

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**  
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**  
3 **GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON**  
4 **THURSDAY MAY 26, 2022 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN**  
5 **THE *RICHMOND TIMES-DISPATCH* MAY 9, 2022 AND MAY 16, 2022.**  
6

7  
8 Members Present: Terone B. Green, Chair  
9 Walter L. Johnson, Jr., Vice-Chair  
10 Gentry Bell  
11 Terrell A. Pollard  
12 James W. Reid, Jr.  
13

14 Also Present: Benjamin Blankinship, Secretary  
15 Paul M. Gidley, County Planner  
16 R. Miguel Madrigal, County Planner  
17 Rob Peterman, Technology Support Specialist  
18 Kuronda Powell, Account Clerk  
19

20  
21 Mr. Green - I'd like to call the May 26, 2022 Board of Zoning Appeals  
22 meeting together and before we start, would we all please stand and Pledge Allegiance  
23 to the flag?  
24

25 [Recitation of Pledge of Allegiance]  
26

27 Mr. Green - Mr. Ben Blankinship will now read our rules.  
28

29 Mr. Blankinship - Good morning, Mr. Chair, members of the Board. And good  
30 morning to those of you who are in the room with us today. I'd also like to welcome  
31 everyone who is joining us remotely on Webex.  
32

33 If you wish to observe the meeting, but you do not intend to speak, welcome and thank  
34 you for joining us. For those of you on Webex who wish to speak, we need to know that  
35 in advance so we can connect you at the appropriate time. So, if you are an applicant or  
36 if you have questions or comments on one of the cases, please press the chat button  
37 now. It's located at the bottom-right corner of the screen.  
38

39 And when the chat window opens, please select Kuronda Powell from the list of  
40 participants and let her know your name and which case you're interested in. The chat  
41 feature is only being used to identify speakers, so please do not type questions or  
42 comments into a chat, but please send a chat to Kuronda Powell now.  
43

44 So acting as secretary I will call each case and then we will ask everyone in the room  
45 who intends to speak to that case to stand and be sworn in. Then a member of the  
46 Planning Department staff will give a brief presentation. Then the applicant will present

47 their case. And then anyone else who wishes to speak to that case will be given the  
48 opportunity. We will hear from citizens in the room first and then from those on Webex.  
49 After everyone has had a chance to speak, the applicant and only the applicant will have  
50 an opportunity for rebuttal.

51  
52 This meeting is being recorded so for those of you in the room, we will ask you to speak  
53 into the microphone on the podium at the back of the room there and we will ask everyone  
54 to state your name and please spell your last name so we get it correctly in the record.  
55 And once your case is over, you're free to leave. There's no need for you to stay in the  
56 room for the rest of the meeting.

57  
58 Mr. Chair, we do have two requests for withdrawal. Or one request for two withdrawals.  
59 And that is the appeal. So at the end of the agenda there are two cases. Appeal 22  
60 number 2 and number 3. Both are BRE/ESA Portfolio LLC.

61  
62 **APL2022-00002 BRE/ESA P PORTFOLIO LLC** appeals a decision of the Director of  
63 Planning pursuant to Section 24-2320 of the County Code regarding the property at 6807  
64 Paragon Place (Parcel 768-746-3556) zoned Business District (B-2C) (Brookland).

65  
66 **APL2022-00003 BRE/ESA P PORTFOLIO LLC** appeals a decision of the Director of  
67 Planning pursuant to Section 24-2320 of the County Code regarding the property at 6811  
68 Paragon Place (Parcel 768-746-1147) zoned Business District (B-2C) (Brookland).

69  
70 Mr. Blankinship - Those cases have been amicably settled. The notices were  
71 withdrawn and so the appeals were withdrawn.

72  
73 So we are ready to proceed with our first case.

74  
75 Mr. Green - Okay. Let's proceed with our first case.

76  
77 Mr. Blankinship - We have five conditional use permits and four variances on  
78 this morning's agenda. The first conditional use permit is Conditional Use Permit 2022,  
79 number 6, Debra Escobar.

80  
81 **CUP2022-00006 DEBRA ESCOBAR** requests a conditional use permit pursuant to  
82 Section 24-4406 of the County Code to allow an accessory dwelling unit at 3313 Hawkins  
83 Road (WEST BROAD STREET GARDENS) (Parcel 768-749-1471) zoned One-Family  
84 Residence District (R-4) (Brookland).

85  
86 Mr. Blankinship - Would everyone who intends to speak to this case, please  
87 stand and be sworn in? Is Ms. Escobar on Webex?

88  
89 Mr. Peterman - Ms. Escobar is currently not on Webex.

90  
91 Mr. Blankinship - Thank you. So we do not have an applicant here in the room  
92 for this case?

Mr. Green - So this is a Brookland case. Would you like to defer?

Mr. Blankinship - Or just maybe wait until the end of the agenda. See if somebody shows up. Maybe they're stuck in traffic, too.

Mr. Green - Okay.

Mr. Blankinship - All right. Let's move on to Conditional Use Permit 2022, number 20, Thomas and Lynne Douglas.

**CUP2022-00020 THOMAS AND LYNNE DOUGLAS** request a conditional use permit pursuant to Section 24-4419.C.3 of the County Code to keep more than four pets at 9602 Nandina Drive (WOODMAN TERRACE) (Parcel 775-759-2773) zoned One-Family Residence District (R-3) (Fairfield).

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

Unknown Speaker - I do.

Mr. Blankinship - Thank you. Mr. Madrigal you can begin.

Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the Board good morning. Before you is a request to keep more than four pets at a one-family dwelling. The property consists of a single lot in Section A of the Woodman Terrace Subdivision. It is 85 feet wide by 130 foot deep and is improved with a one-story, 1,000-square-foot ranch-style home with open parking constructed in 1959. Other improvements include a 96-square-foot metal shed in the rear yard.

The applicants acquired the property in 1977. Mr. Douglas is preparing to retire from the Mechanicsville Auto Parts store after 28 years, I believe, and, you know, he's been there for quite a while and he'll be retiring within the next three months.

During the last five years he's been caring for a feral cat colony at the store. The colony consists of six female and five male cats ranging in age between 1 and 6 years old. In addition to feeding them, he has had them vaccinated and spayed or neutered. Over the years he has become attached to the animals, and he would like to bring them home to ensure their continued care.

The applicants currently have two domesticated cats that primarily reside in their home. Mr. Douglas intends on enclosing his 5000-square-foot rear yard with a 6-foot-tall wooden fence and attaching rollers atop the fence as a deterrent to keep the feral cats from getting out.

139  
140 He will also be constructing three 12-foot-square wooden cat houses for shelter as the  
141 cats will permanently reside outside. He proposes to care for the animals until they  
142 reduce in number from natural attrition. He does not intend to replace or add any more  
143 animals to increase their number. He is requesting a conditional use permit to keep up  
144 to 13 cats on his property.

145  
146 The existing use is consistent with both the zoning and Comprehensive Plan designations  
147 on the property. Under the previous code a resident was allowed to keep up to 3 pets by  
148 right. Under the new code the number of pets was increased to 4 eliminating an internal  
149 municipal code conflict and making the language consistent with County licensing  
150 requirements.

151  
152 The keeping of more than four pets can be allowed by way of Conditional Use Permit  
153 where appropriate. As proposed, the cats and their shelters will be limited to the enclosed  
154 rear yard as required by code.

155  
156 The applicant submitted a drawing illustrating their intended improvements, which is here  
157 on the screen. They own a typical lot in the established neighborhood. The existing  
158 improvements are consistent with the general development pattern, character, scale, and  
159 intensity of the land use for the area. Mr. Douglas would like to introduce a feral cat  
160 colony into the neighborhood, attempting to confine them to his rear yard and keeping  
161 them as pets. This is not a typical or recurring request for the Board's consideration.

162  
163 The applicants already have two domesticated cats. Upon retirement, Mr. Douglas would  
164 relocate the feral cat colony from 11 miles away to his home and keep them as pets out  
165 of his concern and affection for them. This would increase the overall number of animals  
166 to 13 on this lot. More than three times what he's allowed by code.

167  
168 Although his intentions are admirable, his request far exceeds the norm, and could create  
169 a potential problem for his immediate neighbors. The cats would reside exclusively  
170 outdoors year-round. Because of their feral nature, they're likely to attempt to escape  
171 and return to their accustomed environment roaming streets and woods.

172  
173 Concentrating 11 cats to a single yard has the potential to create a detrimental impact.  
174 Staff is concerned that confining so many animals to a small yard that fights will ensue,  
175 creating violent and unwanted noise. The applicant will also have to clean and maintain  
176 the rear yard to avoid a concentration of odors resulting from so many cats.

177  
178 Although a 6-foot-tall fence with rollers is a good escape deterrent, it is not fool proof.  
179 Cats can be intrusive and offensive, creating hazardous confrontations with other  
180 domesticated pets and a nuisance for neighbors. These potential situations could have  
181 adverse impacts on the wider community in addition to the immediate neighborhood.

183 Based on the circumstances and findings, staff finds this request as having several  
184 potentially adverse impacts. As such, we respectfully recommend denial. That concludes  
185 my presentation. I'll be happy to answer any questions.

186  
187 Mr. Green - Are there any questions from the Board to staff? Mr. Madrigal,  
188 what is the largest number of animals we've ever approved on a piece of property that  
189 you might recall?

190  
191 Mr. Madrigal - I believe we've approved up to 15 to 20 beagles several years  
192 ago on the East End. The gentleman was on a large acreage parcel and he was part of  
193 a hunt club, so he had a lot of small dogs. That was several years ago.

194  
195 Mr. Green - Okay. Anyone else? Mr. Reid.

196  
197 Mr. Johnson - And how many cats did he –

198  
199 Mr. Blankinship - You're muted, sir. You have to press the mic, the mute off, to  
200 turn the mic on. Yeah. Thank you.

201  
202 Mr. Johnson - How many cats did he plan on having?

203  
204 Mr. Madrigal - So they currently have two domesticated cats. So they reside  
205 indoors. And he wants to relocate 11 cats to the property for a total of 13.

06  
207 Mr. Blankinship - So 13.

208  
209 Mr. Johnson - Okay.

210  
211 Mr. Reid - Is there any opposition from the neighbors?

212  
213 Mr. Madrigal - We have not gotten any phone calls or emails or letters.

214  
215 Mr. Blankinship - We did receive one email this morning at 6:58 a.m. in support  
216 of the case and that's been left at your places. It's the full-page email.

217  
218 Mr. Bell - Is this one of those situations where each one of the cats are  
219 given away?

220  
221 Mr. Blankinship - You're muted, sir. I'm sorry. The off button there.

222  
223 Mr. Bell - Yeah. Keep forgetting that one there. Just start over. Is this  
224 one of those cases where -- in the past I believe we've restricted this to the ones they  
225 have now and once each one of these passes away or is given away, they have to go  
226 back to code. In this case, four cats?

227

Mr. Madrigal - Well, since we're recommending denial, we didn't really draft any conditions of approval. If you were to recommend approval for this, then we would probably impose that requirement – recommend that you impose that requirement.

Mr. Bell - Thank you.

Mr. Green - Are there any other questions from the Board to staff?  
Hearing none. We'll hear from the applicant.

Mr. Douglas - Good morning. I'd like to thank all the committee members for being here to hear our case. The purpose for this conditional permit –

Mr. Blankinship - Sir, tell us your name please.

Mr. Douglas - My name is Tom Douglas. The purpose of this why we're looking for this permit is to save a lot of lives.

Five years ago a cat came up to me. I'd never seen this cat before. And she was in desperation. She cried out to me she was so hungry. Please forgive me. So I took the cat and started feeding it. I didn't know that she had four kittens till shortly I discovered that she had four kittens.

First thought was to adopt the cats out. I called a local animal shelter and I talked to them three times about this. And I asked them three times, do you euthanize animals. And they said, We do not euthanize as long as they're not with an incurable disease or if they're not adoptable. Well, I didn't understand what not adoptable meant, so I took the mama cat and one kitten that I could catch and took them to the animal shelter in good faith.

Two days later after seeing the mama cat in the cage, and I looked in her eyes, where she was in the cage, the food and the litter, were like this far apart from each other. Anyway, after two days I called the shelter back and said I wanted the cats back, because I didn't feel good about the situation. And they said, Well that's fine, you can adopt them back. And I had no problem with that.

So I went back down there to adopt them back and said, The mama cat's fine. You can adopt it back. Which we did. But they had already killed the kitten in two days.

So, anyway, I got the mama cat back and the other cats, the other kittens, it took a while for me to get used to them letting me get close to them. Well, obviously, I wasn't going to take them back to the animal shelter. If I can't touch them, they're not going to be adoptable. When people go to shelters, they're not looking for a cat they can't touch. They want a cute little cuddly cat that you see at these adoption agencies. And I don't blame them. I would as well.

But, anyway, I started taking care of the cats. With my not being able to get where I could touch them, I had no idea whether they were male or females. Well, naturally, they had kittens. So anyway, one thing led to another. I called around trying to find help about getting these cats adopted, but I had exhausted my resources. Because, obviously, I was nervous of animal shelters.

