

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**  
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**  
3 **BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY**  
4 **SPRING ROADS, ON THURSDAY SEPTEMBER 28, 2017 AT 9:00 A.M.,**  
5 **NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**  
6 **SEPTEMBER 11, 2017 AND SEPTEMBER 18, 2017.**  
7

Members Present: William M. Mackey, Jr., Chairman  
Helen E. Harris, Vice Chairman  
Gentry Bell  
Terone B. Green  
James W. Reid

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

8  
9 Mr. Mackey - Good morning. Welcome to the September 28, 2017  
10 meeting of the Henrico County Board of Zoning Appeals. For all those who can,  
11 will you please stand and join us in the Pledge of Allegiance.  
12

13 Thank you. Our Board secretary, Mr. Blankinship, will now give you the rules to  
14 our meeting.  
15

16 Mr. Blankinship - Good morning, Mr. Chair, members of the Board,  
17 ladies and gentleman, the rules for this meeting are as follows: Acting as secretary,  
18 I will announce each case. We will then ask everyone who intends to speak to that  
19 case to stand and be sworn in. Then a member of the staff will give an introduction  
20 to the case. Then the applicant will present the case. And then anyone else who  
21 wishes to speak will be given the opportunity. After everyone has had a chance to  
22 speak, the applicant, and only the applicant, will have an opportunity for rebuttal.  
23 Then the Board will close the public hearing on that matter and proceed to the next  
24 public hearing.  
25

26 There are two cases on this morning's agenda to be heard, and they will render  
27 both of their decisions after the second hearing. So if you wish to hear their  
28 decision on a case, you can either stay until the end of the hearings, or you can  
29 check the Planning Department website—we usually get it updated within an hour  
30 of when the meeting ends—or you can call the Planning Department this  
31 afternoon.  
32

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

37 There is one withdrawal on this morning's agenda, Mr. Chair. That is CUP2017-  
38 00017. This case has been withdrawn and will not be heard this morning.

39  
40 **CUP2017-00017 AFFINITY FUNERAL SERVICE** requests a conditional  
41 use permit pursuant to Section 24-50.7(e) of the County Code to allow one  
42 cremation unit at a funeral home at 2720 Enterprise Parkway (WEST BROAD  
43 PARK) (Parcel 763-752-3510) zoned Office District (O-2) (Tuckahoe).

44  
45 At the request of the applicant, case **CUP2017-00017, AFFINITY FUNERAL**  
46 **SERVICE**, has been **withdrawn** from further consideration.

47  
48 Mr. Blankinship - All right. The first case is CUP2017-00031, Denyse and  
49 Bob Rhodes.

50  
51 **CUP2017-00031 DENYSE AND BOB RHODES** request a conditional  
52 use permit pursuant to Section 24-12(e) of the County Code to allow a  
53 noncommercial kennel at 4810 Sydclay Drive (VIRGINIA HEIGHTS) (Parcel 817-  
54 715-5439) zoned One-Family Residence District (R-3) (Varina).

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

60  
61 Mr. Blankinship - Thank you. All right. Mr. Madrigal, you may begin.

62  
63 Mr. Madrigal - Thank you, Mr. Chair, members of the Board. Good  
64 morning. I'll be making this presentation on behalf of Mr. Gidley. He's at a  
65 conference this morning.

66  
67 Before you is a request to allow a non-commercial kennel in a residential district.  
68 The subject property is located in the Virginia Heights subdivision which consists  
69 of one-family dwellings on quarter-acre lots. This is an aerial view of the area.

70  
71 The property is improved with a 1,400-square-foot residence constructed in 1958  
72 and several sheds located in the rear yard. The applicants acquired the property  
73 in 2015 and have been operating a cat rescue for abandoned and stray cats. The  
74 rescue operation is partially funded by online donations which contribute to the  
75 care of the animals. The cats reside inside the dwelling and have access to a  
76 climate-controlled outbuilding located behind the home. You can see that building  
77 here.

78  
79 In 2017, the County received a complaint regarding an excessive number of  
80 animals on the lot along with an objectionable odor emanating from the property.  
81 As a result of the complaint, multiple County agencies initiated investigations and  
82 confirmed that there were up to 50 cats and 3 dogs that were kept on site. Although

83 the animals appear to be in good health and well cared for, there was an extremely  
84 strong smell inside the home.

85  
86 After several site visits from County personnel, the applicant voluntarily agreed to  
87 reduce the number of pets, and they have been steadily placed in alternative  
88 homes. As of August, there were approximately 15 cats and 3 dogs at the property.  
89 Because of the number of animals remaining at the home and the applicant's intent  
90 to care for them, she has requested a CUP to allow a non-commercial kennel for  
91 the keeping of up to 20 animals.

92  
93 The property is zoned R-3 and is designated Suburban Residential 2 on the Land  
94 Use Plan. The existing home is a principally permitted use and is consistent with  
95 both designations. The Zoning Ordinance permits the keeping of three pets as an  
96 accessory use. Anything beyond that limit requires the approval of a conditional  
97 use permit.

98  
99 While it is not unusual to have four or five pets by way of a CUP, the care for 20 or  
100 more pets is not a typical request in a residential district and is arguably something  
101 not envisioned in an established neighborhood. As previously mentioned, the  
102 County became aware of the situation as a result of a complaint. Both County  
103 inspectors and Planning staff noted the presence of a strong odor emanating from  
104 the home while at the site.

105  
106 Following the placement of the public hearing sign on the property, three calls  
107 came in from neighborhood residents, all in opposition to the request. Additionally,  
108 three emails in opposition have been received on this case. All three emails cite  
109 the strong odor emanating from the property and its negative and detrimental  
110 impact on them.

111  
112 While it is evident that the applicants care deeply for the animals, the keeping of  
113 20 animals on a small neighborhood lot is excessive and is not something  
114 envisioned by the Zoning Ordinance or the Comprehensive Plan. Turning an  
115 existing residence into an animal shelter inevitably has detrimental impacts on  
116 neighboring properties, especially when considering the close proximity of these  
117 homes.

118  
119 When considering the initial complaint, the three phone calls, and the subsequent  
120 emails received by the County from neighbors and nearby residents in response  
121 to this request, it is apparent that the applicant's rescue operation is having a  
122 detrimental impact on adjacent and nearby residents. For these reasons, staff  
123 respectfully recommends denial of this request.

124  
125 This concludes my presentation. I'll attempt to answer any questions you may  
126 have.

