

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 OCTOBER 23, 2014 AT
5 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-
6 DISPATCH OCTOBER 6, 2014, AND OCTOBER 13, 2014.
7

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

Member Absent: R. A. Wright

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

8

9

10

11 Mr. Bell - Good morning. Welcome to October meeting of the
12 Henrico County Board of Zoning Appeals. I ask you to please stand and join me
13 in pledging allegiance to the flag of our country.

14

15 Thank you. Mr. Blankinship, please read our rules.

16

17 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
18 ladies and gentlemen—or madam or gentleman. I think I'm going to dispense
19 with some of the rules since we only have two people here this morning. We will
20 ask everyone who speaks to speak directly into the microphone on the podium,
21 and state your name so we get it correctly in the record. And I think everything
22 else we will just handle ad hoc.

23

24 There are two cases on the agenda. They're both the same applicant and very
25 similar concerns, so the chairman asked me to call them together.

26

27 **CUP2014-00032** HOME DEPOT requests a conditional use permit
28 pursuant to Section 24-116(c)(1) of the County Code to allow a temporary sales
29 stand at 6501 W. Broad Street (Parcel 768-742-3277) zoned Business District (B-
30 3) (Tuckahoe).

31

32 **CUP2014-00033** HOME DEPOT requests a conditional use permit
33 pursuant to Section 24-116(c)(1) of the County Code to allow a temporary sales

34 stand at 11260 W. Broad Street (Parcel 742-762-4307) zoned Light Industrial
35 District (M-1C) and West Broad Street Overlay (WBSO) (Three Chopt).

36
37 Mr. Bell - Before you start, I'd like to just make you aware that
38 we do not have a full panel; we have one member missing. You do have the
39 right, if you so desire, to go ahead and defer this until the next meeting. If not, we
40 can go on.

41
42 Ms. Stanley - All right. No, everything is fine. And my name is Laura
43 Stanley.

44
45 Mr. Blankinship - Would you raise your right hand please? Do you
46 swear the testimony you're about to give is the truth, the whole truth and nothing
47 but the truth so help you God?

48
49 Ms. Stanley - Yes sir.

50
51 Mr. Bell - Give us the spelling of your last name.

52
53 Ms. Stanley - S-t-a-n-l-e-y.

54
55 Mr. Bell - Thank you.

56
57 Ms. Stanley - We are after a permit so that we can have access to a
58 tent to have Christmas trees in the parking lot over at the Short Pump Home
59 Depot. We've had them in the past. It takes up about sixteen parking spaces. It
60 will not interfere with any of the handicapped parking spaces. It will have fire
61 extinguishers. It will also have exit signs within the tent. And we'll only be selling
62 Christmas trees. There will be no merchandise from in the store other than trees
63 sold out there.

64
65 Mr. Blankinship - You said you were representing the Short Pump
66 store?

67
68 Ms. Stanley - Yes sir. Last year I was at the in-town store. And if I'm
69 the only one for both locations, I'll represent both stores. They pretty much use
70 the same amount of parking space.

71
72 Mr. Blankinship - Let me just ask the other gentleman. Are you here for
73 the other case, the 6501 West Broad Street?

74
75 Male - [Off microphone.] No, I'm just here to hear [inaudible].

76
77 Mr. Blankinship - Oh, okay. All right. Well then, if you would go ahead
78 and handle them both for us.

79

80 Ms. Stanley - Okay, it would be my pleasure.
81
82 Mr. Blankinship - What can you tell us about the other one?
83
84 Ms. Stanley - It's pretty much the same. It takes about sixteen
85 parking spaces, it's going to be close to a fenced area, so that's actually even
86 going to be further away from where customers park. They have it where it's
87 really secure. It's not going to take up the parking spaces in front of either store.
88 Like I said, it's not going to take any of the handicap spaces up, and it's going to
89 be clearly marked for safety reasons, the fire exits, and also to have fire
90 extinguishers. We've had it in the past, and it's been successful, and it's never
91 caused a safety issue.
92
93 Mr. Bell - What are the times of operation?
94
95 Ms. Stanley - Pretty much the store hours, so it would be from 6:00
96 in the morning until 9:00 at night because we're getting ready to change our
97 hours back because of Daylight Savings Time coming to an end. And then it will
98 be from 8:00 a.m. until 8:00 p.m. on Sundays at both locations.
99
100 Mr. Bell - How is the security to be handled? You said it is
101 secure, but how are you handling it?
102
103 Ms. Stanley - We have on-site private security. Home Depot has
104 paid salaried people, especially at our in-town location, at all times.
105
106 Mr. Bell - You also sell Christmas trees inside of the Home
107 Depot garden center. Why do you need this outside?
108
109 Ms. Stanley - For demand. We just have that many sales. We go
110 through a lot of trees, supply and demand. I mean there are times that we've sold
111 out. We're just a really good location for the community, for them to buy
112 Christmas trees.
113
114 Mr. Bell - In the past have you had any complaints from any of
115 the other businesses in the area? I do know at the one down by Horsepen you
116 have Office Max and several other stores in the area.
117
118 Ms. Stanley - Our parking lot over there is pretty much self-
119 contained. How they have it set up is closer to West Broad than back towards
120 residential homes in that particular location.
121
122 Mr. Bell - Thank you.
123

