

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 28, 2008, AT 9:00 A.M., NOTICE**
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH AUGUST**
6 **7, 2008 AND AUGUST 14, 2008.**

7
Members Present: Elizabeth G. Dwyer, Chairman
Helen E. Harris
James W. Nunnally
Robert Witte
R. A. Wright

Also Present: David D. O'Kelly, Jr., Assistant Director of Planning
Benjamin Blankinship, Secretary
Paul Gidley, County Planner
R. Miguel Madrigal, County Planner
Carla Brothers, Recording Secretary

8
9
10 Ms. Dwyer - This meeting of the Board of Zoning Appeals for
11 August 28th, 2008, will come to order. First, I would like to welcome our newest
12 member of the Board, Mr. Robert Witte from the Brookland District. Welcome.

13
14 Mr. Witte - Thank you.

15
16 Ms. Dwyer - We look forward to working with you in the future. To
17 open our meeting, let's stand and say the **Pledge of Allegiance to the Flag of**
18 **Our Country.**

19
20 Ms. Dwyer - Now I'll ask the secretary, Mr. Blankinship, if you
21 would read the rules for our meeting today for the benefit of those in attendance.

22
23 Mr. Blankinship - Good morning, Madam Chairman, members of the
24 Board, ladies and gentlemen. The rules for this meeting are as follows. Acting as
25 Secretary, I will call each case, and while I'm speaking, the applicant should
26 come down to the podium. We will then ask everyone who intends to speak on
27 that case to be sworn in. The applicant will then have an opportunity to speak,
28 and then anyone else who wishes to speak will be given an opportunity. After
29 everyone has spoken, the applicant, and only the applicant, will be given an
30 opportunity for rebuttal. After everyone has spoken and the Board has asked
31 questions, they will take the matter under advisement, and they will render all of
32 their decisions at the end of the meeting. If you wish to hear their decision on a
33 specific case, you can either stay until the end of the meeting, you can check the
34 Planning Department website this afternoon, or you can call the Planning

35 Department later this afternoon. This meeting is being recorded, so I will ask
36 everyone who speaks to speak directly into the microphone on the podium, state
37 your name, and please spell your last name so we get it correctly in the record.
38 Finally, there are two binders out in the foyer that contain the staff report for each
39 case, including the conditions that have been recommended by the staff.
40 Particularly if you're the applicant for a use permit case, you need to be familiar
41 with those conditions.

42

43 We do not have any requests for deferrals or withdrawals this morning.

44

45 Ms. Dwyer - Thank you. We'll call the first case, UP-015-08, David
46 M. Madren.

47

48 **UP-015-08 DAVID M. MADREN** requests a conditional use
49 permit pursuant to Section 24-95(i)(4) to build an accessory building in the side
50 yard at 5387 New Market Road (Plantation Bluffs) (Parcel 843-671-4171), zoned
51 A-1, Agricultural District (Varina).

52

53 Mr. Madren - My name is David Madren.

54

55 Ms. Dwyer - Just a minute, Mr. Madren. Is there anyone else here
56 to speak to this case, for or against? Okay.

57

58 Mr. Blankinship - Will you raise your right hand please? Do you swear
59 the testimony you're about to give is the truth and nothing but the truth so help
60 you God?

61

62 Mr. Madren - I do.

63

64 Ms. Dwyer - All right, Mr. Madren, please state your case.

65

66 Mr. Madren - My name is David Madren. I own eight acres of
67 property at 5387 New Market Road, which I want to build an outbuilding on.
68 Where I want to locate the building is—as you can see on this drawing—going to
69 be on the side of the house and not all the way to the back. The side of my house
70 is 100 feet long, and where the building is going to be located is beside my
71 house, basically on another acre of land where you really—the building is kind of
72 separate from the house. They took a picture and note it as UP-015-08 maybe
73 that's the date. This picture here. Do you all have the same package I have?

74

75 Mr. Blankinship - Yes.

76

77 Ms. Dwyer - Yes, we do.

78

79 Mr. Madren - Not that one. Go one more, please. One more. Okay,
80 that's where the house is going to be located. If you look at the house, the

81 window, the front window, or the side window. The front one on the side, right
82 there. Keep moving the hand down the house. About right there is where the
83 start of the garage would be, but on this piece of land that you see beside the
84 house here. Now, where you see this piece of land beside the house, the woods
85 are still in front of house, so you would not be able to see this outbuilding from
86 Route 5. The way I put my driveway in to my house, it's coming at an angle. The
87 driveway in to the outbuilding would be the same. It'll be off Route 5, but it'll be to
88 the east side coming in. Even looking up the driveway coming in to the
89 outbuilding, you would not be able to see the outbuilding. If you're coming down
90 Route 5 out of Henrico into Charles City, you would be able to just briefly see the
91 outbuilding as you're coming down Route 5.

92
93 What I've done is gone with the same color building as they used to build—it's
94 brown, the same color as buildings in Charles City. They just built the Inland
95 Game and Fisheries there and those buildings are brown as well. They're closer
96 to Route 5 where you can see them. But even though they're closer to Route 5
97 and the woods have been removed, it's hard to see those buildings driving down
98 Route 5. They basically just kind of blend right in. It's not a white building; it's
99 brown. You're not really going to be able to see this building when you're driving
100 down Route 5.

101
102 I've removed the woods in front of my house for aesthetic reasons. The woods
103 would remain in front of this outbuilding. If I located this building any further back
104 on the property, the property drops off and you would be kind of—I don't think I
105 would encroach on the floodplain, but we'd be getting close to the floodplain back
106 there. Being this is eight acres of property, it just makes better sense. Also, if I
107 locate it at the back of the house—as you can see, I have a swimming pool in the
108 back of my house. So, I would have to clear another acre of land. If you look at
109 that aerial, I would have to clear, and if I start at the back of house, then I'd be
110 able to see that outbuilding from my pool area, which is kind of an inconvenience
111 to me. Where I want to locate it, I'm hiding it from me, and I'm hiding it from the
112 public as well. It just makes better sense to locate the building where I'm looking
113 to put the building for the piece of property that I'm on.

114
115 As they suggested, I would leave the landscaping, or the woods would remain in
116 front of the outbuilding. I'm not looking to clear that land. That land would remain
117 undisturbed. I'm concerned with the looks out there as much as anybody else in
118 Henrico would be. I've thought about this and where this building should go on
119 my property. This is the best for me, as well as for the County. The woods would
120 remain. The driveway into it would be off to the side where when you come in to
121 that outbuilding, you would not see it from the driveway either. The only way
122 you'd see that building is coming down Route 5, and you'd have to be looking for
123 that building in order to see it.

124
125 I would ask that you approve it as is, where it is, and the color that it is.

126

127 Mr. Nunnally - What is the construction going to be—metal, wood, or
128 what?
129
130 Mr. Madren - It is a metal building.
131
132 Mr. Nunnally - Is it going to be painted brown?
133
134 Mr. Madren - The metal comes all brown.
135
136 Mr. Nunnally - All brown?
137
138 Mr. Madren - All brown, yes.
139
140 Mr. Nunnally - What color is your house?
141
142 Mr. Madren - The front of my house is stucco and brick, which is
143 tan. I don't know if you have a picture of the front of the house. The side of the
144 house, I'll call it a cream color. I don't know if they have a picture of the full front
145 of the house. Well, you can kind of see it there. That's stucco and brick on the
146 front of the house. The side is vinyl siding. The reason I went brown and not the
147 color of the house is the building sits far enough away from the house. I was
148 basically hiding the building, is what I'm doing, by going brown. If you do that
149 building in ivory or the color of the house, it's not going to look as good. It doesn't
150 make sense to do the building, unless I was pulling the building close to the
151 house. This is an outbuilding, and the reasoning behind the brown color is so the
152 building would be hidden, not to bring attention to the building. The crème color
153 is going to bring attention to the building.
154
155 Mr. Wright - If this is approved, you do agree to retain the wooded
156 buffer that's there. You would not remove any trees.
157
158 Mr. Madren - Absolutely. It would remain as is, except for hurricane
159 damage, which we've had out there before. In that case, we would replace. It's
160 my intention that this building would not be seen by traffic on Route 5.
161
162 Mr. Blankinship - Just to make sure everyone is clear, staff had drafted
163 two conditions. Number 2 would require the building to be redesigned to be
164 similar to the house, and Number 3 would require that those trees be maintained.
165 I feel like one or the other of those conditions is important. Mr. Madren seems to
166 be leaning toward Condition 3. If that meets the Board's requirements, then you
167 would probably want to remove Condition #2.
168
169 Mr. Wright - They're not consistent.
170
171 Mr. Blankinship - Right, exactly. It's sort of an either/or. I mean, you
172 could do both, but the intention there is—

173
174 Mr. Wright - In the staff report you state that if he agrees to retain
175 the existing wooded buffer, you'd take out #2.
176
177 Mr. Blankinship - Right.
178
179 Ms. Dwyer - Looking at the building in the drawings that we have,
180 the front architectural, it appears to consist of one people door and three
181 overhead bay doors.
182
183 Mr. Madren - That is correct.
184
185 Ms. Dwyer - They would face Route 5?
186
187 Mr. Madren - That is correct.
188
189 Ms. Dwyer - What color would the doors be?
190
191 Mr. Madren - Brown as well.
192
193 Ms. Dwyer - The doors, then, would face Route 5. The roof pitch
194 is nearly flat. Is that correct?
195
196 Mr. Madren - It's about like that right there.
197
198 Ms. Dwyer - The left architectural shows that. It's a very low pitch.
199
200 Mr. Madren - Yes. I wanted to keep the building as low as I could,
201 simply because of where you're going down Route 5, the land drops off about six
202 feet as you're coming down. The higher the pitch of a roof, the more likely that it
203 would be an eyesore coming down Route 5. I didn't want to draw attention to the
204 building. The lower the pitch, the less obtrusive it's going to be.
205
206 Ms. Dwyer - You can see your house from Route 5, can you not?
207
208 Mr. Madren - Yes ma'am.
209
210 Ms. Dwyer - So you'd be able to see this building from Route 5 as
211 well.
212
213 Mr. Madren - This building is going to be sitting off. My house sits
214 here, and the building is going to sit off right here.
215
216 Ms. Dwyer - The front of this building is going to be where you
217 showed us, maybe where the side window is on your house. It's still not going to
218 be that much further off Route 5 than your home.

