

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 APRIL 24, 2025 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN**
5 **THE RICHMOND TIMES-DISPATCH APRIL 7, 2025 AND APRIL 14, 2025.**
6
7

8
9 **Members Present:** Terone B. Green, Chair
10 Barry R. Lawrence, Vice Chair
11 Walter L. Johnson, Jr.
12 John R. Broadway
13 Joseph S. Massie, III
14

15 **Also Present:** Leslie A. News, Assistant Director of Planning
16 Benjamin Blankinship, Secretary
17 Paul M. Gidley, County Planner
18 Sara Rozmus, County Planner
19 Janaya Poarch, Accounting Clerk
20
21

22
23 **Mr. Green -** Good morning. Welcome to the April 24, 2025, Board of
24 **Zoning Appeals meeting.** For all those that are able, would you please stand and join us
25 **in the Pledge of Allegiance.**
26

27 **[Recitation of Pledge of Allegiance]**
28
29

30 **Mr. Green-** Thank you. Mr. Blankinship will now read our rules.
31

32 **Mr. Blankinship-** Good morning, Mr. Chair, members of the board. Good
33 morning to everyone in the room with us today. I'd also like to say good morning to those
34 of you joining us on Webex. If you wish to observe the meeting, but you do not intend to
35 speak, welcome and thank you for joining us. For those of you on Webex who would like
36 to speak, we need to know that in advance so we can connect you at the appropriate
37 time. So, if you are an applicant or if you have questions or comments on one of the
38 cases, please press the chat button now. It's located in the bottom right corner of the
39 screen, and when the chat window opens, please select Janaya Poarch from the list of
40 participants and let her know your name and which case you're interested in. The chat
41 feature will only be used to identify speakers, so please do not type questions or
42 comments into a chat, but please send a chat to Janaya Poarch now.
43

44 So, for those of us in the room, the procedure goes like this. As the secretary, I will call
45 each case, we will ask everyone in the room who intends to speak to that case to stand
46 and be sworn in. Then a member of the Planning Department's staff will give a brief

47 introduction to the case, and then the applicant will present their case. After the applicant
48 has spoken, anyone who wishes to speak in favor or in opposition will have an
49 opportunity. We'll hear from citizens in the room first and then from those on Webex. After
50 everyone has had a chance to speak, the applicant and only the applicant will have an
51 opportunity for rebuttal.

52
53 This meeting is being recorded, so we'll ask everyone who speaks to speak directly into
54 the microphone on the podium there in the back of the room, state your name and please
55 spell your last name for us so we get it correctly in the record. And just a reminder, once
56 your case is over, you're free to leave, there's no need for you to stay until the end of the
57 meeting.

58
59 With that Mr. Chair, we do not have any requests for deferral or withdrawal. Would you
60 like me to call the first case?

61
62 Mr. Green- No, Mr. Blankinship, for the sake of the individuals in the room,
63 would you please explain the process for deferrals? I mean the denials of public hearings
64 because there was a case that we heard last time, and I'm going to poll the folks in the
65 audience to see who's here to speak to this case, we've already heard the case. So, could
66 you explain to those in the audience that process, please?

67
68 **CUP-2025-100267 - Demetrios Tsipsis: conditional use permit to keep two pygmy**
69 **goats in the rear yard at 209 El Dorado Drive, Sleepy Hollow Estates, Tuckahoe.**
70 **Parcel 749-735-1569. Zoning: R-1, One-Family Residence District. Code Section:**
71 **24-4420.F.**

72
73 Mr. Blankinship- Yes sir. So, the first case on the agenda is Conditional Use
74 Permit 2025-100267, Demetrios Tsipsis: a conditional use permit to keep two pygmy
75 goats in the rear yard at 209 El Dorado Drive, in Sleepy Hollow Estates, in the Tuckahoe
76 Magisterial District. The board held a public hearing on this matter last month, and after
77 the public hearing was closed, the board deferred action on the applicant, application at
78 the request of the applicant, because they wanted to submit additional information to be
79 considered by the board. We have received a substantial amount of additional
80 information, mostly via email since that time. We have received, what's the final number,
81 Sara?

82
83 Ms. Rozmus- Two hundred and eighty-nine (289).

84
85 Mr. Blankinship- Two hundred and eighty-nine (289) email messages, all of
86 which have been provided to the members of the board. Those that we received in time
87 to put in the packet were sent to them in advance in their packet. The others have been
88 provided to them here this morning. As I mentioned, the public hearing was held and was
89 closed, so the board has the alternative of either holding a second public hearing or
90 proceeding with the information that they have in hand.

91

92 Mr. Green- Well, as Chair, I'm going to say that we're not going to hold
93 another public hearing. We're going to proceed to discussion and a resolution on this
94 case. But before I do that, I'd like to poll the audience to see how many folks are here to
95 speak for and/or against this particular situation. The goats.

96
97 Mr. Blankinship- Would everyone in favor... I see the applicant and family here.

98
99 Mr. Green- Is anyone else here to speak in reference to the goats? Okay,
100 but sir, didn't you speak last time? Okay, and your comments were recorded. What I want
101 to say is we have spent a lot of time looking at this in reference to this pigmy goat situation.
102 We have looked at all, I have looked at all of the emails for and against the situation. And
103 I suspect that my fellow board members have done the same. What folks don't know that
104 we typically do as a board when there are cases, we will go out into the area. We will not
105 necessarily identify ourselves, but we will go out and look at the neighborhood, the
106 conditions, and all of the surrounding things that folks have brought to our attention on
107 this matter. I'm going to take the liberty to speak on this because this was, this is the first
108 time that this situation has come up with a pigmy goat that I've been here. And I would
109 suspect that this is similar to when the county approved chickens, and I was not around,
110 I can't remember, around when that happened, but I suspect the same pushback that we
111 had when individuals were able to have hens in their yards, I suspect they had the same
112 pushback. This particular case, you know, I've looked at it, I've studied it, and I've Googled
113 it. I've looked at all kinds of goats, so I think I'm now a little resident expert on pigmy
114 goats. I have even ventured into Richmond not recognizing I was going, my wife and I
115 were going into Richmond. And I looked and saw a goat and I didn't realize that that was
116 the goat in reference. But then I did know the individual whose office the goats were next
117 to. So, I'm like, what is that? And so, I got an explanation, and an explanation is
118 subsequently in some of the material that I received. If you Google, a couple things have
119 come to mind because I've been thinking about this a lot. I have three points that I want
120 to make. If you Google pigmy goat. Everything I've Googled says they're referred to as a
121 pet. I haven't seen anything that says farm animal. We listen to the residents, and
122 residents were saying these are farm animals. But we have a farmer in Mr. Johnson, on
123 our board, so, you know, I deferred to him asking Mr. Johnson, please explain some of
124 this to us. That's the first point. So, I Googled a lot. Google machine is very powerful. So,
125 it gives you a lot of information. And I didn't see anything reference to a farm animal.
126 Second point that I'd like to make is that if in fact, and, and I asked the question of those
127 that were here before, if in fact, this applicant had come before us and asked for six hens,
128 what would your reaction be? And every last person that spoke said we would be standing
129 right here in front of you saying we're against hens. That led me to believe that then those
130 in the neighborhood while they're concerned about their neighborhood, they're not
131 receptive to change. And I'm concerned about that. We all have to recognize that in the
132 county things are changing. We didn't impose the rule that you could have hens. The
133 county did that. We didn't impose the rules about other things, other folks did that. We
134 just have to look at it, hear it, and enforce it. And one of the great things that we do, we
135 take our time in looking at this matter. The third thing that came to my attention, I think
136 someone referenced that, well, if you had a big dog, you know, so I think, I don't know
137 who said it, somebody said they could go out and get a dog. And it lead me to believe,

138 that the county says you can have up to four dogs. Well, what if this applicant had four
139 big St. Bernards in his yard, or their yard? They could do that. They didn't have to, they
140 don't have to be penned, they probably would have to be fenced. But can you imagine,
141 and I'm not, I don't want us to get too graphic, but the waste that big dogs produce, that
142 someone either would have to clean up, or not have to clean up. And the barking. And I
143 live in the neighborhood and dogs bark, and it wakes us up, but that's just life. And the
144 third thing, that I really, that really impacted me was in my neighborhood and I'm going
145 on because I was just trying to make a point that we've got to be civil. In my neighborhood
146 I've lived in my neighborhood about 27 years. Most of the homes in my neighborhood are
147 all bricked. Brick colonial, beautiful. Folks are now moving in, young couples are now
148 moving in, and other folks are moving in, and they're changing the architecture of the
149 homes. They are painting them white. And I remember they, and they would come around
150 and well, I want to paint my house, would you sign? And my personal preference is I'm a
151 Georgian brick colonial style person. But then, as my wife pointed out. That's their house,
152 that's their choice. And you've got to be open-minded. And I'm like, that's right. And so,
153 one house around the corner, painted the brick colonial house, beautiful home. Actually,
154 and then they recently sold it. Sold it for more money than anybody could have... raised
155 all of our values. Then it was a young couple across the street that stained their house
156 white. And I'm looking and I'm like, well, they stained the house, do I like this? They put
157 up a little fence. And you know what? It looks fine. When I walk the neighborhood, it's
158 beautiful, they're my neighbors, we speak. And then just the other day I was out cutting
159 my grass after work, cutting my grass and the neighbor said, well, there's another couple
160 that's around the corner who wants to paint, who's painting their house white. And being
161 nosy, I walked around there because I wanted to see. It's just beautiful. And what that
162 told me, and I'm 63 years old, what that told me is "Terone" you've got to be more
163 receptive to change. Change is coming, you can't, you can't impact it. And that's a
164 beautiful thing. And I don't know what folks like, what they don't like, but it works. One
165 thing we do as a board, whenever these hens, people want extra dogs, we always go
166 back from time to time and ask the county to give us an update. And never once when
167 we approved the hens, the extra dogs, did we get any complaints. People seem to accept
168 it, they live with it, and there haven't been any complaints. So, that's my position on this.
169 And based on what I've read, it's a pet. And Mr. Johnson, you can weigh in, you can refute
170 or dispute, but you said, told me it's a pet as well. And, so I'm going to, I personally will
171 be supportive of this applicant. And based on that, that's all I have to say, and open the
172 floor for discussions from other board members.

173
174 Mr. Broadway- ...

175
176 Mr. Blankinship- Mr. Broadway, could you turn off your mute? There you go.

177
178 Mr. Broadway- I think I'm on now. So, Mr. Chairman, thanks for your
179 comments on that. I do have a question for the staff. Miss Rozmus, you said there were
180 280 something emails. How did they break down pro and con?

181
182 Ms. Rozmus- I'm so glad you asked. I made a map. So, I took the liberty of
183 doing this, you know, not to brag, but I did it myself. At 289 emails, every single person

184 that emailed me, I looked them up on our GIS website, to see where they lived. Some
185 people provided their information, their address, some people didn't. So, if they were in
186 the neighborhood or a close proximity to the subject property, on this map is indicated in
187 blue, I noted it on my map. I have two extents. This one's just a little more of the
188 neighborhood, I some breakdowns, some numbers for you. So, 61 folks were against the
189 application. Fifty-four (54) I found were residents in Sleepy Hollow. One hundred seventy-
190 two (172) were for the application. Ninety (90) were residents in Sleepy Hollow. We
191 received comments from three former members, or former neighbors of the goat herself
192 and three phone calls in support. All that is documented. I have a spreadsheet. I've kept
193 it organized. A lot of the comments were kind of the same information. Nobody really was
194 putting anything new out there. You know, people were very divided, very stuck in their
195 decisions. But yes, I did make sure that the neighbors that are actually in the Sleepy
196 Hollow neighborhood were documented and then folks that just, you know, saw the news
197 or social media, their comment was recorded, but they did not get a lovely dot on the map.
198

199 Mr. Blankinship- One thing you just said was that people were kind of set in
200 their ways. Did we receive several emails...?
201

202 Ms. Rozmus- You're right. I'm sorry, that is incorrect. I did have a couple of
203 emails with folks that changed their mind. There was probably about, I would say, four or
204 five people that had sent an email early on last month staunchly against the project, and
205 then, you know, talked to the applicant, talked to the family, talked to their neighbors, and
206 ended up emailing me and changing their mind. Those people were also documented
207 with their name, with their mind change. Some of them were, I would say, close nearby
208 neighbors, maybe not adjacent properties, but nearby neighbors.
209

210 Mr. Broadway- Yeah, I read through most of the emails in the packet that was
211 provided to us ahead of time, and I was surprised that several people did in fact change
212 their minds. That doesn't happen very often.
213

214 Ms. Rozmus- Never.
215

216 Mr. Broadway- But it does seem that this is a very concerted effort as far as
217 the people who were opposed. And one of the people in favor had included in our packet,
218 a copy of the flyer that was illegally put in people's mailboxes and with the instruction or
219 the request to vote no. And there may be some misunderstanding, but this is not open to
220 a vote. But if it were, then the noes would have lost, because clearly there were many
221 more people in favor.
222

223 Mr. Green- Anyone else?
224

225 Mr. Lawrence- I had a question, Mr. Chairman. I guess I'm not sure if it's for
226 staff, the board or the applicant, but in reading through the litany of emails we got, as was
227 mentioned, the majority of the folks were in favor of the applicant's request, but they
228 referred to one senior goat.
229

230 Ms. Rozmus- Yes.
231
232 Mr. Lawrence- My understanding is this request is actually for two?
233
234 Ms. Rozmus- Yes, the request is for two goats, but if you see in the staff
235 report, we have changed our recommendations or excuse me, our conditions to indicate
236 that if it is approved, it would be for the one goat. That seemed to be a nice compromise
237 for a lot of the folks that were in opposition, or changed their mind, they felt a little more
238 strongly that the one senior goat was okay, but two goats maybe was not okay.
239
240 Mr. Lawrence- And has that been discussed with the applicant? Is the
241 applicant comfortable with that, with that recommendation?
242
243 Ms. Rozmus- Okay, I sent them all the information. They had no objections.
244
245 Mr. Lawrence- Okay, thank you.
246
247 Mr. Blankinship- It was also mentioned by one of the board members last
248 month that if in the future they decide to replace that, the goat Sesame, they could come
249 back again, and at that public hearing it would be more of a known quantity. Everyone
250 would know what it was like to live around a pigmy goat.
251
252 Mr. Lawrence- But if in the future, at some point this goat will pass on, if in
253 the future they wanted to replace that goat, they would have to come back to this body?
254
255 Mr. Blankinship- That is the condition recommended by staff.
256
257 Mr. Lawrence- So, that's a staff recommendation.
258
259 Mr. Blankinship- So, if the board approves this with the conditions
260 recommended by staff, yes, sir.
261
262 Mr. Broadway- So, the condition is only for Sesame.
263
264 Ms. Rozmus- Yes. Yes, I did call her out by name.
265
266 Mr. Green- Okay. Well, I have a question. Is that the same that we would
267 do with hens and dogs?
268
269 Mr. Blankinship- We do it frequently with dogs. I don't believe we've ever done
270 that with hens. We certainly could. The board certainly could. But it is one of our standard
271 conditions with more than four dogs.
272
273 Mr. Green- So, if someone had four dogs, one of the dogs died, they could
274 replace that dog and not have to come back before us.
275
276 Ms. Rozmus- More like if they had more than four.

277
278 Mr. Green- Or five dogs.
279
280 Mr. Blankinship- Yeah, the standard condition, the cases very often arise when
281 there's a blended family and one person has three dogs, the other person has three dogs,
282 so now they have six and they don't want to get rid of any. And our standard condition is
283 that when the number of animals on the property is reduced by natural attrition to four,
284 then this permit expires.
285
286 Mr. Green- Correct.
287
288 Mr. Blankinship- So, that's our, our standard condition. The board doesn't
289 always impose that.
290
291 Mr. Green- Any other questions, concerns?
292
293 Mr. Blankinship- So, there is one other item in the conditions, if I may, Mr.
294 Chair. Condition number two does specify setback distances for the enclosed area, and
295 the enclosure that the applicant has prepared in advance does not comply with those
296 dimensions, so I just want everyone to be aware that if the board approves this with the
297 conditions drafted by staff, the applicant would have to move the fencing that he has. If
298 you wanted to approve the fencing in place, that condition would have to be revised.
299
300 Mr. Green- What have you discussed with the applicant?
301
302 Ms. Rozmus- The applicant was okay with moving the fence. I think that I
303 suggested 25 feet. I don't think that they loved 25 feet, but I think that, you know, I think
304 some concessions can be made.
305
306 Mr. Green- Any other concerns, comments, questions? I think you've got
307 everything. Okay, we didn't have a public hearing, we heard from staff, is there a
308 recommendation?
309
310 Mr. Broadway- Oh, I have just one other question, a little peripheral. I
311 suppose in the comments that we were provided this morning, do you know is it in fact
312 true that the City of Charlottesville specifically permits pigmy goats?
313
314 Ms. Rozmus- They do, yeah, they call it out specifically in their code. That's
315 the only surrounding area that I could find. I did get a lot of information about potbelly pigs
316 from Fairfax and Loudoun, and Chesterfield. I guess they haven't had a pigmy goat, but
317 they had some language about pigs.
318
319 Mr. Broadway- Do we have potbelly pigs in Henrico?
320

321 Ms. Rozmus- We have had a potbelly pig case in the past. That's before I
322 was here, I didn't work that case, but it is also under the same code section as miniature
323 livestock, so we lump them together.

324
325 Mr. Broadway- Great, thank you.

326
327 Mr. Green- We'll now entertain a motion.

328
329 Mr. Broadway- Alright, Mr. Chairman, I would move that we approve this
330 conditional use permit subject to the conditions recommended by the staff, and I
331 understand the applicants are agreeable to those conditions.

332
333 Mr. Green- Is there a second?

334
335 Mr. Massie- Second.

336
337 Mr. Green- The motion has been made and seconded, all in favor say
338 aye.

339
340 Board- Aye.

341
342 Mr. Green- No discussion. Thank you.

343
344 On a motion by Mr. Broadway, seconded by Mr. Massie, the Board **approved case CUP-**
345 **2025-100267** subject to the following conditions:

- 346
347
348 1. This conditional use permit authorizes the keeping of one pygmy goat owned by the
349 applicant ("Sesame"), in the rear yard. When that pygmy goat is no longer living on the
350 property, this conditional use permit will expire. All other applicable regulations of the
351 County Code remain in force.
- 352
353 2. The goat must be enclosed in a fenced area at least 25 feet from the side lot line, 8
354 feet from the rear lot line, and 10 feet from the dwelling.
- 355
356 3. The applicants must comply with all requirements of Sec. 24-4420.A and F of the
357 Zoning Ordinance. This includes requirements that the goat must be confined to the
358 premises at all times and that the storage of food and disposal of waste must not
359 produce any objectionable odors or vermin.
- 360
361 4. Any feed stored on the site must be kept indoors, in a metal container with a secure
362 lid or other sealed container impervious to vermin.
- 363
364 5. Waste from the goat must be composted in a responsible manner or removed from
365 the property weekly. Until composted or removed, waste must be kept at least 100 feet
366 from surface water and wells and covered with an impermeable barrier that will resist
367 wind.

368
369 6. The applicant must maintain the evergreen buffer along the rear lot line and must
370 maintain the property so that noise and odors are controlled.

371
372 7. Within 30 days of bringing the goat onto the property, the applicant must submit an
373 inspection report from a licensed pest control company addressing prevent any
374 infestation of vermin related to the keeping of goats.

375
376 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
377 **Negative: 0**
378 **Absent: 0**
379

380
381
382 Mr. Blankinship- Alright, the next case is Conditional Use Permit 2025... I'm
383 sorry?

384
385 Mr. Broadway- Was there a comment?

386
387 Mr. Green- We can't. You can talk to staff.

388
389 Mr. Blankinship- Yeah, we'd be happy to clear anything up.

390
391 **CUP-2025-100410 - Raymond Germain: conditional use permit to build a detached**
392 **garage in the side yard at 6701 Poplar Spring Road, Varina. Parcel 839-700-8791.**
393 **Zoning: A-1, Agricultural District. Code Section: 24-4404.A.1.**
394

395 Mr. Blankinship- Alright, the next case is Conditional Use Permit 2025-100410,
396 Raymond Germain: conditional use permit to build a detached garage in the side yard at
397 6701 Poplar Spring Road, in the Varina Magisterial District. Would everyone who intends
398 to speak to this case please stand and be sworn in. Raise your right hands please. Do
399 you swear the testimony you are about to give is the truth, the whole truth, and nothing
400 but the truth, so help you God? Thank you. Mr. Gidley.

401
402 Mr. Gidley- Thank you, Mr. Secretary. Good morning, Mr. Chairman,
403 members of the board. The subject property is located on the east side of Poplar Spring
404 Road between Portugee and Charles City Road.

