

1 MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING
2 APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY
3 ADMINISTRATION BUILDING IN THE GOVERNMENT CENTER AT PARHAM
4 AND HUNGARY SPRING ROADS, ON THURSDAY SEPTEMBER 25, 2014 AT
5 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-
6 DISPATCH SEPTEMBER 8, 2014, AND SEPTEMBER 15, 2014.
7

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

Member Absent: R. A. Wright

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

8

9

10 Mr. Bell - Good morning, and welcome to the September
11 meeting of the Henrico County Board of Zoning Appeals. I ask you all to please
12 stand and join me in pledging allegiance to the flag of our country.

13

14 Thank you. Ben, could you please read our rules?

15

16 Mr. Blankinship - Good morning, Mr. Chairman, members of the Board,
17 ladies and gentlemen, the rules for this meeting are as follows: Acting as
18 secretary, I will call each case. And as I'm speaking, the applicant should come
19 on down to the podium. We will then ask everyone who intends to speak on that
20 case to stand and be sworn in. Then the applicant will present their case. Then
21 anyone else who wishes to speak will be given the opportunity. After everyone
22 has had a chance to speak, the applicant and only the applicant will have an
23 opportunity for rebuttal. After hearing all of the evidence and asking any
24 questions, the Board will take that matter under advisement and proceed to the
25 next case. They will render all of their decisions at the end of the meeting. So if
26 you wish to see their decision on a specific case, you can either stay until the end
27 of the meeting, or you can check the Planning Department's website—we usually
28 get it updated about an hour after the meeting's over—or you can call the
29 Planning Department this afternoon.

30

31 This meeting is being recorded, so we will ask everyone who speaks to speak
32 directly into the microphone on the podium, state your name, and please spell
33 your last name so we get it correctly in the record.

34

35 And finally, out in the foyer there's a binder containing the staff report for each
36 case, including conditions that have been recommended by the staff. And it's
37 very important that the applicants be familiar with those conditions.

38

39 Mr. Bell - Thank you, Ben. We are missing one member this
40 morning; we do not have a full group here this morning. That prompts us to ask—
41 prompts me to ask the question; does anyone here desire to have their case
42 deferred until next month, because you're not presenting in front of a full board.
43 You have this privilege. If you do, will you please come forward now and we'll
44 take care of it. Fine. If not then, it appears everybody is satisfied. So let's go
45 ahead and call the first case.

46

47 **CUP2014-00030 RICHMOND CRAWFORD** requests a conditional use
48 permit pursuant to Section 24-95(i)(4) of the County Code to build a detached
49 garage in the side yard at 7202 Pinetree Road (WESTHAM) (Parcel 757-734-
50 9881) zoned One-Family Residence District (R-1) (Tuckahoe).

51

52 Ms. Crawford - Good morning, I'm Terry Crawford.

53

54 Mr. Blankinship - Anyone who intends to speak—you're fine. Anyone
55 who intends to speak, please stand and raise your right hand. Raise your right
56 hand please, ma'am. Do you swear the testimony you're about to give is the
57 truth, the whole truth and nothing but the truth so help you God?

58

59 Ms. Crawford - I do. I've not done this before so if you can help walk
60 me through this. I am requesting to build a detached garage. Do I need to read—
61 I assume you have a copy of this, so do I need to read this to you?

62

63 Mr. Blankinship - You can summarize.

64

65 Ms. Crawford - Okay. It's a brick and slate garage, same location as
66 my neighbor. We spoke with Paul Gidley. Very nice. He came out, took pictures,
67 and listed all the measurements here, attached to the request. Basically, we're
68 putting it at the edge of the blacktop, which is where we had been planning to do
69 that for years. I have spoken with every neighbor; everybody's fine. I have a
70 wonderful e-mail here from my next door neighbor that the garage—would you
71 like me to read it to you? "Good morning, perfect morning, and after a perfect
72 Hokie night, congrats."

73

74 Mr. Blankinship - We know which game that was after.

75

76 Ms. Crawford - Had to get that in. "As you know, we are fine with
77 whatever you want to do. It's always lovely. Anyhow, we've been notified, so go
78 for it and let me know what you may need from us for help." That is the
79 neighbor—if you look at the picture, they spoke—my neighbor had a garage.
80 We're building one exactly on the same plane as hers. So this was her e-mail.

81
82 Mr. Blankinship - So your neighbor to the west.
83
84 Mr. Baka - To the west?
85
86 Ms. Crawford - Right where the—
87
88 Mr. Baka - The side closest to the garage?
89
90 Ms. Crawford - Yes, yes. So it'll just mirror it on our side on our
91 property. Yes.
92
93 Mr. Baka - Thank you.
94
95 Mr. Bell - Have you read the staff's report, particularly the
96 suggested conditions?
97
98 Ms. Crawford - I have.
99
100 Mr. Bell - Do you understand them and agree to abide by them?
101
102 Ms. Crawford - Yes sir, I do.
103
104 Mr. Bell - Any questions?
105
106 Ms. Harris - Yes. I noticed on the survey map it said thirteen feet
107 from the side of the house. In our report it's saying thirteen feet from the home. Is
108 it from the side? I'm trying to get a visual on how many feet from the side of the
109 house. See on the—
110
111 Ms. Crawford - Well, are you talking—we're putting it back where it
112 says "den."
113
114 Ms. Harris - Okay.
115
116 Ms. Crawford - It's going to be three feet off of the property line that
117 says "north 23 degrees, 35 feet west." So it'll be three feet. It'll be 26 feet across
118 the front. And I thought it might even be 14 feet.
119
120 Mr. Blankinship - That's the distance from the proposed garage to the
121 existing den.
122
123 Ms. Crawford - To the corner of the den of the house, yes sir. So
124 maybe it's thirteen feet. I was thinking it was fourteen feet.
125
126 Mr. Blankinship - The requirement is ten, so.

127
128 Ms. Crawford - So that's why I felt we were okay with everything
129 there.
130
131 Mr. Baka - And just to clarify, this conditional use permit is
132 needed because since the addition of the den was made, this garage is now
133 considered to be in the side yard?
134
135 Mr. Blankinship - The garage has not been built yet.
136
137 Mr. Baka - Proposed; I'm sorry. Since the proposed addition is
138 now considered to be in the side yard rather than in the rear yard. Is that correct?
139
140 Ms. Crawford - Yes, yes.
141
142 Mr. Blankinship - And you also see a covered porch just off the north
143 end of the den.
144
145 Mr. Baka - Yes.
146
147 Mr. Blankinship - When we first saw this application, that didn't show up
148 on the GIS. And we asked her well can you just move the garage back a foot or
149 two and then it'll be behind the den. And then we saw the porch is there as well.
150 So it would have to go another eight feet back.
151
152 Ms. Crawford - And if we had built the back porch without the roof,
153 then we would have been fine too.
154
155 Mr. Blankinship - Right.
156
157 Ms. Crawford - So we didn't realize we would need that, so we went
158 ahead and put the roof on when we did the construction. It will be exactly on the
159 edge of that blacktop.
160
161 Mr. Baka - May we see the e-mail you referenced?
162
163 Mr. Blankinship - You read an e-mail into the record a moment ago.
164
165 Ms. Crawford - Yes.
166
167 Mr. Baka - Do you have that letter that you could hand us?
168
169 Ms. Crawford - Oh, *this* e-mail. I'm looking down here. I'm sorry.
170
171 Mr. Baka - Thank you. Okay. So this was received from—sent
172 from Marilyn Rausch.

