

1 MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING  
2 APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY  
3 ADMINISTRATION BUILDING IN THE GOVERNMENT CENTER AT PARHAM  
4 AND HUNGARY SPRING ROADS, ON THURSDAY NOVEMBER 15, 2018 AT  
5 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-  
6 DISPATCH OCTOBER 29, 2018 AND NOVEMBER 5, 2018.  
7

Members Present: Helen E. Harris, Chairman  
Gentry Bell, Vice Chairman  
Walter L. Johnson, Jr.  
James W. Reid

Member Absent: Terone B. Green

Also Present: Jean M. Moore, Assistant Director of Planning  
Benjamin Blankinship, Secretary  
Paul M. Gidley, County Planner  
R. Miguel Madrigal, County Planner  
Kuronda Powell, Account Clerk

8  
9  
10 Ms. Harris - Good morning and welcome to the November 15,  
11 2018 meeting of the Board of Zoning Appeals. Please stand with us as we recite  
12 the Pledge of Allegiance.  
13

14 Our secretary will now read the rules that govern this meeting.  
15

16 Mr. Blankinship - Good morning, Madam Chair, members of the Board,  
17 ladies and gentlemen. Acting as secretary I will announce each case. As I am  
18 speaking, the applicant should come on down to the podium. You know what? I  
19 got a little bit ahead of myself.  
20

21 The rules for this meeting are as follows: Acting as secretary, I will call each  
22 case. Then we'll ask everyone who intends to speak to that case to stand and be  
23 sworn in. Then a member of the Planning staff will give a brief introduction to the  
24 case, then the applicant will present their case. Then anyone else who wishes to  
25 speak will be given the opportunity. After everyone has had an opportunity to  
26 speak, the applicant and only the applicant will have an opportunity for rebuttal.  
27

28 After the Board has heard all the testimony on each case, they will proceed to the  
29 public hearing on the next case. At the end of the public hearing, they will go  
30 back through the agenda and make their decisions on each case. So if you wish  
31 to hear their decision on a specific case, you can either stay until the end of the  
32 meeting, or you can call the Planning Department this afternoon, or you can  
33 check the Planning Department website.  
34

35 This meeting is being recorded, so we'll ask everyone who speaks to speak  
36 directly into the microphone on the podium, state your name, and please spell  
37 your last name so we get it correctly in the record.

38  
39 I'd also note that we received notice late last evening that Mr. Terone Green is  
40 not present with us this morning. The state code requires that in order to approve  
41 any conditional use permit there have to be three affirmative votes. So anyone  
42 who wishes to defer your case until next month may do so in order to have that  
43 fifth vote. I don't anticipate that arising too much this morning, but one never  
44 knows.

45  
46 Ms. Harris - Okay, thank you. Let's call the first request.

47  
48 Mr. Blankinship - We have no requests for deferral or withdrawal.  
49 CUP2018-00033, Michael G. Pruitt.

50  
51 **CUP2018-00033** **MICHAEL G. PRUITT** requests a conditional use  
52 permit pursuant to Section 24-95(i)(4) of the County Code to allow a pool in the  
53 side yard at 11997 W Broad Street (Parcel 734-763-5161) zoned Agricultural  
54 District (A-1) (Three Chopt).

55  
56 Mr. Blankinship - Would everyone who intends to speak to this case  
57 please stand and be sworn in. Raise your right hands, please. Do you swear the  
58 testimony you're about to give is the truth, the whole truth, and nothing but the  
59 truth so help you God?

60  
61 Mr. Pruitt - I do.

62  
63 Mr. Blankinship - Thank you. Mr. Gidley?

64  
65 Mr. Gidley - Thank you, Mr. Secretary. Good morning Madam  
66 Chair, members of the Board.

67  
68 The subject property is the Pruitt family home, which I'm sure many of you have  
69 seen across Broad Street from Short Pump Town Center. It's the farm across  
70 there with the long fence that runs along the south side of Broad Street. The  
71 home itself is on a 12.21-acre parcel. The surrounding farm is just over 78 acres.  
72 The Pruitts wish to record a boundary line adjustment that would result in the  
73 existing pool and detached garage that are currently in the rear yard becoming  
74 located in the side yard. You can see the lot would shrink down. The front's here.  
75 The rear line of the house is here. Because the pool and the garage would be  
76 beside the house, they do need a conditional use permit, thus today's request.

77  
78 In evaluating the request, the property is zoned A-1 Agricultural District. A one-  
79 family dwelling is consistent with this, as are accessory structures such as  
80 swimming pools and a detached garage. The site is designated at Urban Mixed-

81 Use on the Comprehensive Plan which is similar to the West Broad Village. But  
82 again that's long term. As far as any substantial detrimental impact, staff  
83 anticipates none. The pool and the garage exist now. The only change would be  
84 the boundary line adjustment. And again, the site is surrounded by the family  
85 farm, so no detrimental impact is anticipated.

86

87 To conclude, other than the boundary line adjustment, which would place the  
88 pool and garage in the side yard, everything would remain the same. Because no  
89 detrimental impacts are anticipated, staff can recommend approval of this  
90 request subject to the conditions in your staff report. This concludes my  
91 presentation. If you have any questions, I'll be happy to answer them.

92

93 Ms. Harris - Thank you. Are there any questions from Board  
94 members? Mr. Gidley, do you think they could have sketched the boundaries so  
95 that the pool would have been in the rear yard and the garage would have been  
96 in the rear yard?

97

98 Mr. Gidley - They control that as it's their land. They could have  
99 sketched it differently. What they have in mind longer term out there and why  
100 they came up with this specific design, I'll let the applicant speak to that.

101

102 Ms. Harris - Okay. Any more questions from Board members?  
103 Thank you, Mr. Gidley.

104

105 Mr. Gidley - Thank you, ma'am.

106

107 Ms. Harris - All persons who wish to speak to this request, please  
108 come forward. State your name and spell your last name.

109

110 Mr. Pruitt - Good morning. My name is Michael Pruitt. P-r-u-i-t-t. I  
111 thought the report did a very good job of explaining what we're trying to do, so I'd  
112 be happy to answer any questions that you have.

113

114 To answer your question, we're just doing some family planning. What we're  
115 doing is we are incorporating a lot of what was the 12-acre lot into the existing  
116 field area and just creating a smaller lot for the residence. As far as why we—  
117 there are some rules about how much frontage it needs and certain dimensions  
118 for it to create a lot. So in order to make that happen, we created the parcel that  
119 you're looking at today.

120

121 Mr. Blankinship - Was it important to you that the driveway from West  
122 Broad Street be on this newly adjusted parcel?

123

124 Mr. Pruitt - I think it does pick up a piece of that right where the  
125 mailbox is, yes sir.

126

127 Mr. Blankinship - It looks like that's the decision that resulted in the rear  
128 yard being on the other side of the pool.  
129  
130 Mr. Pruitt - Yes sir. The sketch accurately depicts what we were  
131 trying to do. Yes sir.  
132  
133 Mr. Blankinship - If they had moved it so that the rear yard was on the  
134 other side, the driveway wouldn't be on this parcel.  
135  
136 Ms. Harris - Do you have the report?  
137  
138 Mr. Pruitt - Yes ma'am, I do.  
139  
140 Ms. Harris - Okay. What are those structures to the west of the  
141 driveway?  
142  
143 Mr. Pruitt - Okay. I think I see someone's hand moving on there.  
144 Yes. Those are old barns.  
145  
146 Ms. Harris - So did you keep up with the amount of footage for the  
147 accessory structures?  
148  
149 Mr. Pruitt - I'm sorry; say again?  
150  
151 Ms. Harris - Okay. There are regulations as to how many  
152 structures you can have on a particular parcel based on the footage.  
153  
154 Mr. Blankinship - Because this is A-1 zoned property and is actively  
155 used for pasture crops, they can exceed that. Those are agricultural buildings  
156 rather than accessory to the residence.  
157  
158 Ms. Harris - Thank you. Other questions? I have to say I've always  
159 admired that farm. When we drive by there sometimes, with Short Pump  
160 Shopping Center being on the other side, we say that land is going to be worth  
161 pure gold.  
162  
163 Mr. Pruitt - Well it's not for sale right now. That farm is very  
164 special to our family. It's been in the family since 1925. We eat dinner out there  
165 every Sunday night as a family. So it's not going anywhere anytime soon. As kids  
166 when we ate there on Wednesday nights growing up, we'd wait for our parents to  
167 get off of work. When Broad Street was two lanes, we'd sit up on Broad Street.  
168 You'd watch a car go by, and then it would take another five or six minutes  
169 before a car came by. It's quite different now.  
170  
171 Mr. Johnson - The roadway going behind the property, that's just  
172 private roadway, right?

173  
174 Mr. Pruitt - Right there? Yes sir. It's part of the driveway. It's off  
175 the screen, but it exits on North Gayton. It terminates, I should say.

176  
177 Ms. Harris - Are there other questions from Board members?  
178 Thank you so very much.

179  
180 Mr. Pruitt - Thank you.

181  
182 Ms. Harris - Is there anyone who opposes this request? If not, that  
183 concludes this case. Mr. Blankinship, please call the next case.

184  
185 **[After the conclusion of the public hearings, the Board discussed the case**  
186 **and made its decision. This portion of the transcript is included here for**  
187 **convenience of reference.]**

188  
189 Ms. Harris - What is the pleasure of the Board?

190  
191 Mr. Reid - I move that we approve CUP2018-00033 to allow Mr.  
192 Pruitt to maintain his swimming pool in the side yard at 11007 West Broad Street  
193 due to the boundary adjustment.

194  
195 Ms. Harris - Is there a second?

196  
197 Mr. Bell - Second.

198  
199 Ms. Harris - It's been moved and properly seconded that we  
200 approve this conditional use permit. Is there any discussion on the motion? We  
201 do need to state that this change would not adversely affect the health, safety or  
202 welfare of the neighbors since they are so far from them. Okay. All in favor of this  
203 conditional use permit being approved say aye. Those opposed say no. There is  
204 no opposition; that motion passes.

