

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 DECEMBER 18, 2025 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED**
5 **IN THE RICHMOND TIMES-DISPATCH DECEMBER 1, 2025 AND DECEMBER 8,**
6 **2025.**

7
8
9 **Members Present:** Barry R. Lawrence, Chair
10 John R. Broadway, Vice-Chair
11 Terone B. Green
12 Walter L. Johnson, Jr.
13 Joseph S. Massie, III

14
15 **Also Present:** Benjamin Blankinship, Secretary
16 Paul M. Gidley, County Planner
17 Sara Rozmus, County Planner
18 Kayla Shelton, Accounting Clerk
19

20
21 **Mr. Lawrence -** Good morning and welcome to today's Board of Zoning
22 **Appeals meeting.** For those who area able, will you please stand and join us in saying
23 **the Pledge of Allegiance.**

24
25 **[Recitation of Pledge of Allegiance]**
26

27
28 **Mr. Lawrence-** I guess I should have stated that it is the December 18, 2025,
29 **Board of Zoning Appeals meeting.** At this time Mr. Blankinship will
30 **now read our rules.**

31
32 **Mr. Blankinship-** Good morning, Mr. Chairman members of the board. Good
33 **morning to everyone who's in the room with us today.** I'd also like to welcome those who
34 **are joining us remotely on Webex.** If you wish to observe the meeting but you do not
35 **intend to speak, welcome and thank you for joining us.** For those of you on Webex who
36 **would like to speak, we need to know that in advance, so we can connect you at the**
37 **appropriate time.** So, if you are an applicant or if you have questions or comments on one
38 **of the cases, please press the chat button now.** It's located in the bottom right corner of
39 **the screen and when the chat window opens, please select Janaya Poarch from the list**
40 **of participants, and let her know your name and which case you're interested in.** The chat
41 **feature will only be used to identify speakers, so please do not type questions or**
42 **comments into a chat, but please send a chat to Janaya Poarch now.** So, for those of us
43 **in the room, as the Secretary I will call each case.** We ask everyone in the room who
44 **intends to speak to that case to stand and be sworn in.** Then for the conditional use
45 **permits and variances, a member of the Planning Department's staff will give a**
46 **presentation, then the applicant will speak, and then everyone else who wishes to speak**

47 in favor or in opposition will have an opportunity. We'll hear from citizens in the room first
48 and then from those on Webex. And after everyone has had a chance to speak, the
49 applicant and only the applicant will have an opportunity for rebuttal. This morning, we
50 also have one appeal on the agenda. For that case an assistant county attorney will speak
51 on behalf of the Planning Director, and then the appellant will present their case. Each
52 side will have a limit of ten minutes. And then anyone else who wishes to speak will be
53 given the opportunity with a time limit of three minutes. And there is no rebuttal on the
54 appeal. This meeting is being video recorded, and we will be transcribing minutes. So, for
55 those in the room, we will ask you to speak directly into the microphone on the lectern in
56 there in the rear of the room. We'll ask you to state your name and please spell your last
57 name, so we get it correctly in the record. And of course, once your case is over you're
58 free to leave, there's no need for you to stay for the rest of the meeting. We have all five
59 members present today.

60
61 **CUP-2025-102876 Vyacheslav Patsukevich: conditional use permit to build a**
62 **detached garage in the side yard at 10818 Staples Mill Road, Brookland. Parcel 761-**
63 **769-7110. Zoning: A-1, Agricultural District. Code Section: 24-4404.A.1.**

64
65 Mr. Blankinship- With that Mr. Chair, we do have one request for a deferral this
66 morning, that is **CUP-2025-102876 Vyacheslav Patsukevich: conditional use permit to**
67 **build a detached garage in the side yard at 10818 Staples Mill Road, in the Brookland**
68 **Magisterial District. Is there anyone here to represent that case or to speak in favor or in**
69 **opposition of that case? We do have one person on Webex, but it is not for this case. So,**
70 **Mr. Chair, this is a request to defer at request of the applicant, and a motion would be in**
71 **order.**

72
73 Mr. Lawrence- I'll see if any of my colleagues have any questions or wish to discuss
74 this deferral request before we make a motion. Hearing none, I will move that we defer
75 this request to January twenty-second as requested by the applicant, so he can bring the
76 property into compliance with the zoning ordinance. Mr. Broadway seconded the motion
77 by the chairman. All in favor? "Aye." Are there any opposed? The motion carries.

78
79 On a motion by Mr. Lawrence, seconded by Mr. Broadway, the Board **deferred case**
80 **CUP-2025-102876** to the January 22, 2026, public hearing.

81
82
83 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
84 **Negative: 0**
85 **Absent: 0**

86
87
88 **CUP-2025-102605 Eric Lawler for Meadow Road Soil Recycling, LLC: renew a**
89 **conditional use permit to extract sand and gravel at 2876 Meadow Road, Varina.**
90 **Parcels 842-720-0527 and 842-721-6751. Zoning: A-1, Agricultural District and C-1,**
91 **Conservation District. Code Sections: 24-4205 and 24-4327.**

93 Mr. Blankinship- Alright, so our first case on the agenda is **CUP-2025-102605** Eric
94 Lawler for Meadow Road Soil Recycling, LLC: a request to renew a conditional use permit
95 to extract sand and gravel at 2876 Meadow Road, in the Varina Magisterial District. Would
96 everyone who intends to speak to this case please stand and be sworn in. Raise your
97 right hand please. Do you swear the testimony you're about to give is the truth, the whole
98 truth and nothing but the truth, so help you God? Thank you. Ms. Rozmus.
99

100 Ms. Rozmus- Thank you, Mr. Blankinship. This is a request for a new conditional
101 use permit, continuing CUP-2023-100060, which was approved January 25, 2024. The
102 property lies east of Interstate 295 and extends from Meadow Road to the Chickahominy
103 River. The property to the east, 2980 Meadow Road, was used for a sand and gravel
104 borough pit from 1947 to 2004. Approximately one-fourth of a mile to the west, the
105 property at 2650 Lacywood Lane was used for a sand and gravel borough pit from 1990
106 to 2010. The property is separated from Meadow Road by a row of six houses built
107 between 1953 and 1971. The Briel Solar Farm is located on the south side of Meadow
108 Road. The total area of the property is 173.66 acres, of which 51.3 acres will be disturbed,
109 leaving 122.36 acres undisturbed. A substantial amount of the property is encumbered
110 by floodplains and wetlands. Both of these areas will not be disturbed. The access road
111 has been paved for the first 500 feet and is graveled beyond that distance. An operations
112 area, including equipment maintenance and fueling, is located near the eastern property
113 line approximately 1000 feet north of Meadow Road. Three sediment basins will be
114 constructed to the south, west, and north of the area to be excavated, and 30,000 cubic
115 yards of topsoil will be stockpiled on the site. According to the plans, the borrow area will
116 be excavated to an elevation of 108 to 112 feet. The highest elevation of the property is
117 152 feet, so the maximum depth of excavation will be forty-two feet.
118

119 The property is zoned A-1, Agricultural District and C-1, Conservation District. It complies
120 with the standards in article three and the proposed use is allowed by conditional use
121 permit. The two nearest dwellings are located along the western property line. These
122 houses are 400 to 500 feet from the area to be disturbed. Two other houses on that side
123 and six houses along Meadow Road are 800 to 1000 feet from the limits of disturbance.
124 Those neighbors may be able to hear heavy equipment when the extraction is underway,
125 but the impact could be mitigated by the distance, mature trees, as well as the limited
126 hours of operation. The property owner has also built a fence to create some more buffer
127 area in between the uses. Similar operations have been approved along Meadow Road
128 for many years. The final reclamation plan shows the maximum elevation only two feet
129 higher than the existing site. Impacts from noise will be limited and will be mitigated by
130 distance, mature trees, and limited hours of operation. If the board is satisfied after the
131 public hearing that any detrimental impacts would be mitigated, staff recommends
132 approval, subject to the conditions included in the staff report. And I can answer any
133 questions.
134

135 Mr. Lawrence- Thank you, Ms. Rozmus. Does anyone from the board have any
136 questions of Ms. Rozmus before we hear from the applicant?
137

138 Mr. Blankinship- Mr. Chair, I'll just add that I did leave one email message on the table
139 for you this morning. It pertains to this case and it's a statement of support from one of
140 the next door neighbors.

141
142 Mr. Lawrence- I'm assuming there's no asphalt.

143
144 Mr. Blankinship- Yes. I should mention that as well. In the draft report, for some
145 reason the word asphalt was left in the condition of what can be deposited on the site.
146 That should have been taken out, so there will not be any asphalt deposited on the site. I
147 apologize for the oversight. Mr. Lawler.

148
149 Mr. Lawler- Good morning, Board. My name is Eric Lawler L A W L E R and I'm
150 here to represent Meadow Road Recycling LLC. Staff has obviously have done a great
151 presentation as to what our intent is out there and I don't have anything further to add,
152 just looking for renewal of the conditional use permit for the next two years.

153
154 Mr. Lawrence- Thank you, Mr. Lawler. Does anyone from the board have any
155 questions of Mr. Lawler before we open it up for public comment if there is any? Okay,
156 hearing no questions at this time. Is there anyone here in the audience or on Webex that
157 wishes to speak in support of this request? We did receive a letter as Mr. Blankinship
158 mentioned previously. Is there anyone in the audience or on Webex that wishes to speak
159 an opposition to this request?

160
161 Mr. Blankinship- There's no one on Webex for this case.

162
163 Mr. Lawrence- Hearing none, I did have two questions for staff before we move
164 forward, if I could. Ms. Rozmus, if you could return to the podium. It seems like we were
165 just deliberating on this case not that long ago, and it looks like it was about two years
166 ago. Is that a typical time frame for these types of conditional use permits, two years?

167
168 Ms. Rozmus- Yes, two years is the time frame for renewal.

169
170 Mr. Lawrence- Okay. The only other question I had was, have we received any
171 complaints, from neighboring properties with respect to noise, dirt or... I know there were
172 some concerns, I think expressed a couple years ago. It's either this case or perhaps it
173 was a related case, about ground water issues. Have we had any concerns along those
174 lines?

175
176 Ms. Rozmus- No. Nothing from the neighbors.

177
178 Mr. Blankinship- There's a condition that provides for if anybody does feel like there's
179 been an impact on well water, there is a condition for how we will address that.

180
181 Mr. Lawrence- Okay, that's all I had. Does anyone else from the board wish to
182 address Ms. Rozmus on any issues? Okay. Hearing none, then if there's no more

183 discussion, it'd be appropriate to close the public hearing and to move forward with the
184 motion.

185
186 Mr. Johnson- Yes, I move that we approve of this conditional use permit, subject
187 to condition recommended by the staff. It is consistent with the comprehensive plan and
188 the zoning ordinance. The conditional use permit was approved two years ago. And there
189 have been no complaints or any violations regarding this property. Again, I move for
190 approval.

191
192 Mr. Lawrence- We have a motion by Mr. Johnson. Is there a second?

193
194 Mr. Broadway- Second.

195
196 Mr. Lawrence- Second by Mr. Broadway. All in favor say "Aye."

197
198 Board- Aye.

199
200 Mr. Lawrence- Is there any opposition? Motion carries.

201
202 On a motion by Mr. Johnson, seconded by Mr. Broadway, the Board **approved case**
203 **CUP-2025-102605** subject to the following conditions:

- 204
205 1. This conditional use permit is subject to all requirements of Section 24-4327 of the
206 Henrico County Zoning Ordinance.
207
208 2. Before land disturbance begins, the applicant must post a financial guarantee in
209 the approved form and in the amount of \$153,900 guaranteeing that the land will
210 be restored consistent with the Final Reclamation Plan. In the event of termination
211 of that financial guarantee, this permit will be void, excavation must cease, and the
212 applicant must restore the land consistent with the Final Reclamation Plan within
213 90 days. Termination of such financial guaranty will not relieve the applicant from
214 its obligation to indemnify the County of Henrico for any breach of the conditions
215 of this use permit.
216
217 3. Before land disturbance begins, the applicant must obtain approval of an
218 environmental compliance plan from the Department of Public Works (DPW),
219 including a financial guarantee in addition to the requirement above. All disturbed
220 topsoil must be stockpiled within the area approved to be disturbed and provided
221 with adequate erosion control protection. The applicant must continuously satisfy
222 DPW that erosion control measures are in accordance with the approved plan and
223 are properly maintained. As site conditions change, updated plans and financial
224 guarantees may be required as determined by DPW.
225
226 4. Before land disturbance begins, the applicant must maintain any required licenses
227 from the Virginia Department of Mines, Minerals and Energy.
228

- 229 5. Before land disturbance begins, the areas approved for mining under this permit
230 must be clearly delineated on the ground by five-foot-high metal posts, at least five
231 inches in diameter, painted in alternate one-foot stripes of red and white.
232
- 233 6. Throughout the life of this permit, the applicant must comply with the Chesapeake
234 Bay Preservation Act and all state and local regulations administered under such
235 act applicable to the property and furnish to the Planning Department copies of all
236 reports required by such act or regulations.
237
- 238 7. Activities that result in sound clearly audible beyond the property lines must be
239 limited to Monday through Friday, 6:00 am to 6:00 pm when Daylight Saving Time
240 is in effect and 7:00 am to 5:00 pm when Eastern Standard Time is in effect.
241 Activities that result in sound clearly audible beyond the property lines must not be
242 conducted on Saturdays, Sundays, or national holidays.
243
- 244 8. All access to the operation must be from the entrance onto Meadow Road shown
245 on the approved plans. The applicant must construct and maintain gates at the
246 entrance to the property, which must be locked at all times except when authorized
247 representatives of the applicant are on the property.
248
- 249 9. The applicant must post and maintain a sign at the entrance to the site stating the
250 name of the operator and a telephone number to contact in case of emergency.
251 The sign must be 12 square feet in area and the letters must be three inches high.
252
- 253 10. The applicant must post and maintain "No Trespassing" signs every 250 feet along
254 the perimeter of the property. The letters must be at least three inches high. The
255 applicant must authorize the Division of Police to enforce the "No Trespassing"
256 regulations and send a representative to testify in court if requested.
257
- 258 11. The applicant must post and maintain standard "Truck Entering Highway" signs on
259 each side of the entrance to the property from Meadow Road. The signs must be
260 at least 100 feet from the entrance and must be legible at a distance of 250 feet.
261
- 262 12. The applicant must post and maintain a standard stop sign at the entrance to
263 Meadow Road and must provide a flagman to control traffic from the site onto the
264 public road whenever the Division of Police deems necessary.
265
- 266 13. A water truck must be available on the site at all times and dust must be controlled
267 in accordance with the latest version of the Virginia Erosion and Sediment Control
268 Handbook.
269
- 270 14. Trucks must be loaded and covered to prevent spilling on any public road.
271
- 272 15. The applicant must maintain the property, fences, and roads in a safe and secure
273 condition until the excavation is completed and the property is reclaimed.
274