173
174 Ms. Crawford - Rausch—R-a-u-s-c-h. And she's the one with the
175 garage that you showed on the screen.

176
177 Mr. Baka - Thank you. No other questions.

178
179 Mr. Bell - If there are no other questions then thank you,
180 ma'am.

181
182 Ms. Crawford - Thank you very much. I appreciate your help.

183
184 Mr. Bell - Is there anyone else who wants to speak on this
185 case? Seeing none, we can go ahead and call the next case.

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

190
191 Mr. Baka - I make a motion we approve CUP2014-00030, with
192 the six conditions as presented by staff in the staff report. This conditional use
193 permit request for a garage will not adversely impact the health, safety and
194 welfare of the surrounding neighborhood.

195
196 Mr. Bell - Do we hear a second?

197
198 Ms. Harris - Second.

199
200 Mr. Bell - Any discussion? Hearing none, all in favor say aye.
201 All opposed say no. The ayes have it; the motion passes.

202
203 After an advertised public hearing and on a motion by Mr. Baka, seconded by
204 Ms. Harris, the Board **approved** application **CUP2014-00030, RICHMOND**
205 **CRAWFORD's** request for a conditional use permit pursuant to Section 24-
206 95(i)(4) of the County Code to build a detached garage in the side yard at 7202
207 Pinetree Road (WESTHAM) (Parcel 757-734-9881) zoned One-Family
208 Residence District (R-1) (Tuckahoe). The Board approved the conditional use
209 permit subject to the following conditions:

210
211 1. This conditional use permit applies only to the construction of a detached
212 garage in the side yard. All other applicable regulations of the County Code shall
213 remain in force.

214
215 2. Only the improvements shown on the plot plan and filed with the application
216 may be constructed pursuant to this approval. Any additional improvements shall
217 comply with the applicable regulations of the County Code. Any substantial

218 changes or additions to the design or location of the improvements shall require
219 a new conditional use permit.

220
221 3. The new construction shall match the existing dwelling as nearly as practical
222 in materials and color.

223
224 4. At the time of building permit application, the applicant shall submit the
225 necessary information to the Department of Public Works to ensure compliance
226 with the requirements of the Chesapeake Bay Preservation Act and the code
227 requirements for water quality standards.

228
229 5. All exterior lighting shall be shielded to direct light away from adjacent
230 property and streets.

231
232 6. The proposed garage shall not be used for dwelling purposes.

233
234
235 Affirmative: Baka, Bell, Harris, Nunnally 4
236 Negative: 0
237 Absent: Wright 1

238
239

240 **[At this point, the transcript continues with the public hearing on the next**
241 **case.]**

242

243 **VAR2014-00013 DONNA SHIELDS** requests a variance from Section
244 24-9 of the County Code to replace the existing building at 1961 St James Road
245 (Parcel 809-688-6891) zoned Agricultural District (A-1) (Varina). The public street
246 frontage requirement is not met. The applicant proposes 0 feet public street
247 frontage, where the Code requires 50 feet public street frontage. The applicant
248 requests a variance of 50 feet public street frontage.

249
250 Ms. Shields - I'm Donna Shields—S-h-i-e-l—oh.

251
252 Mr. Blankinship - Does anyone else intend to speak on this matter? All
253 right, if you'll raise your right hand. Do you swear the testimony you're about to
254 give is the truth, the whole truth and nothing but the truth so help you God?

255
256 Ms. Shields - Yes.

257
258 Mr. Blankinship - Now you can state your case.

259
260 Ms. Shields - Yes, thank you. My name is Donna Shields. And
261 that's S-h-i-e-l-d-s. I'm currently living in Martinsburg, West Virginia. My daughter
262 lives in Varina. So my desire is to relocate to the Varina area. My realtor, Allen
263 Thompson, has been assisting me, and he located a wonderful property of about

264 8-3/4 acres very close to where my daughter lives. It was a perfect location. The
265 house didn't suit me, though. The house was actually built in 1900, according to
266 County records, and has been uninhabited for many years. It is very dilapidated
267 inside—all right, that's the front. Do you have a picture of the dwellings at the
268 front? I don't know if I have the ability to show this. Here we go okay.

269
270 This has been added across the front of the property, the front yard of the old
271 house. So it is very dilapidated, uninhabitable, and beyond the point of being
272 renovated. So my proposal would be to tear the buildings down, get rid of the
273 trash—and there are years of accumulated trash in the front yard. And I would
274 like to build my retirement home.

275
276 The reason I'm requesting a variance is that Saint James—. I guess I'm not in
277 control of this. Anyway, Saint James Road appears to go up to the house. But, in
278 fact, the county road ends before it reaches this property that I'm interested in.
279 There is a driveway which extends up to the house, but that's not the county
280 road, so the property does not have road frontage. It has zero road frontage. So,
281 of course, I'm not able to build a new house on that property without the Board's
282 permission for a variance.

283
284 Because there has been a drive here from the end of the county road up to the
285 house—that drive has been there for many years, so there will be no appearance
286 of a change in the road. My intention is to build a moderate-size home further
287 back on the lot from where the existing house is. It will be back in the woods.
288 Now this picture here, I pulled this off the Internet as an example of a house that
289 is similar to the house that's in my head. The house that's in my head is not
290 going to be exactly like that, but it's going to be about that size, probably one
291 story, possibly a cape. But I notice that on the conditions it says that I would be—
292 condition #2:

293
294 Only improvements shown on the plot plan filed with the application
295 may be constructed pursuant to the approval. Any additional
296 improvements shall comply with the applicable regulations of the
297 County code. Any substantial changes would require a new
298 variance.

299
300 I just want to be clear that my house isn't going to be exactly that house, but it'll
301 be similar in style and size.

302
303 Mr. Blankinship - And you also don't know the exact location where it
304 will be on the lot.

305
306 Ms. Shields - The foundation hasn't been built. But a little ways
307 behind the current structure back into the trees so that there will be some trees
308 between the house and the front of the property. And that little square there
309 indicates where I intend to have the house.

