. Dwyer - Okay.  
915  
916 Mrs. Leggett - There always has been two meters, one for the  
917 cottage and one for the main house.  
918  
919 Mr. Kirkland - When you purchased the property in 1998, was  
920 anyone living in the cottage?  
921  
922 Mrs. Leggett - No, the property was empty at the time. Mrs. Thomas  
923 died in 1996 and the property was empty from the time Mrs. Thomas died until I  
924 moved in, in 1998. That was the only time the property was vacant.  
925  
926 Mr. Kirkland - In 1998, the service on the cottage was paid for by  
927 you until someone moved in it, is that correct?  
928  
929 Mrs. Leggett - Was paid by me until someone moved in, yes.  
930  
931 Mr. Kirkland - Okay. Thank you.  
932  
933 Ms. Dwyer - Do the bills for the cottage come to a separate  
934 address or do they come—  
935  
936 Mrs. Leggett - No, they come to the same address.  
937  
938 Mr. Blankinship - I'm looking at the photograph of the kitchen, Mrs.  
939 Leggett. Do you know how long that refrigerator has been there?  
940  
941 Mrs. Leggett - The refrigerator? It's a recent purchase because the  
942 one that was in there was not operating any more.  
943  
944 Mr. Blankinship - Okay. What about the countertop?  
945  
946 Mrs. Leggett - The same thing. The cottage was in really bad  
947 condition because it had been occupied since the 1970's and occupied by a  
948 different member of family or friends. No repairs had been done, no cleaning  
949 had been done. This was the reason for the repairs inside that I started in

950 November. The place was falling apart and I'm not going to let my property fall  
951 apart.  
952  
953 Mr. Blankinship - Can you describe what that wall that is now a kitchen,  
954 what that part of the cottage was like when you acquired it in '98?  
955  
956 Mrs. Leggett - It was a rug on the kitchen floor. The rug was stained.  
957 The sink was not draining. There were stains everywhere, cigarette burns, burns  
958 from pots that were sat on the counter. Apparently, people who had lived there  
959 as temporary people or perhaps guests had probably the same kind of reaction I  
960 think anybody who rents a place and doesn't take care of it because when it's not  
961 mine, I don't care, I'm just going to use it.  
962  
963 Mr. Blankinship - So, there was a sink there with a counter. Was the  
964 counter as wide as this one?  
965  
966 Mrs. Leggett - It's the same size, exactly the same size.  
967  
968 Mr. Blankinship - Was there a refrigerator there when you bought the  
969 property? Did that convey or did you have to buy it?  
970  
971 Mrs. Leggett - Yes there was.  
972  
973 Mr. Blankinship - The refrigerator conveyed with the sale?  
974  
975 Mrs. Leggett - Yes, yes.  
976  
977 Mr. Blankinship - Was there a stove or range?  
978  
979 Mr. Blankinship - The stove was there, too, yes.  
980  
981 Mr. Blankinship - You didn't bring one and put it there.  
982  
983 Mrs. Leggett - Yes.  
984  
985 Mr. Blankinship - It conveyed with the property.  
986  
987 Ms. Dwyer - Mrs. Leggett, how long has your daughter lived in this  
988 accessory building?  
989  
990 Mrs. Leggett - She moved in on December the 15<sup>th</sup>.  
991  
992 Ms. Dwyer - Of this past year?  
993  
994 Mrs. Leggett - 2006.  
995

996 Ms. Dwyer - Did she live somewhere else before?  
997  
998 Mrs. Leggett - She owned her own house in the city, yes.  
999  
1000 Ms. Dwyer - She had her own house. Does she maintain that  
1001 house or did she move?  
1002  
1003 Mrs. Leggett - She sold it.  
1004  
1005 Ms. Dwyer - So, this is her primary residence. This is where she  
1006 lives.  
1007  
1008 Mrs. Leggett - Well, I wouldn't say her primary residence because it  
1009 is mine, really. The property is mine.  
1010  
1011 Ms. Dwyer - But she doesn't live anywhere else or have any other  
1012 apartment or any other house or any other place to live.  
1013  
1014 Mrs. Leggett - Yes.  
1015  
1016 Ms. Dwyer - This is where she lives. Who lived there before your  
1017 daughter?  
1018  
1019 Mrs. Leggett - Before my daughter? When we moved here in 1998,  
1020 a friend of my former son-in-law needed a place to stay because he had to  
1021 vacate his house after it was built. We let him stay in the cottage. He was single  
1022 for a while and then later on was married. He and his wife resided in the cottage  
1023 until June the 30<sup>th</sup>, 2006. He moved in, in November 1998 and stayed until June  
1024 30<sup>th</sup> of 2006 without any objection from any of my neighbors.  
1025  
1026 Ms. Dwyer - Who was this? Your son-in-law, you said?  
1027  
1028 Mrs. Leggett - A friend of my former son-in-law.  
1029  
1030 Ms. Dwyer - Oh, friend, okay. So, a friend lived there from '98 to  
1031 2006.  
1032  
1033 Mrs. Leggett - Yes ma'am.  
1034  
1035 Ms. Dwyer - As to your intent, is it your intent that your daughter  
1036 will live there as long as she—For how long?  
1037  
1038 Mrs. Leggett - In view of what has been going on with me in 2006, I  
1039 lost a husband for 46 years to begin with, and after that, my health started to go  
1040 downhill. I've had couple of trips to the emergency room. I had a couple of falls,  
1041 one more recently, and I had to stay in the hospital. I feel like I need someone

1042 with me. I have this property, this dwelling, or cottage, whatever you want it to be  
1043 named as. I have a daughter who had her own house, was willing to sell her  
1044 house and come in with me so she could help through this. To me, it would be  
1045 ludicrous to have to hire somebody and pay somebody else when I have a  
1046 daughter willing and [unintelligible] enough to take care of me and help me  
1047 through this. This was our reason for [unintelligible] any time to go against  
1048 County rules and do anything to be objectable [sic]. We didn't have any idea that  
1049 there would be any objection from our neighbors since the place had been  
1050 occupied for so long without anything being said at any time. It was a shock to  
1051 me and it was also a sad thing because I don't believe that this kind of situation  
1052 should exist between neighbors. So, now, here we are, we have this. Whichever  
1053 way this is going, we will still be neighbors. So, what do we do, look at each other  
1054 and don't talk to one another for the next 10, 15 years. I don't believe in this kind  
1055 of situation. Like I said, I didn't try to offend anybody. I'm trying to maintain my  
1056 place as well as I can. I'm a quiet person and we are quiet people. Frankly, I  
1057 don't know where the issue is and I don't understand why there was a complaint  
1058 filed since that place has never been empty. Why now?

1059  
1060 Mr. Nunnally - Who did you purchase this home from?

1061  
1062 Mrs. Leggett - From Mr. Thomas?

1063  
1064 Mr. Nunnally - Mr. Thomas?

1065  
1066 Mrs. Leggett - Yes.

1067  
1068 Mr. Nunnally - He was a contractor, right?

1069  
1070 Mrs. Leggett - Yes sir. His son was a contractor, too, I understand.

