

1 **Minutes of the Work Session of the Planning Commission of Henrico County held**
2 **in the Board Room of the County Administration Building in the Government Center**
3 **at Parham and Hungary Spring Roads, beginning at 5:30 p.m. Thursday, June 11,**
4 **2020.**
5
6

7 Members Present: Mr. C. W. Archer, C.P.C., Chairman (Fairfield)
8 Mr. William M. Mackey, Jr., Vice Chairman (Varina)
9 Mr. Gregory R. Baka (Tuckahoe)
10 Mrs. Melissa Thornton (Three Chopt)
11 Mr. Robert H. Witte, Jr. (Brookland)
12 Mr. R. Joseph Emerson, Jr., AICP, Director of Planning
13 Secretary
14 Mr. Tyrone E. Nelson (Varina)
15 Board of Supervisors' Representative
16

17 Also Present: Ms. Jean Moore, Assistant Director of Planning
18 Mr. James P. Strauss, PLA, Senior Principal Planner
19 Mr. Ben Blankinship, Senior Principal Planner
20

21 Mr. Archer - This is a work session prior to our regular meeting starting at
22 7:00, so I'm going to turn this over to Mr. Emerson.
23

24 Mr. Emerson - Thank you, Mr. Chairman.
25

26 Mr. Archer - Good afternoon, sir.
27

28 Mr. Emerson - As stated, this is a work session this evening prior to your
29 regular meeting to continue our discussions on the zoning code and subdivision
30 ordinance revisions and updates. It will be livestreamed, so of course you don't take
31 public input during your work session, but in order to satisfy transparency during this
32 health crisis, we are livestreaming your meeting. So just so everybody's aware of that.
33

34 With that said I'm going to turn it over to Mr. Blankinship and he's going to pick up
35 where we left off before and take you through the process.
36

37 Mr. Archer - All right. Thank you, Mr. Blankinship. How are you, sir?
38

39 Mr. Blankinship - Good evening, Mr. Chair. I'm very well. Thank you. As Mr.
40 Emerson mentioned, we are picking up where we left off last week -- or last month,
41 excuse me. Last month we spent most of the time talking about the table of permitted
42 uses and those were the principal permitted uses. So for any parcel where there's
43 anything going on there's a principal use, or sometimes more than one principal use and
44 that's where most of the regulation goes. And that's mostly what you deal with in terms
45 of rezonings and provisional use permits and plans of development. But there are also
46 accessory uses -- and I am going to have to remove my mask again. I thought I'd try
47 again this month.

48
49 There are also accessory uses that take place on many lots and you could say that the
50 fundamental question of zoning is what uses are allowed where. But I can't tell you how
51 many conversations I begin by asking, Well, wait a minute, what is the principal use?
52 Because people ask me, Can you do this or that, you know, on this property? And a lot
53 of times they're asking about an accessory use, or they're asking about something that's
54 just going to be temporary, and the answer to that question depends on what is the
55 principal use of the property.

56
57 So I want to begin just by making that distinction between principal uses and accessory
58 uses. Last week was all -- or last month, I don't know why I keep saying last week --
59 last month was all about principal uses and where they're permitted. And this month
60 we're picking up with accessory uses, and then we'll talk about temporary uses.

61
62 So our current code again has a list in each district of accessory uses. Some of them
63 are specific, some of them are not. Some of them are tied to a specific principal use,
64 and some are not. And the way that they're stated leaves a lot of lack of clarity in some
65 of the districts. So we are again converting all of those lists to tables. And just like with
66 the principal use table there is a column for each district and there are rows for each
67 accessory use or structure. A lot of the actual uses and structures are carried over from
68 the current regulations.

69
70 But the first one on the list is actually a very significant change, and that is accessory
71 dwelling units. Henrico County has traditionally been very restrictive on allowing
72 anything that could appear to be a second dwelling unit to be constructed within a
73 single-family dwelling. A single-family dwelling has been very strictly interpreted as
74 meaning only that, and we do not allow mother-in-law suites or granny flats, or there are
75 a lot of different terms that are used for that. We are very strict. Any time there's a
76 second kitchen in a dwelling they are sometimes approved, but with a special note in
77 the file, you know, clearly stating that it's not going to become a second dwelling unit.

78
79 All of that has been traditionally our point of view, as I say, over the last 60 years, but
80 those things are changing. Nationwide and across the State of Virginia there are --
81 you've probably seen news articles. There have been several major cities across the
82 country where they have allowed accessory apartments everywhere they allow single-
83 family dwellings and that's -- that is a major change in land-use policy. And that's why it
84 makes the news.

85
86 And last year there was a bill submitted to the general assembly that would have
87 required all localities in Virginia that have zoning ordinances to allow accessory
88 apartments everywhere they allow single-family dwellings. Now that was withdrawn by
89 the patron but it certainly is an indicator of a trend that we have been seeing, you know,
90 gaining steam over the years. We've had more and more requests for accessory
91 apartments. Most of our neighbors allow them one way or another, some of them by a
92 special use permit or some of them by right.

93

94 And, following the lead of our consultant we are proposing for discussion allowing them
95 in Henrico County, allowing accessory dwelling units basically everywhere that we allow
96 one-family dwellings. But you see, there's a C here, which indicates that it's allowed by
97 conditional use permit, so these would have to go case by case to the Board of Zoning
98 Appeals.

99
100 Yes, sir.

101
102 Mr. Witte - I have heard, and I don't know how true it is, but these
103 accessory dwellings are going in as a result of the short-term rental situation. But
104 people are using those and they can still be on property. Have you heard that?

105
106 Mr. Blankinship - I would not be surprised if we saw some of those. Yes.

107
108 Mr. Witte - Okay.

109
110 Mr. Blankinship - We have not seen them yet, but that certainly would make a
111 unit more attractive for rental if it came with its own exterior entrance, its own kitchen
112 and bathroom, and you didn't have to have communication with the rest of the dwelling.

113
114 Mr. Witte - I -- well I didn't hear that in Virginia. I heard that in North
115 Carolina. So.

116
117 Mr. Blankinship - I see. Yeah. We haven't seen it in Henrico yet, but it makes
118 a certain amount of sense.

119
120 Mr. Witte - Okay.

121
122 Mr. Blankinship - I'm going to go ahead and click on the link here to bring up
123 the development standards for accessory dwelling units. And I'm not going to walk
124 through them, I just want to make the point that it's not simply carte blanche. We have -
125 - the consultant has recommended specific guidelines for when and where and how
126 accessory dwelling units could be allowed, but it's certainly an important thing for you to
127 be aware of as we go through this. It's probably one of the biggest changes that we'll
128 cover this evening.

129
130 So agri-business. We talked a lot last month about different agricultural uses...

131
132 Mr. Baka - Excuse me, Ben.

133
134 Mr. Blankinship - Yes, sir.

135
136 Mr. Baka - Would this be a good time to ask questions ADUs in this
137 prospective ordinance?

138
139 Mr. Blankinship - Sure. Sure.

