

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**
3 **BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY**
4 **SPRINGS ROADS, ON THURSDAY, AUGUST 26, 2010, AT 9:00 A.M.,**
5 **NOTICE HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**
6 **AUGUST 5, 2010 AND AUGUST 12, 2010.**

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Members Present: Helen E. Harris, Acting Chairman
Lindsay U. Bruce
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. Harris - Welcome to the August 26, 2010 meeting of the**
11 **Board of Zoning Appeals. Please stand and recite the Pledge of Allegiance.**

12
13 **Mr. Blankinship, would you read the rules that will govern this meeting?**

14
15 **Mr. Blankinship - Good morning Madam Chairman, member of the**
16 **Board, ladies and gentlemen, the rules for this meeting are as follows. Acting as**
17 **secretary, I will call each case and as I'm speaking, the applicant should come**
18 **down to the podium. We will then ask everyone who intends to speak to that**
19 **case to stand and be sworn in. Then the applicant will present their testimony.**
20 **Then anyone else who wishes to speak will be given the opportunity. After**
21 **everyone has had a chance to speak, the applicant and only the applicant will**
22 **then have an opportunity for rebuttal. After everyone has spoken and the Board**
23 **has asked any questions, they will take the matter under advisement. They will**
24 **render all of their decisions at the end of the meeting. So if you wish to know**
25 **their decision on a specific case, you can either stay until the end of the meeting,**
26 **or you can check the Planning Department website this afternoon—we usually**
27 **get it updated within half an hour or an hour of the end of the meeting—or you**
28 **can call the Planning Department this afternoon.**

29
30 **This meeting is being recorded, so we'll ask everyone who speaks to speak**
31 **directly into the microphone on the podium, state your name, and please spell**
32 **your last name so we get it correctly in the minutes.**

33
34 **Finally, out in the foyer, there is a binder that contains the staff report for each**
35 **case, including the conditions that have been recommended by the staff. It's**

36 particularly important for the applicants on use permits to be familiar with those
37 conditions.

38
39 Madam Chairman, we do not have any requests for deferral or withdrawal.

40
41 Ms. Harris - Thank you. Let's call the first case, please.

42
43 **UP-016-10** **PATTERSON INVESTMENTS, INC.** requests a
44 temporary conditional use permit pursuant to Section 24-116(c)(1) to allow a
45 temporary sales trailer at 9301 Patterson Avenue (Inglenook Cottages) (Parcel
46 748-741-8046), zoned R-5AC, General Residence District (Conditional)
47 (Tuckahoe).

48
49 Ms. Harris - All persons who wish to speak to this case please
50 stand and raise your right hand.

51
52 Mr. Blankinship - Do you swear the testimony you're about to give is
53 the truth and nothing but the truth so help you God?

54
55 Mr. Lewis - I do.

56
57 Ms. Harris - Please state your name and spell your last name.
58 Thank you.

59
60 Mr. Lewis - My name is Monty Lewis—L-e-w-i-s. I'm with E. D.
61 Lewis and Associates; we're representing the applicant. This is for a sales trailer.
62 It's going to be located on our property. The access is through the YMCA.
63 Actually most of the access for the YMCA is on our property. We have cross-
64 access easement agreements in place. We're asking for this to be in place for
65 two years, due to the present market and how things are moving slow, just in
66 case we need an extra year or two for sales.

67
68 Sewer and water, we'll have a porta-potty, which is going to be located behind
69 and almost beside the trailer away from Patterson. It will be screened. It's not
70 shown on the plan, but it's right in there. It'll be up against the trailer and then
71 one side of it will have a white vinyl fence, six feet high, to screen it from
72 anybody that's in the YMCA parking lot.

73
74 Ms. Harris - Mr. Lewis, you said two years, but the application
75 says one year.

76
77 Mr. Lewis - Yes ma'am.

78
79 Mr. Blankinship - We've discussed that. As you know, there have been
80 cases like this where they get to the end of the year and they still need the trailer
81 for another month or two and they have to come back for another hearing. Staff

82 has agreed with the applicant to recommend the condition be changed to two
83 years.
84
85 Ms. Harris - Also I noticed that the use will begin on August 1st.
86 Do you have it already on the premises?
87
88 Mr. Lewis - No ma'am. It won't be until we get your approval.
89 More than likely with logistics, it will probably be two weeks from today before we
90 start construction if we get approval.
91
92 Mr. Wright - Mr. Lewis, have you read these conditions, all the
93 conditions?
94
95 Mr. Lewis - Yes sir.
96
97 Mr. Wright - You're now in accord with the conditions if we amend
98 it to permit you to have two years?
99
100 Mr. Lewis - Yes sir.
101
102 Mr. Witte - How tall is the fence that you're going to put around
103 it?
104
105 Mr. Lewis - How tall? It's six feet high.
106
107 Mr. Witte - Privacy type fence?
108
109 Mr. Lewis - Yes sir. White vinyl, solid. It's like you see at Home
110 Depot and Lowe's.
111
112 Mr. Bruce - Mr. Lewis, will the parking be inside that fence?
113
114 Mr. Lewis - No sir. The parking is just right at the porta-potty.
115
116 Mr. Bruce - Does that affect ingress into the YMCA?
117
118 Mr. Lewis - No sir.
119
120 Ms. Harris - This site is very wooded. Are you going to destroy
121 most of those trees that are there?
122
123 Mr. Lewis - We're just taking down a small amount of trees. You
124 can see the treeline. That's the existing treeline. Then you see our limits of
125 disturbance right there. That's the amount of trees we need to take out to get the
126 grading in there. The wheels on the trailer are going to be below ground. What
127 we do is we dig out an area so the trailer appears to be flush with the curb. So

128 it's not elevated and that's for handicap access so we don't have to build a
129 wooden ramp to go up there. We're going to put in an asphalt walk that will be
130 flush with the trailer, so you can come from the walk right into the trailer.

131

132 Ms. Harris - I notice on the plans it says optional restroom.
133 There's an optional restroom notation on the actual plan.

134

135 Mr. Lewis - Yes ma'am.

136

137 Ms. Harris - You're not going to use the restroom—

138

139 Mr. Lewis - No ma'am, we're not. We really didn't have a water
140 meter that was readily available, so we opted to go with the porta-potty and just
141 use bottled water inside.

142

143 Ms. Harris - So this does not directly relate to the trailer. If we
144 could see the aerial photo of the site on Patterson, 9301 Patterson. Not the
145 aerial; I should say the photos of the site.

146

147 Mr. Blankinship - Start with the first one, I guess.

148

149 Mr. Nunnally - Trailer location.

150

151 Ms. Harris - Right there. These trees are going to remain?

152

153 Mr. Lewis - No ma'am. Some of those trees will be removed. You
154 can see the nose of the island with the landscaping. We are probably maybe 30
155 feet to your left where the trailer will be located. But some of those trees right
156 there will be taken down.

157

158 Ms. Harris - For the subdivision itself, most of the trees will be
159 removed?

160

161 Mr. Lewis - Most of them will be. We have tree save areas that
162 we had proffered in our site plan that we are going to maintain as much as
163 possible. It's tentative and we've received approval on the site plan. Now we're
164 into the final submission of plans to get the detail worked out with staff.

165

166 Ms. Harris - Right. I knew it had been approved, but I'm just
167 concerned about green space.

168

169 Mr. Lewis - Right.

170

171 Ms. Harris - Are there any more questions of Mr. Lewis?

172

173 Mr. Bruce - One more, please. Would your entrance be across
174 from the entrance to the YMCA?

175
176 Mr. Lewis - Yes sir. If we can go back to the site plan, Paul? No,
177 my actual site plan. You can see the access into the Y's parking lot is almost
178 directly across from our parking spaces. Right there.

179
180 Mr. Bruce - Would you be directly across from that, your
181 entrance?

182
183 Mr. Lewis - Yes. You can see the parking spaces that will front on
184 that road. Right there. There you go. Just about directly across from that
185 entrance.

186
187 Mr. Bruce - Thank you.

188
189 Mr. Lewis - We did meet with the YMCA on the trailer plan. We
190 met with them as late as Monday to go over it, the logistics and timing with them,
191 because timing is real critical with them, when we set it, because they have high
192 usage in the morning and afternoons. They're aware of our planning and are
193 supporting it.

194
195 Ms. Harris - You don't foresee a safety problem putting your
196 entrance very close to the entrance of the YMCA?

197
198 Mr. Lewis - No ma'am, I don't expect it to be a problem. As with
199 everything, it's just like any other parking lot, if you're backing out, you do have to
200 be mindful of somebody coming down the road. But it is a very slow area as far
201 as traffic speed, so I don't expect that to be a problem.

202
203 Mr. Blankinship - It's all a private drive, is that correct?

204
205 Mr. Lewis - All private drive.

206
207 Mr. Bruce - One last question from me. Will there be a stop sign
208 across from the stop sign that the Y now has there?

209
210 Mr. Lewis - No sir. It wouldn't serve a purpose because we're
211 pull-in parking. It's not like we have a drive that goes back.

212
213 Mr. Bruce - Thank you.

214
215 Ms. Harris - Are there any more questions? Thank you so much.

216
217 Mr. Lewis - Yes ma'am. Thank you.

218

219 Ms. Harris - Is there anyone who opposes this case? If not, that
220 ends the discussion this case.

221

222 [After the conclusion of the public hearings, the Board discussed the case
223 and made its decision. This portion of the transcript is included here for
224 convenience of reference.]

225

226 DECISION

227

228 Mr. Wright - I move that we approve this application. It's only there
229 temporarily and will not affect the health, safety, or welfare of persons residing in
230 or on the premises or in the neighborhood. I don't think it would unreasonably
231 affect the public safety nor impair the character of the district.

232

233 Mr. Bruce - I second that motion.

234

235 Mr. Blankinship - Does that include the amendment of the condition to
236 go two years?

237

238 Mr. Wright - Yes, excuse me. The amendment of the condition for
239 two years.

240

241 Ms. Harris - Okay, it's been moved Mr. Wright and seconded by
242 Mr. Bruce that we approve this conditional use permit with the addition of two
243 years instead of one year. Are there any questions on the motion? All in favor
244 say aye. All opposed say no. The ayes have it; the motion passes.

245 After an advertised public hearing and on a motion by Mr. Wright, seconded by
246 Mr. Bruce, the Board approved application UP-016-10, Patterson Investments,
247 Inc.'s request for a temporary conditional use pennit pursuant to Section 24-
248 116(c)(1) to allow a temporary sales trailer at 9301 Patterson Avenue (Inglenook
249 Cottages) (Parcel 748-741-8046), zoned R-5AC, General Residence District
250 (Conditional) (Tuckahoe). The Board approved the use permit subject to the
251 following conditions:

252 1. Only the improvements shown on the plan filed with the application may be
253 constructed pursuant to this approval. No substantial changes or additions to the
254 layout may be made without the approval of the Board of Zoning Appeals. Any
255 additional improvements shall comply with the applicable regulations of the
256 County Code.

257 2. A detailed landscaping and lighting plan shall be submitted to the Planning
258 Department with the building permit for review and approval. Approved
259 landscaping shall be installed prior to the issuance of the certificate of
260 occupancy. All landscaping shall be maintained in a healthy condition at all
261 times. Dead plant materials shall be removed within a reasonable time and

262 replaced during the normal planting season.

263 3. The portable toilets shall be located behind or beside the trailer and screened
264 from public view by means of an opaque fence.

265 4. Parking spaces shall be marked on the pavement surface with four inch wide
266 painted lines. All lane lines shall be white in color with the exception that those
267 dividing traffic shall be yellow.

268 5. [AMENDED] The trailer shall be removed from the property on or before
269 August 31, 2012, at which time this permit shall expire.

270
271

272	Affirmative:	Bruce, Harris, Nunnally, Witte, Wright	5
273	Negative:		0
274	Absent:		0

275
276

277 [At this point, the transcript continues with the public hearing on the next
278 case.]

279 **A-009-10** **TOWNES SITE ENGINEERING, PC** requests a
280 variance from Section 24-94 to build a one-family dwelling at 3904 Houze
281 Terrace (Spring Lake) (Parcel 778-764-0306), zoned R-3C, One-family
282 Residence District (Conditional) (Fairfield). The lot width requirement is not met.
283 The applicant has 78 feet lot width where the Code requires 80 feet lot width.
284 The applicant requests a variance of 2 feet lot width.

285
286

286 Ms. Harris - Is there anyone who wishes to speak to this case? If
287 so, please stand and raise your right hand.

288
289

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

291
292

292 Mr. Collins - I do.

293
294

294 Ms. Harris - Please state your name and spell it, please.

295
296

296 Mr. Collins - Good morning. My name is Jeffrey Collins—C-o-l-l-i-
297 n-s. I am the president of Townes Site Engineering. Our company has been in
298 business since 1974 and this is the first time we've been making a request like
299 this in those 36 years of business. When this subdivision was platted three years
300 ago, it went through all of the normal and customary checks in our office and in
301 the County office. The lot that's before you today has been recorded for several
302 years. The error was discovered when a builder had his surveyor plat a house on
303 this lot, which showed of all of the required dimensions for an application for a
304 building permit and submitted it to the County. The plat this builder did and the

305 surveyor's plat is in your package. If you look at this plat, you can see that all the
306 setbacks—front, rear, and side yard—are being complied with. The lot in its
307 present configuration has ample room to fit a house without amending any of the
308 other area requirements. When this lot was platted, there was no intent to usurp
309 the requirements of the County ordinance. The required lot width of 80 feet is
310 met at the street right-of-way line. Unfortunately, the side property lines on this
311 lot radiate away from the curb and the street and tend to come closer together as
312 you go towards the rear of the lot. In doing this, this created a situation at the
313 front setback that was less than 80 feet and that was not caught. Had this been
314 noticed at the time it was platted, the lots on the cul-de-sac could have been
315 adjusted and the same number of lots created by just rearranging some of the
316 property lines around that cul-de-sac. My point to that is that what was done did
317 not allow a lot to be platted that could not have been platted in conformance with
318 the ordinance.