405
406 Mr. Green- Excuse me. Before we start, I think the applicants wanted to
407 talk to staff, so Ms. Rozmus could you, I guess, step out and see what their concern was?
408 That way we don't hold anybody up. Thank you. Sorry.

409
410 Mr. Gidley- Yes, sir. The subject property is located on the east side of
411 Poplar Spring Road between Portugee and Charles City Roads. This is a residential
412 community of mostly acre plus lots that are zoned A-1, Agricultural District. There's an
413 existing brick rancher on the property that has been owned by the Germain family since

414 its construction in 1967. The applicant would like to construct a detached metal garage in
415 the side yard that would be 24 feet wide by 30 feet deep, or 720 square feet in size. It
416 would be used to store a collectible car and would be accessed as needed using the
417 existing driveway and then going around behind the house to get into the garage. What's
418 showing here is just over four feet taller than what is actually being proposed, but it does
419 give you a rough idea of the proposed design. The proposed garage would be mostly
420 behind the rear plane of the house, but due to a sunroom that comes out back, it would
421 be technically in the side yard, and as a result, the applicant has applied for the required
422 conditional use permit.

423
424 In reviewing this request, although technically in the side yard, as noted, it would mostly
425 be behind the rear plane of the main structure. In addition, it would be located behind a
426 five-foot tall wooden privacy fence. Thus, from the street it would appear to be in the rear
427 yard. The fence would also help to screen it from street view. While a metal garage would
428 not necessarily fit in with many suburban neighborhoods, the area long Poplar Spring
429 Road has accessory structures that are constructed from a variety of materials, including
430 metal. This is looking to the north towards the neighbor's house and as you can see in
431 the distance there, he does have a large accessory structure in his rear yard. This is
432 actually 1,000 square feet, so larger than what's being proposed, and it's constructed
433 partially with painted concrete cinderblock. So, there are a variety of materials in that
434 area, so staff really doesn't believe this would have a detrimental impact on nearby
435 property. In conclusion, the applicant wishes to construct a 720-square-foot detached
436 garage in the side yard. It would, however, be located behind most of the home along
437 with a privacy fence, giving it the appearance of being in the rear yard. The neighbor to
438 the north has a larger detached structure in his rear yard. As a result, staff doesn't
439 anticipate any detrimental impact from this request and can recommend approval subject
440 to the conditions in your staff reports. If you have any questions, I'll be happy to answer
441 those. Thank you.

442
443 Mr. Green- Are there any questions from the board to staff?

444
445 Mr. Johnson- Oh yes, you mentioned something about the garage was
446 going to be on the other side. Is that going around from the back? Coming in and going
447 around the back?

448
449 Mr. Gidley- Yes sir, I guess the site map shows it better. I asked the
450 applicant that question when I did my site visit and he said he would utilize the existing
451 driveway here. And then would simply come around to the back. Evidently, it's going to
452 store like a collectible car, so it's not something that's going to be in and out every day.
453 But when he speaks I'm sure he can provide more detail.

454
455 Mr. Green- Okay, thank you. Any other questions?

456
457 Mr. Lawrence- I had a couple, Mr. Chairman. Mr. Gidley, the existing carport
458 on the property. Is that in the side yard or is that in the rear yard?

459

460 Mr. Gidley- It is in the side yard.
461
462 Mr. Lawrence- Okay, so did that require a conditional use permit?
463
464 Mr. Gidley- It was evidently put up without one. Typically, that would
465 require...
466
467 Mr. Lawrence- ... that would require one.
468
469 Mr. Gidley- It looked pretty old. So, how long that's been there, I'm not
470 sure.
471
472 Mr. Lawrence- Okay. And the only other question I have is have we approved
473 metal garages before? I know typically we ask to have the garage consistent with the
474 design of the house. But in this case, we're not, we're not doing that, but in the past have
475 we approved some?
476
477 Mr. Gidley- There have been some. Yes, sir.
478
479 Mr. Lawrence- Thank you.
480
481 Mr. Green- Any other questions? We'll now hear from the applicant.
482
483 Mr. Blankinship- Sir, if you want to come up to the...
484
485 Mr. Germain- As the guy said, it's mainly just to store the collectible cars.
486
487 Mr. Blankinship- Can you tell us your name please?
488
489 Mr. Germain- My name is Raymond Germain, ...
490
491 Mr. Blankinship- Thank you.
492
493 Mr. Germain- ... G E R M A I N.
494
495 Mr. Blankinship- Thank you.
496
497 Mr. Germain- And it's not going to be used as a continuous drive in drive
498 out. It's basically just to keep the rain off of the car.
499
500 Mr. Blankinship- Have you considered other materials or designs that might be
501 more compatible with the house?
502
503 Mr. Germain- It goes way out of my price range. I was struggling enough to
504 get that.
505

506 Mr. Blankinship- I understand that. And Mr. Gidley did point out that the
507 illustration shows a taller building than 12 feet, but you had specifically asked for 12 feet,
508 and that's what is being approved. Is that correct?
509

510 Mr. Germain- Yes, yes sir.
511

512 Mr. Johnson- Also, the one you put down the other side, is that going to be
513 closed in?
514

515 Mr. Germain- The carport you're talking about?
516

517 Mr. Johnson- Yes.
518

519 Mr. Germain- No, that's going to be like it always has been. It was put there
520 long before I moved in.
521

522 Mr. Johnson- I'm referring to the new one.
523

524 Mr. Germain- Oh, the new one. The new one's going to be closed in, yeah.
525

526 Mr. Green- Mr. Germain, the most important question I have is what kind
527 of car? For our car enthusiasts.
528

529 Mr. Germain- A 1973 Opal GT.
530

531 Mr. Blankinship- Oh nice.
532

533 Mr. Green- Oh.
534

535 Mr. Germain- Yeah, I remember what they looked like.
536

537 Mr. Blankinship- Oh yeah.
538

539 Mr. Germain- It looked like a little Corvette.
540

541 Mr. Green- Oh yeah.
542

543 Mr. Blankinship- He's dating us, isn't he.
544

545 Mr. Green- Any other questions from the board to the applicant? Is there
546 anyone in the audience, for or against this application? Is there anyone on Webex?
547

548 Mr. Blankinship- There is not.
549

550 Mr. Green- Mr. Johnson. Okay, is there a motion?
551

552 Mr. Johnson- Yes. I move we approve this conditional use permit subject to
553 the conditions recommended by the staff. It is consistent with the comprehensive plan
554 and zoning ordinance. The garage will be behind a fence and it will not have any impact
555 on the neighbors. Again, move for approval.

556
557 Mr. Green- Is there a second?

558
559 Mr. Lawrence- Second.

560
561 Mr. Green- The motion is made and seconded. Any discussion. Hearing
562 no discussion, all in favor say aye.

563
564 Board- Aye.

565
566 Mr. Green- All opposed, like sign. Approved sir.

567
568 Mr. Blankinship- Thank you sir.

569
570 Mr. Germain- Thank you very much.

571

572 On a motion by Mr. Johnson, seconded by Mr. Lawrence, the Board **approved case**
573 **CUP-2025-100410** subject to the following conditions:

574

575 1. This conditional use permit authorizes the construction of a detached garage in the
576 side yard. All other applicable regulations of the County Code remain in force.

577

578 2. This conditional use permit applies only to the improvements shown on the plot plan
579 with the application. Any substantial changes to the location of the garage will require a
580 new conditional use permit. Any additional improvements must comply with the applicable
581 regulations of the County Code.

582

583 3. The garage must not exceed 720 square feet in lot coverage or 12 feet in height.

584

585 4. Before beginning any clearing, grading, or other land disturbing activity, the applicant
586 must obtain approval of an environmental compliance plan from the Department of Public
587 Works. The applicant may be required to analyze and provide solutions to minimize
588 drainage impacts on downstream properties. Corps of Engineers and DEQ permits may
589 be required.

590

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

593

594 6. The applicant must obtain a building permit for the proposed detached garage by April
595 24, 2027, or this conditional use permit will expire. If the building permit is cancelled or
596 revoked after that date due to failure to diligently pursue construction, this conditional use
597 permit will expire at that time.

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Affirmative:	Broadway, Green, Johnson, Lawrence, Massie	5
Negative:		0
Absent:		0

CUP-2025-100411 - Alex Chirica: conditional use permit to build a detached garage in the side and rear yards at 11201 Thorncroft Drive, Three Chopt. Parcel 748-764-2558. Zoning: R-2A, One-Family Residence District. Code Section: 24-4404.A.1.

Mr. Blankinship- The next case is Conditional Use Permit 2025-100411, Alex Chirica: a conditional use permit to build a detached garage in the side and rear yards at 11201 Thorncroft Drive, in the Three Chopt Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. Would you stand and raise your right hands please. Do you swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Ms. Rozmus.

Ms. Rozmus- Thank you, Mr. Secretary. The subject property is located between Innsbrook and Sadler Road. It was rezoned from A-1, Agricultural to R-2A, One-Family Residence District in 1984. At that time, the subject property was divided from the lot next-door and a dwelling was constructed at 11197 Thorncroft Drive. The subject property remained vacant until last year when the applicant bought the property and built a dwelling. The applicant would like to add a detached garage to the dwelling. The garage would be allowed by a right in the rear yard, but the septic tank, or excuse me, the septic system drainfield, is located directly behind the house, so, therefore we had to make some adjustments and the side yard was the only appropriate location for the garage. The original design submitted by the applicant is a metal building that would be more appropriate in maybe a commercial or industrial area. At the suggestion of staff, the applicant agreed to change the design to be more consistent with the surrounding area, particularly the detached garage of the neighbor to the right. The proposed accessory building would measure 1,080 square feet and it would be approximately 14 feet in height. It would be set back approximately 25 feet further than the front of the dwelling but not far enough to be in the rear yard. Article IV allows a single-family dwelling as a principal use of a property and a detached garage is allowed as an accessory building. While an accessory building in the rear would be allowed by right, because of the location of the septic drainfield, the applicant would like to put it in the side yard. As you can see there are a lot of neighbors in this general area that have detached garages in their side yards, well side and rear yards. So, this is not an uncommon thing for this immediate vicinity. And because the applicant has agreed to change the building concept to be a little more residential, staff does not anticipate any detrimental impact to surrounding area and recommends approval subject to the conditions included in the staff report.

Mr. Green- Any questions from the board to staff?

643 Mr. Lawrence- If I can just get clarification on one point, Mr. Chairman, sir.
644 The staff report refers to a garage, and your presentation too, Ms. Rozmus, but the
645 schematics that were attached to the staff report labeled the structure as a shed. I don't
646 know if that makes any difference under the ordinance, but is this a shed or is it a garage?
647

648 Ms. Rozmus- I mean I think that, you know, it's just a naming convention,
649 would be my guess. Unless we have a specific definition in the code that I was not aware
650 of.
651

652 Mr. Blankinship- Yeah, in architecture school they taught us a shed is a building
653 with a shed roof, and this has a gable roof, so it's not a shed. He did call it a garage in the
654 narrative. If you notice that on page two of the staff report, the applicant referred to it as
655 a garage.
656

657 Mr. Lawrence- So, that doesn't really concern us in terms of how it applies,
658 complies to the ordinance.
659

660 Mr. Blankinship- No sir.
661

662 Mr. Lawrence- Thank you.
663

664 Mr. Green- What's a shed roof?
665

666 Mr. Blankinship- It slopes down in one direction rather than a gable roof that
667 sheds in both directions.
668

669 Mr. Green- Always learning something. Any other questions from the
670 board to staff? Hearing none, we'll now hear from the applicant. Sir, you can go to the
671 back.
672

673 Mr. Chirica- Good morning, my name is Alex Chirica, C H I R I C A. I have
674 two kids, my oldest son, he is nine years old, he's a state champion for men's gymnastics.
675 And sometimes in summer when I set up outside for them a... course. So, I would like
676 to have space and put in something like that ... rings or something. So, from the beginning
677 I'm thinking not to do so small that like I needed more space, more space, more space,
678 so.
679

680 Mr. Green- Any questions from the board to the applicant? Is there
681 anyone in the audience to speak for and/or against this? Is there anyone on Webex to
682 speak for against this?
683

684 Mr. Blankinship- There's no one on Webex for this case.
685

686 Mr. Green- Hearing none, a motion...oh.
687

688 Mr. Lawrence- Okay, so, are you ready for the motion, Mr. Green?

689
690 Mr. Green- Yeah.
691
692 Mr. Lawrence- Okay. Do we have a motion on this case?
693
694 Mr. Green- Yeah, I move we approve this conditional use permit subject
695 to conditions recommended by staff. It is consistent with the comprehensive plan and the
696 zoning ordinance. The neighbors on both sides have similar garages. It will not have any
697 impact on the neighbors.
698
699 Mr. Lawrence- Is there a second to that motion?
700
701 Mr. Johnson- I second.
702
703 Mr. Lawrence- Mr. Green moved and seconded by Mr. Johnson. All in favor
704 say aye.
705
706 Board- Aye.
707
708 Mr. Lawrence- Opposed no. Motion carries.
709
710 On a motion by Mr. Green, seconded by Mr. Johnson, the Board **approved case CUP-**
711 **2024-100411** subject to the following conditions:
712
713 1. This conditional use permit authorizes an accessory building partially in the side yard.
714 All other applicable regulations of the County Code remain in force.
715
716 2. This conditional use permit applies only to the proposed garage shown on the plot plan
717 filed with the application. Any substantial changes or additions to the size or location of
718 the garage will require a new conditional use permit. Any additional improvements must
719 comply with the applicable regulations of the County Code.
720
721 3. The garage must not exceed 1,080 square feet and must be residential in character,
722 and the materials and color must be compatible with the existing dwelling.
723
724 4. Any exterior lighting must be shielded to direct light away from adjacent property and
725 streets.
726
727 5. Building permit approval is contingent on Health Department requirements, including
728 evaluation of the existing septic drainfield and reserve area.
729
730 6. Before beginning any clearing, grading, or other land disturbing activity, the applicant
731 must obtain approval of an environmental compliance plan from the Department of Public
732 Works. The applicant may be required to analyze and provide solutions to minimize
733 drainage impacts on downstream properties. Corps of Engineers and DEQ permits may
734 be required.

735
736 7. The applicant must obtain a building permit for the proposed garage by April 24, 2027,
737 or this conditional use permit will expire. If the building permit is cancelled or revoked after
738 that date due to failure to diligently pursue construction, this conditional use permit will
739 expire at that time.

740
741
742 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Massie** **5**
743 **Negative:** **0**
744 **Absent:** **0**

745
746
747 **CUP-2025-100448 - Susan Watkins: conditional use permit to keep up to six hens**
748 **in the rear yard at 5511 Woodrow Terrace, Bryan Park Terrace, Fairfield. Parcel**
749 **778-745-2139. Zoning: R-4, One-Family Residence District. Code Section: 24-**
750 **4420.G.**

751
752 Mr. Blankinship- Alright, the next case is Conditional Use Permit 2025- 100448,
753 Susan Watkins: a conditional use permit to keep up to six hens in the rear yard at 5511
754 Woodrow Terrace, in Bryan Park Terrace, in the Fairfield Magisterial District. ...

755
756 Mr. Green- It's approved, sir. So, you don't have to stay if you don't want
757 to.

758
759 Mr. Blankinship- Would everyone who intends to speak to case 448 please
760 stand and be sworn in. Would you raise your right hands please. Do you swear the
761 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
762 help you God? Thank you. Anybody from staff who'd like to present this case? I don't
763 know what happened to Mr. Gidley.

764
765 Ms. Rozmus- It's me again. The subject, thank you. The subject property is
766 located at 5511 Woodrow Terrace, and the Fairfield Magisterial District. The Cape Cod-
767 style dwelling was built in 1953 as part of the Bryan Park Terrace subdivision. The
768 property is zoned R-4 One-Family Residence and is characterized by single-family
769 homes. Most of the lots are under 10,000 square feet, but a few are one acre in size. The
770 applicant purchased the home in 2020 and is now seeking a conditional use permit to
771 keep up to six hens, no roosters, in the rear yard. The coop and run will be in the center
772 of the rear yard, 25 feet from the side lot line and 35 feet from the rear, as required by
773 code. The property does meet the dimensional standards and other requirements for the
774 district, for the R-4 district. The rear yard of this property has a, a lovely privacy fence and
775 is surrounded by some pretty dense bamboo. So, the view of the chicken coop would be
776 fairly hidden. The staff determined that the chicken coop is compatible with the
777 surrounding area, and the conditions provided limit the intensity of the proposed use. If
778 the applicant keeps the property well maintained staff does not see any adverse impact
779 to the surrounding area and recommends approval of this request subject to the
780 conditions included in the staff report.

781
782 Mr. Green- Are there any questions from the board to staff?
783
784 Mr. Johnson- Yes. The two containers in the yard?
785
786 Ms. Rozmus- This right here?
787
788 Mr. Johnson- Yeah.
789
790 Ms. Rozmus- That's a compost bin. I have the same one!
791
792 Mr. Blankinship- You're getting all your questions.
793
794 Mr. Johnson- Okay. Thank you.
795
796 Mr. Green- Any other additional questions? Hearing none, we'll hear from
797 the applicant. If you can go to the back, please.
798
799 Ms. Watkins- Good morning. My name is Susan Watkins, here to apply for
800 six hens in my backyard. This is my husband, Lucas Watkins. So, yeah, I would like to
801 point out the bamboo on the other side. There is a fence. It is very, very hidden, but there
802 is actually a chain link fence that's dividing the property as well. As for the yard condition,
803 as you can see all of the bricks, even for the past like five, six years we've been in this
804 house, I've been excavating all of those via, oh gosh, what's the name? Using a tiller. But
805 usually, we do a lot of our maintenance at this time, so it looks a little junky, but we usually
806 take care of that.
807
808 Mr. Blankinship- Sorry, did you say you've been excavating the bricks?
809
810 Ms. Watkins- Basically, yes. We bought an electric tiller, and every time we
811 try to put in a garden bed or anything, we find something new. We actually found a
812 ornament one time, that's a little dolphin that we keep on our tree.
813
814 Mr. Blankinship- Home ownership is fun, isn't it? Is the bamboo in your yard or
815 is that in the neighbor's yard?
816
817 Ms. Watkins- It's a little bit of both.
818
819 Mr. Blankinship- Okay.
820
821 Ms. Watkins- But it's mostly on our side.
822
823 Mr. Watkins- Sorry. My name is Lucas Watkins. Something to mention,
824 when we had purchased the house after the previous owner had flipped it. The reason
825 for the excavation of bricks, they had left a considerable amount of those bricks buried in
826 the yard, rather than dispose of them properly. So, we have been taking them up.