140
141 Mr. Witte - I mean, I guess one of the concerns is how we introduce that
142 as a new topic, or new use in the county even if you're just allowing it by conditional use
143 permit, which means there's a hearing process before the board. How do you introduce
144 that without impacting the -- enjoyment of single-family neighborhoods that many people
145 traditionally, you know, enjoyed or bought into in the county and they have a general
146 expectation that it's pretty much been one family per house, or one, you know, one
147 family per home.

148
149 So even if you have a CUP I'd still see some concerns about there's some areas in the
150 county that would have deed covenants that would restrict that, newer subdivisions or
151 newer planned unit developments, but some of the older subdivisions, and there's many
152 throughout the county, that don't have restrictive covenants would not be in a position to
153 restrict those. So any thoughts on that?

154
155 Mr. Blankinship - Well I think it could have some impacts. Yes. I mean, that's
156 why I wanted to bring it to your attention right off the top. I think it could result in more
157 traffic. It could result in an additional car on the street. If you have a, you know, in
158 addition say a young couple, for example, renting a space in a house, the one thing I
159 would point out is that another trend we have seen since 1960 when our code was
160 written is that household sizes have gotten smaller and yet dwellings have gotten larger.

161
162 So where you used to have five, six, seven people living in, say, a 1,500-square-foot
163 house, today it's not at all uncommon to have two or three people living in a 3,000-
164 square-foot house. So one way of viewing this is that the additional people on the
165 property would not be that great of a difference. It's just that that rather than having a
166 mother or father, maybe a grandparent, and three or four children, you might have a
167 couple with one child on the first floor --

168
169 Mr. Baka - Right.

170
171 Mr. Blankinship - -- and a couple with one child on the second floor.

172
173 Mr. Baka - In two other localities in Virginia where I've worked, in two
174 other localities where I worked in the Planning Department's staff, they actually allow
175 the use by something similar to a conditional use permit if it were for a family member.
176 If it were for a direct family member, immediate family members. So I guess would
177 there be any consideration of if you allow this with a C in the ordinance, also developing
178 or considering the drafting of development standards where it would be allowed for --
179 recommended to be allowed for family members, but not necessarily for the general
180 public for leasing it out?

181
182 Mr. Blankinship - I have seen -- in some of the research that I did on this -- I
183 have seen some cases where they required one or the other of the two units to be
184 owner occupied. And I'm scanning this and not seeing it.

185

186 Mr. Baka - Well not necessarily owner occupied, but the new -- the
187 difference would be that the ADU must be occupied -- in a couple other counties it's
188 phrased this way -- by a member of the family, whether it's immediate family or indirect -
189 - a family member of the owner that lives there.

190
191 Mr. Blankinship - Of the occupant of the principal dwelling.

192
193 Mr. Baka - So that's the difference. So, in other words, this is a benefit.
194 I mean, that would help families out, but it wouldn't necessarily be a situation where I
195 could rent my house out on the open market to a non-family member.

196
197 Mr. Blankinship - Right. I don't see that in this draft. But, yes, I am familiar
198 with the kind of --

199
200 Mr. Baka - I mean, is that something that the other Commissioners in
201 Henrico would want to consider, or not consider? Is that, you know, your thoughts?
202 Realtor's thoughts?

203
204 Ms. Thornton - I agree with you on the essence of not allowing, I guess, just
205 to, I guess, have revenue. I know several people personally that have added mother-in-
206 law suites on in Henrico County. So -- because it has to go through permitting. And
207 they've been approved.

208
209 Mr. Baka - Right.

210
211 Ms. Thornton - And it was be, you know, they just had their mom move in
212 with them. And they added a little kitchenette. And I think it's worked fine. But I could -
213 - I could see the potential of adding on a bedroom and a little living room and that. And
214 then they've made income, they're making income and it's disrupting the way the
215 neighborhood, you know, could be.

216
217 I don't know, because also with fire, safety, they have to look at all that, too, and how
218 big the land is. Because your dwelling can't be, you know, but so big.

219
220 Mr. Blankinship - Right.

221
222 Ms. Thornton- You know, if your lot's small.

223
224 Mr. Blankinship - Mm-hmm (affirmative).

225
226 Ms. Thornton- So me personally, I like it for family. But that's my opinion.

227
228 Mr. Blankinship - I will make a note of that. And, Mr. Witte, let me point out --

229
230 Mr. Baka - And I would just add, when we were looking at homes even
231 for my mother when my mom was sick and aging in years and looking for a place to

232 care for her, we were looking, Are there any opportunities to have a mother-in-law suite
233 for us so we could take care of her health needs within her home. And that was for a
234 specific family purpose, not -- I would think there are many folks out there that are also
235 in a similar situation, looking to care for relatives.

236
237 Ms. Thornton- Correct.

238
239 Mr. Baka - So I think that could be a good -- a good use of an accessory
240 dwelling unit to care for family members. Thanks.

241
242 Mr. Blankinship - Thank you. And, Mr. Witte, I will call attention to point (i)
243 here on this list that says, An accessory dwelling unit shall not be leased or rented for
244 tenancies of less than 30 days. So our code would not allow them to be used for short-
245 term rentals.

246
247 All right. Well thank you for that conversation. As I said, that's one of the biggest
248 changes that we needed to talk about, so I'm glad that you engaged on that.

249
250 I started to get onto the agritourism business, we talked about last month some of the
251 uses that would be the principal use of property. Somebody could go into an
252 agricultural district and create an agritourism use as the main use of the property.

253
254 More commonly I think they will be accessory uses, where somebody is trying to make
255 a farming sort of use work, and of course the economics of farming have changed so
256 much over the last 50 years that today they're constantly looking for alternative streams
257 of income. And so any kind of tourism or business that would bring people to a farm to
258 bring in a little bit of extra revenue to the farm operation would definitely help support
259 farming within the community and keep our rural areas rural.

260
261 Antennas, ATMs, another use that is sometimes the principal use of the property, but it's
262 typically an accessory use. You know, a lot of these are common and are already in our
263 code. The consultants have added a few "green" uses, if you will, bicycle parking, bike
264 sharing, electric vehicle charging stations, greenhouses and green roofs. A few things
265 that are just called out specifically as a way to encourage those accessory uses and
266 structures. Those are also counted towards LEED credits, so, you know, anybody that
267 wants to build a LEED- certified building is going to be looking to see whether those
268 uses are allowed and how they're approved. So they felt it was important to get them
269 listed.

270
271 Community garden is a use that we've had quite a few questions about lately. It's not
272 listed specifically in our code anywhere, so it'll be helpful to us to have that specifically
273 listed and, again, to have development standards spelled out for it.

274
275 We talked a little bit last time about the distinction between donation centers and
276 Goodwills and Salvation Army's and that kind of business and a recycling facility. Here
277 again, the donation box is added as an accessory use. So we talked last time about a

278 building where the principal use of the property is dropping off items for resale or reuse.
279 This would be what you commonly see a box in a parking lot. So the --

280
281 Mrs. Thornton - So that by right they can just put a box anywhere in those --

282
283 Mr. Blankinship - By right, but with development standards.

284
285 Mrs. Thornton - Yeah.

286
287 Mr. Blankinship - So you wouldn't have one -- they're listed in the single-family
288 districts because things like churches and schools are allowed in those districts.