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Mr. Madren - No. It's going to sit back let's say 15 feet further back than my house sits. When you come down Route 5 there, you're coming around a curve. This doesn't portray it very well, but you come around a curve. Once you come around that curve, there's a wood buffer. I left a wooded buffer between my house and the neighbor's property. As soon as you pass that wooden buffer, you're almost in front of my house before you see my house. At that point, you do see my house for, let's see, 100 or 200 feet. Then you go to woods again. I only cleared out right in front of my house. To the right side of my driveway coming into the house, I left woods there. Then you have the house, and cleared out where you can see the house off Route 5. Then the woods start again. About 15 feet in front of the house, the woods start again.

Ms. Dwyer - As I drove down Route 5, I noticed that there are a number of very attractive residential homes, including your own, in this area of Plantation Bluffs, but I didn't see any utility type buildings like this in that neighborhood. Is that correct? Of this magnitude certainly.

Mr. Madren - There is really no other house on Route 5 like mine as far as outbuildings go. I'm right before you go into Charles City. There is one other house beside my house. There's an older cottage-style house on the right-hand side of my house that's been there for years. Then you have Turkey Island Road, and then some larger homes back by the river, which you can't see off Route 5. You have my house, then my neighbor's, which I sold him that land, and he built right in the middle of the woods. You can't see his house off Route 5. There are no other houses on Route 5, unless you go further past Curles Neck Dairy. You have Curles Neck Dairy, the Anderson's farm, and then my house. On the other side of the road, you have Ferguson's farm on the other side of the house. So really, there is no other development out there by my house. Curles Neck has been sold and will be developed at some point I'm sure. There is no other development out there, other homes in the area like mine, no ma'am.

As far as outbuildings go, what I'm comparing mine to, or what I tried to model mine after is what had been done. To me, Route 5 is Jamestown, Charles City, and Henrico. So, I tried to model my building after what Game and Inland Fisheries did. When you're coming down Route 5, that's the look I was trying to get and model mine after, because when you say outbuildings on Route 5, they are the only outbuildings on Route 5. Further into Henrico, there have been some garages built that are pretty obtrusive. The latest one that was just built meets the Code being back behind the house, but it has a pitch on it like that, and it's almost bigger than the house. It looks pretty funny to me, coming down Route 5 and seeing that big old garage out there. Certainly, what I'm doing is trying to hold the look of Route 5—that's the reason I live out there—versus hindering the look of Route 5.

264 Ms. Dwyer - The access to this garage will come down your
265 existing driveway, come across the front of your house, and then to this?
266
267 Mr. Madren - No ma'am.
268
269 Ms. Dwyer - Where is the access drive?
270
271 Mr. Madren - The access drive is going to be further down.
272
273 Ms. Dwyer - You're putting another driveway onto Route 5 to this
274 building?
275
276 Mr. Madren - If we look at this picture right here, coming off Route
277 5, it will angle in. It would angle in, coming in—well, I drew it—It angles in like
278 that right there. It's further down. Now, my driveway coming into my house is
279 the same way; it angles in this way.
280
281 Ms. Dwyer - I can't see. Maybe you could pass that to Mr.
282 Blankinship, and he can pass it down.
283
284 Mr. Blankinship - That driveway does not show on the plans that you
285 submitted.
286
287 Mr. Madren - [Off mike.] It might not. The driveway [inaudible]. At
288 this point, I haven't asked—The filling for the driveway at this point would be
289 gravel. When I bought the property ten years ago, there was already a culvert
290 that the State put in—because the State puts those in—that we're using to get to
291 that outbuilding. The driveway at one time was put in by another owner, starting
292 off Route 5. I didn't feel I had to go to the State, because you have to get
293 permission from the State to put in the driveway. That's already existing coming
294 off Route 5.
295
296 Ms. Dwyer - Would you have to cut down some of the trees?
297
298 Mr. Madren - Those trees are already gone. Those have already
299 been removed. There are no additional trees that have to be removed in front.
300 Where the driveway comes in is 100 feet down from where the garage is going to
301 be built. You would not be able to see.
302
303 Ms. Dwyer - One of the rules that we operate under is that if we
304 impose conditions, you have to agree to them. That's why we've asked have you
305 read the conditions.
306
307 Mr. Madren - I believe I have, ma'am, but I want to make absolutely
308 sure I have. The condition that I understand it to be—
309

310 Ms. Dwyer - The first condition says, “Only the improvements
311 shown on the plot plan may be constructed.” There was no additional driveway
312 shown on the plot plan. Is that a problem, Mr. Blankinship?
313

314 Mr. Blankinship - I think we do need to get that in the record
315 somewhere, yes ma’am.
316

317 Mr. Madren - I have no problem with putting that into the drawing
318 showing where the driveway will be coming off Route 5.
319

320 Ms. Dwyer - Do you have any comments on the other conditions?
321

322 Mr. Madren - “The building plan should be reviewed and submitted.”
323

324 Mr. Wright - Number two would come out if number three is in
325 there, the way I understood it.
326

327 Mr. Madren - Number two would be out and “the existing woods
328 shall be maintained between—” I have no problem with guaranteeing the County
329 that I would maintain that buffer.
330

331 Ms. Dwyer - How about adding supplemental landscaping?
332

333 Mr. Madren - If the County wanted that added, I would have no
334 problem with adding supplemental landscaping. When the Capital Trail comes
335 through, we’re putting a fence out in front of our property, and we’re doing
336 landscaping at the front of the house driveway. Whatever landscaping I need to
337 do in front of the outbuilding, I would do as well. It matters to me what the look is
338 on Route 5 as well. If I needed to put other trees in front—When I drive down
339 Route 5, I don’t want to see the outbuilding.
340

341 Ms. Dwyer - Do I take it, then, that you don’t agree to Condition 2?
342 As I read it, two and three are alternatives? One is keep the trees and perhaps
343 add supplemental landscaping, as you just agreed, and number two is to change
344 the architectural design of this building so it is more compatible with your home.
345

346 Mr. Madren - The first one is what I agree to. I don’t think it would
347 make sense to change the architectural design of the building to match the
348 house. If I was building this building closer to the house—and I considered
349 building it on the right-hand side of the house, closer to the house, and matching
350 the house. If I was doing that, I would say 100% it would match the house.
351 Where the building is going—the brown color, — . The peaks on my house are
352 very high. I have very steep peaks and then it comes down to—I don’t know
353 what it is; it’s a different type. They drop down, and it doesn’t show very well in
354 that picture because you can’t see the front of the house. See how high my
355 peaks are on my house?

356
357 Ms. Dwyer - Right.
358
359 Mr. Nunnally - We're giving him a choice of these two conditions,
360 and he chose number three.
361
362 Mr. Wright - Well, they're not consistent. Two and three are not
363 consistent.
364
365 Ms. Dwyer - Right. He agrees to three, although we are not
366 necessarily bound by what he chooses.
367
368 Mr. Nunnally - I realize that.
369
370 Ms. Dwyer - I was just trying to make sure I understood what he
371 would agree to. Any other questions by Board members.
372
373 Ms. Harris - Yes, I do have a couple of questions. On the site
374 plan, the accessory structure says 1,800 square feet.
375
376 Mr. Madren - Yes ma'am.
377
378 Ms. Harris - Then on the foundation plan, what is that 6500 square
379 feet? Is that part of the concrete slab or?
380
381 Mr. Madren - No ma'am. That must be incorrect because the
382 foundation is the same size as the building, which was your first measurement.
383 There is no accessory slab out there.
384
385 Ms. Harris - Okay. My other question is do you have a better
386 picture of the exterior of the structure? We have a copy of the architectural plan,
387 but these lines, these vertical lines, what do they constitute? Are they panels?
388
389 Mr. Madren - That does not give you a very good—I don't have,
390 being that the plans were submitted to the County, the other plans. This was
391 probably taken off those plans to do this. Those are the metal panels. When you
392 see all those ridges in there, they're not going to be as they're shown here as
393 being so "coming out at you." They're not going to be that way. It's all brown. It's
394 not going to be that highlighted as it's highlighted here on the copy.
395
396 Ms. Harris - It would look like a sheet of metal?
397
398 Mr. Madren - It would look like a sheet of metal, yes ma'am.
399
400 Ms. Dwyer - Any other questions by Board members?
401

402 Mr. Gidley: [Off mike.] What kind of equipment are you going to
403 store there? Can you tell us about that?

404
405 Mr. Madren - For one thing, I have two trailers. You see my trailers
406 and my tractor sitting outside. We have a three-car garage and we have five of
407 us there at the house, which is me, my wife, and my three children, my three
408 boys. In the winter, we park our cars in the garage, and the tractor gets put
409 outside. The leaf blower is sitting outside. The two trailers that I carry my tractor
410 on if I'm carrying it somewhere to help somebody cut grass or something are
411 sitting outside. It's just accessory equipment. The three-car garage we prefer to
412 use for our vehicles, and the other stuff that you seem to collect like a leaf
413 blower, and the tractor, and the thing you poke the lawn with, lawn equipment.