205  
206 After an advertised public hearing and on a motion by Mr. Reid, seconded by  
207 Mr. Bell, the Board **approved** application **CUP2018-00033, MICHAEL G.**  
208 **PRUITT's** request for a conditional use permit pursuant to Section 24-95(i)(4) of  
209 the County Code to allow a pool in the side yard at 11997 W Broad Street (Parcel  
210 734-763-5161) zoned Agricultural District (A-1) (Three Chopt). The Board  
211 approved this request subject to the following condition:

212  
213 1. This conditional use permit only applies to the existing pool and garage shown  
214 on the plans submitted with the application. All other applicable regulations of the  
215 County Code shall remain in force.

216  
217  
218 Affirmative: Bell, Harris, Johnson, Reid 4



219 Negative: 0  
220 Absent: Green 1  
221  
222

223 **[At this point, the transcript continues with the public hearing on the next**  
224 **case.]**  
225

226 Mr. Blankinship - CUP2018-00035, Anthony F. and Julie R. Higgins.  
227

228 **CUP2018-00035 ANTHONY F. AND JULIE R. HIGGINS** request a  
229 conditional use permit pursuant to Section 24-12(e) of the County Code to allow  
230 a noncommercial kennel at 5176 Hart Mill Drive (SPRINGCREEK) (Parcel 757-  
231 769-3287) zoned One-Family Residence District (R-3) (Brookland).  
232

233 Mr. Blankinship - Would everyone who intends to speak to this case  
234 please stand and be sworn in. Raise your right hands, please. Do you swear the  
235 testimony you're about to give is the truth, the whole truth, and nothing but the  
236 truth so help you God?  
237

238 Mr. Higgins - I do.  
239

240 Mr. Blankinship - Thank you. Mr. Madrigal?  
241

242 Mr. Madrigal - Thank you, Mr. Secretary. Madam Chair, members of  
243 the Board, good morning.  
244

245 Before you is a request to allow a non-commercial kennel in a one-family  
246 residence. The subject property is approximately 9500 square feet in area and is  
247 improved with a two-story, 2600-square-foot home with a detached two-car  
248 garage built in 1996. The home was purchased by the property owner in 2016  
249 and is being used as a rental property. The applicants recently relocated from  
250 South Carolina and brought their family pets with them, which consist of one dog  
251 and four cats. The pets are kept in the residence, but the cats are free to roam  
252 outdoors throughout the day. The County received a complaint of excessive  
253 animals at the property in September of this year and contacted the residents.  
254 Soon thereafter they filed a conditional use permit request to allow a non-  
255 commercial kennel at the property.  
256

257 The property is zoned R-3 and is designed Suburban Residential 2 on the 2026  
258 land use map. A one-family dwelling is a principally permitted use in the R-3  
259 District, and the keeping of pets is an accessory use customary and incidental to  
260 a one-family dwelling. Although the applicant exceeds the number of pets  
261 allowed by code without a conditional use permit, the use is consistent with both  
262 the zoning and Comprehensive Plan designations.  
263

264 As previously mentioned, the applicants have five pets. They are kept in the  
265 residence, but are let out daily into the fenced-in rear yard, which you can see  
266 here. While the dog stays on the property—. The four cats are not contained to  
267 the lot. The cats are let out in the morning and are not called back home until the  
268 evening. Additionally, the cats have free reign to enter and exit the home  
269 throughout the day by way of a pet door that is in the garage. The applicants  
270 leave the garage door slightly open so that the cats can get in and out at their  
271 leisure. This practice has generated a complaint against the property. Although  
272 cats tend to be significantly quieter than dogs, they have a strong propensity to  
273 explore their surroundings, which can lead to a nuisance situation.

274  
275 It is incumbent on the applicants to limit any potential adverse impacts on the  
276 neighborhood primarily by controlling their animals and ensuring their  
277 containment. This is especially important in dense residential areas where lots  
278 tend to be smaller and homes are closer together. The applicants do not intend  
279 to add any more pets and expect a reduction in the number of animals by way of  
280 natural attrition. Based on the current situation, no substantial detrimental  
281 impacts are anticipated if the applicants abide by the recommended conditions of  
282 approval.

283  
284 In conclusion, the applicant's request is consistent with both the zoning and  
285 Comprehensive Plan designations for the property. The animals are kept  
286 primarily in the home, and ample yard is being provided for their wellbeing. As  
287 long as the applicants abide by the recommended conditions of approval, this  
288 should help mitigate any substantial detrimental impacts associated with their  
289 request. Based on the facts of this case, staff recommends approval subject to  
290 the conditions. That concludes my presentation.

291  
292 Ms. Harris - Thank you, Mr. Madrigal. Are there any questions  
293 from Board members for Mr. Madrigal? Thank you so much.

294  
295 Mr. Madrigal - Thank you.

296  
297 Ms. Harris - Would the applicant please come forward and state  
298 your case.

299  
300 Ms. Higgins - Good morning. My name is Julie Higgins. H-i-g-g-i-n-  
301 s. We did move here from South Carolina in July. We have a cavalier—who is  
302 nine. Her back legs are very bad, so she does just go out to go to the bathroom  
303 and comes back in. We do have four cats. They are 13 years old, 12 years old, 4  
304 years old, and 3 years old. Yes, they do go outside. My husband lets them out  
305 around 6:30 in the morning. We do have a pet door that goes between the  
306 kitchen and the garage so they can come in, get food, water. If it's raining, they  
307 can come in the house.

308

309 I'm home all day, and the dog can't go more than four hours without being let out  
310 to go to the bathroom. I pretty much know most of the time where the cats are  
311 because I can see them and they're coming and going. They're inside a lot, a lot  
312 more than they're outside, especially two of them.

313

314 The conditions I do not have a problem with except for them being inside.  
315 They've been indoor/outdoor cats their whole lives. Locking them in the house is  
316 going to be a nightmare for them and for me. To get groceries, I'm going to have  
317 to come in through the front door and slide one bag at a time through the front  
318 door. That will also cut off our use to the garage because that's where the litter  
319 boxes are. So we're not going to be able to get to the lawn equipment without  
320 somebody getting them all in and me sitting in front of the cat door to prevent  
321 them from going out while that's being done.

322

323 If you're facing the house, then over to the right, they do go into his yard because  
324 his gate is broken and there are missing boards on his fence. They go to the  
325 house behind us because that's his girlfriend's grandmother's house. They know  
326 that he's over there. And, I mean, they've lived with him their whole lives. He  
327 doesn't live with us anymore; he lives down in Midlothian. So they go over there  
328 because they know he's there. And his girlfriend's grandmother is not there a lot,  
329 I think probably five or six days a month. She's in Williamsburg with her daughter.  
330 But the grandmother has started feeding them and petting them and holding onto  
331 them. That's the only way they can go through to get to them is through the fence  
332 in our neighbor's backyard because he's missing I think two pieces of wood or  
333 something like that. They would not be able to go if those were repaired. The  
334 back fence is like six feet, something like that. The side fence is up because  
335 they're at an angle. But then when they get to the top there's nowhere to go  
336 because they can't jump that far down without getting hurt.

337

338 When we first moved there, yes they did go in his yard a little bit more, but I'd go  
339 over there and get them and shoo them home. And they don't go as much  
340 anymore except to get—they go to the back corner of our yard and cross over to  
341 get to the back side of the other fence. I don't really know what to do. Keeping  
342 them locked inside is going to be a constant battle every time the door is opened.  
343 The 13-year-old doesn't go as much anymore, but the 12-year-old does. They're  
344 going to be standing at the door every time.

345

346 Ms. Harris - Ms. Higgins, are you referring to condition 4?

347

348 Ms. Higgins - Yes ma'am.

349

350 Ms. Harris - Okay. So you would rather that condition not be there.

351

352 Ms. Higgins - Yes ma'am, if I could. And like I said, I try very hard all  
353 day—and you can ask him because if he's house-sitting for us, I drive him crazy  
354 about making sure that they're close by and that we know where they are. The



355 traffic on our street is so heavy and so fast, so I try very hard to get them in  
356 before dark. We have two black cats that are very hard to see after dark. They  
357 don't normally go to the front of the house, the street side, but if they did, they  
358 would most certainly get hit.

359

360 Ms. Harris - When I saw that condition—I know you have a dog  
361 that you keep inside. And I was wondering about keeping the cats inside too. Do  
362 they get along?

363

364 Ms. Higgins - Oh, yeah, they get along. It's just trying to get in and  
365 out of the house. I don't know how I'm going to do it. We tried it when we first  
366 moved there because I was so worried about all the traffic. Every time one of  
367 them would slip through the door.

368

369 Ms. Harris - Are there questions from Board members?

370

371 Mr. Johnson - You say you moved into the area in July of this year?

372

373 Ms. Higgins - Yes sir.

374

375 Mr. Johnson - Were you aware of the regulations for the number of  
376 cats or number of animals?

377

378 Ms. Higgins - No sir. It's not in the homeowners association by-  
379 laws. And I double checked because we were given them before we signed the  
380 lease, and I read through those. It's not in the homeowners association. We had  
381 lived in Chesterfield County until 2015, and there's only a three-dog thing in  
382 Chesterfield County. There's no minimum on cats or there's no restrictions on  
383 cats. There are restrictions on dogs. And I double-checked with my vet on that.  
384 They still go to Dr. Bills on Hull Street because my dog has a lot of allergies and  
385 a lot of problems, and he's always dealt with her. He said he never heard of that  
386 before. But he's also in Chesterfield County, and he lives in Chesterfield County.

387

388 Mr. Johnson - Okay. Also, since there are regulations, if we happen  
389 to approve this, if something happened to the others, are you content to make  
390 sure that you don't exceed any of these regulations?

391

392 Ms. Higgins - We're not replacing. As he said, there will be natural  
393 consequences that happen. When they pass, we will not replace any animals. I'm  
394 definitely downsizing. If anything were to happen to them, we're not replacing any  
395 animals.

396

397 Ms. Harris - Mr. Bell?

398

399 Mr. Bell - Cats have a propensity to roam, and that is on my  
400 mind because we haven't stopped that. When we have one complaint you can

401 think that possibly we're going to get others. A lot of people just don't like to have  
402 cats in their yard.

