

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 **HENRICO COUNTY GOVERNMENT COMPLEX ON THURSDAY, NOVEMBER 16,**
4 **2000, AT 9:00 A.M. NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND**
5 **TIMES-DISPATCH ON OCTOBER 26 AND NOVEMBER 2, 2000.**
6

Members Present: Richard Kirkland, Chairman
Daniel Balfour, Vice-Chairman
Gene L. McKinney, C.P.C., C.B.Z.A.
James W. Nunnally
R. A. Wright

Also Present: Benjamin Blankinship, Secretary
Susan W. Blackburn, County Planner II
Priscilla M. Parker, Recording Secretary

7
8
9 Mr. Kirkland - Good morning, ladies and gentlemen. Welcome to the
10 November Board of Zoning Appeals meeting. Before we get started, I will have the
11 secretary read the rules, please.

12
13 Mr. Blankinship - Good morning, Mr. Chairman and members of the Board,
14 ladies and gentlemen. The rules for this meeting are as follows: The Secretary, myself,
15 will call each case and the applicant will come to the podium. At that time I will ask all
16 those who intend to speak in favor of or in opposition to stand and be sworn in. When
17 the applicant has finished giving his or her testimony, anyone else who wants to speak
18 will be given the opportunity to speak. After everyone has spoken, the applicant, and
19 only the applicant, will have the opportunity for rebuttal. After hearing the case and
20 asking questions, the Board will take the matter under advisement. They will render all
21 of their decisions at the end of the meeting. If you wish to know what their decision is,
22 you may stay until the end of the meeting, or you may call the Planning Office at the end
23 of the day. This meeting is being tape recorded, so we will ask everyone who speaks to
24 speak directly into the microphone on the podium, and to state your name for the
25 record. Also, out in the foyer, there are two boxes, which contain the staff report for
26 each case including the suggested conditions. Mr. Chairman.

27
28 Mr. Kirkland- Do we have any requests for deferrals or withdrawals?

29
30 Mr. Blankinship - We do. We have two requests for deferrals. The first is UP-
31 37-2000.
32

UP-37-2000

TRULIANT FEDERAL CREDIT UNION request a temporary conditional use permit pursuant to Section 24-116(c)(1) of Chapter 24 of the County Code to locate a temporary bank structure at 3701 Cox Road (Tax Parcels 48-A-42, 43, 43A and 55 (part), zoned B-2C, Business District (Conditional) (Three Chopt).

33

34 Mr. Blankinship - The bank made some changes to their plans, so the
35 architect called and asked us to defer it.

36

37 Upon a motion by Mr. Wright, seconded by Mr. McKinney, the Board of Zoning Appeals
38 **granted** your request for **deferral** the above-referenced variance to the December 14,
39 2000 meeting.

40

41 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

42 Negative: 0

43 Absent: 0

44

UP-40-2000

MCI WORLDCOM requests a conditional use permit pursuant to Section 24-12(c) of Chapter 24 of the County Code to expand the existing switching station at 5156 Francistown Road (Tax Parcels 29-A-50 and 51), zoned A-1, Agricultural district and R-3C, One-family Residence District (Conditional) (Three Chopt).

45

46 Mr. Blankinship - The current application is before the Board of Supervisors.
47 The Board of Supervisors deferred the application they were working on, so they have
48 requested a deferral here, as well.

49

50 Upon a motion by Mr. Wright, seconded by Mr. Balfour, the Board of Zoning Appeals
51 **granted** your request for **deferral** the above-referenced variance to the December 14,
52 2000 meeting.

53

54 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5

55 Negative: 0

56 Absent: 0

57

A-115-2000

KENNETH AND VICKI DOUSTOUT request a variance from Sections 24-94 and 24-9 of Chapter 24 of the County Code to build a dwelling at 4700 Charles City Road (Tax Parcel 207-A-36), zoned A-1, Agricultural District (Varina). The lot width requirement and public street frontage requirement are not met. The applicants have 25 feet lot width and 25 feet public street frontage. The applicants request a variance of 125 feet lot width and 25 feet public street frontage.