124 Ms. Harris - Ms. Stanley, for the 6501 West Broad Street location,
125 the picture that we have with the pumpkins, is this the area that you will be
126 setting up tents?
127
128 Ms. Stanley - Yes, except it will be further away from the store than
129 that. I'll be on the right-hand side closer to where that van is. It's going to be a
130 little bit further away from the store.
131
132 Ms. Harris - Could we see the picture, please, with the pumpkins?
133
134 Mr. Blankinship - I think it's on there now.
135
136 Ms. Harris - No.
137
138 Mr. Blankinship - That's not the one you want?
139
140 Ms. Harris - No.
141
142 Ms. Stanley - That's the 6501.
143
144 Mr. Blankinship - Oh, okay.
145
146 Ms. Stanley - Yes ma'am. That part of the parking lot is seldom
147 used, and that's why that particular location, usually we'll put it back in that
148 corner. And that is closer to the road.
149
150 Ms. Harris - So that's the exact location?
151
152 Ms. Stanley - Yes ma'am.
153
154 Ms. Harris - Okay. The other question that I have is how many
155 total parking spaces exist at the 6501 location? I notice that in the other location,
156 higher West Broad Street, you mentioned that, but you don't mention it in this
157 particular case. I think you said you're going to use fourteen spaces, but how
158 many parking spaces exist there? Do you know?
159
160 Ms. Stanley - At the 6501?
161
162 Ms. Harris - Yes.
163
164 Ms. Stanley - I don't know how many parking spaces there are in
165 the whole parking lot, but I worked there six years at that location and I have
166 never seen us utilize the whole parking lot. It's just so many parking spaces. That
167 particular Home Depot has a huge parking lot compared to most of them.
168
169 Mr. Bell - Any more questions?

170
171 Ms. Harris - No.
172
173 Mr. Baka - That was my only question. As long as there is no
174 conflict with cars trying to park by losing the fourteen spaces, I have no additional
175 questions at this time.
176
177 Mr. Bell - Thank you. Thank you, Ms. Stanley.
178
179 Ms. Stanley - All right, thank you.
180
181 Mr. Nunnally - The County hasn't had any problem with the parking,
182 have you?
183
184 Mr. Blankinship - Not that I'm aware of.
185
186 Mr. Bell - Since they are the only two cases we have, I guess
187 we can go ahead and—
188
189 Mr. Baka - Call the second case?
190
191 Mr. Blankinship - We called them both and she represented both.
192
193 Mr. Bell - But since you mentioned it, do you have any
194 questions on the second case?
195
196 Mr. Baka - No. There's ample parking surplus there also, so
197 none at this time.
198
199 Mr. Blankinship - Sir, this is a public hearing. Did you desire to speak?
200
201 Male - [Off microphone.] No.
202
203 Mr. Blankinship - Okay.
204
205 Mr. Bell - Since that's it, we'll just go right ahead and vote on
206 the cases. So let's go ahead and vote on CUP2014-00032. Do I hear a motion on
207 this case?
208
209 Mr. Baka - I make a motion that we vote to approve CUP2014-
210 00032, the Home Depot at 6501 West Broad Street in the Tuckahoe district on
211 the grounds that it will not adversely impact the neighboring properties, and it is a
212 limited, temporary use. I recommend approval with the five conditions as
213 presented in the staff report.
214

215 Ms. Harris - Second the motion. I think as long as we have no
216 security concerns—they seem to have it pretty well under control—I think that
217 this will not adversely affect the community.

218
219 Mr. Bell - Any other discussion? Hearing none, all in favor say
220 aye. All opposed say no. The ayes have it; the motion passes.

221
222 After an advertised public hearing and on a motion by Mr. Baka, seconded by
223 Ms. Harris, the Board **approved** application **CUP2014-00032, HOME DEPOT's**
224 request for a conditional use permit pursuant to Section 24-116(c)(1) of the
225 County Code to allow a temporary sales stand at 6501 W. Broad Street (Parcel
226 768-742-3277) zoned Business District (B-3) (Tuckahoe). The Board approved
227 the temporary conditional use permit subject to the following conditions:

228
229 1. This conditional use permit applies only to the temporary sale of Christmas
230 trees from November 1 through December 31, 2014. All other applicable
231 regulations of the County Code shall remain in force.

