

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY**
3 **ADMINISTRATION BUILDING IN THE HENRICO COUNTY GOVERNMENT**
4 **COMPLEX, ON THURSDAY, AUGUST 24, 2006, AT 9:00 A.M., NOTICE**
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH AUGUST**
6 **3 AND AUGUST 10, 2006.**

7

Members Present: **James W. Nunnally, Chairman**
 Richard Kirkland, CBZA, Vice-Chairman
 Elizabeth G. Dwyer
 Helen E. Harris
 R. A. Wright

Also Present: **David D. O’Kelly, Assistant Director of Planning**
 Benjamin Blankinship, Secretary
 Paul Gidley, County Planner
 Ann B. Cleary, Recording Secretary

8

9

10 Mr. Nunnally - Good morning, ladies and gentlemen. We welcome
11 you to our August meeting of the Board of Zoning Appeals. We ask you to please
12 stand and join us in the **Pledge of Allegiance to the Flag of Our Country**.
13 Thank you. Mr. Blankinship, do we have any deferrals or withdrawals?
14

14

15 Mr. Blankinship - No sir. We have one deferred case from last month,
16 but no request to defer this month.

17

18 Mr. Nunnally - Okay.

19

20 Mr. Kirkland - Mr. Chairman, I’d like to add to the agenda. I guess it
21 was left off, but we need to have the elections today for the Chairman and Vice
22 Chairman. So, I would like to put that before the approval of the Minutes.
23

23

24 Mr. Blankinship - Is there any objection?

25

26 Ms. Dwyer - Is there any problem with not publishing that?

27

28 Mr. Kirkland - We don’t publish it.

29

30 Ms. Dwyer - We don’t publish that in the paper?

31

32 Mr. Blankinship - We don’t normally publish that in-house.

33

34 Ms. Dwyer - Okay.

35

36 Mr. Nunnally - Everybody in agreement with that?
37
38 Ms. Dwyer - Yes.
39
40 Mr. Nunnally - Let's call the first case, Mr. Blankinship.
41
42 **UP-30-2006** **West End Assembly of God**, requests a temporary
43 conditional use permit pursuant to Section 24-
44 116(c)(1) to erect a temporary box office and a tent at
45 401 N. Parham Road (Parcel 753-736-0655), zoned
46 R-1, One-Family Residence District (Tuckahoe).
47
48 Mr. Nunnally - Is anyone else here interested in this case? If so,
49 would you please stand and raise your right hand.
50
51 Mr. Blankinship - Do you swear the testimony you're about to give is
52 the truth, the whole truth, and nothing but the truth, so help you God?
53
54 Mr. Ruland - I do.
55
56 Mr. Nunnally - Please state your name for the record, sir, and tell us
57 what you're requesting.
58
59 Mr. Ruland - My name is Terry Ruland. I represent West End
60 Assembly of God. We are requesting a temporary box office facility and also a
61 tent to be erected. The box office is for our ticket sales. The tent is for some
62 temporary storage out back and it helps us to take care of some fire marshal
63 concerns that we've had over the past year or so.
64
65 Ms. Dwyer - Have you read the police recommendations?
66
67 Mr. Ruland - Yes ma'am, I have.
68
69 Ms. Dwyer - Do you have any comment about that?
70
71 Mr. Ruland - No. Several Henrico County patrolmen attend our
72 church and they do help with traffic control and surveillance. I looked at this
73 about two days ago. What I will do from here on out is talk to those folks and
74 help them to become involved in meeting those requirements.
75
76 Ms. Dwyer - One of their concerns, I think, was that there would be
77 cash in the trailer and the trailer might be somewhat vulnerable. Do you have
78 cash transactions that take place in that trailer or is most of your business by
79 phone and credit card?
80

81 Mr. Ruland - We do have some. Last year, we commissioned a
82 web-based Internet service where you can actually go online and select the
83 seats. Over 50% of our work is probably done in that regard. A lot of it is also
84 credit card, some checks, and we have some cash. So, we will probably look at
85 that with a little bit more importance this year.

86

87 Ms. Dwyer - I would just recommend, since the police did seem to
88 have quite a few suggestions in that regard, that you get the police officers who
89 are part of your program to work with you on that.

90

91 Mr. Nunnally - I think there's an error in that report. It says, "You are
92 encouraged to accept cash."

93

94 Mr. Blankinship - That is an error. "You are encouraged *not* to accept
95 cash," is how it should read. That was sent to us after the agenda was put
96 together.

97

98 Mr. Wright - Sir, do you normally have a safe in the trailer?

99

100 Mr. Ruland - Yes, there's a safe in the trailer and then there's a
101 safe in the church, a larger safe. So, we transfer at least once a day and I think
102 we'll look at doing that probably more often since the report has come out.

103

104 Mr. Wright - Yes. Okay, thank you.

105

106 Ms. Harris - Were these the positions of the trailer and the tent last
107 year?

108

109 Mr. Ruland - Yes ma'am.

110

111 Ms. Harris - The very same position?

112

113 Mr. Ruland - Yes ma'am.

114

115 Mr. Wright - You didn't have any trouble last year, did you?

116

117 Mr. Ruland - No trouble. Seemed to work very well. The traffic flow
118 was very good. I see in the police report they'd like to see stuff from the road,
119 but we hid from the road because that was kind of the thought.

120

121 Mr. Wright - Six of one, half a dozen of the other.

122

123 Mr. Ruland - Right.

124

125 Mr. Wright - We want it hid from the road and the police don't want
126 it hid from the road.

127
128 Mr. Ruland - It's right next to the building where traffic drives
129 through or if a patrolman drove through he could easily see it.
130
131 Ms. Dwyer - Have you read the conditions, the suggestions?
132
133 Mr. Ruland - Yes ma'am, I have.
134
135 Ms. Dwyer - You're in agreement with those?
136
137 Mr. Ruland - Yes ma'am.
138
139 Mr. Nunnally - Any other questions of the applicant? I'll ask again, is
140 anyone in opposition to this request? Hear none, that concludes the case. Thank
141 you for coming, sir.
142
143 Mr. Ruland - Thank you very much.
144
145 **DECISION**
146
147 Mr. Nunnally - UP-30-2006, West End Assembly of God.
148
149 Ms. Dwyer - I move that we approve the case. Do we have any
150 condition changes on that?
151
152 Mr. Blankinship - If you're satisfied with the way we handled the police
153 report.
154
155 Mr. Kirkland - That was excellent.
156
157 Ms. Dwyer - Did everyone get Page 2 of this report, because I got
158 two of Page 1.
159
160 Mr. Kirkland - Page 1 was just so interesting.
161
162 Ms. Dwyer - It was. It was worth reading twice.
163
164 Mr. Blankinship - Ms. Vann's recommendations were just that—
165 recommendations. I found it very difficult to say you have to do this or you shall
166 not do this.
167
168 Ms. Dwyer - Right.
169
170 Mr. Blankinship - So, that was why I worded the condition the way I did.
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172 Ms. Dwyer - I think that's fine.

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Mr. Blankinship - Given the nature of the applicant, they want to be as safe and secure as possible, so I don't fear that they will refuse to cooperate.

Ms. Dwyer - I wouldn't recommend any changes to that condition. Has everyone seen those conditions? So, I move we approve the West Assembly of God request for the temporary conditional use permit.

Ms. Harris - Second the motion.

Mr. Nunnally - Motion by Ms. Dwyer, second by Ms. Harris to be approved. All in favor say aye. It's been approved.

After an advertised public hearing and on a motion by Ms. Dwyer, seconded by Ms. Harris, the Board **granted** application **UP-30-2006** for a temporary conditional use permit pursuant to 24-116(c)(1) to erect a temporary box office and tent at 401 N. Parham Road (Parcel 753-736-0655), zoned R-1, One-Family Residence District (Tuckahoe). The Board granted the temporary conditional use permit subject to the following conditions:

1. The trailer shall be removed from the site on or before December 13, 2006 and the tent shall be removed on or before January 31, 2007, at which time this permit shall expire.
2. The trailer shall not occupy any required handicapped-accessible parking spaces or block any walkways required for handicapped accessibility.
3. Any sanitary facilities in the trailer shall be connected to a disposal system approved by the health department.
4. The applicant shall cooperate with the Division of Police to implement the principles of Crime Prevention Through Environmental Design as outlined in the memorandum dated August 11, 2006.

Affirmative:	Dwyer, Harris, Kirkland, Nunnally, Wright	5
Negative:		0
Absent:		0

Mr. Nunnally - Mr. Blankinship, I'm sorry, I forgot to ask you to read the rules of the meeting, so would you do that for us now.

Mr. Blankinship - I just realized the same thing. Good morning, Mr. Chairman, Members of the Board, ladies and gentleman. The rules for this meeting are as follows. Acting as Secretary, I will call each case and while I'm

219 speaking, the applicants should come down to the podium. We will then ask
220 everyone who intends to speak on that case to stand and be sworn in. Then the
221 applicant will present their testimony. Then anyone else who wishes to speak will
222 be given the opportunity. After everyone has had a chance to speak, the
223 applicant and only the applicant will have an opportunity for rebuttal. There are
224 only ten people in the room, so there's probably not going to be a lot of rebuttal
225 today anyway. After hearing the case and asking questions, the Board will take
226 the matter under advisement and they will render all of their decisions at the end
227 of the meeting. So, if you wish to know their decision on a specific case, you can
228 either stay until the end of the meeting or you can check the Planning
229 Department website this afternoon—we update the website about 30 minutes
230 after the meeting ends—or you can call the Planning Department sometime this
231 afternoon. This meeting is being tape recorded, so we'll ask everyone who
232 speaks to speak directly into the microphone on the podium. State your name
233 and please spell your last name for us. Finally, out in the foyer there are two
234 binders that contain the staff reports for each case, including the conditions that
235 have been recommended by the staff.

