

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 27, 2021 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN  
5 THE RICHMOND TIMES-DISPATCH MAY 10, 2021 AND MAY 17, 2021.

6

7

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

13

14 Also Present: Benjamin Blankinship, Secretary  
15 Paul M. Gidley, County Planner  
16 R. Miguel Madrigal, County Planner  
17 Lisa Blankinship, County Planner  
18 Kristin Smith, County Planner  
19 Kuronda Powell, Account Clerk

20

21

22 Mr. Green - Good morning and welcome to today's meeting of the Henrico  
23 County Board of Zoning Appeals. For those who are able, please stand and join me in  
24 the Pledge of Allegiance.

25

26 **[Recitation of the Pledge of Allegiance]**

27

28 Mr. Blankinship will now read our rules.

29

30 Mr. Blankinship - Good morning, Mr. Chair, members of the Board, ladies and  
31 gentlemen. The rules for this meeting are as follows. There are two remote options for  
32 participating in this meeting. There's a livestream on the Planning Department web page,  
33 and we are hosting a video conference using Webex.

34

35 I'd like to welcome everyone who is joining us remotely. If you wish to observe the  
36 meeting, but you do not intend to speak, then welcome and thank you for joining us.

37

38 For those of you on Webex, if you wish to speak, we need to know that in advance so we  
39 can connect you at the appropriate time. So if you are an applicant or if you have  
40 questions or comments on one of the cases, please press the chat button now. It's  
41 located in the bottom right corner of the screen. And when the chat window opens, please  
42 select Kristin Smith from the list of participants and let her know your name and which  
43 case you are interested in.

44

45 The chat feature is only being used to identify speakers, so please do not type questions  
46 or comments into the chat. But please send a chat to Kristin Smith now so we can  
47 organize the queue.

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

55  
56  
57 This meeting is being recorded. So for those in the room, we will ask you to speak into  
58 the microphone on the lectern in the back of the room there. We'll ask you to state your  
59 name. And please spell your last name so we get it correctly in the record.

60  
61 All five members are here. But, Mr. Chair, we do have one request for deferral. So if you  
62 want to start the meeting with that.

63  
64 Mr. Green -                         Okay, Mr. Blankinship.

65  
66 Mr. Blankinship -                     That would be conditional use permit 2021, number 12.  
67 Greater Richmond Aquatics Partnership.

68  
69 **CUP2021-00012 GREATER RICHMOND AQUATICS PARTNERSHIP** requests a  
70 conditional use permit pursuant to Section 24-12(b) of the County Code to expand a  
71 noncommercial recreation facility at 317 N Wilkinson Road (Parcel 792-753-8870) zoned  
72 One-Family Residence District (R-2A) (Fairfield).

73  
74 Mr. Blankinship -                     And I believe we have the attorney, Mr. Geiger, on Webex.

75  
76 Ms. Blankinship -                     Mr. Geiger has now been unmuted.

77  
78 Mr. Geiger -                             Good morning members of the board. Jeff Geiger here on  
79 behalf of the applicant. The applicant, Greater Richmord Aquatics Partnership, is  
80 requesting a deferral until your September Board meeting so that the applicant will have  
81 more time to work with the community on the request. During this time, the applicant will  
82 be improving and operating the pool under the current conditional use permit.

83  
84 Happy to answer any questions that the Board may have regarding this deferral.

85  
86 Mr. Green -                             Is there a motion to defer until the September meeting?

87  
88 Mr. Pollard -                             I move that we defer this application to September 23rd, like  
89 he said, to allow additional time for the applicant to respond to the objections that have  
90 been raised by the neighbors.

91  
92 Mr. Green - Any other discussion? All in favor?  
93  
94 Mr. Blankinship - Was there a second?  
95  
96 Mr. Green - Was the second?  
97  
98 Mr. Bell - Second.  
99  
100 Mr. Green - All in favor?  
101  
102 On a motion by Mr. Pollard, seconded by Mr. Bell, the Board **deferred application**  
103 **CUP2021-00012 until the September 23, 2021 Board of Zoning Appeals meeting.**  
104  
105  
106 **Affirmative:** **Bell, Green, Johnson, Pollard, Reid** 5  
107 **Negative:** 0  
108 **Absent:** 0  
109  
110  
111 Mr. Green - It has been deferred, sir.  
112  
113 Mr. Geiger - Thank you.  
114  
115 Mr. Green - You're welcome. Mr. Blankinship?  
116  
117 Mr. Blankinship - All right. Our first case this morning -- we have two conditional  
118 use permits left on the agenda and we also have four variances on the agenda.  
119  
120 So to begin with the conditional use permits. Conditional use permit 2021, number 10,  
121 Michael Kennedy.  
122  
123 **CUP2021-00010 MICHAEL KENNEDY** requests a conditional use permit pursuant to  
124 Section 24-95(i)(4) of the County Code to build a garage in the front yard at 3300 Wood  
125 Brook Lane (ROCK SPRING ESTATES) (Parcel 766-777-2577) zoned Agricultural  
126 District (A-1) (Brookland).  
127  
128 Mr. Blankinship - Is there anyone in the room who is here to speak to that case?  
129 All right. We do have Mr. Kennedy on Webex, so we'll begin with Mr. Madrigal and the  
130 staff report.  
131  
132 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the Board,  
133 good morning.  
134  
135 Mr. Green - Good morning.  
136

137 Mr. Pollard - Good Morning.  
138  
139 Mr. Johnson - Good morning.  
140  
141 Mr. Madrigal - Before you is a request to build a detached garage in the front  
142 yard of the one-family residence. The subject lot is located at the northeast corner of  
143 Wood Brook Lane and Wood Brook Court in the Rock Spring Estate Subdivision.  
144  
145 The property is over 69,000 square feet in area. It is densely wooded and slopes down  
146 in a northeasterly direction and at a 5 percent slope. It is improved with a two-story,  
147 2,500-square-foot home with an attached two-car garage that was constructed in 1999.  
148  
149 Although a lot of fronts on Wood Brook Court, the home is oriented towards Wood Brook  
150 Lane and is accessed by way of a gravel driveway off of the side street. Other  
151 improvements include 144-square-foot shed that's located in the rear yard. The property  
152 is served by county water and an on-site septic system.  
153  
154 The applicant acquired the property in 1996 and had a house built there in 1999. Although  
155 the house has an existing attached two-car garage, the applicant would like to build a  
156 detached garage, one story in height, 670 square feet in area at the end of this driveway  
157 oriented towards Wood Brook Lane.  
158  
159 While the proposed garage would appear to be located behind the house, it would actually  
160 be located in the front yard as the lot fronts on Wood Brook Court. Thus, the applicant is  
161 requesting a conditional use permit to place the garage in the front yard as allowed by  
162 code.  
163  
164 The property is zoned A-1 and is designated Rural Residential on the 2026 Future Land  
165 Use Map. A one-family dwelling is consistent with both designations. Accessory  
166 structures are permitted by right in the rear yard and can be approved in the front or side  
167 yard by a conditional use permit.  
168  
169 Although the proposed garage would appear to be behind the house because of the  
170 home's orientation facing towards the side street, again, it would actually be in the front  
171 yard.  
172  
173 The garage would be approximately 120 feet from the street-side property line, 62 feet  
174 from the front property line, and 46 feet from the interior-side property line. There would  
175 be a minimum 50-foot tree buffer along the entire width of the front yard and a 45-foot  
176 tree buffer along the interior side yard between the applicant and their neighbor. The  
177 eastern neighbors' dwelling is approximately 25 to 30 feet distant from the common  
178 property line, and is separated by an asphalt driveway.  
179  
180 The garage should not pose any detrimental impacts due to the heavy screening provided  
181 by existing trees and vegetation, which the applicant intends to preserve. The proposed

182 garage should not have any visual or aesthetic impact on the streetscape or the adjacent  
183 neighbor due to the proposed setbacks and the wooded nature of the lot.

184  
185 The garage will emulate the architectural style of the home and match it in materials and  
186 color. Both the existing and the proposed garage will be used to store the applicant's  
187 vehicles and boat.

188  
189 Although the proposed structure could be built in the lot's rear yard, the applicant prefers  
190 the proposed location to capitalize on the existing driveway, to preserve on-site trees, and  
191 to avoid conflicts with the existing septic drainfield located in the northeastern quadrant  
192 of the lot.

193  
194 In conclusion the applicant intends to construct a detached two-car garage behind his  
195 existing home. Although the garage will appear to be in the rear yard it will technically be  
196 in the front yard due to the orientation of the lot. No significant detrimental impacts are  
197 anticipated due to the large size of the lot, generous setbacks, and dense screening.  
198 Also, the proposed garage will match the architectural style and materials of the existing  
199 dwelling.

200  
201 Staff has drafted specific conditions of approval to mitigate any potential detrimental  
202 impacts. As long as the applicant adheres to the suggested conditions, staff recommends  
203 approval of this request.

204  
205 We've received several phone calls from adjoining neighbors on this. Once staff  
206 explained the circumstances of the request there were no concerns. This concludes my  
207 presentation. I'll be happy to answer your questions.

208  
209 Mr. Green - Are there any questions from Board members? We'll now  
210 hear from the applicant.

211  
212 Ms. Blankinship - Mr. Kennedy is now unmuted.

213  
214 Mr. Kennedy - Oh, yes. Good morning. Thank you for hearing the case this  
215 morning.

216  
217 I think the Planning staff covered it nicely. I don't have anything to add unless there are  
218 any questions. I think the fundamental issue is, although it technically is in my front yard,  
219 from a sort of architectural point of view, an aesthetics point of view I would prefer the  
220 garage be behind the house where the proposed location shows right there. Again, by  
221 zoning code it is the front yard, as you can see, it really appears to be the rear of my  
222 house. So that's my preference.

223  
224 To the left side of the house, as you're facing to that north side, I have a nice tree buffer  
225 with my neighbor to the other side. And to place the house on that side would involve the  
226 removal of a lot of trees on that side, a nice natural buffer, as well as having to install a

227 second driveway, which takes out a large amount of that privacy buffer between myself  
228 and my neighbor. So. I am happy to answer any questions if the Board has any.  
229

230 Mr. Green - Are there any questions from members of the Board?  
231

232 Mr. Pollard - I just wanted to ask, were you familiar with the conditions of  
233 approval and do you agree to them?  
234

235 Mr. Kennedy - Yes. Yes. I have read through the conditions of approval and  
236 spoken to staff members and I have no concerns about the conditions of approval.  
237

238 Mr. Pollard - Thank you.  
239

240 Mr. Green - Does anyone else wish to speak in support of this request?  
241

242 Mr. Bell - You've read and understand the conditions?  
243

244 Mr. Blankinship - Yes. He just acknowledged it.  
245

246 Mr. Kennedy - Yes, sir.  
247

248 Mr. Green - Does anyone else wish to speak in support of this plan? Does  
249 anyone wish to speak in opposition? Hearing none, is there a motion.  
250

251 Ms. Blankinship - We have no one on --  
252

253 Mr. Green - Excuse me?  
254

255 Ms. Blankinship - We have no one on Webex.  
256

257 Mr. Blankinship - I think that's fine. Go ahead.  
258

259 Mr. Bell - I move that we approve the conditional use permit subject to  
260 the conditions recommended by the staff. This is a large corner lot. And the house was  
261 built facing the side street. To anyone driving down the street, the garage will appear to  
262 be in the front yard -- or rear yard. And then the garage will not be detrimental to the  
263 neighbors. So I think we should approve it.  
264

265 Mr. Johnson - I second that.  
266

267 Mr. Green - The motion was made by Mr. Bell and seconded by Mr.  
268 Johnson. All in favor. Oh, is there any discussion? All in favor.  
269

270 On a motion by Mr. Bell, seconded by Mr. Johnson, the Board **approved** application  
271 **CUP2021-00010 MICHAEL KENNEDY**'s request for a conditional use permit pursuant  
272 to Section 24-95(i)(4) of the County Code to build a garage in the front yard at 3300 Wood

273 Brook Ln (ROCK SPRING ESTATES) (Parcel 766-777-2577) zoned Agricultural District  
274 (A-1) (Brookland). The Board approved the request subject to the following conditions:  
275

276 1. This conditional use permit applies only to the location of a detached garage in the  
277 front yard. All other applicable regulations of the County Code remain in force.  
278

279 2. Only the improvements shown on the plot plan and building design filed with the  
280 application may be constructed pursuant to this approval. Any additional improvements  
281 must comply with the applicable regulations of the County Code. Any substantial changes  
282 or additions to the design or location of the improvements will require a new conditional  
283 use permit.  
284

285 3. The new construction must match the existing dwelling as nearly as practical in  
286 materials and color.  
287

288 4. Before beginning any clearing, grading, or other land disturbing activity, the applicant  
289 must obtain approval of an environmental compliance plan from the Department of Public  
290 Works.  
291

