

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 HENRICO COUNTY GOVERNMENT**
4 **COMPLEX, ON THURSDAY, SEPTEMBER 27, 2007, AT 9:00 A.M., NOTICE**
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**
6 **SEPTEMBER 6, 2007 AND SEPTEMBER 13, 2007.**

7
Members Present: Richard Kirkland CBZA, Chairman
Elizabeth G. Dwyer, Vice-Chairman
Helen E. Harris
James W. Nunnally
R. A. Wright

Also Present: David D. O'Kelly, Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul Gidley, County Planner
Carla Brothers, Recording Secretary

8
9
10 Mr. Kirkland - Please stand and we'll recite the **Pledge of**
11 **Allegiance to the Flag of Our Country.** Before we get started, Mr. Secretary,
12 would you read the rules of the meeting?

13
14 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
15 ladies and gentleman. The rules for this meeting are as follows. Acting as
16 Secretary, I will announce each case and while I'm speaking, the applicant
17 should come down to the podium. We will then ask everyone who intends to
18 speak on that case to stand and be sworn in. Then the applicant will present
19 their testimony and then anyone else who wishes to speak will be given the
20 opportunity. After everyone has spoken, the applicant and only the applicant will
21 have an opportunity for rebuttal. After the Board members have heard all the
22 testimony and asked any questions, they will take the matter under advisement
23 and they will render all of their decisions at the end of the meeting. If you wish to
24 know their decision on a specific case, you can either stay until the end of the
25 meeting or you can check the Planning Department website this afternoon, or
26 you can call the Planning Department this afternoon. This meeting is being tape
27 recorded, so we'll ask everyone who speaks to speak directly into the
28 microphone on the podium, state your name, and please spell your last name so
29 that we get it correct in the record. Finally, out in the foyer, there is a binder
30 containing the staff report for each case, including the conditions that have been
31 recommended by the staff. It's important that you be familiar with the conditions.

32
33 Mr. Chairman, we have one request for deferral and one request for withdrawal
34 this morning.

36 Mr. Kirkland - Which one is the request for deferral, UP-18-07?
37
38 Mr. Blankinship - Yes. You have a copy of a letter there from Mr.
39 Balis, who is present this morning if you have any questions.

40
41 **UP-018-07 GILLIES CREEK INDUSTRIAL RECYCLING, LLC**
42 requests a conditional use permit pursuant to Section 24-88(c) to develop a
43 wetlands mitigation bank at 5500 White Oak Drive (Parcels 864-704-2093, 860-
44 709-5622 and 863-706-3470), zoned C-1, Conservation District (Varina).

45
46 Mr. Nunnally - I move we defer it. Do we need to vote on it?

47
48 Mr. Kirkland - Yes we do. We need a second.

49
50 Ms. Harris - Second.

51
52 Mr. Kirkland - Motion made by Mr. Nunnally, seconded by Ms.
53 Harris. All those in favor say aye. All those opposed say no. The ayes have it; the
54 motion carries. It's been deferred.

55
56 After an advertised public hearing, **UP-018-07, Gillies Creek Industrial**
57 **Recycling, LLC** has been **deferred** until the October 25, 2007 meeting at the
58 request of the applicant.

59
60 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
61 Negative: 0
62 Absent: 0

63
64 Mr. Blankinship - The case that was deferred last month, they have
65 asked for withdrawal. If you remember, last month they submitted a letter stating
66 something like they wanted to withdraw the case, "at this time." And I wasn't
67 sure if they meant deferral or withdrawal, so we put it down as a deferral just in
68 case. But it was supposed to be a withdrawal.

69
70 **UP-015-07 RON BRUNETTE** requests a conditional use permit
71 pursuant to Section 24-95(i)(4) to build a detached garage in the side yard at 109
72 Kanawha Road (Chatham Hills) (Parcel 764-731-5850), zoned R-1, One-family
73 Residence District (Tuckahoe).

74
75 Mr. Kirkland - We don't need a motion for that, do we, sir?

76
77 Mr. Blankinship - No, not necessary.

78
79 After an advertised public hearing, the Board **allowed withdrawal** of the **UP-**
80 **015-07**, as requested by the applicant.

81

82 Mr. Kirkland - All right. That takes care of that. Let's start up with
83 the first case.

84
85 **UP-012-07** **EASTERN HENRICO RURITAN CLUB** requests a
86 temporary conditional use permit pursuant to Section 24-116(c)(1) to operate a
87 turkey shoot at 3808 Nine Mile Road (Parcel 806-723-4768), zoned A-1,
88 Agricultural District (Varina).

89
90 Mr. Kirkland - Does anyone else wish to speak on this case? If you
91 would, sir, raise your right hand and be sworn in.

92
93 Mr. Blankinship - Do you swear the testimony you're about to give is
94 the truth and nothing but the truth so help you God?

95
96 Mr. Courtney - Yes I do.

97
98 Mr. Kirkland - All right, state your case.

99
100 Mr. Courtney - My name is James E. Courtney, Jr. Eastern Henrico
101 Ruritan Club wishes to continue to operate this turkey shoot as a fundraiser, the
102 proceeds of which go to the folks in Henrico County. We will do whatever is
103 necessary, based on your suggested recommendations, to allow you to permit us
104 to continue this by honoring this permit request.

105
106 Having said that, there is one item in your suggested conditions that I would like
107 to talk to you about, that being item 4, a six-foot high barrier of straw, hay bales,
108 or mounded dirt shall be erected behind the target as an added precaution. It
109 says the barrier shall be located a maximum of ten feet behind the target and
110 extend 10 feet from each end of the target line. Eastern Henrico has operated
111 this turkey shoot since 1967. That's 40 years. There's nothing in any of your
112 suggested requests that hasn't been honored in the past. The only other change
113 you have in there is the turkey shoot shall use no gun larger than 12 gauge and
114 low powered shells of two and three-quarter inch length and #8 shot. With the
115 exception of one try that we did at 7-1/2 shot, which was not accepted by the
116 participants, we've always honored that one even though it wasn't in prior
117 requests. We are well in excess of the 300 feet that we need to get per item 2. I
118 don't know whether you have in front of you an aerial photograph of that property
119 or not. We line up the target area, the area of the shooters from home plate to
120 third base. We line up from first base to second base the targets. The targets are
121 a piece of paper, not 8-1/2, 11, but roughly this size with an X. The pellet that
122 gets as close to the center of that X wins that particular round. There are 16
123 shooters on a round. The target is mounted in a steel frame of angle iron. It has
124 a backer of an inch, inch-and-a-half either oak or pine lumber. In front of that is a
125 backer board and then the target. These guns these people are using are full-
126 choke guns. If you understand guns and what choke are all about, but it retains
127 the shot in a small pattern. The bulk of these go into the targets themselves. If

128 you were to stand there and watch it, you can see it hit that target. If it was not a
129 full-choke gun or something else, it wouldn't even bother for you to come
130 because you're not going to win, you're not going to get the shot in the target.

131
132 From home plate to the fence on that softball field is 290 feet. You have roughly
133 50 feet of woods. You come to another fence and then you have some storage
134 of equipment, if you look where this diamond is. We are well in excess of the
135 300 feet.

136
137 Nobody can say that anything is guaranteed, but based on 40 years experience
138 shooting on that same diamond without any change, I just can't see really where
139 we need this six-foot high barrier the way we have the targets set up, the way
140 we're stopping the shot there. Number 8 shot is probably not much bigger than a
141 pinhead, piece of pencil lead. Even if it got out there, it's not going to hurt you,
142 it's not going to do any damage. If you were shooting a single projectile as a slug
143 or buckshot, now you're talking about a totally different thing. Your deal to have
144 it #8 shot is great; that's what it ought to be. I'll agree with that 100% and that's
145 what we use.

146
147 That is my feeling about item #4. Everything else is fine. I do, again, want to
148 reiterate that if you guys want us to do #4, we will do that. We want this permit;
149 we want to make this money.

150
151 Thank you very much for listening to me.

152
153 Mr. Wright - Would you state again where you shoot from? I
154 missed that. Toward the second base, or second base toward the first?

155
156 Mr. Courtney - Home plate to third base. I'm not used to standing up
157 in front of one of these things, and that's probably pretty obvious. We have a
158 railing that runs from home plate to third base.

159
160 Mr. Wright - All right, I'm with you.

161
162 Mr. Courtney - The railing is three feet high. You come up to the
163 railing and you [unintelligible] across the railing and this is how you shoot it.
164 Everybody is shooting from a position. There are 16 positions on that railing.

165
166 Mr. Wright - You're shooting from home plate, then. A line from
167 home plate to third base.

168
169 Mr. Courtney - No sir. The shooters are in a line from home plate to
170 third base. You're shooting from first base to a line where the targets are from
171 first base to second base.

172
173 Ms. Dwyer - I'm confused now.

174
175 Mr. Courtney - So, you're shooting back into—let's see—into this
176 back corner.
177
178 Mr. Kirkland - You're shooting into right field, right, of the ball field?
179
180 Mr. Courtney - Shooting at the right field.
181
182 Mr. Blankinship - More or less due north.
183
184 Mr. Courtney - That's correct. The marker on that fence is 290 feet
185 from home plate to the fence. Then you've got this section of woods that's
186 showing in there. Then you have another fence. And then the section of woods
187 and there's another—Then you have another fence and then you have some
188 trailers in there and some stores in there. So, you're well over the 300-foot
189 requirement. That's a hundred yards. That's the length of a football field. I can't
190 say absolutely that shot will never get out there, but I can tell you if it gets out
191 there it's not going to hurt anybody.
192
193 Mr. Kirkland - What's the distance between the shooting line and the
194 targets?
195
196 Mr. Courtney - Ninety feet.
197
198 Mr. Nunnally - You're concerned about this six-foot high barrier of
199 straw and hay bales, is that right, sir?
200
201 Mr. Courtney - Yes sir. Everything else is fine, and we will do that.
202
203 Mr. Nunnally - What is the barrier behind it now? How tall is that?
204
205 Mr. Courtney - There is no barrier behind it.
206
207 Mr. Nunnally - No barrier behind it?
208
209 Mr. Courtney - The target is roughly three-feet high and the shooting
210 range is roughly three-feet high. So, you're shooting flat to start with. And then
211 it's going down as it goes out.
212
213 Mr. Nunnally - Well, then you're saying you really don't have a
214 problem with putting hay back there, then.
215
216 Mr. Courtney - I don't want to put the hay back there.
217
218 Mr. Nunnally - I know you don't want to, but—
219

220 Mr. Courtney - To call it like it ought to be—
221
222 Mr. Nunnally - I can understand it. I know you've been doing it for 40
223 years and I agree with you, really, but—
224
225 Mr. Courtney - Well then—
226
227 Mr. Nunnally - But I'm just one.
228
229 Mr. Courtney - Well, that's fine. This is how we feel about it. I don't
230 know, to be honest with you, if we'll create other problems or not if we put a six-
231 foot barrier of hay bales up there. We can't put dirt out there because it's on the
232 County softball diamond and they're not going to want us to do that, that's for
233 sure. We wouldn't want to do it either anyway. Are we going to have people
234 coming around and pushing it down during the week? Is somebody going to get
235 on it, climb on it? I mean, are we creating more of a problem than we think we
236 may have or what we are doing? All I'm saying is for 40 years, this is way that
237 club's been doing it on that piece of property. That has not changed. Everything
238 else we agree with 100% and it's what we've doing all along. But if that's what
239 you want, that's what we'll do. We want this permit. We want to make this money
240 for the people.
241
242 Ms. Dwyer - You said something about plywood backing the
243 target, or did I misunderstand?
244
245 Mr. Courtney - The target is in an angle iron steel frame on a metal
246 post that's driven in the ground. That frame is framing a piece of oak, basically
247 like that, that's about that thick. In front of that, we have roughly an eighth of an
248 inch backer board. That's that brown board that maybe you see around, you use
249 at your house or places like that. Okay. And that goes in front of the wood. That
250 basically is a throw-away item. The oak or pine will last a whole year or more.
251 What's catching the bulk of the shot is that backer board. It slides down in a slot
252 and then the target goes in front of it. At the end of each night of shooting, we
253 change out the backer board, so we start each round, each night with a new
254 setup out there with new backer board and new targets. Do you understand
255 chokes in a gun?
256
257 Ms. Dwyer - That was my next question. When you mentioned
258 chokes, does that mean that the shot does not spread?
259
260 Mr. Courtney - That's correct. It's the pellet that's closest to the X in
261 the center of the target, the closest one. That creates the winner of the 16
262 shooters in a given round. So the ideal thing is to get the most pellets out of that
263 shot, or that shell that you can get into that little target. Hopefully, one of them
264 will get close to that X. There's no guarantee one way or another that that's going
265 to happen. Let's say we have a one-foot diameter and we have a two-foot, and

266 you're at a two-foot diameter. And we're going to shoot a bunch of shot at you?
267 When it starts at one and it comes out at two, it's coming out like this. So, now
268 we've got all this shot out here, but they're not at you. You choke the gun down,
269 it's called. Now, we're going to have my foot here, but you're only going to be six
270 inches. So now when it comes out, it's coming this way. Okay. That's called
271 choking it down or a forward choke or a variety of chokes. So, the guys that are
272 going to be shooting are using the most reduction in that barrel or that shotgun
273 that they can buy. And you go to Green Top or somewhere and you buy tubes
274 that screw in the end of the barrel and that reduces it.

