

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY**
3 **ADMINISTRATION BUILDING IN THE GOVERNMENT CENTER AT PARHAM**
4 **AND HUNGARY SPRING ROADS, ON THURSDAY MARCH 27, 2014 AT 9:00**
5 **A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-**
6 **DISPATCH MARCH 10, 2014, AND MARCH 17, 2014.**
7

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

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

8
9 Mr. Wright - Good morning, ladies and gentleman. I'll ask you to
10 please stand and join me in pledging allegiance to the flag of our country.

11
12 Mr. Blankinship, will you please read our rules?

13
14 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
15 ladies and gentlemen, the rules for this meeting are as follows: Acting as
16 secretary, I will call each case. And as I'm speaking, the applicant should come
17 down to the podium. We will then ask everyone who intends to speak to that
18 case to stand and be sworn in. Then the applicant will speak. And then anyone
19 else who wishes to speak will have an opportunity. After everyone has had a
20 chance to speak, the applicant, and only the applicant, will have an opportunity
21 for rebuttal. After the Board has heard all the evidence and asked any questions,
22 they will take that matter under advisement, and they will proceed with the next
23 item on the agenda. They will render all of their decisions at the end of the
24 meeting. So if you wish to hear their decision on a specific case, you can either
25 stay until the end of the meeting, or you can check the Planning Department
26 website—we usually get it updated within about an hour of the meeting—or you
27 can call the Planning Department this afternoon.

28
29 This meeting is being recorded, so we ask everyone who speaks to speak
30 directly into the microphone and to state your name. And please spell your last
31 name so that we get it correctly in the record.

32
33 And finally, there is a binder out in the foyer that contains the staff report for each
34 case, including the conditions that have been recommended by staff.
35

36 We do have two requests for deferral. The first is CUP2013-00034, Bruce and
37 Page Bourgeois. Is anyone here for this case? The applicant has requested
38 deferral of this case.

39
40 **CUP2013-00034 BRUCE AND PAGE BOURGEOIS** request a
41 conditional use permit pursuant to Section 24-95(i)(4) of the County Code to
42 allow a pool in the side yard at 2316 Persimmon Trek (LAKE LOREINE) (Parcel
43 743-754-0927) zoned R-2A, One-Family Residence District and C-1,
44 Conservation District (Three Chopt).

45
46 Mr. Wright - Is there anyone here who wishes to speak to
47 CUP2013-00034, Bruce and Page Bourgeois? I understand that the Planning
48 Commission has to make a decision on this case before we can really consider it.

49
50 Mr. Blankinship - Yes sir.

51
52 Mr. Wright - And the Planning Commission has deferred it to
53 another meeting. Do I hear a motion that we defer this case?

54
55 Ms. Harris - I move that we defer the case until the April 24th
56 meeting.

57
58 Mr. Baka - Second.

59
60 Mr. Wright - It's seconded. Any discussion? All in favor say aye.
61 All opposed say no. The ayes have it; the motion passes.

62
63 After an advertised public hearing and on a motion by Ms. Harris, seconded by
64 Mr. Baka, the Board **deferred** application **CUP2013-00034, BRUCE AND PAGE**
65 **BOURGEOIS'** request for a conditional use permit pursuant to Section 24-
66 95(i)(4) of the County Code to allow a pool in the side yard at 2316 Persimmon
67 Trek (LAKE LOREINE) (Parcel 743-754-0927) zoned R-2A, One-Family
68 Residence District and C-1, Conservation District (Three Chopt).

69
70
71 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
72 Negative: 0
73 Absent: 0

74
75
76 Mr. Blankinship - The other request for deferral is CUP2014-00009,
77 Dominion Golf of Virginia LLC.

78
79 **CUP2014-00009 DOMINION GOLF OF VIRGINIA, LLC** requests a
80 conditional use permit pursuant to Section 24-89(c) of the County Code to
81 develop a wetlands mitigation bank at 300 Lee Avenue (Parcel 824-730-0699)

82 zoned C-1, Conservation District and R-2A, One-Family Residence District
83 (Varina).

84

85 Mr. Blankinship - I see the engineer is in the room.

86

87 Mr. Wright - Is there anyone here who has any interest in this
88 case, CUP2014-00009, Dominion Golf of Virginia LLC? Are you here to oppose it
89 or to speak for it or are you with the case or what?

90

91 Male - [Off microphone; inaudible.]

92

93 Ms. Harris - You can't hear—.

94

95 Mr. Blankinship - I don't know if you want to have public testimony on
96 the case.

97

98 Mr. Wright - I'm just trying to determine—the applicant has
99 requested that we defer it to the next meeting so they can try to get the thing
100 resolved. Do you have any opposition to us deferring it until next month?

101

102 Male - No I don't.

103

104 Mr. Wright - Okay, that's good. Do I hear a motion?

105

106 Mr. Nunnally - I so move.

107

108 Ms. Harris - Second.

109

110 Mr. Nunnally - Defer it until next month.

111

112 Mr. Wright - To next month. All in favor say aye. All opposed say
113 no. The ayes have it; the motion passes.

114

115

116 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5

117 Negative: 0

118 Absent: 0

119

120

121 After an advertised public hearing and on a motion by Mr. Nunnally seconded by
122 Ms. Harris, the Board **deferred** application **CUP2014-00009, DOMINION GOLF**
123 **OF VIRGINIA, LLC's** request for a conditional use permit pursuant to Section 24-
124 89(c) of the County Code to develop a wetlands mitigation bank at 300 Lee
125 Avenue (Parcel 824-730-0699) zoned C-1, Conservation District and R-2A, One-
126 Family Residence District (Varina).

127

128 Mr. Wright - Please call the first case.
129
130 **CUP2014-00005** **SHARITA WALKER** requests a conditional use
131 permit pursuant to Section 24-12(g) of the County Code to operate a family day
132 home with employees at 2110 Rhudy Street (PEMBERTON PLACE) (Parcel 801-
133 734-3950) zoned R-4, One-Family Residence District (Fairfield).
134
135 Mr. Wright - All persons desiring to speak with reference to this
136 case, either for or against, please stand and be sworn.
137
138 Mr. Blankinship - You can come on down to the podium.
139
140 Female - [Off microphone; inaudible.]
141
142 Mr. Blankinship - Yes.
143
144 Mr. Blankinship - Does anyone else intend to speak to this case?
145 Please raise your right hand. Do you swear the testimony you're about to give is
146 the truth, the whole truth, and nothing but the truth so help you God?
147
148 Ms. Walker - I do.
149
150 Mr. Wright - Please state your name and present your case.
151
152 Ms. Walker - Sharita Walker. S-h-a-r-i-t-a. Walker—W-a-l-k-e-r.
153
154 Mr. Wright - Please present your case.
155
156 Ms. Walker - I have a family day home that I've been operating
157 since 2007. I am requesting a conditional use permit so that I may continue to
158 have my volunteers help me out with the children as needed.
159
160 Mr. Wright - How long have you operated this daycare home?
161
162 Ms. Walker - Since 2007.
163
164 Mr. Wright - Since 2007. And you handled it yourself. You did not
165 have any outside assistance.
166
167 Ms. Walker - Exactly. From time to time, usually in the
168 summertime, I have a few volunteers that are doing internships that volunteer for
169 the hours and things of that sort.
170
171 Mr. Wright - And how many children do you care for?
172
173 Ms. Walker - Anywhere from eight to twelve children.

174
175 Mr. Wright - And what hours do you operate this daycare facility?
176
177 Ms. Walker - From 6:30 a.m. to 6 p.m.
178
179 Mr. Wright - Would there be any change in what you're doing from
180 what you did before, except that you're employing two people to help you?
181
182 Ms. Walker - No sir.
183
184 Mr. Wright - How large is your home?
185
186 Ms. Walker - The home is approximately 1,250 square feet.
187
188 Mr. Wright - Where do you provide care for these children?
189
190 Ms. Walker - We provide care for the children in the living area and
191 the kitchen.
192
193 Mr. Wright - Where do you have your residence or do you occupy
194 your house?
195
196 Ms. Walker - In the back half of the home.
197
198 Mr. Wright - Anyone else live there with you besides—
199
200 Ms. Walker - I have two children.
201
202 Mr. Wright - So these other children are in addition to your
203 children.
204
205 Ms. Walker - Yes sir.
206
207 Mr. Wright - Are there any questions?
208
209 Ms. Harris - Yes. Ms. Walker, what are the ages of your children?
210
211 Ms. Walker - My children are thirteen and nine.
212
213 Ms. Harris - Okay. Is your yard fenced in?
214
215 Ms. Walker - No. It has a vegetation fence, but it's not fenced in.
216 One part is a fence from the neighbors, and the other part is like a vegetation
217 fence.
218
219 Ms. Harris - Do the children that you keep play outside?

220
221 Ms. Walker - They do play in the backyard.
222
223 Ms. Harris - How soon can you remove the trampoline and repair
224 the playhouse that's in the back?
225
226 Ms. Walker - I'm glad you asked that question. The trampoline has
227 been removed. And the play area has been—playhouse has been repaired.
228
229 Ms. Harris - Your clientele usually comes from what community,
230 what neighborhood?
231
232 Ms. Walker - From the neighborhood that I serve. Most of the
233 children actually live directly in the neighborhood.
234
235 Mr. Wright - Any further questions?
236
237 Mr. Bell - Yes. If you do have other employees come, how
238 about parking? Would it be on the street or off the street?
239
240 Ms. Walker - In the driveway, sir.
241
242 Mr. Bell - How many cars will be there at the maximum?
243
244 Ms. Walker - Maybe three to four.
245
246 Mr. Bell - Thank you.
247
248 Mr. Wright - Have you read the conditions, suggested conditions
249 for this case?
250
251 Ms. Walker - Yes sir, and that's why the trampoline has been
252 removed and the playhouse has been repaired.
253
254 Mr. Wright - So you are in accord with and can comply with these
255 conditions if this case is approved.
256
257 Ms. Walker - Yes sir, I have no problem with that.
258
259 Mr. Wright - All right. Any further questions of members of the
260 Board? Does anyone here desire to speak with reference to this case either for
261 or against? Hearing none, that concludes that case. Thank you very much for
262 appearing.
263
264 Ms. Walker - Thank you.
265

266 [After the conclusion of the public hearings, the Board discussed the case
267 and made its decision. This portion of the transcript is included here for
268 convenience of reference.]