310
311 Mr. Blankinship - Thank you for clarifying that.
312
313 Mr. Bell - Any questions?
314
315 Ms. Harris - Yes. Will you pave that area that you mentioned from
316 Saint James Road to your house?
317
318 Ms. Shields - Part of it is already paved and part of it is—this part is
319 paved. [Steps away from microphone.] This is not part of the county road, that
320 you see there.
321
322 Mr. Blankinship - I'm sorry; could you stay by the microphone please so
323 we can hear you?
324
325 Ms. Shields - Pardon me; I'm sorry. Right here what we're seeing is
326 a paved driveway.
327
328 Ms. Harris - I'm familiar with that.
329
330 Ms. Shields - Oh, okay.
331
332 Ms. Harris - I was down there yesterday.
333
334 Ms. Shields - Okay.
335
336 Ms. Harris - Where this ends—
337
338 Ms. Shields - It is gravel.
339
340 Ms. Harris - Yes. Will you pave that portion?
341
342 Ms. Shields - I wasn't planning to. Does that matter?
343
344 Ms. Harris - I don't know.
345
346 Ms. Shields - I hadn't really thought that I would need to. I know that
347 it's been there for quite a while so that it's fairly stable. My son-in-law works for
348 the Department of Transportation as an engineer. And he looked at that and said,
349 you know, good, solid; it's not going to get any worse. I would have to fill in that
350 one pothole.
351
352 Ms. Harris - Have you had any concern expressed from Saint
353 James Church? I know that their cemetery is directly in front of the house.
354

355 Ms. Shields - I have not received any communication from them nor
356 have I been in communication with them. I have talked to a member of the lodge,
357 the Masonic Lodge, which would be my next door neighbor. The gentleman I
358 spoke to is the secretary. I asked him about a right-of-way or easement—and I'm
359 sorry; I may not be using the term correctly—but my ability to legally cross the
360 front of the lodge's property to reach the property I'm interested in buying. He
361 said that he didn't think that there would be any problem. I tried to get back in
362 touch with him and haven't received a reply. So I still need to confirm that.
363 Obviously, previous owners of 1961 have been crossing that property for many,
364 many years. But apparently the County does not have a record of a legal right of
365 way.

366
367 Mr. Nunnally - You say you've read these conditions and you agree
368 with them all?

369
370 Ms. Shields - Except possibly the #2, which it's a matter of
371 interpretation. I don't—what I want to make clear is the house that I'm going to
372 build is not *exactly* the house that's pictured here. But I'm looking at a house that
373 will be about 1,500 square feet, probably one-story. I'm looking for a retirement
374 home.

375
376 Mr. Nunnally - I was looking here on Condition #9. Do you have that
377 in front of you, ma'am?

378
379 Ms. Shields - Yes sir.

380
381 Mr. Nunnally - It says the applicant shall make all reasonable
382 attempts to preserve the three large oak trees.

383
384 Ms. Shields - Absolutely. Yes. And I said that up front when talking
385 to Mr. Miguel [Madrigal]. There are some beautiful oak trees right along the front.
386 And these are trees that were there at least as long as the house has been there.
387 They're like this. They're beautiful. I'm going to make every effort to not disturb
388 the roots.

389
390 Mr. Blankinship - It's hard to do with a tree that big. You really need to
391 fence out the drip line.

392
393 Ms. Shields - Well yes. Well, that's one reason I want to be a little
394 bit further back. But also with the driveway construction I want to make sure that
395 I'm going around them and not try to go right next to the trunk.

396
397 Mr. Nunnally - I'll ask you another question, ma'am. You plan on
398 keeping this whole 8.75 acres or down the road are you going to sell some of it
399 off or what? Do you have any idea?

400

401 Ms. Shields - I plan to keep it until I die.
402
403 Mr. Nunnally - You're going to keep it?
404
405 Ms. Shields - My daughter can deal with that after I'm dead. Yes,
406 yes sir. I'm sorry to make light of your question. Yes, I have no plans for any
407 subdivision.
408
409 Mr. Nunnally - What I'm saying is if the future would sell it off to
410 somebody else, they might have a difficult time getting a variance if that
411 happens.
412
413 Ms. Shields - Right. I appreciate that; thank you. Yes.
414
415 Mr. Bell - When will you have plans for your house?
416
417 Ms. Shields - Two, three months. I have a property in West Virginia
418 which I still need to sell before I can afford to build the house.
419
420 Ms. Harris - Ms. Shields, did you look at Condition 3?
421
422 Ms. Shields - Yes ma'am.
423
424 Ms. Harris - You say you did speak with the secretary of the
425 Masonic Lodge about—are you aware that you have to show proof that you have
426 that easement?
427
428 Ms. Shields - Yes ma'am. The current owner believes that there is
429 such an easement, but there is nothing in the County records. So if she has it but
430 it has not been given to the County for their records, I would want to get that
431 information from her. And if not, I would absolutely need to have an easement
432 from them.
433
434 Mr. Bell - Any other questions?
435
436 Mr. Baka - No sir.
437
438 Mr. Bell - Thank you.
439
440 Ms. Shields - Yes. Mr. Madrigal, I apologize that I mispronounced
441 your name.
442
443 Mr. Madrigal - [Off microphone.] That's all right.
444
445 Mr. Bell - Thank you. Is there anybody else who would like to
446 speak to this? Seeing none, we can go on to the next case.

447

448 [After the conclusion of the public hearings, the Board discussed the case
449 and made its decision. This portion of the transcript is included here for
450 convenience of reference.]

451

452 Mr. Bell - Do I hear a motion?

453

454 Mr. Nunnally - I move we approve it. I think it will be a good addition
455 there to that neighborhood. I ask that we approve it.

456

457 Mr. Bell - Do we hear a second?

458

459 Ms. Harris - I second it. We are using the threshold question. The
460 lot is unbuildable as it stands. If something is not approved such as this, it
461 remains so, it's like taking the property. So I think in conforming to the Cochran
462 case, we need to approve this and allow the construction of this home.

463

464 Mr. Bell - Is there any more discussion? Hearing none, then all
465 in favor say aye. All opposed say no. The ayes have it; the motion passes.

466

467 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
468 Ms. Harris, the Board **approved** application **VAR2014-00013, DONNA**
469 **SHIELD'S** request for a variance from Section 24-9 of the County Code to
470 replace the existing building at 1961 St James Road (Parcel 809-688-6891)
471 zoned Agricultural District (A-1) (Varina). The public street frontage requirement
472 is not met. The Board approved the variance subject to the following conditions:

473

474 1. This variance applies only to the public street frontage requirement for one
475 dwelling only. All other applicable regulations of the County Code shall remain in
476 force.

477

478 2. Only the improvements shown on the plot plan filed with the application may
479 be constructed pursuant to this approval. Any additional improvements shall
480 comply with the applicable regulations of the County Code. Any substantial
481 changes or additions to the design or location of the improvements will require a
482 new variance.

483

484 3. The applicant shall present proof with the building permit application that a
485 legal access route to the property has been obtained.