827
828 Mr. Blankinship- Oh, I assumed it was just a patio that had been allowed to go
829 to seed.
830
831 Mr. Watkins- No, it was previously a chimney they moved from one side of
832 the house to the other and just buried it in the backyard.
833
834 Mr. Blankinship- Yeah. And then they just kind of buried the remaining bricks
835 in the yard.
836
837 Ms. Watkins - Who knows, we might be coming back to like build a new...
838 something out of brick that we find. But yeah.
839
840 Mr. Green- Any questions from the board to the applicant?
841
842 Mr. Lawrence- Yes, Mr. Chairman.
843
844 Mr. Johnson- Go ahead.
845
846 Mr. Lawrence- Go ahead. You can go ahead.
847
848 Mr. Johnson- Do you have enough fence or something to keep the hens in?
849
850 Ms. Watkins- Yes, so...
851
852 Mr. Johnson- With drainage, or with water as well.
853
854 Ms. Watkins- Yes, so like on the concept here, so, there would be the coop
855 where they would roost at night. And then we would build an enclosed run for them to be
856 contained in. So, I did have an idea of building an additional fence around, but we don't
857 really have many predators that kind of roam around, so I'm kind of playing it by ear of
858 whether that would be necessary or not. But we would be using a hardware cloth instead
859 of chicken wire because that's a little bit more secure. And also burying, some hardware
860 cloth underground to prevent any predators from digging up.
861
862 Mr. Green- Mr. Blankinship. That's a shed roof.
863
864 Mr. Green- Oh! Thank you.
865
866 Mr. Lawrence- I had a question, Mr. Chairman.
867
868 Mr. Green- Yes.
869
870 Mr. Lawrence- Since, Mr. Johnson's question was answered. So, I'm going
871 to ask the same question I asked an applicant from our last meeting on a similar case.
872 Just like Mr. Green has been doing research on Pigmy Goats, I've been doing some

873 research on chickens too. And although we've had a lot more of these cases, and have
874 approved a number of these cases, my understanding is the average life of a chicken can
875 be, say, up to seven or eight years. But they stop laying eggs, maybe between the ages
876 of three or four. So, what happens to these chickens after they no longer lay eggs?
877

878 Ms. Watkins- Well, I mean that depends. I'm still kind of deciding on what
879 breeds I would like to own. Because there are some that exist that are for egg laying and
880 for consumption. So, depends on what, what I go with. If I go with that, I'm a cook and I
881 think I can do a really good job. Also, I'm also good with honoring my pets as well and,
882 you know, letting them retire and just exist. They're also really good pest control, so, you
883 know, they always serve their purpose even after egg laying is done.
884

885 Mr. Lawrence- So, they could be a pet, they could be exterminated, or they
886 could be chicken soup.
887

888 Ms. Watkins- There are many hats.
889

890 Mr. Green- You said something that intrigued me, you said you're going
891 to put something on, on the ground to prevent predators. That's the first time I've heard
892 that.
893

894 Ms. Watkins- Yeah, so, in some research that I've done I learned that sand
895 is the best bedding for the run. It prevents any kind of moisture, because moisture can
896 affect hens inside of their coop. It's also a good way to get rid of, you know, any waste
897 and everything like that. Cause you can just kind of a litter box, you know, sift it through.
898 It also saves me money. But also, with that, we would be digging deep so there's a nice
899 bedding of sand for them to roll around in because they like the dust bathe. But putting in
900 that, additional security of, basically like cattle wire, putting it under that to prevent any
901 pets from being able to dig under the coop and breaking in that way. 'Cause foxes like to
902 dig.
903

904 Mr. Green- Oh, thank you. The other question I have, that wheelbarrow,
905 is that just there for storage or does that help, does that do something with the coop that
906 you're building?
907

908 Ms. Watkins- It's just there in the design, but, you know, it is useful for
909 transporting whatever items, but not necessarily a part of the design in itself.
910

911 Mr. Green- So, for those who are in the audience who, if you, if this comes
912 up in your neighborhood, this is the typical thing that we see where individuals will build
913 an enclosed chicken coop, and we also ask about how the feed is stored? Because one
914 of the biggest problems is predators could potentially get into the feed. And we also have
915 asked that they involve an extermination service to come out to make sure that that rats,
916 snakes, or other ... We can't necessarily do anything with foxes, coyotes, or whatever
917 natural predators are out there. But those are the things that since we've been doing this,
918 we've learned what questions to ask. And so now, moving forward, we're going to ask,

919 how are you going to reinforce the ground on this because that's a... You just taught us...
920 This is a very good board because you learn something, shed roof, and now you give us
921 something.

922
923 Ms. Watkins- Yeah, so in my original plan, I was going to purchase a smaller
924 metal shed because bird flu was also a concern. So, I want to keep all of my tools related
925 to chickens separated and sanitized in their own space. So, that would be a metal shed,
926 and that would also keep the feed as well, in metal cans, to prevent any kind of, vermin
927 from breaking in.

928
929 Mr. Green- Thank you. Any other questions from the board to the
930 applicant?

931
932 Mr. Johnson- Yes, how large is that shed that they would be moving around
933 in?

934
935 Ms. Watkins- How large is the coop itself?

936
937 Mr. Johnson- Yeah, the small thing that you were going to keep the ...

938
939 Mr. Green- Yeah. We have the dimension, right? We have them, Mr.
940 Johnson.

941
942 Ms. Watkins- Yeah. It was, I don't think I put it on here.

943
944 Mr. Blankinship- Yeah, it's four by six for the coop and four by ten for the run.

945
946 Ms. Watkins- Yes, I didn't put the size of the shed, but it's a little bit smaller
947 than the measurement of the entire coop. But it wouldn't be like my backyard shed size.
948 It's just a little, you can barely stand in it.

949
950 Mr. Green- Yeah. Any other questions from the board to the applicant?
951 Hearing none, is there anyone in the audience to speak for or against this, or on Webex?

952
953 Mr. Blankinship- There's no one on Webex for this case.

954
955 Mr. Green- Hearing none, is there a motion?

956
957 Mr. Massie- Yes. I move that we approve this conditional use permit
958 subject to the conditions recommended by staff. It is consistent with the comprehensive
959 plan and zoning ordinance. The chicken coop should not affect the neighbors. The
960 conditions of approval addressed food storage and pest control.

961
962 Mr. Green- Is there a second?

963
964 Mr. Broadway- Second.

965
966 Mr. Green- The motion's made and seconded. All in favor, say aye.
967
968 Board- Aye.
969
970 Mr. Green- Hearing no discussion, aye. All opposed no. Well, there were
971 no opposed, so it's unanimous.

972
973 On a motion by Mr. Massie, seconded by Mr. Broadway, the Board **approved case CUP-**
974 **100448** subject to following conditions:

975
976 1. This conditional use permit authorizes the keeping of six hens, no roosters. All other
977 applicable regulations of the County Code remain in force.

978
979 2. This conditional use permit applies only to the improvements shown on the plot plan
980 and building design filed with the application. Any additional improvements must comply
981 with the applicable regulations of the County Code.

982
983 3. The applicants must comply with all of the requirements of Sec. 24-4420.A and G of
984 the Zoning Ordinance. This includes requirements that the hens be kept in a covered
985 enclosure and not allowed to run free, and that the activity must not produce any
986 objectionable odors or vermin.

987
988 4. Any feed stored on the site must be kept indoors, in a metal container with a secure
989 lid or other sealed container impervious to vermin.

990
991 5. Waste from the hens must be composted in a responsible manner or removed from
992 the property weekly. Until composted or removed, waste must be kept at least 100 feet
993 from surface water and wells and covered with an impermeable barrier that will resist
994 wind.

995
996 6. Within 30 days of bringing the hens to the property, the applicant must submit an
997 inspection report from a license pest control company addressing recommendations to
998 prevent any infestation of vermin related to the keeping of hens. This condition must be
999 satisfied by April 24, 2027, or this conditional use permit will expire.

1000

1001

1002 **Affirmative:** Broadway, Green, Johnson, Lawrence, Massie 5

1003 **Negative:** 0

1004 **Absent:** 0

1005

1006

1007 **CUP-2025-100521 - Bridget Herrity: conditional use permit to allow short-term**
1008 **rental of a dwelling at 10600 Sherwin Place, Magnolia Ridge, Fairfield. Parcel 781-**
1009 **769-9301. Zoning: R-3AC, One-Family Residence District (Conditional). Code**
1010 **Section: 24-4431.A.**

1057 Mr. Gidley- I see what you're saying.
1058
1059 Mr. Blankinship- We usually don't count garages as parking spaces just
1060 because so many people don't use them to store cars.
1061
1062 Mr. Green- So, really, they ...
1063
1064 Mr. Blankinship- They could get six, yes, if the garage is cleared up, yes sir.
1065
1066 Mr. Green- That's all.
1067
1068 Mr. Gidley- Okay.
1069
1070 Mr. Green- Thank you. Any other questions from the board to the staff?
1071
1072 Mr. Lawrence- Yes sir, Mr. Chairman. Mr. Gidley, I saw something in the staff
1073 report. Some wording I don't recall seeing before. So, I just wanted some clarification,
1074 and the part I'm referring to states that before your application can be listed on the meeting
1075 agenda, staff will need a written statement that the HOA has no objection. I don't recall
1076 seeing that in previous staff reports. Is that, is that standard procedure that we don't
1077 schedule items, or bring them forward until we have a written opinion or statement from
1078 the HOA?
1079
1080 Mr. Blankinship- Yes, sir. That that's not in the staff report per se. It's in an
1081 email message that I sent to the applicant. But yes, that is the direction that we have
1082 received in the last several months. We've had several cases, as you know, that have put
1083 this board in a position of conflict with homeowners associations. And that's just not where
1084 we want to be. So, we have been instructed to get that from applicants in advance, so
1085 that that issue is settled before the case comes before you.
1086
1087 Mr. Lawrence- I don't think it's a bad thing to do. I just don't recall having seen
1088 that before or I wasn't aware.
1089
1090 Mr. Blankinship- That is a fairly new position. That is to say it's changed over
1091 time and become more advanced.
1092
1093 Mr. Lawrence- Thank you.
1094
1095 Mr. Green- And I guess that they do that because there's some, like my
1096 HOA, interestingly enough, in Wellsley, they're prohibited so someone had the
1097 forethought to make sure that that was not done, but as these other new developments
1098 are coming up, it's kind of open ended.
1099
1100 Mr. Lawrence- They also had the daycare case a couple of meetings ago
1101 where there was some difference of opinion as to what the HOA rule stated, but the
1102 opinion of the board was that what we had before us was not something that was

103 approved, but it ended up on the agenda anyway. Was that because there was some
1104 ambiguity though because of what the HOA was...

1105
1106 Mr. Blankinship- Yes, we've always asked for it, but we have begun moving
1107 toward the position of saying we're not going to put it on the agenda until we get that
1108 cleared up.

1109
1110 Mr. Lawrence- Okay.

1111
1112 Mr. Green- Right, because if, if in fact the, the HOA bylaws prohibit it, then
1113 the applicants need to understand that and not try to get us to go around it. And we need
1114 to know what the HOA's bylaws state. But if the bylaws are open-ended, then that gives
1115 us the ability to be a little bit more flexible, I guess, as we look at this situation. Any other
1116 questions?

1117
1118 Mr. Johnson- Oh yes. It was another question that I, about the ones they're
1119 going to be when they leave the house for the renters, for the others to come in. They be
1120 there by themselves?

1121
1122 Mr. Gidley- Yes sir, these would be unhosted stays.

1123
1124 Mr. Johnson- Yeah. The also... Throughout the house as well?

1125
1126 Mr. Gidley- I would assume so. That's up to them.

1127
1128 Mr. Blankinship- We can confirm that with the applicant.

1129
1130 Mr. Gidley- Yeah.

1131
1132 Mr. Johnson- Okay.

1133
1134 Mr. Green- Mr. Johnson, we've seen situations where there've been
1135 unhosted stays and, and applicants have maybe locked a bedroom so that the folks that
1136 are there don't have necessary access to that, but that's totally up to the applicant. Any
1137 other questions? Hearing none, we'll hear from the applicant. Go to the back miss.

1138
1139 Ms. Herrity- Hi, I'm Bridget Herrity.

1140
1141 Mr. Blankinship- Tell us about your request.

1142
1143 Ms. Herrity- Okay, so, oh, I'm used to talking in front of six-year-olds all
1144 day. This is so different.

1145
1146 Mr. Blankinship- We're almost as bright as six-year-olds.

1148 Ms. Herrity- So, basically my husband is a traveling physical therapist, and
1149 he's been working a long-term travel contract in Virginia. 'Cause this is home, like both
1150 our parents are like a mile from each other and, so with us starting a family now, we
1151 wanted to be closer to our parents. So anyways. So, with me being a teacher, during the
1152 summer he's going to be taking a traveling physical therapy contract in Oregon, and so
1153 we're basically just trying to rent out our house while we're gone so that way we're not
1154 paying rent in Oregon and paying our mortgage back home. So, that's our plan.

1155
1156 Mr. Green- Makes sense. Any questions from the board to the applicant?
1157

1158 Mr. Blankinship- Do you intend to secure part of the house, and not let renters
1159 into it?
1160

1161 Ms. Herrity- Yes, since it is our primary residence, you know, obviously all
1162 of our personal belongings are in the home and, it's very... Like we plan to bring our baby
1163 back home in November. And so, there are areas where we essentially plan to lock. And,
1164 it's technically one of the bedrooms. It's a five-bedroom house, but we've turned one of
1165 the bedrooms upstairs into kind of like a little rec-room area. So, in that closet, we were
1166 just going to put a lock on that door where we basically put all of our personal belongings
1167 that we don't want them to have access to. And obviously, it would be unhosted, but with
1168 both of our parents living like five minutes down the road, they would be able to answer
1169 any concerns. Like if there was, you know, let's just say the washer breaks while we're
1170 out of town or something like that. We do have people that are nearby and able to come
1171 and, you know, resolve any issue like that. And they would be able to meet them for
1172 check-in and kind of give them the tour and answer any questions they might have.
1173

1174 Mr. Green- Thank you. Any other questions? Mr. Blankinship, is there
1175 anyone in the audience and/or Webex for or against this?
1176

1177 Mr. Blankinship- There's no one on Webex and nobody else raised their hand.
1178

1179 Mr. Green- Hearing none, I'd like to entertain a motion.
1180

1181 Mr. Massie- I move that we approve this conditional use permit? It is
1182 consistent with the comprehensive plan and the zoning ordinance. The homeowners
1183 association does not object to their request. We have not heard any concerns from
1184 neighbors.
1185

1186 Mr. Green- Is there a second?
1187

1188 Mr. Johnson- I second it.
1189

1190 Mr. Green- The motion is made and seconded. Hearing no discussion,
1191 we'll take a vote. All in favor say aye.
1192

1193 Board- Aye.

1239 Do you swear the testimony you are about to give is the truth, the whole truth, and nothing
1240 but the truth, so help you God? Thank you. Ms. Rozmus.

1241
1242 Ms. Rozmus- Thank you, Mr. Secretary. The property is located between
1243 Parham Road and Sleepy Hollow Road, less than one mile north of River Road. The
1244 Raleigh Subdivision was recorded in 2005 and the dwelling on the subject property was
1245 built the next year. The applicants are the original homeowners and have lived there for
1246 almost 20 years. The lot is almost an acre in area, and like most of lots in Raleigh, it
1247 includes some very steep slopes in the rear. The grade falls at a 16 percent slope from
1248 the high point where the dwelling slopes down to the rear, which is 500 North Param
1249 Road. Taking advantage of the deep slope, the existing dwelling appears to be two stories
1250 from the front, but it's actually three stories in the rear. The applicant has requested
1251 several improvements to the property, including a pool, a pool house, and a three-story
1252 addition to the dwelling. The pool will be located behind the house at the lowest floor level.
1253 To the south would be the two-story pool house. And to the north would be a three-story
1254 addition. Because the addition would include an accessory dwelling unit, or like an in-law
1255 suite, a conditional use permit is required. The pool house also requires a conditional use
1256 permit because it will be in the side yard rather than the rear yard. The existing dwelling
1257 measures 4,904 square feet in floor area, and approximately 26 feet in height. The
1258 addition would add approximately 2,000 square feet of floor area. 768 square feet would
1259 be the accessory dwelling unit. It will match the existing dwelling in height and materials.
1260 The proposed pool house would measure approximately 1,500 square feet in floor area
1261 and 20 feet in height, measured from the pool terrace level. Most of the dwellings in the
1262 Raleigh subdivision and several adjoining properties to the north and south include
1263 swimming pools. And several of the adjoining properties also include attached garages,
1264 extensive landscaping, and similar outdoor amenities. Although the amount of new floor
1265 area is considerable, the large lot size should mitigate the impact of new construction to
1266 the neighbors. The proposed addition would be 48.1 feet from the side lot line, and over
1267 80 feet from the adjoining dwelling at 509 Raleigh Manner Road. The proposed pool
1268 house would be 7.4 feet from the property line and, because the lot layout, it will also be
1269 80 feet from the adjoining dwelling at 501 Raleigh Manner Road. The addition and the
1270 pool house will also provide screening for the pool and the terrace. There's also a lot of
1271 great vegetation, mature trees. The staff has not seen any detrimental impact from this
1272 request for the surrounding area and, provided there's no objection from the neighbors or
1273 a homeowners association, staff recommends approval subject to the conditions included
1274 in the staff report.

1275
1276 Mr. Green- Any questions from the board to the staff?

1277
1278 Mr. Lawrence Yes, Mr. Chairman. Okay Ms. Razmus, somewhere in here I
1279 saw in the schematics that there's a proposed greenhouse. Does that require a
1280 conditional use permit or a separate permit or is that allowed by right?

1281
1282 Ms. Rozmus- If a greenhouse is in the rear yard it would not require any
1283 special permits.

1284

285 Mr. Lawrence- Okay, and the other question I had is I noticed it's a little
1286 unusual the garage is, the ... accessory dwellings are going to be constructed so the
1287 garage will actually be above the basement, which will be living space.
1288

1289 Ms. Rozmus- Yeah.
1290

1291 Mr. Lawrence- I haven't seen that before in any of the ones that have come
1292 before, so I'm assuming that's permitted under the building code?
1293

1294 Ms. Rozmus- That's a great question for building code.
1295

1296 Mr. Blankinship- I did review the building plans on that somewhat, Mr.
1297 Lawrence, although I'm not a building plans reviewer. It did look like, I think it's the
1298 architect who's going to make the presentation this morning, so he could answer that.
1299

1300 Mr. Lawrence- I would like to get his comments on that if I could. Thank you.
1301

1302 Mr. Green- Any other questions for staff? We'll now hear from the
1303 applicant.
1304

1305 Mr. Cleary- Good morning. My name is Pat Cleary. I represent JR Walker
1306 and Company. We are the general contractors that the Hobbs have secured to build this
307 project. To the discussion about the in-law suite below the garage, yes, that is, it's a
1308 complicated structure. We have the wall designs right now and we'll have to put steel
1309 beams and plan to provide the necessary support for the garage.
1310

1311 Mr. Green- Any other questions from the board to the applicant? Hearing
1312 none, Mr. Blankinship, is there anyone in the audience to speak for, against, and/or on
1313 Webex in reference to this?
1314

1315 Mr. Blankinship- There's no one on Webex and no one else raised their hand.
1316

1317 Mr. Green- Hearing none, is there a motion?
1318

1319 Mr. Broadway- I do have one question. Can we assume that the applicants
1320 are agreeable to the conditions?
1321

1322 Mr. Cleary- Yes, sir, they are.
1323

1324 Mr. Broadway- Because these are a little more complicated than some and
1325 there are five laid out here. Alright, well, on that basis Mr. Chairman, I'd like to make a
1326 motion that we approve the request.
1327

1328 Mr. Green- Is there a second?
329

1330 Mr. Lawrence- Second.

1331
 1332 Mr. Green- Motion is made, seconded, all in favor, say aye.
 1333
 1334 Board- Aye.
 1335
 1336 Mr. Green- Was there no discussion? Since we don't have any
 1337 discussion. Unanimous ayes, no one opposed. It passes. Thank you.
 1338
 1339 Mr. Cleary- Thank you.

1340
 1341 On a motion by Mr. Broadway, seconded by Mr. Lawrence, the Board **approved case**
 1342 **CUP-2025-100566** subject to the following conditions:

- 1343
 1344 1. This conditional use permit authorizes an accessory dwelling unit attached to the
 1345 principal dwelling and a detached pool house in the side yard. All other applicable
 1346 regulations of the County Code remain in force.
 1347
 1348 2. This conditional use permit applies only to the improvements shown on the plot plan
 1349 titled "Proposed Improvements on Lot 25, Block A, Raleigh" prepared by Balzer &
 1350 Associates dated 2/14/25, and the building design titled "Hobbs Residence" prepared by
 1351 Mark Spangler Architecture dated May 15, 2024, filed with the application. Any substantial
 1352 changes or additions to the design or location of the improvements will require a new
 1353 conditional use permit. Any additional improvements must comply with the applicable
 1354 regulations of the County Code.
 1355
 1356 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant
 1357 must obtain approval of an environmental compliance plan from the Department of Public
 1358 Works. The applicant may be required to analyze and provide solutions to minimize
 1359 drainage impacts on downstream properties. Corps of Engineers and DEQ permits may
 1360 be required.
 1361
 1362 4. Before beginning any development (man-made change) within or adjacent to the
 1363 Special Flood Hazard Area (SFHA), the applicant must obtain approval of a Floodplain
 1364 Development Permit from the Department of Public Works. The development must
 1365 comply with all applicable requirements of Chapter 10, Article 1.
 1366
 1367 5. The applicant must obtain a building permit for the proposed addition, pool house, or
 1368 both, by April 24, 2027, or this conditional use permit will expire. If the building permit is
 1369 cancelled or revoked after that date due to failure to diligently pursue construction, this
 1370 conditional use permit will expire at that time.