- 275 16. If, in the course of its operations, the applicant discovers evidence of cultural or
276 historical resources, or an endangered species, or a significant habitat, it must
277 notify appropriate authorities and provide a reasonable opportunity to investigate
278 the site. The applicant must report the results of any such investigation to the
279 Planning Department.
280
- 281 17. If evidence shows that the operation authorized by this conditional use permit has
282 an adverse impact on a water well, the owner of the well may request a hearing
283 before the Board. If the Board finds, after reviewing the evidence at a public
284 hearing, that the well was adversely affected by the fill operation, the applicant
285 must immediately cease operations until the problem has been corrected to the
286 satisfaction of the Board.
287
- 288 18. Open and vertical excavations having a depth of 10 feet or more for a period of
289 more than 30 days must be graded to a 2:1 slope or flatter to protect the public
290 safety.
291
- 292 19. A superintendent personally familiar with Section 24-4327 of the Zoning
293 Ordinance, as well as the terms and conditions of this use permit, must be present
294 at the beginning and conclusion of operations each workday to see that all the
295 requirements of the ordinance and conditions of this use permit are observed.
296
- 297 20. The operator must submit a quarterly report stating the origin, nature, and quantity
298 of any material deposited on the site, certifying that no hazardous material was
299 included. Only stone, bricks, tile, sand, gravel, soil, concrete and similar materials
300 may be deposited on the site, and they must not include any hazardous materials
301 as defined by the Virginia Hazardous Waste Management Regulations.
302
- 303 21. The applicant must submit a progress report to the Board on or about January 31,
304 2027. The progress report must identify the nature and amount of excavated
305 material taken from the site, the nature and amount of fill material brought to the
306 site, the acreage mined to date of the report, the acreage left to be mined, the
307 acreage reclaimed to date of the report, and the expected timeline for completion
308 of mining and reclamation.
309
- 310 22. Excavation must be discontinued by January 31, 2028, and restoration completed
311 by January 31, 2029, unless a new permit is granted by the Board of Zoning
312 Appeals.
313
- 314 23. The final grading of the site must be consistent with the approved reclamation plan.
315 The topsoil stockpiled on the site must be spread in a layer with five inches
316 minimum depth. If the site does not yield sufficient topsoil, additional topsoil must
317 be brought to the site to provide the required five-inch layer of cover. All topsoil
318 must be treated with a mixture of seed, fertilizer, and lime as recommended by the
319 County. Reclamation will not be considered complete until the disturbed area is
320 covered completely with permanent vegetation.

321
322 24. Failure to comply with any of the foregoing conditions will automatically void this
323 permit.
324

325
326 **Affirmative:** Broadway, Green, Johnson, Lawrence, Massie 5
327 **Negative:** 0
328 **Absent:** 0
329

330
331 **CUP-2025-102826 Eric Lawler for Slash Resources, LLC: renew a conditional use**
332 **permit to fill and reclaim a former sand and gravel site at 4220 New Market Road,**
333 **Varina. Parcel 833-680-7719. Zoning: A-1, Agricultural District. Code Sections: 24-**
334 **4205 and 24-4327.**
335

336 Mr. Blankinship- Thank you. Our second case is very similar, but in a very different
337 location. **CUP-2025-102826 Eric Lawler for Slash Resources, LLC: renew a conditional**
338 **use permit to fill and reclaim a former sand and gravel site at 4220 New Market Road, in**
339 **the Varina Magisterial District. Mr. Gidley.**
340

341 Mr. Gidley- Thank you, Mr. Secretary. Good morning, Mr. Chairman, members
342 of the board. The subject property is located off New Market Road, just south of Long
343 Bridge Road. Approximately twenty years ago sand and gravel was extracted from the
344 site, after which the site was stabilized with ground cover and three ponds were
345 established. Two years ago, the board approved a conditional use permit to allow filling
346 of one of those ponds. This is a picture of the pond in question right here and today's
347 request is for a renewal of this conditional use permit. As a reminder, the pond is
348 approximately thirty-eight feet below grade. They would be bringing in fill to bring it up to
349 fifty feet in elevation, which is similar to the surrounding land. They would eventually
350 increase this by nine feet, rising in a gentle slope to an elevation of fifty-nine feet. The
351 nine-foot elevation gain is not significant and wouldn't be noticeable from New Market
352 Road, which is near nearly 2,000 feet from the site. This is a picture of the entrance here.
353 Ground cover would be established and there are woodlands, as you can see here,
354 surrounding the site that would remain, so that also adds to the privacy.
355

356 In reviewing this request, the use is consistent with the comprehensive plan and the
357 zoning ordinance. The only dwelling within a half mile of the site is owned by the applicant.
358 Given this, along with the distance from New Market Road, staff does not anticipate any
359 significant impacts on the public. The only real impact would be the addition of roughly
360 fifty to eighty trucks per day, but that's on a road that handles roughly 1,800 trips per day.
361 In addition, I'd note the Capital Bike Trail is on the opposite side of New Market, so it
362 would not be impacted by any traffic coming from this site.
363

364 In conclusion, this is a renewal of an existing conditional use permit to fill a formal sand
365 and gravel pit. The maximum elevation would be nine feet above grade. Given the wooded
366 buffer that you can see here and the distance from New Market Road, it should blend into

367 its surroundings. The only impact would be the continuation of the existing truck traffic.
368 Staff has not received any complaints regarding this site. As a result, we can recommend
369 approval of this request, subject to the conditions in your staff reports. If you have any
370 questions, I'll be happy to answer those. Thank you.

371

372 Mr. Lawrence- Thank you, Mr. Gidley. Do you have a question, Mr. Johnson?

373

374 Mr. Johnson- Has there been any other operation of the site since twelve months
375 ago?

376

377 Mr. Gidley- Yes, they've done some work out there. This is the entrance road
378 here, which has been paved and some gravel was bought in. It doesn't really show here,
379 but they've cleared a path or basically a dirt road down to the edge of the pond. Some
380 more of the entrance road is here. So, it looks like it's more prep work is what they've
381 done. I don't think they've done a lot of filling into the pond. But the applicant can
382 obviously update you on that more than I can.

383

384 Mr. Johnson- Okay, thank you.

385

386 Mr. Lawrence- Did that answer your question?

387

388 Mr. Johnson- Yes.

389

390 Mr. Lawrence- I did have one question for you, Mr. Gidley. The staff report was very
391 thorough as always, but I was a little confused as we just issued or approved a conditional
392 use permit for this site February 2024. I understand that these are on a two-year cycle,
393 but we are being asked to approve a different activity than what was approved on the site
394 two years ago. Has something changed? That's what I'm trying to determine.

395

396 Mr. Gidley- Not that I'm aware of.

397

398 Mr. Blankinship- No, it's a renewal of the previous approval, and you'll see in the
399 conditions that we are carrying forward the February dates as the expiration, the annual
400 report, and the reclamation date. They just had the courtesy to apply a month or two in
401 advance, and so we got it on your agenda in case there's any kind of delay. That way
402 there wouldn't be any need for them to stop work between permits, if you will.

403

404 Mr. Lawrence- Okay, that's good forward thinking. We appreciate the applicant
405 getting ahead of the ball on this as well. Anyone else from the board have any questions?
406 Hearing none, we'll go ahead and hear from the applicant again.

407

408 Mr. Lawler- Good morning, again. My name is Eric Lawler L A W L E R and
409 here to speak on behalf of Slash Resources LLC. To answer your question, we have been
410 out there just doing the prep work. The site has received no material to date and the road
411 that you can see being cleared down into the basin is just again in preparation of receiving
412 material. We anticipate starting in quarter one of 2026 to the point of an early renewal. I

413 think that moving forward, both of these are going to be long term sites, and we're going
414 to be here every two years. I would like to meet on both of them at the same time, just to
415 cut down on coming back here. I don't know if you guys have any other questions.

416
417 Mr. Blankinship- Some place you'd rather be than here!

418
419 Mr. Lawrence- Thank you, Mr. Lawler. Does anyone else on the board have
420 any questions for Mr. Lawler? Hearing none, then we will open up the public hearing and
421 ask if there's anyone here to speak in support of the request. No one on Webex, I
422 assume?

423
424 Mr. Blankinship- Not for this case.

425
426 Mr. Lawrence- Okay, anyone here in the audience or on Webex that wishes
427 to speak in opposition of the case? Okay, hearing none, unless there is further discussion
428 by the board, I think we're ready to have a motion, Mr. Johnson?

429
430 Mr. Johnson- Yes. I move that we approve this conditional use permit
431 subject to the conditions recommended by the staff. It is consistent with the
432 comprehensive plan and the zoning ordinance. Also, this conditional use permit was
433 approved two years ago, and there have been no complaints of any violations regarding
434 this property. Again, I move for approval.

435
436 Mr. Lawrence- Thank you, Mr. Johnson. We have a motion by Mr. Johnson
437 to approve this case. Do I hear a second?

438
439 Mr. Broadway- Second.

440
441 Mr. Lawrence- We have a second from Mr. Broadway. Is there any
442 discussion? Hearing no discussion, all in favor of Mr. Johnson's motion, say "Aye."

443
444 Board- Aye.

445
446 Mr. Lawrence- Is there anyone opposed? The case is approved. Thank you,
447 Mr. Lawler.

448
449 Mr. Lawler- Thank you, gentlemen.

450
451 On a motion by Mr. Johnson, seconded by Mr. Broadway, the Board **approved case**
452 **CUP-2025-102826** subject to the following conditions:

- 453
454 1. This conditional use permit is subject to all requirements of Section 24-4327 of the
455 Henrico County Zoning Ordinance.
456
457 2. Before land disturbance begins, the applicant must post a financial guarantee in
458 the approved form and in the amount of \$94,500 guaranteeing that the land will be

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restored consistent with the Final Reclamation Plan. In the event of termination of that financial guarantee, this permit will be void, excavation must cease, and the applicant must restore the land consistent with the Final Reclamation Plan within 90 days. Termination of such financial guaranty will not relieve the applicant from its obligation to indemnify the County of Henrico for any breach of the conditions of this use permit.

3. Before land disturbance begins, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works (DPW), including a financial guarantee in addition to the requirement above. All disturbed topsoil must be stockpiled within the area approved to be disturbed and provided with adequate erosion control protection. The applicant must continuously satisfy DPW that erosion control measures are in accordance with the approved plan and are properly maintained. As site conditions change, updated plans and financial guarantees may be required as determined by DPW.
4. Throughout the life of this permit, the applicant must comply with the Chesapeake Bay Preservation Act and all state and local regulations administered under such act applicable to the property and furnish to the Planning Department copies of all reports required by such act or regulations.
5. Activities that result in sound clearly audible beyond the property lines must be limited to Monday through Saturday, 7:00 am to 6:00 pm when Daylight Saving Time is in effect and 7:00 am to 5:00 pm when Eastern Standard Time is in effect. Activities that result in sound clearly audible beyond the property lines must not be conducted on Sundays or national holidays.
6. All access to the site must be from the existing entrance onto New Market Road. The applicant must construct and maintain gates at the entrance to the property, which must be locked except when authorized representatives of the applicant are on the property.
7. The applicant must post and maintain a sign at the entrance to the site stating the name of the operator and a telephone number to contact in case of emergency. The sign must be 12 square feet in area, and the letters must be three inches high.
8. The applicant must post and maintain standard "Truck Entering Highway" signs on each side of the entrance to the property from New Market Road. The signs must be at least 100 feet from the entrance and must be legible at a distance of 250 feet.
9. The applicant must post and maintain a standard stop sign at the entrance to New Market Road and must provide a flagman to control traffic from the site onto the public road whenever the Division of Police deems necessary.

- 504 10. A water truck must be available on the site at all times. Dust must be controlled in
505 accordance with the latest version of the Virginia Erosion and Sediment Control
506 Handbook.
507
- 508 11. Trucks must be loaded and covered to prevent spilling on any public road.
509
- 510 12. The applicant must maintain the property, fences, and road in a safe and secure
511 condition until the property is reclaimed.
512
- 513 13. If, in the course of its operations, the applicant discovers evidence of cultural or
514 historical resources, or an endangered species, or a significant habitat, it must
515 notify appropriate authorities and provide a reasonable opportunity to investigate
516 the site. The applicant must report the results of any such investigation to the
517 Planning Department.
518
- 519 14. If evidence shows that the operation authorized by this conditional use permit has
520 an adverse impact on a water well, the owner of the well may request a hearing
521 before the Board. If the Board finds, after reviewing the evidence at a public
522 hearing, that the well was adversely affected by the fill operation, the applicant
523 must immediately cease operations until the problem has been corrected to the
524 satisfaction of the Board.
525
- 526 15. A superintendent personally familiar with Section 24-4327 of the Zoning
527 Ordinance, as well as the terms and conditions of this use permit, must be present
528 at the beginning and conclusion of operations each workday to see that all the
529 requirements of the ordinance and conditions of this use permit are observed.
530
- 531 16. The operator must submit a quarterly report stating the origin, nature, and quantity
532 of any material deposited on the site, certifying that no hazardous material was
533 included. Only stone, bricks, tile, sand, gravel, soil, concrete and similar materials
534 may be deposited on the site, and they must not include any hazardous materials
535 as defined by the Virginia Hazardous Waste Management Regulations.
536
- 537 17. The applicant must submit a progress report to the Board on or about February 28,
538 2027. The progress report must identify the nature and amount of fill material
539 brought to the site, the acreage reclaimed to date of the report, and the expected
540 timeline for completion of reclamation.
541
- 542 18. Filling must be discontinued by February 28, 2028, and restoration completed by
543 February 28, 2029, unless a new permit is granted by the Board of Zoning Appeals.
544
- 545 19. The final grading of the site must be consistent with the approved reclamation plan.
546 The topsoil stockpiled on the site must be spread in a layer with five inches
547 minimum depth. If the site does not yield sufficient topsoil, additional topsoil must
548 be brought to the site to provide the required five-inch layer of cover. All topsoil
549 must be treated with a mixture of seed, fertilizer, and lime as recommended by the

550 County. Reclamation will not be considered complete until the disturbed area is
551 covered completely with permanent vegetation.