58
59 Mr. Kirkland - Does anyone else wish to speak on this case? If you would,
60 raise your right hand and be sworn in.
61
62 Mr. Blankinship - Do you swear that the testimony you are about to give is the
63 truth, the whole truth, and nothing but the truth, so help you God?
64
65 Mr. Doustout - Yes, sir. I do.
66
67 Mr. Kirkland - Would you state your name for the record, please.
68
69 Mr. Doustout - Mr. Kenneth Lee Doustout.
70
71 Ms. Doustout - Vicki Doustout.
72
73 Mr. Kirkland - Have all of your notices been turned in according to County
74 Code?
75
76 Mr. Doustout - Yes, sir.
77
78 Mr. Kirkland - We have them. OK. Proceed with your case.
79
80 Mr. Doustout - We are here today to ask for a variance so that we can build
81 a house on 13.3 acres of land at 4700 Charles City Road, and when we divided the
82 property up, we allowed for a 25 foot piece of property that is connecting to 13.3 to
83 Charles City Road, and my nephew, which is the next adjacent landowner, gave us a 25
84 foot easement so that the rest of our family could build in the back if they would like to,
85 and my niece has already built back there and her variance was granted, and now we
86 are here. We would like to build a house – a new home back there, so we are here to
87 ask the Board today if we can have our variance so we can build a home.
88
89 Mr. Nunnally - Is most of the family back there, too?
90
91 Mr. Doustout - It is all family.
92
93 Mr. Nunnally - It is all family. Have you read the suggested condition to be
94 put on it?
95
96 Mr. Doustout - No, sir, I have not. I just received this, this morning when I
97 came in.
98
99 Mr. Nunnally - You did not get that in the mail?
100
101 Mr. Doustout - We had a little bit of a problem there, but I will go along with
102 anything...
103

104 Mr. Wright - Basically what it says is that you've got to get a building
105 permit, but, of course, you know that, and you have to have a Health Department
106 approval of the septic tank and the well location.

107
108 Mr. Doustout - I have already got that.

109
110 Mr. Wright - And that you are responsible for the road. The County won't
111 be responsible for the road.

112
113 Mr. Nunnally- I would suggest you read these over now before you apply
114 for your building permit.

115
116 Mr. Doustout - Yes, sir.

117
118 Mr. Blankinship - You did state that this was a family subdivision.

119
120 Mr. Doustout - Well, it is not really a subdivision. We, I've got three boys,
121 and hopefully one of these days they will get to build here, and my niece has got two
122 children, and she would like to have her kids build one of these days, but you know how
123 kids are. You don't know if that will happen or not.

124
125 Mr. McKinney - I don't think you need to be misled. You can't do but three
126 subdivisions on this piece of property, can you?

127
128 Mr. Blankinship - If it is a family division, they are exempt from that.

129
130 Mr. McKinney - Totally exempt from it?

131
132 Mr. Blankinship - Yes, but they are still subject to zoning. They are exempt
133 from subdivision requirements.

134
135 Mr. Kirkland - Are there any other questions? Does anyone else wish to
136 speak on this case? If not, that concludes the case, sir.

137
138 Mr. Doustout - Thank you for your time.

139
140 Upon a motion by Mr. Nunnally, seconded by Mr. Wright, the Board of Zoning Appeals
141 **granted** your request for the above-referenced use permit subject to the following
142 conditions:

143
144 1. Only the improvements shown on the plan filed with the application may be
145 constructed pursuant to this approval. Any additional improvements shall comply
146 with the applicable regulations of the County Code.

147
148 2. Approval of this request does not imply that a building permit will be issued.
149 Building permit approval is contingent on Health Department requirements,

186 Mr. Kirkland - State your name for the record, please.
187
188 Ms. Coggins - Dawn Coggins.
189
190 Mr. Kirkland - Have all of your notices been turned in?
191
192 Mr. Blankinship - Yes, we have them in the file. Mr. Chairman, before we
193 begin, let me draw your attention to the handout that I left at your place this morning.
194
195 Mr. Kirkland - Thank you, sir. Proceed.
196
197 Ms. Coggins - I am here on behalf of The Oaks at Gayton Apartments,
198 which is a new acquisition for our company. It was purchased on September 14, and
199 upon the purchase date it became very obvious that this community has very little
200 visibility from the road. It does have two separate entrances into the community, which
201 are approximately 360 feet apart. In between that 360 feet is a very dense area of trees
202 and woods, and you can't actually see the community from the road, and the existing
203 sign right now, we just put in an amendment to our original proposal to erect a new sign
204 where the existing signage is, and then a new one at the second entrance and that was
205 less than our variance request by about 125 feet, so we are actually looking for a
206 variance of about 125 feet.
207
208 Mr. Wright - Where is the existing sign on this map?
209
210 Ms. Coggins - Right there on the diagram where it says existing signage.
211 We were proposing to put it on the other side of the island where you will see the word,
212 "New Signage," however, we are going to erect the first sign where the existing signage
213 is and then we are looking into a second sign at the end right there where we are
214 pointing. Basically the reasoning for this is if you are coming down Gayton Road, on
215 both sides of the road there is an extreme area of trees, and a wooded area, and a lot of
216 times the first entrance is passed, and there is really no room in the road for a
217 turnaround, and a lot of people don't know there is a second entrance there and there is
218 no signage. That is the second entrance right there where we are proposing to put a
219 sign almost identical to where that banner is right now.
220
221 Mr. Wright- Put that little hand on that sign. That is the existing sign?
222
223 Ms. Coggins - No. That is the second entrance where we'd like to put a
224 sign.
225
226 Mr. Wright - Where is the other one?
227
228 Ms. Coggins - Way at the other end.
229
230 Mr. Wright - If they miss the first one, can't they turn into the second one?
231