1071  
1072 Mr. Nunnally - Wasn't he using that cottage as an office space back  
1073 there?

1074  
1075 Mrs. Leggett - You know, this was [unintelligible] different thing at  
1076 one time. Different people have called it different things. One time it was called a  
1077 shed; one time it was called an office. Mark Thomas sold the property. Mark  
1078 Thomas is the son. Mark and Sheila, his sister, sold the property to us.

1079  
1080 Mr. Nunnally - Okay. Does anyone else here want to speak in favor  
1081 of this? We've got to get along here; we've been on it for about an hour now.

1082  
1083 Mrs. Leggett - Thank you very much.

1084  
1085 Mr. Nunnally - Thank you, ma'am.

1086  
1087 Ms. Askew - Good morning.



1088  
1089 Mr. Nunnally - Good morning.  
1090  
1091 Ms. Askew - My name is Jane Askew and my husband and I live  
1092 next door at 3617 Malpas Drive. We've been living there since 1986. Every since  
1093 we've lived there, when Pete and Conky lived next door, somebody always was  
1094 in the cottage. They always were. It's never been a problem. We don't  
1095 understand, speaking for my husband, too, why all of a sudden. There's never  
1096 been any problem even when the grandson lived there with his company trucks  
1097 and stuff. We didn't have any problems and I don't see where there are any  
1098 problems. It doesn't interfere with us next door.  
1099  
1100 Mr. Nunnally - Okay.  
1101  
1102 Ms. Askew - It's not like it's 50 zillion people or anything next door.  
1103 There's no more over there than is in my household. It's less because my  
1104 daughter used to live there until she got married. We had more traffic with a  
1105 teenage daughter and all the friends. It's always been quiet over there.  
1106  
1107 Ms. Dwyer - Ms. Askew, do you have a cottage, too? I see an  
1108 accessory building on the—  
1109  
1110 Ms. Askew - No ma'am, that's my garage. Mark, the son, built that  
1111 and it was a big garage, painting booth and everything, before he built the house,  
1112 my house. I don't have a cottage on the place.  
1113  
1114 Mr. Nunnally - Okay, thank you, ma'am.  
1115  
1116 Ms. Askew - Thank you.  
1117  
1118 Mr. Nunnally - Anyone else?  
1119  
1120 Mr. Haynes - My name is Wayne Haynes and I live at 3614 Malpas  
1121 Drive. I do not see any reason that Mrs. Leggett's daughter would not be allowed  
1122 to be there. I know that in the late 70's that Mr. Thomas had fixed the building up  
1123 so that it had living quarters in it and had always, like we've said, been somebody  
1124 living in it. Never been any problem. The place has been looked after very well,  
1125 taken good care of. I don't know why anyone would be complaining now when  
1126 nothing is different than it was in the late 70's, even before the other neighbors  
1127 ever lived there.  
1128  
1129 Mr. Nunnally - You say somebody's always lived there.  
1130 When Mr. Thomas built that house, who lived in the cottage, somebody in his  
1131 family or somebody from outside the family?  
1132

1133 Mr. Haynes - Yes, he had family members that lived in it. His  
1134 daughter had lived in it; his oldest son had lived in it; his grandson had lived in it.  
1135 Various ones have been there.  
1136  
1137 Mr. Nunnally - Okay, thank you. Anyone else to speak in favor of it?  
1138 All right. Do we have any opposition to this? Anyone in opposition? We'll give  
1139 you time to rebut after while, Ms. Cosby. All right, sir, please state your name for  
1140 the record.  
1141  
1142 Mr. Carpenter - I am John Carpenter.  
1143  
1144 Mr. Nunnally - John who?  
1145  
1146 Mr. Carpenter - John Carpenter. I live at 3613 Malpas Drive where I  
1147 have lived for 25 years. When I bought this lot, it was a one-acre lot zoned as a  
1148 single-dwelling lot in a nice neighborhood. The one acre provided me with a  
1149 couple of things. One, it provided a small unit that would be easily maintained.  
1150 Number two, it was large enough that it afforded some privacy. This  
1151 unauthorized secondary dwelling in the lot just next to me has seriously  
1152 compromised my privacy. If you will see where it is, the orientation of the  
1153 building and its proximity to my backyard, it makes any activity in my backyard,  
1154 as well as on the back of my house, rather like that of a baseball player on a  
1155 baseball field with a press box overlooking it. There is a better picture. Not only  
1156 does it affect the privacy, it also affects my property value. Any potential buyer  
1157 would look at the front of my house and assign a value to it. Then, on coming to  
1158 the back and seeing that this accessory dwelling next door is almost in my  
1159 backyard would reduce his idea of the value of my property. Not only that, if you  
1160 allow this to proceed, if you authorize this dwelling, it will invite others with  
1161 structures in the neighborhood to convert them to a rental apartment. One thing  
1162 I'd like to point out is that dwelling was rented from that November of '98 until  
1163 June of '06. It was rented. Not a guest, but a rental. Because of these concerns,  
1164 I ask that you reject this appeal. Restore my privacy and restore my property  
1165 value and preserve the value of the neighborhood.  
1166  
1167 Mr. Nunnally - Mr. Carpenter, you said it's almost on your property  
1168 line. How far is it off your property line, do you know?  
1169  
1170 Mr. Carpenter - It is a car width, less than 10 feet from the property  
1171 line.  
1172  
1173 Mr. Nunnally - Okay. Thank you, Mr. Carpenter.  
1174  
1175 Ms. Harris - Questions.  
1176  
1177 Mr. Nunnally - Oh, I'm sorry.  
1178

1179 Ms. Harris - Mr. Carpenter, do you have any assessment that will  
1180 prove your property value has declined since this cottage was here? Do you  
1181 have any assessment reports that will show a decline in your property value?  
1182

1183 Mr. Carpenter - I have none.  
1184

1185 Ms. Harris - Okay. You're just going by market value based on  
1186 your perception?  
1187

1188 Mr. Carpenter - Yes.  
1189

1190 Ms. Harris - Thank you.  
1191

1192 Mr. Nunnally - Any other questions for Mr. Carpenter? Thank you,  
1193 sir. Anyone else in opposition?  
1194

1195 Mr. Kirkland - Let's hear from the County.  
1196

1197 Mr. Nunnally - Please state your name, please.  
1198

1199 Ms. McHugh - Good morning, my name is Regina McHugh.  
1200

1201 Mr. Kirkland - Could you spell your last name, ma'am?  
1202

1203 Ms. McHugh - Yes sir. It is M-C-H-U-G-H.  
1204

1205 Mr. Kirkland - Thank you.  
1206

1207 Ms. McHugh - You're welcome.  
1208

1209 Mr. Nunnally - All right.  
1210

1211 Ms. McHugh - I'm the zoning inspector for the Department of  
1212 Community Revitalization. I am the zoning inspector responsible for writing the  
1213 notice of violation on this property. I would like to bring several things to bear.  
1214 First of all, the dwelling has been called several things: a shed, an office, a guest  
1215 cottage or a guesthouse; I'm sorry, a cottage, and a caretaker's cottage. We  
1216 have a plethora of different things that we have now called this structure. It is not  
1217 allowed in the Zoning Ordinance. Section 24-93(e): "No lot shall contain more  
1218 than one dwelling. No building in the rear of a principal building on the same lot  
1219 shall be used for dwelling purposes." Obviously, throughout the whole testimony  
1220 of everybody, that's not what has happened. Because it has been illegal from  
1221 the beginning does not necessarily mean that it should continue to be illegal. I  
1222 think that's the question here. I'm certainly available for questions.  
1223