414
415 Ms. Dwyer - I'm wondering why you need three 14-foot doors, and
416 a 17-foot building for a tractor, leaf blowers, and yard equipment.

417
418 Mr. Madren - If I was to get a boat, which I don't own a boat. My
419 children are relatively young right now. It just made sense to me to have a taller
420 door than a shorter door if you're pulling something in. Right now, I don't own
421 anything that is that tall, but there is a good possibility in the future. I wouldn't
422 want to have to put larger doors in later. I have seen garages where they put one
423 large door in, one taller door and then shorter doors. To me, it looks funny, so I
424 wanted to keep them all looking the same.

425
426 Mr. Nunnally - I think what they're trying to find out is according to
427 the note we have from staff, it says they only intend to build a storage building for
428 farm equipment. Now, you're not doing any farming.

429
430 Mr. Madren - It's a tractor, but no, I'm not physically farming right
431 now, no.

432
433 Ms. Dwyer - This looks very industrial to me. It looks like a tractor-
434 trailer could park in here, is what I'm thinking. I don't see the need for this size
435 building, this size door for a tractor and lawn-type equipment, or even a boat.

436
437 Mr. Madren - Jacob, my second son, wants to work on—If we're
438 tinkering with cars, which I don't do any of that right now. My thought is if the kids
439 want to work on a car, we could pull a car in there and work on it if we wanted to.
440 If you're saying the size of the doors, that's the size door that would go on that
441 building. As far as doing shorter doors, I did taller doors simply because I
442 wouldn't be limiting myself by the height of the door.

443
444 Mr. Gidley - [Off mike.] You understand you can't use A-1 for
445 contractor's equipment storage.

446
447 Mr. Madren - Correct.

448
449 Mr. Gidley - [Off mike.] You can't work on other individuals' cars
450 there.

451
452 Mr. Madren - Right. I'm not opening an automotive shop, nor do I
453 intend to. If there is anything being done out there, such as working on a car, it
454 would be for my personal use. That's the only thing I would do out there. It
455 wouldn't be for, you know, Dave's Automotive Shop, or something of that nature.
456 When I say working on something, it would be strictly for my children.

457
458 Ms. Dwyer - Any other questions from Board members or staff?
459 Thank you, Mr. Madren, that closes the testimony for this case.

460
461 Mr. Madren - Okay, thank you.

462
463 **DECISION**

464
465 Mr. Nunnally - I move we approve it because I don't think it will be
466 detrimental to anything.

467
468 Ms. Dwyer - Motion for approval by Mr. Nunnally. Do I have a
469 second?

470
471 Mr. Wright - We have to talk about those conditions. Do you want
472 to take #2 out?

473
474 Ms. Dwyer - Is that your motion, Mr. Nunnally?

475
476 Mr. Nunnally - Yes.

477
478 Mr. Wright - Mr. Blankinship said that he put them in there as
479 alternatives.

480
481 Mr. Nunnally - "The building plans be revised." We scratched that
482 out, or I did, and "the existing woods shall be maintained between the proposed
483 building and New Market Road." I think that should be added on there, I mean
484 stay on there.

485
486 Mr. Wright - I want to be sure what I'm voting for. Conditions 1
487 and 3 could be in, and #2 would be out. Is that correct?

488
489 Mr. Nunnally - That's correct, yes sir.

490
491 Ms. Dwyer - So, that's Mr. Nunnally's motion that we approve the
492 case eliminating Condition 2, but maintaining Conditions 1 and 3.

493

494 Mr. Wright - I second that motion.
495
496 Ms. Dwyer - Seconded by Mr. Wright. Any discussion? I have
497 grave concerns about the impact of this building because it's a huge 17-foot
498 metal building. I think it will be visible from Route 5. The home is visible from
499 Route 5. It's a metal building, low pitch. It is very industrial looking in what is a
500 rural, scenic byway, residential neighborhood. I'm not sure I understand why he
501 needs that size building, those size doors, why it needs to be metal, and out of
502 keeping with the architectural of his own home and the homes that have been
503 built along Route 5. I think it would be a detraction to Route 5 as a scenic byway.
504 He even said himself, "I don't want to see this building from the road," and I think
505 it would be a very unattractive addition to the Route 5 landscape. My concern
506 would also be in the future say Mr. Madren moved. Someone else might move in
507 there and—The building lends itself to other more industrial type uses. We might
508 be asking for problems from people who might use it to store industrial
509 equipment, or conduct some sort of business out of there. It's also requiring an
510 additional access to Route 5. Those are my concerns about the case.
511
512 Mr. Wright - You'll see it in a fleeting way, but it's not going to be
513 dominant from Route 5—that's the way the testimony came down—due the
514 buffering. It appears that staff agrees.
515
516 Ms. Harris - He also said that the color would cause the building to
517 be more subdued.
518
519 Mr. Wright - Brown will. You would have a much more visible
520 building if you made it yellow or light-colored siding, I think.
521
522 Ms. Dwyer - That may be true, and I'm not objecting to the color,
523 I'm objecting to the 17-foot metal building with three 14-foot bay doors on the
524 front.
525
526 Mr. Wright - Mr. Blankinship, if he had room to put this in the back,
527 we wouldn't be here, would we?
528
529 Mr. Blankinship - That's correct.
530
531 Mr. Wright - He could build this very building in the back of his
532 property.
533
534 Mr. Blankinship - Yes sir.
535
536 Ms. Dwyer - He could also build a more aesthetically pleasing
537 building in keeping with his home so that it could look like a barn, or something
538 that had a roof pitch, and had materials that were compatible with his home.
539 That would be my preference.

540
541 Mr. Wright - He has eight acres. He has a lot of land there.
542
543 Mr. Witte - There's the possibility of evergreens that would not
544 shed their leaves as part of the buffer. That would be a possibility.
545
546 Ms. Dwyer - We could probably require—and he agreed, actually.
547 Condition 3.
548
549 Mr. Wright - I have no problem if we want to put something in here
550 to put some evergreens in there. I don't have any problem with that.
551
552 Mr. Nunnally - I think he said that they have hurricanes down there
553 and all that. He said if anything happened to them, he would replant them.
554
555 Ms. Dwyer - Right now, it appears to be mostly deciduous trees
556 between Route 5 and the area where he would put this building, so we could
557 require evergreens between the building and the roadway under Condition 3. He
558 has agreed to that.
559
560 Mr. Wright - I have no problem with that to ensure that we keep
561 the buffer.
562
563 Ms. Dwyer - Mr. Nunnally, would you want to amend Condition 3?
564
565 Mr. Nunnally - Can you put that down, Mr. Blankinship?
566
567 Mr. Blankinship - Yes sir.
568
569 Mr. Nunnally - Already have it, huh?
570
571 Ms. Dwyer - We have a standard for buffers. Should we cite that,
572 Mr. Blankinship?
573
574 Mr. Wright - Say "approved by the staff," couldn't we?
575
576 Ms. Dwyer - Additional evergreens?
577
578 Mr. Wright - Yes. As approved by the staff. Wouldn't that work, Mr.
579 Blankinship?
580
581 Mr. Blankinship - Yes.
582
583 Ms. Dwyer - All right. So, we have an amended motion by Mr.
584 Nunnally to approve the case with Conditions 1 and 3 as they're presently written
585 with suggested conditions, and with the addition of evergreen landscaping on

586 Condition 3, and the elimination of Condition 2. All in favor of the motion say aye.
587 All opposed say no. The ayes have it; the motion carries.

588

589 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
590 Mr. Wright, the Board **approved** application **UP-015-08, David M. Madren's**
591 request for a conditional use permit pursuant to Section 24-95(i)(4) to build an
592 accessory building in the side yard at 5387 New Market Road (Plantation Bluffs)
593 (Parcel 843-671-4171), zoned A-1, Agricultural District (Varina). The Board
594 granted the conditional use permit subject to the following conditions:

595

596 1. Only the improvements shown on the plot plan filed with the application may
597 be constructed pursuant to this approval. Any additional improvements shall
598 comply with the applicable regulations of the County Code. Any substantial
599 changes or additions to the design or location of the improvements may require a
600 new use permit.

601

602 2. [DELETED]

603

604 3. [AMENDED] The existing woods shall be maintained between the proposed
605 building and New Market Road. The screening shall be supplemented with
606 evergreen landscaping to screen the proposed building from view from New
607 Market Road.

608

609

610 Affirmative: Harris, Nunnally, Witte, Wright 4

611 Negative: Dwyer 1

612 Absent: 0

613

614

615 **UP-016-08** **VYACHESLAV PATSUKEVICH** requests a
616 conditional use permit pursuant to Section 24-95(i)(4) to build an above ground
617 pool in the side yard at 10818 Staples Mill Road (Parcel 761-769-7110), zoned
618 A-1, Agricultural District (Brookland).

619

620 Ms. Dwyer - Is there anyone here to speak for or against this
621 case?

622

623 Mr. Blankinship - Raise your right hand please. Do you swear the
624 testimony you're about to give is the truth and nothing but the truth so help you
625 God?