292 5. Any exterior lighting must be shielded to direct light away from adjacent property and  
293 streets. Exterior light fixtures will be limited to the western and northern facades.  
294

295 6. The applicant must obtain a building permit for the proposed garage by May 29, 2023,  
296 or this conditional use permit will expire. If the building permit is cancelled or revoked after  
297 that date due to failure to diligently pursue construction, this conditional use permit will  
298 expire at that time.  
299

300

<b>Affirmative:</b>	<b>Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>		<b>0</b>

301

302 Mr. Green - Motion has been approved. Thank you.  
303

304 Mr. Kennedy - Thank you.  
305

306 Mr. Green - We will now talk about conditional use permit 00011.  
307

308 Mr. Blankinship - Yes, sir. That's the application of Claudia Robles Arias.  
309

310

311 **CUP2021-00011 CLAUDIA ROBLES ARIAS** requests a conditional use permit pursuant  
312 to Section 24-12(g) of the County Code to operate a family day home with employees at  
313 10401 Staples Mill Road (Parcel 764-765-7780) zoned One-Family Residence District (R-  
314 2) (Brookland).  
315

316

319 Mr. Blankinship - And Mr. Chair, I'll call your attention to the memorandum that  
320 was left on the table that came in either last night or this morning regarding this case.  
321

322 Mr. Green - Yes, sir.  
323

324 Mr. Blankinship - Is there anyone in the room who intends to speak to this case?  
325 Okay. We do have the applicant on Webex again. So Mr. Gidley, if you can go ahead  
326 with your staff report.  
327

328 Mr. Gidley - Yes, sir. Thank you, Mr. Secretary. Good morning, Mr. Chair,  
329 members of the Board.  
330

331 Mr. Green - Good morning.  
332

333 Mr. Gidley - The subject property consists of a 0.84-acre parcel located at  
334 the northeast side of Staples Mill Road near its intersection with Courtney Road. It  
335 contains a 922-square-foot home and was purchased by the applicant last August. She  
336 currently operates a family day home here where care is provided for up to 12 children.  
337

338 And this is a picture of the home right here.  
339

340 The applicant previously inquired about rezoning to allow a commercial daycare, like a  
341 KinderCare, but was told the surrounding residential zoning and land use plan designation  
342 made such a request a challenge. In lieu, she has decided to hire an outside employee  
343 to assist in the care of the children at the existing family day home. Because an outside  
344 employee requires the approval of a conditional use permit, she has submitted the  
345 application currently before you.  
346

347 In evaluating this request for consistency with the Comprehensive Plan and zoning  
348 ordinance, the property is designated as Suburban Residential 1 on the Future Land Use  
349 Map, and it is zoned R-2 One-Family Residence District.  
350

351 As you can see here, it is served by a gravel driveway that is on Staples Mill Road.  
352 Staples Mill Road is a major arterial highway that carries substantial traffic. The zoning  
353 ordinance allows a family day home as an accessory use to the applicant's residence.  
354

355 And, as I said, an outside employee is allowed by a conditional use permit. The  
356 Department of Community Revitalization did receive a complaint that the applicant did not  
357 reside at the home as required for a family day home, but instead, lived elsewhere. In  
358 response, she indicated that she would live there during the five-week nights that she  
359 operates the family day home, and the complaint was closed.  
360

361 Since the staff reports went out, we did receive three letters of opposition that should be  
362 at your desk. We printed out copies and then it dawned on me the applicant would not  
363 be here today because I was going to hand them out.  
364

365 So, just briefly, for the applicant's benefit, the letters came from 10333 Old Courtney,  
366 10325 Old Courtney, and one of the adjacent properties. I don't have the number here  
367 right now.

368  
369 And essentially what the letters are saying is, the applicant, they believe, should live at  
370 the home seven days a week. Given the size of the home at 995 square feet, the number  
371 of children should be limited.

372  
373 And, finally, there's concern about traffic and the speed of traffic on Staples Mill Road,  
374 which is a busy highway. And, you know, how that would impact the ability of people to  
375 turn on and off safely onto that street. And therefore, there may need to be, some sort of  
376 improvements there to accommodate that traffic. That's essentially what the three letters  
377 are saying.

378  
379 In conclusion, the family day home has adequate parking and a large, fenced, rear yard  
380 that provides a safe area for the children to play. The outside employee should not have  
381 a detrimental impact on nearby property. So long as the property is the applicant's  
382 primary dwelling, staff recommends approval of this request, subject to the conditions in  
383 your staff report.

384  
385 This concludes my presentation and I'll be happy to answer any questions you may have.  
386 Thank you.

388 Mr. Bell - Mr. Chairman, one question.

390 Mr. Green - Yes, sir.

391  
392 Mr. Bell - This slide we have right now shows a fence in front of the  
393 house going down towards Old Courtney Road. And approximately half of it -- the other  
394 side of the fence is a grassed area.

Now, if it goes to 12 kids, they got room to turn around one car over here in a circle so that it won't have to back out onto Staples Mill Road, which is very, very dangerous I would think, backing out. Or having to wait there in the morning for cars to come. So it's got room for two or three cars that come in. More than that -- there's going to be problem.

401 But my question, after saying that, is where the fence is. It's nice fence, it's grass there  
402 right now. Additional parking for special affairs or something. Can it be used along there  
403 in terms of to park a car? Or is it too low, too muddy, or things such as that?

404  
405 Mr. Gidley - The applicant submitted a plot plan indicating, you know,  
406 graveling the entire area along Staples Mill Road. As you can see on the picture I just  
407 had up --

409 Mr. Bell - Yeah

411 Mr. Gidley - The whole area has not been graveled. As far as whether or  
412 not she could get to gravel the entire front, I'll let her answer that, because she has more  
413 knowledge of the property than I do.

414

415 Mr. Bell - All right. Is it listed as a condition? I didn't think it is.

416

417 Mr. Gidley - No, sir.

418

419 Mr. Bell - Okay.

420

421 Mr. Gidley - No sir. We did not make that a condition.

422

423 Mr. Bell - All right. It looks like there's plenty of room for two or three  
424 cars and I drove by it. If they organize to let the children off at the house there and then  
425 circle on back around and go out there should not be any problem for a small amount of  
426 cars is what I get a feel that you all might have saw when you were over there.

427

428 Mr. Gidley - Depends on the number of cars --

429

430 Mr. Bell - Yeah.

431

432 Mr. Gidley - --at any given time.

433

434 Mr. Bell - The cars at any given time.

435

436 Mr. Gidley - There was one vehicle, as you can see, for the owner when  
437 we were there. So. You've got to be careful getting on and off of Staples Mill, obviously.

438

439 Mr. Bell - Yeah.

440

441 Mr. Gidley - But it's, you know, people going by 55-plus at that point. But  
442 if there were more cars, then I'm sure that would be more of a challenge.

443

444 Mr. Bell - Yeah. And it's a two-lane highway as well.

445

446 Mr. Gidley - Two lanes westbound, yes.

447

448 Mr. Blankinship - In each direction.

449

450 Mr. Bell - In each direction, yes. All right. Thank you.

451

452 Mr. Gidley - Yes, sir.

453

454 Mr. Green - Are there any other questions from the Board?

455

456 Mr. Blankinship - The applicant is on Webex. Whenever you're ready.

457  
458 Mr. Johnson - All right. Well I have one question. The staff report said that  
459 they are not there during the weekend, but they are there during the day. Did you say for  
460 the five days that they are operating?

461  
462 Mr. Gidley - Yes, sir. In my discussion with the inspector who had the  
463 complaint, my understanding is the applicant was listed as being a resident of Hanover  
464 County. And obviously, a family day home that you typically get, is, you know, where  
465 somebody lives and during the day, they care for children there and then, you know, at  
466 night, they live there like you and I live in our homes.

467  
468 So the inspector approached and talked to the applicant. And I guess the applicant  
469 responded that she was willing to live there during the weekdays in order to comply with  
470 code. So at that point, Community Maintenance went ahead and closed the case.  
471 Because I guess the feeling is, you know, people do have weekend homes at the beach  
472 or the mountains where they may go off to, but this should be her primary residence even  
473 if it's five days a week. I think their approach was reasonable in Community Maintenance.

474  
475 Mr. Green - Are there any questions from the Board before we hear from  
476 the applicant? We'll now hear from the applicant.

477  
478 Ms. Arias - Hi, good morning.

479  
480 Mr. Green - Sorry, excuse me. Mr. Bell?

481  
482 Ms. Blankinship - The applicant is now muted.

483  
484 Mr. Green - Mr. Bell has another question before we move to the  
485 applicant.

486  
487 Mr. Gidley - Yes, sir.

488  
489 Mr. Bell - I understand they also had been using this as a daycare  
490 center with more than 5 people ever since about November of last year.

491  
492 Mr. Gidley - She did purchase the property in August. And sometime after  
493 that she did open up a family day home.

494  
495 Mr. Bell - All right.

496  
497 Mr. Gidley - You're allowed up to 12 children by right. Where the problem  
498 can come in, obviously, is the state has regulations dealing with not only the number of  
499 children, but even the age of the particular child. Obviously, an eight-year-old is not as  
500 difficult as say a three-year-old, you know, from a safety perspective.

502 So the state has a pattern or a formula when it comes to how many people you need  
503 there to keep an eye on the children. And so how many she can actually have with just  
504 one person versus, you know, two people under state code I can't really speak to that.

505  
506 Mr. Bell - All right.

507  
508 Mr. Gidley - I'm just saying, under the zoning ordinance, you can, in theory  
509 have up to 12 children.

510  
511 Mr. Bell - Okay. But prior to that, when she was going to be just keep  
512 five kids all along -- I guess I'm wondering how long has it been used as a daycare center,  
513 be it five or the maximum number?

514  
515 Mr. Gidley - I would direct that to the applicant, because I don't have first-  
516 hand knowledge.

517  
518 Mr. Bell - Thank you.

519  
520 Mr. Gidley - Yes, sir.

521  
522 Mr. Blankinship - All right. Let's hear from the applicant then.

523  
524 Ms. Blankinship - The applicant is now unmuted.

525  
526 Ms. Robles - Hi. Good morning. My name is Claudia Robles. Thank you  
527 for giving me the opportunity to speak.

528 So in reference of the licensing, I am licensed through the Virginia Department of Social  
529 Services. And they are able to come here unannounced and check on the ratio. So as  
530 far as that, I've gone through the process, the lengthy process of getting the license. Just  
531 the document to get everything in place is over 100 pages.

532  
533 And I worked in order to get that license. So that has approval from zoning and just so  
534 many other things. Education, First-Aid certifications, and so many other things. So as  
535 far as being in compliance with Virginia Department of Social Services, I am.

536  
537 The reason I said that I'm mainly here Monday through Friday is because I also have two  
538 older children. I have a 15-year-old 10th grader that does year-round swim in Hanover  
539 Aquatics Swim Club. I also have an 11-year-old son who plays travel soccer at Dynamo.  
540 And I also have a four-year-old.

541  
542 So, anyways, the toys in the backyard are for my four-year-old. They are mainly for  
543 younger kids. That's why I also decided to open up my -- it's the only Spanish immersion  
544 preschool in the entire Richmond area.

545  
546

547 I moved here. But a couple of years ago, in 2019, I even won a national award through  
548 PBS Kids. And I do a lot of community work through that.

549  
550 This weekend, my son has a travel soccer tournament in Philadelphia. We'll be in  
551 Hershey. The following weekend my daughter has a swim meet. And I usually stay. The  
552 home meets for this team are at Stafford. They're an hour away. And with the busy life  
553 that I have, I usually stay there.

554  
555 The following weekend we are in Virginia Beach for a sand soccer tournament. And that  
556 just goes on and on and on. That's just my busy life of supporting my two older kids. I  
557 mean, my daughter only has two more years in high school and then she's planning to  
558 leave. So I don't mind going back and forth and spending my weekends.

559  
560 During the weekdays, my daughter practices five days a week and she has to be taken  
561 back and forth. My son practices Tuesdays, Wednesdays, and Thursdays. So, yes, after  
562 I'm done, I have to leave, pick them up, drop them off, come back.

563  
564 I mean, the complaints that the neighbors are doing -- I don't know them. And, of course,  
565 they don't know my personal life or what I'm doing. But I stay very busy.

566  
567 In addition to that, I have a 70-year-old dad, and I'm his sole caregiver. He doesn't live  
568 with me. So I have to go check on him. Just four weeks ago, I had to take him to the ER  
569 once again. I didn't come back home until like 3:00 AM in the morning on a Monday.  
570 That's when we left VCU emergency room.

571  
572 And he doesn't speak any English. We were actually doing our taxes today because I  
573 was at VC. I had to file extensions for my own taxes and my parent's taxes because --  
574 it's as if I have five kids. My two parents that don't speak English and my three young  
575 kids.

