

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
3 **GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON**
4 **THURSDAY MAY 28, 2020 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN**
5 **THE *RICHMOND TIMES-DISPATCH* MAY 11, 2020 AND MAY 18, 2020.**

6
7 Members Present: Gentry Bell, Chair
8 Terone B. Green, Vice-Chair
9 Walter L. Johnson, Jr.
10 Terrell A. Pollard
11 James W. Reid
12

13 Also Present: Jean M. Moore, Assistant Director of Planning
14 Benjamin Blankinship, Secretary
15 Paul M. Gidley, County Planner
16 R. Miguel Madrigal, County Planner
17 Rosemary Deemer, County Planner
18 Kristin Smith, County Planner
19 Kuronda Powell, Account Clerk
20

21
22 [Recitation of the Pledge of Allegiance]
23

24 Mr. Bell - Thank you. And now I'm going to just let Mr. Ben Blankinship
25 take over to explain what's going on.
26

27 Mr. Blankinship - All right. Good morning, Mr. Chair, members of the board,
28 and ladies and gentlemen. Today we are livestreaming the meeting as well as hosting a
29 video conference using WebEx. So there's no one in the room with us now. The
30 members of the board and the staff are present here in the room and there are citizens in
31 the lobby who will be joining us one by one. And those of you who are watching online
32 or who are participating through WebEx will also be able to observe everything that goes
33 on.
34

35 Following the introduction of each case a member of staff will give a brief explanation of
36 the case, and then we will ask the applicant to make their presentation. And after the
37 applicant anyone else who wishes to speak will be given the opportunity.
38

39 We will be doing this, as I said, most of you will be doing this through WebEx. And WebEx
40 includes a chat feature. And I would like you to begin this morning by please going ahead
41 and turning on the chat feature now. If you move your mouse over the bottom area of the
42 screen, you'll see the buttons appear. The fourth button from the left looks like a speech
43 bubble and if you hover over that you'll see that it says chat feature. Click that to turn on
44 the chat. And then I would like you to select Kristin Smith as the person you want to chat
45 with and let Kristin know who you are, what case you would like to speak to, and just that
46 you are present.

47
48 Ms. Smith will use the chat feature in WebEx to let each person know when it is your turn
49 to speak. So please go ahead and turn on the chat feature now and make contact with
50 her now, and that way she'll be able to communicate with you when the time is appropriate
51 for you to speak.

52
53 Other than that, Mr. Chair, I think we're going to dispense with our normal reading of the
54 rules, since it doesn't really apply without people --

55
56 Mr. Bell - Excuse me. Could I just bother you one second?

57
58 Mr. Blankinship - Yes, sir.

59
60 Mr. Bell - I'm having difficult with the chat feature.

61
62 Mr. Blankinship - I'm sorry. You don't need to do that. People from outside who
63 are joining us through WebEx would need to do that.

64
65 Mr. Bell - Okay, thank you.

66
67 Mr. Blankinship - But if you're in the room, you don't need that. So also, for the
68 citizens who are out in the lobby, you can ignore that as well.

69
70 Mr. Green - We won't see who's speaking?

71
72 Mr. Blankinship - Right. We will not be able to see. The members of the board
73 will not be able to see citizens on WebEx, we will only be able to hear. So just be aware
74 of that as well. Thank you for bringing that up.

75
76 All right, Mr. Chair, we do have one withdrawal on this morning's agenda. Conditional
77 use permit 2020, number 5, Allison Vogler.

78
79 **CUP2020-00005 ALLISON VOGLER** requests a conditional use permit
80 pursuant to Section 24-95(i)(4) of the County Code to build a detached carport in the front
81 yard at 301 Sleepy Hollow Drive (SLEEPY HOLLOW) (Parcel 749-736-7504), zoned R-
82 1, One-family Residence District (Tuckahoe).

83
84 Mr. Blankinship - If anybody was joining us for that case, that will not be heard
85 this morning. That case has been withdrawn.

86
87 Also, Mr. Chair, before we begin the regular agenda, there are two requests for deferral,
88 and the first of those is variance 2020, number 5, David Martin.

89
90 **VAR2020-00005 DAVID MARTIN** requests a variance from Section 24-95(b)(8)
91 of the County Code to build a one-family dwelling at 11300 Greenwood Road
92 (LAKEVIEW) (Parcel 773-772-6459), zoned A-1, Agricultural District (Brookland). The

93 total lot area requirement and lot width requirement are not met. The applicant has 17,800
94 square feet lot area and 70 feet lot width where the Code requires 30,000 square feet lot
95 area and 150 feet lot width. The applicant requests a variance of 12,200 square feet lot
96 area and 80 feet lot width.

97
98 Mr. Blankinship - And I'm going to pause a minute to see if Mr. Martin is
99 available on the WebEx.

100
101 Ms. Deemer - Ben, he does not appear to be on the WebEx.

102
103 Mr. Blankinship - Okay. Thank you. We've been informed by staff that Mr.
104 Martin did not join by WebEx this morning, but he has requested deferral of his application
105 in order to take some time to explore other options that might not require a variance.

106
107 Mr. Bell - Shall we go ahead and do the deferral?

108
109 Mr. Blankinship - Yes, sir.

110
111 Mr. Bell - All right. Let's go ahead then and make a motion. Does
112 everybody agree?

113
114 Mr. Blankinship - Yes, sir.

115
116 Mr. Bell - Two variances. No one seems to be here for these variances.
117 Variances number 2020-00005 and 2020-00010.

118
119 Mr. Johnson - Ten, yeah. Right.

120
121 Mr. Bell - I move that we defer this application to June 25th's meeting to
122 allow time for the applicant to consider other alternatives. I move that we approve the
123 deferral. Do I hear a second?

124
125 Mr. Johnson - I second.

126
127 Mr. Bell - Any discussion? All in favor say aye.

128
129 On a motion by Mr. Bell, seconded by Mr. Johnson, the Board deferred application
130 **VAR2020-00005** **DAVID MARTIN's** requests a variance from Section 24-
131 95(b)(8) of the County Code to build a one-family dwelling at 11300 Greenwood Road
132 (LAKEVIEW) (Parcel 773-772-6459).

133
134
135 Affirmative: Bell, Green, Johnson, Pollard, Reid 5
136 Negative: 0
137 Absent: 0

138

139 Mr. Blankinship - Mr. Chair, let me interrupt you and go ahead and call for
140 number 10. Variance 2020, number 10, Pamela Johnson.

141
142 **VAR2020-00010 PAMELA JOHNSON** requests a variance from Section 24-95(b)(8) of
143 the County Code to build a one-family dwelling at 11308 Greenwood Road (LAKEVIEW)
144 (Parcel 773-772-5965), zoned A-1, Agricultural District (Brookland). The total lot area
145 requirement and lot width requirement are not met. The applicant has 19,600 square feet
146 lot area and 75 feet lot width where the Code requires 30,000 square feet lot area and
147 150 feet lot width. The applicant requests a variance of 10,400 square feet lot area and
148 75 feet lot width.

149
150 Mr. Blankinship - And I'm going to pause a minute and see if Ms. Johnson is on
151 the Webex.

152
153 Ms. Deemer - Ben.

154
155 Mr. Blankinship - Yes.

156
157 Ms. Deemer - I believe we have a Pam Kibler (ph) here.

158
159 Mr. Blankinship - I'm sorry, Rosemary, can you repeat that?

160
161 Ms. Deemer - We have an applicant.

162
163 Mr. Blankinship - All right. May we hear from her?

164
165 Ms. Deemer - Just a second. Ms. Kibler.

166
167 Ms. Kibler - Yes. Can you hear me?

168
169 Mr. Blankinship - Yes.

170
171 Ms. Kibler - Yes. I'm here.

172
173 Mr. Blankinship - And you are requesting a deferral of your application?

174
175 Ms. Kibler - Yes. Because my lot is by David's lot, and we were going to
176 do some more investigation together.

177
178 Mr. Blankinship - Okay. Anything else you'd like to add?

179
180 Ms. Kibler - We were told we had to be here regardless if we were
181 withdrawing or not.

182
183 Mr. Blankinship - Yes.

184

185 Ms. Kibler - And he was supposed to come on. I don't know why he's not.
186 Because you all might want to ask us some questions or something.

187
188 Mr. Blankinship - Yes, ma'am. Well we thank you very much for joining us this
189 morning. Members of the board, do you have any questions for the applicant?

190
191 Mr. Bell - No questions.

192
193 Mr. Johnson - No questions.

194
195 Mr. Blankinship - All right. Thank you very much, ma'am. Mr. Chair, a motion
196 would be in order.

197
198 Mr. Bell - We're motioning which one? Ten?

199
200 Mr. Blankinship - Yes.

201
202 Mr. Bell - All right. I make a motion that we take and defer number 10,
203 which is a 2020-00010. I move that we defer it. Do I hear a motion, or do I hear a second?

204
205 Mr. Green - Second.

206
207 Mr. Bell - Any discussion? All those in favor say aye. The deferral has
208 carried.

209
210 On a motion by Mr. Bell, seconded by Mr. Green, the Board deferred application
211 **VAR2020-00010 PAMELA JOHNSON** requests a variance from Section 24-95(b)(8) of
212 the County Code to build a one-family dwelling at 11308 Greenwood Road (LAKEVIEW)
213 (Parcel 773-772-5965), zoned A-1, Agricultural District (Brookland).

214
215
216 Affirmative: Bell, Green, Johnson, Pollard, Reid 5
217 Negative: 0
218 Absent: 0

219
220
221 Mr. Blankinship - All right. Thank you very much. And now we will return to the
222 top of the agenda and begin the normal meeting. We have one, two, three, four, five, six.
223 I'm sorry, five conditional use permits on this morning's agenda. First is conditional use
224 permit 2020, number four, Andrea Smith.

225
226 **CUP2020-00004 ANDREA SMITH** requests a conditional use permit pursuant to Section
227 24-12(e) of the County Code to allow a noncommercial kennel at 1 N Quince Avenue
228 (HIGHLAND SPRINGS) (Parcel 824-722-6253), zoned R-4, One-Family Residence
229 District (Varina).

