

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
2 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
3 **GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON**
4 **THURSDAY AUGUST 27, 2020 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN**
5 **THE *RICHMOND TIMES-DISPATCH* AUGUST 10, 2020 AND AUGUST 17, 2020.**
6
7

8 Members Present: Gentry Bell, Chair
9 Terone B. Green, Vice-Chair
10 Walter L. Johnson, Jr.
11 Terrell A. Pollard
12 James W. Reid
13

14 Also Present: Jean M. Moore, Assistant Director of Planning
15 Benjamin Blankinship, Secretary
16 Paul M. Gidley, County Planner
17 R. Miguel Madrigal, County Planner
18 Rosemary Deemer, County Planner
19 Kuronda Powell, Account Clerk
20
21

22 Mr. Bell - Good morning. This is the Board of Zoning Appeals meeting
23 on August 27, 2020, our August meeting. If you can I'd appreciate it if you would stand
24 up and say the pledge with us.
25

26 **[Recitation of the Pledge of Allegiance]**
27

28 Mr. Bell - I do thank you. We had a little delay this morning, about five
29 minutes, and I apologize for that. But as you probably know, it's easy to get hung up in
30 that traffic sometimes. So we shall begin. Ben.
31

32 Mr. Blankinship - Good morning, Mr. Chair, members of the Board, ladies and
33 gentlemen. The rules for this meeting are as follows: Acting as secretary I'll announce
34 each case and then we'll ask everyone who intends to speak to that case to stand and be
35 sworn in? Then a member of the Planning Department staff will give a brief introduction
36 to the case. Then the applicant will make their presentation. And then anyone else who
37 wishes to speak will be given the opportunity. After everyone's had a chance to speak
38 the applicant and only the applicant will have an opportunity for rebuttal.
39

40 This meeting is being recorded, so we'll ask everyone to speak directly into the
41 microphone. There is one on the podium here and there is also a microphone in the rear,
42 so if you're more comfortable social distancing to the back of the room, you might find it
43 a little bit more appropriate to use that microphone. They're both available to you.
44 We ask that you state your name and please spell your last name to make sure we get it
45 correctly in the record.
46

47 Today we're broadcasting the meeting over two media. There is a livestream on the
48 Planning Department webpage and we're also hosting a video conference using Webex.
49 I'd like to welcome everyone who is joining us remotely and provide just a few details for
50 your participation.

51
52 If you wish to observe the meeting but you do not intend to speak, welcome and thank
53 you for joining us. You do not need to take any further action. If you are an applicant or
54 if you wish to speak about one of the cases, we need to know that in advance so we can
55 connect you.

56
57 We are managing the speakers using the Webex chat feature which can be found by
58 hovering your mouse over the bottom of the Webex screen. It's the fourth button from
59 the left and resembles a speech bubble. If you would like to speak at any time during the
60 meeting, please press the chat button now and open the chat screen and follow the
61 prompts you'll see on the right side of the screen.

62
63 Following the introduction and presentation of each case, the applicant, as I said, will
64 make their presentation. Then we will ask everyone in the room to speak. And then we
65 will ask everyone who is on Webex to speak.

66
67 If you wish to speak you have to send a request to Kristin Smith. So use that dropdown
68 to open the chat feature, select Kristin Smith, and send her a message letting her know
69 that you are -- that you intend to speak on that case or you would like to speak on that
70 case. Please do not type questions or comments into the chat feature. It is only being
71 used to organize the speakers.

72
73 When it's your turn you'll be introduced, you'll be unmuted, and you'll be prompted to
74 speak, and the Board will hear whatever you have to say. And following your question or
75 statement you will be muted again.

76
77 So, in summary, if you want to speak please use the chat feature -- on Webex -- please
78 use the chat feature to send a chat to Kristin Smith so she knows to put you in line.

79
80 With that, Mr. Chair, we also have two withdrawals from this morning's agenda. Variance
81 2020, number 19, and Variance 2020, number 20. The two cases on Red Coach Lane.

82
83 **VAR2020-00019** **ESTHER T. GRAY** requests a variance from Section 24-
84 95(d)(1) of the County Code to build a one-family dwelling at 4721 Red Coach Lane
85 (CEDAR RIDGE (E)) (Parcel 854-698-9321) zoned One-Family Residence District (R-2A)
86 (Varina). The lot width requirement and total lot area requirement are not met. The
87 applicant proposes 0.71 acre total lot area and 100 feet lot width, where the Code requires
88 1.0 acre total lot area and 150 feet lot width. The applicant requests a variance of 0.29
89 acre total lot area and 50 feet lot width.

90
91 **VAR2020-00020** **ESTHER T. GRAY** requests a variance from Section 24-
92 95(d)(1) of the County Code to build a one-family dwelling at 4725 Red Coach Lane

93 (CEDAR RIDGE (E)) (Parcel 855-698-0416) zoned One-Family Residence District (R-2A)
94 (Varina). The lot width requirement and total lot area requirement are not met. The
95 applicant proposes 0.71 acre total lot area and 100 feet lot width, where the Code requires
96 1.0 acre total lot area and 150 feet lot width. The applicant requests a variance of 0.29
97 total lot area and 50 feet lot width.
98

99 Those two cases have been withdrawn. They will not be heard this morning. And, with
100 that -- oh. Let me just remind the members of the Board of the importance of speaking
101 as close as you can to your microphones or remove your mask as you speak. As long
102 as you're six feet apart you can remove your mask, and it's very difficult to pick up our
103 voices on the microphones.
104

105 All right. I will just pull up my agenda quickly. All right, Mr. Chair, the first case is
106 Conditional Use Permit 2020, number 17. Earl L. Douglas.
107

108 **CUP2020-00017** **EARL L. DOUGLAS** requests a conditional use permit
109 pursuant to Section 24-95(i)(4) of the County Code to allow an accessory structure in the
110 front yard at 4701 Dogwood Oaks (Parcel 837-685-0893) zoned Agricultural District (A-
111 1) (Varina).
112

113 Would everyone who intends to speak to this case please stand and be sworn in? Can
114 you raise your right hand please? Do you swear the testimony you're about to give is the
115 truth, the whole truth, and nothing but the truth, so help you God?
116

117 Mr. Blankinship - Thank you. All right. Sir, you can speak right after Mr.
118 Madrigal.
119

120 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the Board,
121 good morning. Before you is a request to allow an accessory structure in the front yard
122 of a residence in an agricultural district. The subject property is a landlocked parcel
123 slightly over eight acres in size, accessed by way of a private road.
124

125 When the applicant purchased the property in 1989 it was unimproved. Since then he
126 has constructed a two-story, 2,296-square-foot dwelling with open parking built in 1995
127 by way of variance.
128

129 Mr. Green - Excuse me.
130

131 Mr. Madrigal - Yes, sir.
132

133 Mr. Green - Is it -- is it possible for it to pop up on our screen in
134 (indiscernible) it's not on my screen.
135

136 Mr. Blankinship - Oh. Well, if you'll press the system button. The system button
137 here should switch it over.
138

139 Mr. Green - Thank you. Appreciate it.

140

141 Mr. Blankinship - Sure.

142

143 Mr. Madrigal - So the house was built by way of variance in 1995.
144 Additionally, the applicant has operated a commercial tree-service business from the
145 property since 2003. Over the years the unpermitted business grew, requiring additional
146 heavy equipment, employees, and the clearing of land to process trees into firewood and
147 woodchips.

148

149 In 2015 the applicant replaced an older storage building with the subject accessory
150 structure that was built in phases, and without the benefit of building permits. The building
151 totals 4,022 square feet in area and was placed at the northeast corner of the property
152 between the access road and the existing pond. It sits approximately 6 to 8 feet off the
153 northern property line and 72 feet from the eastern property line. This building was used
154 to service heavy equipment and vehicles associated with the tree-service business.

155

156 In February the -- February of this year the county received a complaint regarding a
157 commercial operation at the the property. Including a large amount of traffic that it was
158 generating. After verifying the complaint a notice of violation was issued to the property
159 owner by Community Maintenance on February 19th of this year.

160

161 The investigation also revealed the construction of the subject accessory building without
162 the benefit of permits. The applicant has since then applied for building permits which
163 are pending the outcome of this hearing. According to the applicant, if the structure is
164 allowed to remain, it'll be used for agricultural storage and repairs.

165

166 Additionally, on July 31st of this year the property owners was issued a stop-work order
167 for the land disturbance without an approved soil erosion and a sediment control plan.
168 That was from the Department of Public Works. And this was due to the applicant having
169 removed large areas of trees and vegetation from the property to accommodate the
170 growth of the business.

171

172 The property is zoned A-1 and is designated prime agricultural on the 2026 Future Land
173 Use map. A one-family dwelling is a permitted principal use in this district and is
174 consistent with the land-use designation. The zoning ordinance allows accessory
175 structures that are customarily incidental to a principal use. In this case a 4000-square-
176 foot garage is too large to be incidental to a dwelling. If it was reduced in size, the location
177 in the front yard might be permissible or acceptable.

178

179 The applicant has ceased the operation of the business on the property and is in the
180 process of relocating it. He is attempting to get a building permits for the 4000-square-
181 foot building after the fact. Although the property is landlocked and is not visible from the
182 public right of way, such a large structure is out of place in its current location.

183

184 If the property was used for an agricultural activity, a large accessory building would be
185 allowed. However, a 40-foot side-yard setback would be required for the structure.
186 Because the principal use of the property is residential and the accessory building is only
187 six feet from the side property line, the subject building can only be used for residential -
188 - as a residential accessory structure for the storage of personal vehicles, lawn
189 equipment, and household items.

190
191 To discourage any further use of the structure for commercial purposes, it should be
192 reduced in size by removing the two smaller appendages on the west and north sides of
193 the building. And that would be here on the north and then here on the west.
194

195 This would remove approximately 850 square feet of building area and reduce the overall
196 size of the building to 3150 square feet. It would also increase the setbacks adjacent the
197 pond and along the northern property line.
198

199 The most impacted neighbor is directly north of the subject building. That home is over
200 130 feet distant and there is some vegetative screening between the two structures. The
201 properties to the east and south are undeveloped and are not impacted. The applicant's
202 request should not pose any detrimental impacts on nearby property so long as the
203 proposed conditions of approval are adhered to.
204

205 In conclusion, a 4000-square-foot building in the front yard of a residential lot is
206 inappropriate. Reducing the size of the structure, increasing setbacks, and limiting its
207 use would make it feasible. Because the property is landlocked, has limited access, and
208 is not visible from a public right of way, detrimental impacts are reduced and limited.
209

210 Based on the facts of the case, staff recommends approval subject to conditions. That
211 concludes my presentation. I'll be happy to answer any questions.
212

213 Mr. Bell - Does the panel have any questions? Hearing none, applicant
214 please.
215

216 Mr. Douglas - I have the property to the south.
217

218 Mr. Bell - Sir, will you state your name and --
219

220 Mr. Douglas - Oh. I'm sorry. Earl Douglas.
221

222 Mr. Bell - And spell it.
223

224 Mr. Douglas - E-a-r-l D-o-u-g-l-a-s.
225

226 Mr. Bell - Thank you.
227

228 Mr. Douglas - The property to the south right here and this piece here I also
229 own, and it's about 10 acres. Well, there was a property line adjustment that's not

230 reflected, this line is no longer there. So I have a 10-acre parcel down here and I was --
231 I've been talking before COVID with Kelly Farms about growing produce and doing some
232 agricultural work here since I moved the business. My business has moved about four
233 miles up the road now. I bought a piece of property and I'm working on moving everything
234 there.

235
236 I don't know how to get back to the different pictures, but the two smaller pieces that were
237 added on to this building would be pretty important for storage. You know, the bigger
238 parts would be, you know, for agricultural equipment. Storing stuff out of the weather and
239 working on stuff. And then the two smaller pieces just the backside and then the left side.
240 I mean, if I had to take them down, I would just have to build something else in a different
241 spot to make up the difference.

242
243 It wouldn't make much sense, but, I mean, if that's what I have to do, then that's what I
244 have to do. But it would be used for agricultural. My neighbor to the north here, they
245 have a garden there. We get along great. I believe she sent in something on an email.

246
247 Mr. Blankinship - She did. That's correct.

248
249 Mr. Douglas - Okay. Yeah. They have no problem with the property line
250 adjustment right behind the buildings to get me the proper offset. And as far as this being
251 in front of my house, you know, it's referred to as a front yard, but it's, you know, between
252 the bottom piece of property and the top piece of property, that's 18 acres. There's just
253 a small area up here that's actually used like a yard, so it's not like it's in my front yard.
254 And it's not visible from anybody except for my neighbors over here. And it's not
255 unpleasant to look at.

256
257 But I guess that's all I have to say. If anybody has any questions.

258
259 Mr. Bell - Does anyone have any questions? Seeing none. And thank
260 you, Mr. Douglas.

261
262 Mr. Douglas - Fine.

263
264 Mr. Blankinship - Is there anyone else in the room who would like to speak
265 either in favor or in opposition to this case? All right. Mr. Chair, I've been told that there
266 is nobody on Webex to speak to this case, so that would close the public hearing and a
267 discussion or a motion would --

268
269 Mr. Douglas - (indiscernible).

270
271 Mr. Blankinship - Copies were presented to the Board. We can send you a
272 copy. Sure.

273
274 Mr. Douglas - Okay.

275

276 Mr. Blankinship - Yeah. So, Mr. Chair, a motion or discussion would be in order.
277
278 Mr. Bell - Do I hear any motion to -- .
279
280 Mr. Johnson - Bring him back up.
281
282 Mr. Bell - Bring him back up. Yes, sir, Mr. Douglas, yeah.
283
284 Mr. Douglas - Yes, sir.
285
286 Mr. Johnson - Oh. On the background, did you say you stopped using the
287 building? Was that correct?
288
289 Mr. Douglas - I'm not using it for what -- I was running a tree service from
290 my home. And I've since moved to another piece of property. So the building is still there
291 and, you know, my dad -- and my dad lives with me and he used to be a machinist and
292 he has got a lathe and a mill. And he piddles around with that. He is in his 70s. By no
293 means is that a business. That's just, like, a hobby. But the building's really not used
294 right now. Just kind of storage and some empty bays.
295
296 I have a tractor and a couple agricultural trailers and stuff that I -- that I park in there to
297 keep out of the weather sometimes.
298
299 Mr. Johnson - And then that large building there. Would you consider taking
300 part of it down?
301
302 Mr. Douglas - If I had to, I would. It would -- like I said, if I go into produce
303 and agriculture with the Kellys, I would lose some storage, you know, for material and we
304 would have to build something in place of that in a different spot on the property. And it
305 just wouldn't be as convenient as having it all in one place.
306
307 Mr. Johnson - Okay. Thank you.
308
309 Mr. Douglas - All right. Thank you.
310
311 Mr. Green - Mr. Blankinship, I don't see that email that the neighbor sent
312 in.
313
314 Mr. Blankinship - Okay, your mic is working. It should've been left on the table
315 this morning. Well, let me pull it up and read it.
316
317 Mr. Green - I don't think any of us have it.
318
319 Mr. Blankinship - All right. I apologize for that. I've got a copy here. I'll read it.
320 To whom it may concern. This is Kathleen Beasley. I am Earl Douglas' neighbor. We
321 are a quarter of a mile off the main road, Bradbury, and are the only two houses back

322 here. For nearly 30 years they have been nothing but helpful and friendly. We've recently
323 received a notice to a public hearing case number 17, and I want to make it perfectly clear
324 there is no issue between me and my neighbor, or anything he chooses to do on his own
325 property. Sincerely, Kathleen Beasley, 8140 Bradbury Road.

