

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 NOVEMBER 17, 2022, AT 9:00 A.M., NOTICE HAVING BEEN**
5 **PUBLISHED IN THE *RICHMOND TIMES -DISPATCH* OCTOBER 31, 2022 AND**
6 **NOVEMBER 7, 2022.**

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

14
15 **Member Absent:** Terrell A. Pollard, Vice -Chair
16

17
18 **Also Present:** Jean M. Moore, Assistant Director of Planning
19 Leslie News, Assistant Director of Planning
20 Paul M. Gidley, County Planner
21 R. Miguel Madrigal, County Planner
22 Rob Peterman, Technology Support Specialist
23 Brendon McDowell, County Planner
24

25
26
27 **Mr. Johnson -** Welcome to the November 17th, 2022, meeting of the Henrico
28 Board of Zoning Appeals. For all that are able, will you please stand and join us in the
29 Pledge of Allegiance. The flag is to my right here.
30

31 **[Recitation of Pledge of Allegiance]**
32

33 **Mr. Johnson -** Thank you. Mr. Blankinship is not here, but will you read our
34 rules.
35

36 **Mrs. Moore -** I sure will. Good morning and thank you Mr. Chairman, and
37 members of the Board, and welcome to those joining us here in person or on WebEx.
38

39 Can everyone hear me okay?
40

41 For those who are participating in the meeting through WebEx, we do need to know that
42 now, so that we know when to prompt you when the case you wish to speak to is called.
43 So, if you are joining us by WebEx, please press the chat button now, which is located in
44 the bottom right corner of the screen. When you open the chat button, please select, I
45 think it's Brendon, from the list of participants, and let him know your name and what case
46 you're interested in. That chat feature is only being used to identify speakers. Please do

not send any comments or questions using the chat. So right now, please take a moment to register your name using the chat button now.

The procedure of the meeting is as follows; as acting Secretary, I will call each of the cases separately in the order they are listed on the agenda. I will then ask if there is anyone who wishes to speak to the case and to stand to be sworn in. Then there will be a presentation by staff, and then the applicant will speak, then anyone else who wishes to speak will be then given an opportunity. We will hear from citizens in the room first, and then those who signed up on WebEx. After everyone's had a chance to speak, then the applicant, and only the applicant, will have the opportunity for rebuttal.

This meeting is being recorded, so for those of you in the room, we ask that everyone speak into the microphone at the lectern in the back of the room. We will ask that you state your name, and please spell your last name, so that we can get it correctly on the record. Once your case is over, you are free to leave, there's no need to stay for the rest of the meeting.

So, with that, we do have one request for deferral at this meeting. Oh, and I should note, I'm sorry, we do have one member of the BZA absent today, and under the Code of Virginia, for the board to rule in favor of an applicant or appellant, there must be three affirmative votes, so we do have a quorum today. But, with that member absent, is there anyone who would like to defer your case to next month so that you may increase your chances of getting three votes in favor? Is there anyone now that who would like to defer your case until next month? Okay.

So, Mr. Johnson, members of the board, we do have one request for deferral. It is the last case on the agenda. It's **VAR2022-00021, DELTA LAND COMPANY**, this request is for a variance from the front and side yard setbacks, and the lot area and lot width requirement in order to build a single-family dwelling at 3313 Waverly Boulevard, in East Highland Park, in the Fairfield District. The applicant is asking a deferral to the December 15th meeting.

Mr. Johnson - It's been requested that we defer to the December 15th meeting, board how do you stand on that.

Mr. Green - So moved.

Mrs. Moore - Let's see at first if there's anyone who's in opposition of the deferral. Anyone on WebEx?

Mr. Peterman - No one on WebEx.

Mrs. Moore - Thank you. Now a motion would be in order.

Mr. Green - So moved.

Mr. Reid - Second.

Mr. Johnson - It's been motioned and second, all in favor say Aye. All opposed say Nay. All four confirmed, no nos.

Mrs. Moore - Just to confirm, we had it motioned by Mr. Green and seconded by Mr. Reid.

On a motion by Mr. Green, seconded by Mr. Reid, the Board **deferred VAR2022-00021, MARK REMPE until the December 15, 2022 meeting of the Board of Zoning Appeals.**

Affirmative:	Bell, Green, Johnson, Reid	4
Negative:		0
Absent:	Pollard	1

Mrs. Moore - That leaves us with five conditional use permits on the agenda. We first begin with CUP2022-00039, David Hughes. This is a conditional use permit to keep up to six hens in the rear yard at 306 Lark Drive, in the Fairfield District. It is to be presented by Mr. Madrigal.

CUP2022-00039 DAVID HUGHES requests a conditional use permit pursuant to Section 24-4419.G of the County Code to keep up to six hens in the rear yard at 306 Lark Drive (Meadowood) (Parcel 793-743-3762) zoned R-2A, One-Family Residence District (Fairfield).

Mr. Madrigal - Thank you Madam Secretary. Mr. Chair, members of the board, good morning to y'all. Before you is a request to keep six hens in the rear yard of a single-family dwelling. This case was deferred from your September meeting to allow the applicant time to clean up the property and abate maintenance violations. The owner failed to clean up the lot and abate the violations, and as a result, staff is recommending denial of this application. The subject property is a corner lot, it's approximately a third of an acre in area, and it is improved with a one -story 1,800-square-foot home with open parking. The rear yard is approximately 6,300-square-foot in area and is enclosed by a six-foot privacy fence. The applicant purchased the home in December of 2019. Since then, the county has received two complaints regarding tall grass and weeds and one complaint regarding chickens and roosters on the property. In May of this year, the county issued a notice of violation regarding the tall grass and weeds in the front yard. This case is still active, and the Department of Community Revitalization is working with the property owner to correct the situation. The applicant is again requesting a CUP to keep up to six hens on the lot. All of the subject property and proposed use are consistent with both the zoning and comprehensive plan designations on the parcel. The lot appears overgrown and unkept as compared to the other residential lots along Lark Drive and the surrounding neighborhood. On October 3rd, the county hired a contractor to mow the front yard. Planning staff inspected the property on October 25 and observed unsightly wooden

brush piles, stumps, overgrown planter boxes, grass and weeds overgrown the curb in the front yard. The greenhouse framing in the front yard had been taken down, but there is still a large hole in the yard, and it was covered up by a tarp. The mulch pile at the end of the driveway had been removed, but there's still significant remnants. I'm going to go through a series of photos here just so you get a sense. This was on September 9th; this was on October 25th. September 9th front view of the house, October 25th. Here's the greenhouse under construction, and there's the hole in the ground. Overgrown planter on the 9th, and still overgrown planter on the 25th. In the rear yard, the chicken coup had been relocated closer to the house, but there were still approximately 12 hens inside. A new greenhouse had been constructed in the back lot, and several plants had been moved into it. There were still many potted plants behind the house, tall weeds and grass, piles of brush and soil, construction material and other debris throughout the yard. The enforcement case, again, is still active and the property remains overgrown and unkept. I'll go over the other photos here for the back yard. So, this was the chicken coup on September 9th. Here it is on October 25th. You can see it's been relocated, it's in the center of the yard now. These are the remaining potted plants, still a significant amount behind the house. There's the new greenhouse that was constructed and a lot of potted plants had been moved into the greenhouse there. Here is a view of the shed, brush pile, brush pile. Another view of the chicken coup. There was still, probably 12 birds in the chicken coup on this date. And then behind the house here. So, although the parcel is large enough to accommodate the request, staff is concerned about the site's condition, the property maintenance violations, and the excessive number of hens. Even though the applicant has begun to address some issues, the condition of the property remains in violation of county code, is not consistent with the rest of the neighborhood. Here is looking east on Lark, the other homes, and looking west. Allowing of chickens to be kept on the property would only exacerbate the property maintenance issues, and potentially lead to the cultivation of a rodent and vermin infestation. As a result, staff recommends denial of this request. If the applicant cleans up the property and abates the remaining violations, and continues to maintain the property, he can resubmit this request after a year. So, that concludes my presentation. I'll be happy to answer any questions.

Mrs. Moore - Thank you.

Mr. Johnson - I also noticed something out there, noticed all the shrubbery they have in the front yard as well.

Mr. Madrigal - All the what?

Mr. Johnson - The shrubbery.

Mr. Madrigal - The shrubbery, yes sir

Mr. Johnson - The shrubberies, and all the holes and things that they're digging. Also, with the chicken coup back there, they don't even have enough to keep them out of the weather. Do they? I mean know they have the..

185 Mr. Madrigal - They have something inside there, I guess to cover the
 186 chickens. But yeah, It's basically an open top coup.
 187
 188 Mr. Johnson - Yeah.
 189
 190 Mrs. Moore - Is the applicant here?
 191
 192 Mr. Madrigal - I believe not, I don't believe so. I think he might be on WebEx,
 193 but I'm not sure.
 194
 195 Mrs. Moore - Would anyone who intends to speak to this case, please stand
 196 up and be sworn in. Is that everyone. Would you please raise your right hand. Do you
 197 swear the testimony you are about to give is the truth, the whole truth, and nothing but
 198 the truth, so help you God?
 199
 200 Mrs. Moore - Is there anyone who wishes to speak on WebEx?
 201
 202 Rob/Brendon - Yes, we have David Hughes ready to speak on WebEx.
 203
 204 Mrs. Moore - Mr. Hughes if you would unmute yourself now.
 205
 206 Mr. Hughes - Yes. I'm sorry what did you say?
 207
 208 Mr. Madrigal - If you would like to address the issues, make a presentation
 209 and your request.
 210
 211 Mr. Hughes - Right. So, I have been working to ..
 212
 213 Mrs. Moore - Mr. Hughes, if you could, state your full name and address
 214 please.
 215
 216 Mr. Hughes - Yes, it's David Hughes. H U G H ES. And I'm at 306 Lark
 217 Drive. So, yep, I've been making progress to meeting the requirements. And moving the
 218 chicken coup and got a metal container to store the food. And have been cleaning up
 219 around the yard. I have moved the mulch pile that was previously mentioned. I have
 220 arrangements to relocate the excess chickens to meet the requirement of six. That brush
 221 pile in the back is a result of me cleaning up around the house, and cleaning up that
 222 overgrown, like weeds, and things like that. So that is, you know, I am still in the process
 223 of getting rid of the brush. It's just, yeah, part of the cleanup. So, you know, I feel like I'm
 224 doing what I can to meet the requirements.
 225
 226 Mr. Johnson - Sir, have you been told, asked before to do any clean up prior
 227 to this event.
 228
 229 Mr. Hughes - Just the time, I mean, when this case was deferred and I was
 230 given a set of expectations, but before that, I mean it was just the complaints about the

231 tall grass. I had gotten a call from Tanya Dabney to take care of that, and that would be
232 the only thing I received.

233
234 Mr. Johnson - Did you do anything with that complaint after you got it?

235
236 Mr. Hughes - Yes, I mean I mowed the grass and chopped down all the
237 weeds that were popping up. Yes, and I don't know, the only thing I can think of is the
238 overgrown planter box is something I plan to cut down farther in the wintertime. Yeah, so,
239 it's kind of intended to be that way at this point.

240
241 Mr. Johnson - Any of the board members have anything to say?

242
243 Mr. Green - Can Mr. Hughes, can you explain to me, you know, we've
244 dealt with this about a month ago, and we would have expected significant progress on
245 the clean -up of your yard. And I specifically remembered looking at other houses in the
246 neighborhood, and the lots were very clean and clear. And, for example, it's being shown
247 now, but then when you look back to your property, it is still somewhat unruly, overgrown,
248 and I would've expected you to do a little bit more knowing that we had deferred this case.
249 So, I still have some grave concerns about this project.

250
251 Mr. Johnson - Next. Anyone else.

252
253 Mrs. Moore - I guess now we'll hear from who's here in the room in
254 opposition, if you'd please que up behind, and go to the lectern in the back and state your
255 name and address please.

256
257 Ms. Dabney - Good morning, my name is Tanya Dabney, I'm a Code
258 Enforcement Officer with Henrico County. Just wanted to give my objection to this case
259 also, because we have been dealing with this for some time, and just as you can see,
260 nothing has changed. We still have a violation on it. The county has had to abate the
261 property. We need him to do more progress on this. So, I am wishing that you oppose for
262 him to get his variance. Thank you.

263
264 Mr. Reid - Ms. Dabney, how long have you been dealing with this
265 property?

266
267 Ms. Dabney - Oh, years.

268
269 Mr. Johnson - Okay.

270
271 Mr. Reid - Like, three, four years?

272
273 Ms. Dabney - At least two and a half years.

274
275 Mr. Reid - Thank you.