319
320 We have tried to find other means to resolve this issue. We looked at the lots
321 that are adjacent to this lot on the north and south. The lot to the north is right at
322 the required 80 feet, so we could not do anything in terms of a re-subdivision to
323 take this lot and that lot together and re-subdivide to get the width that we
324 needed. The lot to the south—and both of these present lots are owned by
325 builders. The lot to the south did have sufficient width where we could have
326 worked something out; however, at the time this was discovered, that builder had
327 submitted on that corner lot an application for a building pennit and I believe that
328 has now been issued by the County or is in the process of being issued. He did
329 not want to try to upset the apple cart, so to speak, with his client. And although
330 he was sympathetic to our plight, he did not want to enter into any kind of an
331 agreement for re-subdividing those two lots. That exhausted our options outside
332 of the Board of Zoning Appeals. Therefore, we made our application to the Board
333 for the requested variance.

334
335 Staff has recommended two conditions should this be approved and we heartily
336 endorse those conditions. If this request is denied, this will create a lot that is not
337 buildable in the County. The approval of this request will allow a single-family
338 residence to be built that by appearance will not be any different from any other
339 lot on this street. We respectfully ask that the Board grant this request so this lot
340 can be built upon. Thank you.

341
342 Ms. Harris - Mr. Collins, do you have any plans available for this
343 house that would be constructed on this lot?

344
345 Mr. Collins - We are not the builders on this lot, so I do not have
346 any plans with me. You can see that one house that was proposed was the
347 house that was going to be built on that lot that's in your package. And the side
348 yard requirements are met. It is a typical house for this neighborhood. Not that
349 plot. There's another one in there done by—there you go; that's it.

350

351 Ms. Harris - So the lack of the two feet should not adversely affect
352 the house?
353
354 Mr. Collins - That will not affect that house whatsoever. The side
355 yard requirements are more than well met with that house. There's even room to
356 put a little larger house in there should they wish to and still meet all the required
357 setbacks.
358
359 Ms. Harris - Have you noticed are there other platting errors in this
360 subdivision?
361
362 Mr. Collins - I'm not aware of any other errors.
363
364 Mr. Bruce - How old is the subdivision?
365
366 Mr. Collins - The subdivision was recorded in 2007, the summer of
367 2007.
368
369 Mr. Bruce - That was approved as a buildable lot at the time?
370
371 Mr. Collins - Yes sir.
372
373 Ms. Harris - It's about 50% occupied at this point?
374
375 Mr. Collins - The subdivision itself? I think it's somewhere in that
376 range. There are quite a few homes out there now.
377
378 Ms. Harris - Are there any more questions from the Board?
379
380 Mr. Wright - I have a question about Lot 36. That's the one
381 that's—
382
383 Mr. Collins - The corner lot. Yes sir.
384
385 Mr. Wright - Where are they now in their application or approval of
386 what they're trying to do?
387
388 Mr. Collins - They had submitted an application for a building
389 permit prior to us even being aware of this problem. I think that permit has been
390 issued and I believe that builder is moving forward with constructing on that lot.
391
392 Mr. Wright - Once that's done, why would he have some objection
393 to adjusting the line?
394
395 Mr. Collins - Well, his comment to me—and I met with the man
396 face to face. I sat down with him and had a very nice discussion. His comment

397 was that once he builds that lot, he's represented that lot to his client in the
398 configuration that it's in today. To go back and change that lot line between the
399 two lots would require him to go back to his client. And quiet frankly in this
400 economic environment, he's fearful that that will create an issue where his client
401 may say he's going somewhere else. That was his reason as to why he did not
402 wish enter into this agreement.

403
404 Mr. Wright - We're only talking about an adjustment of a couple
405 feet.

406
407 Mr Collins - I understand, yes sir. We showed him a way that it
408 could be drawn. We actually showed him an adjustment to that property line.
409 Although he was very sympathetic, he said there were not enough houses out
410 here being built that he could afford to even take a chance.

411
412 Mr. Wright - So the house has been sold?

413
414 Mr. Collins - The contract is in place to build a house.

415
416 Mr. Wright - That's to be closed?

417
418 Mr. Collins - He's in the process of building it.

419
420 Ms. Harris - He has an 80-foot lot, too?

421
422 Mr. Collins - That is a corner lot and it has a variable width to it as
423 you can see on the sketch. It does have that minimum requirement, but it is a
424 little wider than the 80 feet. So it could accommodate it; however, as I stated, the
425 man does not wish to cooperate with that.

426
427 Ms. Harris - Any other questions by Board members? If not, that
428 concludes the case. Thank you for coming.

429
430 Mr. Collins - Thank you.

431
432 [After the conclusion of the public hearings, the Board discussed the case
433 and made its decision. This portion of the transcript is included here for
434 convenience of reference.]

435
436 **DECISION**

437
438 Mr. Wright - Madam Chairman, I have to move that this be denied.
439 My reason is this case of James E. Steele versus Fluvanna County Board of
440 Zoning Appeals. This case is very much in line with the case before us. The
441 Steele case happened up at Lake Monticello. The lot was laid out and there was
442 a certain post of something that was installed.

443
444 Mr. Blankinship - A telephone pedestal.
445

446 Mr. Wright - A telephone pedestal that was installed. The builder
447 checked with the association and they said that pretty well defines the lines. So
448 they went on and built the house without getting a survey. After the house was
449 constructed, later on they got a survey and determined that the front portion of
450 the house was within eight inches of the side line. I'll read you the basis of the
451 decision and the Supreme Court's decision.
452

453 They said that the General Assembly demonstrates the intent that variances be
454 granted only where application of zoning restrictions would appear to be
455 constitutionally impermissible. But before that they said that this was a hardship
456 that was self-inflicted and placement of the improvements on the property was
457 within the control of the Garrett's and their contractor Raintree. They go on to
458 quote a former case in the Supreme Court, Allegheny Enterprises. A self-
459 inflicted hardship, whether deliberately or ignorantly incurred, provide no basis
460 for the granting of a variance. They go on to say that variances included in the
461 statute are to take care of something that's constitutionally impermissible.
462 Therefore they said a self-inflicted hardship cannot be the cause of a
463 constitutional deprivation of an owner's right. Although this is a small variance,
464 in view of this case, I don't see how we can recommend approval. So I
465 recommend we deny this case.
466

467 Ms. Harris - Is there a second to this motion?
468

469 Mr. Witte - Yes, I'll second the motion.
470

471 Ms. Harris - Motion by Mr. Wright, seconded by Mr. Witte that we
472 deny this variance. Are there any questions on the motion? All in favor of
473 denying this variance say aye. All opposed say no. The ayes have it; the motion
474 passes.

475 After an advertised public hearing and on a motion by Mr. Wright seconded by
476 Mr. Witte, the Board denied application A-009-10, Townes Site Engineering,
477 PC's request for a variance from Section 24-94 to build a one-family dwelling at
478 3904 Houze Terrace (Spring Lake) (Parcel 778-764-0306), zoned R-3C, One-
479 family Residence District (Conditional) (Fairfield).
480

481
482 Affirmative: Bruce, Nunnally, Witte, Wright 4
483 Negative: Harris 1
484 Absent: 0
485

486
487 [At this point, the transcript continues with the public hearing on the next
488 case.]

489

490 **UP-017-10** **ST. MARYS HOSPITAL** requests a conditional use
491 permit pursuant to Section 24-50.12(c) to allow a helistop at 5811 Bremono Road
492 (Parcel 769-737-3039), zoned O-3C, Office District (Conditional) (Three Chopt).

493

494 Mr. Blankinship - Madam Chairman, we have a revised staff report. I
495 had a conversation with the applicant yesterday for a revision to some of the
496 statements and also a condition. Do you want to go over that before or after?

497

498 Ms. Harris - Before he presents.

499

500 Mr. Blankinship - Okay.

501

502 Ms. Harris - If there is anyone who wishes to speak to this case,
503 please stand now and raise your right hand.

504

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

507

508 Mr. Witte - Madam Chairnan, before we get started on this case,
509 I want to make known that my wife has been in nursing school at Bon Secours in
510 the last few months. So we need an opinion as to whether this would be a
511 conflict of interest for me to sit in on this case.

512

513 Mr. Blankinship - I don't believe there is any legal requirement, based
514 on what you just said, for you to recuse yourself, but if you feel more
515 comfortable.

516

517 Mr. Witte - I don't have a problem with it but I just didn't want to
518 create a legal problem as time went on.

519

520 Ms. Harris - We will leave that up to you as your choice. So you
521 have no problem?

522

523 Mr. Witte - No legal problems? Okay, carry on.

524

525 Ms. Harris - I'll need the applicant to come forward please for St.
526 Mary's Hospital.

527

528 Mr. Theobald - Good morning Madam Chair, members of the Board,
529 Jim Theobald.

530

531 Ms. Harris - Would you like to spell your name, Mr. Theobald?

532

533 Mr. Theobald - Yes. T-h-e-o-b-a-l-d.

534

535 Ms. Harris - And just before your presentation, we do have some
536 new information that Mr. Blankinship called to our attention.

537
538 Mr. Blankinship - Yes ma'am. I had mentioned in the staff report that
539 was circulated that there was a fence around the development. That was
540 incorrect. There's a line on the plan that I read to be a fence primarily because it
541 had a gate in it, but it's not actually labeled as a fence. Mr. Theobald informed
542 me that that is not a fence. So the reference to a fence was removed from the
543 report and also from Condition 3 that calls for a detailed lighting plan. It used to
544 call for a detailed fencing plan as well, but there's no fence so there's no fencing
545 plan.

546
547 Also, in Condition #2, there is reference to two zoning cases that affect a corner
548 of the hospital property. That corner of the property goes through the safety area
549 of this proposed helistop, but it does not affect the actual landing area or the
550 approach area. It just cuts across the corner where nothing is going to happen
551 anyway. I mean the whole point of a safety area is to keep it clear from any
552 activity. The zoning proffers for those two zoning cases provide that the area
553 within those zoning cases can only be used for a parking lot and used as
554 accessory to a parking lot. So if the helistop itself was shown within those zoning
555 cases, they would have to move it. But because it only goes through the safety
556 area and the whole purpose of the safety area is nothing goes there, there's no
557 use there, there's no structure there, there's nothing that can interfere with
558 helicopters, it does not conflict with those. So that's been reworded to say the
559 helistop landing area and approach area shall not be located within the
560 boundaries of those.

561
562 Ms. Harris - This revision, was it shared with everyone who wishes
563 to speak to this case?

564
565 Mr. Blankinship - No ma'am.

566
567 Ms. Harris - So we do need to share with Mr. Theobald and
568 anyone else who wishes to speak to this case. Do you need a copy now with the
569 new conditions?

570
571 Mr. Theobald - I would like a copy, please, but we have discussed it
572 in some detail.

573
574 Ms. Harris - Anyone else who wishes to speak to this case may
575 need that, too.

576
577 Mr. Theobald - I'll leave it right here.

578
579 Ms. Harris - All right, we're ready.

580

581 Mr. Theobald - Thank you. Once again, Madam Chair, ladies and
582 gentlemen, I'm Jim Theobald and I'm here on behalf of Bon Secours St. Mary's
583 to require a conditional use permit to allow a helistop at St. Mary's. This site is
584 zoned O-3, an office classification, which specifically allows helistops with the
585 issuance of a conditional use permit. Accordingly, the County's ordinance
586 recognizes the potential suitability of the requested use with the underlying
587 zoning by allowing a conditional use under an O-3 category. Staff has further
588 confirmed the compafibility of the request with the County's land use plan. This
589 helistop would just be the most recent effort by St. Mary's to offer state-of-the-art
590 lifesaving emergency care services.

591
592 It's believed that a majority of the users of the proposed service will do so due to
593 stroke, heart attack, or neonatal and pediatric intensive care needs. Importantly
594 it's not likely to be used for victims of vehicular accidents or similar trauma in as
595 much as those patients are generally transported to MCV, which is a Level One
596 Trauma Center.

597
598 The helipad will be located in the parking area away from the edges of the
599 campus but in reasonable proximity to the emergency room. With the addition of
600 new parking areas at our campus in the past few years, the displacement of
601 some number of parking spaces will not be detrimental to patients visiting the
602 hospital. And more importantly, it will not reduce the amount of parking that's
603 required under the Henrico County Code. We have verified this through staff.

604
605 Smaller helicopters with quieter engines are used for air ambulance purposes
606 because they operate in communities. And we do have representatives from our
607 air ambulance services here today, our pilots, should you have any detailed
608 questions that I might not be able to answer. The noise level produced by these
609 special helicopters is around 81 decibels, less than a regular helicopter, and
610 interestingly about the same as a dial tone when you have it next to your ear.
611 For reference purposes. Normal conversation occurs between 60 and 70
612 decibels, while lawnmowers operate at about 107 decibels. These special
613 medical choppers, once again, operate around 81 decibels. The helicopter will
614 not be stored nor fueled at this site; it comes and it goes.

615
616 Current expectations, we may see four to six landings per month and then only in
617 weather that obviously permits helicopters to safely fly.

618
619 We do view this request as somewhat temporary in nature in as much as the
620 long-range plan is to locate the helistop on the top of a building yet to be
621 constructed. Current roofs on that campus are not designed to support the
622 structural load of a helicopter nor are there elevators up to those roofs that would
623 accommodate transporting a patient down to an emergency room. But we hope
624 that will be coming in the future. Those roofs are obviously also presently full of
625 HVAC equipment.

626

627 For your general information, air ambulances generally fly at around 2,000 feet
628 above ground and they descend to approximately a thousand feet when over the
629 site. It takes one or two minutes to descend where they will then be on the
630 ground for approximately five to ten minutes, during which time the engine is off.
631 Accordingly, they are only in the immediate vicinity for approximately ten to
632 fifteen minutes. When a landing is anticipated, hospital security personnel will be
633 alerted and will monitor the landing and takeoff, as well as control campus traffic
634 to allow the patient to be expeditiously transported to the emergency room.

635

636 This helistop has been discussed with the community on a number of occasions.
637 Over a year ago you may recall St. Mary's embarked upon a month-long
638 charrette process that was much publicized, in order to define the vision of the
639 hospital for many, many years into the future. Part of that vision included a
640 helistop. A letter was sent to residents this past May confirming plans for the
641 helistop and another newsletter was circulated just at the beginning of August.
642 Both of those notices went to over 7,000 addresses. The County notified over
643 60 households with specific regard to this hearing this morning.