486

487 4. Approval of this request does not imply that a building permit will be issued.
488 Building permit approval is contingent on Health Department requirements,
489 including, but not limited to, soil evaluation for a septic drainfield and reserve
490 area, and approval of a well location.

491

492 5. At the time of building permit application, the applicant shall submit the
493 necessary information to the Department of Public Works to ensure compliance
494 with the requirements of the Chesapeake Bay Preservation Act and the code
495 requirements for water quality standards.

496
497 6. The existing residence (43-610, colonial, circa 1900) has been identified by
498 the Virginia Department of Historic Resources as potentially significant. The
499 applicant shall notify the Department of Recreation and Parks and allow them to
500 photo document the house prior to its demolition.

501
502 7. The applicant shall install a post with the house address at the eastern edge
503 of the property boundary where it intersects with the private driveway as per
504 §319.1 of the 2009 Virginia Residential Code.

505
506 8. The applicant shall remove or relocate any accessory structures located in the
507 front yard to comply with current county standards.

508
509 9. The applicant shall make all reasonable attempts to preserve the three large
510 Oak trees at the perimeter of the existing dwelling.

511
512
513 Affirmative: Baka, Bell, Harris, Nunnally 4
514 Negative: 0
515 Absent: Wright 1

516
517
518 **[At this point, the transcript continues with the public hearing on the next**
519 **case.]**

520
521 **VAR2014-00014 GGC HOMES, INC.** requests a variance from
522 Sections 24-95(t) and 24-94 of the County Code to build a one-family dwelling at
523 9516 Arrowdel Court (RIVER ROAD FARMS) (Parcel 744-738-7017) zoned One-
524 Family Residence District (R-1) (Tuckahoe). The total lot area requirement and
525 floodplain area requirement are not met. The applicant proposes 23,500 square
526 feet lot area outside the floodplain, where the Code requires 25,000 square feet
527 lot area outside the floodplain. The applicant requests a variance of 1,500 square
528 feet lot area outside the floodplain.

529
530 Mr. Blankinship - Does anyone else intend to speak to this matter?
531 Would you raise your right hand? Do you swear the testimony you're about to
532 give is the truth, the whole truth and nothing but the truth so help you God?

533
534 Mr. Lewis - I do.

535
536 Mr. Bell - Give us name and spell it, please.

537

538 Mr. Lewis - My name is Monte Lewis—L-e-w-i-s. I'm with E. D.
539 Lewis and Associates. We're representing the applicant.

540
541 This lot was recorded in 1976 when the requirement was a fifty-year floodplain. In
542 1978, the County passed a new ordinance where you have to have 25,000
543 square feet outside the hundred-year floodplain. In 2011, we came before you
544 and received this variance, but the variance has a timeline on it. If you don't
545 apply for a building permit in that timeline then you lose the variance. Since that
546 time—we have four lots out there. One of them we've sold and the home has
547 been built on it. The second one has been sold but they haven't applied for a
548 building permit. Both of those did not need a variance. This is the only lot out
549 there that needed a variance for the floodplain issue.

550
551 So before you we're asking for the 1,500 square feet that is in the floodplain that
552 we can't fill the floodplain to recapture. We're also bound by an RPA (Resource
553 Protection Area) that we're supposed to stay out of completely. We going and
554 have been before Public Works to get a—it's not a variance but an exception to
555 the RPA. Back a couple of years ago we had plans all the way through. The only
556 thing we had to do at that time was post an E&S bond, which because of the
557 economy, the market, we did not post that. So plans have been resubmitted back
558 to them for review.

559
560 With that if you have any questions. We're fine with the conditions.

561
562 Mr. Bell - Any questions?

563
564 Mr. Baka - Just one or two questions. The parcel just to the west
565 of the lot, lot 8 is the subject lot. So lot 9, the vacant lot, has that been sold as of
566 today?

567
568 Mr. Lewis - A house is on the western lot that you see in the GIS
569 picture there.

570
571 Mr. Baka - I'm sorry. I meant the other direction. Lot 9 to the
572 east.

573
574 Mr. Lewis - No, that has not been sold.

575
576 Mr. Baka - Okay.

577
578 Mr. Lewis - Those are the only two lots left. The lot to the west of
579 the existing house has been sold.

580
581 Mr. Baka - Okay. So lot 9 to the east has that long diagonal
582 property line. What would happen since it hasn't been sold, if it was requested

583 that you—could that lot line be adjusted further to the east to allow another ten
584 feet?

585
586 Mr. Lewis - We looked at that. And that lot, even though it's large,
587 it's encumbered by the RPA, which we're getting an exception from. Plus it's
588 encumbered by the natural gas easement. Fifty feet of that easement is on our
589 property. So really the buildable area of that lot is a lot smaller than the lot where
590 we need the variance. You can see the crosshatched area. That's the buildable
591 area. You see that lot to our east is very small for that neighborhood.

592
593 Mr. Baka - Correct. So would that result in a lot less than 25,000
594 square feet on lot 9 outside of the 100-year floodplain at that point? In other
595 words, if you were to shift that lot line on that eastern lot, would that render lot 9
596 non-buildable? Would that render it non-conforming by reducing the area outside
597 of the 100-year floodplain to less than 25,000 square feet?

598
599 Mr. Lewis - I don't recall that calculation. I did it several years
600 ago.

601
602 Mr. Baka - Okay.

603
604 Mr. Lewis - Our main concern was that we would not be able to
605 get a house that met the R-1 restrictions for square footage.

606
607 Mr. Baka - Square footage. All right. All right, that makes sense.
608 Thank you. I have no other questions.

609
610 Mr. Blankinship - I have one, if you don't mind, Mr. Chairman. Monte,
611 you mentioned the variance that was approved in 2011. Are you aware of any
612 changes in the circumstances on this property or the surrounding properties
613 since that time?

614
615 Mr. Lewis - No sir.

616
617 Ms. Harris - I had a few questions. Have you decided what type of
618 home you're going to build on this lot?

619
620 Mr. Lewis - No ma'am. We would be selling the lot to a
621 homebuilder. More than likely it'll be two stories like all the homes out there. We
622 have a restriction with a 3,000-square-foot minimum. The home that was built to
623 our west, do you recall the square footage? Over 6,000 square feet.

624
625 Ms. Harris - So probably similar?

626
627 Mr. Lewis - That's the house right there.