403  
404 Ms. Higgins - Unfortunately—

405  
406 Mr. Bell - That's what we have to address as well.

407  
408 Ms. Higgins - Yes sir. They do not go—I've talked to neighbors  
409 around us after the little paper was sent out telling about the hearing and all that.  
410 The neighbor on our left side said she had no idea that we even had that many  
411 animals. The people across the street, they were telling me that no, they've never  
412 seen them over there. I did catch one of our cats over there one day, but I  
413 brought him home, and he's been acting real skittish. So I don't know if he had a  
414 close call with a car. I don't know. But they don't usually go over there. They're  
415 usually in our backyard.

416  
417 Mr. Bell - Condition 4, you're saying that you will not accept  
418 condition 4.

419  
420 Ms. Higgins - I would like it altered somehow. If I've been to the  
421 store or something, if they're out they'll come in the house with me on their own.  
422 They'll just come in and hang out for a while. They're inside a lot during the day.  
423 Basically, the only thing they do is they go out to go to the bathroom. Our 12-  
424 year-old cat will not use a litter box, so that's another problem that I'm going to  
425 have. I don't know what I'm going to do with him.

426  
427 Mr. Blankinship - Can you keep them in the rear yard somehow? Can  
428 we change "indoors" to "on the property"?

429  
430 Ms. Higgins - That was my other question. Is there a way to alter  
431 the fence where we can—

432  
433 Mr. Blankinship - That would be up to you.

434  
435 Ms. Higgins - But is that something that has to be approved? Is  
436 there a way to alter the fence where we put something up where they can't jump  
437 up there? I don't know.

438  
439 Ms. Harris - Do you have a plan for reducing the number to three if  
440 we decide that that must be done?

441  
442 Ms. Higgins - If that has to be done, then we'd have to move. And  
443 we just spent well over \$10,000 getting here, back to Virginia in July. There is  
444 nobody that can take them.

445

446 Ms. Harris - And you say you would not have a problem—do you  
447 have the conditions before you?

448  
449 Ms. Higgins - Yes ma'am, I have them right here.

450  
451 Ms. Harris - Condition 4. If we said that the applicant shall keep  
452 the four cats on your property . . .

453  
454 Ms. Higgins - Yes ma'am.

455  
456 Ms. Harris - You would be amenable to that?

457  
458 Ms. Higgins - Yes ma'am. I'd just have to try to find a way, and I'm  
459 up for any suggestions that you have helping me figure out a way to keep them  
460 on the property. Obviously there's going to have to be a little alteration on the top  
461 part of the fence, and I don't know how to do that. And I don't know what's  
462 actually legal according to the zoning board. I don't know what to do.

463  
464 Mr. Blankinship - As long as the rear yard fence doesn't exceed seven  
465 feet in height we're not going to regulate the design of the fence. Now your  
466 homeowners association may, so you'll want to check with them as well. But  
467 they're aware of the problem and I'm sure want to find a solution. This is  
468 something you're going to have to resolve. You're going to have to find a  
469 solution.

470  
471 Ms. Higgins - Okay.

472  
473 Ms. Moore - Mr. Blankinship, as far as enforcement purposes, if  
474 that condition is modified and there is a complaint later that a cat is off premise,  
475 does that simply follow the same procedures of someone filing a complaint and a  
476 notice of violation being issued?

477  
478 Mr. Blankinship - Yes.

479  
480 Ms. Higgins - Can I ask what the actual complaint was, because I  
481 have no idea. All I had was a brochure on my door that said that they wanted to  
482 know how many animals reside at this residence. I've never been told what the  
483 actual complaint was.

484  
485 Mr. Blankinship - We don't really receive that information either. What  
486 we know is that there are more than three animals on the property, which  
487 requires a conditional use permit. Then it becomes a matter for whether the  
488 Board approves the conditional use permit, and if so, under what conditions.

489  
490 Ms. Higgins - The only questions that my neighbors have had—and  
491 I've had several on the neighborhood Facebook page—was what were we doing

492 to the property. And I said we're not building a kennel, we're not building a dog  
493 run, we're not building a dog house. There's nothing being done inside or outside  
494 the house or on the property.

495

496 Mr. Blankinship - What has been communicated to us is that the cats,  
497 particularly, leave the property and become a nuisance to the neighbors. We  
498 don't know which neighbors or in what way they've become a nuisance.

499

500 Ms. Higgins - I know which neighbor, so.

501

502 Mr. Blankinship - Well we don't.

503

504 Ms. Higgins - Okay.

505

506 Ms. Harris - Are there other questions from Board members?

507

508 Ms. Higgins - Is there a way to get him to fix his fence? That would  
509 solve a big part of the problem.

510

511 Mr. Blankinship - That's something that the two of you could discuss.  
512 This Board wouldn't be a part of that.

513

514 Ms. Higgins - Okay.

515

516 Ms. Harris - Thank you so very much.

517

518 Ms. Higgins - Thank you very much.

519

520 Ms. Harris - Is there anyone who wants to speak to this request? I  
521 don't think you were sworn in. Come on down and we'll swear you in. So you are  
522 in favor of this request being granted or are you opposed to it?

523

524 Female - Opposed with questions.

525

526 Ms. Harris - Okay, just one moment. Let me be sure that we have  
527 covered people who are in favor of this request. Is there anyone else? Okay.  
528 Now we can take the ones who are opposed.

529

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

533

534 Ms. D. Harris - I do.

535

536 Mr. Blankinship - Thank you.

537



538 Ms. Harris - Okay. Please state your name and spell your last  
539 name.

540  
541 Ms. D. Harris - Good morning, Madam Chairwoman and members of  
542 the Board. My name is Danielle Harris. I currently reside at 5168 Hart Mill Drive. I  
543 have lived there for approximately seventeen years and have been a member of  
544 the Spring Creek Homeowners Association for five as vice president.

545  
546 Several neighbors, including myself, do have some concerns over the cats,  
547 mainly, free-roaming the neighborhood. Is there a way you can pull up that  
548 picture you had of the front of the residence? As you can see, the garage door is  
549 kept cracked open all day so the cats do come in and out of that. The concern  
550 from a neighborhood standpoint is of safety and also the unsightly appearance  
551 that it creates.

552  
553 Our only question is if they were approved, would they be inspected to maintain  
554 kennel standards, if I can ask that question?

555  
556 Ms. Harris - Usually if there's a complaint, you follow those  
557 channels. Whatever we approve, if the property owners or applicant go against  
558 what we approve, a complaint can be brought up, and we have to deal with the  
559 complaint.

560  
561 Ms. D. Harris - Okay. And then also as renters, how are they able to  
562 obtain this type of license?

563  
564 Mr. Blankinship - We have a written statement from the owner of the  
565 property authorizing them to apply on his behalf.

566  
567 Ms. D. Harris - Okay. Those were our only concerns as neighbors.  
568 The cats are in my yard daily. I'm not to their immediate of the location, but I'm  
569 one house . . . that's me. So again, no real adversity to them keeping and having  
570 the pets. But if there was a way they could be kept inside, that would be our  
571 desire.

572  
573 Mr. Blankinship - You say inside. Would on the property satisfy you as  
574 well?

575  
576 Ms. D. Harris - Absolutely, if there's a way to keep cats . . . yeah. As  
577 we've been driving in and out of the neighborhood, too, several of us have had  
578 near misses with almost running one of them over. I would hate for that to  
579 happen as well. As the resident stated, it is a very busy roadway.

580  
581 Ms. Harris - Ms. Harris, you said safety concerns. Is that safety for  
582 the cats or?

583

584 Ms. D. Harris - Well also from a burglary standpoint, if someone  
585 wanted to further jar that garage door open, technically they could break into the  
586 residence. That's about a foot opening of the garage door kept open all day.  
587  
588 Ms. Harris - Okay. Are there any further questions from Board  
589 members?  
590  
591 Mr. Johnson - You said that the cats are out in the roadway as well?  
592  
593 Ms. D. Harris - Well they do cross the street. When I go out into my  
594 yard first thing in the morning, the cats are in my yard. So I see them. I'm not a  
595 cat lover; I love animals. But I'm met with the two black ones in my yard.  
596  
597 Mr. Johnson - Okay. You said about the roadway.  
598  
599 Ms. D. Harris - Oh. Them crossing the road. So when I'm driving my  
600 vehicle, they're crossing in front of me.  
601  
602 Mr. Johnson - Okay.  
603  
604 Ms. Harris - Any other questions? It's a pretty busy street,  
605 because I was out there. You have to go a long distance before you can turn  
606 also. So I understand. If there are no more questions, Ms. Harris, thank you for  
607 coming in.  
608  
609 Ms. D. Harris - Thank you, members of the Board.  
610  
611 Ms. Harris - Is there anyone else who opposes this request?  
612 Ms. Higgins, do you need to address some of the issues that she raised?  
613  
614 Ms. Higgins - Thank you. They've always gone in and out the  
615 garage door. That's why we chose that way. That's always been the way we've  
616 done it with them. We most certainly can close the garage door. There is a back  
617 door on the back side of the house that goes into the garage. We can most  
618 certainly put a pet door in that door and close the garage door. The garage door  
619 is usually about that much. Sometimes it's kind of hard to see where it is. I did  
620 not realize the cats were going down the street to her house. They may do that  
621 before I get up in the morning or before I'm outside in the morning. I didn't think  
622 they would go to her yard because she has two dogs, and they don't normally do  
623 that. But if they're just going in the front, then that's why they're going down  
624 there. I did not know they were going down there. There are several other cats  
625 that access the street also. I can change the access point from the garage to the  
626 back and put a cat door in that back door.  
627  
628 Ms. Harris - Okay, thank you.  
629

630 Ms. Higgins - Thank you.

631

632 Ms. Harris - All right. That concludes this case. Mr. Blankinship,  
633 would you call the next case?

634

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

638

639 Ms. Harris - What is the pleasure of the Board?

640

641 Mr. Bell - Quoting the conclusion in the report, as long as the  
642 applicant abides by the recommended conditions of approval, this should help  
643 mitigate any substantial detrimental impact associated with the request. For  
644 these reasons, I too recommend that it be approved with one condition, and that  
645 is an addition or correction to the conditions that are in the report. There are four  
646 of them, and I'm referring to condition #4 where we should change the verbiage  
647 of the four cats indoors to the four cats on the property.