269
270 Mr. Wright - Do I hear a motion.

271
272 Ms. Harris - Yes. I move that we grant the conditional use permit. I
273 think that her family daycare business is an asset to the community. It does not
274 adversely affect the health or welfare of anyone. She seems to be doing
275 everything in compliance with the rules.

276
277 Mr. Wright - All right. A motion has been made by Ms. Harris. Is
278 there a second?

279
280 Mr. Nunnally - Second.

281
282 Mr. Baka - I'll second.

283
284 Mr. Wright - Is there any discussion? Hearing none, all in favor say
285 aye. All opposed say no. The ayes have it; the motion passes.

286
287 After an advertised public hearing and on a motion by Ms. Harris, seconded by
288 Mr. Nunnally, the Board **approved** application **CUP2014-00005, SHARITA**
289 **WALKER'S** request for a conditional use permit pursuant to Section 24-12(g) of
290 the County Code to operate a family day home with employees at 2110 Rhudy
291 Street (PEMBERTON PLACE) (Parcel 801-734-3950) zoned R-4, One-Family
292 Residence District (Fairfield). The Board approved the conditional use permit
293 subject to the following conditions:

294
295 1. This conditional use permit applies only to the operation of a family day home
296 for up to 12 children with no more than two employees (paid or volunteer) from
297 outside the home. All other applicable regulations of the County Code shall
298 remain in force.

299
300 2. Hours of operation shall be limited to 6:30 am – 6:00 pm.

301
302 3. Vehicles associated with the family day home, including vehicles used by the
303 employees, shall be parked on the property, outside of the public street right-of-
304 way.

305
306 4. No later than May 1, 2014, the applicant shall repair the play house in the rear
307 yard and remove the broken trampoline from the property.

308
309
310
311

312 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
313 Negative: 0
314 Absent: 0

315

316

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

319

320 **CUP2014-00010** ALAN CARLISLE requests a conditional use permit
321 pursuant to Section 24-95(i)(4) of the County Code to allow a garage to remain in
322 the side yard at 10106 Contessa Drive (TALL TIMBERS) (Parcel 767-763-0167)
323 zoned R-2, One-Family Residence District (Brookland).

324

325 Mr. Wright - Anyone desiring to speak with reference to this case,
326 please stand and be sworn. Would the applicant come forward?

327

328 Mr. Blankinship - Please raise your right hand. Do you swear the
329 testimony you're about to give is the truth, the whole truth, and nothing but the
330 truth so help you God?

331

332 Mr. Wright - Please state your name for the record and present
333 your case.

334

335 Mr. Carlisle - My name is Alan Carlisle. Last name is C-a-r-l-i-s-l-e.
336 I'm looking to add an addition onto the back of the house. And in doing so, it's
337 going to basically extend beyond where the current position of my garage is. I
338 have a two-car garage which was added probably ten years ago. Adding the
339 addition onto the back of the house is going to extend it, apparently, beyond the
340 front of the garage, so that would put it in the side yard.

341

342 Mr. Wright - I understand, Mr. Blankinship, that the addition
343 causes no problem itself.

344

345 Mr. Blankinship - That's correct.

346

347 Mr. Wright - It satisfies all the requirements of the County?

348

349 Mr. Blankinship - Yes.

350

351 Mr. Wright - It's because when you add the addition, it causes the
352 garage to be in what we would call the side yard.

353

354 Mr. Blankinship - Yes.

355

356 Mr. Carlisle - That's correct.

357

358 Mr. Wright - How long has the garage been there, sir?
359
360 Mr. Carlisle - At least ten years.
361
362 Mr. Wright - Have you read the conditions proposed for this?
363
364 Mr. Carlisle - Yes I have.
365
366 Mr. Wright - And you're in accord with the conditions.
367
368 Mr. Carlisle - Yes sir.
369
370 Mr. Wright - Any questions from members of the Board?
371
372 Ms. Harris - Yes. Do you have plans for your addition with you?
373
374 Mr. Carlisle - No I do not. I was first going through this step to see if
375 I was even allowed to do it before I spend—
376
377 Ms. Harris - How is the addition going to be used?
378
379 Mr. Carlisle - It's going to be pretty much a great room at this time.
380 Further down the road we see it being possibly a master bedroom because I plan
381 to put a full bath in there so that when we get of age we wouldn't have to go up
382 and down the steps.
383
384 Ms. Harris - So your screened porch and your deck are going to
385 remain?
386
387 Mr. Carlisle - The screen porch would remain. The room addition
388 would basically come off of the deck. The deck would be removed.
389
390 Mr. Wright - Any further questions from members of the Board?
391
392 Ms. Harris - I have one last question. How close is the garage to
393 your house? I noticed in the report it said it was close, but how close is that
394 garage to the edge of the dwelling?
395
396 Mr. Carlisle - To the edge of the dwelling?
397
398 Ms. Harris - Yes.
399
400 Mr. Carlisle - Probably fifteen feet.
401
402 Ms. Harris - Okay, thank you. That's it.
403

404 Mr. Carlisle - It may be a little longer than that even.

405

406 Mr. Wright - Is anyone here in opposition to this request? Hearing
407 none, that concludes the case. Thank you very much for appearing.

408

409 Mr. Carlisle - Thank you, sir.

410

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

414

415 Mr. Bell - I move that we approve it. I don't see any safety-
416 related issues with the addition to the house. I don't see where it's going to affect
417 the appearance of the neighborhood that much.

418

419 Mr. Wright - All right. Motion has been made by Mr. Bell. Is there a
420 second?

421

422 Mr. Baka - Second.

423

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

426

427 After an advertised public hearing and on a motion by Mr. Bell, seconded by Mr.
428 Baka, the Board **approved** application **CUP2014-00010, ALAN CARLISLE'S**
429 **request for a conditional use permit pursuant to Section 24-95(i)(4) of the County**
430 **Code to allow a garage to remain in the side yard at 10106 Contessa Drive**
431 **(TALL TIMBERS) (Parcel 767-763-0167) zoned R-2, One-Family Residence**
432 **District (Brookland). The Board approved the conditional use permit subject to**
433 **the following conditions:**

434

435 1. This conditional use permit applies only to the location of the accessory
436 structure in the side yard of the dwelling. All other applicable regulations of the
437 County Code shall remain in force.

438

439 2. Only the improvements shown on the plot plan filed with the application may
440 be constructed pursuant to this approval. Any additional improvements shall
441 comply with the applicable regulations of the County Code. Any substantial
442 changes or additions to the design or location of the improvements shall require
443 a new conditional use permit.

444

445 3. The new construction shall match the existing dwelling as nearly as practical
446 in materials and color.

447

448 4. At the time of building permit application, the applicant shall verify that the
449 garage will not interfere with the 8-foot drainage easement along the eastern
450 property line.

451
452
453
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455
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457

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

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

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461
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467

VAR2014-00006 **JORDAN JEFFERSON** requests a variance from
Section 24-9 of the County Code to build a one-family dwelling at 8844 Varina
Road (Parcel 810-678-4680) zoned A-1, Agricultural District (Varina). The public
street frontage requirement is not met. The applicant proposes 0 feet public
street frontage, where the Code requires 50 feet public street frontage. The
applicant requests a variance of 50 feet public street frontage.

468
469
470

Mr. Wright - All persons desiring to speak with reference to this
case, please stand and be sworn.

471
472
473

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

474
475
476

Mr. Jefferson - I do.

477
478

Mr. Blankinship - Thank you.

479
480
481

Mr. Wright - Please state your name for the record and present
your case.

482
483
484

Mr. Jefferson - Yes sir. My name is Jordan Jefferson—J-e-f-f-e-r-s-o-
n. I'm requesting a variance for a single-family dwelling at 8844 Varina Road.

485
486

Mr. Wright - Tell us something about it.

487
488
489
490
491
492

Mr. Jefferson - Yes sir. I'm just looking to build a 1,650-square-foot
rancher at the back of the property and I'm requesting a variance for the 50-foot-
wide driveway that goes from the end of the property all the way down—or it will
be a driveway, but the piece of land going from the edge of Varina Road all the
way to the end of the property.

493 Mr. Wright - Henrico code requires that you have fifty-feet on a
494 public road for access.
495
496 Mr. Jefferson - Yes sir.
497
498 Mr. Wright - And it's clear you're not on the public road at this
499 point.
500
501 Mr. Jefferson - Yes sir.
502
503 Mr. Wright - So you need to tell us how you will access this
504 property.
505
506 Mr. Jefferson - Well the fifty-foot-wide piece of land, it's all owned by
507 the grandparents. And the piece of property that we're building on is next to the
508 fifty-foot-wide strip that goes from Varina Road to the property. It is all owned by
509 the same owner, it's just the land that is titled into the husband and wife, whereas
510 the road is just titled into the wife. It can all be titled into one, and they will give us
511 deeded access to access the property from their easement.
512
513 Mr. Wright - How wide would that easement be?
514
515 Mr. Jefferson - The easement is fifty feet wide, sir. The driveway is
516 only going to be about twelve feet wide.
517
518 Mr. Wright - And what type of driveway will you have?
519
520 Mr. Jefferson - It's just going to be a private driveway, twelve feet
521 wide with—we got it priced at seven inches of gravel depth wise. It's twelve feet
522 wide.
523
524 Mr. Wright - Have you read the conditions that have been
525 proposed for this case?
526
527 Mr. Jefferson - Yes sir.
528
529 Mr. Wright - And I would direct your attention to the requirement
530 about the driveway.
531
532 Mr. Blankinship - There are several that pertain to the driveway.
533 Number seven is for the legal access. Number ten is the actual construction of
534 the driveway.
535
536 Mr. Wright - Condition #10 sets forth what you need to do in
537 building or constructing this driveway. You can comply with that, you said.
538