628

629 Ms. Harris - It will look similar to that you suppose?
630
631 Mr. Lewis - I really don't know. That would be up to whoever
632 bought the lot and built the house. But it would be two stories, more than likely.
633 To get 3,000 square feet, you almost have to go two stories.
634
635 Ms. Harris - Okay. Why did not act on the last variance?
636
637 Mr. Lewis - Market. Couldn't get anybody to buy it.
638
639 Ms. Harris - The elevation, I could not tell from the front of the lot,
640 does it drop off?
641
642 Mr. Lewis - Yes ma'am.
643
644 Ms. Harris - Okay.
645
646 Mr. Lewis - It drops off a pretty good rate. It's hard to see in that
647 picture. You can see it's nice and level. Kind of like that lot. You can see where
648 they had to fill in their lot to get their garage in there to work. And you can see the
649 back of the garage, how it falls down pretty good. There was an existing home
650 that took all four of these lots. We tore that down so that we could sell this lot to
651 these people because that home straddled the property line at the time.
652
653 Ms. Harris - Thank you.
654
655 Mr. Lewis - That home happened to be a one-story. It was so
656 large they wanted it all on one—it encumbered several lots.
657
658 Mr. Bell - Any more questions? If none, thank you, Mr. Lewis.
659
660 Mr. Lewis - Thank you.
661
662 Mr. Bell - Is there anyone else who wants to speak to this
663 particular case? Seeing none, then let's move on.
664
665 **[After the conclusion of the public hearings, the Board discussed the case**
666 **and made its decision. This portion of the transcript is included here for**
667 **convenience of reference.]**
668
669 Mr. Bell - Do I hear a motion?
670
671 Mr. Baka - I make a motion we approve VAR2014-00014 on the
672 grounds that the applicant stated that this lot was put to record and platted in the
673 1970s, 1976, prior to an ordinance coming into effect which rendered the lot
674 nonconforming. Therefore, it meets the threshold requirements also outlined in

675 the Cochran case. I make a motion we approve it with the five conditions as
676 suggested by staff.

677
678 Mr. Bell - Do I hear a second?

679
680 Mr. Nunnally - Second.

681
682 Mr. Bell - Is there any discussion? Hearing none, all in favor say
683 aye. All opposed say no. The ayes have it; the motion passes.

684
685 After an advertised public hearing and on a motion by Mr. Baka, seconded by
686 Mr. Nunnally, the Board **approved** application **VAR2014-00014, GGC HOMES,**
687 **INC.'s** request for a variance from Sections 24-95(t) and 24-94 of the County
688 Code to build a one-family dwelling at 9516 Arrowdel Court (RIVER ROAD
689 FARMS) (Parcel 744-738-7017) zoned One-Family Residence District (R-1)
690 (Tuckahoe). The Board approved the variance subject to the following
691 conditions:

692
693 1. This variance applies only to the minimum lot area requirement, including the
694 minimum lot area requirement outside the floodplain, for one dwelling only. All
695 other applicable regulations of the County Code shall remain in force.

696
697 2. At the time of building permit application, the applicant shall submit the
698 necessary information to the Department of Public Works to ensure compliance
699 with the requirements of the Chesapeake Bay Preservation Act and the code
700 requirements for water quality standards.

701
702 3. At the time of building permit application, the applicant shall furnish the
703 Department of Public Works a plat showing the field located 100-year flood
704 elevation on the lot, signed and sealed by a licensed professional.

705
706 4. Any dwelling on the property shall be served by public water and sewer.

707
708 5. The proposed home shall contain a minimum of 3,000 square feet finished
709 floor area.

710
711
712 Affirmative: Baka, Bell, Harris, Nunnally 4
713 Negative: 0
714 Absent: Wright 1

715
716
717 **[At this point, the transcript continues with the public hearing on the next**
718 **case.]**

719
720 **VAR2014-00015 KAREN THOMPSON ATKINSON** requests a
721 variance from Sections 24-10 and 24-11(c) of the County Code to allow livestock

722 in a residential district at 2601 Lafayette Avenue (HILLIARD PARK) (Parcel 778-
723 750-5127) zoned One-Family Residence District (R-3) (Brookland). The
724 agricultural distance requirements are not met. The applicant proposes 10 feet
725 from livestock to a residential lot, where the Code requires 400 feet from livestock
726 to a residential lot. The applicant requests a variance of 390 feet from livestock to
727 a residential lot.

728
729 Mr. Bell - Would you state your names and give us the spellings
730 please?

731
732 Ms. Atkinson - Sure. It's Karen Atkinson. K-a-r-e-n, A-t-k-i-n-s-o-n.

733
734 Mr. Grisevich - Doug Grisevich—G-r-i-s-e-v-i-c-h.

735
736 Mr. Blankinship - Does anyone else intend to speak to this case?
737 Would you raise your right hands, please. Do you swear the testimony you're
738 about to give is the truth, the whole truth and nothing but the truth so help you
739 God?

740
741 Mr. Grisevich - We have some packets of information that I would like
742 to give you. As you can see in the packet and our request, we have two goats.
743 Our property is zoned residential. It is the original farmhouse in the neighborhood
744 that has been farmed or used as a farm continually since it was built. We have
745 the full support of our neighbors. We thought there would be several here, but
746 they're not, obviously. We have double fencing in the backyard to contain the
747 goats, privacy fencing. That's the portion there where the goats are.

748
749 Again, we use them in our programming. We run farmers' markets and do
750 programming with Henrico County Public Schools and utilize the goats in that
751 programming. And there's a list of the places they have been throughout the
752 county, city, and the surrounding area.

753
754 Mr. Bell - How long have you had the goats?

755
756 Mr. Grisevich - Two years.

757
758 Ms. Atkinson - No, three.

759
760 Mr. Grisevich - Three years.

761
762 Mr. Bell - Have you had any complaints over the last three
763 years concerning the goats?

764
765 Mr. Grisevich - There was one complaint from the neighbor as you
766 face the house to the right. And that was because they were reaching over a
767 four-foot fence that was existing and nuzzling against his boat cover. Goats do

768 not have upper teeth so they can't chew things. So we put a six-foot fence
769 adjacent to that or against it, and that solved that issue. And he's fine with them
770 now. We invited him to come here today and speak, and he declined.

771

772 Mr. Bell - How about the odor problems? How do you take care
773 of keeping that yard clean?

774

775 Mr. Grisevich - We use the manure, if you will, for compost that we
776 bring to various events and farms. The goats are wethered, meaning they're
777 neutered, so they don't have the odor of a non-neutered goat. We also have a
778 regular regime of putting lime down to control any residual odor.

779

780 Mr. Nunnally - Mr. Blankinship, what I see on my paper is that you
781 received several complaints from the neighbors. Is that correct?

782

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

784

785 Mr. Grisevich - We're aware of the one. We met with Jeff Atkinson
786 from the County and—

787

788 Mr. Nunnally - You're just aware of one?

789

790 Mr. Grisevich - We're aware of one. We met with Jeff Atkinson, and
791 he referenced the one complaint. And the animal control officers came out. So
792 that's the only one we're aware of.

793

794 Ms. Atkinson - And the other complaint concerned the farm stand
795 that we were having there. And that's why there's an explanation of that
796 programming in the packet. It wasn't a farm stand it was a—pretty much a
797 neighborhood party gathering kind of thing.