Kate from the Henrico Humane Society was the first person that really helped me. She told me what I needed to do. She set up having a couple of the cats neutered at her expense, not mine. Well this spay and neuter place was close to my work, so it was quite convenient and I had that done.

Anyway. I had more cats on my hands by this time. And I'm at my work. I can't just take off and do whatever I want to do. So the boss, the owner of the company, agreed it was fine for them to stay. Very gracious of him. So I started taking care of them. Feeding them. I got them as neutered. Unfortunately the population had grown. But eventually I had them all neutered except for one male and, unfortunately, he's smarter than I am. I couldn't catch him.

And, anyway, as time's gone on, I had a lot of good help. I've got a letter from Hanover Green Veterinarian to indicate the care that my wife and I provided for them when they were injured, or whatever needs they needed, or updated vaccines. So I have that. I have documented proof of their sterilization. So there won't be any more cats.

We exhausted of trying to adopt these cats out. The animal shelters were out. Our daughter put them on Facebook. No response. We contacted two barn cat places. One of them replied. One of them didn't. The one that did reply said that they didn't want any more cats, because when you move them around, they usually run away.

So we've made attempts to find homes for these cats. These cats through no fault of their own are at a crossroads of whether they will have a reasonably decent life, which they will, or whether they end up dead.

So that is the reason why we're here. To save 11 lives. These cats have grown up together. They already have established your chain of command. There's not going to be fights among themselves.

I have great respect for the animal shelters. They do a great job with what they have. But the fact of the matter is, it's just overpopulated. And they show that one of the kittens I took to them because it wasn't a lap cat was killed in two-day's time. People think of feral cats and they think they're outcast. You know. They think mangy cats. Dirty cats. Diseased cats. Live out of a dumpster. And many of them do. But I don't want my 11 cats to have to do that and they shouldn't have to. I'm the only positive human contact that they have.

They're not going – if you came to my work, they would run from you. When I go to them, they come to me. I can pick them up. I have one cat that would fall in my arms and start

319 purring. Another one will start kneading. Those cats love me. I know a great deal of it's  
320 because I feed them. Food is a big incentive.

321  
322 But, nonetheless, over the five-year's time, they've become more than just cats of my  
323 business. They're my pets. As are the two that I already have at home. The 11 cats that  
324 I want to bring home will be, as Miguel said, outside. They will not be with the other two  
325 that are inside. It will be like two different locations, so to speak.

326  
327 I know this is a little unusual request, but I'm asking you and I'm begging you to let these  
328 cats have a home they can call their own. Thank you.

329  
330 Mr. Green - Mr. Douglas.

331  
332 Mr. Douglas - Sir.

333  
334 Mr. Green - Mr. Douglas, we have questions.

335  
336 Mr. Blankinship - Yeah.

337  
338 Mr. Douglas - Oh. You have questions? I'm sorry.

339  
340 Mr. Johnson - You mentioned that you had the other cats neutered. What  
341 about the ones you have? Not the ones you collected –

342  
343 Mr. Douglas - The two at home already?

344  
345 Mr. Johnson - The two at home already.

346  
347 Mr. Douglas - Those are neutered as well.

348  
349 Mr. Johnson - Yeah.

350  
351 Mr. Douglas - Yes, sir.

352  
353 Mr. Green - Mr. Douglas, you said that you were told that if cats are moved  
354 they would have a tendency to run away. So that's just concerning that, you know, that  
355 they would run away. And you say these cats are yours, but is there any form of  
356 paperwork which you have filled out with the County to claim the cats? You know or are  
357 they just –

358  
359 Mr. Douglas - Absolutely not.

360  
361 Mr. Green - You say they're yours. They're just feral cats.

362  
363 Mr. Douglas - Well, no. I don't have any documentation of that. Because  
364 the cats – they just came up to me. The mama cat did.

365  
 66 Mr. Green - Thank you.  
 367  
 368 Mr. Douglas - Thank you.  
 369  
 370 Mr. Green - Mr. Pollard.  
 371  
 372 Mr. Pollard - I think the answer's yes, but you're saying 100 percent of the  
 373 cat – the 11 cats are neutered now?  
 374  
 375 Mr. Douglas - I'm sorry. I can't hear you.  
 376  
 377 Mr. Pollard - The cats are neutered? All of them?  
 378  
 379 Mr. Douglas - All but one male. And if I'm able to catch him, I will have him  
 380 neutered as well. But he's the only one. There will not be any more cats. As Miguel  
 381 pointed out earlier, as they pass through natural life, there will be no more cats. And as  
 382 they decline in population, that's it. We're not looking to add anymore cats in any way.  
 383  
 384 And as far as the cats running away, that's the purpose of the fence that we're putting up.  
 385 I know a lot of people will tell you, You can't keep a cat in a fence. But if you look online  
 386 and Google, there are many ways to cat-proof a fence. And, granted, it may not be fool  
 387 proof, but nothing is fool proof.  
 88  
 89 Mr. Green - Thank you.  
 390  
 391 Mr. Douglas - Thank you.  
 392  
 393 Mr. Green - Any other comments? Questions from the Board? Ms.  
 394 Douglas, I think you wanted to talk. Thank you, Mr. Douglas.  
 395  
 396 Mr. Douglas - Thank you.  
 397  
 398 Ms. Douglas - Hi. Good morning.  
 399  
 400 Mr. Green - Good morning.  
 401  
 402 Ms. Douglas - Hi. My name is Lynne Douglas. I'm one of the applicants.  
 403 Just want to reiterate that when people think of feral cats, they think that they're big,  
 404 scroungy, scroungy, unhealthy, and dangerous cats. Our cats are not. They're small,  
 405 they're sleek, they're well-fed and healthy. They have been neutered and spayed, and  
 406 they've had their rabies shots. I've got a picture of eight of them. I don't know if you can  
 407 see it from here. But they just very small, loving cats.  
 408  
 409 A little bit about my husband. He has a heart for the downtrodden. He has worked at  
 10 ESL for two to three years. He's worked with the homeless for a year or two. He did

prison ministry for 10 years down at Deerfield Correctional Center which is around Emporia. And he's been taking care of these cats for five to six years.

I myself am a retired pet groomer. I worked for Pet Smart for 20 years. I know animals. I know how they act, how they react. You know. Sometimes I can tell what they're thinking. You know.

I know that there are concerns about the cats being in the back yard and we are doing everything we can to prevent them from escaping. The fence not only will have rollers on the top – a cat can jump 4 to 5 feet in the air, and then they have to climb the fence. When they hit the rollers, which are plastic pipes that are going to spin, they can't get their claws into that, which forces them back into the yard.

We've also, with the gate, it'll be a two-door gate. The first door will be padlocked for their protection so no one can wander back there. We have to open that door, close it, latch it, and go to the next door, unlatch it, walk through. If the cats try to run out, they'll be caught in the area and won't be able to go out. Then we close that door and latch it. They will be fed. They already are fed very well.

We take them to the vet when needed. Just as a precaution we are taking them – as we catch them, we will take them to the vet and get their booster shots so that they'll all be fresh rabies booster shots.

The cats are not dangerous. They run from people if they see people. They're just sweet little cats. They're very, very healthy. The first time we took one of them to the vet, the vet commented that they'd never seen a feral cat so healthy because they've been well taken care of and they will continue to be. And we do know there are concerns about wildlife of the cats, you know, killing birds and whatever.

And, you know, I love the birds and squirrels and all the wildlife there is. One, birds and other animals are not stupid. People think they don't know anything. They do. They will know to run or fly away if they even come into the yard, because they will know the cats are there.

They are so well fed that they're not going to be hunting for food. So I think, you know, there may be some instances with wildlife, but I don't think it's going to be extensive or any problem.

So many animals are euthanized. We have thousands in Virginia alone because the shelters don't have the room for them. We would like to bring these cats home, give them an address, so that they will no longer be considered feral. Because they're really not. They don't hunt now. They wait for their food. I do hope that you all would consider this. These cats deserve to live. They don't deserve to be euthanized. They're loving. They're sweet. Thank you.

Mr. Green - Question, Ms. Douglas, where are the cats now?

457  
 58 Ms. Douglas - They're at his work. He asked his boss if he could leave them  
 459 there and come up every day to feed them, but his boss said no. And I think it's because  
 460 of insurance reasons. They don't, you know, want him coming up every day. So we have  
 461 to move them.  
 462  
 463 Mr. Green - And since you're familiar with the cats, do you go to his job to  
 464 see the cats?  
 465  
 466 Ms. Douglas - I have seen them a few times, but no. I don't go up there all  
 467 the time like, you know, he does. And they ran from me. But they'll get to know me.  
 468  
 469 Mr. Green - Yeah.  
 470  
 471 Ms. Douglas - You know, because I'll be feeding them also and playing with  
 472 them and interacting with them. You know. Just like the mama cat that my husband told  
 473 you we've brought home. She has never tried to escape the house. Ever. And she's  
 474 beautiful. She's fun. She's silly. She's a cat. And she's a very good cat.  
 475  
 476 Mr. Green - So when you said you brought her home. In addition to your  
 477 two cats.  
 478  
 479 Ms. Douglas - No, no. She's one of the two. This was when he first took her  
 80 to the shelter and they euthanized the baby. We decided to adopt her. So, you know,  
 81 she's one of the two.  
 482  
 483 Mr. Green - Are there any other questions from the Board to the applicant?  
 484 Thank you.  
 485  
 486 Ms. Douglas - Thank you.  
 487  
 488 Mr. Green - I think we had some other individuals stand.  
 489  
 490 Ms. Douglas - Thank you.  
 491  
 492 Mr. Green - Are you in support or favor of the application?  
 493  
 494 Ms. Bragunier - We're against.  
 495  
 496 Mr. Green - Would you go to the --  
 497  
 498 Ms. Bragunier - Do I have to? I don't feel comfortable taking it (face mask) off.  
 499  
 500 Mr. Green - You can take it off if you want to or keep it on. It's up to you.  
 501  
 02 Ms. Bragunier - Excuse me?

503  
504 Mr. Green - You can take it off or keep it on. It's up to you.  
505  
506 Ms. Bragunier - Okay. I'd rather keep it on.  
507  
508 Mr. Green - Yes.  
509  
510 Ms. Bragunier - I'll try to talk so that you can understand.  
511  
512 Mr. Green - Yes.  
513  
514 Ms. Bragunier - Hello, good morning. My name is Candace Bragunier. I live  
515 at 9604 Nandina directly next door to the Douglasses. We're also friends and I do know  
516 that Tom and Lynne are huge animal lovers. Huge cat lovers.  
517  
518 I and my husband are also huge animal lovers and huge cat lovers. And certainly we  
519 would want cats to have the best life they can, certainly we wouldn't want any cats  
520 euthanized, but we are very much against this idea.  
521  
522 First of all, a subdivision such as this is really not a place to inject a feral cat colony. You  
523 have this potential to have impact to not only the neighbors, but to neighbor's dogs,  
524 neighbor's cats, the wildlife.  
525  
526 I know that Tom loves these cats very much. As he stated, one of the cats he adopted  
527 and brought home and her name is Clover. However, Clover and his other housecat,  
528 Jasmin, don't get along and they have to keep them separated in the home.  
529  
530 As for these cats, they are feral cats. They might have become accustomed to being with  
531 Tom and having him feed them, but they are still feral cats and feral cats are not just  
532 confined at his place of business. They are not enclosed at his place of business. They  
533 roam freely in the area around his place of business.  
534  
535 And feral cats, they're very independent, they're very resourceful, they will find other  
536 sources of food. There are residential areas around his place of business. I am sure  
537 there is someone who's feeding them, too. There are also restaurants around his place  
538 of business where they can get food out of the dumpster or even employees at the  
539 restaurants could be feeding them. So even if he wasn't there to feed them, they would  
540 find a way to eat.  
541  
542 And as for this notion that cats, as long as they're fed do not kill wildlife, well that is a false  
543 statement. Because I am also a wildlife rehabilitator and I can tell you that cats kill wildlife  
544 even if they're well cared for. Sometimes they kill the wildlife for food, sometimes they  
545 kill them just to play with them and then leave the dead carcass. Excuse me.  
546  
547 I also want to state that I think that it's a bad idea to move these cats from where they're  
548 located to a whole totally different environment. They're used to that area where they live

in Mechanicsville. They know that area. You move them here to our neighborhood and if they do happen to escape, they don't know the area. They have more of a danger of something happening to them because they are not familiar with the area. And where we live is growing. We're having more development both residential and commercial. We're experiencing more traffic. We're right there at the intersection of Woodman and Hungary. Lots of traffic.

Now I know that Tom states that they can't get out, you know, because of this special roller system he's putting up around the fencing. Well, according to a fence company who sells these roller systems, they have stated that the roller systems for the typical house cat is only 80 to 90 percent effective of keeping them in the enclosed area. Now, you know, if you've had a house cat before you know they try certain things and they give up easy. They're not as athletic or as persistent as a feral cat.