127

128 Mr. Mackey - Thank you, Mr. Madrigal. Are there any questions from  
129 the Board for Mr. Madrigal? I had a question. I know our packet has several letters  
130 in favor. Did you receive any calls in favor of?  
131  
132 Mr. Madrigal - No. Not that I'm aware of. I don't know if Paul shared  
133 that with you.  
134  
135 Mr. Blankinship - No, not that I'm aware of either.  
136  
137 Mr. Madrigal - Okay. A lot of the emails that were included with the  
138 packet are, from my assumption, from the supporters through the Facebook page  
139 that the applicant keeps.  
140  
141 Mr. Mackey - All right. Thank you, Mr. Madrigal. Oh, I'm sorry.  
142  
143 Mr. Bell - In the conditional use package, number one, when you  
144 talk about ten elderly cats, was that number agreed upon or was it something that  
145 the planners came up with?  
146  
147 Mr. Madrigal - My understanding of that is in conversations that  
148 Mr. Gidley had with the applicant, if she had to come down to it, she would just like  
149 to keep ten elderly cats at the property, at a bare minimum. But the request is for  
150 20 animals in total.  
151  
152 Mr. Blankinship - That's correct. As you know, we always present  
153 conditions because the Board, of course, has the authority to approve the permit.  
154 Staff's recommendation is denial, and the applicant's request is to keep 20. So I  
155 think he just tried to split the difference.  
156  
157 Mr. Mackey - Yes, Mr. Green?  
158  
159 Mr. Green - The odor that you talk about, you said the County staff  
160 noticed that as well?  
161  
162 Mr. Madrigal - Yes. When we visited the site, we didn't get an  
163 opportunity to go in the house. In speaking to one of the inspectors, he told me  
164 that the smell was very strong in the residence. From our site visit, we were at the  
165 front door and at the side of the property, and there was just this underlying odor  
166 that you could detect.  
167  
168 Mr. Green - In any letters of support, were they from neighbors?  
169  
170 Mr. Madrigal - All the letters of support that are in the packet, the  
171 emails, those were submitted with the application. And again, those are the people  
172 that are supporting the applicant and their endeavors through their Facebook page.  
173 My understanding is that she accepts donations for the care of the animals. After

174 the signs went up for notice of the case, I'm not aware of receiving anything in  
175 support.

176

177 Mr. Mackey - Okay. All right. Thank you, Mr. Madrigal. Any more  
178 questions?

179

180 Mr. Bell - Maybe to Ben. Is anyone from animal protection going  
181 to say anything?

182

183 Mr. Blankinship - They are present. I suppose they would answer  
184 questions if you had any. Nobody stood to be sworn in, though.

185

186 Mr. Bell - I see one sitting back there.

187

188 Mr. Blankinship - Yes.

189

190 Mr. Mackey - Would you like to hear from one?

191

192 Mr. Bell - Yes.

193

194 Mr. Blankinship - All right.

195

196 Mr. Mackey - Could we get someone from animal protection sworn  
197 in, please?

198

199 Mr. Blankinship - The lieutenant's here. You're okay. They're just going  
200 to ask you questions.

201

202 Mr. Bell - When you went over there—I understand you went  
203 over there a couple of times—was there any problem when you went over there  
204 with odors or smells of any sort?

205

206 Lieutenant Sears - When we initially went back over there—we were over  
207 there back in 2015 for the same type of complaint. That's when this started. And it  
208 kind of went away at that point, and we didn't receive any further complaints. And  
209 then they kind of sprang back up earlier this year. When we initially went over  
210 there, yes, you could notice an odor coming from the property, standing out in the  
211 street in front of the house. You could definitely notice the odor at the front door or  
212 if you were walking around the perimeter of the home or in the yard.

213

214 Ms. Rhodes did agree to meet with us. When we actually went inside, there were  
215 other County agencies present that went in as well, such as Community  
216 Revitalization and Building Inspections. It was a distinct odor. And odors of that  
217 nature may not be as noticeable to the occupants because they get used to that  
218 over a period of time. But it was a very noticeable, distinct odor when we went  
219 there. That would be understandable even if someone was providing adequate

220 care for that many animals because it was over 50 cats when we initially went in  
221 there. And the Rhodes have gotten those numbers significantly down. They  
222 released a number of animals to us, in the neighborhood of just under 20 that they  
223 released to the County that were transferred to the Richmond SPCA to be re-  
224 homed. But they've also been able to place some of their cats as well privately with  
225 other adopters or foster care providers.

226  
227 I have not been to the home probably in—it's probably been almost a month since  
228 the last time that I was there at the home. But from the first time we went there, it  
229 was definitely a noticeable odor that could be detected out into the street in front  
230 of the house. The lots in that neighborhood are not that large. So we're not talking  
231 about an incredible distance. But just to give you an idea, probably from here to  
232 that back wall there is about the distance if I'm standing in the street to the front of  
233 the home.

234  
235 Mr. Bell - Do we have any other people—no doubt about it, these  
236 people love their animals.

237  
238 Lieutenant Sears - Absolutely. There's no question about that.

239  
240 Mr. Bell - That's not an issue at all.

241  
242 Lieutenant Sears - No sir.

243  
244 Mr. Bell - The care of the animals and things like that. Or they  
245 wouldn't be referred to as a rescue kennel. Well that's my question. Do we have  
246 any such thing as rescue kennels in the County?

247  
248 Lieutenant Sears - We do.

249  
250 Mr. Bell - All right.

251  
252 Lieutenant Sears - We do. The thing about a rescue is they are required  
253 to be registered and report to the Virginia Department of Agriculture and Consumer  
254 Services. That's the state veterinarian's office. They're required to submit an  
255 annual report, just like our facility does. Every facility across the Commonwealth  
256 of Virginia, whether it be a municipal facility or a private facility, they have to—there  
257 are no fees or anything like that. But they're subject to the regulations of VDACS  
258 (Virginia Department of Agriculture and Consumer Services). And Ms. Rhodes, if  
259 she was a rescue, an official rescue, she would have to submit—she would have  
260 to provide all of her information, then she would have to submit to inspections by  
261 that agency upon their request because they do annual inspections. And they  
262 would also have to report annually. And those reports are for public record.

263  
264 Anybody can go onto the VDACS website and look up any municipality or private  
265 rescue organization anywhere in the Commonwealth of Virginia, and they will show

266 their numbers—how many animals they took in, how many animals were born in  
267 their facility, how many animals were transferred to other agencies, how many  
268 animals were adopted, how many animals were euthanized, those types of  
269 statistics.

270  
271 Mr. Mackey - Excuse me. Before we go any further, Lieutenant—

272  
273 Lieutenant Sears - Yes sir.

274  
275 Mr. Mackey - —would you please for the record spell—state and  
276 spell your name?

277  
278 Lieutenant Sears - I'm Lieutenant Shawn Sears with Henrico Police  
279 Animal Protection. My first name is Shawn (S-h-a-w-n). Last name Sears (S-e-a-  
280 r-s).

281  
282 Mr. Mackey - Lieutenant Sears, I had a question. Do we know if the  
283 Rhodes are registered as—

284  
285 Lieutenant Sears - Not that I'm aware of, no sir.