232 Ms. Coggins - They don't know the second one leads to our community
233 because there is no sign there. You don't know where that second entrance is going to,
234 because you can't see the community from the street due to all of the trees that you will
235 see in the picture.
236
237 Mr. Kirkland - So your idea would be that if you put a sign...
238
239 Ms. Coggins - That is the existing sign right there. We'd like to erect a new
240 sign in that location and then all the way down where the little hand is, we'd like to put
241 another sign.
242
243 Mr. Wright - So, the idea is if you put one down there and they miss the
244 existing one, your idea would be they would see the second one.
245
246 Ms. Coggins - They would be able to see the second sign and know that
247 that is an entrance to our community, as well, and prevent some turnarounds in the
248 middle of the street that might occur.
249
250 Mr. Wright - Have you noticed any of that?
251
252 Ms. Coggins - I have not actually noticed that first hand, but I have been
253 talking to people on cell phones that I have been trying to lead to the community, and,
254 on the cell phone, they go "Oops, I just passed it." Then I tell them to keep going,
255 there is another entrance further down.
256
257 Mr. Blankinship - When we went out to take the photographs, I missed it.
258
259 Mr. Wright - Exhibit A.
260
261 Mr. Kirkland - Any other questions by Board members?
262
263 Mr. Wright - There is one other question. What you have proposed to do
264 with the existing sign is within the terms of the ordinance. Is that correct? No problem
265 with that? Right?
266
267 Mr. McKinney - Let me ask one. The new sign you are proposing, it is
268 different from the other sign. Why are you not making it the same?
269
270 Ms. Coggins - It is going to be the same now. We have changed it.
271
272 Mr. McKinney - Well, we got this this morning.
273
274 Ms. Coggins - Right. That is the new sign. The reason that we went away
275 from the original drawing was because we would have to place it across from that
276 median, and that just made the variance more than we were requesting, so we decided

277 to erect a sign where the existing sign was, and that would give us an additional 25 feet
278 that we needed.
279
280 Mr. McKinney - That is not what I am saying. What I am saying is, are the
281 two going to match?
282
283 Ms. Coggins - Yes. Yes. Yes.
284
285 Mr. McKinney - This does not match what you are showing on here. It is an
286 entirely different thing.
287
288 Mr. Blankinship - But you are just looking at what you sent in yesterday.
289
290 Ms. Coggins - That is what both signs are going to look like.
291
292 Mr. McKinney - So, then you are going to replace the other sign?
293
294 Ms. Coggins - I sent a letter that said that that superseded any original
295 drawings that we sent in with that. Both signs are going to be identical to that.
296
297 Mr. McKinney - Mr. Secretary, has the Traffic Engineer looked at that?
298
299 Mr. Blankinship - We sent them the agenda and they did not have a specific
300 comment on that.
301
302 Mr. McKinney - I didn't know if they would have any problems with lights on
303 these signs.
304
305 Mr. Blankinship - Are they changing the lighting?
306
307 Mr. McKinney - There is no lighting on the one that is there.
308
309 Ms. Coggins - There is not actual lighting on the actual signs. There is
310 lighting in the median strip facing up to the sign, so there is some electrical.
311
312 Mr. Kirkland - Would this one be illuminated the same way?
313
314 Ms. Coggins - There is going to be some at the bottom and there are two
315 small lampposts at the top.
316
317 Mr. McKinney - OK.
318
319 Mr. Blankinship - We covered the conditions, Mr. Chairman.
320
321 Mr. McKinney - Candle power and so forth to meet the County standards?
322

323 Mr. Blankinship - Yes, just subject to review by the Traffic Engineer.
 324
 325 Mr. McKinney - Right.
 326
 327 Mr. Kirkland - Are there any other questions? Does anyone else wish to
 328 speak? That concludes the case, ma'am.
 329
 330 Ms. Coggins - Thank you.
 331

332 Upon a motion by Mr. Wright, seconded by Mr. McKinney, the Board of Zoning Appeals
 333 **granted** your request for the above-referenced variance subject to the following
 334 conditions:
 335

- 336 1. This variance allows only the location of signs shown on the plan filed with the
 337 application. Any additional improvements shall comply with the applicable
 338 regulations of the County Code. The height and area of the signs shall comply with
 339 the County Code.
 340
- 341 2. Lighting shall be subject to review and approval by the Department of Public
 342 Works.
 343

344 The Board **granted** this request, as it found from the evidence presented, that
 345 authorizing this variance will not be of substantial detriment to adjacent property and will
 346 not materially impair the purpose of the zoning regulations.
 347

348 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
349 Negative:		0
350 Absent:		0

351
 352 **A-119-2000**

D. WAYNE CARRIER, JR. request a variance from Section 24-94 of Chapter 24 of the County Code to build a dwelling at 11941 Greenwood Road (Tax Parcels 7-A-25 and 25N) zoned A-1, agricultural District (Brookland). The total lot area requirement is not met. The applicant has 0.916 acre of total lot area, where the Code requires 1.000-acre total lot area. The applicant requests a variance of 0.084 acre of total lot area.