326
327 Mr. Green - Thank you.

328
329 Mr. Bell - Is there any other questions? Thank you. Then we'll continue
330 on and we go on to --

331
332 Mr. Blankinship - A motion or a discussion

333
334 Mr. Green - Mr. Chairman.

335
336 Mr. Bell - Yes, sir.

337
338 Mr. Johnson - I move that we approve the conditional use permit subject to
339 the conditions recommended by the staff and then that this is a large building that cost a
340 lot of money. And if the applicant can use it in a way that is lawful, he can be allowed to
341 keep it. He should remove the area closest to the neighbor and to the pond and the
342 building can only be used for accessories to the dwelling. As long as the owner abides
343 by the conditions there should be no detrimental impacts on the properties.

344
345 Mr. Pollard - I second the motion.

346
347 Mr. Bell - Got a second to the motion. Any discussion? No discussion.
348 All those in favor say aye. All those opposed. Hearing none the motion carries. Thank
349 you, Mr. Douglas.

350
351 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case
352 **CUP2020-00017, EARL L. DOUGLAS** request for a conditional use permit pursuant to
353 Section 24-95(i)(4) of the County Code to allow an accessory structure in the front yard
354 at 4701 Dogwood Oaks (Parcel 837-685-0893) zoned Agricultural District (A-1) (Varina).
355 The Board approved the request subject to the following conditions:

356
357
358 1. This conditional use permit allows only the existing accessory structure to remain in
359 the front yard. All other applicable regulations of the County Code shall remain in force.

360
361 2. Only the improvements shown on the plans prepared by JB Byers dated April 3, 2020,
362 as modified by these conditions, may be constructed pursuant to this approval. Any
363 additional improvements shall comply with the applicable regulations of the County Code.
364 Any substantial changes or additions to the design or location of the improvements shall
365 require a new conditional use permit.

366

367 3. No later than October 30, 2020, the applicant shall remove the northern bay labeled
368 "Garage Area 1" on the plans (14 feet by 34 feet) and the western "Lean-To" (8'6" feet by
369 44 feet) as indicated on the floor plans.

370
371 4. All commercial tree service activities shall cease at the property. All associated
372 business vehicles, fuel storage tanks, shipping containers, and all tree removal, hauling,
373 and chipping equipment shall be removed from the property no later than September 30,
374 2020.

375
376 5. There shall be no clearing, grading, or other land disturbing activity on the property
377 unless the applicant obtains approval of an environmental compliance plan from the
378 Department of Public Works.

379
380 6. No exterior lighting shall be added to the building.

381
382 7. The use of the building shall be accessory to the dwelling. No commercial activities or
383 business support activities shall be conducted within the building. Any agricultural building
384 on the property shall be located 50 feet from the front and rear lot lines and 40 feet from
385 the side lot lines.

386
387 8. A building permit for the existing garage must be approved by August 26, 2022, or this
388 conditional use permit will expire. If the building permit is cancelled or revoked because
389 construction was not diligently pursued, this conditional use permit will expire at that time.

390
391
392 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
393 **Negative:** 0
394 **Absent:** 0

395
396 Mr. Bell - Moving along now to case number 18.

397
398 Mr. Blankinship - Yes, sir. Conditional use permit 2020, number 18, Donald D.
399 Marsden, Jr.

400
401 **CUP2020-00018 DONALD D. MARSDEN, JR.** requests a conditional use
402 permit pursuant to Section 24-95(i)(4) of the County Code to build a detached garage in
403 the side yard at 8004 Hermitage Road (Parcel 775-752-4262) zoned One-Family
404 Residence District (R-3) (Brookland).

405
406 Mr. Blankinship - Would everyone who intends to speak to this case please
407 stand and be sworn in? Raise your right hand, please. Do you swear the testimony
408 you're about to give is the truth, the whole truth, and nothing but the truth so help you
409 God?

410
411 Mr. Marsden - I do.

413 Mr. Blankinship - Thank you. Mr. Madrigal.

414
415 Mr. Madrigal - Thank you, sir. Mr. Chair, members of the Board, before you
416 is a request to build a garage and guest house in a side yard of a one-family dwelling.
417 The subject parcel is slightly over an acre in area and is improved with a two-story 2,692-
418 square-foot home with a finished basement and open parking built in 1941.

419
420 The lot is approximately 160 feet wide and slopes down in a northerly direction at an 11
421 percent slope. The applicant purchased the property in 2017 and has been steadily
422 improving it.

423
424 In 2018 he added a mud room and a 456-square-foot deck off the rear of the home. He
425 later paved the second driveway entrance. And this property here. This was the original
426 drive and you can see this second entrance that was added on.

427
428 He would now like to add a two-story, 1,287-square-foot garage which would include a
429 guest house, in the side yard. The property is zoned R-3 and is designated suburban
430 residential 2 on the 2026 Future Land Use map. A one-family dwelling is a principal
431 permitted use in this district and is consistent with the land use designation.

432
433 The proposed accessory structure in the side yard requires the approval of a conditional
434 use permit. The plans for the proposed garage show a living area, wet bar, and guest
435 room with full bath and walk-in closet. This would cost -- constitute a guest house, which
436 is defined as an accessory building without cooking facilities and intended for intermittent
437 occupancy by one or more guests.

438
439 The property is improved with a one-family dwelling and is bounded by parcels ranging in
440 size between 4/10 to 1 1/2 acres. The adjacent properties to the east and west are also
441 improved with single-family dwellings. The parcel to the north is vacant.

442
443 The proposed building would be 38 feet from the dwelling, 79 feet from the front property
444 line, and 6 feet from the side property line. The most impacted neighbor is to the west,
445 that home is approximately 20 feet from the shared property line. No adverse impacts
446 are anticipated due to the large front setback, lot grading, and existing vegetation. Their
447 proposed building would consist of an oversized one-car garage and 357 square feet of
448 finished floor area on the first floor and 543-square-feet of finished floor area on the
449 second floor.

450
451 All the windows and doors would be oriented away from the neighbor to the west to
452 maintain privacy. The proposed structure is consistent with the architectural style of the
453 home of -- and will be required to match it in color and exterior materials. Staff is not
454 aware of any complaints against the property.

455
456 As long as the applicant adheres to the recommended conditions of approval, staff does
457 not anticipate any adverse impacts on nearby property.

458

459 In conclusion, the request is consistent with both the zoning and land-use designations
460 on the property. The proposed structure would be oriented towards the street, and it
461 would be set back approximately 79 feet from the front property line. Because of the deep
462 front setback, existing landscaping, and the topography of the lot, staff does not anticipate
463 any negative impacts.
464

465 Based on the facts of this case, staff recommends approval subject to conditions. Do you
466 have any questions?
467

468 Mr. Bell - Does the staff or does the Board have any questions?
469 Hearing none, thank you.
470

471 Mr. Madrigal - Thank you.
472

473 Mr. Blankinship - Mr. Marsden, you can use either microphone.
474

475 Mr. Marsden - Good morning. My name is Donald Marsden. I'm the property
476 owner. Primarily I'm here to answer any questions.
477

478 Mr. Bell - Would you give us your name and spell it, please?
479

480 Mr. Marsden - Yes. Donald Marsden, M-a-r-s-d-e-n.
481

482 Mr. Bell - Thank you.
483

484 Mr. Blankinship - And we would like you to just take a moment to introduce your
485 project and what you're doing and why.
486

487 Mr. Marsden - Yeah. Well, going into why. Our family spent 11 years living
488 in Russia, we were missionaries. And as a result of that we raised kids who've gone off
489 to be missionaries, too. We have a son who's been serving in Kazakhstan three years.
490 So occasionally people like that will come home and want to spend a few months at home.
491 It'd probably be good to have a property there to have guests. Our children as well as
492 sometimes some of our friends who come over from internationally. And having people
493 live in your house for a month or two or three, we have the room, but sometimes they'd
494 like to have the space if they're -- especially if they're married and with children.
495

496 As far as the reason we wanted to build it where it requires a conditional permit, if you
497 move back from there even just a few feet the property starts to decline very steeply. We
498 would have -- we would be happy to put it back further where the conditional use is not
499 required, but the way the property -- the property was, before we purchased it three years
500 ago, the property -- that whole back yard was made out of landfill.
501

502 We found that out when we replaced the -- we had to replace the septic tank, which we
503 did two years ago. And we discovered it's all landfill. And so they built it up, but then at
504 the side of the property it goes off quite steeply.

505
506 So I don't want to say too much, but I'm here to answer any questions.
507
508 Mr. Blankinship - And I'll just mention to the Board. We also have the builder,
509 Mr. Marsden's builder, is available on Webex.
510
511 Mr. Marsden - Yes.
512
513 Mr. Blankinship - If anyone has any questions for the builder.
514
515 Mr. Marsden - Yes.
516
517 Mr. Bell - Have you read the conditions of approval for this -- for your
518 construction here? In the report.
519
520 Mr. Marsden - I'm --
521
522 Mr. Bell - There's seven of them.
523
524 Mr. Marsden - I'm sorry, but I don't understand the question.
525
526 Mr. Blankinship - With your -- a copy of the staff report was mailed to you. Or it
527 may have been mailed to your builder if he signed the application as the representative.
528 And it included suggested conditions that the Board would place on the permit if it is
529 approved. Have you not had a chance to review those?
530
531 Mr. Marsden - I have -- I have -- I haven't seen that.
532
533 Mr. Blankinship - Mr. Madrigal, could you let the -- let Mr. Marsden -- oh you
534 have a printed copy.
535
536 Mr. Marsden - So that would be the part that's highlighted in yellow?
537
538 Mr. Blankinship - There's seven conditions.
539
540 Mr. Madrigal - All the conditions.
541
542 Mr. Marsden - Okay. Yes.
543
544 Mr. Bell - Do you understand it?
545
546 Mr. Marsden - Those are agreeable. Those terms are agreeable.
547
548 Mr. Bell - Okay. And you understand and agree with -- agree with
549 them?
550

551 Mr. Marsden - Yes.

552
553 Mr. Bell - All right. Thank you. Any other questions by the staff or
554 Board?
555

556 Mr. Johnson - And especially number six is on that short term, the guest
557 house shall not be offered for short-term rental until -- unless a conditional use permit is
558 approved for that purpose.
559

560 Mr. Marsden - Yes.

561
562 Mr. Johnson - Okay.

563
564 Mr. Bell - Thank you, Mr. Marsden, Jr. That's it.
565

566 Mr. Marsden - No further questions?

567
568 Mr. Bell - No further questions.
569

570 Mr. Marsden - All right. Thank you very much.
571

572 Mr. Blankinship - Is there anyone else in the room who would like to speak,
573 either in favor or in opposition to this case? And I'm assuming that the builder on Webex
574 doesn't have anything to add, but if you do please let us know.
575

576 Mr. Bell - All right. Hearing none we will go on to the vote. Do I hear a
577 motion? I move that we approve the conditional use permit and subject to the conditions
578 recommended by the staff. Although the building would be on the side yard, it would be
579 almost 100 feet from the road. The side facing the neighbor. It will be consistent with the
580 surroundings and will be -- it will not be detrimental to the area. Therefore we -- I make
581 the motion.
582

583 Mr. Johnson - I second.

584
585 Mr. Bell - Do I hear any discussion? All those in favor of the motion say
586 aye. All those opposed. Motion carried.
587

588 On a motion by Mr. Bell, seconded by Mr. Johnson, the Board **approved** case **CUP2020-**
589 **00018, DONALD D. MARSDEN, JR.'s** request for a conditional use permit pursuant to
590 Section 24-95(i)(4) of the County Code to build a detached garage in the side yard at
591 8004 Hermitage Road (Parcel 775-752-4262) zoned One-Family Residence District (R-
592 3) (Brookland). The Board approved the request subject to the following conditions:
593

594 1. This conditional use permit applies only to allowing an accessory structure in the
595 western side yard. All other applicable regulations of the County Code shall remain in
596 force.

643 Mr. Gidley - Thank you, Mr. Secretary. Good morning, Mr. Chair,
644 members of the Board. The subject property is located in the Sleepy Hollow Subdivision
645 at the corner of Sleepy Hollow Road and Riverwood Drive. This is one of those situations
646 where the home faces Riverwood although under the zoning ordinance Sleepy Hollow is
647 technically the front, as this is the shortest street frontage. And this is a view of the home
648 here facing Riverwood.

649
650 The applicant would like to construct a block patio in the side yard along with a masonry
651 fireplace that would be up to 11 feet in height. And you can see here part of the patio
652 that's being constructed and then over here is where the fireplace would go, and this is a
653 drawing the applicant provided of that.

654
655 Because these structures would be located in the side yard, the applicant is applying for
656 conditional use permit. In evaluating this request, the property is zoned R-1, One-Family
657 Residence District, and is designated Suburban Residential on the 2026 Land Use Plan.
658 A one-family dwelling is consistent with these designations, and an accessory structure
659 is permitted in the side yard with the approval of a conditional use permit.

660
661 In looking at detrimental impact, although technically in the side yard, to the casual
662 observer the improvements would be located in the rear yard due to the orientation of the
663 home. The fireplace would be located roughly 11 feet off the property line.

664
665 As you can see here, there is a decent screen between the adjacent property owner and
666 the applicant's property. This property owner over here did send an email indicating he
667 had no opposition to this request. Based on these facts, staff does not anticipate a
668 substantial detrimental impact to nearby property.

669
670 In conclusion, the proposed fireplace and patio would be located in the side yard.
671 Although, again, it would appear to be in the rear yard based on the home's orientation
672 towards Riverwood Drive. Due to the 11-foot setback, screening between the two
673 properties, and no opposition from the adjacent property owners, staff does not believe
674 there would be any detrimental impact. As a result, we recommend approval of this
675 request subject to the conditions found in your staff report.