626

627 Mr. Patsukevich - I do.

628

629 Mr. Blankinship - Would you state your name correctly, please?

630

631 Mr. Patsukevich - Yes. Vyacheslav Patsukevich.

632
633 Mr. Blankinship - Not bad, I was close.
634
635 Ms. Dwyer - Can you pronounce your last name again, please?
636
637 Mr. Patsukevich - Patsukevich.
638
639 Ms. Dwyer - Patsukevich?
640
641 Mr. Patsukevich - Yes.
642
643 Ms. Dwyer - Thank you. Please state your case.
644
645 Mr. Patsukevich - I'm requesting a conditional use permit pursuant to
646 Section 24-95(i)(4) to build an above ground pool in the side yard at—
647
648 Ms. Dwyer - Excuse me, Mr. Patsukevich, could you speak a little
649 close to the microphone? Thank you.
650
651 Mr. Blankinship - You don't need to read the advertisement; just explain
652 to the Board what you would like.
653
654 Mr. Patsukevich - I want to build an above ground pool in my side yard.
655 The pool is 18 by 30 feet.
656
657 Ms. Dwyer - At this point, this pool is not permitted by law. You're
658 asking for special treatment.
659
660 Mr. Patsukevich - Right.
661
662 Ms. Dwyer - Can you explain how the pool will not interfere with or
663 have a detrimental effect on the neighborhood?
664
665 Mr. Patsukevich - My pool will stay far away from the street, about 400
666 feet. My neighbors are far away from me and are hard to see. Around my pool
667 is a fence and some vegetation, and I have trees around. Actually, nobody can
668 see my pool from my neighbors.
669
670 Mr. Nunnally - In other words, you can't see this pool from your
671 neighbor's house, or from the road?
672
673 Mr. Patsukevich - No. From the road, you can see a little bit, just a
674 corner, because 400 feet is a long way. From my neighbor's house, no, you
675 cannot see.
676
677 Ms. Harris - From Staples Mill Road, it's about 400 feet?

678
679 Mr. Patsukevich - Yes.
680
681 Ms. Harris - Which pool are you going to build, the oval or the
682 round? I know you gave us plans for both. In the drawing, you have the oval—
683
684 Mr. Patsukevich - I just have the oval and long.
685
686 Ms. Harris - So, it's oval, is the answer to that. I think I have one
687 more question. The wood fence that we see in the plan, is that part of the fence
688 that will enclose the pool?
689
690 Mr. Patsukevich - Yes.
691
692 Ms. Harris - It's going to be used to enclose the pool, the wood
693 fence.
694
695 Mr. Patsukevich - Yes.
696
697 Ms. Harris - Or the screen fence. You had two fences, right?
698
699 Mr. Patsukevich - The wood fence is going to enclose the pool from the
700 my neighbor's sight.
701
702 Ms. Harris - Right. The screen fence will be connected to that to
703 circle the pool?
704
705 Mr. Patsukevich - Yes.
706
707 Ms. Dwyer - You're required to have a fence around the pool,
708 correct?
709
710 Mr. Patsukevich - I would build a fence to cover my pool from Staples
711 Mill Road.
712
713 Ms. Dwyer - It's my understanding that you had to completely
714 surround the pool with a fence. Is that correct, Mr. Blankinship?
715
716 Mr. Blankinship - Right. For safety, the Building Code will also require
717 you to put up a fence that completely encloses the pool. That's to make sure
718 wandering children don't fall into it.
719
720 Mr. Patsukevich - Okay.
721
722 Ms. Dwyer - How high a fence could he build without any other
723 interventions?

724
725 Mr. Blankinship - As long as it stays in the side yard, it's allowed up to
726 seven feet, but I can't recall whether that requirement is four feet or six feet; it's
727 one or the other.
728
729 Mr. Patsukevich - Up to seven feet.
730
731 Ms. Harris - Should that be a condition, or will the Building Permit
732 take care of that?
733
734 Mr. Blankinship - That's required by the Building Code.
735
736 Ms. Dwyer - This pool is located within the side yard, completely
737 within the side yard. Is that correct? I don't think we know exactly where the pool
738 is going, do we?
739
740 Mr. Blankinship - It shows pretty well on that sketch that's on the screen
741 how it is relative to the house.
742
743 Ms. Dwyer - Part of it would be in the front yard?
744
745 Mr. Blankinship - It's forward of the front plane of the house, but it's still
746 behind the front plane of the house from—well. I was thinking the house was at
747 an angle to Staples Mill Road, but actually the way we have it shown here, it is
748 nearly parallel. That may need to be adjusted a little bit in order to get the fence.
749
750 Ms. Dwyer - Mr. Patsukevich, what we're talking about is there
751 might be a conflict between the fence that you might want to put around the pool
752 for safety reasons, and the height of the fence you're allowed to put in the front
753 yard of your home if this pool encroaches into the front yard. We'd like to be
754 straight on that before make a decision.
755
756 Mr. Blankinship - You may have to move it all back a few feet.
757
758 Mr. Patsukevich - Okay. That's no problem.
759
760 Ms. Dwyer - Is that acceptable to you?
761
762 Mr. Wright - You say you have to have a pool in that side yard.
763
764 Ms. Dwyer - Right. We could add a condition to that effect, and we
765 would need to do that because the existing condition says only the improvements
766 on the plot plan would be built, and the plot plan does show the pool extending
767 beyond the front plane of the house.
768
769 Mr. Patsukevich - How many feet do I have to move it?

770
771 Ms. Dwyer - Excuse me?
772
773 Mr. Blankinship - It looks like 14 feet. It would have to be back flush
774 with the front of the house.
775
776 Mr. Patsukevich - Okay. That's fine.
777
778 Ms. Dwyer - Have you read the condition in the staff report?
779 There's just one condition. Do you agree to that? Any other questions by Board
780 members or staff? If there are no other questions, that will close the testimony in
781 this case. Thank you.
782
783 **DECISION**
784
785 Mr. Witte - I make a motion we approve this with an additional
786 condition that the pool not encroach into the front yard.
787
788 Ms. Dwyer - Do I have a second?
789
790 Ms. Harris - I second it. I thought we went on to state that it
791 needed to be at least 14 feet back because of the fencing.
792
793 Mr. Wright - If it's not in the front yard, that would take care of it.
794
795 Ms. Harris - Okay.
796
797 Mr. Wright - It has to be in the side.
798
799 Ms. Harris - We don't need to be specific? We mentioned 14 feet.
800
801 Mr. Wright - I think that would be up to Mr. Blankinship to ensure
802 that it's in the side yard, wouldn't it?
803
804 Mr. Gidley - [Off mike.] We need to relocate the pool back enough
805 so the surrounding fence is also in the side yard, due to height restrictions if it is
806 in the front yard.
807
808 Ms. Dwyer - The pool, as well as the fence will not encroach in the
809 front yard?
810
811 Mr. Witte - I will amend that to say that the pool and fence not
812 encroach into the front yard.
813
814 Ms. Harris - I second the motion.
815

816 Ms. Dwyer - Motion by Mr. Witte, seconded by Ms. Harris. Any
817 discussion? I would only add that maybe that should be part of Condition 1
818 because we've said in Condition 1, only the improvements shown on the plan are
819 part of this, and since we are amending that plan, we might say except for that,
820 and then include your language. That would make it clear that we don't have a
821 conflict between the two conditions.

822

823 All in favor of the motion of the motion say aye. All opposed say no. The ayes
824 have it; the motion carries.

825

826 After an advertised public hearing and on a motion by Mr. Witte, seconded by
827 Ms. Harris, the Board **approved** application **UP-016-08, Vyacheslav**
828 **Patsukevich's** request for a conditional use permit pursuant to Section 24-
829 95(i)(4) to build an above ground pool in the side yard at 10818 Staples Mill Road
830 (Parcel 761-769-7110), zoned A-1, Agricultural District (Brookland). The Board
831 approved the conditional use permit subject to the following condition:

832

833 1. [AMENDED] Only the improvements shown on the plot plan filed with the
834 application may be constructed pursuant to this approval, except that the pool
835 shall be moved to the southwest such that the pool and the required security
836 fence shall be in the side yard. Any additional improvements shall comply with
837 the applicable regulations of the County Code. Any substantial changes or
838 additions to the design or location of the improvements may require a new
839 variance.

840

841

842 Affirmative:	Dwyer, Harris, Nunnally, Witte, Wright	5
843 Negative:		0
844 Absent:		0

845

846

847 **A-017-08 KENNETH LEE DOUSTOUT** requests a variance
848 from Section 24- 9 to build a one-family dwelling at 4706 Charles City Road
849 (Parcel 837-700-4228 (part)), zoned A-1, Agricultural District (Varina). The public
850 street frontage requirement is not met. The applicant has 0 feet public street
851 frontage, where the Code requires 50 feet public street frontage. The applicant
852 requests a variance of 50 feet public street frontage.

853

854 Ms. Dwyer - Is there anyone else to speak to this case either for or
855 against?

856

857 Mr. Blankinship - Raise your right hand please. Do you swear the
858 testimony you're about to give is the truth and nothing but the truth so help you
859 God?

860

861 Mr. Doustout - I do, sir.

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907

Ms. Dwyer - Please state your case.

Mr. Doustout - Good morning, hi. My name is Kenny Lee Doustout. I'm here this morning to request a variance for the waiver of the 50-foot road frontage so that I can build a new home for one of my sons.

Mr. Nunnally - Excuse me, sir. Would you move that mike up closer to you, please?