648

649 Ms. Harris - Okay. Is there a second?

650

651 Mr. Johnson - I would second that. On the property.

652

653 Ms. Harris - Questions?

654

655 Ms. Moore - I would suggest in light of the testimony and maybe  
656 there's an ability to at least confine the hours of more control. I do recommend  
657 that the garage door be closed to that access, but that's just a thought.

658

659 Mr. Bell - I was going to do that in the discussion.

660

661 Ms. Moore - Okay.

662

663 Ms. Harris - Okay, it's been moved and properly seconded that  
664 this conditional use permit be approved. Is there discussion on the motion?

665

666 Mr. Bell - Yes. There were several other concerns about  
667 keeping this as a non-commercial kennel, and one dealt with the garage door  
668 being open. I, too, believe that it should be closed for many reasons. But I  
669 believe that it's more appropriate for the home association in the area and the  
670 owner of the house to get together and work out something that they can agree  
671 upon and not be at Board of Zoning Appeals.

672

673 Ms. Harris - Okay. And I think the applicant also said that they  
674 could have a pet door and not use the garage door. I think that was a part of her  
675 testimony. Any further discussion?

676  
677 Mr. Johnson - Yes. The pet door would be to the rear of the house?  
678  
679 Ms. Harris - This is what she said in her testimony, yes.  
680  
681 Mr. Johnson - Yes. If we can do that, I would like to see that. Now  
682 also if you could do something with the fence so that they will stay on the  
683 property.  
684  
685 Ms. Harris - Right. If we approve this particular use permit, we are  
686 telling them that the cats need to stay on the property. So it's up to them as to  
687 how they make it happen. Okay. Any other questions or discussion? Okay. All in  
688 favor of approving this conditional use permit say aye. Those opposed say no.  
689 The ayes have it.  
690  
691 After an advertised public hearing and on a motion by Mr. Bell, seconded by Mr.  
692 Johnson, the Board **approved** application **CUP2018-00035, ANTHONY F. AND**  
693 **JULIE R. HIGGINS** request a conditional use permit pursuant to Section 24-  
694 12(e) of the County Code to allow a noncommercial kennel at 5176 Hart Mill  
695 Drive (SPRINGCREEK) (Parcel 757-769-3287) zoned One-Family Residence  
696 District (R-3) (Brookland). The Board approved this request subject to the  
697 following conditions:  
698  
699 1. This conditional use permit applies only to the keeping of one-dog and four-  
700 cats at a one-family residence. All other applicable regulations of the County  
701 Code shall remain in force. This permit is not for the commercial boarding or  
702 breeding of animals at any time.  
703  
704 2. No new or replacement animals may be added, so that the number of animals  
705 will be reduced by natural means to three, as allowed by code. This permit shall  
706 expire when the total number of animals living at the property are reduced three.  
707  
708 3. The applicants shall maintain the property so that noise and odors are  
709 controlled. All pet wasted shall be removed from the property at least once a  
710 week.  
711  
712 4. The applicants shall keep the four cats on the property and shall prohibit free  
713 roaming on adjacent property and the immediate neighborhood.  
714  
715  
716 Affirmative: Bell, Harris, Johnson, Reid 4  
717 Negative: 0  
718 Absent: Green 1  
719  
720



721 [At this point, the transcript continues with the public hearing on the next  
722 case.]

723  
724 Mr. Blankinship - CUP2018-00037, Gillies Creek Industrial Recycling,  
725 LLC.

726  
727 **CUP2018-00037 GILLIES CREEK INDUSTRIAL RECYCLING, LLC**  
728 requests a conditional use permit pursuant to Section 24-116(d)(3) of the County  
729 Code to expand an existing landfill at 4200 Masonic Lane (Parcel 806-719-8851)  
730 zoned General Industrial District (M-2) (Varina).

731  
732 Mr. Blankinship - Would everyone who intends to speak to this case  
733 please stand and be sworn in. Raise your right hands, please. Do you swear the  
734 testimony you're about to give is the truth, the whole truth, and nothing but the  
735 truth so help you God? Thank you. Mr. Gidley?

736  
737 Mr. Gidley - Thank you, Mr. Secretary. Madam Chair, members of  
738 the Board.

739  
740 The subject property is located along the southern side of Interstate 64 just west  
741 of Masonic Lane. Sand and gravel were mined here during the 1970s. In 1997, a  
742 plan of development was approved for a recycling center on the property. Two  
743 conditional use permits were issued for land filling.

744  
745 This is the northwest side of the property right here. While much of the site is  
746 developed, this portion has remained mostly undeveloped except for an access  
747 road, and four soil stockpiles are located on the property. These rise to  
748 approximately 24 feet above the surrounding grade. The applicant is requesting  
749 permission to increase the elevation of this part of the property to match that of  
750 the soil stockpiles. This is looking up at one of those right here to give you an  
751 idea of what we're looking at.

752  
753 As far as evaluating the request, the property is zoned M-2, General Industrial  
754 District, and is designated as Planned Industry on the Future Land Use Plan. The  
755 use is consistent with these designations. You can see here a proposed concept  
756 road that is shown on the Major Thoroughfare Plan. The proposed fill-in of the  
757 site would conflict with this planned road. The applicant could solve this problem  
758 by revising the plan to show the concept road to be located outside of the fill  
759 area.

760  
761 As far as any detrimental impact on nearby property, the nearest dwellings are  
762 approximately 1,000 feet away at the Masonic home, so there's no real  
763 detrimental impact to residential property. To the west, however, is the Evergreen  
764 Cemetery, and the access road to this comes right up against the property.  
765 According to the plans, clearing, grading and infilling would occur within ten feet  
766 of this access road to Evergreen Cemetery. In order to provide a buffer for the

767 cemetery, staff would recommend increasing this to a minimum of fifty feet as an  
768 undisturbed buffer along the western side of the Gillies Creek property.

769  
770 So in conclusion, the property is part of an active industrial site. Filling the  
771 northern portion of the site to the same elevation as the existing stockpiles would  
772 be consistent with the Comprehensive Plan and the Zoning Ordinance. The  
773 concept road, however, that is shown on the plan should be located outside of  
774 the fill area. In addition, to mitigate the impacts on the cemetery, that ten-foot  
775 buffer should be increased, as I noted, to fifty feet undisturbed. With these two  
776 changes, staff could recommend approval of this request subject to the  
777 conditions in your staff report.

778  
779 This concludes my presentation. If you have any questions, I'll be happy to  
780 answer them.

781  
782 Ms. Harris - Mr. Gidley, if you look at the application, they wanted  
783 the hours to be from 7:30 a.m. to 5:30 p.m. Eastern Standard Time, Monday  
784 through Saturday. But in condition 8, you made a change in those hours?

785  
786 Mr. Blankinship - We did just use the 7 to 5:30 all year around just in  
787 order to simplify and also to limit it to Monday through Friday. We can let the  
788 applicant address that if he has any concerns.

789  
790 Ms. Harris - Okay. It seems like the County is saying Monday  
791 through Friday when they requested Monday through Saturday. Okay. Condition  
792 12, should that be Strath Road?

793  
794 Mr. Blankinship - No ma'am, that should be Masonic Lane. That's my  
795 mistake; I apologize. Also in that same condition, there is already a standard stop  
796 sign, so the words "post and" should be struck so it reads, "The applicant shall  
797 maintain a standard stop sign at the entrance to Masonic Lane." I apologize for  
798 that. I was just working too fast.

799  
800 Ms. Harris - The use permit, UP-22-98. It seems as those this is a  
801 follow-up or relates to that particular use permit. Did they also ask for—the  
802 materials are the same, sand and gravel and other materials from construction?

803  
804 Mr. Blankinship - This is a major industrial operation where they do a lot  
805 of different kinds of industrial recycling. They bring metals in and out of there.  
806 They have a lot of different activities going on. So the fill activity is just one small  
807 part of what goes on. Mr. Hooker may be able to address that in more detail.

808  
809 Ms. Harris - So is this a continuation of UP-22-98?

810  
811 Mr. Blankinship - I wouldn't characterize it as a continuation of that,  
812 more as a modification or a separate permit within the same property. They

813 would have the two—they would have permission to do what they're doing now  
814 under 98, and they would now have permission to fill this part of the property  
815 under this use permit. But if there was an enforcement action or something, we  
816 could treat the two separately.

817

818 Ms. Harris - Okay. Questions?

819

820 Mr. Johnson - Yes. They have already been doing this for some  
821 years now. I think they're going to be emulating similar to what they've been  
822 doing before. But this is a triangle, but on the same property they have been  
823 working on.

824

825 Mr. Blankinship - Yes sir, that's correct.

826

827 Mr. Johnson - It's going to be doing basically the same thing.

828

829 Mr. Blankinship - Well a part of the same thing. Again, they do quite a  
830 few different activities on the site now. This is not like cases you routinely see  
831 that are agricultural property. This is an industrial site that currently has industrial  
832 uses on the southern part of the site. And part of that does involve land filling.  
833 And they're going to extend only the land-filling at this time to the northern part of  
834 the site.

835

836 Ms. Harris - Was this one of the sites that was reclaimed?

837

838 Mr. Blankinship - Yes ma'am, it was.

839

840 Ms. Harris - And they were only doing recycling on this particular  
841 parcel on Masonic Lane? Were they engaged in recycling?

842

843 Mr. Blankinship - The recycling is farther south. Could you go to the—I  
844 don't think it even shows on the site map or the aerial. Yes, you really can't see  
845 farther south. Outside the yellow line there you see one large building. From here  
846 down to—well Masonic runs north/south on the east part of the property. I should  
847 have brought you a better plan that shows the whole site. I'm sorry I don't have  
848 that. The vicinity map is the only thing I can think of. Okay. You see where this  
849 property is where the circle indicates. The site continues down actually south of  
850 the railroad track. The entrance is on the north side of the railroad track. But they  
851 also own the property on the south side of the railroad track. So it's a significant  
852 piece of property with different industrial uses on it.