231 Mr. Blankinship - And Mr. Gidley is going to present the staff report.
 232
 233 Mr. Gidley - I need to be sworn.
 234
 235 Mr. Blankinship - No, no. We're not going to worry about that.
 236
 237 Mr. Gidley - Okay.
 238
 239 Mr. Blankinship - Since the people aren't in the room it's just not really
 240 meaningful.
 241
 242 Mr. Gidley - Okay. Thank you. Thank you, Mr. Secretary, Good morning,
 243 Mr. Chair, members of the board. It's been a while.
 244
 245 In this case the applicant's property is located in Highland Springs, approximately 130
 246 feet north of Nine Mile Road. The lot is 50 feet in width, and 120 feet in depth. And as
 247 you can see here on the monitor, it is surrounded by other single-family dwellings except
 248 for a commercially zoned lot to the south.
 249
 250 The applicant has a total of 11 pets, 7 dogs and 4 cats. The cats are kept indoors while
 251 the dogs are both indoor and outdoors. Because the applicant's 11 pets exceed the three-
 252 pet limit under the zoning ordinance, a conditional use permit is required.
 253
 254 This is the applicant's home here. The property is zoned R-4, One-Family Residence
 255 District, and is designated Suburban Residential 2 on the land-use plan. The existing
 256 one-family dwelling is consistent with these designations. It is possible to keep over three
 257 pets with a conditional use permit. The exact number of pets allowed is to be determined
 258 by the board on a case-by-case basis.
 259
 260 This is the applicant's rear-yard here before you. As you can see it's enclosed by a fence.
 261 During staff's visit to the property there was no noticeable or -- no noticeable odor
 262 indicating the property is cleaned up on a regular basis.
 263
 264 At the same time, the neighborhood is rather dense, with most homes located on 50-foot-
 265 wide lots. There are 5 dwellings within 100 feet of the yard. As a result, staff does have
 266 concerns about keeping 11 pets on the property.
 267
 268 In conclusion, the applicant would like to keep a total of 11 pets, 7 dogs, and 4 cats. While
 269 the property appears to be well maintained, there are some concerns about this many
 270 pets in a dense neighborhood. The ability to successfully ensure the pet's care, especially
 271 when nobody is home, needs to be considered as well.
 272
 273 Staff recommends approval of a conditional use permit, however the appropriate number
 274 of animals should be determined by the board after hearing from the applicant today. This
 275 concludes my presentation and if you have any questions, I will be happy to answer them.
 276 I thank you.

277
 278 Mr. Bell - Does the board have any questions?
 279
 280 Mr. Green - Well, where are the dogs housed? Where are the cats?
 281
 282 Mr. Gidley - My understanding is the cats are kept indoors. The dogs are
 283 also kept indoors but, of course, they have to go out on occasion for exercise and to do
 284 their business.
 285
 286 Mr. Green - So seven dogs are kept in this yard.
 287
 288 Mr. Gidley - Yes, sir.
 289
 290 Mr. Johnson - Yes.
 291
 292 Mr. Green - What kind of dogs?
 293
 294 Mr. Gidley - Let's see here. Let me grab a photo of some of them right
 295 here.
 296
 297 Mr. Reid - Two pomeranians, two yorkies, chihuahua and a Walker
 298 hound.
 299
 300 Mr. Gidley - Right. Page two of the staff report.
 301
 302 Mr. Johnson - Yes.
 303
 304 Mr. Green - You got a picture of the cats?
 305
 306 Mr. Gidley - I beg your pardon.
 307
 308 Mr. Green - You got a picture of the cats?
 309
 310 Mr. Gidley - Let's see here. There's one of the cats.
 311
 312 Mr. Johnson - Three of them.
 313
 314 Mr. Gidley - I think that's the only one I have of a cat.
 315
 316 Mr. Blankinship - All right. If there are no further questions, shall we hear from
 317 the applicant?
 318
 319 Mr. Johnson - One more.
 320
 321 Mr. Blankinship - Oh, sorry. Just a moment here.

323 Mr. Johnson - Who's living in the house except just the owner?
324
325 Mr. Gidley - I believe it's just the applicant who lives in the home.
326
327 Mr. Johnson - Just the applicant.
328
329 Mr. Gidley - And that was one question we had is what happens when she
330 has to go somewhere, with the pets?
331
332 Mr. Johnson - Okay.
333
334 Mr. Bell - Have there been any complaints by any of the neighbors?
335
336 Mr. Gidley - Not that I'm aware of. No, sir.
337
338 Mr. Pollard - I see is it an email in the back page? Last page?
339
340 Mr. Blankinship - I'm afraid I'm not hearing you.
341
342 Mr. Pollard - Mr. Chairman. See the email on the last page? Who's that
343 from?
344
345 Mr. Bell - You got a little bit of an interference there, but we'll get back
346 on course. Is there any other questions?
347
348 Mr. Pollard - I have a question. On my copy --
349
350 Mr. Bell - If not, then thank you.
351
352 Mr. Gidley - I think Mr. Pollard had a question.
353
354 Mr. Bell - Does he? Oh. I didn't know that.
355
356 Mr. Pollard - On my copy I see there is -- is this is a complaint from a
357 neighbor, or an objection from a neighbor? On the back page.
358
359 Mr. Blankinship - We did receive one email message that pertained to several
360 applications.
361
362 Mr. Pollard - Okay.
363
364 Mr. Blankinship - It was, well, it speaks for itself, I guess. It seemed to assume
365 that these were businesses. Which they are not.
366
367 Mr. Pollard - Okay.
368

369 Mr. Bell - Yeah. I noticed that in several throughout the package. The
370 same situation will come up again for us to confront. So, keep in mind that they are still
371 made for the ones they are attached to even though they say business when it should be
372 residential or residential when they should be business. It's the same code.

373

374 Mr. Pollard - Right, they're making the wrong assumption.

375

376 Mr. Bell - Yes.

377

378 Mr. Pollard - Okay.

379

380 Mr. Bell - All right then. Well thank you.

381

382 Mr. Gidley - Thank you, Mr. Chair.

383

384 Mr. Bell - All right.

385

386 Mr. Blankinship - All right. Do we have the applicant with us this morning?

387

388 Ms. Deemer - We do. Ms. Andrea Smith will be unmuted now.

389

390 Mr. Blankinship - Thank you.

391

392 Ms. Smith - Hi there. Yeah. So I heard the question about am I the only
393 one in this house, and yes. I am. I don't have any roommates, so I don't live with anyone
394 else. And this is not a business. I have rescued a lot of pets. The last dog was dropped
395 off at the doorstep by somebody that I didn't even know. They're strictly my pets. I think
396 when I can I have a (audio cut out). And they go in and out and they stay in the physical
397 yard. The cats are strictly indoors.

398

399 Mr. Bell - So they're in and out?

400

401 Ms. Smith - Yeah. They just go out to go to the bathroom and come back
402 inside.

403

404 Mr. Bell - How long have you been keeping rescued animals that
405 exceed three in your house?

406

407 Ms. Smith - I bought this house it was 2018, and I actually just learned,
408 one of my friends told me, that I have to get a kennel license, and I didn't know that. So
409 I went and got all three cats done, and then I'm applying for the kennel license.

410

411 Mr. Bell - So you're just getting started in this.

412

413 Ms. Smith - Yeah. I just recently had the hound about a year ago, and
'14 (audio cut out) about four months ago we've had this Yorkie dropped off on my doorstep.

415
416 Mr. Bell - All right. Thank you.
417
418 Ms. Smith - Last year one of the --- I had found on the side of the road.
419
420 Mr. Johnson - I guess you're saying you've been collecting rescue animals?
421 Some are dropped off and all?
422
423 Ms. Smith. Yes. I really just have a love for animals and taking them in.
424 I don't have any kids. They are my children. You can see that they're well taken care of.
425 They all sleep in the bed with me. And my life revolves around them. I don't go on
426 vacations. There's nowhere I need to go. I spend all the time I can feeding them and
427 picking up after them.
428
429 Mr. Pollard - Is there any plan to adopt any more pets?
430
431 Ms. Smith - No. And I don't plan on --- It's not a business. And I, like I
432 said, I don't propose to --- either.
433
434 Mr. Johnson - Are the animals spayed at all?
435
436 Ms. Smith - There's three girls that are not but everybody else is.
437
438 Mr. Johnson - And you're aware there are limits for them?
439
440 Ms. Smith - Yes. I am.
441
442 Mr. Johnson - Okay.
443
444 Mr. Bell - Any other questions? Thank you. Now we'll go ahead
445 and --
446
447 Mr. Blankinship - I guess we should ask is there anyone else who has joined
448 who wishes to speak to this case.
449
450 Ms. Deemer - We do not have anyone else on Webex.
451
452 Mr. Blankinship - All right. Thank you, Rosemary. Go ahead, Mr. Chair.
453
454 Mr. Bell - If there's no other people that wants to speak for or against
455 this conditional use permit, we'll move on.
456
457 Mr. Blankinship - A motion would be in order. And as you'll see this was a case
458 where the staff did not really feel confident in specifying a number of dogs or cats before
459 the public hearing. We really felt like there was a need to hear from the applicant and
460 see if any of the neighbors, you know, we've notified the neighbors and put up the sign

461 and everything. To see if any of the neighbors would come and express any opinion
462 about the number of animals. So we unusually have just left it blank in the staff report for
463 whoever makes the motion to suggest the appropriate numbers.

464
465 Mr. Green - You made a recommendation. Not to the number of pets, but
466 you did make a recommendation.

467
468 Mr. Blankinship - Yes.

469
470 Mr. Bell - Well, so do I hear anybody --

471
472 Mr. Blankinship - I'm not hearing you for some reason. You might be on mute.

473
474 Mr. Johnson - Well this is -- there are regulations for number of pets in a
475 household, and a number of 11 is extremely a lot, and you've got 4 cats and 7 dogs. And
476 couple of your dogs are pretty large size as well. I would recommend that you, at least
477 by the next month or two, that you reduce the number to at least five, and that -- two or
478 three months will give you time to reduce them down to five would be my
479 recommendation. And also you don't have any outdoor facilities for the dogs as well, you
480 know, during the day.

481
482 Mr. Blankinship - And five would be a total number of dogs and cats? Or were
483 you saying five dogs plus?

484
485 Mr. Johnson - I would say including the cats.

486
487 Mr. Blankinship - Okay, so total of five.

488
489 Mr. Johnson - Yes. Total of five.

490
491 Mr. Green - Mr. Chair.

492
493 Mr. Bell - Yeah.

494
495 Mr. Green - I would recommend we follow the guidelines that the county
496 has established for the number of pets that could be kept. If we deviate from this process
497 then we're setting a precedent where others can come in and use this case and say, Well,
498 you allowed x for that person and didn't allow y for me. And there've been cases that
499 we've seen that people who have pens outside, that they show up as breeders.

500
501 And to be quite honest with you, I'm a dog owner, I think that is too many dogs and too
502 many cats in the house. And I just think we need to abide by the county rules. If we're
503 going to agree to a variance of any, you know, we need to then ask the Board of
504 Supervisors to revise the number of dogs and cats that can be kept. But I think that we
505 need to be consistent. That is why you have rules.

506

507 Mr. Bell - Mr. Johnson.
508
509 Mr. Johnson - Mr. Chairman. The reason I was saying five was that we still
510 want to stay on the regulation of three to get them down and then through attrition after
511 five we'll be back to three again. That is my recommendation. That because it's too many
512 now, and that gives you time to get rid of some by attrition. We have a couple of them
513 that was 11 years old and stuff, so after they pass, then you'll be back down to the three.
514
515 Mr. Green - You know, but that can take three to four years. Because we
516 don't know the life expectancy of any of these animals. They can out live us in some
517 instances. You know, I'm just saying we have seen cases before where we have upheld
518 the rules. Unless there was a safety need for the person. You know. Unless these dogs
519 were, or cats were, considered animals, you know, that needed to -- comfort animals.
520 And I haven't heard that to be the case. Haven't seen where any application or any
521 paperwork has been presented to us to show that these are comfort animals.
522
523 And I just think that there's just too many. And I'm sure because of the type of dog it
524 would not be hard to, I'm sorry, to have these dogs adopted out if that were the case.
525 And I think if I'm living in a neighborhood, you know, that there 11 animals in the house I
526 just wouldn't feel comfortable with that.
527
528 Mr. Blankinship - If I could just clarify one thing. I'm sorry this wasn't made more
529 clear in the staff report, and since we do have two kennel permits on the agenda I just
530 want to make sure it's clear.
531
532 Mr. Green - Right.
533
534 Mr. Blankinship - These are conditional use permits.
535
536 Mr. Green - Right.
537
538 Mr. Blankinship - So the code does specifically allow the board to approve
539 these.
540
541 Mr. Green - Right.
542
543 Mr. Blankinship - But it is up to the board to determine what is in the best interest
544 of the community and what may or may not have a substantial detrimental impact on the
545 nearby property. So it's not like a variance where there has to be a hardship. It is written
546 into the code that you have the authority to approve more than three animals, but that
547 does put you in the position of using your judgement as to what would be compatible with
548 the neighborhood.
549
550 Mr. Green - Right. And in my judgement, in the past we have adhered to
551 what the county rules were and we've stuck with that unless it was a situation where the

552 dog was a comfort dog kind of situation. So I would agree with you, Mr. Johnson, but I
553 would just bring the numbers down to where they should be.