1224 Ms. Dwyer - Did you write the Notice of Violation? It looks like you  
1225 did.  
1226

1227 Ms. McHugh - Yes ma'am.  
1228

1229 Ms. Dwyer - That's in our packet. You cited 24-93(e), which is a  
1230 general building regulation that says on a single-family lot, you can only have one  
1231 dwelling.  
1232

1233 Ms. McHugh- Yes ma'am.  
1234

1235 Ms. Dwyer - There are, you recognize, exceptions to that.  
1236 Accessory uses are permitted and one of those accessory uses that is permitted  
1237 is a guesthouse.  
1238

1239 Ms. McHugh- Correct.  
1240

1241 Ms. Dwyer - What facts can you cite to us to say to us as a Board  
1242 that this is, in fact, a guesthouse and not a residential dwelling?  
1243

1244 Ms. McHugh- I believe a guesthouse—  
1245

1246 Ms. Dwyer - I'm sorry, you would be arguing the opposite.  
1247

1248 Ms. McHugh- Well, I believe a guesthouse is not supposed to have  
1249 a kitchen for dwelling purposes. I can certainly pass over the legal opinion #18  
1250 dated May 2, 1960. In the third paragraph, and I'll read, "It would seem to follow  
1251 that a guesthouse would not come, within the definition of an accessory use, if it  
1252 contains in its component parts all of the facilities necessary to provide for  
1253 regular and customary everyday living." By this, I mean if a guesthouse has  
1254 living, sleeping, bathing, cooking, or dining facilities, then it would, then, in and of  
1255 itself be a self-contained structure. It would not be dependent or related to a  
1256 main use. If that's the case, there would be two family dwelling units, regardless  
1257 of the present or proposed use to which any particular person would intend the  
1258 same. So, a guest cottage, we assume it to be for a guest not a permanent or  
1259 dwelling structure, which everybody has admitted has been done since the  
1260 building was actually constructed. Again, because it has been illegal for however  
1261 long, does not necessitate that it should remain illegal.  
1262

1263 Ms. Dwyer - You're saying this can't be defined as accessory  
1264 because it's self-contained, it's fully functional as a separate residence. Those  
1265 are facts that you're pointing to.  
1266

1267 Ms. McHugh- Correct. I would also like to state that when I spoke  
1268 with Mrs. Leggett, and I've also had opportunity to speak with her daughter, we  
1269 would assume that a caretaker would be there on the property or at least be

1270 there in case something happened to Mrs. Leggett. Her daughter indicated to  
1271 me she has three jobs.  
1272  
1273 Mr. Blankinship - Mrs. Cosby made it clear that they were not making  
1274 the argument that this is a dwelling for persons employed on the premises.  
1275  
1276 Ms. McHugh- Okay. So, needless to say, though, three jobs would  
1277 mean that you're not going to be there very often. It would seem that if you were  
1278 seriously concerned about your health, you would have somebody there to be  
1279 there on a fairly regularly basis, in addition to the fact that it's not just her  
1280 daughter that lives there; it's her daughter's boyfriend. There's two people, not  
1281 just one. That's all I have. Thank you.  
1282  
1283 Mr. Nunnally - Any other questions? Anyone else in opposition? Mr.  
1284 O'Kelly, do you have anything you'd like to say?  
1285  
1286 Mr. O'Kelly - No sir.  
1287  
1288 Mr. Nunnally - Okay, we'll call Ms. Cosby.  
1289  
1290 Ms. Dwyer - I do have a question of Mrs. Leggett. If you're going  
1291 to do a rebuttal, if you could bring Mrs. Leggett up as well. I have a follow-up  
1292 question for her. Mrs. Leggett, you mentioned earlier that someone had lived in  
1293 the house from 1998 to 2006. Did that person pay rent?  
1294  
1295 Mrs. Leggett - Yes ma'am. We did not know we were doing  
1296 something wrong, we declared it to the IRS.  
1297  
1298 Ms. Dwyer - Okay. Does your daughter pay rent?  
1299  
1300 Mrs. Leggett - My daughter doesn't pay rent, per se, but my  
1301 daughter cooks for me, she does the shopping. There is no exchange of dollars  
1302 per se.  
1303  
1304 Ms. Dwyer - Okay.  
1305  
1306 Mrs. Leggett - There is exchange of services that she does for me.  
1307  
1308 Ms. Dwyer - Based on your previous statements, is it fair to say  
1309 that in your view your intent is for your daughter to stay in this accessory building  
1310 indefinitely?  
1311  
1312 Mrs. Leggett - I'm 73 years old. I don't know how long I'm going to  
1313 be around. My time is getting short. I would like for her to stay, if it's possible.  
1314  
1315 Ms. Dwyer - Indefinitely.

1316  
1317 Mrs. Leggett - If it's possible, yes. I would also like to say that all of  
1318 this business is very sad to me and I just hope that we can come to some kind of  
1319 understanding.  
1320  
1321 Mr. Nunnally - Thank you, Mrs. Leggett.  
1322  
1323 Mrs. Leggett - Thank you.  
1324  
1325 Mr. Nunnally - Ms. Cosby, you want to have a short rebuttal now.  
1326  
1327 Ms. Cosby - Certainly. I don't know the memo that went up to you.  
1328 I believe it was a legal opinion and I haven't had an opportunity to read that  
1329 opinion. Again, attorney's can differ. We always say when there's a good AG  
1330 opinion, he or she is just another lawyer. Again, just because one lawyer has  
1331 said it, obviously, I would give that the credence of another attorney standing  
1332 here before you. It's certainly not a Virginia Supreme Court opinion or anything  
1333 else. It certainly is argument to you, but again, I think that statutory construction,  
1334 I think that goes against statutory construction, again, in looking at the plain  
1335 language of the guesthouse.  
1336  
1337 Two quick points I do want to make because I think the question of whether or  
1338 not a guesthouse may not be a guesthouse if somebody is paying rent or some  
1339 compensation. I actually spent about two hours in the library over in the Circuit  
1340 Court and tracked "guesthouse" since the first ordinance was adopted in Henrico  
1341 County. I believe, by my notes, September 3<sup>rd</sup>, 1953, the original "guesthouse,"  
1342 as I said, has not been defined, but it was originally included in Henrico's  
1343 ordinance as a non-commercial guesthouse. That's not what it is now. That  
1344 language was intentionally removed by the Board of Supervisors sometime  
1345 between—and unfortunately, they don't have the entire minutes from all of these.  
1346 Sometimes between 1953, I can tell you in 1980, the Board intentionally took out,  
1347 "non-commercial," which would indicate that the intent is, yes, there can be some  
1348 compensation here. I don't think that fact alone—I think that's actually one of the  
1349 clearer things in this because you do have some intent from the Board. I would  
1350 also just point out, I have been using the term "guestroom" in common language,  
1351 like my guestroom at home. Technically, the definition for "guestroom" in the  
1352 County ordinance is, "a sleeping room which is designed or intended for  
1353 occupancy or which is occupied by more than one guest for compensation."  
1354 Internally, there's an idea of not something that's temporary and compensation.  
1355 In fact, in the County's own ordinance, again that section says, "But in which no  
1356 provision is made for cooking." I do believe that statutory construction, which is  
1357 direction to this Board from the Virginia Supreme Court, makes is clear that when  
1358 language is included in one section of a statute or an ordinance, it is expressly  
1359 intended not to be included in the other section. I could cite cases to you, if you  
1360 believe that's necessary, but I truly don't. Again, I think that you've had a lot of  
1361 information before you and I would just keep in mind that the statutory rules,