286  
287 Mr. Mackey - Okay.

288  
289 Ms. Harris - I have a question.

290  
291 Mr. Mackey - Yes ma'am.

292  
293 Ms. Harris - Lieutenant Sears, do you know of any animal shelter  
294 that is located in a residential area of this size?

295  
296 Lieutenant Sears - Not that I'm aware of, no ma'am. There are some  
297 private rescues that have kennels. Those rescues are primarily dogs, and they do  
298 have kennel licenses. They operate under the purview of VDACS.

299  
300 Ms. Harris - Are they in residential communities?

301  
302 Lieutenant Sears - Yes ma'am.

303  
304 Ms. Harris - Okay.

305  
306 Lieutenant Sears - These are kind of mixed communities, though, usually  
307 where they are, where there's mixed agricultural and residential. Because they are  
308 kind of historical kennels. Before the area and the neighborhoods developed  
309 around them, they had obtained kennels licenses and are able to keep those as  
310 long as they keep them current.

311

312 Mr. Blankinship - Right. That would be an area with agricultural zoning  
313 and residential uses. It is not a permitted use in the residential districts.  
314  
315 Lieutenant Sears - And I defer to Mr. Blankinship on that.  
316  
317 Mr. Blankinship - The conditional use permit can be applied for in the  
318 residential districts and is strictly for animals owned by the occupant of the  
319 property. That would not be a permitted use.  
320  
321 Ms. Harris - Thank you.  
322  
323 Mr. Mackey - Thank you, Lieutenant.  
324  
325 Lieutenant Sears - Yes sir.  
326  
327 Mr. Mackey - Are there any more questions? Okay, thank you. If not,  
328 I think we're ready to hear from the applicant. You can come forward, Ms. Rhodes.  
329  
330 Mr. Rhodes - My name is Bobby Rhodes. Robert Rhodes. This is my  
331 wife, Denyse. The last name is spelled R-h-o-d-e-s.  
332  
333 What we want to do, these animals—people have been dropping them off. When  
334 we first started, we started off with only five cats. That's all we had.  
335  
336 Ms. Rhodes - No. No, we transferred quite a few of them when we  
337 moved. We had a total of 18.  
338  
339 Mr. Rhodes - Yeah. And then people started dropping animals off at  
340 our house seeing how we're taking care of them.  
341  
342 Ms. Rhodes - Plus they found out I worked for a vet for 25 years. We  
343 went through a spell where I'd come home and there'd be a box. And there are  
344 kittens. So some of them, we got them adopted out. Some of them we didn't; they  
345 stayed. They were working one day, and there were kittens in a dumpster. So, I  
346 mean, what can you do, you rescue them. But we got all but four of those adopted  
347 out.  
348  
349 So over the time, we'd been adopting out and getting them spayed and neutered.  
350 And then I became sick with cancer twice. So it kind of accumulated a little bit. And  
351 then once I got well again, we started back up.  
352  
353 Meanwhile, we had built a condo. And then around April or May, we're going this  
354 thing is beginning to be dilapidated, and it's saturating into the ground a little bit.  
355 So we went to both neighbors and said, "Look, this is what we're getting ready to  
356 do. We're getting ready to stir up that land, and it's going to do. They both said no



357 problem, thank you for letting us know. So that's what we did. We tore it down in  
358 May. So in May and June, we've been treating it with everything.

359

360 So in July, we had our 75-foot tree come down because it was leaning, and we  
361 didn't want it to fall on our house or the neighbor's house. So again, we went to  
362 both neighbors and the guy behind us. And we said, "Look, this is going to be  
363 noisy. It's going to stir the ground up." Blah, blah, blah. No problem. And that's  
364 when the complaints started coming in.

365

366 Now the day that they came, we had just done the ground again. And my trash  
367 was loaded with of course cat litter and my freezer had died. So of course I had  
368 chicken, hamburger, and I even had two lobster tails in the there. And it was  
369 smelling. And then that morning before they came, my dog had a blowout on my  
370 rug. So I was trying to clean it before they came in. The only people I invited into  
371 the house was animal control. Everything else piled in, and I had asked them twice  
372 to leave. And they didn't leave. I showed Mr. Sears everything he needed to do.  
373 As soon as he left, I hauled that rug out of there and mopped and cleaned the floor.

374

375 Now I do my best to keep everything under control. The litter boxes get dumped  
376 every other day and everything. The cats are well cared for. I have sponsors that  
377 help them. I do adopt out what comes in. Mainly I have about 18 old cats. They  
378 range from age 6 all the way to 21. And then I have 2 that are very much  
379 unadoptable. They were with us for a while. You just can't touch them. I had to  
380 actually trap them to give them their shots and stuff. The only option for them if  
381 they go out of my home is to put them down. And that's not fair to them.

382

383 I was in the process of getting my 501 until I had to take the money to do this. So  
384 the girls were going help me get the 501. But if I can't get the 501 to keep what I  
385 have, then I don't know. I mainly want to keep the old ones right now. If I have to  
386 stop the rescue, I will. If anything's ever dropped at my house—which I'm trying to  
387 tell everybody don't do that anymore—I would immediately call Sears.

388

389 My main concern is my old ones. When my dad died, we inherited the house. So  
390 we brought them over from the other house to Dad's house. And then we had some  
391 of Dad's cats there. I think they've all passed away.

392

393 That's about that, I guess. They're well cared for. They get their shots. The vet  
394 comes out to the house to give them their rabies shots, which they just got.  
395 Dr. Barron's been spaying and neutering anything that's come in and we've sent  
396 right back out. We just sent two up to Pennsylvania. I'm getting ready to send one  
397 up to Delaware. And we're trying to arrange a transport to Michigan for another  
398 one.

399

400 I have talked to a couple sanctuaries that might be able to take the two that are  
401 unadoptable. But one is in Texas, and one in South Carolina. It's called  
402 Chattanooga something that transports them. So I'm trying to talk with Colony Cats

403 that's located in Philadelphia to help me arrange this transport. It's kinda cool.  
404 Everybody meets up at different places and then they hand over the cats until we  
405 get to the other line. We just did that with Phil and all the Colony Cats. They went  
406 from Philadelphia all the way down to South Carolina.

407  
408 We're doing everything we can do. Even to the trash, the girls have started giving  
409 us extra trash bags so that we can triple-bag this trash. Every week I spray it down.  
410 I do everything I can do. We're having the yard constantly done. The lady next  
411 door, I told her we're getting ready to put up a privacy fence because of my dog  
412 barking now and then. And she was upset because I was going to put the privacy  
413 fence up. She said, "Well my kids love it."

414  
415 I said, "Yeah, but your kids run up and down the thing, and my dogs run up and  
416 down." So I'm scared they're gonna stick their fingers through and . . . you know,  
417 you never know.