276

277 Mr. Long- Good morning. My name is George David Long. I live 320
278 Flicker Drive, Meadowood, and I apologize for not bringing the list of rejects that I have.
279 I don't have it with me this morning, but I speak for the citizens of Meadowood. We object
280 to this case, because as you've seen in the pictures, and it's been flashed around, and
281 Ms. Dabney done said she's been dealing with this over two years. This gentleman moved
282 into the neighborhood I guess, just prior to the pandemic. Now I'm going to tell you a
283 story, when I was coaching baseball, I'll work into that, I went to a coaching clinic up in
284 Annandale, Virginia, and the speaker we had there was from southern California, Rod
285 Dato?, and the first thing he told us there that when you bring your team up, examine your
286 team, because your gonna have a ducky in there. If you have a ducky the first day, and
287 you let him get away, second day you gonna have another ducky, and the third day, you
288 won't have a team. So, we've been putting up with this, that you've just seen flashed on
289 the screen. We've been putting up with this for the better part of two years, because I
290 think he moved in just prior to the pandemic, and no improvement has been made. So, I
291 stand, representing the citizens of Meadowood, all the streets, and some other people
292 will speak too when they get the chance. We, Meadowood citizens, deny him having these
293 chickens in the neighborhood.

294
295 Mr. Green - Excuse me sir, what is your name again?

296
297 Mr. Long- George Long, L O N G.

298
299 Mr. Green - Mr. Long, just for the record, when this case came up before,
300 there were a large contingent of citizens, of neighbors, that sat right over there in
301 opposition, and so we are aware of the numbers of folks that are in opposition to this, so
302 don't feel bad about not bringing a list, because we are aware of them.

303
304 Mr. Long- Well, I wanted to say, that we have a petition that we... We
305 meet once a month, and I just got the list of petitions, so I realized that I wasn't here the
306 last time the case was here because I had an emergency, and I understand there was a
307 larger turnout group here, but the list we have is larger than that.

308
309 Mr. Green - Okay sir.

310
311 Mr. Long- So, we met Tuesday night, and we discussed the issue. So, I
312 know it's legal, but he hasn't done any improvements over the past time as Ms. Dabney
313 just reported. So, to come in with the chickens, I don't think that, well the citizens of
314 Meadowood just feel like he won't do any better. Probably get worse.

315
316 Mr. Green - Approximately how many names do you think were on that
317 list. Just an approximate.

318
319 Mr. Long- Approximately 25, 30.

320
321 Mr. Green - Okay, thank you sir.

323 Mr. Long- Mm-hmm.

324

325 Mr. Johnson - Okay.

326

327 Mrs. Moore - Thank you.

328

329 Mr. McLean - Good morning, my name is Anthony McLean, and I reside at
330 330 Flicker Drive, and unfortunately I wasn't one of those individuals that was here last
331 month when they came to speak because I had to work, but I wanted to make sure that I
332 was here today, because I took a half a day off to be here, because I am totally in
333 opposition of this project. And the primary reason is because the upkeep and
334 maintenance of the property. I ought to tell you, as Mr. Long just recently said, for two
335 years, nothing has been done to this individual's property. Absolutely nothing, and all of
336 a sudden, he wants to get these chickens. Now, I'm not, I don't know much about
337 chickens, but I do understand maintenance and upkeep, and if he's not doing it. If he's
338 not taking care of the property now, what can we expect if this project is approved, for our
339 community. So, again I am, I am in opposition to this project. Thank you very much.

340

341 Mr. Green - For full disclosure, I am aware with Anthony McLean and his
342 position with the City of Richmond, and if anyone understands issues like this, it is
343 certainly Mr. McLean, and so for him to speak, does not, isn't, not significant for others,
344 but knowing what he does for the City of Richmond, carries a lot of weight in what he
345 says. Thank you Mr. McLean.

346

347 Mr. McLean - I wasn't going to say anything but thank you very much Mr.
348 Green.

349

350 Ms. Jackson - Good morning. My name is Renee Jackson and I live at 5008
351 Bobwhite Lane. And as Mr. Anthony just said, I wasn't here. I wasn't one of the neighbors
352 that was here originally the first time, because I had to work, but I took off today. I took a
353 whole day off today, because of the importance of this issue that's at hand. My house, I
354 don't live on Lark, I live on Bobwhite, which is adjacent to Lark, so this, the property that's
355 in question is only two houses away from my house on Bobwhite. And as they've said,
356 we've been dealing with this for more than two years now. In reference to this our...
357 Meadowood neighborhood, for the most part, everyone keeps their property, you know
358 their grass and the upkeep, everything is kept within decency and order. I have to pass
359 this property every morning to go to work. I have very major concerns because it's a risk.
360 I can't even, you can't even see. You have to peer out into the street to see because of
361 the overgrown shrubs and weeds that's at the curb. And from my house, where I live, you
362 know, you can hear the chickens sometime making noise. I mean as, you know, they're
363 chickens, that's what they're going to do. I'm opposed to this, as others said, because as
364 Mr. Anthony just said, you know, actions speak louder than words. I wouldn't have a
365 problem with it if he was maintaining and being responsible and a respective neighbor by
366 keeping his grass and his yard up right now. Because that would, you know, give us some
367 kind of incentive that okay well he's going to do the right thing and take care of the
368 chickens and keep it clean. This yard looks like, it looks like a deserted house in the

woods somewhere. So, no. I am opposed to him having chickens, because if he can't even keep the shrubs and the grass cut then how is he gonna, what's going to happen with these chickens? Rodents? All kind of undesirable animals coming into our yards and property. Already, from the look, from the look of property and the house, it takes down the property value. People work really hard to keep their homes and their property values up. You know, with him letting this house look like this, it's already an eye sore, and it's already impacting our neighborhood and our community. So, no. I'm, I'm opposed to him having chickens. Thank you.

Mr. Johnson - Okay.

Ms. Hill - Good morning to everyone. My name is Theresa Hill, I live on 304 Lark Drive. Unfortunately, my house sits on the corner, right across from Mr. Hughes house. It is, it totally looks real bad. I think it's unsafe, 'cuz I got a lot of kids that stand on the corner to catch the school bus. So, you have hens or chickens in the yard, I'm opposed to that. Next you're seeing rodents and snakes and other little animals can come up there... I don't think they're after the chickens, I think they after the eggs or whatever, but that's not safe for the children that's standing on the corner. And like I said, the overgrown flower boxes, they look terrible. The yard is horrible, looks like a jungle really to tell you the truth. I for one, I work real hard on my yard. I try to keep it up neat, I try to follow all the rules and regulations, and so my neighbors as well. They work hard on their yards, keeping things up, and we are just opposed to having a yard like that across the street from me. I'm opposed to it. Thank you.

Mr. Johnson - Okay

Mr. Green - Thank you.

Mrs. Moore - Anyone else in the room who wishes to speak? Anyone on WebEx?

Mr. Green - I have a question for the...

Mr. Peterman - No one else on WebEx.

Mr. Green - I have a question for the young lady who, is the code enforcement person.

Ms. Dabney - Yes.

Ms. Moore - Would you go back to the podium?

Ms. Dabney - Yes sir.

Mr. Green - You said you've been working on this for two years?

415 Ms. Dabney - Yes sir.
416
417 Mr. Green - And nothing has been done. Why? How is this enforced to
418 clean this yard up?
419
420 Ms. Dabney - You abate it. Like we discussed last time, the reason we
421 haven't cut everything down was because of the vegetables that were being grown, you
422 know, making it ornamental grass. Which, you know, I found out later on that's not
423 classified as ornamental grass. So that was the only reason we hadn't totally just wiped
424 everything out in the front yard. We are not allowed to go in the back yard unless we can
425 physically see it. So, right now my approach is just trying to get the front yard cleaned up,
426 but after the meeting today, I mean we're gonna go full force, you know, to try get this
427 place totally cleaned up.
428
429 Mr. Green - Okay. Thank you.
430
431 Mr. Johnson - Okay. Also, I noticed, where the chicken coop is at, it's
432 supposed to been moved further back, as well. And I noticed that hadn't been done as
433 well.
434
435 Ms. Dabney - We didn't hear anything about the extermination either,
436 because that was a big factor with a lot of the residents. That he was, you know, supposed
437 to get some kind of extermination set up, so I don't know if he has or not.
438
439 Mr. Green - For purposes of ..clarification on that issue, when the County
440 decided that it would allow chicken coops into neighborhoods, one variable that I kept
441 hearing over and over was the preponderance, or the ability for rodents to be found, or
442 come into the area. One question I'm going to always ask, and will continue to ask, and
443 continue to have the Board, ask the Board to consider, is the fact, if in fact we're going to
444 approve these things, that there is some type of extermination plan that comes into play.
445 And so, when the applicant gets back on, because he has the ability to rebut this. If I can
446 recall, I specifically requested that he share with us how he has dealt with bringing in an
447 external team. I'm also concerned, as the young lady said, apparently there is a bus stop
448 in front of this particular house. And so, that poses some significant safety risks for the
449 children, if there are rats, and potentially racoons, and snakes that are in the area. So,
450 you know, just going forward, so everyone knows, I am always going to ask the question
451 about the rodents, because I don't like rats and if someone tried to put something like this
452 in my neighborhood, you know if I saw it, I'm gonna have ... a fit.
453
454 Mr. Johnson - Yes, also when I was out there, the bus was in front of the
455 house as well, and the driver came out and talked to me about the situation. And, the
456 things you mentioned were the things of concern.
457
458 Mr. Green - Yeah. So when he rebuts, I'd like him to, if he's still on WebEx,
459 to address the rodent, the extermination plan that we had asked for.
460

461 Mr. Johnson - Alright, thank you. Okay... The applicant, you still on...

462

463 Mr. Peterman - Yes, I have David prepared to speak.

464

465 Mr. Johnson - Do you give, do you have any rebuttal?

466

467 Mr. Hughes - Yeah, just addressing the rodent thing, I have taken steps to,

468 I have replaced that plastic bin with a metal bin, as was discussed earlier, and I have

469 never seen any evidence of rodents what so ever. I don't keep any bedding, or anyplace

470 that would harbor rodents in the chicken coop. So, as far as getting to the exterminator

471 bit, I did not believe that is a requirement, and I feel like that is an excessive expense

472 because I have never seen evidence of rodents, as far as paying for that just to prove

473 something...so I haven't taken steps to do that. I do not agree with that.

474

475 Mr. Johnson - Mr. Hughes...

476

477 Mr. Green - Mr. Hughes, with all due respect, it is not a requirement, it is

478 a request, from at least me. And I don't know how the rest of the members of the Board

479 of Zoning Appeals feel, and a point in fact, I keep note of this, everyone that I have

480 requested that they do some type of mitigation to satisfy their neighbors' concerns, that

481 while it may not be something that you feel necessary, but I think to protect the neighbors

482 and give them a sense of security, you know, I've asked for this. And trust me, every one

483 of these cases that come up, I will continue to ask for it. And everyone that has come up,

484 have all agreed, and brought back a plan of how they are going to potentially address this

485 issue. So, no it is not a requirement, but, you know, if anyone is going to want my support,

486 for this, then that is a request that I'm making, and if it's not done, then I'm going to vote

487 negatively.

488

489 Mr. Johnson - Alright, anyone else from Board have anything to say?

490

491 Mr. Reid - Well, it's just, the fact remains that you have double the

492 number of chickens that are allowed. So, I just don't, I can't support going forward with

493 this.

494

495 Mr. Johnson - Not only with the chickens overloaded and also with the yard

496 and all, nothing had been taken care of. And that is one of the issues we have here as

497 well. With that...

498

499 Mr. Hughes - I hear that nothing has been taken care of, but I have certainly

500 done many things around the house. I think a lot of it has been in the back yard and sides.

501 A lot of the plants in the front yard are cultivated plants, and anything over 12 inches, like

502 right now should be pretty good.

503

504 Mrs. Moore - Any more questions for the applicant?

505

506 Mr. Green - Yes. Mr. Hughes, I disagree. With all due respect, your yard
507 does not look like it would fit in the neighborhood, and...especially with the requests that
508 some of the neighbors have made, and with looking at their yards. I too have driven by it,
509 and it just would be bothersome to me, if that were, that home were in my neighborhood.
510 With that, I would like to make a motion.

511
512 Mrs. Moore - You want to close the meeting?

513
514 Mr. Green - I want to close the meeting.

515
516 Mr. Johnson - The public hearing is now closed. A motion would be in order.
517 What is the pleasure of the Board?

518
519 Mr. Green - I move that we deny the conditional use permit; several
520 neighbors have expressed opposition, there are several code violations on the property,
521 the applicant had two months to clean it up, but the violations are still there. Because the
522 property is not well maintained, we cannot have confidence that the hens will be kept in
523 a way that does not impact the neighbors.