676
677 This concludes my presentation, and if you have any questions, I will be happy to answer
678 those. Thank you.

679
680 Mr. Bell - Questions?

681
682 Mr. Green - Yes. The work that's already been done is okay. It's this
683 additional work is what needs our approval.

684
685 Mr. Gidley - Yes, sir. This patio here I would consider ground level and
686 not needing any approval. If they raise it up -- the diagram they submitted showed it more
687 like a foot, so if you'd technically, you know, step up to it, then at that point even more it's
688 a structure traditionally.

689
690 The fireplace that was shown back here, this would be a structure. And being in the side
691 yard it would need a conditional use permit from the Board. Yes, sir.
692
693 Mr. Bell - Any other questions? Thank you, Paul.
694
695 Mr. Gidley - Thank you.
696
697 Mr. Hamilton - I'm Matt Hamilton, H-a-m-i-l-t-o-n. We moved to the area
698 about three or four years ago. We wanted to create an area in the back yard where we
699 could spend time as a family. We eat outside a lot. We eat dinner together as a family
700 often. And so we, after several years of planning and saving, we tried to make an outdoor
701 patio area that's consistent with the fellow neighborhood.
702
703 So that's where we're going. And then I didn't realize that this was my front yard, or side
704 yard, per se, since it was logically located in the rear of the property. But I found out after
705 we submitted for the permits.
706
707 Mr. Reid - Mr. Hamilton.
708
709 Mr. Hamilton - Yes, sir.
710
711 Mr. Reid - Are you in agreement with the conditions of approval in the
712 staff report? Have you seen --
713
714 Mr. Hamilton - I have not reviewed that, sir.
715
716 Mr. Reid - You haven't.
717
718 Mr. Hamilton - Yes, sir. I'm in agreement with those conditions.
719
720 Mr. Reid - Okay. Thank you. Thank you.
721
722 Mr. Bell - Are there any other questions?
723
724 Mr. Hamilton - No, sir. I just had to find out things after --
725
726 Mr. Bell - Thank you.
727
728 Mr. Green - Vote now.
729
730 Mr. Hamilton - Pardon?
731
732 Mr. Green - We vote now.
733
734 Mr. Hamilton - Oh, you vcte now. Got you.

735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780

Mr. Bell - Mm-hmm.

Mr. Blankinship - Is there anyone else in the room who would like to speak to this case? Either in favor or in opposition? Mr. Chair, I'm told there is no one on Webex for this application, so a discussion or a motion would be in order.

Mr. Bell - Do I hear a motion on this case?

Mr. Reid - I move that we approve the conditional use permit subject to the conditions recommended by the staff. Although this would be in the side yard, in the yard -- in the side yard as defined in our code, it is behind the house. The chimney would be about 11 feet tall and about 11 feet from the neighbor's property, so it would not appear excessive. The patio adds to the value of the home, and I think these improvements will fit into the neighborhood.

Mr. Green - Second.

Mr. Bell - We got a second by Mr. Green. Any discussion? No request for discussion. We'll go for the vote. All those in favor of the motion say aye. All those opposed. Hearing none opposed the motion carries.

On a motion by Mr. Reid, seconded by Mr. Green, the Board **approved** case **CUP2020-00019 MATTHEW HAMILTON**'s request for a conditional use permit pursuant to Section 24-95(i)(4) of the County Code to build accessory structures in the side yard at 8657 Riverwood Drive (SLEEPY HOLLOW) (Parcel 749-736-9645) zoned One-Family Residence District (R-1) (Tuckahoe). The Board approved the request subject to the following conditions:

1. This conditional use permit applies only to the construction of the patio and fireplace in the side yard. All other applicable regulations of the County Code shall remain in force.
2. Only the improvements shown on the plot plan and building design filed with the application may be constructed pursuant to this approval. Any additional improvements shall comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements shall require a new conditional use permit.
3. The applicant shall maintain a planting of evergreen shrubs between the property line and the detached fireplace.
4. All exterior lighting shall be shielded to direct light away from adjacent property and streets.
5. A building permit for the proposed improvements must be approved by August 26, 2022, or this conditional use permit will expire. If the building permit is cancelled or

827 consistent with the land use designation. Because the addition will result in the garage
828 being in the side yard, he is required to obtain the CUP to ensure it does not create any
829 detrimental impact.

830
831 The subject property is part of a larger lot residential subdivision where lots range
832 between 1 and 9 acres in size. The two adjacent lots on either side of the property are
833 on 5 and 6 acre parcels respectively. The rear half of the subject property is wooded and
834 backs on to an undeveloped and heavily forested 8-acre area that serves as common
835 area for the adjacent subdivision.

836
837 The existing detached garage was built in 2011 and it has been part of the property for
838 the last 9 years. It's a one-story structure with a storage attic and it's architecturally
839 consistent with the existing home.

840
841 It sits approximately 49 feet from the side property line and 276 feet distant from the front
842 property line. Although it is clearly visible from the adjacent home to the south, it does
843 not appear to have caused any detriment impacts to that home or surrounding properties.
844 Additionally, staff is not aware of any complaints resulting from the detached garage.

845
846 In conclusion, the existing garage has been in place for over 9 years and is art --
847 architecturally consistent with the home. It's set back over 270 feet from the front property
848 line, and 49 feet from the side property line. The rear setback is over 600 feet from the
849 undeveloped land, designated as common area for the adjacent subdivision.

850
851 This CUP is only necessary because of the proposed addition off the rear of the existing
852 home which will place the garage in the side yard. Based on the facts of the case, staff
853 recommends approval subject to conditions.

854
855 That concludes my presentation.

856
857 Mr. Bell - Any questions by staff or Board? Seeing none or hearing
858 none thank you.

859
860 Mr. Siewert - Good morning-.

861
862 Mr. Bell - Morning, sir.

863
864 Mr. Siewert - I'd like to state my name, Steve Siewert, spelled S-i-e-w-e-r-t.
865 And I'd only like to add that, as you've seen from the demonstration that was provided,
866 there are -- there's one house to the left of us and one house to the right of us and there
867 -- those are the only two homes where the sunroom would be visible.

868
869 And, actually, the home to the left because of the detached garage wouldn't be able to
870 see the sunroom at all. And I do have letters from both of those neighbors saying they
871 have no objections to what we're about to do. And I'll stand here for any other questions
872 you might have.

873
874 Mr. Green - I have a question. How do you keep your grass so green?
875
876 Mr. Siewert - Well I wanted to thank the individual who took the picture.
877 Because they make the house look really, really good. So. But that's not really grass,
878 that's just good weeds.
879
880 Mr. Blankinship - We photoshop the photos sometimes.
881
882 Mr. Siewert - I appreciate that.
883
884 Mr. Johnson - But yes. I went out there, it's a nice subdivision as well, that
885 the neighbor on it across the street. And also noticing yours. Do you still have the
886 attached garage here to the house?
887
888 Mr. Siewert - The attached garage, you know, is in the middle of
889 modification right now. So the framework has already been done to convert that to a
890 master bedroom, master bath, and a walk-in closet. Now we're trying to get my parents
891 to move there, and that's an ongoing battle, but that's' the intent of that -- of that -- of that
892 room.
893
894 Mr. Johnson - Yes. Because I noticed the materials laying on the side on
895 the ground over on the other side when I was out there.
896
897 Mr. Siewert - Yes, sir.
898
899 Mr. Johnson - And I was just wondering what was -- that was something else
900 to it. Again, it's the -- you got a lot of space and the garage -- detached garage also have
901 everything to compare out there. That's it. I was just curious about the construction.
902
903 Mr. Siewert - So there's about four projects that are going on right now. The
904 front porch is being extended. You can see some of the dirt work there. That's being
905 extended out. And the first three things I'm going to mention are all in the same permit,
906 which is the -- is not for this particular hearing.
907
908 The second project, which is the renovation of the attached garage to the master
909 bedroom, and then on the side of that house, on the side of -- to the left part of the house
910 we are also putting a balcony off of the second floor that's above where that master
911 bedroom's going to be. So a lot of that material is also there for that.
912
913 So those three pieces are on the one permit that's been approved and then this last
914 project is the -- is the sunroom.
915
916 Mr. Green - Okay. Appreciate it.
917

918 Mr. Bell - Are there any questions for -- or concerns that anyone else in
919 here would like to address us about? Seeing none we'll go ahead with the -- with the
920 vote. Do I hear a motion on this case?

921
922 Mr. Johnson - Yes, sir. Mr. Chair, I move that we approve the conditional
923 use permit subject to the condition recommended by the staff. The garage has been
924 there for about 10 years, and the garage is not moving or changing. And the only change
925 is the addition on the rear of the house. And the proposed additions would add value to
926 the property and would not have any detrimental impacts to the neighborhood or to the
927 property. I motion that we approve.

928
929 Mr. Bell - Do I hear a second?

930
931 Mr. Reid - Second.

932
933 Mr. Bell - Hearing a second, we'll go ahead and ask for any more
934 discussion. No more discussion we'll go ahead and vote. All those in favor of the -- of
935 the motion say aye. All those opposed. Hearing no opposed then the motion carries.

936
937 On a motion by Mr. Johnson, seconded by Mr. Reid, the Board **approved** case **CUP2020-**
938 **00020 STEVEN SIEWERT's** request for a conditional use permit pursuant to Section 24-
939 95(i)(4) of the County Code to allow a garage to remain in the side yard at 6416 Cookes
940 Farm Drive (TURKEY ISLAND BLUFFS) (Parcel 853-684-7752) zoned Agricultural
941 District (A-1) (Varina). The Board approved the request subject to the following
942 conditions:

- 943
944 1. This conditional use permit allows only the existing garage to remain in the side yard.
945 All other applicable regulations of the County Code shall remain in force. Any substantial
946 changes or additions to the garage shall require a new conditional use permit.
947
948 2. A building permit for the proposed sunroom addition must be approved by August 26,
949 2022, or this conditional use permit will expire. If the building permit is cancelled or
950 revoked because construction was not diligently pursued, this conditional use permit will
951 expire at that time.

952
953
954 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
955 **Negative:** 0
956 **Absent:** 0

957
958
959 Mr. Blankinship - Mr. Chair, the next case is conditional use permit 2020,
960 number 21, Robert and Stuart Roberts.

961
962 **CUP2020-00021 ROBERT AND STUART ROBERTS** request a conditional
963 use permit pursuant to Section 24-95(i)(4) of the County Code to allow a pool in the side

964 yard at 911 S Gaskins Road (WEST KNOLL) (Parcel 738-732-7571) zoned One-Family
965 Residence District (R-0) (Tuckahoe).

966
967 Mr. Blankinship - Would everyone who intends to speak to this case please
968 stand and be sworn in? All raise your right hands, please. Do you swear the testimony
969 you're about to give is the truth, the whole truth, and nothing but the truth, so help you
970 God?

971
972 Mr. Blankinship - Thank you. Mr. Gidley.

973
974 Mr. Gidley - Thank you, Mr. Secretary. The subject property is located
975 along South Gaskins Road adjacent to The Country Club of Virginia and their James River
976 Golf Course. The property contains 2.887 acres, and a two-story dwelling built last year.
977 And this is a view of the existing home from South Gaskins Road.

978
979 The applicant is requesting permission to place an in-ground swimming pool in the side
980 yard and you can see the location here. This is looking north. To the left would be South
981 Gaskins Road and the pool would go right in through here. And, as you can see, it's kind
982 of secluded here with the garage and the home right here.

983
984 The pool would meet the required setback off the adjacent property as well.

985
986 In evaluating this request, the property is zoned R-0, One-Family Residence District, and
987 is designated Suburban Residential on the Land Use Plan. A one-family dwelling is
988 consistent with both of these designations, and an accessory swimming pool is allowed
989 in the side yard with the approval of a conditional use permit.

990
991 As far as any substantial detrimental impact to nearby property, again, the pool would go
992 in this location right here. And due to its location behind the garage, it would not be visible
993 from the public street. Beside the house it would not be visible from the house to the
994 north. And as far as the golf course back here, they can build by right in the rear yard, so
995 by moving it to the side yard here it's actually further from the golf course, which means
996 less impact on the golf course and, obviously, less impact of a wayward golf ball coming
997 into the pool and perhaps hitting somebody.

998
999 Staff did receive an email and a phone call from the adjacent property owner to the south
1000 here to oppose the request. This is a view from the proposed pool location towards the
1001 south. The neighbor's home is actually located behind the trees that you see here in the
1002 distance, so staff does not believe there would be any substantial detrimental impact to
1003 that property.

1004
1005 My understanding from speaking to the owner is one of their family members may wish
1006 to build a home in this field here. But, again, the swimming pool would meet the required
1007 setback off the side property line. Even if they had to move it to the rear yard, they would
1008 have every right to build the same distance from the property line. So staff does not
1009 believe there would be any substantial detrimental impact to nearby property.

1010
1011 In conclusion, the property contains an existing dwelling on 2.887 acres of land. The
1012 request is to place a pool in the side yard. The pool would be located over 400 feet from
1013 South Gaskins Road, and at least 300 feet from the closest residence. Due to the lack of
1014 any detrimental impact, staff recommends approval of this request subject to the
1015 conditions in your staff report.

1016
1017 This concludes my presentation, and if you have any questions, I will certainly be happy
1018 to answer those. Thank you.

1019
1020 Mr. Green - Fencing. What type of fencing?

1021
1022 Mr. Gidley - The applicant under the building code would be required to
1023 either cover the pool with an automatic cover or put up a fence. And my understanding
1024 is they want to do a fence. I don't think I have a copy of that fence in here. Maybe that's
1025 it right here.

1026
1027 Mr. Green - That's it there.

1028
1029 Mr. Gidley - Okay. So the pool would have a fence there. And when I was
1030 out there the property line was marked and the owner explained to me that her
1031 understanding is she thought the adjacent property owner was also going to put up a
1032 fence as well. So there might be two fences. But the pool would meet setbacks and they
1033 would have that fence that you see there, Mr. Green.

1034
1035 Mr. Johnson - Also would there be a little fence around the pool itself? You
1036 know, just in case someone walking around, walking out?

1037
1038 Mr. Green - Exterior fences.

1039
1040 Mr. Gidley - This is the fence up here that you see right here.

1041
1042 Mr. Johnson - Okay.

1043
1044 Mr. Gidley - And, again, here you have a building or walkway here. So
1045 they would have to meet building code as far as keeping the pool safe. Yes, sir.

1046
1047 Mr. Johnson - Okay.

1048
1049 Mr. Johnson - You said something, just for clarification, that before I -- if it's
1050 covered. If it's covered, you don't need a fencing? Or -- fence?

1051
1052 Mr. Gidley - My understanding is if you have an automatic cover that if a
1053 pool is not in use the cover automatically will respond and cover the pool. In that case
1054 my understanding is building code would allow that.