552
553 20. Failure to comply with any of the foregoing conditions will automatically void this
554 permit.

555
556
557 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Massie** **5**
558 **Negative:** **0**
559 **Absent:** **0**

560
561 Mr. Lawrence- These cases can sometimes be a little bit controversial and
562 generate a considerable concern from the public, and as you can see today, it looks like
563 you guys are running a clean operation and we appreciate that.

564
565 Mr. Lawler- We intend to do so moving forward.

566
567 Mr. Lawrence- Thank you.

568
569 My Lawler- Thank you, guys.

570
571 **CUP-2025-102832 Michael Anliker: conditional use permit to build a detached**
572 **garage in the side yard at 11129 Opaca Lane, Three Chopt. Parcel 748-772- 8341.**
573 **Zoning: A-1, Agricultural District. Code Section: 24-4404.A.1.**

574
575 Mr. Blankinship- Alright, the next case is **CUP-2025-102832 Michael Anliker:**
576 **conditional use permit to build a detached garage in the side yard at 11129 Opaca Lane,**
577 **in the Three Chopt Magisterial District. Would everyone who intends to speak to this case**
578 **please stand and be sworn in. Raise your right hand, please. Do you swear the testimony**
579 **you're about to give us the truth, the whole truth, and nothing but the truth to help you**
580 **God? Thank you. Ms. Rozmus.**

581
582 Ms. Rozmus- Thank you sir. The subject property is located about a quarter
583 of a mile east of the intersection of Hickory Park Drive and Nuckols Road. The two-acre
584 lot is improved with a two-story colonial style home. The land is zoned A-1, Agricultural
585 District and the home was constructed in 2018. The applicant has applied for a conditional
586 use permit to construct a detached garage in the side yard. The driveway to the home is
587 situated on the northeast side of the lot, and the concept plan submitted with the
588 application shows the garage positioned to the east, the left side of the house. Several of
589 the surrounding properties have detached accessory structures, many visible from Opaca
590 Lane, including the immediate neighbor who has a garage of a similar size. For the
591 proposed garage to be compatible with the surrounding character, it should be consistent
592 with the design and materials of dwellings and the garages across the neighborhood.
593 Here's the house across the street on either side and they have a brick exterior, similar
594 to the applicant's house. The lot is heavily wooded, which provides a natural buffer for the
595 proposed garage and the garage will be over one hundred feet from the primary residence

596 of the adjoining neighbor and approximately fifty feet from that neighbor's garage. If the
597 materials and design are consistent with the homes in the neighborhood and the location
598 of the garage, with the surrounding tree buffer, staff does not anticipate any detrimental
599 impacts to the surrounding area and recommends approval subject to the attached or the
600 included conditions in the staff report. I can answer any questions you have.

601
602 Mr. Lawrence- Thank you, Ms. Rozmus. Does anyone from the board have
603 any questions for staff? Ms. Rozmus, I have a question or two. I ride by this intersection
604 daily, sometimes more than that. I'm trying to remember, does Opaca Lane no longer...
605 The staff report mentions the intersection of Twin Hickory Lane and Nuckols Road. Does
606 Opaca Lane no longer connect to Nuckols?

607
608 Ms. Rozmus- It connects to Hickory Park. I don't believe it connects directly
609 to Nuckols. I think that there's a street in between.

610
611 Mr. Blankinship- Yeah, you can see here that. The end of Opaca, which used
612 to go all the way out to Nuckols, now turns to meet Hickory Park Drive at a right angle,
613 and Hickory Park Drive then meets Nuckols at a right angle.

614
615 Mr. Lawrence- This sounds like part of that big subdivision that was approved
616 several years ago. So much construction and development is going on out there that it
617 seems I can't keep up.

618
619 Ms. Rozmus- Yeah.

620
621 Mr. Lawrence- I've lived there for thirty-eight plus years and am still getting a
622 little confused sometimes. The other question I had, Ms. Rozmus, just out of curiosity, if
623 we get a request for a garage, and I know it requires a conditional use permit to be in the
624 side yard. If it's in the rear yard, it doesn't. What if the garage is attached to the house? If
625 the applicant had come in and asked to construct a garage that met the setbacks, would
626 that require a conditional use permit or does that simply require a building permit?

627
628 Ms. Rozmus- Just a building permit to be attached. We would consider that
629 part of the primary structure.

630
631 Mr. Blankinship- But it has to meet the principal structure setback. So, in this
632 case, it would have to be twenty feet from the side lot line, whereas this building could be
633 five feet from the side lot line.

634
635 Mr. Lawrence- Because it's an accessory structure. Okay. All right, thank
636 you. Anyone else have any questions for Ms. Rozmus? Okay, hearing none, we will go
637 ahead and hear from the applicant.

638
639 Mr. Anliker- Good morning members of the board. My name is Mike
640 Anliker That's A N L I K E R. I'm here requesting your approval to build a two-car detached
641 garage, the purpose being storage of riding mowers, yard equipment, additional parking.

642 We have a large, two-acre wooded lot, so this would be located well off the street. Some
643 landscaping and trees partially block the view of the garage from the street. Construction
644 would be hardy plank, which, same color, autumn tan that matches the rear elevation
645 upper side of the home, with dimensional shingles matching the existing roof of the
646 existing home, as well as a same color matching, light garage door, what the existing
647 home has. Several homes on the street do have detached garages. Our neighbor next
648 door has a three-car detached garage. It's a larger structure, and a couple of out buildings.
649 A couple that are located pretty close to or on our lot line.

650
651 Mr. Lawrence- Thank you Mr. Anliker. Any questions from the board to Mr.
652 Anliker? Any questions, Mr. Green?

653
654 Mr. Blankinship- I have one question, if I may. Would you mind bringing up the
655 building plan? I think we asked you during the process, but I just wanted to confirm it for
656 the board's purposes. The elevations show a small window inside what would be a second
657 floor, but there is there's no second floor of this garage, is that correct?

658
659 Mr. Anliker- That's correct. There's no second floor, that window is just for
660 architectural appearance as well as to bring more light into the space, so it is open to the
661 first floor below.

662
663 Mr. Blankinship- And Mr. Chair, I'll just add that we do have a neighbor who is
664 following on Webex, but who is not interested in speaking to the case. They have no
665 concerns or objections, but they did want to observe the process.

666
667 Mr. Lawrence- They're probably considering something similar.

668
669 Mr. Blankinship- They could be.

670
671 Mr. Lawrence- Mr. Anliker, I did have one question for you. I'm assuming that
672 staff pointed out to you that if you were to construct this in your rear yard, it would not
673 require a conditional use permit. And it looks like you do have a substantial space there
674 to do that; Is that something you considered or?

675
676 Mr. Anliker- It is something that we could consider. The location we've
677 chosen is preferable, it aligns with our neighbor's garage, so it does help to block some
678 of their garage and a lot of the storage of ladders and buckets and things that they have
679 on the side of their garage.

680
681 Mr. Lawrence- Thank you, and your rear lot also has a lot of vegetation, is
682 that correct?

683
684 Mr. Anliker- It's a wooded area, and there are some wetlands further back.
685 There's a creek that runs the along the back of our property.

686

687 Mr. Lawrence- And you discussed this with your neighbors? There wasn't any
688 problem, is that correct?
689

690 Mr. Anliker- I have not discussed it with neighbors. No, but I haven't had
691 any problems with them or issues.
692

693 Mr. Lawrence- Okay, thank you. Is there anyone? Any other questions from
694 the board? Hearing none, is there anyone either in the audience or on Webex who wishes
695 to speak in support of this case? Okay, is there anyone in the audience or Webex that
696 wishes to speak in opposition to this case. Okay, hearing none, unless there's further
697 discussion from the board, I think we're ready for a motion.
698

699 Mr. Green- Mr. Chair, I rode by the property it looks two acres, but in
700 reference to your question about putting it back versus the side, I think that's just a
701 preference. I wouldn't want to walk all the way here to back to my car. I just think that's a
702 sense of personal preference and it looks consistent. So, with that I move that we approve
703 this conditional use permit, subject to the conditions recorded by staff. It is consistent with
704 the comprehensive plan in its zoning ordinance. The garage will be compatible with the
705 neighborhood. The yard is heavily wooded, which protects the privacy of the neighbors.
706 Also, he may want to put a pool back there. That allows him to help him to put a pool
707 without being by his garage. I don't know anything. I'm just assuming.
708

709 Mr. Anliker- I don't have any intentions for a pool back there. We like the
710 wooded lot, in fact, moving the garage further back probably would require removing more
711 trees to locate it on the side. Whereas the area we're intending to locate it is actually
712 already pretty clear.
713

714 Mr. Green- It's a personal preference.
715

716 Mr. Lawrence- That's the answer I was looking for. Thank you. We have a
717 motion from Mr. Green. Do we have a second?
718

719 Mr. Johnson- Second.
720

721 Mr. Lawrence- Second by Mr. Johnson. All in favor say "Aye."
722

723 Board- Aye.
724

725 Mr. Lawrence- Is there anyone opposed? Hearing none the motion carries.
726 Thank you, sir.
727

728 On a motion by Mr. Green, seconded by Mr. Johnson, the Board **approved case CUP-**
729 **2025-102832** subject to the following conditions:
730

731 1. This conditional use permit authorizes a detached garage in the side yard. All other
732 applicable regulations of the County Code remain in force.

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- 2. This conditional use permit applies only to the garage shown on the plot plan and building design filed with the application. Any substantial changes or additions to the design or location of the garage will require a new conditional use permit. Any additional improvements must comply with the applicable regulations of the County Code.
- 3. The new construction must match the existing dwelling as nearly as practical in materials and color.
- 4. The applicant must obtain a building permit for the proposed detached garage within two years of the date of approval (by December 18, 2027), or this conditional use permit will expire. If the building permit is cancelled or revoked after that date due to failure to diligently pursue construction, this conditional use permit will expire at that time.

Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5
Negative: 0
Absent: 0

Mr. Blankinship- The last conditional use permit, as it's only been thirty minutes, but case 102876 has been deferred to the January meeting. So that concludes the conditional use permit portion of our agenda. We move on to variances.

VAR-2025-102657 Hewey Jung: variance from the front yard setback to build a front porch at 105 N Fern Avenue, Highland Springs, Varina. The applicant has 10 feet front yard setback where the Code requires 35 feet front yard setback. The applicant requests a variance of 25 feet front yard setback Parcel 823-725-1843. Zoning: R-4, One-Family Residence District. Code Section: 24-3105.E.1.

Mr. Blankinship- The first is **VAR-2025-102657** Hewey Jung a variance from the front yard setback to build a front porch at 105 N Fern Avenue, in Highland Springs, in the Varina Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hand, please. Do you swear the testimony you're about to give us the truth, the whole truth, and nothing but the truth so help you God? Thank you. Ms. Rozmus, is this you again?

Ms. Rozmus- Thank you, sir. The subject property is located on North Fern Avenue 900 feet northeast of the intersection with Nine Mile Road. The property is part of the Highland Springs subdivision, which was established in 1937. The 0.13-acre property is improved with a single story, ranch-style home, built in 1963. The area is zoned R-4, One-Family Residence District and is characterized by single-family homes on fifty-foot-wide lots, many of which have been combined. The applicant has applied for a variance to build a sixteen by eight-foot front porch, which would extend into the front yard

779 setback. When the dwelling was built, the zoning ordinance required a twenty-five-foot
780 setback and a front stoop was allowed to extend into that setback. Since the dwelling was
781 built, the zoning ordinance has changed to require a thirty-five-foot setback. The variance
782 requested is to alleviate a hardship that has resulted from the zoning code that was
783 changed and reduced the setback requirement that was lawful when the dwelling was
784 built in 1963. Part of this request is evaluation of the threshold requirements for a
785 variance. The first requirement may have been met. The application in terms of the
786 ordinance would unreasonably restrict utilization of the property. While a thirty-five-foot
787 front yard setback is generally reasonable, a small number of the houses on Fern Avenue,
788 including the immediate neighbors on either side of the property, were built with a twenty-
789 five-yard setback. You can see that these neighbors also have front porches. It may be
790 considered unreasonable to enforce a setback that is not met by surrounding houses.
791 The second threshold requirement is the variance would alleviate a hardship. This test
792 has been met, when the dwelling was built in 1963, the code required a twenty-five-foot
793 setback, and the stoop was allowed to extend into that setback. Now with a thirty-five-foot
794 setback, this resulted in a hardship for the construction of a house that was constructed
795 before the zoning ordinance change. Since this meets at least one of the threshold tests,
796 we evaluated the additional five subtests. Staff concluded that many of the houses that
797 were built on Fern Avenue, including the ones on either side, were constructed prior to
798 1963 and reflect the setback requirement of twenty-five feet. We evaluated the impact of
799 the front porch on the surrounding properties and since the immediate surrounding
800 neighbors both have front porches, the additional impact is going to be minimum, if any,
801 including the dwellings on the opposite side.