232
233 2. Only one tent, as shown on the plot plan filed with the application, may be
234 erected pursuant to this approval. Any additional improvements shall comply with
235 the applicable regulations of the County Code. Any substantial changes or
236 additions to the design or location of the improvements will require a new use
237 permit.

238
239 3. The applicant shall obtain a building permit for the tent, and shall comply with
240 all requirements and conditions of the Department of Building Construction and
241 Inspections.

242
243 4. The tent shall not interfere with approved landscaping islands or parking lot
244 lighting. All approved landscaping shall be maintained in a healthy condition.

245
246 5. The tent shall be removed from the property no later than January 5, 2015, at
247 which time this permit shall expire.

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| 250 Affirmative: | Baka, Bell, Harris, Nunnally | 4 |
| 251 Negative: | | 0 |
| 252 Absent: | Wright | 1 |

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254

255 Mr. Bell - Let's go ahead and vote on CUP2014-00033. Do I
256 hear a motion? I so move that we approve this case.

257
258 Mr. Nunnally - Second.

259

260 Mr. Bell - Is there any discussion. Hearing none, all in favor say
261 aye. All opposed say no. The ayes have it; the motion passes.

262
263 After an advertised public hearing and on a motion by Mr. Bell, seconded by
264 Mr. Nunnally, the Board **approved** application **CUP2014-00033, HOME**
265 **DEPOT's** request for a conditional use permit pursuant to Section 24-116(c)(1) of
266 the County Code to allow a temporary sales stand at 11260 W. Broad Street
267 (Parcel 742-762-4307) zoned Light Industrial District (M-1C) and West Broad
268 Street Overlay (WBSO) (Three Chopt). The Board approved the temporary
269 conditional use permit subject to the following conditions:

270
271 1. This conditional use permit applies only to the temporary sale of Christmas
272 trees from November 1 through December 31, 2014. All other applicable
273 regulations of the County Code shall remain in force.

274
275 2. Only one tent, as shown on the plot plan filed with the application, may be
276 constructed pursuant to this approval. Any additional improvements shall comply
277 with the applicable regulations of the County Code. Any substantial changes or
278 additions to the design or location of the improvements will require a new use
279 permit.

280
281 3. The applicant shall obtain a building permit for the tent, and shall comply with
282 all requirements and conditions of the Department of Building Construction and
283 Inspections.

284
285 4. The tent shall not interfere with approved landscaping islands or parking lot
286 lighting. All approved landscaping shall be maintained in a healthy condition.

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289 which time this permit shall expire.

290
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|------------------|------------------------------|---|
| 292 Affirmative: | Baka, Bell, Harris, Nunnally | 4 |
| 293 Negative: | | 0 |
| 294 Absent: | Wright | 1 |

295

296
297 Mr. Bell - We can go on to the minutes. Any discussion on the
298 minutes?

299
300 Mr. Baka - No changes or edits.

301
302 Ms. Harris - No changes.

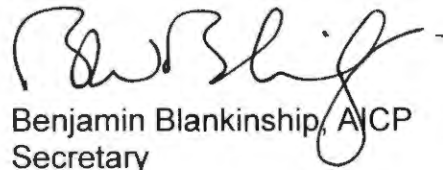
303
304 Mr. Bell - Do I hear a motion, then, that we approve the
305 minutes?

306
307 Mr. Baka - I move that we approve the minutes.
308
309 Mr. Bell - Do I hear a second?
310
311 Ms. Harris - Second the motion.
312
313 Mr. Bell - Is there any discussion? Hearing none, all in favor say
314 aye. All opposed say no. The ayes have it; the motion passes.
315
316 On a motion by Mr. Baka, seconded by Ms. Harris, the Board **approved as**
317 **submitted the Minutes of the September 25, 2014**, Henrico County Board of
318 Zoning Appeals meeting.
319
320
321 Affirmative: Baka, Bell, Harris, Nunnally 4
322 Negative: 0
323 Absent: Wright 1
324
325
326 Mr. Bell - This is one of the quickest meetings that we have
327 had.
328
329 Mr. Blankinship - It certainly is.
330
331 Mr. Bell - So I'm going to go right on to adjournment. Do I hear
332 a motion that we adjourn?
333
334 Mr. Nunnally - So moved.
335
336 Mr. Bell - Do I hear a second?
337
338 Ms. Harris - Second.
339
340 Mr. Bell - All in favor say aye. All opposed say no. The ayes
341 have it; the motion passes.
342
343
344 Affirmative: Baka, Bell, Harris, Nunnally 4
345 Negative: 0
346 Absent: Wright 1
347
348
349 Mr. Bell - We are adjourned.
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Gentry Bell
Chairman



Benjamin Blankinship, AICP
Secretary