554
555 Mr. Reid - I agree with Mr. Green's comments about adhering to the
556 county ordinance of only allowing three animals in the home. I think to have 11 cats and
557 dogs in a 948-square-foot home is probably -- I don't know whether it's even healthy or
558 not. Anyway those are my thoughts.

559
560 Mr. Bell - Thank you.

561
562 Mr. Pollard - In my opinion I think we should allow her to go outside of three
563 with the understanding that in time that she can't add to it without coming back to us. Any
564 time you have an older -- if she keeps some of the older ones, through attrition she'll be
565 back down to three.

566
567 Unknown Speaker - But how do you regulate that? How do you regulate that that
568 will happen?

569
570 Mr. Pollard - You don't.

571
572 Mr. Bell - The county goes out, am I right Mr. Blankinship, do they go
573 out and check afterwards?

574
575 Mr. Blankinship - Every year she will have to do a kennel license because she
576 has more than five. So, you know, when she goes to get rabies shots, she'll have to
577 report the number that she's getting.

578
579 Mr. Johnson - Okay.

580
581 Mr. Green - So can you imagine, so many cats, the number of litter boxes
582 Cats defecate and urinate inside of the home. And when you're only talking about only
583 900 square feet, you know, that's a lot of cat waste. And that's if you know they decide
584 that they're not going to mark territory. And then you have dogs and it looks like these
585 dogs potentially can shed.

586
587 So I'm not getting into the cleanliness, I'm just getting into the fact that it's just too many.
588 And I just think that's not fair. I've seen us reject other people who have larger homes
589 who've kept the dogs outside in pens and had treatments to come and clean the yard.
590 But yet we're going to allow this to occur. And so I'm not trying to insult her or offend her,
591 but I think that there's just too many.

592
593 Now if it was a 5,000-square-foot house and a 5- or 6-acre yard, then maybe. But you're
594 not talking something that large. And then what happens if another person decides to
595 drop off a rescue, you know, because they recognize that she's very humane in taking
596 them. What does she do then, and how do we monitor that?

597

598 Mr. Johnson - We already said that we just didn't want them to be over five,
599 and she couldn't accept any more in that case.
600
601 Mr. Green - Five total?
602
603 Mr. Johnson - Five total.
604
605 Mr. Green - So she's going to have to make a decision on the number of
606 cats that she's going to have to release as well as the number of dogs.
607
608 Mr. Johnson - And we could do that here, but that would be something, a
609 regulation we could put on her as well.
610
611 Mr. Blankinship - Yes, sir.
612
613 Mr. Green - I mean, the reality of it is, you have the SPCA, you have all
614 these various dog shelters, you have all these rescues. I'm sure there are people that
615 would be standing in line to adopt. Some of these dogs looks like they are pure breed,
616 these dogs. And I think we need to take that into consideration. Like I said, my objection
617 goes back to I've seen us reject people who could have had kennels outside, large yards,
618 and we've restricted them and made them get rid of dogs. I've also seen us accept it
619 when it's a service dog. And I'm not hearing that any of these dogs are service dogs.
620
621 Mr. Blankinship - Mr. Chair, is there any interest in asking the applicant that
622 question?
623
624 Mr. Johnson - Yes.
625
626 Mr. Bell - That's what I was getting ready to say. I have a couple
627 questions I'd like to ask if the applicant. Can we go ahead and call the applicant back if
628 she's still here.
629
630 Mr. Blankinship - I believe she is still listening.
631
632 Mr. Bell - Can you hear me?
633
634 Ms. Smith - Yes. I can hear you.
635
636 Mr. Bell - These are rescue dogs. Correct?
637
638 Ms. Smith - Yes. And so I've heard you talk about comfort animals. I fight
639 depression and I'm on medicine for it. These animals really help me. They're there for
640 me and they love me unconditionally. If I got rid of them where would they go?
641
642 I spend --- nights cleaning my house. I've sent pictures of my house, and the house does
643 not look dirty at all. I've cleaned the floors, I dust every night, clean the litter boxes four

644 times a day. I'm not trying to take advantage of this situation. And I know it's a small
645 area, but I've had no complaints at all. I even have people ride beside me and look at my
646 dogs and they've touched them. And they tell me how cute they are.
647

648 Mr. Bell - The reason is too many dogs though, I guess, in the house
649 that we have to determine what the numbers are. And that's why, with the rescue animals,
650 how long do you normally keep them from the time you receive one till someone rescues
651 it?
652

653 Ms. Smith - Well a year ago I had three --- that I adopted and she took
654 them back here.
655

656 Mr. Bell - I didn't understand.
657

658 Ms. Smith - But a big problem -- These are all ones that I don't know
659 where they would go. They're my family.
660

661 Mr. Pollard - You're fading in and out.
662

663 Mr. Johnson - So you're keeping those dogs, they're not going back to an
664 owner.
665

666 Mr. Blankinship - Ms. Smith, the connection is a little bit loose here and we're
667 having a little trouble understanding you. Can you repeat, or just confirm, did I understand
668 you to say you have in the past fostered animals that other people then took permanently.
669

670 Ms. Smith - Yes. That's --
671

672 Mr. Blankinship - But that these that you're applying for you intend to keep for
673 the rest of their lives?
674

675 Ms. Smith - That's correct.
676

677 Mr. Green - Think one of the conditions is --
678

679 Ms. Smith - And I don't think if -- I don't want to get any more. If someone
680 dropped another one on my doorstep I wouldn't keep it.
681

682 Mr. Blankinship - Okay.
683

684 Mr. Bell - Okay. That's good to know.
685

686 Mr. Blankinship - Thank you very much. Were there any other questions from
687 any members of the board? All right. Thank you again, Ms. Smith.
688

689 Mr. Bell - Thank you, Ms. Smith. Any more recommendations? Any
690 more discussion on the recommendations?

691
692 Mr. Green - Well the only other thing I need to say is someone gave me a
693 rescue dog and the first thing that I did with that dog, is I took it to the SPCA. Because
694 first you want to see is if the dog had a chip in it. Then you wanted the SPCA to perform
695 the necessary health checks on the dogs. And then you also wanted to make sure the
696 dogs or cats were spayed and neutered. And so that's why these facilities exist: SPCA,
697 county facilities, all of that.

698
699 Now if in fact someone dropped a dog off, I could see an individual taking that dog to one
700 of these sites and then making sure the dog was, quote, not someone else's because
701 they had a chip in it. And I haven't heard anybody -- I haven't heard her say that that has
702 been done. That check has been done. Because it could be someone else's dog that
703 somebody found and then you're keeping it, or cat, and you're keeping it, and it could be
704 chipped. Or you may be taking it to the vet, you know, like I said, the other facilities that
705 you can take it to.

706
707 And with so many of these what look like purebreds, I think that you would not have a
708 problem having these dogs adopted out. I understand she said that -- what she suffers
709 from, but where is the paperwork what shows that these are service animals? That, you
710 know, typically we've seen other folks bring to our attention the fact that these were
711 service animals. And I haven't seen that any of these are service animals.

712
713 Mr. Bell - Thank you. Any other discussion? All right. Can we go to the
714 motions ---

715
716 Mr. Blankinship - Well, it wasn't really in the form of a motion.

717
718 Mr. Bell - This isn't in the form of a motion already?

719
720 Mr. Blankinship - I don't believe it has been but, Mr. Johnson, do you want to
721 go ahead and make a motion?

722
723 Mr. Johnson - I move that we approve the conditional use permit subject to
724 the conditions recommended by the staff. And, however, because of the number of pets
725 that we limit the pets to five pets total. And move that the limited pets, dogs and cats,
726 that we'll leave to the owner to take the attrition down. And I believe that the number of
727 pets can be kept at this house and it wouldn't be detrimental to the nearby properties.

728
729 Mr. Green - So am I hearing you say that she's going to have to get rid of
730 six?

731
732 Mr. Johnson - Yes.

733
734 Mr. Blankinship - A total of five, dogs and cats.

735
 736 Mr. Johnson - Yes. And she'll make the decision between the dogs and the
 737 cats.
 738
 739 Mr. Pollard - I second the motion.
 740
 741 Mr. Bell - Any discussion? All those then in favor say aye. All those
 742 opposed say nay. So we have a ---
 743
 744 Mr. Pollard - Three and two, nays have it.
 745
 746 Mr. Green - I said nay.
 747
 748 Mr. Reid - Nay.
 749
 750 Mr. Johnson - Two nays.
 751
 752 Mr. Bell - Three nays and --
 753
 754 Mr. Blankinship - How does the chair vote?
 755
 756 Mr. Bell - The chair votes with the nays.
 757
 758 Mr. Blankinship - So there are two votes in favor and three votes against the
 759 motion?
 760
 761 Mr. Bell - Yes.
 762
 763 Mr. Blankinship - All right.
 764
 765 Mr. Johnson - Okay.
 766
 767
 768 Affirmative: Johnson, Pollard 2
 769 Negative: Bell, Green, Reid 3
 770 Absent: 0
 771
 772
 773 Mr. Blankinship - Would anybody like to make another motion?
 774
 775 Mr. Pollard - Motion needs to be made.
 776
 777 Mr. Johnson - Okay. I'll motion that we keep it to three pets.
 778
 779 Mr. Blankinship - So deny the use permit?
 780

781 Mr. Johnson - Deny the use permit. Yes.
782
783 Mr. Blankinship - Is there a second to the motion to deny the use permit?
784
785 Mr. Pollard - I second it.
786
787 Mr. Blankinship - Mr. Pollard. All right. Motion as been made and seconded,
788 Mr. Chair.
789
790 Mr. Blankinship - Mr. Chair.
791
792 Mr. Bell - Yes.
793
794 Mr. Blankinship - Do you want to call the question?
795
796 Mr. Bell - The motion to be --
797
798 Mr. Blankinship - The motion is to deny.
799
800 Mr. Bell - The motion to deny. All of those in favor say aye. All those
801 opposed say nay. Ayes have it.
802

803 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **denied** application
804 **CUP2020-00004 ANDREA SMITH'S** request for a conditional use permit pursuant to
805 Section 24-12€ of the County Code to allow a noncommercial kennel at 1 N Quince
806 Avenue (HIGHLAND SPRINGS) (Parcel 824-722-6253), zoned R-4, One-Family
807 Residence District (Varina).
808

809			
810	Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
811	Negative:		0
812	Absent:		0

813
814
815 Mr. Blankinship - All right. The next case is conditional use permit 2020,
816 number 9, LeSandra and Jerry Rose.
817

818
819 **CUP2020-00009 LESANDRA AND JERRY ROSE** request a conditional use permit
820 pursuant to Section 24-12(g) of the County Code to operate a family day home with
821 employees at 6453 Goldenrod Court (DARBYTOWN MEADOWS) (Parcel 809-702-
822 1282), zoned R-3C, One-Family Residence District (Conditional) (Varina).
823

824 Mr. Blankinship - And staff report will be presented by Mr. Madrigal.
825

826 Mr. Madrigal - Thank you, Mr. Secretary. Good morning, Mr. Chair,
827 members of the board. Good to see you all. It's been quite some time.