418  
419 And then the lady on this side, she doesn't really speak to me much. I tried to tell  
420 her what was going on, that I was a rescue. Then all of a sudden she comes over,  
421 "You're breeding cats."

422  
423 I said, "No, I'm not breeding cats. That's not what a rescue is."

424  
425 Mr. Rhodes - Right. We have medical records. Almost all the cats are  
426 fixed. They are fixed. They've been neutered and spayed.

427  
428 Ms. Rhodes - Dr. Barron in Mechanicsville did them all at a low cost.

429  
430 Mr. Rhodes - Right. Dr. Barron in Mechanicsville takes care of all that  
431 for us.

432  
433 Ms. Rhodes - So I understand the rescue part is over.

434  
435 Mr. Rhodes - Yes. It's done.

436  
437 Mr. Rhodes - I just want to keep my elderly cats and find homes for  
438 the two that are unadoptable, until they live out their lives.

439  
440 Mr. Rhodes - That's all we want.

441  
442 Ms. Rhodes - It's not fair to them to remove them from a home  
443 they've been in since 7, 6—well, they've been with us almost 6. From 6 to 21 years.  
444 That would be detrimental to them. While I was in the hospital for 4-1/2 months, I  
445 lost two.

446  
447 Mr. Rhodes - You were in the hospital longer than that.

448

449 Mr. Blankinship - Ma'am?  
450  
451 Ms. Rhodes - Well, five months, basically. Because of depression,  
452 they were taken to the vet. They would not adapt very well without me.  
453  
454 Mr. Blankinship - When you say elderly cats, how many?  
455  
456 Ms. Rhodes - There are 18.  
457  
458 Mr. Blankinship - Okay.  
459  
460 Mr. Rhodes - We have 18 elderly cats. The shed that we purchased  
461 is going to be fenced in with a roof over the top of it so they can access the  
462 outside—  
463  
464 Ms. Rhodes - So they can go outside and play.  
465  
466 Mr. Rhodes - —and play. They have their own areas to get into out  
467 of the weather. I've got—  
468  
469 Ms. Rhodes - And they all have the littler boxes and stuff.  
470  
471 Mr. Rhodes - As a matter of fact, today I've got to get an electrical  
472 permit to go ahead and put in electricity in the shed so there will be heating and air  
473 conditioning.  
474  
475 Ms. Rhodes - The reason we did that is that if we happen to go  
476 somewhere for the weekend, Cindy can come and go through that way and take  
477 care of the cats and not worry about the house. But they come in and out. They  
478 are never loose in the yard. I walk them in a pet stroller or a harness with a leash.  
479 I don't believe in breeding. I don't believe in letting animals run around.  
480  
481 Mr. Rhodes - No.  
482  
483 Ms. Rhodes - Because you've got diseases, you've got other  
484 animals. You've got the neighbors, you've got the cars.  
485  
486 Mr. Mackey - All right. Okay. Does anyone have any questions for  
487 the Rhodes?  
488  
489 Mr. Reid - How many cats do you have there today?  
490  
491 Mr. Rhodes - Today?  
492  
493 Ms. Rhodes - There are 20.  
494

495 Mr. Rhodes - There are 20. That's all we have left.  
496  
497 Ms. Rhodes - We have the 18 old ones and then the two that are  
498 unadoptable, which I'm trying to make arrangements for. But that's going to take a  
499 little bit of time to set everything up and get with the sanctuaries and see if they  
500 can take them. One sanctuary is a thousand dollars.  
501  
502 Mr. Reid - What about the litter? You bag the litter every two  
503 days? Where does it go, out in front of the house—  
504  
505 Ms. Rhodes - No, it goes in the trashcan. I have a trashcan liner, and  
506 then I triple bag—double bag or triple bag the litter because we buy the horse pellet  
507 pine things instead of the other litter because that stuff stinks. And it's cheaper.  
508 And then we put it in there. And I try to do it on late Tuesday nights and early  
509 Wednesday mornings. And it gets dumped, and I scoop.  
510  
511 Mr. Reid - How long does it stay where—in front of your house or  
512 until somebody picks it up?  
513  
514 Ms. Rhodes - If this is my house. The trashcans are right here. So if  
515 you're standing here and the wind has—you're going to smell it. So we're doing  
516 everything we can do. I can't control the trash as much as—  
517  
518 Mr. Rhodes - When I come home—I work out of state.  
519  
520 Ms. Rhodes - We go to the dump.  
521  
522 Mr. Rhodes - When I come home, that's my job. First thing as soon  
523 as I get home, I pack it up, throw it in the back of the truck, and I head to the dump.  
524  
525 Mr. Mackey - Mr. Rhodes, do you do this weekly? I think that's what  
526 he was asking. Is this done weekly? How often do you do this?  
527  
528 Mr. Rhodes - Weekly.  
529  
530 Mr. Mackey - Weekly?  
531  
532 Mr. Rhodes - Right. When I'm not at home—  
533  
534 Ms. Rhodes - The trash picks it up on Wednesdays.  
535  
536 Mr. Rhodes - Right. The trash gets picks up on Wednesday.  
537  
538 Mr. Mackey - Okay, we have a question from Mr. Green.  
539  
540 Mr. Green - So you say you have 20 cats. How many dogs?

541  
542 Mr. and Ms. Rhodes - Just two.  
543  
544 Ms. Rhodes - I don't know where—  
545  
546 Mr. Rhodes - The two that are in the picture. I don't know where the  
547 third one came from. Third or fourth or whatever it was.  
548  
549 Mr. Mackey - Are there any more questions from the Board?  
550  
551 Ms. Harris - Yes, I do. Ms. Rhodes, when do you plan to build the  
552 shed? I notice that on your application you said that you wanted to build a shed.  
553 When do you plan to build that?  
554  
555 Ms. Rhodes - The shed? The shed is there now.  
556  
557 Ms. Harris - It's there now.  
558  
559 Mr. Rhodes - Yes. We went ahead and bought a pre-made shed. I've  
560 already insulated it and put plywood up and all. But I still need to put the electricity  
561 in it.  
562  
563 Ms. Harris - Are any of those feral cats? I know you described two  
564 of them as kind of uncontrollable. Are they feral?  
565  
566 Ms. Rhodes - They're not true ferals. They were born in the yard from  
567 I don't know who. So we took them in. And when I got sick, nobody was able to  
568 take time with them, so they're—I don't want to call them wild. They'll look at you,  
569 but if you go to touch them, they're gone. They're inside the house.  
570  
571 Ms. Harris - Yes, I think I saw two in the window yesterday when I  
572 drove by. Is it a bit overwhelming for you to do—  
573  
574 Ms. Rhodes - No, I have a very set schedule. I get up in the morning,  
575 have my coffee, and then I go and take care of everything. I do the litter boxes.  
576 They get taken care of two, three, four times a day. I mop twice a day. Just like  
577 kennel. I mop twice a day. I vacuum twice a day. They get nail trims, shots. Not  
578 total baths, but they get wiped down. They're on high-quality food. They're on  
579 vitamins. They have every toy just about on Amazon that there is. Every cat treat  
580 that they could possibly have.  
581  
582 All we're asking is give us time to rectify everything and get it under control. Like I  
583 said, when we realized it was the condo, we tore it down. And we even asked the  
584 neighbors about the shed before we even got it. And they said no problem.  
585