539 Mr. Jefferson - Yes sir.
540
541 Mr. Wright - And you understand that if this permit is approved,
542 you would have to satisfy the Planning office that you have legal access before
543 you could proceed to building anything.
544
545 Mr. Jefferson - Yes sir.
546
547 Mr. Wright - Any questions from members of the Board?
548
549 Ms. Harris - Yes. I notice that you have several problems here
550 with this lot. There are some earthworks on the lot itself, right?
551
552 Mr. Jefferson - I'm sorry, ma'am. And by *earthworks* you mean?
553
554 Ms. Harris - Some historic landmarks on your lot.
555
556 Mr. Jefferson - Yes ma'am. The battlefield property's wood line is to
557 the right. I'm not going to disturb any of that. The home would be—it's on here; I
558 could show you. But it's not going to be on the property line, and it's only going to
559 be the minimal amount of clearing to get the driveway in. And I'm going to do the
560 least possible so as not to not disturb any neighbors or any of the earthworks on
561 the battlefield property.
562
563 Mr. Wright - Condition #9 deals with that.
564
565 Ms. Harris - All right, I saw that.
566
567 Mr. Wright - Did you see Condition #9 that says the earthworks
568 shall not be disturbed during construction of the dwelling, and I take it thereafter?
569
570 Mr. Jefferson - Yes sir.
571
572 Ms. Harris - So you're aware that there might be some—should
573 this be approved, someone might have to oversee that.
574
575 Mr. Jefferson - Yes ma'am.
576
577 Ms. Harris - What about the electrical power lines along the strip?
578 How are you going to deal with that?
579
580 Mr. Jefferson - I was going to get this approved and talk with
581 Dominion and anyone else with the County and just see how they would like to
582 go about it.
583
584 Ms. Harris - Is that included in a condition?

585
586 Mr. Blankinship - Not specifically. We could add a condition to that
587 effect. I think the applicant's aware of it, and they will be required to coordinate
588 with Dominion Power. But we can certainly add a condition, if you'd like.
589
590 Ms. Harris - And what about the potential wetlands along the
591 strip?
592
593 Mr. Jefferson - Are you referring to the picture right there where the
594 water—
595
596 Ms. Harris - Yes.
597
598 Mr. Jefferson - I had met with a contractor, and he was going to fill in
599 the—put a culvert pipe there just to keep water flowing through there and build
600 up the driveway to where it wouldn't wash away. But we've already discussed
601 how he would fill in pipes to where he wouldn't disturb anything, but water would
602 be moving instead of just sitting in the same location.
603
604 Ms. Harris - And are you aware, too, that the access road would
605 exceed the 1,000-foot limit from the public road?
606
607 Mr. Jefferson - Yes ma'am.
608
609 Ms. Harris - You are aware of that too?
610
611 Mr. Jefferson - Yes ma'am.
612
613 Ms. Harris - Okay. Those are my questions.
614
615 Mr. Wright - Any other questions from members of the Board??
616
617 Mr. Baka - I have a couple questions. The underlying fee or the
618 actual property of this fifty-foot easement, is that a separate—question for the
619 staff—is that a separate parcel?
620
621 Mr. Blankinship - It is a separate parcel, and it's in sort of the same
622 ownership. Maybe the applicant can explain it better.
623
624 Mr. Jefferson - What it is, is the land at the back of the property is
625 owned by Jim Thimsen and Betty Thimsen, and the fifty-foot-wide parcel is solely
626 owned by Betty Thimsen. But it can be transferred into both if need be. It was just
627 at the time that's all—that's the only name it was put in. But it's owned by—
628 they're married and they've been married for thirty-plus years. It's all owned by
629 the same woman, the land and the fifty-foot-wide parcel.
630

631 Mr. Blankinship - There are several other properties adjoining that fifty-
632 foot strip that are in the same family and could potentially request access as well.
633 It's unclear whether it would be better for it to be attached to this parcel or for it to
634 remain a standalone.

635
636 Mr. Baka - Okay. So this actually is a step beyond an easement.
637 It's not just an easement—

638
639 Mr. Blankinship - Correct.

640
641 Mr. Baka - —traversing through someone's property; it's
642 separate land that's been that way for a while.

643
644 Mr. Jefferson - Yes sir. The owner said that he specifically dedicated
645 it hopefully for this reason to where if he ever did want to build a home back
646 there, he made sure that he had enough access to get to his property without
647 going through anyone else's.

648
649 Mr. Baka - Okay. I guess the only other question I have is
650 specifically how would the coordination with the park service or national park
651 service take place to ensure there is no damage to some of the historical
652 resources they cited in their letter?

653
654 Mr. Jefferson - However they would like to go—I would meet with
655 them or do whatever necessary for their requirements to make sure that nothing
656 is disturbed.

657
658 Mr. Baka - Okay. At this point, those are all the questions I have.

659
660 Mr. Wright - Any other questions?

661
662 Mr. Bell - Have any of the neighbors had any concern about
663 construction or adding the easement to this location?

664
665 Mr. Jefferson - I think that most of the neighbors are family members
666 of my girlfriend. We didn't say too much about it just because I didn't want to get
667 everybody—I didn't know if it could happen yet, so I was just going to get the
668 variance. I think that a couple of them were aware of it, and no one brought
669 anything to our attention that they were concerned. But I'm not 100 percent sure.

670
671 Mr. Wright - Any further questions from members of the Board at
672 this time? Is anyone here in opposition to this request? All right, sir, please have
673 a seat. We will hear from the opposition. And then after the opposition concludes,
674 you will have an opportunity to come back and rebut or say anything you desire
675 before the case is closed. Please state your name for the record, sir.

676

677 Mr. Hawkins - Travis Hawkins—H-a-w-k-i-n-s. I live at 8870 Varina
678 Road. I'm in opposition to this because I feel that the variance that's being
679 requested and the rules are place for a reason. The land to me appears to be
680 landlocked. If this—and there are other people in the room to speak about it. If
681 you're looking at this plat right here—and I'm not sure it's quite correct—the
682 eleven-acre parcel—can I show you on the map?

683
684 Ms. Harris - Yes.

685
686 Mr. Hawkins - Approach that map right there?

687
688 Mr. Blankinship - Well you can—see if the mouse there will—yes.

689
690 Mr. Baka - Use that mouse.

691
692 Mr. Hawkins - All right. You see this piece right here, this eleven-
693 acre piece? That's really two 5.88-acre lots, I believe, or close to it. This
694 easement right here will connect to this easement here. What you end up having
695 is Jordan can build his house here, and then someone else will build a house
696 here, and then someone else will build a house here, here, here, and here. So
697 what it ends up doing is opening up a subdivision behind all of our homes.

698
699 This corner right here is very—to me it's dangerous now as it is. The easement
700 goes dangerously close to Mr. Chavis's land right here and Mr. Brown's land right
701 here. The driveway will be, in our opinion, right up next to their homes. This
702 corner is kind of a dangerous corner. We know there is a potential of at least six
703 or seven more cars, maybe even most families have two cars, ten more cars
704 would be a concern to us.

705
706 The water that you had in the other pictures, I don't know that if he diverts the
707 water, the water's going to come to my land. It's going to come right down
708 towards my house if that water is allowed to flow freely. I'm not sure what is
709 above the water here, probably runoff from these pieces of property.

710
711 I've contacted everyone that lives around this piece of land. The gentleman that
712 owns this tract, I believe it's right here, he has no opinion. Bless his heart, his
713 wife is really sick and he's dealing with that. I believe Jordan's house is right
714 here. There is a tree line right here at the back of our property. There are
715 earthworks in this tree line right here. There are, I want to say, small earthworks
716 here in this. Definitely in here. There are trenches all in here.

717
718 My big concern is I don't want a subdivision put behind my house. I feel that's
719 what the other neighbors think as well. I'm concerned about the safety on this
720 corner right here. It's a blind spot, and my driveway comes out right in that blind
721 spot. I'm not so much concerned about myself as I am my young children when
722 they begin to drive.

723

724 My concerns are safety for the road. My concerns are other homes being built on
725 this property that surrounds it. If you grant access to this easement here, what
726 would stop you from granting access to this piece of property here? I don't know
727 if anybody from the park service is here today; I have contacted them. I've written
728 them a letter. I've sent them my—I went on the GIS on the County website, and I
729 sent them a map showing them the potential for homes to be built. I don't know if
730 they wrote Mr. Madrigal a letter a letter or not. Anyone who couldn't show up.
731 There are some elderly people involved, too, that couldn't come I gave them
732 Mr. Madrigal's e-mail from the County, asked them if they could write him a letter.
733 He said that he would bring the letter to the meeting. That's all I have.

734

735 Mr. Wright - Mr. Hawkins, please identify your property.

736

737 Mr. Hawkins - My property, sir, I believe, if I'm looking at it right—all
738 right. This is my piece right here. And see that—the water you see backed up is
739 all in here. And that ditch line right there runs through. And during heavy rains,
740 water will back up my driveway sometimes. And then eventually it will run down
741 to other drains in these fields. There's a creek I believe here and one a little
742 further down. I don't know the driveway requirements for the County, but seven
743 inches of gravel—if you'll show the other picture of the water, seven inches of
744 gravel isn't going to do anything in that water right there.

745

746 Mr. Blankinship - Well he's going to have to have a pipe.

747

748 Mr. Hawkins - He's going to have to do something.

749

750 Mr. Blankinship - There's one low spot in there. The Board has
751 received a letter from the National Park Service. We notified the federal agency
752 because they do actually own adjoining property as well. But apparently that
753 notification never trickled down from the DC office.

754

755 Mr. Hawkins - They bought another piece of the property that I think
756 adjoins this.

757

758 Mr. Blankinship - Apparently the local superintendent did not get
759 notified by his own superiors, so they have requested that the Board defer action.

760

761 Mr. Hawkins - Okay. That's all I have. Any questions?

762

763 Mr. Wright - Any questions from members of the Board for
764 Mr. Hawkins?

765

766 Mr. Bell - One question. You mentioned that the easement
767 comes real close to the house. How close is "close to the house"?