275
276 Ms. Dwyer - Reducing the spread of the shot.

277
278 Mr. Courtney - Correct. To try to get it down to where that ounce and
279 an eighth, ounce and a quarter—Which is what we are using, an ounce and a
280 quarter. All that shot that's in there only weighs an ounce and a quarter.

281
282 Ms. Dwyer - So, all the guns have the choke on them.

283
284 Mr. Courtney - All guns have some choke of some nature, but they're
285 different. But if you don't come out there with one that's choked down pretty
286 tight, you might as well stay at home, because you're not going to get enough
287 shot in it unless you really got lucky with one. The further out it comes, then the
288 further away it goes. Anyway, we will do whatever is of your desire, but we
289 would prefer not to have to deal with those hay bales. The average guy in the
290 Ruritan Club is probably 65 years old and we don't need to be lifting those heavy
291 suckers. So, anyway, thank you very much.

292
293 Ms. Harris - I have a question, Mr. Courtney. You said the
294 proceeds go to residents of Henrico County?

295
296 Mr. Courtney - Yes ma'am.

297
298 Ms. Harris - Could you clarify that? I was just curious as to—

299
300 Mr. Courtney - What does Ruritan do? It's a civic organization that
301 does everything that we can related to scholarships, fixing roofs, for people are
302 down and out and can't buy groceries or Christmas. This particular club probably
303 in the last ten years has put a million dollars back into Henrico County.

304
305 Ms. Harris - Right. You also said that you've been doing this for
306 40 years, but the community is more populated now, right, than 40 years ago.

307
308 Mr. Courtney - In that general area, but [unintelligible] softball
309 diamond, to the best of my knowledge has not changed. It's been a softball
310 diamond all along and it's pretty much there. The only thing that may have been
311 added would be the storage behind that section of woods.

312
313 Ms. Harris - Right. I'm talking about the community and citizens
314 who live behind.
315
316 Mr. Courtney - Yes ma'am. But we're not having any squawks about
317 that.
318
319 Ms. Harris - Okay.
320
321 Mr. Courtney - We haven't had any problems with that. We don't
322 have anybody fussing about noise. We've got times to shoot and times not to
323 shoot. We make sure we get on there and get off of there when we're supposed
324 to.
325
326 Ms. Harris - Okay. Look at condition #7. We said on the site. Is
327 this talking about alcoholic beverages? It says on the site of the shooting range
328 or on the complete site?
329
330 Mr. Blankinship - In this case, I don't think you're going to be serving.
331 They don't serve any alcohol anyway.
332
333 Mr. Courtney - Oh, absolutely not. No ma'am. Under no time or any
334 conditions does the Ruritan Club—they better not be—serve alcohol.
335
336 Ms. Harris - Thank you so much. Mr. Blankinship, do these
337 conditions now conform with what we use for the Richmond Elks Lodge?
338
339 Mr. Blankinship - Yes ma'am.
340
341 Ms. Harris - Okay. Thank you, Mr. Courtney.
342
343 Mr. Courtney - Thank you.
344
345 Mr. Kirkland - Anyone else wish to speak on this case? Thank you,
346 sir, for coming.
347
348 Ms. Dwyer - Let me ask one more question.
349
350 Mr. Kirkland - Going once.
351
352 Ms. Dwyer - Okay. If we put something in the conditions requiring
353 all the guns to be choked, how would that be phrased in a way that would make
354 sense to you?
355
356 Mr. Courtney - Well, the way I would say you could do it would be
357 that you can use any choke that can be purchased over-the-counter at a Green

358 Top or Wal-Mart, or a wherever. That would eliminate, supposedly if you can't
359 catch them, illegal guns. Even though you're only shooting for a frozen turkey, I
360 guess it's a matter of you've got to win as far as the deal. So, people have illegal
361 guns that the barrels are especially made for turkey shoots. And we have a
362 [unintelligible] that we can run down the barrels and check the barrels to see
363 what's going on there. That would be what I would say. If you try to pin it down
364 to nothing more than full-choke, that would be—But you want it, for your purpose
365 and your thoughts, to be the most choke you can get.

366
367 Ms. Dwyer - So, all guns will be—I'm looking for some language.

368
369 Mr. O'Kelly - There are three standard chokes, right? Improved
370 cylinder, modified, full—

371
372 Mr. Courtney - Five or six of them. There's modified, improved,
373 improved cylinder, modified, full. And now in the days where we have these
374 turnkey shoots, which are various ones. That's what most everybody is using, the
375 screw-in turkey tubes. That's why I say if you can buy it over-the-counter from a
376 gun store, then it should be legal, from our standpoint, to use. If it's a re-worked
377 barrel, that's a different story. We look at it from that standpoint. But if you
378 wanted to come out and shoot a [unintelligible] gun, which is going to come out
379 like this, then that's certainly your privilege, but all I'm saying is you're going to be
380 shooting against guys that have them that are come down like this. The
381 concentration of shot, if you're familiar with the guns enough to know that we're
382 talking about different kinds of chokes, you want, you guys want it, we want to be
383 held as tight as possible so that target stops the bulk of the shot.

384
385 Ms. Dwyer - I'm trying to quantify a standard that would satisfy us
386 that the shot would be more limited.

387
388 Mr. Courtney - I would say a full-choke or more.

389
390 Ms. Dwyer - A four-choke?

391
392 Mr. Courtney - Full.

393
394 Ms. Dwyer - Full.

395
396 Mr. Courtney - Full choke or more.

397
398 Ms. Dwyer - So, if we had a condition that said all guns had to be
399 fitted with that choke, that would be acceptable to you, or not?

400
401 Mr. Courtney - That's better than hay bales.

402
403 Mr. Kirkland - It's a lot lighter, right?

404
405 Mr. Courtney - Absolutely.
406
407 Ms. Dwyer - Full
408
409 Mr. Courtney - Full choke. Years ago before they got sophisticated
410 with guns, full choke was the most reduction you could buy. You did have the
411 ability to have interchangeable chokes. Now in today's world where you have
412 screw-in chokes and they have turkey tubes and special this, and special that,
413 and special chokes for different things, full choke is rare. But that might be a gun
414 that somebody brings that's modified, and what we would have to do then would
415 be say you can't shoot that gun.
416
417 Mr. Blankinship - But that would be more than a full choke.
418
419 Mr. Courtney - That would be less. Modified would be less of a
420 reduction than a full. Full would be the most in a standard gun without any kind
421 of add-on. Am I running long? Modified would be more open and the cylinder
422 would be even more open than that. Yeah, that's better. That's better than hay
423 bales.
424
425 Ms. Dwyer - When you say, "or better," you mean what, higher
426 number, lower?
427
428 Mr. Courtney - Full or greater. A full choke or greater.
429
430 Ms. Dwyer - Okay.
431
432 Mr. Kirkland - It means the pattern gets tighter and tighter and
433 tighter.
434
435 Mr. Courtney - Yes sir. That's what it means.
436
437 Ms. Dwyer - Okay.
438
439 Ms. Harris - Mr. Courtney, you did say you would go along with
440 the hay bales, if that's what it took to get this through.
441
442 Mr. Courtney - If that's what it takes, because we do not want to give
443 up this fundraiser. Along with other fundraisers, we've been doing it for all these
444 years and we don't want to give it up. We'll do whatever we have to do to keep it.
445
446 Mr. Nunnally - Thank you.
447
448 Mr. Courtney - Thank you very much.
449

450 **DECISION**

451

452 Mr. Nunnally - I move we approve it. And I'd like to eliminate #4, the
453 six-foot barrier of straw and hay bale. I think we ought to approve it as it was
454 written. These people have had a good relationship with the County for 40 years
455 and they do a lot of good work, charity work for the County. I move we approve it
456 as-is.

457

458 Mr. Wright - I second the motion.

459

460 Mr. Kirkland - Ms. Harris, did you second it?

461

462 Ms. Harris - No.

463

464 Mr. Wright - I did.

465

466 Ms. Harris - Because I'm going to vote against it.

467

468 Mr. Kirkland - Okay. Did you want to add the condition about the
469 chokes?

470

471 Ms. Dwyer - Well, I would like to discuss it. I'm okay with
472 eliminating the bales of hay, given their track record and given his description of
473 the distances between the shooting area and the woods. But I wonder if it would
474 be appropriate to—since they do this anyway—just codify it, so to speak, that the
475 guns will be fitted with full choke or greater. And that does potentially prevent the
476 spread of the shot beyond the targets.

477

478 Mr. O'Kelly - Mrs. Dwyer, may I comment on that?

479

480 Ms. Dwyer - Sure.

481

482 Mr. O'Kelly - I really think that would be an enforcement problem
483 for the staff to police that. Sixteen shooters and having to check each gun and
484 that type of thing. I really question whether that would be appropriate.

485

486 Ms. Dwyer - Do we have people out there making sure that they
487 use a certain kind of shotgun? Does the County monitor this anyway?

488

489 Mr. O'Kelly - Only on a complaint basis.

490

491 Mr. Blankinship - Apparently, their concern is that you not have too tight
492 of a choke. They've got people cheating, if you will, trying to choke it down too
493 much.

494

495 Ms. Dwyer - Right, right.

496
497 Mr. Blankinship - They're not concerned at all about people not choking
498 the shotgun.
499
500 Ms. Dwyer - Okay.
501
502 Mr. O'Kelly - I've been to turkey shoots before. I haven't won a
503 turkey, but I've won a ham.
504
505 Ms. Dwyer - I think I might go to this one. We get these all the
506 time.
507
508 Mr. O'Kelly - I appreciate Mr. Courtney's presentation, because I
509 learned a few things myself. Even though I'm somewhat familiar with the
510 operations, I didn't realize there was a turkey shoot choke.
511
512 Ms. Harris - Mr. Kirkland, has it been seconded?
513
514 Mr. Kirkland - Mr. Wright seconded it.
515
516 Ms. Harris - Okay. Since this is the discussion period, I do have
517 concerns. When you have aging shooters in a populated community, you can't
518 wait until some child is injured and say we should have changed that. I think in
519 this case, we don't want to wait until damages are done and then wish we could
520 have changed it. I congratulate them on 40 years of service to the community
521 and 40 years of success, and wish them well in the turkey shoot. But I think the
522 bales of hay would conform with what we're asking other turkey shoot applicants
523 to do. I don't think it's out of line with that. This is why I would have to vote
524 against that. If we scratch the bales of hay, I would definitely vote against it.
525
526 Mr. Kirkland - All right. The motion was made by Mr. Nunnally and
527 seconded by Mr. Wright that we eliminate Condition #4. Also, we're not including
528 any choke language. If I could have a motion to vote on.
529
530 Mr. Nunnally - That's my motion.
531
532 Mr. Kirkland - Okay. Motion done? All right, let's vote. All those in
533 favor say aye. All those opposed say no.
534
535 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
536 Mr. Wright, the Board **approved** application **UP-012-07**, Eastern Henrico Ruritan
537 Club's request for a temporary conditional use permit pursuant to Section 24-
538 116(c)(1) to operate a turkey shoot at 3808 Nine Mile Road (Parcel 806-723-
539 4768), zoned A-1, Agricultural District (Varina).
540
541

542	Affirmative:	Dwyer, Kirkland, Nunnally, Wright	4
543	Negative:	Harris	1
544	Absent:		0

545
 546 Mr. Kirkland - That concludes the case. Next case, please.

547
 548 **UP-013-07 PARKER-ORLEANS HOMEBUILDERS** requests a
 549 temporary conditional use permit pursuant to Section 24-116(c)(1) to install a
 550 temporary modular sales office at 5205 Twin Hickory Road (Preston Square
 551 Townhouses) (Parcel 747-774-6121), zoned RTHC, Residential Townhouse
 552 District (Conditional) (Three Chopt).