Feral cats are very athletic and very persistent. And you take a feral cat who's been able to roam wide and free for as long as they have and then you take them and you enclose them in the area, they are going to be very persistent at trying to get out, because they're not used to being enclosed like that. And they're going to be very athletic. They're going to find ways to get out.

Now since the roller system is only 80 to 90 percent effective with a less athletic and less persistent house cat, these feral cats are going to find a way out of this system. Furthermore, the company states that there are vulnerable points with this roller system. Anywhere there is a gate, anywhere there's a corner, if there is any trees nearby, any structures nearby.

Now I don't think that there will be a problem with trees, but I do notice from Mr. Douglas' plan that he's going to build three cat houses. But the plan doesn't show how close those cat houses are going to be to the fence. The cats could get on top of the cat houses, because they are good climbers, and use that to catapult themselves and possibly get over the fence.

Furthermore, again, they will find these vulnerable points at the gate, at the corners, and they will keep trying to get over that roller system. Or they're also great diggers. They could very well just dig their way out from underneath the fence.

As for wildlife. Yes, it's true. Wildlife that realize, Hey, there's a bunch of cats in there. They're going to stay away. But you're always going to have these unsuspecting birds that don't know. The birds are going to land in his back yard and immediately get attacked and killed. Birds – we have a lot of birds nesting around us. We personally have two nests right in our gazebo and pergola on our patio and there's a lot of fledglings going on right now. The birds will nest up in the trees in and around Tom's yard. Those chicks or fledglings could fall into the yard, get attacked and killed.

We also have seen an increase in the rabbit population in our neighborhood. Little baby bunnies when they leave the nest, they're still really tiny. They could find a way in around

595 this fence and get attacked and killed by these cats. We have chipmunks. Chipmunks  
596 don't need very much space to be able to get in a place. They could find a way into the  
597 fenced-in yard and get attacked and killed.

598  
599 We have a resident groundhog which I believe has dug a hole under the fence between  
600 us and my other next-door neighbor. He, unsuspecting that there's 11 feral cats on the  
601 other side of the fence, could dig a hole. Course I would suspect he would be immediately  
602 met by the cats. But all of the sudden an attack could ensue and now he's created a hole  
603 where the cats can get out if they haven't already dug their own hole.

604  
605 We also have a possum that we've been seeing lately almost every evening. The possum  
606 could climb up the fence again not knowing there's 11 feral cats on the other side, hit that  
607 roller, fall in, get attacked and killed. Or some other neighbor who has a house cat that  
608 they allow outside. That housecat could climb up the fence, hit the rollers, fall in and get  
609 attacked. And then he's going to have to deal with explaining to that neighbor what  
610 happened to their pet.

611  
612 But I also take into consideration when you're housing that many cats in that small of  
613 area, how much waste there's going to be. And by waste I am talking about urine and  
614 feces. That's a lot to have to clean up and you could end up with some terrible odors.  
615 And the fact that I'm right next door obviously I don't want to smell that.

616  
617 Also, I don't care how the cats have grown up. They've been together all their lives. Cats  
618 will still fight with each other. And that can get really noisy. Especially if it happens in the  
619 middle of the night while people are trying to sleep, because cats are nocturnal and that  
620 could happen.

621  
622 I just see a lot of different negatives here with this situation. And, again, I adore cats. I  
623 want nothing but the best when it comes to any animal's life. But I just see so many  
624 negatives here. Especially for the location of where we live. You know. Not just the  
625 interaction with wildlife or other dogs and cats, but just us immediate neighbors. And if  
626 they get out, you're talking about the rest of the neighborhood also having to deal with  
627 the impact of these cats escaping and getting out and being a nuisance. And I really want  
628 to be able to be support of this, but I just can't. I just think it's a bad idea to bring a feral  
629 cat colony into a suburban neighborhood.

630  
631 Mr. Blankinship - Would you spell your last name, please?

632  
633 Ms. Bragunier - Yes. It's B, as in boy, r-a-g-u-n-i-e-r.

634  
635 Mr. Blankinship - Thank you.

636  
637 Mr. Green - Any more comments?

638  
639 Ms. Bragunier - Yes.

641 Mr. Green - Are you done?  
642  
643 Ms. Bragunier - Yes. I mean, if you all have any questions or anything.  
644  
645 Mr. Green - Does the Board have any questions of the person in  
646 opposition?  
647  
648 Mr. Johnson - Yes. Do you have cats?  
649  
650 Ms. Bragunier - Not at the present moment, but I have had cats. I've been the  
651 owner of several different cats, but they've always been indoor cats. I have never had  
652 any outdoor cats.  
653  
654 Mr. Johnson - Okay. Thank you.  
655  
656 Mr. Green - Anyone else? Was your husband –  
657  
658 Ms. Bragunier - Yes. That's my husband.  
659  
660 Mr. Blankinship - We do have one on Webex as well.  
661  
662 Mr. Green - Go ahead.  
663  
664 Mr. Poston - Hi. My name is Greg Poston. I live next to Tom and Lynne.  
665 Wife Candy. I pretty much echo everything my wife has said. I do want to make a  
666 statement, though. Tom and I are best friends. I think more of him than I do my late  
667 oldest brother. I love that man right there. There's nothing I wouldn't do for him and I feel  
668 there's nothing he wouldn't do for me. I hope whichever way this goes that we can  
669 continue to be friends. This is not a jab at him. I wish I could support him on this.  
670  
671 Tom has got the biggest heart of any man I've ever met in my life. I mean, if any of you  
672 in here would need something, he'd be there for you. I can't say that for myself. He's a  
673 wonderful person. The best heart of anybody I've ever known. But I think in this situation  
674 he's thinking with his heart, not with his head.  
675  
676 I could go on, but pretty much she said everything that I would say to you as well. But I  
677 just pray that when this is all over with that the two of us can still be friends, you know,  
678 regardless. But that's all.  
679  
680 Mr. Green - Thank you. I understand we have someone on Webex.  
681  
682 Mr. Poston - I'm sorry.  
683  
684 Mr. Green - Oh, no. We thank you.  
685  
686 Mr. Blankinship - Thank you.

687  
688 Mr. Peterman - That's correct.  
689  
690 Mr. Green - Is there –  
691  
692 Mr. Peterman - I have Dr. Page Dyer on Webex.  
693  
694 Mr. Green - Is the person in favor or against this paper? This conditional  
695 use permit.  
696  
697 Mr. Peterman - I've unmuted you, Dr. Dyer.  
698  
699 Ms. Dyer - Hi. My name is Dr. Page Dyer and I have treated Tom's cats  
700 at the facility where they are now.  
701  
702 Mr. Green - Are you in favor or against this --  
703  
704 Ms. Dyer - Yes. I'm in favor of him moving these cats. I'd like to first  
705 state that this feral cat colony started because of irresponsible pet owners that just let  
706 their cats out and it just -- a feral cat colony starts from one cat that's just been turned  
707 loose.  
708  
709 And so Tom has taken on a huge responsibility by, one, having all these cats spayed and  
710 neutered so they don't reproduce and produce another feral cat colony. I lived in Virginia  
711 until March of 2020 and when COVID hit I moved to North Carolina. I treated his cats at  
712 the location when he was not able to get them to a veterinarian. A lot of times it was on  
713 the weekends and I just tried to help him out since he was trying to be responsible and  
714 take care of these cats.  
715  
716 The site where he has the cats now is open, but he was allowed a Conex box that he has  
717 housed the cats in. Whenever I go to visit the cats, he – they come right up to him. They  
718 stay in that area. So, he's proved that he's agreeable with this.  
719  
720 Spaying and neutering that the cats – I've worked with feral cat programs trap, neuter,  
721 release for several years. I work with trap, neuter, release programs and these programs  
722 take these cats, they neuter, spay, give rabies shots, and take them back to the area  
723 because somebody is caring for them. Tom has gone above and beyond what most  
724 people do with feral cat colonies. They usually just go and feed them behind grocery  
725 stores, Home Depots, things like that.  
726  
727 These cats are better taken care of than some of my client's cats that I've seen. You  
728 know, they're fed very well he gives them medical attention. I vaccinated them for rabies  
729 for him.  
730  
731 The area where he keeps these cats, he constantly keeps clean. I have visited the site  
732 several times. He catches the cats and holds them for me while I treat them. It has never

733 smelled bad. A lot of people that work at his auto parts store, they don't even know the  
734 cats are there because he keeps them in that confined area.

735  
736 He has shown very much responsibility in keeping these cats as closed as he can. I don't  
737 foresee him not having any problems – he's going to work his butt off to make sure these  
738 cats are confined. And, like I said, he's not going to add to this. He's taken these cats  
739 and closed this feral cat colony. But you have to keep in mind the human-animal bond.  
740 If any of you have any pets, you have to take into consideration that these were his pets.  
741 He has worked with these cats for five years. Nobody else would care for feral cats like  
742 he has. He's made every effort to keep them in a small area. These cats aren't moved.

743  
744 You know. And I can understand Mr. Bruce (ph) once Tom retires him not being able to  
745 go on the property. He's not going to be insured as an employee anymore. He showed  
746 responsibility. And he goes and takes care of these cats when he's not working. If these  
747 cats – who's going to take care of these cats?

748  
749 There's no restaurant near that area. They're going to start to wander down  
750 Mechanicsville Turnpike, across the road, they're going to get killed. They could cause  
751 accidents. You know. They're going to have to be in search for food. Right now they  
752 have food, they have medical attention, and they're cared for. He loves these cats.  
753 They're his pets. And they're – to make him put these animals to sleep, taken into  
754 consideration if you had to take your pet right now and put it to sleep.

755  
756 And, you know, the neighbor mentioned that the – another neighbor has a cat that they  
757 let out. Well that cat wanders all over the neighborhood. It could kill birds. It could – it  
758 could go in somebody's house and get – and, you know, go to their house and get on  
759 their car. That cat's wandering the neighborhood. I know Mr. Douglas. He's going to  
760 take every precaution he can to keep these cats in his yard. He's shown responsibility  
761 by caring for them the last five years and I just think it would – I just don't know what's  
762 going to happen with these animals if he's not allowed to continue to care for them.

763  
764 And, once again, he's taken an irresponsible pet owner that just turned them out and he's  
765 trying to keep this colony and he said he's not going to add to it and I believe it. You  
766 know. He's – one and maybe the house cat. He's going to do everything he possibly can  
767 to care for these animals and keep them from harm. He's showed that responsibility  
768 already.

769  
770 Mr. Green - You state that you are – you didn't state it, but the assumption  
771 is that you are a veterinarian.

772  
773 Ms. Dyer - Yes, sir. I have a license in Virginia, North Carolina, and  
774 South Carolina.

775  
776 Mr. Green - And you're no longer in Virginia. Is that correct?

777  
778 Ms. Dyer - No, sir. I moved in March of 2020 to North Carolina. I worked

779 in Virginia in three different – for a while, and then I worked at three different vet clinics  
780 before I left.

781  
782 Mr. Green - But you were aware that if an individual kept x number of pets  
783 or, like, beyond the statutory requirement of the County, you as a veterinarian had to  
784 report that. Were you aware of that. Correct?

785  
786 Ms. Dyer - When he has a feral cat population?

787  
788 Mr. Green - No. Just in general. You are, as a veterinarian if an individual  
789 came in, whether or not they owned x number – was it five? Four?

790  
791 Mr. Blankinship - Yeah. Five.

792  
793 Mr. Green - Five, let's say five, in excess of five, you had to report it to the  
794 County. You were –

795  
796 Ms. Dyer - No. I was not aware of that.

797  
798 Mr. Green - You were not aware of that?

799  
800 Ms. Dyer - Well, I've cared for several cats. I've helped peoples care for  
801 several cats – feral cat populations where they have said, we try to trap, neuter, and  
802 release them and then release them back to the colony.

803  
804 Mr. Green - No. What I'm saying is that as a veterinarian you that you  
805 were not aware that if an individual kept x amount of animals in excess of what the County  
806 rules state, you had to report it to the County?

807  
808 Ms. Dyer - No, sir.

809  
810 Mr. Blankinship - Well, she's in Hanover. They might have a different process  
811 up there. I don't know.

812  
813 Mr. Pollard - I had a question.

814  
815 Ms. Dyer - Okay.

816  
817 Mr. Pollard - Do you know what the life span is of feral cats?

818  
819 Ms. Dyer - The life span of feral cats that are not cared for is very low.  
820 But because he's had them spayed and neutered, I would say the average life span would  
821 be between 7 to 10 years unless they have kidney issues or other issues. If there have  
822 – feline uti or Feline AIDS it would be much shorter.

823

Mr. Pollard - Then my last question. You mention trap, neuter, release. What are your thoughts on that? Or why is that a policy?

Ms. Dyer - Trap, neuter, and release is a program that's sponsored by several cat organizations, humane societies all over the country due to the fact that people just let their cats out and let them – irresponsible pet owners let a cat out. Cats are induced ovulators, so if they're not bred, they stay in heat for several months. That's why they reproduce so quickly.