644

645 We did successfully conduct a test to land that chopper on June 17, which was
646 witnessed by Captain Will Aiken with the Henrico County Fire Department in
647 order to assess the appropriate approaches, minimizing flights over
648 neighborhoods and the hospital building on the campus. The preferred approach
649 will come from the west over the Maple Avenue parking lot and deck, if you're
650 familiar with that layout, sort of down Monument Avenue, and then between the
651 medical office building and the main hospital. Obviously the desire is to avoid
652 residential neighborhoods when possible, as well as structures on the hospital
653 campus. We've also worked diligently with Fire Chief Smith and Battalion Chief
654 and Fire Marshall David Seay, in addition to Captain Aiken.

655

656 We believe that all the jurisdictional requirements in support of this request have
657 been met. The use is compatible with the existing hospital use and the
658 surrounding area and will provide much needed emergency service and critical
659 care access for the community. The proposed use will not adversely affect the
660 health, safety, or welfare of persons residing or working on the premises or in the
661 adjacent neighborhoods. In fact, it will promote the health, safety, and welfare of
662 the persons in the greater community. The proposed use will not impair the
663 character of the district or adjacent districts, nor will it reduce or impair the value
664 of the buildings or properties in the surrounding areas. It will not unreasonably
665 impair an adequate supply of light and air to adjacent properties, nor increase
666 congestion in the streets. It will not increase public danger or otherwise
667 unreasonably affect public safety and it is compatible with our land use plan.

668

669 I would maintain that a helistop that is used a few times per month is arguably of
670 less impact on the surrounding community than the fire trucks and the EMS
671 vehicles that service our community on a daily basis.

672

673 These requests are in substantial accord with the general purpose and
674 objectives of the County ordinance by which you have the authority to grant
675 conditional uses. I might also note that this Board has previously approved
676 requests for helistops for all other hospitals in Henrico County, that being
677 Henrico Doctors' Hospital by virtue of UP-25-86 and St. Luke's Humana, which is
678 now Parham Doctors' Hospital just down the street by virtue of UP-21-85. I would
679 suggest that those conditional use pennits were granted under nearly identical
680 circumstances and would accordingly respectfully request your favorable
681 consideration of this request.

682
683 We are in agreement with the conditions proposed by staff as amended. And I
684 and members of the entourage will be happy to answer any questions that you
685 might have.

686
687 Mr. Wright - Mr. Theobald, I understand that you conducted some
688 test flights.

689
690 Mr. Theobald - We did, sir.

691
692 Mr. Wright - Did you try to determine how much noise was
693 generated by those flights or was anything like that available to you?

694
695 Mr. Theobald - They generate basically the same amount of noise
696 based on the type of equipment used. The type of equipment that this service
697 uses is called a Eurocopter, which are specially designed in terms of their
698 materials and their size—they're smaller than a regular helicopter—and have
699 quieter engines. They're specifically manufactured for the medical services'
700 industry. I have obtained a set of their specs and talked with our folks yesterday
701 and they produce a decibel level of about 81 decibels when they operate. If you
702 test them ten times, it's the same copter and the same engine, so that's really
703 the level that we're dealing with. We did not do any independent noise tests, but
704 those are the specs of this equipment. As I noted, that's in a fairly acceptable
705 range. It's not like a rock concert or anything else. It is above normal
706 conversation level, but it's also at a level that if a car were going by or you were
707 in your car in traffic, you likely would not hear it because the background noise of
708 a moving car is actually higher than 81 decibels. And I have a chart here if you're
709 just interested in looking at the levels.

710
711 Mr. Wright - Have you had any statistics as to possible crashes of
712 these helicopters? What is the history?

713
714 Mr. Theobald - There have been none that we're aware of in Virginia.
715 I guess the most noteworthy one was many, many years ago when we all saw
716 one go into the Potomac. When you read stories about instances with
717 helicopters, if you think about it, it's usually at the site of the pickup where they're
718 going into rough terrain. I saw something on the news while I was in the gym just

719 a week ago where a helicopter was flying under a bridge to pull an injured
720 climber out of a ravine. That's dangerous. We haven't seen instances where
721 there have been issues over a hospital. And recall, too, that a helicopter is
722 special, that if something happens to the engine, they're able to auto-rotate by
723 virtue of just the blade continuing to turn and basically almost parachute down
724 safely. So they operate very safely and we're just not aware of any instances.

725
726 Mr. Blankinship - I read some research by the National Transportation
727 Safety Board. The worst year in the last decade, I believe there were nine
728 accidents nationwide. I think the second worst was five. According to the NTSB,
729 almost all of those were due to the emergency nature of flying at night and flying
730 in bad weather, some combination of those. Obviously if you are responding to
731 traffic accident, they're more likely to occur in those kinds of conditions, but that's
732 not what you said—

733
734 Mr. Theobald - Interestingly, when the state police come upon an
735 accident scene and they assess whether or not you're going to need a medical
736 helicopter, those cases go to MCV because of their status as a that Level One
737 Trauma Center. They don't go to any of the other hospital typically. The kind of
738 people that we're going to see is if you come to St. Mary's and you've had a
739 heart attack, you've had bypass surgery, you've had a pacemaker implemented.
740 And the maybe you go back to Farmville or somewhere where there isn't a large
741 hospital and you start to have complications or issues a week later and they want
742 to bring you back to the same physician and facility that did the initial procedure
743 so there's no learning curve. A local physician might recommend that that person
744 be picked up rather than transported by ambulance. So we're seeing those kinds
745 of emergencies plus transfers from other hospitals both within and without the
746 Bon Secours system. If you have a neonatal incident, a pediatric incident, we do
747 specialize in those and we might get those. A wreck on I-95 is going to MCV.

748
749 Mr. Wright - What you're saying is this would only be used for
750 emergency purposes.

751
752 Mr. Theobald - Yes, it is.

753
754 Mr. Wright - It's not convenience like you wanted to transfer
755 somebody from one hospital to another.

756
757 Mr. Theobald - No, it can be used for transfers if that transfer is
758 deemed to be an emergency. In other words—

759
760 Mr. Wright - It has to be an emergency.

761
762 Mr. Theobald - Yes sir.

763
764 Mr. Wright - Life-threatening sort of thing.

765
766 Mr. Theobald - Yes, yes, within a range. If a doctor says you need to
767 get there sooner rather than later and I'm a little concerned about sending you in
768 an ambulance, they would consider calling a helicopter.
769
770 Mr. Wright - You indicated that this would be moved later on or
771 you try to move it. How long would that be?
772
773 Mr. Theobald - The current plan, subject to the economy etcetera,
774 would be around five years. There will be another building that would
775 accommodate the landings.
776
777 Mr. Wright - Could you point out in your complex where the new
778 one would be, where that building would be?
779
780 Mr. Theobald - I don't know where the new one would be. Do you all?
781 Roughly the same place?
782
783 Mr. Wright - Just trying to get some idea.
784
785 Mr. Theobald - Most of the charrette that was done, Mr. Wright,
786 showed the expansion of the campus. We only own so much land and we've
787 pretty much expanded to the edges. So it's likely a combination of structured
788 parking on which there could be placed a helistop or additional medical office
789 buildings or something similar. So it's not going to be far from where this is
790 currently proposed in terms of the interior of the site. With a new building and
791 new structured parking, we would regain some of that parking.
792
793 Mr. Wright - Do you have any idea how tall that building would be?
794 Any projection on that?
795
796 Mr. Theobald - There is not. I think under O-3 you can go eight
797 stories as a matter of right.
798
799 Mr. Wright - What you usually do you go up nowadays.
800
801 Mr. Theobald - Yes.
802
803 Mr. Wright - My thought there would be if it's on a taller building,
804 the noise level will be less because you wouldn't be on the ground. This is on the
805 ground basically.
806
807 Mr. Theobald - Yes, this is on the ground in part of the existing
808 parking near a drive aisle where we're close to the emergency room. We'll put
809 jersey barriers around it to get that safety area out there.
810

811 Mr. Wright - All of these other helipads at these other hospitals are
812 on top of a building aren't they?
813
814 Mr. Blankinship - One is and one is not. We have some photographs of
815 those. That's Chippenham Hospital there.
816
817 Mr. Wright - That's on the ground.
818
819 Mr. Blankinship - Yes. Henrico Doctors'.
820
821 Mr. Wright - But that's adjacent to the Chippenham Parkway, isn't
822 it.
823
824 Mr. Blankinship - Yes. MCV is on the rooftop.
825
826 Mr. Theobald - And they have a ground-level landing pad over by the
827 Biotech Park. So they have two.
828
829 Mr. Blankinship - I wasn't aware of that.
830
831 Mr. Bruce - Henrico Doctors' is right next to the elementary
832 school, I believe.
833
834 Mr. Blankinship - Yes, that's right. That was mentioned in the minutes.
835
836 Mr. Theobald - Henrico Doctors' is on the ground near the
837 apartments and near the school.
838
839 Mr. Wright - That's Henrico Doctors' there?
840
841 Mr. Theobald - Yes. That's the one that was approved—
842
843 Mr. Wright - That's on the ground. Yes, I've seen that. Come to
844 think of it, I've seen that.
845
846 Mr. Theobald - Yes. And they have to sort of roll you down the hill to
847 the emergency room over there. Like all hospitals, that's the best they could do.
848
849 Ms. Harris - Is this near a school?
850
851 Mr. Theobald - Yes ma'am.
852
853 Mr. Bruce - The school is just to the right corner.
854
855 Mr. Theobald - That's Three Chopt Elementary I believe.
856

857 Mr. Bruce - Yes. They try to bring the flights in from the opposite
858 side over here but there are apartment complexes and office buildings and
859 everything. At Henrico Doctors', they're just surrounded.
860
861 Mr. Wright - And also you said that you sent out notices to some
862 7,000 addresses of your plan.
863
864 Mr. Theobald - Yes.
865
866 Mr. Wright - Did that include the helipad?
867
868 Mr. Theobald - Well we sent out 7,000 letters that discussed our
869 plans to seek approval of the helistop. They basically use a mailing service that
870 takes a two-mile radius around a hospital. Again, just in August. I have copies of
871 those if you'd like.
872
873 Mr. Wright - I don't mind that. What kind of a response did you
874 have?
875
876 Mr. Theobald - I believe staff received one or two phone calls, at
877 least one or two e-mails.
878
879 Mr. Blankinship - We had four e-mails and two phone calls.
880
881 Mr. Theobald - Okay. The hospital received, as I recall, about two e-
882 mails.
883
884 Mr. Wright - Out of 7,000?
885
886 Mr. Theobald - Fairly remarkable when you consider the history of
887 land-use matters at St. Mary's.
888
889 Mr. Blankinship - And let me mention we do have one e-mail that was
890 left at your place on the table in opposition to this case.
891
892 Ms. Harris - Mr. Theobald, do you know how far in footage the
893 residential community is from this site?
894
895 Mr. Theobald - I do. We are just under about 300 feet to the
896 residences to the south and we are some 400 feet from residences to the east
897 and approximately 615 feet to the residences to the west. Those are residences
898 owned by St. Mary's on the west.
899
900 Ms. Harris - There are other Bon Secours' sites. Did you not
901 consider those?
902

903 Mr. Theobald - There is a helistop I think at Richmond Memorial in
904 Hanover. But here again, it depends on what special functions are produced at
905 each hospital. I'm not sure there's one at St. Francis. Not yet at least. So the
906 only other one would be the one in Hanover. And again, they try to be able to
907 use those specialty services when you're the person needing them at the right
908 hospital with the right doctor and the right team.

909
910 Ms. Harris - At St. Francis you don't have a—

911
912 Mr. Theobald - I think there is one planned at St. Francis. There is
913 one at Memorial Regional Medical in Hanover County. That replaced the old
914 Richmond Memorial Hospital in Northside.

915
916 Ms. Harris - Do you have copies of the noise study that was done
917 on the type of helicopter you plan to use?

918
919 Mr. Theobald - I have the specs of that helicopter, if you'd like.

920
921 Mr. Bruce - That helicopter actually belongs to the state police? Is
922 that correct?

923
924 Mr. Theobald - I think it belongs to the private service, Air Methods,
925 representatives of which are here today.

926
927 Mr. Bruce - Would that be the only helicopter landing at your site?

928
929 Mr. Theobald - No, it's possible the state police could use the site. It's
930 not exclusive. It depends on who calls the chopper. But primarily my
931 understanding is it would be the Air Methods folks. I'll pass this down.

932
933 Ms. Harris - I am very familiar with parking at St. Mary's Hospital;
934 my mother was there before she passed in January. Parking to me is always a
935 problem, unless you want to park in the parking deck and sometimes that even is
936 a problem. So I'm just wondering how you're going to deal with less parking.

937
938 Mr. Theobald - I've had the privilege of representing St. Mary's on a
939 number of occasions and we've been dealing with the parking deck as well as
940 their new valet parking lot at Maple and Monument. Clearly parking is always an
941 issue at St. Mary's, but it comes in shifts. It comes early in the morning; it comes
942 after lunch. We've done all we can by adding additional valet parking in order to
943 allow people to park conveniently. We are in excess of code parking and through
944 valet parking we try to make sure it's also convenient parking, not just required.
945 In the future, we'll be building more decks closer by. We spend a lot of time
946 worrying about the parking of our visitors. We try to make it the best experience
947 possible.