553
 554 Mr. Kirkland - Anyone else wish to speak on this case? If not, sirs,
 555 raise your hands and he'll swear you in.

556
 557 Mr. Blankinship - Do you swear the testimony you're about to give is
 558 the truth and nothing but the truth so help you God?

559
 560 Mr. Kirkland - Would you state your name for the record, sir?

561
 562 Mr. Watson - I'm James Watson. I'm representing Parker-Orleans
 563 in their request for a temporary conditional use permit to install a temporary
 564 modular sales unit. It would be for less than a year. This was deferred from the
 565 last meeting. It's my understanding it was deferred for a question regarding
 566 ownership.

567
 568 Mr. Bjelstrand - My name is Kenny Bjelstrand and I'm with Parker-
 569 Orleans Homebuilders, Inc.

570
 571 Mr. Kirkland - Did we clear up the ownership problem?

572
 573 Mr. Bjelstrand - I think I can speak to that. I don't know that there
 574 really was an ownership issue. We're the contract purchaser of finished lots. Neil
 575 Farmer and Lawrence Liesfield of Preston Square LLC, are the owners. They're
 576 the ones that we're buying the lot from fully developed. The reason we're asking
 577 for the trailer is because we're selling the houses that are ultimately going to be
 578 built on the lots that they provide to us. As far as I know, there was no question
 579 about ownership. We're a contract purchaser of lots; they own the land and they
 580 are developing the land.

581
 582 Mr. Kirkland - Mr. O'Kelly, does that answer your question from last
 583 month?

584
 585 Mr. O'Kelly - Yes. We also have a neighbor that appeared at the
 586 hearing that had some concerns about the condition of the property and the fact

587 that it was not being maintained very well and that type of thing. We wanted to
588 investigate that and I think we've taken care of that problem.

589
590 Mr. Bjelstrand - There did have to be a change to the plans and that's
591 why work stopped on the site. We're just as peeved about that as anybody; we
592 want the lots finished. Unfortunately, they had to redo the plans for drainage
593 issues and also to fit out product. That was why there was a delay in that. My
594 understanding is that if the plans haven't already been approved, they will be
595 shortly. And they're going to start work again here in the next week or so.

596
597 Ms. Dwyer - I have one question on the drawings, the layout. It
598 shows a 32-foot distance, and I guess the proffers require 32 feet from the right-
599 of-way. On this drawing, it shows right-of-way in a different location that may be
600 indicating something else. I just wanted to clarify that we were, in fact, 32 feet
601 from the right-of-way of the road.

602
603 Mr. Bjelstrand - Yes ma'am. Even if the drawing is 100% accurate,
604 we'll push it back to 32 feet.

605
606 Ms. Dwyer - Okay.

607
608 Mr. Wright - Have you read all the conditions proposed here?

609
610 Mr. Bjelstrand - Yes sir. I'm fine with all of them.

611
612 Mr. Wright - Okay.

613
614 Ms. Dwyer - And there's a 30-foot natural landscape buffer that will
615 not be encroached upon by the trailer?

616
617 Mr. Bjelstrand - Yes ma'am. There isn't much there now, but we're
618 not going to move anything.

619
620 Ms. Dwyer - If landscaping needs to be installed before the trailer's
621 moved, you want to make sure that you have space to do that.

622
623 Mr. Bjelstrand - Yes ma'am. We're going to provide you with a
624 landscape plan that's very nicely done.

625
626 Ms. Harris - Do we have copies obtaining the signatures for the
627 original owner and the applicant?

628
629 Mr. Blankinship - Yes ma'am, they're in the file.

630
631 Ms. Harris - They're in the file. Okay.

632

633 Mr. Gidley - [Unintelligible] owner, one of the two partners has
634 come by and signed the application [unintelligible].

635
636 Mr. Bjelstrand - I think that's what caused the problem.

637
638 Ms. Harris - Thank you.

639
640 Mr. Kirkland - Any other questions by Board members? Anyone
641 else wish to speak? If not, that concludes the case. Thank you, sir.

642
643 Mr. Nunnally - I move we approve UP-13-07, on the grounds that the
644 proposed use will be in substantial accordance with the general purpose and
645 objectives of Chapter 24 of the County code.

646
647 Ms. Harris - I second.

648
649 Mr. Kirkland - Motion made by Mr. Nunnally, seconded by Ms.
650 Harris. All in favor say aye. All opposed say no. It's been approved.

651
652 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
653 Ms. Harris, the Board **approved** application **UP-013-07**, Parker-Orleans
654 Homebuilders' request for a temporary conditional use permit pursuant to
655 Section 24-116(c)(1) to install a temporary modular sales office at 5205 Twin
656 Hickory Road (Preston Square Townhouses) (Parcel 747-774-6121), zoned
657 RTHC, Residential Townhouse District (Conditional) (Three Chopt).

658
659 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
660 Negative: 0
661 Absent: 0

662
663 **A-029-07** **LIFELINE FOR JESUS COMMUNITY CHURCH**
664 requests a variance from Section 24-94 to build additions to a church at 3705
665 Meadowbridge Road (Highland Gardens) (Parcel 795-737-0236), zoned B-1,
666 Business District (Fairfield). The front yard setback and rear yard setback are not
667 met. The applicant proposes 17 feet front yard setback and 8 feet rear yard
668 setback, where the Code requires 25 feet front yard setback and 40 feet rear
669 yard setback. The applicant requests a variance of 8 feet front yard setback and
670 32 feet rear yard setback.

671
672 Mr. Kirkland - Yes sir. If you'll raise your right hand and be sworn in.

673
674 Mr. Blankinship - Do you swear the testimony you're about to give is
675 the truth and nothing but the truth so help you God?

676
677 Mr. Peterson - I do.

678

679 Mr. Kirkland - State your name for the record.

680

681 Mr. Peterson - Good morning Mr. Chairman, members of the Board.
682 I am Canova Peterson. My firm, Canova Associates Architecture is working with
683 Lifeline for Jesus Community Church in requesting this variance. This is a
684 variance that actually was granted a few years ago and was inadvertently
685 allowed to expire and so we're bringing it back to you again.

686

687 Very simply, this particular property, located right on the City line off
688 Meadowbridge, has been, as is noted in your papers before you, operating as a
689 church. But it has only been operating very poorly as church, because most
690 churches need food facilities to be able to even heat up a potluck dinner. They
691 do not have it. They need this little warming kitchen [unintelligible] use on a
692 portion of the property that's not really being used for anything. It does not
693 encroach any further than existing encroachments.

694

695 The second part of the variance is related to the conditions they have. They have
696 one open space. This was originally a storefront type facility in the area that
697 they're working with. Any time they're having any kind of church activity,
698 somebody opens that door, particularly in the wintertime, if it's raining, snow,
699 cold, they get a blast of cold air. It's really preventing them from being an
700 effective ministry within the area. They've been growing in attendance, but they
701 need to be able to be effective and to be a positive influence in what's basically a
702 troubled area of the community. They're making a positive difference. They're
703 asking for these variances so that they can continue to improve the
704 neighborhood and be an effective church instead of having to be from a handicap
705 position.

706

707 Mr. Nunnally - This variance was awarded you in 2004, is that right,
708 sir?

709

710 Mr. Peterson - Yes sir.

711

712 Mr. Nunnally - What's been going on since then?

713

714 Mr. Peterson - Basically, as happens many times with communities,
715 the cost of doing some of the facilities was not there at the time. They are now
716 ready to proceed forward and they did not realize until after the fact, frankly, that
717 they needed to ask for an extension of the variance before, which is the reason
718 we're back again.

719

720 Ms. Harris - Are there any concerns from the neighbors?

721

722 Mr. Peterson - I know of none. Reverend Lorenzo Nicholson is here
723 today, too, if you have some questions for him. He would be able to speak to
724 those.

725
726 Ms. Harris - We need to ask him have the neighbors voiced any
727 type of adverse reaction to these modifications.
728
729 Mr. Kirkland - If you would, sir, come on down front and state your
730 name for the record. Did you get sworn in?
731
732 Mr. Blankinship - No he was not.
733
734 Mr. Kirkland - All right. Then raise your right hand, please.
735
736 Mr. Blankinship - Do you swear the testimony you're about to give is
737 the truth and nothing but the truth so help you God?
738
739 Rev. Nicholson - I do.
740
741 Mr. Kirkland - State your name for the record.
742
743 Rev. Nicholson - My name is Lorenzo Nicholson.
744
745 Mr. Kirkland - All right, Ms. Harris, ask him the—
746
747 Ms. Harris - Reverend Nicholson, have any of the neighbors
748 expressed any concerns about your modifications?
749
750 Rev. Nicholson - Not at all.
751
752 Ms. Harris - Not at all. Okay. What are the dimensions for the
753 vestibule? I can see that you do have on the plan a vestibule. What are those
754 dimensions? Or do you have any plans that we can see for that?
755
756 Mr. Peterson - It's eight feet.
757
758 Ms. Harris - It's eight?
759
760 Mr. Peterson - Eight feet from the existing building.
761
762 Ms. Harris - And the width?
763
764 Rev. Nicholson - Altogether with the covered canopy it's going to be—
765
766 Mr. Peterson - It is the width of the existing building.
767
768 Ms. Harris - Okay.
769
770 Mr. Peterson - It does not extend beyond the existing sidewalks.

771

772 Ms. Harris - Why do you have the projection? On the plan that we
773 have, there seems to be an added projection that extends more into the area that
774 we're not supposed to use. What is that?

775

776 Mr. Peterson - Yes ma'am. That is the eight feet, the added part.
777 That's basically because of building code requirements. The space you have to
778 have between doors when you're having a vestibule situation, you have to have a
779 certain amount for handicap access. And this is basically the minimum you can
780 do that with.

781

782 Ms. Harris - All right. The warming kitchen that we're looking at
783 here, I am looking at the land surveyor's plan. Basically, are you just extending
784 the side of this warming kitchen to end with the building?

785

786 Mr. Peterson - That's right.

787

788 Ms. Harris - So, the building already extends into the rear setback.

789

790 Mr. Peterson - Yes ma'am.

791

792 Ms. Harris - Okay. I think those are all of my questions.

793

794 Ms. Dwyer - Gentlemen, has anyone from the County discussed
795 the new Supreme Court case or the case that came out since the variance was
796 granted for this property several years ago? That Supreme Court case states
797 that if you have reasonable use of the property, then this Body does not have
798 jurisdiction to grant a variance.

799

800 Mr. Peterson - Yes ma'am. We did not discuss it, but it was part of
801 the package and information that was presented. However, our contention is that
802 the reasonable use of the property is not there. They have been functioning as a
803 church, but they've been functioning with their arms tied behind them. They have
804 been having to function without these facilities and these are necessary for
805 proper church function.

806

807 Ms. Dwyer - The definition that the Supreme Court has given us is
808 that if you have any reasonable use of the property whatsoever, then we don't
809 have jurisdiction to grant a variance. Not whether you have the kind of use that
810 you want, but if you have any reasonable use is the standard that we must—

811

812 Mr. Peterson - We're questioning whether a church without the ability
813 to keep the weather out and provide the ability to warm up a dish for a potluck
814 dinner is a reasonable use. I don't think that is a reasonable use to expect from
815 a church.

816

817 Mr. Wright - Couldn't that be done somewhere else in the facility?
818
819 Rev. Nicholson - It's going to take the space, if we do.
820
821 Mr. Peterson - We're talking a minimal facility right now.
822
823 Mr. Wright - What's the size of your church building? We're not
824 advised as to all the facts here, then.
825
826 Mr. Kirkland - We don't have any architectural drawings or anything,
827 other than seeing it from the outside. I was just trying to get an idea of how big it
828 is.
829
830 Mr. Peterson - Reverend Nicholson, if you'll correct me if I'm wrong.
831 Basically, the front part of this building—Nothing has really been done. The back
832 part has two rooms, I believe it is.
833
834 Rev. Nicholson - No, it's actually one room.
835
836 Mr. Peterson - The main room that used to be the store is the
837 meeting room, and that's all they've got. That's all they have to work with.
838
839 Ms. Dwyer - It also appears that a portion of the building is already
840 in violation of the ordinance in the rear yard. Is that correct?
841
842 Mr. Peterson - Yes ma'am.
843
844 Mr. Blankinship - I believe it's non-conforming. The building was built in
845 1950.
846
847 Ms. Dwyer - Okay.
848
849 Mr. Blankinship - I don't think we had that same setback.
850
851 Mr. Peterson - We're not talking about encroaching any further to the
852 rear than is already there. All we're talking about is filling in that corner that is a
853 wasteland at this point in time. The front piece is simply a case of it's a disaster
854 trying to get in and out of this building in bad weather. Trying to get a vestibule to
855 get people in and out, and to preserve energy and be able to serve the
856 community. Without these, they cannot continue to be the positive ministry that
857 they're trying to be in that neighborhood.
858
859 Mr. O'Kelly - Mr. Peterson, do the proposed additions, those
860 portions in the City of Richmond, do they meet the City requirements?
861
862 Mr. Peterson - The City has deferred to the County on this.

