

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 **SPRING ROADS, ON THURSDAY, AUGUST 25, 2011 AT 9:00 A.M., NOTICE**  
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH AUGUST**  
6 **8, 2011 AND AUGUST 15, 2011.**  
7

Members Present: Helen E. Harris, Chairman  
Robert Witte, Vice Chairman  
Lindsay U. Bruce  
James W. Nunnally  
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

8  
9 Ms. Harris - This is the August 25, 2011 meeting of the Board of  
10 Zoning Appeals. Would you stand, please, for the **Pledge of Allegiance**.

11  
12 Good morning, Mr. Blankinship. We'll have a call for deferrals and withdrawals,  
13 and also if you could give us the rules that govern this meeting.

14  
15 Mr. Blankinship - All right. Good morning, Madam Chairman, members  
16 of the Board, ladies and gentlemen. The rules for this meeting are as follows.  
17 Acting as secretary, I will call the case. As I'm speaking, the applicant is welcome  
18 to come down to the podium. We will then ask everyone who intends to speak to  
19 the case to be sworn in. The applicant will present their testimony, and then if  
20 there is anyone else who wishes to speak they will be given the opportunity.  
21 Then the applicant will be given an opportunity for rebuttal.

22  
23 This meeting is being recorded, so we will ask everyone who speaks to speak  
24 directly into the microphone on the podium, state your name, and please spell  
25 your last name so we get it correctly in the record. Sir, if you have any difficulty  
26 reaching the microphone, we have a handheld microphone that we can bring.

27  
28 There is a copy of the staff report in a binder out in the foyer, and I see you have  
29 a copy in your hand as well. It's important for the applicant to be familiar with the  
30 proposed conditions on use permit cases.

31  
32 With only one case, I think that's all we need, Madam Chairman.

33  
34 There is one request for deferral this morning, which is VAR2011-00004. The  
35 applicant has requested deferral of this case until the September meeting.

36 **VAR2011-00004** **EMERALD LAND DEVELOPMENT** requests a  
37 variance from Section 24-95(b)(5) of the County Code to build a one-family  
38 dwelling at 21 Evergreen Avenue (Bungalow City) (Parcel 817-727-6100), zoned  
39 R-3, One-family Residence District (Varina). The lot width requirement is not  
40 met. The applicant has 50 feet lot width where the Code requires 65 feet lot  
41 width. The applicant requests a variance of 15 feet lot width.

42  
43 Ms. Harris - Can we have a motion to that effect?

44  
45 Mr. Nunnally - So moved.

46  
47 Mr. Wright - Second.

48  
49 Ms. Harris - Moved by Mr. Nunnally, seconded by Mr. Wright that  
50 this case be deferred until September 22<sup>nd</sup>. Are there any questions on the  
51 motion? All in favor say aye. All opposed say no. The ayes have it; the motion  
52 passes.

53  
54 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
55 Mr. Wright, VAR2011-00004, Emerald Land Development, has been **deferred**  
56 **until the September 22, 2011 meeting.**

57  
58  
59 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5  
60 Negative: 0  
61 Absent: 0

62  
63  
64 **CUP2011-00020** **SANDSTON MOOSE FAMILY CENTER** requests a  
65 temporary conditional use permit pursuant to Section 24-116(c)(1) of the County  
66 Code to conduct a turkey shoot at 4505 Oakleys Lane (Parcel 818-719-0377),  
67 zoned A-1, Agricultural District and M-1, Light Industrial District (Varina).

68  
69 Ms. Harris - All persons who wish to speak to this case, please  
70 raise your right hand.

71  
72 Mr. Blankinship - Do you swear the testimony you're about to give is  
73 the truth and nothing but the truth so help you God?

74  
75 Mr. Nelson - I do.

76  
77 Mr. Blankinship - Thank you.

78  
79 Ms. Harris - Please come forward, state your name, and spell your  
80 last name. If you need the handheld microphone, we can furnish that.

81

82 Mr. Nelson - My name is Carl Nelson. Last name is spelled N-e-l-s-  
83 o-n. I'm a past governor from the Sandston Moose Lodge. We've always had this  
84 turkey shoot in the past. It has been a couple years since we have had our  
85 turkey shoot, but now we have a crew that's willing to do it. It's very wooded in  
86 the back, and it has a building right here, as you can see on this diagram. Down  
87 here is where they will stand and shoot. Nobody will be inside the building during  
88 the shoot. After sixteen people have shot, what we do is have somebody go  
89 down, get the targets, and put up new targets on the building. And we've done  
90 this here, like I said, in the past, and we sure would like to do so to help the  
91 Moose Legion. Everything gets donated out for a community service non-profit  
92 organization.

93  
94 That's all I have to say. I hope you will allow us to do it again. Thank you.

95  
96 Ms. Harris - Are there any questions from Board members?

97  
98 Mr. Witte - Have you read the conditions, Mr. Nelson?

99  
100 Mr. Nelson - Yes I have.

101  
102 Mr. Witte - Are you in agreement with all of them?