802
803 So, in conclusion, this case does meet some of the legal requirements for a variance. The
804 owner is unable to improve the property in a manner similar to adjoining neighbors of the
805 property. The hardship is due to a change in the zoning ordinance. The applicant did not
806 cause the hardship and staff does not anticipate any detrimental impacts from the
807 proposed porch. The conditions are specific to this lot, the use is allowed and no other
808 relief is available. Staff recommends approval subject to the attached conditions in the
809 staff report. And I can answer any questions.

810
811 Mr. Lawrence- Thank you, Ms. Rozmus. Does anyone from the board have
812 any questions for Ms. Rozmus?

813
814 Mr. Johnson- No. Not right now.

815
816 Mr. Lawrence- Okay, hearing none, we will hear from the applicant?

817
818 Mr. Jung- Good morning, board. My name is Hue Jung J U N G.

819
820 Mr. Blankinship- You do pronounce the J, I apologize.

821
822 Mr. Jung- It's kind of like a jungle without the "le" on it. Yeah, so I'm
823 seeking approval... my wife's been after me for me years to put a front porch on so she
824 can actually sit outside. The neighboring houses protrude at least ten feet plus further

825 than mine does. We're looking to build a porch that's going to have matching siding and
826 asphalt shingles. That way it blends right in. And I'm open to any questions, if y'all have
827 any.

828
829 Mr. Lawrence- Mr. Johnson, do you have some questions?

830
831 Mr. Johnson- Yes. Building the front porch on it. How far is that to the main
832 road? And how far is your porch coming out?

833
834 Mr. Jung- I was looking to do eight feet out from the front and then
835 sixteen feet wide left to right. I believe the current setback, I think on the property, is like
836 twenty-four or twenty-five feet from the road.

837
838 Mr. Johnson- Twenty-five, okay. Now is that your house? Is that in line with
839 the houses next to you? Are you in line with that?

840
841 Mr. Jung- So the front of my house, the neighbor to the left of my house
842 at 107, the front of their house protrudes out about eleven-and-a-half feet from the front
843 of my property or structure to theirs, and then 103 North Fern comes out about ten, ten-
844 and-a-half feet to the front of their structure, their porch.

845
846 Mr. Blankinship- So you'll still be behind that.

847
848 Mr. Jung- Correct, I'll be at least two feet less than my right neighbor,
849 and then my left neighbor, I'll be about four feet less. So, my porch will not be extending
850 out past anybody.

851
852 Mr. Johnson- Okay, yeah, that's what I was interested in. Okay, thank you.

853
854 Mr. Blankinship- I do have one question. Who chose the purple shutters?

855
856 Mr. Jung- Well, the idea is we're planning on changing the vinyl siding
857 to like a slate gray, so a gray and purple theme. But that was my wife.

858
859 Ms. Rozmus- I love it.

860
861 Mr. Green- Ms. Rozmus, could you go back to that picture with his name
862 on the left? Yes, I think to answer Mr. Johnson's question, you can clearly see how it will
863 come out Mr. Johnson, if you can see that?

864
865 Mr. Johnson- Oh, yes.

866
867 Mr. Green- So it fits.

868
869 Ms. Rozmus- And you can see on the aerial as well, his house is set back a
870 little further from the road than the house is on either side. So, his porch is definitely not

871 going to be nearly as close to the road as that immediate neighbor. It's going to look a
872 little closer to the neighbor on this side.

873
874 Mr. Lawrence- Thank you, Ms. Rozmus. Anyone else on the board have any
875 questions of the applicant or Ms. Rozmus, while she's at the podium. Okay, hearing no
876 questions, at this time, we will ask if there is anyone in the audience or on Webex who
877 wishes to speak in favor of this case. Is there anyone in the audience or on Webex that
878 wishes to speak in opposition of this case?

879
880 Mr. Blankinship- There is no one on Webex for this case.

881
882 Mr. Lawrence- Okay, thank you, sir. Hearing none, unless there's further
883 discussion from the board, Mr. Johnson, I think we're ready for a motion.

884
885 Mr. Johnson- Yes, for a motion, I move that we approve this subject to the
886 conditions recommended by our staff as well. And that their hardship was created when
887 their setback was increased. Now, other houses have front porches close to the street
888 and it is unreasonable to enforce different standards for this property. The other tests are
889 met and stated in the report. Again, I move for approval.

890
891 Mr. Lawrence- We have a motion for Mr. Johnson to approve this case. Do I
892 hear a second?

893
894 Mr. Broadway- Second.

895
896 Mr. Lawrence- Okay, second by Mr. Broadway. Is there any discussion?
897 Hearing none, all in favor of the motion say "Aye."

898
899 Board- Aye.

900
901 Mr. Lawrence- Is there any opposition? Motion carries.

902
903 On a motion by Mr. Johnson, seconded by Mr. Broadway, the Board **approved case**
904 **VAR-2025-102657** subject to the following conditions:

- 905
906 1. This variance applies only to the front yard setback requirement for one dwelling
907 only. All other applicable regulations of the County Code remain in force.
908
909 2. This variance applies only to the front porch shown on the plot plan and building
910 design filed with the application. Any substantial changes or additions to the design
911 or location of the porch will require a new variance. Any additional improvements
912 must comply with the applicable regulations of the County Code.
913
914 3. The porch must match the existing dwelling as nearly as practical in materials and
915 color.
916

917 4. The applicant must obtain a building permit for the proposed front porch within two
918 years of the date of approval (by December 18, 2027) or this variance will expire.
919 After that date, if the building permit is cancelled or revoked due to failure to
920 diligently pursue construction, this variance will expire at that time.
921

922
923 **Affirmative:** Broadway, Green, Johnson, Lawrence, Massie 5
924 **Negative:** 0
925 **Absent:** 0
926

927
928 **VAR-2025-102884 Kenneth Parham for Jackie L. Allen: variance from the public**
929 **street frontage requirement and lot width requirement to build a single-family**
930 **dwelling at 2013 Byron Street, Martin Annex, Fairfield. The applicant has 47 feet lot**
931 **width and 47 feet public street frontage, where the Code requires 50 feet lot width**
932 **and 50 feet public street frontage. The applicant requests a variance of 3 feet lot**
933 **width and 3 feet public street frontage. Parcel 800-734-6893. Zoning: R-4, One-**
934 **Family Residence District. Code Sections: 24-4306.E.1 and 24-6402.A.2.**
935

936 **VAR-2025-102885 Kenneth Parham for Jackie L. Allen: variance from the front yard**
937 **setback, side yard setback, public street frontage requirement, lot area**
938 **requirement, and lot width requirement to allow a single-family dwelling to remain**
939 **at 2011 Byron Street, Martin Annex, Fairfield. The applicant has 5,075 square feet**
940 **lot area, 35 feet lot width, 35 feet public street frontage, 20 feet front yard setback,**
941 **and 3 and 4 feet side yard setbacks; where the Code requires 6,000 square feet lot**
942 **area, 50 feet lot width, 50 feet public street frontage, 35 feet front yard setback, and**
943 **7 feet side yard setback. The applicant requests a variance of 925 square feet lot**
944 **area, 15 feet lot width, 15 feet public street frontage, 15 feet front yard setback, and**
945 **4 feet side yard setback. Parcel 800-734-6893. Zoning: R-4, One-Family Residence**
946 **District. Code Sections: 24-3105.E.1, 24-3105.E.5, 24-4306.E.1 and 24-**
947 **6402.A.2.**
948

949 Mr. Blankinship- The next two cases are companion variances. There are two
950 lots right next door to each other. So, with your permission, we'll hold one public hearing
951 for both cases. But there will be separate motions and separate votes of the two
952 variances. So, the two cases are **VAR-2025-102884 and VAR-2025-102885** both are
953 Kenneth Parham for Jackie L. Allen. The first is the variance in the public street frontage
954 requirement and the lot width requirement to build a new single-family dwelling that would
955 be at 2013 Byron Street the other is from the front yard setback and side yard setbacks,
956 public street requirement, lot area requirement and lot width requirement to allow an
957 existing dwelling to remain at 2011 Byron Street. Both are in Martin Annex and both are
958 in the Fairfield Magisterial District. Would everyone who intends to speak to these two
959 cases please stand and be sworn in. Raise your right hand, please. Do you swear the
960 testimony you're about to give is the truth, the whole truth, and nothing but the truth, so
961 help you God. Thank you. And we do have one speaker on Webex who wishes to speak
962 to these two cases. Mr. Gidley.

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Mr. Gidley- Thank you, Mr. Secretary. These are two companion cases, as you noted located on Byron Street. As you can see from the aerial, most of the homes in the area are located on one and a half or two lots that taken together comply with the requirements of the zoning ordinance for older lots. And that is the case for the subject property. It's located on two lots, lots four and lot five that taken together comply with the lot area, lot with and public street frontage requirements for older non-conforming lots. The applicant would like to sell each of the two lots separately, one of which, lot five, contains an existing home, and lot four is vacant, and he would be proposing to build this home right here on that property. The problem is neither lot by itself complies with the zoning ordinance requirements for lot width or public street frontage. In addition, the lot containing the home also does not comply with the requirements for lot area. And that's true even going by the old standards for non-conforming lots. As a result, the proposed division would put both lots in violation of the lot width requirements, the public street frontage requirement, and lot five containing the home would also be in violation of the lot area requirements. Variances for front yard and side yard setbacks are also being requested for the existing home.

In reviewing this request, as you know, one of the threshold tests needs to be met. Staff actually believes the second one is met. The subdivision was platted in 1924, prior to the first zoning ordinance, and so the adoption of minimum lot area and lot with requirements in 1958 meant that the vacant lot was no longer buildable. In addition to meeting one of the threshold tests, however, under the Code of Virginia, you need to meet all five of the so called subtests. First, staff believes this is a self-created hardship because the two lots have been combined for over fifty years. And taken together these lots are legal under the standards for non-conforming lots in Henrico County. It is the proposal to divide them that is creating the hardship and creating the problem, changing the situation that has existed for fifty years. So, staff believes this is a self-created hardship. Secondly, if you look at the distance between the homes out here, except for some corner properties, these homes are on one-and-a-half or two lots. So, there's a certain amount of spaciousness, which can contribute to privacy and value for the people in the neighborhood. It would be detrimental to go against this pattern and start putting homes on lots that don't meet standards under the zoning ordinance. It would also result in decreased privacy for the adjacent home. Finally, the Board of Supervisors has addressed such lots as these with the standards for non-conforming lots. As a result, the two lots combined, even though smaller than the existing R-3 standards, are nonetheless legal, because the board has adopted these standards for older lots. This situation is common in these older neighborhoods and the reduced standards established by the Board of Supervisors should be respected.

In conclusion, last year the applicant purchased a home on two lots that comply with the lot area and lot with standards of the zoning ordinance, similar to many of the other homes on the block. He wishes to separate these two lots which would result in neither being in compliance with the zoning ordinance. There is currently no hardship, one would only exist if the lots were separated. As a result, staff believes this as a self-created hardship. The proposal also goes against a relatively spacious pattern in the neighborhood and

1009 crowds the adjacent home. As a result, staff does recommend denial of these requests.
1010 If you have any questions, I'll be happy to answer those.

1011
1012 Mr. Massie- What kind of opposition do you have?

1013
1014 Mr. Gidley- I don't know of the person on Webex right now what their
1015 position is. I've not received any emails or calls on this case. Except for wanting basic
1016 information, you know, people see the sign.

1017
1018 Mr. Green- I have two questions. One, you said that something should be
1019 respected. What did you mean by that?

1020
1021 Mr. Gidley- Yes sir. There are a lot of neighborhoods in the county with a
1022 lot of these smaller, older lots, and the Board of Supervisors, you know... We've tried to
1023 keep them legal over time as we go forward, even with newer codes that have larger
1024 requirements for lot width and lot area. So, the board has consistently, not only under our
1025 older zoning ordinance, but even the new one, provided for reduced standards for lot
1026 width and lot area in these neighborhoods, which kind of sets a floor for what people
1027 should have. And in the case of, you know, lots that were approved by the county, a
1028 subdivision that was reviewed and approved by the county. Those are legalized basically
1029 and carried forward, because we approved those. If it is a case like this neighborhood
1030 that was not reviewed and approved by the county, there are still reduced standards that
1031 enable many of these lots to still be legal, non-conforming lots. They don't meet the
1032 current standards, but they nonetheless remain legal, and that's the case here where you
1033 can see people piece together one and a half or two lots. And so, a lot of these properties
1034 don't meet the current R-3 standards, but they're nonetheless legal lots when combined.
1035 And that was what the Board of Supervisors was trying to provide, avoid a situation where
1036 people are viewed as being in violation. I mean basically what you have is legal, even
1037 though it doesn't meet the current standards. And I think they've come through and
1038 established certain minimums in a district, and if we allow people who have two lots, which
1039 is common in this area, to all of a sudden start coming in and creating their hardship and
1040 saying I want to split it off, even though it doesn't meet the reduced standards, the board
1041 has set kind of a floor. You know, at that point it's kind of going against where the Board
1042 of Supervisors was when they carried that over with the new zoning ordinance. It's
1043 something numerous boards over decades have carried forward, because they believe in
1044 these kind of base minimum standards as such.

1045
1046 Mr. Green- I have two other questions. The county, the Board of
1047 Supervisors, has come through and said that you can build on smaller lots. Does this fit
1048 that?

1049
1050 Mr. Blankinship- The R-5B District.

1051
1052 Mr. Green- Does this fit that?

1053
1054 Mr. Gidley- The R-5B?