586 Mr. Rhodes - They liked the idea. As a matter of fact, the shed that  
587 is pictured right now, I haven't done the landscaping around it yet. I've got a chain  
588 link fence that's going to go on the front side of it where the windows and all are.  
589 Yes, on that side up to the tree stump so they can climb up on the tree stump. And  
590 then back to the shed. And have a regular animal door by the main door right there  
591 so they can go in and out, but they can't go out in the neighborhood.  
592

593 Ms. Rhodes - That pond right there is going down. We're taking that  
594 down. And then all that stuff sitting right there is stuff that we had in the other  
595 condo, their little houses and things. They had dog houses inside.  
596

597 Mr. Rhodes - It looks like a wreck right now, but all that is stuff that  
598 I'm getting rid of. When I get the fencing up, which I already have, all that's going  
599 to be gone.  
600

601 Ms. Harris - Okay.  
602

603 Mr. Rhodes - It'll be up in the—  
604

605 Ms. Harris - A couple more questions. I hate to interrupt you. Had  
606 you considered having this type of facility at another location?  
607

608 Ms. Rhodes - Well we plan on moving.  
609

610 Ms. Harris - When do you plan on moving?  
611

612 Ms. Rhodes - We're going to start looking. We were inquiring about a  
613 VA loan. We just started that. As soon as we find out about all of that, we're going  
614 to start looking away, maybe even out of state. We don't know yet. But yes, we  
615 plan on moving and just renting the house out eventually, after we find out what's  
616 all involved in that, because we've never done that before.  
617

618 Ms. Harris - The packet that we have, did you get your copy of the  
619 packet?  
620

621 Ms. Rhodes - Yes.  
622

623 Ms. Harris - I noticed that those letters that are in favor of what  
624 you're requesting are from South Carolina, Tennessee—  
625

626 Ms. Rhodes - Yes.  
627

628 Ms. Harris - The ones that object to your request are neighbors.  
629

630 Ms. Rhodes - I understand that.  
631

632 Ms. Harris - Okay.  
633  
634 Ms. Rhodes - The one, I don't know where she got all of that from  
635 because she says that she can't even sit with her door open. Her door was open  
636 yesterday. They sit out front all the time. We're talking about two—the owner of the  
637 other house, we've had a squabble for 30 years.  
638  
639 Mr. Blankinship - They're not here to cross examine.  
640  
641 Ms. Rhodes - Oh, okay. I'm sorry.  
642  
643 Mr. Blankinship - The question was about the observation that the  
644 people in support are from far away, and the people close by are in objection.  
645  
646 Ms. Rhodes - One of the ones in support that is far away has come  
647 to the house. In fact, we're meeting with Martha and them tomorrow for lunch. So.  
648  
649 Ms. Harris - Thank you.  
650  
651 Mr. Mackey - Yes, Mr. Green.  
652  
653 Mr. Green - When you reference condo, what are you talking  
654 about?  
655  
656 Ms. Rhodes - I call it a condo. It was a built—  
657  
658 Mr. Rhodes - Cat tree.  
659  
660 Ms. Rhodes - No, no. No. That's a cat tree. I'm trying to find the  
661 picture. The enclosed area like this. Something like that. That's something like  
662 what we had. And it was all wood, and it had been up for five years. It just got  
663 dilapidated, and we just knew it was time to come down and treat the area. And  
664 we advised everybody in the beginning of May.  
665  
666 Mr. Rhodes - Right. And have a better, cleaner area.  
667  
668 Ms. Rhodes - It just wasn't suitable anymore.  
669  
670 Mr. Rhodes - Right.  
671  
672 Mr. Mackey - All right. We have another question.  
673  
674 Mr. Bell - As you already heard, the County will allow new  
675 residential areas to have no more than three animals. You have two dogs, so you  
676 could have one cat, and that would be within the code. You want 18 so that  
677 means—it's actually 17 because one of them would be a cat and two dogs. They're

678 older. How long—and this is a sensitive question. I hate to even ask it. How long  
679 do you expect them to live?

680

681 Ms. Rhodes - That's hard to say. I've got one that just turned 21 in  
682 March. I've had some previous that only lived to 10. I've had some that have lived  
683 to 17. I mean I just don't want to give them up because—like I said, we plan on  
684 moving. As to the time period, I have no idea. We're hoping by late spring to be  
685 gone. It's hard to say. They're all healthy. I have a couple that have minor  
686 problems. Zippy has hip dysplasia, and I have one that has a head tilt. I can't  
687 answer that.

688

689 Mr. Bell - Okay.

690

691 Mr. Mackey - All right. Thank you. Thank you Mr. and Ms. Rhodes.

692

693 Ms. Rhodes - Thank you.

694

695 Mr. Mackey - Is there anyone here who would like to speak in  
696 support? Is there anyone here who would like to speak against this request? All  
697 right, then we'll move forward to our next case.

698

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

702

703 Mr. Mackey - What is the pleasure of the Board? Being the Varina  
704 magistrate, I'd like to say we never like to deny anyone the opportunity to care for  
705 their pets and animals. The code only allows you in your residence to have three  
706 pets. To be allowed to have 20 exceeds it. While we have to take your feelings and  
707 concerns in mind, we also have to keep in mind the feelings and concerns of your  
708 neighbors and other residents of the area.

709

710 Having said that, I make a motion that we deny the request and not allow you to  
711 get the CUP. Do we have a second?

712

713 Ms. Harris - Second the motion.

714

715 Mr. Mackey - All right. We have a motion, and it has been properly  
716 seconded.

717

718 Ms. Harris - I have a question even though I second the motion.  
719 Would we be able to allow the Rhodes to keep any of those senior animals, those  
720 senior cats? I was wondering about that. Or should that be a part of the motion?