So people that let cats out and just dump them, they're going to reproduce rapidly. They'll have two to three litters a year. So the trap, neuter, and release programs have been set in to control the pet population because these cats continue to breed.

So trap, neuter, and release takes a colony of cats. Several people find colonies of cats behind grocery stores, behind businesses, because people with hearts are going to start feeding them. They can't touch them, but they're going to put food out. And when they put food out, they're going to stay there and seek that food.

So a trap, neuter, release program takes cats, we trap them, we spay and neuter them, we give them rabies shots, and they're released back to the colony where they were, the location that they were, and those people continue to feed them, but they don't bond with people except to have food.

These cats have bonded with Tom, he's able to hold them and they come to him. And he says they run when people walk up, but they just scatter and hide. I've been there with him and waited, you know, wait till they come up to him and I've worked with them. So these cats are not like most feral cats. They love Tom. And, like I said, there's a human-animal bond there that's very strong.

Mr. Pollard - Thank you.

Mr. Green - Thank you. Mr. Douglas, you can refute anything that was said.

Mr. Douglas - One of the issues is I can't leave these cats at my workplace. That's not an option. That was actually the first thing that I tried to do. I was in hopes that the owner of the company would allow me to continue to come up there and take care of them. That would be the best-case situation. But that can't happen. It's not going to happen. Because the owner is expressly and made it clear that they have to go. And that's the reason why I stated earlier, they need a home or it could be the end of them.

Now I heard a lot of could haves in the conversation earlier. It's possible anything can happen. But you've heard my case, and you've heard what Page has said. We've taken good care of these cats. They're way beyond the normal feral cat population.

869 There are cats all over neighborhoods. I don't care where you go. You could see a cat  
870 in a neighborhood anywhere. Not everybody keeps their cats inside. So you know  
871 yourself that you've seen cats running freely through neighborhoods. You cannot stop  
872 nature from being nature. Cats are going to catch birds and so forth as the food chain  
873 goes on. There's no stopping that.

874  
875 I just hope that you will think about these cats and they will have to be moved. They  
876 cannot stay at my workplace. It's in your hands to decide where they will go. If they go  
877 to the animal shelters it will be the end of them. Anything is possible as far as, yes, cat  
878 could possibly escape. But all I have heard is could and possibly. I have not heard any  
879 documented proof of it actually happening or any statistics saying it will happen. All I've  
880 heard was could, maybe, possibly. So please consider the future of these cats. I'm  
881 asking you from the bottom of my heart. Thank you.

882  
883 Mr. Green - Sir. One question. Another. How old are the cats you have?

884  
885 Mr. Douglas - The oldest one is between 5 and 6 and the youngest is  
886 probably about a year and a half. They're between 1 and 6 years old, roughly.

887  
888 Mr. Green - Thank you.

889  
890 Mr. Bell - If you would have the cats that we're concerned with, the ones  
891 where you work and the ones that you have, to be your responsibility at your location and  
892 not where you work. What do you plan to do with those cats from that point on?

893  
894 Mr. Douglas - I couldn't hear you fully, sir. Could you repeat the question?

895  
896 Mr. Bell - What would you do with all the – have the responsibility of all  
897 those cats at that time if we would give them to you? Are you going to keep them and if  
898 they die off one at a time bring it down to code?

899  
900 Mr. Douglas - Exactly. That's exactly what my intent is. We are not planning  
901 on having any more cats. Other than the one male, they've been sterilized. There is not  
902 going to be an increase in population. That's a done deal.

903  
904 Mr. Bell - The goal is to have no more than what the code requires.

905  
906 Mr. Douglas - No, sir.

907  
908 Mr. Bell - Once they come down.

909  
910 Mr. Douglas - That's correct.

911  
912 Mr. Bell - Thank you.

913  
914 Mr. Douglas - Thank you.

915  
16 Mr. Green - I'm going to ahead and close this public hearing. We've been  
917 talking about this for an hour, and we have nine other cases, so we're not going to be  
918 here all day. And we've given considerable time in reference.

919  
920 What I'm going to say before we put a motion in order – is that I would remind the Board  
921 that there is a statutory requirement that we should follow that is set by the County as it  
922 relates to animals. And, you know, we have allowed individuals to keep maybe one or  
923 two over code, but when you getting into 13, 14, you know, that can be rather excessive.

924  
925 At my work, there was a feral cat population in the parking lot and we were advised to not  
926 touch them because our risk and safety person felt that if in fact someone did interfere,  
927 you could potentially be scratched, damaged, you know, scratched or have some other  
928 problems. And we did that to also not encourage them to stay.

929  
930 So, once again, while I'm very sympathetic and appreciative that someone is actually  
931 taking care of these cats, we do have to follow the County rules. If not, then we're going  
932 to open ourselves up to an array of individuals coming in, using this case as a precedence  
933 to ask for all kind of things. So, with that, closing the public hearing and I'd like to know  
934 the pleasure of the Board. Whose district is this?

935  
936 Mr. Blankinship - Mr. Pollard.

937  
38 Mr. Green - Mr. Pollard?

39  
940 Mr. Pollard - I move that we deny the conditional use permit. The request  
941 of 13 cats is more than 3 times the normal limit of 4. Feral cats are not used to being  
942 confined in a yard and we cannot anticipate how they will behave. They are likely to be  
943 noisy and would require a great deal of cleaning up. I move that we deny the conditional  
944 use permit.

945  
946 Mr. Green - Is there a second? Is there a second?

947  
948 Mr. Johnson - Second.

949  
950 Mr. Green - The motion was moved by Mr. Pollard, seconded by Mr.  
951 Johnson. Is there any discussion among the Board?

952  
953 Mr. Pollard - I have a comment for discussion. I'm very sympathetic to the  
954 situation and since I've been reviewing this case, I've been trying to figure out a remedy.  
955 But, like the Chair said, we just can't approve this, especially because the code exists for  
956 a reason, and we don't want to create a path for other people to actually ask for this type  
957 of accommodation. We have to deny –

958  
959 Mr. Blankinship - Your off mic.

50

961 Mr. Pollard - Excuse me. I'm sorry. I was saying I'm very sympathetic. I  
962 listened carefully. I reviewed the case carefully. And I was, you know, bending over  
963 backwards trying to figure out – and of course not as much as you – bending over  
964 backwards trying to figure out another path.

965  
966 We have had similar cases come up before us before and we had to deny those because  
967 of the code. And we just can't allow a path to circumvent the code. And so with a heavy  
968 heart I had to suggest that we deny this request.

969  
970 Mr. Green - Any other comments or concerns? All in favor of denying the  
971 request say aye. Opposed like sign. The conditional use permit has been denied.

972  
973 On a motion by Mr. Pollard, seconded by Mr. Johnson, the Board **denied the request**  
974 **(CUP2022-00020 THOMAS AND LYNNE DOUGLAS)**.

975  
976  
977 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5  
978 **Negative:** 0  
979 **Absent:** 0

980  
981  
982 Mr. Green - We're going to take just a five-minute break. But I'm going to  
983 caution us that when we come back, we're going to try to get through these cases more  
984 expeditiously. And while we took a lot of time, an hour, we're not going to take an hour  
985 with these other cases. Because we'll be here all day and that's not the intent. So let's  
986 take a five-minute break and when we return let's try to get through these cases as quickly  
987 as we possibly can.

988  
989 [Break in audio]

990  
991 Mr. Green - I'm going to ask that the Board, staff, and those that are  
992 presenting be cognizant of the time. We have quite a few cases and I think that some of  
993 you can make your cases without being repetitive and emotional and so we can make  
994 decisions. I will use my prerogative to, sorry, cut you off if I feel that, you know, we're not  
995 getting anywhere. But the number of cases that we have today and the time is limited.

996  
997 We spent an hour on the last case, but we're not going to continue to operate in that  
998 mode. Because something like that could have been done in a more swift time. But  
999 that's, I guess, I should have stepped up and done something.

1000  
1001 So we're going to move to the first conditional use permit CUP2022-00006, because I  
1002 understand the applicant is on Webex.

1003  
1004 Mr. Blankinship - Yes, sir. That's Debra Escobar.

1005

**CUP2022-00006 DEBRA ESCOBAR** requests a conditional use permit pursuant to Section 24-4406 of the County Code to allow an accessory dwelling unit at 3313 Hawkins Road (WEST BROAD ST GARDENS) (Parcel 768-749-1471) zoned One-Family Residence District (R-4) (Brookland).

Mr. Blankinship - Is there anyone in the room to speak to this case? All right. In that case, Mr. Madrigal, you can begin your report.

Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the Board, before you is a request to allow an accessory dwelling unit in a one-family residence district. The subject property is part of the West Broad Street Gardens Subdivision and consists of two lots totaling half an acre in area.

The parcel is improved with a split-level home totaling 600-square-feet in area, with a 338-square-foot enclosed porch and roof deck and a 600-square-foot detached garage constructed in 1969. Other improvements include a 2,000-square-foot parking pad in the eastern side-yard adjacent to the driveway and two detached sheds in the rear yard.

Access to the lot is by way of 15-foot-wide by 100-foot-deep driveway leading to the detached garage. The existing garage is located at the rear of the lot, approximately 40 feet distant from the home, 30 feet from the side property line, and 6 feet from the rear property line.

The applicant would like to convert the garage into a residence for her mother who until recently resided in Arizona. She unfortunately suffered a stroke and needs additional care. Ms. Escobar applied for a building permit in November for the conversion. During the plan review she was informed that a CUP would be required for her project. The property is consistent with the zoning and comprehensive plan designations on the parcel. The proposed accessory dwelling unit is allowed by way of a CUP subject to specific standards as outlined in code.

The property is part of an established residential neighborhood although it's twice as large as surrounding properties, both the lot and home are consistent with the general character, development pattern, and use for this area.

The existing garage sits at the rear of the lot and has a 2000-square-foot parking pad in front of it which will facilitate the use, the most impacted neighbor is to the east and is 70-feet distant from the garage. The rear neighbors are just over 100 feet away and the existing 6-foot-tall privacy fence surrounds the rear yard and blocks visibility from the neighbors. Considering these factors, the proposed accessory dwelling unit should not appear out of character, scale, or intensity with the immediate area. Staff does not anticipate any detrimental impacts on adjoining properties or the neighborhood.

Based on the facts of the case, staff recommends approval subject to conditions. I'll be happy to entertain any questions.

1052 Mr. Green - Are there any questions from the Board to the staff? Hearing  
 1053 none, we'll move to the applicant.  
 1054  
 1055 Mr. Peterman - I have Ms. Escobar on the attendee list and I'm unmuting now.  
 1056  
 1057 Ms. Escobar - Yes. Whew. We plan to build this for my mom because she  
 1058 had a stroke and I opened a daycare, a home daycare. I also do foster care, so there's  
 1059 too many children in the house for her. And when she had her stroke, that's when we  
 1060 realized she needed to come closer, because she lived in Arizona. And now she's here.  
 1061 And we just got her fixed in it as a place for her to stay. It's on a separate lot. It's enough  
 1062 size and space for her.  
 1063  
 1064 I did plan to come there today, but my staff got called out this morning, so I couldn't leave.  
 1065 (Indiscernible) staff (indiscernible). And I just hope you help me help my mother. My  
 1066 mother is 77 this week and she needs to be close to me. Again.  
 1067  
 1068 Mr. Green - Thank you.  
 1069  
 1070 Ms. Escobar - All right.  
 1071  
 1072 Mr. Green - Are there any questions from the staff from the Board to the  
 1073 applicant in reference to this?  
 1074  
 1075 Mr. Blankinship - We do have one other person on Webex who has asked to  
 1076 speak.  
 1077  
 1078 Ms. Escobar - That is my son who's also worked – who's helping construct  
 1079 this for me.  
 1080  
 1081 Mr. Blankinship - Oh. Okay.  
 1082  
 1083 Mr. Green - Is he going to speak?  
 1084  
 1085 Mr. Peterman - I've unmuted Matt Lindsey here. Mr. Lindsey.  
 1086  
 1087 Mr. Lindsey - Oh, yes. I think we're pretty good to go. But this mother-in-  
 1088 law suite – for the – place. She's 77, so I imagine she will be on the 15-year plan. – for  
 1089 the – this proximity of this garage, you know, – mostly – give us this opportunity to spend  
 1090 quality time with her. So, I appreciate your consideration.  
 1091  
 1092 Mr. Green - Thank you. Any questions from the Board to the second  
 1093 speaker? Okay, no opposition. I close the hearing and entertain the motion.  
 1094  
 1095 Mr. Bell - Yes. I move that we approve the conditional use permit  
 1096 subject to the conditions recommended by the staff. It is consistent with the  
 1097 Comprehensive Plan and the Zoning Ordinance. The building is already there, so there

will be no new impact on the neighborhood. And, lastly, this will allow them to take care of the family member and, in the future, it may be used for other family members.

Mr. Johnson - I second.

Mr. Green - Motion was made and seconded. Any discussion? All in favor. Opposed.