Mr. Doustout - Yes sir. I'm here this morning to ask for a variance to waive the 50-foot road frontage requirement on Charles City Road, so that I can build a new home for my son on the 4.9 acres that we've set aside for him. The easement and the access to the area are already there. It's all family—side, behind, and front. Everybody's okay with it. The plot plan shows where the proposed house is going to be. The only thing I have to do now is change the driveway that goes back to my house, let it come up the easement, make a right, and go into the property that I own. Basically, we'll put in a 1,700 square-foot ranch home with a garage separate. Also at the time, my brother has 4-1/2 acres to the right of this house. I have the survey plot here to give him access to his 4-1/2 acres so that he won't be landlocked any longer. We also made the easement go all the way to the back of the property, so that if my niece's son and daughter ever decide to build, they'll have an easement to their property also. This is all family land. Our parents kind of wanted the whole family to be there. I have one son that we've built for now. He has a better job, doing really well. He would like to have a larger home than the starter home that my wife and I originally built. We let them move into that, and then when they can afford to build, we try to do a good process of letting them do so. We're to the point now that he would like to do something, which is the reason I'm here to try to get the variance for the road frontage.

Ms. Dwyer - I'm looking at the sketch dated September 18th, 1996, which showed an easement. I'm not real clear.

Mr. Doustout - Okay, what happened was—

Ms. Dwyer - The existing 50-foot right-of-way?

Mr. Doustout - Yes ma'am. I used to own the front part of the property up there that's not really drawn on here. It belongs to my son, John Doustout, now. That home originally belonged to my wife and me. We knew that eventually this land would be given to us by my parents, so we set aside with my nephew—he gave 25 feet and I gave 25 feet of our existing land all the way to the back to give an easement, an access for the road frontage that would be needed to build any homes in the back for the family. We also extended that when the land was divided the last time. I took for granted that any time the

908 property would get the easement—which is the road frontage—that it would be
909 okay to build, until I put in for a permit and they said I had to get another
910 variance.

911

912 Ms. Dwyer - The easement goes all the way back to what's
913 designated at the Courtney property?

914

915 Mr. Doustout - Yes ma'am.

916

917 Ms. Dwyer - Where exactly are the other two parcels that you've
918 warned us you might be coming to get easements for in the future?

919

920 Mr. Doustout - This one here is the 4.9 acres that we've divided off.

921

922 Ms. Dwyer - Right.

923

924 Mr. Doustout - You can see that triangle shaped piece, and see my
925 log cabin back a little further. Right now, where that arch driveway comes
926 through coming to my house, the house will be built off that arch right there.

927

928 Ms. Dwyer - The one you're talking about today.

929

930 Mr. Doustout - Yes ma'am.

931

932 Ms. Dwyer - Okay.

933

934 Mr. Doustout - Then later on, if my youngest son decides he wants to
935 build, what our game plan would be is to follow that easement straight down to
936 the back part of the property. He said, yes, he would like to have a piece all the
937 way in the back left-hand corner.

938

939 Ms. Dwyer - Of your property.

940

941 Mr. Doustout - Yes ma'am.

942

943 Mr. Blankinship - Continuing north.

944

945 Ms. Dwyer - Okay.

946

947 Mr. Blankinship - North.

948

949 Mr. Doustout - That would be all of my sons, at that point, down on
950 the property.

951

952 Ms. Dwyer - To the top, Paul.

953

954 Mr. Doustout - Keep on going straight up.
955
956 Mr. Blankinship - North. There you go.
957
958 Mr. Doustout - Right. All the way to the end. Right there.
959
960 Ms. Dwyer - That's where your other son might build.
961
962 Mr. Doustout - Yes. He said he'd like to be all the way in the back, if
963 he could.
964
965 Ms. Dwyer - Then you said something about a niece?
966
967 Mr. Doustout - My niece lives off the left. She has a house in that
968 little narrow strip. Right there. That's where my niece lives. If you come up further
969 straight in the other little narrow strip, that's my nephew. Then the house to the
970 right of where she is right now, that's my son. Then the one to the right of that,
971 right there, that's my brother. The little triangular piece behind my brother's
972 house is the 4-1/2 acres that's landlocked, which I'm giving my brother access to
973 get to that. He has two grandsons that would like to build up there.
974
975 Ms. Harris - Mr. Doustout, have you investigated subdivision plat
976 requirements?
977
978 Mr. Doustout - Yes. I'm under the understanding as long as it's
979 family, it doesn't really go into subdivision; that's not what we're after. We're just
980 trying to keep our family together.
981
982 Ms. Harris - Right. You would not need a variance if you had the
983 approval through a subdivision plat. I was wondering what are those
984 requirements? It seems here you have a mini-subdivision already, or you're
985 proposing one.
986
987 Mr. Doustout - We do, if you consider family building on their
988 property a subdivision; I don't. We're just trying to stick together. Land is hard to
989 get nowadays. We have it, and our children don't. That's one thing that my
990 parents wanted is my whole family to be down there, and that's what we're trying
991 to do.
992
993 Ms. Harris - Mr. Blankinship, how difficult is it to get subdivision
994 approval for something like this?
995
996 Mr. Blankinship - You would be looking at building at least a thousand
997 feet of state road, and probably more like 1200 to serve all of these homes, or
998 maybe even more than that. I'm afraid I've lost track of the per-foot cost of
999 building roads, but it would be substantial.

1000
1001 Mr. Wright - You're talking about thousands of dollars.
1002
1003 Mr. Blankinship - Yes. Probably close to \$100,000.
1004
1005 Mr. Doustout - That is not going to happen on my property.
1006
1007 Ms. Harris - Yes, that's prohibitive.
1008
1009 Mr. Doustout - That's family land and it's not going to be a
1010 subdivision. I have enough of them coming in around there now.
1011
1012 Ms. Dwyer - When you divide a parcel, that's a subdivision,
1013 technically.
1014
1015 Mr. Doustout - I took for granted that when it's family, it's not
1016 considered a subdivision.
1017
1018 Ms. Dwyer - Well, you don't have to get subdivision approval, but
1019 there are other requirements such as road frontage that you have to have.
1020
1021 Mr. Doustout - We like the woods.
1022
1023 Ms. Dwyer - This was part of a 26-acre parcel that was subdivided
1024 in 1987. Then this particular lot that we're looking at today is what you want to
1025 subdivide from your existing property, which is 13.5 acres. You already have use
1026 and enjoyment of the 13.5 acres for your own home.
1027
1028 Mr. Doustout - Yes ma'am.
1029
1030 Ms. Dwyer - Any questions by Board members?
1031
1032 Mr. Doustout - I also agree with all of your conditions that you have.
1033 There is no problem whatsoever.
1034
1035 Ms. Dwyer - All right. Thank you, sir.
1036
1037 Mr. Doustout - All right. You all have a good day.
1038
1039 Ms. Dwyer - If there are no other comments that closes the
1040 testimony for this case.
1041
1042 **DECISION**
1043
1044 Mr. Wright - I move that we approve this request on the grounds
1045 that this is a legal subdivision; therefore, we have a legal lot. I consider the lot to

1046 be taken as a whole; therefore, there is no reasonable, beneficial use of the lot
1047 without the variance. Therefore, the granting of this variance will alleviate a
1048 clearly demonstrable hardship approaching confiscation since they can't use the
1049 lot for anything else except a residence.

1050

1051 Mr. Nunnally - I second the motion.

1052

1053 Ms. Dwyer - Motion by Mr. Wright, seconded by Mr. Nunnally. Any
1054 discussion?

1055

1056 Ms. Harris - Yes. I don't believe that the Cochran and Cherrystone
1057 cases were designed to prevent family subdivisions that have worked well, such
1058 as this one. Chairman Wright has examined the Cochran and Cherrystone
1059 cases—and he can correct me if I'm wrong—and I don't believe that was the
1060 intent of those cases.

1061

1062 Ms. Dwyer - Mr. Wright, I have a question.

1063

1064 Mr. Wright - I can address one thing. I think we would be putting a
1065 very strict interpretation on Cherrystone if we were to say that you had to have
1066 this 50-foot road frontage at the date of the ordinance. You have to read
1067 Cherrystone, and I have it right here. In Cherrystone it was a matter of
1068 narrowness of the lot. I'm reading from Cherrystone: "Here, the applicant failed
1069 to show that the lots for which variances were sought were lots of record in 1988
1070 when the Bay Act became effective. Because the express language of the Bay
1071 Act and Code Section 15.2-2309(2)—" That's in the language. In the language
1072 creating the 50-foot road frontage requirement, it did not say it had to be effective
1073 at the date of the Code. We have to take Cherrystone based on the facts. That's
1074 my feeling about it.

1075

1076 Ms. Dwyer - I hate to be the bad guy. I'm not even getting into
1077 Cherrystone. We have 13.5 acres, and the applicant, as I understand it, wants to
1078 peel off another 4-point-some acres to make a lot. It's not as though we're
1079 considering a lot that's been in existence for any period of time. This is
1080 something that the applicant is requesting to do. At this point, we don't really
1081 have a lot other than the 13.5 acres. Clearly, to me under Cochran, we don't
1082 even get to Cherrystone. Under Cochran, he has reasonable and beneficial use
1083 of these 13.5 acres. Cochran never made an exception for family divisions.
1084 There's nothing in there that indicates that there are exceptions other than the
1085 ones specifically stated by the Supreme Court. So, I would respectfully disagree,
1086 Mr. Wright.

1087

1088 Mr. Wright - Until that is made clear, I will side with the landowner
1089 for the use of his land.

1090

1091 Ms. Dwyer - All right. Any other discussion? We have a motion by
1092 Mr. Wright, seconded by Mr. Nunnally. All in favor of the motion say aye. All
1093 opposed say no. The ayes have it; the motion carries.