948

949 Mr. Wright - You have 200 more spaces than required, don't you?
950 Close to 200.

951 Mr. Theobald - Right.
952
953 Mr. Wright - How many parking spaces will you lose?
954
955 Mr. Theobald - It think we lose 30-some. Is that right? Thirty-seven?
956
957 Mr. Wright - You'll still have excess parking.
958
959 Mr. Theobald - We will.
960
961 Ms. Harris - On paper, that's fine. But when you're trying to find a
962 parking space.
963
964 Mr. Theobald - I know what you're saying, believe me.
965
966 Mr. Wright - I don't think that's any different at any hospital.
967
968 Ms. Harris - Exactly.
969
970 Mr. Theobald - That's probably true.
971
972 Mr. Blankinship - Again, given the time of day.
973
974 Mr. Wright - I have one other question. You've read the conditions,
975 I'm sure?
976
977 Mr. Theobald - Yes sir.
978
979 Mr. Wright - And you're in accord with the conditions?
980
981 Mr. Theobald - As amended, yes sir.
982
983 Mr. Wright - I want to ask Mr. Blankinship to take a look at number
984 one.
985
986 Mr. Blankinship - Let's make sure we're on the revised conditions.
987
988 Mr. Wright - Maybe you have revised this out.
989
990 Mr. Blankinship - Oh, I gave him my copy, so let me see yours.
991
992 Mr. Wright - Here it is.
993
994

995 Mr. Blankinship - Now what is your question?
996
997 Mr. Wright - In number one, the last sentence: "Any substantial
998 changes or additions to the design or location of the improvements may require a
999 new use permit."
1000
1001 Mr. Blankinship - Yes sir. That is our standard condition. If they decide
1002 to go with yellow paint instead of white paint, we don't want to bring them back
1003 before the Board. But if they move this so that it is closer to the neighbors—
1004
1005 Mr. Wright - This says substantial changes. Would that be a
1006 substantial change?
1007
1008 Mr. Blankinship - That would be a decision we would have to make at
1009 the time.
1010
1011 Mr. Wright - I think you're taking something away from the Board
1012 here. It looks like to me if they're going to make substantial changes, they should
1013 be required to come back. That's my only concern. I don't like the word "may."
1014 Do you have any problems if we changed the "may" to "shall"?
1015
1016 Mr. Theobald - No, I don't have any problems if you want to change
1017 that to "will." Then we can always come and talk with staff about whether a
1018 change is substantial or not.
1019
1020 Mr. Wright - You would make the decision if it was substantial or
1021 not anyway, wouldn't you?
1022
1023 Mr. Blankinship - You would be reducing two weasel words to one
1024 weasel word.
1025
1026 Mr. Wright - But I mean we're going to end up the same way.
1027
1028 Mr. Theobald - Yes sir, yes sir.
1029
1030 Mr. Blankinship - We're still going to make a judgment call.
1031
1032 Mr. Wright - Yes. If you feel comfortable taking the word "may"
1033 out.
1034
1035 Mr. Blankinship - And just so you know, we almost always err on the
1036 side of bringing things back to the Board.
1037
1038 Mr. Wright - I know you do, I know you do.
1039

1040 Mr. Theobald - And if we were to build a new building, we would have
1041 to come back obviously.
1042
1043 Mr. Blankinship - If it was any closer to the neighbors, we have come
1044 back.
1045
1046 Mr. Theobald - That's right.
1047
1048 Mr. Blankinship - If you only moved it five feet farther away from the
1049 neighbors, we might not.
1050
1051 Mr. Theobald - And apparently I've been advised we do land
1052 helicopters occasionally in the grass at St. Francis because it's a big wide-open
1053 area there.
1054
1055 Mr. Wright - You say this has been in all of the ones we've
1056 approved in the past?
1057
1058 Mr. Theobald - Yes sir.
1059
1060 Mr. Wright - And I just noticed it.
1061
1062 Mr. Blankinship - You didn't have to admit that.
1063
1064 Ms. Harris - Mr. Theobald, in this printout that you gave us, the
1065 noise levels, I notice there are three models of helicopters, B2, B3, and B4.
1066 Which model are you considering?
1067
1068 Mr. Theobald - I'm going to need some help on that one.
1069
1070 Mr. Wright - Haven't flown one recently?
1071
1072 Mr. Theobald - I have not, sir.
1073
1074 Ms. Harris - Please state your name and spell it.
1075
1076 Mr. Wright - That's the only thing you haven't done.
1077
1078 Ms. Harris - You've already been sworn in.
1079
1080 Mr. Benson - Good morning, my name is Ronald Benson—B-e-n-s-
1081 o-n. Area aviation manager for Air Methods. Currently we fly a Eurocopter
1082 EC135. We also fly an EC130. EC135 is a light twin engine aircraft. The models
1083 that you were referring to, the EC130 is a B4 version.
1084
1085 Ms. Harris - The maximum noise capacity?

1086
1087 Mr. Benson - The B4 version is 79.5 decibel and the EC135 is 81
1088 decibel, according to FAA figures that I was looking at yesterday.
1089
1090 Ms. Harris - There is one page here that shows some noise levels.
1091 I need clarification on that. When I saw this case, I thought surely that you were
1092 going to go to the parking deck. So the parking deck will not accommodate a
1093 helipad because it's not sturdy enough, strong enough?
1094
1095 Mr. Bruce - A parking deck is not strong enough?
1096
1097 Ms. Harris - Maybe the drivers need to know that.
1098
1099 Mr. Bruce - A helicopter is real light compared to vehicles.
1100
1101 Mr. Rudisill - My name is Joe Rudisill. That's R-u-d-i-s-i-l-l. I'm the
1102 Director of Planning and Project Management at St. Mary's. The reason the
1103 parking deck is not a viable option is because the fire trucks and ambulances
1104 cannot fit into the parking deck and be able to access the patient to get them out
1105 of the parking to cross the street. It would be less favorable for the patient via
1106 stretcher. So obviously ambulances and fire trucks, just the height and logistics
1107 of those larger vehicles navigating through the parking deck is just not a viable
1108 option.
1109
1110 Mr. Wright - It would also adversely affect the parkers in there.
1111
1112 Mr. Rudisill - Yes sir.
1113
1114 Ms. Harris - But it seems that where you're locating it, you're going
1115 to have to usher the people across the parking lot to get to the emergency room.
1116
1117 Mr. Rudisill - Yes ma'am.
1118
1119 Ms. Harris - You can't get fire engines and—
1120
1121 Mr. Rudisill - We've been working with Henrico Fire. Within the last
1122 two years, they've set standard within Henrico Forest Hospital that they no longer
1123 needed to be dispatched when a helicopter lands on their campus. So while
1124 working with Henrico Fire, we learned that they recommended us actually
1125 transporting the patient via stretcher from the landing zone to the hospital. We'll
1126 have a designated path from the landing zone directly to our emergency
1127 department, which is kind of the green fin roof on the drawing above. The
1128 reason, you mentioned before, Madam, is that we wouldn't use another hospital
1129 because St. Mary's is the flagship tertiary hospital for the Bon Secours Health
1130 System. If you have a higher acuity neonatal patient, pediatric patient, cardiac,

1131 stroke, that patient is better served coming to St. Mary's rather to a smaller
1132 facility with lesser resources. I just wanted to clarify that.

1133
1134 Ms. Harris - This we were talking about with the noise level, you're
1135 saying that they're going to get the one with the highest noise level?

1136
1137 Mr. Benson - What this is telling us is that the flyover noise level is
1138 much reduced in the EC130, the B4 that we have. It's minus 8 point 5 to the
1139 standard than the other two. The other two do not have an enclosed tail rotor.
1140 The EC130 and the EC135, the aircraft that we fly, are a fan tail. You may have
1141 seen them before; the tail rotor is enclosed. The tail rotor spins probably at
1142 10,000 RPM and it becomes a very noisy instrument. So if you have an enclosed
1143 tail, it greatly reduces the noise signature of the aircraft. So the EC130 B4 is
1144 what we fly and we also fly the EC135, which is not shown on here. That's a twin
1145 engine aircraft that has the same type of tail rotor.

1146
1147 Ms. Harris - So this is the best.

1148
1149 Mr. Benson Minus 8 point 5 demonstrates that it is the best of the
1150 choices.

1151
1152 Mr. Wright - I have a question for Mr. Theobald. What is the
1153 degree of sufficiency or ability to perform certain services St. Mary's would have
1154 that say Henrico Doctors' Hospital wouldn't have? Would there be emergencies
1155 that would have to be brought here, they could not be brought to Henrico
1156 Doctors' Hospital?

1157
1158 Mr. Theobald - I'm probably speaking out of my expertise. My sense
1159 is that while the hospitals have an overlap of expertise and service, if you had
1160 your pacemaker installed at St. Mary's, you don't want to be taken to Henrico
1161 Doctors' where they've never seen or heard of you.

1162
1163 Mr. Wright - Well that would require you to go back to St. Mary's
1164 basically.

1165
1166 Mr. Theobald - Exactly. That's how this happens. There's a reason
1167 why one picked as opposed to another. It's your referring physician that sends
1168 you there more often than not, or another hospital who seeks out your expertise.

1169
1170 Mr. Wright - So to say that since you've already had one at
1171 Henrico Doctors' Hospital, you don't need one at St. Mary's—

1172
1173 Mr. Theobald - I think that's right.

1174
1175 Mr. Wright - That argument wouldn't hold water then.

1176

1177 Mr. Theobald - Well, yes. I think you need to go back. The minute
1178 you walk through the door, all of your records, insurance, blood type, ever prior
1179 procedure, what they did last time, who acted on it are right there. There's no
1180 learning curve. Have I misspoken?

1181

1182 Mr. Rudisill - I just want to add one thing. A lot of times these
1183 transports at St. Mary's we'll see are based on physician referral. The doctors at
1184 St. Mary's have different relationships with physicians out in the community than
1185 the doctors at Henrico Doctors' Forest. So if our neonatal intensive care unit has
1186 been doing a lot more outreach say in Williamsburg, Farmville, Fredericksburg,
1187 they have an established relationship in which those providers in those
1188 communities have a trusted relationship with our providers and want to send
1189 their patient to St. Mary's. As Mr. Theobald pointed out, we do have a lot of
1190 overlapping services, but a lot of it has to do with physician relationships and
1191 referrals that these physicians have established. So our physicians aren't
1192 necessarily always at Henrico Forest. We have a lot of different physicians at St.
1193 Mary's as opposed to Henrico Forest. So yes, St. Mary's and Henrico Forest are
1194 close in proximity and yes our services do vary to a point that we do provide a
1195 different level of services. At the same time, we have different physicians actually
1196 providing the referrals into our hospital.

1197

1198 Ms. Harris - Question. Is there a particular radius that this service
1199 would cover?

1200

1201 Mr. Rudisill - We've done a lot of outreach recently. We've seen
1202 triplets come from Halifax Hospital in South Boston come by ground transport.
1203 Since they're triplets, we had to make two trips to Halifax to get the third child. So
1204 having a helipad, it would have behooved us to have that service to bring the
1205 triplets in more quickly to the hospital. That's about as far south as we've gone
1206 recently. We've gone as far as out to the beach where you get to the Peninsula
1207 area where people don't want to tight the tunnels. They'd prefer to come to St.
1208 Mary's hospital rather than get stuck in an ambulance in the tunnel. They'd rather
1209 be flown from Merrimack at the hospital, which is in Newport News or Riverside,
1210 and be flown to St. Mary's. As far as west, we've seen children come from the
1211 Cumberiand County area. And obviously there is UVA out there. So there have
1212 been patients of physicians who have that choice of going to UVA or to St.
1213 Mary's. So our radius extends from literally the North Carolina border all the way
1214 up to DC.

1215

1216 Mr. Wright - What's the minimum?

1217

1218 Mr. Rudisill - The minimum? If there's a highly acute child or highly
1219 acute adult cardiac case at St. Francis and we need to get them to St. Mary's,
1220 depending on whether the provider prefers the helicopter or ground transport, the
1221 minimum could be as far as the five to ten miles from St. Mary's to St. Francis.

1222

1223 Ms. Harris - You have to get the person to the helicopter. Where
1224 is the helicopter going to land out there?
1225
1226 Mr. Rudisill - Well, as noted, there is what I call a grassy knoll at
1227 St. Francis and it's a temporary helipad only for day hours. We just constructed
1228 one at Memorial Regional Medical Center. And then there's a close one near
1229 Richmond Community Hospital, which VCU does use.
1230
1231 Mr. Wright - So that would all have a bearing on it.
1232
1233 Mr. Rudisill - Yes sir.
1234
1235 Mr. Wright - How accessible would the helicopter be? If you have
1236 to go a long ways, you could get in an ambulance.
1237
1238 Mr. Rudisill - Yes sir. And it's always about the provider and how
1239 they best feel the patient could get here more easily.
1240
1241 Mr. Witte - So you're saying that this primarily is not for
1242 emergency use of the fire departments and rescue squads. You're using this
1243 primarily for transport purposes?
1244
1245 Mr. Rudisill - It's primarily for emergency transport purposes. We
1246 won't see on-scene accidents come to St. Mary's Hospital. We are not a Level
1247 One Trauma Center. That will go to MCV. What we see a lot is that when you
1248 have—I'll use neonatal cases because they're easier to describe. When you
1249 have a mother giving birth to a high risk baby, they need to be transferred
1250 immediately to more tertiary facility. So that is emergency transfer, but it is an
1251 inter-facility transfer whether it's between two Bon Secours facilities or a Bon
1252 Secours facility and an outside community hospital.
1253
1254 Mr. Witte - But don't most protocols for the fire departments and
1255 rescue squads call for transportation to the nearest facility?
1256
1257 Mr. Rudisill - Yes sir. But these won't be 9-1-1 calls. When you
1258 dispatch Henrico Fire and Richmond Ambulance Authority, you are calling 9-1-1.
1259 These are communications between two providers. So when there's a physician
1260 down in Halifax on the OB saying that we need to send this child to a more
1261 tertiary NICU, they will be on the phone with our neonatologist to be transferring
1262 the patient; they will not be calling 9-1-1.
1263
1264 Mr. Witte - I was just verifying it.
1265
1266 Mr. Rudisill - Yes sir.
1267

1268 Mr. Witte - I was in the tire department for 30 years, so I'm
1269 familiar with the protocols.
1270
1271 Mr. Rudisill - Oh yes.
1272
1273 Mr. Witte - I just wanted to make sure this was more
1274 transportation.
1275
1276 Mr. Rudisill - It's emergency inter-facility transportation.
1277
1278 Mr. Blankinship - A different kind of emergency, but it's still an
1279 emergency.
1280
1281 Mr. Rudisill - Right. Correct.
1282
1283 Ms. Harris - I have another question for Mr. Theobald. If I'm a
1284 resident in this community 300 feet from this site, what would I feel if a helicopter
1285 lands? What type of vibration, what type of—I don't know the technical word for
1286 it. Just what would I feel? I've known better than to walk up to a helicopter. Just
1287 how close do we get a reaction?
1288
1289 Mr. Theobald - If you're a football field away, you might feel a little
1290 vibration as it comes down, much like, you know, I do when I hear a train that's a
1291 lot further away than 300 feet from my house. Or I do hear helicopters that
1292 occasionally go over my house. I'm not sure where they're headed or why.
1293 They're not usually the medical helicopters. So my guess is that if you didn't
1294 have the TV on, you were sitting in your living room, it was nice and quiet, sure,
1295 you'd probably feel a little bit of a vibration. You might hear it somewhat. You'd
1296 hear the siren a lot louder if a tire truck were going by, I think, bringing somebody
1297 to the hospital. Clearly it's not totally without impact, okay. At the same time I
1298 guess it's a balance between being able to serve the needs of—if you're the
1299 person in the helicopter or with your child in the helicopter, then you're pretty
1300 fortunate for it to be there. So the four to six times a month for a ten-minute
1301 disruption I would hope would outweigh the impacts those in some proximity
1302 might feel. I admit it's a balance. We have jersey barriers and whatnot. And they
1303 turn the engine off when they're on the ground. As they come down, it's not like if
1304 you just raked your yard you need to do it again, so.
1305
1306 Mr. Blankinship - Did I understand you correctly that they'll fly above
1307 say the parking deck area at a thousand feet and then descend.
1308
1309 Mr. Theobald - Basically it's a steep descent. It's not a gradual
1310 coming in to the landing pad. You stay high and then you descend down to
1311 check the safety of the area before dropping down to a landing. Depending
1312 upon weather and wind, you may have to come in, turn around, and go around
1313 for another approach. Did I get it? Okay.