289
290 Mrs. Thornton - Right.

291
292 Mr. Blankinship - It wouldn't be allowed in just a person's front yard, but at a
293 church building or at a school building it's not uncommon to see those uses. But they're
294 also -- there are development standards, I'm just going to see what they are. A
295 donation box accessory use to a principal use other than a one-family dwelling.
296 Everything has to be inside the container and cannot interfere with required parking.
297 So, you know, as experience goes on, we could always add more.

298
299 Mrs. Thornton - Which that's not always --

300
301 Mr. Blankinship - Sorry?

302
303 Mrs. Thornton - I said which -- that's usually never the case.

304
305 Mr. Blankinship - You're right. They do usually get dropped in a parking
306 space. But it may be an extra parking space. A lot of -- a lot of big buildings do have
307 more parking than what is required by code.

308
309 Mr. Archer - Mr. Blankinship.

310
311 Mr. Blankinship - Yes, sir.

312
313 Mr. Archer - I just noticed in the list of uses there's a helicopter landing
314 facility.

315
316 Mr. Blankinship - Yes, sir. That's another one I wanted --

317
318 Mr. Archer - Do we have any?

319
320 Mr. Blankinship - We do. A couple of our hospitals have helicopter landing
321 facilities --

322
323 Mr. Archer - I didn't know that.

324
325 Mr. Blankinship - -- on the property. And so, again, the hospital's the principal
326 use, this is an accessory use. There are -- there's also one out in Innsbrook. I can't
327 recall --
328
329 Mr. Emerson - There's one on the Wells Fargo over on --
330
331 Mr. Blankinship - Oh. Wells Fargo. Okay, thank you.
332
333 Mr. Archer - Yeah. Well I did know that.
334
335 Mr. Blankinship - One on the Wells Fargo property there is a heliport.
336
337 Mr. Mackey - I don't know exactly --
338
339 Mr. Archer - I don't know if there's more or less of anybody residential. It
340 wouldn't fit in a residential area, I don't believe.
341
342 Mrs. Thornton - Off of River Road?
343
344 Mr. Blankinship - Yeah. Typically not. I think there is one. We have gotten
345 complaints of one off of River Road. But you see in this list here, it is not listed as a
346 permitted use.
347
348 Mr. Archer - That's why I was curious.
349
350 Mrs. Thornton - Right. Oh, okay.
351
352 Mr. Emerson - Yeah. I think everybody has.
353
354 Mrs. Thornton - Yeah. It's personal.
355
356 Mr. Blankinship - Occasional use. But yeah the -- it would be allowed, again,
357 by conditional use permit in the O-2 district. Or I'm -- or is that O-3. That's O-3 district.
358 And then allowed in the O-S and in the B-3. I don't know why that's not -- that should
359 probably be put down in more of those districts. But that's probably where they're listed
360 in the code now. That's probably what the consultants did was took where it is
361 specifically listed now. And we used a couple of different terms now, and there's some
362 development standards in some districts that are not stated in other districts. So, again,
363 we're trying to standardize and simplify that.
364
365 Home occupations. You know, we talk a lot about how old the 1960 ordinance is, but
366 I've done a lot of research on the specific language for home occupations, and a lot of
367 that is consistent today with what is in the 1933 zoning ordinance. The very first zoning
368 ordinance we ever had in the county. I just find that really amusing that some of that
369 language -- and it's some of the better language is the older language. Some of the

370 language that I find difficult to work with is what was added in the '50s and '60s. But it's
371 -- the way it's worded is challenging for us in a lot of ways.

372
373 Of course home occupations have changed completely with the advent of home
374 computers. Before the days of the personal computer a home occupation was
375 completely different from what it is today. And today you can run any kind of business,
376 almost, if you've got an internet connection and a computer. So it's a very different
377 world from what our code was written for. But all home occupations are lumped
378 together, whether it's a beauty parlor, or an accountant, or somebody that makes and
379 sells small handcrafted items. They're all regulated the same in our current code, which
380 is difficult for us to administer in a lot of cases.

381
382 So one thing that we've proposed in this case is breaking them out and having a
383 different set of regulations for home occupations that are solely office activities, like a
384 bookkeeping office for example, versus home occupations that are providing a service.
385 And hair care would probably -- or beauty culture would probably be the most common
386 example of that. And then home occupations for sales of goods which again is limited to
387 handcrafted items that are made on the premises.

388
389 But we feel that by having separate sets of restrictions they can be a lot more tailored to
390 the specific use. For example, the office activities, as long as you don't have customers
391 or employees coming to the home, nobody really cares what hours of operation you
392 keep or where you put your computer. Whether it's in your house or in your garage or,
393 you know, some other location. You don't need extra parking spaces for a use where
394 you're the only person conducting the business on the property.

395
396 So a lot of the things that apply to provision of services or to sale of goods don't need to
397 apply to those office activities. So that's still under review. But I think much more clear
398 and will be much easier to administer and enforce than our current code.

399
400 Keeping of animals is another topic where our current language lumps everything
401 together. Any four animals, four or more animals, kept at a home as pets requires a
402 conditional use permit for a kennel. And that is whether they are dogs or whether they
403 are cats. I've had people say, You don't put cats in a kennel, why are you calling this a
404 kennel? Because that's the term in the code.

405
406 Our Assistant County Attorney was once asked at the Virginia Supreme Court if four
407 hamsters would count as a kennel, and he had to look the justices of the Supreme
408 Court in the eye and say, Yes. It would. That's the way the code is written now.
409 Technically four goldfish in a bowl requires a conditional use permit for a kennel under
410 our current code.

411
412 So the simplest thing here is we're distinguishing between animals that sometimes go
413 outside and animals that never go outside, like a goldfish or a hamster, as compared to
414 a cat or a dog. And we are -- we're limiting the number only of animals that sometimes
415 go outside. And we are updating the language somewhat.

416
417 So you see the R/C in each of the one-family districts. We are keeping the same
418 threshold that we have now or proposing to keep, which is three animals are allowed by
419 right, four or more animals that go outside periodically would require the conditional use
420 permit. Which is what we do now. And our Board of Zoning Appeals has a great deal
421 of experience in handling those. And sometimes they're approved and sometimes
422 they're not, and sometimes conditions are placed on -- well, conditions are always
423 placed on them. Are there any other questions on that?

424
425 Okay. Well let me go on that subject then, because other animals that are kept at
426 residences include bees. We have always considered beekeeping to be an agricultural
427 use, which means it is subject to a 400-foot distance requirement, which means there
428 are very few residential -- very few lots in residential districts where beekeeping is a
429 permitted use.

430
431 We have received a lot of input from people, particularly over the last 5-10 years as
432 honey bees have been under such distress and have been disappearing from the
433 planet, a lot of people are interested in cultivating bees, not primarily as a source of
434 income or even of free honey, but just as a matter of environmental sensitivity. So our
435 consultant has prepared some guidance that would allow bees to be kept on most
436 residential lots.