853

854 Ms. Harris - Can you go back to the slide that you showed, the  
855 entrance? Is there a gate there for that entrance? Is that an entrance to the  
856 recycling site or this the entrance to the issue today that we're speaking of?

857

858 Mr. Gidley - Masonic's to the rear of this picture here. So this is  
859 facing west away from Masonic Lane.  
860

861 Mr. Blankinship - How far from Masonic Lane are you, though? Are you  
862 standing near Masonic?  
863

864 Mr. Gidley - Yes, near Masonic. Probably a couple hundred yards.  
865

866 Mr. Johnson - Masonic Lane is back toward us if we're looking at the  
867 picture here.  
868

869 Ms. Harris - That's what—  
870

871 Mr. Johnson - That's where Masonic Lane is.  
872

873 Ms. Harris - That's what I observed. But is there a gate there I'm  
874 asking?  
875

876 Mr. Johnson - No. It's a . . .  
877

878 Ms. Moore - Like a check-in station?  
879

880 Ms. Harris - Like a check-in station. But there will be a gate on this  
881 property that we're— I think I saw something in the condition about a gate.  
882

883 Mr. Blankinship - There is a standard condition for a gate.  
884

885 Ms. Harris - But I don't know if there's one for this particular one.  
886

887 Mr. Blankinship - We'll have to ask—  
888

889 Ms. Harris - We'll ask the applicant.  
890

891 Mr. Blankinship - Yes.  
892

893 Ms. Harris - Okay. Any more questions from the Board? Thank  
894 you.  
895

896 Mr. Gidley - Thank you, Ms. Harris.  
897

898 Ms. Harris - We're ready to hear from the applicant.  
899

900 Mr. Hooker - Good morning, Madam Chair, Board members. My  
901 name is Randy Hooker. H-o-o-k-e-r. I'm with Engineering Design Associates here  
902 on behalf of Gillies Creek.  
903



904 I'm before you today asking consideration of this use permit. First I'd like to start  
905 with review of the history of this site. February 27, 1997, the original use permit  
906 00197 was approved. And then on July 23, 1998, use permit 02298 was  
907 approved and addressed changes to certain conditions of that use permit. Then  
908 on May 17, 2018, we submitted erosion control plans to Public Works through  
909 Mr. Blankinship for the proposed fill area. Materials placed will be sourced from  
910 projects that Liesfield does on their own, as well as some outside contractors will  
911 bring materials in to the site. And even Henrico County Public Works, Public  
912 Utilities brings materials to this facility.

913  
914 Essentially this site has multiple purposes or multiple uses, as Ben was referring  
915 to. They receive materials—tree stumps, concrete, various items. Tree stumps  
916 and such are converted to mulch. Concrete is crushed and resold. There will be  
917 some materials—excess dirt and such—that they'll receive that they can't get rid  
918 of at that time. So it will be deposited back in this back corner of the property.  
919 There have been areas that have been filled on this site previously. When we  
920 submitted the E&S plans back in May, it was then we understood from Mr.  
921 Blankinship that this particular area on the site was not covered under the  
922 previous permit. So again, that's why we're here today is addressing this portion  
923 of the site.

924  
925 To address your question about it being gated. Again, it's all one site, so there  
926 are many uses. The site is gated when it is closed. During business operations of  
927 basically the recycling center. But it is gated.

928  
929 I'd also like to clarify that this is a multi-use facility. We want to make clear that  
930 the conditions set forth in this use permit don't conflict with the other operations  
931 on the property. I briefly discussed with Ben prior to the meeting this morning  
932 about the trucks, about the number of trucks and such.

933  
934 Mr. Blankinship - Condition #15.

935  
936 Mr. Hooker - Yes. I want to make sure that this applies to the  
937 landfill portion and doesn't somehow get mixed with the recycling center  
938 operations.

939  
940 Regarding the concept road, apparently the concept road came about in 1975. It  
941 started when a reclamation plan was filed. Whenever you do any use permit for  
942 sand and gravel operations and reclamation plan, the reclamation plan shows a  
943 potential use of the property. So a road was shown on that reclamation plan for a  
944 future subdivision. And that road I guess has just been picked up on the future  
945 land use and Major Thoroughfare Plan. We agree to show the concept road on  
946 the project site. We do still plan to fill in that area to tie into the grades along the  
947 right-of-way of 64. Pretty much I guess as it's shown on the current grading plan.  
948 But we really don't feel like the concept road will—we don't see that really

949 benefits much. It doesn't go anywhere. It just kind of comes to the site and into  
950 the site and that's it.

951

952 Regarding the hours of operation, we do request Monday through Saturday  
953 versus Monday through Friday. I'm quite certain that that does go along with the  
954 hours of operation for the recycling center as well.

955

956 Mr. Blankinship - Do you know what time they close? Would 5:30 be—

957

958 Mr. Hooker - I'd have to defer to—Chris Liesfeld with Gillies Creek  
959 is also here. He can discuss that.

960

961 Ms. Harris - Mr. Hooker, you're really saying that okay, we're  
962 going to have some traffic from trucks pertaining to this particular application. But  
963 there will also be truck traffic from the recycling operation.

964

965 Mr. Hooker - Yes.

966

967 Ms. Harris - So conceivably we may be dealing with quite a few  
968 trucks. Would they come into the same entrance?

969

970 Mr. Hooker - Yes ma'am. There's a single entrance to the site  
971 that's off Masonic Lane. Again, this is another area of the site that's being filled.  
972 There are other areas that have been filled under the previous permit. So I don't  
973 see it as adding another use to the property. It's just an expansion within the  
974 same site.

975

976 Ms. Harris - I understand it's an expansion, but I was thinking  
977 about multiplying the truck traffic.

978

979 Mr. Hooker - I understand. I don't think we have any heartburn if—  
980 we can put the restriction on the trucks, but ensure that it applies to the landfill  
981 operation and doesn't come into the recycling center operations.

982

983 Ms. Harris - The origin of your materials is where?

984

985 Mr. Hooker - Again, Public Works and Public Utilities.

986

987 Ms. Harris - I mean the distance, the radius.

988

989 Mr. Hooker - Just the metro Richmond area. We all know fuel, it  
990 costs money to haul this stuff. So they want to take it to the nearest location  
991 possible.

992

993 Ms. Harris - Before this application came before the Board, I  
994 would drive down that area, and the intense stench coming from it. I know the



995 site had been reclaimed. But I don't know where it's coming from if you've got  
 996 several things going on at one time. I thought it was recycling. But when I drove  
 997 down this week, I didn't detect the odor.

998

999 Mr. Hooker - I'm unaware of what's going on in that area.

1000

1001 Ms. Harris - We just hope that you keep it clean if you are  
 1002 approved, as clean as possible to be good neighbors.

1003

1004 Mr. Hooker - Oh yes.

1005

1006 Ms. Harris - Questions from Board members?

1007

1008 Mr. Johnson - Yes. To reiterate what the Chairman said. Make sure  
 1009 that we don't have the odor around there. Also, I notice that we have  
 1010 approximately about fifty trucks that go in and out. That probably will be about the  
 1011 same amount even though we're extending this triangle because you're basically  
 1012 doing the same thing there.

1013

1014 Mr. Hooker - I don't really know that the average is going to  
 1015 change. There are going to be peaks and quite periods. Stuff comes in  
 1016 whenever.



1017

1018 Mr. Johnson - Also mentioned about the road, the access road over  
 1019 there. You're going to be using that some?

1020

1021 Mr. Hooker - That entrance is used for everything.

1022

1023 Mr. Johnson - Not the entrance, but the access road.

1024

1025 Mr. Hooker - The concept road?

1026

1027 Mr. Johnson - The concept road, yes. I'm sorry.

1028

1029 Mr. Hooker - Again, we do not envision that concept road  
 1030 happening. We don't. It doesn't connect to anything; it just comes into the  
 1031 property and that's it.

1032

1033 Ms. Moore - I just want to let the Board know there is a process for  
 1034 a concept road that simply can't just be eliminated or not accounted for on this  
 1035 plan. Because it is on the Major Thoroughfare Plan of the 2026 Comprehensive  
 1036 Plan, to not adhere to that or make room for it in the future, you would have to go  
 1037 through a formal process of removing that from the MTP, which goes to the  
 1038 Planning Commission and the Board of Supervisors. So that is an option for you,  
 1039 Mr. Hooker, to pursue that. But to keep this application going, you need to  
 1040 address whether you would accommodate it or not.



1041  
1042 Mr. Hooker - Yes. Like I said, we're going to add it to the plan, the  
1043 erosion and sedimentation plans that show it, show the 66-foot right-of-way. And  
1044 again, we're showing that that area will be filled. I'll discuss it with my client and  
1045 see if they want us to pursue—  
1046  
1047 Ms. Moore - Yes. There really is no other process. You would have  
1048 to go through that process.  
1049  
1050 Mr. Hooker - I understand.  
1051  
1052 Ms. Harris - Mr. Hooker, do you have any idea how many trucks  
1053 will be coming there? I'm seeing Varina as truck city. We had a case that came  
1054 before us before. You have one area here with three trucks or less—well less  
1055 than three. Another one doing the same thing with 150 trips a day. Of course that  
1056 was about ten minutes from this site. Because we have so many reclaimed sites  
1057 in Varina. If you multiply that times the trucks, I think you're creating a mammoth  
1058 of a problem. But that's my only concern. Odor and truck traffic.  
1059  
1060 Mr. Hooker - Again, I don't envision this as creating any additional  
1061 traffic. It's just maintaining what's there today. Again, I mean, it's going to come  
1062 in waves. You'll have no traffic for a period of time, and then you can have  
1063 several trucks at a time. I can let Mr. Liesfeld speak to the volume of trucks that  
1064 he has there today.  
1065  
1066 Ms. Harris - I don't think there's a need for it because we've had  
1067 this case or similar cases so we're kind of aware.  
1068  
1069 Mr. Hooker - But this is even a different story because it is multiple  
1070 uses here. It's not just a landfill.  
1071  
1072 Ms. Harris - Yes, you said that. Any other questions from Board  
1073 members? Mr. Johnson.  
1074  
1075 Mr. Johnson - Yes. I've been out there a couple of times observing  
1076 this process, what's going in and what's coming out, and also how it impacts the  
1077 area there. And just talking to different people. That's where I kind of came up  
1078 with the number of trucks. That's just typical days. Of course there may be days it  
1079 will be higher than that or lower. I'm concerned as well as far as the smell. Make  
1080 sure we don't have an odor out there. And also Masonic Lane, there's a lot of  
1081 traffic on there. But it's basically during the peak hours as well. I just want to  
1082 hope that you'll work with us to make sure that everything is working well with it.  
1083  
1084 Ms. Harris - Question. Do any of these sites ever have a stoplight?  
1085 None of the sites that we know of?  
1086