1362 please, and the fact that zoning is against the common law. Mrs. Leggett has a  
1363 right to use her property unless and until there is a zoning ordinance that  
1364 specifically and clearly and intently prevents her from doing what she otherwise  
1365 freely has to do under the Constitution. I don't intend to make some grand  
1366 statement at the end of this but it works. Thank you very much and we would  
1367 ask that the decision be reversed and she be allowed to be considered a  
1368 guesthouse with the kitchen as it is with no limits on occupancy. Thank you very  
1369 much.

1370  
1371 Mr. Nunnally - Thank you, ma'am.

1372  
1373 Mr. Gidley - Ms. Cosby. Before you go, I just have one quick  
1374 question. The inspector cited a provision stating that you can't have two  
1375 dwellings on one lot, and yet the section for the guesthouse that you're coming  
1376 under as an accessory use said every single-family residential district. Unless  
1377 they want to nullify their prohibition on two dwellings per lot, what's the different  
1378 in your opinion between a dwelling and guesthouse?

1379  
1380 Ms. Cosby - I think it's the language in—Well, I'll turn to it so I can  
1381 cite precisely. In 24-93, the first part of that is except as otherwise permitted—  
1382 pardon me— "Except as otherwise provided herein, no lot shall contain more  
1383 than one dwelling." It is permitted. Generally, no, you can't have two dwellings  
1384 on one lot, but as Ms. Dwyer pointed out, an accessory guesthouse, or if this had  
1385 been a living quarters, that's a dwelling. I had the same question about is that a  
1386 problem. I think Mr. Blankinship and I had this question about the remaining part  
1387 of that ordinance and if this structure, whether it's a guesthouse, whether it would  
1388 be a living quarters, is found to be accessory, the rest of 24-93 doesn't apply.  
1389 This is only for two principal dwellings.

1390  
1391 Mr. Blankinship - I'm not sure you answered the question. If this  
1392 building is not a dwelling, what is?

1393  
1394 Ms. Dwyer - How would you define the difference between a  
1395 dwelling and a guesthouse?

1396  
1397 Mr. Blankinship - Where do you cross that line, if including a full kitchen  
1398 doesn't cross the line? If having occupancy for an indefinite period of time  
1399 doesn't cross the line, what does?

1400  
1401 Ms. Cosby - I think it can be the same thing. A dwelling—and if  
1402 you'll give me just a minute. It says, "A dwelling is any building or portion thereof  
1403 occupied or designed to be occupied exclusively for residential purposes." So, a  
1404 dwelling—It says, "Not including a tent, cabin, travel trailer, or room in a hotel."  
1405 So yes, under the ordinance, a guesthouse is a dwelling, but your own definition  
1406 of a dwelling would include a temporary nature. It's an accessory dwelling and  
1407 only accessory dwellings—and here are only two in the County that I can find—I

1408 might be wrong—the living quarters for a watch person and a guesthouse. Those  
1409 two are accessory dwellings. So, yes. Do they meet the definition? Absolutely.  
1410 They would always fall under this definition. As a matter of law, I think all—Even  
1411 if somebody were only living there for—if it's for residential purposes, if they're  
1412 staying there. A residence can be—

1413

1414 Ms. Dwyer - You're responding with a legal argument which says a  
1415 guesthouse can be a dwelling, but it's a special exception that's allowed, a  
1416 second dwelling, if it's a guesthouse, is allowed. I understand that, but what  
1417 we're getting at is, factually, what makes a guesthouse different from a  
1418 [unintelligible] dwelling? This looks for all purposes like two dwellings on a single  
1419 lot.

1420

1421 Ms. Cosby - Sure, and that's the question. A guesthouse—And it's  
1422 the legal title to it. You and I own it, a dwelling; we have title to it. That's a  
1423 principal—Is it a single-family dwelling? Is it the residence? That's Mrs. Leggett's  
1424 house, no question. She owns title to it. She has another property there that  
1425 somebody lives in. It's a guesthouse; it's a dwelling, but you could call it a guest  
1426 dwelling because they don't have title to it; nobody has a right to be there. Can it  
1427 be used for residential purposes? Under the ordinance, absolutely, and it would  
1428 be defined as a dwelling. Any structure in the County that somebody lives in,  
1429 except for tent, cabin, or travel trailer, is going to fall under this definition.  
1430 Guesthouses are considered accessory. I guess if you thought about it that way,  
1431 every guesthouse would be a dwelling and what would be the purpose of even  
1432 having a guesthouse or a watchman's quarters. That's going to be a dwelling.  
1433 But those are permitted.

1434

1435 Ms. Dwyer - That's a tough question to answer.

1436

1437 Mr. Nunnally - All right, thank you ma'am.

1438

1439 Ms. Cosby - Thank you.

1440

1441 Ms. Harris - Before we leave this case, those persons who are in  
1442 opposition who did not speak who are neighbors, I would like to see who they  
1443 are.

1444

1445 Mr. Blankinship - Are there any others? These are all County staff  
1446 here. Mr. Carpenter spoke.

1447

1448 Ms. Harris - He's the only one? All right, thank you.

1449

1450 Mr. Nunnally - Do I have a motion on this?

1451

1452 Ms. Dwyer - I'll make a motion that we uphold the decision of the  
1453 Director of Planning and deny the appeal. The reason for that is I think the



1454 citation was correct under 24-93(e) that only one dwelling is allowed on this  
1455 particular lot. The question then becomes whether the second accessory  
1456 building is, in fact, a residential dwelling that is not permitted, or whether it's a  
1457 guesthouse, which is permitted as an accessory use. In listening to all the facts  
1458 that have been brought forward, it seems to me that a reasonable understanding  
1459 of the facts is that this is being used as a residential dwelling and not as a  
1460 guesthouse. The facts are this has all the incidents of a self-contained,  
1461 independent dwelling. It has a full kitchen, which I think is a factor that we can  
1462 consider and should consider in determining whether it's a full-time residence  
1463 versus a guesthouse. The owner of the property indicated that she wants her  
1464 daughter to live there for an indefinite period of time. The person who is living in  
1465 the accessory building now separately pays for utilities. People who had lived  
1466 there for years before this actually paid rent to live in the house. The person who  
1467 is living there has no other dwelling place to visit back and forth. Clearly, this is a  
1468 full-time residence indefinitely for the daughter. Some of the other issues that  
1469 have been raised are one, it's been used for a long period of time, so why should  
1470 we be looking into it now. The answer to that is if it's been illegal for 10 years, it  
1471 doesn't really matter. Now that it has come to the attention of the County, now  
1472 that a complaint has been filed and we've been asked to review it, we have to  
1473 examine whether it's permissible. If it's not permissible, it doesn't matter that it's  
1474 been impermissibly used for a long period of time in the past.