576  
577 And I just live a very busy life and I do a lot of good things for the community and, I, you  
578 know I'm not here over the weekends. I am just so busy. And I don't really plan to change  
579 that. I can provide proof of all of these things that I'm saying. Even the emergency trip  
580 to VCU. I think that was, like, exactly four weeks ago.

581  
582 So, yes, over the weekends I'm here, I water my garden, I have planted so many trees  
583 that I take care of and grow them with the kids. I'm here doing all of the normal things.  
584 But I'm also very busy taking care of my kids and supporting them in their sports.

585  
586 Mr. Green - Excuse me. I'm lost. I'm trying to understand this particular  
587 project. And I'm hearing you talk about a lot of other things that would make me think you  
588 don't have the ability to maintain this because of the various things you just described.  
589 Could you refocus on this project, please?

590  
591 Ms. Robles - Okay. You mean like maintaining the yard in general?  
592

593 Mr. Green - Yeah. I mean, the fact that you have to travel with your  
594 children is insignificant to what we're dealing with today. And some of the other issues  
595 you describe, while we're compassionate and hope that everything works out, we're just  
596 trying to focus on this particular project. And I don't know if my other Board members got  
597 lost, but I got kind of lost in all of the other things that you brought in as it relates to the  
598 project.

599

600 Mr. Gidley - She mentioned Hanover County. So where is everybody in  
601 this process?

602

603 Mr. Green - Yeah. So where is everybody? Are they in--?

604

605 Ms. Robles - Do you mean, like, my two older children? They're in Hanover  
606 County.

607

608 Mr. Green - And where are you?

609

610 Ms. Robles - I'm here in this white house that's on the picture, actually, with  
611 my four-year-old daughter. And I have a company that takes care of the landscaping.  
612 And I'm here, you know, whenever I'm not busy with my older kids I'm here.

613

614 I forgot to mention about the gravel. I mean, if it's necessary that I add additional gravel  
615 towards the other side, I mean, that's not an issue at all. I actually have a person that  
616 takes care of that that has been improving -- we have done a lot of improvements.

617

618 When I bought the house, it was a mess. Actually, I've had neighbors come over and  
619 thank me because of how it looks now. There were weeds running all over the house.  
620 Even the house siding was moldy. The two pretty trees that are in the backyard, that was  
621 a jungle. You couldn't even walk around them. I got rid of all of that. I added mulch. And  
622 it's looking great.

623

624 And even those pretty trees in the front yard, they were all filled with other large weeds  
625 that had overgrown. So as far as taking the house, I mean, right now what you see is --  
626 it's really well-maintained and it's so, so much better than what it used to.

627

628 I wish we had the pictures that are online of the house. Like when you Google the  
629 address, you can actually see what I'm talking about. It was just like a close-up picture.  
630 The house was in really, really bad shape.

631

632 So every month I have been doing a lot of home improvements. It looks a lot better than  
633 it used to.

634

635 Mr. Green - Excuse me. What is your physical registered address? Is it  
636 in Hanover, or is it in Henrico?

637

638 Ms. Robles - No. As of now it's here in Henrico.

- 639  
640 Mr. Green - As of now. What do you mean as of now?  
641  
642 Ms. Robles - Because I moved here just last year.  
643  
644 Mr. Green - But your children are in Hanover?  
645  
646 Ms. Robles - The two oldest ones, correct.  
647  
648 Mr. Green Any other questions from members of the Board?  
649  
650 Mr. Bell - Yes. I have a few.  
651  
652 Mr. Green - Mr. Bell.  
653  
654 Mr. Bell - How many parking spaces do you have there for people to come and drop off their kids?  
655  
656  
657 Ms. Robles - I actually had a Mother's Day party and I had 10 cars here that were able to park just fine. Back where you see that minivan on the far side of the picture. There's a lot more room to pull forward and two cars can park there. Usually, the parents park -- there's the width of that driveway in front of the house that is at least for two cars. And where the white car is on the right side, I mean, the parents know that what they're supposed to do is park along the fence and then back up towards the grass because they know it's, you know, the grass is eventually, like, it can be gravel, if I see that more parking space is needed. And then they know to go back to Staples Mill Road and face forward. So at least I'll say that for now what it is the gravel area for at least 10 cars.  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667 Mr. Bell - So the parking is going to be allowed along the fence line there. My question, though, is on which direction do they come in from Staples Mill, drop their kids off, and go back out? Or do they come in from Staples Mill, go over and park their cars by the fence, walk out, drop their kids out, go back to the car, and then go out?  
668  
669  
670  
671  
672 Ms. Robles - Yeah.  
673  
674 Mr. Bell - It makes a difference in terms of your parking because, as you've already said, the green space is going to have to be used for some parking if that's the case.  
675  
676  
677  
678 Ms. Robles - Okay.  
679  
680 Mr. Bell - So what are you doing now and what have you been doing ever since you bought the place in November of last year in terms of parking? Have you had any close accidents from cars going out onto Staples Mill? Or have they backed out onto Staples Mill?  
681  
682  
683  
684

685 Ms. Robles - No, we have not had any accidents at all. The parents know  
686 to back up inside our property.

687

688 Mr. Bell - How about complaints from neighbors? Have you had any  
689 complaints from neighbors or other people?

690

691 Ms. Robles - About the parking space? No.

692

693 Mr. Bell - About anything pertaining to the business.

694

695 Ms. Robles - The ones that were mentioned. First, a neighbor complained  
696 that I was running an illegal business. And so they came, and I had to show proof of all  
697 of my paperwork that it's not an illegal business.

698

699 Mr. Bell - All right.

700

701 Ms. Robles - So that was closed. And then the same neighbor complained  
702 about me not living here. And that's why this other investigation was done.

703

704 Mr. Bell - Okay. And with this slide that's on the Board right now, or on  
705 the computer right now, could you show us, basically, someone coming in from Staples  
706 Mill going drop the kids off and leave?

707

708 Ms. Robles - So this car will--

709

710 Mr. Bell - Maybe you could pen -- do you have the picture?

711

712 Ms. Robles - Yes, I can see the picture. That was, actually, if you see right  
713 on the porch, there is a parent. That's one of the parents that was dropping off, right?

714

715 Mr. Blankinship - It's not there. That's okay.

716

717 Mr. Bell - Where is the car that he was at?

718

719 Ms. Robles - So he parked -- I'm sorry?

720

721 Mr. Gidley - County car.

722

723 Mr. Bell - All right, now, if you go to that --

724

725 Ms. Robles - Yeah, the white car.

726

727 Mr. Gidley - That's a county car.

728

729 Mr. Bell - If he's going to get out, how's he going to do that?

730

731 Ms. Robles - So. He has to back up inside the property. He can do that by  
732 backing up in front of the house or towards the other side, towards the tree per se. And  
733 then face forward towards Staples Mill Road.

734

735 Mr. Bell - So the next car then coming in will be waiting for him to either  
736 back to the right or back to the left and then get turned around. The driveway as such is  
737 going to be --

738

739 Ms. Robles - No, usually, when it's parked like that, the other parents know  
740 to park in front of the house or towards the, like, right next to it towards the grass area.

741

742 Mr. Bell - Okay, thank you.

743

744 Mr. Green - Mr. Bell, I'd like to refer everyone back to staff's report. It says  
745 the driveway is large enough to accommodate cars doing pick up and drop off along with  
746 the proposed employee. It also says in the conclusion that as long as the property is the  
747 applicant's dwelling, staff's recommends approval request subject to the attached  
748 conditions.

749

750 And it says the site has adequate parking and a large fenced area that provides a safe  
751 area for children to play.

752

753 So, Mr. Gidley, I guess, could you address that you all went out and found that everything  
754 was satisfactory?

755

756 Mr. Bell - And my concern here is safety in Staples Mill as much as  
757 anything.

758

759 Mr. Green - Yeah. I agree with everything you just said --

760

761 Mr. Gidley - And that was mentioned in the --

762

763 Mr. Bell - No, I'm just curious.

764

765 Mr. Green - Yeah, yeah, I am too.

766

767 Mr. Gidley - Yeah. From our perspective, you know, usually the family day  
768 homes are in a subdivision on a fairly quiet street. And so the staff report did mention  
769 Staples Mill Road is a busy road. And, you know, that's a valid concern.

770

771 As far as parking, that was the county car. And we came during the middle of the  
772 afternoon, which is not really a time when people are coming and going as far as parents.  
773

774 I believe when I was done, I backed up near the van and then pulled out straight in my  
775 case. So. I didn't really have any problem. But, again, that wasn't a pick-up or drop-off

776 time like in the morning or in the evening. So I found it to be adequate. And I think, you  
777 know, at least from my personal experience, it was okay.

778  
779 Mr. Blankinship - So the parking, you would say is adequate, but the pulling on  
780 and off of the 55-mile-an-hour road is a legitimate concern?

781  
782 Mr. Gidley - That's a legitimate concern yes, sir. And, you know, if in the  
783 morning or in the evening, you're getting more than one person coming, as Mr. Bell  
784 mentioned, they would probably have to, you know, slow down and maybe even stop on  
785 Staples Mill Road if that were the case.

786  
787 As far as a residence is concerned. I think it's fair, you know, if an applicant lives there  
788 five days a week, if they're gone or busy during the weekend going to a summer home or  
789 what have you.

790  
791 To address what Mr. Bell was getting at. According to Community Revitalization, her  
792 address, DMV-wise, listed as Hanover County, and that was done after the application  
793 was filed. I mean, she indicated to them she would live there five days a week. But she  
794 also said two of her children are in Hanover County. So I can't really comment on that  
795 other than what she said. And I guess the Board will have to make its own conclusions.

796  
797 Mr. Green - Are there any other questions from the Board members?

798  
799 Mr. Reid - Well, you know, I think if two or three parents arrive with  
800 children at the same time, I think there's going to be a problem with the parking getting  
801 back out on to Staples Mill. Which as we all know is heavily traveled. So that would be  
802 my concern.

803  
804 And I think these parents generally bring their children about the same time in the morning  
805 and pick them up about the same time in the afternoon.

806  
807 Mr. Green - Mr. Johnson.

808  
809 Mr. Johnson - I had one question. It's about the operational hours of the  
810 facility.

811  
812 Mr. Gidley - Yes, sir. They're allowed to operate even up to 12 children  
813 from 6:00 AM to 6:00 PM if my memory is correct. But the applicant can say what she is  
814 specifically authorized.

815  
816 Mr. Blankinship - Ms. Robles, what are your hours of operation?

817  
818 Ms. Robles - They are 7:30 to 4:30. But in reality, the first children get drop  
819 off 10 to 8:00 AM. So, like, 7:50. And the last ones get picked up at 4:30. And I wanted  
820 also to add that on purpose I mainly enroll siblings.

822 So there's a total for the 12 kids, there's a total of seven families enrolled. So at the most  
823 on a day, I'll get seven cars and they never get picked up at the same time. And I do that  
824 for several reasons. One of them was the pandemic. I didn't want a lot of families and  
825 I'm just fine in keeping it that way.

826  
827 Mr. Bell -                   Would you run those numbers by me one more time?

828  
829 Ms. Robles -               I'm sorry.

830  
831 Mr. Blankinship -           You said you care for 12 children and they are from a total of  
832 7 families.

833  
834 Ms. Robles -               That's correct.

835  
836 Mr. Bell -                   Thank you.

837  
838 Mr. Green -                Okay, any other questions from the --

839  
840 Mr. Bell -                   Not a question but a statement.

841  
842 Mr. Green -                Yes, sir.

843  
844 Mr. Bell -                   I've expressed concern about the safety of her getting in and  
845 out. However, I think it's appropriate for me to advise -- I travel that road quite a bit myself.

846  
847 Mr. Green -                Right.

848  
849 Mr. Bell -                   So I know it. And you go down headed towards where the  
850 building that new mausoleum -- not a mausoleum, but a --

851  
852 Mr. Blankinship -           The Mormon temple.

853  
854 Mr. Pollard -               Mormon temple.

855  
856 Mr. Bell -                   The Mormon temple there. You've got a church and then a  
857 house and then them that also empty into the highway. So anything on that side of the  
858 road that's going to be built in the future is going to have to empty into the highway.

859  
860 We don't own the highway. Therefore, that's another thing. So that is pretty much my  
861 concern. Should we put in things like a sign or something there? I don't think that'll do  
862 any good in terms of it. But if anybody has any thoughts of how we might be able to make  
863 it a little bit safer, let's do so. If not, let's continue on.

864  
865 Mr. Pollard -               Would widening the entrance and exit help at all?

866

867 Mr. Bell - Go to where the house and the fence is in the front side. No,  
868 the other one. Okay. In other words they don't back the -- they have room for one or two  
869 cars to make a round circle and come right on out, no problem.