On a motion by Mr. Bell, seconded by Mr. Johnson, the Board **approved, CUP2022-00006 DEBRA ESCOBAR's** request for a conditional use permit pursuant to Section 24-4406 of the County Code to allow an accessory dwelling unit at 3313 Hawkins Road (WEST BROAD ST GDNS) (Parcel 768-749-1471) zoned One-Family Residence District (R-4) (Brookland). The Board approved the request subject to the following conditions:

1. This conditional use permit authorizes the conversion of a detached two-car garage into an accessory dwelling unit. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to the existing improvements shown on the plot plan and building design filed with the application. Any additional improvements must comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements will require a new conditional use permit.

3. The applicant must adhere to the requirements of Sec. 24-4406, Accessory Dwelling Unit.

4. Prior to applying for a building permit, the applicant must obtain approval of a minor subdivision to consolidate the lots.

5. Any new construction and exterior modification to the garage must match the existing dwelling as nearly as practical in materials and color.

6. Any exterior lighting must be shielded to direct light away from adjacent property and streets.

7. A building permit must be obtained for the proposed accessory dwelling unit by May 27, 2024, or this conditional use permit will expire. If the building permit is cancelled or revoked after that date due to failure to diligently pursue construction, this conditional use permit will expire at that time.

<b>Affirmative:</b>	<b>Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>		<b>0</b>

1145 Mr. Green – The case passes.  
 1146  
 1147 Mr. Blankinship - All right. The next case is conditional use permit 2022,  
 1148 number 21, Theodore E. Von Mechow.  
 1149  
 1150 **CUP2022-00021 THEODORE E. VON MECHOW IV** requests a conditional use permit  
 1151 pursuant to Section 24-4419.G.1 of the County Code to keep up to six hens in the rear  
 1152 yard at 8412 Zell Lane (SOMERSET) (Parcel 755-747-3142) zoned One-Family  
 1153 Residence District (R-3) (Three Chopt).  
 1154  
 1155 Mr. Blankinship - Would everyone who intends to speak to this case, please  
 1156 stand and be sworn in? Do we have an applicant on Webex? Oh, yes he is. Okay, great.  
 1157 All right. Mr. Gidley  
 1158  
 1159 Mr. Green - Just for clarification purposes, that last motion was made by  
 1160 Mr. Bell, seconded by Mr. Johnson.  
 1161  
 1162 Mr. Blankinship - Yes. That's right.  
 1163  
 1164 Mr. Green - So we capture it.  
 1165  
 1166 Mr. Blankinship - All right. And, also, there was an email on this case which  
 1167 was left at your table.  
 1168  
 1169 Mr. Green - Yes, sir.  
 1170  
 1171 Mr. Blankinship - Mr. Gidley.  
 1172  
 1173 Mr. Gidley - Oh.  
 1174  
 1175 Mr. Blankinship - You haven't sworn yet? Well, tell the truth. Go ahead.  
 1176  
 1177 Mr. Gidley - Thank you. Thank you, Mr. Secretary. Good morning, Mr.  
 1178 Chair, members of the Board.  
 1179  
 1180 I've brought a copy of the email from the neighbor at 8414 Zell, which was in opposition.  
 1181 I was going to hand it out to the applicant, but he's on Webex, so just briefly. Their  
 1182 concern was having chickens in a residential neighborhood. Felt it was too close to their  
 1183 property line and felt it would set a precedence. That was Gary and Kristan Wan (ph). I  
 1184 guess that's how that's pronounced. So for the applicant's benefit, I just wanted to  
 1185 summarize that.  
 1186  
 1187 As far as this case, the applicant does want to keep up to six hens on the property. This  
 1188 is a residential subdivision located just east of Parham and Three Chopt Roads. The  
 1189 applicant's property is a quarter-acre and they've lived there since 2018. This was their  
 1190 backyard looking towards the rear. The coop is here in white. And the location of that

1191 coop relevant to everything else is, as you can see here, it's at least 25 feet off all the  
92 adjoining property lines.

1193  
1194 In evaluating this request, let's see here, here's a close-up view. The Zoning Ordinance  
1195 requirements for the keeping of hens, specifically being kept in the rear yard in a covered  
1196 structure with a coop and an enclosed run, in this case, a setback is required of 25 feet.  
1197 All of these requirements are met.

1198  
1199 As you can see here, the structure looks to be well built and maintained. There were nine  
1200 hens in there. The limit is six. The applicant indicated three of those would be going to  
1201 family members, bringing it down to six hens, which is permitted. Here is another view of  
1202 the rear yard.

1203  
1204 Due to the setback being met from the property lines and the structure being smaller and  
1205 less noticeable than some of the sheds you see there on the nearby property, staff doesn't  
1206 really see any substantial detrimental impact to nearby property.

1207  
1208 Because of this, we recommend approval of this request subject to the conditions in the  
1209 staff report. And if you have any questions, I'll be happy to answer those. Thank you.

1210  
1211 Mr. Green - Any questions from the Board to staff? We'll now hear from  
1212 the applicant. Applicant's on Webex?

1213  
1214 Mr. Blankinship - Yes, sir.

1215  
1216 Staff - Yes. Mr. Von Mechow, it's yours.

1217  
1218 Mr. Von Mechow - All right. First of all, thank you all for taking the time to hear  
1219 the case today. I wanted to kind of go over, you know, the purpose of why my wife and I  
1220 wanted to do this. It's no big secret that, you know, the country has had some supply  
1221 chain issues. And the wife and I have a large family. Soon to be six. So our intent is to  
1222 keep these hens just for the eggs. Obviously, they may be of some sustenance in the  
1223 event that our supply chains continue to fail.

1224  
1225 We're also looking at this as a good opportunity to build responsibility for our three, soon  
1226 to be four, children. So in some of the mitigating factors that, you know, we considered,  
1227 my wife and I have done everything we can to follow the County Zoning Ordinances, you  
1228 know, related to the setbacks, related to the square footage of the enclosure. And I have  
1229 talked to the man in opposition at 8414 Zell Ln.

1230  
1231 He indicated to me his biggest concern was the potential smell coming from them. We  
1232 haven't had any complaints so, you know, so far and that factors into, you know, our  
1233 choice of our bedding material and three or four inches – this end. And the bedding that  
1234 we had is designed so that smell is not really a factor whatsoever.

1235  
36 Mr. Green - Are there any questions?

1237  
 1238 Mr. Von Mechow - I'll be happy to answer any questions.  
 1239  
 1240 Mr. Green - Do we have any questions from the Board to the applicant?  
 1241 Hearing none, is there any opposition to this this? Hearing nothing, I will close the  
 1242 hearing. Since that's in my district, I move that we approve the Conditional Use Permit  
 1243 subject to conditions recommended by staff. It is consistent with the Comprehensive Plan  
 1244 and the Zoning Ordinance. The property is well maintained and we believe the owner will  
 1245 continue to maintain it. The chicken coop meets the set back from adjoining property.  
 1246  
 1247 I think it's also important to note that the County changed the rules that now allow for  
 1248 chickens to be kept in yards. So I think that's very important to stress. And one thing that  
 1249 I was always concerned about is with this avian flu. This would allow us to be able to  
 1250 keep track of those individuals in the County that have these various chicken coops in the  
 1251 event that we have an outbreak of the avian flu and we can get to them. So, with that, I  
 1252 move to approve. Is there a second?  
 1253  
 1254 Mr. Green - The motion was made by myself. Seconded by Mr. Pollard.  
 1255 Any discussion? Hearing none, I'll call for the vote. All in favor. All opposed. None.  
 1256  
 1257 On a motion by Mr. Green, seconded by Mr. Pollard, the Board **approved** case **CUP2022-**  
 1258 **00021 THEODORE E. VON MECHOW IV's** request for a conditional use permit pursuant  
 1259 to Section 24-4419.G.1 of the County Code to keep up to six hens in the rear yard at 8412  
 1260 Zell Lane (SOMERSET) (Parcel 755-747-3142) zoned One-Family Residence District (R-  
 1261 3) (Three Chopt). The Board approved the request subject to the following conditions:  
 1262  
 1263 1. This conditional use permit authorizes the applicant to keep up to six hens (no  
 1264 roosters) on the property. All other applicable regulations of the County Code remain in  
 1265 force.  
 1266  
 1267 2. The applicant must continue to comply with all requirements of Section 24-4419.A and  
 1268 G of the Zoning Ordinance. The hens must be kept in a covered enclosure and not  
 1269 allowed to run free, and the activity must not produce any objectionable odors or vermin.  
 1270 3. Chicken feed must be stored in lockable metal containers resistant to vermin.  
 1271  
 1272 4. All waste must be composted or removed from the site on a regular basis.  
 1273  
 1274  
 1275 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5  
 1276 **Negative:** 0  
 1277 **Absent:** 0  
 1278  
 1279  
 1280 Mr. Green - It's approved. Thank you.  
 1281  
 1282 Mr. Blankinship - All right. The next case is conditional use permit 2022,  
 1283 number 22, is to Joseph S. Massie.

1284  
85 **CUP2022-00022 JOSEPH S. MASSIE** requests a conditional use permit pursuant to  
1286 Section 24-4404.A.1 of the County Code to allow a pool in the side yard at 8303 Bowers  
1287 Lane (Parcel 789-756-5362) zoned One-Family Residence District (R-2A) (Fairfield).  
1288

1289 Mr. Blankinship - Would everyone who intends to speak to this case, please  
1290 stand and be sworn in? Raise your right hand please, sir. Do you swear the testimony  
1291 you're about to give is the truth, the whole truth, and nothing but the truth so help you  
1292 God?  
1293

1294 Mr. Massie - Yes, sir.  
1295

1296 Mr. Blankinship - Thank you. Mr. Madrigal.  
1297

1298 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chair, members of the Board.  
1299 Before you is a request to allow an inground swimming pool in the side yard of a one-  
1300 family dwelling. The property is a square-shaped parcel originally derived from a 372-  
1301 acre farm dating back to the 1800s. The parcel is 263-feet-wide by 240-foot-deep and is  
1302 located at the center of a residential block surrounded by 10 lots that back onto all four  
1303 sides of the property. Access to the property is on the south, where Bowers Lane  
1304 terminates at the property line. The parcel is improved with a two-story, 4,800-square-  
1305 foot home constructed in 1890.  
1306

1307 Open parking is provided via 115-foot-deep circular driveway at the front of the house.  
1308 The home is set approximately 120 feet deep into the lot, resulting in a shallow rear yard  
1309 and ample side yards. The applicant purchased the property in 2002 and has made  
1310 significant improvements to the home. In 2012 he added a 300-square-foot porch  
1311 enclosure to the west side of the house. In 2020 he added 914-square-feet to the east  
1312 side of the structure.  
1313

1314 He would now like to add a 16-foot by 32-foot in-ground swimming pool in the eastern  
1315 side yard. Work for this project commenced prior to obtaining the necessary permits, and  
1316 the pool is already in the ground.  
1317

1318 The existing and proposed use is consistent with both the Zoning and Comprehensive  
1319 Plan designations on the property. An in-ground swimming pool is allowed as an  
1320 accessory use. If the pool is located in the front or side yard, it may be approved by way  
1321 of CUP as long as the pool maintains a minimum 10-foot distance from the dwelling and  
1322 from the side and rear lot-lines.  
1323

1324 In this instance, the pool is located in the eastern side yard over 150 feet from the front  
1325 property line, 42 feet from the side property line, 55 feet from the rear property line, and  
1326 24 feet distant from the home. It is not visible from the public right-of-way due to its  
1327 placement and the unique entrance onto the property. The pool will also be minimally  
1328 visible to adjacent neighbors due the existing privacy fence surrounding the property. It

is enclosed by sections of 6-foot-tall wooden fencing running along those borders. That's basically composed of the rear-lot-lines of the adjoining homes.

The surrounding area is developed with single-family dwellings on lots ranging in size between 10,000 to 20,000-square-feet. There are a few examples in the immediate area with above-ground and in-ground pools. Other common amenities include wooden decks, hardscape patios, fire pits, and entertainment areas.

The pool will not be at a scale, intensity, or character for the property and the rest of the neighborhood. The parcel size, location, and block configuration are unique as compared to the rest of the area. It is the largest lot in the immediate vicinity, and all the adjoining lots back onto the property. The closest neighbors on the eastern side of the lot are well over 140-feet distant from the pool.

The existing privacy fencing and vegetation Outlining the lot provide a fair amount of screening. The applicant has installed a 5-foot-tall wrought-iron fence extending from – either side of the home to the property lines to secure the pool. You can see the fence here in the photograph.

Existing setbacks exceed the code and are more than adequate although there are few similar examples throughout the neighborhood, the pool will not be out of place. Staff does not anticipate any significant adverse impacts from this request. Based on the facts of the case, staff recommends approval subject to conditions. I'd be happy to answer any questions.

Mr. Green - Are there any questions from the Board to staff? Hearing none, we'd now hear from the applicant.

Mr. Massie - Good morning.

The Commission - Good morning.

Mr. Blankinship - Tell us your name, please.