863
864 Mr. Wright - It's your position that without the variance, it would be
865 no reasonable beneficial use of the property.
866
867 Rev. Nicholson - We can't say that we can't use the property. We'll just
868 have to continue to use it as it is. What we would like to do is to make it a better
869 facility, not only for the use but also for the appearance on the front of the
870 building.
871
872 Ms. Dwyer - Part of these additions are actually in the City, right
873 Mr. O'Kelly?
874
875 Mr. Kirkland - The warming kitchen's 50/50, it looks like.
876
877 Ms. Dwyer - Do those portions meet the City code?
878
879 Mr. Peterson - The City has deferred all—
880
881 Ms. Dwyer - I understand. I'm trying to give you something to
882 hang your hat on, so I'm just wondering if those portions of your proposed
883 addition that are in the City—if the whole site were in the City, would this comply
884 with the City ordinance?
885
886 Mr. Peterson - I would have to—
887
888 Ms. Dwyer - We don't know. Okay.
889
890 Ms. Harris - Did you investigate the use of just a canopy rather
891 than a vestibule and a canopy, so people would at least be shielded from the
892 weather when they came to church?
893
894 Mr. Peterson - The canopy would shield them from anything falling
895 down, but as soon as the door's open, it doesn't shield anybody inside from all
896 the weather coming through. They canopy would also need the variance, just as
897 well as the vestibule.
898
899 Ms. Harris - Yes, that's what I found out. I did try to research that
900 to find out if you could just get the canopy. That's a structure, too, so.
901
902 Ms. Dwyer - Mr. Peterson and Reverend Nicholson, I want to be
903 honest with you. If we go under all the Supreme Court rules, we would have to
904 deny this case. There is one question in my mind and maybe you would like to
905 defer the case to research it fully. If this addition is in compliance with City code,
906 then I think we have a conflict and we might have something that at least I would
907 be willing to consider as an argument that you should be allowed to build these
908 additions. That's the first thing I would like to know. The second thing is, I'd like to

909 know what it's going to look like, what kind of vestibule. It doesn't have to be
910 elaborate, but I think that other Commissioners have spoken, too, that they would
911 like to have some notion of what these additions are going to look like. It might
912 be in your best interest to defer the case and come back next month with that
913 information.

914

915 Rev. Nicholson - Yeah, we can do that.

916

917 Mr. Peterson - We will ask for the deferral. At the same time, one of
918 the suggested conditions that was on here, though, was that the additions be in
919 keeping with what's there. We hope to make it better than that. It's a concrete
920 block building, for the most part, right now. We would like to improve the
921 appearance. I'm not sure whether that condition should be in there the way it is,
922 particularly if we bring it back and show you what we want it to look like. That
923 might be the condition.

924

925 Rev. Nicholson - Another possible, just the warming kitchen on the rear
926 and we'll just spruce the front up as it is and make it look better on the front by
927 changing the appearance of the building within what's already there, if we have
928 to. The warming kitchen on the back, we would like to proceed with that if at all
929 possible.

930

931 Mr. Kirkland - Again, would you mind a deferral for 30 days
932 [unintelligible] meet the City requirements?

933

934 Rev. Nicholson - All right.

935

936 Ms. Harris - We do need to see a picture.

937

938 Mr. Kirkland - And some sort of drawing with the front of the place.
939 Even if it's just a photograph of what you have now and a rendering of what you
940 plan to do. We have no drawings or anything in our staff report. Other than us
941 all riding by there and looking at it—

942

943 Mr. Peterson - You didn't have the photos of the existing—

944

945 Mr. Blankinship - Nothing that's been proposed.

946

947 **DECISION**

948

949 Ms. Harris - Should we make a motion?

950

951 Mr. Kirkland - Yes, I need a motion.

952

953 Ms. Harris - Okay. I move that we defer this case until the next
954 meeting.

955
956 Mr. Kirkland - Second, please?
957
958 Ms. Dwyer - Second.
959
960 Mr. Kirkland - Motion made by Ms. Harris, seconded by Ms. Dwyer.
961 All in favor say aye. All opposed say no. The ayes have it; the motion carries.
962 It's been deferred for 30 days.

963
964 Upon a motion by Ms. Harris, seconded by Ms. Dwyer, the Board **deferred**
965 application **A-029-07** for a variance from Section 24-94 to build additions to a
966 church at 3705 Meadowbridge Road (Highland Gardens) (Parcel 795-737-0236),
967 zoned B-1, Business District (Fairfield). The front yard setback and rear yard
968 setback are not met.

969
970 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
971 Negative: 0
972 Absent: 0

973
974 **A-030-07 SARAH OLIVER** requests a variance from Section
975 24-9 to build a single family home at 2240 Yarnell Road (Parcel 813-698-0785
976 (part)), zoned A-1, Agricultural District (Varina). The public street frontage
977 requirement is not met. The applicant has 0 feet public street frontage where the
978 Code requires 50 feet public street frontage. The applicant requests a variance of
979 50 feet public street frontage.

980
981 Mr. Kirkland - Anyone else wish to speak on this case? Please
982 stand and you all raise your right hands and be sworn in.

983
984 Mr. Blankinship - Raise your right hand, please, sir. Do you swear the
985 testimony you're about to give is the truth and nothing but the truth so help you
986 God?

987
988 Mr. Grivetti - I do.

989
990 Mr. Kirkland - If you would, sir. Ma'am, we'll call on you after. If
991 you would state your name, please.

992
993 Mr. Grivetti - My name is James Grivetti. I'm the father of Sarah
994 Oliver, and my wife and I own this land now. My daughter's a schoolteacher in
995 Henrico County. She presently resides in the far end of New Kent County. The
996 drive from there to her present job in Henrico County as a schoolteacher is long.
997 We want to shorten that drive. She's also just recently given birth to her first
998 child. The house that they have is small; they want a bigger house. I'm a builder
999 and I would like to build her a house on the ten acres there. We would like her to
1000 have the right to build that house.

1001

1002 I would like to address two of the conditions that were stated in the evaluation.
1003 The first being there was some mention made of the rear of the property. I think
1004 that's on page 2 of 4. It talks about the zoning of property near it being changed
1005 from A-1 to M-1C. We were approached by the same people that bought that
1006 property to buy our property; it is not for sale. My wife and I plan on being there
1007 until they take us somewhere else to put us out for good, so the property is not
1008 for sale. We'd like my daughter there with us for healthcare in future times. Also,
1009 my wife is retiring soon and will be giving childcare to our new grandson. There
1010 are a number of reasons we'd like to have this variance approved.

1011

1012 Also, down at the bottom of that same page, it refers to a safety hazard entering
1013 the highway. The driveway will be combined with a present driveway so there
1014 won't be two driveways entering at this intersection; there will only be one. That
1015 is recently changed from the drawing that you have. There will be a 50-foot
1016 easement granted. That 50-foot easement does coincide with the other driveway,
1017 so there will only be one driveway from the present house on the property. It's
1018 not shown on the map you have there, but it's shown with one of the
1019 attachments.

1020

1021 Mr. Kirkland - How would that work? Where will it tie in with the
1022 existing driveway, going around the pond or what?

1023

1024 Mr. Grivetti - We will come beside the pond, and as you see the
1025 dotted lines representing the driveway, about 50 feet back from the road it's flat
1026 right across there. We will come up and tie into the driveway about 50 feet off
1027 the road.

1028

1029 Mr. Kirkland - Okay.

1030

1031 Mr. Grivetti - Those two driveways will be shared as the approach
1032 the road.

1033

1034 Ms. Dwyer - Sir, the land that you presently own is 10.2 acres, is
1035 that correct?

1036

1037 Mr. Grivetti - Yes ma'am.

1038

1039 Ms. Dwyer - And you want to carve this smaller lot out of it.

1040

1041 Mr. Grivetti - Yes ma'am.

1042

1043 Ms. Dwyer - You currently have use and enjoyment of that 10.2
1044 acres because there's a house on it, correct?

1045

1046 Mr. Grivetti - We're getting ready to tear that down, but there is a
1047 house on it, yes ma'am.
1048
1049 Ms. Dwyer - You could build one house on the 10-acre parcel and
1050 that would be a use of the property.
1051
1052 Mr. Grivetti - We plan to tear that house down and what's holding
1053 us from doing that is my dad is living there. He's 84 and he's not in real good
1054 health. Hopefully, we have a number of years with him, but I can't put him out in
1055 the cold to tear it down to build my daughter a house.
1056
1057 Mr. Kirkland - When you tear it down, there will only be one house
1058 on the property?
1059
1060 Mr. Grivetti - Yes. I don't know whether that's going to be six
1061 months—
1062
1063 Mr. Kirkland - Or six years.
1064
1065 Mr. Grivetti - Yeah.
1066
1067 Mr. Blankinship - So, you don't live on this property, you live on the little
1068 triangle just to the south?
1069
1070 Mr. Grivetti - Yes sir.
1071
1072 Ms. Dwyer - Sir, I'm looking at the ordinance and there are three
1073 reasons for requesting a variance. One is exceptional narrowness, shallowness,
1074 size or shape of the piece of property. That's one reason. Another reason is
1075 exceptional topographic conditions or other extraordinary situations. The third
1076 one is that granting of the variance will alleviate a clearly demonstrable hardship
1077 approaching confiscation. That is, if you don't get it, you don't have any
1078 reasonable use of the property and you'd have no use of the property
1079 whatsoever. Which of those three reasons would you say applies, are you
1080 arguing in this case?
1081
1082 Mr. Grivetti - That's a good question. I want to be able to use the
1083 property. I can't use the property for my daughter to live there as the Code
1084 states now. There is not a piece of property applicable for a house in front of the
1085 pond between the pond and the road. It is low. It is not wetlands, but it is low. All
1086 the property drains through that area. It would be inconceivable to put a house
1087 there. The property rises as it goes behind the pond and up. All the property in
1088 the rear of the property is high. It's the applicable place for a house other than
1089 where the older house is located now.
1090

1091 Mr. Wright - When you tear your father's house down, you could
1092 build your daughter's house where that is on that piece of property, legally,
1093 without any variance at all.
1094

1095 Mr. Grivetti - Exactly. Yes sir. I understand that, but she needs the
1096 dwelling now and, hopefully, my dad will be around for a while.
1097

1098 Mr. Blankinship - Your father lives by himself?
1099

1100 Mr. Grivetti - Yes.
1101

1102 Mr. Blankinship - How large is the house?
1103

1104 Mr. Grivetti - It's very small. It's about 900 square feet.
1105

1106 Ms. Harris - The road that you described that you would combine,
1107 I mean the driveway, what is the access point for that? What street?
1108

1109 Mr. Grivetti - It's on Yarnell Road, not Wilson.
1110

1111 Ms. Harris - Okay.
1112

1113 Mr. Grivetti - The map does not show that, but Yarnell Road goes
1114 up just past our property. It comes to an intersection and then dead ends.
1115

1116 Ms. Harris - I know you put a disclaimer on that, the change in
1117 zoning, but do you know what plans existed for using the light industrial zoning,
1118 which is in the rear of the property?
1119

1120 Mr. Grivetti - They're building warehouses back there right now.
1121

1122 Ms. Harris - Okay.
1123

1124 Mr. Grivetti - I think there are two back there now and they're
1125 building a third one. And I think there are plans for more. Highwood Industries, I
1126 think.
1127

1128 Ms. Harris - That affects your property, too?
1129

1130 Mr. Grivetti - It borders it.
1131

1132 Mr. Kirkland - You could always tear your father's house down, build
1133 a nice big home with a guesthouse onto it, and all live together. But I'm sure by
1134 then, everybody would be crazy.
1135