828
829 Before you is a request to allow a family day home with an outside employee in a one-
830 family district. The subject property consists of an approximately 8,000-square-foot lot
831 located on a cul-de-sac that backs onto a common area with a pond. The lot is improved
832 with a tri-level 1,600-square-foot home with open parking constructed in 1989. The rear
833 yard is enclosed by a 6-foot-tall wooden fence, which contains an 80-square-foot
834 detached shed and a 144-square-foot enclosed deck, or screen deck.

835
836 The owner acquired the parcel in March of 2007. The applicants have been renting the
837 home and running their family day home from the property since 2015.

838
839 Mrs. Rose is licensed by the state to run a large family day home for up to 12 children.
840 Both Mr. and Mrs. Rose are involved in the business, and they currently care for eight
841 young children. Their niece helps with the care on a part-time basis throughout the week.
842 They have requested a conditional use permit to allow a non-resident employee to assist
843 them with their business.

844
845 The property is zoned R-3C and is designated Suburban Residential 2 on the 2026 Future
846 Land Use Map. A one-family dwelling is a principal permitted use in an R-3 district and
847 is consistent with the land use designation. Family day homes with employees from
848 outside the home are allowed with the approval of a conditional use permit. The subject
849 property is part of a large and well-established single-family residential neighborhood in
850 which the applicants provide a valuable service to residents in the immediate area.

851
852 The home and property are of sufficient size for the proposed use. Although the property
853 is on a cul-de-sac, it has a concrete driveway that can accommodate two vehicles and
854 street parking for two additional vehicles. As long as the applicants adhere to the
855 recommended conditions of approval staff does not anticipate any detrimental impacts on
856 nearby property.

857
858 In conclusion, the proposed use is consistent with both the zoning and comprehensive
859 plan designations on the property. The applicants have been providing a valuable service
860 to the community for over five years at this location without any complaints or issues that
861 staff is aware of. Specific conditions of approval have been prepared by staff to mitigate
862 any detrimental impacts to nearby properties. Based on these facts, staff recommends
863 approval subject to the conditions. This concludes my presentation. I'll be happy to
864 answer any questions you may have.

865
866 Mr. Green - I have a question.

867
868 Mr. Madrigal - Yes, sir.

869
870 Mr. Green - Given that we're in a COVID environment, has anyone
871 checked with the state to see what the state recommends as it relates to this congregation

872 of individuals now in these homes, and if the rules have been relaxed, changed, or are
873 the same? Because I would be concerned about the number of individuals. What's the
874 maximum? I can't remember the maximum number of individuals that would be in that
875 house. But I know as we relax the rules, that there's also the opportunity for potential
876 spread of COVID. And what's the state saying?
877

878 Mr. Madrigal - I mean, quite honestly, I couldn't tell you that. But maybe that
879 question would be more appropriate for the applicant since this situation that we're in has
880 probably affected them directly they could probably tell you what exactly they've been
881 doing during this time.
882

883 Mr. Green - Well, I can appreciate what they have been doing, I'm just
884 talking about what the state is.
885

886 Mr. Madrigal - You know, but similar to the schools then I would assume that
887 they're closed. But we're in phase I now, so I understand -- If I understand correctly, I
888 think some of them have been opening with safety measures. But, again, I would have
889 to confirm that.
890

891 Mr. Bell - Any other questions?
892

893 Mr. Green - Also with the employees that they have, do they have special
894 parking for them?
895

896 Mr. Madrigal - Well there's two on-site parking stalls on the driveway, as you
897 can see here, and there's two spaces available on the street. So when I was there, there
898 was the one vehicle in the driveway and I believe there were two on the street at the time.
899

900 Mr. Green - Okay.
901

902 Mr. Bell - Are there are no more questions? Thank you. The we'll go
903 ahead and ask the applicant to speak. I was going to say as they come up, but she's not
904 coming up today.
905

906 Mr. Blankinship - Oh. Well actually I believe we do have the applicant coming
907 into the room.
908

909 Mr. Bell - All right.
910

911 Mr. Blankinship - Good morning.
912

913 Mr. Rose - My name's Jerry Rose. I'm the husband of LeSandra Rose.
914

915 Mr. Blankinship - All right.
916

917 Mr. Mr. Madrigal - Is that mic on?

918
919 Mr. Bell - Put your mic on, please.
920
921 Mr. Blankinship - Oh, don't touch it, please.
922
923 Mr. Rose - Okay.
924
925 Mr. Blankinship - Fred, is that microphone on? Go ahead and speak into it so
926 we can -- we're not hearing the microphone in the back of the room, Fred. Try again, sir.
927
928 Mr. Rose - Testing, one, two.
929
930 Mr. Blankinship - Ah. There we go. Thank you very much.
931
932 Mr. Rose - As I was stating in reference to the epidemic, we are working
933 within the codes. We are licensed for 12 kids. Right at this present time we only have
934 six kids. Every morning we allow the parent to come into the front door. They're sanitized
935 and each child temperature is checked every morning coming in, and in the middle of the
936 day. We -- and therefore we make sure that we meet the criteria of the state.
937
938 Mr. Bell - That answer your question?
939
940 Mr. Johnson - Do you check the person that's bringing their child in as well?
941
942 Mr. Rose - Yes.
943
944 Mr. Johnson - Okay. Thank you.
945
946 Mr. Rose - I check my temperature, everybody's temperature is checked
947 that goes in my property.
948
949 Mr. Johnson - Okay.
950
951 Mr. Rose - Matter of fact, I have my family check the temperature when
952 I'm closed.
953
954 Mr. Johnson - Okay.
955
956 Mr. Blankinship - Can you tell us a little bit more about your business, sir, just
957 how you got started and how long you've been operating. All those sorts of things.
958
959 Mr. Rose - Well we, my wife, we have 20 years of being in the business
960 we was in South Carolina. I left here in '89, I used to work for Virginia Power. When I
961 got laid off I went back down south and stayed there, raised my kids in the school system
962 there. I'm a pastor also. My wife has a passion for children. We have 5 of our own, 10

963 grands. And, therefore, she has a strong, I guess you say, referral base based on the
964 way she treats children and instructs the children.

965
966 And, therefore, we came back this way 2007. Wife was diagnosed with cancer 2008, but
967 she's cancer free. And she was working at a daycare then, so when she got back on her
968 feet I told her, Honey, why don't you go ahead and just keep a few kids. So it started with
969 this family, three or four to five, and then people heard about her from the daycare that
970 she used to work with, because they didn't take infants. And, basically, kids come in our
971 home it's infants and at the age of three we have them prepared to go back into a daycare
972 center. And so right now we at six children right now. Families been laid off so they can't
973 afford the, you know, the facilities.

974
975 Mr. Blankinship - And your employee is your niece, is that correct?

976
977 Mr. Rose - Yes. I work with the county, I'm a school bus driver.

978
979 Mr. Blankinship - Okay.

980
981 Mr. Rose - And I'm in and out, so she kind of fills the gap of that nature.
982 I think what happened was when we started giving a small monetary salary that puts us
983 in a different bracket, you know, as employee.

984
985 Mr. Blankinship - Right.

986
987 Mr. Johnson - I also noticed that you are certified up to 12 children.

988
989 Mr. Rose - Yes, sir.

990
991 Mr. Johnson - And you have in eight now? Six.

992
993 Mr. Rose - Well at the time that I submitted the application it was eight.

994 It's six right now.

995
996 Mr. Johnson - Six.

997
998 Mr. Rose - Yes.

999
1000 Mr. Johnson - Okay.

1001
1002 Mr. Rose - Daycare is a funny business, you know. We are blessed.

1003
1004 Mr. Johnson - Yes.

1005
1006 Mr. Rose - I've seen a lot of them get dropped to two and three.
1007

1008 Mr. Johnson - Yes. And I went out to see your facility and it's a nice area,
1009 nice community there.
1010
1011 Mr. Rose - It's very quiet.
1012
1013 Mr. Johnson - And very well kept, as well.
1014
1015 Mr. Rose - Yes. We're in a cul-de-sac. We have no crime in that area
1016 except, you know, like in the past a couple kids pranked, you know, going into cars. But
1017 outside of that we have no problems.
1018
1019 Mr. Johnson - Okay.
1020
1021 Mr. Bell - Any other questions?
1022
1023 Mr. Blankinship - Mr. Chair, we do have one person with us on WebEx that we
1024 believe wanted to speak to this case. We're not certain this is the correct case, but let's
1025 go ahead and call her and see.
1026
1027 Mr. Bell - All right. Is there anybody else who would like to speak to this
1028 case?
1029
1030 Ms. Deemer - Ms. Carolyn Brown, you're unmuted.
1031
1032 Ms. Brown - Are we unmuted?
1033
1034 Mr. Blankinship - Yes, ma'am.
1035
1036 Ms. Brown - Yes. My name is Carolyn Brown, and I am the owner of the
1037 property. LeSandra and Jerry Rose have lived there since 2012, and they are outstanding
1038 people. And they are very good community people. And the house they keep the house
1039 up well. Never know that a daycare is there, because she is an immaculate person that
1040 keeps the house looking well all the time.
1041
1042 Mr. Bell - Thank you.
1043
1044 Mr. Blankinship - All right. Thank you very much for joining us, Ms. Brown.
1045
1046 Mr. Bell - Is there anybody else that would like to speak for or against
1047 this case?
1048
1049 Ms. Deemer - We have no one else.
1050
1051 Mr. Blankinship - Okay. All right. A motion would be in order.
1052

1053 Mr. Johnson - I move that we approve the conditional use permit subject to
1054 the recommendation by staff. And the family day home provides an important service for
1055 our community and we need to support them where they are appropriate.

1056
1057 The only reason this approval is necessary because the owner's niece comes to their
1058 home to help them. As long as they abide by their state license and conditions of
1059 approval, this family day home will not have a detrimental impact on the neighborhood.
1060 And I recommend approval.

1061
1062 Mr. Green - Second.

1063
1064 Mr. Bell - Any more discussion? If not, all those in favor say aye. All
1065 those opposed say nay. Ayes have it. Case approved.