1055
1056 Mr. Blankinship- The R-5B Yeah, the new zoning district that was just adopted.
1057
1058 Mr. Gidley- Okay.
1059
1060 Mr. Blankinship- I believe that is what Mr. Green is asking.
1061
1062 Mr. Green- Hold on because we've approved these little, tiny houses on
1063 real small lots. So, does this, under the new rule, can this lot be subdivided too?
1064
1065 Mr. Gidley- And typically what you've approved is where there's no option,
1066 there's no house and there's really no option.
1067
1068 Mr. Green- It doesn't matter. The county said that they can... Is that in the
1069 standard? Or is it just that they can build on smaller lots? What is it?
1070
1071 Mr. Blankinship- Well I mean it is the board's responsibility to look at each of
1072 these cases on its own merits and whether there's a house there or there's not a house,
1073 whether you're allowing an existing house to remain, building a second house. There
1074 have been cases similar to that that have been approved as well. I think the distinguishing
1075 factor here is that this lot is only thirty-five ft wide where the code would require fifty. To
1076 address your earlier question though, the R-5B district would allow a lot as narrow as
1077 thirty feet. But I doubt that the board would. That we would be able to support a rezoning
1078 of just this one property to R-5B where everything else around it is R-4. They would try to
1079 be more consistent than that given the texture of the neighborhood and the density of the
1080 surrounding houses, the lot widths, setbacks. I don't think this would be a case where
1081 they would take just that one piece of property and rezone it.
1082
1083 Mr. Lawrence- Isn't that called spot zoning Mr. Blankinship?
1084
1085 Mr. Blankinship- Yes, that would be spot zoning.
1086
1087 Mr. Green- My question is, what you gave us months ago, the county said
1088 you can build, you can put houses on smaller lots.
1089
1090 Mr. Blankinship- If you rezone to that district. Yeah. There is a new zoning. If
1091 the property owner would apply to rezone and the Planning Commission would make a
1092 recommendation and the Board of Supervisors would ultimately make the decision.
1093
1094 Mr. Green- So this individual, this applicant has not tried to do that.
1095
1096 Mr. Blankinship- Right.
1097
1098 Mr. Green- But other cases where we've allowed smaller houses, those
1099 houses are built on smaller lots. They have done that?
1100

1101
1102 Mr. Blankinship- They have not gone through the rezoning process. No. There
1103 have been a couple of neighborhoods, new subdivisions that are under construction or
1104 will soon be under construction that have been approved with that rezoning, but they've
1105 taken, you know, a five- or ten-acre piece of property and rezoned the whole thing.
1106
1107 Mr. Green- No. What I'm saying is, I remember, I think it was the same
1108 area where somebody's come in and just plopped one of those little tiny houses.
1109
1110 Mr. Blankinship- There have been cases like that that this board has approved,
1111 and some staff have recommended approval and some staff have recommended denial.
1112
1113 Mr. Massie- I'm outside the neighborhood; I want to build this house in this
1114 area. I don't know anything about the neighborhood, but I decide I want a house. He has
1115 a house there, he's had a house there for years. He already knew the rules.
1116
1117 Mr. Green- Maybe, maybe not. I don't know. We can't assume anybody
1118 knows it. I don't know all of all of those zoning rules, that's why I'm asking. Maybe he,
1119 and I'm not trying to defend him, I'm just asking a question because I'm just trying to
1120 understand. Maybe he saw, because I think it was in that same, that little, tiny house go
1121 up. On that little, tiny lot, he figured, well, hell I'm going to try to do the same thing.
1122
1123 Mr. Blankinship- Right.
1124
1125 Mr. Green- I don't know.
1126
1127 Mr. Blankinship- Yeah, there have been some near here that were approved,
1128 and some of those the staff recommended denial for the same reasons.
1129
1130 Mr. Green- And we approved them. And the real question is, ones that
1131 were, the one that we approved, is that on a smaller lot than what he's proposing or is it
1132 the same size or bigger? I guess what I'm getting I'm confused if the county came in and
1133 said you can build houses on these small little, tiny lots, I think a lot of people trying to
1134 take advantage of that. And you can't blame somebody who's trying to take advantage of
1135 that when the county said, you can do it, right?
1136
1137 Mr. Blankinship- And so the question becomes how small is too small?
1138
1139 Mr. Green- Some of those cases we, some of those it's thrown on little
1140 lots. I'm just trying to understand.
1141
1142 Mr. Gidley- In some cases too, it goes back to whether or not you have
1143 an existing house, have a use or have no use whatsoever, too.
1144
1145 Mr. Green- But is that addressed with this county, the standard of the
1146 information that you gave us? Is that addressed, because I can't remember if I read it.

1147
1148 Mr. Gidley- That gets more to this board's responsibility in looking at these
1149 situations on a case-by-case basis. You have a better argument if you don't have any
1150 house on it and you don't have a vacant lot next to it. You can't buy any other lot to, you
1151 know, make the situation right. In this case, he has an existing house that's been there
1152 for fifty plus years on these two lots, similar to the other lots in the neighborhood. So,
1153 there is an existing use, which makes for a weaker argument from staffs perspective.
1154
1155 Mr. Green- That is because if in fact I own a house and someone wants
1156 to build a little tiny house next to my house, then I already have an existing house just
1157 because he has an existing house, you know, I think it looks like he's just trying to; just
1158 build a, another house, I guess we have to get into that later. But what I'm saying is that
1159 the county has come in and said you can take these little, tiny lots and put houses on
1160 them. And we're seeing people take full advantage of them.
1161
1162 Mr. Gidley- In some cases, yes.
1163
1164 Mr. Green- But they're taking full advantage of that. It was the first time
1165 I've heard it well, but you already have a house there, so you shouldn't be able to, put
1166 another house next to it. But what's the difference between somebody that's doing that
1167 with a house that's already next to it that's not theirs.
1168
1169 Mr. Blankinship- Well, the reason we're here is that the county has said you
1170 cannot build a house on this piece of land. If he came in to see if he could get a building
1171 permit on this lot and the answer was no, because it's too small.
1172
1173 Mr. Green- So he can't get a building permit?
1174
1175 Mr. Blankinship- Unless he gets a variance. So, one of the things you consider
1176 with the variances, are we taking this person's property? You know, that's kind of the
1177 fundamental purpose of a variance is to prevent the zoning ordinance from taking people's
1178 property. And that's why the fact that he has a house is significant, because there is
1179 already substantial value in this land. It's not like a case where they cannot make any
1180 reasonable use of a piece of property.
1181
1182 Mr. Green- So other individuals who have come in here for these little,
1183 tiny lots, that's gotten building permits or they're getting us to get a variance.
1184
1185 Mr. Blankinship- Yes, they have to get a variance. They wouldn't be here if they
1186 hadn't already been told no.
1187
1188 Mr. Gidley- And typically they just have a vacant lot and they have no
1189 house or ability to acquire additional land.
1190
1191 Mr. Green- I hate to say it, but it may be somebody else. If I have a house
1192 and it's a little tiny lot that somebody owns, I'm going to take issue with potentially

1193 somebody putting a house right next to my house that's little, tiny piece of land. So, you
1194 know, I'm just trying to understand the difference between if he owns it versus if somebody
1195 else owns it, you know, because I think that it's more egregious if you throw a house next
1196 to somebody else's house, because then you get into potentially where it is and having...

1197
1198 Mr. Gidley- Well that's one of the points we've made.

1199
1200 Mr. Green- We've gone through this because of something I'm very
1201 conscious of now, because we heard a case one time where somebody built the house
1202 and depending upon where it is, everybody's address may have to change, you know and
1203 I don't, that's bad. I mean, if you were 1201 and, and now all of a sudden you got to go to
1204 1203, I mean you've got to notify everybody that your address is changed. Your mail and
1205 all that stuff gets confused, so I'm just trying to make sure that we we understand that and
1206 it's not to say that it is, but if this is approved, does this impact any address changes or is
1207 it the same or a new address.

1208
1209 Mr. Blankinship- This will not impact the address.

1210
1211 Mr. Green- That's one of the most important things I learned before, and
1212 I don't think you were on the board at the time, but we did do it and someone built the
1213 house, and then it caused everybody else's address to change. Well, that's not fair. God,
1214 I wouldn't want my address to change. Mail comes and stuff gets confused. So, I'm just
1215 trying to understand this little blueprint. I think the problem is when the county approved
1216 these little, tiny lots, people just get taken advantage of.

1217
1218 Mr. Blankinship- Oh, these, these were never approved by the county. That's
1219 the problem here. This was reviewed and this was subdivided before the county had any
1220 review process. These lots were never reviewed and approved by the county.

1221
1222
1223 Mr. Green- With that information you gave us I thought it was Henrico
1224 County.

1225
1226 Mr. Blankinship- The new zoning district has been created so people can apply,
1227 and it's really intended for projects five or ten acres. And it's really building, you know,
1228 twenty or thirty houses on small lots. It's not meant to rezone one lot in the middle of a
1229 neighborhood in order to have twice the density on that lot that you have on every other
1230 lot.

1231
1232 Mr. Green- Two or three meetings ago, somebody came, I think within the
1233 same area, I think Byron Street because I remember I used to own a rental property on
1234 Byron Street. I'm always conscious of that, that this guy that always comes in and puts
1235 up. They put up this little, tiny house, it was \$450,000 because the thing I remember, he
1236 talked about that's affordable housing or \$450,000 is not a to me affordable housing. But
1237 if it was a little tiny thing. And the other question I have, can you go back to the picture?
1238 Because it looks like it's more of an accessory dwelling unit size, then it is a house. What

1239 does the county consider that? What's the difference between that and an ADU? And are
1240 people now going to start trying to take these little tiny lots and put up and claim them as
1241 houses.

1242

1243 Mr. Blankinship- It is not much bigger than an ADU. What is the floor area, do
1244 you remember, Mr. Gidley? It's not in the report?

1245

1246 Mr. Gidley- I don't have that right offhand in front of me. And, and again,
1247 the difference in Mr. Rempe says there was no other use there, which gets back... Yes,
1248 that's an important difference.

1249

1250 Mr. Green- My next point is, because I can see the trend going is if I got
1251 an empty lot as opposed to building an ADU behind me, now I'm going to build an ADU
1252 beside me and try to.

1253

1254 Mr. Gidley- They can't build on that, they can't build an ADU.

1255

1256 Mr. Green- Well, this looks like an ADU.

1257

1258 Mr. Gidley- It does look like an ADU.

1259

1260 Mr. Green- What's the square footage for an ADU?

1261

1262 Mr. Gidley- ADU stands for accessory dwelling unit.

1263

1264 Mr. Green- But what is the square footage? ADU versus this house
1265 Because to me, this looks like an ADU.

1266

1267 Mr. Gidley- There is no ADU here though, so there is no square footage.

1268

1269 Mr. Blankinship- What is the floor area of the proposed house? The existing
1270 house is only 912. So, you know 800 would be the max for an ADU.

1271

1272 Mr. Gidley- Thirty-three by thirty-six so roughly 1,000 square feet.

1273

1274 Mr. Blankinship- How much?

1275

1276 Mr. Gidley- Well that includes a deck and it says thirty-three by thirty-six,
1277 but it looks like the main house would be roughly 1,000 square feet.

1278

1279 Mr. Lawrence- But an ADU doesn't have a kitchen?

1280

1281 Mr. Blankinship- An ADU does, the guest house does not.

1282

1283 Mr. Gidley- It's rather small like an ADU as Mr. Green says here, but it
1284 would not be an accessory drawing unit because it would have to be on its own lot, but
1285 those own lots.
1286
1287 Mr. Lawrence- Does our ordinance have any requirements for square
1288 footage to be considered a house.
1289
1290 Mr. Gidley- It used to, it does not currently.
1291
1292 Mr. Blankinship- The zoning ordinance does not, there are building code
1293 requirements that you have to meet. But you can meet them in a pretty small unit.
1294
1295 Mr. Green- I guess the other question, I want to make sure is that we
1296 don't... 'cause some people can figure things out pretty quick. Somebody can say, well,
1297 I'm going to just take that lot that I have and I claim it's a house, but just throw a little ADU
1298 up there and then you got, you know, a little tiny ADU which should be behind the house
1299 now next to the house, and pond that off as a three-bedroom, \$400,000 house.
1300
1301 Mr. Blankinship- Well, it's one of the requirements the Board of Supervisors put
1302 in place when they added ADUs to the ordinance is you cannot put an ADU on a non-
1303 conforming lot. So, they could not apply for an ADU.
1304
1305 Mr. Green- Well he's not. He's applying for a house that looks like an
1306 ADU. Technically it could be an ADU and he's saying it's a house. An ADU has the same
1307 thing a house has, right?
1308
1309 Mr. Blankinship- An ADU is a complete dwelling unit, yes.
1310
1311 Mr. Green- So the ADU is a house.
1312
1313 Mr. Blankinship- It's not the same as the house, but it contains the same
1314 elements.
1315
1316 Mr. Massie- Can we hear from the gentleman.
1317
1318 Mr. Lawrence- I had a couple of questions. Do you have a question, Mr.
1319 Johnson?
1320
1321 Mr. Johnson- Yes. Also it mentioned that he had that he had, a forty-seven-
1322 foot width and forty-seven but also, it mentioned that the requirement was fifty feet, which
1323 is only three feet.
1324
1325 Mr. Gidley- Yes, sir. There are two lots we're dealing with here. It's zoned
1326 R-4, the standard R-4 lot with today is sixty-five feet. As I said earlier, the board's adopted
1327 reduced standards for these older lots to accommodate these. And so in the R-4 district,
1328 that's a fifty-foot lot width requirement for older R-4 lots. In this case the two lots put

1329 together here are, let's see, that seventy, well, that's eighty-two feet, so it complies with
1330 the lot width requirement. Taken together, but separately, as you can see here, neither
1331 lot would meet those requirements. Neither lot would comply with the reduced fifty feet
1332 for these older lots that the board adopted. One, as you noted Mr. Johnson, is forty-seven
1333 feet. The lot containing the existing home, that's only thirty-five feet, so it's fifteen feet shy
1334 of even the reduced standards the board adopted for these older lots. And that's one of
1335 the reasons this requirement would require two variances for lot width. Because neither
1336 a lot by itself would comply, whereas together they meet the standards of the zoning
1337 ordinance.

1338
1339 Mr. Johnson- Okay.

1340
1341 Mr. Green- We're taking this in this two. Is something that we're missing
1342 that we're gonna hear in the other part of the conversation?

1343
1344 Mr. Blankinship- I'm sorry?

1345
1346 Mr. Green- Remember you combined them.