1136 Mr. Grivetti - My dad has lived by himself for about 15 years.

1137
1138 Mr. Kirkland - I can understand that.
1139
1140 Mr. Grivetti - If I'd move a new baby in with him—
1141
1142 Mr. Kirkland - You could always soundproof the guest area. All
1143 right. Any other questions by Board members? All right. I believe we have
1144 someone else here to speak. State your name, ma'am.
1145
1146 Ms. Adams - I'm Carla Adams.
1147
1148 Mr. Kirkland - All right.
1149
1150 Ms. Adams - I occupy the property that's adjacent to where he
1151 wants to build the home.
1152
1153 Mr. Kirkland - What's your address, ma'am?
1154
1155 Ms. Adams - 6984 Miller Road. I'm not real sure, but I'm thinking
1156 that that house, if it is on that lot, that place looks abandoned. I've never seen
1157 any activity in it, if that's the same house that's adjacent to my property. I got this
1158 notice in the mail, so I'm assuming that it is. I'm not real good with blueprints or
1159 anything. I've been in that property for over a year and I have not seen any
1160 activity coming from that house. It's just there. No one goes in. It looks
1161 abandoned. When I bought my property, I was under the understanding that
1162 they wouldn't build there, from my builders. He had mentioned something about
1163 someone wanting to purchase property. I, at one time, did send a letter out to
1164 that address inquiring about that property because I'd like to maintain some type
1165 of privacy there and also maybe put some farm animals out there or something
1166 like that, have it like country like. I'm really not in disagreement to him building
1167 there; I just want to really maintain that privacy.
1168
1169 Ms. Dwyer - Did you say 6984?
1170
1171 Ms. Adams - Yes ma'am.
1172
1173 Ms. Dwyer - Do you have a home on the property?
1174
1175 Ms. Adams - Yes I do, ma'am. I've been occupying that space for
1176 a year now, a little over a year.
1177
1178 Mr. Kirkland - I assume this GPS picture was taken before a home
1179 was built?
1180
1181 Mr. Blankinship - Yes.
1182

1183 Mr. Kirkland - Anything else, ma'am?
1184
1185 Ms. Adams - No, that's it.
1186
1187 Mr. Kirkland - Any questions? Anyone?
1188
1189 Mr. Nunnally - Didn't you want to say something, sir?
1190
1191 Mr. Kirkland - Okay. If you'd come up to the front.
1192
1193 Mr. Grivetti - You had a slide up a moment ago that showed her
1194 property. Yes, hold it right there. The piece of property she is referring to, if you
1195 see the little triangle at the very bottom, you can just see—Yes, right there. That
1196 little corner of that property there is an abandoned house on. Mr. Grubbs owns
1197 that property. That is not what we're talking about. Her property is next to that.
1198 If you rotate your arrow up just a little teeny bit. Right there. That is her property.
1199 My property is that long piece behind it showing the pond. So, where the house
1200 will be built really won't even touch you.
1201
1202 Ms. Adams - Okay.
1203
1204 Ms. Harris - A question. Where is that property accessed, from
1205 Wilson Road?
1206
1207 Mr. Grivetti - It's on Miller Road. It's not shown on that picture.
1208
1209 Ms. Harris - Okay.
1210
1211 Mr. Grivetti - That road is not there.
1212
1213 Mr. Kirkland - All right. Thank you. Anyone else wish to speak? If
1214 not, that concludes the case.
1215
1216 **DECISION**
1217
1218 Mr. Wright - I move we deny it.
1219
1220 Ms. Dwyer - Second.
1221
1222 Mr. Wright - The grounds of the denial would be that the real
1223 estate property taken as a whole, even [unintelligible] the original acreage or the
1224 acreage as it now is, the 10+ acres, in so far as the ordinance is concerned or as
1225 it stands, it does not interfere with all beneficial uses of the property taken as a
1226 whole. As far as I'm concerned, the Board has no authority to consider the case.
1227

1228 Ms. Dwyer - I agree. There is an existing house on the property. It
1229 has industrial potential, even though he certainly doesn't want to do that. You
1230 can't say that it has no beneficial use. It clearly does have beneficial use
1231 because it's being used as a residential property at this time.

1232
1233 Mr. Kirkland - All right. Motion made by Mr. Wright, seconded by
1234 Ms. Dwyer. All in favor say aye. All opposed say no. The denial is granted.

1235
1236 After an advertised public hearing and on a motion by Mr. Wright, seconded by
1237 Ms. Dwyer, the Board **denied** application **A-030-07**, Sarah Oliver's request for a
1238 variance from Section 24-9 to build a single family home at 2240 Yarnell Road
1239 (Parcel 813-698-0785 (part)), zoned A-1, Agricultural District (Varina).

1240
1241 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1242 Negative: 0
1243 Absent: 0

1244
1245 **UP-016-07 DONALD B. REGESTER** requests a conditional use
1246 permit pursuant to Section 24-95(i)(4) to build a detached carport in the side yard
1247 at 9314 Cragmont Drive (Tuckahoe North Section) (Parcel 743-735-9389),
1248 zoned R-1, One-family Residence District (Tuckahoe).

1249
1250 Mr. Kirkland - Anyone here wish to speak to this case?

1251
1252 Mr. Blankinship - I spoke with his builder several times this week and
1253 he was very seriously considering withdrawing this case. I asked him to get me
1254 something in writing before this morning. Mr. Gidley, you haven't received
1255 anything?

1256
1257 Mr. Gidley - No sir.

1258
1259 Mr. Kirkland - We'll pass it by right now. We'll make a decision at
1260 the end.

1261
1262 **DECISION**

1263
1264 Ms. Dwyer - Should we defer until our October meeting?

1265
1266 Mr. Kirkland - Do I have a second to the motion?

1267
1268 Mr. Nunnally - Second.

1269
1270 Mr. Kirkland - Okay. Motion made by Ms. Dwyer, seconded by Mr.
1271 Nunnally. All those in favor say aye. All opposed say no.

1272

1273 Upon a motion by Ms. Dwyer, seconded by Mr. Nunnally, the Board **deferred**
1274 application **UP-016-07**, Donald B. Regester's request for a conditional use permit
1275 pursuant to Section 24-95(i)(4) to build a detached carport in the side yard at
1276 9314 Cragmont Drive (Tuckahoe North Section) (Parcel 743-735-9389), zoned
1277 R-1, One-family Residence District (Tuckahoe).

1278
1279 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1280 Negative: 0
1281 Absent: 0

1282
1283 Mr. Kirkland - You'll contact them, won't you, Mr. Blankinship?

1284
1285 Mr. Blankinship - Yes. I expect by the end of the day they will have
1286 withdrawn.

1287
1288 **UP-017-07** **JAMES JONES** requests a conditional use permit
1289 pursuant to Section 24-95(i)(4) to allow a garage to remain in the side yard at
1290 2828 Kenwood Avenue (Pinehurst Gardens) (Parcel 777-747-0742), zoned R-4,
1291 One-family Residence District (Brookland).

1292
1293 Mr. Kirkland - Anyone else wish to speak on this case? All right.
1294 Everybody raise their right hands and be sworn in.

1295
1296 Mr. Blankinship - Raise your right hand, please.

1297
1298 [Off mike.] Affirm.

1299
1300 Mr. Blankinship - Oh, okay. Do you swear or affirm that the testimony
1301 you're about to give is the truth and nothing but the truth so help you God?

1302
1303 Mr. Kirkland - All right, sir, if you would state your name.

1304
1305 Mr. Jones - It's James Jones.

1306
1307 Mr. Kirkland - All right. State what you'd like us to do for you.

1308
1309 Mr. Jones - I bought the house at 2828 Kenwood in '04. On that
1310 property, there was a carport—the same thing as [unintelligible] garage—at the
1311 end of the lot. I tore that down and had another one built up, which is a carport,
1312 but it's closed in. There's no sub-floor or anything in that carport. When I
1313 contracted the company to build this—They come pre-built, so it wasn't built-built.
1314 They bring it in and set it up and just screw it together, and then anchor it to the
1315 ground. I asked the company did they have all the permits and everything they
1316 needed. They said we didn't need any for the carport. They erected the carport
1317 and that was it. That was in September of last year. This has been up a year as
1318 of this month. Then I received a letter stating that there was no permit issued for

1319 that carport. There are several homes in that area that have these carports.
1320 Maybe they're not as closed-in as mine, but there are several in this area that
1321 have these carports. These houses were built so long ago and there is not a lot
1322 of storage or garages in those houses. The reason I put this one up was there
1323 was one there before, but it was falling down and it looked terrible. So, I had that
1324 one removed and had this put up so I could store my equipment and my vehicles
1325 and things of that nature. Like I say, I've been there since '04 and I've been
1326 constantly trying to do things to improve this property—removing trees, just doing
1327 things to better the property. I do plan on living there. As far as the permit goes
1328 and things of that nature, I did not know that there was one needed for a carport.
1329 Maybe we're under the misunderstanding that this is a permanent structure; it's
1330 not a permanent structure.

1331

1332 Mr. Kirkland - Does it have a concrete floor in it?

1333

1334 Mr. Jones - No sir.

1335

1336 Mr. Kirkland - Is it anchored to that ground?

1337

1338 Mr. Jones - There are [unintelligible] to keep high wind from
1339 blowing it over, but it's not concreted in or anything like that.

1340

1341 Mr. Kirkland - Then it's an accessory structure.

1342

1343 Mr. Blankinship - How long has it been in?

1344

1345 Mr. Jones - A year.

1346

1347 Mr. Blankinship - How many times have you removed it in that year?

1348

1349 Mr. Jones - Removed it?

1350

1351 Mr. Blankinship - It's permanent, then, isn't it?

1352

1353 Mr. Jones - I mean, I haven't removed it.

1354

1355 Mr. Blankinship - I mean, it's not like it's something you put up and take
1356 down, like a tent or something.

1357

1358 Mr. Jones - No.

1359

1360 Mr. Blankinship - It's permanently attached.

1361

1362 Mr. Jones - Yes.

1363

1364 Ms. Dwyer - The definition of "structure" is fairly broad. It's
1365 anything constructed by an assembly of materials, the use of which requires a
1366 fixed location on the ground. That's a structure. So, a structure can be a
1367 birdhouse.

1368
1369 Mr. Jones - I'm not denying that it's a structure. I mean, it is a
1370 structure. I guess there are many variances in structures in my mind as far as
1371 dealing with homes. You can have them come in built and have block put up and
1372 have concrete floors poured, have it built to the house. There are garages that
1373 are being brought in on trucks and just dropped off. These are structures also.
1374 These are not as structural as one of those units. I do have a smaller unit in the
1375 backyard that is probably more of a structure than this is. This is more or less a
1376 carport with the sides closed in.

1377
1378 Mr. Kirkland - And two overhead doors on the front of it.

1379
1380 Mr. Jones - Two rollup doors, yes.

1381
1382 Ms. Dwyer - The bottom line is it meets the County's legal
1383 definition of a structure. Even though it may seem like not as solid a structure to
1384 you, it meets the definition of a structure, so we have to treat it as such.

1385
1386 Ms. Harris - Mr. Jones, did you say the carport or garage that you
1387 tore down was attached to the house?

1388
1389 Mr. Jones - No ma'am.

1390
1391 Ms. Harris - It was not.

1392
1393 Mr. Jones - I think by width, it was larger, but it was turned on a
1394 different angle, and it was closer to the adjacent property line behind me. But it's
1395 closer to that property line than this structure is now. I moved it forward to get it
1396 off of the property line and off of the adjacent side road. The side road, Carmel, is
1397 a dead-end street. I moved it off of that also, to get it more into the property.

1398
1399 Mr. Kirkland - You're saying your builder put that up and told you he
1400 had all the necessary permits. Did he tear down the old structure when he put up
1401 the new one?

1402
1403 Mr. Jones - No sir, I tore down the old one. I tore down the old
1404 one and cleaned the ground and contacted the company and asked them were
1405 there any permits or anything of that nature that I needed. And they said no, not
1406 for—They understood no, and then it was put up. I paid them, they put it up.

1407
1408 Mr. Kirkland - Have you since contacted the company and told them
1409 you're having a problem?