Mr. Massie - My name is Joseph Massie.

Mr. Blankinship - Thank you.

Mr. Massie - Joseph Samuel Massie III to be exact. Basically, I presented a memorandum to you guys and I think that's basically a part of it. So that's basically what I had to say. But I'll repeat a little bit of what I have to say. In the interest of time, I think you basically have the information that you need to make a decision.

But what I'm doing is I'm requesting you know a conditional use permit as it is not in the best interest or the best option to have the pool in the back of the yard. And that's basically because of this space. The pool is 16' by 32'. And the way the house is

1375 designed, the way the house is and the land. Basically it's on its own cul-de-sac and it's  
1376 basically at the back of the cul-de-sac, so there's not much room in the back. And that  
1377 little shed is about 200-square-feet. It's back there for storage space. So there's not  
1378 much space to put a pool.

1379  
1380 So the best option really was the side. Most of the land on the property is on the right  
1381 and the left sides of the house. The house sits so far back on Bowers Lane. It sits off of  
1382 Diane, really, but it's on Bowers Lane, technically. But you really can't see the house  
1383 from the street, because it's about 120, 150 feet from the street. And then, once you get  
1384 close to the house, you have some shrubbery that's about 30 feet that you see there. So  
1385 you really can't see where the pool is going to be unless you come up to the property.

1386  
1387 And, of course, what we did is we put a fence there that was about 6 feet to cover the  
1388 pool as the code requires. So once you get into the property, you just can't go and get  
1389 into the pool without going through the fence. And the house, the new side there where  
1390 the pool is, that section there, once you leave that door open – let's say a child was in  
1391 that room and went out to open one of the doors, then the alarm system tells you the door  
1392 is open or that the window is open. So you know someone is leaving the house and  
1393 they're going to the pool. That's another safety measure that we incorporated into his  
1394 project. Any questions?

1395  
1396 Mr. Green - Are there any questions from members of the Board to Mr.  
1397 Massie? Now then, one of the conditions before we approve any pools, is that we have  
98 to all come and be invited to swim in it!

99  
1400 Mr. Blankinship - Mr. Green brings the potato salad.

1401  
1402 Mr. Green - Any questions? Thank you, Mr. Massie.

1403  
1404 Mr. Massie - Thank you.

1405  
1406 Mr. Green - Are there any other individuals in opposition or support of this  
1407 pool? Hearing none, I will close the hearing and entertain a motion.

1408  
1409 Mr. Pollard - I move that we approve the conditional use permit subject to  
1410 the conditions recommended by staff. It's consistent with the Comprehensive Plan and  
1411 the Zoning Ordinance. Although the pool in the side yard is faced by the neighbor's rear  
1412 yards, the property is screened by a privacy fence and mature landscaping. I move we  
1413 approve.

1414  
1415 Mr. Green - Second. It has been moved by Mr. Pollard and seconded by  
1416 myself. All in favor say aye. All those opposed like sign

1417  
1418 On a motion by Mr. Pollard, seconded by Mr. Green, the Board **approved** case **CUP2022-**  
1419 **00022 JOSEPH S. MASSIE's** request for a conditional use permit pursuant to Section  
20 24-4404.A.1 of the County Code to allow a pool in the side yard at 8303 Bowers Lane

(Parcel 789-756-5362) zoned One-Family Residence District (R-2A) (Fairfield). The Board approved the request subject to the following conditions:

1. This conditional use permit authorizes an in-ground swimming pool in the eastern side yard. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to the improvements shown on the plot plan and pool design filed with the application. Any additional improvements must comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements will require a new conditional use permit.

3. Any exterior lighting must be shielded to direct light away from adjacent property and streets.

4. The swimming pool must be enclosed as required by the Building Code.

5. The applicant must obtain a building permit for the proposed swimming pool by May 27, 2024, or this conditional use permit will expire. If the building permit is cancelled or revoked after that date due to failure to diligently pursue construction, this conditional use permit will expire at that time.

<b>Affirmative:</b>	<b>Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>		<b>0</b>

Mr. Green - The case passes. Thank you, Mr. Bowman – I mean, Mr. Massie.

Mr. Blankinship - All right. The last conditional use permit this morning is Conditional Use Permit 2022, number 23, James B. Baldwin III.

**CUP2022-00023 JAMES B. BALDWIN, III** requests a conditional use permit pursuant to Section 24-4404.A.1 of the County Code to allow a pool and pool house in the side yard at 2 Raven Rock Lane (SLEEPY HOLLOW) (Parcel 751-734-0144) zoned One-Family Residence District (R-1) (Tuckahoe).

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

Mr. Simmons - I do.

Mr. Blankinship - Thank you, sir. Mr. Gidley.

Mr. Gidley - Thank you, Mr. Secretary. Good morning again Mr. Chair, members of the Board. At your desks you should have a floorplan of the proposed pool house. The applicant's property is in the Sleepy Hollow subdivision just northwest of Parham and River Roads, as you can see here on the map. This is their home here at the end of the cul-de-sac. The property slopes down sharply as you get into the side and rear yards. The applicant would like to construct an inground swimming pool and a two-story pool house.

Much of the rear yard, however, is constrained by a Resource Protection Area buffer of the creek that's – goes through the rear yard. The blue line is the edge of the buffer and, as you can see, it takes up much of the rear yard. As a result, between that and easements over here, the applicant is interested in putting the pool in the rear and side yards and the pool house mostly in the side yard, but also a little bit up in the front yard.

In evaluating this request, both of these uses are customarily incidental in a residential neighborhood. They may be placed in the side yard or the front yard with the conditional use permit.

This is a view of the rear yard, and the creek is back here. Behind it is a Virginia Power powerline and eventually Parham Road, so that's what you see looking east. To the south is a Dominion Power substation. So, really, the only neighbor that we would be concerned about is the adjacent property to the north.

When you put in the pool and clubhouse, a lot of this vegetation would be removed. To maintain an element of privacy, staff is proposing additional landscaping adjacent to the pool house. That should ensure any privacy and mitigate and potential impact on the adjacent neighbor.

In summary, the yard is constrained by that RPA buffer, so this allows him to build his proposed pool and pool house and still be 60 feet from the neighbor. And with the supplemental landscaping, staff doesn't believe there's going to be a substantial detrimental impact.

He's not had any opposition that we're aware of. So we recommend approval of this request subject to the conditions in the staff report. That concludes my presentation. Thank you.

Mr. Green - Are there any questions from Board to staff? Hearing none, we'll hear from the applicant.

Mr. Simmons - Thank you, Mr. Chair, and members of the Board. My name is Scott Simmons. I'm the attorney for the applicant. With me here is Stig Owens who's the engineer for the project. I only have two things to add from what staff said.

One is that the next-door neighbor and two other neighbors on Raven Rock Lane do have pools, so it is consistent with other uses in the neighborhood. And, in addition, I submitted

1514 a floor plan that I got from my client to staff. This is not the final architectural drawing but,  
1515 you know, the floor plan shows a kitchen. There will be no kitchen in the pool house.  
1516 There will be no kitchen of any kind. There will be a bar and entertainment center. But  
1517 in other words, the pool house is not intended to be any kind of accessory dwelling unit.

1518  
1519 The applicant would comply with all the conditions suggested.

1520  
1521 Mr. Green - Are there any questions from the Board to the applicant's  
1522 attorney?

1523  
1524 Mr. Johnson - Would there be any fencing around the pool?

1525  
1526 Mr. Simmons - There will be fencing. That is one of the conditions. Enclosed  
1527 as required by the building code. Absolutely.

1528  
1529 Mr. Johnson - In those – okay.

1530  
1531 Mr. Simmons -

1532  
1533 Mr. Green - Any other questions? Mr. Blankinship said, since I have to  
1534 bring potato salad, we are --

1535  
1536 Mr. Simmons - There are invitations.

1537  
1538 Mr. Green - He's going to bring the lemonade. Hearing none, close the  
1539 hearing.

1540  
1541 Mr. Simmons - Thank you.

1542  
1543 Mr. Green - Is there a motion?

1544  
1545 Mr. Reid - I move that we approve the conditional use permit subject to  
1546 the conditions recommended by staff. It is consistent with the Comprehensive Plan and  
1547 the Zoning Ordinance. The pool cannot be built in the rear yard because of the Resource  
1548 Protection Area and the pool will be partially screened by the pool house, which will be  
1549 similar to the house. The lots are large enough that the pool should not have a detrimental  
1550 impact on the neighbors.

1551  
1552 Mr. Bell - Second.

1553  
1554 Mr. Green - The motion was made by Mr. Reid, seconded by Mr. Bell. Any  
1555 discussion? Hearing no discussion, all in favor say aye.

1556  
1557 On a motion by Mr. Reid, seconded by Mr. Bell, the Board **approved** case **CUP2022-**  
1558 **00023 JAMES B. BALDWIN, III** requests a conditional use permit pursuant to Section  
1559 24-4404.A.1 of the County Code to allow a pool and pool house in the side yard at 2

Raven Rock Lane (SLEEPY HOLLOW) (Parcel 751-734-0144) zoned One-Family Residence District (R-1) (Tuckahoe). The Board approved the request subject to following conditions:

1. This conditional use permit authorizes the location of the swimming pool and pool house in the front and side yards as shown on the Pool and Pool House Conceptual Development Plan submitted with the application. All other applicable regulations of the County Code remain in force. Any additional improvements must comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements will require a new conditional use permit.

2. The new construction must match the existing dwelling as nearly as practical in materials and color.

3. A detailed landscaping plan must be submitted to the Planning Department with the building permit for review and approval that shows supplemental landscaping between the proposed pool house and the neighboring property at 1 Raven Rock Lane.

4. The swimming pool must be enclosed as required by the Building Code.

5. The pool house must not be used for a short-term rental or as an accessory dwelling, unless an additional conditional use permit is obtained.

6. The applicant must obtain a building permit for the proposed in-ground swimming pool and pool house by May 27, 2024, or this conditional use permit will expire. If the building permit is cancelled or revoked after that date due to failure to diligently pursue construction, this conditional use permit will expire at that time.

<b>Affirmative:</b>	<b>Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>		<b>0</b>

Mr. Green - The case passes. Thank you, sir.

Mr. Simmons - Thank you.

Mr. Blankinship - All right. That completes the conditional use permits for this morning. We do have four variances. The first is Variance 2022, number 4. This case was heard last month. The public hearing was concluded, but there were two questions that were raised during the public hearing the Board asked staff to resolve before a vote could be taken. So this is Liberty Homes of Virginia, Incorporated.

**VAR2022-00004 LIBERTY HOMES OF VIRGINIA, INC.** requests a variance from Section 24-4406.E.1 of the County Code to build a one-family dwelling at 5401 Eanes Lane (Parcel 806-712-9218) zoned One-Family Residence District (R-4) (Varina). The

public street frontage requirement is not met. The applicant proposes 0 feet public street frontage, where the Code requires 50 feet public street frontage. The applicant requests a variance of 50 feet public street frontage.

Mr. Blankinship - Mr. Gidley, do you have the report on it?

Mr. Gidley - Okay.

Mr. Blankinship - Just answer the two questions.

Mr. Gidley - I'm sorry. Basically, the applicant does own the property. You should see in your staff report the deed where they acquired the property. I also went further and looked at the property of the person who spoke earlier. She owns the property to the rear, and they do not own the applicant's property. Their deeds and the surveys don't show it incorporating this property. And, as far as the taxes. The taxes are paid up by the person who signed the application, so everything should be good to go.

Mr. Blankinship - And Mr. Rempe is present if the Board has any questions for him.

Mr. Green - That's Mr. Rempe? Thank you. Are there any questions from staff to – from Board to staff? Hearing none, is there anyone in the audience or on Webex in favor or against this?

Mr. Blankinship - No, sir. We did not advertise it as a public hearing.

Mr. Green - Did you want to say anything, Mr. Rempe, before we close it and vote?

Mr. Rempe - I appreciate staff's time and help on this. Good morning, Chairman and Board Members and staff. We just had that one issue with the sewer pull requirement. We want to – want – I wanted to see if that could be waived. We agree with the variance tests have been met? We're going to put the house 300 feet beyond the sewer.

We think the sewer pull requirement is another regulation similar to the Zoning that's an older lot. It predates the sewer ordinance. All the lots around it are on septic and the lot was recorded. The intent was that the lots were going to be used for single-family detached houses and use septic systems.

Liberty Homes is going to build a beautiful house, brand new house, and it's going to – it's going to be available for a first-time homebuyer. Like to point out that the market right now doesn't have any decent supply for first time homebuyers. So when you drive by this house in a couple years after this has been approved, you'll probably see a family out there playing some football, some kick ball, and really enjoying the use of the lot that right now can't be used. Thank you.