353
 354 Mr. Kirkland - Does anyone else wish to speak on this case? If you would,
 355 sir, raise your right hand and be sworn in.
 356
 357 Mr. Blankinship - Do you swear that the testimony you are about to give is the
 358 truth, the whole truth and nothing but the truth, so help you God?
 359
 360 Mr. Carrier - I do.

361
362 Mr. Kirkland - State your name for the record.
363
364 Mr. Carrier - Wayne Carrier, Jr.
365
366 Mr. Kirkland - Have all of your notices been turned in according to County
367 Code?
368
369 Mr. Carrier - Yes, sir, they have.
370
371 Mr. Kirkland - OK, we have them. If you would, proceed with your case.
372
373 Mr. Carrier - Basically, I wanted to build a house next door to my parents
374 on family land. They currently own two parcels of land that I have elected to buy and I
375 am combining them to lessen the need for a variance. The front parcel, which is the
376 bottom portion near Greenwood Road, has a slight variation from what it originally was
377 prior to 1987, because of the relocation of Greenwood Road in 1987. The actual parcel
378 of land that I need, I am less than a .10 of an acre away of having the full acre to build
379 my home at that location. Allen Stringer from the Health Department has already been
380 out and has perked the land to insure that I can have the well and septic, as well as the
381 secondary site for the septic system.
382
383 Mr. Nunnally - But your house would be built approximately 125 feet from
384 Greenwood Road.
385
386 Mr. Carrier - Yes, sir. All of the setbacks have been met. I have met with
387 the builder as well as meeting with Mr. Stringer out at the site location. The only
388 variance that I need is for an actual lot size, which is less than a .10 of an acre of being
389 a full acre short of being a full acre.
390
391 Mr. Nunnally - And that was caused by the relocation of Greenwood Road?
392
393 Mr. Carrier - Yes, sir. They used the front parcel towards Greenwood
394 Road, which was approximately the same size and shape of the adjoining parcel in the
395 back.
396
397 Mr. Kirkland - Any other questions? Does anyone else wish to speak?
398 That concludes the case, sir.
399
400 Mr. Carrier - Thank you.
401
402 Upon a motion by Mr. McKinney, seconded by Mr. Wright, the Board of Zoning Appeals
403 **granted** your request for the above-referenced variance subject to the following
404 conditions:
405
406 1. This approval is for lot area only. Any improvements constructed on the property shall
407 comply with the applicable regulations and requirements of the County Code.

408
409
410
411
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413
414
415
416
417
418

The Board **granted** this request, as it found from the evidence presented, that authorizing this variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the zoning regulations.

Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
Negative:		0
Absent:		0

UP-38-2000

RICHMOND LODGE NO. 45, B.P. O. ELKS requests a temporary conditional use permit pursuant to Section 24-116(c)(1) of Chapter 24 of the County Code to conduct a turkey shoot at 10022 Elks Pass Lane (Tax Parcel 28-A-21), zoned A-1, Agricultural District (Three Chopt.)

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448

Mr. Kirkland - Does anyone else wish to speak on this case? If you would, ma'am, raise your right hand and be sworn in.

Mr. Blankinship - Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. Williard- I do.

Mr. Kirkland - State your name for the record, please.

Ms. Williard - Faye Williard.

Mr. Kirkland - Have all of the adjacent landowners been contacted according to County Code?

Ms. Williard - Yes, sir.

Mr. Kirkland - Yes, we have them. If you would, state your case.

Ms. Williard - Richmond Elks Club No. 45 has conducted a turkey shoot at our location since 1987, and we have complied with all of the conditions that the County has put forth, and, to our knowledge, we have had no complaints, and we would like to continue conducting our turkey shoot on Friday and Saturday.

Mr. Kirkland - Mr. Secretary, we have had no complaints. Correct?

Mr. Blankinship - None that I am aware of.

Mr. Kirkland - OK.