1410
1411 Mr. Jones - No sir.
1412
1413 Ms. Dwyer - What company is it?
1414
1415 Mr. Jones - They were from out of Crew, Virginia, but the
1416 company that I actually—C & C Enterprises is the company that sells these units.
1417 There are several of these units and these are the pamphlets that come with
1418 these units. They are all the same. Some are closed in more than others, but
1419 they're basically the same.
1420
1421 Mr. Kirkland - Any other questions by Board members?
1422
1423 Ms. Harris - Did you see the report that staff had that showed the
1424 setbacks for an attached garage? Did you see how much you exceeded the
1425 guidelines?
1426
1427 Mr. Jones - As far as the drawing on the paper that I have?
1428
1429 Ms. Harris - Yes. The setbacks for an attached garage.
1430
1431 Mr. Jones - Yes. I see their setbacks now, but that was
1432 unbeknownst to me at that time when this was put up. Now I'm understanding
1433 and finding out that this is called a reverse lot, which changes some of the
1434 setbacks because of the angle of the house. With the angle of the house, there
1435 is no room to put any structure or any garage-type structure on the property
1436 behind the house. There is just no room back there whatsoever. There is no
1437 room for any storage, any of my vehicles or lawn equipment or anything of that
1438 nature. There is just no room to put anything. I can't just leave it out in the open.
1439 That was one reason why the structure that was there I tore down, because it
1440 was not closed in. Plus, it was closer to the road.
1441
1442 Mr. Wright - When did you purchase your home?
1443
1444 Mr. Jones - In '04. February of '04, I believe.
1445
1446 Mr. Kirkland - Any other questions?
1447
1448 Mr. Wright - One of the problems I see here is that even if we were
1449 to approve the conditional use permit to permit the garage to be in the side yard
1450 under the new ordinance, it would still violate the setback requirements.
1451
1452 Mr. Blankinship - Yes sir, that is correct.
1453
1454 Mr. Wright - So that doesn't solve anything.
1455

1456 Mr. Blankinship - That's correct.
1457
1458 Mr. Wright - We can't approve something that violates a setback
1459 requirement.
1460
1461 Ms. Harris - You'd have to get a variance.
1462
1463 Mr. Wright - Yeah. You'd have to come ask for a variance to do
1464 that, which we have no authority to grant anyhow, so. It's a complexing problem.
1465 I understand that the garage, if it were attached to the house, would satisfy the
1466 requirements?
1467
1468 Mr. Blankinship - As long as it were within the setbacks, yes. For
1469 example, if he were to move it to the left side of the house and attach it and move
1470 it as far forward as it needs to be to comply with the setback. I believe there is
1471 room for a 20 by 20. Paul, do you have that drawing of setbacks for an attached
1472 garage?
1473
1474 Mr. Wright - But it cannot be attached on the side—
1475
1476 Mr. Blankinship - Right. There's not enough room over there.
1477
1478 Mr. Wright - And not a 20 by 20. It still would violate the setback
1479 requirements.
1480
1481 Mr. Blankinship - Yes sir. I believe there is room on the other side of
1482 the house.
1483
1484 Mr. Jones - On the west side.
1485
1486 Mr. Blankinship - Yes.
1487
1488 Mr. Jones - Okay.
1489
1490 Mr. Blankinship - If it were attached.
1491
1492 Mr. Jones - Right. But the way that the property line runs,
1493 attached to the west side of the house, is there still enough room? I'm seeing
1494 here an 8-1/2 side yard. I guess that's the variance or the—
1495
1496 Mr. Blankinship - Setback.
1497
1498 Mr. Jones - The setback that I have to be off of it.
1499
1500 Mr. Blankinship - Right.
1501

1502 Mr. Jones - On the rear of the yard, it says 25 foot on the rear
1503 yard.
1504
1505 Mr. Blankinship - Right.
1506
1507 Mr. Jones - All right. When did this variance come into—When did
1508 this setback come into play, because the way the picture is showing here, the
1509 house is not even within the setback.
1510
1511 Mr. Wright - That's because your house is old.
1512
1513 Mr. Jones - So, they changed all this after the house was built.
1514
1515 Mr. Blankinship - Probably so, yes sir. I'm not sure what year the
1516 house was built. Those setbacks have been in the Code since at least 1960.
1517
1518 Mr. Jones - The house was built before that. Lakeside has a lot of
1519 strange lots.
1520
1521 Mr. Wright - But still, you have to meet what's here now.
1522
1523 Mr. Blankinship - The new construction has to comply.
1524
1525 Mr. Jones - What about the carport that was originally there?
1526
1527 Mr. Blankinship - It was illegal. There was no record of a building permit
1528 for that and it didn't even show on their tax assessment.
1529
1530 Mr. Wright - That was not approved. The old carport was not
1531 approved.
1532
1533 Mr. Jones - So, none of that came into play when I purchased the
1534 house, when they did the property assessment or anything of that nature? I
1535 mean, I was never told.
1536
1537 Mr. Wright - It should have been shown. If you had a survey done,
1538 they should have caught it.
1539
1540 Mr. Jones - All that was done.
1541
1542 Mr. Kirkland - Did you have a mortgage on your house?
1543
1544 Mr. Jones - Do I?
1545
1546 Mr. Kirkland - Did you have a mortgage on your home?
1547

1548 Mr. Jones - Yes.
1549
1550 Mr. Wright - They should have caught it.
1551
1552 Mr. Kirkland - They should have caught it.
1553
1554 Mr. Jones - Right, and that's what I'm saying. Unbeknownst to
1555 me. Nothing was told to me. I assumed that where that was, was correct. I
1556 didn't have any reason to not know that. And then putting another structure in
1557 that place of a better nature would seem like a better idea, as far as the visual of
1558 the property and things of that nature. It's a better structure.
1559
1560 Mr. Wright - The real problem is, if you had applied for a permit to
1561 do that, you would have been told then that you couldn't have done it.
1562
1563 Mr. Jones - Right. But being as though I contracted this out, it
1564 looked like to me that the contractor would be—
1565
1566 Mr. Wright - Now, you may be onto something. The contractor
1567 should have gotten a permit.
1568
1569 Mr. Kirkland - That's who you need to talk to.
1570
1571 Ms. Dwyer - There's another drawing that staff was kind enough to
1572 do that shows the potential for a smaller building in the rear corner of the lot. So,
1573 that's another possibility.
1574
1575 Mr. Jones - A potential for a smaller building?
1576
1577 Ms. Dwyer - Right.
1578
1579 Mr. Blankinship - It's on the screen now.
1580
1581 Ms. Dwyer - On the screen.
1582
1583 Mr. Blankinship - It would be possible to put a 14 by 14-foot building
1584 detached in the rear.
1585
1586 Mr. Jones - That's not possible because there's a deck on the
1587 back of the house that extends to that point. That's not even possible. Like I say,
1588 there is very minimal rear yard. Now, with the setbacks, I have even less. The
1589 property that I thought was mine is not mine, by the County setbacks. I'm paying
1590 personal property taxes on all of this property, but I only can use a portion of it.
1591
1592 Ms. Dwyer - You can only build on a portion of it. You can use it
1593 all, but you can only build on a portion of it.

1594
1595 Mr. Jones - Right. I can use it and pay for it all, but I can't put
1596 anything on it.
1597
1598 Ms. Dwyer - For example, you couldn't build a house that fills up
1599 the entire lot. That's what the setbacks prevent.
1600
1601 Mr. Jones - What are the provisions for the 20 by 20 attached to
1602 the west side of the house?
1603
1604 Mr. Wright - Did you say that could be done, Mr. Blankinship?
1605
1606 Mr. Blankinship - Yes sir, and the setbacks are sketched on the—
1607
1608 Mr. Wright - When you came in to get the building permit, all the
1609 necessary forms would be filled out and they would make sure they would fit.
1610 Then you could get a permit to place it in that position.
1611
1612 Mr. Jones - So, as long as the west rear corner of that 20 by 20 is
1613 8-1/2 foot off of that side yard.
1614
1615 Mr. Blankinship - Yes.
1616
1617 Mr. Jones - It would have to be moved forward enough to comply
1618 with that.
1619
1620 Mr. Blankinship - Exactly.
1621
1622 Mr. Jones - What are the regulations as far as considered an
1623 attached?
1624
1625 Mr. Blankinship - Somebody in Building Inspections would have to help
1626 you with exactly what you'd have to do to attach the new structure to the existing.
1627 I don't know what the building code would require in terms of what size of a bolt
1628 or whatever.
1629
1630 Mr. Jones - Does it make a difference that it's closed in? These
1631 structures are put up throughout the County.
1632
1633
1634 Mr. Wright - It didn't make any difference.
1635
1636 Mr. Blankinship - If it were an open carport. A carport still has to
1637 comply with these requirements.
1638

1639 Mr. Jones - There are several, several, several in Henrico County
1640 that don't have permits, and I'm being singled out at this point in time.
1641

1642 Mr. Wright - You're not being singled out. All we're doing is
1643 applying the ordinance, as we're required to do.
1644

1645 Ms. Dwyer - We've had other cases like this come before this
1646 Board where people have built carports and they've not been located within the
1647 setbacks.
1648

1649 Mr. Kirkland - All right. Any other questions from Board members?
1650 All right, sir, if you would have a seat. There are two other people that would like
1651 to speak. I assume they're in opposition. Then you can rebut their comments, if
1652 you wish.
1653

1654 Ms. Hebner - My name is Julie Hebner. I live at 2829 Kenwood,
1655 which is across the street from Mr. Jones, and to the side. I'm sorry, this is—I'm
1656 kind of emotional because I have sons this age and I am feeling bad about the
1657 whole situation. Mr. Jones has been a responsible property owner. We were
1658 happy to see him move in. He has definitely improved the looks of his property.
1659 Judging from what I have seen of his habits, without paying close attention, he
1660 seems to be a reliable employee. But he has been advertising and operating a
1661 motorcycle repair shop out of this garage, which, by the way, you cannot get a
1662 car in. I have his business card here. He has not been responsive to complaints
1663 from our household—which we live in a duplex; my elderly mother is upstairs—
1664 and our neighbors beside us. I don't know about any of the other neighbors. He
1665 has not been responsive to complaints about the noise. In fact, he has
1666 deliberately made noise to annoy us when we complain, so I am opposed to any
1667 variance for this garage because it has caused a problem for us.
1668

1669 Mr. Kirkland - It's going to be a use permit, if it is granted, not a
1670 variance. There is a little bit of difference, but I appreciate your comments,
1671 ma'am. Next.
1672

1673 Mr. Wright - He can't operate a business in his dwelling, can he?
1674

1675 Mr. Kirkland - No. That's another issue.
1676

1677 Ms. Taylor - My name is Karen Taylor. I live at 6505 Carmel
1678 Avenue. I've been living there 12 years, going on 13 years. Prior to the
1679 residents that lived there, the property had been rented several times. Mr. Jones
1680 has made a lot of improvements to the area. Now, in reference to the community,
1681 there are a lot of diverse residents that live in the area and people have their
1682 different types of personal recreation. I've had no problems with James. I call
1683 him James; he's my neighbor. As far as the property, he's done a lot. He put
1684 siding on his house, got the garage to match it. My concern is having someone

1685 there that will degrade the property when you're dealing with a lot of structures
1686 and so forth and so on. I was thinking about putting up one of these structures
1687 myself and I wanted to be here, basically, just to acknowledge what's going on. I
1688 do arts and crafts and stuff. I do have an attached garage. However, a lot of
1689 people have a lot of things or toys that they play with. I do my little personal arts
1690 and crafts, whatever, inside the house. I sew. It's not like a business or
1691 whatever, and I'm just saying, it's something that I'm able to do. I've had no
1692 problems in the latter part of that area. What I have had a problem with is the
1693 noise from drums. A lot of people have the detached garage and we have a lot
1694 of drummers, sounds that come from back there. That's what I've been hearing
1695 and I live way on the other side.

1696
1697 In reference to the structure, it looks nice, gotten a lot of compliments from
1698 visitors and so forth. Given that structure that he's in, there is nowhere else to
1699 put a garage. He'd have to abide by whatever the ordinance is or whatever, but I
1700 have no problems whatsoever. I think he's enhanced the property, to be honest
1701 with you. That's my basic concern. As residents, I hope that everybody gets
1702 along.

1703
1704 Ms. Harris - Ms. Taylor, where is your house?

1705
1706 Ms. Taylor- 6505 Carmel.

1707
1708 Ms. Harris - Thank you.

1709
1710 Mr. Kirkland - Any other questions by Board members?

1711
1712 Mr. Wright - You have no problem with this business that he
1713 operates in the garage?

1714
1715 Ms. Taylor - I have no problem at all, to be honest with you. In this
1716 neighborhood, there are a lot of single parents, well, singles that live in that
1717 neighborhood. I have no problem because it doesn't bother me. Basically, it
1718 doesn't bother me.

1719
1720 Mr. Kirkland - Mr. Jones, do you have any comments?