1475  
1476 The other statement that was made I think by the attorney had to do with the fact  
1477 that the word, "non-commercial" had been taken out of the definition. I think that  
1478 probably another interpretation of that is that "non-commercial" was taken out of  
1479 the definition because the legislature wanted to include both commercial and  
1480 non-commercial. They didn't want to make that distinct, not that they were  
1481 permitting non-commercial uses on these lots.

1482  
1483 That's all I can think of at the moment to support it, but basically, this is not a  
1484 cottage used as a guesthouse. It seems to me to be a permanent residence  
1485 that's been used as such for many years and it is unlawful to have two  
1486 residences or dwelling places used as a full-time residence on one single lot.

1487  
1488 Mr. Kirkland - I second the motion.

1489  
1490 Mr. Nunnally - Motion by Ms. Dwyer and seconded by Mr. Kirkland it  
1491 be denied. All in favor say aye. All opposed say no. It's been denied.

1492  
1493 After an advertised public hearing and on a motion by Ms. Dwyer, seconded by  
1494 Mr. Kirkland, the Board **denied** appeal **A-005-07**, sustaining the decision of the  
1495 Director of Planning with regard the property at 3615 Malpas Drive (Old Cannon  
1496 Estates) (Parcel 846-708-9615), zoned A-1, Agricultural District (Varina). The  
1497 Board determined that the accessory building on Mrs. Leggett's property is a  
1498 dwelling, and not a guesthouse

1499

1500  
 1501 Affirmative: Dwyer, Harris, Kirkland, Nunnally 4  
 1502 Negative: 0  
 1503 Absent: Wright 1  
 1504  
 1505

1506 Mr. Nunnally - Okay, next case.  
 1507

1508 **UP-006-07 EAGLE CONSTRUCTION OF VIRGINIA, LLC**  
 1509 requests a temporary conditional use permit pursuant to Section 24-116(c)(1) to  
 1510 install a temporary sales trailer at 10624 Smith Point Way (The Oaks at  
 1511 Crossridge) (Parcel 763-765-1289), zoned R-2C, One-Family Residence District  
 1512 (Conditional) (Brookland).  
 1513

1514 Mr. Nunnally - Is anyone else here interested in this case? If so, will  
 1515 you please stand and be sworn?  
 1516

1517 Mr. Blankinship - Raise your right hand. Do you swear the testimony  
 1518 you're about to give is the truth and nothing but the truth so help you God?  
 1519

1520 Ms. Wolf - I do.  
 1521

1522 Mr. Nunnally - Please state your name for the record, ma'am, and  
 1523 tell us what you're requesting.  
 1524

1525 Ms. Wolf - Members of the Board, good morning. My name is  
 1526 Joyce Wolf. I'm with Eagle Construction of Virginia. We are the homebuilder, or  
 1527 will be the homebuilder in The Oaks, Section 2, and are requesting a temporary  
 1528 sales trailer office for home sales in that section of the subdivision. The trailer  
 1529 would be of a temporary nature. We're requesting a one-year time period and we  
 1530 would be operating the sales in the trailer from—I'm trying to remember what our  
 1531 hours would be. I don't have our application in here. Monday through Saturday.  
 1532 I believe it was 8 a.m. until 5 p.m. It's on the application. I don't have it with me,  
 1533 sorry. We would offer parking spaces and there would be a handicap-accessible  
 1534 ramp to the trailer. We would also have sanitary facilities on site. We are  
 1535 required to install some landscaping that will make it look a little more palatable  
 1536 to the area. As of right now, there are no homes under construction in the  
 1537 neighborhood. The existing Section 1, as you can see, the closest home is right  
 1538 here. This home here is separated by a large common area that is completely  
 1539 wooded. I'd be happy to answer any questions you might have.  
 1540

1541 Ms. Harris - Did you use a similar trailer when you constructed  
 1542 Section 1?  
 1543

1544 Ms. Wolf - No, I believe we had a construction trailer; we did not  
1545 have a sales office. I believe at that time, we may have been operating sales  
1546 from Crossridge, which is right next door.  
1547

1548 Mr. Kirkland - Is there any reason you can't do that this time, or is it  
1549 separated now or what?  
1550

1551 Ms. Wolf - It's separated. Crossridge is a gated community for  
1552 active adults and they actually have control over the clubhouse, of the pavilion.  
1553 We have a sales model in section 2 of The Carriages, but that is strictly for sales  
1554 within Crossridge. It's not the same type of dwelling that we would be selling in  
1555 The Oaks. The Oaks is a single-family; these are detached that we're selling in  
1556 The Carriages.  
1557

1558 Mr. Kirkland - The bathroom in the trailer, will that be a port-a-potty,  
1559 or is this going to be connected directly in? It says here it's going to be  
1560 connected in and then it says it will be a port-a-potty in one sentence also.  
1561

1562 Ms. Wolf - We actually have three options here. The utilities are  
1563 currently under construction in this section of the subdivision. As soon as those  
1564 are available, we will be connecting the bathroom in the trailer to the public  
1565 utilities that will be available. In the interim, we can do a pump-and-haul facility  
1566 behind the trailer.  
1567

1568 Mr. Kirkland - Yes.  
1569

1570 Ms. Wolf - Or we could also have an accessible port-a-potty, or  
1571 port-a-john outside.  
1572

1573 Mr. Kirkland - That would be screened, of course.  
1574

1575 Ms. Wolf - Yes, yes sir. We can do that with a fence or  
1576 plantings, something of a temporary nature because we do intend to connect  
1577 public utilities as soon as they are available.  
1578

1579 Mr. Kirkland - This site would be the site of the first home or next  
1580 door to it? Do you think it'll take until March 2008 to get to that?  
1581

1582 Ms. Wolf - There are 22 lots in this section. Hopefully sales will  
1583 go much quicker than that, but we generally operate on a 17-week construction  
1584 schedule for our homes, so starting roughly five a month—We would hope to  
1585 have a model home available to get rid of this use, but we have asked for one  
1586 year.  
1587