1347
1348 Mr. Blankinship- Yes, right. One case is for the new house being built. The
1349 other is to allow the existing house on a lot only thirty-five ft wide. So we will have two
1350 motions and two votes. Because they would, you know, they're two slightly separate
1351 questions, but they're very obviously very closely related

1352
1353 Mr. Green- We haven't heard the second question.

1354
1355 Mr. Blankinship- We're having one public hearing for both.

1356
1357 Mr. Lawrence- Mr. Gidley, I had a couple questions before we move on and
1358 hear from the applicant. How many of the houses on the block...? Do you know how many
1359 of the houses on the block are sited on single lots as opposed to double lots?

1360
1361 Mr. Gidley- If you look at the, the only two on either side of this block here
1362 were the two end units here were each on a single lot. All these other lots are one-and-
1363 a-half or two lots.

1364
1365 Mr. Lawrence- So those are corner lots where you wouldn't have a, a
1366 neighbor on one side being affected by the sideways.

1367
1368 Mr. Gidley- Yes sir. And so you can see there's pretty good distance
1369 between the homes on the inside.

1370
1371 Mr. Lawrence- And what are the square footages? And side yard setbacks
1372 on most of these lots in the neighborhood, do most of these lots conform to.

1373

1374 Mr. Gidley- These larger lots comply with the lot width and I believe the
1375 lot width requirements for older nonconforming lots. Again, these are the standards the
1376 Board of Supervisors have carried forward over the decades in our different ordinances.
1377
1378 Mr. Lawrence- Those other lots meet those standards?
1379
1380 Mr. Gidley- Yes sir.
1381
1382 Mr. Lawrence- And the last question I have is, are you aware of any variances
1383 we've approved for a lot situation like this in this neighborhood previously?
1384
1385 Mr. Gidley- There was one down the road that was vacant and they just
1386 owned a lot and I believe staff recommended approval of that, because assuming it's not
1387 detrimental in the nearby property, we want people to be able to have use of their
1388 property.
1389
1390 Mr. Blankinship- There was one that had a house on it and the house had been
1391 demolished like three years previously.
1392
1393 Mr. Gidley- Yeah, I think that was this one here too, which was another
1394 reason we backed it.
1395
1396 Mr. Blankinship- Really, each of these cases is each its own.
1397
1398 Mr. Lawrence- I understand.
1399
1400 Mr. Green- Mr. Gidley, that house on a corner, is that that Pemberton and
1401 Byron? That's a tiny lot especially when you look at the side. So, is that one of the newer
1402 ones that have gone up on one of those? That's not one of those newer ones that's gone
1403 up on those small kinds of lots?
1404
1405 Mr. Gidley- No sir, those have been there for decades.
1406
1407 Mr. Massie- It's not as close to that next house either.
1408
1409 Mr. Gidley- Right, there's space between this house and over here there's
1410 a lot of space between these two.
1411
1412 Mr. Green- So if you were to draw a line, I guess if you were to draw a
1413 line, and I'm not advocating for anything. I'm just trying to understand if you draw a line
1414 down the middle of that would that be the same basic size as that little that house on the
1415 corner?
1416
1417 Mr. Gidley- One of the lots would be similar. The lot with the existing
1418 house would be smaller because it's only thirty-five feet.
1419

1420 Mr. Green- And what I'm saying, if you see where you'd get your arrow, if
1421 you were to draw the line straight down, would that be the same size as the house on the
1422 corner?
1423
1424 Mr. Blankinship- No.
1425
1426 Mr. Green- Okay.
1427
1428 Mr. Blankinship- It would be a smaller lot.
1429
1430 Mr. Massie- Which is the closest to the next house.
1431
1432 Mr. Blankinship- And that house was built in 1954.
1433
1434 Mr. Green- Right, right, right. Just trying to understand. Thank you.
1435
1436 Mr. Gidley- Yes sir.
1437
1438 Mr. Lawrence- Any other questions for Mr. Gidley? Hearing none, we will
1439 hear from the applicant. Sir.
1440
1441 Mr. Parham- Yes, my name is Kenneth Parham. Last name P A R H A M
1442 and thank you guys for literally making my point. I mean, the gentleman right here hit it
1443 right on the nose. The house that you were referring to that got put on a smaller lot that
1444 was literally, thirty feet pretty much, and the guy, the gentleman that one of you spoke
1445 about, took five feet from each side. And put a two story, basically you can call it a Habitat
1446 for Humanity looking house that looks like it belongs to Richmond off of Brookland Park
1447 or something like that and basically, he got clearance to do it. I don't know what he did
1448 and how he did it, but yeah, I guess he did what he was supposed to do, came down here
1449 and presented this case with you guys. And I know the board has always been fair to me
1450 about anything I've done. I've been in that same neighborhood for almost seventeen
1451 years, and I've done thirty projects over there. The house that's right up the corner of
1452 Austin and Byron, that house literally sits to the side. The front of the house is in the back.
1453 It doesn't have any backyard more than five feet. Somebody literally made it so that house
1454 could sit there almost like a trailer, but it's actually a house. We bought that renovated
1455 and sold it. Little backstory on what I do. I have a company that specializes in getting
1456 single mothers homes in their affordable price range. This house that we're trying to put
1457 over there, it's kind of because we're really running out of space to put anything anywhere,
1458 and that's why the house is a smaller house. We're trying to stop from building more two
1459 stories because more seniors are needing one-story houses. So, our thing is we want to
1460 fit whatever the guy down the street fit, because he literally bought a lot nobody wanted
1461 him to put it there at all. And like I said, I know almost every person in that neighborhood
1462 because I've done over fifteen houses in that neighborhood with building brand new from
1463 the ground up, we've renovated, we've torn down and put up other houses. We could just
1464 take the house that's beside it, tear it down, build whatever we wanted. But at the same
1465 time, what's the point of wasting that much money just to say we're going to build

1466 something in the condition of something that happened over a hundred years ago?
1467 Somebody decided to say, hey, this is a double lot. Now, even if you look at the address
1468 situation, the address is already there for 2013. We have 2011, 2013 is second in line
1469 and 2015 is the other house that's right beside us. So, the house was already zoned to
1470 put a house there, and from. What it looks like on the survey. It literally looks like a house
1471 used to be there. I got my survey done from Youngblood and Tyler and Associates. And
1472 they literally said that there was supposed to be a house there. However, whatever
1473 happened in between that time, I guess the zoning thing for that time frame said you could
1474 only build this here if you had that three-foot issue. We are less than three feet away from
1475 having the actual clearance per the actual, you know, code to build a whole house there.
1476 And what we're asking is kind of like what the gentleman said. We own both lots. So
1477 instead of putting the ADU in the back and telling the lie and saying, hey, man, we have
1478 no intention of letting anybody build it back there to where they are, they're going to do
1479 whatever they want to do with it once we sell it to them. But yet still we could have said,
1480 okay, well, let's build a monstrosity. Let's build the biggest house right there because we
1481 got the lot right beside it, and we still could make as much money as we want. But in this
1482 case, it's not about money. It's about conforming to the neighborhood, and I helped build
1483 that neighborhood for over fifteen, seventeen years. So, we saved that actual whole area
1484 from the foreclosure market and that's why I finally got to where the homes in that area
1485 are actually getting sufficient equity for what they actually are. And it's a nice area, great
1486 area. And like I said, I've placed almost twenty families in that area. Great, great thing you
1487 got people walking the kids and in the strollers and the dogs and all that people started
1488 jogging through there, man, I'm proud of that area. So, when I say, I would never put
1489 anything over there that would make it look like I'm not conforming to the community that
1490 I helped build. I almost feel like I lived there because I've been there so long.

1491
1492 Mr. Massie- What's the name of your organization?
1493

1494 Mr. Parham- I'm with Kings and Queens Royal Realty. You'll see my
1495 partner's name Jackie Allen, he's a retired guy from Philip Morris, took his equity. Took
1496 his money 401K money and all that and wanted to go into real estate and help out younger
1497 females get homes. We pretty much got the same ambition, same goal.
1498

1499 Mr. Massie- So you've been doing this for fifteen years?
1500

1501 Mr. Parham- I'm actually a licensed real estate agent too.
1502

1503 Mr. Massie- I'm talking about you've been doing this for?
1504

1505 Mr. Parham- Twenty-three years.
1506

1507 Mr. Massie- I got you.
1508

1509 Mr. Green- Mr. Gidley, could you address that, that there was an address
1510 next to it? Is that how you understand that?
1511

1512 Mr. Blankinship- I can answer that. There is a computer program that measures
1513 the distance between driveways and assigns addresses. And so, you'll see in a lot of new
1514 neighborhoods, you have every four rather than every two where you'd think, you know,
1515 because if the lot's wide enough that the computer program says there's space in here,
1516 you know, the assumption is that it's based on a specific distance.

1517
1518 Mr. Massie- That's the computer not necessarily.

1519
1520 Mr. Blankinship- Right.

1521
1522 Mr. Lawrence- Mr. Parham, do you live in, do you reside in the existing house
1523 that's there?

1524
1525 Mr. Parham- Oh, no sir. I actually build and, you know, basically make sure
1526 they get to the right people, given to the right people. We do a lot of our own financing or
1527 helping them get financing and basically getting them grants and all the other things to
1528 help them to be more affordable.

1529
1530 Mr. Lawrence- Do you reside in the neighborhood?

1531
1532 Mr. Parham- No, sir. I actually don't. I actually buy and sell there. Yeah, I
1533 saw this when I was working, I don't know if you were familiar with Bill Talley Ford. I was
1534 working there during the recession of 2008 and 2009, and we basically were able to buy
1535 up almost anything we wanted to get and make it a house that we could have made a lot
1536 of money off. But at the same time, our first house was on Martin Avenue and that kind
1537 of goes with what we do over there. We sold a house to an older female who had
1538 retirement money, but she was living in an apartment over there off of Laburnum near
1539 where I worked at. We bought a foreclosure over there, put the money in it and placed
1540 her over there. Within the same fifteen years we sold a house to her sister on the back
1541 street, which is actually Waverley Blvd. And we sold her daughter a house right off of
1542 Austin. That's the house that sits sideways that's right across the street from Byron.

1543
1544 Mr. Lawrence- Have you had any conversations with... because there isn't
1545 an adjoining property owner that would be directly affected if this house were constructed,
1546 this variance were approved. There would be a pretty narrow setback between the new
1547 house and the existing house that's there now, not the one that you own, but on the
1548 other... Have you had any conversations with that property owner? Have they had any
1549 objections or problems with...?

1550
1551 Mr. Parham- I don't know who you have on the phone, but if you're
1552 speaking on 2015, which is the house that's in between the gap, yeah, I've spoken to her,
1553 but it wasn't even about anything about this. I'm actually supposed to be trying to do a
1554 renovation for them...if they want to give the guy that we had doing a loan for them. So,
1555 I'm trying to get their house up to code and stuff. I know they have a tarp on the top and
1556 have a little issue with the rain and stuff going on, but not anything about this issue. But
1557 we're trying to give them an additional five feet, which is what y'all did for the Highland

1558 Street thing, where they only have like five feet in between each house. Right now, they're
1559 sitting on a zero setback. They don't even meet the requirement to have that house.
1560 They're per the code that you're speaking on. And literally, when the gentleman was
1561 speaking about the house across the street, you could literally take that house that's right
1562 across from that lot, pick it up, put it right in that space, and it wouldn't affect anything. It
1563 would literally fit right in the middle of that lot. So that's why I'm saying, everything over
1564 there is a high spot. Your zone and lines aren't literally true. Everything over there has
1565 been made to fit, and it's literally, you can walk and measure it and none of that stuff fits.
1566 The only house that's close to what we have is a house that's like the block going towards
1567 Mechanicsville Turnpike, and they have a double lot. That's about the only other one over
1568 there that literally fits what we have. And they have enough space to put a house between
1569 theirs. I mean gentlemen, we pretty much run into the whole issue of we're just running
1570 out of space and people are building homes, like you said in the back of their house, and
1571 they're telling your board, hey, we'll never rent it out. We'll never sell it to somebody and
1572 we're getting to the point that, like you said, some addresses are going to end up
1573 changing. People are going to go and get the mail and things to where, yeah, they can
1574 mail it straight to that property and all that because we're literally running out of space.

1575
1576 Mr. Massie- Sir, we appreciate you.

1577
1578 Mr. Lawrence- I understand.

1579
1580 Mr. Green- One point of clarification. I think that we need... we're running
1581 into dangerous territory when we ask people if they live in the neighborhood. The
1582 gentleman that builds those houses in that neighborhood all the time, Caucasian, we
1583 never asked him, does he live in a neighborhood?

1584
1585 Mr. Lawrence- I think I asked that question.

1586
1587 Mr. Green- Hold on, hold on, hold on, excuse me, excuse me, excuse me,
1588 and I think we need to not ask people if they live in the neighborhood. You know, because
1589 we don't ask that,,, if that's the case, then next time that individual comes in here, I'm
1590 going to ask him, does he live in the neighborhood?

1591
1592 Mr. Lawrence- That's fine, Mr. Green.

1593
1594 Mr. Green- I don't think it matters, because we're looking at the quality of
1595 what they're building, we're looking at the integrity and just as that gentleman that does
1596 come in here and build those houses, I've been on this board for almost eight, nine years.
1597 Yep, seven, eight years. I've never heard a complaint, he builds quality houses, I'm not
1598 necessarily agreeing with the prices of the houses, but I will never ask him if he lives in
1599 the neighborhood. I'm looking at the quality, integrity and what he has.

1600
1601 Mr. Lawrence- Mr. Green, you can ask what questions you want to ask and
1602 I'll ask which I want to ask. But I think it's important for us to know what the intent was

1603 when acting on a case. If you don't want to ask that question, that's fine. But I think it's a
1604 legitimate question.

1605
1606 Mr. Green- We need to be careful of asking folks, cause we don't ask, if
1607 we're going to ask questions, we need to be consistent in the questions that we ask. If
1608 you're going to ask the African-American if he lives in the neighborhood, we need to ask
1609 the Caucasian if he lives in the neighborhood.

1610
1611 Mr. Lawrence- I agree.

1612
1613 Mr. Green- Period. And we have never asked that person who builds
1614 these tiny houses, so as an African-American I get offended when people single that out.