1087 Mr. Blankinship - The only one that has a stoplight is the one on  
1088 Staples Mill Road. When they built Hunton Fields right across Staples Mill, that  
1089 brought it up to what they call warrants for a signal. I can't imagine a sand-and-  
1090 gravel site or a fill site by itself meeting the warrants for a signal.  
1091

1092 Ms. Harris - But you do have multiple use. You can kind of cross  
1093 that bridge if this is approved. If there are traffic concerns, I'm sure that the traffic  
1094 division will be notified of that. Any other questions from Board members?  
1095

1096 Ms. Moore - I just have one. I just want to make clear because it's  
1097 hard to see the boundary. There is no access currently to Stony Run Parkway. Is  
1098 that correct?  
1099

1100 Mr. Hooker - That is correct.  
1101

1102 Ms. Moore - Okay.  
1103

1104 Mr. Blankinship - I think there is a condition that addresses that as well.  
1105

1106 Ms. Moore - We just want to make sure the primary or only access  
1107 is from Masonic.  
1108

1109 Mr. Blankinship - Yes. It's condition #9.  
1110

1111 Ms. Harris - Any other questions or statements? Thank you, Mr.  
1112 Hooker.  
1113

1114 Mr. Hooker - Thank you, Ms. Harris.  
1115

1116 Mr. Johnson - The drainage from that area as far as water and all.  
1117 Isn't there a little creek—not a creek, but a branch or something next to it?  
1118

1119 Mr. Hooker - Yes. Gillies Creek has already obtained a permit  
1120 through DEQ and Army Corp of Engineers for filling these areas and such. And  
1121 again, obtaining approval from the Board, we still have to obtain plan approval  
1122 from Public Works on the changes to the grading out there. And ensuring that the  
1123 stormwater is properly managed.  
1124

1125 Mr. Johnson - That's all I have.  
1126

1127 Ms. Harris - Okay. Thank you so very much.  
1128

1129 Mr. Hooker - Thank you.  
1130



1131 Ms. Harris - Is there anyone else who wishes to speak to this  
1132 application being approved? Do we have any parties who oppose this request?  
1133 Well thank you, that concludes this case. We're ready now to vote.  
1134

1135 **[After the conclusion of the public hearings, the Board discussed the case**  
1136 **and made its decision. This portion of the transcript is included here for**  
1137 **convenience of reference.]**  
1138

1139 Ms. Harris - What is the pleasure of the Board?  
1140

1141 Mr. Johnson - I recommend that the concept road be taken into  
1142 consideration and also that it will not impact the cemetery and also no fill in that  
1143 area. And also the conditions, that they be taken into consideration as well.  
1144

1145 Ms. Harris - So your motion is to approve the conditional use  
1146 permit?  
1147

1148 Mr. Johnson - Approve, yes.  
1149

1150 Ms. Harris - Okay. Is there a second?  
1151

1152 Mr. Bell - Second.  
1153

1154 Ms. Harris - It's been moved and property seconded that we  
1155 approve conditional use permit 37. Any discussion on the motion? I think we  
1156 pretty much discussed it all.  
1157

1158 Mr. Blankinship - Just to make sure I understand. Madam Chair, on  
1159 condition 12, the discussion was that that would be modified to read: The  
1160 applicant shall maintain a standard stop sign at the entrance to Masonic Lane.  
1161 And on condition 15, the beginning of that would read: Trucks associated with  
1162 this conditional use permit leaving the site shall travel at intervals.  
1163

1164 Ms. Harris - And we still have the limitation of the trucks, right?  
1165

1166 Mr. Blankinship - Oh, yes ma'am. And also condition 8, we would  
1167 change the hours—was it the pleasure of the Board to change the hours to  
1168 Monday through Saturday?  
1169

1170 Mr. Johnson - Yes. I would like to have it Monday through Saturday.  
1171

1172 Mr. Blankinship - So we will add Saturday at the beginning of that  
1173 sentence and then strike "Saturdays" where it says that there shall be no activity  
1174 on Saturdays. We'll strike Saturdays there.  
1175



1176 Ms. Harris - And the street Strath Road, we change that to  
 1177 Masonic Lane.

1178  
 1179 Mr. Blankinship - Right, yes.

1180  
 1181 Ms. Harris - Any other changes or discussion? Yes.

1182  
 1183 Mr. Bell - Also in terms of discussion, this is an ongoing project  
 1184 that's been going for many years. It's developing a large industrial area, and it's  
 1185 going to have many uses, not just one. Because of that, I think it adds to the  
 1186 importance of what we're voting on now.

1187  
 1188 Ms. Harris - Any more discussion?

1189  
 1190 Mr. Johnson - The hours seven to no longer than six. But I'd like to  
 1191 have 5:30. Just a consideration.

1192  
 1193 Ms. Harris - What did the applicant agree on, do you remember?

1194  
 1195 Mr. Blankinship - Five thirty is fine, I believe.

1196  
 1197 Mr. Johnson - Okay. Thank you.



1198  
 1199 Ms. Harris - Any more discussion? All in favor of approving this  
 1200 conditional use permit say aye. Those opposed say no. There is no opposition;  
 1201 that motion passes.

1202  
 1203 After an advertised public hearing and on a motion by Mr. Johnson, seconded by  
 1204 Mr. Bell, the Board **approved** application **CUP2018-00037, GILLIES CREEK**  
 1205 **INDUSTRIAL RECYCLING, LLC** requests a conditional use permit pursuant to  
 1206 Section 24-116(d)(3) of the County Code to expand an existing landfill at 4200  
 1207 Masonic Lane (Parcel 806-719-8851) zoned General Industrial District (M-2)  
 1208 (Varina). The Board approved this request subject to the following conditions:

1209  
 1210  
 1211 1. This conditional use permit only authorizes the clearing, grading, and  
 1212 reclamation shown on the plans titled "Erosion and Sediment Control Plan for  
 1213 Gillies Creek Recycling" prepared by Engineering Design Associates and revised  
 1214 October 10, 2018, as modified by these conditions.

1215  
 1216 2. The final grades shall have a minimum slope of 2% (50 feet horizontal to 1 foot  
 1217 vertical) and a maximum slope of 33% (3 feet horizontal to 1 foot vertical).

1218 3. The plans shall be revised to show Concept Road 97 along Interstate 64  
 1219 outside of the limits of clearing and grading.

1220



- 1221 4. The plans shall be revised to show the limits of clearing and grading a  
1222 minimum of 50 feet from the western property line.  
1223
- 1224 5. Before beginning any land disturbing activity, the applicant shall post a  
1225 financial guaranty in the amount of \$55,200 insuring that the land will be restored  
1226 as shown on the plan. The applicant shall maintain the financial guaranty until the  
1227 Planning Department and the Department of Public Works approve the  
1228 reclamation of the property. Reclamation shall not be considered complete until  
1229 the site has been graded as shown on the approved reclamation plan and is  
1230 covered completely with permanent vegetation.  
1231
- 1232 6. Before beginning any land disturbing activity, the applicant shall obtain  
1233 approval of an environmental compliance plan from the Department of Public  
1234 Works (DPW), which shall include compliance with the Chesapeake Bay  
1235 Preservation Act. The applicant shall continuously satisfy DPW that erosion  
1236 control measures are properly maintained in accordance with the approved plan.  
1237 As site conditions change, updated plans and bonds may be required by DPW.  
1238
- 1239 7. The material to be deposited on the site shall be limited to soil and similar  
1240 materials excavated from construction sites, and shall not include any hazardous  
1241 materials as defined by the Virginia Hazardous Waste Management Regulations.  
1242 The applicant shall submit a quarterly report stating the origin, nature, and  
1243 quantity of all material deposited on the site, certifying that no hazardous  
1244 materials were included.  
1245
- 1246 8. Any activity that results in sound clearly audible at the property lines shall be  
1247 limited to Monday through Saturday, from 7:00 am to 5:30 pm. There shall be no  
1248 activity that results in sound clearly audible at the property lines on Sundays or  
1249 national holidays.  
1250
- 1251 9. All access to the property shall be from the designated construction entrance  
1252 onto Masonic Lane. The applicant shall maintain a gate at the entrance, which  
1253 shall be locked at all times except when authorized representatives of the  
1254 applicant are on the property.  
1255
- 1256 10. The applicant shall post and maintain a sign at the entrance to the site stating  
1257 the name of the applicant and a telephone number to contact in case of  
1258 emergency.  
1259
- 1260 11. Standard "Truck Entering Highway" signs shall be posted and maintained at  
1261 the applicant's expense on Strath Road on each side of the entrance to the  
1262 property.  
1263
- 1264 12. The applicant shall maintain a standard stop sign at the entrance to Masonic  
1265 Lane.  
1266

1267 13. The applicant shall post and maintain "No Trespassing" signs every 250 feet  
1268 along the perimeter of the fill area. The applicant shall furnish the Chief of Police  
1269 a letter authorizing the Division of Police to enforce the "No Trespassing"  
1270 regulations, and agreeing to send a representative to testify in court if necessary.

1271  
1272 14. There shall be no burning on the site at any time.

1273  
1274 15. Trucks associated with this conditional use permit leaving the site shall travel  
1275 at intervals and not in groups of three or more. If requested by the Division of  
1276 Police, the applicant shall provide a flagman to control traffic from the site onto  
1277 Masonic Lane.