1314
1315 Mr. Benson - I just wanted to add that with a light twin aircraft, the
1316 rotor loss off the aircraft is very minimal. You would feel it if you were standing,
1317 say, within 50 feet of the aircraft. It would be like a breeze. The closer you get as
1318 we're on approach, obviously, you're going to feel wind and you're going to turn
1319 your head. But that's only within about 50 feet of the aircraft. If you're in a home
1320 or residence or a car, you're not going to feel anything. I would even say in a light
1321 aircraft you are not going to feel any vibration. You're going to hear something,
1322 but you are not going to feel anything. Now if you have military medium- to
1323 heavy-lift aircraft come in, you would probably feel some vibration. But our
1324 aircraft are small enough to where you won't feel that. The approach paths that
1325 we take are steep approaches. That means we have about a 15-degree angle as
1326 we're coming in. We generally do our recons of our landing sites at a higher
1327 altitude that will not affect—winds will not affect anything. On a steep approach,
1328 that means that we're going to provide as much distance between us and
1329 anything on the ground that we can as we come in until the area opens up, and
1330 then we land.
1331
1332 Ms. Harris - Thank you. Any more questions?
1333
1334 Mr. Witte - What's the height of the helistop? Is it actually on
1335 ground level.
1336
1337 Mr. Rudisill - It's on the ground in a part of the parking lot basically.
1338
1339 Mr. Witte - So you're not making it an elevated stop.
1340
1341 Mr. Rudisill - No sir.
1342
1343 Mr. Witte - Thank you.
1344
1345 Mr. Theobald - Thank you so much.
1346
1347 Ms. Harris - Thank you. Do we have others who wish to speak to
1348 this case? Please come forward and state your name and spell it.
1349
1350 Ms. Clay - My name is Lois Clay—C-l-a-y.
1351
1352 Ms. Harris - Go ahead and state your case, please.
1353
1354 Ms. Clay - I live at 6206 West Franklin Street, adjoining St.
1355 Mary's property. I received a letter in late May from Tony [unintelligible] indicating
1356 the helistop. I received the letter late when I got home on Friday. I called that
1357 Monday and voiced my opposition. There was something in the letter which
1358 indicated that the parking might use parking south of Bremo. I don't know what
1359 that parking would be other than maybe the valet parking lot which is there. I

1360 made my point. That parking lot is there to stay as valet. not for visitors. That's
1361 what the proffers say at the current time.

1362

1363 There have been newsletters that have been sent out, just mass mailings to
1364 people. I don't really know how many people really read those newsletters. I read
1365 them because I live right there, but I am aware that a lot my neighbors don't
1366 because they weren't even aware of this meeting because they don't read the
1367 newspaper. A lot of people don't read the newspaper anymore.

1368

1369 I think when St. Mary's says the neighbors know, people know about this, they
1370 don't really know. There has been an article in the paper. They did have a
1371 charrette last fall, which consisted of community organizations, the Board
1372 members. I was there because I am on the Advisory Board. But that's why I
1373 received an invitation, I'm assuming, to the charrette because I know my
1374 neighbors did not get an invitation. They did have a community meeting in
1375 November after the charrette, which they said was a neighborhood meeting. But
1376 there were very few neighbors there, very few neighbors were even aware of it.
1377 At that meeting, I stood up and said that—there was a little leaking of plans for a
1378 helistop but no real detailed information on that. I did stand up and say that no,
1379 the neighbors do not want a helipad, my neighborhood anyway, over on my side.
1380 Okay? There has been no discussion of a helispot or whatever at any of the
1381 Advisory Board meetings, other than just a general charrette information in the
1382 planning for the next forty years.

1383

1384 I really think as far as St. Mary's and the neighbors go, St. Mary's needs to send
1385 a letter directly to everybody in the neighborhood. They do mass mailings for
1386 fundraising, they can do mass mailings with an actual letter for people to get and
1387 open and read. People don't read newsletters. Some people don't even read the
1388 newspaper. Right.

1389

1390 And when I mentioned this meeting to people, the first thing they usually say is
1391 why do we need another heliport, helipad or whatever. Also, where are people
1392 going to park? One of my questions is who is going to monitor this? If they say
1393 we need four or five transports a month, who is going to monitor that, who is
1394 going to—you know. Who is going to guarantee that? And temporary, what does
1395 temporary mean? How long is a temporary conditional zoning whatever? And
1396 they're saying permanent. I asked that question, too. Where is the permanent
1397 thing going to be? It's going to be on a building, but nobody knows where that
1398 building is going to be. It's just a lot of unanswered questions here.

1399

1400 As far as noise, okay. There have been some trial runs. I live there and I can tell
1401 you I don't know anything about decibels; I just know about noise. And I can tell
1402 you that it's very, very noisy when the helicopters come over. Other neighbors
1403 also attest to that. I was only there during some of the helicopter landings or
1404 whatever, tests. My husband was there more because he's there during the day.

1405 He indicated that at one point when a helicopter came over it actually shook our
1406 windows. And we don't have old windows either.

1407
1408 Also MCV is a Level One Trauma Center. It sounds like the need is for transport
1409 between Bon Secours' facilities. That sounds like that's more the idea. Or people
1410 associated with Bon Secours. I really think there's probably already adequate
1411 critical care or whatever in the State of Virginia in this area. I'm assuming if there
1412 is a physician who has a patient who is very sick and needs to be treated quickly,
1413 that the first option is going to be not necessarily to go to a Bon Secours facility,
1414 although that might be ideal, but how quickly can I get this person to a facility
1415 that can treat him. I'm assuming that MCV has a top-notch neonatal facility and
1416 any other medical care that might be needed in an emergency or in a critical
1417 situation.

1418
1419 Like I say, there are just a lot of unanswered questions to me on why this is
1420 really needed and who's going to monitor it. I understand the Zoning
1421 Commission, the Planning Commission, whoever, can't police every organization
1422 or residence to make sure they're complying with the zoning laws or the proffers
1423 or whatever. I do understand that. I know it's difficult. I know it's like with the
1424 parking lot that's close to my house. I've had to contact St. Mary's and indicate
1425 that people are cleaning the parking lot at 5:30 in the morning when no activity is
1426 supposed to take place before 7.

1427
1428 I mentioned it to several of the neighbors. The reason you don't see neighbors
1429 here this morning is because they work. I work, too, but I always take off. Some
1430 of them cannot take off. Nobody is in favor of this. I haven't heard anybody say
1431 oh yeah, good, hey. Okay? I think personally my neighborhood has been
1432 impacted by St. Mary's and not—, I'd say adversely affected. I don't see—a
1433 helispot is sort of the last straw here. I don't think it should be approved. And
1434 again, I do apologize for being—

1435
1436 Ms. Harris - Ms. Clay, you said you wanted to know who will more
1437 or less regulate or monitor. Did we give her a copy of the last report, the report
1438 with the new conditions?

1439
1440 Mr. Blankinship - I will give her a copy.

1441
1442 Ms. Harris - On there, we do have that all operations shall
1443 conform to Federal Aviation Administration Regulations and Recommendations,
1444 including those related to training and oversight of flight crews and safety
1445 equipment and equipment on helicopters. So FAA is the regulatory agency for
1446 this.

1447
1448 Ms. Clay - Who is going to monitor the frequency of the flights?

1449

1450 Mr. Blankinship - I would like to clarify we're not limiting them to five
1451 flights per month; they're giving that as a suggestion just to give the Board an
1452 idea of how much activity they intend. But if they have seven emergencies in
1453 one particular month—
1454
1455 Ms. Clay - Or it could be twenty or fifty or whatever.
1456
1457 Mr. Blankinship - We're not going to tell them that emergencies
1458 nineteen and twenty can't come to the hospital.
1459
1460 Ms. Clay - But it's unlimited.
1461
1462 Mr. Blankinship - It's not a limit on the number of flights, that's correct.
1463
1464 Mr. Witte - But hopefully there won't be many.
1465
1466 Ms. Clay - Well hopefully of course. Hopefully there won't be
1467 any.
1468
1469 Ms. Harris - What is the name of your association? You're the
1470 advisor of—
1471
1472 Ms. Clay - No. I'm on the St. Mary's Advisory Board.
1473
1474 Ms. Harris - Oh, the St. Mary's Advisory Board.
1475
1476 Mr. Witte - I have a question. Is anybody here from St. Mary's or
1477 Bon Secours that's not with the attorney? Okay. Maybe you can shed some light
1478 on the question she asked about the length of time—somebody estimated
1479 maybe five years—and the location of it. I mean there has to be a long-term plan
1480 somewhere in the upper echelon.
1481
1482 Ms. Harris - We will allow you time to rebut as soon as we hear
1483 this side. She raised several questions and we want to clear up as many as we
1484 can from the Board's standpoint and then we will let Mr. Theobald and anyone
1485 you select to clarify some of the questions that she asked.
1486
1487 Mr. Bruce - Ms. Clay, can I ask you where you live?
1488
1489 Ms. Clay - 6206 West Franklin Street.
1490
1491 Mr. Blankinship - Just of the corner of the map on the screen.
1492
1493 Ms. Harris - I want to share this with you because I feel that we
1494 experiences for a reason. We wonder when the helicopter is going to be used. At
1495 a family reunion in Maryland, my first cousin's wife, who is a patient at Bon

1496 Secours, heart patient, had to be flown in because she had a heart attack right at
1497 the reunion picnic. She had to flown in to the Washington, DC facility although
1498 her doctor, her cardiologists are at Bon Secours. So I think that we're hard
1499 pressed to say whenever a helicopter is going to be used. You can't limit the
1500 time. But thank God for the helicopter that could fly her in to save her life. You
1501 know we never know when we're going to need a helicopter to fly us someplace.
1502 I think we have to be reasonable about this. We can't really state five times or—
1503

1504 Ms. Clay - I understand that. I do understand that. But I'm trying
1505 to make the point that there are other facilities around that have helispots and
1506 helipads to meet that need.
1507

1508 Ms. Harris - Thank you so much. Do we have someone else to
1509 speak to this? Then we'll let Mr. Theobald give a rebuttal. Not at this point, since
1510 this lady has come up. Please state your name.
1511

1512 Ms. Minkler - Amy Minkler—M-i-n-k-l-e-r. I live at 6205 West
1513 Franklin, conveniently right in the path of the westward-coming helicopter. I have
1514 a three-year-old and I have an eleven-month-old.
1515

1516 Mr. Witte - Excuse me. I noticed you walked in late. Did you get
1517 sworn in?
1518

1519 Ms. Harris - She was sworn in.
1520

1521 Ms. Minkler - Yes, I was here. I had to drop off the eleven-month-
1522 old at daycare so I could be here. So I apologize for being late.
1523

1524 We've lived in the neighborhood for three years. I understand the hospital's
1525 growth, etc. I'd like to just reiterate we are in the path of the helicopter. There
1526 was a crash—I just Googled it on my phone. There was a crash in Oklahoma; a
1527 door fell off and it crashed. There was a crash in Nevada; three people killed.
1528 Again, I have a three-year-old and an eleven-month-old. I would joke and say I
1529 would need your phone numbers to help me get the children back to sleep once
1530 the helicopter flies over. This is obviously an emotional point and we will consider
1531 selling our house and leaving the County. We love the neighborhood; we love
1532 the facilities. I actually use St. Mary's for a lot of my care. However, if it impacts
1533 my life on a daily basis, which it may not, it could, we will consider moving. And
1534 we will consider leaving the County.
1535

1536 I work from home; I'm a manufacturer representative formerly for Circuit City—
1537 rest on peace. I now actually work from home representing products to QVC. I
1538 was at my desk June 17th. I do believe that was the one time during the
1539 weekdays. I could feel my desk move. I would invite you all to come to my
1540 house, even just stand in my front yard, and have them fly a helicopter over just
1541 to see how loud. It is quite loud. Windows do rattle; items do shake. I can

1542 understand, yes, there is a need for a helicopter, but to reiterate Lois' point, there
1543 are other options. All of my doctors are at St. Mary's and we see them—ENT,
1544 OB, primary care, allergist, asthma specialist—they all also have practicing rights
1545 at Henrico Doctors. More and more data is available electronically. I understand
1546 that it's not a perfect world, helicopters are needed, there are emergency care
1547 situations. I would just ask either a time limit, make it 9 p.m. My kids are in bed
1548 by 7:30. I know you can't logistically do that, but there are families moving to this
1549 area and they will be leaving. And it will be impacting the County.

1550

1551 As the hospital grows, yes there are growing pains. We will get to a pain
1552 threshold where we will leave the County. I just ask you to please consider safety
1553 and the families. And not only the families of the patients, but the families that
1554 are just squares on this map right now. Come to my house and have them tie a
1555 helicopter over and we'll see how loud it is. Thank you.