524
525 Mr. Johnson - Is there a second to the motion?

526
527 Mr. Reid - Second.

528
529 Mr. Johnson - It's been motioned and second. All in favor say Aye. All
530 opposed? None.

531
532 Mrs. Moore - Just for the record; it was motioned by Green, seconded by
533 Reid for denial.

534
535 Mr. Johnson - Thank you. Motion passes, case is denied.

536
537 On a motion by Mr. Green, seconded by Mr. Reid, the Board **denied** case **CUP2022-**
538 **00039 DAVID HUGHES'** request for a conditional use permit pursuant to Section 24-
539 4419.G of the County Code to keep up to six hens in the rear yard at 306 Lark Drive
540 (Meadowood) (Parcel 793-743-3762) zoned R-2A, One-Family Residence District
541 (Fairfield).

542
543
544 **Affirmative:** Bell, Green, Johnson, Reid 4
545 **Negative:** 0
546 **Absent:** Pollard 1

547
548
549 Mrs. Moore - Next Mr. Chairman, we move into conditional use permit
550 2022-00049. The applicants are Timothy and Roslyn Brown. It is a conditional use permit

request to allow short-term rental at a dwelling at 420 Green Hollow Lane, in the Varina District. And again, this will be presented by Mr. Madrigal.

CUP2022-00049 TIMOTHY AND ROSLYN BROWN request a conditional use permit pursuant to Section 24-4430.A of County Code to allow short-term rental of a dwelling at 420 Green Hollow Lane (Hunters Run) (Parcel 829-714-8570) zoned R-3, One-Family Residence District (Varina).

Mr. Madrigal - Thank you Madame Secretary, Mr. Chairman, members of the Board. Before you is a request to allow the short-term rental of a single-family dwelling. The subject property is a quarter acre lot that is part of the Hunters Run Subdivision. It is improved with two-story 2,000sqft home with an attached two-car garage constructed in 2002. The front yard has a concrete driveway that is able to accommodate up to five vehicles. The applicants purchased the property in 2008. According to County records, the home includes four bedrooms and two and a half baths. They wish to offer the property for un-hosted stays in excess of 60-days per year, which requires the approval of a conditional use permit. If approved, rentals would be limited to no more than eight guests. County Code limits short-term rentals to property where the owner maintains their primary residence, defined as living in a home 185 days per year. One purpose of this restriction is to prevent the conversion of affordable rental homes to short-term rentals. The intent of the Board of Supervisors was to allow homeowners to offer their homes as short-term rentals, not to encourage property owners, or investors, to convert homes into a commercial use. The applicants filed their short-term rental request on August 4th. Both the Conditional Use Permit and Short-term rental applications indicate that their home address is in Goldvein, Virginia, which is in Fauquier County. The applicants recorded the purchase of that home on August 5th, the day after filing the short-term request with the County. Staff contacted the applicant to explain the discrepancy, and Ms. Brown explained that they had just purchased the home and moved to Fauquier County. Staff explained the residency requirements and asked if they wanted to withdraw their request. The next day, staff received an email from the applicant stating they would live in their home 185 days a year. Although the property and proposed use are consistent with both the zoning and comprehensive plan designations, staff is concerned with the residency requirement, that it will not be met. The property can accommodate the proposed use and would not be out of character for the area, so long as the home is the applicant's primary residence. However, a vacant home used exclusively as an un-hosted Air BNB rental would be out of character with the residential nature of the neighborhood, that would overly intensify the use of the property contrary to the ordinance. Un-hosted stays can create potential impacts such as increased noise, foot traffic and vehicular traffic resulting from guests. The constant turnover of un-familiar guests can cause concern for adjoining neighbors, which is mitigated by the knowledge that the property owner is occupied, or that the property and the owner is there most of the time. Although the applicants submitted the necessary forms indicating the property would be their primary residence, this information conflicts with the other evidence suggesting that their primary residence is in Fauquier County, 80-miles away, or over an hour driving distance. In conclusion, the Zoning Ordinance clearly states only a dwelling that is occupied by the property owner

for at least 185 days per year may be offered for short-term rental. This requirement ensures that neighbors will have an opportunity to approach property owners with any concerns regarding their guests. The applicants stated they intend to live in the home as their primary residence, however this statement is contradicted by other evidence that the applicants' residence is truly in Fauquier County. Unless this discrepancy is addressed to the satisfaction of the Board, staff is recommending denial of this application. Additionally, staff has received two phone inquiries from neighbors, expressing their concern and opposition to the request, and just last night we got a couple of letters in support. Those have been provided to you all. That concludes my presentation, I would be happy to answer any questions.

Mr. Green - The one way to just determine residency is just a simple voter registration card, as well as driver's licenses. Did the applicant share that with you to see, so you can ascertain where there, what's on their driver's license and voter registration, because that's how you determine residency.

Mr. Madrigal - Sir, we don't require that. We don't request that. In lieu of that we get the affidavit. It's a notarized statement stating that they will reside in the home, and it's notarized.

Mr. Green- Will reside, not am, are residing.

Mr. Madrigal - That they reside and that is their primary residence. If I remember correctly.

Mr. Johnson - And it also indicates that they should live in that house for 185 days.

Mr. Madrigal - That is in the code.

Mr. Johnson - So, if he's out 80 miles, or almost 100 miles away, I don't see him coming back that many times to do that. So, matter fact if you figure it out, it's about five times a month.

Mr. Madrigal - I did breach that question, and they have designated a handyman as their responsible party to deal with any issues, if they arise during a rental, and the handyman lives within half an hour of the property.

Mr. Johnson - With... Even though it mentions in the... In the talks about the owner being there for 185 days, would that deter anything by them having someone else staying in there or something?

Mr. Madrigal - I mean, that's the minimum code requirement that they reside at that property, the other time it can be rented out.

642 Mr. Johnson - Yes, you answered my question. So, they have to be there.
 643 Anyone else? Is the applicant here or on WebEx?
 644
 645 Mrs. Moore - Okay, that said, do we have anyone on WebEx?
 646
 647 Mr. Peterman - No one on WebEx, for this case.
 648
 649 Mrs. Moore - Would you two please stand... and please raise your right
 650 hand to be sworn in. Do you swear the testimony you are about to give is the truth, the
 651 whole truth, and nothing but the truth, so help you God?
 652
 653 Mr./Mrs. Brown - We do.
 654
 655 Mrs. Moore - Thank you. We ask you go to the back at the lectern please.
 656
 657 Mrs. Brown - Good morning.
 658
 659 Mrs. Moore - Please state your name and address please.
 660
 661 Mrs. Brown - Roslyn Hyatt Brown at 420 Green Hollow Lane, Sandston,
 662 Virginia 23150.
 663
 664 Mr. Johnson - Are you the owner?
 665
 666 Mrs. Brown - Yes. My husband and I, we're both the owners of this property.
 667 We are requesting a conditional use permit, which we've already submitted, and... to
 668 allow our four bedroom, two and a half bath home, which is located at 420 Green Hollow
 669 Lane, in Sandston, Virginia to be used as a short-term rental. We have been residents
 670 since August 2008, so we've lived there for 14 years, and we still continue to live there.
 671 We're back and forth, yes Fauquier County. My husband just retired from the military,
 672 after 21 years of serving in the Army, as a Marine, and in the army. So, we are still
 673 residents of that community. This is our first time applying for the change of use permit
 674 through the Building Inspections Department. Our community does not have an active
 675 homeowner's association, but we have, and continue to have relationships with our
 676 neighbors. We actually had many of them in our home, and we discussed with them what
 677 our plans were, and they were in agreement. Some of those letters you have received.
 678 We... and when they sent those in, they really spoke about our character, and how we
 679 have been supportive neighbors of many of them. We have, again, a great rapport with
 680 them, and even when the sign was placed on our front yard, one of our neighbors, Pat
 681 and John, they texted us and they said there's a sign, and took a photo of the sign. So,
 682 this demonstrates the rapport we have with them. We're in constant contact with them.
 683 These un-hosted stays via Air BnB, or other platforms that we choose to use, will be no
 684 more than 60-days per year. We plan to still use our property for family gatherings. We
 685 have a pool in the back yard. We're constantly enjoying our home and our neighbors. My
 686 granddaughter plays with the little girl next door. They're very familiar with them. This
 687 rental will include all four bedrooms to accommodate at least 6 to 8 adults. Our second

home is located in Fauquier County, and it is our retirement home. So, we will be back and forth for business and for, for family gatherings. In the event of an emergency, we have designated three, I mean, Mr. Miguel knows of one, but we have three, a three - party contact that will help us in the event. We have an electrician, we have a handyman, and we have one of our neighbors. Nick and Yolanda. They are willing to help us if anything should go awry. Of course, the question on the table is are we going to live there for 185 days. Well, the answer is we are going to be back and forth. And based on... we've already planned, were coming back for the feast, we'll be here for the feast. And we have family members coming and joining us for that with Henricus. We will be back and forth.

Mr. Brown - Good morning. I'm rather tall. My name is Mr. Timothy Brown, and our residence is at 420 Green Hollow Lane, Sandston, Virginia. I concur with what my wife is stating. I have just retired from active military this past July. After overseas deployment, this time in Guantanamo Bay, Cuba. My job was Military Police Investigator. On the civilian side, I had a big break in service after the Marine Corps, and I went to school, and I am also a healthcare professional. I am a registered Respiratory Therapist. I've worked in a lot of critical care arenas before relocating to Virginia. And... I've worked around in several Richmond hospitals as well. Doing critical care. With that being said, one of the ideas when I came back from deployment I talked to my wife. I said you know I just retired out of the military. This is on a bucket list, as far as having a retirement place where we can go. So, this is what we did, and the lord blessed us. So, we decided for when we're not there, to entertain the thought being that I work with a lot of professional doctors and nurses, to offer them an opportunity to come and stay at a nice house, without going to an expensive hotel. Being close to the local hospitals and being safe in a neighborhood. We have outstanding neighbors. We have great rapport with everyone. The gentleman across the street my wife mentioned, he's also currently in the Army. He's in the Army National Guard for Virginia. He's a helicopter pilot. He does a lot of search and rescue, and other things. He also trains. So, we have a professional neighborhood, and all of our neighbors, they know us. Our neighbor across the street, she works for the FBI. Our neighbor next to us, Leah's mom, she also works for a local channel, a news channel here in Richmond. She's a producer, I believe. So, a lot of professional people around us. So, we're outstanding citizens. Law abiding, high security clearances still to this day. So, I don't know what else I can say.

Mrs. Brown - People will be vetted. People will be vetted before entering our home, and we have that prerogative to be able to provide that. So that they are, we know who's coming to our home. Because we, that's why we had the meeting with our neighbors. So that they would understand, and they were all in agreement. The few that live on that side. We are the third house, on the right as you're entering from Beulah to our home. We're the third house on the right. So, the neighbors that surround us to our, to the right, to my right from where I'm standing and across the street, we're all like a family. I mean, we, we do Fourth of July, and everyone's coming to our yard so that they can see fireworks. We had a band that played in our garage, and they were all dancing on their front porches while we were playing. We have family, they know that that's band

733 night. So, it's just a family neighborhood, and we want to still provide that, but this is also
734 part of a business that we would like to do as well.

735
736 Mr. Brown - Because we want to do the right thing, this is why we went
737 through these channels, to make sure we're doing the right thing, because we are
738 outstanding citizens in the community.

739
740 Mr. Johnson - Also my question is too, why didn't you rent the house in total,
741 totally, rather than for...

742
743 Mr. Brown - Well, we still have family, and we still have business things.
744 As a matter of fact, I'm getting ready to get busy during the Christmas season because I
745 do the Grinch, and so we have a lot of things going on.

746
747 Mr. Johnson - Yes, but...

748
749 Mrs. Brown - And Sir, we have rented. We did rent our house some time
750 ago. A couple years back we did to (in audible) we rented it to subsidized, you know
751 someone that had subsidized housing, and we just didn't have a good result. We did not
752 have a good result. We've considered military families, because we are always at Fort
753 Lee to shop, and to, even though he's not stationed there, he's stationed in Washington
754 DC. We've considered that as well. That is still on the table for us, because we want to
755 see how this goes. If this doesn't go well that's our other option. We won't need to notify
756 you to rent our home, because we know that we can solicit and have it. I'm talking about
757 if we just go and have a tenant there for the year or whatever. But we still, we still go
758 there, we live there. You know. Just being in our home this weekend, we were just "oh it's
759 relaxing". Everything is in order, and I don't have to do anything. I can cook, I can relax, I
760 can use my pool, I can do what I'd like to do. So, that is still our priority. If I have a regular,
761 if we have a regular tenant in there, we will not be able to utilize the property in that
762 respect.