768

769 Mr. Hawkins - If you can show the other picture from the road.
770 Mr. Chavis—if you're looking—let's see, this is the easement. Right there. On the
771 right-hand side you have Mr. Chavis's house, and on the left-hand side right here
772 is Ken Brown Junior's house. I don't know where they intend to come in at, but it
773 is directly between—and the way the lots are shaped, I think it comes in and then
774 it kind of cuts left. So it actually comes in a little bit towards Mr. Chavis's house
775 and then turns left towards Mr. Brown's house. They're here if they'd like to
776 speak more on that. I'm not really familiar with—
777
778 Mr. Wright - Doesn't that overhead show where the easement
779 comes in and then the houses?
780
781 Mr. Hawkins - There it is.
782
783 Mr. Wright - There it is.
784
785 Mr. Hawkins - See how it kind of cuts towards Mr. Chavis's house on
786 the right and then it cuts back towards Mr. Brown's house on the left? So it's
787 fairly close. I don't know that they want that traffic. And like I said, you have one
788 home—this gentleman looks like a nice young man; none of us are against this
789 young man. We just don't want the home being built. We think it opens up the
790 ability to build more homes. And I'm speaking for Mr. Chavis and Mr. Brown. I
791 don't know that they want the potential traffic of five more cars—every home
792 usually has two—possibly ten more cars back and forth. Plus that corner's a
793 tough corner. There are some safety concerns we have as well.
794
795 Mr. Wright - Mr. Blankinship, if these property owners desire to do
796 so, could they develop that property and put a county road, fifty-foot road in
797 there?
798
799 Mr. Baka - That's what I was going to ask.
800
801 Mr. Blankinship - Yes, that could be done.
802
803 Mr. Wright - They could create a subdivision back there and
804 legally put in a fifty-foot road, which would be the same width of this easement,
805 back to the property. I don't think we would have anything to say about that. It
806 would be their ability and right to do so.
807
808 Mr. Hawkins - So you could actually subdivide these lots into smaller
809 lots?
810
811 Mr. Wright - Yes sir.
812
813 Mr. Baka - May I ask a follow-up question on that?
814

815 Mr. Wright - Sure.
816
817 Mr. Baka - You mentioned your objections or concerns to this
818 variance, and this variance would allow this one landowner one long gravel
819 driveway back to one parcel and one house. If there were a public road access
820 there on Varina Road, would that lessen your concerns any, public road access
821 to, quite frankly, a subdivision?
822
823 Mr. Hawkins - No. I don't want any subdivision built back there. If it's
824 developed just a house per lot right now, that's not what I want, and I don't think
825 that's what my neighbors want. If a public road was put back there and it was
826 subdivided into many lots, I absolutely don't want that.
827
828 Mr. Wright - They would have a right to do that, a legal right.
829
830 Mr. Hawkins - I would not want it even if they had it. I understand.
831
832 Mr. Wright - I just wanted to point out they would have the legal
833 right if they wanted to go to the expense of subdividing that property.
834
835 Mr. Hawkins - Yes sir.
836
837 Mr. Wright - They could run a fifty-foot road right back there.
838
839 Mr. Hawkins - At this point, sir, I would pay my money and take my
840 chances. That's all I have.
841
842 Ms. Harris - Mr. Chairman, I do have a question.
843
844 Mr. Wright - One more question.
845
846 Ms. Harris - Do you have public access to your property, public
847 road access to your property?
848
849 Mr. Hawkins - Yes I do. And he probably has a picture of the
850 driveway.
851
852 Mr. Baka - Do you own about seven acres there at the bottom?
853
854 Mr. Hawkins - Yes sir. Mine is the driveway—I don't know if I can
855 move the mouse. Mine is this driveway right here.
856
857 Mr. Baka - Yes sir.
858
859 Mr. Wright - Yes, you're right on Varina Road.
860

861 Mr. Hawkins - Yes sir, yes sir. And I don't know how long that piece
862 is right there in the front. It has to be 150, 200 feet wide or more.
863
864 Mr. Baka - At least.
865
866 Mr. Hawkins - I should have brought my plat.
867
868 Mr. Wright - Any other questions?
869
870 Ms. Harris - Mr. Hawkins, this does not pertain directly to this
871 variance. You mentioned safety problems. What have you all done about that?
872
873 Mr. Hawkins - What did you say now?
874
875 Ms. Harris - What have you done about the safety problems?
876 Have you—
877
878 Mr. Hawkins - I don't know that there's anything I can do other than
879 just mention it to the Board here. This corner right here, it's kind of deceptive
880 from an aerial view. It's really more of a blind corner than what it appears.
881
882 Ms. Harris - So you couldn't get a traffic signal there because it's
883 a—.
884
885 Mr. Hawkins - Oh, no, no. I doubt that.
886
887 Ms. Harris - Because it's a public road and a private road?
888
889 Mr. Hawkins - I doubt that. It's just a dangerous corner. It's hard to
890 describe to you. I probably should have a picture with me where I'm standing at
891 this mailbox right here and looking back to let you see how it is. But it's more of a
892 blind corner. So if you have more cars taking off and coming this way and
893 speeding up, it just creates more traffic. Also, the intersection at Varina and Mill,
894 there is a stop sign there. That is a pretty bad intersection as well. You'd be
895 introducing more traffic to that intersection. That intersection has a flashing red
896 stop sign on each side on Mill Road. Varina Road cuts right between it going up
897 to Route 5. There have been some really bad accidents right there where cars
898 don't pay attention to that stop sign. And they just come and hit the car coming
899 down Varina Road. I've seen them flipped over. I've lived there almost seven
900 years; I bet I've seen three or four really bad accidents.
901
902 So that part of it bothers me, too, but that's probably not as much as what goes
903 on right here in the corner. I really just don't want to see the land subdivided and
904 any more houses put back there.
905
906 Mr. Wright - That's a fifty-foot road, isn't it, Varina Road?

907
908 Mr. Hawkins - I think so, yes sir.
909
910 Mr. Wright - It would be same width as the easement they would
911 have going back there.
912
913 Mr. Hawkins - Yes.
914
915 Mr. Wright - Mr. Hawkins, is there anything else?
916
917 Mr. Hawkins - Thank you. I appreciate you hearing us out.
918
919 Mr. Wright - Yes sir. Thank you very much for appearing. Anyone
920 else desire to speak in opposition? Please state your name for the record.
921
922 Mr. Brown - My name is Kenneth Brown—B-r-o-w-n. I'm actually
923 the lot next to the easement. It's actually family. All that land back there is family
924 somehow, some way. My problem is that easement actually comes right next to
925 my property line. I mean, right next to it. I tried to use the easement in 2005
926 through my family, but I couldn't do it. I had to get eighty-seven feet for frontage
927 for my lot—for my front lot for my driveway. That's why I didn't come off the
928 easement. But my grandma actually lives next to my land. They gave me that
929 piece of land next to the easement you see there. This is mine right here. This is
930 me.
931
932 Mr. Wright - Is that your property right there?
933
934 Mr. Brown - Yes, that's my property right there. That's the
935 easement right there. And all those trees right there on the easement, my land
936 actually bumps up to the trees and in some places a little bit goes into the trees.
937 So I don't want to see anything cut down and all that stuff. And there's my
938 grandpa right here. You can see there's my driveway right there. So then I'll have
939 a driveway next to the easement. So it's going to be just one big—I don't know.
940
941 Mr. Wright - All right, sir. Anything further you wish to state?
942
943 Mr. Brown - No, it's just that I tried to use the easement and I
944 couldn't. I don't want to see nothing behind the house either. I couldn't use that
945 easement, and now they're trying to use the easement. I had to get an eighty-
946 seven-foot frontage on my house, which actually went into—my grandparents'
947 land should be square there, but I actually had to do this little curve right there to
948 get the frontage to get my driveway done, to get my house built back in 2005.
949
950 Mr. Wright - All right, sir. Any questions for Mr. Brown from the
951 Board?
952

953 Ms. Harris - Mr. Brown, you access your property from Varina
954 Road?
955
956 Mr. Brown - Yes I do.
957
958 Ms. Harris - Okay. Thank you.
959
960 Mr. Wright - Any other questions? Thank you very much for
961 appearing, Mr. Brown. If anyone else desires to speak with reference to this
962 case, please come forward. Please state your name for the record.
963
964 Mr. Chavis - My name is Paul Chavis—C-h-a-v-i-s. I live at 8820
965 Varina Road. I live right next to where this driveway is supposed to be put. Like
966 Mr. Brown said, all the trees that border the driveway, they're going to have to be
967 cut down. And my main concern is I live in probably the lowest part of Varina
968 Road. Water flows both ways in front of my house. What happens is when it
969 rains, where this driveway is supposed to go, the water stands there for several
970 days. So my concern is when they put that driveway there, that water is going to
971 get pushed further onto my property so my land will be flooded more. And if down
972 the road somebody builds a house behind mine, it will be the same problem.
973 When they build a house, when they cut the trees down, that water is going to
974 run to my property. So it's going to flood my property. So that's why I'm basically
975 opposed to this. And I'm not a family member of this. I bought the land, but I'm
976 not a member of that family.
977
978 Mr. Wright - So you live facing the property from Varina Road. You
979 live to the right. Right there where that little—
980
981 Mr. Chavis - Yes sir, that's exactly it.
982
983 Mr. Wright - What is the acreage of your property?
984
985 Mr. Chavis - It's exactly at 1.98 acres, almost two acres.
986
987 Mr. Wright - And how long have you lived there?
988
989 Mr. Chavis - Twenty-five years.
990
991 Mr. Wright - All right. Any questions from members of the Board?
992
993 Ms. Harris - So Mr. Chavis, you actually live where a lot of the
994 automobile accidents are?
995
996 Mr. Chavis - Yes ma'am. Actually, the curve that Mr. Hawkins was
997 talking about, it actually starts right in front of my house. I've had my mailbox

998 knocked down probably about five times over twenty-five years. And I've actually
999 had one pickup truck end up in my front yard.