1278  
1279 16. The applicant shall sweep Masonic Lane as necessary to prevent tracking of  
1280 mud, and shall control dust in accordance with the latest version of the Virginia  
1281 Erosion and Sediment Control Handbook.

1282  
1283 17. If the applicant discovers evidence of cultural or historical resources, or an  
1284 endangered species, or a significant habitat, it shall notify appropriate authorities  
1285 and provide them with an opportunity to investigate the site. The applicant shall  
1286 report the results of any such investigation to the Planning Department.

1287  
1288 18. If evidence shows that the fill operation authorized by this conditional use  
1289 permit has an adverse impact on a water well, the owner of the well may request  
1290 a hearing before the Board. If the Board finds, after reviewing the evidence at a  
1291 public hearing, that the well was adversely affected by the fill operation, the  
1292 applicant shall immediately cease operations until the problem has been  
1293 corrected to the satisfaction of the Board.

1294  
1295 19. This conditional use permit shall expire November 30, 2020.

1296  
1297  
1298 Affirmative: Bell, Harris, Johnson, Reid 4  
1299 Negative: 0  
1300 Absent: Green 1

1301  
1302  
1303 **[At this point, the transcript continues with the public hearing on the next**  
1304 **case.]**

1305  
1306 Ms. Harris - That ends the public hearing. We now move on to the  
1307 second phase of our agenda, reclamation sites. Mr. Blankinship?

1308  
1309 Mr. Blankinship - Yes. Madam Chair, you had asked several questions  
1310 a couple of meetings ago about the history of the reclamation of mining sites. We  
1311 had a report that was prepared—which you've been provided the text of that  
1312 without the maps—in 2006. I realize that you came on the Board a year or two



1313 after that, and all the other members have followed you. So nobody has seen this  
1314 report. So we thought it a worthwhile idea to go ahead and distribute that to you.  
1315 At the same time, in answer to your larger questions, I did want to present some  
1316 additional information to you.

1317

1318 On your screen you'll see a map that I downloaded from the Virginia Department  
1319 of Mines, Minerals and Energy website. I added a quote from the same page on  
1320 this map just to condense things a little. It says:

1321

1322 Most of the sand and gravel produced in Virginia is extracted from  
1323 surface pits located in the coastal plain province. Natural aggregate  
1324 is mined mainly from sand and gravel deposited as river rhine in  
1325 coastal terraces.

1326

1327 You see on the map there's a little yellow circle for each sand and gravel site in  
1328 the state. You'll see that there are very few in the western portion of the state. In  
1329 the eastern portion of the state there are many. And there's a line down the  
1330 middle of the state—they're almost following Interstate 95—that indicates the  
1331 limits, if you will, of where it's common to mine sand and gravel. You'll see that  
1332 cuts right through Henrico County. The reason for that is, in those words "the  
1333 coastal plain." As you recall from school I'm sure, the fall line runs right through  
1334 our County. So the western end of the county is in the Piedmont Region; the  
1335 eastern end of the county is in the coastal plain. So for that reason, sand and  
1336 gravel sites in Henrico County tend to be concentrated just to the east of the fall  
1337 line.

1338

1339 The falls of the James, as you know, are located right about in this area where  
1340 the river runs through the city. It's about 100 feet above mean sea level at the  
1341 western part of Henrico County, and then by the eastern part of Henrico County  
1342 it's down almost to sea level. That's the falls of the James right there, and that's  
1343 where you enter the coastal province. So you see that's where almost all of the  
1344 mining sites in the county are located because that's where the sand and gravel  
1345 is near the surface. In the western end of the county there is sand and gravel, but  
1346 it's under several feel of overburden.

1347

1348 There is an exception, which is the quarry up on Staples Mill Road that I  
1349 mentioned a moment ago in reference to the stoplight. That is where they blast  
1350 granite out of that. So that's not a sand and gravel mine. It's a different kind of  
1351 stone and a different way of getting at it.

1352

1353 There are also, as you may know, quite a few abandoned coal mines in the  
1354 western part of the county. Again, you have to mine the coal where the coal is  
1355 located, and that happened to be in the western part.

1356

1357 So while you could look at this map say there's some sort of unfair burden on the  
1358 Varina District, that's where all the sand and gravel mines are. It's just a matter of



1359 geology. The coal is in the western end so the abandoned coal mines are in the  
1360 western end. The quarry that has blasting is in the western end because that's  
1361 where the granite deposit was. And sand and gravel tends to be—and you see  
1362 again it's not all over the East End. It's following the James and following the  
1363 Chickahominy. And then there is a cluster of sites here that were all associated  
1364 with the construction of the interstate and the Pocahontas Parkway. In those  
1365 cases, the material was mined close to where it was going to be used.

1366  
1367 It's not a random sampling of sites. There is a reason why each site is where it's  
1368 located. This is just a slightly more expanded of zoomed-in map, if you will,  
1369 showing all the sites that have been permitted by the Board of Zoning Appeals  
1370 since 1960. I'm sure you recognize a few of those. The ones that are active, the  
1371 one out here on the New Kent County line where they are doing the wetlands  
1372 mitigation bank, where they buy and sell the wetlands credits. That is an active  
1373 site. Hines Road has just recently been closed. The most recently opened is at  
1374 Charles City and Beulah Roads, which is right here. I'm sorry; right here. The  
1375 Kingsland Road site that is getting near reclamation is here. The site that was  
1376 approved several months ago between Varina and Strath Roads is here. And  
1377 then the one that was not approved right here on the east side of the interstate at  
1378 Darbytown Road. There were sand and gravel sites on both sides of Darbytown.  
1379 The one of the west has been reclaimed. The one on the east was reclaimed by  
1380 allowing trees to cover it but not refilled. And of course the Masonic Lane site that  
1381 we were just discussing is located up here.

1382  
1383 Moving on to the specific subject of reclamation. The staff in our office, in our  
1384 Planning Systems Division put together this great little display for us. On the left-  
1385 hand side is an aerial photograph from 1998, and on the right-hand side is a  
1386 photograph from this year. So you can see as I swipe across here the site in the  
1387 middle there, this is on Meadow Road. You can see there was quite a bit of  
1388 excavation in the rear of that, and that's what it looks like reclaimed today. So  
1389 that's a site that's been reclaimed in just the last few years.

1390  
1391 Site #2. This is Hines Road, the one we've been talking about a little bit. That's  
1392 Hines Road in 1998 and Hines Road today. They've just finished refilling that  
1393 site, and they're just in the process now of establishing vegetation.

1394  
1395 This is the quarry up off of Springfield Road—well what used to be Springfield  
1396 Road—Staples Mill Road. That hasn't changed that much except that it's filled  
1397 with more water now. I guess they had pumped it out when that 1998 photo was  
1398 taken. It's in more of its natural state now. We had some issues regarding  
1399 blasting at that site a few years ago, but they have not done any blasting for a  
1400 while so we haven't had any complaints recently.

1401  
1402 Let me zoom in on this because this is the Kingsland road site, and it's changed  
1403 quite a bit over the years. There has actually been more activity to the rear as

1404 they've continued to fill over the last twenty years. That will be getting toward  
1405 reclamation very soon.

1406

1407 This area here—when Pocahontas Parkway was built, as I mentioned, there was  
1408 approval of several sand and gravel operations in order to support that  
1409 construction. This is one of those in 1998 dug out for the road construction and  
1410 then today. Reclamation on that end, refilling and allowing vegetation. And then  
1411 over here just a pond being established on the eastern end of the site.

1412

1413 I don't know if you want me to go through all of these or if there are any particular  
1414 areas you wanted to see. The bottom line of the presentation is that there has  
1415 been a great deal of extraction of sand and gravel in the Varina District. The  
1416 reason for that is related to the geology of the district. As those sites are  
1417 developed, as the sand and gravel are completely removed, they get refilled and  
1418 reclaimed. This is the Masonic site that we were just discussing. This is the  
1419 southern end of it. You can see the industrial recycling activity down here. You  
1420 can see it's an ongoing industrial operation, but it does change over time. Then  
1421 at the northern end of the site where the fill is being proposed you see, again,  
1422 there has been less change there, just that soil stockpile has grown and shrunk  
1423 over the years.

1424

1425 So there are a handful of these sites out there. There is a good reason that they  
1426 are where they are. There probably will be a continuing need to dispose of  
1427 construction material. There will be continuing construction. There will be  
1428 continuing excavation. We were at a meeting the other day for the Facebook  
1429 project. I'm sure you read about it in the newspaper. That's located out at the  
1430 industrial site. They're building a building that's like a million square feet now.  
1431 And they've just decided to expand and build another building about that same  
1432 size. That's a great deal of material to be excavated. The closer to the site they  
1433 can find a place to place that material the shorter distance that material has to be  
1434 on a truck. If they have to run it Charles City County or New Kent County, that's  
1435 going to drive more trucks down more Henrico roads to get to those sites even  
1436 though the material may not be buried in Henrico County. I think we will continue  
1437 to see these applications. We'll just have to address each one as they arise

1438

1439 Mr. Bell - The 26-year plan that is revised each year, how do  
1440 these fit into that in terms of what can or cannot be done by us?

1441

1442 Mr. Blankinship - The Comprehensive Plan does not specifically  
1443 address this activity, as well as I can remember. Ms. Moore knows a lot more  
1444 about the Comp Plan than I do.

1445

1446 Mr. Johnson - Basically it's based more about the transportation part  
1447 of it rather than the mining and things like that. My concern is that all the mining,  
1448 all the ones we have here in Varina. Charles City is somewhat a replica of this

1449 area, and I was wondering are they getting as much impact as far as these mines  
1450 and all the mining and stuff going on.

1451

1452 Mr. Blankinship - I don't know—

1453

1454 Mr. Johnson - Close to the line. I was just wondering.

1455

1456 Mr. Blankinship - Yes. I don't know what Charles City County's  
1457 experience has been.

1458

1459 Mr. Johnson - Back to what you were saying, most of the  
1460 transportation, the 2026 Plan, which the state has a 2045 plan, basically it's  
1461 based on covering the transportation aspect of it as far as the cost.