1094
1095 After an advertised public hearing and on a motion by Mr. Wright, seconded by
1096 Mr. Nunnally, the Board **approved** application **A-017-08, Kenneth Lee**
1097 **Doustout's** request for a variance from Section 24-9 to build a home at 4706
1098 Charles City Road (Parcel 837-700-4228 (part)), zoned A-1, Agricultural District
1099 (Varina). The Board approved the variance subject to the following conditions:

- 1100
1101 1. This variance applies only to the 50 foot lot frontage requirement for one
1102 dwelling only. All other applicable regulations of the County Code shall remain in
1103 force.
1104
1105 2. Only the improvements shown on the plot plan filed with the application may
1106 be constructed pursuant to this approval. Any additional improvements shall
1107 comply with the applicable regulations of the County Code. Any substantial
1108 changes or additions to the design or location of the improvements may require a
1109 new variance.
1110
1111 3. Approval of this request does not imply that a building permit will be issued.
1112 Building permit approval is contingent on Health Department requirements,
1113 including, but not limited to, soil evaluation for a septic drainfield and reserve
1114 area, and approval of a well location.
1115
1116 4. At the time of building permit application, the owner shall demonstrate that the
1117 parcel created by this division has been conveyed to members of the immediate
1118 family, and the subdivision ordinance has not been circumvented. Ownership of
1119 the parcel shall remain in the immediate family for a minimum of five years. If this
1120 condition cannot be met, the owner shall submit a subdivision plat for review and
1121 approval by the Planning Department.
1122
1123 5. The applicant must present proof with the building permit application that a
1124 legal access right to the property has been obtained.
1125
1126 6. The owners of the property and their heirs or assignees, shall accept
1127 responsibility for maintaining access to the property until such a time as the
1128 access is improved to County standards and accepted in the County road system
1129 for maintenance.

1130
1131 Affirmative: Harris, Nunnally, Witte, Wright 4
1132 Negative: Dwyer 1
1133 Absent: 0

1134
1135

1136 **UP-017-08** **RICHMOND RUGBY FOUNDATION** requests a
1137 conditional use permit pursuant to Sections 24-52(a) and 24-12(b) to operate a
1138 private recreation facility at 514 Whiteside Road (Parcel 833-710-5988), zoned
1139 A-1, Agricultural District (Varina).

1140
1141 Ms. Dwyer - Is there anyone here to speak to this case, for or
1142 against?

1143
1144 Mr. Blankinship - Will you raise your right hand please? Do you swear
1145 the testimony you're about to give is the truth and nothing but the truth so help
1146 you God?

1147
1148 Mr. Kinzey - I do. Thank you. My name is Reyn Kinzey. I'm here
1149 instead of Pete Sweet today because Pete was called away on business. I met
1150 with him on Tuesday and we went over our application.

1151
1152 Basically, we are operating under a special use permit now that we were granted
1153 in 2005 to develop a rugby pitch—that's what we call the field in rugby, a pitch.
1154 We have been playing there the last couple years.

1155
1156 Our situation has changed, and what we'd like to do is amend the hours and
1157 days of operation. We told the County that in the very long run, we would like to
1158 develop the land further, and I'd like to say a few things about that.

1159
1160 Basically, our situation with the County has changed. As is outlined in the letter to
1161 you on the 24th, we used to play all of our games either at Dorey Park or
1162 Mountain Road. We went to Mountain Road first, and then moved out to Dorey
1163 Park, which we had hoped to make our permanent home. As I'm sure you know,
1164 Henrico County is facing increasing pressure for playgrounds and athletic fields,
1165 and we have not been able to get those fields when we need them. Also, rugby is
1166 traditionally played regardless of weather. We do break for hurricanes, but not
1167 much else—we like to play in the mud. Quite rightly, Dorey Park takes a dim view
1168 of us playing in the mud, so we'd like to play on our field. Also, even since the
1169 letter was written to you, we are now having some problems getting practice
1170 fields from the County. We would like to start practicing out there, too, which
1171 brings me to the lighting requirement.

1172
1173 First of all, let's talk about the hours of operation. Is that what we should do?
1174 Right now, we are limited to Tuesday and Thursday evenings, and Saturdays.
1175 We would like to be able to practice every day of the week, Monday through
1176 Friday. As I say that, it doesn't mean that we would actually practice five days a
1177 week. Rugby players are amateurs; it's all volunteer. Asking people to come out
1178 more than twice a week for practice is a bit much, but if we get rained out on
1179 Tuesday, we would like the option of practicing on Wednesday. As for the days of
1180 operation, the hours that the Board recommended under the conditions would be
1181 very acceptable for us, except perhaps Sunday.

1182

1183 I've been with the club now over 20 years. We don't like to play on Sunday, but
1184 from time to time, we do have to. When we do, it's usually because a Saturday
1185 game has been cancelled, and we're usually playing teams from either the
1186 Northern Virginia suburbs of Washington, or the Maryland suburbs of
1187 Washington, or Raleigh. They can be a 2-1/2-hour drive. When we do play on
1188 Sunday, we usually like to start earlier. The rugby players who come up from
1189 places like Raleigh don't have any problem getting here at 12 noon or 1:00 pm
1190 on Saturday, and then not leaving until 5:00 pm because it's Saturday night.
1191 Usually on Sunday, we like to play the games a little bit earlier so they can get
1192 back home on Sunday evenings and be ready for work the next day.

1193

1194 One thing I read said it appears that the club wants to intensify its use. We just
1195 want to make the County aware that eventually we would like to put a second
1196 field up, and we would like to put lighting up and maybe even a clubhouse. I can
1197 tell you right now, there are only three rugby clubs in this country that have
1198 clubhouses—Pittsburgh, Raleigh, and Charlotte. They're very rare. It will
1199 probably be 20 or 30 years from now before we'd ever be able to do that. I want
1200 to make clear that the second field would not mean we're going to double our
1201 games. We would like to put in a second field so we have a practice field. We
1202 could practice on one field in order to keep the game pitch a little bit more
1203 pristine.

1204

1205 Having said that, one of the two conditions that is asked for that we'd like to talk
1206 about is the last paragraph before the suggested conditions, which says, "If the
1207 rugby club decides to install lights in the future, staff will require a photometric
1208 plan showing that spillover will not exceed a half a foot candle at the property
1209 line." We don't have any problem with that, but then in the conditions it says we
1210 would have to come back for a new use permit. We would prefer if the condition
1211 was simply that when we put in lights, it will have to meet County standards. We
1212 don't have any problem meeting County standards; we just don't want to have to
1213 come back here two months from now if we do get those lights up. By the way,
1214 we're not talking about stadium lights like we have at Dorey Park or at Mountain
1215 Road. Typically, we don't play rugby at night. We play maybe one or two nights
1216 a year. We really need the lighting just for practices between 3:30 pm and 8:30
1217 pm.

1218

1219 The second condition we'd like to not have is number three, because since we
1220 aren't really changing the intensity of use, we would prefer not to have to
1221 redevelop that driveway. The driveway now is perfectly adequate for us. We
1222 almost never have more than 30 or 40 cars out, and people all tend to get to the
1223 field either at the beginning of the game, all at the same time, or at the beginning
1224 of practice, and they all leave at the same time. So, we really don't need to have
1225 ingress and egress at the same time. It's usually people come in and go out.
1226 There are so few of us, and we all know each other. It's working just fine the way
1227 it is. Since we aren't making any other improvements to the land, and can't make

1228 any more improvements to the land without another conditional use permit, we
1229 would just say can we just leave the parking the way it is, and if we come back
1230 asking for a new permit to change our use, change the parking then.

1231
1232 Any questions?

1233
1234 Ms. Dwyer - If I can summarize what you've said so that I can
1235 understand how what you said relates to the staff report. It appears that the staff
1236 report is only allowing an extension of the hours by its conditions. What you're
1237 asking is not only an extension of the hours with a change in the Sunday hours,
1238 but also approval of a second field, lighting, and eliminating Condition #3 relating
1239 to driveway improvement. Is that correct?

1240
1241 Mr. Kinzey - Perhaps I wasn't clear. We're not asking for approval
1242 for a second pitch now.

1243
1244 Ms. Dwyer - Okay.

1245
1246 Mr. Kinzey - It will be years. It's taken us 20 years to develop the
1247 one we have.

1248
1249 Ms. Dwyer - Okay.

1250
1251 Mr. Kinzey - So, no. I'm only asking for the change of hours for
1252 Monday through Friday, Saturday and Sunday, and I'm asking permission to put
1253 lighting in now, as long as it meets the County's approval.

1254
1255 Mr. Blankinship - I'm concerned about the lighting because when I
1256 received the letter, I responded to the club saying we need more details on the
1257 improvements you want to put up, and I was told the lighting isn't part of this
1258 approval so we're not going to submit any drawings.

1259
1260 Mr. Kinzey - Okay. I wasn't privy to that decision. Again, we're
1261 now thinking that we have to move our practices out there. We are limited to
1262 being out of there by 8:30 pm anyway, which is fine. I guess the County could
1263 check our records at Dorey and Mountain Road; we've always been out by 8:00
1264 pm, 8:30 pm. We would like to get some temporary lighting out there just so we
1265 can practice.

1266
1267 Mr. Blankinship - Can you describe the lighting you're talking about?

1268
1269 Mr. Kinzey - I'm not an engineer.

1270
1271 Mr. Blankinship - You said not stadium lighting.

1272
1273 Mr. Kinzey - Yes.