763
764 Mr. Johnson - Also with the, with this new regulation, it says, it states that
765 there should be... they should... that person should be there 185 days, in there, and that
766 is one of the issues there. That is why I was asking why you didn't rent it, rather than
767 using this source.

768
769 Mr. Brown - My question, Mr. Chairman, is that consistent, consecutive
770 days, or... because we're back and forth a lot?

771
772 Mr. Johnson - Well, you're gonna, that means every 60-days, you're gonna
773 have to be there, and then after each time, that's gonna, you're gonna have to do that.
774 And I was counting up how many times that would be...

775
776 Mrs. Moore - Yes. To answer your question, you don't have, there's no set,
777 you don't have to be there 185 consecutive days, but, you know, it does have to be your
778 primary residence. So, the question is, is it back and forth a day or two, or are you there

779 an extended period to kind of establish and be part of that community, and again to
780 establish yourself as that is really your primary residence.

781
782 Mrs. Brown - But we are a part of that community. And so that is, that is
783 really the issue. You know, we have rapport. We know what's going on. We speak with
784 Pat and John, Nick and Yolonda. We're talking to Ms. Ilene. We have rapport with our
785 neighbors. We know what's going on. They will immediately call us, text us, or whatever.
786 We have our handy guy going by and checking. We will be there sporadically, it will not
787 be a continual 185 days, but we will be there.

788
789 Mr. Johnson - It's not continual 185 days, its every, you'll have to be there
790 every, what, every couple of, every couple of weeks or something.

791
792 Mrs. Brown - In between our guest being there, yes, we will be there. Yes,
793 because we, I have to still check on what, if the property. We still have to check on to
794 make sure in everything is in the way we left our property. We want to make sure
795 everything is maintained there.

796
797 Mr. Brown - Everything is well kept and manicured like it's supposed to be.

798
799 Mr. Johnson - So, every 60 days you'll have new tenants, right?

800
801 Mr. Brown - Not necessarily.

802
803 Mrs. Brown - It depends on when they book. So, we're going based on the
804 bookings. So, if someone books...

805
806 Mr. Johnson - But you have to be here with those 185 days...

807
808 Mrs. Brown - Sir...

809
810 Mr. Johnson - Whether they are there or not.

811
812 Mr. Green - Well, I think, for point of clarification. All we're requiring is that
813 the resident occupy the home 185 days in a year. Are you, and just a yes or no, will you
814 commit to meeting that requirement?

815
816 Mr./Mrs. Brown - Yes sir.

817
818 Mr. Green - Thank you. So, yes, they'll meet that.

819
820 Mr. Madrigal - I have a question if I may. Just to clarify. So, are you going to
821 be renting in excess of 60 days a year, or are you going to be limiting it to only 60 days a
822 year?

823
824 Mrs. Brown - 60 days per year.

825
826 Mr. Madrigal - Okay.
827
828 Mrs. Brown - No more.
829
830 Mr. Madrigal - Alright, because I was under the impression that it was in
831 excess of 60 days. That's why it was in the staff report.
832
833 Mrs. Brown - No, sir. 60 days per year. We're following the guidelines. We
834 want to stay within the guidelines. Because we know that our neighbors, we want to give
835 them a break, and we know that, we want to be fair, we want to follow the rules.
836
837 Mr. Green - Right, right, right.
838
839 Mr. Johnson - Okay
840
841 Mr. Reid - And Ms. Brown, we want to follow the rules as well, but, it
842 seems that the county code requires that your primary residence is in Henrico County. Is
843 it, are you in Henrico, or is your legal residence in Fauquier?
844
845 Mrs. Brown - Right now, it is legally, we just moved it to Fauquier.
846
847 Mr. Bell - Yes ma'am.
848
849 Mrs. Brown - Yes sir.
850
851 Mr. Bell - Then that doesn't...
852
853 Mr. Green - Would you move...
854
855 Mr. Bell - That puts us in a position of not being able to support, in my
856 opinion, but that's...
857
858 Mr. Green - Would you move it back to, would you move it back to
859 Henrico?
860
861 Mrs. Brown - We could. Yes.
862
863 {in audible}
864
865 Mrs. Brown - Listen, our voting cards are right down the street at the church.
866 So we have the ability to do either or. We live at this residence.
867
868 Mr. Green - And you've been living at this residence for what, 14 years.
869
870 Mrs. Brown - Yes sir.

871
872 Mr. Green - Why did you switch your residency to Fauquier?
873
874 Mr. Brown - Like I said, I just retired sir, this was a bucket list. This is
875 something I wanted to do, if I wanted to go hunting, if I wanted to go fishing, I could do
876 that. It was one of those things that was on my list. I was in the military for 21 years and I
877 did a lot, so that was one of my things.
878
879 Mr. Green - And Mr. Brown, I would like to, on behalf of myself and the
880 Board, thank you for your service and protecting us. {in audible} Well, yeah, but, but
881
882 Mr. Bell - I have one question, just one question. That is an example
883 question that would answer I hope some of the questions already. I don't know how you're
884 set up right now. 3:00AM this morning, you get a phone call from a medical or law
885 enforcement official, and they say get over here right now or as soon as you can. Who do
886 they call right now, Fauquier County, or do they call who, or...
887
888 Mr. Brown - we have a neighbor that's right, a very close friend of ours, he
889 would get in contact with us. They can call the handyman if there's a situation or they can
890 call one of us.
891
892 Mr. Bell - So, there's about three or four different people?
893
894 Mr. Brown - Three or four different people.
895
896 Mr. Bell - Right, but if someone was there, closer by, there wouldn't be
897 nearly as much with that. But that is an example only.
898
899 Mrs. Brown - But the neighbor Nick is right on the corner.
900
901 Mr. Brown - Right, a house away.
902
903 Mrs. Brown - We have John and Pat right across the street.
904
905 Mr. Green - The other things, for point of clarification, is a couple things
906 I've picked up on is, One, you are, they're restricting who they're going to be renting to.
907 They're going to be renting to medical personal, so professional type folks. Visiting
908 nurses, doctors, and all of that. So, and understanding, because I'm in that arena,
909 understanding that means really those folks are going to be working fourteen, fifteen
910 hours a day, and really coming to the, to their home to sleep and eat and change and go
911 back. The other thing that could possibly happen with these short-term rentals is, I haven't
912 heard them say that they won't be there when someone potentially is there. So, if I, i.e.
913 I'm a nurse and I'm renting their facility, I'm renting one of the bedrooms, that's not to say
914 they won't be, that's not, they won't allow me to be there that particular weekend or week
915 that they're there. So, I haven't heard that, and so, while I had some questions, you know,
916 I think that this is somewhat unique in who they have determined to rent to. And I think

917 that's admirable, and I think that's noble, and I think that that helps. The only thing that I
918 would ask you to do is just to change your residency back to Henrico County. That way
919 that will help us to do this. And I don't think really, you know, understand, I don't have a
920 problem with people having second homes. A lot of people have second homes they go
921 back and forth to. So, for some reason I was under the impression that you just bought
922 this property, and you know, you're moving in, but if you've been there 14 years, yeah
923 your vested with that neighborhood, Your vested with your home, and you're going to
924 protect your home. So, if you can guarantee that you are going to stay there at least 185
925 days a year and change your residency requirement back to Henrico County, I think that
926 would help go further.

927

928 Mrs. Brown - Yes sir, that isn't a problem.

929

930 Mr. Green - Is that a problem with that request if they did that.

931

932 Mr. Madrigal - No sir, I mean, we brought this issue up to you for you to make
933 the decision, whether to approve or deny the request based on the evidence that we have.
934 If you do move forward with recommending approval on this, I would recommend that we
935 amend condition number one, and limit it to no more than 60 days per year, the rental, as
936 per what their intentions are.

937

938 Mrs. Moore - Do we have any more questions for the applicant.

939

940 Mr. Johnson - And I just want to iterate, what you just said, that 60 days, and
941 none, no, none of the, and

942

943 Mr./Mrs. Brown - Yes sir,

944

945 Mr. Johnson - ...that way, if, because if you're away in another county,
946 you're not with us, so, you know that would have to have a different situation.

947

948 Mrs. Moore - Anyone else who wants to speak in support? Any one in
949 support on WebEx.

950

951 Mr. Peterman - Yes, we have someone on WebEx, his name is John T.
952 Anderson, and he wishes to speak.

953

954 Mrs. Moore - In support?

955

956 Mr. Peterman - He has not mentioned yet.

957

958 Mrs. Moore - Okay, I just have a real quick question to staff. We did get two
959 emails you mentioned. Will you show us on the map where those reside, in relation to the
960 applicant's property.

961

962 Mr. Madrigal - So, 425 Green Hollow would be Mr. Anderson, so 420, so, he
 963 would be across the street in anyone of these houses, I would assume.
 964

965 Mrs. Moore - Okay. Thank you. Anyone who wishes to speak in opposition
 966 here in the room? Anyone on WebEx?
 967

968 Mr. Green - Point of clarification, we have had cases that have come
 969 before us, and I remember one particular case where the young lady resided, was back
 970 and forth from California, and we approved that. And, but, so, you know, it's not a question
 971 of where they are at that given time, so Mr. Bell to answer your question, if that young
 972 lady was in California, we approved her, she had her, showed us she had her significant
 973 support to respond to the property. You know if they're in Fauquier County at their summer
 974 home, it's no different than any of us that have a second home that we are at. But like I
 975 said, one thing that like, that particularly caught my attention, is this is not going to be just
 976 any body that they're renting to. They're renting to professional medical staff, and given
 977 the, your name, I'm sorry.
 978

979 Mrs. Brown - Mr. Brown.
 980

981 Mr. Green - Mr. Brown is military, you know, I'm sure he is disciplined, and
 982 is geared that way to make sure that he follows the rules, and anyone that has the security
 983 clearance that he said he has, they're not going to break any rules.
 984

985 Mrs. Moore - We do have the member on WebEx.
 986

987 Mr. Johnson - Yes.
 988

989 Mrs. Moore - You can unmute now.
 990

991 Mr. Peterman - John T. Anderson is here to speak. Go ahead John.
 992

993 Mr. Johnson - Are you for or against?
 994

995 Mr. Madrigal - He's one of the letter writers.
 996

997 Mrs. Moore - Mr. Anderson, can you unmute please?
 998

999 Mr. Peterman - He is unmuted.
 1000

1001 Mrs. Moore - Looks like were having difficulty.
 1002

1003 Mr. Green - Was he for, or against, do we know?
 1004

1005 Mrs. Moore - We don't know.
 1006

1007 Mr. Madrigal - Well, if it's Doctor Anderson, he wrote a letter in support I
1008 believe.
1009
1010 Mr. Green - Oh, okay.
1011
1012 Mr. Johnson - Yeah, we got that one.
1013
1014 Mrs. Moore - For the record if it is John T. I'm sorry...
1015
1016 Mrs. Moore - Is he able to speak now.
1017
1018 Mr. Peterman - He has not replied to us either in chat or listening ...
1019
1020 Mrs. Moore - Okay. I think Mr. Reid makes a good point; we do have his
1021 email for support of this case.
1022
1023 Mr. Johnson - That is Mr. John Anderson right.
1024
1025 Mrs. Brown - That's our neighbor, he actually lives across the street, not in
1026 front of our house, but to the right.
1027
1028 Mr. Brown - He's the Army Guard helicopter pilot.
1029
1030 Mr. Johnson - And it would be good if your house is...
1031
1032 Mr. Anderson - Hello.
1033
1034 Mr. Johnson - Go ahead.
1035
1036 Mr. Anderson - Yes, can you hear me?
1037
1038 Mrs. Moore - Yes.
1039
1040 Mr. Anderson - My name is John Anderson, and I do live across the street, I
1041 did write the email last night asking for the Board to approve their request. Unfortunately,
1042 I work over here at the airport in Sandston, and the communication is really bad over here
1043 on this end, but I would like to voice my support for their request. Mr. Brown has been a
1044 tremendous neighbor, incredibly helpful during both of my deployments. Their family has
1045 been incredibly helpful for my wife. The way they keep their yard has basically
1046 embarrassed the rest of the neighbors. They set the standard, and honestly most of us
1047 just can't keep up with how they do with their yard. They're very vested in the community.
1048 Joslyn has been doing a lot of work, charity work in the area, in Richmond for
1049 underprivileged folks. They have family down in Tidewater. Roslyn's sister's a doctor, her
1050 husband's a doctor, and a minister. And you know, geographically, they all meet here.
1051 You can see the Brown family on holidays here. And I think rather than renting a house
1052 to somebody who doesn't have a vest interest, I think that the, I would really ask that the

1053 Board approve this request for the temporary rentals. I want to thank you for your time,
 1054 and a I apologize for not being able to be there in person due to my work schedule.
 1055