1055

1056 Mr. Johnson - Oh. So you wouldn't need a fencing.
1057
1058 Mr. Gidley - Not necessarily.
1059
1060 Mr. Johnson - That's what I was concerned with. Okay.
1061
1062 Mr. Bell - Any other questions? Thank you, Paul.
1063
1064 Mr. Gidley - Thank you, gentlemen.
1065
1066 Mr. Blankinship - We'll hear from the applicant now, please.
1067
1068 Mr. Gray - Kelly Gray, G-r-a-y. We are proposing the 14-foot by 23-foot
1069 pool in the side yard, as he explained.
1070
1071 Main reason for being in the side yard is for privacy for the homeowners. Because they
1072 are located along the cart path and that fairway for the golf course it's a lot of, you know,
1073 just golf traffic there. So by tucking it into that little cubby it's more private for them and
1074 actually more private as far as for the people around the golf course as well.
1075
1076 And with -- when you were talking about that fence thing I was actually as surprised as
1077 you with the automatic cover you do not have to have the normal 4-foot fence around the
1078 pool. But we are -- we will have both. They plan to have the automatic cover as well as
1079 the fence to satisfy code.
1080
1081 As far as the pool, the fence structure, which is really the only thing you'll see, it'll be stone
1082 columns, which are corresponding to the existing house, with wrought iron in between.
1083
1084 Mr. Blankinship - Mr. Gray, you're the contractor for the Roberts?
1085
1086 Mr. Gray - Yes, sir.
1087
1088 Mr. Blankinship - Thank you.
1089
1090 Mr. Reid - Mr. Gray, will there be any little maintenance building for the
1091 equipment and everything to service the pool?
1092
1093 Mr. Gray - It's in the existing garage. The back wall of that existing
1094 garage the pool equipment will be against that wall. And it's on that same south side of
1095 the property, but it'll be maintained within the fenced area and view -- it won't be visible.
1096
1097 Mr. Reid- All right. Thank you.
1098
1099 Mr. Bell - Any other questions? Thank you.
1100
1101 Mr. Gray - Thanks.

1102
1103 Mr. Blankinship - All right. Is there anyone in the room who wishes to speak in
1104 favor of this application? All right. Is there anyone who would like to speak in opposition
1105 to the application? Please come to the podium.

1106
1107 Ms. Hall - Hi. My name is Kristy Hall, and I am the partial owner next
1108 door who have always dreamed to build a house on that lot next to the Roberts. And I've
1109 loved -- I grew up out there and I've loved the area and it's always been kept kind of
1110 private and kept its value just because of the building restrictions and that sort of thing.

1111
1112 Originally there was one house on that lot and the Roberts bought it, and then they
1113 knocked the house down and divided it into two lots. So when they did that they clearly
1114 knew all the rules and regulations. And they got the bigger lot, as you can see. And it's
1115 just a little frustrating that they didn't plan to do it the proper way and have the right amount
1116 of space between our property line and their property line. Because part of the beauty of
1117 -- what? Okay.

1118
1119 Mr. Green - Okay.

1120
1121 Ms. Hall - Part of the beauty of living out there is the privacy. And I feel
1122 like they came closer to us because it is a nice grass area. And they started to actually
1123 cut the grass on our property and put some building materials there. So we had to get a
1124 survey. And they were, I think, 40 feet or so on our property. So we just kind of felt like
1125 they were being a little aggressive and, you know, we -- we're -- this -- it used to be the
1126 country, so that's what we were kind of used to.

1127
1128 I just feel like this whole situation is -- could have been avoided because they started with
1129 a blank slate. It was very black and white. They clearly knew the rules when they broke
1130 up the two properties. And so it was a little frustrating. Nobody wants a pool in a side
1131 yard next to you. They have plenty of room to put it in the back or the front just like their
1132 neighbors did a beautiful pool -- you can see it in that picture and it looks great -- in the
1133 front yard.

1134
1135 So I really hope that you all won't grant this conditional use permit and that you'll keep
1136 this area beautiful just like it has been for years. So thank you so much.

1137
1138 Mr. Green - Excuse me.

1139
1140 Ms. Hall - Yes.

1141
1142 Mr. Green - You said you are next to it?

1143
1144 Ms. Hall - Yes. So my family owns the 11 acres next to it, and there's a
1145 lot there. I actually live in --

1146
1147 Mr. Green - That's the vacant lot?

1148
1149 Ms. Hall - A vacant lot. It's the grassy area. They showed you the
1150 picture. My parents are down, and my brother and his wife are down, but that lot was
1151 really meant for me to build a house. That's where my house is going to go, so --
1152
1153 Mr. Green - But could you repeat -- if you --
1154
1155 Mr. Blankinship - Can you use the microphone?
1156
1157 Mr. Green - Yes.
1158
1159 Ms. Hall - Oh. That's where my house is going to go.
1160
1161 Mr. Green - Yeah. If we could go back to the property line.
1162
1163 Mr. Blankinship - Mr. Green, try to get right up on your mic.
1164
1165 Mr. Green - If you can go back to the property line. No, the other one.
1166
1167 Mr. Blankinship - The aerial that shows the property.
1168
1169 Mr. Green - Yeah. Yes.
1170
1171 Mr. Blankinship - Go ahead and zoom a little bit there, Paul, as well.
1172
1173 Mr. Green - Could you -- could you expand it to where she's, I mean, so
1174 -- oh. Okay. So --
1175
1176 Ms. Hall - So, see, next to the yellow dots.
1177
1178 Mr. Green - Yeah.
1179
1180 Ms. Hall - That lot right there. Which I would never go 10 feet to their
1181 property line, because I would give them privacy. My parents are down there and then
1182 my brother and his wife are to the left. So it's 11 acres of land.
1183
1184 Mr. Green - Okay.
1185
1186 Mr. Bell - Any more questions?
1187
1188 Ms. Hall - Any more questions?
1189
1190 Mr. Bell - Any more questions? Thank you.
1191
1192 Mr. Blankinship - Next speaker.
1193

1194 Ms. Ancarrow - Good morning.

1195
1196 Mr. Bell - Good morning.

1197
1198 Ms. Ancarrow - I am Susan Ancarrow, A-n-c-a-r-r-o-w. I'm Kristy's sister-in-
1199 law. I live in the house on the bottom left on the screen with my husband. And we live
1200 next door to my husband's parents who live in the house on the bottom right. And we
1201 also object to this conditional use permit for many of the same reasons that Kristy just
1202 articulated.

1203
1204 The 11 acres that we live on is very private. We actually purchased our house in 2013
1205 for fair market value, and since we purchased it the immediate neighbor, which is the 911
1206 South Gaskins, changed from 5 acres with one house on it that you could neither see nor
1207 hear, now -- excuse me -- now it's two parcels with two houses on it.

1208
1209 The closest property, which is the Roberts, they've built a beautiful house with a beautiful
1210 three-car garage and it is as close to our side of the property as it could possibly be under
1211 the rules. And we view their -- the back of their three-car garage. That's what we see
1212 from our house. Whereas before the land was subdivided it was just trees and you
1213 couldn't see your neighbor from our house.

1214
1215 So our property value has already been diminished by the subdivision of the original 5-
1216 acre lot into two. And the building of the garage so close to our property. And we feel
1217 that the addition of this pool in the side yard would just add insult to injury by adding one
1218 more structure in that tiny area when they've got 2.88-acres to work with where they could
1219 put the pool anywhere else.

1220
1221 You see there's a lot of space behind the house facing Gaskins Road where they could
1222 put a pool that would be far away from the road and farther away from us as the neighbors.
1223 And would also still have the privacy from the golf course. So we don't object to a pool,
1224 we object to the location of the pool where they're proposing to put it so close to our
1225 property line when there's already a large three-car garage that we have to look at. And
1226 the equipment for the pool would be on the backside of that garage, which would also be
1227 in our direct viewing line of site.

1228
1229 So we just feel like the location of the proposed pool would be more detrimental to our
1230 property value, and we hope that the Board will consider objecting, or rejecting, the
1231 conditional use permit because there are other locations on the property where the pool
1232 could be placed that wouldn't be detrimental to us as the immediate neighbor.

1233
1234 Mr. Green - Do you object to them building a house on that parcel in front?

1235
1236 Ms. Ancarrow - To the house that they've built?

1237
1238 Mr. Green - I thought -- I heard that they made the -- build a house in front
1239 of that parcel.

1240
1241 Ms. Ancarrow - Are you talking about my sister-in-law who might --
1242
1243 Mr. Green - No. That the Roberts.
1244
1245 Ms. Ancarrow - So we have no objection to the house that they've already built
1246 there. It's --
1247
1248 Mr. Green - But they want to -- they want to build another house with --
1249
1250 Mr. Blankinship - I think the confusion, Mr. Green, is where you see two houses
1251 on the screen there used to be one house. Those were two lots and there was one house
1252 that crossed that property line. So they demolished that house, divided it, and have
1253 already built the two houses.
1254
1255 Ms. Ancarrow - That's right. That's right. So what's there right now in the
1256 yellow is the Robert's house and garage. Above -- on the screen above is the other half.
1257 Those two -- the yellow area and the part above it used to be a single five-acre lot with
1258 one house on it.
1259
1260 Mr. Blankinship - Right.
1261
1262 Ms. Ancarrow - It's now two, two-plus-acre parcels each with one house. But
1263 no additional houses are proposed as far as I know.
1264
1265 Mr. Green - Are the houses somewhere in here?
1266
1267 Mr. Blankinship - No, sir. Just up --
1268
1269 Ms. Ancarrow - No.
1270
1271 Mr. Blankinship - The house that shows with the pool.
1272
1273 Ms. Ancarrow - Do you see where the pool is? The blue --
1274
1275 Mr. Green - Yeah.
1276
1277 Ms. Ancarrow - Okay. That's one house on a 2.2-acre parcel. And then below
1278 it is the Roberts house, which is on a 2.88-acre parcel. Those two parcels together, 10
1279 years ago, was one 5-acre parcel.
1280
1281 Mr. Green - But I thought I heard -- didn't they say someone other might
1282 want to build another house here?
1283
1284 Unknown Speaker - Her sister-in-law.
1285

1286 Mr. Blankinship - That --
 1287
 1288 Mr. Green - Oh. Okay.
 1289
 1290 Mr. Blankinship - Can you indicate where your sister-in-law is hoping to build
 1291 here?
 1292
 1293 Ms. Ancarrow - Sure. That's correct. That's correct. And we have no
 1294 objection to that.
 1295
 1296 Mr. Blankinship - Yes. That's correct.
 1297
 1298 Mr. Reid - Ms. Ancarrow --
 1299
 1300 Ms. Ancarrow - Yes.
 1301
 1302 Mr. Reid - Are there any trees between the pool and your property to
 1303 shield your property from the pool?
 1304
 1305 Ms. Ancarrow - No. I don't know if I can take us back to the previous photo.
 1306
 1307 Mr. Blankinship - Yeah. You can click -- yes.
 1308
 1309 Ms. Ancarrow - Woops. Maybe he could --
 1310
 1311 Mr. Blankinship - Zoomed in a little tight there.
 1312
 1313 Ms. Ancarrow - Oh. Sorry.
 1314
 1315 Mr. Blankinship - Yeah. Those photos are huge. There you go.
 1316
 1317 Ms. Ancarrow - Can you show the one that had -- that showed the survey line
 1318 on there? That would be the helpful.
 1319
 1320 Mr. Gidley - Now we got the office -- .
 1321
 1322 Mr. Blankinship - A photo -- no. A photo that had a survey.
 1323
 1324 Ms. Ancarrow - I mean the one with the -- so go to the where you could see
 1325 the orange survey marker line on the right.
 1326
 1327 Mr. Gidley - Okay. Okay. Oh, and the setback is 10.5 feet.
 1328
 1329 Ms. Ancarrow - Yes.
 1330
 1331 Mr. Gidley - It's 10 feet.

1332
1333 Mr. Blankinship - She wants the photo that shows that.
1334
1335 Mr. Gidley - There we go. I think that shows it.
1336
1337 Ms. Ancarrow - Yes.
1338
1339 Mr. Blankinship - Is that the one, ma'am?
1340
1341 Ms. Ancarrow - No. It's farther to the right of that.
1342
1343 Mr. Blankinship - One more down. Yes.
1344
1345 Mr. Gidley - And you were able to just reduce it in size.
1346
1347 Ms. Ancarrow - Yes. That's showing -- right now. Oh there you go.
1348
1349 Mr. Gidley - See this string line?
1350
1351 Ms. Ancarrow - Yeah. So where the orange string is, there're no trees for 30
1352 or 40 feet to the right of that. So, to answer the question, no there is -- there would not
1353 be any screening. There's not currently a screen blocking from our view.
1354
1355 Mr. Reid - Thank you.
1356
1357 Mr. Green - So would you like to have a screen blocking that?
1358
1359 Ms. Ancarrow - I mean, our preference -- it's a really tight space. You know,
1360 you can see the edge of the house there. I mean, the pool would be jammed in that
1361 section right there. Our preference would be for the pool to be anywhere but that location.
1362 Just because it's so crammed. If the pool does go there, we intend to plant trees to block
1363 the view. Because we don't want to be looking at a pool.
1364
1365 Mr. Green - Well, would there be a -- on the other side would someone
1366 else be complaining, or the people playing golf or something?
1367
1368 Ms. Ancarrow - So I don't know that the country club -- I mean, the -- they're
1369 neighbors to the left --
1370
1371 Mr. Green - Right.
1372
1373 Ms. Ancarrow - -- already have a pool in their -- in the part of the yard that
1374 faces the golf course. So, I mean, the country club -- I'm not aware that the country club
1375 objected to that pool being built. So I wouldn't expect that the country club would object
1376 to the pool in the front.
1377

1378 Now the Roberts might not want the pool in the front, because the -- from part of the
1379 presentation that we heard they wanted privacy. So it seems to me that the most private
1380 location away from the country club and away from us would be to put it on the side of
1381 the house facing Gaskins Road.

1382
1383 Where their house is located, it is very far up a hill from Gaskins, and there's plenty of
1384 space to put a pool in that area where it -- you wouldn't be able to see it from the road.
1385 None of the, you know, neither of the neighbors would be impacted by it and it -- and the
1386 house would be between the pool and the country club. So in terms of the impact on the
1387 surrounding neighbors that, to me, seems like the least -- that's the location that would
1388 have the least impact on the neighbors.

1389
1390 The location that's currently proposed has a big impact on our property, because you
1391 would be able to see it and presumably hear it, if people are making noise. But, I mean,
1392 they're not noisy neighbors right now. So.

1393
1394 Mr. Bell - Any other questions or comments?