1556

1557 Ms. Harris - Anyone else wish to speak to this case? Please state
1558 your name and spell it.

1559

1560 Mr. Gore - Jeff Gore—G-o-r-e. 5806 Morningside Drive. I have
1561 not been sworn in.

1562

1563 Ms. Harris - You'll have to be sworn in, sir.

1564

1565 Mr. Blankinship - Raise your right hand please.

1566

1567 Ms. Harris - Anyone else who wishes to speak to this case and
1568 you have not been sworn in? Please raise your right hand.

1569

1570 Mr. Blankinship - Do you swear the testimony you're about to give is
1571 the truth and nothing but the truth so help you God?

1572

1573 Mr. Gore - I do. Again, I'm Jeff Gore, 5806 Morningside, which
1574 is directly across Monument Avenue from the front of the hospital. I have nothing
1575 against St. Mary's; I was born at St. Mary's 38 years ago. So I haven't made it
1576 very far; I'm now across the street. Unfortunately I had a work commitment and I
1577 couldn't see the whole presentation of the applicant. I do have some concerns.
1578 One has to do with the frequency of the flights. I presume it's online. I'd like to
1579 see a copy of the permit, the conditional use permit conditions because I don't
1580 know if there is a way to put some sort of reasonable parameters on the
1581 frequency. I understand your point, Madam Chair, about if there's an emergency
1582 you can't say you can't come. But we are surrounded by hospitals that are
1583 already equipped for those kinds of emergencies. I work next to MCV in the old
1584 city hall building. I hear helicopters landing on the roof of MCV every day. But
1585 that's in the middle of the city and there's traffic; there's noise, there's busting;
1586 that's expected. It's a great facility there. I find it hard to believe—if there has to
1587 be a transfer between those two facilities, I would think you could drive down

1588 Monument in ambulance before you could transport between hospitals in this
1589 area by helicopter. So it sounds like most of the transport would be from
1590 Southside, Hampton Roads, the DC area.

1591
1592 I guess I'm here to say I really don't know enough about it to make a lot of
1593 intelligent remarks here, but I do have concerns as a neighbor. I'd urge you to
1594 deliberate carefully about this, understanding that these neighborhoods were
1595 there before the hospital, and the hospital has already grown quite a bit and
1596 already impacted the neighborhood. And has plans to grow even more,
1597 extending a new façade out towards Monument Avenue, a new building on the
1598 corner of Libbie and Monument. So there are other things going on. This is not in
1599 isolation, this permit application. Again, I think St. Mary's is a great asset to the
1600 community; I don't question that. And I think it's good for the County and it's
1601 good for our citizens. But at the same time, there are limits, I think reasonable
1602 limits, that should be placed on any entity that's in a primarily residential area.

1603
1604 I appreciate the work you all do for the County. Thanks again. And please
1605 deliberate, taking into account all we've heard today. Thank you.

1606
1607 Ms. Harris - Thank you, Mr. Gore. Anyone else who wishes to
1608 speak to this case before we hear the applicant? Sir, were you sworn in? Please
1609 state your name.

1610
1611 Mr. Clay - Rodney Clay. I just wanted to say the noise decibel,
1612 what you all said, might be a fact, but if you take a fan and turn it down towards
1613 the ground and see the impact it has on houses at about 300 feet. They flew
1614 over the house there at 300 feet going towards the hospital emergency room.
1615 Thank you very much.

1616
1617 Ms. Harris - The applicant will have a chance to address some of
1618 the questions that were raised and make final comments.

1619
1620 Mr. Theobald - With your permission, Madam Chair, I'll make a few
1621 concluding comments and let Mr. Napps discuss the future expansion based on
1622 the charrette in response to the question.

1623
1624 I want to assure Ms. Clay who was a faithful opponent of the Maple Avenue
1625 parking lot that we are not changing the nature of that parking lot; we can't. It
1626 was proffered as a valet parking lot. It will be a valet parking lot. I didn't see
1627 anything in this letter that suggested otherwise. This is a copy of the letter that
1628 was sent around in May to 7,000 people.

1629
1630 Mr. Blankinship - Was this sent as a letter in an envelope, it wasn't part
1631 of a newsletter or anything?

1632
1633 Mr. Theobald - No, the newsletter came out in August.

1634
1635 Mr. Blankinship - Separate mail.
1636
1637 Mr. Theobald - Through separate mail. That went to 7,000 people. I
1638 guess I would just say in terms of my comments that St. Mary's would very much
1639 enjoy the same privilege to provide these services that have been extended by
1640 this Board to both of the other hospitals in Henrico County under very similar
1641 circumstances. We've tried hard to mitigate any impacts. Obviously we can't live
1642 with only landing helicopters between 1 a.m. and 5 p.m. They come when they
1643 need to come, unfortunately. This is not something that occurs on a daily basis
1644 at literally any hospital. I also look out my office window and see MCV
1645 helicopters come in and it's not an everyday occurrence. I might add that what I
1646 also see out the window of my office is many other helicopters operating in the
1647 area from police and state police copters, looking at the river, National Guard
1648 helicopters that are all over Western Henrico, as well as downtown, light aircraft,
1649 etc. So there is a little bit of activity up there in the skies above us. With that,
1650 again, I would appreciate your consideration. I'll let Greg make a couple of
1651 comments about the expansion based on what was discussed at the charrette,
1652 unless you have more questions of me.
1653
1654 Mr. Wright - May I ask you one question? There was testimony
1655 that the helicopter came in at 300 feet. That's not what your testimony was.
1656
1657 Mr. Theobald - No sir.
1658
1659 Mr. Wright - The helicopter would come in at a thousand feet and
1660 then land.
1661
1662 Mr. Theobald - Yes sir. They don't skim the rooftops on their way.
1663
1664 Mr. Wright - This gentleman implied that this practice one came in
1665 at 300 feet.
1666
1667 Mr. Theobald - Unless there is some explanation that I'm not aware
1668 of I know during that test, they were determining wind patterns and approaches,
1669 so they were flying around to determine the best route in. They hadn't pre-
1670 determined which way to come, so on that day they may have been perhaps
1671 flying around more than they would need to because that's what they had to do
1672 to find the best way in to avoid—
1673
1674 Mr. Wright - Your testimony is that they would come in at a
1675 thousand feet.
1676
1677 Mr. Theobald - Yes. They come in high, they hover over. I think you
1678 heard Mr. Benson say that they're on a steep decline. And then they lower down

1679 to around a thousand, make sure the area is safe to land, checking with ground
1680 personnel, and then they come down.
1681
1682 Mr. Wright - Do you have any objection to us putting that in a
1683 condition, that the approach would be a thousand feet?
1684
1685 Mr. Theobald - I just don't know how you'd ever enforce it. You were
1686 part of this discussion. I looked at the Henrico Doctors' and this exact same
1687 discussion occurred at that with the exact same information as to how they come
1688 in and descend. It's pretty much of a copycat request in that regard. And
1689 obviously they don't have any of those sorts of conditions. If I were to call Mr.
1690 Blankinship in the middle of the night and suggest that they come in at 980
1691 instead of a thousand, he wouldn't appreciate that.
1692
1693 Ms. Harris - Mr. Theobald, I notice in the letter you sent to the
1694 residents that you said this is a temporary site, that eventually there will be an
1695 offsite—
1696
1697 Mr. Theobald - No, it will be on a building.
1698
1699 Ms. Harris - How far away is that?
1700
1701 Mr. Theobald - The building?
1702
1703 Ms. Harris - How far away is the construction?
1704
1705 Mr. Theobald - Oh, the building is likely to be right where the—
1706
1707 Ms. Harris - In time.
1708
1709 Mr. Theobald - I'm sorry; in time. I'm sorry. I think Mr. Napps is going
1710 to address that, but we're thinking that it's likely to be somewhere in the five-year
1711 range, give or take.
1712
1713 Ms. Harris - So you would put it on one of your buildings already
1714 on campus?
1715
1716 Mr. Theobald - A new building.
1717
1718 Ms. Harris - A new building? And you have the land already for
1719 that expansion?
1720
1721 Mr. Theobald - Yes. What all the expansion involves is using
1722 structured parking to replace the surface lots, if you will, because the land we
1723 own is old style suburban surface parking, lots of asphalt. And as we move to a
1724 more urbanized type of development, there will be parking decks primarily.

1725
1726 Ms. Harris - Okay.
1727
1728 Mr. Witte - I have a question in reference to what Mr. Clay said
1729 about the fan pushing down, the noise. I'm more concerned with velocity of the
1730 rotor wash. Two things about it. One, being in the parking lot and so close in
1731 proximity to parked vehicles, is it going to cause damage to the vehicles.
1732 Secondly, depending on the velocity, is it going to create a hazard to people
1733 going to their vehicles? Do we know what the velocity of the rotor wash is?
1734
1735 Mr. Theobald - We'll let someone answer that question.
1736
1737 Mr. Witte - If it was in a field, it wouldn't be an issue.
1738
1739 Mr. Theobald - Right, right.
1740
1741 Mr. Blankinship - Remind us of your name.
1742
1743 Mr. Benson - Once again, Ronald Benson—B-e-n-s-o-n. Generally
1744 we come to hospitals all the time that there are parking lots around the landing
1745 pad. We will blow dust and we will blow sand when we come in. It's usually within
1746 about a 50-foot radius of the helipad. Like I said, the rotor wash coming in is not
1747 that great. Generally what we do insist, though, is that security will make sure
1748 that there are no cars and there are no people walking by. At times we will see
1749 people who walk by the helipad. We'll stop what we're doing, go around, and
1750 come back in. Rotor wash can impact someone, but generally it's just dust, dust
1751 or debris that they're shielding their eyes from. We have seen in the past
1752 damage to vehicles only because there was, say, a pickup truck that was close
1753 by that had something in the bed of the truck. But it's very few and far in
1754 between.
1755
1756 Mr. Witte - Do we know what the velocity of rotor wash is on your
1757 helicopters?
1758
1759 Mr. Benson - I don't know that figure. I can estimate it if you would
1760 like.
1761
1762 Mr. Witte - I've been pelted on an emergency scene when the
1763 helicopter is coming in.
1764
1765 Mr. Benson - We do blow up sand and debris, we can. Generally
1766 what happens is the pad is cleared and cleaned by whatever security or people
1767 who are there. We come in and we land. If we see anything big that's going to be
1768 lifted by the aircraft, we abort our landing at that time.
1769

1770 Mr. Witte - Do we know the distance from the parking spaces to
1771 the helistop, pad?
1772
1773 Mr. Blankinship - That would show on the site plan.
1774
1775 Mr. Witte - So it's about 50 active parking spaces. We could say
1776 75 feet.
1777
1778 Mr. Wright - So there will be a concrete traffic barrier around it.
1779 How tall is that?
1780
1781 Mr. Benson - Usually around three or so.
1782
1783 Mr. Witte - That will eliminate a lot of the wash.
1784
1785 Mr. Wright - There will be a concrete barrier all around it three feet
1786 tall.
1787
1788 Mr. Witte - All right, thank you.
1789
1790 Ms. Harris - Please state your name again.
1791
1792 Mr. Napps - Yes ma'am. My name is Greg Napps—N-a-p-p-s. I'm
1793 Vice President of Operations for Bon Secours St. Mary's. I guess a couple
1794 points. One of the questions has been—and timing in life is everything. But one
1795 of the questions has been the "when" question, when will we have a building on
1796 which the heliport would be relocated. The truth is we don't really know that. I
1797 think we're working in that direction. As has been mentioned earlier, we had a
1798 charrette process in November. We still don't have finalized plans. Joe indicates
1799 within the next couple of weeks we expect to have that. Our goal really with the
1800 charrette process was to look 40 to 50 years out. As has been mentioned by a
1801 number of people, there has been significant growth over the last probably 15 to
1802 20 years, particularly of St. Mary's. I can remember when I was there as a
1803 resident in 1985 when the decision was made was cross Bremo and go all the
1804 way out across Bremo and build surface parking. So it has continued to grow,
1805 obviously.
1806
1807 We have a number of ideas and concepts about future growth and so forth. One
1808 of the things that I think is important is that irrespective of the fact that we do
1809 have some disagreement in the room today about, for example, this specific
1810 project, our goal is to get as much community feedback as we can, particularly
1811 as we go forward. So that's the purpose of the charrette. While we had a number
1812 of people that came to our original charrette process, when we get our final plans
1813 back from the company that was able to do all the design work, we'll again invite
1814 the community for additional feedback and so forth.
1815

1816 The other thing that I might address is about the scope of the project and why
1817 we're interested in doing this. There are a number of different reasons, but I think
1818 as Joe alluded to, something that's really important is the outreach. Part of our
1819 ministry and our mission, if you will, is to provide outreach services to those
1820 areas that don't necessarily have the level of complex care that we offer at St.
1821 Mary's. We have a Level 3 NICU, which is the highest level designation that you
1822 can have. We work with perinatologists that are out in the field up into
1823 Fredericksburg, down into Williamsburg, out in South Boston. This is an
1824 opportunity for us to provide some care that's desperately needed, not just in
1825 Richmond, but further out to people that might not have access otherwise. It
1826 makes a big difference. And we don't anticipate a huge number of these types of
1827 cases coming in. Again, as has been stated a number of times, this isn't for
1828 trauma in the field or something like that. This is emergency transport when
1829 there's really no other way safely to get the patient there.

1830

1831 I certainly understand and appreciate the concerns of the neighbors. And we've
1832 certainly taken that into consideration. I think that's the reason for going with the
1833 Eurocopter model with as low a decibel as was available. You mentioned the
1834 shielded back rotor, which I don't understand scientifically, but again the goal is
1835 to provide something that is reasonable, is safe for the community, and is safe
1836 for the patients. That's kind of a perspective on where we are. I appreciate it.
1837 Thank you.

1838

1839 Ms. Harris - More speakers? That concludes the case.

1840

1841 Mr. Wright - I wanted to ask Mr. Theobald one more question.

1842

1843 Mr. Theobald - Yes sir.

1844

1845 Mr. Wright - I had some thoughts that probably if this is granted to
1846 limit it to a year or so and see how it works, give the neighbors an opportunity if it
1847 really is bothersome or proves to be not what it should be, that we would have
1848 another crack at looking at it.