1056 Mr. Johnson - Okay.
 1057

1058 Mr. Anderson - I have one other thing, if I could, Mr. Brown did not choose to
 1059 retire. Mr. Brown aged out, he's 60, and by federal law, you have to retire. So, it's not his
 1060 choice to retire. He has been a selfless service to our nation and our community, for
 1061 uhm... since I've known him. Thank you for y'all's time.
 1062

1063 Mr. Green - Thank you.
 1064

1065 Mr. Johnson - Okay, with that, this public hearing now, is now closed. The
 1066 motion would be in order. What is the pleasure of the Board?
 1067

1068 Mr. Green- What was the district?
 1069

1070 Mr. Johnson - My district.
 1071

1072 Mrs. Moore - Yes.
 1073

1074 Mr. Johnson - Yes. And I would... yes. Now I want to make sure that you
 1075 change your residence back to Richmond, and also...
 1076

1077 Mr. Green - Henrico.
 1078

1079 Mr. Johnson - Henrico, I used to be in Richmond. To Henrico, and that you
 1080 also only rent the 60 days as well...
 1081

1082 Mrs. Brown - Yes sir.
 1083

1084 Mrs. Moore - So, what I think what the Chairman is saying, is you have, we
 1085 did have prepared conditions, if this were to be approved, and we suggest modifying
 1086 condition one, which limits the total number of... rentals from 180 to 60 days. Are you
 1087 okay with that condition?
 1088

1089 Mr./Mrs. Brown - Yes.
 1090

1091 Mrs. Moore - Okay.
 1092

1093 Mr. Johnson - Okay.
 1094

1095 Mr. Bell???- Can I ask a question? Have you read the conditions?
 1096

1097 Mr. Madrigal - No. They did not get a copy because we were recommending
 1098 denial.

1099 Mr. Green - Could we, could we show them some of the condition? So
 1100 they can... that they're okay with them.
 1101
 1102 Mr. Johnson - So, to just make sure that...
 1103
 1104 Mr. Green - Give them a few minutes to look at it.
 1105
 1106 Mr. Johnson - And our real issue, was being out, not in Henrico County,
 1107 when you put where you are living at.
 1108
 1109 Mrs. Brown - I'm sorry sir.
 1110
 1111 Mr. Johnson - The problem was, one of the problems was that when you said
 1112 you moved to Fauquier, we are here in Henrico, we want to make sure, and that 60 days
 1113 was one of the issues as well.
 1114
 1115 Mrs. Brown - Yes, we see that. Yes, I have the noise ordinance statement
 1116 in my welcome book. So, they would see it, and it's actually on the first page when I am
 1117 welcoming them.
 1118
 1119 Mr. Johnson - Okay, so we are satisfied with that.
 1120
 1121 Mrs. Brown - Yes. That's fine.
 1122
 1123 Mr. Johnson - Okay.
 1124
 1125 Mr. Brown - With the noise ordinance, with the people that we're
 1126 considering, the doctors and nurses, when they get home, they just want peace and quiet.
 1127
 1128 Mr. Johnson - I move that we approve this conditional use permit subject to
 1129 the conditions recommended by staff. And this is consistent with the comprehensive plan
 1130 and zoning ordinance, and there is adequate parking available, that is zoned on site, as
 1131 well.
 1132
 1133 Mrs. Moore - And just for the record, this was with modified condition one.
 1134
 1135 Mr. Green - Yes. Second.
 1136
 1137 Mr. Johnson - So motioned and second. All in favor say Aye.
 1138
 1139 Board - Aye
 1140
 1141 Mr. Johnson - All Opposed say No. All in the affirmative, motioned passed.
 1142
 1143 Mrs. Brown - Thank you. Thank you so much.
 1144

Mrs. Moore - Thank you.

Mr. Green - Thank you again for your service.

On a motion by Mr. Johnson, seconded by Mr. Green, the Board approved case **CUP2022-00049 TIMOTHY AND ROSLYN BROWN's** request for a conditional use permit pursuant to Section 24-4430.A of County Code to allow short-term rental of a dwelling at 420 Green Hollow Lane (Hunters Run) (Parcel 829-714-8570) zoned R-3, One-Family Residence District (Varina). The Board approved the request subject to the following conditions:

1. This conditional use permit authorizes the short-term rental of the existing dwelling, including unhosted stays for no more than 60 days per year and a maximum of eight guests. All other applicable regulations of the County Code remain in force.

2. This approval is subject to the County noise ordinance (Sec. 10-67 through 10-69), registry ordinance (Sec. 20-280 through 282), and short-term rental development standards (Sec. 24-4330).

3. All short-term rental guests shall park on the property, not on the public right-of-way.

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

5. Before listing the property for short-term rental, the applicants must obtain approval for the change of use from the Department of Building Construction and Inspections and complete the registration process through the Department of Finance. Approval and registration must be obtained no later than November 18, 2024, or this conditional use permit will expire.

Affirmative:	Bell, Green, Johnson, Reid	4
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Negative:		0
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Absent:	Pollard	1
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Mrs. Moore - Okay, moving on to the third item is CUP2022-00050. This is Reginaldo Catarino de Freitas, and this is a conditional use permit to also allow a short-term rental of a dwelling at 3406 Pine Dell Avenue in the Tuckahoe District. And it will be presented by Mr. Madrigal, and if I can reverse this really quick, is there anyone in the room that wishes to speak to this case today?

CUP2022-00050 REGINALDO CATARINO de FREITAS requests a conditional use permit pursuant to Section 24-4430.A of County Code to allow short-term rental of a dwelling at 3406 Pine Dell Avenue (Pine Dell) (Parcel 762-753-2174) zoned R-3, One-Family Residence District (Tuckahoe)

1192
1193
1194 Mrs. Moore - Anyone on WebEx?

1195
1196 Mr. Peterman - No one on WebEx.

1197
1198 Mrs. Moore - Okay. Could you stand please and raise your right hand to be
1199 sworn in. Do you swear that the testimony that you are about to give is the truth, the whole
1200 truth, and nothing but the truth, so help you God?

1201
1202 Mr. Freitas - I do.

1203
1204 Mrs. Moore - Thank you. Mr. Madrigal.

1205
1206 Mr. Madrigal - Thank you Madam Chair, Mr. Chairman, members of the
1207 Board. Before you is a request to allow the short-term rental of a single-family dwelling.
1208 The subject property is 72 feet wide by 175 feet deep and is improved with an 1,100-
1209 square-foot home built in 1958. According to the county records, the home contains three
1210 bedrooms and two full baths. The paved driveway measures approximately nine feet wide
1211 by 33 feet deep, providing parking for two vehicles. Both side lot lines are landscaped
1212 with hedges in the front yard and screened with a privacy fence in the rear yard. The rear
1213 lot line adjoins a shopping center and is screened by a chain link fence. The applicant
1214 acquired the property four years ago and has submitted an affidavit certifying that the
1215 dwelling is his primary residence. He intends to offer the home for short-term rental. A
1216 CUP is required for unhosted stays in excess of 60 days and because the lot has less
1217 than 80 feet of public street frontage. The property and proposed use are consistent with
1218 both the zoning and comprehensive plan designations. The surrounding area to the south
1219 and west is made up of mostly single-family dwellings on small lots, while the property to
1220 the north and east is commercial. Short-term rental of the home would be compatible with
1221 the surrounding area and usage provided complies with all applicable regulations and
1222 proposed conditions of approval. The property is 72 feet wide, and there are dwellings on
1223 either side. Privacy is provided by fences along both property lines. The existing parking
1224 is adequate for two cars. To rent all three bedrooms the applicant will have to add two
1225 additional parking spaces on the property. Short-term rentals have the potential to create
1226 adverse impacts, but experience has shown that operators that complete the CUP
1227 process have proven to be responsible owners and hosts. In conclusion, the applicant
1228 would like to offer his home for a short-term rental. He has offered, or he has submitted
1229 an affidavit stating that the dwelling will continue to be his primary residence... If
1230 approved, the short-term rental will be regulated by the zoning ordinance, building code,
1231 noise ordinance, and the registry ordinance. Any complaints or adverse impacts that arise
1232 will be addressed accordingly. Staff recommends approval of this request subject to
1233 conditions.

1234
1235 Mr. Johnson - Any questions from the board or staff?

1237 Mr. Reid- Just are there any complaints or any opposition from
1238 neighbors.
1239
1240 Mr. Madrigal - I am not aware of anything.
1241
1242 Mr. Reid - Thank you.
1243
1244 Mr. Johnson - Okay. We will now hear from the applicant.
1245
1246 Mr. Freitas - Good morning, my name is Reginaldo Freitas. F R E I T A S.
1247 Yeah, I live, I bought that house in 2018, and I live, have been live there. But things
1248 change in the economy, so, I'd like to rent that house, at least 160 days a year. So, that's
1249 my request.
1250
1251 Mr. Reid - Where will you be living when you are not at the home and
1252 how far away is that from the residence?
1253
1254 Mr. Freitas - I'm going to live at my house, my girlfriend's house about ten
1255 minutes away.
1256
1257 Mr. Reid - Okay.
1258
1259 Mr. Freitas - It's at Staples Mill with Glen Allen, so.
1260
1261 Mr. Johnson - Then you would still be going back. Checking every...
1262
1263 Mr. Freitas - Yes. That's my primary house.
1264
1265 Mr. Johnson - Especially that 185 days?
1266
1267 Mr. Freitas - Yes. That's my house.
1268
1269 Mr. Johnson - Okay.
1270
1271 Mr. Green - I have a question. Just because an applicant says they want
1272 to rent the home for 160 days, doesn't mean it's going to reach that capacity. That's their
1273 desire. Do we have any statistics to show that while they may want to rent it up to 160
1274 days, in some instances it may come in at, you know, 85 or, or 100 days. Do we track
1275 that to know?
1276
1277 Mr. Madrigal - We, the County contracts with a third party, and they are
1278 called the Host Compliance, and they study this issue. They keep track of the rentals
1279 based on the, on the guest, their reviews of the property once they've read it. So, they
1280 track it that way. Another requirement is that the property owner keep a guest log, and
1281 we can request that, and they have to provide it on demand so we can verify, you know,
1282 how many times they've rented it.

1283 Mr. Green - Now I'm just curious...

1284

1285

1286 Mr. Madrigal - But as far as statistics, I am not aware of any, no.

1287

1288 Mr. Green - Can we, is it, can we get those statistics from someone that

1289 you can share with us so we can just know on average, you know, how much? Just

1290 because, like I said, they may want to do it, that doesn't say that it is at 100 percent.

1291

1292 Mr. Madrigal - I don't...

1293

1294 Mrs. Moore - We...I'm not sure...

1295

1296 Mr. Madrigal - We could look into it. I just don't know if it would be very

1297 effective because, you know, it varies depending on the time of year, the area, you know,

1298 if it's something, if it's a property that's maybe closer to the raceway, that could be an

1299 area where there's higher rentals, versus somebody that lives, say, let's say out in the

1300 East End where there isn't a big draw like that. So, it just, I guess it just varies on the

1301 locations, the amenities that are nearby, and the time of year.

1302

1303 Mr. Green - I was just wondering, because you would think that someone

1304 would keep an average of statistical stays at properties, that they would share.

1305

1306 Mrs. Moore - I'm not sure if, if the tracking would do that, but we will look

1307 into if it does.

1308

1309 Mr. Green - Yeah, I'm just curious.

1310

1311 Mr. Johnson - Okay.

1312

1313 Mr. Green - I'm just protecting the client, because if, if his girlfriend boots

1314 him out, we want to make sure he's got a place to come back to.

1315

1316 Mrs. Moore - I've noticed, like if you go on it and book on a platform, it will

1317 show when it's blocked out and it's available, so that gives you some indication.