437
438 This is, again, something that we're seeing all around us. Hanover is one of the
439 ordinances from which we drew these -- this guidance. Chesterfield I'm pretty sure was
440 one that allows bees. Quite a few localities in Virginia. Even some of the more urban
441 localities are encouraging beekeeping. And, apparently, I am told by the experts -- I am
442 not an expert on this -- but I'm told by the experts that as long as you follow these
443 guidelines, which is that you provide a source of water for them, you have some --
444 there's a limit on the number. You have a barrier between the hive and the property
445 line, which causes the bees to go up before they go horizontally.

446
447 Once they go up they don't -- they leave people alone. So if you force them to go up
448 before they leave your property, they don't pose a threat to anyone else unless they're
449 looking for water which is why you're required to provide them the water source. And
450 also a requirement that you put up a sign just to let your neighbors know and in case
451 somebody does have a very sensitive bee allergy, they certainly need to be aware of
452 this. And -- an enclosure. Oh, the distance as well from the boundary line, property line
453 of at least 10 feet. And the experts assure me that as long as you keep your bees
454 within those guidelines, they are not a threat to your neighbors. Yes, Mr. Witte.

455
456 Mr. Witte - Does it have to be owner-occupied property?

457
458 Mr. Blankinship - Not, necessarily. No.

459
460 Mr. Witte - Can -- you can just put them on --

461

462 Mr. Blankinship - Well, I mean, a renter could have -- a person who rents a
463 home long term could have bees, but it's an accessory use. So there would have to be
464 a principal use there.

465
466 Mr. Witte - Okay. So somebody just can't go and put it on a vacant lot
467 and put bees in it.

468
469 Mr. Blankinship - Right. Right. That would not be allowed. It's an accessory
470 use.

471
472 Mr. Witte - Okay.

473
474 Mr. Blankinship - There has to be a home there. And the other particular thing
475 I wanted to bring to your attention is poultry. Of all these subjects in the entire zoning
476 ordinance, we get more comments about chickens than everything else combined so far
477 in terms of people calling us saying, Hey, I've heard that you are updating the zoning
478 ordinance, what are you going to do about chickens? We are proposing, the consultant
479 is proposing, again, that they be allowed by conditional use permit. So, again, your
480 friends on the Board of Zoning Appeals will have the opportunity to review them on a
481 case-by-case basis.

482
483 No more than six birds and no roosters, so it's no more than six hens being kept on the
484 site and they have to be kept in an enclosure. They can't be free range. And that coop
485 has to consist of -- or the enclosure has to consist of both a coop and an enclosed run.
486 So there's both an indoor and outdoor space. Apparently that's very important to the
487 health of the chickens. The two combined are limited to 30 square feet, so six feet by
488 five feet. Doesn't take a very large structure to raise six, because you're only raising
489 six, so you don't need a whole lot of room. And it shall be located only in the rear yard
490 and has to meet the required rear-yard setback.

491
492 So we're going to look at re-wording that. Because several people who are not
493 experienced in reading zoning ordinances have read that and immediately thought it
494 was a contradiction, that it says it has to be in the rear yard, but it can't be in the rear
495 yard. To me that's perfectly clear, but it's not to the average citizen, so we're going to
496 reword that. But to say that you have to meet whatever your rear-yard setback is, 35,
497 40, 45 or 50 feet. Whatever it happens to be.

498
499 We want the chickens that far away from your neighbor. Because a lot of people's first
500 instinct is, Oh, I'm going to -- it's going to be wonderful to have chickens. Everybody
501 loves to have chickens. And I'm going to put them all the way at the edge of my yard as
502 far from my house as I can get them. Well, if they're as far from your house as you can
503 get them, they're as close to your neighbor's house as you can get them.

504
505 Mr. Baka - Right.

506

507 Mr. Blankinship - So in an effort to protect the neighbors we want them as
508 close to your house as they could be, and also we think that will encourage people to
509 make sure they take good care of their, you know, keep everything clean and keep the
510 odors down. So whatever the required rear yard is for the district, and then 25 feet from
511 the side lot line.

512
513 Now if this is adopted as written, that means a person with a 50-foot wide lot cannot
514 have chickens in their rear yard. And some of the people that have asked us about this
515 have 50-foot wide lots, so that is definitely something that is going to have to be
516 discussed at a policy level.

517
518 Some of the people that have asked about this live in townhouses. And I'm glad to hear
519 you chuckle, because personally I don't think that chickens belong in the rear yard of a
520 townhouse. But it's been a while since I've lived in a townhouse and I wouldn't want to
521 impose, you know, my own view on others. But you will have people saying to you,
522 Chickens should be allowed anywhere in the rear yard. They should be allowed on any
523 sized lot, including a townhouse or a zero-lot-line. And of course right now the
524 requirement is 400 feet from the property line. Basically prohibiting them in the
525 residential districts. So there is a lot of room for us to make the code more friendly
526 toward keeping chickens than it is now, but still protect the neighbors.

527
528 Mr. Baka - So it'd be more friendly in a single-family homes but not
529 allowed at townhomes?

530
531 Mr. Blankinship - It's an issue that will be brought up for discussion, I can
532 guarantee it, when we get into public hearing.

533
534 Mr. Baka - All right. I think what you're proposing sounds reasonable.
535 Only question I have is when it goes for a conditional use permit at the BZA and several
536 of us with the BZA previously through this -- to this board. If someone has chickens two
537 or three doors down, we could probably hear them. So do you -- would you expand the
538 area of notification for one of these type of animal cases of how many neighbors would
539 be notified rather than what's typically done?

540
541 Mr. Blankinship - We certainly could. The code requires -- the same as it does
542 for your Planning Commission cases -- requires it be the adjoining property owners.

543
544 Mr. Baka - Right.

545
546 Mr. Blankinship - And we do post the sign as a courtesy. That's not required
547 by code, but we do post the sign, so that helps get the word out. And the word tends to
548 travel when the immediate adjoining neighbors get the notice letter, they frequently talk
549 to other neighbors. So, I mean, you all are as experienced with that as I am. But we
550 certainly could.

551

552 Mr. Baka - And that might help instances where one road backs up --
553 one row of houses backs up to another row of houses. Like, they might talk on the one
554 street where the applicant made the application, but not necessarily behind it.
555
556 Mr. Blankinship - Right.
557
558 Mr. Baka - So thank you. Thanks for considering that.
559
560 Mr. Blankinship - Yeah. That's a good suggestion. So be prepared for that
561 conversation.
562
563 Mr. Nelson - Question.
564
565 Mr. Blankinship - Yes, sir.
566
567 Mr. Nelson - So this is all R, or whatever, though? No A?
568
569 Mr. Blankinship - Well in the A districts it would be a lot easier. It -- let me find
570 where I am. Yeah. It is permitted by the same regulations in the A-1 district but of
571 course the lots are -- tend to be larger. And --
572
573 Mr. Nelson - So even in the A-1 you're --
574
575 Mr. Blankinship - Oh.
576
577 Mr. Nelson - Even in --
578
579 Mr. Blankinship - I'm sorry. I misunderstood your question.
580
581 Mr. Nelson - Yeah. What's the max for --
582
583 Mrs. Thornton - A-1.
584
585 Mr. Nelson - -- A-1?
586
587 Mr. Blankinship - Oh. Okay. I did understand your question. Right now it is
588 200 feet of distance, and this would reduce it to 25 on the sides and 50 in the rear,
589 which is the rear yard.
590
591 Mr. Nelson - Yeah but I, I guess I mean how many -- what's the max for
592 the amount of chickens.
593
594 Mr. Blankinship - Oh. If it's accessory to a residence it would still be six, but
595 you would not be required to apply for a conditional use permit in the A-1 district, it
596 would be allowed by right there. It's only in the residential districts that it requires --
597