1000

1001 Mr. Wright - Some people must be speeding on that road.

1002

1003 Mr. Chavis - Well the road narrows right there. The double lines
1004 start maybe a hundred feet before my property, and the road actually narrows.

1005

1006 Mr. Wright - Any other questions from members of the Board?

1007 Thank you, Mr. Chavis.

1008

1009 Mr. Chavis - Thank you.

1010

1011 Mr. Wright - Thank you very much for appearing. Anyone else
1012 desire to speak in opposition, please come forward. Please state your name for
1013 the record.

1014

1015 Mr. Rudy Hawkins - Yes sir. Rudy Hawkins—H-a-w-k-i-n-s.

1016

1017 Mr. Wright - All right, sir.

1018

1019 Mr. Rudy Hawkins - I live at 8880 Varina Road, and I've been living there
1020 approximately three years. We built a house. It took a couple of years to build it.
1021 My main concern—I have two or three concerns. Water runoff is tremendous
1022 through there. I wish we could have taken pictures and showed you. It's like a
1023 little creek or a small river that runs through there when it rains.

1024

1025 The property in question where we're talking about giving the easement to, water
1026 comes down through there just like that. It's actually ruts—not ruts, but trenches
1027 that have been made by previous people that farmed the land that we bought
1028 that we did not disturb to allow the water to run natural through our land. When I
1029 built my house, we requested to sit it where it's sitting; went along fine. They
1030 came and told us there are wetlands in front of your house; what are you going to
1031 do about that? I said wetlands, what are you talking about? I'm in the
1032 summertime looking at it; it looked dry. Then it rained, and I saw how the water
1033 puddled up on my property. If you ride out there right now and look, you'll see
1034 water puddled on my property. We did everything we could to have it drained to
1035 the ditch line at Varina Road. And it does drain pretty good. But on Varina Road
1036 itself, the ditch right now is stopped up where it goes under Varina Road past my
1037 property. I at times go down there and dig it out myself to get the water to flow.
1038 Water is one of my big concerns.

1039

1040 My next big concern is the traffic that could be caused by the Chairman's
1041 mention of building a subdivision in that property on the other land. You would
1042 really create a nightmare for the existing residents on that road or anybody
1043 traveling that road. Just like Mr. Chavis said. The road comes down Varina Road

1044 real straight, just a nice straight road. Right where we're talking about giving this
1045 gentleman the easement, the road narrows, and it narrows drastically. You have
1046 a little curve, and then you have a real bad sharp curve. And you would have to
1047 drive it to totally understand it. When I looked at putting my driveway at my
1048 house, I had great concerns about when you come out of not being able to see
1049 that curve. So I positioned it every kind of way I could to have the most view of
1050 that curve, because cars come around the curve—and here again we were all
1051 young at one time and drove reckless—they speed. And even if you're running
1052 thirty-five or forty miles an hour, when you hit the curves, you're going to naturally
1053 have to slow down if you're running the speed limit. That's a big concern, and
1054 that's something I really hope you all will take into consideration, especially when
1055 you talk about allowing this first person to have access to this.

1056
1057 You're kind of opening the door for exactly what the Chairman talked about. If
1058 somebody wanted to put a fifty-foot easement down through that end and build a
1059 subdivision, they may be allowed to. And that would be a big concern. I do not
1060 think it would be from a construction standpoint profitable to do it, but who knows.
1061 I mean, we can't look into the future. If we could, we'd all be millionaires.

1062
1063 My next concern is the park service that has land that adjoins this. And also, right
1064 behind my property is the property that this young gentleman is talking about
1065 building on. I'm not against him building a house. I'm all for people building a
1066 house. But it's trenches there. He would own those trenches. The park service? I
1067 don't—I don't know what the law is that says he could disturb them or couldn't
1068 disturb them.

1069
1070 So those are my three main concerns.

1071
1072 Mr. Wright - Show us on the map there where your house is.

1073
1074 Mr. Rudy Hawkins - I'm right beside Travis.

1075
1076 Mr. Wright - Okay. Right there. Thank you. Any questions from
1077 members of the Board for Mr. Hawkins?

1078
1079 Mr. Bell - We've heard conversation about wetlands and safety.
1080 Has the area or yourself complained to the State or to the County about the
1081 danger of that road narrowing and the accidents?

1082
1083 Mr. Rudy Hawkins - No sir, I have not complained to them. I'm sure they're
1084 very much aware of it. For lack of a better term, it's an old country road. It was
1085 farmlands. The road should have been straightened out a long time ago as
1086 development has taken place on that road. But it's never been done. And as
1087 Mr. Chavis said, he lives on a very dangerous spot. Where this easement would
1088 come out on Varina Road, it is just going to create more danger. I know myself
1089 the other day I was coming home, and there were some kids out front across the

1090 road. And I don't drive fast through there, especially for the deer; there's a bunch
1091 of deer out there. So I slow down when I get in those curves and all. So I was
1092 driving real slow and saw the kids; and they were in a blind spot. You couldn't
1093 see them. So what we're doing, we're creating more traffic in a place we already
1094 know has trouble. And I'd just like you to take that under consideration a little bit.
1095 And maybe the County could come and look at it one more time and look at the
1096 road. I don't know what the procedure is as far as the state taking care of
1097 changing the road.

1098
1099 Mr. Wright - All right, sir. Thank you very much for appearing.

1100
1101 Mr. Rudy Hawkins - Thank you.

1102
1103 Mr. Wright - If there is anyone else in opposition, please come
1104 forward. Please state your name for the record, sir.

1105
1106 Mr. Bond - Yes. Wallace Bond—B-o-n-d. I live at 8860 Varina
1107 Road, which is right here. This whole area was a farm, and I have the old
1108 farmhouse where the old people lived. It's right in this curve. I can't really add
1109 any more than what Rudy and Travis Hawkins have said. But I live right there.
1110 Traffic and the safety aspect is the main deal with me. The water, that ditch
1111 they're talking about is right there, which runs right behind my lot. It doesn't really
1112 affect me that bad unless we get a big storm. But I understand all of these
1113 concerns. My main problem is the traffic.

1114
1115 When I leave to go out on the road, I can't just drive up to the road and look both
1116 ways. I have to be looking down the road as soon as I get in my truck to make
1117 sure there's nothing coming, because you can't see. You're blind for a couple
1118 seconds, whoever is going around that curve. More traffic is really going to be
1119 wrong. That's really all I have to say.

1120
1121 Mr. Wright - All right, sir. Any questions from members of the
1122 Board for Mr. Bond? Thank you very much, Mr. Bond, for appearing.

1123
1124 Mr. Bond - Thank you.

1125
1126 Mr. Wright - Does anyone else desire to speak in opposition? This
1127 will be the last opportunity for the opposition, because according to our rules,
1128 after the opposition completes its testimony the applicant has a short time to
1129 rebut. And if there is anything else to be said—we don't want to extend this very
1130 long. If you have something to say quickly—

1131
1132 Mr. Hawkins - Travis Hawkins. 8870 Varina Road. We're sitting here
1133 talking about traffic, and there's one thing all of us forget to mention. On Varina
1134 Road, as well as all throughout Varina, people come out on the weekends and
1135 ride their bikes. I'm not talking about just a couple people. They'll park behind the

1136 Food Lion in Varina, and there will be hundreds of people riding their bikes. On
1137 the weekends, Varina Road is loaded with packs of anywhere from two to twenty-
1138 two people riding bikes down Varina Road. I just thought about it while we were
1139 sitting down there. I just wanted you all to take that into consideration.
1140

1141 Mr. Wright - All right, sir. Thank you. Anything further for the
1142 opposition? Once the opposition concludes, that's the only time we would permit
1143 opposition. All right, sir. Mr. Jefferson, if you want to come forward, you have
1144 time to rebut.
1145

1146 Mr. Jefferson - Jordan Jefferson—J-e-f-f-e-r-s-o-n. 8844 Varina
1147 Road. In regards to Mr. Hawkins and the trees and earthworks. They will not be
1148 disturbed. I don't even know if I need to put that in writing, but these trees will
1149 never be harmed. I plan my house on being over here as one, single-family
1150 dwelling, not multiple ones. In regards to supposed trenches being over here,
1151 they will not be disturbed as well. As I said, my home will hopefully be here. My
1152 driveway will be here. As part of moving this standing water, I hope it doesn't
1153 really affect anyone's property, but this is a ditch designed to flow water, and
1154 maybe it wouldn't back up as bad if this was flowing water instead of sitting
1155 stagnant. Along with me building the driveway here, there is already a ditch up
1156 front. So I don't see a concern of how this yard should be backed up. As long as I
1157 have culvert pipes on my driveway, it ought to keep the water flowing as smooth
1158 as possible.
1159

1160 Safety, I'm not really concerned. I'm a law-abiding citizen. I look both ways
1161 regardless if I pull out of my neighborhood off of Strath Road or if I will be pulling
1162 out of here onto Varina Road. So as far as speed goes, I mean, I really can't help
1163 that the road narrows there. There's a huge orange sign letting you know there's
1164 a sharp turn ahead. So as long as people abide by the law, I hope that wouldn't
1165 affect the variance that I'm applying for due to the road having a turn in it. There
1166 are multiple places in the Eastern Henrico area that have sharp-turn roads.
1167

1168 I'm just letting everyone know that I'm not here to develop any subdivisions or
1169 cause any problems to any existing earthworks or anyone's property. That's not
1170 what I'm here for. And I would be more than happy to meet with anyone in the
1171 area and talk about any concerns.
1172

1173 Mr. Wright - All right, sir. Anything further? Any other questions
1174 from members of the Board? Thank you very much; that concludes the case.
1175 We'll decide the case at the end of the docket.
1176

1177 **[After the conclusion of the public hearings, the Board discussed the case**
1178 **and made its decision. This portion of the transcript is included here for**
1179 **convenience of reference.]**
1180

1181 Mr. Nunnally - Mr. Chairman, I move we defer this case until next
1182 month. I request this deferral because we didn't notify the right people, and they
1183 have written us a letter requesting to be here to hear the case. I think it's fair for
1184 us to do that. I think we must do that.

1185
1186 Mr. Blankinship - The park service, you mean.