1066
1067 On a motion by Mr. Johnson, seconded by Mr. Green, the Board **approved** application
1068 **CUP2020-00009 LESANDRA AND JERRY ROSE's** request a conditional use permit
1069 pursuant to Section 24-12(g) of the County Code to operate a family day home with
1070 employees at 6453 Goldenrod Court (DARBYTOWN MEADOWS) (Parcel 809-702-
1071 1282), zoned R-3C, One-family Residence District (Conditional) (Varina). The Board
1072 approved this request subject to the following conditions:

- 1073
1074 1. This conditional use permit applies only to the operation of a large family day home
1075 with one employee from outside the home. All other applicable regulations of the County
1076 Code shall remain in force.
1077
1078 2. No more than 12 children, exclusive of the care provider's own grandchildren, may
1079 receive daycare services at any one time.
1080
1081 3. The hours of operations shall be limited to Monday through Friday, 6:00 am to 6:00
1082 pm.
1083
1084 4. Vehicles associated with the family day home, including vehicles used by the operator
1085 and employees, shall be parked on-site.
1086
1087 5. No later than August 1, 2020, the owner or applicant shall obtain a building permit to
1088 attach the enclosed deck to the home, or remove or relocate it so as to be in compliance
1089 with County requirements.

1090
1091
1092 Affirmative: Bell, Green, Johnson, Pollard, Reid 5
1093 Negative: 0
1094 Absent: 0

1095
1096
1097 Mr. Blankinship - All right, Mr. Chair. We have another, as I mentioned, we
1098 have another kernel on the application.

1099 Mr. Bell - Thank you.
1100
1101
1102 Mr. Blankinship - Conditional use permit 2020, number 11. Karen B. King.
1103
1104 **CUP2020-00011 KAREN B. KING** requests a conditional use permit pursuant to Section
1105 24- 12(e) of the County Code to allow a noncommercial kennel at 203 Algiers Drive
1106 (WOODLAWN TERRACE) (Parcel 829-717-5370), zoned R-4, One-family Residence
1107 District (Varina).
1108
1109 Mr. Blankinship - And the staff report will be presented by Mr. Madrigal.
1110
1111 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chair, members of the board.
1112 Before you is a request to allow a noncommercial kennel in a one-family residential
1113 district. The subject property is over 10,000 square feet in area. It is improved with a
1114 one-story 770-square-foot dwelling with open parking constructed in 1947.
1115
1116 The home has a large fenced-in rear yard approximately 6,700 square feet in area with
1117 several large trees. Mrs. King acquired the property in 1997 with her husband, who is
1118 now estranged. She owns four dogs and she has a permanent roommate that owns to
1119 additional dogs.
1120
1121 At the beginning of the year she allowed a friend to temporarily move into the home who
1122 brought his two dogs to the property, bringing the total number of animals to eight. The
1123 dogs are a mix of breeds consisting of four Staffordshire Terriers, two German shepherds,
1124 an Australian shepherd, and a hound mix. The dogs range between 1 1/2 to 11 years
1125 and are kept primarily indoors.
1126
1127 Because of the age and health issues of one of the dogs she had to just recently put one
1128 down, that was the hound mix. Also one of her roommates is looking to place one of the
1129 shepherds up for adoption by way of a rescue organization, which would bring the total
1130 number of dogs down to six. Finally, one of her roommates will be moving out soon which
1131 will reduce the total number of dogs down to four.
1132
1133 Over the last 10 years the property has had a history of zoning code violations related to
1134 indoor furniture and appliances being kept outside, along with some trash and debris. On
1135 a complaint basis, the county inspector discovered the eight dogs at the property and
1136 advised the applicant to voluntarily bring the total number of dogs into compliance. A
1137 notice of violation has not been issued in this case. She has subsequently filed for a
1138 conditional use permit for a non-commercial kennel to be able to keep the dogs as pets.
1139 The property is zoned R-4 and is designated Suburban Residential 2 on the 2026 Future
1140 Land Use map.
1141
1142 A one-family dwelling is a principal permitted use in this district and is consistent with the
1143 land use designation. The zoning ordinance allows for up to three pets by right as an
1144 accessory use with additional pets possible through the issuance of a CUP. All of the

1145 dogs are kept predominantly indoors and are let out into the rear yard for exercise and
1146 play. Although the rear yard is enclosed by a four-foot-tall chain-link and wooden fence.
1147 The county has not received any formal complaints with respect to the number of animals
1148 at this residence.

1149
1150 Upon visiting the site, staff did observe the property to be relatively clean and free of
1151 droppings. Having so many dogs in a small house is of concern, and the applicant is
1152 considering reducing the total number of animals down to six very soon and then over
1153 time down to four. Once her temporary roommate moves out, the total number of dogs
1154 residing at this property should be reduced. As long as the applicant follows through with
1155 these plans and adheres to the conditions of approval, there should be no substantial or
1156 lasting detrimental impacts on nearby property.

1157
1158 In conclusion, the keeping of seven dogs on a residential property would be more
1159 appropriate on a larger parcel of land where the homes are spaced farther apart and
1160 density limits are lower. The subject lot is approximately a quarter acre in area and is
1161 located in a dense and well-established neighborhood. The keeping of the seven dogs
1162 has the potential to detrimentally or negatively impact neighbors, and the applicant is
1163 voluntarily working towards reducing the number of pets within the next two to three
1164 months.

1165
1166 The property is close to Interstate 64, which helps to partially mitigate noise issues that
1167 might impact nearby property. Additionally, based on the lack of animal or noise
1168 complaints, it appears the applicant and her roommates are responsible owners.
1169 Accordingly, staff recommends approval of this request subject to conditions.

1170
1171 Again, as a side note, referring to the conditions, condition number one, I believe the
1172 condition right now reads eight, that should be reduced down to seven, because she did
1173 put one of her dogs down.

1174
1175 That concludes my presentation. I'll be happy to answer any questions.

1176
1177 Mr. Bell - Do we have any questions?

1178
1179 Mr. Johnson - You said there was a service dog?

1180
1181 Mr. Madrigal -- There's seven dogs at -- there were initially -- when the
1182 application came in there was eight.

1183
1184 Mr. Johnson - Service dog?

1185
1186 Mr. Madrigal - Oh they're service dogs?

1187
1188 Mr. Johnson - Yes.

1189

1190 Mr. Madrigal - That I could not answer. She didn't -- she didn't specify
 1191 whether they were service dogs or not.
 1192

1193 Mr. Bell - I noticed the owner said they had three adult dogs and a
 1194 service dog. The one that owns or lives in the facility, the main person?
 1195

1196 Mr. Madrigal - Right. When the application came in she had four dogs, but
 1197 then she recently put one down, so she's down to three. So the property owner has three.
 1198 Her permanent roommate has two, and then the temporary roommate has two.
 1199

1200 Mr. Johnson - Okay.
 1201

1202 Mr. Blankinship - So we're recommending approval of seven dogs for a period
 1203 of two months, and then as of August 1st it would be reduced to four dogs. Am I reading
 1204 that correctly?
 1205

1206 Mr. Madrigal - Yes.
 1207

1208 Mr. Johnson - Also, the four would also have the attrition of going down to
 1209 three.
 1210

1211 Mr. Blankinship - Yes.
 1212

1213 Mr. Madrigal - Yes. Over time it would be reduced down to three. And then
 1214 this permit would expire.
 1215

1216 Mr. Bell - Thank you. Any other questions? Do I hear a motion?
 1217

1218 Mr. Blankinship - Well let's see if we have the applicant on the line.
 1219

1220 Mr. Bell - That would help, wouldn't it? Yes. Excuse me. May the
 1221 applicant --
 1222

1223 Ms. Deemer - Ms. King, you're unmuted.
 1224

1225 Ms. King - Yes. I'm here.
 1226

1227 Mr. Bell - Would you step up to the mic and give us your name. Spell
 1228 it if you would, that always helps us, and tell us what your application's all about.
 1229

1230 Ms. King - Hang on a second. All right. I have three adult dogs. I had
 1231 four, one of which was my service dog, well he is my service dog. And the oldest dog I
 1232 had was an Australian shepherd, she was 11, and she had some problems and they
 1233 thought it was going to be cancer, so I just went ahead and had her put down. I didn't
 1234 want to see her hurting.
 1235

1236 And so now I'm down to three dogs of my own. I have a roommate that I used to work
1237 with that's been living with me after her father passed away and she has a sister to my
1238 service dog, and she has another dog that was a puppy to one of my other dogs. And
1239 she will be living here with me.

1240
1241 We are trying to get our finances together. My husband is going to sell this house and I'll
1242 have to move. And we're trying to find a place either, like, New Kent or Hanover where
1243 we can have more than three dogs. And we're trying to do that. But I'm disabled, I'm on
1244 disability, so it's kind of complicated. And she has just lost her job because of the COVID
1245 and is trying to find another job. So that's putting us back a little bit.

1246
1247 Then I have my mechanic, he has two dogs and he was kicked out of the property that
1248 he was living in. He was taking care of an elderly woman and she passed away and the
1249 children came in and sold the property and booted him out. So I have these two people
1250 living with me that don't have anywhere to go. The COVID is making them have, you
1251 know, not a whole lot of money so, you know, I myself only have three on the property
1252 now, but these others are their dogs, their responsibility, and everybody takes care of
1253 their own. Everybody's fed good, they have all the vet stuff is taken care of. I'm sorry.
1254 I'm tripping over my own teeth.

1255
1256 Mr. Blankinship - You're doing great. It's very difficult to do this online.

1257
1258 Ms. King - Yeah. I expect, you know, in the next couple of months I'm
1259 probably going to have to, you know, me and my roommate will probably have to find
1260 another place to stay. But in the meantime I was trying to get this, you know, license so
1261 that everybody can stay here, everybody can not have to worry about where they're going
1262 to go or what's going to happen. You know, the dogs are safe. Everybody gets along.
1263 Everybody goes out together. My dogs are crated when they're inside. Everybody's not
1264 running loose through the house. The only one that has run of the house is my service
1265 dog, the German Shepherd. I don't know what else to say.

1266
1267 Mr. Blankinship - That's fine. Thank you. Let's pause and see if any of the
1268 board members have a question for you.

1269
1270 Ms. King - Okay.

1271
1272 Mr. Bell - Any questions?

1273
1274 Mr. Johnson - So your time limit of being in that facility would be what, about
1275 two or three months?

1276
1277 Ms. King - Yeah. My husband said three to four months. Now he's said
1278 October or November he's expecting to sell the property.

1279
1280 Mr. Johnson - And right now you said you have three, and somebody else
1281 has two already?