1371
 1372
 1373 **Affirmative:** Broadway, Green, Johnson, Lawrence, Massie 5
 1374 **Negative:** 0
 1375 **Absent:** 0

1376
 1377

1378 **CUP-2025-100574 - The Tomorrow Company, LLC: conditional use permit to**
1379 **operate an equestrian facility at 2231 Kingsland Road, Kingsland Bend, Varina.**
1380 **Parcel 822-676-1742. Zoning: A-1, Agricultural District. Code Section: 24-4205.**
1381

1382 Mr. Blankinship- Alright, the next case is Conditional Use Permit 2025-100574,
1383 The Tomorrow Company, LLC: a conditional use permit to operate an equestrian facility
1384 at 2231 Kingsland Road, in the Kingsland Bend Subdivision, in the Varina Magisterial
1385 District. Would everyone who intends to speak to this case please stand and be sworn in.
1386 Raise your right hands please. Do you swear the testimony you are about to give is the
1387 truth, the whole truth, and nothing but the truth, so help you God? Thank you. Ms.
1388 Rozmus.
1389

1390 Ms. Rozmus Thank you, sir. The subject property is located at 2231
1391 Kingsland Road in the Varina Magisterial district. The property is zoned A-1, Agriculture.
1392 The subject lot was created in 2023 as a result of an approved subdivision which formed
1393 three lots, 2207,2231, and 2245 Kingsland Road. They're all kind of clumped here. The
1394 property at 2207 Kingsland Road comprises one single-family dwelling. That's the one
1395 noted here. While the other two lots are unimproved agricultural land. The subject
1396 property consists of 39 acres, and the applicant is applying for a conditional use permit
1397 for an equestrian facility. The facility will house horses and be used for therapeutic team
1398 building and educational purposes. The concept plan shows several pasture areas
1399 separated by fencing, some of which would be temporary. A two-story barn measuring 50
400 by 60 feet is shown along the east side of the property, approximately 700 feet from the
1401 road. Behind it would be a covered arena measuring 80 by 100 feet. Both buildings would
1402 be served by a gravel parking area. The plan also shows a 12-by-14-foot run in shed, and
1403 a compost station. The subject property contains a stream, which is located, I'm sorry,
1404 which flows into Roundabout Creek on the southern portion of the lot. The applicant had
1405 inquired about doing a conservation easement, but no formal plans have been submitted
1406 quite yet. Article IV allows an equestrian facility as the principal use of a property with an
1407 approved conditional use permit, and because the adjoining land is also agricultural,
1408 animals may graze up to the property line. The barns, pens, feed lots, and similar animal
1409 enclosures associated with the equestrian center and all areas where animal waste is
1410 stored must be located 400 feet from the nearest residential district and 200 feet from any
1411 other lot where there's a principal dwelling, the principal use is a dwelling. The nearest
1412 residential district is on the north side of Kingsland Road. It exists, but it doesn't look like
1413 it here.
1414

1415 Mr. Blankinship- Site plan should.
1416

1417 Ms. Rozmus- And the use of this subject property will be well over the
1418 required footage from the residential use. The proposed manure compost station appears
1419 to be approximately 200 feet from the adjoining lot to the west, which is 2181 Darbytown
1420 Road. The plan has been discussed with the applicant and we have suggested that the
1421 plan be revised to show that there's a 200-foot setback from the property line to the
422 manure compost station. The use of the equestrian facility seems compatible with the
1423 surrounding area, which is mostly agricultural land or single-family homes. Staff does not

1424 anticipate any detrimental impact with this use, and unless there's any objection from the
1425 neighbors, staff recommends approval subject to the conditions in the staff report.

1426
1427 Mr. Green- Two points of clarification. One, we heard cases where folks
1428 want to keep horses before, and I think you clarified it. One, I think you said that each
1429 horse needs two acres per horse. Is that the rule?

1430
1431 Ms. Rozmus- I don't know. That's a great question.

1432
1433 Mr. Blankinship- Yeah, I think you're combining a different requirement with this
1434 one. This is an equestrian center, which the board has heard an application for an
1435 equestrian center before, but it's been many years. There is a separate provision for just
1436 the private keeping of up to three horses for personal use. And in that, yes, you are
1437 required to have at least one acre of fenced pasture per animal.

1438
1439 Mr. Green- Okay.

1440
1441 Mr. Blankinship- So, it's a slightly different section of the code, but similar.

1442
1443 Mr. Green- And the other thing we heard was, you know, the adjoining
1444 neighbors were always concerned about the smell of the horse, and the horses in the
1445 wind and, and I see that there are none. So that's not a problem.

1446
1447 Ms. Rozmus- It's not a problem, and I have not heard from the, the closest
1448 neighbor.

1449
1450 Mr. Green- I'm asking these questions because I want Mr. Blankinship to
1451 recognize that we do pay attention to you all's presentations.

1452
1453 Mr. Green- Any other questions from the board to staff?

1454
1455 Mr. Johnson- Yeah, so, the animals must be kept in a lot area.

1456
1457 Ms. Rozmus- Yeah there are some grazing areas. There's some pasture
1458 that's indicated on the plan. Basically, her plan is to keep everything north of this
1459 floodplain conservation, potential conservation easement. So, there's pretty well
1460 delineated areas where pasture, where the horses will graze and run, and then there's a
1461 barn, I'm assuming, where they would go at night.

1462
1463 Mr. Blankinship- And also, a small run-in shed, you know, if the storm comes
1464 up, the horse has a place to go that's protected.

1465
1466 Mr. Johnson- That's what I was hoping. Okay, thank you.

1467
1468 Mr. Green- Any other questions from board to staff? Hearing none, we'll
1469 hear from the applicant.

470

1471 Ms. Lakin- Well, we've talked about horsepower today. I just want to say
1472 we're the original horsepower. My name's Becky Lakin, L A K I N. This is my husband,
1473 Jason Ashlock. Everything that Ms. Rozmus said is right. So, we are using this property
1474 as a place to teach leaders how to be better leaders, teams how to be stronger teams,
1475 and use it as a place, a therapeutic tool for nonprofits and their clients. All of our work is
1476 on the ground, if that's relevant to you all. Meaning to say, no one is on our horses' backs.
1477 And yeah, I don't think there's anything really else to add. I will say that the impervious
1478 gravel surface is really important. Our attention to the stream is really important. And on
1479 the topic of smell, there will only be a maximum of four horses on this property. So, when
1480 we think about equestrian facilities, we're often thinking about shows, right? Like people
1481 trailering their horses in, trailering their horses out. We don't do that. That is not this kind
1482 of facility. We would have four horses max, because they're expensive and I don't want
1483 to take care of any more than that. And people would come. Teams would come, let's say
1484 anywhere between eight to 21 people, would come and learn with us for half a day or a
1485 full day, depends on what that organization or nonprofit needs. So, there's not traffic
1486 associated with this, and the only transportation of horses would be us taking them off
1487 property to maybe see a vet. Maybe go on a trail ride. But it's not the equestrian facility
1488 context you might be typically considering because this is really a learning and therapeutic
1489 environment. Any questions of us?
1490

1491 Mr. Green- So, the one point you made, there's no riding. So, they're not
1492 going to be riding the horses?
1493

1494 Ms. Lakin- No, there's no riding. These are formerly wild mustangs from
1495 northern California. We can talk about wild mustangs if anybody would like to later. But it
1496 is just, you know, we prefer to work with them because it's better to work with them from
1497 the ground and it's better for others to do that too.
1498

1499 Mr. Blankinship- I bet the insurance company prefers it too.
1500

1501 Ms. Lakin- Yeah, they pay us for it. Yeah, I mean we pay them for it.
1502 Yeah, we're in a real strong relationship. Any other questions?
1503

1504 Mr. Green- Any other questions from the board to the applicant?
1505

1506 Mr. Johnson- Are you, the animal's waste, you said something about it being
1507 stored 200 to 400 feet away, or something like that?
1508

1509 Ms. Lakin- You're speaking my love language, I'm so happy to talk about
1510 horse manure. So, and the reason I am is because that compost then, there's this thing
1511 you never thought you'd heard in your meeting today. Our goal is to turn their manure into
1512 soil. And we're really thoughtful about that. It's an extraordinary amendment. And, as was
1513 rightly mentioned by Ms. Rozmus, a vast majority of this property has been under
14 agriculture and needs a lot of soil remediation work in order to grow pasture. There's a
1514 difference, sir, between just letting manure exist and composting manure. It is not
1515

1516 something that smells, and it is something that is contained. And by time you've done it
1517 right, over the span of 90 to 120 days, you can put that directly on the soil as a really
1518 critical amendment. And so that's what that station would be for, to make sure we can
1519 support the ecosystem of the property as much as we're able through that work with the
1520 soil. Thank you for asking.

1521
1522 Mr. Green- Are there any additional questions for the applicant?

1523
1524 Mr. Lawrence- {inaudible} please. Ms. Lakin, you mentioned that your
1525 organization is going to be providing training for nonprofit groups. Is the Tomorrow
1526 Company, is that a not-for-profit or nonprofit organization also?

1527
1528 Ms. Lakin- It's a for profit. It's an LLC right now. Now, I have a nonprofit
1529 called the Giving Foundation. We run two different parts of, kind of our main work is called
1530 the Giving Wall, and we support people in financial need with those financial needs. So,
1531 think car repairs to get to work that they can't get paid for, or rent that's past due that
1532 there's no support for. I've been running that organization for six years with some of our
1533 most, our region's most important nonprofits; Caritas, St. Joseph's Villa, Safe Harbor,
1534 Henrico County Public Schools. Which I have to run to talk to in like seven minutes. So,
1535 it's an extension of that work, since we do the work to support the clients they're serving.
1536 We also want to do the work to support their employees and their clients in a more
1537 therapeutic capacity. It comes as no surprise to many of you that we're in challenging
1538 times always, in the context of social services, and so it's our hope to support those who
1539 are supporting others in this way.

1540
1541 Mr. Lawrence- Well, I had another question too, and maybe Mr. Welch might
1542 be able to answer this better given his familiarity with the area. I know for a number of
1543 years Board of Supervisors was providing support through their non-departmental budget
1544 to an organization called Horses in Service. Is this something similar to that, do you know?

1545
1546 Ms. Lakin- I don't know, but I welcome anybody also providing us with
1547 money to do the work that we would like to do. So, you can reach out to me after, but I
1548 have no idea. Now, I know there are some therapeutic organizations doing similar work,
1549 but they're really, really far away from us. And we're talking, I mean, you know, to get to
1550 many of the horse farms in our area, you're going 45 minutes of a drive. So, I'm not aware
1551 of ones near to us. But I can look into it.

1552
1553 Mr. Lawrence- Thank you. Another question I had is that I noticed there's a
1554 residential property that adjoins...

1555
1556 Ms. Lakin- Right.

1557
1558 Mr. Lawrence- ... your site. Have you had conversations with that property
1559 owner? Are they okay with what you are proposing?

1560

1561 Ms. Lakin- I've had many, and I can't speak on their behalf, although they
1562 have told me that they are okay, but they're not here to say that they are okay. We have
1563 had, in fact, I was just with Lily and her husband Kevin just last week walking the property
1564 and talking about where the fence would be and, you know, some of their concerns were
1565 also around, does it smell? No, it doesn't, because it's four horses on 39 acres, that just
1566 doesn't smell. We're not running cattle, right. Like this is a very different dynamic. And
1567 what kind of pasture grass we're growing. So, we want them to feel very included. And
1568 they have been. And they seem to endorse and are happy indeed about us taking over
1569 this land because we are such stewards of the ecosystem and because the work we're
1570 doing has deep meaning in people's lives. And so, I think they are, I think they're
1571 supportive.

1572
1573 Mr. Lawrence- And my last question, I guess, is, my 40-year-old daughter
1574 has had a lifelong fear and anxiety around horses. Do you think your organization might
1575 be able to alleviate some of those anxieties?

1576
1577 Ms. Lakin- Yeah. Send her on. Let me just be very clear that I've had a
1578 fear of horses, and you should, and I think fear is healthy because they're 1,000-pound
1579 animals at best, right? And you are not. And so, it's good to walk in and be a little
1580 trepidatious. They're prey animals, we're predators, they know that when they meet us
1581 and they're nervous, we're nervous, so I think some healthy fear is good. But yeah, you
1582 send her to me and if I can recover my own kind of stress and anxiety and realize the
83 extraordinary benefit they can have in people's lives and I have no doubt I can do that for
1584 her too. Thanks for asking.

1585
1586 Mr. Lawrence- I'll make note of your contact information. Thank you.

1587
1588 Ms. Lakin- Please do. And the funding information too. Don't forget that
1589 one.

1590
1591 Mr. Lawrence- Okay, I might have opened a can of worms.

1592
1593 Mr. Blankinship- You brought it up.

1594
1595 Mr. Lawrence- Yeah.

1596
1597 Ms. Lakin- Yeah, you said it, so...

1598
1599 Mr. Lawrence- I no longer work for the country so I can't speak for the
1600 Manager or Board.

1601
1602 Ms. Lakin- Okay, okay.

1603
1604 Mr. Lawrence- But it sounds like what you're doing is very worthwhile.

505

1606 Ms. Lakin- We're hopeful, you know. It's a vision that we're trying to bring
1607 to reality, and you all are partners in that now and, and we're grateful to be here and to
1608 be able to make this true.
1609

1610 Mr. Green- The applicant has indicated that she has a meeting soon and
1611 we want to be as respectful of her time as our time. Are there any real other questions
1612 that the board needs to ask?
1613

1614 Mr. Johnson- No, I just, are you from the country, because you just sound
1615 so, like you've been here for years...
1616

1617 Ms. Lakin- Well, okay. So, do I sound country or non-country? What's the
1618 audience saying? What is it? Because I need to build my credibility.
1619

1620 Mr. Green- He wants to know if you're urban or rural?
1621

1622 Ms. Lakin- I lived the first ten years in Texas. I lived the first ten years in
1623 Texas, I can throw a twang on this if you need me to. So, I'm country and non-country.
1624 Do y'all know Matthews County, Virginia?
1625

1626 Mr. Blankinship- Yeah, country.
1627

1628 Mr. Lakin- Okay, so I did my middle school and high school there, and
1629 before that I was in Texas. My parents are both Marines, and so we moved around a bit
1630 and then my dad was a commercial aviator, but... This is something that is a journey I
1631 embarked on when I was 37, 38. This really, really dedicated work with horses because
1632 I've been in executive positions inside organizations and I have led teams through equine
1633 work and it was just, I have never, in all of the workshops I've taught, and I'm also a
1634 professor at Arizona State University in the School of Sustainability. So, I teach adults in
1635 that context. I've never found any teacher more powerful for people than a horse. And so,
1636 I decided to take this on. I traveled to Montana with my family to learn how to train and
1637 gentle wild mustangs. And I'm now bringing this kind of extraordinary partnership into
1638 Henrico County and surrounding counties. So, I'm newer to it, but, but, yeah, I'm a little
1639 bit of country and a little bit of city.
1640

1641 Mr. Green- Okay, any other questions? Hearing none... You had
1642 something else? Hearing none, is there anyone, Mr. Blankinship for or against, and/or
1643 Webex speaking on this?
1644

1645 Mr. Blankinship- Yes.
1646

1647 Mr. Green- Is that John Montgomery?
1648

1649 Mr. Blankinship- It is.
1650

651 Mr. Montgomery- Good morning, I'm John Montgomery. I live a short, just up
1652 Kingsland Road at 2666 Kingsland Road. And I'll start by saying I love the smell of horse
1653 manure in the morning.
1654

1655 Mr. Montgomery - But unfortunately, I won't smell it from there because of the
1656 nature of the project.
1657

1658 Mr. Montgomery - But I do speak unequivocally and whole-heartedly in support
1659 of the application.
1660

1661 Ms. Lakin- I brought, I brought John along just for the southern accent.
1662

1663 Mr. Blankinship- Just in case there were any questions about credibility.
1664

1665 Mr. Green- Well, John is a well-known individual among all of us.
1666

1667 Mr. Montgomery - Yeah, thanks y'all.
1668

1669 Mr. Lakin- Well, I also might have brought him for that reason too. I don't
1670 know. Many reasons. All right, and he's the neighbor of the property and...
1671

1672 Mr. Green- And well respected.
573

1674 Mr. Montgomery - Good to be well known and supportive of this...
1675

1676 Mr. Green- Right.
1677

1678 Mr. Montgomery - She said do you want me to be there and I said it depends,
1679 am I for you or against you? Just let me know what you need. We're glad to support this
1680 project.
1681

1682 Ms. Lakin- Thanks, John.
1683

1684 Mr. Green- Alright, okay. Is there a motion?
1685

1686 Mr. Blankinship- There is no one on Webex. I'm sorry, that was the other
1687 question from you.
1688

1689 Mr. Green- Is there a motion?
1690

1691 Mr. Johnson- There's a motion, yes. I move that we approve this conditional
1692 use permit subject to the conditions recommended by staff. And it's consistent with the
1693 comprehensive plan and the zoning ordinance, and this is a large property surrounded
1694 by agricultural use and none of the neighbors have any opposition or concerns.
595

1696 Mr. Lawrence- Second.

1697
1698 Mr. Green- It has been moved and seconded. Any discussion? Hearing
1699 no discussion, all in favor, say aye.
1700
1701 Board- Aye.
1702
1703 Mr. Green- There was no opposition. Done.
1704
1705 Ms. Lakin- Thank you all very much. I expect to see you out there, okay.
1706 Each of you, come on.
1707
1708 Mr. Johnson- I'm from the farm too, as well.
1709
1710 Ms. Lakin- Come on. Come on down.
1711
1712 On a motion by Mr. Johnson, seconded by Mr. Lawrence, the Board **approved case**
1713 **CUP-2025-100574** subject to the following conditions:
1714
1715
1716 1. This conditional use permit authorizes an equestrian facility. All other applicable
1717 regulations of the County Code remain in force.
1718
1719 2. This conditional use permit applies only to the improvements shown on the plot plan
1720 and building design filed with the application. Any substantial changes or additions to the
1721 design or location of the improvements will require a new conditional use permit. Any
1722 additional improvements must comply with the applicable regulations of the County Code.
1723
1724 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant
1725 must obtain approval of an environmental compliance plan from the Department of Public
1726 Works. The applicant may be required to analyze and provide solutions to minimize
1727 drainage impacts on downstream properties. Corps of Engineers and DEQ permits may
1728 be required.
1729
1730 4. There must be no development (man-made change) within or adjacent to the Special
1731 Flood Hazard Area (SFHA) unless the applicant first obtains approval of a Floodplain
1732 Development Permit from the Department of Public Works.
1733
1734 5. Any proposed wells or onsite sewage disposal systems must be reviewed and
1735 approved by the Virginia Department of Health.
1736
1737 6. The applicant must maintain the property so that odors, noise and other impacts are
1738 controlled. Manure must be stored and composted in designated "Manure Compost
1739 Station" shown on the concept plan. The "Manure Compost Station" must be located 200
1740 feet from adjoining lot to the west.
1741

742 7. The applicant must obtain approval of a site plan and a building permit for the proposed
1743 equestrian facility by April 24, 2027, or this conditional use permit will expire. If the site
1744 plan expires or the building permit is cancelled or revoked after that date, this conditional
1745 use permit will expire at that time.

1746
1747
1748 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Massie** **5**
1749 **Negative:** **0**
1750 **Absent:** **0**

1751
1752
1753 **CUP-2025-100627 - Emily Sullivan: conditional use permit to build a detached**
1754 **accessory dwelling unit at 9013 Michaux Lane, Hill and Dale, Tuckahoe. Parcel 750-**
1755 **740-0122. Zoning: R-3, One-Family Residence District. Code Section: 24-4406.**

1756
1757 **Mr. Blankinship-** Alright, the last conditional use permit before we get on to our
1758 variance cases is Conditional Use Permit 2025-100627 Emily Sullivan: a conditional use
1759 permit to build a detached accessory dwelling unit at 9013 Michaux Lane, in the Hill and
1760 Dale Subdivision, in the Tuckahoe Magisterial District. Would everyone who intends to
1761 speak to this case please stand and be sworn in. Raise your right hands please. Do you
1762 swear the testimony you are about to give is the truth, the whole truth, and nothing but
1763 the truth, so help you God? Thank you. Ms. Rozmus.

764
1765 **Ms. Rozmus-** Thank you, sir. The subject property is located at 9013
1766 Michaux Lane in the Tuckahoe Magisterial District. The dwelling was built in 1957 as part
1767 of the Hill and Dale subdivision. The area is zoned R-3, One-Family Residence District
1768 and is characterized by single-family homes, some with accessory structures, on a
1769 quarter to a third-acre lots. The tri-level home was purchased by the applicant in 2021.
1770 The applicant today is applying for a conditional use permit to build a detached accessory
1771 dwelling unit in the rear yard, for her grandmother. The applicant, oh excuse me, a single
1772 dwelling is a principal use permitted by right under Article IV and an accessory dwelling
1773 unit is permitted by approved conditional use permit subject to restrictions. The floor area
1774 of the ADU must not exceed 35% of the floor area of the principal dwelling. The principle
1775 dwelling measures ... 1,760 square feet and the proposed ADU must not exceed 616
1776 square feet. As you can see it is 506 square feet. The plan submitted with application
1777 shows 506 square feet of floor area, and it would be subordinate to the principal's dwelling
1778 in height and lot coverage. Where the applicant has the structure positioned in the rear
1779 yard, it meets all setbacks that are required by this district. The property has plenty of
1780 driveway space to accommodate an additional car for the accessory dwelling unit,
1781 although maybe they won't need one. The lot is also home to many mature trees which
1782 provide a natural buffer, and it also has a 6-foot-tall privacy fence. Staff does not anticipate
1783 any detrimental impact to the surrounding area. However, I did receive an email from a
1784 neighbor in the neighborhood who was concerned about the ADU application. I did not
1785 hear back from her today, but we did have a little bit of a conversation, and she was
786 opposed to the project. But other than that, staff doesn't really see any detrimental impact

1787 to the surrounding area and would recommend approval subject to the conditions
1788 included in the staff report.