721

722 Mr. Mackey - I would imagine if we don't allow the CUP then they  
723 would only be allowed to keep three pets.



724  
725 Mr. Blankinship - Yes, that's correct.  
726  
727 Mr. Bell - Since they [unintelligible], it may be six months before  
728 they're going to move, would there be any way to put a condition in there that says  
729 this is just for six months?  
730  
731 Mr. Blankinship - The Board could approve it with an expiration, yes.  
732  
733 Ms. Harris - Mr. Bell, what do you mean?  
734  
735 Mr. Bell - In other words, she said they're looking to move, and  
736 she thinks that she'll be out by spring, which is around six months. So we can either  
737 deny it or it's denied after six months. Put a condition in there that she can keep  
738 them six months and then the denial comes in.  
739  
740 Ms. Harris - Okay.  
741  
742 Mr. Mackey - We already have a motion on the floor. I imagine we'd  
743 have to vote on that first.  
744  
745 Ms. Harris - Or did you want to amend? Mr. Mackey, would you  
746 want to amend that motion?  
747  
748 Mr. Mackey - I do not want to amend mine.  
749  
750 Ms. Harris - Okay.  
751  
752 Mr. Mackey - I do not want to amend mine. So having the motion, it  
753 being seconded, and having discussion, all in favor to deny the request say aye.  
754 Any opposed. The ayes have it, five to none. The motion is carried.  
755  
756 After an advertised public hearing and on a motion by Mr. Mackey seconded by  
757 Ms. Harris, the Board **denied** application **CUP2017-00031, DENYSE AND BOB**  
758 **RHODES's** request for a conditional use permit pursuant to Section 24-12(e) of  
759 the County Code to allow a noncommercial kennel at 4810 Sydclay Drive  
760 (VIRGINIA HEIGHTS) (Parcel 817-715-5439) zoned One-Family Residence  
761 District (R-3) (Varina).  
762  
763  
764 Affirmative: Bell, Green, Harris, Mackey, Reid 5  
765 Negative: 0  
766 Absent: 0  
767  
768

769 Ms. Harris - Let me ask this question. How long do they have to  
770 comply with this motion, Mr. Blankinship?

771  
772 Mr. Blankinship - That would be up to the Department of Community  
773 Maintenance or up to Lieutenant Sears. I don't believe he has an enforcement  
774 action underway; Community Maintenance does. Of course once a case like this  
775 does go to court, then it's up to the judge to determine how much time to give them  
776 to come into compliance.

777  
778 Ms. Harris - But right now, after we vote.

779  
780 Mr. Blankinship - It's certainly not unusual for it to take six months for a  
781 case like this to clear the court's docket.

782  
783 Ms. Harris - Okay. Thank you.

784  
785 Mr. Mackey - All right, let's move on.

786  
787 **[At this point, the transcript continues with the public hearing on the next**  
788 **case.]**

789  
790 **VAR2017-00017** **MARY DEPRIEST** requests a variance from Section  
791 24-9 of the County Code to build a one-family dwelling at 3930 Senior Lane (Parcel  
792 847-710-3550) zoned Agricultural District (A-1) (Varina). The public street frontage  
793 requirement is not met. The applicant proposes 0 feet public street frontage, where  
794 the Code requires 50 feet public street frontage. The applicant requests a variance  
795 of 50 feet public street frontage.

796  
797 Mr. Blankinship - Would everyone who intends to speak to this case  
798 please stand and be sworn in. Raise your right hand, please. Do you swear the  
799 testimony you're about to give is the truth, the whole truth, and nothing but the truth  
800 so help you God? Thank you. Mr. Madrigal.

801  
802 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chair, members of the  
803 Board.

804  
805 Before you is a request to build a one-family dwelling in an agricultural district. The  
806 subject property is located approximately 800 feet south of the intersection of East  
807 Williamsburg and Old Elko Roads. The lot is just under two acres in size. It is  
808 landlocked and heavily wooded. The property is one of four lots that was derived  
809 from a 6.2-acre tract that was divided by a family subdivision in 1992.

810  
811 Access to the property is by way of a private road that intersects Old Elko Road  
812 and serves five other lots that were originally family owned. This is a photograph  
813 here of Senior Lane, and this is Old Elko Road.

814

815 The applicant is under contract to purchase the property, and she would like to  
816 place a one-story, 2,400-square-foot manufactured home on the lot. Because the  
817 property is landlocked and does not have any public street frontage, she is  
818 requesting a variance to develop the property.

819

820 With respect to the threshold question, the property is situated in a cluster of lots  
821 that appear to have been created by a series of family subdivisions over the years.  
822 There is no discernible pattern to the surrounding lots, which vary in size between  
823 one and two acres and have limited access by way of private drives. Because of  
824 the small size of the subject property and its restricted access, traditional  
825 agricultural or surface mining uses are impractical due to the lot's physical  
826 constraints. Additionally, due to the surrounding development pattern and  
827 residential character of the area, the highest and best use of the property would  
828 be a one-family dwelling. Absent a variance, that lot would not be developable.

829

830 Relative to the five subtests, item number one asks whether the property was  
831 acquired in good faith and that any existing hardship is not self-imposed. As  
832 mentioned above, the applicant is under contract to purchase the lot. The current  
833 owner acquired the lot in 1999. The lot appears to have been acquired in good  
834 faith. And neither she nor the property owner created the hardship.

835

836 Item two asks whether the granting of the variance will result in a substantial  
837 detrimental impact to adjacent or nearby property. It is staff's opinion that the  
838 approval of the applicant's request should not result in a detrimental impact to  
839 adjacent or nearby property. The surrounding area is composed of large-lot  
840 residential development. The adjacent lots on the east side of the property are  
841 improved with one-family dwellings. The two remaining lots on the west are  
842 unimproved. The applicant intends to clear the northern half of the subject property  
843 to allow for the placement of her home, parking, and to allow for the installation of  
844 an alternative septic system and well. The southern half of the lot will remain  
845 wooded with the exception of a possible driveway cutting through it.

846

847 Item three asks whether the request is of a general or recurring nature more  
848 appropriately handled by a code amendment. The applicant's request to waive the  
849 street frontage requirement is of a general and recurring nature. The 50-foot public  
850 street frontage requirement was first adopted in 1960 and has been in place since  
851 then. In 2012, the County also adopted specific standards for family subdivisions.  
852 In this case, the family subdivision occurred in 1992, well after the adoption of the  
853 street frontage requirement, but before the adoption of the family subdivision  
854 standards. Thus, the hardship facing the applicant is unique and does not lend  
855 itself to a legislative solution.

856

857 With respect to items four and five, staff is satisfied that they have met those  
858 requirements as outlined in the staff report.

859

860 In conclusion, a one-family dwelling is consistent with the underlying zoning and  
861 Comprehensive Plan designation for the property. The lot was created in 1992 by  
862 way of a family subdivision prior to the adoption of specific standards for this type  
863 of subdivision. Approval of the applicant's request will not result in any detrimental  
864 impacts due to the existing development pattern and the residential character of  
865 the area. Absent a variance, the lot would not be developable. Based on these  
866 facts, staff recommends approval subject to the recommended conditions.