1282
1283 Ms. King - Yes, sir. I have three, my roommate has two, my mechanic is
1284 sleeping on my sofa and he has two dogs. He does take his dogs during the daytime to
1285 the shop where he works at and puts them in a fenced area at the shop. They're only on
1286 the property at night to sleep. So the only dogs that are here during the daytime are my
1287 three and her two.
1288
1289 Mr. Bell - Any other questions?
1290
1291 Mr. Johnson - So the two dogs for your roommate, they're plan on keeping
1292 those two right?
1293
1294 Ms. King - Yes.
1295
1296 Mr. Johnson - And they'll be leaving when you leave out?
1297
1298 Ms. King - Yes. We are trying to find a place together, like in New Kent,
1299 so that we can have the five dogs, so we can have more dogs. But we don't, you know,
1300 I'm not getting any more. I just want to keep the ones I have and she wants to keep the
1301 two she has. So if my husband's going to sell the property, then we were trying to find a
1302 place in New Kent so we can, you know, not have to worry about it.
1303
1304 Mr. Bell - Thank you. Thank you.
1305
1306 Ms. King - You're welcome.
1307
1308 Mr. Bell - Any other questions? I have one, Ben. Basically, for us.
1309
1310 Mr. Blankinship - Yes, sir.
1311
1312 Mr. Bell - Can we add a time for this whole thing to expire since she's
1313 going to move?
1314
1315 Mr. Blankinship - Yes, sir. You can do that.
1316
1317 Mr. Bell - And she said two to three months, and then she said a little
1318 bit longer. So we can make this conditional use permit by putting a condition to it to say
1319 that this is good up until, like, November 1st, or whatever day we want there.
1320
1321 Mr. Blankinship - Yes. The end of the year, whatever you think would be
1322 appropriate.
1323
1324 Mr. Bell - The end of the year would sound good to me.
1325
1326 Mr. Blankinship - Whatever you think would be appropriate.
1327

1328 Mr. Bell - Any opinions on doing something like that from the staff?
1329
1330 Mr. Blankinship - Of the staff we could certainly enforce a condition like that.
1331 That's very specific and is directly related to the case. Yes.
1332
1333 Mr. Bell - How about a board member? Why don't we put the
1334 amendment on it and carry it until the end of the year?
1335
1336 Mr. Pollard - So in terms of number, are you suggesting allow the seven
1337 until the end of the year?
1338
1339 Mr. Johnson - Because they said they going to sell the house and have two
1340 or three months and they move, so if they violate it, then they have a problem.
1341
1342 Mr. Blankinship - Let's go ahead and take just a moment, Mr. Chair, to make
1343 sure there's nobody else in the public prepared to speak. Is there anyone else on the
1344 WebEx?
1345
1346 Mr. Bell - Is there anyone else who would like to speak for this or against
1347 it? If so please come to a mic and let us know.
1348
1349 Ms. Deemer - We have no one else identified on WebEx.
1350
1351 Mr. Bell - Thank you.
1352
1353 Mr. Blankinship - Thank you. All right. Now a motion would be in order.
1354
1355 Mr. Bell - I move that --
1356
1357 Mr. Johnson - Go ahead. Go ahead. Go ahead.
1358
1359 Mr. Bell - Just add mine to yours. Just add mine to yours. You're going
1360 to agree with me.
1361
1362 Mr. Johnson - Oh, yes.
1363
1364 Mr. Bell - So just go ahead and then we will add an amendment to it.
1365
1366 Mr. Johnson -- I move that we approve the conditional use permit subject to
1367 the conditions recommended by the staff including a limit of the seven dogs. This property
1368 is not large enough for eight dogs. I understand now that they got into this situation, but
1369 -- how they got into the situation, but now that there has been a complaint, Mrs. King need
1370 to bring the number of dogs to something more reasonable.
1371
1372 One of the temporary roommates moved out and they can place one of the dogs with a
1373 friend and the other four shouldn't have a detrimental impact on the neighborhood. And

1374 I recommend that the dogs would be, that they would have them until December, end of
1375 the year, end of December, to meet the recommendations from the board.

1376
1377 Mr. Blankinship - And how many did you want to allow between now and that
1378 date? Was it four or seven?

1379
1380 Mr. Johnson - Seven.

1381
1382 Mr. Blankinship - You want to allow all seven until the end of the year.

1383
1384 Mr. Johnson - Right.

1385
1386 Mr. Blankinship - Okay.

1387
1388 Mr. Johnson - Because they going to be moving out now.

1389
1390 Mr. Blankinship - Okay. Got it on there. Is there a second?

1391
1392 Mr. Bell - I second it.

1393
1394 Mr. Blankinship - All right, Mr. Chair, you can go ahead and call the question.

1395
1396 Mr. Pollard - Discussion.

1397
1398 Mr. Blankinship - Discussion.

1399
1400 Mr. Bell - All those in favor.

1401
1402 Mr. Blankinship - Mr. Pollard I think wants to speak.

1403
1404 Mr. Pollard - And so you don't know the -- just in case the -- because the
1405 original request was that -- what the staff had suggested to moving down from seven to
1406 four.

1407
1408 Mr. Johnson - Four, mm-hmm (affirmative).

1409
1410 Mr. Pollard - And so at the end of the year you suggesting that they go from
1411 seven to three?

1412
1413 Mr. Johnson - Three. Seven to three.

1414
1415 Mr. Blankinship - They'll all be moving out apparently.

1416
1417 Mr. Pollard - Right.

1418

1419 Mr. Johnson - Because nobody will be in there anyway. So it'll be none
1420 anyway.
1421
1422 Mr. Pollard - You're saying worst case scenario in case you end up
1423 staying?
1424
1425 Mr. Green - That's why Mr. Bell gave them extra time in the event that they
1426 don't move in the next two to three months.
1427
1428 Mr. Blankinship - And if they end up not moving at all, they'll just have to come
1429 back.
1430
1431 Mr. Pollard - Right.
1432
1433 Mr. Johnson - Right.
1434
1435 Mr. Pollard - Okay.
1436
1437 Mr. Bell - Any other discussion? If not, I believe we can go for a motion
1438 right now. Which we've already had by Mr. Johnson.
1439
1440 Mr. Johnson - Right.
1441
1442 Mr. Bell - And we reduced the number of dogs to seven until December
1443 31st, or the end of this year.
1444
1445 Mr. Johnson - Yes, sir. Right.
1446
1447 Mr. Bell - So all of those in favor of the motion say aye. All those
1448 opposed say nay. Ayes have it.
1449
1450 On a motion by Mr. Johnson, seconded by Mr. Bell, the Board **approved** application
1451 **CUP2020-00011 KAREN B. KING's** request for a conditional use permit pursuant to
1452 Section 24- 12(e) of the County Code to allow a noncommercial kennel at 203 Algiers
1453 Drive (WOODLAWN TERRACE) (Parcel 829-717-5370), zoned R-4, One-Family
1454 Residence District (Varina). The Board approved this request subject to the following
1455 conditions:
1456
1457 1. This conditional use permit applies only to a noncommercial kennel for the temporary
1458 keeping of no more than seven dogs at the property. The approval is not for the boarding
1459 or breeding of dogs at any time. All other applicable regulations of the County Code shall
1460 remain in force.
1461
1462 2. No later than December 31, 2020, the applicant shall reduce the total number of dogs
1463 at the property to three, as allowed in a residential district, at which time this permit shall
1464 expire.

1465
1466 3. The applicant shall maintain the property so that noise and odors are controlled.
1467

1468
1469 Affirmative: Bell, Green, Johnson, Pollard, Reid 5
1470 Negative: 0
1471 Absent: 0
1472

1473
1474 Mr. Blankinship - All right, Mr. Chair. I believe the next case is another family
1475 day home, and that is conditional use permit 2020, number 12, Lori Johnson.
1476

1477 **CUP2020-00012 LORI JOHNSON** requests a conditional use permit pursuant to Section
1478 24-12(g) of the County Code to operate a family day home with employees at 11740 Mill
1479 Road (Parcel 770-775-4308), zoned R-2, One-family Residence District (Brookland).
1480

1481 Mr. Blankinship - And I believe Ms. Johnson is in the building. Okay. She is on
1482 her way. And meanwhile Mr. Gidley will present the staff report.
1483

1484 Mr. Gidley - Thank you, Mr. Secretary. The subject property is located off
1485 Mill Road just west of Old Washington Highway. This is a view of the home here. The
1486 existing home is roughly 1,500 square feet in area and is on a half-acre lot. The applicant
1487 operates a family day home for up to 12 children, and her hours of operation are from
1488 7:30 a.m. to 5:30 p.m.
1489

1490 To assist in the children's care she has two outside employees. One is there during the
1491 morning and the second one is there during the afternoon. And as part of her recent state
1492 license review, she became aware that she does need a conditional use permit to have
1493 these two outside employees. Thus the application before you today.
1494

1495 In evaluating this request, the property is zoned R-2, One-Family Residence District, and
1496 is designated as Rural Residential on the comprehensive plan. A one-family dwelling is
1497 consistent with these designations and, as noted, a family day home with outside
1498 employees may be as well with the approval of a conditional use permit.
1499

1500 This is the aerial view of the property and surrounding area and, as you can see, it's
1501 generally residential in character. The homes have lots ranging from one-half acre up to
1502 five acres in size. And, as you can see, the applicant's property is one of the smaller lots.
1503 That said, she does have a larger driveway that is able to accommodate up to six vehicles.
1504 And this is a picture of the driveway right here. As a result, her employees are able to
1505 park on the property when they are there.
1506

1507 The applicant has indicated the children are kept inside the home, or in a fenced play
1508 area beside the home, which is right here. And this is beneficial as Mill Road is a two-
1509 lane road with a moderate traffic. This fenced play area here is roughly 100 feet from the

1510 closest residence, and given that, given the adequate parking on site, staff does not
1511 anticipate a substantial detrimental impact if this case were approved.

1512
1513 That said, following the staff report going out we did receive a written letter of opposition
1514 from the neighbor to the left side here and she indicated concerns about the parking on
1515 the site impacting her, and also the visual impact. And that letter was provided to you this
1516 morning, so you've probably seen that already. The applicant may wish to address those
1517 issues in her comments.

1518
1519 In conclusion a family day home provides a needed service to the community. The zoning
1520 is appropriate for such a home, and there is adequate parking on the applicant's property.
1521 Accordingly, staff recommends approval of this request subject to the conditions in your
1522 staff report. This concludes my presentation and if you have any questions, I will be
1523 happy to answer those. Thank you.

1524
1525 Mr. Green - Question I have with regarding impacts to the road use. With
1526 12 kids in there and 12 parents picking them up, are they -- where are they parking to
1527 pick the kids up because the kids -- the parking -- probably so many -- parking along that
1528 road.

1529
1530 Mr. Blankinship - Paul, Mr. Green's mic seems to have gone dead again. Could
1531 you repeat the question before we answer it?

1532
1533 Mr. Gidley - Yes, sir. Mr. Green is asking where people park when they
1534 pick up and drop off their children at the family day home. I don't have direct knowledge
1535 of that, Mr. Green. That's something I would ask the applicant. My assumption would be
1536 they would park in the driveway. One of those vehicles is mine when I went out on the
1537 site visit. And I would anticipate not all the children get dropped off at the exact same
1538 time. Traditionally they kind of come and go based upon their parent's schedules. But
1539 again, that's something you could address with the applicant. I can't speak directly to that
1540 myself.

1541
1542 Mr. Green - That one looks like a Maserati!

1543
1544 Mr. Blankinship - You see a Maserati with a county seal on the side please let
1545 me know.

1546
1547 Mr. Bell - Any other questions?

1548
1549 Mr. Blankinship - Mr. Chair, before we hear from the applicant, I understand that
1550 we do have somebody on the WebEx.