236

237 Mr. Nunnally - Thank you.

238

239 **UP 36-2006** **Richmond Elks Lodge**, requests a temporary
240 conditional use permit pursuant to Section 24-116
241 (c)(1), to conduct a turkey shoot at 10022 Elk Pass
242 Lane (Parcel 750-768-4929), zoned A-1, Agricultural
243 District (Three Chopt).

244

245 Mr. Nunnally - Is there anyone else interested in this case? All right.

246

247 Mr. Blankinship - Do you swear the testimony you are about to give is
248 the truth and nothing but the truth, so help you God?

249

250 Ms. Childress - I do.

251

252 Mr. Nunnally - Please state your name for the record, ma'am, and
253 tell us what you are requesting.

254

255 Ms. Childress - Tamara Childress. I am requesting, through the
256 Richmond Elks Lodge #45, that we obtain a turkey shoot permit. We've been
257 holding this event since 1987 without any issues or any problems.

258

259 Mr. Nunnally - Since 1987?

260

261 Ms. Childress - Yes sir.

262

263 Mr. Wright - Have you read the conditions that are proposed for
264 this case?

265
266 Ms. Childress - No sir. I've been sent by proxy.
267
268 Mr. Nunnally - Well, I think you ought to look at these conditions. I'm
269 sure that you can comply with them. Are these the same conditions, Mr.
270 Blankinship, or do we have some changes?
271
272 Mr. Blankinship - I believe they're the same, Mr. Chairman.
273
274 Mr. Nunnally - Looks about the same.
275
276 Ms. Childress - I am aware that there are no alcoholic beverages on
277 the premises during the turkey shoot.
278
279 Mr. Wright - Do you have restrooms provided there?
280
281 Ms. Childress - Yes sir, we do. Both inside and outside.
282
283 Mr. Wright - Do you understand about the gauge for the shotgun
284 shells?
285
286 Ms. Childress - Yes.
287
288 Mr. Wright - The barrier?
289
290 Ms. Childress - Yes. We do have that barrier up permanently,
291 actually.
292
293 Mr. Wright - The times for the permit, the basic things?
294
295 Ms. Childress - Yes sir.
296
297 Ms. Harris - I have one concern and that is the Friday hours from
298 5 to 10. You are near an office complex, are you not?
299
300 Ms. Childress - Yes ma'am.
301
302 Ms. Harris - I know office hours are usually until 5:00. I just
303 wondered if the Board needed to look at that Friday time to maybe move it back
304 an hour. Do you think that's necessary? I know we have had no complaints in
305 the past.
306
307 Ms. Childress - Right.
308
309 Ms. Harris - We don't want to have complaints either.
310

311 Ms. Childress - I understand your concern. All I can tell you is that I
312 know that they've held the event since 1987 without any problems, without any
313 issues. We're set back in the woods away from the office buildings and office
314 complex. We're not really close to them.
315
316 Mr. Blankinship - Do you anticipate having a lot of people arrive right at
317 5:00?
318
319 Ms. Childress - No sir, they kind of trickle in. It's anywhere between 5
320 and 7.
321
322 Mr. Blankinship - Clearly, if it were like a concert starting at 5 and you
323 had a slug of traffic arriving right at 5, trying to make a left across Lake Brook
324 would be a nightmare.
325
326 Ms. Childress - Yes, I agree.
327
328 Ms. Dwyer - I would be amenable to moving it to six if that's a
329 concern.
330
331 Mr. Kirkland - I don't assume this causes any more problem than
332 the Innsbrook After Hours.
333
334 Ms. Childress - We're a much smaller organization also.
335
336 Mr. Kirkland - They start flowing in there about 4:30 even though the
337 gates don't open till like 6:30 or so. I don't think there'd be any more.
338
339 Ms. Dwyer - Where exactly is Innsbrook After Hours?
340
341 Mr. Kirkland - Right behind this property.
342
343 Mr. Blankinship - You don't get there on this road; you'd go straight
344 down Lake Brook.
345
346 Ms. Dwyer - It's very awkward to turn into Elk Pass.
347
348 Mr. Blankinship - It's that turn across Lake Brook.
349
350 Ms. Dwyer - If there's a lot of traffic flowing out of Lake Brook, it
351 would be—
352
353 Ms. Childress - We have our meetings on Wednesday nights at the
354 same time as Innsbrook has their concerts and we don't have any problem going
355 across there.
356

357 Ms. Dwyer - What is your affiliation with the Elks Lodge?
358
359 Ms. Childress - I'm actually the Drug Awareness Chairman.
360
361 Ms. Harris - My concern about the time was not just because of
362 traffic, but because of the range of the artillery that you use.
363
364 Mr. Kirkland - What time do you start shooting?
365
366 Ms. Childress - I'm sorry, I don't know.
367
368 Mr. Kirkland - You say you get there at 5, but what time do you
369 actually—
370
371 Ms. Childress - I would assume it starts within 5:30, quarter to 6,
372 somewhere in there, as soon as they get everything set up and draw names and
373 that kind of thing.
374
375 Mr. Wright - In other words, it takes a while to get the operation up
376 and running.
377
378 Ms. Childress - Right. It's going to take a little while to get going. We
379 don't start shooting at 5.
380
381 Mr. Wright - You begin the operation at 5, so you have to set up
382 and so forth.
383
384 Ms. Childress - Yes sir.
385
386 Mr. Nunnally - Any other questions?
387
388 Ms. Harris - If we ask you to change it to 6:00, would you agree to
389 that?
390
391 Ms. Childress - Absolutely.
392
393 Ms. Dwyer - I know in the past we've had some discussion about
394 alcoholic beverages and this says, "No beverages will be consumed in the area
395 of the turkey shoot." I thought in the past we had prohibited alcohol on the
396 premises during the turkey shoot.
397
398 Mr. Blankinship - It's done case by case because each location does it
399 a little differently. I don't know what the Elks Lodge does. Do you serve alcohol?
400

401 Ms. Childress - We serve alcohol inside the building and have a
402 permit for that from the ABC Board. We do not allow any alcohol to go outside of
403 the building.

404
405 Mr. Nunnally - At any time?

406
407 Ms. Childress - At any time.

408
409 Mr. Nunnally - Okay. All right. Any other questions? Anyone in
410 opposition? Hearing none, that completes the case. Thank you for coming,
411 ma'am.

412
413 **DECISION**

414
415 Mr. Nunnally: UP-36-2006, Richmond Elks Lodge.

416
417 Mr. Wright - Move we approve the application.

418
419 Mr. Kirkland - Second.

420
421 Ms. Dwyer - There was a discussion about a change in time.

422
423 Mr. Nunnally - 6 p.m.

424
425 Ms. Dwyer - From 5 to 6, and the applicant did agree to that.

426
427 Mr. Nunnally - All right.

428
429 Mr. Wright - I don't [unintelligible], but if you want to change it to 6,
430 I'll agree.

431
432 Mr. Nunnally - Motion by Mr. Wright, second by Mr. Kirkland that it
433 be approved with the condition that it start at 6 p.m. instead 5 p.m.

434
435 Ms. Harris - On Friday.

436
437 Mr. Nunnally - On Friday.

438
439 Mr. Wright - If you want to compromise, you can say no shooting
440 till 6.

441
442 Ms. Dwyer - My only concern was it's so awkward getting in there
443 at 5 on Friday with the traffic from the Innsbrook area. I don't think the shooting
444 is a problem as much as the traffic is, but apparently, they haven't had problems
445 in the past. It's not like a concert where people are trying to get there at 5; I think
446 they filter in.

447
448 Mr. Wright - Surprised they have as many people do it; I don't
449 know.
450
451 Mr. Nunnally - Okay, what is the condition, then?
452
453 Mr. Blankinship - Mr. Wright, what's the motion?
454
455 Mr. Wright - If you want to change it to 6, they agreed to it. Let's
456 change it to 6:00 if that makes everybody happy.
457
458 Ms. Harris - That's fine.
459
460 Mr. Nunnally - Motion by Mr. Wright to change it to 6, and second by
461 Mr. Kirkland, I believe, right?
462
463 Mr. Kirkland - Yes, that's correct.
464
465 Mr. Nunnally - All in favor say aye. Been approved.
466

467 After an advertised public hearing and on a motion by Mr. Wright, seconded by
468 Mr. Kirkland, the Board **granted** application **UP-36-2006** for a temporary
469 conditional use permit pursuant to Section 24-116(c)(1) to conduct a turkey shoot
470 at 10022 Elk Pass Lane (Parcel 750-768-4929) zoned A-1, Agricultural District
471 (Three Chopt). The Board granted the temporary conditional use permit subject
472 to the following conditions:
473

- 474 1. The land shall be properly posted to show the particular area where the
475 shooting is to occur and where the impact area is located.
476
- 477 2 No alcoholic beverages may be consumed in the area of the turkey shoot. A
478 sign to this effect must be conspicuously posted in the immediate vicinity of the
479 shooting area.
480
- 481 3. No inebriated person or person under the influence of alcohol may be
482 permitted in the shooting area.
483
- 484 4. Restrooms shall be provided.
485
- 486 5. The turkey shoot shall only involve the use of shotguns no larger than 12
487 gauge and low powered shells containing No. 8 shot.
488
- 489 6. A 6 foot high shot barrier of straw, hay bales, or mounded dirt shall be
490 erected behind the targets as an added precaution. This barrier shall be located
491 a maximum of 10 feet behind the targets and extend 10 feet beyond each end of
492 the target line.