103  
104 Mr. Nelson - I'm in agreement with everything that's on this piece  
105 of paper.

106  
107 Mr. Witte - Thank you.

108  
109 Mr. Nunnally - I see the hours are seven to eleven. I thought it was  
110 seven to ten.

111  
112 Mr. Blankinship - Did they do it differently on the application? We just  
113 followed what was on the application.

114  
115 Mr. Nunnally - So you're asking for 11:00 at night now instead of 10,  
116 right?

117  
118 Mr. Nelson - Yes. We close it down at eleven.

119  
120 Mr. Nunnally - But it's been seven to ten.

121  
122 Mr. Nelson - I thought it said seven to eleven. Hold on one second  
123 and let me refer back to it. I'm partially blind; give me a second. This says hours  
124 from 7 p.m. to 11 p.m.

125  
126 Mr. Nunnally - How long have you had this turkey shoot, about forty  
127 years? How long have you been doing this turkey shoot over there?

128  
129 Mr. Nelson - I joined the lodge in 1990 and it's been going on ever  
130 since I joined the lodge. We just didn't have the people to do it in the last year or  
131 so; now we do. We have some new members that are willing to uphold and go  
132 by the rules and regulations. And there will be no alcohol on the premises down  
133 there during the turkey shoot. I'll see to that.  
134  
135 Ms. Harris - Mr. Nelson, if the hours were until ten, would that  
136 pose a problem? I know we've had other cases similar to this in other localities  
137 and I believe we do shut them down at ten.  
138  
139 Mr. Nelson - I'm sorry; I didn't hear you.  
140  
141 Ms. Harris - I was wondering if the hours were until ten would that  
142 be a problem.  
143  
144 Mr. Nelson - No ma'am. If you want it at ten, we'll take it to ten.  
145 That would be no problem.  
146  
147 Mr. Bruce - Is there any residential area around there?  
148  
149 Mr. Nelson - No sir. The only building is up on the top of the hill  
150 and the shooters will be shooting totally away from that. So that's no problem.  
151  
152 Mr. Bruce - So your shooting wouldn't bother anybody after ten?  
153  
154 Mr. Nelson - No. Like I said, there are no residents. Across the  
155 road, I think that's Coca-Cola, across Oakleys Lane. But as far as any  
156 residences, no. That's further on up Oakleys Lane.  
157  
158 Mr. Witte - You're pretty near the railroad tracks, aren't you?  
159  
160 Mr. Nelson - We're past the railroad tracks.  
161  
162 Mr. Witte - Okay. Just across from them?  
163  
164 Mr. Nelson - When you cross over the railroad tracks the Moose  
165 Lodge is on the right-hand side. If you're coming from Nine Mile Road down  
166 Oakleys Lane, where Holly turns into Oakleys, the Moose Lodge is on the right,  
167 the Family Center is. Then as soon as you pull in the parking lot, you turn left  
168 and go down another road, which takes you down to the bottom where our  
169 pavilion is, which is where the turkey shoot is located.  
170  
171 Mr. Witte - So you're not shooting near any trains coming by?  
172  
173 Mr. Nelson - No sir.

174  
175 Mr. Witte - Okay. I think that's the only traffic there is.  
176  
177 Ms. Harris - Are there any more questions from Board members?  
178  
179 Mr. Wright - In the application they've asked to go to eleven. If  
180 there's no reason for us not to grant that, I don't know why we don't give them  
181 what they asked for.  
182  
183 Mr. Nunnally - I just wondered whether it was the same as last year,  
184 that's all.  
185  
186 Mr. Nelson - It's always been until eleven, but if you want us to go  
187 until ten, that would be no problem.  
188  
189 Mr. Nunnally - I don't think it would be any problem either.  
190  
191 Ms. Harris - Until we get complaints there is no problem. Okay.  
192 Are there any more questions from Board members? Thank you, Mr. Nelson.  
193  
194 Mr. Nelson - Thank you. I appreciate it.  
195  
196 Ms. Harris - I believe that's the only case we have today. If we  
197 have no one speaking against this case, we can vote.  
198  
199 Mr. Nunnally - I make a motion we approve this case because I don't  
200 think it would be a detriment to the neighborhood or a safety problem. They  
201 always run a very clean operation down there. I know they've been down there  
202 thirty-five or forty years.  
203  
204 Mr. Wright - I second it.  
205  
206 Ms. Harris - Moved by Mr. Nunnally, seconded by Mr. Wright that  
207 this case be approved. Are there any questions on this motion? All in favor say  
208 aye. All opposed say no. The ayes have it; the motion passes.  
209  
210 After an advertised public hearing and on a motion by Mr. Nunnally, seconded by  
211 Mr. Wright, the Board **approved** application **CUP2011-00020, Sandston Moose**  
212 **Family Center's** request for a temporary conditional use permit pursuant to  
213 Section 24-116(c)(1) of the County Code to conduct a turkey shoot at 4505  
214 Oakleys Lane (Parcel 818-719-0377), zoned A-1, Agricultural District and M-1,  
215 Light Industrial District (Varina). The Board approved the temporary conditional  
216 use permit subject to the following conditions:  
217

218 1. Hours of operation shall be limited to 7:00 pm to 11:00 pm, Friday and  
219 Saturday, September through December, 2011 and 2012. This permit shall  
220 expire on December 31, 2012.