449
450 Mr. McKinney - Ms. Williard, what are your hours of operation during the
451 turkey shoot?
452
453 Ms. Williard - Lodge hours or the hours of the shoot. The shoot we
454 operate from 7:00 p.m. to 10:00 p.m.
455
456 Mr. McKinney - Seven a.m.?
457
458 Ms. Williard - No, 7:00 p.m.
459
460 Mr. McKinney - Seven p.m. to 10:00 p.m.
461
462 Ms. Williard - Yes, sir.
463
464 Mr. McKinney - How many days a week?
465
466 Ms. Willis - For the turkey shoot?
467
468 Mr. McKinney - Yes.
469
470 Ms. Williard - Two.
471
472 Mr. Blankinship - Two, Friday and Saturday.
473
474 Ms. Williard - Yes, sir.
475
476 Mr. McKinney - I don't see that as a condition, Mr. Blankinship, or a
477 suggested condition.
478
479 Mr. Blankinship - It is not in there?
480
481 Mr. Kirkland - The conditions don't say the time.
482
483 Mr. McKinney - You don't have a problem with that being a condition that the
484 hours of operation for the shoot itself will be between 7:00 p.m. and 10:00 p.m. on
485 Fridays and Saturdays.
486
487 Ms. Williard - No, sir.
488
489 Mr. Kirkland - Any other questions? Does anyone else wish to speak?
490 That concludes the case, ma'am. Next case, sir.
491
492 Upon a motion by Mr. Wright, seconded by Mr. Balfour, the Board of Zoning Appeals
493 **granted** your request for the above-referenced temporary use permit subject to the
494 following conditions:

- 495
- 496 1. The land shall be properly posted to show the particular area where the
- 497 shooting is to occur and where the impact area is located.
- 498
- 499 2. No alcoholic beverages may be consumed in the area of the shoot. A sign to
- 500 this effect must be conspicuously posted in the immediate vicinity of the shooting
- 501 area.
- 502
- 503 3. No inebriated person or person under the influence of alcohol may be permitted
- 504 in the shooting area.
- 505
- 506 4. Restrooms shall be provided.
- 507
- 508 5. The turkey shoot shall only involve the use of shotguns no larger than 12 gauge
- 509 and low powered shells containing No. 8 shot.
- 510
- 511 6. A six foot high shot barrier of straw, haybales, or mounded dirt shall be erected
- 512 behind the targets as an added precaution. This barrier shall be located a maximum
- 513 of 10 feet behind the targets and extend 10 feet beyond each end of the target
- 514 line.
- 515
- 516 7. This permit is valid from November 17, 2000 through March 29, 2002.
- 517
- 518 8. Hours of operation of the turkey shoot shall be limited to 7:00 - 10:00 P.M.
- 519 Friday and Saturday.

520

521

522 The Board **granted** this request, as it found from the evidence presented, that

523 authorizing this temporary use permit will not be of substantial detriment to adjacent

524 property and will not materially impair the purpose of the zoning regulations.

525

526 Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
527 Negative:		0
528 Absent:		0

529

530

UP-39-2000 **TRAMMELL CROW COMPANY** requests a temporary conditional use permit pursuant to Section 24-116(c)(1) of Chapter 24 of the County Code to place an office and storage trailer at 3951 Westerre Parkway (Tax Parcel 48-A-37B), zoned O-3C, Office District (Conditional) (Three Chopt)

531

532 Mr. Kirkland - Does anyone else wish to speak on this case? If you would,

533 raise your right hand and be sworn in.

534
535 Mr. Blankinship - Do you swear that the testimony you are about to give is the
536 truth, the whole truth, and nothing but the truth so help you God?
537
538 Ms. Lynn Wittersheim - I do.
539
540 Mr. Kirkland - Would you state your name for the record, please?
541
542 Ms. Wittersheim - I am Lynn Wittersheim, Property Manager for Westerre
543 Parkway.
544
545 Mr. Kirkland - Have all of your notices been turned in according to County
546 Code? Ms. Wittersheim, would you pull that mike around in front of you. I am having
547 trouble hearing. We have the files. You may proceed with the case.
548
549 Ms. Wittersheim - We wanted to put a temporary trailer behind Westerre I
550 Building for use of storage and use as engineer's space.
551
552 Mr. Kirkland - Is that trailer, like a trailer you use on a job site? It is not a
553 tin trailer like storage?
554
555 Ms. Wittersheim - Right.
556
557 Mr. Wright - What is the trailer to be used for?
558
559 Ms. Wittersheim - For the engineers and for storage.
560
561 Mr. Wright - Have you read the conditions?
562
563 Ms. Wittersheim - Yes, I have.
564
565 Mr. Wright - You notice you would have to have connection to sanitation
566 facilities.
567
568 Ms. Wittersheim - We don't plan on having a toilet or anything in there.
569
570 Mr. Wright - Well, this requires you to be connected to a sanitation
571 facility. That is why I want to bring it up. If it is something that is necessary or not
572 necessary, we could deal with it.
573
574 Mr. Blankinship - Do you have the floor plan of the trailer? I don't have the
575 floor plan in my packet.
576
577 Mr. McKinney - It is not a floor plan. It just shows pictures.
578