1789
1790 Mr. Lawrence- Thank you, Ms. Rozmus. Mr. Broadway, or does anyone else
1791 on the board have any questions to staff?

1792
1793 Mr. Broadway- And did this person indicate why she was opposed?

1794
1795 Ms. Rozmus- So, I think she had a couple of frustrations about the
1796 neighborhood. There's apparently a lot of renters in this neighborhood and maybe some
1797 lackluster property owners that don't seem to keep the property up. So, her main concern
1798 was that this property would be rented, as well as the accessory dwelling unit, therefore
1799 making two more rental properties with the potential for issues. So, you know, her concern
1800 is very valid and understandable, but I did explain to her that the intention of this applicant
1801 is not to rent out the spaces. It's for a family member.

1802
1803 Mr. Broadway- Thank you.

1804
1805 Mr. Lawrence- Thank you. Does anyone else on the board have any
1806 questions? We'll hear from the applicant now. Can you state your name, please, sir?

1807
1808 Mr. Blankinship- Whoever was going to speak.

1809
1810 Mr. Biggs- Hi, I'm James Biggs. I'll be the builder.

1811
1812 Ms. Sullivan- Hi, Emily Sullivan. I'm the homeowner.

1813
1814 Ms. Nana- I'm not the grandmother, I'm the mother.

1815
1816 Ms. Rozmus- Oh, I'm sorry. Excuse me. Apologies.

1817
1818 Mr. Lawrence- Okay, we want you all to explain what your proposal is.

1819
1820 Ms. Sullivan- So, my mother is...

1821
1822 Ms. Nana- Old.

1823
1824 Ms. Sullivan- I was not going to say that. She's aging and she currently lives
1825 in a townhouse that has stairs and she's starting to have issues going up and down the
1826 stairs in her townhouse. It's not that bad yet, but she's still, you know, coherent and very
1827 aware in her head. And she wants to be able to do something like this when she still has,
1828 you know, she can still make decisions and make her choices with the ADU. And my
1829 siblings, my brothers, are both in other states, so she's here with me and I don't plan on
1830 renting either of these houses out. My home is my home. I don't rent it. And the reason
1831 that I'm doing this is because I want to stay in my neighborhood for as long as possible. I
1832 love the neighborhood. My house is down at the end near a cul-de-sac, and, I mean, as

1833 you can see by the pictures, I have a privacy fence all around the back of my house. And
1834 to be honest her tiny house is probably going to look better than my house because it's,
1835 she's been able to design it the way that she's wanted to with, with James. And I just, I
1836 wanted to do it this way rather than have her age in a home where I can't see her, or she
1837 wouldn't be with her family. I have two kids and they're both very excited about the
1838 prospect of Nana being so close.

1839
1840 Mr. Blankinship- So, you are the grandmother.

1841
1842 Ms. Sullivan- To my kids, to my kids. Yes. To my children. She's their Nana.

1843
1844 Mr. Blankinship- Okay, just getting that clear.

1845
1846 Ms. Sullivan- And so that's where we're at. I want to have her close because
1847 now she's not married, and she doesn't live that far, but she has issues literally putting
1848 light bulbs in her kitchen. And I have to drive to her house to help her do that, which I
1849 don't mind, but if she's in my backyard, it will just be a lot easier. And when it comes time
1850 to where she does need more help, requires more assistance, she'll be right there and I'll
1851 be able to do that for her. So, thank you.

1852
1853 Mr. Blankinship- We can't hear you.

1854
1855 Ms. Nana- Oh, it's because I'm short. I just feel like this is a better way
1856 for me to go than to, like, be put in a nursing home as far as cost is concerned. I have
1857 trouble with my hands, I can't grip anything anymore, and it's just getting more difficult for
1858 me to do anything in my house. So, just to me it's perfect. And then, when I'm gone, she
1859 has a 12-year-old son that maybe would move in, take over. So, it's not like it's ever going
1860 to be a rental property.

1861
1862 Mr. Lawrence- Okay, thank you. Anyone from the board have any questions
1863 of the applicant?

1864
1865 Mr. Green- Not of the applicant, but of staff. If you look, you know, when
1866 you're looking online you see various things. I've seen folks are building, but you can see
1867 these old accessory dwelling units that people can buy and just plop into the yard. Very
1868 nice-looking things. Have you seen any of those or is that, can that, can they do that?

1869
1870 Ms. Rozmus- Again, the building department would just love to answer this
1871 question.

1872
1873 Ms. Rozmus- I think that I haven't come across any yet. I think that that
1874 might be towing the line of what we consider a manufactured home. So, I would say
1875 there's probably a little bit of code interpretation regarding that, but this is certainly not an
1876 example of that. And I will say this is, I think that's the code's intention of an ADU, is this
1877 specific use of aging in place and having a space for parents.

1878

1879 Mr. Green- I ask because I think this is another trend that we're going to
1880 see a lot of the accessory building units. But I'm just wondering at what point will it pivot,
1881 and you can just buy these structures that now look very nice, and just place in yards for
1882 folks and if we're seeing that. But in reference to this, I don't have any concerns about
1883 this.
1884
1885 Ms. Nana- We call it a granny-pod.
1886
1887 Mr. Biggs- I can speak to your question a little bit. We do concrete...
1888
1889 Mr. Blankinship- Now you have the opposite issue, so you're going to have to...
1890
1891 Mr. Biggs- We do concrete slab stick built on site. And that's better for us
1892 than the prefabs because if you do prefab, you still have to do site prep. You still have to
1893 do a foundation, you still have to hire a contractor to organize it all. And you also have to
1894 have the home delivered and a crane lift it and put it in your backyard. So, if you add up
1895 all the costs, stick built on site is better for most applications.
1896
1897 Mr. Green- So, have you seen some of those that I'm talking about?
1898 Cause they don't they don't look like the mobile homes that we, you know, we typically
1899 see.
1900
1901 Mr. Biggs- Yeah. You're talking about the ones that are built in a factory
1902 and delivered to site?
1903
1904 Mr. Green- Yeah, that you see online?
1905
1906 Mr. Biggs- Yeah, there's, what was that? Is it Blue Box, or there's a
1907 couple of them, but they don't have the best reviews from what I've seen. So, if you build
1908 it in a factory, it's convenient for the workers cause they're, you know, they're not in the
1909 elements. But then you have to deliver it and set it up on site and hope everything lines
1910 up nicely and nothing got shook loose in the whole transportation process. So, if you look
1911 at the reviews there, there's some problems with them. And a lot of the box ones that they
1912 deliver are leaky, so.
1913
1914 Mr. Green- I was just curious. Thank you.
1915
1916 Mr. Lawrence- Mr. Broadway, do you have any questions of the applicant?
1917
1918 Mr. Broadway- I think we've covered it very thoroughly.
1919
1920 Mr. Lawrence- Anyone else from the board have any questions? Having said
1921 that Mr. Blankinship, can you check and see if we have anybody on Webex?
1922
1923 Mr. Blankinship- There's no one on Webex for this case, sir.
1924

1925 Mr. Lawrence- So, there's no one in the audience that wishes to speak?
1926 Okay, so we'll close the public hearing on the case, and Mr. Broadway, are you ready to
1927 make a motion?
1928

1929 Mr. Broadway- Yes, sir. I would move that we approve the conditional use
1930 permit in conjunction with the conditions recommended by the staff.
1931

1932 Mr. Green- Second.
1933

1934 Mr. Lawrence- We have a motion from Mr. Broadway, a second from Mr.
1935 Green, all in favor of the motion say aye.
1936

1937 Board- Aye.
1938

1939 Mr. Lawrence- Opposed, no. Motion carries.
1940

1941 On a motion by Mr. Broadway, seconded by Mr. Green, the Board **approved case CUP-**
1942 **2025-100627** subject to the following conditions:
1943
1944

1945 1. This conditional use permit authorizes a detached accessory dwelling unit. All other
1946 applicable regulations of the County Code remain in force.
1947

1948 2. This conditional use permit applies only to the improvements shown on the building
1949 design titled "adu design" prepared by Canibuild, and the plot plan filed with the
1950 application. Any substantial changes or additions to the design or location of the
1951 improvements will require a new conditional use permit. Any additional improvements
1952 must comply with the applicable regulations of the County Code.
1953

1954 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant
1955 must obtain approval of an environmental compliance plan from the Department of Public
1956 Works. The applicant may be required to analyze and provide solutions to minimize
1957 drainage impacts on downstream properties. Corps of Engineers and DEQ permits may
1958 be required.
1959

1960 4. The new construction must be compatible with the principal dwelling in materials and
1961 color.
1962

1963 5. The applicant must obtain a building permit for the proposed accessory dwelling unit
1964 by April 24, 2027, or this conditional use permit will expire. If the building permit is
1965 cancelled or revoked after that date due to failure to diligently pursue construction, this
1966 conditional use permit will expire at that time.
1967
1968

1969 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
1970 **Negative: 0**

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Absent:

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VAR-2025-100443 - Capital City Homes, LLC: variance from the to build a single-family dwelling at 1440 Crystal Springs Lane, Varina. Parcel 804-679-3548. Zoning: R-2A, One-Family Residence District. Code Section: 24-4306.E.1. The applicant has 0 feet public street frontage where the Code requires 50 feet public street frontage. The applicant requests a variance of 50 feet public street frontage.

Mr. Blankinship- Alright, that concludes the conditional use permits for this morning. We do have three variances on the agenda. The first is Variance 2025-100443, Capital City Homes, LLC: variance from the public street frontage requirement to build a single-family dwelling at 1440 Crystal Springs Lane, in the Varina Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hands please. Do you swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Gidley- Thank you, Mr. Secretary. The subject property is located 1,712 feet west of Osborne Turnpike. It consists of a 1.06-acre parcel of land that fronts on a 16-foot-wide private road. The parcel, as you can see, is currently wooded and vacant. The applicant is a contract purchaser who would like to build a home on the site. Because it abuts a private road rather than a public street, he has applied for a variance from the public street frontage requirement to allow home to be constructed here.

In reviewing this request, at least one threshold test must be met. The first concern is whether the ordinance unreasonably restricts the use of the property. The lot was created over 60 years ago. It complies with the lot area and lot width requirements. The only reasonable use would appear to be for a dwelling; however, this is not possible due to the lack of public street frontage, and this could be considered an unreasonable restriction. This is especially so, I think, given the private road is in good condition, as you can see right here.

Since at least one threshold test is met, we can look at the five required subtests. As noted in your staff reports, staff believes these are met. Discussing the detrimental impact briefly. There are two existing homes across the private street and one next door. All three are, are constructed with brick. So, to be more consistent with these homes; staff, instead of the vinyl home proposed by the applicant, staff is suggesting the front elevation at least be made of brick. I've spoken to the applicant, I believe he is okay with this. He can confirm that when he gets up to speak. And as noted, the lot complies with the lot area and lot width requirements. And as you can see here, it would also, the home would also comply with the setback requirements of the zoning ordinance. As a result, staff does not anticipate any substantial detrimental impact from the construction of a home on an acre plus parcel.

In conclusion, the property is suitable for a dwelling but is unable to be used for one due to the lack of public street frontage. A single-family home is consistent with the

017 surrounding land uses, and staff does not believe that there is a substantial detrimental
2018 impact on nearby property from the construction of a single-family home on this parcel.
2019 As a result, we recommend approval of this request subject to the conditions in your staff
2020 report. If you have any questions, I'll be happy to answer those.

2021
2022 Mr. Green- Any questions from the board to staff? Hearing none, we'll
2023 hear from the applicant.

2024
2025 Mr. Jones- Hey, good morning. My name's Barry Jones. It's J O N E S.
2026 Just wanted to thank the board for taking the time to review my application. I've looked
2027 over everything, I agree with all of the board's recommendations for the project. And, you
2028 know, we'd just like to move forward with getting the variance approved.

2029
2030 Mr. Green- Alright, any questions from the board to the applicant?

2031
2032 Mr. Lawrence- Go ahead.

2033
2034 Mr. Johnson- Go ahead.

2035
2036 Mr. Lawrence- I had a question or two, sir. The adjoining property, it looks
2037 like there's a structure on the very edge of the property to the west of you, and I can't tell
2038 from the schematics whether that's... Is that a house, or what exactly is that?

2039
2040 Mr. Jones- It's like an accessory building or some sort of garage, I
2041 believe.

2042
2043 Mr. Lawrence- Okay, does that go with the property across the easement or
2044 ... So, it's just an accessory dwelling on an unimproved, otherwise unimproved property,
2045 I guess?

2046
2047 Mr. Jones- I mean, there's no structures on the property I'm looking to
2048 purchase.

2049
2050 Mr. Lawrence- Right, the one next to you though. I guess I'm trying to
2051 determine whether someone lives on the...

2052
2053 Mr. Gidley- It's an accessory structure.

2054
2055 Mr. Lawrence- An accessory structure. Okay. And the other question I have
2056 for you is that staff is recommending a condition that we require a brick front, and brick
2057 foundation, which was not in your original schematics. Are you, are you agreeable to that
2058 suggestion?

2059
2060 Mr. Jones- Yes sir, definitely. Yes sir.

2061
2062 Mr. Lawrence- Thank you. Mr. Johnson.

2063

2064 Mr. Johnson- Also the road is not on the facility there. Is that because the
 2065 road doesn't come down that far? Is... keeping that off? It seemed like it stops next to
 2066 the...

2067

2068 Mr. Green- You're talking about Crystal Spring Lake doesn't extend all the
 2069 way down to the property line.

2070

2071 Mr. Johnson- Right.

2072

2073 Mr. Gidley- It does extend down.

2074

2075 Mr. Johnson- It does?

2076

2077 Mr. Gidley- Yes, sir.

2078

2079 Mr. Johnson- So, the road is not to a house code requirement?

2080

2081 Mr. Gidley- Yes sir, it's a private road, not a public street. And the zoning
 2082 ordinance requires a home when it's constructed to have 50 foot of public street frontage.

2083

2084 Mr. Johnson- Okay.

2085

2086 Mr. Gidley- And of course over in Varina you get some of these lots that
 2087 were created that are back on these private streets and so they need variances to build
 2088 homes on them.

2089

2090 Mr. Johnson- Okay. Thank you.

2091

2092 Mr. Gidley- Yes, sir.

2093

2094 Mr. Green- Any other questions, Mr. Johnson?

2095

2096 Mr. Johnson- That answered my question, yes.

2097

2098 Mr. Green- Any other questions from the board? Hearing none, Mr.
 2099 Blankinship, is there anyone in the audience and/or Webex to speak for and/or against
 2100 this applicant? You can go up front and state your name and if you're for this or against
 2101 it.

2102

2103 Ms. McDonough- Hello, my name's Jennifer McDonough, M C D O N O U G H.
 2104 I live in that front house with the bright green golf-green looking thing in the front yard.
 2105 First, I want to thank you. I came here approximately 13 years ago and asked you to
 2106 uphold the ordinances set forth by the county on the property eight, adjacent to this parcel.
 2107 So, if you look at that red box, it's to the left where I came 13 years ago. That parcel had
 2108 the exact same request that this parcel does. About that time, you, twelve-ish, 13 years

109 ago, you did not approve that variance. So, I come to you again today asking that you not
2110 approve this request, and I ask this of you due to all of the same reasons I did 13 years
2111 ago. That driveway is not 16 feet anywhere. At most it is 10 feet wide, and most of it is 8
2112 feet wide. First the regulations are set forth by the county for a reason and to protect all
2113 of the property owners. So, really I just ask that you hold true to that promise. This
2114 variance doesn't just impact us, it impacts every landowner in the county. It sets a
2115 precedent for any other property that doesn't meet regulations to say that they too would
2116 be allowed a variance, and I think the exact same builder is asking for the exact same
2117 thing, just a half a block or so down the street from us.

2118
2119 Mr. Green- So, you're saying Crystal Spring Lake is not... Are you
2120 referencing Crystal Spring Lane?

2121
2122 Ms. McDonogh- I live on Crystal Spring Lane, it is a private drive. It is not 16
2123 feet wide as the request says. We have gone out, we have measured it, it is somewhere
2124 between eight and 10 feet wide. That driveway has been there for a long time? So again,
2125 I just ask that you hold true to the regulations of the county. Additionally, as I was going
2126 to share, the driveway is small. It can barely withstand the traffic that is on it currently. We
2127 have four homeowners, yeah, four homeowners on that driveway. With vehicles coming
2128 in and out, another house would only increase traffic and further deteriorate the driveway,
2129 and who will repair it? It hasn't had new gravel in over 15 years outside of the few bags
2130 my husband and I and one other homeowner put out as we can. We have native Virginia
2131 Dogwoods, as you can see, that line that driveway that are over 70 years old. And
2132 construction vehicles would certainly damage these as the driveway as stated was, is
2133 only about eight to 10 feet wide. My other understanding from the last time I was here 13
2134 years ago is that there's no deeded access to these properties at the end, and I'm not
2135 willing to give access if that is requested. Thank you.

2136
2137 Mr. Green- Mr. Gidley, could you address the driveway concern?

2138
2139 Mr. Gidley- Yes sir, I'd be happy to.

2140
2141 Mr. Green- Okay, Mr. Gidley is going to address the ...

2142
2143 Ms. McDonough- I own half of the driveway, so that middle part of the driveway
2144 and to the right I own.

2145
2146 Mr. Gidley- Condition number five states at the time of building permit
2147 application, the applicant must provide evidence that legal access to the property has
2148 been obtained. It also provides the driveway must be maintained in a manner sufficient
2149 to provide access for police, fire, and emergency medical services and other vehicles.
2150 The surface must be at least 10 feet wide with 12 feet of horizontal clearance and 14 feet
2151 of overhead clearance. The owners of the property, and their heirs as assigns, must
2152 maintain access to the property. So, they would be, you know, forced to make sure that
2153 road meets that standard in front of their property there. They would also be required to
2154 present evidence that they do have a legal access to this property.

2155
2156 Mr. Green- What I'm hearing is that she says she's not going to grant that.
2157
2158 Mr. Blankinship- That is what she has said. Can you put the concept plan up
2159 quickly, please? I just want to clarify the 16-foot measurement. If you could zoom in down
2160 at the bottom on the right-of-way there. So, there's a right-of-way, or an easement, that is
2161 16 feet wide. Eight feet on this property and eight feet on the property across Crystal
2162 Spring's Lane, and that's what's measured as being 16 feet wide. They're the two straight
2163 dashed lines. Then you can see faintly within that area, there is a narrower area that
2164 shows where the actual road surface is. So, both statements are true. The road surface
2165 is about 10 feet wide, and the easement is about 16 feet wide.
2166
2167 Mr. Green- Oh, okay. But does she have to grant access. If she doesn't
2168 grant access that just kills this?
2169
2170 Mr. Blankinship- If that is the case, yes sir. They are required, the applicant, if
2171 this was approved, the applicant would be required to show at the time of building permit
2172 application that they had a legal right to get to the property. That's beyond our expertise.
2173 That's a matter of title searches and lawyers get involved, and that sort of thing.
2174
2175 Mr. Green- Okay.
2176
2177 Ms. McDonough- That was asked of me at the last... Twelve years ago when I
2178 came, you all asked if I had given access, and I had not.
2179
2180 Mr. Blankinship- And you have no intention to?
2181
2182 Ms. McDonough- I have no intention.
2183
2184 Mr. Lawrence- I'm not a land use...
2185
2186 Ms. McDonough- And that property has been offered to be purchased by
2187 landowners on the current lane, that exists and live there now. And, you know, landowners
2188 have asked to purchase that home previously, years ago. But now all of a sudden this is
2189 coming back up as a way, I guess, to put a house on it and sell it.
2190
2191 Mr. Lawrence- Yeah, I'm not a land used lawyer by any means. I'm not a
2192 lawyer. But, and this is beyond the purview of our board, but I'm not sure that you can
2193 block access to someone's property. I think legal access has to be provided in some
2194 fashion. Now whether it's through this easement, or some other means, I don't know. But
2195 again, that's beyond our purview.
2196
2197 Ms. McDonough- And again, I just state that as, as an asterisk, if you will. So,
2198 I'll let someone else speak.
2199
2200 Mr. Green- Okay, next, next person.