1395
1396 Mr. Green - Well I guess, with all due respect, what I'm hearing is, is that,
1397 you know, you don't -- is that, you know, because you all own -- you all own 11 acres, you
1398 don't want them to put a pool in. But yet they own a property and under certain conditions
1399 they can put a pool in. And did you ever -- did anybody ever discuss with them, you know,
1400 that you would -- might want them to have an alternative -- alternative place to put a pool?
1401 And, I don't know, I just think that this is their property and there, you know, they wanted
1402 to put a pool there and can meet certain conditions that they maybe should have a right
1403 to do that. Just like the folks next door.

1404
1405 Because if you look at the photos, I would think that the pool that's next door, these
1406 individuals can see that pool. And I have a pool that's next door to me and I can see that
1407 pool. But I guess, you know, you all talked about the keeping the character of the
1408 neighborhood the way it is, but, you know, things change. And, you know, what you're
1409 beginning to see now, I'm beginning to see now, is more individuals are opting to put in
1410 pools because of COVID-19, because they want that self-containment. And in that -- in
1411 that I hear your objections. And I can see.

1412
1413 But when I look at one of their properties, when I look at one of the pictures, it looked like
1414 your house is further away and it looks like some trees are blocking your view, the view.
1415 Is that not true? Could we go back to that picture?

1416
1417 Ms. Ancarrow - We can see the garage very clearly, which is right next to
1418 where the pool would go.

1419
1420 Mr. Green - No, no, no. The other picture.

1421
1422 Mr. Johnson - With their houses.

'23

1424 Mr. Green - That one. Yeah.
1425
1426 Mr. Blankinship - We should have the expanded aerial as well. Yes.
1427
1428 Mr. Green - There it is. I believe this is your house right there?
1429
1430 Ms. Ancarrow - Yes. It is.
1431
1432 Mr. Green - Yes. So aren't those trees?
1433
1434 Ms. Ancarrow - Those are trees. Those are trees. But we have a view of the
1435 garage.
1436
1437 Mr. Green - But what's the distance between your home because that
1438 looks like a large distance between the two houses.
1439
1440 Ms. Ancarrow - Yeah. I do not know the distance.
1441
1442 Mr. Gidley - 350 feet.
1443
1444 Mr. Green - Only 350 feet?
1445
1446 Mr. Gidley - Yes, sir.
1447
1448 Mr. Green - Oh.
1449
1450 Ms. Ancarrow - But to answer some of your questions. So you are 100
1451 percent right that the Roberts have the right to build the house and the garage that they've
1452 already built.
1453
1454 It's my understanding that they can only build this side pool with a conditional use permit.
1455 And one of the questions that the conditional use permit asks is, what would the impact
1456 be on the neighbors and would it be detrimental to any of the neighbors? And that -- the
1457 permit application said that there would be no impact to the neighbors. And as one of the
1458 neighbors we strenuously disagree with that statement and believe that we would be
1459 detrimentally impacted by a pool being placed in that specific location.
1460
1461 Again, we have no objection to a pool in any other part of the property and would hope
1462 that the Board would consider that in evaluating this application.
1463
1464 Mr. Green - Okay.
1465
1466 Mr. Bell - Any other comments? Thank you.
1467
1468 Ms. Roberts - Hi.
1469

1470 Mr. Bell - Hi.

1471
1472 Ms. Roberts - I'm Stuart Roberts, R-o-b-e-r-t-s. My first name is harder to
1473 spell, if you want me to do that. And I am the neighbor. Or I'm the applicant, excuse me.
1474 And I apologize, I've got kind of joggled notes because I wasn't sure whether there would
1475 be any complaints. Our neighbors had not expressed any concern to us and so we really
1476 didn't know whether they would be here until they came in this morning. So I was just
1477 jogging down some notes, so I apologize if I'm disorganized.

1478
1479 First of all, we are not the ones who divided the property. I actually grew up in this area,
1480 too, and actually babysat for Ms. Ancarrow's husband when he was a child. And so I live
1481 down the road.

1482
1483 This house was 5 acres, it was overgrown with a dilapidated house. The kids, who are
1484 obviously adults, who inherited the house, they divided the lot in order to maximize what
1485 they got from the house that they inherited. So they divided the property line the way they
1486 did and we bought the piece that had the old house on it. And the old house was in
1487 terrible condition, so we tore that down.

1488
1489 We were forced into our placement of our house because the old house had a basement
1490 and so we had to kind of make our corner fit that corner or otherwise we would have had
1491 to do some things that I don't understand about pre-compacted dirt and things like that in
1492 order to fill and to change the basement. That's why our house is the way it is. We didn't
1493 do it to maximize, to encroach on the Ancarrows in any way. We really had no choice as
1494 to where we put it.

1495
1496 Also in regard to the suggestion that we put the pool on the Gaskin's road side, we would
1497 love to have put a pool on the Gaskin's Road side and would have designed around that
1498 originally, but Gaskin's Road is our front yard, and so we can't put a pool in the front yard.
1499 And so that's why we actually went into the project without putting a pool anywhere,
1500 because we didn't know where we could put one.

1501
1502 We didn't want a pool on the golf course side. We love our neighbors, that's their property,
1503 they have done what they wanted to do on their property. We felt that a pool on the golf-
1504 course side was just very visible. It isn't private. And, also, that it is obtrusive to a lot of
1505 people. It's obtrusive to the people who use the golf course and also -- I apologize. I
1506 can't remember your last name now-- Kristy. If Kristy --

1507
1508 Mr. Blankinship - Hall.

1509
1510 Ms. Roberts - If Ms. Hall ever did want to build a house, which there are no
1511 plans submitted for a house at this time. And that's just news to me when I heard it today.
1512 But that's something that they've talked about doing. But if they ever did build a house
1513 up there, I think you look at the picture, that a pool on the golf-course side would be a lot
1514 more obtrusive to them than a pool on that little side yard.

1515

1516 Like I said, when we bought the place it was this overgrown place with a house in very
1517 poor condition. It was a mess. When we did the garage, we realized that the Ancarrows
1518 were going to see the garage and, like I said, I've known them since I was, like, 12 or 13
1519 years old and so what we did is when we did the back of the garage my builder, Kelly,
1520 said, don't put copper gutters and a copper roof on the back of that garage. Nobody can
1521 see it. And I said, well, we're putting it on the rest of the house and the Ancarrows can
1522 see it, and so I'm going to make the back of that garage as nice as I make the rest of the
1523 house.

1524
1525 I don't know if there's a picture of the back of the garage. And I'm not saying the back of
1526 the garage is a thing of beauty, but we did also put five windows across the back of the
1527 garage that it would look evenly spaced and it would be in keeping with the rest of the
1528 house again, so that it would look nice for the Ancarrows.

1529
1530 So you can't see the pool from either of the existing houses. Like I said, the house next
1531 to us might be a dream, it might be something that Kristy's wanted to do all her life. But
1532 it's not something that's a plan at this point.

1533
1534 And the pool meets all the guidelines. So I think that that's everything. Have I forgotten
1535 anything, guys? Okay.

1536
1537 Mr. Blankinship - Ms. Roberts, can I ask you about your first statement that you
1538 would have preferred a pool in the front yard. The approval process actually is this same
1539 process if you wanted to put it in the front yard. Now you may have meant before you
1540 designed and built the house and the garage.

1541
1542 Ms. Roberts - We're stuck now. I appreciate that comment.

1543
1544 Mr. Blankinship - Okay. I just wanted to make that clear.

1545
1546 Ms. Roberts -- Yeah. We would have had to do things differently to do that.

1547
1548 Mr. Blankinship - All right. I understand.

1549
1550 Ms. Roberts - But we had originally been told that we couldn't do a pool in
1551 the front yard.

1552
1553 Mr. Blankinship - In the front or side yard unless you got the use permit. So.

1554
1555 Ms. Roberts - Well actually, when we first talked about it, when we first were
1556 building the house, we were told we couldn't do one in the front yard. To be honest, we
1557 didn't think about the side yard until after we built. It actually is a perfect place. It sits in
1558 there nicely, it's very private. And in terms of the fence, we are going to do a fence that
1559 runs -- and it's in some of those pictures but it -- the fence will cover the back of the
1560 garage. I mean it will go along the back of the garage and there was that dog that you
1561 saw in those pictures.

1562
1563 Mr. Blankinship - Yes.
1564
1565 Ms. Roberts - So the fence will come out and run along the back of the
1566 garage and then include this whole area. And actually, to correct Kelly just a teeny bit,
1567 it's got the little stone pylons, but it's actually going to have wooden pickets, which will
1568 also make the pool less visible than if it had wrought iron in between the posts.
1569
1570 So any questions?
1571
1572 Mr. Bell - Any questions?
1573
1574 Mr. Reid - I just can't believe, Ms. Roberts, I just can't believe that a small
1575 14-foot by 23-foot swimming pool is going to have such a detrimental impact on a
1576 neighborhood. If we were talking about an olympic pool, or something like that, I might
1577 be in agreement. But I just can't see where a small pool like this is going to have such a
1578 detrimental impact on a neighborhood. Well, actually it's a lovely neighborhood out there,
1579 beautiful homes, but it's a small pool.
1580
1581 Ms. Roberts - Well I agree with you, Mr. Reid. And I am old and my husband
1582 is even older.
1583
1584 Mr. Reid - I'm old, too.
1585
1586 Ms. Roberts - We are not loud people as the Ancarrows have already said.
1587 We have two grown children, one of whom doesn't even live in this area, and the one who
1588 is here doesn't have children, so I don't think we're going to be out there whooping it up.
1589
1590 Mr. Bell - Any other questions?
1591
1592 Mr. Blankinship - Is there anyone else in the room who intended to speak to this
1593 case? We may have skipped over if there was any other opposition and gone straight to
1594 your rebuttal. Okay. I just wanted to make sure of that.
1595
1596 Mr. Gray - I just had just one thing just kind of on the side.
1597
1598 Mr. Blankinship - We need you at the microphone, Mr. Gray.
1599
1600 Mr. Gray - Sorry. I was just reiterating that even though it's in the side
1601 yard we are still maintaining the setbacks off of that property line. So if we were to move
1602 the pool back closer to the golf course we could still technically maintain that exact same
1603 distance off that property line.
1604
1605 Mr. Blankinship - That's correct.
1606

1607 Mr. Gray - And not even need a conditional use permit. The reason for
1608 the conditional use -- the permit we have applied for is to tuck it back in that little private
1609 area and away from the cart path. But it's still the side yard. We are maintaining, you
1610 know, legal distance off the side property line.

1611
1612 Mr. Bell - Hearing no more questions we'll go ahead and go to the
1613 motion.

1614
1615 Mr. Reid - I move that we approve the conditional use permit subject to
1616 the conditions recommended by the staff. The proposed pool meets the side-yard
1617 setback required by code. The only reason this approval is necessary is because it is not
1618 behind the rear plane of the house. If they move the pool a few feet to the east, it would
1619 be allowed by right, but that location would be more detrimental because it would require
1620 the removal of mature trees and would be more visible from the golf course.

1621
1622 Although I understand the neighbor's sensitivity, I believe this is a better location than
1623 further back, so I think the request should be approved.

1624
1625 Mr. Green - Second.

1626
1627 Mr. Bell - Any discussion? Hearing no discussion, we'll go to the vote.
1628 All those in favor say aye. All those opposed. Hearing none opposed the motion's carried.

1629
1630 On a motion by Mr. Reid, seconded by Mr. Green, the Board **approved** case **CUP2020-**
1631 **00021 ROBERT AND STUART ROBERT'S** request for a conditional use permit pursuant
1632 to Section 24-95(i)(4) of the County Code to allow a pool in the side yard at 911 S Gaskins
1633 Road (WEST KNOLL) (Parcel 738-732-7571) zoned One-Family Residence District (R-
1634 0) (Tuckahoe). The Board approved the request subject to the following conditions:

1635
1636 1. This conditional use permit applies only to the location of the swimming pool in the side
1637 yard. All other applicable regulations of the County Code shall remain in force.

1638
1639 2. Only the improvements shown on the plot plan titled "Plat Showing Improvements on
1640 Lot 2 in the Division of #911 South Gaskins Road" by Harvey L. Parks, Inc. dated August
1641 15, 2019, and other design drawings filed with the application may be constructed
1642 pursuant to this approval. Any additional improvements shall comply with the applicable
1643 regulations of the County Code. Any substantial changes or additions to the design or
1644 location of the improvements shall require a new conditional use permit.

1645
1646 3. Before beginning any clearing, grading, or other land disturbing activity, the applicant
1647 shall obtain approval of an environmental compliance plan from the Department of Public
1648 Works.

1649
1650 4. The swimming pool shall be enclosed as required by the Building Code.

1651

1696 The properties are zoned R-5AC and are designated Suburban Mixed-Use on the 2026
1697 Future Land Use Map. The applicant intends to build semi-detached dwellings on zero-
1698 lot lines, which are consistent with both of these designations.

1699
1700 Due to the configuration of the two subject lots and cul-de-sacs, the adjoining common
1701 areas and the effects of the power line easement, the proposed garage locations will be
1702 in the side yards. As such, they each require a CUP. In both instances the proposed
1703 garage location would have no detrimental impacts on any of the adjacent or nearby
1704 properties as respectfully outlined in the staff report.

1705
1706 In conclusion, the proposed garage locations are consistent with both the zoning
1707 ordinance and the comprehensive plan. Due to the location and shapes of the properties
1708 and the adjoining power line easement, the proposed detached garages in the side yards
1709 will have no detrimental impacts.

1710
1711 Based on the facts of the case, staff recommends approval subject to conditions for both
1712 cases. That concludes my presentation.

1713
1714 Mr. Bell - Any questions from staff or the Board? Hearing none, thank
1715 you, Miguel.

1716
1717 Mr. Blankinship - All right, Mr. Chair, we have Chad Kester on Webex. Mr.
1718 Kester?

1719
1720 Mr. Kester - Good morning. My name is Chad Kester. Can everyone hear
1721 me?

1722
1723 Mr. Blankinship - Yes. Thank you.

1724
1725 Mr. Kester - Thank you. Chad Kester, K-e-s-t-e-r. I am a representative
1726 of Ryan Homes. And to briefly summarize, our intent here is to construct a two-car
1727 detached garage on both properties. However, the depth and power line on both
1728 properties are impacting our ability to meet the current zoning, which would require the
1729 garages to be placed behind the rear plane of the home.

1730
1731 For that reason, we would like to place them as shown on the two plot-plan drawings for
1732 each property and construct a two-car garage in that fashion.

1733
1734 Can I answer any questions?

1735
1736 Mr. Bell - Are there any questions to be answered for the Board or staff?
1737 Hearing none, we will continue.