579 Mr. Kirkland - We have got a floor plan here in the file and it shows a
580 restroom in it. But you are not going to use it?
581
582 Mr. Roberto - They will take that out and that will be a closet.
583
584 Mr. McKinney - OK.
585
586 Mr. Blankinship - We could amend the condition to say "If there is a bathroom
587 in the trailer..."
588
589 Mr. Wright - Yes, I just want to make sure we got that straight.
590
591 Ms. Wittersheim - No, we don't plan to have any.
592
593 Mr. McKinney - Well, it really won't be for an office then?
594
595 Ms. Wittersheim - It is a space for them until – we are planning to build two
596 more buildings back there.
597
598 Mr. McKinney - And if it will be used for an office, you are required to have
599 restroom facilities.
600
601 Ms. Wittersheim - Even if they are in the trailer, they can use the building.
602
603 Mr. McKinney - How far is the building away?
604
605 Ms. Wittersheim - Like from the parking lot, it is not that far. They are in the
606 buildings most of the day anyway.
607
608 Mr. Wright - The building, which is adjacent, has restroom facilities in it.
609
610 Ms. Wittersheim - Correct. Both buildings do, Westerre I and II.
611
612 Mr. Blankinship - It is about 300 feet, just scaling it all down here.
613
614 Mr. Balfour - It is between one building on this diagram and the parking
615 lot...is that what you are talking about?
616
617 Ms. Wittersheim - Yes, there are actually two buildings, very close to each
618 other.
619
620 Mr. Wright - How many people will use this trailer?
621
622 Ms. Wittersheim - Two.
623
624 Mr. Wright - There will be two persons in it?

625
626 Ms. Wittersheim - Yes, sir.
627
628 Mr. Wright - It won't be used for sales or anything like that?
629
630 Ms. Wittersheim - Oh, no sir. We have an office downtown.
631
632 Mr. McKinney - Your name is Mr. Roberto? You will be using this?
633
634 Mr. Robletto - Yes, sir.
635
636 Mr. McKinney - And you will have an assistant with you that will use that?
637
638 Mr. Robletto Yes, sir.
639
640 Mr. McKinney - From what hours to what hours?
641
642 Mr. Robletto Like 7:30 a.m. to 5:00 p.m.
643
644 Mr. Kirkland - Monday through Friday?
645
646 Mr. Robletto Monday through Friday.
647
648 Mr. McKinney - And will you have a phone in this trailer?
649
650 Mr. Robletto Yes, phones and computers.
651
652 Mr. McKinney - So you will have heat and air conditioning also in them?
653
654 Mr. Robletto It has a heat pump on it.
655
656 Mr. McKinney - Is this an Usry trailer?
657
658 Mr. Robletto Scottsman, I think.
659
660 Mr. McKinney - So, what I am asking is if you got real inclement weather or
661 we got an ice storm, and you are in this trailer all day long and your assistant.
662
663 Mr. Robletto We do our work mainly in the building. If we can't get out of
664 the trailer, there is no use for us to be there, as all of the things we have to do, taking
665 care of the two buildings.
666
667 Mr. Balfour - You are not going to use this trailer (unintelligible)..
668
669 Mr. McKinney - But you say you will have a phone and a computer and all of
670 that in the trailer?

671
672 Mr. Robletto - Yes.
673
674 Mr. McKinney - So, you are not going to be able to communicate with the
675 office from the buildings itself if you go to that trailer.
676
677 Ms. Wittersheim - No. We have Nextel phones and radios.
678
679 Mr. McKinney - How about the information he has on his computer?
680
681 Ms. Wittersheim - That is connected to our office downtown.
682
683 Mr. McKinney - But he can use his Nextel on the radio if he needs anything
684 that he can't get through the computer through your office.
685
686 Ms. Wittersheim - Correct.
687
688 Mr. McKinney - Thanks.
689
690 Mr. Kirkland - Any other questions of Board members? Anyone else to
691 speak? That concludes the case.
692
693 Upon a motion by Mr. Wright, seconded by Mr. Balfour, the Board of Zoning Appeals
694 **granted** your request for the above-referenced temporary use permit subject to the
695 following conditions:
696
697 1. Only the improvements shown on the plan filed with the application may be
698 constructed pursuant to this approval. Any additional improvements shall comply
699 with the applicable regulations of the County Code.
700
701 2. If a bathroom is provided, the trailer shall be connected to sanitation facilities
702 approved by the Health Department.
703
704 3. The trailer shall be sited such that 668 parking spaces remain available to serve
705 the office buidlings. Five additional spaces shall be provided to serve the trailer.
706
707 4. If land disturbance will exceed 2,500 square feet the requirements of Chapter
708 10 of the County Code apply. At the time of building permit application, the
709 applicant shall submit the necessary information to the Department of Public Works
710 to ensure compliance with the requirements of the Chesapeake Bay Preservation
711 Act and the code requirements for water quality standards.
712
713 5. A detailed landscaping plan shall be submitted to the Planning Office for review
714 and approval. All landscaping shall be maintained in a healthy condition at all times.