201

2202 Ms. Ellis- Good morning. My name is Nicole Anderson Ellis. I live at
2203 1431 Chaffins Bluff Lane. And if we go back to the bird's eye view, I can show you. My
2204 house is... Yeah, it's directly up from it, so I don't live on Crystal Springs Lane. I live on
2205 Chaffins Bluff Lane. We have our own road maintenance issues. I'm actually going to, if
2206 it's alright with the board, I would like to read a letter from my husband. He could not be
2207 here this morning as he's presenting at a conference, but he did write a statement and
2208 asked me to share it with you. His name is Stephen VanDam, and his address
2209 conventionally is the same as mine. I regret that I cannot be here this morning to stand
2210 before you. I wish the meeting protocols in place were more favorable to the Henrico
2211 citizens who would be negatively impacted by this variance in the East End. Especially
2212 regarding the time of day and the amount of advanced notice. I am not able to take off
2213 work this morning and I'm sure there are others like me. I am writing to express my strong
2214 opposition to the variance request concerning the road frontage requirement for Crystal
2215 Springs Lane. I believe that granting this variance would be detrimental to the existing
2216 precedents that are in place to protect the health, safety, and wellbeing of our community.
2217 The current zoning laws, particularly those pertaining to road frontage are in place for
2218 several important reasons, including traffic flow, emergency vehicle access, and
2219 maintaining Varina's community character. Approving this variance would set a precedent
2220 that could undermine those regulations and lead to further requests that erode the
2221 integrity of the established zoning plan. Given the nearly unanimous opposition from the
2222 residents who are most directly impacted... And I'm going to clarify, I'm going to edit my
2223 husband's letter and say... Given the unanimous opposition from the residents who are
2224 most directly impacted, I hope this is an easy decision for you. We choose to live and pay
2225 taxes in Varina partly because of these standards and we are here today trusting you to
2226 uphold them for your constituents. I would like to add one, or two points to this. One is
2227 that he said that, you know, it should be easy because all of the neighbors oppose it. I'd
2228 like to add that the 2026 Comprehensive Plan names Osborne Turnpike as one of only
2229 five existing character protection areas in the county, and it specifically speaks to the rural
2230 character and the scenic nature of the landscapes out here. So, the idea that a parcel is
2231 only valuable if it's built on doesn't seem in, in keeping with that idea of the existing
2232 character protection. I'd also like to note that there are lots of things that people can do
2233 by right in Varina, but one of the things that allows this board, and the county as a whole,
2234 to control growth in an area that is an existing character protection area is, is that road
2235 frontage requirement. It gives the opportunity to protect open space that provides that
2236 rural character. And to echo what Miss McDonough's said, we had a similar variance
2237 request on Chaffins Bluff Lane, a property that was down at the end of that lane off, off
2238 the picture that you see on the left and it was denied because it didn't have road frontage.
2239 So, there's definitely a precedent to say that, to say no, and I encourage you to do that.

2240
2241 Mr. Green- First and foremost, I take issue. Your husband could have
2242 joined by Webex.

2243
2244 Ms. Ellis- He could not join and present at the same time.

!45
2246 Mr. Green- Excuse me.

2247
2248 Ms. Ellis- He's actually on a panel that looks a lot like this.
2249
2250 Mr. Green- Excuse me. Anyone can join on Webex or come.
2251
2252 Ms. Ellis- Yes.
2253
2254 Mr. Green- The Board of Zoning Appeals has been meeting, as I
2255 understand, at the same time and individuals will make the necessary sacrifices to come.
2256 So, I just take issue with his not liking when we meet. But the county, through technology,
2257 has multiple ways of allowing folks to remotely participate. And because he's on a panel,
2258 with all due respect, that's his issue. That's not ours.
2259
2260 Ms. Ellis- I hear you and I'm
2261
2262 Mr. Green- No, I'm, I'm just speaking. Yeah. And, we try to be as fair and
2263 objective as possible. And other folks have been here and made the commitment to come
2264 and speak out. I understand and I and... We will accept his objection. But to criticize us
2265 for the time when we meet, I don't think it's fair. Thank you. Thank you. ...
2266
2267 Ms. Ellis- You'll forgive me if I don't relay your criticism to him.
2268
2269 Mr. Green- ... Thank you. Thank you. Thanks. Who else?
2270
2271 Ms. Tomoiaiv- Good morning. My name is Lauren Tomoiaiv. I can spell it if
2272 you need.
2273
2274 Mr. Green- Yes, please.
2275
2276 Ms. Tomoiaiv- It's T, as in Tom, O I A I V, like Victor, A O. And my husband
2277 is the property owner with myself. His name is William Bost, like Boston B O S T. We are
2278 the property owners at 1457, so directly across Crystal Springs Lane. My home is the
2279 property with open field frontage up to Osborne. So, we purchased back in October 2021.
2280 I'm a Varina native. I grew up on, not well native, but I grew up in Varina off of Route 5.
2281 And my husband and I decided to return to be closer to my parents. Back in 2021, when
2282 we were choosing where to purchase, obviously my parent's proximity was important, but
2283 also we were looking for land. Privacy. Quiet. And the Varina area obviously is the last
2284 green suburban space within reasonable proximity to the city that exists, so that was a
2285 big part of why we wanted to be in the spot. Given that, I mean that said, we still have
2286 industrial noise that we hear regularly from across the river. We have plane noise regularly
2287 to the airport, so it's not like it doesn't have those issues still, but this is the closest that
2288 we could get to having a private natural space that we could own land, proximal to the
2289 city. After we purchased, the next year in 2022, we received a flyer in our mailbox from
2290 the Department of Forestry to participate in a riparian, they called it riparian buffer
2291 programs. So, they were looking for homeowners to agree to plant trees in the yard to
2292 serve as a buffer for the river. So, we did that. And we planted, or had the Forestry

293 Department plant, over 50 trees on our property to help with flooding and issues that are
2294 relevant to being close to the river. So, outside of the privacy that would be lost from the
2295 home being built. The trees being taken out is also an issue for me. I was really happy to
2296 have it be part of the riparian buffer and then to have it be undone across the street is
2297 frustrating. Similarly to the other property owners, I would ask the board to respect the
2298 character of Varina. There are reasons that there's "No Short Pump Here" signs all over
2299 Varina. It's because we want smart, purposeful, history-minded, decision making when it
2300 comes to development. We don't want the congestion and the issues that have happened
2301 in the Short Pump and Midlothian area. So, I would ask you to consider the stewardship
2302 of the land. And also, how we're developing. How we're opposing the variance, I mean.
2303 How these variances are kept in mind as Varina sees growth, inevitably but as, you know,
2304 as purposeful and as mindfully as we can. So yes, I would stand in agreement with my
2305 neighbors and oppose the variance as it stands.

2306
2307 Mr. Green- Excuse me, I have a question for you.

2308
2309 Ms. Tomoiaiv - Yes.

2310
2311 Mr. Green- The land that's in front of your house is cleared. What is that?

2312
2313 Ms. Tomoiaiv- So, in the front portion of my property, it's open... yeah you
2314 can go back to the... So, this is my home, it faces north and the property, I mean the field
2315 frontage is east of my home on the opposite side of that big holly hedge. So, I believe it
2316 was zoned Agricultural initially, and that's what it was used for is they had animals grazing.
2317 What I do is, I edge with my mower and then my neighbor comes and bales it for his
2318 animals who live... He lives a ways up, so, it's just an open field.

2319
2320 Mr. Green- But that's your open field, that you own?

2321
2322 Ms. Tomoiaiv- Yes.

2323
2324 Mr. Green- And I'm not trying to offend you, but...

2325
2326 Ms. Tomoiaiv- Sorry, what did you say?

2327
2328 Mr. Green- I'm not going to try to offend you, I'm just trying to understand.
2329 So, if you were as concerned, you are concerned about the trees, why wouldn't you
2330 repurpose all that open land to put more trees in and give you the buffer and the noise
2331 mitigation that you're looking for? It seems like it's okay for you to clear and have all of
2332 that, but you don't want that other land impacted.

2333
2334 Ms. Tomoiaiv- Oh, no, I would, well, I would love to have it be returned to
2335 forests honestly. So that's why my participation in the riparian buffer was important to me.
2336 Because I don't know when this aerial photo was taken, this was taken 2024, so it's a little
2337 bit hard to see. But all along the bottom hand portion of my field that, I guess it would be
2338 the south portion of the field that faces Osborne. There are at least 50 trees that were

2339 planted by the Forestry Department, but it's just a matter... And we've planted dogwoods
2340 to line the driveway, and other trees. Some we have made purchases from Arbor Day
2341 and things like that to try to fill it in. It's just a matter of cost and timing. We've only been
2342 in the house now for almost four years, so. No, I don't take offense to that.

2343

2344 Mr. Green- No, no. No, I was just saying that to keep the integrity, you all
2345 are saying that you want to keep the integrity of Varina the way it was, but at some point,
2346 all of that open land had trees. So, ...

2347

2348 Ms. Tomoiaiv- So, Jennifer can provide more historical context.

2349

2350 Mr. Green- No, she's already spoken. I'm just making an observation that
2351 it appears ...

2352

2353 Ms. Tomoiaiv- Yes. What I'm saying is that I purchased in 2021, but it has
2354 been an open field for, from what I understand, much longer than when I've lived there.

2355

2356 Mr. Green- Okay, okay. Excuse me. Okay. The property that's zoned and
2357 that's surrounded in red. And I guess my question is if you all wanted to keep it that way,
2358 why didn't someone just purchase the land themselves? That way you could ... if
2359 someone could address that, then, then you would prevent that. But see, I think it goes
2360 back to what I said earlier in the day. Change is apparent and is coming across the county
2361 and folks are buying houses. Folks are taking land. Folks are building, you know, and
2362 we've got to adapt to it. I don't think Varina is going to stay as rural as it used to be. I think
2363 we're constantly seeing growth. I live in Short Pump, and yes, when I moved out there,
2364 there was that cow field and trees, and all of that. But growth has occurred, and if I didn't
2365 like it, I would move, but I'm adapting to it, and that's just part of being a citizen, a person
2366 in the area. And if you don't like it, you just move or if I had the money, I could have bought
2367 the farm field, to keep, you know, the cows there. But that just didn't happen. Prove to me
2368 that you just don't want to see someone... I mean, I guess what I'm struggling with is,
2369 that's someone else's land. Why would you try to block somebody from doing something
2370 on land that they own? And if you didn't want it, you, then you could've bought it.
2371 Somebody could've bought it. Does that make sense?

2372

2373 Ms. Tomoiaiv- Sure well in terms of purchasing the land, there was, my
2374 neighbor Jenny can speak to that because her, she owns the property at 1462 and had
2375 made the request to the property owner to purchase, so she can speak to that. But just
2376 to counter the narrative about development and how it should be done. You know, it's
2377 very easy to say that if you don't like the congestion in an area or if you don't like the
2378 development, then you can move. That's much easier to say than to actually be done.
2379 And. You know, we are living in 2025. We already have youth that are graduating from
2380 high school and college that are planning their careers and their family lives with no
2381 guarantee that the world in 50 years will look like it looks like now. And so, I don't think
2382 that we can kind of casually say, okay, well, development is coming, and we just have to
2383 get used to it. You know, we as property owners have a right to not consent to, or at least,
2384 you know, at the least have concerns about how the area around us is going to be

385 developed. I'm not opposed to smart and mindful and, and historically-minded
2386 development. Varina, I think, is unique in history. It's a historically black area It's, you
2387 know, the Powhatan Confederacy, and so much of the indigenous history that we've had,
2388 and the colonial history, happened right in our area. I found arrowheads on my property.
2389 You know, this is a unique and nationally significant area that we need to be, excuse me,
2390 very careful of how we develop. And I also want to counter the idea that just development
2391 in itself is, and growth, growth, growth.... The growth mindset, I think, is, I don't know if
2392 dangerous is the right word, but in 2025 with the climate being what it is with, and I know
2393 our street is just a microcosm of that, but, you know, we're a microcosm of the national
2394 conversation of how are we going to use this land? I hear owls all the time, I hear, we see
2395 wild dear all the time.

2396
2397 Mr. Green- I'm sorry, I don't want to cut you off, but we're getting off
2398 subject.

2399
2400 Ms. Tomoiaiv- Yeah. Sure, but in terms of your point about, you know, smart
2401 development and what that means, I'm saying I don't. I don't think it's put upon us to
2402 consent just because it's coming.

2403
2404 Mr. Green- Thank you. Thank you.

2405
2406 Mr. Blankinship- And that's not an issue for this board.

107
2408 Mr. Green- It's not. Thank you.

2409
2410 Ms. Tomoiaiv- Sure.

2411
2412 Mr. Green- And are you for or against this?

2413
2414 Mr. Johnson- For?

2415
2416 Mr. Green- No, I think she's against it.

2417
2418 Ms. Harlow- Hello. My name is Jennifer Harlow. I reside at 1462 Crystal
2419 Springs Lane. I reside in the property just in front of the proposed lot to build, where that
2420 accessory building is that you guys were speaking about previously... That's a bike shop
2421 that we have on our property that's been permitted to be there. I speak in opposition to
2422 building the home on that lot. As a property owner of Crystal Springs Lane, with other
2423 residents we work very hard to maintain the lane in the ways that we can. By putting
2424 gravel, by making sure the edges are cut so it doesn't incumbent in the driveway. We live
2425 on a very quiet, private lane that's maintained by our landowners by the goodness of our
2426 heart. We are not a subdivision. We are not a neighborhood. We are a privately owned
2427 lane. In regard to the 16-foot easement that you speak of, our driveway at most points,
2428 again is about eight to 10 feet wide. I do have hesitation and worry about that 16-foot
129 easement because our drainfield is in our front yard, so part of that easement would
2430 overtake our drainfield. So, that is a concern of mine. In Varina, where we are on Crystal

2431 Springs Lane, we are an environmental impact zone. So, we have been working as
2432 landowners with the other residents down Crystal Springs Lane to plant trees, to keep
2433 trees there. If you look in the front of our property, we have an open lot. It looks like a little
2434 zig-zag pattern. That is a field that used to be cut by the previous owners. We've been in
2435 the home about five years. We're working to re-habitat that and allow trees to grow and
2436 kind of control the growth of it so we can have like habitat areas. And along with a walking
2437 path so we can enjoy nature as well. I would say the statistic that was read that the
2438 average household uses their driveway about seven times a day. We have four
2439 households that live currently on that property, and that's about 28 times a day, so add
2440 an additional seven times use, or how many people live in that home that would be
2441 proposed to be built, and that's an additional burden that's going to be happening with
2442 that driveway. I ask that you uphold the ordinance of 50 feet road frontage, because that
2443 is required for us to be able to have a safe entrance for emergency use vehicles, for
2444 incumbents to go down that driveway. I can say when we have people that have had
2445 propane delivered, the driveway gets blocked. Any time there's any type of maintenance
2446 going on our property, the driveway is blocked. I've been closed in to my property and
2447 can't leave until I speak with someone like, hey, you know, can you move your work
2448 vehicles so I can get out? So, there's already issues with blockage, and this construction
2449 would add to that. Additional use down the road would add to that as well down the lane.
2450 And it does impose a burden to the people that live on Crystal Springs Lane. And I ask
2451 that you would withhold the variance of 50 feet and I oppose this. And I speak in regards
2452 to Stephen G. Harlow, Junior, who's my husband that resides at the property as well, and
2453 my son, who's a fourth generation Varinian, to uphold and keep the character of Varina.
2454 And just building another home, what does that do for us? Thank you.

2455
2456 Mr. Green- Just a minute.
2457
2458 Mr. Johnson- Go ahead.
2459
2460 Mr. Lawrence- Yeah, ma'am, can you identify again, are you the adjoining
2461 property owner?
2462
2463 Ms. Harlow- I am the adjoining property owner, yes.
2464
2465 Mr. Blankinship- That's, not that one. To the east.
2466
2467 Ms. Harlow- Oh, no, I'm sorry, not there above. To the right of that. Yes.
2468
2469 Mr. Green- That's yours?
2470
2471 Ms. Harlow- 1462 Crystal Springs Lane.
2472
2473 Mr. Lawrence- That is the adjoining lot, right?
2474
2475 Mr. Blankinship- Yes.
2476

477 Ms. Harlow- Yes.
2478
2479 Mr. Lawrence- Okay. And you mentioned something about an accessory
2480 structure with a bike shop. Is that on your property, or are you referring...
2481
2482 Ms. Harlow- It is. That is on my property.
2483
2484 Mr. Lawrence- So, is that a commercial operation or...
2485
2486 Ms. Harlow- No, it's not. My husband repairs his bikes in there, and it's like
2487 a man cave that's permitted as a building structure.
2488
2489 Mr. Lawrence- Does that generate traffic?
2490
2491 Ms. Harlow- No, it's just for our personal use. My husband tinkers with his
2492 bikes. He's an active mountain biker. He likes to mountain bike and he hangs out in there.
2493 There's no one that comes there. It's not a business.
2494
2495 Mr. Lawrence- Okay. Thank you.
2496
2497 Ms. Harlow- You're welcome. Thank you.
2498
499 Mr. Green- Any other questions from the board to the respondent? Mr.
2500 Gidley, do you have anything to add to what we've heard?
2501
2502 Ms. Harlow- Oh I'm sorry. I do have one more thing, I apologize.
2503
2504 Mr. Green- Oh, hold on. She's got another question?
2505
2506 Mr. Lawrence- Yeah, I have one more question.
2507
2508 Ms. Harlow- Sure.
2509
2510 Mr. Lawrence- Yeah. So, if you go down Crystal Springs Lane, you have, you
2511 know, the subject lot for this case, the one next to it that has some sort of accessory
2512 structure on it, but apparently no one's living there. I'm not sure what that's being used
2513 for. Then you've got additional land, it looks like undeveloped land behind that. How is
2514 that property accessed? Do you know? Is that off Chaffins Bluff Lane or would ...
2515
2516 Ms. Harlow- No, that property resides. These are the residents that are
2517 right in front of me. They reside on Crystal Springs Lane, and that's how they access their,
2518 their land and their home, and that's where that road narrows, where you had spoken
2519 about how it looks like it ends. The lane narrows right there and kind of gets less like
2520 gravelly and kind of more like just a path of where cars drive down, and that's actually
521 where the home is being proposed to be built. That's where that part of that lane kind of
2522 starts looking like that.