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7. [AMENDED] This permit allows the turkey shoot on Fridays between 6:00 pm to 10:00 pm and on Saturdays, 2:00 pm to 10:00 pm, from September 1, 2006 through March 31, 2007, after which time this use permit shall expire.

Affirmative:	Dwyer, Harris, Kirkland, Nunnally, Wright	5
Negative:		0
Absent:		0

Mr. Nunnally - Next case, Mr. Blankinship.

A-33-2006 **Shurm Construction** requests a variance from Section 24-95(b)(8) to build a one-family dwelling at 150 Cedar Fork Road (Parcel 811-725-9348), zoned A-1 Agricultural District (Fairfield). The lot width requirement and total lot area requirement are not met. The applicant has 27,173 sq. ft. lot area and 87 feet lot width, where the Code requires 30,000 sq. ft. lot area and 150 feet lot width. The applicant requests a variance of 6,827 sq. ft. lot area and 63 feet lot width.

Mr. Nunnally - Anyone here interested in this case, please stand and raise your right hand. Anyone here?

Mr. Kirkland - Mr. Chairman, I think we could pass this to the end of the agenda.

Mr. Nunnally - Okay.

UP-37-2006 **H H Hunt Homes** requests a temporary conditional use permit pursuant to Section 24-116(c)(1) to locate a temporary sales trailer at 10904 Staples Mill Road (Linden Pointe) (Parcel 761-769-5748), zoned R-5AC, General Residential District (Conditional) (Brookland).

Mr. Nunnally - Anyone here interested in this case? If so, please stand and raise your right hand and be sworn.

Mr. Blankinship - Do you swear the testimony you're about to give is the truth and nothing but the truth, so help you God?

Mr. Rollins - Yes I do.

539 Mr. Nunnally - Please state your name for the record, sir, and tell us
540 what you are requesting.
541
542 Mr. Rollins - My name is Scott Rollins and I am requesting the
543 approval of a temporary conditional use for the sales trailer in the subdivision
544 Linden Pointe.
545
546 Mr. Blankinship - Your last name is R-O-L-L-I-N-S?
547
548 Mr. Kirkland - Mr. Rollins, have you read the staff report?
549
550 Mr. Rollins - The Zoning Appeals Case Report?
551
552 Mr. Kirkland - Yes sir.
553
554 Mr. Rollins - Yes, I have.
555
556 Mr. Kirkland - Are you going to have the correct number of parking
557 places at five?
558
559 Mr. Rollins - Yes.
560
561 Mr. Kirkland - How about the septic? Are you going to be hooked
562 up to water and sewer, or are you going to use a port-a-john?
563
564 Mr. Rollins - I was going to use a handicapped-accessible port-a-
565 john.
566
567 Mr. Kirkland - Okay. You'll put it behind the trailer?
568
569 Mr. Rollins - Correct, and screen it.
570
571 Mr. Kirkland - All right, that's all I have to say.
572
573 Mr. Nunnally - Anyone else have questions for Mr. Rollins? Hear
574 none, that concludes the case. Thank you for coming, sir.
575
576 Mr. Rollins - The only question I had—I'm sorry. I don't know if
577 this is the right protocol or not, but if the date could be moved 15 days back. So,
578 from September 15th to June 15th instead of October 1st to July 1st.
579
580 Mr. Blankinship - The condition states that it will removed July 2nd.
581 2006.
582
583 Mr. Rollins - Okay. What I was requesting is if I could open it up
584 sooner and close it sooner as well.

585
586 Mr. Blankinship - That's just informational. You're not bound by that
587 date.
588
589 Ms. Dwyer - What's informational?
590
591 Mr. Blankinship - The first paragraph of the background where it states
592 that they're requesting permission for the trailer to be there October 1st. He's
593 saying they'd like to have it there September 15th.
594
595 Mr. Rollins - On or around that day.
596
597 Mr. Blankinship - If the Board approves the application, once it's
598 approved, it's effective.
599
600 Mr. Kirkland - They can put it in the next day.
601
602 Mr. Rollins - Okay. That's all. Thank you.
603
604 Mr. Nunnally - Okay, thank you, sir.
605
606 **DECISION:**
607
608 Mr. Nunnally: UP-37-2006.
609
610 Mr. Kirkland - I move we approve it.
611
612 Mr. Wright - Second.
613
614 Mr. Nunnally - Motion by Mr. Kirkland, second by Mr. Wright it be
615 approved. All in favor, say aye. All right. Opposed? Been approved.
616
617 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by
618 Mr. Wright, the Board **granted** application **UP-37-2006** for a temporary
619 conditional use permit pursuant to Section 24-116(c)(1) to locate a temporary
620 sales trailer at 10904 Staples Mill Road (Linden Pointe) (Parcel 761-769-5748),
621 zoned R-5AC, General Residence District (Brookland). The Board granted the
622 temporary conditional use permit subject to the following conditions:
623
624 1. Only the improvements shown on the plan filed with the application may be
625 constructed pursuant to this approval. No substantial changes or additions to the
626 layout may be made without the approval of the Board of Zoning Appeals. Any
627 additional improvements shall comply with the applicable regulations of the
628 County Code.
629

- 630 2. The trailer shall be skirted on all sides with a durable material as required by
 631 the building code for a permanent installation.
 632
- 633 3. A detailed landscaping and lighting plan shall be submitted to the Planning
 634 Department with the building permit for review and approval. Approved
 635 landscaping shall be installed as soon as the weather permits. All landscaping
 636 shall be maintained in a healthy condition at all times. Dead plant materials shall
 637 be removed within a reasonable time and replaced during the normal planting
 638 season. All exterior lighting shall be shielded to direct light away from adjacent
 639 property and streets.
 640
- 641 4. The trailer shall be removed from the property on or before July 2, 2007, at
 642 which time this permit shall expire.
 643
- 644 5. Any portable toilet or holding tank shall be screened in a manner acceptable
 645 to the Henrico County Planning Department and be located behind the trailer.
 646
- 647 6. The applicant shall satisfy the Department of Public Works that adequate
 648 sight distance has been provided entering onto Springfield Road and adequate
 649 parking has been provided on the site. A minimum of five parking spaces shall
 650 be provided
 651
- 652 7. If construction plans show more than 2,500 square feet of land disturbance,
 653 the applicant shall submit an Erosion and Sediment Control plan to the
 654 Department of Public Works for review and approval. Plans may be submitted
 655 with construction plans or separately.
 656

657

658 Affirmative:	Dwyer, Harris, Kirkland, Nunnally, Wright	5
659 Negative:		0
660 Absent:		0

661

662

663 Mr. Nunnally - Mr. Blankinship.

664

665 **UP-38-2006** **Richmond Retirement Residence** requests a
 666 temporary conditional use permit pursuant to Section
 667 24-116(c)(1) to locate a temporary sales trailer at
 668 10300 Three Chopt Road (Parcel 749-755-4576),
 669 zoned R-6C General Residential District (Conditional)
 670 (Three Chopt).
 671

672 Mr. Nunnally - Is there anyone else here interested in this case? If
 673 so, will you please stand and raise your right hand.
 674

675 Mr. Blankinship - Would you raise your right hand, sir? Do you swear
676 the testimony you're about give is the truth and nothing but the truth, so help you
677 God?
678
679 Mr. Rose - I do.
680
681 Mr. Nunnally - Please state your name for the record, sir, and tell us
682 what you're requesting.
683
684 Mr. Rose - My name is Adrian Rose. We are requesting a
685 temporary permit for a sales trailer at our site at 10300 Chopt Road.
686
687 Mr. Nunnally - You're going to have this until December the 31st?
688
689 Mr. Rose - Excuse me?
690
691 Mr. Nunnally - You request permission to have the sales trailer on
692 site until December the 31st?
693
694 Mr. Rose - That is correct.
695
696 Mr. Wright - Have you read the conditions of this case?
697
698 Mr. Rose - Yes.
699
700 Mr. Wright - Do you have any problem with them?
701
702 Mr. Rose - Not at all.
703
704 Ms. Dwyer - One statement made in the staff report was that the
705 trailer has already been put in place and that it's too close to Three Chopt Road.
706
707 Mr. Rose - It is being moved as we speak.
708
709 Ms. Dwyer - Okay. So, it will be 35 feet from the road?
710
711 Mr. Rose - It will be 45 feet.
712
713 Ms. Dwyer - I was wondering why we had this buffer provision
714 included, Mr. Blankinship, in our package that requires a 50-foot buffer, which I
715 would think would require the trailer to be 50 feet inside the property line.
716
717 Mr. Blankinship - Yes.
718
719 Ms. Dwyer - The staff report said only 35 feet.
720