1738
1739 Mr. Blankinship - All right. Is there anyone in the room who would like to speak
1740 in favor or opposition to these two cases?

1741

1742 Mr. Bell - Seeing none, we'll go ahead to the vote.
1743
1744 Mr. Blankinship - Thank you, Mr. Kester.
1745
1746 Mr. Green - I would like to take them separately.
1747
1748 Mr. Blankinship - Please, yes.
1749
1750 Mr. Green - I move to approve CUP2020-00022, garage in side-yard. I
1751 move that we approve the conditional use permit subject to the conditions recommended
1752 by the staff. The proposed garage would be consistent with the development plan and
1753 would not have any detrimental impact.
1754
1755 Mr. Bell - Thank you.
1756
1757 Mr. Johnson - Second.
1758
1759 Mr. Bell - Any more discussion? Hearing no discussion, now we will
1760 move on to the vote which I'm trying to push very quickly, I guess. I apologize about that.
1761 All of those in favor of the motion say aye. All of those opposed. Hearing no opposed
1762 the motion is carried.
1763
1764 On a motion by Mr. Green, seconded by Mr. Johnson, the Board **approved** case
1765 **CUP2020-00022 RYAN HOMES** request for a conditional use permit pursuant to Section
1766 24-95(i) (4) of the County Code to build a detached garage in the side yard at 12321
1767 Manor Crossing Court (SHORT PUMP MANOR AT BACOVA) (Parcel 739-767-0904)
1768 zoned General Residence District (R-5AC) (Three Chopt). The Board approved the
1769 request subject to the following conditions:
1770
1771 1. This conditional use permit applies only to the location of a garage in the side yard. All
1772 other applicable regulations of the County Code shall remain in force.
1773
1774 2. Only the improvements shown on the plat titled "Proposed Improvements on Lot 9
1775 Block H Short Pump Manor at Bacova Section 3" by Youngblood Tyler & Associates dated
1776 March 13, 2020, and "RHW-WV-3H02" by NVR, Inc. dated June 29, 2020, may be
1777 constructed pursuant to this approval. Any additional improvements shall comply with the
1778 applicable regulations of the County Code. Any substantial changes or additions to the
1779 design or location of the improvements shall require a new conditional use permit.
1780
1781 3. A building permit must be approved by August 26, 2022, or this conditional use permit
1782 will expire. If the building permit is cancelled or revoked because construction was not
1783 diligently pursued, this conditional use permit will expire at that time.
1784
1785
1786 **Affirmative: Bell, Green, Johnson, Pollard, Reid 5**
1787 **Negative: 0**

1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832

Absent:

0

Mr. Green - Mr. Chair. In reference to CUP2020-00023, garage in the side yard, I move we approve the conditional use permit subject to the conditions recommended by staff. The proposed garage would be consistent with the development plan and would not have any detrimental impact.

Mr. Bell - Do I hear a second?

Mr. Reid - Second.

Mr. Bell - Any discussion? Hearing no discussion. All those in favor of the motion say aye. All those opposed. Hearing none opposed, motion carried.

On a motion by Mr. Green, seconded by Mr. Reid, the Board **approved** case **CUP2020-00023, RYAN HOMES** request for a conditional use permit pursuant to Section 24-95(i) (4) of the County Code to build a detached garage in the side yard at 12337 Manor Crossing Court (SHORT PUMP MANOR AT BACOVA) (Parcel 738-767-8003) zoned General Residence District (R-5AC) (Three Chopt). The Board approved the request subject to the following conditions:

- 1. This conditional use permit applies only to the location of a garage in the side yard. All other applicable regulations of the County Code shall remain in force.
- 2. Only the improvements shown on the plat titled "Proposed Improvements on Lot 2 Block H Short Pump Manor at Bacova Section 3" by Youngblood Tyler & Associates dated June 12, 2020, and "RHW-WV-3H02" by NVR, Inc. dated June 29, 2020, may be constructed pursuant to this approval. Any additional improvements shall comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements shall require a new conditional use permit.
- 3. A building permit must be approved by August 26, 2022, or this conditional use permit will expire. If the building permit is cancelled or revoked because construction was not diligently pursued, this conditional use permit will expire at that time.

Affirmative: Bell, Green, Johnson, Pollard, Reid 5

Negative: 0

Absent: 0

Mr. Blankinship - All right, Mr. Chair, that brings us to the last use permit on this morning's agenda. Conditional use permit 2020, number 25, Parham Senior Living.

1833 **CUP2020-00025** **PARHAM SENIOR LIVING** requests a conditional use permit
1834 pursuant to Section 24-116(d)(1) of the County Code to allow a temporary office trailer at
1835 601 N Parham Road (Parcel 752-739-1406) zoned One-Family Residence District (R-2)
1836 (Tuckahoe).

1837
1838 Mr. Blankinship - Would everyone who intends to speak to this case please
1839 stand and be sworn in? Do you swear the testimony you're about to give is the truth, the
1840 whole truth, and nothing but the truth so help you God?

1841
1842 Mr. Blankinship - Thank you. Mr. Gidley.

1843
1844 Mr. Gidley - Thank you, Mr. Secretary. Am I coming through? Doesn't
1845 sound like it.

1846
1847 Mr. Blankinship - Try again.

1848
1849 Mr. Gidley - Testing.

1850
1851 Mr. Bell - Yes. You're coming through.

1852
1853 Mr. Blankinship - Fred, we're having a little trouble with the microphone on the
1854 podium, I think. Is there a mute button for that one? Maybe somebody accidentally
1855 muted it.

1856
1857 Mr. Gidley - Testing. Testing.

1858
1859 Mr. Blankinship - Okay.

1860
1861 Mr. Gidley - Thank you, Mr. Secretary, members of the Board. The subject
1862 property is the Temple Beth-El property, which is located off of Parham Road opposite its
1863 intersection with Derbyshire Road.

1864
1865 The adjacent property to the south is the future home of the Parham Senior Living Life
1866 Care Facility, which is currently under construction, as you can see right here. Well. Sorry
1867 about that.

1868
1869 Mr. Blankinship - Podium's been working fine for an hour and a half now all of
1870 the sudden it's --

1871
1872 Mr. Gidley - Anyway, the property to the south right down here is where
1873 the senior living facility is being constructed currently.

1874
1875 Mr. Blankinship - Try the expanded aerial.

1876
1877 Mr. Gidley - The applicant is requesting permission to use a modular
1878 building that is located on the Temple's property as a temporary leasing office until the

1879 senior living facility is ready for occupancy. Due to the ongoing construction, it was
1880 decided it would be safer to have the leasing facility next door on the Temple's property
1881 rather than on the construction side.

1882
1883 The parking lot that houses the temporary leasing facility is over 400 feet from Parham
1884 Road and 300 feet from the nearest dwelling. There's plenty of parking, including two
1885 handicap-accessible parking spaces as shown on the plot plan here.

1886
1887 This is the trailer location here. Here are your handicapped accessible parking spaces.
1888 As you can see, there's plenty of parking spaces out on the site right here. The modular
1889 building would be on site for a total of one year and its hours of operation would be from
1890 8:00 am to 7:00 pm daily.

1891
1892 In evaluating this request, the property is zoned R-2, One-Family Residence District, and
1893 it's designated Suburban Residential on the land-use plan. The proposed modular office
1894 will be consistent with the zoning and comprehensive plan, because it is an accessory to
1895 the project under construction next door and will be in place for only one year.

1896
1897 This is a view of the leasing facility right here and this modular building is located, as you
1898 can see, in an existing parking lot. And, again, it is over 400 feet from Parham Road and
1899 over 300 feet from the nearest dwelling, so it is not visible from off site.

1900
1901 The parking lot on Temple Beth-El was designed to support a second phase that has not
1902 been constructed. So, as a result, there are almost 100 excess parking spaces on site.
1903 As a result, staff does not believe there would be any detrimental impact to nearby
1904 property.

1905
1906 In conclusion, the modular office is consistent with the zoning ordinance and
1907 comprehensive plan. The location is already paved with parking. It is not visible from
1908 any public streets or adjacent dwellings. The duration and hours of operation are limited.
1909 As a result, staff recommends approval of this request subject to the conditions in your
1910 staff report.

1911
1912 This concludes my presentation and if you have any questions please let me know and
1913 I'll be happy to answer those. Thank you.

1914
1915 Mr. Bell - Are there any questions from staff or the Board?
1916 Seeing none we'll go ahead and call for the applicant.

1917
1918 Mr. Gidley - Thank you.

1919
1920 Mr. Blankinship - Oh, yeah. Paul, there was an exhibit.

1921
1922 Mr. Theobald - Not that.

1923
1924 Mr. Blankinship - Oh.

1925
1926 Mr. Theobald - (indiscernible)
1927
1928 Mr. Blankinship - Probably not in there. So we have the aerial --. They have it
1929 in their packets. But we don't have it, for sure.
1930
1931 Mr. Theobald - All right. No problem. Good morning, Mr. Chairman,
1932 members of the Board. My name is Jim Theobald. I'm an attorney with Hirschler
1933 Fleischer and I'm here representing CA Ventures requesting a conditional use permit to
1934 allow a temporary modular unit to be used as a leasing office in connection with the senior
1935 living facility being constructed next door.
1936
1937 That facility was unanimously approved by the Board of Supervisors on March 12 of last
1938 year and will consist of 58 independent living units, 60 assisted living units, and 32
1939 memory-care units subject to numerous conditions including an age restriction.
1940
1941 The office is to be located on the adjacent Temple Beth-El parking area. Temple Beth-El
1942 was our seller to the life-care facility. And the Beth-El site, as you may know, is used for
1943 a daycare operation, religious schooling, and temple meeting space. The specific location
1944 is a significant distance from Parham Road down a winding drive that blocks the view
1945 from any residences. The Temple enjoys significant excess parking installed for a future
1946 expansion that has yet to occur.
1947
1948 The request is to utilize this leasing office for a one-year period only. So I believe this
1949 request is consistent with the zoning and comprehensive plan, as suggested by staff. It
1950 will not have a detrimental impact on nearby property given the office's proposed location
1951 and access to a signalized entrance at Parham nor be a detriment to the health, safety,
1952 and welfare of the area.
1953
1954 With that I would respectfully ask that you approve this request for a conditional use
1955 permit, and we are in agreement with the conditions. Thank you. Happy to answer any
1956 questions. And I also have my client, I believe, on Webex.
1957
1958 Mr. Blankinship - That's correct.
1959
1960 Mr. Bell - Any questions from staff or the Board? Hearing none, thank
1961 you.
1962
1963 Mr. Theobald - Thank you.
1964
1965 Mr. Blankinship - Is there anyone else who would like to speak either in favor or
1966 in opposition to this request?
1967
1968 Mr. Bell - Hearing none, we'll go on to vote on the motion.
1969

1970 Mr. Reid - I move that we approve the conditional use permit subject to
1971 the conditions recommended by the staff. The proposed location enters Parham Road at
1972 a traffic light, which contributes to traffic safety. The modular building would be located
1973 on an existing parking lot, so it would not have any environmental impact. There's plenty
1974 of parking at that location. I do not think the modular office will be visible from any other
1975 property and it will only be on the site for one year. There would be no detrimental impact
1976 on nearby property.

1977
1978 Mr. Bell - Do I hear a second?

1979
1980 Mr. Green - I second the motion.

1981
1982 Mr. Bell - Any discussion? Hearing no discussion, we will go ahead and
1983 vote. All those in favor say aye. All of those opposed. Ayes have it. Motion carried.

1984
1985 On a motion by Mr. Reid, seconded by Mr. Green, the Board **approved** case **CUP2020-**
1986 **00025, PARHAM SENIOR LIVING's** request for a conditional use permit pursuant to
1987 Section 24-116(d)(1) of the County Code to allow a temporary office trailer at 601 N
1988 Parham Road (Parcel 752-739-1406) zoned One-Family Residence District (R-2)
1989 (Tuckahoe). The Board approved the request subject to the following conditions:

1990
1991 1. Only the improvements shown on the plans titled "Parham Senior Living Sales Trailer"
1992 by Kimley-Horn dated 06/04/20 and "Modspace Stock 2 Unit Complex" By Modular Space
1993 Corporation dated 8-19-16 may be constructed pursuant to this approval. Any additional
1994 improvements shall comply with the applicable regulations of the County Code. Any
1995 substantial changes or additions to the design or location of the improvements shall
1996 require a new conditional use permit.

1997
1998 2. Hours of operation shall be limited to 8:00 am to 7:00 pm daily.

1999
2000 3. The modular office shall be removed from the property on or before August 24, 2021,
2001 at which time this permit shall expire.

2002
2003 4. A building permit for the modular building must be approved by August 26, 2022, or
2004 this conditional use permit will expire. If the building permit is cancelled or revoked
2005 because construction was not diligently pursued, this conditional use permit will expire at
2006 that time.

2007
2008
2009 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
2010 **Negative:** 0
2011 **Absent:** 0

2012
2013
2014 Mr. Theobald - Thank you.

2015

2016 Mr. Blankinship - All right, Mr. Chair, that completes the conditional use permit
2017 portion of this morning's agenda. There were three variances on the agenda, as I
2018 mentioned at the outset. Two of those have been withdrawn. 2020 numbers 19 and 20
2019 have been withdrawn. Variance 2020, number 16, Gibson M. Wright.
2020

2021 **VAR2020-00016** **GIBSON M. WRIGHT** requests a variance from Section 24-9
2022 of the County Code to build a one-family dwelling at 8630 Gibbs Lane (Parcel 818-681-
2023 7630) zoned Agricultural District (A-1) (Varina). The public street frontage requirement is
2024 not met. The applicant proposes 0 feet public street frontage, where the Code requires
2025 50 feet public street frontage. The applicant requests a variance of 50 feet public street
2026 frontage.
2027

2028 Mr. Blankinship - Would everyone who intends to speak to this case please
2029 stand and be sworn in? Raise your right hand, please. Do you swear the testimony
2030 you're about to give is the truth, the whole truth, and nothing but the truth so help you
2031 God. Thank you. Mr. Madrigal.
2032

2033 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chair, members of the Board.
2034 Before you is a request to build a one-family dwelling on an agricultural parcel with no
2035 public street frontage. The subject property dates back to the early 1920s, and it was
2036 owned by the Gibbs family until 2010.
2037

2038 The parcel is three acres in area, is landlocked, and unimproved. The property is heavily
2039 forested and slopes down from south to north at a six percent slope. It is accessed by
2040 way of a private access road that serves six other lots. The applicant acquired said
2041 property and the adjoining lot to the west in 2010 and this subject lot.
2042

2043 In 2014 he obtained variances to construct single-family dwellings on each of the parcels.
2044 The adjacent lot to the west was sold and a 3,300-square-foot home was constructed in
2045 2016. Let me fix this picture here. You can see the home that was built there.
2046

2047 The variance for the subject property expired and was not developed. The applicant
2048 obtained a second variance in 2017, but that permit also expired. The property is under
2049 contract again and he would like to obtain a third variance to develop the property.
2050

2051 The underlying conditions of the property have not changed, it is zoned A-1 and is
2052 designated Rural Residential on the 2026 Future Land Use Map. In 1939 the property
2053 was improved with a three-bedroom bungalow, which was razed in '75. Since then the
2054 parcel has remained unimproved, landlocked, and without a beneficial use.
2055

2056 Sand and gravel has been extracted from several large tracts in the area, but the subject
2057 property is too small for that use. Its limited size and lack of public street-frontage also
2058 limits its use for agriculture.
2059

2060 Twelve lots along Gibbs Lane and the private access road have been improved with
2061 single-family dwellings establishing the immediate development pattern. Absent of

2062 variance to allow for a one-family dwelling, the property would appear to lack any
2063 reasonable beneficial use under the A-1 standards outlined in code.