867

868 This concludes my presentation. I'll be happy to answer any questions.

869

870 Mr. Mackey - Thank you, Mr. Madrigal. Do we have any questions  
871 from the Board?

872

873 Ms. Harris - Yes. Mr. Madrigal, in your evaluation, you have the  
874 sentence that traditional agricultural or surface mining is impractical due to the  
875 physical constraints of the property. What are the physical constraints?

876

877 Mr. Madrigal - It's under two acres, it has very limited access, and it's  
878 surrounded by residential uses.

879

880 Ms. Harris - Okay. Thank you.

881

882 Mr. Mackey - Mr. Green?

883

884 Mr. Green - I read this. I'm trying to understand. What is she really  
885 asking for? You said there's supposed to be a setback?

886

887 Mr. Madrigal - If you look at the aerial, this is the lot here outlined in  
888 yellow. She doesn't have any street frontage. Typically, if you want to develop a  
889 lot, you have to have a minimum of 50 feet of width on a public road, and she  
890 doesn't have that. Her only access is this private driveway here, which she'll be  
891 using to get to her lot. It's still kind of up in the air right now. It looks like she might  
892 be using this property to kind of cut through here and up or maybe come through  
893 on this lot and then just come straight up. That still has to be determined.

894

895 But because this lot doesn't have any public street frontage, we can't issue a  
896 building permit. So she's asking to waive that requirement in order for her to be  
897 able to place a house on this.

898

899 Mr. Mackey - All right, thank you, Mr. Madrigal. One more question.  
900 Is there any chance that the County would take over that private drive?

901

902 Mr. Madrigal - It's in really good condition. You can see it here. I was  
903 surprised to find that it was paved all the way back. Maybe at some point in the  
904 future that could be a possibility, especially since it's in really good condition and

905 paved, it's not a gravel drive. But that would be something to be determined by the  
906 Department of Public Works.

907

908 Mr. Mackey - All right. Any more questions?

909

910 Ms. Harris - Yes. Does she have permission to use Senior Lane?  
911 It's a privately owned road, right?

912

913 Mr. Madrigal - Yes, that's correct.

914

915 Ms. Harris - So will she have permission to use that?

916

917 Mr. Madrigal - She would have to obtain permission, and she would  
918 have to show that prior to the issuance of the building permit. So she would  
919 probably have to get hold of an attorney and talk to one or two property owners to  
920 establish legal access to use that access point.

921

922 Mr. Bell - Is the lot right here where the car is parked?

923

924 Mr. Madrigal - No sir. Just to give you a point of reference, the car is  
925 parked here on that picture. So you have to drive through Senior Lane. It kind of  
926 curves down here. So basically what you would have to do is take access on this  
927 neighbor's lot to kind of come onto her property or maybe just follow that and then  
928 come in off the front, what I call the front. She's going to have to basically make  
929 the access somehow. So that way the lot works.

930

931 Mr. Mackey - All right. If there aren't any more questions, thank you,  
932 Mr. Madrigal.

933

934 Mr. Green - One quick one. Back to the original picture where the  
935 drive is when you come in, those utility lines, if you're going to build a prefab house,  
936 bring that in, isn't that going to mess with those utility lines?

937

938 Mr. Madrigal - That's a good observation. I guess that's something for  
939 the Oakwood folks to worry about. They're the people that are going to be building  
940 the home. They'll bring it in pieces. So they're not going to bring a fully assembled  
941 home onto the site. I think when they do move it in—I might be wrong, but I think  
942 it's absent the roof. So they'll bring it in in two, three, or four main parts, set it on  
943 an established foundation, and then build a roof on top of it and tie it altogether.

944

945 Mr. Green - But still, what is the difference between the road and  
946 the top of the first utility line?

947

948 Mr. Madrigal - I couldn't tell you.

949

950 Mr. Green - You have to bring it on a truck.

951  
952 Mr. Madrigal - Yes.  
953  
954 Mr. Green - So isn't there some possibility that that utility line may  
955 be interrupted or—  
956  
957 Mr. Madrigal - That could be an issue. The one positive aspect is that  
958 the lower lines are typically cable and phone. They're not the power lines. So it  
959 might be a quick disconnect or it could be they just push those lines up somehow.  
960 But again, that's for the house movers to make that determination how they're  
961 going to handle that. I'm sure that's not something that's foreign to them; I'm sure  
962 they do that quite a bit.  
963  
964 Mr. Mackey - Yes, Mr. Madrigal. I can speak to that from experience.  
965 I can't tell you the exact height requirement, but they have the same whether the  
966 road is private or paved. So that's something that the movers run into all the time.  
967 They would have a plan ahead of time. They wouldn't just run right into the wires.  
968  
969 Mr. Green - Right, yes. The only other question is if we approve  
970 this, the permission from the other landowners, when will you see that?  
971  
972 Mr. Madrigal - For the access is what you're referring to?  
973  
974 Mr. Green - Yes.  
975  
976 Mr. Madrigal - They would have to obtain that at the time that they  
977 applied for the building permit. The building permit would not be issued until they  
978 establish that legal access.  
979  
980 Mr. Blankinship - That's condition #5.  
981  
982 Mr. Mackey - Any other questions? All right. Thank you,  
983 Mr. Madrigal.  
984  
985 Mr. Madrigal - Thank you.  
986  
987 Mr. Mackey - Ms. Depriest, will you come down, please?  
988  
989 Ms. Depriest - Good morning.  
990  
991 Mr. Mackey - Good morning.  
992  
993 Ms. Depriest - My name is Mary Depriest. Depriest is D-e-p-r-i-e-s-t.  
994 As he was telling you, I'm just trying to put a dwelling on that lot. The lady, Darnetta  
995 Senior, that lives next door, I think she wrote a letter and already turned that in.

996 And then the other guy on the other side said he would do the same thing. So we  
997 got that settled.

998  
999 As far as bringing it in, like he said, it comes in pieces, so it wouldn't be like one  
1000 big house coming in. I think, like he said, Oakwood would have that established.

1001  
1002 I've been trying to do this for probably over a year now. I've had two different other  
1003 properties that I looked at that didn't work. I purchased land on Meadow Road that  
1004 turned out—well now the dwelling was on, so I had to deed that as a family sub,  
1005 which was just a little out of my budget. So then I went with this one.

1006  
1007 My niece, she's 26. I've been caring for her for 20 years. Where we are now is a  
1008 townhouse. And I live right next door to somebody. We're having outbreaks at night  
1009 where she can scream or whatever. So I don't want to get evicted, so I've been  
1010 trying for the last year to find a place where I have space and the dwelling for.  
1011 Right here, we're not directly beside anyone, so she'll have space. And if she gets  
1012 to screaming at two or three o'clock in the morning, it's only her and myself there,  
1013 so I wouldn't be bothering anybody and take the risk of being put out. That's why  
1014 I'm trying to find a home for myself and for my niece.