1849

1850 Mr. Theobald - That certainly would not be my preference, Mr.
1851 Wright.

1852

1853 Mr. Wright - I know it wouldn't be.

1854

1855 Mr. Theobald - It's certainly within your authority to do that, but I hate
1856 to gear up a program and gear it back down and have to go through this again in
1857 another year when those conditions were not placed on the only other two
1858 requests that have ever been made in this County. Other hospitals were not
1859 subject to those types of conditions. But it's certainly within your prerogative. I
1860 hope that you wouldn't find it necessary to do that. Literally every single thing
1861 that we've ever tried to do at St. Mary's has been opposed. Really the reason for

1862 taking the affirmative step of doing the charrette and bringing in this national
1863 renowned planner was the idea of instead of doing it surprise by surprise, let's
1864 bring in someone and let's talk about the next 50 years as to where we're going.
1865 So that whole idea was an effort to bring the community together, give them a
1866 glimpse of the what-ifs and get their input. So we're trying to shape all of our
1867 plans consistent with that. I know we'll never please quite everybody, but this is a
1868 jewel in our community. This is a community resource. Some people buy their
1869 houses to be close to St. Mary's.

1870
1871 Mr. Wright - That would give us some opportunity so if it got to be
1872 so onerous, doing two or three a week or something like that, maybe getting out
1873 of hand. I don't know; I'm just going with the idea.

1874
1875 Mr. Theobald - I understand.

1876
1877 Ms. Harris - But since this is a conditional use permit, if we have
1878 any major complaints from neighbors after it's in operation, can't they come back
1879 before the Board?

1880
1881 Mr. Blankinship - They could request a hearing to show cause for
1882 revoking the pennit. Normally that would be if they are alleging violations of a
1883 condition.

1884
1885 Mr. Wright - You're supposed to limit it to the conditions.

1886
1887 Mr. Blankinship - If they didn't operate within FAA guidelines, for
1888 example, we could [blank section] permit.

1889
1890 Mr. Wright - That would be different.

1891
1892 Mr. Blankinship - If they did operate within these guidelines and within
1893 the safety recommendations, yet it was bothersome to the neighbors, [blank
1894 section].

1895
1896 Ms. Harris - When you talk about the in-route to the helistop or
1897 helipad, you must come in that direction each time?

1898
1899 Mr. Theobald - But for the wind, unless there's a wind change. But
1900 that's the preferred approach because is has the least conflict with
1901 neighborhoods and hospital buildings. If for some reason there should be a wind
1902 issue, they might have to come in a different way. Under normal conditions,
1903 that's the way it would go. Mr. Wright, just to pick up on one comment you
1904 made. The outer safety area is actually about 194 feet square, I think, as listed in
1905 the staff report. What was it, Ben?

1906
1907 Mr. Blankinship - Ninety-four square feet.

1908

1909 Mr. Theobald - Well, that's to the concrete barriers. But then there's
 1910 another area within—

1911

1912 Mr. Blankinship - It's 115 by 125.

1913

1914 Mr. Theobald - It's a 115 by 125 within which there is no other
 1915 activity. He was talking about a 50-foot wash area. St. Mary's also cleans and
 1916 maintains the parking lots, trying to keep them clear of debris whether there's a
 1917 helistop or not. They do the best they can to make sure there is not going to be
 1918 particulate stuff out there.

1919

1920 Ms. Harris - Mr. Wright mentioned that one year. How would you
 1921 feel about adding a condition of one year? What about five years? We've been
 1922 hearing that in about five years you're going to expand. In the letter that went out
 1923 to the neighbors, it said it's temporary.

1924

1925 Mr. Theobald - Well, I would certainly feel better about it than one
 1926 year. Obviously I'd feel best if there were no on limitations on it, consistent with
 1927 the other cases, but if there had to be a period, I would hope it would be at least
 1928 five years.

1929

1930 Mr. Witte - I think it would be a lot of expense to put that in, make
 1931 all the arrangements and put a restriction on them in the short-term. In my
 1932 opinion, it wouldn't give a fair evaluation.

1933

1934 Ms. Harris - What did you have in mind when you put that in your
 1935 letter? It says something about being temporary.

1936

1937 Mr. Theobald - Until a new building was constructed consistent with
 1938 the discussions at the charrette so that we could put it on the roof.

1939

1940 Ms. Harris - Yes. You said the ground helipad is temporary.

1941

1942 Mr. Theobald - Right.

1943

1944 Ms. Harris - So how many years do you consider?

1945

1946 Mr. Theobald - Here again, we were hoping to be able to build a new
 1947 building sometime within a five-year period. What we were trying to signal was
 1948 that the helistop is not going to be there forever. When we build that building, it
 1949 would move up.

1950

1951 Ms. Harris - Did you consider the cost that you would invest and
 1952 then move it from a temporary to—

1953

1954 Mr. Theobald - Oh sure. Sure, absolutely. I didn't write that letter,
1955 but. Obviously they wanted to provide the service now. They didn't want to wait
1956 for the new building for all the reasons you've heard this morning.

1957
1958 Ms. Harris - Thank you so very much.

1959
1960 Mr. Theobald - I appreciate your consideration. Thank you so much.

1961
1962 Ms. Harris - I do believe that concludes the case.

1963
1964 [After the conclusion of the public hearings, the Board discussed the case
1965 and made its decision. This portion of the transcript is included here for
1966 convenience of reference.]

1967
1968 **DECISION**

1969
1970 Mr. Wright - I want to recommend that this be approved, but I'm
1971 concerned with the neighbors' reactions. The fact that this is a close-knit
1972 neighborhood and the houses are close by, to grant this without some limitation,
1973 we would have no prerogative to come back—based on what we've said—to see
1974 that something would be done. My concern is putting some limitation as to time.
1975 If it goes well and the neighbors are not disturbed to excess and so forth, they
1976 can come back and could be granted to continue without any problem. I know
1977 there is some concern and expense in doing this and so forth. I'm kind of torn. I
1978 think the evidence is pretty clear that I believe it will work. But I still have this
1979 concern that we don't have control. Although we may have had the same
1980 concerns in the other ones, I don't believe the other ones—I know there was a
1981 school. But the other ones don't have the neighbors jammed right up close to
1982 the helipad like this one does. My concern is what kind of limitation. We could
1983 go five years, which they said they were going to try to replace it anyhow. That
1984 would give them some flexibility. That's a long time. I'm just trying to get some
1985 discussion going.

1986
1987 Ms. Harris - Are you going to put that in form of a motion?

1988
1989 Mr. Wright - I'll put in the form of a motion. For the sake of
1990 argument, I'll put a limitation in there of five years.

1991
1992 Ms. Harris - Is there a second to this motion?

1993
1994 Mr. Witte - I second that.

1995
1996 Ms. Harris - It's been moved by Mr. Wright, seconded by Mr. Witte
1997 that we would approve this conditional use permit for five years. Is there any
1998 discussion?

1999

2000 Mr. Wright - Also Condition #1, I want the word "may"—is that the
2001 one that has the "may" in it?
2002
2003 Mr. Blankinship - Yes sir.
2004
2005 Mr. Wright - My reason for this is that after hearing all the
2006 evidence, I do think that this application will not adversely affect the health,
2007 safety, or welfare of the persons residing in or working in the neighborhood and it
2008 will not unreasonably impair the adequate supply of light; that's pretty obvious. It
2009 will not increase public danger from fire or otherwise unreasonably affect the
2010 public safety nor impair the character of the district.
2011
2012 Ms. Harris - You said we wanted to add the condition for five
2013 years.
2014
2015 Mr. Wright - For five years. I think it's a safety sort of thing to give
2016 us some control.
2017
2018 Ms. Harris - You said something else about the word "may"?
2019
2020 Mr. Wright - Yes.
2021
2022 Ms. Harris - Where was that?
2023
2024 Mr. Blankinship - Condition #1, the last sentence reads: Any additional
2025 improvements shall comply—oh, I'm sorry. This is not the one. I'm in the wrong
2026 place.
2027
2028 Mr. Wright - It's in this one.
2029
2030 Ms. Harris - It's in this one, yes. So "may" is already here in this
2031 Condition 1.
2032
2033 Mr. Blankinship - It will require a new use permit. Improvements may
2034 require a new use permit.
2035
2036 Mr. Witte - So we're going to eliminate the word "may."
2037
2038 Mr. Blankinship - And replace it with "will."
2039
2040 Mr. Wright - I think it's just semantics. That gives us more control.
2041
2042 Ms. Harris - Are we ready to vote?
2043
2044 Mr. Witte - I would like a little discussion.
2045

2046 Ms. Harris - A little discussion, all right,

2047

2048 Mr. Witte - I understand the concerns of the homeowners. I was
2049 assigned to a fire station down by the airport and the first time one of those
2050 passengers jets flew over, I hit the floor because I thought it was coming in the
2051 fire station. Over a period of time, short period of time, we got used to it. You
2052 could actually wave to the people and it wasn't really an issue. You didn't even
2053 hear them half the time. And also, I think the sirens on the ambulances coming
2054 into the emergency room are going to be much louder than a helicopter landing.
2055 So I think the noise is not going to be that big a deal as much as the sirens from
2056 the ambulances coming down Monument Avenue and Libbie Avenue and
2057 Patterson Avenue. Of course their decibels are far higher. They're made to be
2058 heard through windows, through radios, through automobiles. So the sirens are
2059 much louder than the noise that I think is going to bother the homeowners.

2060

2061 The rotor wash, I think that may be a little issue, but I don't think that's going to
2062 be the homeowners' issue. I think that may be more of a vehicle issue, which the
2063 hospital can take care of. They'll just have to clean it more if their insurance
2064 carrier starts picking up bills for repainting vehicles.

2065

2066 So under all those conditions and decisions, I think this is still a good thing for
2067 the community.

2068

2069 Ms. Harris - Any more comments from Board members? All in
2070 favor of approving this conditional use pennit for five years with the stated
2071 correction of "will" instead of "may," please say aye. All opposed say no. The
2072 ayes have it; the motion passes.

2073

2074 After an advertised public hearing and on a motion by Mr. Wright, seconded by
2075 Mr. Witte, the Board approved application UP-017-10, St. Mary's Hospital's
2076 request for a conditional use permit pursuant to Section 24-50.12(c) to allow a
2077 helistop at 5811 Bremono Road (Parcel 769-737-3039), zoned O-3C, Office District
2078 (Conditional) (Three Chopt). The Board approved the use permit subject to the
2079 following conditions:

2080

2081 1. [AMENDED] Only the improvements shown on the plan filed with the
2082 application, as amended by these conditions, may be constructed pursuant to
2083 this approval. Any additional improvements shall comply with the applicable
2084 regulations of the County Code. Any substantial changes or additions to the
2085 design or location of the improvements will require a new use permit.

2086

2087 2. The helistop landing area and approach area shall not be located within the
2088 boundaries of zoning case C-12C-96 or C-37C-96 unless the proffered
2089 conditions are amended to allow such use.

2090

2091 3. A detailed lighting plan shall be submitted to the Planning Department for
2092 review and approval. All exterior lighting shall be shielded to direct light away
2093 from adjacent property and streets.

2094
2095 4. The helistop shall be designed, constructed, and marked in compliance with
2096 Federal Aviation Administration regulations and recommendations, including
2097 Advisory Circular 150-5390-2B.

2098
2099 5. All operations at the helistop shall conform to Federal Aviation Administration
2100 regulations and recommendations, including those related to training and
2101 oversight of flight crews, and safety equipment on helicopters.

2102
2103 6. [ADDED] This use permit shall expire on August 31, 2015.

2104
2105
2106 Affinnative: Harris, Bruce Nunnally, Witte, Wright 5
2107 Negative: 0
2108 Absent: 0

2109
2110
2111 [At this point, the transcript continues with the public hearing on the next
2112 case.]

2113 UP-018-10 RANDY AND MARIE TONEY request a conditional
2114 use permit pursuant to Section 24-95(i)(4) to allow a pool and pool house in the
2115 side yard at 7107 Gill Dale Road (Parcel 840-696-8995), zoned A-1, Agricultural
2116 District (Varina).

2117
2118 Ms. Harris - Is there anyone who wishes to speak to this case?
2119 Please stand so that you may be sworn in. Raise your right hand.

2120
2121 Mr. Blankinship - Do you swear the testimony you're about to give is
2122 the truth and nothing but the truth so help you God?

2123
2124 Ms. Harris - Please come forward now and state your case.

2125
2126 Ms. Young - Good morning. My name is Alyssa Young—Y-o-u-n-g.
2127 I'm here representing Randy and Marie Toney. They would just like to put a pool
2128 and pool house in their side yard.

2129
2130 Ms. Harris - Tell us about the acreage of your land.

2131
2132 Ms. Young - I believe it's three acres. These are just real close
2133 friends of ours.

2134
2135 Ms. Harris - How visible would it be to your neighbors or to her
2136 neighbors?

2137
2138 Ms. Young - It's not. It's not visible.
2139
2140 Mr. Blankinship - You are the neighbors, you say.
2141
2142 Ms. Young - No, no, no. Just real good friends. They're on
2143 vacation.
2144
2145 Mr. Witte - You must be a good neighbor.
2146
2147 Ms. Young - They just wanted to make sure that if there were any
2148 questions, that there was somebody here to represent them to answer them.
2149
2150 Ms. Harris - Have you seen the conditions regarding this?
2151
2152 Ms. Young - No. We actually came back from the beach to come
2153 here and we did not receive any. So no, I haven't seen them.
2154
2155 Mr. Blankinship - I wonder did the applicant see them.
2156
2157 Mr. Nunnally - In case this case is approved, they would have to go
2158 by the conditions whether you know about it or not.
2159
2160 Ms. Young - Correct.
2161
2162 Mr. Nunnally - They probably have a copy of it; they were mailed to
2163 them.
2164
2165 Ms. Young - Correct. I think that there were not many conditions. I
2166 think that's what I understood. It wasn't a big issue.
2167
2168 Mr. Blankinship - There are three. They haven't mentioned to you that
2169 they object to any of the conditions.
2170
2171 Ms. Young - No.
2172
2173 Mr. Blankinship - I don't know if that's adequate or not. They are
2174 supposed to accept the conditions.
2175
2176 Ms. Harris - Would you like to see a copy of the conditions?
2177
2178 Ms. Young - Sure.
2179
2180 Mr. Blankinship - She's not really an agent for them though. I don't
2181 know if her acceptance of them could be binding on the applicant. Let me have a

2182 look at what the code says on that. I can't recall this happening before. Normally
2183 if the applicant does not show, we won't hear the case.