221

222 2. The property shall be clearly posted to show the area in which shooting  
223 occurs.

224

225 3. No alcoholic beverages may be consumed on the premises during the turkey  
226 shoot. A sign to this effect must be conspicuously posted in the immediate  
227 vicinity of the shooting area. No person under the influence of alcohol, as defined  
228 in Section 18.2-266 of the Code of Virginia, may be permitted in the shooting  
229 area.

230

231 4. Restrooms shall be provided.

232

233 5. The turkey shoot shall only involve the use of shotguns no larger than 12  
234 gauge and low powered (2-3/4") shells containing No. 8 shot.

235

236

237 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5

238 Negative: 0

239 Absent: 0

240

241

242 Ms. Harris - Let's look at the minutes, please. Are there any  
243 corrections on the minutes?

244

245 Mr. Wright - I have a couple. Page 42, line 1879. I think it should  
246 be "the goats." And page 48, line 2182. It says, "The grandmother is not going to  
247 move the garage." That would be difficult. I think it should be "into the garage."  
248 And page 52. "We are not in the position of telling the applicant want to do." I  
249 believe that should be "what to do."

250

251 Ms. Harris - Are there any more corrections?

252

253 Mr. Wright - I move we approve the minutes as corrected.

254

255 Mr. Witte - I second that.

256

257 Ms. Harris - Moved by Mr. Wright, seconded by Mr. Witte that we  
258 approve the minutes as corrected. Are there any questions? All in favor say aye.  
259 All opposed say no. The ayes have it; the motion passes.

260

261 On a motion by Mr. Wright, seconded by Mr. Witte, the Board **approved as**  
262 **corrected the Minutes of the July 28, 2011** Henrico County Board of Zoning  
263 Appeals meeting.

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

267  
268 Ms. Harris - Is there any more business before us today?

269  
270 Mr. Blankinship - The election of officers, Madam Chairman.

271  
272 Ms. Harris - Oh my goodness.

273  
274 Mr. Blankinship - The moment you've all been waiting for. The floor is  
275 now open for nominations for the office of Chairman.

276  
277 Mr. Wright - I nominate Ms. Helen E. Harris for Chairman.

278  
279 Mr. Blankinship - Mr. Wright has nominated Ms. Harris.

280  
281 Mr. Witte - I'll second that.

282  
283 Mr. Blankinship - Are there any further nominations? If not, then a  
284 motion to close the floor to nominations would be in order.

285  
286 Mr. Wright - So moved.

287  
288 Mr. Bruce - Second.

289  
290 Mr. Blankinship - Mr. Wright has moved and Mr. Bruce has seconded  
291 that nominations be closed. All in favor of closing the floor to nominations for the  
292 office of Chairman signify by saying aye. All opposed no. The floor is closed. Ms.  
293 Harris, as the only nominated candidate, you are elected by acclamation.

294  
295 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5  
296 Negative: 0  
297 Absent: 0

298  
299 Ms. Harris - Thank you.

300  
301 Mr. Blankinship - The floor is open for nominations for the office of Vice  
302 Chairman.

303  
304 Mr. Wright - I move that Mr. Robert Witte be nominated as Vice  
305 Chairman.

306  
307 Mr. Bruce - I second.

308

309 Mr. Blankinship - Mr. Wright has nominated Mr. Witte. Are there any  
310 further nominations? If not, a motion to close the floor to nominations would be in  
311 order.

312  
313 Mr. Wright - So moved.

314  
315 Ms. Harris - Second.

316  
317 Mr. Blankinship - Motion by Mr. Wright, seconded by Ms. Harris to  
318 close the floor for nominations. All in favor signify by saying aye. All opposed no.  
319 Nominations are closed. Mr. Witte, by acclamation you are elected Vice  
320 Chairman. Madam Chairman, I will turn the gavel back over to you.

321  
322 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5  
323 Negative: 0  
324 Absent: 0

325  
326 Ms. Harris - Very democratic. If there is no other business, a  
327 motion is in order to adjourn the meeting.

328  
329 Mr. Witte - So moved.

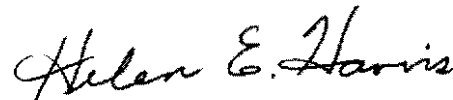
330  
331 Mr. Bruce - Second.

332  
333 Ms. Harris - Moved by Mr. Witte, seconded by Mr. Bruce that the  
334 meeting be adjourned. All in favor say aye. All opposed say no. The ayes have it;  
335 the motion passes.

336  
337 Affirmative: Bruce, Harris, Nunnally, Witte, Wright 5  
338 Negative: 0  
339 Absent: 0

340  
341 The meeting is adjourned.

342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354



Helen E. Harris  
Chairman



Benjamin Blankinship AICP  
Secretary