1274
1275 Mr. Blankinship - Are you talking about something on a pole 15 or 20
1276 feet high?
1277
1278 Mr. Kinzey - We're perhaps not even talking about anything
1279 permanently now. At this point, we might be just looking at generator lights. I
1280 can't say any more. Tom, do you know?
1281
1282 Ms. Dwyer - Do you have electricity at the fields?
1283
1284 Mr. Kinzey - No, which is why we would be using generators right
1285 now.
1286
1287 Mr. Blankinship - I'd be very uncomfortable approving lighting without
1288 having seen it.
1289
1290 Mr. Kinzey - Okay. Again, it says the property is not to be lighted
1291 unless a new conditional use permit is obtained. I hear you. Obviously, we
1292 wouldn't put the lighting up until it was approved. I was just wondering about the
1293 relationship between, like I said, the last paragraph of the report that says—I'm
1294 not asking you to approve lighting without a plan. I was asking if we submit a
1295 plan for lighting and get it approved by the County, do we then also have to come
1296 back and get a new conditional permit.
1297
1298 Ms. Dwyer - You're suggesting that if you submit a plan to staff
1299 that complies with the last paragraph of the staff report, you would like to be able
1300 to build that.
1301
1302 Mr. Kinzey - To do that now without coming back for another
1303 conditional use permit. It's not a big issue. If you want me to come so we can all
1304 see each other again, I'll be glad to come.
1305
1306 Ms. Dwyer - Another option would be to defer the case and come
1307 back next month.
1308
1309 Mr. Kinzey - I would rather not do that. Again, please understand,
1310 we struggle. I can tell you right at the moment we don't have the money or
1311 anything for lighting. If we do get the money by the end of the fall season, yes,
1312 we would probably like to do the lighting. Right now, we don't have it. Of those
1313 two options, I would rather go ahead and keep it with the condition you have and
1314 get the hours changed today. That's a pressing need for us right now.
1315
1316 Ms. Dwyer - What hours are you asking for on Sundays?
1317
1318 Mr. Kinzey - It says in point number seven, "Hours of operation
1319 shall be limited to 3:30 pm to 8:30 pm Monday through Friday; 9:00 am until 8:30

1320 pm on Saturday. We are fine with those, but I would also like it to be—I'd like to
1321 start a little earlier on Sunday, like maybe 10:00 am. We do not need to go to
1322 8:30 pm; 10:00 am to 5:00 pm would be fine, or 5:30 pm.

1323

1324 Ms. Harris - Why not 12 noon to 5:00 pm or 5:30 pm? I notice that
1325 in the malls the stores are open by noon.

1326

1327 Mr. Kinzey - Again, my concern are the players who are traveling
1328 two hours after the match to get back to Raleigh or Northern Virginia. If we start
1329 the game at 10:00 am, we'd be through by 12:30 pm. They could get some lunch
1330 and be back home before dinner.

1331

1332 Ms. Dwyer - How often do you say this happens in a given year?

1333

1334 Mr. Kinzey - In a given year, three, maybe four times.

1335

1336 Mr. Nunnally - I know you have a big church down there, but how
1337 many churches do you have in that neighborhood there?

1338

1339 Mr. Kinzey - I think there are three.

1340

1341 Mr. Nunnally - Do they use this road much, or are you familiar with
1342 that?

1343

1344 Mr. Kinzey - Yes, I am familiar with it. Again, we don't think there is
1345 any traffic problem. The nearest church is Bethany, which is right across
1346 Whiteside Road from us. They cannot see the field, even though they're the
1347 closest one. We're back in the woods, so we're buffered in terms of sight and
1348 noise. Again, with the limited traffic of 30 or 40 cars, which are all parked on our
1349 parking lot, I don't see any traffic problem

1350

1351 Ms. Dwyer - Condition #6—and this might be a question for staff.
1352 Is the existing buffer in compliance with Condition #6?

1353

1354 Mr. Kinzey - I understand that it is.

1355

1356 Mr. Blankinship - I believe so, yes ma'am.

1357

1358 Ms. Dwyer - It really is very heavily buffered. You cannot see
1359 anything.

1360

1361 Mr. Kinzey - We have to put up signs when we have visiting
1362 teams, and they still sometimes can't find it.

1363

1364 Mr. Wright - I want to make sure I understand number seven.
1365 You're agreeable to everything in seven except you'd like to have it start at 10:00
1366 am on Sunday?
1367
1368 Mr. Kinzey - Yes sir, that's correct.
1369
1370 Mr. Wright - And end when?
1371
1372 Mr. Kinzey - I would be comfortable, obviously, with 8:30 pm, but if
1373 for some reason you want to make it earlier than that as sort of a tradeoff—
1374
1375 Mr. Wright - If you don't have lights, that's going to—
1376
1377 Mr. Kinzey - Exactly.
1378
1379 Mr. Wright - Mother Nature's going to dictate that.
1380
1381 Mr. Kinzey - Exactly.
1382
1383 Mr. Wright - As soon as Daylight Saving Time goes off.
1384
1385 Mr. Kinzey - Right.
1386
1387 Ms. Dwyer - Although they could use it in the summer to practice
1388 or whatever.
1389
1390 Mr. Kinzey - If it's agreeable to the Board that we could have it
1391 10:00 am to 8:30 pm on Sunday, that would ideal for us.
1392
1393 Ms. Harris - Mr. Kinzey, is it possible that you have no complaints
1394 from the churches because you've never had Sunday hours?
1395
1396 Mr. Kinzey - That's certainly possible. We haven't been out there
1397 on Sunday.
1398
1399 Ms. Harris - When the soccer matches are at the Y, does that
1400 traffic spill over into the field?
1401
1402 Mr. Kinzey - No, no ma'am. We're about a quarter mile or half a
1403 mile from the Y.
1404
1405 Ms. Harris - Do they ever park as far as the rugby field?
1406
1407 Mr. Kinzey - Oh, no, no.
1408
1409 Ms. Dwyer - They probably don't know it's there.

1410
1411 Mr. Kinzey - No, they don't.
1412
1413 Ms. Harris - I knew it was there—I went to a soccer match—
1414 because I saw the signs.
1415
1416 Mr. Kinzey - Okay, good for you, good for you.
1417
1418 Ms. Dwyer - Any other questions by Board members? Thank you.
1419
1420 Mr. Kinzey - Thank you very much for your time.
1421
1422 **DECISION**
1423
1424 Mr. Nunnally - I'm not sure I know what this guy wants. All he's
1425 requesting is the change of hours. Is that right?
1426
1427 Mr. Wright - That's what we thought.
1428
1429 Ms. Dwyer - Also under Condition #3, I believe?
1430
1431 Mr. Blankinship - Unless you're going to go approving lighting.
1432
1433 Mr. Wright - What he wants to do is to leave everything just like it
1434 is, except change the hours. He admitted he didn't know about the lighting. I
1435 wouldn't be in favor of approving lighting without a plan being submitted. What
1436 staff is recommending is to go a step further than the present in Condition #3. Is
1437 that right, Ben?
1438
1439 Ms. Dwyer - That's a parking lot and driveway.
1440
1441 Mr. Wright - Yes. In other words, this adds something.
1442
1443 Mr. Blankinship - Yes, that's right.
1444
1445 Mr. Wright - All he wants to do is change the hours and leave
1446 everything else as it is.
1447
1448 Mr. Blankinship - That's correct. Our position is if they're going to be
1449 using the field more, it's likely that there is going to be more damage out there,
1450 and we would like to see them upgrade the parking facilities.
1451
1452 Mr. Wright - They may be using it more, but it's not a tremendous
1453 use. That's quite an expensive undertaking to do what you say in Condition #3,
1454 isn't it?
1455

1456 Mr. Blankinship - Yes sir, I would be.
1457
1458 Ms. Dwyer - We could have a motion that considers Conditions #3,
1459 #4, and #7. I believe those are the ones that the applicant mentioned and are an
1460 issue.
1461
1462 Mr. Wright - If we're going to approve this, I'm not going to
1463 approve lighting. That works fine. Four works fine. The only other thing is
1464 whether we want to change the hours on Sunday to 10:00 am rather than 1:00
1465 pm.
1466
1467 Ms. Dwyer - Do we want to eliminate Condition #3, which is a
1468 requirement for additional improvements in the driveway?
1469
1470 Mr. Wright - I move that we approve it. Since it's the same use
1471 that's been there for years. I know it will increase somewhat, the use of the
1472 property. Eliminate Condition #3 and—
1473
1474 Mr. Nunnally - Four?
1475
1476 Mr. Wright - No, four is fine.
1477
1478 Mr. Nunnally - Oh, yes, that's right.
1479
1480 Mr. Wright - Four is fine. Changing the hours to 11:00 am rather
1481 than 1:00 pm.
1482
1483 Mr. Blankinship - I don't know what time those two churches or three
1484 churches in that neighborhood begin. I would guess 11:00 am is their service
1485 time.
1486
1487 Mr. Nunnally - Most of them do, but now they have about three
1488 services.
1489
1490 Mr. Wright - If it's an 11:00 am service, they're going to already be
1491 there. Most traffic is done by a quarter to 11:00 am or so.
1492
1493 Mr. Nunnally - You said 11:00 am?
1494
1495 Mr. Wright - That's what I say, 11:00 am.
1496
1497 Mr. Nunnally - Okay.
1498
1499 Mr. Wright - We could go to 12 noon, if you want to.
1500
1501 Ms. Dwyer - Do I have a second?