2064
2065 With respect to the five subtests, the applicant satisfies all five items. Highlighting a
2066 number two, substantial detriment. As previously mentioned, the prevailing development
2067 pattern in the immediate area is residential.

2068
2069 The size of the -- I don't know why the screen keeps making these images so small.
2070 There we go. The size of the subject parcel and the existing tree coverage should provide
2071 sufficient privacy for the new home and the adjacent parcel so long as the applicant is
2072 careful with the home's placement on the property and intentionally maintains a healthy
2073 tree buffer around the proposed home.

2074
2075 A total of six lots are served by a private access road including one that fronts on Gibbs
2076 Lane. The previous property owner of the subject parcel had negotiated a road
2077 maintenance agreement with his neighbors that was executed and recorded in 2006. This
2078 agreement establishes a 50-foot-wide access easement, ensures maintenance of the
2079 road, and restricts the further subdivision of the six participating parcels without having
2080 all the property owner's consent.

2081
2082 This agreement runs with the land and is binding on all current and future property
2083 owners. Based on these facts, staff does not anticipate any detrimental impacts to nearby
2084 or adjacent property if the request is approved.

2085
2086 In conclusion, the request is consistent with both the zoning and comprehensive plan
2087 designations on the property. The property predates the county's adoption of the zoning
2088 ordinance and the street-frontage requirement. Due to its size and restricted access, it is
2089 not suitable for mining or agriculture. Without a variance it has no reasonable beneficial
2090 use.

2091
2092 Given the existing development pattern and the established road maintenance
2093 agreement, staff does not anticipate any detrimental impacts if the request is approved.

2094
2095 Based on the facts of the case, staff recommends approval subject to conditions. Be
2096 happy to answer any questions.

2097
2098 Mr. Bell - Any questions from staff or the Board? Hearing none we'll
2099 move on.

2100
2101 Mr. Johnson - One question.

2102
2103 Mr. Blankinship - Just a moment. One of the Board members has a question.

2104
2105 Mr. Madrigal - Yes.

2106

2107 Mr. Johnson - The roadway in front of this facility, is that the county facility?
 2108 I've been out there. It's a narrow road. Really about 10 feet wide, or something.
 2109

2110 Mr. Madrigal - Right. Here you can see Gibbs Lane and Gibbs Lane is a
 2111 private road. And then in addition to Gibbs Lane you see the dirt track here, or gravel
 2112 track.
 2113

2114 Mr. Johnson - Yes.
 2115

2116 Mr. Madrigal - That is the private access road that we're mentioning. So
 2117 Gibbs Lane is private and then this access road is also private. Essentially this ended up
 2118 being, like, an extension of Gibbs Lane.
 2119

2120 Mr. Johnson - Okay.
 2121

2122 Mr. Madrigal - And the 50-foot-wide easement that I referred to, this is it here.
 2123 There's a 50-foot-wide access easement that constitutes this gravel road.
 2124

2125 Mr. Johnson - All right. So then private road, then, there won't be any
 2126 widening to it, would it.
 2127

2128 Mr. Madrigal - There won't be any what?
 2129

2130 Mr. Johnson - To make it wider, you know, for two-way vehicles.
 2131

2132 Mr. Madrigal - That would be up to the property owners. So there's an
 2133 established maintenance agreement and there's already established road width of that
 2134 access easement, which is 50 feet. Right now that access road, I believe, is roughly 12-
 2135 to 16-foot wide. If they wanted to widen that, they would have to all come into agreement
 2136 in order to widen that, and then work out the details as to how that would occur.
 2137

2138 Mr. Johnson - Okay. So are the homeowners aware of that fact?
 2139

2140 Mr. Madrigal - They should all be, because they're all part of that agreement.
 2141 Yes, sir.
 2142

2143 Mr. Johnson - Okay. That was my concern. Thank you.
 2144

2145 Mr. Madrigal - Thank you.
 2146

2147 Ms. Lett - Good morning.
 2148

2149 Mr. Bell - Good morning.
 2150

2151 Ms. Lett - I'm Andrea Lett. I'm actually the homeowner of that house
 2152 that was built in 2016. We have that main piece of property. The issue that we have --

2153
2154 Mr. Bell - Excuse me, ma'am.
2155
2156 Ms. Lett - I'm sorry.
2157
2158 Mr. Bell - Give us your name and spell it for us, please.
2159
2160 Ms. Lett - Andrea, last name is L-e-t-t.
2161
2162 Mr. Blankinship - And are you representing the applicant? Or are you just
2163 speaking as an adjoining landowner?
2164
2165 Ms. Lett - I'm speaking as the adjoining landowner.
2166
2167 Mr. Blankinship - Okay. Is there anybody -- there's nobody on Webex, so the
2168 applicant is not present? Okay. We'll go ahead. We'll definitely want to hear your
2169 comments.
2170
2171 Ms. Lett - Okay. You're correct. The road is not wide. That access road
2172 is not being maintained by the other homeowners in that area. The house that's next door
2173 to me that just recently sold, there is no agreement with them to maintain that road.
2174
2175 We were told by the county when we purchased our house and went to build it, that we
2176 cannot make anybody help take care of that road, because that has expired. It's old. We
2177 can't make you take care of that road. So currently my husband and I maintain that private
2178 access road so that we can get to and from our house.
2179
2180 The other neighbor that we know of, Myers, they're good people, but, like I said, no one
2181 maintains that road. When it rains it washes out. That's my husband and I is putting the
2182 gravel. We paid thousands of dollars for the gravel to be put back on that road and keep
2183 the trees out. We do have trees that come down. It's our responsibility to get those trees
2184 up.
2185
2186 The person wants to access that property that's directly in front of my house, I'm either
2187 going to have to allow them to come on to my property to get on to it, or they're going to
2188 have come up to the very edge down there right where we call the little branch and get
2189 into that parking to get to that property.
2190
2191 Mr. Green - Can you point that out? You have the mouse. Can you point
2192 out what you're talking about?
2193
2194 Ms. Lett - Okay. So --
2195
2196 Mr. Green - So wait a minute. This is your house down at the bottom?
2197
2198 Ms. Lett - This is my house.

2199
2200 Mr. Green - Okay.
2201
2202 Ms. Lett - So all of this is my property line. All of this. Mine goes all
2203 back here. It's five acres. Right here, where that property line is, they will have to bury
2204 over this way. The last time somebody considered building a house they were going to
2205 put their house right here. I strongly object to that. That's right in front of my house. In
2206 fact, this part of the line is where we have the buffer and we've given Dominion Power
2207 and Comcast access that we paid for to get them back here. Here's the box back here.
2208 They could put that house over here. Then it wouldn't be obtrusive to our privacy sitting
2209 back there in the back.
2210
2211 My question then becomes who's going to help maintain that road? Because we are not
2212 an HOA. We cannot create an HOA. I can't make anybody pay for that road. And I can't
2213 sue them to pay for that road. So who's going to help maintain this private road?
2214
2215 Mr. Blankinship - Who told you that? That the maintenance agreement is not
2216 enforceable?
2217
2218 Ms. Lett - When we originally got the house -- actually before someone
2219 here at the Board told us that we can't do that. But the lady who originally owned the
2220 house, the first time she -- comes to her, they've been there for years. That agreement
2221 is not with them. And then the people that used to own it the house next door to us, they
2222 didn't have the agreement. So that was given to us in our agreement, but the other
2223 neighbors weren't told that.
2224
2225 Mr. Blankinship - Oh, okay.
2226
2227 Ms. Lett - And I asked when the realtor was selling the other house, sold
2228 their house, I asked them to inform the neighbors that they have to help take care of the
2229 road. There's nothing in writing saying that they have to help take care of that road. That
2230 was not transferred with the easement. It is not something I can go back and enforce.
2231
2232 Mr. Blankinship - Okay.
2233
2234 Mr. Johnson - So the roadway itself now is really on your property, right?
2235
2236 Ms. Lett - Correct. This roadway right here is on my property.
2237
2238 Mr. Blankinship - A portion of it is. Yes.
2239
2240 Ms. Lett - Yes.
2241
2242 Mr. Blankinship - From that portion north is within the easement.
2243
2244 Ms. Lett - Yeah. This is the easement.

2245
2246 Mr. Blankinship - But from that place south is on her property.
2247
2248 Ms. Lett - This is me.
2249
2250 Mr. Blankinship - Yes.
2251
2252 Mr. Johnson - Yes. I was noticing when I went back there looking at this --
2253
2254 Ms. Lett - Were you the one came back there with a black car?
2255
2256 Mr. Blankinship - She's got a Ring doorbell.
2257
2258 Mr. Johnson - I was just trying to observe how -- because it was so narrow,
2259 and I also had to pull into a driveway for another car to go in the opposite direction.
2260
2261 Ms. Lett - Yes, we do. If one of us decides to leave we actually have to
2262 sit back to the curb or back into our driveway so the other neighbor can come in and out.
2263
2264 Mr. Johnson - So there is no written agreement about --
2265
2266 Mr. Blankinship - There is an agreement, but there's a disagreement over
2267 where it's enforceable. And we should look into that.
2268
2269 Mr. Johnson - Okay.
2270
2271 Ms. Lett - Right. So apparently Mr. Gibson, when he sold us our piece,
2272 said there was an agreement that we would allow 50-foot frontage so that people could
2273 get -- so they have the frontage to do that and then it would be an agreement between
2274 the neighbors that we had to maintain that road.
2275
2276 Mr. Blankinship - Right.
2277
2278 Ms. Lett - But in trying to find out what exactly we needed to maintain
2279 that road, we found out that, hey, I can't make you pay to maintain the road and it's not in
2280 your agreement when you purchased your house that you had to take the other road.
2281 And there's no set allotment amount, or anything so nobody has to contribute x-hundred
2282 dollars every month, every week, every year to help maintain the road.
2283
2284 Mr. Green - But in order for that person to get to that piece of property that
2285 they've got to go through your land.
2286
2287 Ms. Lett - The best route would be for them to come through my land.
2288
2289 Mr. Green - So then you can make and, I mean, you've got to grant them
2290 permission to do that.

2291 Ms. Lett - Correct. I would have to.
2292
2293
2294 Mr. Green - So then you could then put the conditions --
2295
2296 Mr. Blankinship - Well let's understand, though. They can get on to their
2297 property without crossing her property just on the easement. She's suggesting, if I
2298 understand her correctly, that the best location would be for them to share her private
2299 portion of the driveway.
2300
2301 Ms. Lett - Correct.
2302
2303 Mr. Blankinship - But they don't have to do that.
2304
2305 Ms. Lett - Right. And if they decide to do that and come in to build, how
2306 are they going to get that equipment in there up into that property they're going to build?
2307
2308 Mr. Blankinship - Right.
2309
2310 Mr. Green - I guess that same question, the same way you did.
2311
2312 Ms. Lett - Well when I did it I had the access and we build this road.
2313
2314 Mr. Green - Right.
2315
2316 Ms. Lett - So I built the road to come into my property and put my house
2317 back there where I did.
2318
2319 Mr. Blankinship - Right. So they would have to build a new driveway from the
2320 easement onto there.
2321
2322 Ms. Lett - Easement to get to their property.
2323
2324 Mr. Blankinship - Right.
2325
2326 Ms. Lett - And they're going to have to understand that they can't be
2327 blocking us to get out of our property.
2328
2329 Mr. Blankinship - Right.
2330
2331 Ms. Lett - To build on their property. If someone wants to build there,
2332 great.
2333
2334 Mr. Blankinship - Okay.
2335

2336 Ms. Lett - If they want to build there, great. I'm asking two things, don't
2337 build in front of my house where I look out of my front door and I see your house. I'd
2338 rather it be over here. And, two, that you get access and build your house away from the
2339 access road so that you're not blocking me getting in and out.
2340
2341 Mr. Blankinship - Okay.
2342
2343 Mr. Johnson - Well, where they put the house is not restricted, you know.
2344
2345 Mr. Blankinship - Yes. As long as they comply with the setbacks --
2346
2347 Mr. Johnson - Right.
2348
2349 Mr. Blankinship - -- it's a large enough parcel that there's a lot of flexibility.
2350
2351 Mr. Johnson - Right.
2352
2353 Mr. Green - Did we see plans for a house?
2354
2355 Mr. Blankinship - Yes.
2356
2357 Mr. Green - And the location?
2358
2359 Mr. Johnson - And there are right many houses on that road as well coming
2360 in off of Route 5.
2361
2362 Mr. Madrigal - Here's the proposed site plan, actually.
2363
2364 Mr. Mr. Green - Right.
2365
2366 Mr. Madrigal - So this is the property in question. And here is the proposed
2367 house.
2368
2369 Ms. Lett - Not far from the property line.
2370
2371 Mr. Green - Right.
2372
2373 Mr. Madrigal - So they're showing 50 feet from the -- we'll call it the front
2374 property line and 100 feet from here, from the southern property line.
2375
2376 Here is where you can see that access easement boxed out and it kind of goes all along
2377 there. And you can see it's 50 feet. Called out 50 feet here. So it goes all along this
2378 area. And it partially enters Mrs. Lett's property here. So they could enter her property
2379 partially to establish a new driveway leading to a house. This is the suggested location.
2380 Doesn't necessarily have to be there. That's their proposal.
2381

2382
2383
2384
2385
2386
2387
2388
2389
2390
2391
2392
2393
2394
2395
2396
2397
2398
2399
2400
2401
2402
2403
2404
2405
2406
2407
2408
2409
2410
2411
2412
2413
2414
2415
2416
2417
2418
2419
2420
2421
2422
2423
2424
2425
2426

Mr. Blankinship - Right.