1588 Mr. Kirkland - Okay.  
1589

1590 Ms. Wolf - As far as building the first model home, it just  
1591 depends on how sales go whether or not it would be in our best interest to have a  
1592 model home furnished for the purpose of selling 21 other homes in here.  
1593  
1594 Mr. Kirkland - Is this the last section?  
1595  
1596 Ms. Wolf - Yes sir.  
1597  
1598 Mr. Kirkland - This will be it?  
1599  
1600 Ms. Wolf - Yes.  
1601  
1602 Mr. Nunnally - Did they give you any idea when the public facilities  
1603 will be available?  
1604  
1605 Ms. Wolf - They're currently installing water at this time. I would  
1606 think within the next 30 to 60 days we'd have tentative acceptance of utilities so  
1607 that the temporary sanitary facilities would be very temporary, or 30 to 60 days, I  
1608 would estimate.  
1609  
1610 Mr. Nunnally - All right.  
1611  
1612 Ms. Harris - Were you developers for Section 1?  
1613  
1614 Ms. Wolf - I'm sorry?  
1615  
1616 Ms. Harris - Were you the developers for Section 1?  
1617  
1618 Ms. Wolf - Yes ma'am. We built all of the homes in Section 1 and  
1619 all of Crossridge right next door.  
1620  
1621 Ms. Harris - In Condition 3 where there's a mention of a detailed  
1622 landscaping plan, will the existing trees be a part of the landscaping plan?  
1623  
1624 Ms. Wolf - Actually, the front portion of this lot has been cleared.  
1625 I believe there might be a picture in your packet showing the lot. We have  
1626 cleared the front portion of the lot. The trees behind this trailer would remain. So,  
1627 no ma'am, we would be installing. All of that has been cleared since that aerial  
1628 photograph has been taken. It's been cleared back to probably 30 feet behind  
1629 where the house site is. That's typically what we do. We would certainly provide  
1630 landscaping around the trailer and skirting under the trailer to make it more  
1631 pleasing from the street.  
1632  
1633 Mr. Kirkland - Ms. Harris, it looks like a lot of the area is buffered  
1634 from like a wetland or a common area.  
1635

1636 Ms. Wolf - That's correct.  
1637  
1638 Mr. Kirkland - It's kind of like in a little cove around there. I looked  
1639 at it yesterday.  
1640  
1641 Ms. Harris - Thank you.  
1642  
1643 Mr. Nunnally - Any other questions for Ms. Wolf? May I ask once  
1644 again, is anyone here in opposition to this case? Hear none, that concludes the  
1645 case. We'll let you know later on.  
1646  
1647 Ms. Wolf - Thank you.  
1648  
1649 Mr. Kirkland - I move we approve this trailer. It will not affect the  
1650 health, safety, or welfare of any of the persons residing in the neighborhoods  
1651 adjoining it. I went by the site yesterday and everything looks pretty good. It's  
1652 buffered by trees.  
1653  
1654 Ms. Harris - Second.  
1655  
1656 Mr. Nunnally - Motion by Mr. Kirkland and seconded by Ms. Harris  
1657 that it be approved. All in favor say aye. All opposed say no. It's been approved.  
1658  
1659 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by  
1660 Ms. Harris, the Board **granted** application **UP-006-07** for a temporary conditional  
1661 use permit to install a temporary sales trailer at 10624 Smith Point Way (Parcel  
1662 763-765-1289), zoned R-2C, One-Family Residence District (Conditional)  
1663 (Brookland). The Board granted this use permit subject to the following  
1664 conditions:  
1665  
1666 1. Only the improvements shown on the plan filed with the application may be  
1667 constructed pursuant to this approval. No substantial changes or additions to the  
1668 layout may be made without the approval of the Board of Zoning Appeals. Any  
1669 additional improvements shall comply with the applicable regulations of the  
1670 County Code.  
1671  
1672 2. The trailer shall be skirted on all sides with a durable material as required by  
1673 the building code for a permanent installation.  
1674  
1675 3. A detailed landscaping and lighting plan shall be submitted to the Planning  
1676 Department with the building permit for review and approval. Approved  
1677 landscaping shall be installed as soon as the weather permits. All landscaping  
1678 shall be maintained in a healthy condition at all times. Dead plant materials shall  
1679 be removed within a reasonable time and replaced during the normal planting  
1680 season.  
1681

1682 4. The bathroom in the trailer shall be connected to sanitary facilities approved  
1683 by the Virginia Department of Health. This facility shall be screened from  
1684 adjacent property.

1685  
1686 5. The trailer shall be removed from the property on or before March 24, 2008, at  
1687 which time this permit shall expire.

1688  
1689  
1690 Affirmative: Dwyer, Harris, Kirkland, Nunnally 4  
1691 Negative: 0  
1692 Absent: Wright 1

1693  
1694

1695 Mr. Nunnally - The Board is going to take a five-minute recess.

1696

1697 **FIVE MINUTE RECESS**

1698

1699 Mr. Nunnally - Call the next case, Mr. Blankinship.

1700

1701 **A-006-07** **STEPHEN C. WINKS** requests a variance from  
1702 Section 24-9 to build a one-family dwelling at 1457 Crystal Springs Lane (Parcel  
1703 804-679-8140), zoned R-2A, One-family Residence District (Varina). The public  
1704 street frontage requirement is not met. The applicant proposes 0 feet public  
1705 street frontage, where the Code requires 50 feet public street frontage. The  
1706 applicant requests a variance of 50 feet public street frontage.

1707

1708 Mr. Nunnally - Is anyone else here interested in this case? If so, will  
1709 you please stand and raise your right hand and be sworn.

1710

1711 Mr. Blankinship - Do you swear the testimony you're about to give is  
1712 the truth and nothing but the truth so help you God?

1713

1714 Mr. Winks - I do.

1715

1716 Mr. Nunnally - Please state your name for the record, sir, and tell us  
1717 what you're requesting.

1718

1719 Mr. Winks - Thank you. Steve Winks. I'm a resident of 1457  
1720 Crystal Springs Lane in Varina.

1721

1722 Mr. Nunnally - All right, sir.

1723

1724 Mr. Winks - The purpose of the petition this morning is that we  
1725 own a home on Crystal Springs Lane. It was a house that my father built for me  
1726 and we have a large field in front of our house. We've owned this property for 50  
1727 years. We would like to spin the field off as a building site. What that does in

1728 doing that is that we would lose our access to Osborne Turnpike, which is the  
1729 blue line there. We've been using Crystal Springs Lane for 50 years as our  
1730 access to our home. It appears as though in order for us to use the field as a  
1731 building lot, we would have to divide the field into 150-foot type lots. As you all  
1732 know, Varina is a beautiful rural area and we're trying to maintain the frontage,  
1733 283 feet of frontage on Osborne intact so it won't be divided. The Zoning  
1734 Ordinance does not allow that. The option for us is to build a \$100,000 road in  
1735 for access to my house, which I don't think is reasonable or fair. We are  
1736 basically asking for a variance that would keep the frontage of our field intact so  
1737 we can maintain the rural character of Osborne Turnpike in Varina. In doing so,  
1738 we are consistent with Randall Arendt, who is a very famous land planner who  
1739 specializes in rural land planning who has been engaged by Henrico County to,  
1740 basically, advise the County on zoning-related issues. Randall Arendt's  
1741 suggestion is to maintain the rural character; you keep as much road frontage as  
1742 possible intact.