1502
1503 Mr. Wright - I'll say 11:00 am.
1504
1505 Mr. Nunnally - I second it.
1506
1507 Ms. Dwyer - Motion by Mr. Wright, seconded by Mr. Nunnally that
1508 we approve the case eliminating Condition #3, leaving Condition #4 as it is, and
1509 amending hours under Condition #7 to 11:00 am to 8:30 pm on Sunday. Any
1510 discussion?
1511
1512 Ms. Harris - I feel more comfortable with 12 noon on Sunday. As I
1513 stated in our discussion earlier, I believe we have not had any complaints
1514 because there were no Sunday hours. Now there are Sunday hours. They won't
1515 be able to have 8:30 am curfew without lights, so they're going to take this to get
1516 the new conditional permit, and we've already given them the authority to have
1517 those later hours. I thought we could probably head off a problem here.
1518
1519 Mr. Wright - I don't have any problem with that. I was toying with
1520 12 noon.
1521
1522 Ms. Dwyer - I'm comfortable with 10:00 am, actually, because I
1523 think the use is so minimal. There are so few games. I'm accustomed to Striker
1524 Field and the Y, and this is a very small operation with very, very limited, very
1525 little use. I don't see traffic jams or traffic problems. If they're there at 10:00 am,
1526 then they're there before a lot of the 11:00 am traffic.
1527
1528 Ms. Harris - The roads are very narrow. A couple of the churches
1529 are very small, but I think that they are nonetheless just as interested in safe
1530 passage and not having competition, and conflicts, and distractions. I still believe
1531 the reason we have not had complaints is because Sunday was not an issue.
1532
1533 Ms. Dwyer - It is a narrow road. It's a public road and this, again, I
1534 think is such a small, limited and minimal use. I don't think the public using a
1535 public road for something as limited as this would—
1536
1537 Ms. Harris - Compared to Staples Mill Road, it is narrow.
1538
1539 Ms. Dwyer - It is narrow, but it is a public road, it's a public street,
1540 and they're entitled to use it. I would vote for 10:00 am. Anyway, the motion is
1541 11:00 am.
1542
1543 Mr. Witte - I don't have a problem with 11:00 am. Being a sports
1544 enthusiast all my life, I can appreciate wanting to get back home before it gets
1545 dark on Sunday to get in order for Monday—school, work, whatever.
1546

1547 Ms. Dwyer - The motion is for 11:00 am to 8:30 pm on Sunday.
1548 Anybody want to amend that motion?

1549
1550 Mr. Nunnally - You say you didn't have any problem amending that,
1551 Mr. Wright, to 12 noon?

1552
1553 Mr. Wright - I don't have any problem with any of that. I just figured
1554 give them a little leeway so some of these travelers can get back home. As it
1555 gets darker, it'll be more dangerous for them. That's why I just picked 11:00 am
1556 to give them something, but not give them the whole thing.

1557
1558 Ms. Dwyer - Motion by Mr. Wright, seconded by Mr. Nunnally as
1559 stated.

1560
1561 Mr. Wright - That's 11:00 am now.

1562
1563 Ms. Dwyer - That's 11:00 am for Condition #7. All in favor of the
1564 motion say aye. All opposed say no. The ayes have it; the motion passes.

1565
1566 After an advertised public hearing and on a motion by Mr. Wright, seconded by
1567 Mr. Nunnally, the Board **approved** application **UP-017-08, Richmond Rugby**
1568 **Foundation's** request for a conditional use permit pursuant to Sections 24-52(a)
1569 and 24-12(b) to operate a private recreation facility at 514 Whiteside Road
1570 (Parcel 833-710-5988), zoned A-1, Agricultural District (Varina). The Board
1571 approved the conditional use permit subject to the following conditions:

1572
1573 1. Only the existing rugby field and parking area, as shown on the plan filed with
1574 the application, may be maintained pursuant to this approval. This approval does
1575 not authorize construction of a second rugby field, a clubhouse, lights,
1576 grandstands, a picnic shelter, or a communication tower. Any substantial
1577 changes or additions may require a new conditional use permit.

1578
1579 2. Prior to any land disturbing activity, the applicant shall obtain an approved
1580 Erosion and Sedimentation Control Plan in accordance with Henrico County
1581 Code, Chapter 10, Environment and submit an Erosion Control Bond, which must
1582 remain active until released in writing. Throughout all land disturbing phases
1583 necessary for construction of the facility, the applicant must satisfy the
1584 Department of Public Works Environmental Section that erosion and sediment
1585 control is inspected and maintained in accordance with the approved plan and
1586 Environmental Section policy.

1587
1588 3. [DELETED]

1589
1590 4. The property shall not be lighted unless a new conditional use permit is
1591 approved.

1592

1593 5. A stop sign meeting County standards shall be maintained at the entrance
1594 onto Whiteside Road.

1595
1596 6. A landscaped buffer meeting the requirements of transitional buffer 10 as
1597 defined in Chapter 24 of the Henrico County Code shall be maintained between
1598 the parking area and adjacent property to the south. A landscaped buffer meeting
1599 the requirements of transitional buffer 25 as defined in Chapter 24 of the Henrico
1600 County Code shall be maintained between the parking area and adjacent
1601 property to the north. All landscaping shall be maintained in a healthy condition
1602 at all times. Dead plant materials shall be removed within a reasonable time and
1603 replaced during the normal planting season.

1604
1605 7. [AMENDED] Hours of operation shall be limited to 3:30 pm to 8:30 pm
1606 Monday through Friday, 9:00 am to 8:30 pm Saturday, and 11:00 am to 8:30 pm
1607 Sunday.

1608
1609 8. Public address and sound amplification equipment shall not exceed 65 dB at
1610 the limits of the property.

1611
1612 9. No more than 60 participants shall be permitted at any one event.

1613
1614
1615 Affirmative: Dwyer, Nunnally, Witte, Wright 4
1616 Negative: Harris 1
1617 Absent: 0

1618
1619
1620 Ms. Dwyer - The next item on the agenda is approval of the
1621 minutes for the July meeting.

1622
1623 Ms. Harris - I move that the minutes be approved as submitted.

1624
1625 Mr. Nunnally - I second.

1626
1627 Ms. Dwyer - Motion for approval by Ms. Harris, seconded by Mr.
1628 Nunnally. Any discussion? All in favor say aye. All opposed say no. The ayes
1629 have it; the motion passes.

1630
1631 On a motion by Ms. Harris, seconded by Mr. Nunnally, the Board **approved as**
1632 **submitted** the Minutes of the July 24, 2008 Henrico County Board of Zoning
1633 Appeals meeting.

1634
1635 Affirmative: Dwyer, Harris, Nunnally, Witte, Wright 5
1636 Negative: 0
1637 Absent: 0
1638

1639 Mr. Wright - I noticed we don't have the elections.
1640
1641 Mr. Blankinship - Yes, I failed to put them on the agenda; I apologize
1642 for that.
1643
1644 Ms. Dwyer - Have a coup.
1645
1646 Mr. Wright - Yes. It would be bloodless.
1647
1648 Ms. Dwyer - All right, Mr. Blankinship, I think the next item on our
1649 agenda is elections for the Chairman, and Vice Chairman for the next year, so
1650 we'll turn the meeting over to you.
1651
1652 Mr. Blankinship - All right, thank you. The floor is open for nominations
1653 for the office of Chairman.
1654
1655 Ms. Harris - I move that Elizabeth Dwyer be our Chair for the next
1656 term.
1657
1658 Mr. Wright - I move nominations be closed.
1659
1660 Mr. Blankinship - All right.
1661
1662 Mr. Wright - Just to make it official.
1663
1664 Mr. Blankinship - There is a motion to close nominations. All in favor of
1665 that motion say aye. All opposed say no. Nominations are closed and Mrs. Dwyer
1666 is elected by acclamation.
1667
1668 Ms. Harris - I'm concerned about what we just did. When you
1669 asked for nominations and I gave you a motion, that was not seconded. Then he
1670 gave you a motion that was—
1671
1672 Mr. Wright - Nominations don't have to be seconded.
1673
1674 Mr. Blankinship - Right. We probably should have had a second on the
1675 nomination to close, but since it was passed 5-0, I think we can submit.
1676
1677 Ms. Harris - Well, I'll second it for the record.
1678
1679 Mr. Blankinship - All right. Ms. Harris is going to second that motion to
1680 close the nominations. Thank you.
1681
1682 The floor is now open for nominations for the office of Vice Chairman.
1683

1684 Mr. Wright - I nominate Ms. Helen E. Harris as Vice Chairman of
1685 the Board of Zoning Appeals of Henrico County for the ensuing term.
1686

1687 Mr. Blankinship - Are there any other nominees for the office of Vice
1688 Chairman? We'll entertain a motion to close the nominations for Vice Chairman.
1689

1690 Mr. Wright - Since I made the motion, I don't think it's proper for
1691 me—
1692

1693 Mr. Witte - I make a motion to close the nominations.
1694

1695 Mr. Blankinship - Mr. Witte moves to close the process. Is there a
1696 second to that motion?
1697

1698 Mr. Nunnally - Second.
1699

1700 Mr. Blankinship - All in favor of closing the nominations for Vice
1701 Chairman, signify by saying aye. All opposed say no. The nominations are
1702 closed, and Ms. Harris is also elected by acclamation.
1703

1704 Mr. Nunnally - All I ask is you girls be easy on us now.
1705

1706 Ms. Dwyer - I will try.
1707

1708 Ms. Harris - The ladies are in charge.
1709

1710 Mr. Nunnally - I have enough of that at home.
1711

1712 Mr. Blankinship - If somebody had to say it; I'm glad it was you and not
1713 me.
1714

1715 Ms. Dwyer - Is there any other business to be brought before the
1716 Board? Do I have motion for adjournment?
1717

1718 Mr. Wright - I move we adjourn.
1719

1720 Ms. Dwyer - Second?
1721

1722 Ms. Harris - Second.
1723

1724 Ms. Dwyer - All in favor say aye. All opposed say no. The meeting
1725 is adjourned.
1726

1727 There being no further business, the Board adjourned until the September 25,
1728 2008 meeting at 9 a.m.
1729

1730
1731
1732
1733
1734
1735
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Elizabeth G. Dwyer
Chairman

Benjamin Blankinship, AICP
Secretary