598 Mr. Nelson - So have you been -- have you been having any -- is there
599 any input from the residents?
600

601 Mr. Blankinship - Yes, sir. There has been a great --
602

603 Mr. Nelson - So some of my Varina folk who have chickens, they're okay
604 with this?
605

606 Mr. Blankinship - I have not heard from anyone who needed -- who is
607 concerned with more than six -- there was -- there was one conversation on Meadow
608 Road with some folks who I think had more than six.
609

610 Mr. Nelson - Uh-huh (affirmative).
611

612 Mr. Blankinship - Almost everybody has been satisfied with the number of six.
613 That number could certainly be larger in the A-1 district than it is in the R districts. It's a
614 draft --
615

616 Mr. Nelson - All right. So is that something -- is that something that you're
617 saying we can -- we'll talk about?
618

619 Mr. Blankinship - Absolutely.
620

621 Mr. Nelson - Okay.
622

623 Mr. Blankinship - Let me make a note.
624

625 Mr. Nelson - Yeah. Make a note of that. Because I've -- there may be
626 some that you haven't heard about, but I know there's some folk that have more than six
627 chickens.
628

629 Mr. Blankinship - I believe that came up after the consultant had drafted this.
630

631 Mr. Nelson - Yeah.
632

633 Mr. Blankinship - So they may not have been aware of that concern.
634

635 Mr. Nelson - Yeah. Okay.
636

637 Mr. Blankinship - Allow more --
638

639 Mrs. Thornton - Which makes sense, because they can have a larger coop,
640 they have more land --
641

642 Mr. Nelson - Oh yeah. I'm actually on my social media in a coop that has,
643 like, probably 20 or 30. So, yeah.

640
641 Mrs. Thornton - Right.
642
643 Mr. Nelson - Yeah.
644
645 Mrs. Thornton - Right. So do you limit the amount of coop? Well, I guess if
646 there's only six than they only have one coop. But if you allow more in A-1 do you restrict
647 them how many coops?
648
649 Mr. Blankinship - We would probably have to consider that more carefully.
650
651 Mrs. Thornton - Yes.
652
653 Mr. Blankinship - Yes, ma'am.
654
655 Mrs. Thornton - Okay.
656
657 Mr. Blankinship - This was written, I think, with more of the residential situation
658 in mind.
659
660 Mr. Nelson - But if you're on a lot with many acres.
661
662 Mr. Blankinship - Yes.
663
664 Mr. Nelson - You know what I'm saying?
665
666 Mr. Blankinship - Yes.
667
668 Mr. Nelson - This is not like a subdivision. This is a couple acres.
669
670 Mr. Blankinship - Right. Yes.
671
672 Mr. Nelson - I mean, telling somebody they can only have six chickens I
673 think may be a little restrictive.
674
675 Mr. Blankinship - Yes. And I know the one case we looked at it was an oddly-
676 shaped lot, so even though it was a large lot it was difficult to keep the distance from the
677 adjoining property lines, because of the way the lot was shaped. So we'll have to be
678 careful about that, to not just set a --
679
680 Mr. Baka - So to address Mr. Nelson's point could you say if you're in an
681 A-1 district or if you're in an R district and you have more than, say, 10 acres of land in
682 an R district, that you wouldn't need to go get the conditional use permit? In other words,
683 some level -- if you're in an R zoning district and you have enough acreage, at some point
684 you have enough acreage not to disrupt your neighbors, would that help?

685

686 Mr. Blankinship - It certainly would. Yes. Another model we have for that is the
687 kennel license that I was talking about earlier. In the A-1 district if you're 200 feet from
688 your neighbor's house you don't need to go through the use permit for a kennel license.
689
690 Mr. Baka - Okay.
691
692 Mr. Blankinship - So we do have a precedent in place all ready.
693
694 Mr. Baka - Thanks.
695
696 Mr. Blankinship - Now 200 is probably more than we need here, because 200
697 is what we currently have for chickens. But it could be 100 feet or it could be the acreage,
698 or it could be a combination of the two.
699
700 Mr. Emerson - You could do a sliding scale.
701
702 Mr. Blankinship - Or, yeah. Mr. Emerson suggests a sliding scale.
703
704 Mr. Nelson - Yeah that --
705
706 Mr. Blankinship - Yeah.
707
708 Mr. Mackey - That's what I was getting ready to ask. From my BZA days I
709 remember -- I can't remember if for a horse it was one acre for -- per horse?
710
711 Mr. Blankinship - Yes. That's correct.
712
713 Mr. Mackey - And that's what I was thinking, maybe that was something we
714 could do with the chickens.
715
716 Mr. Blankinship - Yes.
717
718 Mr. Mackey - I'm not saying an acre.
719
720 Mr. Blankinship - Right. No. Certainly not. But, yes.
721
722 Mr. Mackey - But, you know, some type of scale like that.
723
724 Mr. Blankinship - Yeah. I'll make -- I'll just type sliding scale on my note.
725
726 Mr. Archer - Mr. Blankinship, you may have said this and I missed it but
727 with regard to the larger lots, does the non-free-range rule still apply?
728
729 Mr. Blankinship - It would probably not as long as there was some boundary to
730 keep them on the property. That we would certainly have a different set of impacts than
731 it would on a townhouse or an R-3 lot. We'll have to get back with the consultant on that.

736 it would on a townhouse or an R-3 lot. We'll have to get back with the consultant on
737 that.

738
739 Mr. Archer - Right. I grew up on a farm, and everybody had a chicken
740 yard, you know, and you kept it down, because we ate at least one of them every
741 Sunday.

742
743 Mr. Blankinship - So, yeah. Between the accessory dwellings and the keeping
744 of animals, that's going to be a lot of the conversation that I think you hear at the time of
745 public hearing. Just a couple of more notes here. Again, the recycling and refuse
746 collection is a different use from the donation box, you know, for items to be reused or
747 resold.

748
749 Short-term rental, you may have heard of that. We spent a great deal of time working
750 on a very specific set of standards for short-term rental, and this draft was written before
751 those were finalized, so they are not included in this draft. But we will get --

752
753 Mr. Baka - Have you had any applicants to the BZA for short-term
754 rentals, yet?

755
756 Mr. Blankinship - We have our first one. If you remember Mr. Rogers, Bill
757 Rogers, spoke to you on several occasions. His property is on Dickens Road, and he
758 will be heard on June the 25th of your first BZA case.

759
760 Mr. Baka - Okay. Thanks.