2523
2524 Mr. Lawrence- The land, if you go down, you know, past the subject lot, the
2525 next lot, and I can't remember which direction I'm talking about now, but ...
2526
2527 Mr. Blankinship- The west.
2528
2529 Mr. Lawrence- Then you have additional... You can see on the on the map
2530 additional unimproved property that if the lane continued would go towards those
2531 properties. How are those properties accessed, do you know?
2532
2533 Ms. Harlow- It's accessed through our lane and so it's butted in between.
2534 So, part of the landowners that live in Crystal Springs Lane own a portion of that. And
2535 then it butts up to Nicole's property that, she spoke previously, it butts up to her property
2536 that she owns as well off of Chaffins Buff.
2537
2538 Mr. Blankinship- Paul, can you go to the expanded aerial, please, just so we
2539 can see that.
2540
2541 Mr. Lawrence- Yeah, because I'm a little confused.
2542
2543 Mr. Green- But you need to go to the podium.
2544
2545 Mr. Johnson- Okay.
2546
2547 Ms. Ellis- Our property is forested and runs above it, so... Yeah, that's,
2548 that's us... And it runs from Osborne and back. The property, there's that parcel that was
2549 denied a variance just next to this one. And then the parcel next to that actually stretches.
2550 The people who own it live on Aqua Vista. They cannot build on the section back there
2551 because it is on the other side of a creek that's a significant gully. So that's kind of
2552 protected by access.
2553
2554 Mr. Lawrence- And the property beyond that property would be also
2555 accessed by Aqua Vista?
2556
2557 Ms. Ellis- Aqua Vista, exactly.
2558
2559 Mr. Lawrence- I got it now. Thank you.
2560
2561 Ms. Ellis- You're welcome.
2562
2563 Mr. Johnson- So, if they take Buffin Lane from that side, who...
2564
2565 Mr. Green- Take what?
2566
2567 Mr. Johnson- Chaffins Bluff, yeah.
2568

569 Ms. Ellis- So to access their property from Chafins Bluff Lane, they
2570 would have to buy my property, and we're not interested in selling them land to create a
2571 driveway access.
2572

2573 Mr. Blankinship- Chaffins Bluff is also a private drive, so.
2574

2575 Ms. Ellis- It is.
2576

2577 Mr. Green- Okay. Mr. Gidley, any rebuttal or...
2578

2579 Mr. Gidley- Yes, sir, I'll just point out with regard to the condition of the
2580 private access, there is a condition that would require the applicant to improve that to a
2581 certain standard, so to an extent this would actually be improved in that section if the
2582 applicant did build there.
2583

2584 Mr. Green- Right, because what's happening is that they, Crystal Springs
2585 Lane, if someone builds, they would have to do something better than what's possibly
2586 there. Because if there's nothing there, then if they expand it, they would have to put a
2587 road in or the gravel...
2588

2589 Mr. Gidley- Yes, sir.
2590

2591 Mr. Green- ... and all of that, but I guess... Okay, well, if this is
2592 approved... I'm not saying that... We don't know. If this is approved, then they would have
2593 to deal with the other issues.
2594

2595 Mr. Gidley- Yes sir.
2596

2597 Mr. Green- I guess I'm just trying to struggle with that's someone else's
2598 land and they are attempting to do something with it. I can't say what you can and cannot
2599 do, and if they battle it out at another venue, then that's where it's done.
2600

2601 Mr. Gidley- That's where the access would be decided.
2602

2603 Mr. Green- Did we, and remind me, did staff recommend approval?
2604

2605 Mr. Gidley- Yes sir, staff recommends approval.
2606

2607 Mr. Lawrence- Mr. Gidley, the lot adjoining the subject lot, which has the
2608 accessory building on the corner, do I understand that there was a previous variance
2609 request for that that was denied by this board?
2610

2611 Mr. Blankinship- That's correct.
2612

2613 Mr. Gidley- I vaguely recall one a long time ago.
2614

2615 Mr. Lawrence- And you don't know when that was?
2616
2617 Mr. Blankinship- Thirteen years.
2618
2619 Mr. Gidley- And obviously, we look at the history of the property, you
2620 know, when it was created, and the standards in place at the time for this board to review
2621 variance requirements.
2622
2623 Mr. Lawrence- I know the legal standards for a variance have changed.
2624
2625 Mr. Gidley- And they were stricter back then.
2626
2627 Mr. Lawrence- Yeah, Okay. Thank you.
2628
2629 Mr. Gidley- Yes, sir.
2630
2631 Mr. Green- Okay, so they were stricter back then. That's why it was
2632 probably denied. Now, it's a little bit more flexibility.
2633
2634 Mr. Blankinship- I did read the record on that, and it was denied as the other
2635 speaker said... I'm sorry, I don't remember which speaker it was, maybe Ms. McDonough.
2636 There was testimony at the public hearing that nobody on Crystal Springs Lane was
2637 willing to give the applicant permission to cross their property, and so the board denied it
2638 on that basis.
2639
2640 Mr. Gidley- And again, the condition would require the applicant to prove
2641 he has access. So, if he doesn't have it, then he wouldn't get a building permit. If he does
2642 have it, then he could get a building permit.
2643
2644 Mr. Green- Can you all speak to that? Back to that? You have to go to the
2645 podium. Since you're the applicant, you can rebut this.
2646
2647 Mr. Jones- Well, I mean I agree obviously to all the recommendations, so
2648 like Paul said that, you know, I wouldn't be able to build on it if I didn't have deeded
2649 access. I've been told by a closing attorney that contacted a title company that there's
2650 deeded access to the property.
2651
2652 Mr. Blankinship- But you understand that that's in dispute?
2653
2654 Mr. Jones- Yes sir.
2655
2656 Mr. Green- Well, that's an issue for someone else. Any other questions,
2657 concerns, from the board to the applicant? You want to rebut? Were you all to speak?
2658 Okay, we have one more speaker.
2659
2660 Mr. Blankinship- I'm sorry.

661
2662 Mr. Green- Okay, we have one more speaker. We didn't realize. Thank
2663 you Miss. We have to move on.
2664
2665 Ms. Harlow- Sure. I had to address your question about, did someone else
2666 proposition the owners to purchase? We did and they did not accept our proposal and did
2667 not give us a counter on our offer because we would like to have that lane preserved.
2668
2669 Mr. Green- Thank you.
2670
2671 Ms. Harlow- Thank you.
2672
2673 Mr. Green- And is this the last group of persons to speak for or against
2674 this? Anyone else? Cause we rebutted and we didn't know. You can speak.
2675
2676 Mr. Blankinship- There's no one on Webex.
2677
2678 Mr. Green- Thank you.
2679
2680 Ms. Ballock- My name is Judy Ballock. I live at 1421 Crystal Springs Lane.
2681 Down in the bottom the road ends. There is a driveway that drops down into the end of
2682 the road down there. And that's where we live and we have to come out of there and
2683 there's not, we get blocked in from time to time. And if we have another house on the
2684 property, we're not going to be able to get in and out like we need to. We're at the very
2685 end.
2686
2687 Mr. Blankinship- She's the owner of the building that you've asked about
2688 several times, Mr. Lawrence, if you wanted to ...
2689
2690 Mr. Lawrence- So, you own the other lot that's across from 1421?
2691
2692 Mr. Blankinship- Fourteen twenty-one (1421) is across.
2693
2694 Mr. Lawrence- Did you all have to get a variance for your property?
2695
2696 Ms. Ballock- No, it was grandfathered in 66 years ago.
2697
2698 Mr. Lawrence- And what is the building that's just on the north side of your
2699 driveway?
2700
2701 Mr. Green- Mr. Gidley...
2702
2703 Mr. Johnson- Can you point to it?
2704
'05 Mr. Green- You can just answer it. I guess you need to go back to the mic
2706 and speak too since we asked everybody else and we're being fair.

2707
2708 Mr. Gidley- It just says; To whom it may concern, I own two parcels of land
2709 on 1421 and 1420 Crystal Springs Lane. Fourteen twenty (1420) is adjacent to 1440 and
2710 1421 is adjacent to 1440. I have no desire to have another dwelling on the property next
2711 to mine or adjacent to mine.
2712
2713 Mr. Green- Okay. Thank you. Do you have anything else to say sir?
2714
2715 Mr. Bilak- Yes. Yeah, out of the six properties on Crystal Springs Lane.
2716
2717 Mr. Green- We didn't get your name, I'm sorry.
2718
2719 Mr. Bilak- I'm sorry. Edward Bilak, B I L A K. Out of the six properties on
2720 Crystal Springs Lane. I own two at the very end. I own the one adjacent to that property
2721 and next to that property. And the access right there at the beginning of my property and
2722 adjacent, it's like no more than 10 feet. I just barely get my car through the driveway, and
2723 that's where the entrance is of the 1440 property. So, it's only like 10-foot-wide right in
2724 that area. Anyway.
2725
2726 Mr. Green- Okay. Thank you. Anyone else? Thank you. We...
2727
2728 Mr. Bilak- I just wanted to interject that like three-and-a-half years ago. I
2729 purchased gravel and I put down \$500 worth of gravel, like three, three-and-a-half years
2730 ago. And prior to three and a half years ago, I bought gravel for the whole driveway. I just
2731 thought I'd interject that.
2732
2733 Mr. Green- Thank you. Did we ever get an answer about that building?
2734 It's yours. What is that?
2735
2736 Mr. Blankinship- The building just on the north side of your driveway.
2737
2738 Mr. Green- What is that?
2739
2740 Mr. Bilak- ...
2741
2742 Mr. Green- Oh.
2743
2744 Mr. Blankinship- And, and you own both parcels, the one with the house and
2745 the one with the garage.
2746
2747 Mr. Bilak- At the very end of the property. My house is down there in a
2748 in a crevice.
2749
2750 Mr. Green- Okay. Alright, and no one else. Any other discussion? Is there
2751 a motion?
2752

753 Mr. Johnson- I move to defer this request, to allow additional time to address
2754 this neighbor's concerns.
2755
2756 Mr. Green- Okay, deferral. Alright, Mr. Johnson.
2757
2758 Mr. Johnson- And so, we get, so there's more ones that...
2759
2760 Mr. Green- Well, the vast majority are against it. I don't think there's any
2761 movement...
2762
2763 Mr. Johnson- We don't have any dates to...
2764
2765 Mr. Green- No, what I'm saying, the next issue is if we approved it, ...
2766
2767 Mr. Johnson- If we denied it, we deny it.
2768
2769 Mr. Green- If we approve it, then they move to the next steps, they have
2770 to get the necessary permissions through other means.
2771
2772 Mr. Johnson- I'm deferring, yeah.
2773
2774 Mr. Lawrence- So, what you're saying, Mr. Johnson, is you would like to give
175 the applicant time to see if he can talk further with the property owners regarding personal
2776 property or getting access?
2777
2778 Mr. Johnson- Yes, without that ...
2779
2780 Mr. Broadway- That doesn't seem very likely.
2781
2782 Mr. Green- Yeah. No, I don't think that's going to work, Mr. Johnson. If we
2783 defer it. We need to either approve it or deny it. If we approve it, then that forces them to
2784 have to go through the necessary building, legal, the title search, attorney people to do
2785 all of that, then look for access. If we deny it, it goes away. But deferring it won't do
2786 anything. So, either, either deny it or approve it.
2787
2788 Mr. Johnson- Okay.
2789
2790 Mr. Blankinship- Just to keep the record straight, does anybody second the
2791 motion to defer?
2792
2793 Mr. Lawrence- Well, I'll second the motion. If that's what Mr. Johnson would
2794 like to do.
2795
2796 Mr. Green- Alright.
'97
2798 Mr. Blankinship- Okay, there's a motion and a second.

2799

2800 Mr. Broadway- But if there's no second the motion dies.

2801

2802 Mr. Green- Well, he said he seconds, so we either approve it or kill it.

2803

2804 Mr. Blankinship- There's a motion on the floor.

2805

2806 Mr. Green- All in favor of deferral say aye. Raise your hands. Raise your

2807 hands so we can see.

2808

2809 Mr. Blankinship- Two votes in favor and three votes in opposition. No action

2810 has been taken.

2811

2812 Mr. Johnson- So, no action. Okay.

2813

2814 A motion by Mr. Johnson, seconded by Mr. Lawrence to defer case VAR-2025-100443

2815 failed.

2816

2817

2818	Affirmative:	Johnson, Lawrence	2
2819	Negative:	Broadway, Green, Massie	3
2820	Absent:		0

2821

2822

2823 Mr. Green- Now we need another motion?

2824

2825 Mr. Blankinship- Yes. A motion would be in order.

2826

2827 Mr. Green- Well, since you did that, I'll make a motion. I move that we

2828 approve the variance subject to the conditions recommended by the staff. The lot is large

2829 enough to meet the requirements for a house. Without variance, the property has no

2830 reasonable use. Crystal Springs Lane provides adequate access to the property. The

2831 other tests are met, as stated in the staff report. Then the other thing I would say is that if

2832 we approve this, then it goes to the various legal, the building legal challenges and all of

2833 that. So, there's not a guarantee that this thing is going to happen. So, is there a second

2834 to this?'

2835

2836 Mr. Broadway- Second.

2837

2838 Mr. Green- Motion made and seconded. All those who are in support this,

2839 please say, or raise your hand. Raise your hand. Approved.

2840

2841 Mr. Blankinship- Three in favor?

2842

2843 Mr. Green- No, it's unanimous.

2844

845 Mr. Blankinship- Oh, I'm sorry?
 2846
 2847 Mr. Green- They raised their hands.
 2848
 2849 Mr. Blankinship- Oh, I did not see that. Thank you.
 2850
 2851 Mr. Green- So, it's been approved. Next case.
 2852

2853 On a motion by Mr. Green, seconded by Mr. Broadway, the Board **approved case VAR-**
 2854 **2025-100443** subject to the following conditions:
 2855

2856 1. This variance applies only to the public street frontage requirement for one dwelling
 2857 only. All other applicable regulations of the County Code remain in force.
 2858

2859 2. This variance applies only to the improvements shown on the plot plan and building
 2860 design filed with the application, with the exception that the front elevation of the home
 2861 and all exterior sides of the foundation must be constructed with brick. Any substantial
 2862 changes or additions to the design or location of the improvements will require a new
 2863 variance. Any additional improvements must comply with the applicable regulations of the
 2864 County Code.
 2865

2866 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant
 2867 must obtain approval of an environmental compliance plan from the Department of Public
 2868 Works. The applicant may be required to analyze and provide solutions to minimize
 2869 drainage impacts on downstream properties. Corps of Engineers and DEQ permits may
 2870 be required.
 2871

2872 4. At the time of building permit application, the applicant must provide evidence of Health
 2873 Department approval of a private water supply and onsite sewage disposal system
 2874 applying current VDH standards, including identification of primary and 100% reserve
 2875 drainfield areas.
 2876

2877 5. At the time of building permit application, the applicant must present evidence that a
 2878 legal access to the property has been obtained. The driveway must be maintained in a
 2879 manner sufficient to provide access for police, fire, emergency medical services, and
 2880 other vehicles. The surface must be at least 10 feet wide with 12 feet of horizontal
 2881 clearance and 14 feet of overhead clearance. The owners of the property, and their heirs
 2882 or assigns, must maintain access to the property.
 2883

2884 6. The applicant must obtain a building permit for the proposed dwelling by April 24, 2027,
 2885 or this variance will expire. After that date, if the building permit is cancelled or revoked
 2886 due to failure to diligently pursue construction, this variance will expire at that time.
 2887

2888
 2889 **Affirmative:** Broadway, Green, Johnson, Lawrence, Massie 5
 2890 **Negative:** 0

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Absent:

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VAR-2025-100444 - Capital City Homes, LLC: variance from the public street frontage requirement to build a single-family dwelling at 8946 Osborne Turnpike, Varina. Parcel 804-677-6988. Zoning: R-2A, One-Family Residence District. Code Section: 24-4306.E.1. The applicant has 0 feet public street frontage where the Code requires 50 feet public street frontage. The applicant requests a variance of 50 feet public street frontage.

Mr. Blankinship- Alright, the next case is Variance 2025-100444 Capital City Homes, LLC: a variance from the public street frontage requirement to build a single-family dwelling at 8946 Osborne Turnpike, in the Varina Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in.

Mr. Green- You all.

Mr. Blankinship- They're already under oath, you remain under oath. Oh, okay, here's the new person. Raise your right hands please. Do you swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Alright, Mr. Gidley.

Mr. Gidley- Yes, sir. It's down here. There was a petition that was submitted by an adjacent property owner. You should have that at your desk.

Mr. Blankinship- Yeah, that was left at the table. There was also a package of information including speaker's notes she wanted you to have in advance. It's in the little binder clip, the small binder clip.

Mr. Lawrence- This one right here?

Mr. Blankinship- Yeah, that's the one, yes. Thank you.

Mr. Gidley- Okay, sure. The subject property is located off a private access easement 850 feet west of Osborne Turnpike. It consists of an acre of land that was divided in 1997 from a larger parcel that went out to and had frontage on Osborne Turnpike. The applicant again is interested in purchasing the property to construct a single-family dwelling. While it complies with the lot area and lot width requirements, because it lacks public street frontage, it is not buildable, as a result, he has applied for the required variance to enable a home to be built here.

In reviewing this request, at least one threshold test must be met. Looking at whether or not the property's unreasonably restricted; since this was done in 1997, ideally, it should not have been created as public street frontage was required at the time. However, as I mentioned earlier, in Varina typically a lot of these lots were created, and variances were obtained, and that's how business was done over there at the time. In this case, the lot

937 complies the lot area and lot width requirements and to deny the only practical use,
2938 namely a dwelling, over 28 years after its creation could be considered an unreasonable
2939 restriction on the use of the property. If at least one threshold test is met, we look at the
2940 five subtests. As noted in your staff reports, staff believes all five are met. Again, I'll look
2941 briefly at the detrimental impact. As you can see here, the proposed access road goes all
2942 the way down to this property here. The land across from the private drive is vacant
2943 currently, and there are two adjacent homes here. A proposed dwelling should be
2944 consistent with the surrounding area. These are the proposed elevations from the
2945 applicant right here. As noted, the lot complies with the lot area and lot width
2946 requirements, and as you can see here, the home would also meet setback requirements.
2947 As a result, staff does not believe construction of a single-family home here would have
2948 a detrimental impact on nearby property. This is a view of the road coming down from
2949 Osborne, as you go back further, however, the condition of it does deteriorate, as you can
2950 see here. Condition number five is a standard condition, and it would require the applicant
2951 to improve this section of the road. And this should actually benefit the property owner
2952 who submitted the petition, who lives back here to the left, by improving this road if this
2953 was granted. I would address the access here briefly because I was in communication
2954 with one of the opponents, and so I looked at this rather closely. The deed here was better
2955 than most deeds when it came to granting access. It specifically mentioned ingress and
2956 egress to the property. The easement, the 15, I'm sorry, the 30-foot access easement
2957 was already in place at the time the lot was created. It was entirely on the property of the
2958 property owner who created this lot, so they had the right to grant access. And again, it
2959 does state ingress and egress, so it's better, clearer language than what we would
2960 typically get for properties in this area.

2961
2962 So, in conclusion, the property is suitable for a dwelling, however, it is unable to be used
2963 for one due to the lack of public street frontage. There's no other reasonable use of the
2964 property. A single-family dwelling is consistent with the surrounding land uses and the
2965 approval would require the road to be improved to the standard set in the condition. As a
2966 result, staff does not believe there's a substantial detrimental impact if there was a home
2967 built here, therefore we recommend approval subject to the conditions in your staff report.
2968 If you have any questions, I'll be more than happy to answer them. Thank you.

2969
2970 Mr. Green- Any questions from the board to staff? Hearing none, we'll
2971 hear from the applicant.

2972
2973 Mr. Jones- Hey, good morning. I guess, similar to before, I appreciate you
2974 guys looking at the application, taking the time to review it, and like the other one, I agree
2975 with all of the staff recommendations in terms of, you know, the road improvement and
2976 everything else that goes along with building that new single-family home?

2977
2978 Mr. Blankinship- You're Barry Jones, correct?

2979
2980 Mr. Jones- Yes, sir.

2981
2982 Mr. Blankinship- Just for the person typing the minutes, yeah.

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Mr. Jones- Sorry, I'm sorry. Yeah, my name's Barry Jones.

Mr. Green- Any questions from the board to the applicant? None. Is there anyone in the audience to speak? Anyone in the audience to speak and/or Webex to speak for and/or against this?

Mr. Blankinship- There's again no one on Webex for this case.

Mr. Green- Okay. And please state your name, spell it, and your position for or against.

Ms. Yeager- Sure, sure. My name, good morning. My name is Shawnee Yeager, Y E A G E R, and I'm a resident owner of 8940 Osborne Turnpike. I'm here to strongly oppose the variance request for 8946 Osborne, which seeks to bypass Henrico County's long-standing requirement for public street frontage. My opposition is going to echo some of the sentiments already stated. I did practice my speech, and it's about three and a half minutes, so I just hope that you would just afford me the patience if you could. My opposition is based on five key points. One is increased maintenance and financial burden. Most of our driveway, as you saw, is a narrow, undulating, potholed, dirt driveway. But unfortunately, more specifically, the grade of the driveway slopes downward towards my property as I live in a downhill grade to the... I'm the last house on the property. The property that's on the other side of mine is actually a swamp, like standing water constantly. When there's a heavy rain it will result in heavy sheet flow and flooding down the driveway, proximal to my lot, eroding the remaining gravel and grossly exceeding the capacity of the singular culvert. Again, extending past the property in question. The hard compacted and improved driveway detailed in the application would ease access for proximal residents and a portion of my travel to my home, but should that not extend the entire perimeter, the entire drive would actually increase the volume and velocity of all run-off. Which ends up on my property as the last home on the downhill grade. This already requires tremendous cost and effort for me to upkeep. Increased traffic and future use, regardless of the composition of the driveway, of course, would significantly accelerate erosion and infrastructure failure costs that I and other residents would be forced to bear. Two, is drainage and erosion impact. As my property lies downhill to the property in question, the runoff doesn't just impact my driveway, it has the potential to damage my home. I've had to make costly drainage improvements because the perimeter, the distal perimeter of this lot actually led to ponding near my foundation during heavy storms. And certainly, new impervious surfaces and construction runoff from what is proposed would, you know, potentially worsen than that problem. The third point is diminished property value. I purchased my home, I think it was 21, maybe 20. It was a blur, COVID era, right? But I purchased it with the understanding that 8946 was in fact landlocked. This seclusion and security from further development provided by the regulation in place were central to its appeal to me specifically. Especially for a modest 900 or 850-square-foot, two-bedroom home like mine. The proposed structure does not bear any resemblance to the existing homes along this easement other than being simply single-family and would significantly alter the character of the area. This isn't just a

3029 personal difference. After speaking with real estate professionals, it's clear that the
3030 privacy and rural character offered by the current zoning regulations do contribute to my
3031 property's value. If these protections are lifted, so could that value be? The National
3032 Bureau of Economic Research also confirms that property values tend to drop when
3033 unplanned development is permitted. Four out of five, I promise, is damaging precedents.
3034 Approving this variance opens the door for more non-conforming developments that
3035 further increase cumulative impacts. The applicants stated that requests like these are
3036 sporadic in the area while having, as you know, two identical requests on the agenda
3037 today. But as the staff analysis of course noted, these requests are uncommon precisely
3038 because the county already thoughtfully amended the ordinance to discourage
3039 development of landlocked parcels. This fact is the reason that our community created a
3040 petition with 32 nearby residents, to include the residents that currently exist along the
3041 easement, who understand and support opposition to this variance. We strongly feel that
3042 those of us who purchased homes, understanding the existing zoning rules, shouldn't
3043 have to bear the consequences of a variance that disregards them. I do believe that any
3044 hardship created by the owner and potential purchaser/developer in reality is self-
3045 imposed, because the property was originally purchased and now is potentially going to
3046 be purchased with the full knowledge of zoning restrictions and the inability to develop it
3047 was a foreseeable outcome. This was a calculated risk, and I don't believe it was an
3048 inherent hardship. Lastly, there's the stipulation of no other beneficial use. To assert that
3049 there's no other reasonable beneficial use for the parcel assumes development is the only
3050 valid outcome, which is not the case. The property could serve certainly as open space
3051 for a buffer for neighboring lots, or to serve to expand a neighbor's property. Uses that
3052 respect both zoning and the area's character. Thus, the property retains reasonable
3053 beneficial use without additional residential development. I don't believe that all land is
3054 entitled to be developed simply because it exists. The burden to make a property
3055 profitable, which is the kind of the, in question here, the purpose of purchasing. I don't
3056 believe that should be shifted onto neighbors through variances that damage their
3057 property's net value. This is especially true, I believe with the zoning restrictions being
3058 well established at the time of purchase. For these reasons, I and those that have
3059 supported me through signing the petition, which to let you know, I spoke to my neighbors
3060 who've been in Varina for a long time... I spoke to people I met at Osborne Park when I
3061 was taking my kids to play and just anyone who would listen... And all of us do respectfully
3062 urge the board to deny the request, of course, and uphold the existing standards. And I
3063 of course appreciate your time, consideration, and patience to allow me to share these
3064 thoughts.