1551
1552 So let me just mention again in case they weren't here before. If you're watching us on
1553 WebEx and you intend to speak, we need to know that. So please turn on the chat
1554 feature. If you move your mouse down towards the bottom of the screen, you'll see
1555 several buttons appear. The fourth one from the left looks like a speech bubble. That's

1556 the chat function. Turn that on and then please send a chat to Kristin Smith. You'll see
1557 that choice when you get to the chat function. Select Kristin Smith and send her a chat
1558 letting her know your name and which case you would like to speak to. And, Mr. Chair,
1559 we do have the applicant in the room with us.

1560

1561 Mr. Bell - Good.

1562

1563 Mr. Blankinship - Ms. Johnson.

1564

1565 Ms. Johnson - Good morning.

1566

1567 Mr. Bell - Good morning. Good morning. Ms. Johnson, if you would,
1568 go ahead and give us a summary of your case.

1569

1570 Ms. Johnson - As is stated, I have a family day home, and it came to my
1571 attention for my last --

1572

1573 Mr. Bell - Could you speak into the mic?

1574

1575 Mr. Blankinship - Yes. Nice and loud please.

1576

1577 Ms. Johnson - Can you hear me?

1578

1579 Mr. Blankinship - Yes. That's good. Thank you.

1580

1581 Mr. Bell - Very good. That's much better. Thank you.

1582

1583 Ms. Johnson - It was brought to my attention during my last renewal
1584 inspection that I needed a conditional use permit because I had people that worked for
1585 me that lived outside the home. I have one teacher that helps me from the hours of 8:30
1586 a.m. to 2:15 p.m., and then I have another teacher that helps me from 1:00 p.m. to around
1587 the time that the children, you know, the numbers go down. Usually around 4:30 p.m. or
1588 5:00 p.m. They overlap from 1:00 p.m. to 2:15 p.m. so that I can take a lunch break, and
1589 then I'm, you know, there the entire time other than the lunch break, generally.

1590

1591 Mr. Blankinship - Did you hear the question about where people park?

1592

1593 Ms. Johnson - Yes, sir.

1594

1595 Mr. Blankinship - Maybe you could address that.

1596

1597 Ms. Johnson - So parking has been an issue in the past. The neighbor that
1598 complained to the left of me, he purchased the home in 2016. His name's Bryan Duke,
1599 he's a builder. He purchased the house. I had a license for the family day home, but I
1600 didn't have a helper at that point. I had eight. And I only have preschool-aged children,
1601 so I have children between the ages of 2 and 5, and I run it as a preschool. And I didn't

1602 have a helper at that time, but I did have the play area on the side and the families picking
1603 up and dropping off.

1604
1605 When he bought the property, I went over there and I made dinner and talked to him,
1606 introduced myself, it turned out I went to high school with him. I could show you, I have
1607 a picture, but the way that the driveway is for that home it's a loop and then there's a
1608 straight area closest to the house. So the loop that's closest to my home doesn't generally
1609 have to be used, you know, if they choose not to. So I asked if we could have permission
1610 to park there, you know, when there's busy pick-ups and drop-offs and they gave
1611 permission.

1612
1613 They moved into the house for about six months while they built a very large home for
1614 themselves, and then another neighbor, or another person, moved into the home. I did
1615 the same thing, you know, went over, introduced myself, made them dinner, asked if that
1616 was okay if we used it for parent pick-up and drop-off. They said that was fine. When
1617 that person moved out another person moved in, did the same thing. And so on.

1618
1619 And then, I guess, during this time Mr. Duke and his wife let me know that they wanted to
1620 tear down that existing house and put up two houses, but they didn't realize that they
1621 would need an alternative drainfield. Or two of them, I guess. They have one, they would
1622 need another. And so they learned there's a well on my property that wasn't in use, and
1623 they had to be 100 feet away from the well.

1624
1625 I was married for 23 years and I got divorced, but at the time I was married and my
1626 husband, approached me and asked, you know, about filling in the well. My husband
1627 worked for the environmental company. He was contacting to do the work and he denied
1628 the request.

1629
1630 And then he learned that we were going to get divorced and so he kind of waited until
1631 about this summer, I guess, in 2018 and he contacted me and asked to fill it in and offered
1632 me \$5,000 to fill it in. I said I would give it some thought. Talked to my dad about it, and
1633 my dad said that, you know, I didn't want this alternative drain field right next to the play
1634 area.

1635
1636 So I guess the last time I spoke to him was in 2018 when I told him I didn't want to do it.
1637 He said, you know, we've been really nice, we've let you use the parking. We've done all
1638 these things and now you, you know, you're not going to let us fill in the well. And I said,
1639 you know, I appreciate that you've let me use the driveway. If you've changed your mind,
1640 just let me know. He didn't take away permission at that point. Another renter moved
1641 into the home, that person lived there for about a year.

1642
1643 And then February of this year, I can give you the exact dates, I was on the playground
1644 with the other teacher and several of the children and a grandmother pulled up, a
1645 grandmother that works for, you know, she's worked for Henrico schools for years. She
1646 pulled up and went to pick up her grandchild and when she left, I saw him over there.
1647 They had been over there fixing up the house. He approached her vehicle and I called

1648 her later and said, did he say something to you? And she said, yeah. You know, he told
1649 me starting next week no one's going to be parking over here. And I said, was he nice?
1650 And she said actually, you know, he wasn't.

1651
1652 And then over the next couple of days, you know, between him and his wife they
1653 proceeded to fuss at several different families. Like one of my families walked in and
1654 said, do you have new neighbor's next door or something? Like, wow.

1655
1656 So then I got a certified letter in the mail saying that they observed we'd been using the
1657 area for parking and, you know, basically my business was not allowed to use the area.
1658 And then, over the weekend, a big No Trespassing, No Daycare Dropoff/Pickup sign was
1659 posted. And, mind you, during this time the house was vacant. They were just doing the
1660 work. About a month later another family moved in.

1661
1662 So with that being said, it's Mr. Duke's property, he's free to do with it what he wants. I
1663 just really didn't understand, you know, after three years or whatever if he was upset
1664 about the well why he just didn't walk over and knock on my door and have a face-to-face
1665 conversation and, you know, take away the permission.

1666
1667 My ex-husband moved out, he had a lot of things that you could see in the picture like a
1668 camper and a boat and things. All those things have been removed from the driveway.
1669 And, of course, right now with all the COVID things happening my numbers, I normally
1670 have 12 preschool children, I only have 6, and my helpers aren't -- they have other jobs
1671 right now.

1672
1673 You know, we plan hopefully for everything to go back to normal in September, so I'm
1674 working to make, you know, beyond the fence that you saw, and I think there's a picture,
1675 there's kind of a messy picture of, like, the further-back part of my driveway that has -- .
1676 There was a fence that went down in a storm, but since that time I've put the fence back
1677 up. I've cleaned all that stuff out in the back and there's enough room back there to make,
1678 like, a turnaround. And then, you know, people could park to the right behind the fence
1679 and then also at the front of the fence. So right there where the shed is, in between that
1680 area, there's room for, like, a vehicle, probably mine to be backed in right there.

1681
1682 I really don't even feel like it is safe anymore to back into Mill Road. The speed limit's 45,
1683 but people go much faster. So, like I said I, you know, I will admit, like, once we weren't
1684 able to use his driveway it was, you know, a lot of times shuffling the cars, you know,
1685 someone has to move to let someone else out. It wasn't ideal, but I think we have a
1686 solution for that.

1687
1688 Mr. Bell - Thank you. Are there any more questions?

1689
1690 Mr. Pollard - So you basically were saying that you can manage without
1691 using his driveway.

1692

1693 Ms. Johnson - Yes, sir. Like I said, he doesn't, you know, actually live there.
1694 It's, you know, renters. But, yes. I think it would be best at this point not to use anyone
1695 else's driveway if possible.
1696
1697 Mr. Bell - Any other questions? Okay.
1698
1699 Ms. Johnson - I also have like, three copies. I don't know if you'd like to see,
1700 but I did, you know, after seeing that they sent that negative letter on Monday I have
1701 letters from three other neighbors, you know, basically saying nice things about, you
1702 know, my business and my ability to be a good neighbor.
1703
1704 Mr. Bell - Ben, do you think we need copies for this?
1705
1706 Mr. Blankinship - Why don't you just set them on the chair there.
1707
1708 Ms. Johnson - Set them down?
1709
1710 Mr. Blankinship - Do you have a copy?
1711
1712 Ms. Johnson - Yeah. There's three. I don't know how many you needed.
1713 Sorry. I could read it if you like. Would you like me to read them?
1714
1715 Mr. Green - No.
1716
1717 Mr. Bell - No. Any other questions? Thank you, ma'am.
1718
1719 Mr. Green - I just wanted to say, Ms. Johnson. I can appreciate the
1720 position that you're in and, you know, the fact that folks were letting you use the driveway
1721 and they have a choice not to. That shouldn't put you in a really difficult situation. But if
1722 you seem to have made an alternative in that, then that just is very appreciative that you,
1723 you know, you have an alternative way in and out.
1724
1725 Mr. Bell - If no other questions, thank you, ma'am.
1726
1727 Ms. Johnson - Of course.
1728
1729 Mr. Bell - Is there anyone in the lobby or can hear our voice that would
1730 like to add anything to what she said? Is there anyone here who would like to say
1731 something against it?
1732
1733 Ms. Deemer - We have no one else on WebEx.
1734
1735 Mr. Blankinship - Thank you very much.
1736
1737 Mr. Bell - Okay. Thank you.
1738

1739 Ms. Johnson - Would you like to see the pictures that I was saying where I
1740 cleaned up the driveway area?

1741
1742 Mr. Bell - You need a copy of that?

1743
1744 Mr. Blankinship - I don't think it's necessary.

1745
1746 Mr. Bell- All right. We don't need a copy of that, ma'am.

1747
1748 Mr. Bell - We've got what we need right now.

1749
1750 Ms. Johnson - Right. And also in, I guess, the complaint it said that there
1751 was toys lined up and scattered that looked like some sort of landfill. And I did clean up
1752 that area.

1753
1754 Mr. Bell - Well, good. Thank you. That's all we need from you.

1755
1756 Mr. Green - Motion.

1757
1758 Mr. Bell - Yes, that's it. You can sit down if you like.

1759
1760 Ms. Johnson - Okay.

1761
1762 Mr. Bell - I'll make a motion that we approve the conditional use permit
1763 subject to the conditions recommended by the staff. Family day homes provide an
1764 important service in our community and we need to support them where they are
1765 appropriate. We have heard from the neighbor that in the past there has been a conflict
1766 over parking. Fortunately, the property has a large paved driveway and a gate. Condition
1767 number four requires the applicant to park her car on her own property and requires the
1768 employees to park on the property as well. As long as they abide by that condition, I
1769 believe this family day home will not have a detrimental impact on nearby property.

1770
1771 Mr. Pollard - I second that motion.

1772
1773 Mr. Bell - Any discussion? No discussion. We'll go to the vote. All
1774 those in favor of the conditional use permit say aye. All those opposed say nay. Ayes
1775 have it. Case approved.