1318

1319 Mr. Johnson - Okay. Thank you. Alright, any questions from the applicant?

1320

1321 Mr. Freitas - No.

1322

1323 Mr. Johnson - Do you have any Board?

1324

1325 Mr. Reid - No, I asked mine.

1326

1327 Mrs. Moore - I'm just going to ask one more time, anyone on WebEx?

1328

1329 Mr. Peterman - No one on WebEx.
 1330
 1331 Mrs. Moore - Thank you.
 1332
 1333 Mr. Peterman - You're welcome.
 1334
 1335 Mr. Johnson - Okay. Is there anyone opposed to this? None? Anyone
 1336 speaking in opposition? We will now, since we've already heard from you, the public
 1337 hearing is now closed, and a motion would be in order. What is the pleasure of the Board?
 1338
 1339 Mr. Reid - I move that we approve the conditional use permit, subject to
 1340 the conditions recommended by staff. It's consistent with the Comprehensive Plan and
 1341 Zoning Ordinance. The properties to the north and east are commercial in nature, and
 1342 there are fences on both sides to provide privacy.
 1343
 1344 Mr. Bell - I second the motion.
 1345
 1346 Mr. Johnson - It's been motioned and second, all in favor say Aye.
 1347
 1348 Board - Aye.
 1349
 1350 Mr. Johnson - All opposed say Nay. Four in favor of. Thank you. Motion
 1351 passed.
 1352
 1353 Mr. Freitas - Thank you.
 1354
 1355 On a motion by Mr. Reid, seconded by Mr. Bell, the Board **approved** case **CUP2022-**
 1356 **00050 REGINALDO CATARINO de FREITAS'** request for a conditional use permit
 1357 pursuant to Section 24-4430.A of County Code to allow short-term rental of a dwelling at
 1358 3406 Pine Dell Avenue (Pine Dell) (Parcel 762-753-2174) zoned R-3, One-Family
 1359 Residence District (Tuckahoe). The Board approved the request subject to the following
 1360 conditions:
 1361
 1362
 1363 1. This conditional use permit authorizes the short-term rental of the dwelling to no more
 1364 than six renters at a time. All other applicable regulations of the County Code remain in
 1365 force.
 1366
 1367 2. This approval is subject to the County noise ordinance (Sec. 10-67 through 10-69),
 1368 registry ordinance (Sec. 20-280 through 20-282), and short-term rental development
 1369 standards (Sec. 24-4430).
 1370
 1371 3. Any exterior lighting must be shielded to direct light away from adjacent property and
 1372 streets.
 1373
 1374 4. Before listing the property for short-term rental, the applicant must provide four parking
 1375 spaces on the property (outside the public right-of-way).

5. Before listing the property for short-term rental, the applicant must obtain approval for the change of use from the Department of Building Construction and Inspections and complete the registration process through the Department of Finance. Approval and registration must be obtained no later than November 18, 2024, or this conditional use permit will expire.

Affirmative:	Bell, Green, Johnson, Reid	4
Negative:		0
Absent:	Pollard	1

Mrs. Moore - Alright, then next on your agenda is CUP2022-00051. This is Gillies Creek Industrial Recycling, LLC. This is a conditional use permit to deposit soil as fill material at 4200 Masonic Lane, in the Varina District, and this will be presented by Mr. Gidley. And I will ask now, is there anyone in the room to speak to this case? Is there anyone on WebEx?

Mr. Peterman - No one on WebEx.

CUP2022-00051 GILLIES CREEK INDUSTRIAL RECYCLING, LLC requests a conditional use permit pursuant to Section 24-4205 of County Code to deposit soil as a fill material at 4200 Masonic Lane (Parcel 806-719-8851) zoned M-2, General Industrial District (Varina)

Mrs. Moore - Could you please stand and raise your right hand? Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God.

Mr. Hooker - I do.

Mrs. Moore - Thank you.

Mr. Johnson - Okay.

Mr. Gidley - Thank you Madam Secretary, Good morning, Mr. Chairman, members of the Board. The subject property, as you can see here, is located on the south side of Interstate 64, and on the west side of Masonic Lane. It was mined in the 1970's for sand and gravel before being turned into recycling center and landfill. The most recent use permits on the property were approved in 2018 and 2020, and these allowed for the northern portion of the property, up here, to be used as a fill site. There are four soil stockpiles that are in this area and the surrounding area is slated to be raised to an elevation that would match those stockpiles before being stabilized with vegetation. This request today is for a two-year renewal of this use permit. This is a close-up of the area

here. In recent years the applicant has met with a Mr. John Mitchell, who represents the interests of the Evergreen Cemetery which is just to the west here. They've discussed issues such as erosion control, drainage, illegal dumping, and other common concerns that they have. My understanding is that Mr. Mitchell is not opposed to the application so long as the end product enhances the experience of visitors to the cemetery. In response to these conversations, staff has added two conditions to the use permit. One is the request that prior to the final grading of the site, staff can meet with the applicant and the representatives of the cemetery to develop a landscaping plan that would address landscaping along their common boundary. Again, in this area, basically all through here. The second condition is a requirement that if the applicant finds any evidence of graves on their site that they will notify the owners of the cemetery. In evaluating this request, the use of the property is consistent with both the Planned Industry designation on the land use plan and the property's M-2, General Industrial zoning. The operation is an established use that has been in area for 25 years. As noted, there have been on going conversations between the applicant and the cemetery. If you look closely here, you can see an access road to the cemetery that runs along this common boundary area right here. Both parties are open to filling and regrading the western portion of the applicant's property to address drainage, visual, and other issues. As noted, staff would like to see a landscape plan submitted that would address final restoration of this area, to the mutual satisfaction of both parties. In conclusion, this is an established industrial site with an active conditional use permit that is in for a two-year renewal. The proposed filling of the site to an elevation similar to the existing soil stockpiles would be consistent with the comprehensive plan and the zoning ordinance. Staff can recommend approval subject to the conditions in your staff report. This concludes my presentation. If you have any questions, I will be happy to answer those. Thank you.

Mr. Johnson - Okay.

Mrs. Moore - Mr. Gidley, really quick. Is there any requirement that would keep the trees along that access, or could they clear cut those?

Mr. Gidley - Right now there is a 50ft buffer provided on the western side. Let's see here. There's a map here.

Mrs. Moore - And would that be maintained?

Mr. Gidley - That would be maintained, yes ma'am.

Mrs. Moore - Okay, thank you.

Mr. Johnson - Okay. So, all they're going to be doing is just depositing soil and spreading it in that area until it meets a certain elevation?

Mr. Gidley - Yes sir, that's correct.

1467 Mr. Johnson - And that's all. And the fill site would be consistent with the plan
1468 and ordinance?

1469
1470 Mr. Gidley - Yes sir.

1471
1472 Mr. Johnson - Okay, anyone else. Yes, we can hear the applicant now.

1473
1474 Mr. Hooker - Good morning, Mr. Chair, board members. My name is Randy
1475 Hooker. H O O K E R. Engineering Design Associates here, representing Gillies Creek
1476 Liesfield on this use permit renewal request. I'd like to expand on Paul's presentation.
1477 The cemetery, there is an access road that goes along the property line of the, say,
1478 northwestern most portion of the property. And, that area, due to lack of visibility and
1479 such, over the years, there has been an issue with dumping. It's about a 10-foot difference
1480 is grade elevation where that road is down to the Gillies Creek property. So, we're
1481 proposing to raise the grade up to that adjacent property along that western property line
1482 and try to mitigate this dumping that's taking place. With that said, that 50-foot buffer
1483 would be impacted as part of this filling operation. Additionally, we reviewed the conditions
1484 proposed in the use permit packet from staff and have no concerns or issues with those
1485 proposed conditions. One of those being landscaping along that shared property line.
1486 Kelby Morgan with J. E. Liesfield's here with me today, he can also answer any
1487 operational questions you may have.

1488
1489 Mr. Johnson - Okay. So, that elevation would be approximately what, 150
1490 feet?

1491
1492 Mr. Hooker - I believe so, I don't have it memorized. I know it's what, like a
1493 10-foot difference in grade.

1494
1495 Mr. Johnson - Okay. Alright, let's see. Anyone else have any questions for
1496 the applicant? So, staff would like to meet on the site with... are y'all meeting with the
1497 other, with the cemetery as well, aren't you?

1498
1499 Mr. Hooker - Yes sir.

1500
1501 Mr. Johnson - And I noticed that you said if you find any graves in there, then
1502 they, then you would let them know.

1503
1504 Mr. Hooker - Yes sir.

1505
1506 Mr. Johnson - Okay. Do we have anyone else? Is there anyone opposed to
1507 this? No? That's all I have. Okay, with that, I'll make a motion. I move that we approve
1508 this conditional use permit, subject to the conditions recommended by staff. It is
1509 consistent with the comprehensive plan and zoning ordinance. There is a very little impact
1510 on the neighboring property, as well. Now the applicant is willing to work with the cemetery
1511 involved to resolve any issues that is on the property as well. With that, again, I
1512 recommend approval. Okay.

1513
 1514 Mrs. Moore - Do we have a second?
 1515
 1516 Mr. Green - Second.
 1517
 1518 Mr. Johnson - It's been motioned and second. All in favor say Aye.
 1519
 1520 Board - Aye.
 1521
 1522 Mr. Johnson - All opposed, none opposed. The motion passed.
 1523
 1524 Mr. Hooker - Thank you.
 1525
 1526 On a motion by Mr. Johnson, seconded by Mr. Green, the Board **approved** case
 1527 **CUP2022-00051 GILLIES CREEK INDUSTRIAL RECYCLING, LLC's** request for a
 1528 conditional use permit pursuant to Section 24-4205 of County Code to deposit soil as a
 1529 fill material at 4200 Masonic Lane (Parcel 806-719-8851) zoned M-2, General Industrial
 1530 District (Varina). The Board approved the request subject to the following conditions:
 1531
 1532 1. This conditional use permit only authorizes the clearing, grading, and reclamation
 1533 shown on the plans titled "Erosion and Sediment Control Plan for Gillies Creek Recycling"
 1534 prepared by Engineering Design Associates and revised October 9, 2022.
 1535
 1536 2. The final grades shall have a minimum slope of 2% (50 feet horizontal to 1 foot vertical)
 1537 and a maximum slope of 33% (3 feet horizontal to 1 foot vertical).
 1538
 1539 3. The applicant shall maintain the financial guaranty in the amount of \$55,200 insuring
 1540 that the land will be restored as shown on the plan. The applicant shall maintain the
 1541 financial guaranty until the Planning Department and the Department of Public Works
 1542 approve the reclamation of the property. Reclamation shall not be considered complete
 1543 until the site has been graded as shown on the approved reclamation plan and is covered
 1544 completely with permanent vegetation.
 1545
 1546 4. The applicant shall maintain the approved environmental compliance plan from the
 1547 Department of Public Works (DPW), which shall include compliance with the Chesapeake
 1548 Bay Preservation Act. The applicant shall continuously satisfy DPW that erosion control
 1549 measures are properly maintained in accordance with the approved plan. As site
 1550 conditions change, updated plans and bonds may be required by DPW.
 1551
 1552 5. The material to be deposited on the site shall be limited to soil and similar materials
 1553 excavated from construction sites, and shall not include any hazardous materials as
 1554 defined by the Virginia Hazardous Waste Management Regulations. The applicant shall
 1555 submit a quarterly report stating the origin, nature, and quantity of all material deposited
 1556 on the site, certifying that no hazardous materials were included.
 1557

1558 6. Any activity that results in sound clearly audible at the property lines shall be limited to
1559 Monday through Saturday, from 7:00 am to 5:30 pm. There shall be no activity that results
1560 in sound clearly audible at the property lines on Sundays or national holidays.

1561
1562 7. All access to the property shall be from the designated construction entrance onto
1563 Masonic Lane. The applicant shall maintain a gate at the entrance, which shall be locked
1564 at all times except when authorized representatives of the applicant are on the property.

1565
1566 8. The applicant shall maintain the sign at the entrance to the site stating the name of the
1567 applicant and a telephone number to contact in case of emergency.

1568
1569 9. Standard "Truck Entering Highway" signs shall be maintained at the applicant's
1570 expense on Masonic Lane on each side of the entrance to the property.

1571
1572 10. The applicant shall maintain a standard stop sign at the entrance to Masonic Lane.

1573
1574 11. The applicant shall maintain "No Trespassing" signs every 250 feet along the
1575 perimeter of the fill area. The applicant shall send a representative to testify in court if
1576 necessary.

1577
1578 12. There shall be no burning on the site at any time.

1579
1580 13. Trucks associated with this conditional use permit leaving the site shall travel at
1581 intervals and not in groups of three or more. If requested by the Division of Police, the
1582 applicant shall provide a flagman to control traffic from the site onto Masonic Lane.

1583
1584 14. The applicant shall sweep Masonic Lane as necessary to prevent tracking of mud,
1585 and shall control dust in accordance with the latest version of the Virginia Erosion and
1586 Sediment Control Handbook.

1587
1588 15. If evidence shows that the fill operation authorized by this conditional use permit has
1589 an adverse impact on a water well, the owner of the well may request a hearing before
1590 the Board. If the Board finds, after reviewing the evidence at a public hearing, that the
1591 well was adversely affected by the fill operation, the applicant shall immediately cease
1592 operations until the problem has been corrected to the satisfaction of the Board.

1593
1594 16. If the applicant discovers evidence of cultural or historical resources, or an
1595 endangered species, or a significant habitat, it shall notify appropriate authorities and
1596 provide them with an opportunity to investigate the site. The applicant shall report the
1597 results of any such investigation to the Planning Department.