1721
1722 Mr. Jones - Yes. As far as me running a business out of that
1723 structure, that's not happening. I work for a motorcycle shop and I'm a member
1724 of a couple of the motorcycle clubs like the Blue Knights and things like that. I
1725 know most of these guys and I work on a lot of their motorcycles at work. A lot of
1726 these guys fall into a problem where maybe on the weekend or something they
1727 have something that happens, and they'll stop by and ask if I can take a look at it,
1728 and I will. As far as running a business out of that structure, that's not
1729 happening. I don't even have room to run a business out of that structure. That's
1730 a 20 by 20, and I own five motorcycles myself. Most of that structure is taken up

1731 with my own personal equipment and my motorcycles. The neighbor at 2829,
1732 this all started when the neighbor wasn't happy with a friend of mine that was at
1733 my property one afternoon. This is where this started. I am a property owner and
1734 the property at 2829, they're renters. I own my property; I make my property
1735 better for the community in that area, and for me. That's my whole outlook on my
1736 property, myself, is to make it better in the community as far as the looks and
1737 things of that nature. I'm not putting anything up or doing anything that would
1738 lessen the value of the property in that area. I wouldn't want to lessen the value
1739 of my own property, years down the road if I decide to sell it or something like
1740 that. As far as the business out of that structure, that's not happening. It's a
1741 personal use.

1742

1743 **DECISION**

1744

1745 Mr. Kirkland - All right, sir. Any other comments by Board
1746 members? If not, that concludes the case. Thank you, sir. I make a motion we
1747 deny the case. I guess you want a grounds.

1748

1749 Mr. Wright - Second.

1750

1751 Ms. Dwyer - In looking at the statute for conditional use permits,
1752 when you look at the adjacent uses and structures, and this house infringes upon
1753 the setback in every direction, and would overcrowd the District and have a
1754 negative impact, in my view, on the adjacent uses. Let's see what else we have.

1755

1756 Mr. Wright - I don't see how we can approve something that would
1757 violate the Code. I don't think that authorization to approve conditional uses in a
1758 side yard would extend to the point where if we did it, it would violate the setback
1759 requirements. I think it would have to be within the setback requirements for us
1760 to do it.

1761

1762 Ms. Dwyer - Or it would have to have a variance. So, it clearly
1763 impairs the character of the district.

1764

1765 Mr. Kirkland - All right. Had a motion and a second. All those in
1766 favor say aye. All those opposed say no. The case is denied.

1767

1768 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by
1769 Mr. Wright, the Board **denied** application **UP-017-07**, James Jones' request for a
1770 conditional use permit pursuant to Section 24-95(i)(4) to allow a garage to remain
1771 in the side yard at 2828 Kenwood Avenue (Pinehurst Gardens) (Parcel 777-747-
1772 0742), zoned R-4, One-family Residence District (Brookland).

1773

1774 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5

1775 Negative: 0

1776 Absent: 0

1823 from this location, I guess. That's how it goes, generally, Joe. Our plan, of
1824 course, is to build homes where Three Chopt Lane is. That's a private road,
1825 private right-of-way. That is used by the public, has always been used by the
1826 public. It's a prescriptive easement. What we're proposing is the four trailers,
1827 which would be temporary sales offices. Again, we have, you can see here for
1828 Eagle, Prospect, and Ryan, which are the three different townhome developers.
1829 And, of course, West Broad Village would have their own that would provide for
1830 office users, as well as for the apartments and condominiums.

1831
1832 Only because I brought it and I think they're nice looking pictures, I'm going to
1833 force you to look at some of our pictures as well. These are the concepts that we
1834 have throughout some of the various looks that we're trying to provide where the
1835 apartments and condominiums would go. I think we have some elevations of the
1836 townhouses. You can see the townhouses would be centered around the
1837 courtyard. So, this is pretty complex development that we're trying to provide for,
1838 but again, we need to have the four different sales trailers because they're
1839 competing developers that are going to be selling a very similar product, but
1840 again, somewhat diverse. And that's what we're trying to go for.

1841
1842 With that, I think we've met all the requisite preconditions for the approval of the
1843 conditional use permit. I would make two comments on the conditions, if we may.
1844 The first is with respect to the timing. I know in looking back at other cases,
1845 there's always a concern whether one year is sufficient time. If I could just give
1846 you the timeframe that we're expecting. These lots will be delivered early next
1847 year, in '08. That will be the actual infrastructure that will be in place, most of the
1848 road system, but the lots will be delivered so the builders can start building. The
1849 first homes we expect to be delivered will be somewhere around the end of the
1850 summer. Currently, the condition has in it October 15, 2008. I'd like to extend
1851 that, if we could, three months to maybe the end of January 2009, January 30th,
1852 just because that's a little tight timeframe. We think we're going to be able to
1853 make it without any problems and be able to move the offices into model homes,
1854 so that we can have our sales offices out of those, as allowed by Code. But,
1855 again, it's at the pleasure of the Board, if we could do that.

1856
1857 The other comment I would make is on condition #6, which says, "The trailers
1858 and parking lots shall be located at least 35 feet from the public right-of-way." My
1859 concern here, as you can see, we've got some setbacks off of these private
1860 roads that, currently, Three Chopt Lane—Again, it's a private road but the public
1861 uses it. We are going to be providing for, if I may, moving this Three Chopt Lane.
1862 Currently, traffic comes off of Broad, curls around here, and then comes down
1863 Three Chopt Lane. It's already been moved once. As part of the development of
1864 the plan of developments that have been approved, this would actually be
1865 located so there would be a straight shot. Temporarily, Three Chopt Lane would
1866 be located off Broad Street to go down where the trailers are. Currently, it runs
1867 down there and curls and then comes back through this. As part of our
1868 development over the next few months, we'll be having this moved over to this

1869 location so it will be straight shot there. Then ultimately, when John Rolfe
1870 Parkway is completed in 2009, this will be abandoned altogether and the public
1871 will no longer have any access off Three Chopt Road onto Three Chopt Lane.
1872 That's all been approved as part of the zoning case. I wanted to give you that
1873 timing. I don't think that necessarily means a change in the condition, but I
1874 wanted clarification from the Board, or to the Board that when it says, "35 feet off
1875 the public right-of-way," I wasn't sure exactly what that meant. Certainly, we're off
1876 of Broad Street; certainly we're off of Three Chopt Road. This is the land that's
1877 owned, they're private roads. The public does use it currently because they're out
1878 there and that's what the County required, and we're temporarily going to be
1879 moving them away. They certainly will be 35 feet off once we move them. I didn't
1880 want there to be any violation of that condition.

1881

1882 With that, I will be happy to answer any questions.

1883

1884 Ms. Dwyer - How long will Three Chopt Lane be at its current
1885 location?

1886

1887 Mr. Condlin - We expect two or three months. I don't know from a
1888 construction standpoint, Joe, whether you think this new road—I guess we'll get
1889 the approvals for the new road, and how long that will take—You'll have to come
1890 over here and speak, and introduce yourself as well.

1891

1892 Mr. Vilasec - Good morning. My name is Joe Vilasec with Timmons
1893 Group. Regarding the construction, or the phasing plan of Three Chopt Lane, let
1894 me grab this board here. I'm not sure if you can see it in there.

1895

1896 Mr. Blankinship - You need to be over by the mike.

1897

1898 Mr. Vilasec - This presentation board here represents the Three
1899 Chopt Phasing Plan that Andy just spoke about. Part of the process is we're
1900 looking to vacate—or not vacate—actually it's abandon the prescriptive right-of-
1901 way that's currently in place over Three Chopt Lane, and then construct the road
1902 from here back down to Three Chopt Lane here. Currently in construction, they
1903 are building this portion of the road. I believe the process to abandon this right-
1904 of-way is in place right now. It's going through the motions right now. I'm not
1905 exactly sure when that's going to be finished, but I believe it's over the next three
1906 or four months.

1907

1908 Mr. Condlin - [Unintelligible] final approval by sometime in October
1909 for that approval so we can open up. They have to inspect that road and it has to
1910 be built. I guess that's my question for you, Joe, is when will that road will be
1911 built, that timeframe?

1912

1913 Mr. Vilasec - As I mentioned, it's under construction now, at least
1914 the first portion of it. I'd say over the next couple of months it should be finished,
1915 at least in a position to be inspected by the County traffic engineers.
1916

1917 Mr. Condlin - So it'll be the end of November, probably somewhere
1918 in that timeframe.
1919

1920 Mr. Wright - With all the construction that's going on there, can
1921 anybody use Three Chopt Lane now?
1922

1923 Mr. Condlin - If it was our preference, we would close it altogether.
1924 There are currently only about 1,500 to 2,000 cars that use it, based on the staff
1925 report when you did the rezoning. But those 1,500 to 2,000 people are vocal
1926 folks. That can just go down to Pump Road and go up. It's pretty easy to get
1927 otherwise, but the County's reluctant to close it. That's going to be one of our
1928 arguments in the next month is to say can we just close it altogether so that
1929 there's not public running through this construction zone. It's a pretty large
1930 construction zone. I don't know where that will come up. That's an administrative
1931 decision. If not, we have a plan in place that the County has already done before
1932 as part of relocating part of Three Chopt Road. And that's up to the County.
1933

1934 Mr. Wright - So, it will be relocated out of that area that would
1935 cause some problems.
1936

1937 Mr. Condlin - It would be relocated out of where they currently
1938 travel by where the trailers are to this straight shot that would go here. And then
1939 ultimately, once John Rolfe Parkway is opened, it would be eliminated altogether.
1940 That's what we've already started in the process of.
1941

1942 Ms. Dwyer - Between now and January 30, 2009, access to the
1943 trailers by the public is always going to be via Three Chopt Lane, whether it's to
1944 the west or to the east of the trailer compound.
1945

1946 Mr. Condlin - Through the private road system, yes ma'am.
1947

1948 Ms. Dwyer - So, you can't close it at least until you get rid of the
1949 trailers.
1950

1951 Mr. Condlin - Well, if you remember, if you know the area, Three
1952 Chopt Lane used to run right through the middle of what's called Short Pump
1953 Station. We did the first movement of this road to get it out of Short Pump
1954 Station. This right here is already in and constructed, so this would be the access
1955 way to get in to the parking lot.
1956

1957 Ms. Dwyer - Okay.
1958

1959 Mr. Condlin - The rest of it would be closed. You wouldn't be able to
1960 travel, then, to the rest of Three Chopt Road. It would not be a thruway.
1961
1962 Ms. Dwyer - So, then access to the public would be from Broad
1963 Street and not Three Chopt.
1964
1965 Mr. Condlin - Correct.
1966
1967 Ms. Dwyer - But it would still be—
1968
1969 Mr. Condlin - And that's in our proffers.
1970
1971 Ms. Dwyer - Okay.
1972
1973 Mr. Condlin - So, I mean, yeah, it would be halfway through. But,
1974 quite frankly, the traffic, where it would be traveling, there would be limited
1975 construction traveling. It would be all located in this area behind it, so you
1976 wouldn't be able to access it.
1977
1978 Ms. Dwyer - Looking at this drawing here, it looks like you're
1979 certainly 35 feet from the new Three Chopt.
1980
1981 Mr. Condlin - It's 35 feet from what I'll call the temporary Three
1982 Chopt.
1983
1984 Ms. Dwyer - In any event, it's a private road.
1985
1986 Mr. Condlin - It is a private road. When that said, "public right-of-
1987 way," that's not a requirement of the Code. I just wanted that explanation so to
1988 say if there's a month or two that we're still using the existing right-of-way that
1989 that wouldn't be in violation of that condition.
1990
1991 Mr. Kirkland - Any other questions from Board members?
1992
1993 Mr. Condlin - Thank you very much.
1994
1995 **DECISION**
1996
1997 Mr. Wright - I move we approve UP-019-07 on the grounds that
1998 the proposed use will be in substantial accordance with the general purpose and
1999 objectives of Chapter 24 of the County Code.
2000
2001 Mr. Blankinship - Do you want to amend Condition 7?
2002
2003 Mr. Wright - And I would like to amend Condition 7 to extend it to
2004 January 31, 2009.