1653  
1654 Mr. Green - Okay. If I remember this, this is the case where we were  
1655 interested in having it tied to the sewer line and they wanted to do a septic.  
1656  
1657 Mr. Blankinship - Yes, sir. Staff always recommends in cases like this that any  
1658 new dwelling that can reasonably be served by public water and sewer should be. And  
1659 Mr. Rempe is correct, he can build the house far enough away from the sewer line that  
1660 the utility code would not require him to connect to it. But staff still recommends that as  
1661 a condition of the variance that it's in the public interest that new houses be connected to  
1662 public water and sewer. He can very easily built the house toward the front of the lot  
1663 rather than the rear where it is more accessible to the sewer. Of course, it's within the  
1664 Board's purview to accept or change condition number 6 of the recommended conditions.  
1665 But staff's recommendation remains that any dwelling on the property should be served  
1666 by public water and sewer.  
1667  
1668 Mr. Rempe - I do have a quote on a similar project, just to show you what  
1669 he cost would be on the – on the sewer pull if you want to see it.  
1670  
1671 Mr. Green - You can tell –  
1672  
1673 Mr. Rempe - The cost on a similar project that we're working on right now  
1674 is \$30,000. So this particular project's a little bit further. The sewer pull is a little bit further  
1675 away, and it could be 30 to \$40,000 to do the sewer pull. That's design cost, that's getting  
1676 the contractor out there, that's doing survey. So it's a hardship. This ordinance is a  
1677 hardship on this lot that predates the ordinance. Significant hardship.  
1678  
1679 Mr. Johnson - That area is growing with houses coming in since it's a newer  
1680 cul-de-sac there. Would that affect them as well?  
1681  
1682 Mr. Rempe - The –  
1683  
1684 Mr. Green - The other people that's going to be bringing homes in or  
1685 having homes built out there?  
1686  
1687 Mr. Rempe - No. Most of those lots are, if you look at the picture up here,  
1688 most of those lots are larger lots that have been recorded. All of them except for the one  
1689 to the – to the left – just around that immediate area are on septic. So it's not going to  
1690 really affect the people that are out there. It's, you know, it's going to be a brand-new  
1691 house. It's going to be a beautiful house. It could enhance that area as far as values. It  
1692 would be a nice addition to that area.  
1693  
1694 Mr. Green - So, for the record, the reason that you don't want to tie into  
1695 the sewer system is because of the additional 30 to \$40,000 cost.  
1696  
1697 Mr. Rempe - Yes, sir.

1698  
1699 Mr. Green - Okay. But, technically, from the way it operates, he can build  
1700 and put a septic on there.  
1701  
1702 Mr. Gidley - Right. And if you put the house up here, he'd be required to  
1703 do so, but he scoots it way in the back to try to get around the rules. And to Mr. Johnson's  
1704 point, if someone's well or septic fails –  
1705  
1706 Mr. Green - Well, let's not make the assumption that someone's trying to  
1707 get around the rules.  
1708  
1709 Mr. Gidley - Okay.  
1710  
1711 Mr. Green - That could be just a matter of choice. We don't make  
1712 assumptions that people are trying to skirt the rules. That's could just be a matter of  
1713 preference.  
1714  
1715 Mr. Gidley - Right. And to Mr. Johnson's point of –  
1716  
1717 Mr. Johnson - Go ahead.  
1718  
1719 Mr. Gidley - If someone's well or septic system fails, having it brought  
1720 down the road gives them the option to go ahead and hook in at that point, so it does  
1721 benefit other properties.  
1722  
1723 Mr. Johnson - Right. Thank you.  
1724  
1725 Mr. Green - Hey, any other questions? Hearing none, we'll close the  
1726 hearing and is there a recommendation from the body?  
1727  
1728 Mr. Johnson - I move that we approve the variance subject to conditions  
1729 recommended by staff and that the lot was created before the public street frontage was  
1730 required. And there is no other reason to use the property. Now there will be no impact  
1731 on the other properties. And the other tests are met as stated in the staff report.  
1732  
1733 Mr. Green - Is there a second?  
1734  
1735 Mr. Pollard - I second it.  
1736  
1737 Mr. Green - The motion has been made by Mr. Johnson, seconded by Mr.  
1738 Pollard. Is there any discussion?  
1739  
1740 Mr. Reid - Are we leaving number six?  
1741  
1742 Mr. Blankinship - As the motion was stated. Yes, sir.  
1743

1744 Mr. Johnson - Yes. Mm-hmm.

1745

1746 Mr. Reid - All right. Thank you.

1747

1748 Mr. Green - All in favor say aye. All opposed, like sign.

1749

1750 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case  
1751 **VAR2022-00004 LIBERTY HOMES OF VIRGINIA, INC.'s** request for a variance from  
1752 Section 24-4406.E.1 of the County Code to build a one-family dwelling at 5401 Eanes  
1753 Lane (Parcel 806-712-9218) zoned One-Family Residence District (R-4) (Varina). The  
1754 public street frontage requirement is not met. The applicant proposes 0 feet public street  
1755 frontage, where the Code requires 50 feet public street frontage. The applicant requests  
1756 a variance of 50 feet public street frontage. The Board approved the request subject to  
1757 the following conditions:

1758

1759 1. This variance applies only to the public street frontage requirement for one dwelling  
1760 only. All other applicable regulations of the County Code remain in force.

1761

1762 2. This variance applies only to the improvements shown on the plot plan and building  
1763 design filed with the application. Any additional improvements must comply with the  
1764 applicable regulations of the County Code. Any substantial changes or additions to the  
1765 design or location of the improvements will require a new variance.

1766

1767 3. Before beginning any clearing, grading, or land disturbing activity, the applicant must  
1768 obtain approval of an environmental compliance plan from the Department of Public  
1769 Works.

1770

1771 4. At the time of building permit application, the applicant must present evidence that a  
1772 legal access to the property has been obtained. Prior to certificate of occupancy, the  
1773 driveway must be improved with a durable asphalt or compacted gravel surface at least  
1774 10 feet wide with 12 feet of horizontal clearance and 14 feet of overhead clearance to  
1775 provide access for police, fire, emergency medical services, and other vehicles. The  
1776 owners of the property, and their heirs or assigns, must maintain access to the property.

1777

1778 5. At the time of building permit application, the applicant must submit a current property  
1779 survey that shows the location of the overhead utility lines that cross the property, along  
1780 with any easements associated with these lines.

1781

1782 6. Any dwelling on the property must be served by public water and sewer.

1783

1784 7. The applicant must obtain a building permit for the proposed single-family dwelling by  
1785 April 29, 2024 or this variance will expire. After that date, if the building permit is cancelled  
1786 or revoked due to failure to diligently pursue construction, this variance will expire at that  
1787 time.

1788

1789

1790

1791	<b>Affirmative:</b>	<b>Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
1792	<b>Negative:</b>		<b>0</b>
1793	<b>Absent:</b>		<b>0</b>
1794			
1795			
1796	Mr. Blankinship -	All right. Next is variance 2022, number 5, Tia Vango.	
1797			
1798	<b>VAR2022-00005 TIA VANGO</b>	requests a variance from Section 24-3309.D of the County	
1799	Code to build a one-family dwelling at 1616 Hungary Road (MIDDLETON) (Parcel 781-		
1800	758-7726) zoned One-Family Residence District (R-3) (Fairfield). The lot width		
1801	requirement is not met. The applicant proposes 75 feet lot width, where the Code requires		
1802	80 feet lot width. The applicant requests a variance of 5 feet lot width.		
1803			
1804	Mr. Blankinship =-	Would everyone who intends to speak to this case, please	
1805		stand and be sworn in? Raise your right hand, please. Do you swear or affirm that the	
1806		statements you're about to make are the truth, the whole truth, and nothing but the truth	
1807		so help you God?	
1808			
1809	Mr. Walker -	I do.	
1810			
1811	Mr. Blankinship -	Thank you. Mr. Gidley.	
1812			
1813	Mr. Gidley -	Thank you, Mr. Secretary.	
1814			
1815	Mr. Green -	Excuse me. Before we proceed, let's go back. I want to go	
1816		back. Condition 6 says that any dwelling on this property must be served by public sewer	
1817		and water.	
1818			
1819	Mr. Blankinship -	Yes, sir.	
1820			
1821	Mr. Green -	Although it's his preference not to do that. He has to tie into	
1822		the -	
1823			
1824	Mr. Blankinship -	Public water and sewer. Yes, sir.	
1825			
1826	Mr. Blankinship -	He can build it where he wants, but he has to connect to public	
1827		water and sewer.	
1828			
1829	Mr. Green -	Sorry. I'm sorry.	
1830			
1831	Mr. Blankinship -	That's fine. Mr. Gidley.	
1832			
1833	Mr. Gidley -	Yes, sir. Thank you, Mr. Secretary. The subject property is	
1834		located on the north side of Hungary Road and it's opposite the North Run Office Park,	
1835		as you can see here. This is the lot in question.	
1836			

The history's a little strange. The parents, the Blanchards, owned a full lot here and a half a lot to the left that they purchased in 1954. The same year, their daughter and son-in-law purchased a lot over to the right. Nine years later in 1963 the daughter and son-in-law built a home here that you can see right here. That was in 1963.

Now a year later they acquired half of the full lot that the parents owned, and we believe it was to do this addition here for the carport. So that left the parent's property as two one-half lots. And since that occurred after 1960, they are subject to the current standards which require 80 feet of lot width. What they have are 75 feet of lot width, so they're 5 feet shy right now.

The property was acquired in 2008 by the applicant, Ms. Garner-Vango. She's interested in selling the lot to a homebuilder, Mr. Eric Walker, to construct a home on the property. As a result, she's applied for a 5-foot lot-width variance to allow the home to be constructed.

As far as the threshold tests are concerned, the first one staff believes is met. As you can see, this is a level lot. It's only 5 feet shy of the lot-width requirements. But because of this, it's been vacant for the past 58 years, and that is arguably an unreasonable restriction on the use of the property.

Because the threshold tests are met, we look at the five subtests. Staff believes, as noted in the staff report, all five are met. The only thing we'd point out is the home here would be two-story and vinyl versus the one-story brick in the surrounding area, but it would meet all the setbacks. The applicant is showing a brick foundation here and –

Mr. Blankinship - Appears.

Mr. Gidley - Thank you -- appears on the front porch. Staff is recommending to make sure that this is a brick foundation on all four sides and the front porch, including the steps, would also have to be faced in brick. That'd make it a little bit more similar to the houses out there.

But, otherwise, we don't really see any substantial detrimental impacts and we believe the tests under state code are met, so we recommend approval subject to the conditions in your staff report.

Mr. Green - Any questions from the Board to staff? Hearing none we'll hear from the applicant.

Mr. Walker - Good morning. My name is Eric Walker. I'm here requesting a variance on behalf of the current property owner, Tia Vango. The request is to build a single-family dwelling that would be in kind to the new homes that are built in this area. In addition, the lot is consistent in width with other lots within the subdivision, so we're respectfully requesting the variance.

1883 Mr. Green - Are there any questions from the Board to the applicant? Do  
1884 we have anyone on Webex for or against this application?

1885  
1886 Mr. Peterman - No one is currently on Webex.

1887  
1888 Mr. Green - And since we didn't have any discussion, hearing none, I'll  
1889 close the hearing and entertain a motion.

1890  
1891 Mr. Pollard - I move that we approve the variance subject to the conditions  
1892 recommended by the staff. The lot is 75-feet-wide just like the original lots in the  
1893 subdivision. Although it was pieced together from two other lots, it is the same size as  
1894 most of the other lots on the street. Without a variance, all they can do is keep the land  
1895 as an additional yard area for the existing houses. The other tests are met, as stated in  
1896 the staff report.

1897  
1898 Mr. Green - Is there a second?

1899  
1900 Mr. Johnson - Second.

1901  
1902 Mr. Green - The motion was made by Mr. Pollard. Seconded by Mr.  
1903 Johnson. Is there any discussion? Hearing no discussion, all those in favor say aye. All  
1904 those opposed like sign.

1905  
1906 On a motion by Mr. Pollard, seconded by Mr. Johnson, the Board **approved** case  
1907 **VAR2022-00005 TIA VANGO's** request for a variance from Section 24-3309.D of the  
1908 County Code to build a one-family dwelling at 1616 Hungary Road (MIDDLETON) (Parcel  
1909 781-758-7726) zoned One-Family Residence District (R-3) (Fairfield). The lot width  
1910 requirement is not met. The applicant proposes 75 feet lot width, where the Code requires  
1911 80 feet lot width. The applicant requests a variance of 5 feet lot width. The Board  
1912 approved the request subject to the following conditions:

1913  
1914 1. This variance applies only to the lot width requirement for one dwelling only. All other  
1915 applicable regulations of the County Code remain in force.

1916  
1917 2. This variance applies only to the improvements shown on the plot plan filed with the  
1918 application. Any additional improvements must comply with the applicable regulations of  
1919 the County Code. Any substantial changes or additions to the design or location of the  
1920 improvements will require a new variance.

1921  
1922 3. Before beginning any clearing, grading, or land disturbing activity, the applicant must  
1923 obtain approval of an environmental compliance plan from the Department of Public  
1924 Works.