870  
871 But if they have to back out into it. Or what if a car is waiting there and another car comes  
872 and parks on the side of the street behind that car in a 55 traveling lane? You got a  
873 problem.

874  
875 Mr. Green - Are you not allowed --

876  
877 Mr. Bell - So I don't see anything we can do except if she's going to use  
878 the gravel, to -- which I would suggest highly she does along the fence line for parking,  
879 then bring all the gravel that she sees here over to where that tree is. And that just gives  
880 it a lot more room for them to turn around and move. And that would pretty much be what  
881 I would suggest.

882  
883 Mr. Green - And what about making it circular? Would that help?

884  
885 Mr. Bell - That would help. That would help. But should we be putting  
886 that into a condition, or just have her go out and find some plans and bring them back  
887 and show them to us for approval.

888  
889 Mr. Blankinship - You could do it either way. You could defer the case until she  
890 can address that, or you could put the condition on there. Staff is not prepared to present  
891 you with a condition that would deal with that. We'd want to talk to traffic engineering.  
892 And, you know, there are limits on how much gravel you can spread before you get into  
893 environmental regulations. So.

894  
895 Mr. Gidley - I think VDOT would have to be the one, too.

896  
897 Mr. Blankinship - Yeah. It's a VDOT road. So it wouldn't be our --

898  
899 Mr. Gidley - Any access lanes on or off of it, it'd be up to the Virginia  
900 Department of Transportation.

901  
902 Mr. Blankinship - Yeah, they would have to get entrance permits. So it's a little  
903 more complicated than it would be just on a regular subdivision street.

904  
905 Mr. Green - Any other questions from members of the Board?

906  
907 Mr. Johnson - Like Mr. Bell mentioned, I think it would be advantageous if  
908 they could use some of that green space, you know, for turning around and also parking  
909 by that tree. But I don't know how far it goes down.

910  
911 Mr. Bell - Give us plenty of gravel -- plenty of more driveway. Double it.

913 Mr. Johnson - Right.

914

915 Mr. Pollard - And it sounds like if you want to put that condition in, it might  
916 be best to defer it to see if that even, you know, if that even can be done.

917

918 Mr. Bell - Well the push should be to do something like that. I think that  
919 would solve some of the safety problems.

920

921 Mr. Green - Yeah. But we also have another issue. We need stronger  
922 verification that the applicant is living there as well. So would you Ms. Robles -- excuse  
923 me if I'm not pronouncing your name correctly -- would you entertain deferring this to the  
924 next meeting so we can get with you to work out some of the particulars? The residency  
925 issue, as well as the parking.

926

927 Ms. Robles - Yes, that's fine.

928

929 Mr. Green - Okay.

930

931 Mr. Blankinship - There is one more speaker on Webex who would like to  
932 speak.

933

934 Mr. Green - Okay. We will entertain that individual.

935

936 Mr. Blankinship - All right, we have one other speaker.

937

938 Ms. Blankinship - Yes, Miss Rowland?

939

940 Ms. Rowland - Good morning. I'm Robin Rowland with the Henrico  
941 Education Foundation. If you're thinking of deferring this to later, I don't know whether  
942 my speaking today is necessary or not. I guess that's up to the Board. We've been a  
943 great supporter of what Claudia Robles is doing there, and I just had a few thoughts that  
944 I'm willing to share. It's up to you.

945

946 Mr. Green - Yes, you can proceed.

947

948 Ms. Rowland - Okay. So I met Claudia through a Smart Beginnings partner  
949 who was helping her bring her family day home from Hanover to Henrico. So I really hate  
950 that she's having such a hard time now that she's gotten here, because it was our goal in  
951 life to get her to Henrico County.

952

953 And when she found this property, it was in significant disrepair. In fact, we questioned  
954 whether it would ever be in a condition to be used as a family day home. But surprisingly,  
955 in the course of eight weeks, she managed to redo the home, the property, and the  
956 parking. I visited several times while she was working through the licensing with the  
957 Department of Social Services. And just like this white car in this picture, I pulled in

958 straight, backed into that gravel area in front of the house, pulled out onto Staples Mill  
959 straight.

960  
961 And, you know, like you said, I wasn't there with other cars. I get that. But Staples Mill  
962 Road is significantly dangerous no matter where you are. The stoplight that's just past  
963 that home at the first street is hidden. If you're coming down Staples Mill at a 55-mile-an-  
964 hour clip and you find out that that light is red, you also have significant issues.

965  
966 That's something that can be addressed with VDOT about why that hasn't been  
967 addressed yet. But I don't believe this particular home being a childcare center, family  
968 day home, instead of an actual home would have anything to do with that safety.  
969 And certainly, she's made every agreement to do whatever this Board asks her to do to  
970 alleviate their concerns about the parking situation.

971  
972 I think what Claudia has asked for out of this Board meeting is to be allowed to have a  
973 nonfamily member employee, so that she always has someone at the residence that  
974 could be there to take care of the students.

975  
976 Licensing determines their capacity by square footage. So when licensing came and  
977 licensed that home for 12 children, that was done, like the speaker said, with the formula  
978 that determines that the space both inside and out are adequate for 12 children under the  
979 age of 12.

980  
981 But the ratio that they ask you to have for children depending on their age is much lower  
982 than that. So with 12 children, it cannot be operated without two employees. The permits  
983 she currently has, I think, requires it to be a family member. And she's asked this board  
984 to give her the conditional use permit to have a nonfamily member employee.

985  
986 Addressing the parking situation, there are two parking spaces where that silver van is,  
987 one for Claudia Robles and one for her nonfamily member employee, that would be out  
988 of all of the area that would be used by parents. So to the left of the home, the employee  
989 parking, Claudia's parking. And then as parents are dropping off, they would use that,  
990 pull and back up, and pull out on Staples Mill straight.

991  
992 I just wanted to make sure that somebody spoke on her behalf, since she's had such a  
993 very difficult time, for whatever reason that is, taking a property that was an eyesore and  
994 making it look like this.

995  
996 But the neighbors are concerned, I guess, and got a hold of what they felt like regulations  
997 or whatever and complained. And when that complaint didn't warrant, complained again  
998 with a different complaint. They're just unhappy for whatever reason they are.

999  
1000 But it is the only bilingual program that we have, basically, in the state. But definitely in  
1001 Henrico. And Claudia participates in all of the programs with the Early Learning Programs  
1002 that I run. So the Preschool Development Grants, the Mixed Delivery Grants. And she  
1003 does work very closely with VPM.

1004  
1005 I would hate for her to be discouraged and leave Henrico County because of the difficulty  
1006 of, you know, getting this through what she needs. So I'm happy to come when you defer  
1007 it again and answer questions if you have them come up.  
1008

1009 Mr. Green - Thank you. I don't think we're trying to make this difficult, we  
1010 are just trying to understand the parking situation and the dwelling concerns. And then  
1011 once we can get beyond that, then I think we can appropriately decide on this case.  
1012

1013 The applicant has agreed to defer this for 30 days, so staff can make sure that the dwelling  
1014 situation is addressed as well as the additional space requests for parking. Is there a  
1015 motion to defer for 30 days?  
1016

1017 Mr. Bell - I move that we defer for 30 days to give us a chance to look  
1018 at the safety aspects of getting in and out of Staples Mill Road and other parking or vehicle  
1019 problems within the property.  
1020

1021 Mr. Green - Second?  
1022

1023 Mr. Reid - Second.  
1024

1025 Mr. Green - It was moved by Mr. Bell, second by Mr. Reid. Any  
1026 discussion. All in favor?  
1027

1028 On a motion by Mr. Bell, seconded by Mr. Reid, the Board **deferred** application **CUP2021-**  
1029 **00011.**  
1030

1031  
1032 **Affirmative:** **Bell, Green, Johnson, Pollard, Reid** 5  
1033 **Negative:** 0  
1034 **Absent:** 0  
1035

1036  
1037 Mr. Green - It has been deferred.  
1038

1039 Mr. Blankinship - All right. That concludes our conditional use permits. There  
1040 are four variances on the agenda for this morning. The first is Variance 2021 number 9,  
1041 Nissan of Richmond.  
1042

1043 **VAR2021-00009 NISSAN OF RICHMOND** requests a variance from Section 24-  
1044 104.1(l)(2) of the County Code to allow additional sign area and height at 11401 W Broad  
1045 Street (Parcel 740-761-8451) zoned B-3C, Business District (Conditional) and West  
1046 Broad Street Overlay (WBSO) (Three Chopt). The sign area requirement and height  
1047 requirement are not met. The applicant proposes 131 square feet sign area and 35 feet  
1048 sign height, where the Code requires 32 square feet sign area and 8 feet sign height. The  
1049 applicant requests a variance of 99 square feet sign area and 27 feet sign height.  
1050

1050  
1051 Mr. Blankinship - Would everyone in the room who intends to speak to this case  
1052 please stand and be sworn. Raise your right hands, please. Do you swear the testimony  
1053 you're about to give us the truth, the whole truth, and nothing but the truth so help you,  
1054 God? Thank you. You can be seated.

1055  
1056 Mr. Gidley you can present your report.

1057  
1058 Mr. Gidley - Thank you again, Mr. Secretary, Mr. Chairman, members of  
1059 the Board. The subject property is the Nissan dealership located off of West Broad Street  
1060 in Short Pump. As you can see here, the property contains both attached and detached  
1061 signs, and this includes a detached sign along West Broad Street that is 133 square feet  
1062 in area and 35 feet in height. The sign complied with the sign ordinance in effect at the  
1063 time of its construction in 2004. And this is a picture of the sign in question right here.

1064  
1065 On April 25, 2017 the Board of Supervisors adopted the new sign ordinance. This allows  
1066 a maximum sign area of 32 square feet and a maximum height of 8 feet. Signs that  
1067 lawfully existed prior to the new sign ordinance, such as this sign, may remain in place,  
1068 may be maintained, and may also be refaced. However, if the sign is removed, any new  
1069 replacement sign must comply with the new sign ordinance.

1070  
1071 The intent of this provision is that over time older signs that do not comply with the new  
1072 ordinance will be replaced with smaller signs that do comply. This is a common provision  
1073 in zoning ordinances and is consistent with recent US Supreme Court decisions  
1074 governing signs.

1075  
1076 The applicant mentions in their application the need for a large sign given traffic speeds  
1077 and volume. This is the proposed replacement sign here. And as you can see, the main  
1078 change seems to be the background is red and there's a new Nissan corporate logo right  
1079 here.

1080  
1081 Now, all they need to do is go to this existing sign here, replace the background with a  
1082 red background and put the new corporate logo on, in lieu this one right here. They have  
1083 the right to do that right now today, and they don't even need a sign permit to do that. All  
1084 the county is saying is, if you get rid of this sign here -- bulldoze it down -- and you want  
1085 to put a new sign up, you need to meet the new sign code. That's pretty straightforward.

1086  
1087 In evaluating this request, as you can see here, the property contains an automobile  
1088 dealership. That's a reasonable, beneficial use of the property. The dealership has  
1089 allowed both attached and detached signs. Although the sign in question exceeds both  
1090 the area and the height allowed under the new code, it may nonetheless remain. And,  
1091 as I mentioned, its face may be resurfaced. The requirement that any new sign comply  
1092 with the current sign ordinance is not unreasonable.

1093

1094 And because none of the tests for a variance are met, the applicant does not appear to  
1095 meet the requirements for a variance. Even if one of the threshold tests were met, two of  
1096 the subtests were also not met.

1097  
1098 On one, the hardship is created by the applicant, namely, the desire to -- instead of simply  
1099 refacing the sign, as I just mentioned, the desire to tear down the entire sign and put up  
1100 a brand-new sign. That is a self-imposed condition there.

1101  
1102 The third subtest deals with a question of whether or not a regulation should be passed  
1103 by the Board of Supervisors or whether this is something best handled via variance. And  
1104 as part of the new sign ordinance, the supervisors did, in fact, adopt regulations that  
1105 govern signs that existed prior to the new ordinance.

1106  
1107 As noted, such nonconforming signs may be continued. They may stay. They may be  
1108 maintained and refaced. However, once removed, again, the new sign that they want to  
1109 put up simply needs to meet the current code in effect presently. So the Board of  
1110 Supervisors has weighed in on this question.

1111  
1112 Finally, because the variances run with the land, this request would allow nonconforming  
1113 signs to in effect remain, you know, forever on the property regardless of what the Board  
1114 of Supervisors does, is contrary to the intent expressed in the new sign ordinance.

1115  
1116 So, in conclusion, the Nissan dealership has numerous attached and detached signs.  
1117 Even though the sign in question exceeds the height and area requirements of the new  
1118 code, it may nonetheless remain and its face be updated. Once the sign is removed,  
1119 however, any new sign must comply with the new code. This is consistent with many  
1120 zoning ordinances and Supreme Court rulings.