721 Mr. Kirkland - Looks to me like the trailer's going to sit smack dab in
722 the 50-foot transitional buffer.
723
724 Mr. Rose - Correct.
725
726 Mr. Kirkland - Should we set it behind that?
727
728 Mr. Blankinship - I believe we discussed that with the Comprehensive
729 Planning Section and they felt like during the construction period, everyone
730 understood the buffer would be disturbed. Once construction is complete, the
731 buffer is to be landscaped. So, it's not an undisturbed buffer, as you see in some
732 cases.
733
734 Mr. Kirkland - Okay.
735
736 Mr. Blankinship - It was a buffer to be landscaped toward the end of
737 construction. I think our conclusion—I'll ask Mr. Gidley to correct me if I'm wrong
738 because he actually handled this. I believe our conclusion was that as long as
739 the trailer is gone by the end of this year, and the buffer is restored promptly into
740 next year, we don't have a problem with the trailer being in the buffer.
741
742 Mr. Gidley - Right now, it's just cleared and there's construction
743 that's bringing equipment in and out of there.
744
745 Ms. Dwyer - I guess I raised the question because the proffer
746 requires a berm and that might be something that would be constructed prior to
747 the time the trailer would be moved.
748
749 Mr. Rose - It's already in place.
750
751 Ms. Dwyer - The berm is already in place.
752
753 Mr. Rose - It's already in place. As a matter of fact, the berm sits
754 probably 6, 6-1/2 feet in the air.
755
756 Ms. Dwyer - Okay.
757
758 Mr. Rose - From the main level of the property. As you can see,
759 where that trailer is sitting now, it is going to go to the left of that back to that tree
760 line. There is a 6-1/2 foot berm that runs right across the back of that to the next
761 property line.
762
763 Mr. Blankinship - So, the berm doesn't show in this photograph. This
764 was done after we took this photograph.
765

766 Mr. Rose - Right. You can't see it because it's behind that red
767 dumpster.
768
769 Mr. Blankinship - We took this photograph about four weeks ago.
770
771 Mr. Kirkland - Can we get that on our screen?
772
773 Mr. Blankinship - Yes sir.
774
775 Ms. Dwyer - What will be the timing of the landscaping of the
776 buffer?
777
778 Mr. Rose - Well, actually, that trailer probably will be gone by the
779 first of December and landscaping will begin late November.
780
781 Mr. Blankinship - So, you're giving yourself a month of float.
782
783 Mr. Rose - Yes.
784
785 Mr. Wright - No CO's will be granted until the buffer is completed.
786 Is that correct, Mr. Blankinship?
787
788 Mr. Blankinship - Yes sir.
789
790 Mr. Nunnally - Any other questions? Anyone in opposition? Hear
791 none, that completes the case. Thank you for coming, sir.
792
793 Mr. Rose - Thank you.
794
795 **DECISION:**
796
797 Mr. Nunnally - UP-38-2006, Richmond Retirement Residence.
798
799 Mr. Wright - Move we approve.
800
801 Mr. Nunnally - Motion by Mr. Wright to be approved. Do I have a
802 second?
803
804 Mr. Kirkland - Second.
805
806 Mr. Nunnally - Second by Mr. Kirkland. All in favor say aye.
807 Opposed? Been approved.
808
809 After an advertised public hearing and on a motion by Mr. Wright, seconded by
810 Mr. Kirkland, the Board **granted** application **UP-38-2006** for a temporary
811 conditional use permit pursuant to Section 24-116(c)(1) to locate a temporary

812 sales trailer at 10300 Three Chopt Road (Parcel 749-755-4576), zoned R-6C,
813 General Residence District (Conditional) (Three Chopt). The Board granted the
814 temporary conditional use permit subject to the following conditions:

815
816 1. Only the improvements shown on the plan filed with the application may be
817 constructed pursuant to this approval. No substantial changes or additions to the
818 layout may be made without the approval of the Board of Zoning Appeals. Any
819 additional improvements shall comply with the applicable regulations of the
820 County Code.

821
822 2. The trailer shall be skirted on all sides with a durable material as required by
823 the building code for a permanent installation.

824
825 3. A detailed landscaping and lighting plan shall be submitted to the Planning
826 Department with the building permit for review and approval. Approved
827 landscaping shall be installed as soon as the weather permits. All landscaping
828 shall be maintained in a healthy condition at all times. Dead plant materials shall
829 be removed within a reasonable time and replaced during the normal planting
830 season. All exterior lighting shall be shielded to direct light away from adjacent
831 property and streets.

832
833 4. The trailer shall be removed from the property on or before January 2, 2007, at
834 which time this permit shall expire. Upon removal of the trailer, the site shall be
835 brought into compliance with the buffer required by proffer 11(a) of rezoning case
836 C-16C-04 and the approved landscaping plan.

837
838 5 Any portable toilet or holding tank placed on the site shall be located
839 underneath the sales trailer and shall be screened from view.

840
841 6. The applicant shall satisfy the Department of Public Works that adequate
842 sight distance has been provided entering onto Three Chopt Road and adequate
843 parking has been provided on the site. A minimum of five parking spaces shall
844 be provided.

845
846 7. If construction plans show more than 2,500 square feet of land disturbance ,
847 the applicant shall submit an Erosion and Sediment Control plan to the
848 Department of Public Works for review and approval. Plans may be submitted
849 with construction plans or separately.

850
851 8. The trailer shall set back at least 35 feet from the existing property line along
852 Three Chopt Road.

853
854
855 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
856 Negative: 0
857 Absent: 0

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The Board granted the request because it found the proposed use will be in substantial accordance with the general purpose of objectives of Chapter 24 of the County code.

Mr. Nunnally - Next case, Mr. Blankinship.

A-34-2006 **David Atkinson** requests a variance from Sections 24-94 and 24-9 to allow the existing dwelling to remain at 10303 Winston Boulevard (Glen Allen Heights) (Parcel 773-764-1807 [part]), zoned R-3, One-Family Residence District (Fairfield). The lot width requirement and public street frontage requirement are not met. The applicant has 35 feet lot width and 35 feet public street frontage, where the Code requires 80 feet lot width and 50 feet public street frontage. The applicant requests a variance of 45 feet lot width and 15 feet public street frontage.

Mr. Nunnally - Is there anyone else interested in this case? If so, please stand and raise your right hand and be sworn.

Mr. Blankinship - Do you swear the testimony you're about to give is the truth and nothing but the truth, so help you God?

Mr. Minter - I do.

Mr. Nunnally - Please state your name for the record, sir, and tell us what you're requesting.

Mr. Minter - My name is Richard Minter with Potts, Minter, and Associates. I'm representing the family of David Atkinson. On this parcel of land, there exist two houses. The one in the rear has more or less been there for 30 or 40 years. This is an estate and they're trying to settle the estate. There was not enough public road frontage to split the property. Both parcels have enough square footage. What I have done is laid out a 35-foot strip on the left side of their property to be sold with the piece in the back. That way, the garage that's behind the existing main house will be within the County Code. What he needs is the setback requirements and the road frontage.

Mr. Blankinship - The lot width requirement.

Mr. Minter - Right. The road frontage, we cannot meet the 50 feet without tearing down the garage that's sitting there.

904 Ms. Dwyer - What's the garage being used for now? Is it used as
905 a residence?
906
907 Mr. Minter - No. The garage is a garage. Do you have my
908 drawing that's attached?
909
910 Ms. Dwyer - Yes.
911
912 Mr. Minter - The garage that I tried to meet up on front, that is a
913 garage. The residence in the back is the residence in question.
914
915 Ms. Dwyer - Right.
916
917 Mr. Minter - The garage now is a garage.
918
919 Ms. Harris - You have no plans to tear down this garage, right, to
920 make this a part of the parcel?
921
922 Mr. Minter - No.
923
924 Ms. Harris - Okay.
925
926 Mr. Minter - There are some questions on here about the tires and
927 building materials. The person that's renting the house right now, he's a guy that
928 takes down trees. He uses the tires in his business when the trees fall down so
929 they won't tear up the yard, sidewalks, whatever. By Friday, the tires are being
930 moved and whatever this construction debris is they are talking about, they were
931 taking some stuff out of some sheds and cleaning up the place. That's when
932 whoever went there to take pictures, I guess that's what they saw.
933
934 Mr. Kirkland - Mr. Blankinship, this property is zoned R-3, right?
935
936 Mr. Blankinship - Yes. I believe that's correct, yes sir.
937
938 Mr. Kirkland - I was just wondering why there's a business running
939 out of the back of this particular building with the tires for tree service.
940
941 Mr. Minter - That's where he lives.
942
943 Mr. Kirkland - Well, I'm sorry, that's an R-3 zoning. It's residential.
944 It's not a business zoning.
945
946 Mr. Blankinship - As long as the only portion of the business that's done
947 there is the office work. If he answers his phones and does his books there,
948 that's fine, but he's not allowed to store equipment or materials there.
949

950 Mr. Kirkland - How was this lot created? I read the staff report.
951 Something about land sold off or something. Will you give me a little history on
952 this?

953
954 Mr. Blankinship - This lot had not been created yet. Originally, it was a
955 longer lot. It was part of an old subdivision, Glen Allen Heights, which I want to
956 say was from the 1920's. Then when they came in behind here with Woodman
957 Trace subdivision, they bought the rear portion of this lot, all of the adjoining lots
958 to the south, which was also part of the old Glen Allen Heights, and part of some
959 other properties in the area. Consolidated all that for Woodman Trace
960 subdivision. At that time, staff met with the developers and tried to get them to
961 buy all of this parcel and include all of this parcel in Woodman Trace so that they
962 could provide access to this house. This house was already in existence and we
963 were already aware of it as an oddity where the house was on the same lot as
964 another house and couldn't have public street frontage. I don't recall whether
965 they were unable to purchase the property or just unable to come to agreement
966 on terms or why it was not included. They did buy part of this property and
967 incorporate it into Woodman Trace. Lots 5 and 6 there at Woodman Trace were
968 a part of this property. For whatever reason, this was just left hanging out there.
969 We knew it would come back at some point and be an issue.

970
971 Ms. Harris - How was this brought to your attention, Mr.
972 Blankinship?

973
974 Mr. Blankinship - I believe Mr. Minter said that they are settling the
975 estate.