1925  
1926 4. Any dwelling on the property must be served by public water and sewer.  
1927

5. The home must be constructed on a crawl space foundation, with the exterior portion of the foundation constructed of brick. Steps to the front entrance of the home, including front access stoops and porches, including any piers, must be faced with brick.

6. The applicant must obtain a building permit for the proposed dwelling by May 27, 2024, or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

<b>Affirmative:</b>	<b>Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>		<b>0</b>

Mr. Blankinship - All right, Mr. Chair, the last two cases are companion cases. So, with your permission, I'll call them together as one public hearing.

Mr. Green - Yes.

Mr. Blankinship - But we will need two separate motions and two separate votes.

Mr. Green - Yes, sir.

Mr. Blankinship - They are variances 2022 number 6 and 7. Both are the Maggie Walker Community Land Trust.

**VAR2022-00006 MAGGIE WALKER COMMUNITY LAND TRUST** requests a variance from Section 24-6402.A.2 of the County Code to build a one-family dwelling at 122 N Fern Avenue (HIGHLAND SPRINGS) (Parcel 823-725-4487) zoned One-Family Residence District (R-4) (Varina). The total lot area requirement is not met. The applicant proposes 5,000 square feet lot area, where the Code requires 6,000 square feet lot area. The applicant requests a variance of 1,000 square feet lot area.

**VAR2022-00007 MAGGIE WALKER COMMUNITY LAND TRUST** requests a variance from Section 24-6402.A.2 of the County Code to build a one-family dwelling at 124 N Fern Avenue (HIGHLAND SPRINGS) (Parcel 823-725-4487) zoned One-Family Residence District (R-4) (Varina). The total lot area requirement is not met. The applicant proposes 5,000 square feet lot area, where the Code requires 6,000 square feet lot area. The applicant requests a variance of 1,000 square feet lot area.

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

1974  
1975 Unknown Speaker - I do.  
1976  
1977 Mr. Blankinship - Thank you. Mr. Madrigal.  
1978  
1979 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chair, members of the Board.  
1980 Before you are two variance requests for reduced lot area on two adjacent properties.  
1981 This case and variance number 7 are companion cases that concern two adjoining lots.  
1982  
1983 The properties are located in the original section of the Highland Springs, which was  
1984 recorded in 1890. Mr. E.B. Wright purchased lots 20, 22, 24, and 26 in 1923 and the  
1985 house at 124 North Fern was built in 1937 entirely on lot number 26. In 1951 lots 20 and  
1986 22 were sold. Houses were built on those lots in '53 and '54. Most of the other homes in  
1987 the 100 block of North Fern Avenue were also built in 1950s. Each one on the original  
1988 50-foot-wide lots.  
1989  
1990 Mr. Wright sold lots 24 and 26, including the house on lot 26 in 1967. Those two lots  
1991 including the house have been conveyed together many times since then. In 2010 the  
1992 owner of the property applied and received variances for both lots to build a new home  
1993 on lot 24 and allow the existing house to remain on lot 26. Since those variances were  
1994 not acted upon within the two-year timeframe, they expired.  
1995  
1996 The Maggie Walker Community Land Trust acquired lots 24 and 26 in September of last  
1997 year. They intend to demolish the old house and build two new affordable houses they'll  
1998 be offering for sale. Each of the lots measures 50 feet wide by 100 feet deep, totaling  
1999 5,000 square feet in area.  
2000  
2001 The standards for nonconforming lots in the R-4 District requires 50 feet of lot width and  
2002 6,000 square feet of lot area. Because the lots are only 100-foot deep, they do not satisfy  
2003 the minimum lot size requirement.  
2004  
2005 Taken together, the two lots meet the requirements for one dwelling. They were originally  
2006 platted as two separate lots and the existing home stands entirely on one lot. While the  
2007 Zoning Ordinance allows one home, the applicant believes it would be unreasonable to  
2008 not allow both lots to be developed separately.  
2009  
2010 With respect to the threshold question, the applicant meets one of the listed three criteria.  
2011 As such, the Board has the authority to move forward and grant a variance if the five  
2012 subtests are met. Based on staff's analysis, all five items have been met. Approving a  
2013 home on each of the subject lots should not result in a detrimental impact, and the  
2014 proposed home will be consistent with the surrounding development pattern for the area.  
2015  
2016 In conclusion, the properties were originally subdivided and developed as buildable lots.  
2017 Most of the other lots in the block are the same size and are improved with homes built  
2018 in the 1950s. In 1960, the new zoning ordinance created a hardship for the subject  
2019 properties because they did not meet the minimum lot size requirements for a dwelling.

2020  
21 There is no other reasonable use for the property separately, and the proposed homes  
2022 would be consistent with the established development pattern for the area. No  
2023 detrimental impacts are foreseen, and the homes would provide affordable housing  
2024 opportunities for the community.

2025  
2026 Additionally, the Board approved similar variances in 2010, but those expired due to  
2027 inaction. Since then the circumstances have not changed. Based on these facts, staff  
2028 recommends approval of these two variance requests subject to conditions.

2029  
2030 Mr. Green - Thank you. Are there any questions from the Board to staff?  
2031 Hearing none, we'll hear from the applicant.

2032  
2033 Ms. Munyan - Hello. I am Elizabeth Munyan and I'm here representing the  
2034 Maggie Walker Community Land Trust.

2035  
2036 Mr. Green - Would you spell your name, please?

2037  
2038 Ms. Munyan - M-u-n-y-a-n.

2039  
2040 Mr. Green - Thank you.

2041  
2042 Ms. Munyan - And I'm here for the variance request for these two adjoining  
43 lots at 124 North Fern Avenue. The Maggie Walker Community Land Trust is an  
2044 affordable housing nonprofit that seeks to develop and steward permanently affordable  
2045 housing in the Richmond metropolitan area.

2046  
2047 MWCLT develops homes that are sold to qualified buyers while retaining ownership of  
2048 the land beneath the houses. These homes receive a permanent subsidy that stays with  
2049 the home and allows the home to be sold at below market value.

2050  
2051 The Maggie Walker Community Land Trust acquired these two adjacent lots of 124 North  
2052 Fern in September of 2021 in good faith with the intention of demolishing the deteriorated  
2053 building and developing two new single-family homes. The new homes will be sold to  
2054 qualified buyers at below 115 percent of the area median income and these homes will  
2055 be constructed using high-quality building materials and using energy-efficient design  
2056 standards.

2057  
2058 Both of our adjoining lots are 5,000 square feet, but the County code section 24-6402  
2059 requires 6,000 square feet of lot area to build a new home. If strict application of the  
2060 County code is applied to these parcels, we cannot make reasonable modifications or  
2061 improvements to our property. The physical conditions of the lot are ideal for single-family  
2062 housing, yet the County code as it stands restricts the ability to utilize our property to its  
2063 fullest extent. Not only will the construction of two new high-quality homes put the parcels  
2064 back to productive use, they will increase the overall property value of the neighborhood.

2066 And the Maggie Walker Community Land Trust is requesting a variance for 1,000-square-  
2067 feet of lot area on each parcel so that we are able to put 124 North Fern back to productive  
2068 use to develop two high-quality, energy-efficient, permanently-affordable, single-family  
2069 homes.

2070  
2071 I'm here if you have any questions.

2072  
2073 Mr. Green - Thank you. Are there any questions from the Board to the  
2074 applicant? Is there anyone on –

2075  
2076 Mr. Johnson - I notice that both of the lots are the same size as well. Right?

2077  
2078 Ms. Munyan - Yes.

2079  
2080 Mr. Johnson - But they had one house built there years ago that covered  
2081 both lots.

2082  
2083 Ms. Munyan - So it was, I believe, just on one of the parcels. There's two  
2084 parcels and one of the parcels is empty and one has the existing home.

2085  
2086 Mr. Johnson - Yes. Because it seemed like it's kind of, well, overlapped into  
2087 the other lot as well. But I understand. Okay. That's all my questions.

2088  
2089 Mr. Green - Any other questions from the Board to the applicant? Is there  
2090 anyone on Webex for or against this proposal? Hearing none, I'll close the hearing. We  
2091 need to entertain two votes.

2092  
2093 Mr. Blankinship - Right. Yes.

2094  
2095 Mr. Green - We need to entertain a vote on Variance 2022-00006. So, is  
2096 there a motion?

2097  
2098 Mr. Johnson - Yes. I move that we approve the variance subject to the  
2099 conditions recommended by staff. And the lot was subdivided in 1890 as a building lot,  
2100 and it is the same size as most of the other lots on the street. Without a variance all they  
2101 can do is to keep the land an additional yard area for the existing house. Now the other  
2102 tests are met as stated in the staff report. I motion that we approve.

2103  
2104 Mr. Pollard - Second.

2105  
2106 Mr. Green - Motion was made by Mr. Johnson. Seconded by Mr. Pollard.  
2107 Is there any discussion? Hearing none, all in favor say aye. All opposed like sign.

2108  
2109 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case  
2110 **VAR2022-00006 MAGGIE WALKER COMMUNITY LAND TRUST's** request for a  
2111 variance from Section 24-6402.A.2 of the County Code to build a one-family dwelling at

122 N Fern Avenue (HIGHLAND SPRINGS) (Parcel 823-725-4487) zoned One-Family Residence District (R-4) (Varina). The total lot area requirement is not met. The applicant proposes 5,000 square feet lot area, where the Code requires 6,000 square feet lot area. The applicant requests a variance of 1,000 square feet lot area. The Board approved the request subject to the following conditions:

1. This variance applies only to the lot area requirement for one dwelling only. All other applicable regulations of the County Code remain in force.

2. This variance applies only to the improvements shown on the plot plan and building design filed with the application. Any additional improvements must comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements will require a new variance.

3. The applicant must obtain a building permit for the proposed dwelling by May 27, 2024, or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

<b>Affirmative: Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
<b>Negative:</b>	<b>0</b>
<b>Absent:</b>	<b>0</b>

Mr. Green - Passes. Now we will hear a motion for Variance 2022-00007.

Mr. Johnson - I motion for 007 that we approve the variance subject to conditions recommended by staff. And the lot was subdivided as we mentioned before and the house was built in 1937 and it is the same size as the – most of the other lots on the street. And replacing the old house with a new one will improve the neighborhood. And the other tests are met as stated in the staff report.

Mr. Green - Is there a second?

Mr. Pollard - Second.

Mr. Green - The motion was made by Mr. Johnson to approve Variance 2022-00007. Seconded by Mr. Pollard. Is there any discussion from the Board? Hearing none, all in favor say aye. Opposed like sign. None.

On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case **VAR2022-00007 MAGGIE WALKER COMMUNITY LAND TRUST's** request for a variance from Section 24-6402.A.2 of the County Code to build a one-family dwelling at 124 N Fern Avenue (HIGHLAND SPRINGS) (Parcel 823-725-4487) zoned One-Family Residence District (R-4) (Varina). The total lot area requirement is not met. The applicant proposes 5,000 square feet lot area, where the Code requires 6,000 square feet lot area. The applicant requests a variance of 1,000 square feet lot area. The Board approved the request subject to the following conditions:

1. This variance applies only to the lot area requirement for one dwelling only. All other applicable regulations of the County Code remain in force.

2. This variance applies only to the improvements shown on the plot plan and building design filed with the application. Any additional improvements must comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements will require a new variance.

3. The applicant must obtain a building permit for the proposed dwelling by May 27, 2024, or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

<b>Affirmative:</b>	<b>Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>		<b>0</b>

Mr. Blankinship - That brings us to the minutes.

Mr. Green - Has everyone had an opportunity to review the minutes? And, if so, could you please make a motion? Someone motion the minutes.

Mr. Johnson - I motion that we approve the minutes from the last meeting.

Mr. Green - Is there a second?

Mr. Reid - Second.

Mr. Green - A motion was made by Mr. Johnson. Seconded by Mr. Reid. Any discussions? Hearing none. All in favor of approving the minutes from the last meeting say aye. All those opposed like sign.

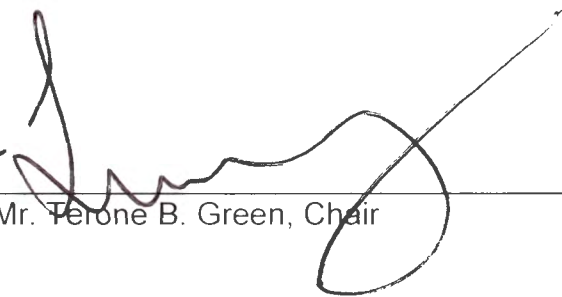
On a motion by Mr. Johnson, seconded by Mr. Reid, the Board **approved the minutes from the April 28, 2022 Board of Zoning Appeals meeting.**

<b>Affirmative:</b>	<b>Bell, Green, Johnson, Pollard, Reid</b>	<b>5</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>		<b>0</b>

Mr. Green - Minutes been passed. Is there a motion to adjourn the meeting?

Mr. Pollard - So moved.

2206  
07 Mr. Johnson - Second.  
2208  
2209 Mr. Green - Done.  
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Mr. Terone B. Green, Chair



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Mr. Benjamin W. Blankinship, Secretary