715 Dead plant materials shall be removed within a reasonable time and replaced during
716 the normal planting season.

717
718 6. If any new lighting is to be installed, a detailed site lighting plan shall be
719 included with the landscaping plans for Planning Office review and approval.

720
721 7. All exterior lighting shall be shielded to direct light away from adjacent property
722 and streets.

723
724 8. This permit shall expire on November 16, 2002, and shall not be renewed.

725
726 The Board **granted** this request, as it found from the evidence presented, that
727 authorizing this temporary use permit will not be of substantial detriment to adjacent
728 property and will not materially impair the purpose of the zoning regulations.

729
730 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
731 Negative: 0
732 Absent: 0

733
734 **A-120-2000** **JOHN A. ZELINSKE** requests a variance from Section 24-
94 of Chapter 24 of the County Code to build a sunroom at
12204 Renwick Court (Renwick at Wyndham) (Tax Parcel
4-6-A-16), zoned R-4C, One-family Residence District
(Conditional) (Three Chopt). The rear yard setback is not
met. The applicant has 30 feet rear yard setback, where
the Code requires 35 feet rear yard setback. The applicant
requests a variance of 5 feet rear yard setback.

735
736 Mr. Kirkland - Does anyone else wish to speak on this case? If you would,
737 sir and ma'am, raise your right hand and be sworn in.

738
739 Mr. Blankinship - Do you swear that the testimony you are about to give is the
740 truth, the whole truth, and nothing but the truth so help you God?

741
742 Mr. Champion - Yes, we do.

743
744 Ms. Zelinske - Yes, we do.

745
746 Mr. Kirkland - State your name for the record, please.

747
748 Mr. Champion - My name is Mr. Champion and this is Ms. Zelinske.

749
750 Mr. Kirkland - Have all adjacent landowners been contacted according to
751 County Code?

752

753 Mr. Champion - Yes.
754
755 Mr. Kirkland - We have them in the file. Please proceed with the case.
756
757 Mr. Champion - We would like to construct a sunroom on the back of the
758 home. It has an existing deck. I believe the deck is a little larger than the sunroom.
759 The sunroom will be 12 x 13 and it is on the far left corner of the deck, and I saw there
760 was a note on the application that was a note back to us that said they wanted to know
761 if we could shift it down a little on the deck. The backyard has such a gradual slope to
762 us that the sunroom will actually have to go past the edge of the house to meet the
763 variance, and I don't actually know if we would meet the variance to the side, if we went
764 past the house, but we also wanted to enclose the door going from the living room to
765 the sunroom, so they wouldn't have to walk outside the door and be subject to weather
766 to get to the additional first floor square footage. One of the reasons they are building a
767 sunroom is they wanted to protect themselves from the mosquitoes and Mr. Zelinski has
768 back difficulty, and would like to have more square footage on the first floor of the
769 house.
770
771 Mr. Wright - What is the shape of this lot?
772
773 Mr. Champion - Well, it has a slope in the back.
774
775 Mr. Wright - It has kind of an odd shape.
776
777 Mr. Champion - Odd shape, odd configuration to the back.
778
779 Mr. Wright- That is due to the fact that the back line cuts across from
780 him; that causes the problem.
781
782 Mr. Champion - Right. A very sharp angle
783
784 Mr. Wright - What is located to the rear of this property?
785
786 Mr. Champion - There are two neighbors to the rear of the property. There
787 are a light amount of trees separating the two. They have been contacted. Both
788 neighbors are fine with the idea of building a sunroom.
789
790 Mr. Wright - This house is located on a cul-de-sac.
791
792 Mr. Champion - Yes, sir, that is correct.
793
794 Mr. Wright - The neighbors to the rear seem to be angled away from the
795 back of this house. Is that an open area to the north there?
796
797 Ms. Zelinske - That's the golf course.
798