976
977 Mr. Minter - Settling the estate. There is no solution to make this
978 two parcels of land except for what I'm trying to do right now, and to leave the
979 existing house that's been there and in use for 30, 40 years, the house in the
980 rear.

981
982 Mr. Gidley - Do you know how they got a second home on a
983 single-family zoned lot?

984
985 Mr. Minter - I don't know.

986
987 Mr. Nunnally - You keep looking back there; is that Mr. and Ms.
988 Atkinson?

989
990 Mr. Minter - No, that's his daughter.

991
992 Mr. Nunnally - Do they want to speak? If so, please come down
993 front, please.

994
995 Ms. Mills - Hi, my name's Mary Mills. What was the question?

996
997 Mr. Blankinship - According to our tax records, this building that is now
998 a dwelling was originally built as a garage, or else it doesn't show on the tax
999 records at all. There's no record on the tax record of a second dwelling having
1000 been approved. So, either this was a garage that was converted to a dwelling, or
1001 it was just never recorded on the tax rolls. Do you know how it got to be there?
1002
1003 Ms. Mills - I'm his daughter. I live in North Carolina. It was going
1004 to be a garage at one point and he got the permit to do that. Then I guess he
1005 decided at that point when he was going to retire, he was going to turn that into a
1006 house. That's the only thing that I know that he did.
1007
1008 Ms. Dwyer - So, he just did it.
1009
1010 Ms. Mills - Well, he did it, but I don't know what he was
1011 supposed to have done. He did not read or write, so I don't know exactly what
1012 he did. He tried to go by whatever he knew best. That's all I can tell you as one
1013 of the children.
1014
1015 Ms. Harris - How long has this house been used as a residence,
1016 do you know?
1017
1018 Ms. Mills - I think since the mid-70's.
1019
1020 Mr. Blankinship - It was built in '63, apparently.
1021
1022 Ms. Mills - I think that was when he got the permit to start that,
1023 yes.
1024
1025 Mr. Nunnally - You say, "he." Now, that's Mr. Atkinson, David
1026 Atkinson?
1027
1028 Ms. Mills - That's Mr. Atkinson, my father.
1029
1030 Mr. Nunnally - That's your father?
1031
1032 Ms. Mills - Yes sir.
1033
1034 Mr. Nunnally - Thank you.
1035
1036 Ms. Harris - Did you read the conditions?
1037
1038 Mr. Minter - Yes. A couple of them are being taken care of by
1039 Friday, the first two. The third one is, yes, I'll do a subdivision plat and go through
1040 the normal process.
1041

1042 Mr. Kirkland - You'll tell the tenant he cannot run a business out of
1043 that.
1044
1045 Ms. Mills - I understand. They've been there for six years. What
1046 happened in our absence, they just were removing debris out of a building back
1047 there. That's why I was surprised when I got the call about this. The tires are
1048 normally not stored there. It's about 12 tires. He had them stacked along the
1049 fence. They're normally not there, that's why I was surprised about that. They're
1050 going to be gone today. They normally have a building they put those in. No sir,
1051 he does not practice his business back there. No, no sir. He just parks his truck
1052 back there; that's it. No sir.
1053
1054 Mr. Nunnally - Any more questions, Ms. Harris?
1055
1056 Ms. Harris - No.
1057
1058 Mr. Nunnally - Any other questions from the Board? Any opposition?
1059 Hear none, that concludes the case. Thank you for coming.
1060
1061 Mr. Minter - Thank you.
1062
1063 **DECISION:**
1064
1065 Mr. Nunnally - A-34-2006, David Atkinson.
1066
1067 Ms. Harris - I move that we approve because without a variance,
1068 this house could not be used for any reasonable, beneficial use. Now, it has
1069 been used, but it appears that the County record did not bear out giving
1070 permission for this home to be something other than a garage. My motion is that
1071 we hold them to the conditions as set forth in the recommendation.
1072
1073 Mr. Nunnally - Okay. Motion by Ms. Harris to be approved. Do I
1074 have a second?
1075
1076 Mr. Wright - Second.
1077
1078 Mr. Nunnally - Second by Mr. Wright.
1079
1080 Mr. Kirkland - I have a question.
1081
1082 Mr. Nunnally - Question by Mr. Kirkland.
1083
1084 Mr. Kirkland - Mr. Blankinship.
1085
1086 Mr. Blankinship - Yes sir.
1087

1088 Mr. Kirkland - If the garage on the home that fronts the Winston
1089 Boulevard wasn't there, could they get the road frontage that they needed?

1090
1091 Mr. Blankinship - I'll have to double-check, but I believe they are
1092 insufficient on lot width, that if they tried to divide they could get the 50 feet of
1093 road frontage, but they would still be deficient on lot width.

1094
1095 Mr. Kirkland - Okay.

1096
1097 Mr. Blankinship - The Code requires 80 feet of lot width, so they'd have
1098 to have 160 feet to have two lots and it looks like they have about 150.

1099
1100 Mr. Kirkland - Okay. That was my question.

1101
1102 Mr. Nunnally - You in favor, Mr. Kirkland?

1103
1104 Mr. Kirkland - Somebody else seconded it, didn't they?

1105
1106 Mr. Nunnally - Yes, but you asked the question. All in favor say aye.
1107 All right. Been approved.

1108
1109 After an advertised public hearing and on a motion by Ms. Harris, seconded by
1110 Mr. Wright, the Board **granted** application **A-34-2006** for a variance from
1111 Sections 24-94 and 24-9 to allow the existing dwelling to remain at 10303
1112 Winston Boulevard (Glen Allen Heights) (Parcel 773-764-1807 [part]), zoned R-3,
1113 One-Family Residence District (Fairfield). The Board granted the variance
1114 subject to the following conditions:

1115
1116 1. This variance applies only to the public street frontage and lot width
1117 requirements. All other applicable regulations of the County Code shall remain in
1118 force.

1119
1120 2. The property shall be brought into compliance with the County Code,
1121 including removing or storing inside an enclosed building tires and building
1122 materials currently in the yard.

1123
1124 3. The applicant shall submit a plat of resubdivision to the Planning Commission
1125 for review and approval. This variance shall not take effect until such plat has
1126 been approved and recorded.

1127
1128
1129 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1130 Negative: 0
1131 Absent: 0

1132
1133

1134 **A-35-2006** **Steven Middleton** requests a variance from Section
1135 24-9 to build a one-family dwelling at 9744 Old Dell
1136 Trace (Kingsbridge) (Parcel 740-736-6551), zoned R-
1137 0, One-Family Residence District (Tuckahoe). The
1138 public street frontage requirement is not met. The
1139 applicant has 0 feet public street frontage, where the
1140 Code requires 50 feet public street frontage. The
1141 applicant requests a variance of 50 feet public street
1142 footage.

1143
1144 Mr. Nunnally - I there anyone else here who is interested in this
1145 case? If so, please stand and be sworn.

1146
1147 Mr. Blankinship - Raise your right hand, please. Do you swear the
1148 testimony you're about to give is the truth and nothing but the truth, so help you
1149 God?

1150
1151 Mr. Middleton - I do.

1152
1153 Mr. Nunnally - Please state your name for the record, sir, and tell us
1154 what you're requesting.

1155
1156 Mr. Middleton - My name is Steve Middleton. I am requesting a
1157 variance from the County requirement that a lot have 50 feet of public road
1158 frontage because it does not have any public road frontage. I received a
1159 variance similar to this one in 1999 when I first purchased the lot, but because of
1160 a misunderstanding between me and the staff of the exact actions that were
1161 required to vest that variance, it expired and I'm seeking to renew it. The lot's
1162 adjacent to my home, which is located at 9740 Old Dell Trace and is on a 10-
1163 acre lot, has an easement overtop of my home to get access to and from Old Dell
1164 Trace. Without the variance, the lot, which is a subdivided and platted lot,
1165 doesn't have any reasonable or beneficial use. I think the lot was created in
1166 1963 when the Kingsbridge Subdivision was recorded. It appears that at that
1167 time, it might have been anticipated that that lot would connect to property to the
1168 east that had not yet been developed. Unfortunately, when that property was
1169 developed, the streets were cul-de-sacked and so this lot did not gain access to
1170 the public streets. The lot contains 1.4 acres and would meet any of the other
1171 County requirements, is generally consistent with the size of the other lots in the
1172 neighborhood, and would comply with the R-0 zoning that's on the property.
1173 Because this lot adjoins the backyards of the properties surrounding it to the
1174 north, east, and west, it generally will have no significant impact on those and the
1175 only impact really is on our lot, over which that access easement crosses. Since
1176 we own the adjoining home, we're committed, of course, to building a quality
1177 home on this lot. It's not a condition that's a generally recurring nature. Our 10-
1178 acre lot on which our house is located cannot be further subdivided; it's deed
1179 restricted from that and the granting of the variance would create only one

1180 additional 1.4-acre lot. I received a letter from one of my neighbors stating that
1181 they don't have any opposition to this variance. I know that there are a couple
1182 people here, my other neighbors, to speak on the matter and one of them has
1183 expressed an interest in continuing to enjoy the wooden view from his backyard
1184 of our lot. We'd certainly be willing to offer a 20-foot landscaped or undisturbed
1185 easement or area around the north, and the east and west of the lot to try to
1186 protect that view. Any other questions, I'll answer those. If I have any time left,
1187 I'd like to reserve that.

1188

1189 Ms. Dwyer - I have a question about the statement in paragraph
1190 one of your variance request, the narrative that I think you must have provided
1191 with your request. It says, "The adjoining land was deed restricted from further
1192 subdivision."