1121  
1122 The existing automobile dealership has a reasonable beneficial use, and because none  
1123 of the threshold tests for a variance were met, the staff recommends denial of this request.

1124  
1125 This concludes my presentation. And if you have any questions, I'll be happy to answer  
1126 them. Thank you.

1127  
1128 Mr. Green - Any questions from members of the Board?

1129  
1130 Mr. Johnson - Oh, yes. With the sign that they already have -- are they  
1131 planning to put the new sign where that one is at already?

1132  
1133 Mr. Gidley - Yes, sir. That's my understanding.

1134  
1135 Mr. Johnson - Oh, yes. Because that's just like even with the building. If you  
1136 tear the one down that you have to get another regulation as well for that.

1137  
1138 Mr. Gidley - You have to meet the current code.

1140 Mr. Johnson - Right.  
1141  
1142 Mr. Gidley - At that point. Yes, sir.  
1143  
1144 Mr. Johnson - Okay.  
1145  
1146 Mr. Green - Any other questions from Board members? We'll now hear  
1147 from the applicant.  
1148  
1149 Ms. Howell - Good morning. And thank you for the opportunity to meet with  
1150 you all. I'm Jeri Howell. This is my husband, Joe Howell. We own Capitol Signs. We're  
1151 representing Rocking Nissan in this case. And I'll let my husband speak to some of the  
1152 issues that have been addressed and discussed. He's been actually part of the sign  
1153 updates and various things over the years and is very familiar with property and the  
1154 signage there as well.  
1155  
1156 Mr. Howell - Good morning, gentlemen.  
1157  
1158 Mr. Green - Morning.  
1159  
1160 Mr. Reid - Good morning.  
1161  
1162 Mr. Johnson - Good morning.  
1163  
1164 Mr. Howell - Okay, I've got just a short list here. So this won't take long,  
1165 hopefully. The first thing is they're addressing what the gentleman was mentioning about  
1166 refacing as an option. There's no provision for a reface in this instance because of the  
1167 structure with this particular sign as it exists now. The framework in the sign is not a  
1168 simple slide one face out and slide one face in. This sign is very intricate and take hours  
1169 and hours to just remove one face out of the two that are on the sign. The framework in  
1170 it is complicated. It probably has 300 attachment points. And that would be a pretty rough  
1171 guess. But it takes a great deal of effort to get it off.  
1172  
1173 Now, the new Nissan program signage doesn't have anything that fits this particular  
1174 signage. It's designed differently. Although in this new drawing here it looks similar. It is  
1175 not at all similar in the way it's designed to be installed. The framework inside is  
1176 completely different.  
1177  
1178 The foundation may be very similar and there is an option to actually use the existing  
1179 foundation as it exists, we have records of what that foundation is. So that was an option  
1180 at the very beginning. But due to the size of this, being much larger than the current  
1181 regulations, we didn't think that was an option.  
1182  
1183 But again, the reason we can't just simply replace this is because of the new design --  
1184 based on the old design, the new design is not adaptable to be installed on this existing  
1185 structure. So that was my first point there.

1186  
1187 Now, the additional height and square footage for this sign over the 8-foot overall height  
1188 and the 32-square-foot overall area are needed for the visibility in both directions. You  
1189 all know Short Pump and it's exploded in recent years. And the lanes have increased  
1190 along the area significantly and traffic has as well.

1191  
1192 So with that being said, the trees add to this issue. The trees that were planted back in  
1193 2004, or thereabouts, have grown significantly. And in the most recent picture, you can  
1194 see that the signs, based on what they were back when they were installed originally, I  
1195 think they were probably about 8 feet tall, 10 feet tall. Now they're approaching the bottom  
1196 of the sign panel there.

1197  
1198 This is right at the entrance. So you don't get the actual tree visibility problem that I'm  
1199 speaking about. I do have some printed pictures here. If I could get you guys those  
1200 pictures to maybe take a look at and see a little bit more about what I'm talking about.

1201  
1202 That picture that's on the screen is just right at the entrance. You only briefly get that at  
1203 the 45 mile an hour posted speed limit. So you're not getting the full benefit of the full-on  
1204 from top to bottom picture that you see here as you drive down Broad Street in either  
1205 direction.

1206  
1207 The trees are obstructing it in east and westbound traffic. And it increases your pressure  
1208 as you're driving through there to try to find signs. I know there's a 7-Eleven directly  
1209 across the street that has a sign that's no more than about 7 feet tall. It's actually shorter  
1210 than the 8 feet that's required now. And it sits in a group of crepe myrtles that probably  
1211 50 percent of the sign is obstructed. And if it didn't have the LED price sign for the gas  
1212 prices, you probably wouldn't notice it at all. It blends right in.

1213  
1214 So, Nissan doesn't want that to happen with their sign. And everybody is afraid, including  
1215 us, that if we install a sign that's 8 feet tall and 30 square feet overall, you would drive  
1216 right by it without noticing it at all.

1217  
1218 And that's a concern for all up and down Broad Street. There are several other signs. I  
1219 just used the 7-Eleven as an example. But there are many signs that have been replaced  
1220 throughout the years with the new code requirements that are extremely short compared  
1221 to what they used to be. And the trees are still the same height. So it has been a problem  
1222 all along.

1223  
1224 The amount of traffic through the area and the number of travel lanes make it difficult to  
1225 see any of the shorter signs at the 45 mile an hour posted speed. At this point, we ask  
1226 that we be granted the variance for the additional height and square footage necessary  
1227 for safely navigating through Short Pump traffic.

1228  
1229 Mr. Green - Are there any questions from the Board of the applicant? To  
1230 the applicant? Mr. Johnson, you have a question?

1232 Mr. Johnson - You haven't purchased these designs yet, have you?

1233

1234 Mr. Howell - No. We're actually the installers for a manufacturer that

1235 manufactures all the Nissan signage across the United States. And they prompted this

1236 due to the changes in their new sign designs that they jointly come up with, with Nissan.

1237

1238 And again, if it was an option to reface it, then we would be approaching that. But since

1239 it's not an option, then we have to explore everything else we can think of to get them a

1240 sign that is actually a usable sign for them.

1241

1242 Mr. Green - Any other questions from members of the Board?

1243

1244 Mr. Pollard - Is the design for the new sign larger than the current sign?

1245

1246 Mr. Howell - No, it's the exact same square footage.

1247

1248 Mr. Green - Anyone else? Do we have anyone else to speak in favor of

1249 this request?

1250

1251 Mr. Blankinship - There is no one on Webex.

1252

1253 Mr. Green - Do we have anyone to speak in opposition to this request?

1254 You can sit down. Thank you. Think you all dropped your keys or something. I heard

1255 something drop.

1256

1257 Ms. Howell - Yes.

1258

1259 Mr. Green - As the Three Chopt representative for that area and someone

1260 who lives in Short Pump and who drives -- makes that turn every day, and I've been

1261 making that turn every day for the last 20-some-odd years, I don't really see a real problem

1262 with what they are requesting, given the fact that it appears that corporate is -- Nissan

1263 corporate is just redesigning its system.

1264

1265 So I move that we approve the variance subject to the conditions recommended by the

1266 staff. Unless the applicant is allowed to replace their existing sign, they will have no

1267 reasonable use of the property. The proposed sign will be the same size as existing

1268 signs, so it should not have a detrimental impact. I think we should approve the variance.

1269 It was moved by myself. Seconded by Mr. Pollard. Any discussion? All in favor?

1270

1271 On a motion by Mr. Green, seconded by Mr. Pollard, the Board **approved** application

1272 **VAR2021-00009 NISSAN OF RICHMOND**'s request for a variance from Section 24-

1273 104.1(l)(2) of the County Code to allow additional sign area and height at 11401 W Broad

1274 Street (Parcel 740-761-8451) zoned B-3C, Business District (Conditional) and West

1275 Broad Street Overlay (WBSO) (Three Chopt). The Board approved the variance subject

1276 to the following conditions:

1277

- 1278 1. This variance applies only to the sign area and sign height requirements for one sign  
1279 only. All other applicable regulations of the County Code remain in force.  
1280
- 1281 2. Only the improvements shown on the plans by AGI dated 6/9/20 submitted with the  
1282 application may be constructed pursuant to this approval. Any additional improvements  
1283 must comply with the applicable regulations of the County Code. Any substantial changes  
1284 or additions to the design or location of the improvements will require a new variance.  
1285
- 1286 3. The applicant must obtain a building permit for the proposed sign by May 29, 2023, or  
1287 this variance will expire. After that date, if the building permit is cancelled or revoked due  
1288 to failure to diligently pursue construction, this variance will expire at that time.  
1289

1290

<b>Affirmative:</b>	<b>Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>		<b>0</b>

1294 1295  
1296 Mr. Green - Approved.  
1297

1298 Mr. Blankinship - And the next case is variance 2021, number 10, Nicholson  
1299 Holdings Incorporated.  
1300

1301 1302 **VAR2021-00010 NICHOLSON HOLDINGS INC.** requests a variance from Section 24-9  
1303 of the County Code to build a one-family dwelling at 8578 Gibbs Lane (Parcel 818-681-  
1304 2641) zoned Agricultural District (A-1) (Varina). The public street frontage requirement is  
1305 not met. The applicant proposes 0 feet public street frontage, where the Code requires  
1306 50 feet public street frontage. The applicant requests a variance of 50 feet public street  
1307 frontage.  
1308

1309 Mr. Blankinship - Does not appear to be anyone in the room to speak to this. I  
1310 believe we do have the applicant on Webex. So, Mr. Gidley, if you would like to begin.  
1311

1312 Mr. Gidley - Yes, sir. Thank you, Mr. Secretary. The subject property is  
1313 located off of Gibbs Lane, which is just down Buffin Road from the Varina community.  
1314

1315 The property was previously a part of a 12-acre parcel that lacked public street frontage.  
1316 This lot was created as part of the family division. And not only this lot, but two others as  
1317 well. While the lots lacked public street frontage, the deeds and the plat included a private  
1318 50-foot access easement to these lots.  
1319

1320 The other two lots have seen variances in 1993 and 1995, I believe right here and here,  
1321 with homes subsequently built. In 2006, the Board approved the variance for the subject  
1322 property. The property owner subsequently acquired the property but the variance  
1323 expired before the home was constructed.

1324  
1325 A new variance was sought and approved in 2017, but it too has expired. As a result, the  
1326 owners applied for essentially the same variance for a third time.  
1327

1328 Two home designs have been submitted by the applicant. One of these here is a two-  
1329 story home that contains 1,748 square feet. I'm sorry, contains 1,500 square feet. And  
1330 then there's a proposal for a one-story dwelling that would contain 1,748 square feet. And  
1331 these are the two potential homes that would be constructed on the property, either of  
1332 which would be consistent with the surrounding area.  
1333

1334 In evaluating the request, in 1993 when the lot was created, it did not conform with the  
1335 public street frontage requirements. At the time, however, it was common practice for a  
1336 family to divide their property as part of a family division and then to obtain variances for  
1337 the lots. This is what was done on the other two lines as I mentioned earlier.  
1338

1339 The property is too small to farm economically and is not suited to any other reasonable  
1340 use other than a dwelling. So absent of variance there is no reasonable use of the  
1341 property.  
1342

1343 As noted in your staff report, staff believes the five required subtests are met. As you can  
1344 see here, it's wooded. The property is over 2 acres in size. This is the lot here. As you  
1345 can see, the home would be 50 feet off this access easement and plenty distant from the  
1346 other properties. So staff does not believe there would be any substantial detrimental  
1347 impact if this were approved.  
1348

1349 So, in conclusion, the property appears to have been purchased in good faith, reliance  
1350 on the original variance approved in 2006. That variance and the one approved in 2017,  
1351 as noted, have expired.  
1352

1353 Absent of variance, there's no reasonable beneficial or use of the property. And staff also  
1354 believes that the five subtests are met as well. As a result, we'd recommend approval of  
1355 this request subject to the conditions in your staff report. Thank you.  
1356

1357 Mr. Green - Are there any questions of the Board for staff? Mr.  
1358 Blankinship, you said that there was no one there?  
1359