799 Mr. Wright - Oh, that is the golf course; right. Any other questions by
800 Board members?
801
802 Mr. Wright - Will this be the exact size of the deck?
803
804 Ms. Zelinske - Half the deck, just the top part of the deck. The deck is
805 actually longer; we are just doing the part by the door.
806
807 Mr. Wright - What is the size of the deck?
808
809 Mr. Champion - I think the deck that is there now is, there are two portions of
810 the deck. I don't know if we've got a picture here or not. We have a picture of the back
811 of the house here. It is two tiers. The patio room is going to cover the upper portion.
812
813 Mr. Wright - That is where the...it is going to be covered?
814
815 Mr. Champion - Correct.
816
817 Mr. Wright - And it will be just the area of the deck that will be covered.
818
819 Mr. Champion - Of the upper portion. Yes.
820
821 Mr. Balfour - What kind of siding is that?
822
823 Mr. Champion - That is vinyl siding that is on there right there.
824
825 Mr. McKinney - They all come out that way, for some reason, on the digital
826 camera.
827
828 Mr. Champion - Yes, if you get too close with the digital camera.
829
830 Mr. Kirkland - Any other questions? Anyone else wish to speak? That
831 concludes the case. Thank you.
832
833 Upon a motion by Mr. Wright, seconded by Mr. Nunnally, the Board of Zoning Appeals
834 **granted** your request for the above-referenced variance subject to the following
835 conditions:
836
837 1. Only the improvements shown on the plan filed with the application may be
838 constructed pursuant to this approval. Any additional improvements shall comply
839 with the applicable regulations of the County Code.
840
841 The Board **granted** this request, as it found from the evidence presented, that
842 authorizing this variance will not be of substantial detriment to adjacent property and will
843 not materially impair the purpose of the zoning regulations.
844

845	Affirmative:	Balfour, Kirkland, McKinney, Nunnally, Wright	5
846	Negative:		0
847	Absent:		0

848

A-121-2000

SONIA ZINDER requests a variance from Section 24-41(e) of Chapter 24 of the County Code to build an addition at 1613 Logwood Circle (Gayton Forest) (Tax Parcel 78-14-KK-6), zoned RTH, Residential Townhouse District (Tuckahoe). The rear yard setback is not met. The applicant has 26.5-rear yard setback, where the Code requires 30 feet rear yard setback. The applicant requests a variance of 3.5 feet rear yard setback.

849

850 Mr. Kirkland - Does anyone else wish to speak on this case? If you would,
851 ma'am, raise your right hand and be sworn in.

852

853 Mr. Blankinship - Do you swear the testimony you are about to give is the
854 truth, the whole truth, and nothing but the truth, so help you God?

855

856 Ms. Zinder - I do.

857

858 Mr. Kirkland - Would you state your name for the record, please.

859

860 Ms. Zinder - I am Sonia Zinder.

861

862 Mr. Kirkland - Have all of your notices been turned in according to County
863 Code?

864

865 Ms. Zinder - Yes, they have been.

866

867 Mr. Kirkland - If you would, proceed with your case.

868

869 Ms. Zinder - Well, I want to add a small portion, 7 feet deep, onto the rear
870 of my house to extend the living area to give me additional first floor space, so that I can
871 use it as a bedroom and office. I do not have enough room for all of that right now, in
872 case I won't be able to handle the stairs in my house eventually.

873

874 Mr. Balfour - Is this going to be your master bedroom downstairs?

875

876 Ms. Zinder - Yes. I have it upstairs now. I have a full bath on that wall
877 that would enable me to do that.

878

879 Mr. Wright - Ms. Zinder, what is located to the rear of your property?

880

881 Ms. Zinder - A house, but there is a wooded area, and there are other
882 houses.

883
884 Mr. Wright - Is there a common area?
885
886 Ms. Zinder - Yes, there is a common area.
887
888 Mr. Wright- Is that basically wooded?
889
890 Ms. Zinder - Yes, it is. You can hardly see the houses out back when
891 everything is leafed.

892
893 Mr. Kirkland - Are there any other questions? Does anyone else wish to
894 speak on this case? If not, that concludes the case.
895

896 Ms. Zinder - Thank you.
897

898 Upon a motion by Mr. Balfour, seconded by Mr. McKinney, the Board of Zoning Appeals
899 **granted** your request for the above-referenced variance subject to the following
900 conditions:

901
902 1. Only the improvements shown on the plan filed with the application may be
903 constructed pursuant to this approval. Any additional improvements shall comply
904 with the applicable regulations of the County Code.

905
906 The Board **granted** this request, as it found from the evidence presented, that
907 authorizing this variance will not be of substantial detriment to adjacent property and will
908 not materially impair the purpose of the zoning regulations.

909
910 Affirmative: Balfour, Kirkland, McKinney, Nunnally, Wright 5
911 Negative: 0
912 Absent: 0

913
914 There being no further business and on a motion by Mr. Nunnally, seconded by Mr.
915 Balfour, the Board adjourned until December 14, 2000.
916

917
918 Richard Kirkland,
919 Chairman

920
921
922

923 Benjamin Blankinship, AICP

924 Secretary

925

926

927

928