798

799 Mr. Bell - Any other questions?

800

801 Ms. Harris - You're aware of the 400-foot requirement that we
802 have to process here with the zoning ordinance.

803

804 Mr. Grisevich - Yes ma'am.

805

806 Ms. Harris - Okay. How do you resolve that? What is exceptional
807 about your goats that would not cause you to be not in compliance?

808

809 Mr. Grisevich - Sure. They're no different than any dog in the
810 neighborhood. They're leash trailed. We take them, as you can in the list, to a
811 wide variety of public places. They're quieter than a dog. They're not as messy
812 as a dog. Basically, we equate them—they are pets and they're an integral part

813 of our programming. Then that house is the original farmhouse in that
814 neighborhood.

815

816 A lot of the documentation we've seen references the rear structure as a garage.
817 It's physically a barn. You cannot put a car in that. Those are sliding doors
818 underneath the flag and the basketball hoop there. Those doors slide and they
819 slide to the extent where you could not drive a car in. It's never been used as a
820 garage. It is a barn. There are four stalls in it.

821

822 Mr. Blankinship - Let me ask you a question about that, if I may.
823 According to our records, Hilliard Park subdivision was developed in 1924. And
824 this dwelling was built in 1926, two years after the subdivision was created. And
825 the other houses in that block were built kind of gradually over the next few
826 years. So I'm confused by your saying this was the original farmhouse if this
827 house wasn't built until after the subdivision.

828

829 Mr. Grisevich - I'm just going off the information of the previous
830 owners. Obviously, I was not around then. We've spoken to the previous owner
831 and the—there was one before that. The two previous owners. And they have all
832 basically stated that. So if I'm wrong—

833

834 Mr. Blankinship - I'm not sure it really has any bearing on the case. It
835 doesn't change—

836

837 Mr. Grisevich - It probably doesn't.

838

839 Mr. Blankinship - If it doesn't change the 400-foot requirement. The
840 dwelling is occupied.

841

842 Ms. Atkinson - [Off microphone.] Yes.

843

844 Mr. Blankinship - And can be occupied without goats.

845

846 Mr. Grisevich - True.

847

848 Mr. Bell - Is there an exception where you have to have goats?

849

850 Mr. Grisevich - Well it would harm a lot of people that we work with.
851 We work with special ed students, and to see the joy in their faces when we bring
852 the goats to events with them and the interaction that they have. Many of them
853 are autistic, and contact with animals is such that they don't get with humans. So
854 yes, it would affect us. Could we live without it? Sure.

855

856 Mr. Bell - What hardships, if any, would it bring to you?

857

858 Mr. Grisevich - You can't measure that. It would harm our—we would
859 not be as effective in our programming without them. We would move on, but we
860 would not be as effective and have the impact on the community that we do
861 have.

862
863 Mr. Bell - Any more questions?

864
865 Mr. Baka - I have a couple questions. One of the challenges the
866 Board probably faces with this case is that it's a variance rather than say a
867 conditional use permit where a conditional use permit, if it fits in, doesn't
868 adversely affect the health, safety, or welfare of a neighborhood or neighbors.
869 Generally those are approved sometimes with a few conditions or many
870 conditions. This is a variance request. So first of all I'm appreciative to hear about
871 the information and the good work this program does in the community. I guess
872 my concern is about the variance request in that variances have stricter tests or
873 thresholds in that if there's full use of the property other than—let me clarify. If
874 there's use of the property and the ordinance does not deprive the opportunity to
875 use the property for its intended purpose, then the variance process doesn't
876 necessarily give the Board the authority to approve anything beyond the
877 reasonable use of the property. It's not just a matter of simply, you know, will this
878 request not substantially be a detriment to adjacent properties. It goes a little
879 further than that in that if you're able to use the other property for what I guess a
880 lawyer might call a reasonable beneficial use, the question here may not rise to
881 the level of going ahead and granting the variance.

882
883 I guess my question is even if you didn't have goats on the property you could
884 still use this residential lot—and you still do—as a home for residential purposes.
885 So in the eyes of a variance, I see it as a harder hurdle to climb whereas if it was
886 a conditional use permit request for modifying the ordinance it could be easier.
887 So just let me ask. You have the use of the home. You intend to keep using it as
888 a residence for many years to come, correct?

889
890 Mr. Grisevich - Of course, yes sir.

891
892 Mr. Baka - Okay. I guess my observation would be—and it really
893 isn't a question at this point. My observation is this Board may not be a position
894 to—is not in a position to necessarily amend or change the ordinance as written
895 on the book, the 400-foot statute. There is no exception necessarily written into
896 the text of the code that says if someone only has three or four animals or only
897 two animals they would be okay to have that in a residential neighborhood. It
898 basically says it has to be a 400-foot setback in a residential neighborhood, and
899 we don't meet that here. I do understand some of the facets of the Right to Farm
900 Act, which gives protection in agricultural zoning districts. I'm very sensitive to
901 that.

902

903 I guess that's my concern for the Board is that is this a matter that we would vote
904 on as a variance or is this more appropriately handled as almost a text
905 amendment, which is something that this Board does not review; that goes to the
906 Planning Commission and the Board of Supervisors where there might be
907 reasonable accommodations made in the language that should the Commission
908 desire and should the Board of Supervisors desire to do such a change. But at
909 this point I guess I'll just extend a comment that I see my hands are somewhat
910 tied to support a variance for this request. I think you've presented some very
911 good and compelling information if this had been a conditional use permit.

912

913 Mr. Grisevich - And we're prepared to take whatever are the
914 recommendations. And if that's what required, we'll go that route as well. Jeff
915 Atkinson with the County whom we met with suggested that we start here. And
916 we're prepared to go through whatever steps are needed.

917

918 Mr. Baka - I understand. Thank you for your comments.

919

920 Ms. Harris - Just one thing. Have you investigated whether there
921 is agricultural property or land near your residence?

922

923 Mr. Grisevich - Yes. One mile to the north is where the agricultural
924 zoning starts. We've worked with many, many farms throughout the state.

925

926 Ms. Harris - Have you thought about using some of that, having
927 access to that land?

928

929 Mr. Grisevich - That's where they would go if we were directed to get
930 rid of them. They would go to farms that we know. Again, our daughter lives in a
931 group home about three miles north of us. And her group home visits regularly.
932 So that would cut that end of programming out, as well as the ability to take them
933 places. It would just add another hurdle to our programming. But if we have to,
934 we'll do it.

935

936 Ms. Atkinson - [Off microphone.] And in doing this, I guess, you
937 know, we aren't coming at this radically. And I know there have been a lot of
938 issues in the city and in the county with chickens and different types of things like
939 that. And we want to help build this kind of thing and awareness and realize that
940 education is a huge part of this. That's why we gave you our information. I've
941 lived in Henrico County all my life, and there are a lot of programs that we are
942 doing in partnership with the city that I would love to see happening and going on
943 right here in my own backyard.