1187
1188 Mr. Nunnally - Yes, the park service.

1189
1190 Mr. Wright - The park service says they didn't get adequate notice
1191 so they could prepare some sort of defense. That's the motion.

1192
1193 Mr. Nunnally - Defer it to next month. What day would that be?

1194
1195 Mr. Blankinship - That would be April 24th.

1196
1197 Mr. Nunnally - April 24th.

1198
1199 Mr. Wright - Motion by Mr. Nunnally that we defer this case. Do I
1200 hear a second to that?

1201
1202 Ms. Harris - Second.

1203
1204 Mr. Wright - It's seconded. Is there any discussion?

1205
1206 Mr. Baka - I have a general comment. I concur with the motion,
1207 and I also think a deferral might be helpful here to allow time to work out some of
1208 the questions that came up about drainage concerns, safety concerns of the
1209 road, and/or preservation of historic resources.

1210
1211 Mr. Wright - Any further discussion?

1212
1213 Ms. Harris - I have a question. In as much as we had several
1214 citizens from the neighborhood come in, will we have to hear any more citizens
1215 talk about this case or?

1216
1217 Mr. Wright - We've heard all the testimony and they had plenty of
1218 opportunity to speak. I think we would only hear from the park service.

1219
1220 Mr. Nunnally - Park service, yes.

1221
1222 Mr. Wright - And that would be your motion to limit it to the park
1223 service.

1224
1225 Mr. Nunnally - Yes.

1226

1227 Ms. Harris - Okay. Will they speak in opposition or do we know?
 1228
 1229 Mr. Wright - I don't know.
 1230
 1231 Ms. Harris - Okay. So we will just hear—
 1232
 1233 Mr. Wright - Give the park service an opportunity to speak. That's
 1234 the motion, I take it, Mr. Nunnally?
 1235
 1236 Mr. Nunnally - That's the motion.
 1237
 1238 Ms. Harris - That's what I seconded.
 1239
 1240 Mr. Wright - Any further discussion? Hearing none, all in favor of
 1241 deferring this case to the April meeting of the Board of Zoning Appeals please
 1242 say aye. All opposed say no. The ayes have it; the motion passes.
 1243

1244 After an advertised public hearing and on a motion by Mr. Nunnally seconded by
 1245 Ms. Harris, the Board **deferred** application **VAR2014-00006, JORDAN**
 1246 **JEFFERSON'S** request for a variance from Section 24-9 of the County Code to
 1247 build a one-family dwelling at 8844 Varina Road (Parcel 810-678-4680) zoned A-
 1248 1, Agricultural District (Varina). The public street frontage requirement is not met.
 1249 The applicant proposes 0 feet public street frontage, where the Code requires 50
 1250 feet public street frontage. The applicant requests a variance of 50 feet public
 1251 street frontage.
 1252

1253
 1254 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
 1255 Negative: 0
 1256 Absent: 0
 1257

1258
 1259 **[At this point, the transcript continues with the public hearing on the next**
 1260 **case.]**
 1261

1262 **CUP2014-00011 SHARON OLIVER** requests a conditional use permit
 1263 pursuant to Section 24-12(g) of the County Code to operate a 24-hour family day
 1264 home with employees at 3603 Vawter Avenue (EAST HIGHLAND PARK) (Parcel
 1265 798-735-4274) zoned R-4, One-Family Residence District (Fairfield).
 1266

1267 Mr. Wright - All persons desiring to speak with reference to this
 1268 case, please stand and be sworn.
 1269

1270 Mr. Blankinship - Please raise your right hand. Do you swear the
 1271 testimony you're about to give is the truth, the whole truth, and nothing but the
 1272 truth so help you God?

1273

1274 Ms. Oliver -

Yes sir.

1275

1276 Mr. Wright -
1277 your case.

Please state your name for the record and present

1278

1279 Ms. Oliver -

It's Sharon Oliver. And I'm applying for a conditional use permit to continue to operate a family home daycare that I've had since 1999. When I went to reapply for licensing, I was made aware that we have a new procedure now that even if you—you're not grandfathered in; you still need to come before the Board. Zoning came out, and I met the conditions except for the one that they've given me up until I guess May to meet.

1280

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1293

What I have done to ensure that we have sufficient parking is I recently had new parking right in front of the home put in to make sure that there is sufficient parking. Like I said, I have operated since back in the 1990s, and I take very good precautions to make sure that there is not a traffic buildup or that we're being too loud for the neighbors, etcetera, etcetera. So I'm frequently walking just checking the noise level just so we're good neighbors, because I understand they play an important part in this.

1294

So basically I'm just here to answer any questions that you may have.

1295

1296

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1318

Mr. Wright -

You have been operating this daycare for how long?

Ms. Oliver -

I think on your information it says 1994, but I actually opened in 1999. I've been licensed since that time.

Mr. Wright -

So you've been operating all that time. Have there been any complaints from any of your neighbors concerning your operation?

Ms. Oliver -

No sir.

Mr. Wright -
hours a day?

Okay. You have also been operating twenty-four

Ms. Oliver -

Yes. For about maybe twelve years—well, actually from the time that we opened.

Mr. Wright -
permit?

Even though you didn't know you needed a use

Ms. Oliver -

Right. And now I'm here.

Mr. Wright -

You have a permit, a license.

1319 Ms. Oliver - Yes. For twelve children for the last fifteen years.
1320
1321 Ms. Harris - How many children do you actually have in your
1322 operation?
1323
1324 Ms. Oliver - Right now we have about six in the daytime. And in
1325 the evening time when those children leave, right now we have another ten that
1326 come in. And we have about four after—well more like about five or six after-
1327 schoolers to make a total of twelve in the daytime.
1328
1329 Mr. Wright - Have you had employees all this time?
1330
1331 Ms. Oliver - Yes sir. I've always had two employees. No more
1332 than two at a time. And we've always abided by the state regulations. No
1333 complaints. Never had an issue with zoning. Never had anybody to call in. I
1334 understand if the neighbors are not happy, I'm not in business.
1335
1336 Mr. Wright - You have no problem with the parking for these
1337 employees?
1338
1339 Ms. Oliver - We just spent about \$7,000 making additional
1340 parking. My mom is right across the street. And my neighbor, we kind of had
1341 worked—prior to the parking, I had something worked out with Mr. Field, which is
1342 the neighbor over to—let's see. My house is here, so he's on my right-hand side.
1343 So it's always been workable. He owns a band, so in exchange for my parking
1344 issue, I ignore his band, his rock band. So we always worked it out. Since his
1345 band now is settling down, we spent a lot of money to add in parking.
1346
1347 Mr. Wright - Have you read the conditions proposed for this case?
1348
1349 Ms. Oliver - Yes sir.
1350
1351 Mr. Wright - And you're in accord with these conditions.
1352
1353 Ms. Oliver - Absolutely.
1354
1355 Mr. Wright - All right. Any questions from members of the Board?
1356
1357 Ms. Harris - Yes. Ms. Oliver, do any of your children stay
1358 overnight?
1359
1360 Ms. Oliver - We have four children whose parents work as nurses
1361 that stay overnight. And we live on the top floor and the daycare is on the first
1362 floor, so I'm in accordance with licensing. One of us is always down there with
1363 the children. They get dressed and we take them to school.
1364

1365 Ms. Harris - Do you have children of your own who stay—who live
1366 with you?
1367
1368 Ms. Oliver - Yes, I have two.
1369
1370 Ms. Harris - And their ages?
1371
1372 Ms. Oliver - Jay is thirteen and Lauren is twelve.
1373
1374 Ms. Harris - The deficiency that the Department of Building
1375 Inspections found, what was that—in March. What was that deficiency?
1376
1377 Ms. Oliver - Okay. What happened was with the after-schoolers
1378 we decided it would be best to put them on the lower level. The steps were—we
1379 had it kind of redone. We already had the space, but it was like our home theater.
1380 So we decided to kind of upgrade the—you know, do a better job with the steps,
1381 so we got someone else to do the steps. And apparently he didn't know code.
1382 And so when Zoning came out they were like, okay, this is going to have to go.
1383 So I said okay, that's fine. And I talked to I guess—the building permit people
1384 who came out, and they talked to me and basically said that they would give me,
1385 according to the conditions, until May to fix that. That was not a major issue for
1386 me because that's not a part that I needed to use for our twelve children.
1387
1388 Ms. Harris - Your children come from which neighborhood?
1389
1390 Ms. Oliver - Really, 90 percent of our client base all comes from
1391 the lower population area: Fairfield, Jackson Ward. We pretty much service
1392 predominantly inner-city children who could use a break from their surroundings.
1393
1394 Ms. Harris - So you don't receive too many children from your
1395 neighborhood?
1396
1397 Ms. Oliver - No, we don't. A lot of the children in the neighborhood
1398 are already in middle school, etc. We go to Essex. We do school transportation,
1399 but most of our kids are R.J.'s and Lauren's friends in the surrounding
1400 neighborhood.
1401
1402 Ms. Harris - So what ages do you have now?
1403
1404 Ms. Oliver - Right now I currently have—they're nine months and
1405 up. So the oldest I have in care right now is ten.
1406
1407 Ms. Harris - I believe that's all I have.
1408
1409 Mr. Wright - All right. Ms. Oliver.
1410

1411 Ms. Oliver - Yes sir.
1412
1413 Mr. Wright - This van that's shown here, is that the next door
1414 neighbor's van?
1415
1416 Ms. Oliver - Which one, the green one or the white one?
1417
1418 Mr. Wright - The white one that has something about—
1419
1420 Ms. Oliver - Yes. That's mine.
1421
1422 Mr. Wright - So he's parking in your driveway then.
1423
1424 Ms. Oliver - Well that's me.
1425
1426 Mr. Wright - Oh.
1427
1428 Ms. Oliver - Yes, that's my van.
1429
1430 Mr. Wright - Oh, that's *your* van.
1431
1432 Ms. Oliver - Yes.
1433
1434 Mr. Wright - Oh, I thought it was your next door neighbor's.
1435
1436 Ms. Oliver - And then my mom's, which is across the street, who I
1437 came here recently to speak on her behalf, the green van belongs to my mom.
1438 We trade—you know, work out the parking. And so because she has a special
1439 use or conditional use permit, we just take the necessary precautions because
1440 we're all kind of family in the neighborhood. Not family-family, but we all get
1441 along and share cookies and things like that. So we just—we do whatever—we
1442 move the cars around based on our clients, you know, our neighbors coming
1443 home. We just do what makes sense. And pretty much for —, the reason we only
1444 have two vans—my mom has one and I have one—because we pretty much pick
1445 up every—most of our parents, we have—out of all of the parents maybe two
1446 have cars, except taxis and—upped it a couple. So all of them are transported in
1447 by the van.
1448
1449 Mr. Wright - So you go pick them up rather than having them
1450 dropped off.
1451
1452 Ms. Oliver - Yes.
1453
1454 Mr. Wright - That saves some traffic there doesn't it?
1455

1456 Ms. Oliver - Yeah. It doesn't help you with the drivers or the gas,
1457 but yes, it saves the parent, yes.

1458
1459 Mr. Wright - All right.