761
762 Mr. Blankinship - We also mentioned solar energy last month, that we have as
763 a principal use the large solar farms, but we also get questions about mounting smaller
764 scale solar projects on a property that would serve that property, you know, reduce the
765 need for electricity on that site and that course is an accessory use so that's listed here.
766 And, again, there are standards for that -- okay. Yeah. I think that -- yeah -- that takes
767 us through the accessory uses and --

768
769 Mr. Mackey - Mr. Blankinship.

770
771 Mr. Blankinship - Yes, sir.

772
773 Mr. Mackey - Quick question. Saw one for the first time yesterday. It
774 wasn't in Henrico County. But wind energy systems. Do we have --

775
776 Mr. Blankinship - Yes.

777
778 Mr. Mackey - Do we have a height restriction on those?

779

780 Mr. Blankinship - We do as the principal use. Let me see if it's repeated here
781 in the accessory standards. I want to say that the consultant recommended 150 feet,
782 and that's another standard that did draw a lot of attention.

783
784 Mr. Archer - Really?

785
786 Mr. Blankinship - And it's another field that is changing rapidly, so we're very
787 sensitive that when this is adopted we want to know that we have the most up to date
788 guidelines that are out there. So we may be changing that as well. But course anything
789 over 200 feet has to have the light on it for the --

790
791 Mr. Mackey- For the aircraft.

792
793 Mr. Blankinship - -- aircraft. Right. So I don't know that it would go any higher
794 than that. For better or worse, this area of Virginia isn't really situated geographically
795 such that wind energy systems are particularly efficient.

796
797 Mr. Mackey - Yeah. Yeah this was a northern neck, and it wasn't very tall.
798 And he said he only -- he had a good use out of it from October to maybe March or so,
799 April.

800
801 Mr. Blankinship - Yeah. I guess they get the wind off the ocean and off the
802 bay there that acts differently. And, of course, in the mountains and in the valley you
803 have different characteristics as well. But the maps I've seen have indicated that in this
804 area it's not likely to be something we see a lot of.

805
806 Mr. Mackey - Right. Thank you.

807
808 Mr. Blankinship - Mm-hmm. So that brings us to temporary. uses of
809 structures. And just diving right into the chart, the whole idea of a temporary use permit
810 which can be approved administratively is something new to us that we think will be
811 very helpful. Again, the Board of Zoning Appeals has the authority to grant temporary
812 conditional use permits for any use that does not require a permanent building. So
813 anything like a carnival or a circus, a tent sale at a shopping center, temporary office
814 buildings, temporary sales centers when a new subdivision is under construction before
815 they get the model built.

816
817 The Board of Zoning Appeals reviews a lot of temporary uses of that sort and most of
818 those are in place for a year or two years, so the use permit is a good process to go
819 through. But a lot of times we get called by somebody who wants to do a special event.
820 You know, any kind of a street festival sometimes to -- bringing a couple of food trucks
821 together and having an event in a shopping center parking lot. These tend to be very
822 low-impact things, but they rarely schedule long enough in advance to get the
823 temporary conditional use permit. Because it takes five to eight weeks to get on the
824 BZA agenda.

825

826 So we find ourselves trying to work our way through a lot of issues where we don't really
827 have a permit to have them apply for and route and have everybody review, but we
828 want the other agencies to at least be aware of what's going on. We want police to
829 know. We want traffic to know what's going to be happening. But we don't want to just
830 tell people, No. I'm sorry. You can't do your event because you don't have eight weeks
831 of leave time.

832
833 So this temporary use -- temporary permit that is being proposed in this code would give
834 us an administrative way to approve smaller events that don't need that full-blown Board
835 of Zoning Appeals to review, but do need some level of review. We don't want to just
836 tell them, Sure. Go ahead, and we'll hope nobody notices. We want to be able to
837 review these, we want to be able to issue a permit. We want to be able to place
838 conditions on a permit. You know, we want that to be enforceable, but we can't wait
839 eight weeks, in some cases.

840
841 So many of these, if you see a T on this chart, that would be the new temporary permit
842 as opposed to the C, which would go to the conditional use permit, all right, because
843 those are not actually listed. That's just a broader power of the Board of Zoning
844 Appeals.

845
846 But some of these temporary uses are allowed by right without a permit, such as a
847 garage or a yard sale. That's another question that we get asked, I guess, from people
848 who move here from Northern Virginia want to get a permit to have a yard sale and we
849 tell them we don't do a permit for that. And then other people say, You know, I have a
850 neighbor who has a yard sale every week. Is there a problem with that? And there's
851 nothing in the code that says that it's a problem but, you know, a lot of times we'll --
852 community maintenance will go out and just have a conversation with them and ask
853 them to be a good neighbor.

854
855 But this would give us a standard for that sort of thing, a number of times per year that
856 you can hold a yard sale or any of these other uses that are listed here.

857

858 Mr. Witte - Mr. Blankinship.

859

860 Mr. Blankinship - Yes, sir.

861

862 Mr. Witte - How about these food trucks. We have several different
863 ones that advertise that they're coming into our neighborhood, or a neighborhood
864 nearby, and you pay for it in advance, you order in advance, and all you do is go to a
865 location they designate to pick up. And we do it a lot, you know. Is there a problem
866 with that?

867

868 Mr. Blankinship - Technically it's not allowed under the code. But, of course,
869 that's one of those issues that, particularly right now during the emergency, we're doing
870 everything we can to keep our restaurants afloat.

871

872 Mr. Witte - Oh, good. Good.
873
874 Mr. Blankinship - A lot of times food trucks are owned by a brick and mortar
875 restaurant.
876
877 Mr. Witte - Oh. I think it's wonderful. We get all kinds of different foods
878 and we're within a couple blocks.
879
880 Mr. Blankinship - Yeah. We're definitely doing our best to encourage those
881 and stay out of their way right now during the emergency. There have been cases
882 where we've gotten complaints. If they're, say, blocking a cul-de-sac or something.
883 And, again, Community Maintenance can normally just go out and ask somebody to be
884 a good neighbor and resolve those issues.
885
886 Mr. Witte - I got you.
887
888 Mr. Blankinship - Yeah. That's definitely one of the challenges of our times.
889
890 Mrs. Thornton - I have one quick question.
891
892 Mr. Blankinship - Yes, ma'am.
893
894 Mrs. Thornton - The model sales home unit.
895
896 Mr. Blankinship - Yes.
897
898 Mrs. Thornton - There's one at a Kroger out in Short Pump for the 55 and
899 older apartments.
900
901 Unknown Speaker - Good.
902
903 Mr. Blankinship - Yes.
904
905 Mrs. Thornton - So I was thinking, you don't have it any of the district that I
906 feel like Kroger would be in.
907
908 Mr. Blankinship - You are correct. That one was actually approved by the
909 Board of Zoning Appeals.
910
911 Mrs. Thornton - Okay. It was just I -- very rare it will happen, but they didn't
912 have any space where the construction is, so they put it in the Kroger parking lot. So --
913
914 Mr. Blankinship - Yes.
915
916 Mr. Nelson - Where is that at?
917