944

945 Mr. Baka - I appreciate that, the educational aspect. In fact, one
946 of the unique elements of your situation here, as you testified, is that perhaps the
947 impact of two goats is far less than several dogs or cats. But we still have to look

948 at this through the eyes of what a variance is under the test of the state code
949 variance requirements.

950
951 Mr. Bell - Any more questions? Anyone else who would like to
952 speak to this matter? Thank you.

953
954 Mr. Grisevich - Thank you.

955
956 **[After the conclusion of the public hearings, the Board discussed the case**
957 **and made its decision. This portion of the transcript is included here for**
958 **convenience of reference.]**

959
960 Mr. Bell - It just dawned on me—and this is for the record—I’ve
961 been moving along nicely except at the point where we vote. And I haven’t said
962 the “aye.” So I am saying “aye” to 30, to 13, and to 14.

963
964 Mr. Blankinship - It’s Mr. Bell’s first meeting as chairman.

965
966 Mr. Bell - Do I hear a motion on this particular case, VAR2014-
967 00015? I’m going to move this case. I am familiar with RVA and a supporter of
968 RVA. But I’m going to have to move that we don’t vote for this variance. Greg
969 entered into the problem that we have. The problem we have is that it falls under
970 what’s referred to as the Cochran case. They took away some of the power—a
971 lot of the power that we had to make decisions that deal with variances and
972 certain conditions. We feel—or at least I feel that this falls so closely under that
973 that we don’t have the authority to make the decision. And it deals with how does
974 the ordinance prohibit or unreasonably restrict the use of this property. And if we
975 can’t find a reason that it creates a hardship or severity, then that’s it. And that’s
976 the probably we’re facing. There are other channels that you can look through.
977 And I suggest that you do it. Like I said, I think your cause is great and that’s
978 what we need more of. But I most move that we do not support it. Do I hear a
979 second?

980
981 Ms. Harris - Second. I agree, too, that the property can be
982 occupied without the goats. And by virtue of that and in keeping with the Cochran
983 decision, I second that motion.

984
985 Mr. Bell - Any discussion?

986
987 Mr. Baka - I concur with comments. And again, I appreciate the
988 work the applicant’s done. On its face, care and feeding of just two goats may not
989 seem like that big of an impact, a significant impact, but there’s still a reasonable
990 beneficial use of the property without the goats. Therefore, the variance isn’t the
991 appropriate place for that.

992

993 Mr. Bell - Thank you. All right. Let's go ahead and take the vote.
994 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
995

996 After an advertised public hearing and on a motion by Mr. Bell seconded by
997 Ms. Harris, the Board **denied** application **VAR2014-00015, KAREN THOMPSON**
998 **ATKINSON's** request for a variance from Sections 24-10 and 24-11(c) of the
999 County Code to allow livestock in a residential district at 2601 Lafayette Avenue
1000 (HILLIARD PARK) (Parcel 778-750-5127) zoned One-Family Residence District
1001 (R-3) (Brookland).
1002
1003

1004 Affirmative:	Baka, Bell, Harris, Nunnally	4
1005 Negative:		0
1006 Absent:	Wright	1

1007
1008
1009 **[At this point, the transcript continues with the public hearing on the next**
1010 **case.]**
1011

1012 **CUP2014-00031** **MICHAEL L. WHEELER** requests a conditional use
1013 permit pursuant to Section 24-95(i)(4) of the County Code to build a detached
1014 garage in the side yard at 811 Reese Drive (SKANDINAVIEN VLG) (Parcel 856-
1015 710-6728) zoned Agricultural District (A-1) (Varina).
1016

1017 Mr. Blankinship - Does anyone else intend to speak to this matter?
1018 Would you raise your right hand please? Do you swear the testimony you're
1019 about to give is the truth, the whole truth and nothing but the truth so help you
1020 God?
1021

1022 Mr. Wheeler - I do.
1023

1024 Mr. Bell - State your name and spell your name please.
1025

1026 Mr. Wheeler - Good morning. Mike Wheeler. Last name is
1027 Wheeler—W-h-e-e-l-e-r.
1028

1029 Mr. Bell - Thank you.
1030

1031 Mr. Wheeler - I'm applying for a conditional use permit to build a
1032 detached garage on my existing property. I actually Photoshopped a nice picture
1033 of what the garage will look like prior its building. Actually, there it is right there.
1034 The garage is going to be built aesthetically. It's going to match the house. It's
1035 almost the identical garage that my existing neighbor at 809 Reese Drive has. If
1036 you were to look at the property, that's my neighbor's garage. And my proposal is
1037 to build a garage similar to that. If you were to look at my property where my
1038 carport resides right now is where the garage is going to replace the carport. It's

1039 the ideal location for the garage. Aesthetically, as I stated, it's going to match the
1040 house. What's really unique about our neighborhood is everybody takes a lot of
1041 pride in what their property and their homes and their lawns look like. I'm no
1042 different. I fit right in with the neighborhood. I take a lot of pride in the appearance
1043 of my property, my home.

1044

1045 The detached garage is going to provide me the additional storage space that I
1046 need. I currently have five vehicles, two motorcycles. So I can definitely use the
1047 space.

1048

1049 Mr. Bell - Any questions?

1050

1051 Mr. Nunnally - You said that you're going to use the garage you have
1052 now after you build the new one.

1053

1054 Mr. Wheeler - Correct.

1055

1056 Mr. Nunnally - You're going to use that for working on vehicles and
1057 motorcycles.

1058

1059 Mr. Wheeler - I tinker. As the picture shows, I have a '56 Bel Air, a
1060 couple of motorcycles. It will be additional space for the other cars also.

1061

1062 Mr. Nunnally - What I want to ask you is I can't bring my car down
1063 there and you work on it, right?

1064

1065 Mr. Wheeler - No. No, no, no.

1066

1067 Mr. Nunnally - No business in there.

1068

1069 Mr. Wheeler - No. No, it's not a business. Just I like to tinker.

1070

1071 Mr. Nunnally - Okay.

1072

1073 Mr. Wheeler - That's been a work in progress for about thirteen
1074 years. I bought it when I was still active duty Air Force. I retired out of the military
1075 after twenty-three years. And that was my pride and joy that I purchased about
1076 thirteen years ago, and it's been a work in progress ever since.