1460
1461 Ms. Oliver - And I only have about four more years to do this until
1462 R. J. walks across the stage. So I just want a little bit more time because I really
1463 do want to retire.

1464
1465 Mr. Wright - All right. Any further questions from members of the
1466 Board?

1467
1468 Mr. Baka - Just two. A comment and a question. First, I think a
1469 fence in the rear yard of any height adds a good element of safety on all three
1470 sides. I did have a comment about the picture from the street. I realize—I think
1471 it's good you spent a great deal of investment putting in the gravel and the
1472 improvements to make additional parking. I guess one question I have maybe for
1473 the staff is that some zoning ordinances will say that typically a home occupation
1474 shouldn't necessarily change the outward appearance significantly. And I don't
1475 really know what *significantly* would be. Is there any concern from the ordinance
1476 standpoint as far as, you know, paving—or not paving—hardening the front yard
1477 to make it all parking off the street rather than what we've done for other cases of
1478 providing parking on the street? It's kind of catch-22. This helps by getting cars
1479 away from the thoroughfare. At the same time, I didn't want to necessarily see a
1480 huge—I think it looks good, and I didn't know if it's good for home occupations to
1481 have whatever significant change might be. I'm not saying this is one, but just
1482 something to keep in mind for the future perhaps.

1483
1484 Mr. Blankinship - Yes.

1485
1486 Mr. Baka - As we talk to applicants in the future down the road. I
1487 think this is good for this neighborhood. It's a small street and it gets cars off the
1488 road.

1489
1490 Ms. Oliver - I did call Zoning prior to putting this in, and I had them
1491 to come out there to tell me what I could do and what I would need to do. And
1492 they told me that I could not pave all the way into their easement. So I actually
1493 had them come out—because that's why we had to put the gravel in because of
1494 something about lines or something. So I had to stay on my property. And so
1495 what I was told I could do, I was able to do that. But they actually came out in the
1496 little truck and checked it before I did it.

1497
1498 Mr. Baka - Okay.

1499
1500 Ms. Oliver - Because I didn't want to spend the money and then
1501 you guys say oh, take it up.

1502
1503 Mr. Baka - No. It's—
1504
1505 Mr. Wright - Gravel is porous.
1506
1507 Mr. Baka - Absolutely.
1508
1509 Mr. Wright - Water will go through the gravel where it wouldn't if it
1510 was a hard surface.
1511
1512 Mr. Baka - That's true. It allows for some seepage. I think that's
1513 fine. It's just a comment for future applications as we look at that issue.
1514
1515 Mr. Blankinship - It is a good point. And it is something we would look
1516 at case by case.
1517
1518 Mr. Baka - Right. I think this is a great situation, a good case.
1519 Thank you.
1520
1521 Mr. Wright - Any further questions from members of the Board?
1522
1523 Ms. Harris - Yes. Have you had any complaints from your
1524 neighbors about your business, traffic coming in? Have you had any complaints?
1525 Not from your clients, but from your neighbors.
1526
1527 Ms. Oliver - Directly across the street, one of our neighbors who is
1528 adjacent to my mom, we went and talked with her just to make sure that she was
1529 okay with it. She was like I'm moving to Florida; I don't really care what you do.
1530 But honestly, we make it a point. I'm always out there doing things. And we're
1531 always cutting their grass and doing things to really keep them in harmony with
1532 us. Like I said, noise time, when we know that our neighbors are coming home
1533 and they've worked, then we're on it. Like okay, we need to go inside. It's
1534 obvious. If they can't enjoy their home, then we don't have a place there. And I
1535 would think that in the fifteen years, you guys would probably have heard
1536 something by now.
1537
1538 Ms. Harris - Probably.
1539
1540 Mr. Wright - Any further questions from members of the Board? Is
1541 anyone here in opposition to this request? Hearing none, that concludes the
1542 case. Thank you very much for appearing.
1543
1544 Ms. Oliver - Thank you, sir.
1545

1546 [After the conclusion of the public hearings, the Board discussed the case
1547 and made its decision. This portion of the transcript is included here for
1548 convenience of reference.]
1549

1550 Ms. Harris - I move that we grant this conditional use permit. It
1551 seems that Ms. Oliver does check with the various departments before she does
1552 anything to improve her business. I don't think that this will adversely affect the
1553 health, safety, or welfare of any persons. I like the fact that she does draw from
1554 the community, the very neighborhood, to allow their children to be her clients
1555 because we do need more, let's say, qualified family care services.
1556

1557 Mr. Wright - All right, the motion is made. Is there a second to that
1558 motion?
1559

1560 Mr. Baka - Seconded.
1561

1562 Mr. Wright - Seconded. Is there any further discussion? Hearing
1563 none, all in favor say aye. All opposed say no. The ayes have it; the motion
1564 passes.
1565

1566 After an advertised public hearing and on a motion by Ms. Harris, seconded by
1567 Mr. Baka, the Board **approved** application **CUP2014-00011, SHARON**
1568 **OLIVER'S** request for a conditional use permit pursuant to Section 24-12(g) of
1569 the County Code to operate a 24-hour family day home with employees at 3603
1570 Vawter Avenue (EAST HIGHLAND PARK) (Parcel 798-735-4274) zoned R-4,
1571 One-Family Residence District (Fairfield). The Board approved the conditional
1572 use permit subject to the following conditions:
1573

1574 1. This conditional use permit applies only to the operation of a family day home
1575 for up to 12 children with no more than two employees (paid or volunteer) from
1576 outside the home. All other applicable regulations of the County Code shall
1577 remain in force.
1578

1579 2. Vehicles associated with the family day home, including vehicles used by the
1580 employees, shall be parked on the property, outside of the public street right-of-
1581 way.
1582

1583 3. No later than May 27, 2014, the applicant shall apply for and diligently pursue
1584 a building permit to correct any deficiencies noted by the Department of Building
1585 Construction and Inspections on their visit of March 17, 2014.
1586

1587
1588 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
1589 Negative: 0
1590 Absent: 0
1591

1637 Ms. Nicholas - Right now, like I said, I have eleven in the morning
1638 and three part-timers in the evening. In other words, they come on Tuesdays and
1639 Thursdays.
1640

1641 Mr. Wright - Okay. So you've been operating this all along. Have
1642 you had any complaints from any of your neighbors about your operation?
1643

1644 Ms. Nicholas - No sir. As a matter of fact, I have a list of all my
1645 surrounding—in my area that signed a paper stating it was fine for me to still
1646 continue to run the daycare. And I have taken care of some of the kids that are
1647 around the area. Some of them have moved on, graduated, as well as graduated
1648 from college.
1649

1650 Mr. Wright - Have you had assistance before?
1651

1652 Ms. Nicholas - Yes sir. Yes sir, I have. I've always had two assistants
1653 to help me at all times.
1654

1655 Mr. Wright - And that has been permitted.
1656

1657 Ms. Nicholas - Yes. Licensing staff comes out, and they check and
1658 go through everything. All their paperwork has been checked, and everything has
1659 been cleared.
1660

1661 Mr. Wright - Do you have adequate parking for your assistants?
1662

1663 Ms. Nicholas - Yes sir. If you see my driveway, my driveway can hold
1664 up to six cars. Then I have plenty of parking on each side because I live in a cul-
1665 de-sac.
1666

1667 Mr. Wright - When did it come to your attention that you needed to
1668 have a use permit for this operation?
1669

1670 Ms. Nicholas - When I had my last inspection in January and they
1671 told us that we needed to abide by the new law since zoning was in the picture
1672 now. So we have to go up to zoning to ask for another permit.
1673

1674 Mr. Wright - So you didn't know that you had to have that before.
1675

1676 Ms. Nicholas - No, I did not.
1677

1678 Mr. Wright - Have you read these conditions?
1679

1680 Ms. Nicholas - Yes I have, sir.
1681

1682 Mr. Wright - And you are in accord with all of the conditions.

1683
1684 Ms. Nicholas - Yes sir.
1685
1686 Mr. Wright - All right. Any questions from members of the Board?
1687
1688 Ms. Harris - Did they give you a date—a deadline for coming
1689 before the Board of Zoning Appeals for the conditional use permit?
1690
1691 Ms. Nicholas - No.
1692
1693 Ms. Harris - Was that a criteria before you received your license?
1694
1695 Ms. Nicholas - Right, right.
1696
1697 Ms. Harris - So your license was renewed when?
1698
1699 Ms. Nicholas - My license was renewed in January. I'm sorry. It was
1700 renewed in February. February the 11th.
1701
1702 Ms. Harris - Okay. I think you answered most of the questions I
1703 had. You have a brick fenced-in yard?
1704
1705 Ms. Nicholas - Yes ma'am. I have a brick fenced-in yard all the way
1706 around. It's like five feet, brick. The situation—you guys suggested my
1707 conditions. What I'm doing now is on the—well, what I'm doing on the other
1708 side—my kids are not on that side. My yard is so big, so my children are not
1709 really on that side of that picture of my tool shed. But on the other side is where
1710 my kids are. And what I'm doing now it putting a gate, a small white gate, on the
1711 other side where the kids can play because that's where they go to play anyway.
1712
1713 Ms. Harris - So do they play in the area that we see now on the
1714 screen?
1715
1716 Ms. Nicholas - It would be on the other side. It won't be—where the
1717 patio is and the other side where the garage is, the tool shed. We're not on that
1718 side.
1719
1720 Ms. Harris - So we don't have a picture of that.
1721
1722 Ms. Nicholas - No I do not.
1723
1724 Ms. Harris - Okay.
1725
1726 Ms. Nicholas - This is my first time here, so I'm kind of a little
1727 nervous. I didn't know. If I need to send pictures, I will.
1728