918 Mrs. Thornton - So that's -- I mean, it may be would happen again.
919
920 Mr. Blankinship - Yes. It certainly could. I mean, these are listed as being
921 allowed where the home would be, which is normally where a model home, as you say -
922 -
923
924 Mrs. Thornton - Right.
925
926 Mr. Blankinship - Is located. I'm not sure if that temporary --
927
928 Mrs. Thornton - It's a sales unit.
929
930 Mr. Blankinship - Yes. Yes.
931
932 Mrs. Thornton - So that's why I was just saying they do do that quite often for
933 those units for the 55 and older.
934
935 Mr. Blankinship - Yes.
936
937 Mrs. Thornton - They go ahead and start selling them.
938
939 Mr. Blankinship - I'm going to make myself a note to look that up. Because I
940 don't see the BZA approval on here at all, which tells me that the BZA temporary uses
941 are still going to be handled by the BZA.
942
943 Mrs. Thornton - Okay.
944
945 Mr. Blankinship - And that one, as I say, was approved by the BZA. So I
946 believe that's going to be the answer to that question but I need to know the answer to
947 that question so I'm writing it down.
948
949 Mrs. Thornton - Thanks a lot.
950
951 Mr. Blankinship - I did want to mention portable storage is another one of
952 those issues that we handle on a complaint basis where people get the pods or a smart
953 box, and if they put it in their driveway, they fill it for a week or two, and then they have it
954 hauled away, which is supposed to be the business model, we don't usually get
955 complaints..
956
957 But sometimes we get a call, My neighbor's had this thing for two months. How long is
958 that going to stay there? And we don't have anything in the code to regulate that. We
959 have policies and we have interpretations that we normally are able to enforce, but you
960 don't want to go to court on those if you can avoid it. So it's one of those issues that we
961 are trying to -- we're proposing to address specifically in this code to allow those uses,
962 but to have a specific statement in the code that says it's not supposed to be on the
963 property for more than one or two weeks.

964
965 Farmer's markets are another issue where, you know, a permanent farmer's market
966 location is allowed in B-3 by provisional use permit. And if you're doing a farmer's
967 market in the same spot, you know, three days a week all summer, that's probably a
968 good way to regulate that.

969
970 But we get a lot of calls, Our church would like to have a farmer's market one day. And
971 right now, again, because it's listed in the B-3 as a permitted use, that's the only way it's
972 allowed. So we have -- we have a lot of these events that come and go without getting
973 any permits, and it would be helpful for them to be regulated so that we can attach
974 permits and we can do inspections if they have tents or if the health department needs
975 to know about them, you know, if they're selling prepared foods and that sort of thing.

976
977 So we have added -- the consultant's added temporary farmer's markets as a temporary
978 use. And, again, we can do an administrative approval, it doesn't have to go to a public
979 hearing, but it just gives us the opportunity to make sure all of the agencies have
980 reviewed the site and everything's going to be safe.

981
982 Flea markets very much the same way. If you had a flea market every weekend, like
983 out at Bubba's, that's something that belongs in a B-3 district. But if you just want to
984 have a flea market once maybe you can do that in a, well, it's listed in UMU and in B-2
985 and B-3. So, you know, a shopping center that has plenty of space or has an empty
986 tenant space that they could use, you know, once or once a month for a flea market,
987 that might be appropriate.

988
989 Temporary use of an accessory structure as a principal building after a catastrophe was
990 something that the consultant brought to us as a matter of, you know, their experience
991 doing these codes nationwide. We didn't really ask for that to be added, but it's
992 something that should be called to your attention. It's not permitted at all under the
993 current code. And also, temporary use of a factory fabricated transportable building.

994
995 Now that I look at it, Ms. Thornton, that may be the answer to your question about the
996 sales trailer. Yeah. Temporary classroom, office, storage, sales and other buildings that
997 currently require BZA approval, so that's temporary use of a fabricated building. Okay.
998 I was confusing those two. Yeah. That's allowed. That requires the permit, but it is
999 allowed in all the districts. And there are development standards which will require --
1000 oh, okay. That just lists the kind of uses that are allowed to have that use.

1001
1002 Mrs. Thornton - Okay.

1003
1004 Mr. Blankinship - So that's the answer to your question, and I can delete my
1005 note.

1006
1007 Mrs. Thornton - Okay.

1008

1009 Mr. Blankinship - Good. I feel better. I thought I knew that. That takes us
1010 through the accessory uses and the temporary uses. We are running low on time, but
1011 we're not yet out of time. The other item that I was hoping we could work our way
1012 through this evening was the definition. It's article 8, which is definitions. Which
1013 includes not merely, you know, definitions of individual terms, but also the general rules
1014 of interpretation, the rules of measurement calculation and exceptions, and the principal
1015 use classification system.

1016
1017 And in the handout that we sent you in advance of the meeting, I had just a very brief
1018 description of what changes had been proposed to those parts of the code. I don't
1019 know how much time you have had to spend in article 8. For the most part, definitions
1020 are what they are. There's not a whole lot to argue about whether a definition is worded
1021 this way or that. And, of course, they will all be scoured by our legal staff, both ours and
1022 the consultants, so we'll make sure that everything that needs to be done legally will be.

1023
1024 Other than that, do you have any questions or concerns or issues with definitions of
1025 terms or --

1026
1027 Mr. Baka - Are you -- one question is are you changing or leaving the
1028 same the concept of when you don't define a certain use, or a certain term, if it's not
1029 defined in there. Is that staying the way we have it currently?

1030
1031 Mr. Blankinship - It's staying the way that we do it currently in practice.

1032
1033 Mr. Baka - Okay.

1034
1035 Mr. Blankinship - But it will be spelled out clearly in the code, which I think will
1036 be helpful to us. The answer to the question, of course, is we try to find a listed use that
1037 is the most similar to the use you're asking about in terms of its land-use impacts.
1038 That's not actually stated in our code. At least not in any, you know, one clear place.
1039 But it would be spelled out in the guidelines that the director of planning would use to
1040 make that interpretation are stated much more clearly here.

1041
1042 Mr. Baka - Okay. Thank you.

1043
1044 Mr. Blankinship - Another one of the issues last month, Mr. Archer, you asked,
1045 What are the things that we struggle with as a staff in terms of the permitted uses?
1046 Under the definitions, the thing I struggle, or many of us struggle with on a regular basis,
1047 is the definition of lot width.

1048
1049 Our definition was written with a rectangular lot in mind, and for a rectangular lot it
1050 works perfectly, but when you get on a cul-de-sac, the lot width is not what you think it
1051 is. And when you get into really irregularly shaped lots, our definition requires you to
1052 find the center line of the lot but doesn't tell you how center line is meant to be defined.
1053 And then you go back the setback distance and then measure at a right angle. And
1054 sometimes that makes perfect sense, but there are a lot of cases where it does not.

1055

1056 So that's one issue that we're struggling with a little bit is to come up with a definition of
1057 lot width that will prevent some of the oddly shaped lots that people create just to get
1058 around the lot-width requirement. And that's in the definition section.