1598
1599 17. If, in the course of its operations, the applicant discovers evidence of cemetery activity
1600 on its property, it shall notify the owners of the cemetery and provide them with an
1601 opportunity to investigate the site. The applicant shall report the results of any such
1602 investigation to the Planning Department.

18. When rough grading along the western property line is complete and before final grading, the applicant must submit a landscaping plan for the western property line abutting Evergreen Cemetery to the Planning Department for review and approval. The plan must address any adverse impacts on the cemetery that are associated with the fill site, including drainage, erosion, illegal dumping, and visual impact.

19. This conditional use permit shall expire November 30, 2024.

Affirmative:	Bell, Green, Johnson, Reid	4
Negative:		0
Absent:	Pollard	1

Mrs. Moore - We come to our last case. This is CUP2022-00053. Richmond Strikers Soccer Club. This is a conditional use permit to add lights to two existing soccer fields at 4801 Pouncey Tract Road, in the Three Chopt District.

CUP2022-00053 RICHMOND STRIKERS SOCCER CLUB, INC. requests a conditional use permit pursuant to Section 24-2308 of County Code to add lights to existing soccer fields at 4801 Pouncey Tract Road (Parcel 740-768-1098) zoned A-1, Agricultural District (Three Chopt)

Ms. Moore - Is there anyone here who would like to speak to this case?
Anyone on Webex?

Mr. Peterman - No one on WebEx.

Mrs. Moore - Could you please stand, and raise your right hand please? DO you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Ms. Jennifer Mullen - Yes ma'am.

Mr. Johnson - Okay.

Mr. Gidley - Thank you Madam Secretary. The subject property is a 43-acre recreation facility known as Striker's Park. It is located just southeast of the intersection of Shady Grove Road and Pouncey Tract Road. The site contains eleven soccer fields that are used by area leagues. The initial approval for this facility was a 1983 conditional use permit. That authorized up to nine soccer fields, two of which were to be lighted. Additional use permits were obtained in 1990 and 2005 for additional facilities on the property such as restrooms and expanded parking. These also provided for additional fields to be lit. Today's request would allow for fields seven and eight, shown down here, to be lit. The later, field eight abuts the adjacent subdivision, which is Harvest Glen at Twin Hickory. Unlike previous approvals, this would expand the lighting closer to an

adjacent residential community. In evaluating this request, the use is consistent with the land use designation of this site for Open Space and Recreation. It is also consistent with nearby uses, which include a church and a public park. It can be consistent with adjacent neighborhoods, if steps are taken to protect them from unreasonable impacts, such as noise or glare. During staff's visit to the site, portable lights and generators were noted on two of the fields closest to Harvest Glen. Since lighting of these fields has not been approved by this Board, this would appear to be in violation of the current use permit. Staff did receive complaints from a couple that live adjacent to the facility. Their emails are in your packet. They complained about glare from the portable lights and noise from the generators used to power them. Permanent lighting, as proposed by the applicant however would eliminate the need for generators, and the accompanying noise. And the applicant has submitted a photometric plan, and that shows light from the proposed poles would not impact and spill over onto the adjacent residential parcels. So, in conclusion, Striker's Park has been used for youth soccer since 1983. The approval of permanent pole lighting for fields seven and eight would eliminate the need for generators and would also result in much better control of the glare, while at the same time allowing use of these fields after dark. This would appear to benefit both the applicant and the neighbors. As a result, staff can recommend approval of this request, subject to the conditions in your staff report. If you have any questions, I would be happy to answer those. Thank you.

Mr. Johnson - Thanks.

Mrs. Moore - I have a quick question. Can you go back to the slide showing all the fields.

Mr. Gidley - This one, or the site map?

Mrs. Moore - This one. Can you point to where the existing lights are, and have been approved, which fields where they exist now.

Mr. Gidley - I believe it's fields three, four, five, six. I thought there were some against this neighborhood that was built after the fields were already lit.

Mrs. Moore - Okay. So, there are lights adjacent to single-family currently.

Mr. Gidley - Right, and again this neighborhood came in after those fields were already lit.

Mrs. Moore - Thank you.

Mr. Johnson - Okay.

Mr. Reid - How long have the portable lights and generators been in use? In Violation of...

1695 Mr. Gidley - I will leave that up to the applicant to answer, because I don't
 1696 utilize Strikers Park.
 1697

1698 Mr. Johnson - The lights that they're putting in now, with the generators as
 1699 well, before they was complaining because of the noise from that?
 1700

1701 Mr. Gidley - Currently there are portable lights out there that are powered
 1702 by generators, and those make noise, and the couple that emailed in was concerned
 1703 about that noise. If they go to permanent lights, pole lighting, they would be connected to,
 1704 you know, electricity, so there would no longer be a need for any generators, so that
 1705 would address the neighbor's issue.
 1706

1707 Mr. Johnson - Yes, so that would take out the noise and all. And also they
 1708 have, I noticed it mentioned about shedding some of the light so it won't reflect on some
 1709 of the houses in that area as well.
 1710

1711 Mr. Gidley - Yeah, these lights here, there's really no real control over the
 1712 glare. The portable lights. But if you go ahead and go to pole lights, you can put shields
 1713 on them that direct the lighting down. Per the photometric, that would control the glare
 1714 onto adjacent property.
 1715

1716 Mr. Johnson - Okay.
 1717

1718 Mr. Bell - How late can they keep the field open?
 1719

1720 Mr. Gidley - Let me see what the condition is,
 1721

1722 Mr. Bell - We've got it here. It's on page one.
 1723

1724 Mr. Gidley - Okay, here we go. If the hours of operation are Monday
 1725 through Friday, it would come under all other fields, so it's 8am to 8pm, on Saturday it
 1726 would be 8am to 10pm, and then Sunday it would be 1pm to 8pm.
 1727

1728 Mr. Johnson - That seems to be working with the neighborhood as well.
 1729

1730 Mr. Gidley - We heard from the one couple but that's, those are the only
 1731 people I've heard from. We did notify the adjacent property owners, we also reached out
 1732 to the Twin Hickory Association, and they sent an email out to the residents of Harvest
 1733 Glen specifically, so they also received notice from their association.
 1734

1735 Mr. Johnson - Okay. Alright.
 1736

1737 Mr. Reid - Should fields seven and eight be listed on the conditions, as
 1738 well as one, two, three, and five.
 1739

1740 Mr. Gidley - Condition number one says that this conditional use permit
1741 authorizes installation of permanent lighting on fields seven and eight as shown on the
1742 equipment layout submitted with this request.

1743

1744 Mrs. Moore - These mention...

1745

1746 Mr. Reid - to put on number eight?

1747

1748 Mrs. Moore - Yeah. It could be included in the hours of operation.

1749

1750 Mr. Gidley - Well, it talks about fields one, two, three, and five, then it says
1751 all other fields.

1752

1753 Mrs. Moore - Oh, I've got you.

1754

1755 Mr. Reid - Okay.

1756

1757 Mr. Gidley - So, by default it would fall in

1758

1759 Mr. Reid - It would fall into this.

1760

1761 Mr. Gidley - Yes sir.

1762

1763 Mr. Johnson - Okay.

1764

1765 Mr. Gidley - I think part of that is, with the neighbors right next door, having
1766 more control on it.

1767

1768 Mr. Johnson - Alright.

1769

1770 Mr. Green - I live out in Three Chopt. I live on the other side, so I'm familiar
1771 with all of this, this lighting. And you can, sometimes we fail to remember that a lot of
1772 times these houses go up after some of these fields are put in. And it's always been my
1773 contention that when people move, they should know what is around them and what's
1774 going on. So, there is going to always be a lot of activity there. There's going to be issues
1775 where you need to be, you know, there will be lighting. But when you move into a situation
1776 like that, you should know that you are moving into it. It is recreational, and it is very
1777 positive. I think overall. I'm from the County, so a lot of times as I'm driving, I'm on the
1778 Wellesley side, and I see the lights are glaring, and you know, over on that side. But I'm
1779 not hearing people complain about it, because it is structured activity. It's keeping kids
1780 and others occupied, safe, and out of trouble.

1781

1782 Mrs. Moore - Do you want to hear from the applicant?

1783

1784 Mr. Johnson - Yes.

1785

1786 Mr. Green - Yes.

1787

1788 Mr. Johnson - I was just waiting for you to finish. Thank you. We will now

1789 here from the applicant.

1790

1791 Ms. Mullen - I have a power point presentation.

1792

1793 Mr. Johnson - Okay.

1794

1795 Ms. Mullen - I'm not quite as tall as our previous speaker. Thank you, Mr.

1796 Gidley, members of the Board. I'm Jennifer Mullen with Roth-Jackson here on behalf of

1797 the Richmond Strikers Club. With me today I have Jay Howell, the Executive Director,

1798 and Chris Friant, the Director of Operations. As Mr. Gidley pointed out, Striker Park is

1799 located here on Pouncey Tract, and this gives you just an aerial view, and he went through

1800 the history where it was originally approved in 1983, amended in 1990, which then

1801 permitted the use of lighting for four of those fields. If you could go to the next slide as

1802 well. Again in 2005 it was amended again, and the lighted fields were allowed to be lit

1803 until 11 p.m.. A point of clarification, with the hours that Mr. Gidley has in the conditions,

1804 we had requested fields seven and eight to be lit until 10 p.m., Monday through Friday.

1805 So, that is less than the 11 p.m. allowance for the four fields in the front. And I will walk

1806 you through those pieces in a moment. The request before you, is again, is to light fields

1807 seven and eight, and those are the two fields in the rear. I don't have a pointer with me,

1808 but you can see the buffer behind the fields there. So, adjacent to it is the Pouncey Tract

1809 Park, beyond that is Short Pump Middle School with their fields that back up to the Harvest

1810 Glen neighborhood. The use is consistent with the comprehensive plan, both in the land

1811 use map designation as recreational and open space, but also in the open statement of

1812 the 2026 Vision, which is to provide a range of housing, employment, education,

1813 recreation, and cultural opportunities for all in the county. Not only do we meet this by

1814 serving the youth in organized sports, neighbors also use the fields when they're not in

1815 use by the Strikers Club. The fields in the request before you with the hours is appropriate

1816 for the location, compatible with the general neighborhood and surrounding land use, as

1817 you can see from this aerial here. Fields seven and eight, again, as I noted, are adjacent

1818 to the Harvest Glen neighborhood, but that is consistent with the overall use. In 2005,

1819 when the Board approved the lights for those four fields as I discussed to 11, it was noted

1820 that the lights at Short Pump Middle School, as well as the park, are also lit until 11, as

1821 well as Deep Run High School, which is less than a mile away. The proposed use here

1822 will provide advanced technology with these lights on the field, with over 100 feet of buffer,

1823 with mature trees, so, it is appropriate to be lit until 10 p.m.. I will note that it is requested

1824 for 10 p.m. for tournament play, which happens approximately four times a year. The

1825 practice schedules will end around 8:15 or 8:30, and this is between October, November,

1826 and December. Or, excuse me, October and November, as well as in April. So, they don't

1827 use the fields in January and February, because they have tournaments in March, known

1828 as the Jefferson Cup, and these are grass fields, so they need to maintain their fields. If

1829 you could go to the next slide. This is a closeup view of the two fields. So, there are six

1830 lights in total, which are identified on this slide, but this gives you a visual of the

1831 surrounding mature trees that exist. If you could go to the next slide. So, the lights, again,

1832 have a, this shows a foot-candle at the property line, and so you can see it is all dark. So,
1833 between zero and 0.1 of a foot-candle at the property line which is achievable because
1834 of this advanced technology. Next slide please. It reduces not only the light spillage, but
1835 also the glare, so the blue line represents darkness. Next slide please. The fields are
1836 appropriate given the lighting technology and the poles with the over 100-foot buffer from
1837 the tree line. Here, this just shows you the distance from the poles adjacent to the Harvest
1838 Glen neighborhood. And if you just go to the next two slides, this just shows a visual of
1839 those mature trees up close there. The next slide. That shows the fence. So, there is the
1840 field, the fence, the trees, and then the rear yards of those adjacent neighborhoods.
1841 Circling back to the new technology. Next slide please. This just shows you an example
1842 of the evolution of lights. So, the one on the far left is a 1977 version, moving through,
1843 you have the one second to the right, is the lights that we're proposing. So, this technology
1844 right here, allows for specific controls. This is even different from the 2005 version that
1845 was permitted on the other fields until 11. These shields allow, eliminate the glare and
1846 light spillage. Again, next slide please. These six lights promote the healthy behavior
1847 amongst our youth through exercise, hard work, scholarship, sportsmanship, and
1848 teamwork. The technologically advanced lights do not shine into the neighboring
1849 communities and provide a safe playing field so that all are able to use them, and they
1850 are specifically controlled. Next side please. These are two examples of representative
1851 projects elsewhere, but with similar light installation, showing the targeting of the lights on
1852 the field and the darkness behind them. Next slide please. This one is at dusk. Next slide
1853 please. The applicant requests the lighting of fields seven and eight, again, located here
1854 with a 100-foot buffer, but with the hours until 10 p.m. Monday through Saturday, and until
1855 8 p.m. on Sunday. We accept the conditions, except for condition eight where we request
1856 Monday through Friday for fields seven and eight to be 8 p.m. to 10 p.m.. The request
1857 meets the criteria for the conditional use permit and would benefit the youth of the County.
1858 I'd be happy to answer any questions you may have.