Mr. Madrigal - Obviously you all could condition it to make it further. That would be up to you all. And then are the tentative plans. Keep in mind that they have a contract purchaser, so they're just getting the variance in order to settle that deal and they've got some proposed plans here that they're not necessarily tied to, they just submitted them as examples of what could be built on the property.

Here's another elevation. So these are a couple proposals that they've included with their application and it's showing what potentially could be built on the property, but they're not necessarily tied to these plans. Whoever buys the property would develop their own plans and, I guess, ultimately place the house to their liking. You know we're -- I think we've conditioned it to be a minimum of 50 feet from the front property line and it provided a 50-foot buffer on the sides or the rear to maintain, you know, the trees for privacy purposes. And, again, you can condition it more if you'd prefer.

Mr. Green - I guess my only concern is that no one's here to talk about it.

Mr. Blankinship - Yes.

Mr. Green - This is a major project. And if they're not even here to come talk about it --

Mr. Madrigal - Well, I had a couple contacts with the applicant, and I did email them the agenda packet with the staff report, the agenda, instructions.

Mr. Green - Yes.

Mr. Blankinship - Given the applicant's not being present and also this question now that's been raised about whether the maintenance agreement is enforceable, that's a major aspect of our staff report. We were relying on that to show that there would be no detrimental impact.

Mr. Johnson - Right.

Mr. Blankinship - So I would think, Mr. Chair, as staff, that a deferral would be in order and we could ask the applicant to address that issue specifically at the next meeting.

Now, Ms. Lett, you can come to that meeting or not. We have heard your concern, so you're not required to come back out. Your comments are on the record and will be taken into account but, of course, you're welcome to come next time as well.

Ms. Lett - Okay.

2427 Mr. Johnson - And that was one of my concerns as well when I went out
2428 there looking and observing what was going on out there, especially that road and also
2429 looking at the lot there.

2430
2431 Mr. Chairman, I agree with the secretary that since we don't have the person here, I'd like
2432 to make a motion that we defer this application to September 24th, giving time for the
2433 applicant to respond to the objections. And also provide some information on how they
2434 could work the roadway system out.

2435
2436 Mr. Pollard - I second the motion.

2437
2438 Mr. Bell - Any discussion?

2439
2440 Mr. Green - So if I drive back there you're not going to tell on me are you?

2441
2442 Ms. Lett - I'm not going to tell on you.

2443
2444 Mr. Bell - No discussion. No discussion. We'll go ahead and make the
2445 vote to defer. Are we going to set a date next meeting or --

2446
2447 Mr. Johnson - Put it on September 24th for the next meeting, if they can do it
2448 then.

2449
2450 Mr. Bell - So then you're motioning that we will defer to the September
2451 meeting.

2452
2453 Mr. Johnson - Right. September meeting.

2454
2455 Mr. Reid - Mr. Pollard.

2456
2457 Mr. Pollard - I seconded.

2458
2459 Mr. Blankinship - Yes.

2460
2461 Mr. Bell - We got a second. Do we have any discussion? We'll go
2462 ahead and vote. All those in favor of defer this particular application until the meeting in
2463 September, say aye. All opposed. No opposed. We have deferred.

2464
2465 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **deferred** case
2466 VAR2020-00016 GIBSON M. WRIGHT requests a variance from Section 24-9 of the
2467 County Code to build a one-family dwelling at 8630 Gibbs Lane (Parcel 818-681-7630)
2468 zoned Agricultural District (A-1) (Varina) until the September 24, 2020 Board of Zoning
2469 Appeals meeting.

2470
2471

2472 **Affirmative:** **Bell, Green, Johnson, Pollard, Reid** **5**

2473
2474
2475
2476
2477
2478
2479
2480
2481
2482
2483
2484
2485
2486
2487
2488
2489
2490
2491
2492
2493
2494
2495
2496
2497
2498
2499
2500
2501
2502
2503
2504
2505
2506
2507
2508
2509
2510
2511
2512
2513
2514
2515
2516
2517
2518

Negative: 0
Absent: 0

Mr. Bell - And now will we be taking a break? Anybody? We'll go on to voting for the first chair and vice chair.

Mr. Blankinship - You want to take the approval of the minutes first, Mr. Chair?

Mr. Green - Speaking of, you know, well, go ahead. You've got it.

Mr. Bell - Does anybody feel like we should?

Mr. Pollard - I need a minute.

Mr. Bell - All right. Ben --

Mr. Green - The minutes.

Mr. Blankinship - Approval of the minutes of last month's meeting.

Mr. Bell - Oh. Do it before this?

Mr. Blankinship - Yes.

Mr. Bell - All right. You know, let's go there one minute. Is there any approval for last month's meeting in July for the Board of Zoning Appeals?

Mr. Green - So moved.

Mr. Bell - Second?

Mr. Reid - Second.

Mr. Bell - All those in favor say aye. The motion passes. We're going to take five minutes until we'll come back -- it's 11:08 now -- and then we'll finish up today.

On a motion by Mr. Green, seconded by Mr. Reid, the Board **approved the minutes** of the July 23, 2020 Board of Zoning Appeals meeting.

Affirmative: Bell, Green, Johnson, Pollard, Reid 5
Negative: 0
Absent: 0

2519 Mr. Green - Restroom break.
2520
2521 Mr. Blankinship - Okay.
2522
2523 [Break in audio]
2524
2525 Mr. Blankinship - Officers. So the floor is now open for nominations for the
2526 Office of Chair.
2527
2528 Mr. Reid - I would like to nominate Mr. Green, our Vice Chairman, to be
2529 Chairman for the coming year.
2530
2531 Mr. Blankinship - All right. Mr. Reid has nominated Mr. Green. Are there any
2532 further nominations? If not, a motion to close the floor to nominations would be in order.
2533
2534 Mr. Johnson - Motion to close.
2535
2536 Mr. Blankinship - All right. Is there a second?
2537
2538 Mr. Pollard - Second.
2539
2540 Mr. Blankinship - All right. This a motion by Mr. Johnson, seconded by Mr.
2541 Pollard to close the floor to nominations. All in favor say aye. All opposed say no. The
2542 motion passes, so nominations are closed. And, Mr. Green, since you were the only
2543 candidate nominated you have been elected Chair by acclamation. Congratulations.
2544
2545 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
2546 **Negative:** 0
2547 **Absent:** 0
2548
2549 Mr. Green - Thank you.
2550
2551 Mr. Blankinship - The floor is now open for nominations for the office of Vice
2552 Chair.
2553
2554 Mr. Green - I would like to nominate --
2555
2556 Mr. Bell - I would like to vote for Mr. Johnson.
2557
2558 Mr. Green - Second.
2559
2560 Mr. Blankinship - All right. There's a nomination for Mr. Johnson. Are there any
2561 other nominations? All right. Then a motion to close the floor to nominations would be in
2562 order.
2563
2564 Mr. Pollard - Make a motion close the floor.

2565
 2566 Mr. Blankinship - All right. Is there a second?
 2567
 2568 Mr. Reid - Second.
 2569
 2570 Mr. Blankinship - There's a motion by Mr. Pollard to close the floor to
 2571 nominations seconded by Mr. Reid. All in favor say aye. All opposed no. Nomination
 2572 passes, or motion passes, nominations are closed. And Mr. Johnson, since you're the
 2573 only candidate nominated, you've been elected Vice Chair by acclamation.
 2574 Congratulations.

2575
 2576 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
 2577 **Negative:** 0
 2578 **Absent:** 0

2579
 2580 Mr. Johnson - Thank you.

2581
 2582 Mr. Blankinship - Mr. chair, we do have one other item on the agenda, which is
 2583 the review and approval of the calendar for 2021. That should've been left on the table
 2584 in front of you this morning. And I guess a motion would be in order. I'm not sure it's
 2585 necessary. But --

2586
 2587 Mr. Pollard - I make a motion to approve the calendar for 2021.

2588
 2589 Mr. Reid - Second.

2590
 2591 Mr. Blankinship - All right. Motioned by Mr. Pollard. Seconded by Mr. Reid to
 2592 approve the calendar. Any discussion? All in favor say aye. All opposed say no. The
 2593 calendar is approved.

2594
 2595
 2596 **Affirmative:** Bell, Green, Johnson, Pollard, Reid 5
 2597 **Negative:** 0
 2598 **Absent:** 0

2599
 2600
 2601 Mr. Green - Mr. Chair, I think you wanted to say something. Because this
 2602 went fast, and I think it was your intention not to seek re-election.

2603
 2604 Mr. Bell - Yes.

2605
 2606 Mr. Green - So I just want to make that clear. Nobody's trying to pull
 2607 anything on any of us.

2608
 2609 Mr. Bell - Now also, this is something we probably should discuss if we
 2610 don't want to discuss it we don't have discuss it. But it is important. The group of us like

2611 Mr. Green just said we probably should have done that. But the way he touched on it
2612 was my thought was that we would set it up like we might -- like we had it set it up when
2613 I came here several years ago. And that was basically by jurisdiction. In other words,
2614 ahead of me was Helen from Fairfield.

2615
2616 Mr. Pollard - The mic.
2617
2618 Mr. Bell - The mic. I took over for her and then it was automatically my
2619 next turn, so it fell in perfectly. But after me then comes Brookland. But the early part of
2620 the year we didn't really have anybody from Brookland here so it was still changed two or
2621 three times. And it wasn't due anyway, so it didn't bother anything. But you were in line,
2622 whoever was in that office, to be considered for the chair.

2623
2624 Mr. Green - I thought Mr. Reid was. I think would have been Mr. Reid.

2625
2626 Mr. Blankinship - Yes. Mr. Reid.

2627
2628 Mr. Bell - I thought it was him, Reid, and then you.

2629
2630 Mr. Green - No. Mr. Reid. thought it was based on seniority.

2631
2632 Mr. Bell - No, no, no, no. This isn't seniority.

2633
2634 Mr. Johnson - Oh.

2635
2636 Mr. Green - Oh.

2637
2638 Mr. Bell - This is what -

2639
2640 Mr. Pollard - District you're in.

2641
2642 Mr. Bell - District you're in.

2643
2644 Mr. Pollard - Oh. It's your district.

2645
2646 Mr. Bell - But it has nothing to do with seniority. It just means every
2647 rotation of five years a supervisor of the chair would be for every -- much like the
2648 Supervisor's do it. All right. So it was Reid. He fell in, okay, because you were due, he
2649 was due, (indiscernible) said that he's due and he's due and then it starts all over again.

2650
2651 Mr. Green - But I wouldn't have been Vice Chair had Mr. Reid not declined
2652 it.

2653
2654 Mr. Bell - Like I said, it fell in place.

2655
2656 Mr. Reid - We all right.

2657
2658 Mr. Bell - So a lot of people looked at it and said it was seniority and it
2659 was never really looked at as seniority to me anyway. Ever since I've been here that's
2660 the way we rotated. But we didn't have people change like we had for a short period of
2661 time there. The Brookland position they changed three times in about a year and a half.

2662
2663 Mr. Johnson - Oh, yeah.
2664
2665 Mr. Bell - Yeah. So, I mean, I may be wrong, but it was very quick. It
2666 was very quick. And then Varina changed earlier than anybody as well.

2667
2668 Mr. Green - So --
2669
2670 Mr. Bell - So, anyway, that's something -- that's something that if we just
2671 say it, keep it in mind, and next time it comes up that's the way we just keep it back. Or,
2672 we could codify it when and make it rule. I prefer to just keep it in mind than make it the
2673 rule for everybody to follow.

2674
2675 Mr. Green - Okay. Mr. Blankinship, what has it normally --
2676
2677 Mr. Blankinship - Historically starting in, like, the '70s, I guess, it used to be
2678 there was one gentleman who was chair every year for about 30 years.

2679
2680 Mr. Green - Yeah, well --
2681
2682 Mr. Blankinship - And then the decision was made that it should rotate it -- and
2683 so starting in about '70s they started rotating. As Mr. Bell said, it generally followed the
2684 sequence of magisterial districts, generally from east to west, but not rigidly.

2685
2686 There were times, you know, if there was a new member, you know, I guess it was felt
2687 better to let that member become acclimated to the job a little bit before he took the chair.
2688 So, it generally followed the sequence by magisterial district. Although the election is
2689 held every year, people generally held their seats for two years.

2690
2691 Mr. Green - Okay.
2692
2693 Mr. Blankinship - So typically whoever was finished their first year would be
2694 reelected for a second year. But at the end of the second year the vice chair would
2695 typically be elected chair and then whoever was next in the rotation of magisterial districts
2696 would be nominated to Vice-Chair

2697
2698 Mr. Green - Because we would've elected you chair for a second term, but
2699 you declined for a second year.

2700
2701 Mr. Bell - Mm-hmm.

2702

2703 Mr. Green - Because I remember you brought this up and I thought that
2704 was an admirable gesture on your part to have us consider that and not want to sit in the
2705 chair forever like, you know, some people have done in the past.

2706
2707 Mr. Blankinship - Right.

2708
2709 Mr. Bell - Thank you, I appreciate that. That was nice. But it's a position
2710 that it just worked well that -- the way that they had it and why not keep it. Even though I
2711 could -- why not keep it? Because here I'm the oldest person who's been here. I've seen
2712 you all come and go. So get involved. You know, so I can back off from doing things a
2713 lot that involves, you know, relationships, is maybe the right word, with the chairman and
2714 the person who's in the chair.

2715
2716 Look at the relationship at the chair, what it's supposed to do. It's just like Mr. Blankinship
2717 gave us an example right there of where when or how it was run. But I don't think that
2718 was ever codified, was it?

2719
2720 Mr. Blankinship - No, sir.

2721
2722 Mr. Bell - N that's what I think we ought to way it is. Leave it like it is
2723 from here on out and as long as we all have the majority the new people's not constantly
2724 coming in necessarily long, but it doesn't mean we have to, but I like the way it ran and it
2725 ran since '70s, so it worked out pretty good.

2726
2727 Anyway, I won't hold you any longer. Unless there's anybody want to make any
2728 comments or say anything.

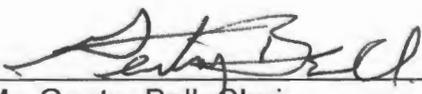
2729
2730 Mr. Reid - You did a good job, Mr. Bell.

2731
2732 Mr. Bell - Well thank you. I appreciate it. All right. Any other new
2733 business or old business?

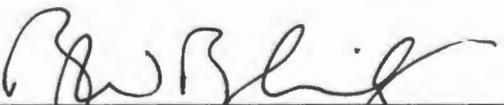
2734
2735 Mr. Blankinship - No, sir.

2736
2737 Mr. Bell - Then let's go home.

2738
2739
2740
2741
2742
2743
2744
2745
2746
2747
2748



Mr. Gentry Bell, Chair



Mr. Benjamin W. Blankinship, Secretary