1059

1060 Another issue that we've mentioned before and, again, those of you who've served on
1061 the BZA are very familiar with, is on a corner lot. The front of the lot is the shorter of the
1062 two streets and the longer of the two streets is a side -- street side yard. And, again,
1063 that works 80 percent of the time, but when it doesn't work it can really cause problems
1064 for a homeowner trying to make reasonable use of their property. So we are looking at
1065 more flexible ways to define that. The problem is the definition today is inflexible. In
1066 every case, the shorter frontage is always the front and it's -- we just -- there're case
1067 where that doesn't work and we need flexibility to be able to say, you know, in this case
1068 that's going to be the front because that's what makes sense.

1069

1070 Mr. Witte- On these odd-shaped lots, is there a way to use the front of
1071 the dwelling?

1072

1073 Mr. Blankinship - The problem there, there are two problems, one is that a lot
1074 of times you have to make that determination before the dwelling is built, a person is
1075 asking, you know, I want to build a house. How far do I have to be from this street? So
1076 before they've built the house it's -- that raises a challenge. And the other is that people
1077 have different ideas. It's really somewhat subjective to say the front of the house. What
1078 is the front of the house? People that live on the river generally consider the river side
1079 of the house to be the front. But the code, because very few houses are on the river,
1080 the code defines the -- where you get access as the front.

1081

1082 So it just -- it's a good idea, but it's one that in practice is actually kind of challenging to
1083 apply.

1084

1085 Mr. Witte - Probably won't work.

1086

1087 Mr. Blankinship - And a lot of times the house aims into the corner as well.

1088

1089 Mrs. Thornton - Right.

1090

1091 Mr. Blankinship - If the front of the house faces the corner then, you know,
1092 you're back where you started. You have to pick one.

1093

1094 Mr. Witte - Oh, well. Just a thought.

1095

1096 Mr. Blankinship - And a good one. Mr. Chair, that brings us to 6:29 so --

1097

1098 Mr. Archer - You've done well, sir.

1099

1100 Mr. Blankinship - I don't want to belabor the definitions any more. But let me
1101 end with the same kind of a statement as I did last month. Please do take some time to
1102 look through these things or just think about, you know, when you're on the commission
1103 and these issues arise that, you know, why is that definition what it is? Please jot down
1104 a little note, shoot me an email, you know, let us know what your concerns are or what
1105 your questions are. We definitely want to hear from you as much as we can as we go
1106 through this process.

1107
1108 Mr. Archer - Well thank you, sir.

1109
1110 Mr. Blankinship - And otherwise that is the end of Module 1.

1111
1112 Mr. Archer - Okay.

1113
1114 Mr. Blankinship - And next month we will begin with Module 2, which will be
1115 the administration and the development review process. All of the application
1116 processes will be our topic for next time.

1117
1118 Mr. Archer - Well as usual, sir, we thank you for your very fine
1119 presentation.

1120
1121 Mr. Blankinship - You're welcome, sir.

1122
1123 Mrs. Thornton - Thank you.

1124
1125 Mr. Archer - Mr. Blankinship, can I ask a question?

1126
1127 Mr. Blankinship - Yes, sir.

1128
1129 Mr. Archer - Is there a limitation on the number of curb cuts that can be
1130 assigned to a house?

1131
1132 Mr. Blankinship - That is a good question for one of the traffic engineers if one
1133 of them is attending tonight. I have heard answers yes and no to that question. So I
1134 don't know what their standards are, but there is nothing in the zoning ordinance that
1135 addresses that.

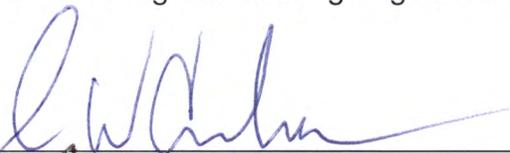
1136
1137 Mr. Archer - I've seen lots like my lot that only has one, and I've seen lots
1138 with curb cuts on both sides. And it's curious because 32 years ago, I guess, when my
1139 house was built they put the curb cut on the left side and because I had a two-car
1140 garage attached they put another one on the right side. Which is fine with me, because
1141 I could -- if I had to go around behind the house I could come out on the other side. And
1142 I woke up one morning and they were out there removing the curb cut.

1143
1144 Mr. Blankinship - Removing the curb cut.

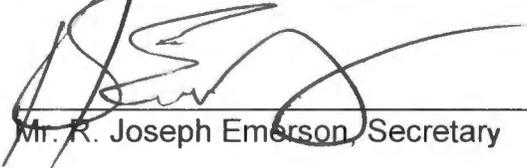
1145

1146 Mr. Archer - The one that wasn't in front of the garage.
1147
1148 Mr. Blankinship - Okay. Huh.
1149
1150 Mr. Archer - And I said, Well why are you all taking this up? You can
1151 leave it here. I really don't mind. And they said, Oh, no. We got to take it up. So they
1152 took it up and filed it in with concrete.
1153
1154 Mr. Blankinship - That's interesting.
1155
1156 Mr. Archer - And I think the guy told me that there was a law that said you
1157 could only have one curb cut. So naturally then I started looking and after I started
1158 looking, I said, They're everywhere. You can find a lot of houses with more than one
1159 curb cut.
1160
1161 Mr. Baka - Circular driveways.
1162
1163 Mr. Blankinship - Yeah. I had an email from a county resident not too long
1164 ago who has a neighbor who's building a pool and he really doesn't mind that except
1165 that in order to get the construction equipment in the back yard they have to put in a
1166 second driveway and that bothers him. So that was when I got the answer from traffic
1167 engineering that they would only allow one curb cut. But there are so many cases
1168 where there are more than one, as you've said.
1169
1170 Mr. Archer - Right.
1171
1172 Mr. Blankinship - That I don't know if that's a new regulation or if it's -- I don't
1173 know the answer to that question.
1174
1175 Mr. Archer - Well that was in 1988 and I've been curious ever since. I
1176 finally got an answer, anyway.
1177
1178 Mr. Blankinship - Yeah that is not regulated by the zoning ordinance.
1179
1180 Mr. Archer - I kind of didn't think so.
1181
1182 Mr. Blankinship - In the course of -- the curb cuts are always in the public right
1183 of way, so the traffic engineers --
1184
1185 Mr. Archer - I get the feeling that the person that was removing it was
1186 being paid by the county to remove it, and he wanted to earn his money. So, I'm okay.
1187
1188 Mr. Blankinship - Yeah. That would make sense.
1189
1190 Mr. Baka - So we have a -- we have a circular driveway. Is that no
1191 longer allowed?

1192
1193 Mr. Blankinship - As I say, it's not a zoning issue and I am not the expert.
1194
1195 Mr. Baka - Okay.
1196
1197 Mr. Blankinship - I wouldn't want to say --
1198
1199 Mr. Baka - Non-conforming.
1200
1201 Mr. Blankinship - If you have a circular driveway you can never get out though,
1202 right?
1203
1204 Mr. Baka - Semi-circle.
1205
1206 Mr. Witte - I got a circular driveway.
1207
1208 Mr. Archer - Well thank you, Mr. Blankinship, and if that's the end of the
1209 questions then we will suspend the meeting until the regular meeting begins at 7:00.
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1212
1213
1214



Mr. C. W. Archer, Chairman



Mr. R. Joseph Emerson, Secretary

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1217
1218
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