1193

1194 Mr. Middleton - That is the 10.4-acre lot that we now own on which
1195 our house is located. It is deed restricted from further subdivision. It was part of
1196 about a 60-acre tract of land that was divided into five separate lots and an
1197 historic easement was placed on it so that it couldn't be further subdivided. It
1198 was part of the Woodside Estate.

1199

1200 Ms. Dwyer - Okay. So, that's your house on the 10 acres?

1201

1202 Mr. Middleton - That's my house. That's not this. This lot was platted
1203 and subdivided in 1963. It's been taxed by the county as a separate lot since that
1204 time.

1205

1206 Ms. Dwyer - The deed restriction applies to your 10-acre or 10.4-
1207 acre parcel?

1208

1209 Mr. Middleton - Yes ma'am, that's correct.

1210

1211 Ms. Dwyer - I also notice on this plat there's a statement, 100-use
1212 area that's adjacent to, I guess, the lots on Old Country Trace and Old Dell Trace
1213 that back up to your property. Do you know what that means?

1214

1215 Mr. Middleton - That's an area that we agreed not to build a house on
1216 when we bought.

1217

1218 Ms. Dwyer - Okay. That's part of your deed as well?

1219

1220 Mr. Middleton - That's part of our deed-restricted lot, yes. We just
1221 agreed that we wouldn't put a house that close to our neighbors when we bought
1222 this lot.

1223

1224 Ms. Dwyer - I've never seen that before, so I was curious. You
1225 voluntarily placed that restriction on your own property.

1226
1227 Mr. Middleton - Yes.
1228
1229 Ms. Dwyer - The other parcel, Liebert. That, I understand, is
1230 owned by Lot 4.
1231
1232 Mr. Middleton - That's owned by the Farrell's, the people who sent me
1233 the letter that said they don't have any opposition to us getting this variance.
1234 Their house is, I think, valued at the County at a million seven, or something like
1235 that, and that lot has effectively been incorporated into their parcel of land.
1236
1237 Ms. Dwyer - I notice they have some fencing along the back.
1238
1239 Mr. Middleton - It's all fenced off, yes.
1240
1241 Ms. Dwyer - Is there a Deed of Access to that lot through your
1242 property?
1243
1244 Mr. Middleton - No.
1245
1246 Ms. Dwyer - So, there's really no way that that lot could be
1247 developed in the future.
1248
1249 Mr. Middleton - The only way it could be developed is if you squeezed
1250 a driveway between their house and the road that connected it to Kingsbridge.
1251
1252 Ms. Dwyer - From Kingsbridge. Okay.
1253
1254 Mr. Middleton - It could go right past their house.
1255
1256 Ms. Harris - Could we see the area photo on the screen? Mr.
1257 Atkinson, can you point out where access to the [unintelligible] would be? Mr.
1258 Middleton, would you point out where the access to this property would be?
1259
1260 Mr. Middleton - It comes off of Old Dell Trace, curves up like that.
1261
1262 Ms. Dwyer - That's an existing gravel drive.
1263
1264 Mr. Middleton - Follows along our existing driveway for most of the
1265 way and then peels off and goes there. Our existing driveway comes through
1266 and comes up to the house there. They split in this area right here.
1267
1268 Ms. Harris - You have to construct a gravel road?
1269
1270 Mr. Middleton - The road is constructed to about this point.
1271

1272 Ms. Harris - In other words, it stops there, right?
1273
1274 Mr. Middleton - The road continues this way at that point. To go to the
1275 lot, we would have to actually build the gravel driveway that goes back there.
1276 This is the area right here where we would agree to put the 20-foot buffer.
1277
1278 Ms. Dwyer - How would you orient the house?
1279
1280 Mr. Middleton - I think the house would be oriented this way. It would
1281 face this way and back up to that house.
1282
1283 Mr. Blankinship - Facing to the south.
1284
1285 Mr. Middleton - It would face to the south, yes, because that's the way
1286 the driveway would come in.
1287
1288 Mr. Kirkland - Is this house served by public water and septic?
1289
1290 Mr. Middleton - According to the County, it can be served by public
1291 water and sewer here. It also can be served by a septic system on the lot at
1292 [unintelligible]. Our house is served by public water and public sewer.
1293
1294 Mr. Kirkland - Oh, okay.
1295
1296 Mr. Blankinship - We had put in the staff report that it would be served
1297 by public water and private septic because there was a septic approval attached
1298 to the application, but you're saying you might go with public sewer; it just hasn't
1299 been determined?
1300
1301 Mr. Middleton - It could be, yes.
1302
1303 Mr. Kirkland - Where would it come from if you put public sewer in?
1304
1305 Mr. Middleton - It comes from Old Dell Trace. It runs down that way
1306 to the lot.
1307
1308 Ms. Harris - You're going to actually construct the home here and
1309 sell it?
1310
1311 Mr. Middleton - Well, we live here. My original intention a year ago
1312 when we applied for the building permit was to anticipate that my in-laws might
1313 move in there. At this point, I don't know whether we would build a spec home
1314 there or exactly what our plans are.
1315
1316 Ms. Dwyer - Given that your plans are undetermined at this time,
1317 do you know now that these expire.

1318
1319 Mr. Middleton - Yes.
1320
1321 Ms. Dwyer - So, would you plan to build something fairly soon?
1322
1323 Mr. Middleton - There's obviously a significant difference between the
1324 value of the buildable lot and the value of 1.4 acres sitting in the middle of the
1325 woods. If it's necessary that we build it soon in order to protect that, then we
1326 would build it soon. I would hope that there might be some way for us to vest the
1327 variance without having to actually build the house, but I'm not sure about that.
1328
1329 Ms. Dwyer - What is required, Mr. Blankinship?
1330
1331 Mr. Blankinship - The Board actually changed your rules on that about
1332 a year ago. We had suggested that you go from one year to two years, because
1333 we were seeing a lot of variances that were like 13 and 14 months old. When you
1334 did that, you also changed what it takes to keep it alive. Let me find it in the rules
1335 and read it to you.
1336
1337 Mr. Middleton - The misunderstanding that I had before was that the
1338 language said if you apply for a permit or start some construction activities, which
1339 were interpreted at that point by starting to put the driveway back to the house.
1340 Apparently, that is not sufficient, which is why I'm here now. Obviously, I don't
1341 want to show up every year trying to renew the variance. Nor am I anxious, nor
1342 do I believe my neighbors are anxious, for me just to build a house there just to
1343 have the house built.
1344
1345 Ms. Dwyer - I'm wondering if this application may be premature.
1346
1347 Mr. Blankinship - Article 2, Paragraph 3 reads as, "All permits
1348 necessary for the prosecution of the work shall be applied for within two years
1349 from the date of authorization by the Board; otherwise, such authorization shall
1350 be considered void."
1351
1352 Mr. Middleton - If I understand correctly, that's a Board rule, which
1353 could be changed by the Board.
1354
1355 Ms. Dwyer - Well, if we change the rules, but I don't think we
1356 would make an exception to that if that's part of the rule. So, they would have to
1357 apply for a building permit within two years.
1358
1359 Mr. Blankinship - Two years, yes. Then, of course, if they fail to
1360 maintain that building permit—
1361
1362 Ms. Dwyer - The building permit would expire.
1363

1364 Mr. Blankinship - Right. If the building permit expired, I think we would
1365 rule that the variance had also expired.
1366

1367 Mr. Middleton - Economically, there's a big enough incentive here for
1368 me to go ahead and pursue building the home there, if that's what the question
1369 is.
1370

1371 Ms. Harris - You said you had a letter from a neighbor. Do we
1372 have a copy of that letter? May we see it? Could you point out where that
1373 neighbor lives?
1374

1375 Mr. Middleton - He lives there.
1376

1377 Mr. Kirkland - So it's possible that lot labeled Liebert on that plan,
1378 that he could come back for a variance and tag to that driveway in the future, too.
1379 Is that correct?
1380

1381 Mr. Middleton - I wouldn't have any interest in having him build a
1382 house there. My driveway doesn't touch his house. I guess it would be a
1383 possibility.
1384

1385 Mr. Kirkland - He could come back and try to go across that and
1386 come into it.
1387

1388 Mr. Middleton - These two lots were the ones that were platted,
1389 subdivided, but did not get public road frontage. This is a subdivision over here
1390 that was developed after these lots were platted.
1391

1392 Mr. Nunnally - Any more questions for Mr. Middleton? I think we'll
1393 hear from the opposition. If you'll have a seat, sir, I'll let them speak and then
1394 we'll let you have a short rebuttal.
1395

1396 Mr. Middleton - Thank you.
1397

1398 Mr. Pearsall - Good Morning, Mr. Chairman, Board Members. I'm
1399 Rob Pearsall, here on behalf of the Carnes'. The Carnes' are the neighbors who
1400 are on this parcel here, which is served by Drouin Drive in the Drouin Hills
1401 subdivision. The Carnes' are opposed to Mr. Middleton's application for obvious
1402 reasons. They feel it's going to have a detrimental affect on their lot in which
1403 they've invested significant time and resources. I'm here today to ask the Board
1404 to consider denying the application based on the legal principles of Cochran and
1405 the Code itself. The Board, I know, is well familiar with the case of Cochran
1406 versus—
1407

1408 Mr. Blankinship - Excuse me. Before you get into the substance of your
1409 argument, it's 9803 Drouin Drive?

1410

1411 [Several people talking at once.]