1743  
1744 We're not trying to do anything crazy here; we're just trying to gain use to our  
1745 property. From a financial standpoint, the lots in Varina are very expensive.  
1746 Gratz Farm has just been sold and they're developing two-acre lots. Those lots  
1747 will go for about 125,000 bucks. So, this is very important from a financial  
1748 consideration as well. The motivation here is to optimize the value of the  
1749 property. That's kind of the whole thesis of the thought there. I can go into a lot  
1750 of other background, which I don't think is necessary. Varina is a rural area and  
1751 there's a presumption with the Zoning Code that we have public water and  
1752 sewer, but we don't. In fact, if you were to take Osborne Turnpike from the city  
1753 limits all the way down to where it terminates at Kingsland Road at the James  
1754 River, there are only five state-maintained roads immediately off Osborne  
1755 Turnpike. None of these thousands of acres on the river side of Osborne have  
1756 public water and sewer. So, we are all well and septic, private roads, and we  
1757 suddenly find ourselves in a situation where if you own five acres, as I do, or if  
1758 you own 50 acres, as Joe Morrissey, my neighbor, does, and you have less than  
1759 300 feet of road frontage, you're stuck. You can have one house and that's it.

1760  
1761 I want to hopefully get a better understanding in terms of whether I can or cannot  
1762 use this field. My concern here is simply that if I can't spin the field off, I basically  
1763 am losing 125,000 bucks. That's kind of the story.

1764  
1765 Mr. Nunnally - Do you have this property up for sale now, sir?

1766  
1767 Mr. Winks - I do, I do. We have several people who are  
1768 interested. In fact, we've got some contracts on it. This lady was asking me  
1769 what's the financial difference between the two. I can tell you that if I had that as  
1770 a separate lot, there's a least \$125,000 difference in what I can get for the  
1771 property with or without the field being a lot.

1772

1773 Ms. Dwyer - Mr. Winks, this lot was purchased as 5-and-some-odd  
1774 acres.  
1775  
1776 Mr. Winks - Yes, in 1956.  
1777  
1778 Ms. Dwyer - Okay. So, this is the first time that you've sought to  
1779 divide it.  
1780  
1781 Mr. Winks - We've never divided the property.  
1782  
1783 Ms. Dwyer - So, it's been a whole lot, as you say, every since  
1784 you've owned it.  
1785  
1786 Mr. Winks - Right, and my parents before me.  
1787  
1788 Ms. Dwyer - You said that there's a presumption in the ordinance  
1789 that there's water and sewer. Is that because more road frontage is required for  
1790 lots without water and sewer?  
1791  
1792 Mr. Winks - That's part of it. We didn't realize the field was zoned  
1793 R-2A, which is like 80-foot lots, and, of course, we don't have public water and  
1794 sewer, and that would be the only way you could have 80-foot lots. We thought it  
1795 was A-1. There is this presumption, because when you talk to the County about  
1796 the use of the property and that sort of thing, it's, oh, you can do this, that, and  
1797 the other. Then I say we don't have public water and sewer, and it's, "Oh gosh,  
1798 well, you can't do any of that."  
1799  
1800 Ms. Dwyer - You're not suggesting there's some unreasonable  
1801 discrimination. The reason that you have to have more property—  
1802  
1803 Mr. Winks - No, I understand perfectly.  
1804  
1805 Ms. Dwyer - —[unintelligible] wells and septic systems.  
1806  
1807 Mr. Winks - I understand perfectly. The issue here is can I use  
1808 this property to its highest and best use. There might not be any legal reason  
1809 why I should be able to use it; it's just a question of fairness. It's a question of as  
1810 a citizen I'm trying to maximize the value of the property. I think I should have  
1811 the right to maximize the value of the property and right now, I'm required to put  
1812 in a state-maintained road in order for me to spin that field off and that's  
1813 \$100,000. It doesn't make any economic sense. On the other side of Osborne  
1814 Turnpike, there are only four state-maintained roads that go north away from the  
1815 river. Anyone in Varina who has owned property for a while is kind of stuck  
1816 because we all are required to put in these beautiful, wide, lovely state-  
1817 maintained roads that are cost prohibitive for us as individuals in order to just get  
1818 any utility out of the property. I argue on my behalf, but I can tell you that there



1819 are hundreds of people that are in Varina that would love to see the rural  
1820 character of the area maintained. It is consistent with Randall Arendt's thoughts  
1821 of what would be a wonderful way for the river side of Osborne to be developed,  
1822 or even the eastern part of Henrico County developed. What's happening now is  
1823 that anybody who owns any property in Varina of any size is pretty much  
1824 required to put in a state-maintained road, which for individuals is almost  
1825 impossible. I ask you to consider the plight of property owners in Varina and that  
1826 we basically as ascribe zero value to this field unless I have a state-maintained  
1827 road. I'm kind of stuck. I've been told that there's a zero chance of getting this  
1828 approved. I'm asking for this Board to reason through people who own property  
1829 in Varina and consider the plight that we're in and why is it that we can't use 3-  
1830 1/2 acres or 3.1 acres of property as we choose fit. Apparently we can't, but it  
1831 just doesn't seem right.

1832

1833 Ms. Dwyer - You've had reasonable use of the five-and-some-odd  
1834 acres for the time that you've lived there.

1835

1836 Mr. Winks - Fifty years, yes.

1837

1838 Mr. Nunnally - Any questions?

1839

1840 Mr. Kirkland - No questions.

1841

1842 Mr. Nunnally - Any other questions?

1843

1844 Ms. Harris - What would be your alternative if this variance were  
1845 not granted?

1846

1847 Mr. Winks - Well, the alternative is basically doing what I'm doing.  
1848 I don't expect it to be approved, but I don't think it's right. The alternative is to  
1849 sell it and to go someplace else, to move someplace else. I love Varina. I'm  
1850 active in all the civic organizations, etcetera, but when you are put in the situation  
1851 where you've been a lifelong resident of Varina and you have property that you  
1852 have planned on—I had planned on selling this to finance college educations. If  
1853 you can't sell the property to finance college educations, that's not right. I will sell  
1854 it and I'll move someplace else. That's pretty much it. Thank you.

1855

1856 Mr. Nunnally - Thank you. Is anyone else here in favor of this  
1857 application? Anybody in opposition? Please come forward.

1858

1859 Mr. Cousins - I'm Charles Cousins. I live at 1462 Crystal Springs,  
1860 which is directly across the street from Mr. Winks. When I bought the property  
1861 almost two years ago—I have a large beside me that's probably two acres—and I  
1862 was asked could that ever be used for building. I was told then that the only  
1863 thing being considered at that time was a hardship. Even today, I can't see  
1864 where Mr. Winks' case is a hardship. He told us this morning that if the road had

1865 to be built, he would have to put four or five houses in there to justify the  
1866 expense. That would not be a two-acre tract of land like he was speaking of  
1867 down the road. Also, the motion does not meet the criteria of a variance. There's  
1868 no hardship, the variance would make the original house on Crystal Springs Lane  
1869 illegal by not having road frontage needed to be in compliance. I'd like to see the  
1870 area stay like it is. The lady who's behind me, she has dedicated her property to  
1871 a sanctuary. She wants it to be a bird sanctuary when she passes. It's a real  
1872 nice area. To put a small development in here just doesn't seem feasible,  
1873 especially with the water and sewer problems we now have. Thank you all.

1874  
1875 Mr. Nunnally - Thank you. You have a short rebut? Yes sir. Does  
1876 anyone else want to speak in opposition? Hold on, Mr. Winks.