1615
1616 Mr. Lawrence- Well I'm sorry if I offended you, sir...

1617
1618 Mr. Green- Yes, you did.

1619
1620 Mr. Lawrence- But I certainly wasn't singling out any ethnic group. I'd ask that
1621 question of anyone that came before us.

1622
1623 Mr. Green- But we've never asked that question of the person that has
1624 been through here a hundred times.

1625
1626 Mr. Lawrence- I believe I have, sir.

1627
1628 Mr. Massie- Thank you, sir.

1629
1630 Mr. Johnson- Thank you.

1631
1632 Mr. Blankinship- And we do have one speaker on Webex who has been waiting
1633 patiently to be here. Can we connect the speaker on Webex, please, staff?

1634
1635 Ms. Winston- Good morning,

1636
1637 Mr. Blankinship- Good morning.

1638
1639 Ms. Winston- How you doing? I was just waiting patiently, I'm the property
1640 ..., which is right next to that property

1641
1642 Mr. Blankinship- I'm sorry, can you tell us your name, please?

1643
1644 Ms. Winston- My name is April Winston.

1645
1646 Mr. Blankinship- Thank you. And where did you say you lived?

1647

1648 Ms. Winston- 2003 Byron Street. It's like literally next door. The address is
1649 off, but, I am with upgrade the area. I just got some stuff done myself. I also served as a
1650 medical foster home for the veterans. I take care of veterans out here. So not only I've
1651 been living there twenty something years, I'm also working out of my house. My own
1652 concern is the safety of... I met him... kind of sort in a bad way and so we have a court
1653 date coming up where he had pulled a firearm and that's my only concern as far as
1654 upgrading the area yes, but that particular person if I have to deal with that person, is a
1655 no for me. Again, I'm a medical foster home for Virginia serving veterans, so that's for the
1656 safety reasons why I say I opposed.

1657

1658 Mr. Green- Which is your property that you're talking about?

1659

1660 Ms. Winston- 2003 Byron Street.

1661

1662 Mr. Green- Where is that Mr. Gidley?

1663

1664 Ms. Winston- Like right next to it.

1665

1666 Mr. Blankinship- Yeah, it's the one yeah the label doesn't show there, but it's
1667 just to the left. It's just to the left of the existing house where the where the label Martin
1668 Annex is. Yes.

1669

1670 Ms. Winston- It was like a driveway between the properties, that's mine.

1671

1672 Mr. Gidley- Right there.

1673

1674 Mr. Blankinship- That's her property.

1675

1676 Mr. Green- So you're opposed to this project?

1677

1678 Ms. Winston- Yes until we go to court again, it's for safety purposes. I own
1679 the license to take care of veterans out of here. For safety reasons, we have a court day
1680 coming up in February. It's supposed to have been this month. They delayed it.

1681

1682 Mr. Green- Excuse me, just I'm trying to understand. The person that's
1683 speaking now, the gentleman who wants to build a house. You're opposed to him building
1684 a house because of a personal issue that you and he have.

1685

1686 Ms. Winston- He was on the property, the lady that was unaware.

1687

1688 Mr. Green- Yes or no? Yes or no?

1689

1690 Ms. Winston- So what I'm saying if he's going to be over there on an existing
1691 project and we got a case coming up when he already pulled the gun and I was unaware
1692 of what was going on. That could have been my patient. I take care of dementia people.

1693 I'm just saying for safety reasons. I don't oppose the project. I oppose the, I guess the
1694 builder, because I'm a female that have to live here and take care of people. Sorry.

1695
1696 Mr. Green- Okay, let me ask you the question. If another person came in
1697 and said they wanted to build that house on that lot, not this gentleman, what would your
1698 position be?

1699
1700 Ms. Winston- I would question that because that's the same way I got
1701 property in the back of my house, but I had to do an add on. You can't do certain buildings,
1702 and I went through all that, I went through that.

1703
1704 Mr. Massie- Ma'am, you just said you don't oppose the project, is that
1705 right? Didn't you just say that you do not oppose the project. Is that correct?

1706
1707 Mr. Blankinship- Staff, have we lost our connection?

1708
1709 Ms. Winston- I'm right here.

1710
1711 Mr. Blankinship- Okay, sorry.

1712
1713 Mr. Green- You said you opposed the individual.

1714
1715 Ms. Winston- I'm hearing other voices. I apologize.

1716
1717 Mr. Green- Let me ask you a question. You oppose the individual but not
1718 the project is that correct?

1719
1720 Ms. Winston- No I oppose both. What I'm saying is I went through and
1721 added to my house I had to add on, that's like somebody bring another house. We already
1722 have issues like where the property's so close. If that's Kenneth talking, I'd rather not talk.
1723 I'm going to answer the questions, but for safety reasons and I'm going to leave it at that.
1724 Again, it's something in order for a firearm of this gentleman. I don't know. We go to court
1725 in February again, that's why I'm on here because I have to move into veterans.

1726
1727 Mr. Green- Miss, Miss, with all due respect, and which you're just trying
1728 to be respectful, you own a piece of property, and we really listen to what the neighbors
1729 and people who own property have to say. What I'm hearing is that you do not particularly
1730 want this particular person to build because of an issue that is pending, which we can't
1731 get into. But you, you said earlier, you're not opposed to the project, but then you say you
1732 are opposed to the project because of the individual. If this person were removed and
1733 someone, John Doe wanted to build that house or the gentleman who we talk about that
1734 builds these houses on these projects and he, he were to come build, would you have a
1735 problem with that? Yes or no?

1736
1737 Ms. Winston- I would, yes, as an existing owner of a house and I need more
1738 space myself, I could buy that lot. Y'all just said it's two different lots right? I'm just asking.

1739
1740 Mr. Gidley- She's concerned about space she said.
1741
1742 Mr. Blankinship- As well.
1743
1744 Mr. Green- At first, she said she didn't have a problem. She just has a
1745 problem with the gentleman.
1746
1747 Ms. Winston- But I'm doing a medical foster home and I could use more
1748 space. I did an add on, I had to go through zoning. I had to go through all that. What I'm
1749 saying, if that can be added in and you put in another house or whatever, that's my
1750 concern.
1751
1752 Mr. Blankinship- Alright, we've heard you ma'am. Anything else?
1753
1754 Ms. Winston- That was the main thing safety and just, you know, the line of
1755 putting another existing house, again because if the property could be for auction or
1756 whatever, you understand what I'm saying if that's the case if it's space in the back then
1757 I know I can ask them could they be or something else, I don't know I don't know the, you
1758 know, the situation, but those are my concerns.
1759
1760 Mr. Green- One other question I had, I'm not trying to delay. When, when
1761 that house was built on the corner, which is a small house down the street ... 'cause we
1762 just heard a case a couple months ago where somebody building the same thing. Were
1763 you opposed to that?
1764
1765 Ms. Winston- Say that again, you said a house did what?
1766
1767 Mr. Green- There was a similar house built or is a similar house coming
1768 up down the street on a corner. Were you opposed to that house being built?
1769
1770 Mr. Gidley- She's not going to be familiar with it. It's a totally different
1771 thing. She has no firsthand knowledge.
1772
1773 Ms. Winston- I didn't see a weekly... in an empty lot is what I'm saying.
1774 That's like wow, we can really go out here and just start building something? That's what
1775 I'm asking. That's why I said I'm like trying to understand and not opposed for that reason
1776 because you re asked me another way. So I was just...
1777
1778 Mr. Massie- I have one question for you that's important to me. Ms.
1779 Winston, I think I know you. I'm attorney Massie. Were you one of my clients before?
1780 Attorney Massie. Did I represent you? I represented an April Winston.
1781
1782 Ms. Winston- Is somebody asking me something? It's a lot of voices on this.
1783
1784 Mr. Massie- Can you hear me now?

1785
1786 Ms. Winston- I can hear somebody. Yes.
1787
1788 Mr. Massie- Okay. My name is Joe Massie. I'm a lawyer in town. Did I, did
1789 I ever represent you?
1790
1791 Ms. Winston- Joe Massie, I'm not familiar with you, no.
1792
1793 Mr. Massie- Okay, thank you.
1794
1795 Mr. Lawrence- Any other questions of... I've forgotten her name.
1796
1797 Mr. Blankinship- Ms. Winston.
1798
1799 Mr. Lawrence- Ms. Winston. Okay, hearing none. Do we have anyone else
1800 on Webex, Mr. Blankinship?
1801
1802 Mr. Blankinship- I believe that was the only staff, is there anyone else on
1803 Webex?
1804
1805 Mr. Green- Mr. Gidley, point of verification, you said that she would not
1806 have been familiar with that other case that we just approved. Yes, she would have,
1807 simply because of the fact that you put a zoning sign up in front. So, it is impendent upon
1808 everybody in that neighborhood to pay attention to what's going on when those signs go
1809 up. So, things are not just going up without individuals not knowing, because I think the
1810 county does its due diligence. It is my understanding that in addition to the sign going up,
1811 don't you all send letters to the to the to the surrounding neighbors that things about to
1812 happen?
1813
1814 Mr. Gidley- Adjacent property owners.
1815
1816 Mr. Green- But then if she's riding or if any John Doe is riding down the
1817 street and he sees that sign on that corner lot, he or she or whoever should understand
1818 that something is about to happen. I just want to make it clear that the county does an
1819 admirable job of notifying or putting signs out to let folks know that things are about to
1820 happen. And so, if you don't understand what's about to happen, and that's, that's, that's
1821 a personal responsibility you need to take as...
1822
1823 Mr. Gidley- I can't speak for her. May not be.
1824
1825 Mr. Green- But the sign was up, okay.
1826
1827 Mr. Parham- Can I speak? Just wanted to let you know the lady that just
1828 was on the phone. She had to have a pending case on a trespassing thing where she
1829 literally is trying to use my lot as a car lot. So yeah, I came home and literally thought
1830 someone was breaking in, checked my property, and I'm registered to carry a firearm. By

1831 the time I come back out, she's yelling and screaming at me... "Why are you trying to get
1832 my car towed?" And I've never spoken to that lady ever before, period, and never since
1833 then. And that's what I'm saying, I have no harm, no ill will towards, hey, I'm glad she's
1834 running the business, whatever she's doing over there is great. But just like I went and
1835 bought this house from an auction right beside her, she's got both the lot and the house
1836 beside if she wanted it.

1837
1838 Mr. Blankinship- Thank you.

1839
1840 Mr. Lawrence- Mr. Parham, I had a question for you. So is Ms. Allen, is she
1841 the property owner and you're just a representative?

1842
1843 Mr. Parham- Yes, I'm just a representative. I'm the project manager, it's Mr.
1844 Allen actually. Yeah

1845
1846 Mr. Lawrence- Mr. Allen, okay. Thank you. Any other questions from the
1847 board of Mr. Parham? Hearing none, then we'll close the public hearing. One last time,
1848 anyone here that wishes to speak in support of or opposition to the case?

1849
1850 Mr. Blankinship- There is no one on Webex.

1851
1852 Mr. Lawrence- Okay, hearing none then we will close the public hearing. If
1853 there's discussion from the board, we'll hear that. Otherwise, we'll let Mr. Massie make a
1854 motion.

1855
1856 Mr. Massie- I move that we approve this variance subject to the conditions
1857 recommended by the staff. This was a buildable lot when it was developed. There is no
1858 other reasonable use for the vacant lot. The other tests are met are stated in the staff
1859 report.

1860
1861 Mr. Lawrence- Okay we have a motion from Mr. Massie, is there a second?

1862
1863 Mr. Johnson- Second.

1864
1865 Mr. Lawrence- Second from Mr. Johnson. All in favor of the motion say "Aye."

1866
1867 Board- Aye.

1868
1869 Mr. Lawrence- All opposed say "No". Motion carries.

1870
1871 **On a motion by Mr. Massie, seconded by Mr. Johnson, the Board approved case**
1872 **CUP-2025-102884 subject to the following conditions:**

1873
1874

- 1875 1. This variance applies only to the lot width and public street frontage requirement
 1876 for one dwelling only. All other applicable regulations of the County Code remain
 1877 in force.
 1878
 1879 2. This variance applies only to the dwelling shown on the plot plan and building
 1880 design filed with the application. Any substantial changes or additions to the design
 1881 or location of the dwelling will require a new variance. Any additional improvements
 1882 must comply with the applicable regulations of the County Code.
 1883
 1884 3. Before beginning any clearing, grading, or other land disturbing activity, the
 1885 applicant must obtain approval of an environmental compliance plan from the
 1886 Department of Public Works. The applicant may be required to analyze and
 1887 provide solutions to minimize drainage impacts on downstream properties. Corps
 1888 of Engineers and DEQ permits may be required.
 1889
 1890 4. Any dwelling on the property must be served by public water and sewer.
 1891
 1892 5. The applicant must obtain a building permit for the proposed single-family dwelling
 1893 within two years of the date of approval (by December 18, 2027) or this variance
 1894 will expire. After that date, if the building permit is cancelled or revoked due to
 1895 failure to diligently pursue construction, this variance will expire at that time.
 1896

1897
 1898 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Massie** **5**
 1899 **Negative:** **0**
 1900 **Absent:** **0**
 1901

1902 Mr. Blankinship- Alright, that was 102884. Is there a motion on 102885?
 1903
 1904 Mr. Massie- I move that we approve this variance subject to the conditions
 1905 recommended by the staff.
 1906
 1907 Mr. Lawrence- We have a motion by Mr. Massie, do we have a second?
 1908
 1909 Mr. Green- He isn't finished yet.
 1910
 1911 Mr. Lawrence- I'm sorry, Mr. Massie, go ahead.
 1912
 1913 Mr. Massie- There is a house on one lot and it met the requirements in
 1914 effect when it was developed, it would be unreasonable to prohibit the owner from building
 1915 on the lot next door. The other tests have met as stated in the staff report.
 1916
 1917 Mr. Lawrence- Thank you, Mr. Massie. Sorry for the interruption. Is there a
 1918 second?
 1919
 1920 Mr. Broadway- Second.
 1921

1922 Mr. Lawrence- Second by Mr. Broadway. All in favor say "Aye".

1923

1924 Board- Aye.

1925

1926 Mr. Lawrence- All opposed say "No". Motion carries.

1927

1928 **On a motion by Mr. Massie, seconded by Mr. Broadway, the Board approved case**

1929 **C-2025-102885 subject to the following conditions:**

1930

1931 1. This variance applies only to the lot area, lot width, public street frontage, front

1932 yard setback and side yard setback requirements for the existing dwelling only. All

1933 other applicable regulations of the County Code remain in force.