1412

1413 Mr. Blankinship - Thank you.

1414

1415 Mr. Pearsall - The Board heard a very similar case in the very
1416 recent past; I think just a few months ago. A Mr. Christofakis filed a very similar
1417 application for a variance on a parcel that he had, which was landlocked or
1418 lacked road frontage, which is, I think, a parcel if you go two more lots on this
1419 overhead or aerial view, you'd find Mr. Christofakis somewhere about right here.
1420 He had a lot behind his built lot on Drouin Drive that he was seeking a variance
1421 on so that he could build a single-family residence based on the notion that it
1422 would be the highest and best use for that parcel. He also was indicating he was
1423 going to put some in-laws in the residence behind his residence. Some
1424 neighbors had objected to that for the same reason that Mr. Carnes objects to
1425 Mr. Middleton's application. The Board considered the argument and denied that
1426 application, again, primarily based on the notion that every lot can be built, not
1427 every lot certainly should be built. Just because it is a lot doesn't mean there's
1428 something that can be built on it. The general premise of the recent Virginia
1429 Supreme Court case, Cochran, is that not every lot is going to be entitled to its
1430 highest and best use, but just any reasonable use. We contend there that Mr.
1431 Middleton has a reasonable use in the lot. It doesn't necessarily have to be built
1432 and in this case ought not to be built. There's a hardship that exists over this lot.
1433 It's one that Mr. Middleton himself has created in failing to act on the prior
1434 variance, which was issued by the Board in 1999, which, of course, was prior to
1435 the 2004 decision in Cochran. Do you have anything you'd like to add, John?

1436

1437 Mr. Carnes - I think you've about said it.

1438

1439 Mr. Pearsall - Unless the Board has a question for me.

1440

1441 Ms. Dwyer - What is the reasonable use, would you contend?

1442

1443 Mr. Pearsall - Well, right now, it's a wooded lot. It serves as a buffer
1444 between the neighbors. As you can see—

1445

1446 Ms. Dwyer - I'm talking about the reasonable use to the owner, not
1447 to adjacent properties that enjoy the woods.

1448

1449 Mr. Pearsall - He benefits from that, too, in that he doesn't have the
1450 concentrated use that you have by building in that little parcel, that carved-out
1451 acre in between the two subdivisions, the Drouin Hill subdivision and Mr.
1452 Middleton's subdivision.

1453

1454 Mr. Carnes - Mr. Middleton said that, I believe, Farrell, was it, this
1455 homeowner here didn't have a problem with it. I've talked to—I'm not sure what

1456 their name is—that he approached me and he said he was opposed to it, this
1457 homeowner here. I don't have a letter and I apologize for that. He told me he
1458 was going to show up today, but obviously, he's not here.

1459
1460 Mr. Nunnally - What was your name, sir?

1461
1462 Mr. Carnes - I'm John Carnes.

1463
1464 Ms. Dwyer - That's hearsay, so it's really not helpful to us.

1465
1466 Mr. Carnes - I understand.

1467
1468 Ms. Harris - Mr. Carnes, the 20-foot buffer proposal that Mr.
1469 Middleton mentioned would not satisfy?

1470
1471 Mr. Carnes - No ma'am. What I was concerned about was Mr.
1472 Middleton said he was going to have sewer or water coming down through here
1473 beside his driveway to his new lot that he would like to build on. My
1474 understanding is that for Drouin Hills to even get sewer, which we don't have, it
1475 was going to cost the homeowners, I believe it was around \$60,000 per home to
1476 get sewer into Drouin Hills. So, I'm just curious on how he's going to get sewer to
1477 this lot here and if he had sewer or if he can't get sewer, he'd have to put a septic
1478 tank here, a septic field. My concern there would be these two creeks back here.
1479 That would be an issue with me.

1480
1481 Mr. Blankinship - Sewer runs in Old Country Trace and Old Dell Trace,
1482 so I'm assuming that he can get from this location to one of those lines. He could
1483 provide sewer even though it's difficult for you in Drouin Hills.

1484
1485 Mr. Carnes - How could he get it to that lot, though?

1486
1487 Mr. Blankinship - I don't know the topography, so I don't know whether
1488 it would have to be pumped or whether it would drain.

1489
1490 Mr. Carnes - He'd have to run over somebody else's property,
1491 wouldn't he?

1492
1493 Ms. Dwyer - No.

1494
1495 Mr. Blankinship - His own.

1496
1497 Ms. Dwyer - His own property. When you said Mr. Middleton
1498 created the hardship himself, you're speaking simply of the fact that he did not
1499 exercise the earlier variance, because he did not himself create this lot; this was
1500 already created when, I believe, Drouin Hills was platted.

1501

1502 Mr. Pearsall - I'm not sure; it may have been Drouin Hills subdivision
1503 plat. I'm not sure.
1504
1505 Mr. Blankinship - This lot was created by the Kingsbridge in 1963.
1506
1507 Ms. Dwyer - Okay.
1508
1509 Mr. Carnes - So it would be Drouin Hills. It's off of Kingsbridge, yes.
1510 Is there a certain frontage you have to have to have a lot?
1511
1512 Mr. Blankinship - Yes. Fifty feet of public street frontage.
1513
1514 Ms. Dwyer - How many acres is your parcel?
1515
1516 Mr. Carnes - 1.9.
1517
1518 Mr. Nunnally - Any other questions from the Board or staff? I thank
1519 you for coming.
1520
1521 Mr. Pearsall - Thank you for your consideration.
1522
1523 Mr. Nunnally - Mr. Middleton, do you want to rebut to this, please?
1524
1525 Mr. Middleton - Yes, just briefly. With respect to having had created
1526 the hardship, I think the Board's language back in 1999 was somewhat different
1527 and stated that in order to vest the easement, we had to apply for a permit, take
1528 some construction activities with respect to the lot. So, that was a
1529 misunderstanding between me and the staff members that I spoke to. With
1530 respect to the sewer issue, I spoke with the Utilities Department here at the
1531 County before applying for the easement. They told me that we could get public
1532 sewer and public water to this lot and, in fact, we have it to our house as well. I
1533 don't think that that's an issue.
1534
1535 Ms. Dwyer - Would you be willing to include that as one of the
1536 conditions?
1537
1538 Mr. Middleton - Yes, yes.
1539
1540 Ms. Dwyer - What exactly did you do to exercise, to vest, as you
1541 say?
1542
1543 Mr. Middleton - I spoke with Steve Tugwell, who is no longer here, but
1544 who was a staff member at that time. What I had concluded from my
1545 conversation with him was that if we ran our driveway, which is the shared
1546 common driveway back towards the lot, we didn't actually have to connect it to

1547 the lot. That construction activity that we were doing to create part of the
1548 driveway that was the shared driveway to this lot was sufficient to vest it.
1549
1550 Ms. Dwyer - I didn't see any driveway when I checked, drove on
1551 the site. All I saw was the driveway to your house. I didn't see any driveway
1552 branching off.
1553
1554 Mr. Middleton - No, no, no. We didn't do the part that branches off.
1555
1556 Ms. Dwyer - All you did was build a driveway to your own home,
1557 essentially.
1558
1559 Mr. Middleton - A portion of which would be shared.
1560
1561 Ms. Dwyer - So, you really didn't do anything specific to this lot.
1562
1563 Mr. Middleton - That got over to the lot, other than at one point we
1564 applied for the septic permit. So, we started that process.
1565
1566 Ms. Dwyer - You applied for the septic permit.
1567
1568 Mr. Middleton - For a septic permit.
1569
1570 Ms. Dwyer - That was approved?
1571
1572 Mr. Middleton - I don't know that it was approved. There was a
1573 recommendation that a well that's located on the lot be capped.
1574
1575 Mr. Blankinship - We had the sketch done by the soil consultant; that's
1576 what I was referring to.
1577
1578 Ms. Dwyer - So, there's no permit approved?
1579
1580 Mr. Blankinship - Not that I know of.
1581
1582 Mr. Middleton - I don't think there's a permit approved for the septic
1583 because the recommendation from the County was that we go back and cap off
1584 an old pipe that was located there.
1585
1586 Ms. Dwyer - Okay.
1587
1588 Mr. Middleton - It became a moot point when we decided that we
1589 could get the public sewer.
1590
1591 Mr. Nunnally - Are there any other questions from the Board or staff?
1592 Hear none, that concludes the case. I thank you for coming, sir.

1593
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DECISION:

Mr. Nunnally: A-35-2006, Steven Middleton.

Ms. Dwyer - These are challenging cases, these lots that have been left dangling without road frontage. The difference that I see in this case and the one down the street in the neighborhood is that in this case, there was a reasonable plan at the time this lot was created that might have access to County Club Colony, which was developed in 1985 and, unfortunately, did not actually provide access. So, unlike some of the other parcels we've seen, this parcel's not only landlocked, but it's surrounded by subdivisions on two sides, one of which could have provided access at the time this lot was created. Let me rephrase that. At the time this lot was created, it was conceivable that access could have been provided by the Country Club Colony. So, it was not an inappropriate lot to have been staked out at the time. Unfortunately, the surrounding subdivisions were not coordinated and road access was not provided to this lot or the lot next door. Now there's no possibility of getting street frontage without this variance. I think that satisfies the Cochran requirement. In fact, this is a reasonably created lot for which there is no reasonable use at this time unless the variance is granted. It does have acreage that exceeds the minimum requirement, which is 1 acre. It has, I believe, 1.4 acres. The applicant has agreed to provide public water and sewer, which will minimize the amount of tree clearing that would otherwise be required for a drain field. So, for these reasons, I think that in light of the size of this lot and the substantial tree coverage that is available to provide buffers between any dwelling and surrounding dwellings, the fact that this is not an incompatible use, it is a single-family dwelling on a large lot that is in keeping with the lot size and the use of the surrounding properties, I recommended that we approve this request.