1015  
1016 Mr. Mackey - All right, thank you, Ms. Depriest. Does anyone have  
1017 any questions?

1018  
1019 Ms. Harris - Yes, a couple of questions. Ms. Depriest, do you own  
1020 the property now?

1021  
1022 Ms. Depriest - No ma'am.

1023  
1024 Ms. Harris - You do not.

1025  
1026 Ms. Depriest - The property that I'm—

1027  
1028 Ms. Harris - The land that you want to place the home on.

1029  
1030 Ms. Depriest - Not yet, no ma'am.

1031  
1032 Ms. Harris - Okay. Are you going to use—was it a triple- or a  
1033 double-wide trailer?

1034  
1035 Ms. Depriest - It's a modular home. They bring it in I think in four  
1036 pieces.

1037  
1038 Ms. Harris - Okay.

1039  
1040 Ms. Depriest - And it's just a rancher-style home.

1041

1042 Ms. Harris - Thank you.  
1043  
1044 Mr. Mackey - Anyone else have a question? All right. Thank you, Ms.  
1045 Depriest. Thank you very much.  
1046  
1047 Ms. Depriest - Thank you.  
1048  
1049 Mr. Mackey - Is there anyone who would like to speak in opposition  
1050 to this request? Anyone who would like to speak in favor? All right. Seeing none, I  
1051 think we're ready to move on to our motions.  
1052  
1053 **[After the conclusion of the public hearings, the Board discussed the case**  
1054 **and made its decision. This portion of the transcript is included here for**  
1055 **convenience of reference.]**  
1056  
1057 Mr. Mackey - What is the pleasure of the Board.  
1058  
1059 Ms. Harris - Mr. Chairman, I move that we approve this variance for  
1060 Ms. Depriest. I feel that the conditions sort of cover what she must do before she  
1061 can actually build on the property. So that is my motion.  
1062  
1063 Mr. Mackey - Okay. Do we have a second?  
1064  
1065 Mr. Bell - Second.  
1066  
1067 Mr. Blankinship - Ms. Harris, just for the record, could I ask you to state  
1068 some of your findings in terms of the tests required by the state code?  
1069  
1070 Ms. Harris - Yes. I think the evaluation was very thorough, and I  
1071 concur with everything that they discovered. The questions that we ask in a  
1072 variance, I think that they are covered here. Do you want me to repeat those?  
1073  
1074 Mr. Blankinship - I think the reference to the staff report is probably fine.  
1075  
1076 Mr. Mackey - I was going to make a statement in the discussion  
1077 portion. I feel that the applicant has met all five subtests of the questions proposed  
1078 to them. So I think it would be in the best interest to go ahead and grant the  
1079 variance. I don't think that they would be able to do anything else with the land if  
1080 we don't.  
1081  
1082 All right. We have a motion and it's been properly seconded. All in favor say aye.  
1083 Those opposed say no. There is no opposition; that motion passes 5 to 0.  
1084  
1085 After an advertised public hearing and on a motion by Ms. Harris, seconded by Mr.  
1086 Bell, the Board **approved** application **VAR2017-00017**, **MARY DEPRIEST's**  
1087 request for a variance from Section 24-9 of the County Code to build a one-family



1088 dwelling at 3930 Senior Lane (Parcel 847-710-3550) zoned Agricultural District (A-  
1089 1) (Varina). The variance was approved subject to the following conditions:

1090  
1091 1. This variance applies only to the public street frontage requirement for one  
1092 dwelling only. All other applicable regulations of the County Code shall remain in  
1093 force.

1094  
1095 2. Only the improvements shown on the plot plan and building design filed with  
1096 the application may be constructed pursuant to this approval. Any additional  
1097 improvements shall comply with the applicable regulations of the County Code.  
1098 Any substantial changes or additions to the design or location of the improvements  
1099 will require a new variance.

1100  
1101 3. Approval of this request does not imply that a building permit will be issued.  
1102 Building permit approval is contingent on Health Department requirements,  
1103 including, but not limited to, soil evaluation for a septic drain field and reserve area,  
1104 and approval of a well location.

1105  
1106 4. Before beginning any clearing, grading, or other land disturbing activity, the  
1107 applicant shall submit an environmental compliance plan to the Department of  
1108 Public Works.

1109  
1110 5. The applicant shall present proof with the building permit application that a legal  
1111 access to the property has been obtained. The driveway shall be improved with a  
1112 durable asphalt or compacted gravel surface at least 10 feet wide with 12 feet of  
1113 horizontal clearance and 14 feet of overhead clearance to provide access for  
1114 police, fire, emergency medical services, and other vehicles. The owners of the  
1115 property, and their heirs or assigns, shall accept responsibility for maintaining  
1116 access to the property until such a time as the access is improved to County  
1117 standards and accepted into the County road system for maintenance.

1118  
1119 6. The applicant shall install an address marker at the intersection of her private  
1120 driveway and Senior Lane as per §R319.1 of the Virginia Residential Code.

1121  
1122  
1123 Affirmative: Bell, Green, Harris, Mackey, Reid 5  
1124 Negative: 0  
1125 Absent: 0

1126  
1127  
1128 Mr. Mackey - Do we have any new business?

1129  
1130 Ms. Harris - Just the minutes.

1131  
1132 Mr. Mackey - Okay, I'm sorry. All right. Do I have a motion for the  
1133 minutes?

1134  
1135 Ms. Harris - I have a question. It seems like there is an omission.  
1136 It's on the very last page, page 71. Line 3209. I seconded Mr. Bell's nomination.  
1137 But the minutes don't show that he made the nomination. I think something was—  
1138  
1139 Mr. Blankinship - You're certainly correct. We will go back to the  
1140 recording and get that corrected.  
1141  
1142 Mr. Mackey - Do we need to table this until the next meeting?  
1143  
1144 Mr. Blankinship - Probably so, since we don't have the specific language  
1145 to insert. I don't think you need to make a motion if you're not taking any action.  
1146  
1147 Mr. Mackey - Okay. For the record, we're going to table the minutes  
1148 until the next meeting so they can be completed.  
1149  
1150 Mr. Blankinship - I think it's all in the record, we just need to listen to the  
1151 recording.  
1152  
1153 Ms. Harris - So we really need only page 71, I believe.  
1154  
1155 Mr. Blankinship - Yes ma'am.  
1156  
1157 Ms. Harris - Okay.  
1158  
1159 Mr. Mackey - There being no more business, the meeting is  
1160 adjourned.  
1161  
1162  
1163  
1164  
1165  
1166 William M. Mackey  
1167 Chairman  
1168  
1169  
1170  
1171  
1172  
1173 Benjamin Blankinship, AICP  
1174 Secretary  
1175  
1176  
1177  
1178  
1179