1360 Mr. Blankinship - The applicant is on Webex.  
1361

1362 Mr. Green - Oh, okay.  
1363

1364 Ms. Blankinship - The applicant is unmuted.  
1365

1366 Mr. Nicholson - Good morning. I'm David Nicholson. Hello, Board. Thank  
1367 you for hearing my case.  
1368

1369 Mr. Blankinship - Yes, sir.

1370  
1371 Mr. Nicholson - All right. Hi, this is David Nicholson. Thank you for hearing  
1372 my case again. I appreciate it. My cousin has passed his Class A commercial and  
1373 residential this past weekend, and I was going to take the test in order to do it. But he  
1374 has a background in electrical work and fabrication, so it made more sense for him to get  
1375 it.  
1376  
1377 So we're going to start a corporation in order to build several houses a year, but this one  
1378 is going to be our first one. And the last variance that expired, there was a condition in  
1379 there that based on the septic design, we weren't able to do anything.  
1380  
1381 I have no plans on clearcutting the lot. We just needed a little more space in the back  
1382 property line in order to handle the drainfield. All the other conditions look great on the  
1383 new case.  
1384  
1385 Mr. Green - Questions?  
1386  
1387 Mr. Johnson - You're referring to the drainfield. Is that drainfield moving  
1388 toward the roadway?  
1389  
1390 Mr. Nicholson - No, it's on the back of the property.  
1391  
1392 Mr. Johnson - Okay. And, also, there's the driveway that connects several  
1393 other houses as well, especially one west of it. Are you doing anything with the roadway  
1394 as well?  
1395  
1396 Mr. Nicholson - John Gibbs, who owns the parcel across the street from me, I  
1397 put it about \$9,500 into improving the street back in 2005 or '06. And I think he put in  
1398 another 10- or even 20 thousand into improving it. So what we did was we made it a bit  
1399 wider and then cleared some of the trees in order for any public emergency vehicles to  
1400 come in. And then we created a little bit more at the end. Not a place to turn around, but  
1401 just improved it. And quite expensive.  
1402  
1403 What I planned on doing was -- the neighbor at the end of the street, he has been  
1404 maintaining the road. He has, I guess, the equipment for spreading the gravel. So I was  
1405 going to give him a little bit of money at closing in order for him to be able to have the  
1406 funds in order to, you know, spruce up anything that he needs. And I'll talk to him about,  
1407 you know, how much he needs for that and what he would like.  
1408  
1409 But that was already my plan, to give a little bit of money to him to help things with the  
1410 road.  
1411  
1412 Mr. Johnson - Yeah, it's good to know. It's that just in case of an emergency  
1413 we would like to have enough room to get emergency vehicles in and out. Okay.  
1414

1415 Mr. Nicholson - Right. And we've got the road, I believe, at the required  
1416 amount for that we did, gosh, 10 plus years ago. That we made it a little bit wider than it  
1417 was originally and cleared up some of the trees that were low hanging across it.

1418  
1419 Mr. Johnson - All right. And, also, since it does not have any public access  
1420 and it's all private land, private property, the roadways -- the County is not dealing with it.  
1421

1422 Mr. Blankinship - That's correct. There is an easement that's already  
1423 Of record that allows each property owner to cross that road. And there is already a  
1424 written, recorded, maintenance agreement for everybody to participate in the  
1425 maintenance of the road.

1426  
1427 Mr. Johnson - Right. Great. Okay. Are you aware of that, sir?  
1428

1429 Mr. Nicholson - Yes. John Gibbs put that together with my approval a handful  
1430 of years ago. And so that's why I've planned on giving the gentleman at the end of the  
1431 street who built his house, I don't know, five, six years ago, give him some money so he  
1432 could do that. Because he is the one that's been filling any potholes in the street.  
1433

1434 Mr. Green - Any other questions? Is there anyone else wishing to speak  
1435 in favor of this variance? Are there anyone -- is there anyone wishing to speak in  
1436 opposition?

1437 Hearing none, do I hear a motion?

1438  
1439 Mr. Johnson - Mr. Chairman, I move that we approve the variance subject to  
1440 the conditions recommended by staff. And when these lots were created, private roads  
1441 could not be approved without a variance. And there is no way to use the land.  
1442

1443 There is a road maintenance agreement. And the house will fit on it with the  
1444 neighborhood. So I think you should approve the variance.

1445  
1446 Mr. Green - Is there a second?

1447  
1448 Mr. Pollard - Second the motion.

1449  
1450 Mr. Green - The motion was moved by Mr. Johnson, seconded by Mr.  
1451 Pollard. Was there any discussion? All in favor? Opposed? Approved.  
1452

1453 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** application  
1454 **VAR2021-00010 NICHOLSON HOLDINGS INC.**'s request for a variance from Section  
1455 24-9 of the County Code to build a one-family dwelling at 8578 Gibbs Lane (Parcel 818-  
1456 681-2641) zoned Agricultural District (A-1) (Varina). The Board approved the variance  
1457 subject to the following conditions:

1458  
1459 1. This variance applies only to the public street frontage requirement for one dwelling  
1460 only. All other applicable regulations of the County Code will remain in force.

1461  
1462 2. Only the improvements shown on the plot plan and building design submitted with the  
1463 application may be constructed pursuant to this approval. Any additional improvements  
1464 must comply with all applicable regulations of the County Code. Any substantial changes  
1465 to the plans will require a new variance.

1466  
1467 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant  
1468 must obtain approval of an environmental compliance plan from the Department of Public  
1469 Works.

1470  
1471 4. At the time of building permit application, the applicant must provide evidence of Health  
1472 Department approval of a private water supply and individual onsite sewage disposal  
1473 system

1474  
1475 5. At the time of building permit application, the applicant must present proof that a legal  
1476 access to the property has been obtained. The driveway must be improved with a durable  
1477 asphalt or compacted gravel surface at least 10 feet wide with 12 feet of horizontal  
1478 clearance and 14 feet of overhead clearance to provide access for police, fire, emergency  
1479 medical services, and other vehicles. The owners of the property, and their heirs or  
1480 assigns, acknowledge that Henrico County is not responsible for maintaining the private  
1481 drive.

1482  
1483 6. Any dwelling on the property must be set back 50 feet from the private road easement  
1484 (100 feet from the eastern property line)

1485  
1486 7. The applicant must obtain a building permit for the proposed dwelling by May 29, 2023,  
1487 or this variance will expire. After that date, if the building permit is cancelled or revoked  
1488 due to failure to diligently pursue construction, this variance will expire at that time.

1490  
1491 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5  
1492 **Negative:** 0  
1493 **Absent:** 0

The Board took a five-minute break

We will now hear our next case. Variance 2021-00011.

1500 Mr. Blankinship - Yes, sir, that is Manoj Sangra

1502 VAR2021-00011 **MANOJ SANGRA** requests a variance from Sections 24-94 and 24-  
1503 95(i)(1) of the County Code to build a screened porch and a deck at 9812 Olde Milbrooke  
1504 Way (SPRINGFIELD MANOR) (Parcel 755-768-3268) zoned One-Family Residence  
1505 District (R-3C) (Brookland). The rear yard setback for a dwelling and a deck are not met.  
1506 The applicant proposes 32 feet rear yard for a screened porch and 29 feet rear yard

1507 setback for a deck, where the Code requires 40 feet rear yard for a screened porch and  
1508 30 feet rear yard setback for a deck. The applicant requests a variance of 8 feet rear yard  
1509 for a screened porch and 1-foot rear yard setback for a deck.

1510  
1511 Mr. Blankinship - For everyone who intends to speak to this case, please stand  
1512 and be sworn in. Raise your right hand, please. Do you swear the testimony you're about  
1513 to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank  
1514 you. I think there is no one on Webex. So, Mr. Madrigal, you can begin.  
1515

1516 Mr. Madrigal - All right. Thank you, Mr. Secretary. Mr. Chair, members of  
1517 the Board. Before you is a request to build a screen porch and deck with reduced rear-  
1518 yard setbacks.  
1519

1520 The subject property is part of a 10-lot residential subdivision recorded in 2006. The lot  
1521 is 11,000 square feet in area. It's relatively flat and fronts on a cul-de-sac. It is identified  
1522 on the subdivision plat as having limitations for dwelling shape, size, and location.  
1523

1524 The property is improved with a two and a half story, 2,400-square foot home, with an  
1525 attached one-car garage built in 2010. Other improvements include a 10x16 foot rear  
1526 deck and a 120-square foot shed in the rear yard.  
1527

1528 The applicant is the original owner and purchased the property in 2010. He would like to  
1529 enclose his existing deck with a screen porch and add a new 10x12 foot deck in the rear  
1530 of the home.  
1531

1532 An enclosed porch is required to meet the same setbacks as a principal structure, and an  
1533 open deck is allowed to project 10 feet in the required rear yard setback as per code. The  
1534 applicant's home currently complies with both of these setback requirements, but the  
1535 proposed improvements would violate the rear-yard setback. The porch enclosure would  
1536 infringe 8 feet, and the new deck would infringe 1-foot into the required rear yard. Thus,  
1537 the applicant has requested a variance to address these two items.  
1538

1539 With respect to the threshold question, the subject property is improved with an existing  
1540 home, an attached garage, and a rear deck. As a result, the property has an existing  
1541 beneficial use, and the code does not unreasonably restrict the utilization of the property.  
1542

1543 Like all cul-de-sac lots, it has limitations on the shape, size, and location of the home that  
1544 can be built on it due to the shape and configuration of the lot. It is subject to the same  
1545 setback requirements as the other lots fronting on the cul-de-sac and is no more or less  
1546 encumbered than its neighbors. Also, the request was not made on behalf of a person  
1547 with a disability. Because the threshold for variance has not been met, the Board has no  
1548 authority to grant the variance requested.  
1549

1550 Relative to the five subtests, the applicant does not satisfy these requirements.  
1551

1552 Based on the facts that the case, staff has made the formal determinations. The  
1553 applicant's request is a self-imposed hardship. Approval of the request would establish  
1554 a negative precedent and would be tantamount to the granting of a special privilege, as  
1555 the property does not enjoy any less rights than similar properties fronting on the cul-de-  
1556 sac. And reducing the rear-yard setback would reduce the privacy of neighbors, resulting  
1557 in a detrimental impact.

1558  
1559 In conclusion, the subdivision was recorded in 2006, and the dwelling was constructed in  
1560 2010. The lot was clearly identified on the subdivision plat as having developmental  
1561 limitations due to the shape. The property has an existing beneficial use, is code  
1562 compliant, and does not enjoy any less rights than similar properties on the cul-de-sac.  
1563 As a result, the zoning ordinance does not unreasonably restrict the use of property, and  
1564 any hardship is self-imposed.

1565  
1566 Approval of the request would establish a negative precedent and would undermine the  
1567 purpose and intent of the zoning ordinance. Because the application does not meet the  
1568 legal requirements for variance, staff recommends denial of this request.

1569  
1570 Staff has received a few email messages on this, and those have been supplied to you.  
1571 And those messages were in support of the request.

1572  
1573 That concludes my presentation. I'll be happy to answer any questions.

1574  
1575 Mr. Green - Were in support?

1576  
1577 Mr. Madrigal - They were in support.

1578  
1579 Mr. Green - Not opposition?

1580  
1581 Mr. Madrigal - That is correct.

1582  
1583 Mr. Green - Okay. are there any questions from the Board to the staff?  
1584 We'll now hear from the applicant.

1585  
1586 Mr. Johnson - One question.

1587  
1588 Mr. Green - Yes, sir.

1589  
1590 Mr. Johnson - You said we don't have the right to vote on it. Right?

1591  
1592 Mr. Madrigal - Right. It did not meet a threshold question. So. And it's not  
1593 meeting any of the subtests. So the board really has no authority to grant the variance  
1594 under case law.

1595  
1596 Mr. Blankinship - They have a reasonable use to the property and there's no  
1597 hardship.

1598  
1599 Mr. Johnson - Okay. So that pretty much leaves us out of the picture.  
1600  
1601 Mr. Blankinship - Yes, sir.  
1602  
1603 Mr. Green - Well then if that leaves us out of the picture, what are we doing  
here?  
1604  
1605  
1606 Mr. Johnson - Applicant can try to change your mind.  
1607  
1608 Mr. Green - Oh, yeah, okay.  
1609  
1610 Mr. Sangra - Good morning, everyone.  
1611  
1612 Mr. Green - I can't hear you.  
1613  
1614 Mr. Blankinship - Fred, is the mic on in the back? Try again, sir, he may just not  
have realized you were there.  
1615  
1616  
1617 Mr. Sangra - Good morning.  
1618  
1619 Mr. Blankinship - There we go. Thank you.  
1620  
1621 Mr. Sangra - Okay.  
1622  
1623 Mr. Sangra - I just want to start by saying thank you to the Board for giving  
me this opportunity to present my case. And I also want to thank the Henrico County  
Planning Department. They have been really helpful during this application process.  
1624  
1625  
1626 I am the owner of the property and the applicant for the variance application. And, as it  
was stated, my variance request is for two things. One is to convert the existing deck that  
we have, not changing any modifications. Converting our existing deck into a screen  
porch and adding a new deck on the side of the existing deck.  
1627  
1628  
1629  
1630  
1631 And the reason we have this request is, one, our property has a very irregular lot, so that  
the dwelling is not in parallel with the rail fence line. At one point of the deck, there is a  
foot -- it meets the 40 feet rear-yard setback, but the other point of the deck it does not.  
And that's the reason for asking for that 8-feet variance.  
1632  
1633  
1634  
1635  
1636 This variance, if it's granted, would not create any negative or detrimental impact to any  
of the neighbors on the sides. And, as it was stated, my neighbors are fully supportive of  
this request. And they would not have any issues, especially any privacy issues also.  
1637  
1638  
1639  
1640  
1641 And as a family of four, we need this variance so that we can have a screen porch,  
because it's next to impossible to use the deck throughout the year because of a lot of  
issues, whether it's pollen, whether it's bugs, or mosquitoes, and some allergy issues.