2005
2006 Ms. Dwyer - Second.
2007
2008 Mr. Kirkland - Motion made by Mr. Wright, seconded by Ms. Dwyer.
2009 All in favor say aye. All opposed say no.
2010
2011 On a motion by Mr. Wright, seconded by Ms. Dwyer, the Board **approved**
2012 application **UP-019-07**, West Broad Village, LLC's request for a conditional use
2013 permit pursuant to Section 24-116(c)(1) to erect four temporary office trailers at
2014 11201 West Broad Street (West Broad Village) (Parcel 742-760-7866), zoned
2015 UMUC, Urban Mixed Use (Conditional) (Three Chopt).
2016
2017 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
2018 Negative: 0
2019 Absent: 0
2020
2021 Mr. Kirkland - Let's take about a five-minute recess.
2022
2023 BOARD TAKES FIVE-MINUTE BREAK
2024
2025 Mr. Kirkland - Any changes or additions to the minutes?
2026
2027 Ms. Harris - Yes. Page 19, line 819. "Your" instead of "you
2028 sides." Page 55, line 2503. Mr. Kirkland said I made a motion we adjourn, we
2029 had a second. Motion Mr. Kirkland, second by Ms. Dwyer. I think that should be
2030 Ms. Harris. Those would be the only two that I have.
2031
2032 Ms. Dwyer - I have one, page 34, line 1509. It says, "right-of-
2033 right," I think it should be "right-of-way." That's all.
2034
2035 Mr. Kirkland - Any other changes? Can I have a motion to approve
2036 the minutes as corrected?
2037
2038 Ms. Dwyer - So move.
2039
2040 Ms. Harris - Second.
2041
2042 Mr. Kirkland - All in favor say aye. All opposed say no. The
2043 minutes have been approved.
2044
2045 On a motion by Ms. Dwyer, seconded by Ms. Harris, the Board **approved as**
2046 **corrected**, the Minutes of the **August 23, 2007** Henrico County Board of Zoning
2047 Appeals meeting.
2048
2049
2050

2051	Affirmative:	Dwyer, Harris, Kirkland, Nunnally, Wright	5
2052	Negative:		0
2053	Absent:		0

2054
 2055 Mr. Kirkland - I wanted to make one comment on my situation. I
 2056 went and talked to the County Manager and various Planning staff on the case
 2057 on Courtney Road, and I know Ms. Harris tried to get through there to look at it,
 2058 but the road was closed the day of the hearing. Today we denied several cases
 2059 and none of them really pertain to this, but from now on, I've been instructed that
 2060 we make a condition stated in the meeting that any plans, any sketches, and all
 2061 conditions included with the staff report would be part of the variance for
 2062 conditional use permits. Therefore, there will be no little gray area, which is
 2063 basically what caused this problem we had this time. There is a gray area in
 2064 there. Yes, we approved it, but no, we didn't really say we approved it. We've
 2065 just taken for granted all these years that when we were issued plans and
 2066 drawings, that's what was going to be constructed. Even after this gentleman
 2067 drew a doodle and sent it to the County, he still doesn't have the house where he
 2068 drew the doodle. So, we need to make these drawings the rule, so then we have
 2069 a leg to stand on from now on.

2070
 2071 Ms. Dwyer - So, if we're not happy with the information we get—
 2072 Sometimes we do get drawings that do look like they've been done on a napkin.
 2073 We can just maybe be stricter about that, defer it until we get something that—

2074
 2075 Mr. Kirkland - Similar to what you did today—

2076
 2077 Ms. Dwyer - —is concrete enough.

2078
 2079 Mr. Kirkland - —on the church, asking for a drawing and whatever.
 2080 We didn't know exactly what we were approving.

2081
 2082 Mr. Wright - If you say it's to be consistent with what's there, we
 2083 want to see what's there.

2084
 2085 Mr. Nunnally - That may be a matter of a difference of opinion.

2086
 2087 Mr. Kirkland - We really want to take away this administrative,
 2088 everybody having to try to determine the gray area. We need to set forth and be
 2089 black and white.

2090
 2091 Mr. Wright - What we have to do is set forth in our conditions and
 2092 make it specific. As in your case, it should be so many feet from the road.

2093
 2094 Mr. Kirkland - Right.

2095

2096 Mr. Wright - Not relying on the plot plan to say that. That was what
2097 was thrown back at us.
2098
2099 Mr. Kirkland - Yes.
2100
2101 Ms. Dwyer - Or even if you cite the plot plan, make that part of the
2102 condition and say, in accordance with this plot plan dated X.
2103
2104 Mr. Kirkland - That's what I'm saying. All plans, sketches, and
2105 conditions are part of the case. Now, Mr. Blankinship, that's my comment.
2106 There's another one that's coming back to us now and he wants to show us
2107 similar to what we have just gone through on the Courtney Road issue.
2108
2109 Mr. Blankinship - There's another case where I don't think the change
2110 is going to be offensive to you, but it's not what you looked at—and I say "you."
2111 A couple of you weren't here at the time. This was 2005. Wayne Towns is the
2112 applicant. He has a little house behind New Bridge Baptist Church. He didn't
2113 submit any house plans. The plat is just a little sketch with a rectangle that says,
2114 "Proposed 50 by 30, one-story max." Then in the hearing, Mr. Nunnally
2115 specifically asked him what size of a house he was going to build and he said,
2116 "We showed 50 by 30, but it'll probably be 42 by 30." And Mr. Nunnally asked,
2117 "Vinyl siding or brick or what," and Mr. Towns said, "It's going to be vinyl siding."
2118 Well, what they brought in is a brick house of about 5,000 square feet. It doesn't
2119 look anything like what Mr. Towns described two years ago when this was
2120 approved.
2121
2122 Now, we're not usually offended by a brick house where we were promised vinyl,
2123 and this house is back behind everything and I don't think it's going to be
2124 offensive to the community.
2125
2126 Ms. Dwyer - Is it in keeping with the community?
2127
2128 Mr. Blankinship - No. There's nothing else out there that looks anything
2129 like that.
2130
2131 Mr. Wright - He's gone from 1,500 to 5,000 square feet?
2132
2133 Mr. Blankinship - I think it's 5,000.
2134
2135 Ms. Harris - What's the lot size?
2136
2137 Mr. Blankinship - That's a good question. The request was for lot
2138 width, because the lot is only 99 feet wide, rather than 150. There is no water
2139 and sewer to it, so he has to have 150 feet. I don't see the lot area. It's about
2140 two acres, though. No, it's about an acre. And he also owns the adjoining lot

2141 and does not have a separate variance to build onto the adjoining lot. So, you
2142 could say two acres. He owns two acres.
2143
2144 Ms. Dwyer - But the other lot isn't part of this case.
2145
2146 Mr. Blankinship - Right.
2147
2148 Ms. Dwyer - You can't really say—
2149
2150 [Off mike] - We wanted him to merge it or something.
2151
2152 Mr. Blankinship - Yeah. They came in for a building permit and the
2153 Permit Center staff brought it over to me and said, "You approved a variance on
2154 this, is this consistent with the variance?"
2155
2156 Mr. Wright - Gosh, they're learning.
2157
2158 Ms. Harris - So, the setbacks, then, are setback violations if he
2159 upgrades this.
2160
2161 Mr. Blankinship - No setback problems. The lot width, which is what the
2162 variance was for, of course, remains the same.
2163
2164 Mr. Wright - And the building is within Henrico requirements.
2165
2166 Mr. Blankinship - Yes.
2167
2168 Mr. Nunnally - He hasn't violated anything. He didn't go along with
2169 what he said he was going to do.
2170
2171 Mr. Blankinship - Right, right.
2172
2173 Mr. Wright - I don't know why we would restrict the size unless—
2174
2175 Mr. Kirkland - What do the homes in the area look like?
2176
2177 Mr. Blankinship - They're small.
2178
2179 Mr. Kirkland - His is going to stand out like a big thumb.
2180
2181 Mr. Blankinship - Except that is way behind everything else. Nine Mile
2182 Road is here and you have New Bridge Church here. This used to be the church
2183 and is now a school. That is the old house that he has demolished and he's
2184 rebuilding in more or less the same place. This is the other lot that belongs to him
2185 that has no public street.
2186

2187 Mr. Wright - He's not jammed up next to anybody. He's got that
2188 open area there.

2189
2190 Ms. Harris - It's definitely an upgrade, no doubt about it.
2191

2192 Ms. Dwyer - How far back off the road is he?
2193

2194 Mr. Blankinship - The depth of this lot is about 400, so it's going to be
2195 roughly 400.
2196

2197 Ms. Dwyer - How far back is he going to build the house?
2198

2199 Mr. Blankinship - It's another 70, I think, past his lot line.
2200

2201 Ms. Dwyer - But he's still within the setback.
2202

2203 Mr. Kirkland - Right.
2204

2205 Mr. Wright - No, he hasn't violated anything.
2206

2207 Mr. Blankinship - And the lot width is what the variance is for, so.
2208

2209 Ms. Dwyer - But he's meeting side yard setbacks and all. What's it
2210 zoned, agricultural?
2211

2212 Mr. Blankinship - R-3, I think, but there's no water or sewer, so the 150
2213 feet of width is required. I copied the first floor plans. I think it was about 5,000.
2214 There are two floors.
2215

2216 Mr. Kirkland - Mr. Blankinship? Why would you build a house this
2217 large next to a school?
2218

2219 Mr. Blankinship - We don't ask them why.
2220

2221 Mr. Kirkland - How many kitchens does it have?
2222

2223 Mr. Blankinship - It only has the one kitchen, but interestingly, it does
2224 have two staircases. You have the main entry here and the stairs going up with
2225 an open area above. Then there's a separate staircase in the back.
2226

2227 Ms. Harris - Do you need a motion on this?
2228

2229 Mr. Blankinship - No. Is there any reason we should not approve this
2230 building permit? Does anyone object to the approval of it?
2231

2232 Mr. Kirkland - I don't object.

2233
2234 Ms. Harris - I don't object.
2235
2236 Ms. Dwyer - But that shouldn't discourage the Permit Center from
2237 bringing—
2238
2239 Mr. Blankinship - Right.
2240
2241 Ms. Dwyer - —[unintelligible] doesn't look like it matches what
2242 [unintelligible].
2243
2244 Mr. Nunnally - Tell them we appreciate their diligence.
2245
2246 Ms. Dwyer - Even if his house is bigger, he's still meeting side yard
2247 setbacks.
2248
2249 Mr. Blankinship - Yes.
2250
2251 Mr. Kirkland - Must have a lot of extra money.
2252
2253 Mr. Wright - Make a condition that he'll have to invite us all out for
2254 lunch so we can inspect it!
2255
2256 Ms. Harris - Do we need to discuss the conference in
2257 Charlottesville?
2258
2259 Mr. Kirkland - Mr. Blankinship is going to take care of all that.
2260
2261 Ms. Harris - Okay.
2262
2263 Mr. Kirkland - Are you going to take care of all the conference
2264 people?
2265
2266 Mr. Blankinship - If you send me something.
2267
2268 Ms. Dwyer - I thought I said I wanted to go last month. What do
2269 you need from me?
2270
2271 Mr. Kirkland - Is there a form? Is this the zoning conference they're
2272 having up there?
2273
2274 Ms. Dwyer - This is just a BZA conference.
2275
2276 Ms. Harris - [Unintelligible] Board of Zoning Appeals Program
2277 Graduate Seminar, November the 29th.
2278

2279 Mr. Kirkland - It's a day event. I received a weird newsletter
2280 yesterday. Mine said October.
2281
2282 Ms. Harris - October 7th and 9th. That's the Land Use and Zoning
2283 Conference.
2284
2285 Ms. Dwyer - That's the big one. This one is just one day, just for
2286 BZA. It's very tailored to what we do.
2287
2288 Ms. Harris - Do you want this?
2289
2290 Mr. Kirkland - I have a motion to—
2291
2292 Ms. Dwyer - Wait a minute, I have one more question. We got this
2293 Board of Supervisors versus BZA case in the Greenleaf Properties. Do we have
2294 the full opinion yet?
2295
2296 Mr. Blankinship - I have not received that.
2297
2298 Mr. Kirkland - We have some excerpts that he gave us.
2299
2300 Mr. Wright - I'd like to see the opinion.
2301
2302 Ms. Dwyer - I would, too.
2303
2304 Mr. Blankinship - [Unintelligible] later, as soon as I receive it.
2305
2306 Ms. Dwyer - I'd like to see the pleadings as well. Are they
2307 available?
2308
2309 Mr. Blankinship - Yes. Do you want me to make you a copy?
2310
2311 Ms. Dwyer - Is it lengthy?
2312
2313 Mr. O'Kelly - About two hours.
2314
2315 Ms. Dwyer - Two hours of argument? But I mean, just with the
2316 [unintelligible]. I would just like to see the memoranda that they filed. Do you
2317 have a transcript of the arguments, too?
2318
2319 Mr. Blankinship - I don't, no.
2320
2321 Mr. Kirkland - Motion to adjourn.
2322
2323 Ms. Dwyer - Second.
2324

2325 Mr. Kirkland - All those in favor say aye. All opposed say no.
2326 Thank you, we're adjourned.

2327
2328 There being no further business, the Board adjourned until the **October 25, 2007**
2329 meeting at 9:00 a.m.

2330
2331
2332
2333
2334
2335
2336
2337
2338
2339
2340

Richard Kirkland, CBZA
Chairman

Benjamin Blankinship, AICP
Secretary