2184

2185 Ms. Harris - As a representative, her name is in the information
2186 that we received.

2187

2188 Mr. Blankinship - Okay. I had forgotten that

2189

2190 Ms. Young - The third condition, they have addressed that about
2191 the septic field. They have discussed these.

2192

2193 Mr. Blankinship - Well it just says the Board shall impose such
2194 requirements or conditions and if these are accepted by the applicant, the Board
2195 shall authorize the issuance of the [blank section]. I guess it's not necessary that
2196 they be at the hearing to clearly state that they [blank section].

2197

2198 Ms. Harris - Who indicated, Mr. Blankinship, that Mike Young or
2199 Alyssa Young would be the representative? They did? The applicants did?

2200

2201 Mr. Blankinship - Yes. They're actually on the application forms.

2202

2203 Mr. Wright - Then whatever we would do would be binding upon
2204 the applicant.

2205

2206 Ms. Young - Correct. They're not opposed to any of the
2207 amendments.

2208

2209 Ms. Harris - All right. Does that conclude your remarks?

2210

2211 Ms. Young - Yes ma'am.

2212

2213 Ms. Harris - Is there anyone else who wishes to speak? Are there
2214 questions from the Board? If not, that concludes the case.

2215

2216 Ms. Young - Thank you.

2217

2218 [After the conclusion of the public hearings, the Board discussed the case
2219 and made its decision. This portion of the transcript is included here for
2220 convenience of reference.]

2221

2222 DECISION

2223

2224 Mr. Nunnally - I move that we approve the use permit. It will not
2225 affect the persons residing in or on the premises and will not bother the
2226 neighborhood or unreasonably impair the supply of light and air to adjacent
2227 property, unless they start getting a lot of visitors to their pool. I think they have

2228 met all the requirements they have to meet. Shall we put anything in there, Mr.
2229 Blankinship, about the applicant accepting those conditions since they weren't
2230 here?

2231
2232 Mr. Blankinship - Well, if they don't accept the conditions—

2233
2234 Mr. Nunnally - That's my reason for approving it.

2235
2236 Ms. Harris - Is there a second.

2237
2238 Mr. Wright - I think the agent can bind the applicant.

2239
2240 Mr. Blankinship - I did not remember that they were listed on the
2241 application as the representative. I felt better when I realized that.

2242
2243 Ms. Harris - Is there a second to this motion?

2244
2245 Mr. Bruce - I second it.

2246
2247 Ms. Harris - Motion by Mr. Nunnally, second by Mr. Bruce that this
2248 conditional use permit be approved. Is there discussion on this motion?

2249
2250 Mr. Bruce - I have a little question about it. Since there was so
2251 much property there—this is the one with the three acres, correct?

2252
2253 Mr. Blankinship - Yes sir.

2254
2255 Mr. Bruce - I have some concerns as far as relocating it to
2256 another area, but I don't have a problem with it if the rest of the Board sees it as
2257 not an issue.

2258
2259 Ms. Harris - Any more discussion? All in favor say aye. All
2260 opposed say no. The ayes have it; the motion passes.

2261
2262 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
2263 Mr. Bruce, the Board approved application **UP-018-10**, Randy and Marie
2264 Toney's request for a conditional use permit pursuant to Section 24-95(i)(4) to
2265 allow a pool and pool house in the side yard at 7107 Gill Dale Road (Parcel 840-
2266 696-8995), zoned A-1, Agricultural District (Varina). The Board approved the
2267 use permit subject to the following conditions:

2268
2269 1. Only the improvements shown on the plans filed with the application, as
2270 amended by these conditions, may be constructed pursuant to this approval. Any
2271 additional improvements shall comply with the applicable regulations of the
2272 County Code.

2273

2274 2. The applicant shall maintain a minimum distance of 10 feet from any portion
2275 of the existing septic system and drain fields.

2276
2277 3. The applicant shall provide evidence that the existing gazebo located to the
2278 rear and left of the existing home is not encroaching upon the existing septic
2279 system drain fields. If the gazebo is found to be located over the septic drain
2280 fields, it shall be relocated.

2281
2282
2283 Affirmative: Harris, Bruce, Nunnally, Witte, Wright 5
2284 Negative: 0
2285 Absent: 0

2286
2287
2288 [At this point, the transcript continues with the public hearing on the next
2289 case.]

2290
2291 UP-019-10 CHRISTINE G. WELCH requests a conditional use
2292 pennit pursuant to Section 24-95(i)(4) to allow a pool in the side yard at 9720
2293 Osborne Landing (Newstead Fanns) (Parcel 807-670-7255), zoned A-1,
2294 Agricultural District (Varina).

2295
2296 Ms. Harris - If there is anyone who wishes to speak to this case,
2297 please stand and raise your right hand.

2298
2299 Mr. Blankinship - Raise your right hand please. Do you swear the
2300 testimony you're about to give is the truth and nothing but the truth so help you
2301 God?

2302
2303 Ms. Harris - Please state your name and spell it.

2304
2305 Mr. Welch - My name is Jason Welch—W-e-l-c-h. We're asking to
2306 put a pool in our side yard. The reason is because in our front yard we have
2307 septic lines on one side, so that is unusable. And on the other side we have our
2308 well. Our back yard is manmade. In 2005, it was extended 30 feet; we live on a
2309 40-foot bank. It went the length of the property. You cannot do any type of
2310 digging or support in that land whatsoever. So we're not able to use our backyard
2311 at all. The side yard has enough room for the pool and to put ample fencing
2312 around for protection. And it is not seen from Osborne Turnpike or Kings Mill
2313 Road.

2314
2315 Ms. Harris - What about your neighbors? They see it, right?

2316
2317 Mr. Welch - No. The only neighbor that will actually see it is
2318 Christine Welch, who is my mother, and she's quite excited about the pool.
2319 That's her house on the side right there. The other neighbors have all been

2320 talked to and one is here today. I mailed in a letter that Mr. Marshall actually
2321 made up that all the neighbors signed. I have a copy here if anybody would like
2322 to see it. They're all okay with the pool being put in as long as they can use it.
2323
2324 Ms. Harris - You can pass that around if you like. Are there any
2325 questions from the Board members for Mr. Welch?
2326
2327 Mr. Nunnally - You have read the conditions.
2328
2329 Mr. Welch - Yes.
2330
2331 Mr. Nunnally - You're in agreement with those.
2332
2333 Mr. Welch - Yes.
2334
2335 Mr. Wright - We already have a copy of this.
2336
2337 Mr. Blankinship - It's in the file, but it may not have been in the packets.
2338
2339 Mr. Wright - Oh, okay.
2340
2341 Ms. Harris - Are there any more questions for Mr. Welch? Thank
2342 you, sir.
2343
2344 Mr. Welch - Thank you.
2345
2346 Ms. Harris - Is there anyone else who wishes to speak to this
2347 case? Please state your name.
2348
2349 Mr. Marshall - Watson Marshall—M-a-r-s-h-a-l-l. Two l's. That's a
2350 common mistake a lot of people make. They put one "l" on Marshall and that's
2351 incorrect.
2352
2353 I'm a neighbor of Christine Welch; she lives next door to me. I can't see the pool
2354 and I don't think they will let me use it. But we're all in favor of having a pool.
2355 Jason has two children that will enjoy the pool. I'm too old for the pool. I would
2356 ask that you approve this conditional use permit. And I'll answer any questions
2357 you might have.
2358
2359 Ms. Harris - Any questions of Mr. Marshall?
2360
2361 Mr. Marshall - Ms. Harris, it's nice seeing you.
2362
2363 Ms. Harris - Nice seeing you, too.
2364

2365 Mr. Marshall - Last time I was trying to get you to reduce the
2366 assessment on my house.

2367
2368 Ms. Harris - Yes.

2369
2370 Mr. Marshall - And you didn't do it.

2371
2372 Ms. Harris - Good to see you, too, Mr. Marshall with two I's.

2373
2374 Ms. Harris - That concludes the case. Thank you Mr. Welch and
2375 Mr. Marshall.

2376
2377 [After the conclusion of the public hearings, the Board discussed the case
2378 and made its decision. This portion of the transcript is included here for
2379 convenience of reference.]

2380

2381 DECISION

2382

2383 Mr. Nunnally - I move we approve this use permit. I don't think it will
2384 affect the health and welfare of the person residing there. It will not impair the
2385 neighborhood.

2386

2387 Ms. Harris - Is there a second to this motion?

2388

2389 Mr. Wright - I'll second it;

2390

2391 Ms. Harris - Moved by Mr. Nunnally, seconded by Mr. Wright that
2392 this conditional use permit be approved. Is there any discussion on the motion?
2393 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

2394

2395 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by
2396 Mr. Wright, the Board approved application UP-019-10, Christine G. Welch's
2397 request for a conditional use pennit pursuant to Section 24-95(i)(4) to allow a
2398 pool in the side yard at 9720 Osborne Landing (Newstead Farms) (Parcel 807-
2399 670-7255), zoned A-1, Agricultural District (Varina). The Board approved the
2400 use permit subject to the following conditions:

2401

2402 1. This use permit is only for the placement of the proposed pool in the side yard
2403 of the property as shown on the plans submitted with the application. All other
2404 applicable regulations of the County Code shall remain in force. Any additional
2405 improvements shall comply with the applicable regulations of the County Code.
2406 Any substantial changes or additions to the design or location of the
2407 improvements may require a new use permit.

2408

2409 2. The swimming pool shall be located at least ten feet from the existing dwelling
2410 and at least ten feet from the side property line.

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3. At the time of building permit application, the applicant shall submit the necessary information to the Department of Public Works to ensure compliance with the requirements of the Chesapeake Bay Preservation Act and the code requirements for water quality standards.

Affirmative:	Harris, Bruce, Nunnally, Witte, Wright	5
Negative:		0
Absent:		0

Ms. Harris - Let's look at the minutes, please. Were there any corrections to the minutes?

Mr. Witte - I make a motion we approve them as written.

Mr. Wright - Second.

Ms. Harris - Motion by Mr. Witte, second by Mr. Wright that we approve the minutes. Are there any questions on this motion? All in favor say aye. All opposed say no. The ayes have it; the motion passes.

On a motion by Mr. Witte, seconded by Mr. Wright, the Board approved as submitted the Minutes of the July 22, 2010, Henrico County Board of Zoning Appeals meeting.

Affirmative:	Harris, Bruce, Nunnally, Witte, Wright	5
Negative:		0
Absent:		0

Ms. Harris - At this point in the meeting, we're going to turn this over to Mr. Blankinship for the election of officers.

Mr. Blankinship - Thank you, Madam Chairman. The floor is open for nominations for the office of Chairman.

Mr. Wright - I move for the election of Ms. Harris for Chairman.

Mr. Blankinship - Mr. Wright has nominated Ms. Harris. Are there any other nominations?

Mr. Bruce - I would just like to say as General Sherman said, I will not serve if elected.

2457
2458 Mr. Blankinship - Now we'll entertain a motion to close the nominations.
2459
2460 Mr. Wright - So moved.
2461
2462 Mr. Blankinship - Mr. Wright has moved to close the nominations. Is
2463 there any objection? All right. Since only one candidate has been nominated
2464 and the nominations have been closed, Ms. Harris, you are elected by
2465 acclamation. Congratulations.
2466
2467 Ms. Harris - Thank you.
2468
2469 Mr. Blankinship - The Chair will accept nominations for vice chairman.
2470
2471 Mr. Nunnally - I move we nomination Mr. Witte for Vice Chairman of
2472 the Board.
2473
2474 Mr. Blankinship - Mr. Nunnally has nominated Mr. Witte. Are there any
2475 further nominations?
2476
2477 Ms. Harris - I move we close the nomination on that name.
2478
2479 Mr. Blankinship - Motion to close nominations. Is there any opposition?
2480 Only one name has been entered in nomination. Mr. Witte, you have been
2481 elected by acclamation. Congratulations.
2482
2483 Mr. Witte - Thank you.
2484
2485 Mr. Blankinship - Ms. Chairman, I will turn control of the meeting back
2486 to you.
2487
2488 Ms. Harris - if there is no other business—
2489
2490 Mr. Wright - We have an innocent spectator here.
2491
2492 Mr. Leveckia - Madam Chairman, congratulations. For those of you
2493 who wonder who this old codger is, I'm Bill LaVecchia, retired County Manager. I
2494 was the secretary to this illustrious Board for 20 years. And it was 20 of the best
2495 years of my life. I just happened to be in the building. And also I'm celebrating
2496 my 84th birthday. This gives me an opportunity to come in and speak to each of
2497 you, but especially three friends, two old ones and one young one—Mr. Wright.
2498 Mr. Nunnally. And I've been raising Dave O'Kelly since he was a little boy. That
2499 gives you some idea of how old he was when he came to work with us. It's just a
2500 great opportunity to come and see one of Henrico County's Boards working and
2501 the fine work you do. Congratulations.
2502

2503 I've traveled around the state as what they call a range rider in the 19 years that
2504 I've been retired. What that position is is working as sort of father confessor and
2505 counselor, consultant. But consultant and then unpaid promo capacity to county
2506 managers and county administrators. I still have to say with a lot of pride—and I
2507 know pride goes before a fall—but with a lot of pride that this is undoubtedly one
2508 of the best County's in America. It's folks like you that give years of service.
2509

2510 Thank you very much for listening to me for a few moments. And
2511 congratulations to you. You all have a blessed day.
2512

2513 Ms. Harris - Happy birthday.

2514
2515 Mr. Wright - Happy birthday. We appreciate you coming in.
2516

2517 Ms. Harris - The meeting is adjourned.
2518

2519 There being no further business, the Board adjourned until the September 23,
2520 2010 meeting at 9 a.m.
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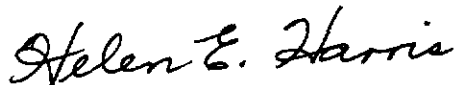
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Helen E. Harris
Acting Chairman



Benjamin Blankinship, AICP
Secretary