1644  
1645 There are a lot of trees in the other lot which is in the back of my house. And that's the  
1646 reason we have all of these issues. So if this variance is granted, then we can have the  
1647 screen porch and then we can use the deck for its intended purpose.

1648  
1649 So that's my presentation, and if there are any questions, do let me know.

1650  
1651 Mr. Reid - Do you understand the hardship rule based on the property?

1652  
1653 Mr. Sangra - Yes, I do.

1654  
1655 Mr. Bell- Well, if you do, then that sort of leaves us with nothing to say  
1656 but denial. Because you already have use of it -- taking advantage of it when you made  
1657 buildings in the same general location.

1658  
1659 Mr. Sangra - Right.

1660  
1661 Mr. Bell - That's where we stand, as well.

1662  
1663 Mr. Sangra - Right. Like I said, we are not able to use the deck for its full  
1664 intended purpose because of this requirement. And even if this is accepted, it would not  
1665 have any impact whatsoever either to my neighbors or to the neighbors at the back also,  
1666 because there's such a big distance between my house and the house at the back of my  
1667 neighborhood. So this would not have any negative impact at all to anyone.

1668  
1669 Mr. Blankinship - But you understand that the house was built in 2010?

1670  
1671 Mr. Sangra - Yes.

1672  
1673 Mr. Blankinship - The code was in effect in 2010.

1674  
1675 Mr. Sangra - Yes.

1676  
1677 Mr. Blankinship - The house was designed to fit in that lot. And you've been  
1678 living in the house. It's a reasonable use of the property.

1679  
1680 Mr. Sangra - Yes.

1681  
1682 Mr. Blankinship - So there's -- okay.

1683  
1684 Mr. Green - Any other questions for the applicant? Yes, Mr. Johnson? I  
1685 mean Pollard.

1686  
1687 Mr. Pollard - Remind me. Why do you want to screen in the porch?

1688

1689 Mr. Sangra - Because of the issues such as pollen or bugs or mosquitos.  
1690 It's very difficult to be out throughout because of all of these reasons. And we hardly step  
1691 out because it's not covered. And the request is to just get it covered, not to extend it in  
1692 any shape or form, just get it covered so that at least we have that protection for the  
1693 family.

1694

1695 Mr. Pollard - Thank you.

1696

1697 Mr. Green - Any other questions?

1698

1699 Mr. Johnson - Also you was adding an additional deck to your property? The  
1700 reason I was asking that is because -- is doing that just to extend it? Can you do that  
1701 without having the screen porch?

1702

1703 Mr. Sangra - Yes. If the screen porch, this request, is granted, then we  
1704 would like to have a small deck at this side. And if in case the screen porch variance is  
1705 not accepted, we would still like to get that deck at the side so that at least we have a  
1706 bigger area for the family.

1707

1708 Mr. Johnson - That'll be another--

1709

1710 Mr. Madrigal - I'm sorry, sir?

1711

1712 Mr. Johnson - That'll be another variance they have to go through. Wouldn't  
1713 it?

1714

1715 Mr. Madrigal - As it's currently designed, yes. Because it would infringe or  
1716 encroach a foot into the required setback. They could cut that deck back about one foot  
1717 approximately and then meet code.

1718

1719 Mr. Green - Now?

1720

1721 Mr. Madrigal - The proposed deck.

1722

1723 Mr. Johnson - The proposed deck.

1724

1725 Mr. Green - Yeah. Now. But they could do that now?

1726

1727 Mr. Pollard - Yeah.

1728

1729 Mr. Green - If we agreed to it.

1730

1731 Mr. Madrigal - Yes. They can do that now. Yeah. So right now, the way  
1732 that's proposed, it's encroaching one foot. They just have to push it back one foot and it  
1733 would comply with code.

1734

1735 Mr. Green - Do you agree to that?

1736

1737 Mr. Sangra - Yeah, I agree to that. Yeah.

1738

1739 Mr. Green - If it, I mean, I'm just --

1740

1741 Mr. Blankinship - Right.

1742

1743 Mr. Johnson - And what are you saying that that the new deck that you were

1744 talking about putting on, making it a foot shorter?

1745

1746 Mr. Madrigal A foot shorter.

1747

1748 Mr. Green - A foot shorter.

1749

1750 Mr. Blankinship - Or just cutting the corner off.

1751

1752 Mr. Madrigal - Or just cut the corner. Yeah. That's the other option.

1753

1754 Mr. Blankinship - The point is, there is room to build and expand a deck without

1755 a variance.

1756

1757 Mr. Sangra - Yes, yes.

1758

1759 Mr. Blankinship - If the variance is denied, you can still build it and expand the

1760 deck.

1761

1762 Mr. Sangra - And let -- I should have been very clear. Our primary concern

1763 is the screen porch. Just covering our existing deck with some kind of an enclosure so

1764 that we are able to use the deck.

1765

1766 Mr. Pollard - Right.

1767

1768 Mr. Sangra - And, of course, the secondary request is to proposed deck.

1769 But I do understand, we can still build it, but it would have to be reduced by 1 feet.

1770

1771 Mr. Pollard - Okay.

1772

1773 Mr. Sangra - I understand that.

1774

1775 Mr. Johnson - And it cannot be closed in.

1776

1777 Mr. Sangra - It cannot be closed in.

1778

1779 Mr. Johnson - Okay.

1780

1781 Mr. Sangra - But if any kind of closure to an existing deck would be very  
1782 helpful for my family.

1783

1784 Mr. Green - Okay. Any other questions? Are there any other persons  
1785 wishing to speak in support of this?

1786

1787 Mr. Blankinship - There is no one on Webex.

1788

1789 Mr. Green - Is there anyone wishing to speak in opposition? Hearing  
1790 none, what is the desire of the Board?

1791

1792 Mr. Bell - I move that we deny the variance. We all sympathize with the  
1793 homeowner's desire to build a screen porch, but the Board of Supervisors has determined  
1794 the setback and this Board can only grant a variance if the ordinance is unreasonable.

1795

1796 This property is similar to most cul-de-sacs in the county. There are many homes in the  
1797 county that have built 40 feet from the rear lot line with a deck extended into the back --  
1798 into the setback. The zoning ordinance is reasonable and there is nothing about this lot  
1799 that is exceptional. So we have no choice but to deny the variance.

1800

1801 Mr. Green - Does anyone second it first?

1802

1803 Mr. Johnson - Anybody second it?

1804

1805 Mr. Green - There is no second, Mr. Bell.

1806

1807 Mr. Blankinship - Motion dies for lack of second.

1808

1809 Mr. Green - Motion dies for lack of second. So we can -- someone can  
1810 move to approve. Is --

1811

1812 Mr. Johnson - I would motion that --

1813

1814 Mr. Green - Well, do you have the paper?

1815

1816 Mr. Johnson - No, no, no. Not motion. But I would recommend that if you  
1817 want the deck there without the enclosure, if you shorten it one foot, then we can approve  
1818 that.

1819

1820 Mr. Blankinship - He can do that without the variance. That's what he'd be left  
1821 with if the variance was denied.

1822

1823 Mr. Johnson - Okay.

1824

- 1825 Mr. Bell - Otherwise, the variance isn't going to -- well, can't say hurt,  
1826 but the same thing he can do without the variance, he can do with the variance. That's  
1827 why I denied it.
- 1828
- 1829 Mr. Johnson - Okay. Then I will second that.
- 1830
- 1831 Mr. Blankinship - Oh, okay.
- 1832
- 1833 Mr. Pollard - You'll kill it. He won't be able to put the screen porch on.
- 1834
- 1835 Mr. Johnson - Right. But he -- Oh.
- 1836
- 1837 Mr. Blankinship - Right. He can extend the deck, but not build --
- 1838
- 1839 Mr. Pollard - He wants the screen porch.
- 1840
- 1841 Mr. Johnson - But he said he wants the porch, too, though.
- 1842
- 1843 Mr. Green - Yeah. But he said he could do the porch without --
- 1844
- 1845 Mr. Blankinship - Without the variance.
- 1846
- 1847 Mr. Pollard - Without the variance.
- 1848
- 1849 Mr. Green - Yeah. Your biggest concern is the screen porch.
- 1850
- 1851 Mr. Sangra - Screen porch. That's my biggest concern.
- 1852
- 1853 Mr. Green - Right.
- 1854
- 1855 Mr. Sangra - If we can have the screen porch on the deck, existing deck,  
1856 that would be very helpful. And then the new deck, yeah, we can cut it short by one foot  
1857 or two foot to meet the requirement as it currently needs. That's not an issue.
- 1858
- 1859 Mr. Green - Mr. Johnson is pulling back the second.
- 1860
- 1861 Mr. Blankinship - I thought Mr. Johnson was seconding the motion. So.
- 1862
- 1863 Mr. Green - Are you seconding, or pulling it back?
- 1864
- 1865 Mr. Johnson - That he can do the deck, but not the screen. Yes.
- 1866
- 1867 Mr. Green - But then he wants to do the deck. He really wants to do the  
1868 screen.
- 1869
- 1870 Mr. Madrigal - That's the purpose of the variance.

- 1871  
1872 Mr. Green - This is -- this is what I'm beginning to see happen. And let me  
1873 speak. We're beginning to see more and more individuals come to us wanting to enclose  
1874 their decks. And given what I'm seeing and what I experience, I would, at some point,  
1875 might want to do that myself because the pollen is horrendous when it comes. And so  
1876 you really can't enjoy your deck. You really can't put your furniture out. You put your  
1877 furniture out, you got to power wash it. You have to do a lot of things.  
1878  
1879 So, you know, we have approved screened-in decks before. And so I would be in support  
1880 of allowing him to screen his porch and shorten his deck. So what is your pleasure, Mr.  
1881 Johnson? To second the motion and kill it or just have him cut the deck back by one foot  
1882 and still allow him to build a screen porch?  
1883  
1884 Mr. Johnson - What the Board think? Let the Board vote on it.  
1885  
1886 Mr. Green - Well, we need a second before we can vote. But there's no  
1887 second.  
1888  
1889 Mr. Blankinship - Right now there's no motion on the floor.  
1890  
1891 Mr. Green - There's no motion, so --  
1892  
1893 Mr. Blankinship - If you want to approve the variance, then someone would  
1894 have to make a motion to approve the variance.  
1895  
1896 Mr. Green - I move that we approve the variance.  
1897  
1898 Mr. Blankinship - For the screen porch but not for the extension of the deck if  
1899 I'm understanding correctly?  
1900  
1901 Mr. Green - For the screen porch but not for the extension of the deck.  
1902  
1903 Mr. Pollard - Right.  
1904  
1905 Mr. Green - Because, like I said, we're seeing a lot of these issues come  
1906 through, and we've been approving them. And I don't see why -- you know, we really  
1907 want our residents to enjoy the comfort of their decks. And I'm beginning to wonder if I  
1908 should do the same thing. Because it's just horrendous. Is there a second to the motion?  
1909  
1910 Mr. Pollard Second.  
1911  
1912 Mr. Green - Is there a second to the motion?  
1913  
1914 Mr. Pollard - I second the motion.  
1915

1916 Mr. Green - Okay. The motion was moved by myself. Seconded by Mr.  
1917 Pollard. All in favor say aye. All opposed?

1918  
1919 Mr. Bell - Abstained.

1920  
1921 Mr. Green - Abstained. Motion passed.

1922  
1923 Mr. Sangra - Thank you.

1924  
1925 Mr. Blankinship - Mr. Johnson, what was your vote?

1926  
1927 Mr. Green - Did you vote to approve it?

1928  
1929 Mr. Johnson. Yes.

1930  
1931 On a motion by Mr. Green, seconded by Mr. Pollard, the Board **approved** application  
1932 **VAR2021-00011 MANOJ SANGRA's** request for a variance from Sections 24-94 and  
1933 24-95(i)(1) of the County Code to build a screened porch and a deck at 9812 Olde  
1934 Milbrooke Way (SPRINGFIELD MANOR) (Parcel 755-768-3268) zoned One-Family  
1935 Residence District (R-3C) (Brookland). The Board approved the variance subject to the  
1936 following conditions:

1937  
1938 1. This variance applies only to the rear yard setback requirement for the proposed  
1939 addition and deck. All other applicable regulations of the County Code remain in force.