3065
3066 Mr. Green- And your name again?

3067
3068 Mr. Blankinship- Shawnee Yeager.

3069
3070 Ms. Yeager- Shawnee Yeager.

3071
3072 Mr. Green- Ms. Yeager, that was excellent, and I think the county is going
3073 to recruit you to come work for them.

3074

3075 Ms. Yeager- I'm busy, but I'll consider it.
3076
3077 Mr. Green- You were very succinct, you were, it was non-opinionated,
3078 and it was excellent.
3079
3080 Ms. Yeager- Thank you. I appreciate that. I tried to remove my incredible
3081 amount of passion for this and speak to the facts.
3082
3083 Mr. Green- Well, there's nothing wrong with passion, but we heard the
3084 passion. That's why it's good. We heard the passion from the other case and now we've
3085 heard some concrete information from you. But I just wanted, you know, to thank you.
3086
3087 Ms. Yeager- Thank you, very much. I appreciate that.
3088
3089 Mr. Green- Are there any questions, anyone else?
3090
3091 Mr. Lawrence- I've got a question, Mr. Chairman. I'm a little confused
3092 because we have a staff report here that says that, you know, one of the threshold tests
3093 for variances is that the hardship cannot be self-imposed and yet Ms. Yeager's telling me
3094 that the hardship was self-imposed. So, can you elaborate on that, Mr. Gidley?
3095
3096 Mr. Gidley- Yes, sir, I can do that.
3097
3098 Mr. Blankinship- Do you want me to answer that?
3099
3100 Mr. Gidley- There's two aspects to get to that, so to speak. One is in the
3101 threshold test for a variance, the other is in the subtests. One of the five subtests is that...
3102
3103 Mr. Lawrence- Sorry, I misspoke, I said the threshold and I should've said the
3104 subtest.
3105
3106 Mr. Gidley- Yeah, but both could be relevant. The subtest states the
3107 property interest for which the variance is being requested was acquired in good faith and
3108 any hardship not be created by the applicant for the variance. And staff stated the contract
3109 purchaser did not create the hardship, and the State Supreme Court of Virginia has
3110 determined that it is not a violation of good faith for a property owner to acquire property
3111 knowing that a variance is required for its development.
3112
3113 Mr. Lawrence- So, the fact that it had no public access is not in itself in conflict
3114 with that subtest?
3115
3116 Mr. Blankinship- The fact that he's buying the property "as is" knowing that he
3117 needs a variance in order to approve it, you would think, I used to think logically meant,
3118 well, that he's not buying it in good faith, he buys it knowing that he can't build on it and
3119 then says well I want to build on it. The Virginia Supreme Court has said the opposite.
3120 The Virginia Supreme Court has said the current owner has the right to apply for a

121 variance. And so, a buyer of the property is essentially buying that right from the current
3122 owner. If that makes more sense, I don't know.

3123
3124 Mr. Lawrence- It does. Thank you.

3125
3126 Mr. Gidley- I would mention one thing for the board's education. As far as
3127 the threshold tests, and a reasonable use of the property. When this was created in 1997,
3128 the requirement for public street frontage was in effect. So, the property owner really
3129 shouldn't have created the lot at the time, or the person who owned the overall acreage
3130 out there. As I indicated, however, the reality was until the Code was changed to make
3131 this more of a subdivision issue. In Varina anyway, given the rural nature, a lot of people
3132 were creating lots, including, you know, for loved ones and what have you. And it was just
3133 the way business was done at the time as people came in and typically got variances for
3134 these. And eventually Code was tightened up and now you can't create lots without going
3135 through either the family subdivision process or at least getting signed off from the
3136 Planning Department, which would have us review these. But of course, you have lots
3137 that were created like this one was, you know, roughly 30 years ago that are still sitting
3138 there. And then the question is what becomes of those? And so, staff tends to look at
3139 those on a case-by-case basis and say, hey, can they build on this? Do they have access?
3140 Would they meet setbacks and other requirements like that, so. Those that kind of fall in
3141 that time frame, we just take it case by case.

3142
3143 Ms. Yeager- And Mr. Gidley, this may be incorrect, and you can correct me
3144 if it is, but the public street frontage was enacted in like 1960, right?

3145
3146 Mr. Gidley- Yes.

3147
3148 Ms. Yeager- And then this lot being purchased in 1997 by the current
3149 purchaser who was the owner of my home, Miss Marston, and represented likely by her
3150 son, who has power-of-attorney, and the potential purchaser was actually the one who
3151 owns this lot in question and previously owned my home as well.

3152
3153 Mr. Lawrence- So, does Miss Marston still own this lot?

3154
3155 Ms. Yeager- She owns it and then I believe her son is her power-of-
3156 attorney.

3157
3158 Mr. Blankinship- And Mr. Jones is under contract to purchase...

3159
3160 Mr. Lawrence- And he's the applicant. But in the last case, in the last case
3161 we had the applicant, the applicant actually owned the property.

3162
3163 Mr. Blankinship- No, it's the same situation.

3164
165 Mr. Lawrence- It's the same situation. Okay.

3166

3167 Mr. Blankinship- He's the contract purchaser, yes sir.
3168
3169 Mr. Lawrence- Okay.
3170
3171 Ms. Yeager- Who has not yet closed on the land. It's still currently owned
3172 by Miss Marston and is in its study period. But when she occupied the home, she owned
3173 the property, my property, and the property in question, that she purchased in 1997 from
3174 the man at 8948 or 8940, who owns the ten acres at the most proximal portion of our
3175 driveway.
3176
3177 Mr. Lawrence- So, the applicant has no financial interest in the property
3178 unless...
3179
3180 Ms. Yeager- This variance is approved.
3181
3182 Mr. Lawrence- ... this variance is approved, ...
3183
3184 Ms. Yeager- Correct.
3185
3186 Mr. Lawrence- Then the contract goes forward.
3187
3188 Ms. Yeager- Right.
3189
3190 Mr. Gidley- So, you see this parcel here, they owned all the way back to
3191 here at one point.
3192
3193 Ms. Yeager- Yes.
3194
3195 Mr. Gidley- And then they went ahead and split off lots to...
3196
3197 Mr. Lawrence- Was that Miss Marston?
3198
3199 Mr. Gidley- No, it was, she purchased, she and her husband purchased
3200 this in 1997 from the property owner who split these lots off? And two of them since have
3201 had homes built on them, and then this one here remains vacant.
3202
3203 Mr. Blankinship- And variances were approved for the homes that were built
3204 there.
3205
3206 Ms. Yeager- My house is so old that I don't, it predates the variance of the
3207 street frontage requirement.
3208
3209 Mr. Blankinship- That's correct.
3210
3211 Mr. Gidley- I think it was this one here that has the variance.
3212

213 Mr. Blankinship- The 8944 is the one I'm looking at, had a variance in 1990.
3214
3215 Ms. Yeager- Sure. Yes sir.
3216
3217 Mr. Lawrence- But if you wanted to live in your house today, you would have
3218 to come before this board for a variance, right?
3219
3220 Mr. Blankinship- If there was no house there.
3221
3222 Ms. Yeager- If I wanted new construction on it?
3223
3224 Mr. Lawrence- Yeah.
3225
3226 Ms. Yeager- Oh, certainly. Yeah.
3227
3228 Mr. Green- Any other questions from the board to the applicant? Is there
3229 anyone else to speak for or against this? Anyone on Webex, you said there was no one
3230 on Webex?
3231
3232 Mr. Blankinship- Almost positive there's no one on Webex. But I just want to
3233 double check because I haven't looked for a moment. There's no one on Webex
3234
3235 Mr. Green- Any rebuttal from the applicant? Okay. Hearing none, we've
3236 heard the case and need to move on with a motion.
3237
3238 Mr. Johnson- Well, I move that we deny this variance. And there's already
3239 two houses on this private road. The property, along with two other lots that could apply
3240 for ... The owners should not have subdivided the lot with no street frontage. Public streets
3241 are necessary for orderly development.
3242
3243 Mr. Green- Is there a second?
3244
3245 Mr. Lawrence- I'll second the motion, Mr. Chairman.
3246
3247 Mr. Green- Any discussion? All in favor of the motion say aye.
3248
3249 Board- Aye.
3250
3251 Mr. Green- Opposed?
3252
3253 Mr. Broadway- Opposed.
3254
3255 Mr. Blankinship- I'm sorry, did you vote in favor?
3256
3257 Mr. Green- Well, well, I'm going to hold it until, ...
3258

3259 Mr. Blankinship- Okay. I'm sorry I misunderstood.
3260
3261 Mr. Green- Yeah. I'll decide, I'll be...
3262
3263 Mr. Blankinship- Mr. Massie? Just I didn't get yours either.
3264
3265 Mr. Massie- I'm opposed.
3266
3267 Mr. Blankinship- Alright, so it comes to the chair. There are two of each.
3268
3269 Mr. Green- Can we discuss a reason why?
3270
3271 Mr. Broadway- It just seems inconsistent with what we previously did.
3272
3273 Mr. Green- I'm opposed. We need another motion.
3274
3275 Mr. Blankinship- Yeah, the motion has failed. No action has been taken and a
3276 new motion would be in order.
3277
3278 A motion by Mr. Johnson, seconded by Mr. Lawrence **to deny the variance failed.**
3279
3280
3281 **Affirmative: Johnson, Lawrence 2**
3282 **Negative: Broadway, Green, Massie 3**
3283 **Absent: 0**
3284
3285
3286 Mr. Green- Another motion. Someone else pass me the motion.
3287
3288 Mr. Johnson- Here you go. Let's go forward then.
3289
3290 Mr. Broadway- Mr. Chairman, I would move that we approved the application
3291 again consistent with the conditions set out by the staff.
3292
3293 Mr. Green- Is there a second?
3294
3295 Mr. Massie- I second.
3296
3297 Mr. Green- Motion is made. Any discussion? Hearing no discussion, all in
3298 favor say aye.
3299
3300 Board- Aye.
3301
3302 Mr. Green- Opposed? We need to put a record. What did you vote? We
3303 need it for the record.
3304

305 Mr. Lawrence- I vote opposed.
 3306
 3307 Mr. Green- What about you, Mr. Johnson?
 3308
 3309 Mr. Johnson- Opposed.
 3310
 3311 Mr. Green- Motion passes 3-2. Alright, next case.
 3312

3313 On a motion by Mr. Broadway, seconded by Mr. Massie, **the Board approved case VAR-**
 3314 **2025-100444** subject to the following conditions:
 3315

- 3316 1. This variance applies only to the public street frontage requirement for one dwelling
 3317 only. All other applicable regulations of the County Code remain in force.
 3318
- 3319 2. This variance applies only to the improvements shown on the plot plan and building
 3320 design filed with the application. Any substantial changes or additions to the design or
 3321 location of the improvements will require a new variance. Any additional improvements
 3322 must comply with the applicable regulations of the County Code.
 3323
- 3324 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant
 3325 must obtain approval of an environmental compliance plan from the Department of Public
 3326 Works. The applicant may be required to analyze and provide solutions to minimize
 3327 drainage impacts on downstream properties. Corps of Engineers and DEQ permits may
 3328 be required.
 3329
- 3330 4. At the time of building permit application, the applicant must provide evidence of Health
 3331 Department approval of a private water supply and onsite sewage disposal system
 3332 applying current VDH standards, including identification of primary and 100% reserve
 3333 drainfield areas.
 3334
- 3335 5. At the time of building permit application, the applicant must present evidence that a
 3336 legal access to the property has been obtained. Prior to certificate of occupancy, the
 3337 driveway must be improved with a durable asphalt or compacted gravel surface sufficient
 3338 to provide access for police, fire, emergency medical services, and other vehicles. The
 3339 surface must be at least 10 feet wide with 12 feet of horizontal clearance and 14 feet of
 3340 overhead clearance. The owners of the property, and their heirs or assigns, must maintain
 3341 access to the property.
 3342
- 3343 6. The applicant must obtain a building permit for the proposed dwelling by April 24, 2027,
 3344 or this variance will expire. After that date, if the building permit is cancelled or revoked
 3345 due to failure to diligently pursue construction, this variance will expire at that time.
 3346

3347
 3348 **Affirmative:** Broadway, Green, Massie 3
 3349 **Negative:** Johnson, Lawrence 2
 3350 **Absent:** 0

397 setbacks, it would be smaller and inconsistent with the surrounding homes and arguably
3398 go against the proffered conditions as well. Due to the shape of the lot constraining the
3399 buildable area, it is arguably unreasonable to impose the full 40-foot rear yard setback on
3400 this property. And looking at the five subtests real briefly, as stated in your staff report,
3401 staff believes these are met. Again, if you build into the rear setback a little bit here, you
3402 have this 225-foot-wide easement back here, so there's really no detrimental impact to
3403 the easement. Its feelings are not going to be hurt as such. The HOA has approved the
3404 applicant's request, and Dominion Power has also been given the opportunity to comment
3405 and they said they had no comments. So, there doesn't appear to be any detrimental
3406 impact from the applicant's request in this case.

3407
3408 So, in conclusion, the property is suitable for a dwelling but constrained by the odd shape
3409 of the lot, and neither the owner nor the purchaser caused the hardship and there would
3410 be no detrimental impact on nearby property. As a result, staff recommends approval of
3411 this request subject to the conditions in your staff report. If you have any questions, I'll be
3412 happy to answer those.

3413
3414 Mr. Lawrence- Does Mr. Massie or anyone on the board have any questions
3415 of staff before we hear from the applicant?

3416
3417 Mr. Massie- I have no questions.

3418
3419 Mr. Lawrence- Okay, we'll hear from the applicant.

3420
3421 Mr. Walker- Good morning. My name is Eric Walker. I'm with Ridge
3422 Homes. I'm proposing a variance to build a single-family dwelling at 3917 Seasons Lane.
3423 This variance request is to allow me to build a home that's more consistent with the
3424 neighborhood and as a result, I'm requesting the variance to encroach into the rear yard.
3425 I'm happy to answer any questions.

3426
3427 Mr. Lawrence- Thank you sir. Anyone on the board have any questions? Mr.
3428 Massie or anyone else?

3429
3430 Mr. Massie- No, sir.

3431
3432 Mr. Lawrence- No questions? Okay, Mr. Blankinship, can we check and see
3433 if there's anyone here opposed or in favor? Well, there's no one here.

3434
3435 Mr. Blankinship- There is no one else on Webex.

3436
3437 Mr. Lawrence- Okay, having said that, any more discussion by the board or
3438 are you ready for a motion, Mr. Massie?

3439
3440 Mr. Massie- I move that we approve the variance subject to the conditions
3441 recommended by the staff. This lot is shallow because of the street and the power line,
3442 the variance is necessary to build a house that will be consistent with the neighborhood,

3443 and it will be unreasonable to apply the same setback factors to this property that's on
3444 the rest of the lots on the street, which are much deeper. The subtests are met, as stated
3445 in the staff report.

3446
3447 Mr. Green- Second.

3448
3449 Mr. Lawrence- Okay, we have a motion by Mr. Massie, a second by Mr.
3450 Green.

3451
3452 Mr. Lawrence- All in favor say aye.

3453
3454 Board- Aye.

3455
3456 Mr. Lawrence- All opposed no. Motion carries.

3457
3458 Mr. Blankinship- Thank you for your patience, waiting until almost noon.

3459
3460 Mr. Walker- Thank you.

3461
3462 On a motion by Mr. Massie, seconded by Mr. Green, the Board approved case VAR-
3463 2025-100616 subject to the following conditions:

3464
3465 1. This variance applies only to the rear yard setback requirement for one dwelling only.
3466 All other applicable regulations of the County Code remain in force.

3467
3468 2. This variance applies only to the improvements shown on the plat titled, "Proposed
3469 Dwelling 3917 Seasons Lane" prepared by Parker Consulting, LLC, dated 03/05/25, and
3470 the building design titled "Farmington" filed with the application. Any substantial changes
3471 or additions to the design or location of the improvements will require a new variance.
3472 Any additional improvements must comply with the applicable regulations of the County
3473 Code.

3474
3475 3. This variance is subject to the conditions proffered with rezoning case C-17C-12.

3476
3477 4. Before beginning any clearing, grading, or other land disturbing activity, the applicant
3478 must obtain approval of an environmental compliance plan from the Department of Public
3479 Works. The applicant may be required to analyze and provide solutions to minimize
3480 drainage impacts on downstream properties. Corps of Engineers and DEQ permits may
3481 be required.

3482
3483 5. Any dwelling on the property must be served by public water and sewer.

3484
3485 6. The applicant must obtain a building permit for the proposed dwelling by April 24, 2027,
3486 or this variance will expire. After that date, if the building permit is cancelled or revoked
3487 due to failure to diligently pursue construction, this variance will expire at that time.

3488

489
 3490 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Massie** **5**
 3491 **Negative:** **0**
 3492 **Absent:** **0**

3493
 3494

3495 Mr. Blankinship- Mr. Chair, you ask me this sometimes. This is a classic case
 3496 of where two years ago the answer would have been absolutely not. There's no way to
 3497 justify a variance. Because he can build a house on that lot. But under the new Court of
 3498 Appeals ruling, in my view, at least, I agree with the outcome that you can look at that lot
 3499 and see it's unreasonable to impose the same rear yard on this as on the other lots on
 3500 that street. So, it's a good example of that change in the...

3501

3502 Mr. Green- Motion to approve minutes?

3503

3504 Mr. Blankinship- There are no minutes this month, sorry. Staff troubles.

3505

3506 Mr. Green- Defer approval of minutes.

3507

3508 Mr. Blankinship- We'll have them for you. We'll have two sets for you next
 3509 month.

3510

11 Mr. Green- Is there a motion to adjourn. Well, if we stay till twelve...

3512

3513 Mr. Blankinship- I am not buying you lunch!

3514

3515 {inaudible}

3516

3517 Mr. Green- Adjourned.

3518

3519

3520 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Massie** **5**

3521 **Negative:** **0**

3522 **Absent:** **0**

3523

3524

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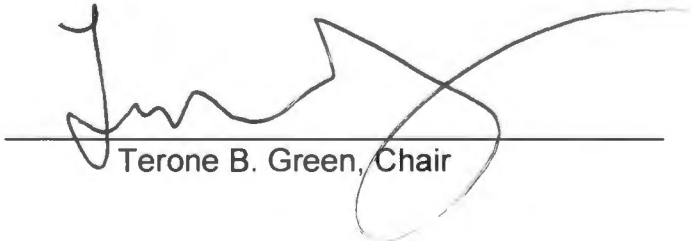
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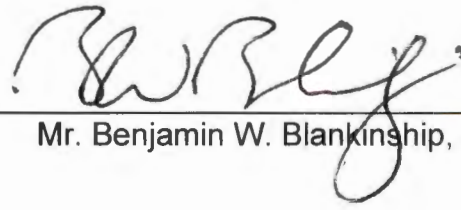
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Terone B. Green, Chair

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3539



Mr. Benjamin W. Blankinship, Secretary