1776
1777 On a motion by Mr. Bell, seconded by Mr. Pollard, the Board **approved** application
1778 **CUP2020-00012 LORI JOHNSON's** request for a conditional use permit pursuant to
1779 Section 24-12(g) of the County Code to operate a family day home with employees at
1780 11740 Mill Road (Parcel 770-775-4308), zoned R-2, One-family Residence District
1781 (Brookland). The Board approved this request subject to the following conditions:
1782

- 1783 1. This conditional use permit applies only to the operation of a large family day home
 1784 with two employees from outside the home. All other applicable regulations of the County
 1785 Code shall remain in force.
 1786
 1787 2. No more than 12 children, exclusive of the care provider's own grandchildren, may
 1788 receive daycare services at any one time.
 1789
 1790 3. The hours of operations shall be limited to Monday through Friday, 6:00 am to 6:00
 1791 pm.
 1792
 1793 4. Vehicles associated with the family day home, including vehicles used by the operator
 1794 and employees, shall be parked on-site.
 1795

1796			
1797	Affirmative:	Bell, Green, Johnson, Pollard, Reid	5
1798	Negative:		0
1799	Absent:		0

1800
 1801
 1802 Mr. Blankinship - All right, Mr. Chair. Our last case for this morning is
 1803 conditional use permit 2020, number 13, Todd Andrews.
 1804

1805 **CUP2020-00013 TODD ANDREWS** requests a conditional use permit pursuant to
 1806 Section 24- 95(i)(4) of the County Code to allow a pool in the side yard at 2901 Leffingwell
 1807 Place (Pine Run) (Parcel 735-754-3732), zoned R-2A, One-Family Residence District
 1808 (Tuckahoe).
 1809

1810 Mr. Blankinship - Mr. Madrigal will present the staff report.
 1811

1812 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chair, members of the board.
 1813 Before you is a request to allow an in-ground swimming pool in the side yard of a one-
 1814 family dwelling. The subject property is located at the southwest corner of Leffingwell
 1815 Place and Fox Meadow Drive in the Pine Run Subdivision. The lot is approximately
 1816 17,400 square feet in area, and is improved with a two-story, 4,351-square-foot home
 1817 with an attached two-car garage built in 1988.
 1818

1819 The lot is slightly elevated above the street level, and the rear yard is enclosed by a 6-
 1820 foot tall privacy fence. The rear yard is large, totaling over 6,200 square feet in area. The
 1821 applicant acquired the property in November of 2016 and now wishes to construct a 14'
 1822 by 30' in-ground swimming pool in the rear yard.
 1823

1824 Because the property is a reverse corner lot where the lot's rear abuts the side yard of
 1825 the adjoining property, the zoning ordinance requires enhanced setbacks. In this case
 1826 the applicant is required to provide a 65-foot street-side setback. Because he is only
 1827 providing a 49-foot street-side setback he is requesting conditional use permit for the
 1828 swimming pool.

1829
1830 The property is zoned R-2A and is designated Suburban Residential 1. A one-family
1831 dwelling is the principal permitted use in the R-2A district and is consistent with the land-
1832 use designation on the property. The proposed swimming pool is an accessory use that
1833 is customary and incidental to a one-family dwelling and is permitted by right when located
1834 in the rear yard subject to required setbacks. In this instance the applicant cannot meet
1835 the street-side setback and is requesting a CUP as allowed by code.

1836
1837 Although the property is a highly visible corner lot, the proposed pool should not have any
1838 substantial detrimental impacts on adjacent or nearby property. The rear yard is large
1839 and is enclosed by a 6-foot tall privacy fence providing screening from the public right of
1840 way and adjacent neighbors.

1841
1842 Because the lot is at a slightly higher grade than the street, the added height and existing
1843 landscaping contributes toward further screening the rear yard and the proposed pool.

1844
1845 The neighbor to the rear of the property closest to the pool should be minimally impacted.
1846 That property has a rear-load garage served by a driveway that separates it from the
1847 applicant's rear lot line. And here you can see that. This is the rear-load garage. The
1848 side of the garage is 25-foot distant from the common lot line, and there are no windows
1849 on that façade that face the pool.

1850
1851 The home is another 25-foot distant from the common lot-line for a total of 50 feet
1852 separation of the dwelling to the lot line. So from basically the fence line to the home
1853 here. And there are no windows on the second floor overlooking the proposed pool. The
1854 overall distance from the neighbor's main living area to the proposed pool will be -- will
1855 be over 70 feet and will not overlook the pool. Thus no detrimental impacts are anticipated
1856 on the rear neighbor or other immediate neighbors, as there are other properties with
1857 pools in the area.

1858
1859 In conclusion, the proposed use is consistent with both the zoning and comprehensive
1860 plan designations on the property. The applicants have lived at this location for four years
1861 and have gradually improved the property. The proposed pool will be located in the rear
1862 yard and will be screened from view by an existing privacy fence and landscaping. The
1863 higher lot elevation will further contribute to the screening of the proposed pool making it
1864 less visible from the street. The orientation of the rear-neighbor's home helps to mitigate
1865 any negative impacts from a pool upon that property. And the staff does not anticipate
1866 any significant detrimental impacts on adjacent or nearby property from the proposed
1867 pool.

1868
1869 Based on the facts of the case, staff recommends approval subject to conditions. That
1870 concludes my presentation.

1871
1872 Mr. Bell - Any questions? Thank you, Miguel.

1873

1874 Mr. Johnson - Even though there's a big fence around it, the property, is
1875 there a fence around the pool as well?
1876
1877 Mr. Madrigal - Not shown on the plan, sir. He'll have to comply with the
1878 building code requirement, so it could well be that the existing perimeter fence satisfies
1879 the enclosure requirement, but ultimately that's going to be decided by the building
1880 inspector.
1881
1882 Mr. Johnson - Okay.
1883
1884 Mr. Bell - Any other questions? Thank you, Miguel.
1885
1886 Mr. Madrigal - Thank you.
1887
1888 Mr. Bell - Let's go ahead and call the applicant.
1889
1890 Mr. Blankinship - Is there anybody in the lobby or anybody on WebEx to speak
1891 to this case?
1892
1893 Ms. Deemer - We have a Mr. Todd Andrews who is now unmuted.
1894
1895 Mr. Blankinship - Oh. Great. Good morning, Mr. Andrews.
1896
1897 Mr. Andrews - Good afternoon. Can you hear me okay?
1898
1899 Mr. Blankinship - Yes. Go ahead.
1900
1901 Mr. Andrews - Great. Thank you very much to the staff for the report. I think
1902 it kind of serves the purpose of what we're asking for. When we did our research, we
1903 weren't aware of the reverse corner lot piece that we needed an additional setback. We
1904 tried to comply with the setback, unfortunately, with underground cabling and trees that
1905 separate the two lots. I got together with my neighbors.
1906
1907 By the way, I've lived in Leffingwell Place my whole adult life. So the first thing I did was
1908 have conversations with all of my neighbors of what I wanted to do to make sure that
1909 nobody would have a problem with it. Every neighbor that we've talked to that are within
1910 four houses in all three directions have no issue with this pool. And when we finish, we'll
1911 re-landscape it. My understanding is there isn't an additional fence around the pool
1912 required by the building code. But we would certainly, you know, take care of whatever
1913 we needed to take care of to make sure it was within the code.
1914
1915 One thing that staff did uncover for me, which I was appreciative of, was my shed was
1916 actually in the drainage easement, so we're going to move that as well to accommodate
1917 this. And as part of the condition for getting this permit. And that'll be taken care of before
1918 we even start digging the pool. I'm going to actually have that done this week.
1919

1920 Mr. Bell - Thank you.

1921

1922 Mr. Johnson - Yes.

1923

1924 Mr. Bell - Any questions? Hearing none, then, we'll go on to the vote.

1925 Do I hear a motion?

1926

1927 Mr. Green - So moved.

1928

1929 Mr. Johnson - Second.

1930

1931 Mr. Bell - Do I hear any discussion?

1932

1933 Mr. Blankinship - I'm sorry. I didn't hear a motion.

1934

1935 Mr. Bell - I didn't either. We got to read it.

1936

1937 Mr. Reid - I move that we approve conditional use permit 20-13, subject

1938 to the conditions recommended by the staff. Because this is a reverse corner lot, the

1939 code allows only very small areas for a pool. This pool will be located behind the front

1940 plane of the neighbor's house, so the intent of the code will be met. Due to the slope and

1941 the privacy fence, the pool will not be visible from the road. There are no windows on the

1942 neighbor's house facing the pool, so it should not have a substantial detriment on the

1943 nearby property.

1944

1945 Mr. Bell - Do I hear a second?

1946

1947 Mr. Green - Second.

1948

1949 Mr. Bell - Any discussion? Then we'll go to the vote. All those in favor

1950 of approving the conditional use permit say aye. All those opposed say nay. Ayes have

1951 it. Conditional use permit 13 is approved.

1952

1953 On a motion by Mr. Reid, seconded by Mr. Green, the Board **approved** application

1954 **CUP2020-00013 TODD ANDREW'S** requests a conditional use permit pursuant to

1955 Section 24- 95(i)(4) of the County Code to allow a pool in the side yard at 2901 Leffingwell

1956 Place (Pine Run) (Parcel 735-754-3732), zoned R-2A, One-Family Residence District

1957 (Tuckahoe). The Board approved this request subject to the following conditions:

1958

1959 1. This conditional use permit applies only to the placement of an in-ground swimming

1960 pool 49 feet from the street side property line. All other applicable regulations of the

1961 County Code shall remain in force.

1962

1963 2. Only the improvements shown on the plot plan filed with the application may be

1964 constructed pursuant to this approval. Any additional improvements shall comply with the

1965 applicable regulations of the County Code. Any substantial changes or additions to the
1966 design or location of the improvements shall require a new conditional use permit.

1967
1968 3. All exterior lighting shall be shielded to direct light away from adjacent property and
1969 streets.

1970
1971 4. The swimming pool shall be enclosed as required by the Building Code.

1972
1973 5. No later than August 1, the applicant shall relocate the existing shed out of the utility
1974 and drainage easement area running along the rear property line.

1975
1976 6. The applicant shall obtain a building permit for the pool no later than May 31, 2022, or
1977 this conditional use permit will expire.

1978

1979

1980 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5

1981 **Negative:** 0

1982 **Absent:** 0

1983

1984

1985 Mr. Bell - And that carries us straight on into the minutes draft that we
1986 have out. Now did anybody find anything on the minutes that needs to be changed or
1987 corrected? If not, then let's make a move, let's say we accept the minutes the way they
1988 are. All those in favor say aye. All those opposed say nay. Minutes approved.

1989

1990 The Board **approved the minutes** of the **February 27, 2020** public hearing.

1991

1992

1993 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5

1994 **Negative:** 0

1995 **Absent:** 0

1996

1997 Mr. Bell - Is there any new business or old business? Ben?

1998

1999 Mr. Blankinship - No, sir.

2000

2001 Mr. Bell - I had -- I had -- I had a -- by going through this I think we've
2002 all pretty much learned any changes that might come in the future. So I was going to
2003 suggest, you know, maybe getting together and telling us what changes there might be
2004 regarding this. But since it was going through, I don't think that's necessary right now.
2005 How about any of the rest of the board members? All feel comfortable with it? Okay. At
2006 least understand it. That was my problem. All right. Thank you. That's it.

2007

2008 Mr. Blankinship - Thank you, Mr. Chair.

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Mr. Gentry Bell, Chair



Mr. Benjamin W. Blankinship, Secretary