1729 Mr. Wright - Approximately how large is the area in which the
1730 children play?
1731
1732 Ms. Nicholas - Well, I'm going to say it's big. Because like I said,
1733 looking at that, it's big, but it's not as big, if I could explain it.
1734
1735 Mr. Wright - Do you have an overhead picture?
1736
1737 Mr. Blankinship - I'm sorry we don't have a better aerial.
1738
1739 Mr. Wright - Okay, there it is. Where on that picture there do the
1740 children play?
1741
1742 Ms. Nicholas - My kids play—I'm trying to look—on the other side of
1743 the—
1744
1745 Mr. Wright - Well, we lost it.
1746
1747 Ms. Nicholas - Okay. Can I use this?
1748
1749 Mr. Wright - There it is.
1750
1751 Ms. Nicholas - Okay. My kids will play on this side over here.
1752
1753 Mr. Wright - Okay.
1754
1755 Ms. Nicholas - Which is a big huge yard. And then on that side
1756 there's a door that comes out from that side.
1757
1758 Mr. Wright - Out of your house into that area?
1759
1760 Ms. Nicholas - Yes. Yes sir.
1761
1762 Mr. Blankinship - And the tool shed and the ladders and all that, that's
1763 all the way on the other side?
1764
1765 Ms. Nicholas - That's all the way over on the other side. Yes sir. So
1766 I'm going to block off this area like this. And all that will be for the children.
1767
1768 Mr. Wright - All right.
1769
1770 Ms. Harris - So when the inspectors come, they look at all of your
1771 premises, right?
1772
1773 Ms. Nicholas - Yes. Yes ma'am, they did. They did. I had a couple of
1774 other things that my husband had back there. He likes to work, the handyman.

1775 Some of the things were taken away. And I told him he needs to take all of it
1776 away. He's going to finish cleaning that up.

1777

1778 Mr. Wright - How many square feet are there in your house, do
1779 you know?

1780

1781 Ms. Nicholas - I couldn't tell you, sir. It's big. I know my back room
1782 that I had added on, this part was added on. That's a 15' by 30' back room. That
1783 is my infant room. And then on the side here is my—this whole side here, that's
1784 my toddler room. I break my kids off because as they get older, kids should not
1785 be together with the infants. You cannot get anything done. And my teachers
1786 work with my kids in separate rooms. And then up where my den is, is my dining
1787 area for the kids to eat so they don't eat all over the house. They have a spot for
1788 that too.

1789

1790 Mr. Blankinship - According to the tax records, it's right at 3,000 square
1791 feet.

1792

1793 Mr. Wright - Very large.

1794

1795 Ms. Nicholas - It's a big house. I'm blessed. And, like I say, I have
1796 good workers. We do an excellent job dealing with the kids.

1797

1798 Ms. Harris - How many infants?

1799

1800 Ms. Nicholas - Right now I have three infants running from the age of
1801 six months to about fourteen months because they're not considered toddlers
1802 until they turn sixteen months.

1803

1804 Ms. Harris - So you work actually in the business yourself?

1805

1806 Ms. Nicholas - Yes ma'am.

1807

1808 Ms. Harris - Okay. So the reason you're here today is because
1809 you have the other people?

1810

1811 Ms. Nicholas - Right. The reason I'm here is because when I
1812 received my license, I heard I had to come here to get a permit.

1813

1814 Mr. Wright - Also the hours.

1815

1816 Ms. Nicholas - And the hours. Like I said, I have—one child, or two
1817 kids sometimes, mom will come in at 11:00 and work until 9:00 at night. My kids
1818 are there only to 9:00, 9:30, no more than that.

1819

1820 Ms. Harris - Thank you.

1821
1822 Mr. Wright - Any further questions from members of the Board? Is
1823 anyone here in opposition to this request? Hearing none, that concludes the
1824 case. Thank you very much for appearing.
1825
1826 Ms. Harris - Didn't we have someone else who was sworn in?
1827
1828 Mr. Blankinship - There was one other.
1829
1830 Mr. Wright - Oh, I'm sorry.
1831
1832 Mr. Blankinship - You don't need to if you don't wish to.
1833
1834 Mr. Wright - I'm sorry, ma'am, did you want—
1835
1836 Female - [Off microphone; inaudible.]
1837
1838 Ms. Nicholas - It's one of my neighbors.
1839
1840 Mr. Wright - Oh, okay. You were in favor of the case.
1841
1842 Female - [Off microphone; inaudible.]
1843
1844 Ms. Nicholas - Yes.
1845
1846 Mr. Wright - Oh, okay. Thank you. Thank you very much for
1847 appearing, Ms. Nicholas.
1848
1849 [Recess for five minutes.]
1850
1851 **[After the conclusion of the public hearings, the Board discussed the case**
1852 **and made its decision. This portion of the transcript is included here for**
1853 **convenience of reference.]**
1854
1855 Ms. Harris - I move that we grant this conditional use permit.
1856 Ms. Nicholas has had a lot of experience running her twenty-four-hour family
1857 daycare home. And she does draw people from the very neighborhood where
1858 she resides. I think that her business does not adversely affect the health, safety,
1859 nor welfare of the community.
1860
1861 Mr. Wright - All right, motion made. Is there a second?
1862
1863 Mr. Bell - Second.
1864

1865 Mr. Wright - It's seconded. Is there any further discussion?
1866 Hearing none, all in favor say aye. All opposed say no. The ayes have it; the
1867 motion passes.

1868
1869 After an advertised public hearing and on a motion by Ms. Harris, seconded by
1870 Mr. Bell, the Board **approved** application **SANDRA E. NICHOLAS'S** request for
1871 a conditional use permit pursuant to Section 24-12(g) of the County Code to
1872 operate a 24-hour family day home with employees at 2801 Montclair Court
1873 (MAPLEWOOD FARMS) (Parcel 805-736-8342) zoned R-3AC, One-Family
1874 Residence District (Fairfield). The Board approved the conditional use permit
1875 subject to the following conditions:

1876
1877 1. This conditional use permit applies only to the operation of large family
1878 day home for up to 12 children with no more than 2 employees from outside the
1879 home.

1880
1881 2. Hours of operation shall be limited to 6:00 am to 11:00 pm. All other
1882 applicable regulations of the County Code shall remain in force.

1883
1884 3. Vehicles associated with the family day home, including vehicles used by
1885 the employees, shall be parked on-site, outside of the public street right-of-way.

1886
1887 4. The applicant shall ensure that the house address shall be clearly visible
1888 from the street as per §R319.1 of the Virginia Residential Code.

1889
1890 5. The applicant shall store building materials, lawn equipment, and stacked
1891 lawn furniture (tables and chairs) away from the reach of children to avoid
1892 potential safety hazards.

1893
1894
1895 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
1896 Negative: 0
1897 Absent: 0

1898
1899
1900 Mr. Wright - That concludes our agenda for this meeting. Next we
1901 have the minutes. I have one comment, just a clarification on page 31, line 1347.
1902 I don't know if it makes a whole lot of difference.

1903
1904 Mr. Baka - Page thirty.

1905
1906 Mr. Wright - Wait a minute, it's on page thirty. Excuse me, thirty.
1907 That doesn't make any sense.

1908
1909 Ms. Harris - You have two Mr. Wrights. The Chairman's name is
1910 Mr. Wright and then Mr. Gibson Wright I believe was the person who was—

1911
1912 Mr. Wright - There was another Mr. Wright involved?
1913
1914 Ms. Harris - Yes.
1915
1916 Mr. Bell - They put his full name.
1917
1918 Mr. Wright - Okay, okay. That answers that. And then in line 1353,
1919 I'm sure I said "title binder," because there is no such thing as a "title bond"
1920 legally. Any other corrections to the minutes?
1921
1922 Mr. Baka - No sir.
1923
1924 Mr. Wright - Hearing none, do I hear a motion that we approve the
1925 minutes as presented? Corrected I mean.
1926
1927 Mr. Baka - I move we approve them as amended by Mr. Wright.
1928
1929 Mr. Wright - Is there a second?
1930
1931 Mr. Bell - I'll second it.
1932
1933 Mr. Wright - It's seconded. Any discussion? Hearing none, all in
1934 favor say aye. All opposed say no. The ayes have it; the motion passes. The
1935 minutes are approved as corrected.
1936
1937 On a motion by Mr. Baka, seconded by Mr. Bell, the Board **approved as**
1938 **corrected** the **Minutes of the February 27, 2014** Henrico County Board of
1939 Zoning Appeals meeting.
1940
1941
1942 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5
1943 Negative: 0
1944 Absent: 0
1945
1946
1947 Mr. Wright - Mr. Blankinship, is there any other business to come
1948 before this body?
1949
1950 Mr. Blankinship - No sir.
1951
1952 Mr. Wright - Hearing none, do I hear a motion that we adjourn?
1953
1954 Mr. Baka - So moved.
1955
1956 Mr. Wright - Is there a second?

1957

1958 Ms. Harris - Second.

1959

1960 Mr. Wright - The motion is made and seconded. Any discussion?

1961 Hearing none, all in favor say aye. All opposed say no. The ayes have it; the

1962 motion passes.

1963

1964

1965 Affirmative: Baka, Bell, Harris, Nunnally, Wright 5

1966 Negative: 0

1967 Absent: 0

1968

1969

1970 Mr. Wright - We are officially adjourned.

1971

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 R. A. Wright
 Chairman


 Benjamin Blankinship, AICP
 Secretary