Mr. Nunnally - Motion by Ms. Dwyer it be approved. Do I have a second?

Ms. Harris - Second.

Mr. Nunnally - Second by Ms. Harris. All in favor say aye. Been approved.

After an advertised public hearing and on a motion by Ms. Dwyer, seconded by Ms. Harris, the Board **granted** application **A-35-2006** for a variance from Section 24-9 to build a one-family dwelling at 9744 Old Dell Trace (Kingsbridge) (Parcel 740-736-6551), zoned R-0, One-Family Residence District (Tuckahoe). The Board granted the variance subject to the following conditions:

1. This variance applies only to the public street frontage requirement. All other applicable regulations of the County Code shall remain in force.

- 1639
 1640 2. At the time of building permit application, the applicant shall submit the
 1641 necessary information to the Department of Public Works to ensure compliance
 1642 with the requirements of the Chesapeake Bay Preservation Act and the code
 1643 requirements for water quality standards.
 1644
 1645 3. The applicant shall present proof with the building permit application that a
 1646 legal access to the property has been obtained.
 1647
 1648 4. The owners of the property, and their heirs or assigns, shall accept
 1649 responsibility for maintaining access to the property until such a time as the
 1650 access is improved to County standards and accepted into the County road
 1651 system for maintenance.
 1652
 1653 5. [AMENDED] The dwelling shall be served by public water and sewer service.

1654
 1655
 1656 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
 1657 Negative: 0
 1658 Absent: 0
 1659
 1660

1661 Mr. Blankinship - Mr. Chairman, we passed over one case. Would you
 1662 like me to call it again?
 1663

1664 Mr. Nunnally - Yes sir.
 1665

1666 **A-33-2006** **Shurm Construction** requests a variance from
 1667 Section 24-95(b)(8) to build a one-family dwelling at
 1668 150 Cedar Fork Road (Parcel 811-725-9348), zoned
 1669 A-1, Agricultural District (Fairfield). The lot width
 1670 requirement and total lot area requirement are not
 1671 met. The applicant has 27,173 sq. ft. lot area and 87
 1672 feet lot width, where the Code required 30,000 sq. ft.
 1673 lot area and 150 feet lot width. The applicant requests
 1674 a variance of 6,827 sq. ft. lot area and 63 feet lot
 1675 width.
 1676

1677 Mr. Nunnally - Anyone here from A-33-2006? Do I have a motion to
 1678 defer?
 1679

1680 Ms. Harris - I move that this case be deferred until the next
 1681 meeting.
 1682

1683 Mr. Kirkland - I second it.
 1684

1685 Mr. Nunnally - Motion by Ms. Harris, second by Mr. Kirkland that it
1686 be deferred until next month. All in favor, say aye. It's been deferred. Thank
1687 you.

1688
1689 After an advertised public hearing and on a motion by Ms. Harris and seconded
1690 by Mr. Kirkland, the Board **deferred** application **A-33-2006** for a variance from
1691 Section 24-95(b)(8) to build a one-family dwelling at 150 Cedar Fork Road
1692 (Parcel 811-725-9348), zoned A-1, Agricultural District (Fairfield).

1693
1694
1695 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1696 Negative: 0
1697 Absent: 0

1698
1699 The case was deferred from August 24, 2006, until the September 28, 2006,
1700 meeting. The applicant was not present at the August 24, 2006 meeting.

1701
1702 Mr. Nunnally - Mr. Blankinship, what did we decide about these
1703 Minutes. Are we going to do them over?

1704
1705 Mr. Blankinship - Our suggestion, Mr. Chairman, is that if each of you
1706 could give us any written notes that you have brought with you on the Minutes,
1707 we'll take a closer look at them and bring them back for a vote next month.

1708
1709 Ms. Dwyer - I had one page that I think there were some things
1710 missing. Do you just want that page?

1711
1712 Mr. Blankinship - Sure, that will be fine. Thank you.

1713
1714 Ms. Dwyer - I tried to reconstruct the sentence so it made some
1715 sense.

1716
1717 Mr. Blankinship - You're assuming the original sentence made sense.

1718
1719 Ms. Dwyer - Well, I am assuming that.

1720
1721 Mr. Blankinship - [Laughs.]

1722
1723 Mr. Nunnally - Mr. Blankinship, I talked to Mr. Tokarz the other day
1724 on this appeal and he said he would request of you that you would send us a
1725 notice of when this would come up because some of us might want to go to that.
1726 So, if you'll make a note of that, I'll appreciate it.

1727
1728 Mr. Blankinship - Yes sir, I will do it.

1729
1730 Mr. Nunnally - Anyone else got anything to say about that appeal?

1731
1732 Mr. Wright - I'm interested to hear it. I found there's information in
1733 this report here that I didn't hear at the hearing.
1734
1735 Ms. Dwyer - I move we defer the Minutes to next month.
1736
1737 Mr. Kirkland - Until corrections are made.
1738
1739 Mr. Nunnally - All in favor, say aye. The Minutes have been deferred
1740 until next month after corrections.
1741
1742 Ms. Harris - Was there a second on that motion?
1743
1744 Mr. Blankinship - I took Mr. Kirkland's—
1745
1746 Ms. Harris - Okay.
1747
1748 Mr. Blankinship - —comment there to be a second.
1749
1750 Mr. Kirkland - Thank you.
1751
1752 On a motion by Ms. Dwyer, seconded by Mr. Kirkland, the Board **deferred the**
1753 **approval, after correction,** of the **Minutes of the July 27, 2006**, Henrico
1754 County Board of Zoning Appeals meeting until the September 28, 2006, meeting.
1755
1756
1757 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5
1758 Negative: 0
1759 Absent: 0
1760
1761
1762 Mr. Nunnally - All right. I guess we'll turn it over to Mr. Blankinship.
1763
1764 Mr. Kirkland - Yes, we can turn it over to Mr. Blankinship.
1765
1766 Mr. Nunnally - Before we adjourn.
1767
1768 Mr. Blankinship - All right. The floor is open for nominations for the
1769 Office of Chairman.
1770
1771 Mr. Wright - I nominate Mr. James Nunnally for Chairman for next
1772 year.
1773
1774 Mr. Kirkland - I second the nomination.
1775

1776 Mr. Blankinship - All right. Mr. Nunnally has been nominated. Are there
1777 any further nominations for Chairman? All right. We will record Mr. Nunnally's
1778 election by acclamation, then. The floor is open for nominations for the Office of
1779 Vice Chairman.
1780
1781 Mr. Wright - I nominate Mr. Richard Kirkland.
1782
1783 Mr. Nunnally - Second.
1784
1785 Mr. Blankinship - All right. Mr. Wright has nominated Mr. Kirkland. Are
1786 there any further nominations? All right. We will record Mr. Kirkland's election by
1787 acclamation. Mr. Chairman, I yield the floor back to you.
1788
1789 Mr. Nunnally - Thank you, sir. Any other business to be brought up
1790 today that you know of?
1791
1792 Mr. Wright - Mr. O'Kelly's got a word of wisdom.
1793
1794 Mr. O'Kelly - Thank you, Mr. Chairman. I just wanted to take a
1795 minute to thank Ann Cleary and Paul Gidley for the job they did to get your
1796 agenda out this month. You may or may not be aware that we're a little short
1797 staffed, probably will be for several more months. We certainly appreciate Ann's
1798 assistance and Paul's in continuing to get your Agenda prepared and distributed.
1799
1800 Ms. Dwyer - Thank you very much.
1801
1802 Mr. Kirkland - Thank you for the fresh coffee. Next month, we
1803 usually get breakfast burritos and bagels.
1804
1805 [Laughter.]
1806
1807 Ms. Dwyer - Don't forget the doughnuts.
1808
1809 Mr. Kirkland - And the doughnuts.
1810
1811 Ms. Harris - Priscilla is sick, right?
1812
1813 Mr. Blankinship - She is on sick leave, yes.
1814
1815 Ms. Dwyer - She's on sick leave?
1816
1817 Mr. O'Kelly - We don't know much about that situation.
1818
1819 Mr. Nunnally - Is she at home or in the hospital or?
1820
1821 Mr. O'Kelly - We don't know. We're not allowed to inquire.

1822 Mr. Blankinship - Handled directly by Human Resources.
1823
1824 Mr. Nunnally - The reason I ask, we should do something.
1825
1826 Mr. Kirkland - I'd like to send her a card or some flowers and we'd
1827 like to know where to send them.
1828
1829 Mr. Nunnally - Why don't you pick out a card?
1830
1831 Ms. Dwyer - Okay. How about a "we miss you" card?
1832
1833 Mr. Kirkland - That would be fine.
1834
1835 Mr. Nunnally - Mr. Kirkland will pay you for it.
1836
1837 Mr. Kirkland - Put it on my tab.
1838
1839 Mr. Kirkland - Motion to adjourn.
1840
1841 Mr. Nunnally - Motion to adjourn?
1842
1843 Ms. Harris - I move.
1844
1845 Ms. Dwyer - I move.
1846
1847 Mr. Kirkland - I move we adjourn.
1848
1849 Mr. Nunnally - All in favor of adjournment.
1850
1851 There being no further business, and on a motion by Mr Kirkland, seconded by
1852 Ms. Harris, the Board adjourned until **September 28, 2006**, at 9:00 a.m.
1853
1854
1855 James W. Nunnally
1856
1857 Chairman
1858
1859
1860
1861
1862
1863 Benjamin Blankinship, AICP
1864
1865 Secretary
1866