1877  
1878 Mr. Kirkland - We have one more opposition.

1879  
1880 Mr. Nunnally - We have one more lady to speak.

1881  
1882 Ms. McDonough - Good morning.

1883  
1884 Mr. Nunnally - Good morning.

1885  
1886 Ms. McDonough - My name is Jennifer McDonough. I understand  
1887 where Mr. Winks is coming from; however, my feeling is one of not personal  
1888 issues but future issues as Mr. Winks has this entire property for sale, thus the  
1889 variance would follow the property and those property owners. Potential  
1890 decisions here today could affect me. I live at 8788 Osborne, which is adjacent  
1891 to that field. Decisions here today could affect me in the future because it's kind  
1892 of setting the standard for the property that is between myself and Mr. Cousins,  
1893 property to my left along Osborne and along all of Osborne, I believe. I moved to  
1894 the area because I wanted lots of land between us. Again, I agree there is no  
1895 hardship. This entire parcel of land is for sale currently. He's lived there for 50  
1896 years without a problem and now that the parcel of land is for sale, there is now a  
1897 changing of that situation.

1898  
1899 Mr. Nunnally - Thank you, ma'am. Go ahead, Mr. Winks. Short  
1900 rebuttal.

1901  
1902 Mr. Winks - Thank you. My intention is to keep that as one lot. I  
1903 would not want to subdivide it; I would not want to put in a state-maintained road.  
1904 I would hate to see that put into 80-foot lots, but this is kind of like a last-ditch  
1905 effort on my part to preserve the property, the property that I grew up on. If I sell  
1906 it, I can assure that whoever buys it is going to consider putting in a state-  
1907 maintained road and there's nothing you can do about it. More importantly, when  
1908 you put in a \$100,000 road, you can't do that for a lot; you're going to have to  
1909 have more than one lot. So, whoever buys this property certainly has the right to  
1910 put in a state-maintained road and to put in as many lots as possible. I hate the

1911 thought of doing that, and frankly, that's one of the reasons why I'm selling. I  
1912 don't want to be the guy who does it. Be careful what you pray for, because you  
1913 might get it. Thank you.

1914

1915 Mr. Nunnally - Thank you. All right, anyone else? That concludes  
1916 the case. Do we have a motion?

1917

1918 Mr. Kirkland - I move we deny it.

1919

1920 Mr. Nunnally - Motion by Mr. Kirkland it be denied.

1921

1922 Ms. Dwyer - Second.

1923

1924 Mr. Kirkland - Reason being the effect of the Zoning Ordinance on  
1925 the property under consideration as it stands does not interfere with the  
1926 reasonable uses of the property taken as a whole. Therefore, that's what I see as  
1927 a Cochran/Cherrystone combination case here. I still move we deny it.

1928

1929 Ms. Harris - I have a discussion on this motion. This is a problem,  
1930 as we know, in Varina, as Mr. Winks indicated. It's occurring probably less now  
1931 that it has previously, but still it is occurring because of the enormous amount of  
1932 vacant land in Varina. This is an issue that I really believe the Board of  
1933 Supervisors needs to give us directives or it certainly needs to be addressed. I'm  
1934 hoping that we can pass this information along to them.

1935

1936 Mr. Kirkland - Mr. Blankinship, since this is the last frontier of  
1937 Henrico County, I guess it would be good if they met with their legislators on this  
1938 thing. We're going to have to get a really good [unintelligible] new ordinances  
1939 and laws put into place on this. This is going to start to be a frequent thing.

1940

1941 Mr. Blankinship - It is a frequent topic of conversation.

1942

1943 Mr. Kirkland - In the East End, especially.

1944

1945 Ms. Dwyer - I think we have to remember that at one time, the  
1946 County was very undeveloped everywhere and utilities and public services were  
1947 not available everywhere. This issue has been faced by each segment of the  
1948 County as it has gone from essentially a rural community to a more developed  
1949 community. This tension between people wanting to make the most money they  
1950 can off their land and fitting within what their Board of Supervisors has described  
1951 as the land use requirements in the Code I think have always been there and  
1952 they're just being felt now by Varina. They've been felt by Fairfield and  
1953 Brookland and Tuckahoe and Three Chopt as well, as those districts have also  
1954 been developed. I think the Board has established the standards for  
1955 development, and those standards are road frontage and that's required. While  
1956 that might not enable people to make the most money they would like to make off

1957 their property, at this point, the Board has spoken so we really have no basis for  
1958 circumventing that.

1959  
1960 Mr. Kirkland - Correct.

1961  
1962 Mr. Nunnally - All right, let's take a vote on that. Motion by Mr.  
1963 Kirkland and seconded by Ms. Dwyer it be denied. All in favor say aye. All  
1964 opposed say no. It's been denied.

1965  
1966 After an advertised public hearing and on a motion by Mr Kirkland, seconded by  
1967 Ms. Dwyer, the Board **denied** application **A-006-07**, requesting a variance to  
1968 build a one-family dwelling at 1457 Crystal Springs Lane (Parcel 804-769-8140),  
1969 zoned R-2A, One-Family Residence District (Varina).

1970  
1971  
1972 Affirmative: Dwyer, Harris, Kirkland, Nunnally 4  
1973 Negative: 0  
1974 Absent: Wright 1

1975  
1976  
1977 Mr. Nunnally - All right, the minutes of February.

1978  
1979 Ms. Harris - I have one correction on page 16, line 683. The word  
1980 "from," should be "for." "It's been disturbing them for quite some time."

1981  
1982 Ms. Dwyer - What line is that?

1983  
1984 Ms. Harris - Line 683 on page 16.

1985  
1986 Mr. Nunnally - All right, any other correction? Do I have a motion?

1987  
1988 Ms. Dwyer - I move we accept the minutes as amended.

1989  
1990 Ms. Harris - Second the motion.

1991  
1992 Mr. Nunnally - Motion by Ms. Dwyer and seconded by Ms. Harris the  
1993 minutes be accepted as corrected. All in favor say aye. All opposed say no.

1994  
1995 On a motion by Ms. Dwyer and seconded by Ms. Harris, the Board **approved** the  
1996 minutes of the **February 22, 2007** Henrico County Board of Zoning Appeals  
1997 meeting.

1998  
1999 Affirmative: Dwyer, Harris, Kirkland, Nunnally 4  
2000 Negative: 0  
2001 Absent: Wright 1

2002

2003 Ms. Dwyer - I move we adjourn.  
2004  
2005 Mr. Nunnally - Move we adjourn by Ms. Dwyer. Do I have a second?  
2006  
2007 Ms. Harris - Second.  
2008  
2009 Mr. Nunnally - Second by Ms. Harris.  
2010 There being no further business, and on a motion by Ms. Dwyer, seconded by  
2011 Ms. Harris, the Board adjourned until the **April 26, 2007** meeting at 9:00 a.m.  
2012  
2013  
2014  
2015  
2016  
2017 James W. Nunnally  
2018  
2019 Chairman  
2020  
2021  
2022  
2023  
2024  
2025 Benjamin Blankinship, AICP  
2026  
2027 Secretary  
2028