1077

1078 Mr. Baka - Any long-term plans to put a bathroom or a kitchen—

1079

1080 Mr. Wheeler - No.

1081

1082 Mr. Baka - —or a full house in that garage? Okay. Thanks.

1083

1084 Mr. Blankinship - I have one question, Mr. Chairman. You proposed the
1085 garage on the left side of your house. The rear yard is on the right side of the
1086 house. Is there a reason it couldn't go on the right side?
1087

1088 Mr. Wheeler - The well. The well's over there. As well as the septic
1089 tank, the runoff and everything is on the right side of the house. If you were to
1090 walk out there on the property and look at it, if you were ever going to build a
1091 garage, that's where it needs to go. It would be the perfect location. And
1092 aesthetically it's going—it has to complement the house or I wouldn't build it.
1093

1094 Ms. Harris - Just for clarification. You're going to remove the
1095 carport, right?
1096

1097 Mr. Wheeler - Yes ma'am.
1098

1099 Ms. Harris - It will go in the place—
1100

1101 Mr. Wheeler - Yes.
1102

1103 Ms. Harris - —where the carport is located. And do you already
1104 have a garage—an attached garage for your house?
1105

1106 Mr. Wheeler - I have an attached garage, yes. They showed a
1107 picture of it.
1108

1109 Ms. Harris - Yes, Yes, I thought that was it.
1110

1111 Mr. Wheeler - It currently houses my Bel Air and my motorcycles.
1112

1113 Ms. Harris - So this is a two-car garage that we're—
1114

1115 Mr. Wheeler - Yes ma'am.
1116

1117 Ms. Harris - And the one that you're building will be?
1118

1119 Mr. Wheeler - A two-car garage.
1120

1121 Ms. Harris - Okay.
1122

1123 Mr. Blankinship - Mr. Wheeler, did you mention the page that was
1124 submitted with your application with the signatures—
1125

1126 Mr. Wheeler - Yes, of my neighbors.
1127

1128 Mr. Blankinship - —in the form of a petition? You mentioned that?
1129

1130 Mr. Wheeler - I thought it was part of the package. I remember
1131 looking at it earlier. I've already gotten the signatures of my neighbors. We have
1132 a great neighborhood, great neighbors. They're all on board. None of them have
1133 any issues. And the one right adjacent to me that would be most affected, Bruce
1134 and Linda, very nice people, and they have absolutely no issues with the garage.
1135

1136 Mr. Bell - Any more questions? Okay. Is there anybody else
1137 who would like to speak to this case? If not, then that concludes this case. Thank
1138 you.
1139

1140 Mr. Wheeler - All right. Thank you.
1141

1142 **[After the conclusion of the public hearings, the Board discussed the case**
1143 **and made its decision. This portion of the transcript is included here for**
1144 **convenience of reference.]**
1145

1146 Mr. Bell - Do I hear a motion on this case?
1147

1148 Ms. Harris - I move that we approve CUP2014-00031 by virtue of
1149 the fact that it does not adversely affect the health, safety, or welfare of the
1150 community.
1151

1152 Mr. Bell - Any discussion?
1153

1154 Mr. Nunnally - Second.
1155

1156 Mr. Bell - Hearing none, all those in favor say aye. All those
1157 opposed say no. The ayes have it; the motion passes.
1158

1159 After an advertised public hearing and on a motion by Ms. Harris, seconded by
1160 Mr. Nunnally, the Board **approved** application **CUP2014-00031, MICHAEL L.**
1161 **WHEELER's** request for a conditional use permit pursuant to Section 24-95(i)(4)
1162 of the County Code to build a detached garage in the side yard at 811 Reese
1163 Drive (SKANDINAVIEN VLG) (Parcel 856-710-6728) zoned Agricultural District
1164 (A-1) (Varina). The Board approved the conditional use permit subject to the
1165 following conditions:
1166

1167 1. This conditional use permit applies only to the construction of an oversized
1168 two-car garage in the side yard. All other applicable regulations of the County
1169 Code shall remain in force.
1170

1171 2. Only the improvements shown on the plot plan and building design filed with
1172 the application may be constructed pursuant to this approval. Any additional
1173 improvements shall comply with the applicable regulations of the County Code.
1174 Any substantial changes or additions to the design or location of the
1175 improvements shall require a new conditional use permit.

- 1176
 1177 3. The new construction shall match the existing dwelling as nearly as practical
 1178 in materials, color, and style.
 1179
 1180 4. At the time of building permit application, the applicant shall submit the
 1181 necessary information to the Department of Public Works to ensure compliance
 1182 with the requirements of the Chesapeake Bay Preservation Act and the code
 1183 requirements for water quality standards.
 1184
 1185 5. The applicant shall relocate his existing shed outside of the 16 foot utility
 1186 easement running along the rear property line. A minimum 6 foot distance shall
 1187 be maintained between the shed and the proposed garage.
 1188

1189
 1190 Affirmative: Baka, Bell, Harris, Nunnally 4
 1191 Negative: 0
 1192 Absent: Wright 1
 1193
 1194

1195 Mr. Bell - Do I hear a motion on the minutes?
 1196

1197 Ms. Harris - I have a correction. Line 648. My comments, I was
 1198 trying to make a sentence there. So a period should go after "here."
 1199

1200 Mr. Bell - We'll go ahead with that correction. Any other
 1201 corrections?
 1202

1203 Mr. Baka - No. I make a motion we approve the minutes with that
 1204 one correction.
 1205

1206 Ms. Harris - Second.
 1207

1208 Mr. Bell - Any more discussion? Hearing none, all in favor say
 1209 aye. All opposed say no. The ayes have it; the motion passes.
 1210

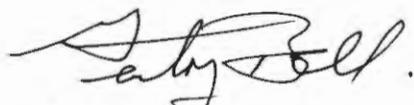
1211 Mr. Nunnally - I abstain.
 1212

1213 Mr. Blankinship - Mr. Nunnally wasn't here for the meeting.
 1214

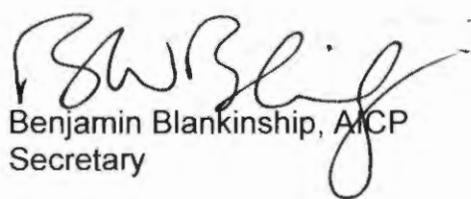
1215 On a motion by Mr. Baka, seconded by Ms. Harris, the Board **approved as**
 1216 **corrected** the **Minutes of the August 28, 2014**, Henrico County Board of
 1217 Zoning Appeals meeting.
 1218

1219
 1220 Affirmative: Baka, Bell, Harris 3
 1221 Negative: 0

1222	Absent:	Wright	1
1223	Abstain:	Nunnally	1
1224			
1225			
1226	Mr. Bell -	Do I hear a motion that we adjourn?	
1227			
1228	Ms. Harris -	I so move.	
1229			
1230	Mr. Baka -	Second.	
1231			
1232	Mr. Bell -	All in favor say aye. All opposed say no. The ayes	
1233	have it; the motion passes.		
1234			
1235			
1236	Affirmative:	Baka, Bell, Harris, Nunnally	4
1237	Negative:		0
1238	Absent:	Wright	1
1239			
1240			
1241	We are adjourned.		
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Gentry Bell
Chairman



Benjamin Blankinship, AICP
Secretary