1940  
1941 2. Only the improvements shown on the plot plan and building design filed with the  
1942 application may be constructed pursuant to this approval. Any additional improvements  
1943 must comply with the applicable regulations of the County Code. Any substantial changes  
1944 or additions to the design or location of the improvements will require a new variance.

1945  
1946 3. The new construction must match the existing dwelling as nearly as practical in  
1947 materials and color. The applicant must comply with all the design criteria outlined in the  
1948 proffers associated with Rezoning C-008C-03.

1949  
1950 4. The applicant must relocate the steps from the rear to the side to prevent further  
1951 encroachment into the rear yard setback.

1952  
1953 5. The applicant must obtain a building permit for the proposed porch and deck by May  
1954 29, 2023, or this variance will expire. After that date, if the building permit is cancelled or  
1955 revoked due to failure to diligently pursue construction, this variance will expire at that  
1956 time.

1957

1958

1959

Affirmative: **Green, Johnson, Reid Pollard**

4

1960

Negative:

0

1961

Abstain **Bell**

1

1962	<b>Absent:</b>	0
1963		
1964		
1965	Mr. Blankinship -	All right. And the last case this morning is variance 2021,
1966		number 13. And I'm sorry. I do not know how to pronounce this name. I'm going to say
1967		Unni Kirandumkara.
1968		
1969	<b>VAR2021-00013 UNNI KIRANDUMKARA</b>	requests a variance from Section 24-9 of the
1970		County Code to build a one-family dwelling at 6881 Millers Crossing Trail (Parcel 814-
1971		698-6106) zoned Agricultural District (A-1) (Varina). The public street frontage
1972		requirement is not met. The applicant proposes 0 feet public street frontage, where the
1973		Code requires 50 feet public street frontage. The applicant requests a variance of 50 feet
1974		public street frontage.
1975		
1976	Mr. Blankinship -	There is no one in the room to speak for this case. I believe
1977		the applicant is with us on Webex. So Mr. Gidley, if you would begin your staff report.
1978		
1979	Mr. Gidley -	Thank you, Mr. Secretary. The subject property is located off
1980		of Pocahontas Parkway, also known as Virginia Highway 895 in the Varina Magisterial
1981		District. It contains 2.03 acres of land that was acquired by VDOT for the construction of
1982		895.
1983		
1984	Following the construction of this road, however, VDOT no longer needed this land, so	
1985		they quit-claimed it in 2008, and it was acquired by today's applicant.
1986		
1987	The applicant's property is served by Miller's Crossing Trail, which is a service road	
1988		located within the 895 right of way. Miller's Crossing provides access to two homes that
1989		lost their public street frontage when 895 was built.
1990		
1991	The applicant would like to construct a dwelling on his property. However, because the	
1992		service road does not meet the zoning ordinance requirement for a public street, he has
1993		applied for a variance to allow a home to be constructed there.
1994		
1995	The property is 2.03 acres in area and over 200 feet in lot width. It thus meets the lot	
1996		area and the lot width requirements for a dwelling. Without a variance, there's no
1997		reasonable beneficial use of the property. Granting the variance would provide a
1998		reasonable and beneficial use of the property that would otherwise remain vacant.
1999		
2000	As noted in your staff report, staff believes the five sub-tests were met. I would note, as	
2001		far as detrimental impact, the proposed dwelling would be consistent with the surrounding
2002		land uses. It would be a 60 by 30 foot home and would meet the minimum buildable area
2003		requirement of 800 square feet for one a one-family dwelling. So staff does not believe
2004		this would have a detrimental impact on nearby property.
2005		
2006	In conclusion, the applicant acquired the 2 acres in 2008 as the land was no longer	
2007		needed by VDOT following the construction of 895. Although the property is accessed

2008 from a VDOT service road, this does not count towards the public street frontage  
2009 requirement.

2010  
2011 Absent of variance of property would lack a reasonable beneficial use. The proposed  
2012 one-family home is consistent with the surrounding residential uses, and the requirements  
2013 for a variance are met.

2014  
2015 As a result, staff recommends approval of this request subject to the attached conditions.  
2016

2017 This concludes my presentation. If you have any questions, I'll be happy to answer those.  
2018 Thank you.

2019  
2020 Mr. Green - Are there any questions from the Board to staff?

2021  
2022 Mr. Johnson - Oh, yes. When VDOT got rid of the land, when they did 895,  
2023 is that now under the county or is VDOT just still maintaining that front road frontage?

2024  
2025 Mr. Gidley - The county does not maintain Miller's Crossing Trail, I believe,  
2026 because it's in the VDOT right-of-way and these two homes that you see here, originally  
2027 the lots had 50 feet of lot width that came down to Miller Road here. And that was their  
2028 public street frontage. And 895 obviously cut that right off. So I believe VDOT provided  
2029 this in order for these people to have access out to a public street. As I said, the county  
2030 does not maintain it. I believe, but I can't be certain, that VDOT would continue to maintain  
2031 it.

2032  
2033 Mr. Johnson - Yes. That's what I was curious about.

2034  
2035 Mr. Gidley - There's a lot of culverts and down here. Drainage. And,  
2036 obviously, this provides access for VDOT and others to maintain those culverts to make  
2037 sure the water can continue to flow through there. So they have their own reasons to  
2038 have this access road there.

2039  
2040 Mr. Johnson Okay. Yeah. But, see, now another thing that I noticed as  
2041 well is that that deep drainage that's next to the property when you're looking down, you  
2042 know, it's a drainage field that goes into the back of it.

2043  
2044 Mr. Blankinship - Yes.

2045  
2046 Mr. Johnson - -- but just above that red sign there. You can't see it there.  
2047 But next to it --

2048  
2049 Mr. Blankinship - Yes. And VDOT still owns that. They still own that stormwater  
2050 management pond.

2051  
2052 Mr. Johnson - Okay.

2053

2054 Mr. Blankinship - This property, I guess, was outside of what they needed for  
2055 that. So they sold it back.

2056

2057 Mr. Johnson - So they're going to be maintaining that as well -- they put their  
2058 house in or something. Okay.

2059

2060 Mr. Blankinship - Are you ready to hear from the applicant?

2061

2062 Mr. Green - Yes, sir.

2063

2064 Mr. Johnson - Yes.

2065

2066 Mr. Blankinship - All right. May we hear from the applicant?

2067

2068 Ms. Blankinship The applicant is unmuted.

2069

2070 Mr. Kirandumkara - Hi, good morning. And thank you for giving me an opportunity  
2071 to present my variance case.

2072

2073 Thank you, Mr. Secretary, Mr. Chairman, and rest of the Board. I also want to appreciate  
2074 the Zoning staff for answering my questions throughout the process.

2075

2076 So I'm requesting here a variance for public street frontage access to 6881 Millers  
2077 Crossing Trail, sized 2.038 acres land, zoned A-1 Agricultural Zone.

2078

2079 The variance will help me to build a three-bedroom, single-family home. And as you see  
2080 in the picture, the property is located on the cul-de-sac of the public street.

2081

2082 And working with the Henrico Zoning staff, I have discussed the setbacks. So setbacks  
2083 are like 106 feet on the east, 115 feet from the south, 260 feet on west, and 70 feet from  
2084 north. And that's all. And I'll be happy to answer any questions that you may have.

2085

2086 Mr. Green - Are there any questions for the applicant from the Board?

2087

2088 Mr. Johnson - Okay. Also, I noticed that right behind that property is another  
2089 house as well. Are you going to be using the same entrance? Because I know that that  
2090 one also has access to Yarnell Court.

2091

2092 Mr. Kirandumkara - Yes, sir. And I also provided the deed. The answer is here.

2093

2094 Mr. Blankinship - That answer your question?

2095

2096 Mr. Johnson - Yeah. I didn't get the last part.

2097

2098 Mr. Blankinship - Could you repeat the last thing you said, sir? We're having a  
2099 little bit of trouble hearing you. You're not coming through as clearly as we'd like.

2100  
2101 Mr. Kirandumkara - Oh. Okay. So, yes. My answer is yes. It does.  
2102  
2103 Mr. Blankinship - There is a home behind yours, and it would continue to use  
2104 the driveway that crosses your property?  
2105  
2106 Mr. Kirandumkara - Yeah, that driveway is in my property.  
2107  
2108 Mr. Blankinship - Right.  
2109  
2110 Mr. Kirandumkara - And I would use that driveway.  
2111  
2112 Mr. Green - Are there any other questions for the applicant? Are there any  
2113 other persons wishing to speak in favor of this?  
2114  
2115 Mr. Blankinship - There is no one else on Webex.  
2116  
2117 Mr. Green - So there's no one wishing to speak in opposition?  
2118  
2119 Mr. Blankinship - Yes, sir.  
2120  
2121 Mr. Green - Hearing none, what's the pleasure of the Board?  
2122  
2123 Mr. Johnson - Mr. Chairman, I move that we approve the variance subject to  
2124 conditions recommended by the staff. And although the county does not maintain the  
2125 road, it is a paved road serving the property. Without a variance there would be no use  
2126 for the property. And the proposed dwelling would fit in with the area and would not be  
2127 detrimental. The tests have been met, so I think we should approve the variance.  
2128  
2129 Mr. Pollard - I second the motion.  
2130  
2131 Mr. Green - The motion has been moved by Mr. Johnson, seconded by  
2132 Mr. Pollard. Any discussion? All in favor? Opposed? Passed.  
2133  
2134 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** application  
2135 **VAR2021-00013 UNNI KIRANDUMKARA**'s request for a variance from Section 24-9 of  
2136 the County Code to build a one-family dwelling at 6881 Millers Crossing Trail (Parcel 814-  
2137 698-6106) zoned Agricultural District (A-1) (Varina). The Board approved the variance  
2138 subject to the following conditions:  
2139  
2140 1. This variance applies only to the public street frontage requirement for one dwelling  
2141 only. All other applicable regulations of the County Code remain in force.  
2142  
2143 2. Only the improvements shown on the plot plan and building design filed with the  
2144 application may be constructed pursuant to this approval. Any additional improvements

must comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements will require a new variance.

2148 3. Before beginning any clearing, grading, or land disturbing activity, the applicant must  
2149 obtain approval of an environmental compliance plan from the Department of Public  
2150 Works.

2151  
2152 4. At the time of building permit application, the applicant must provide evidence of Health  
2153 Department approval of a private water supply and individual onsite sewage disposal  
2154 system.

2155  
2156 5. At the time of building permit application, the applicant must present proof that legal  
2157 access to the property has been obtained.

2158  
2159 6. The applicant must obtain a building permit for the proposed dwelling by May 29, 2023,  
2160 or this variance will expire. After that date, if the building permit is cancelled or revoked  
2161 due to failure to diligently pursue construction, this variance will expire at that time.

2168  
2169 Mr. Green - Next business that we have is the approval of the minutes.  
2170 You will see the minutes have been presented to you in your Board packages. Is there a  
2171 motion to approve and, or amend the minutes?

2172  
2173 Mr. Pollard - I make a motion that we approve the minutes as is.

2175 Mr. Green - Is there a second?

2176  
2177 Mr. Bell - Second

2180  
2181 Mr. Johnson Second

2181 MR. JOHNSON - Second.  
2182

2183 Mr. Green - The motion was moved by Mr. Pollard and seconded both by  
2184 Mr. Bell and Mr. Johnson and Mr. Reid at the same time.

2186 Mr. Blankinship - Everybody.

2188 Mr. Green - So. Put that racehorse at the same time, so we're going to  
2189 accept dual winners. All in favor, say aye. All opposed? Board minutes have been  
2190 approved.

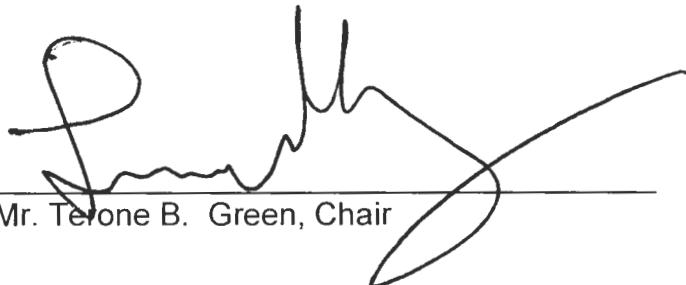
2191  
2192 On a motion by Mr. Pollard, seconded by several members, the Board **approved the**  
2193 **minutes of the April 22, 2021 Board of Zoning Appeals meeting.**

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2195  
2196 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5  
2197 **Negative:** 0  
2198 **Absent:** 0

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2200  
2201 Mr. Green - Is there a motion to adjourn?  
2202  
2203 Mr. Bell - So moved.  
2204  
2205 Mr. Reid - Second.  
2206  
2207 There's been a motion to adjourn and seconded. So we stand adjourned until our next  
2208 meeting. Thank you. Have a nice day.

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Mr. Telone B. Green, Chair



Mr. Benjamin W. Blankinship, Secretary