1462

1463 Ms. Harris - What do you mean by transportation?

1464

1465 Mr. Johnson - The roadway was far as vehicles and as far as  
1466 development, all the development that's going to be—

1467

1468 Mr. Bell - That's why I asked the question. When he was  
1469 showing this at the beginning at the development, once it's reclaimed. So does it  
1470 fall under 26, therefore there are certain things we can or cannot do. That was  
1471 the basis of the question.

1472

1473 Mr. Blankinship - We do look at each case. One of the items we list in  
1474 your report is the future land use map designation for that property. And that's  
1475 one of the reasons why we had that condition about the concept road on this  
1476 most recent case because there was what appeared to us to be a conflict  
1477 between the Comprehensive Plan and what they were proposing. So we did want  
1478 them to address that on the record.

1479

1480 Generally speaking, though, the specific sand and gravel sites are not called out  
1481 on the Comprehensive Plan as far as I am aware. I know that's on our website.  
1482 I'm trying to find where the future land use map. This is the future land use map.  
1483 The light green areas here are prime agriculture. This sort of off-green color here  
1484 is rural residential. So a lot of Varina is taken up in those. The yellows are  
1485 residential; the greens are environmental protection areas. The purple is  
1486 government use or public use, semi-public use. The blues are industrial. Of  
1487 course the airport is in purple.

1488

1489 You're not going to see specific mining sites on the future land use map. But you  
1490 will see the designation of each property, how the Board of Supervisors, how the  
1491 County anticipates that the property should be developed for the future. So we do  
1492 try to make sure that the decisions you make are consistent with the  
1493 Comprehensive Plan. But you're not going to be able to look and say the mining



1494 site should be in that location and not this location. A mining site would not be  
1495 called out on the plan.

1496  
1497 Ms. Harris - Mr. Blankinship, on the handout that you gave us, I  
1498 think it's the next-to-the-last category, sites to reclaim as pastures, woodlands, or  
1499 a combination. Do you think our future is going to be approving or not approving  
1500 these sites that have been reclaimed? In other words, do you think they're going  
1501 to reopen all of these? I don't know how many there are, but there are quite a  
1502 few.

1503  
1504 Mr. Blankinship - Well, as the saying goes, the thing about real estate is  
1505 they're not making any more of it. So anything that gets relocated has to go  
1506 where something happened previously. On the east side here, again, this is  
1507 Interstate 295 and this is Darbytown Road at the north end of the map. Here is  
1508 the site that we looked at a couple months ago that Gillies Creek wanted to fill.

1509  
1510 On the opposite side, as I mentioned, when they constructed 295 they were  
1511 mining sand and gravel on both sides. That's what's happened on that side.  
1512 Castleton subdivision has been built over the last ten or fifteen years on what had  
1513 been a sand and gravel site. There was not a lot of uncontrolled fill on that site. It  
1514 was basically like on the other side they dug out and then just allowed the trees  
1515 and grasses to stabilize the soil. But they did not come in and place the twenty  
1516 feet of fill. So they didn't have to contend with that. But there's no reason to  
1517 believe that these sites cannot be reclaimed and put to some kind of productive  
1518 use in the future. Again, going back to the land use plan, that site's right in here.  
1519 So both sides of the interstate are indicated as Suburban Residential. We would  
1520 expect to see at some point the property that you were looking at a couple  
1521 months ago being developed in more or less the same way as the Castleton  
1522 subdivision. So I would anticipate over time that all of these sites will be  
1523 developed in some way. But whether that's in ten years or fifty years or a  
1524 hundred years nobody can say.

1525  
1526 Ms. Harris - Though I was on the Board before 2006, I did observe  
1527 when I did come on the Board that many of the applications for mining or  
1528 whatever we were doing here had a reclamation clause. So, I said with the—our  
1529 forefathers had a plan that after you do all of this, we're going to reclaim it. I  
1530 would think that there was a reason for that.

1531  
1532 Mr. Blankinship - Yes. We do always require that they tell us how they  
1533 plan to reclaim the site. Over the years the Board has taken a pretty light hand in  
1534 terms of forcing the applicant to reclaim it one way versus another. So if they  
1535 have wanted to refill a site up to its earlier elevation then that's something we've  
1536 been willing to work with. If they wanted to just leave it low—as long as they  
1537 stabilize the soil and something is done so that it doesn't just look like a scar on  
1538 the landscape, the Board has historically not taken a very heavy hand in telling  
1539 them how to reclaim it. Just making sure that they did reclaim it.

1540

1541 I'm glad you reminded me of that because at the end of the report, the last  
1542 category was two sites that had not been reclaimed and were in violation for  
1543 many years. The good news is we have gotten both of those cleaned up now.  
1544 This is one of them, the site on the east side of the interstate south of Darbytown.  
1545 It looked like that. You can see just bare soil. And fortunately all the silt stayed on  
1546 the site just because it's the way it drains. But today most of the site is covered  
1547 with trees, and what is not trees is grass. These photos are taken in February,  
1548 typically, so the grass doesn't look like grass. But that is an area that is  
1549 completely covered.

1550

1551 The other was a—site out almost to Charles City County. This is what it looked  
1552 like for about twenty years. This was a case where when they stopped mining  
1553 they just walked away and didn't do anything else with the property. It took us a  
1554 lot of effort to get that cleaned up. That's what it looks like today. We did finally  
1555 get the slopes cut down to level and the trees are establishing themselves. We're  
1556 not quite finished with this one yet, but it is at least a lot better than it was twenty  
1557 years ago. So we're making progress on those. And those are the last two.

1558

1559 Mr. Johnson - In the process of reclaiming the mining areas, is it  
1560 about twenty years before it's really settled enough that you can put buildings on  
1561 it and stuff like that?

1562

1563 Mr. Blankinship - I have heard that figure of twenty years put out  
1564 before. I'm not sure exactly where it comes from or what it relates to. I'm a little  
1565 hesitant to say that's my understanding, because my understanding just doesn't  
1566 extend that far. I don't think there's anything being done to these sites that  
1567 means they can't be used in some way in the future. It's just each site is going to  
1568 have its own characteristics and its own challenges to overcome.

1569

1570 Mr. Johnson - I know in the past about planning they had something  
1571 about a time limit for the sedimentation and all the soil, before you can start  
1572 putting buildings or something in. Not unless you go back and just go down  
1573 further and make another—to hold the soil in place. Hopefully with Varina, a lot of  
1574 these sites will be buildings in some years. It might not be in my time. Not as  
1575 much as the West End, but looking like that.

1576

1577 Ms. Harris - Any more statements to Mr. Blankinship?

1578

1579 Mr. Johnson - I like the way on your slide where you can slide back  
1580 and forth—

1581

1582 Mr. Blankinship - Isn't that neat?

1583

1584 Mr. Johnson - —to see how things—

1585



1586 Ms. Harris - Past and present.  
1587  
1588 Mr. Blankinship - Computers are a wonderful thing.  
1589  
1590 Ms. Harris - We thank you for your presentation.  
1591  
1592 Mr. Blankinship - Yes ma'am.  
1593  
1594 Ms. Harris - Is there anything else you want to share with us?  
1595  
1596 Mr. Blankinship - No, that was—if I have addressed your questions,  
1597 then I will leave it at that, except to say since we were talking about the Pruitt  
1598 farm earlier and how there have been a few changes out in that of the county as  
1599 well. You certainly do see some development over twenty years out there.  
1600  
1601 Ms. Harris - Things have really changed.  
1602  
1603 Mr. Blankinship - In another twenty years we'll all be shocked at how  
1604 much more it's transformed I'm sure.  
1605  
1606 Let me just add, Madam Chair. I'm sorry we don't have any minutes for you this  
1607 morning. You had asked me about that on the phone. I don't know any of the  
1608 details, but some kind of a family emergency on our transcription's part. And she  
1609 hasn't gotten the September minutes back to us back yet. Fortunately, we're  
1610 having a shorter meeting this morning. I hope we have a quicker one again in  
1611 December, and then we'll be able to catch up.  
1612  
1613 Ms. Harris - Okay, thank you.  
1614  
1615 Mr. Bell - Real quick, Ben. Just a curiosity question. After  
1616 reading the nice report you put together, you talk about two recommendations of  
1617 price going from \$2,000 to \$5,000. Do you think that's going to affect the overall  
1618 plan? I wouldn't think so.  
1619  
1620 Mr. Blankinship - We did increase it from \$2,000 to \$3,000 at the time  
1621 that that report was drafted. Having been ten, twelve years, it's probably time for  
1622 us to revisit that.  
1623  
1624 Ms. Harris - Another issue that came up. We need to look at the  
1625 rules that govern time limits for applicants. As you know, last month we were  
1626 here for quite a while. We have people who gave us a letter that was four pages,  
1627 and then they wanted to go through the four-page letter. So we do need to  
1628 address that. If you look at Henrico County code, you can research this. We're  
1629 not going to deal with this today. But it's Article 24, Board of Zoning Appeals,  
1630 under Section 24-115. It says the Board may alter and rescind rules and  
1631 procedures consistent with this chapter. So, it's something that we need to

1632 consider, I think. You've spoken to Ms. Moore about what is being done on other  
1633 boards and if we have by-laws on just how we can address this. But it certainly  
1634 needs to be addressed. Do you all agree?

1635

1636 Mr. Bell - I do.

1637

1638 Ms. Harris - Do you agree that we need to address the time limits?

1639

1640 Mr. Johnson - The time limit for the information to get to the Board?

1641

1642 Ms. Harris - Exactly. Jean, would you bring us that information for  
1643 the next meeting?

1644

1645 Ms. Moore - Certainly. I'll work with Mr. Blankinship on that.

1646

1647 Ms. Harris - That would be great. Okay. If there's nothing else to  
1648 discuss today, the meeting is adjourned.

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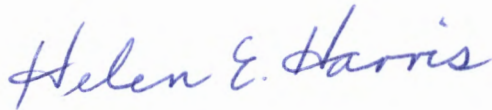
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Helen E. Harris  
Chair



Benjamin Blankinship, AICP  
Secretary