1859
1860 Mr. Johnson - Any questions for the applicant? None? So, with the new
1861 lights, it kind of directs it away from the residents as well?

1862
1863 Ms. Mullen - That is correct. So, it is. If you think about the slide that I
1864 showed you with the blue line, it is dark behind it. So, not only would it be dark behind it
1865 if you did not have that tree buffer, we also have the 100-foot treed buffer in between.

1866
1867 Mr. Green - I also think it's important to note that the complaint came from
1868 the use of the old lighting...

1869
1870 Ms. Mullen - Correct.

1871
1872 Mr. Green - And that was only one complaint. And not the use of
1873 potentially new lighting, so I think that's good.

1874
1875 Mr. Johnson - Okay. Anyone else have any questions for the applicant?
1876 Okay. Any opposed?

1878 Mrs. Moore - Sir, I believe, are you here to speak to this case.
1879
1880 Mr. Howle - I can, if needed.
1881
1882 Ms. Mullen - He's the Executive Director.
1883
1884 Mrs. Moore - The one in the back.
1885
1886 Ms. Mullen - He's on the board.
1887
1888 Mrs. Moore - Okay. Gotcha. He was out of the room when we did that, so I
1889 just wanted to make sure.
1890
1891 Mr. Johnson - Okay.
1892
1893 Ms. Mullen - Thank you.
1894
1895 Mr. Johnson - Thank you. No other questions for the applicant? The case is
1896 now closed.
1897
1898 Mr. Green - No opposition, right?
1899
1900 Mr. Johnson - Any opposition?
1901
1902 Mrs. Moore - Is there anyone on WebEx in opposition?
1903
1904 Mr. Peterman - No one on WebEx.
1905
1906 Mr. Johnson - I had called for it.
1907
1908 Mr. Green - Oh, okay.
1909
1910 Mr. Johnson - Yes. Okay. And a motion will be in order. What is the pleasure
1911 of the Board?
1912
1913 Mr. Green - I move that we approve the conditional use permit subject to
1914 the conditions recommended by staff. It is consistent with the comprehensive plan and
1915 zoning ordinance. One thing we need to note is the property has been used for recreation
1916 for almost 40 years, and the neighborhoods have grown up around it. That's particularly
1917 important, as I stated earlier. We've got to be cognizant, and folks need to be cognizant
1918 that some things that are in place, and have been there, and things are built around that
1919 and folks need to understand. The facility is definitely an asset to the community,
1920 because, as she stated it provides recreational opportunities for youth and others.
1921 Permanent lighting will be shielded to protect the neighbors, will be an improvement over
1922 the temporary lighting powered by the generator.
1923

1924 Mrs. Moore - Mr. Green, there was a, was there any discussion about the
 1925 amendment to the hours of the field on condition eight. It would only effect Monday
 1926 through Friday, inserting fields seven and eight, 8 a.m. to 10 p.m.
 1927
 1928 Mr. Green - I would support the applicant, 8 a.m. to 10 p.m. Simply
 1929 because of the way that the lighting is done. So, and given that's such a large area and
 1930 not hearing any complaints.
 1931
 1932 Mrs. Moore - So you'd recommend that'd be part of the motion?
 1933
 1934 Mr. Green - Yes, so moved.
 1935
 1936 Mr. Johnson - Okay. So, you have a motion.
 1937
 1938 Mr. Green - Yeah, I just read the motion. You captured that right Mr.
 1939 Gidley?
 1940
 1941 Mr. Gidley - Yes sir. I was going to ask that if she didn't.
 1942
 1943 Mr. Green - Yes.
 1944
 1945 Mr. Johnson - Okay.
 1946
 1947 Mr. Reid - Second.
 1948
 1949 Mr. Johnson - It's been motioned and seconded. All in favor say Aye.
 1950
 1951 Board - Aye.
 1952
 1953 Mr. Johnson - Any opposed?
 1954
 1955 Mrs. Moore - To clarify the motion was by Mr. Green and seconded by Mr.
 1956 Reid.
 1957
 1958 Mr. Johnson - Yes. Thank you.
 1959
 1960 Mrs. Moore - Sorry.
 1961
 1962 Mr. Johnson - Any opposed? None. All four in the favor, there is none
 1963 opposed. Motion passed. Thank you.
 1964
 1965 On a motion by Mr. Green, seconded by Mr. Reid, the Board **approved** case **CUP2022-**
 1966 **00053 RICHMOND STRIKERS SOCCER CLUB, INC.** requests a conditional use permit
 1967 pursuant to Section 24-2308 of County Code to add lights to existing soccer fields at 4801
 1968 Pouncey Tract Road (Parcel 740-768-1098) zoned A-1, Agricultural District (Three
 1969 Chopt). The Board approved the request subject to the following conditions:

1970
1971 1. This conditional use permit authorizes the installation of permanent lighting on fields 7
1972 and 8 as shown on the Equipment Layout submitted with this request. All other applicable
1973 regulations of the County Code remain in force.
1974
1975 2. Any exterior lighting must be shielded to direct light away from adjacent property and
1976 streets.
1977
1978 3. This approval does not include clearing, grading, or other land disturbing activity.
1979 Before beginning any clearing, grading, or other land disturbing activity, the applicant
1980 must obtain approval of an environmental compliance plan from the Department of Public
1981 Works.
1982
1983 4. All trash must be in closed containers with regular pickups, the containers must be
1984 properly screened, and the area must be kept clean.
1985
1986 5. The parking lot, driveways, and loading areas shall be subject to the requirements of
1987 Article 5, Division 1 of the Zoning Ordinance.
1988
1989 6. Public address and sound amplification equipment may only be used during special
1990 events and must not be audible beyond the limits of the property.
1991
1992 7. The applicant must obtain a permit from the Department of Building Inspections for the
1993 proposed lights by November 17, 2024, or this conditional use permit will expire. If the
1994 permit is cancelled or revoked after that date due to failure to diligently pursue
1995 construction, this conditional use permit will expire at that time.
1996
1997 8. Hours of operation must be limited as follows:
1998
1999 Monday through Friday:
2000 Fields 1 through 6: 8:00 AM to 11:00 PM.
2001 Fields 7 and 8: 8:00 AM to 10:00 PM
2002 Unlighted Fields: 8:00 AM to 8:00 PM.
2003
2004 Saturday:
2005 Fields 1 through 6: 8:00 AM to 11:00 PM.
2006 Fields 7 and 8: 8:00 AM to 10:00 PM
2007 Unlighted Fields: 8:00 AM to 10:00 PM.
2008
2009 Sunday:
2010 All Fields: 1:00 PM to 8:00 PM.
2011 Tournaments may be scheduled for Sunday morning with the concurrence of Shady
2012 Grove United Methodist Church.
2013
2014
2015 **Affirmative:** Bell, Green, Johnson, Reid 4
2016 **Negative:** 0

2017 **Absent:** **Pollard** **1**

2018

2019

2020 Mrs. Moore - Okay, the next item on your agenda is the approval of the

2021 minutes. Are there any corrections to the draft minutes?

2022

2023 Mr. Johnson - Any corrections to the minutes?

2024

2025 Mr. Green - Move to approve Mr. Chairman.

2026

2027 Mr. Bell - Second.

2028

2029 Mr. Johnson - Motioned and seconded. All in favor say Aye.

2030

2031 Board - Aye.

2032

2033 Mr. Johnson - All opposed say No. All are in favor. Approved. I've been

2034 saying three, but I was leaving myself out.

2035

2036 On a motion by Mr. Green, seconded by Mr. Bell, the Board **approved the minutes** of the

2037 September 22, 2022 Board of Zoning Appeals meeting.

2038

2039

2040 **Affirmative:** **Bell, Green, Johnson, Reid** **4**

2041 **Negative:** **0**

2042 **Absent:** **Pollard** **1**

2043

2044

2045 Mrs. Moore - There is no further business, but I did want to introduce Ms.

2046 Leslie News, she is going to, you've seen her here before, but she is now another

2047 Assistant Director. She was recently promoted after being with the County, what, 25

2048 years.

2049

2050 Mrs. News - Yes.

2051

2052 Mr. Green - Congratulations.

2053

2054 Mr. Johnson - Congratulations.

2055

2056 Mrs. News - Thank you.

2057

2058 Mrs. Moore - I'll be leaving out, and she will be the new friendly face there

2059 on the end.

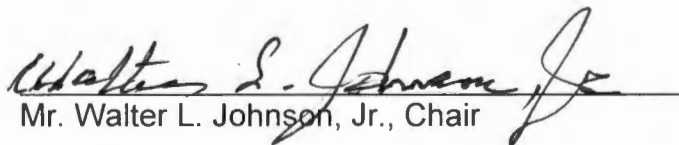
2060

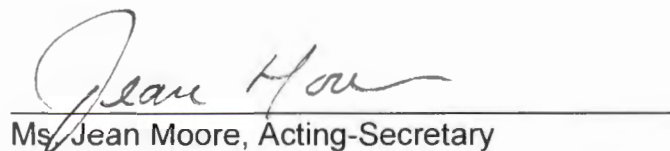
2061 Mr. Green - Oh, you're leaving us?

2062

2063 Mrs. Moore - No, I'm here, but just different, I was just doing this
 2064 temporarily.
 2065
 2066 Mr. Green - No, I'm saying, you not going to be sitting on the end?
 2067
 2068 Mr. Johnson - You'll be missed.
 2069
 2070 Mr. Green - Everybody's leaving us.
 2071
 2072 Mr. Johnson - What did we do to you?
 2073
 2074 Mrs. Moore - I'm still here.
 2075
 2076 Mr. Johnson - They're leaving the Board.
 2077
 2078 Mr. Green - You're not physically with us.
 2079
 2080 Mrs. Moore - I'll be here in spirit.
 2081
 2082 Mr. Green - Everybody's leaving us.
 2083
 2084 Mr. Johnson - You're appreciated.
 2085
 2086 Mr. Green - What are we doing?
 2087
 2088 Mr. Gidley - ...and Ms. Ha too...
 2089
 2090 Mrs. Moore - Oh yeah, and I also want to introduce Ms. Ha, who is from the
 2091 Permit Center, who's been observing us today, and she just joined the county I think just
 2092 recently. So, welcome and thank you for attending.
 2093
 2094 Mr. Johnson - Okay, and who's...
 2095
 2096 Mrs. Moore - That's Melba, she's always here.
 2097
 2098 Mr. Gidley - She's been here longer than I have... she's really been here
 2099 a long time.
 2100
 2101 Mr. Green - Who's taking over for Kuronda?
 2102
 2103 Mrs. Moore - We are in recruitment, so we don't have a person yet, but we
 2104 are actively recruiting to replace, which will be hard. Kuronda, we will miss her, but we're
 2105 working on that.
 2106
 2107 Mr. Johnson - Yeah, because I didn't get a call yesterday. Someone in my
 2108 household said you never got a call, are you all having anything.

2109
 2110 Mrs. Moore - Okay with that I have no other business. Do we have a motion
 2111 to adjourn?
 2112
 2113 Mr. Green - So moved.
 2114
 2115 Mr. Johnson - So it's been motioned, all in favor say Aye.
 2116
 2117 Mr. Reid - Second and Aye
 2118
 2119 Board - Aye.
 2120
 2121 Mr. Johnson - All in favor say no.
 2122
 2123 Mr. Johnson - Motion passed.
 2124
 2125 On a motion by Mr. Green, seconded by Mr. Reid, the Board **adjourned** until the
 2126 December 15, 2022 meeting.
 2127
 2128
 2129 **Affirmative:** Bell, Green, Johnson, Reid 4
 2130 **Negative:** 0
 2131 **Absent:** Pollard 1
 2132
 2133
 2134 Mrs. Moore - Thank you for bearing with me today
 2135
 2136
 2137
 2138
 2139
 2140
 2141
 2142
 2143
 2144
 2145
 2146
 2147
 2148


 Mr. Walter L. Johnson, Jr., Chair


 Ms. Jean Moore, Acting-Secretary