1934

1935 2. The applicant must obtain a building permit for the proposed single-family dwelling

1936 on the adjoining lot within two years of the date of approval (by December 18,

1937 2027) or this variance will expire. After that date, if the building permit is cancelled

1938 or revoked due to failure to diligently pursue construction, this variance will expire

1939 at that time.

1940

1941

1942 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**

1943 **Negative: 0**

1944 **Absent: 0**

1945

1946

1947 Mr. Blankinship- Alright. That concludes the variance portion of this morning's

1948 agenda. We do have one appeal and then one show cause hearing.

1949

1950

1951 **APP-2025-102825 Jasper Carter: appeal of a notice of zoning violation regarding**

1952 **the property at 3400 Vawter Avenue, Fairfield. Parcel 798-735-0619. Zoning: M-1,**

1953 **Light Industrial District. Code Section: 24-2320.**

1954

1955 Mr. Blankinship- The appeal is number **APP-2025-102825** Jasper Carter:

1956 appeal of a notice of zoning violation regarding the property at 3400 Vawter Avenue in

1957 the Fairfield Magisterial District. I mentioned this at the top of the meeting, but just to

1958 repeat since we've been doing other kinds of cases, the appeals follow a slightly different

1959 process. The first presentation is from the county attorney's office. Second presentation

1960 will be from the appellant, then anyone else has the opportunity to speak. There is no

1961 rebuttal. The attorney and the appellant each have ten minutes and anyone else who

1962 wishes to speak will have three minutes.

1963

1964 Mr. Green- With all due respect, Mr. Chair. Can we take a three-minute

1965 break?

1966

1967 Mr. Lawrence- Yeah, we are adjourned for three minutes.

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Mr. Blankinship- Probably a good idea.

The Board takes a three minute break.

APP-2025-102825 Jasper Carter: appeal of a notice of zoning violation regarding the property at 3400 Vawter Avenue, Fairfield. Parcel 798-735-0619. Zoning: M-1, Light Industrial District. Code Section: 24-2320.

Mr. Lawrence- Mr. Blankinship, you may proceed.

Mr. Blankinship- Yes sir. This will be APP-2025-102825 Jasper Carter: appeal of a notice of zoning violation regarding the property at 3400 Vawter Avenue, in the Fairfield Magisterial District. Would everyone know who intends to speak to this case, please stand and be sworn in? Raise your right hands, please. Do you swear the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God. Thank you. Alright.

Mr. Gagnon- Thank you, Mr. Blankinship sir. Good morning, may I please the board. My name is Abram Gagnon, Assistant County Attorney, representing the Director on this appeal. This appeal involves a property located at 3400 Vawter Avenue. The property is zoned M-1, which is a Light Industrial District. The use has twice been determined to be a salvage and junkyard, which is a prohibited use in the M-1 district. That's the key issue on this appeal. Director is asking the board to affirm the determination that the property is being used as a salvage and junkyard as well as two additional storage related violations of the zoning ordinance. I want to give you a quick background on this case. On July 16, 2025, a county code inspector went to the property in response to a complaint. The inspector observed through the fence dozens of inoperable motor vehicles, tires, scrap metal, miscellaneous other equipment and materials being stored on the property. The inspector also observed a fleet of heavy tow trucks parked on the street with junk salvage advertising. I also want to show you some aerial photos of the property. This is from the county GIS system. As you can see, the property is surrounded by residential homes on the southwest. I believe this is the Richmond border. Along the train track the property is packed with the storage of large vehicles and other heavy materials. The large white rectangles you see are largely buses in various states of disrepair, and it was determined that the property was being used as a salvage and junkyard. July 24 a notice a violation was issued to the property owner, which at the time was a Mr. Clemons. This notice and the contents were discussed with the appellant and his business partner several times. It was not appealed. And then on July 30, a county code inspector went to the property behind the fence and observed not only the vehicles but also tires, vehicle parts, batteries, tires, kayaks, propane tanks, tools, and other heavy materials. Despite in person discussions and phone calls with county code inspectors, appellant did not abate the violations or change the use, but he did use information provided by the county inspectors to create first an application for provisional use permit

2014 on July 31 and then a rezoning request on September 3. Both of those have expired
2015 without any of the required documents being submitted. On September 26, appellant
2016 purchased the property from Mr. Clemons, so the appellant is now the sole owner of the
2017 property. And then on July 7, a county code inspector went to the property and observed
2018 motor vehicles and shipping containers still being stored on the property, and it was
2019 determined that the property was still being used as a salvage and junk yard. So, a notice
2020 of violation was again issued on October 8, that notice is the one before the board today.
2021 These photos and additional photos are also included in your packet. I'm not showing you
2022 everything in the exhibits today, but those are in your packet. So again, the key issue on
2023 this appeal is, first of all, did the Director correctly determine that that appellant was using
2024 the property as a salvaged junkyard, and then the two storage questions, which I'll go
2025 through briefly at the end here, did the Director correctly determine that appellant did not
2026 have a site plan or plan of development for the accessory storage use, and that the
2027 storage was not properly screened? And lastly, did the Director correctly determine that
2028 the storage containers were stored on the property for more than thirty days? I wanted to
2029 give a quick reminder of the standard of review. In these cases, administrative decisions
2030 by the Director, such as an NOV, is presumed to be correct. Appellant has the burden of
2031 proof to rebut the presumption of correctness. If appellant does not meet their burden, the
2032 board must affirm the determinations of the Director and dismiss the appeal. That's what
2033 I'll ask you to do today. Yes sir.

2034
2035 Mr. Massie- On July 16, 2025, you issued a notice a violation. Is that
2036 correct?

2037
2038 Mr. Gagnon- July 24, yes sir.

2039
2040 Mr. Massie- Twenty-fourth you issued the violation. That was not
2041 appealed, correct?

2042
2043 Mr. Gagnon- It was not appealed.

2044
2045 Mr. Massie- Now, my question is, does that have anything to do with the
2046 October violation? They did not appeal that violation. Is that significant?

2047
2048 Mr. Gagnon- I guess I'm trying to show the board that there was already a
2049 chance to appeal this particular issue, the first question here, that it was a salvage and
2050 junk yard.

2051
2052 Mr. Massie- All right. Thank you, sir.

2053
2054 Mr. Green- I have a question.

2055
2056 Mr. Gagnon- Yes, sir.

2057
2058 Mr. Green- When you go out and the inspector goes out, does pest
2059 control go out? Because this this could be a haven for you know, mosquitoes, rats, mice,

2060 all kinds of animals which could pose a danger. I mean are any assessments like that
2061 made and were any observations made from that?

2062
2063 Mr. Gagnon- Yes sir, I don't believe pest control went out, but you know
2064 zoning inspectors do look for Chapter ten violations and I believe there are some that
2065 have to do with pests.

2066
2067 Mr. Green- So Chapter ten relates to pests?

2068
2069 Mr. Gagnon- There are some in there, no violations were found and building
2070 inspectors also went out, I believe on one occasion.

2071
2072 Mr. Green- Yeah, and the other question I have is because the gentleman
2073 sold the property? Did he potentially ignore or could someone assume that maybe he
2074 ignored the violation because he knew he was going to be selling the property and passed
2075 on to whoever bought it?

2076
2077 Mr. Gagnon- Yeah, I believe so. Both the owner at the time, Mr. Clemons,
2078 and the appellant were aware of it. The appellant was renting the property and operating
2079 the business that you see and has been for some period of time.

2080
2081 Mr. Green- Which is the individual there?

2082
2083 Mr. Gagnon- I'm sorry.

2084
2085 Mr. Green- Okay, alright.

2086
2087 Mr. Gagnon- But I can't speak to the previous owner's intentions.

2088
2089 Mr. Lawrence- Any other questions before we move forward? Okay, do we
2090 now hear from the appellant?

2091
2092 Mr. Blankinship- Were you finished?

2093
2094 Mr. Gagnon- I do have a little bit more.

2095
2096 Mr. Lawrence- Oh, you were still presenting. Okay, I'm sorry. Yeah, go
2097 ahead.

2098
2099 Mr. Gagnon- Okay, Mr. Blankinship, just let me know when I'm at my time.
2100 I did want to show you two code sections here. This is the principal use table, as you can
2101 see salvage and junkyard is not a permitted use in the M-1 district. And then secondly,
2102 the definition of salvage and junkyard, which is any land or buildings used, in whole or in
2103 part, for the commercial collection, storage, and sale of waste paper, rags, scrap metal
2104 bottles, salvage or non-repairable vehicles, or other abandoned, discarded, demolished,
2105 worn-out materials. I will point you to our exhibits, Exhibit 1, 4, 7, 9, 10 and 11. The

2106 property is being used for that. On four separate occasions, the county code inspector
2107 has observed all the motor vehicles, tires vehicle parts, and other heavy materials, as well
2108 as the fleet of heavy tow trucks that are parked on the street with the junk salvage
2109 advertising. And the aerials, which also show dozens of school buses and other
2110 inoperable vehicles, a large number of other items carpeting the property, also support
2111 this term determination. The appellant does concede in the appeal that the use is
2112 commercial. There isn't an active business that seems to be registered to the property.
2113 JC industrial LLC has not applied for a county business license as would be required by
2114 county code. Appellant does suggest that his intent was to use the property as a recycling
2115 processing center rather than a salvage and junk yard. I will point out a recycling
2116 processing center is permitted in the M-1 district, but only with a provisional use permit,
2117 and there is no provisional use permit in this case. It's also a much less intensive use than
2118 what's going on at the property. Typically, it's going to be your traditional mass recycling
2119 centers, processing bottles, cans, and carboard. It's defined as a facility for the sorting,
2120 processing, assembling, bailing, and storage of materials. So, you can see this is a much
2121 more specific, definition, speaking to the processing of old vehicles, which is a large part
2122 of what this business is doing. Briefly I want to touch on the storage violations here. The
2123 property's also being used for outdoor storage. There are two relevant requirements. First
2124 of all, that outdoor storage in the M-1 district comply with an approved plan of
2125 development or site plan. And secondly, inoperable vehicle storage must be screened
2126 from view of the right-of-way. And in this case, appellant has not submitted a plan of
2127 development or site plan, and many of the inoperable vehicles, as you can see, are not
2128 properly screened. Either of those would be enough to support the determination, and
2129 then finally temporary portable storage. The county code 4511.D.2 limits storage of
2130 temporary portable storage containers in this district to one period not exceeding thirty
2131 days in any six-month period. And as you can see, county code inspectors have found
2132 the same shipping container with this identification number GMPU 904455 on the property
2133 on both July 30 and October 7, which is more than thirty days apart.

2134
2135 Mr. Green- Excuse me, I have a question.

2136
2137 Mr. Gagnon- Yes sir.

2138
2139 Mr. Green- I know you're making your case, but it did, this just didn't
2140 happen overnight. How did it get this bad? If you go back to the aerial, that, that takes a
2141 long time and why was this this not really addressed earlier when you could see what was
2142 happening?

2143
2144 Mr. Gagnon- Yes sir. As you know, the county code inspectors are
2145 complaint driven. And so, you can see, I believe the date on this was sometime in 2024,
2146 and then this was early March 2025. So, you can see this has been going on for longer,
2147 but my understanding is that the inspectors responded to complaints this year in July.

2148
2149 Mr. Green- If you go back to the other site. If you go back to the other
2150 picture, this site, the other, was that the same? 'Cause I see that's cleared now to the
2151 right of it.

2152
2153 Mr. Gagnon- To the right?
2154
2155 Mr. Green- Yeah, you see where it's cleared?
2156
2157 Mr. Gagnon- Yeah, I'm not sure what that property is. My understanding it's
2158 not owned by the appellant group.
2159
2160 Mr. Green- Where did the complaint come from?
2161
2162 Mr. Gagnon- Somebody in the community.
2163
2164 Mr. Green- Okay. So, how long do you think this has been like this? How
2165 much? A year or two? How long?
2166
2167 Mr. Gagnon- I can only speak to this was sometime in 2024, so at least a
2168 year, I would say. I'll just go back to the questions presented here. This would be the
2169 requested motion, that the board find that the Director correctly determined all three of
2170 these violations, affirm the decision of the Director and dismiss the appellant's appeal. I'm
2171 happy to answer any questions.
2172
2173 Mr. Lawrence- I have a question, sir, or two.
2174
2175 Mr. Gagnon- Yes sir.
2176
2177 Mr. Lawrence- You mentioned this in the staff report that the appellant did not
2178 have a Henrico business license. Have they applied for a business license since filing the
2179 appeal?
2180
2181 Mr. Gagnon- I can speak to only up until when I submitted my response,
2182 my understanding was that there was no license at that time.
2183
2184 Mr. Lawrence- Okay, and the staff report mentioned there have been no plan
2185 of developments filed for the property. Has that been filed since we received the staff
2186 report to your knowledge?
2187
2188 Mr. Gagnon- Not that I know of.
2189
2190 Mr. Lawrence- And I guess the last question I have for you at this point, are
2191 there still environmental concerns regarding what is being stored on the property?
2192
2193 Mr. Gagnon- Regarding the petroleum products that were mentioned?
2194
2195 Mr. Lawrence- That or anything else that's on the property. There seems to
2196 be an implication in the staff report that there might be some environmental issues and
2197 I'm curious if you can elaborate on that or if you think that's still a concern.

2198
2199 Mr. Gagnon- I'm sorry, I think with the storage, that could be a concern. I
2200 don't know if that's what's before the board today, so I can't speak to that particularly.
2201
2202 Mr. Green- So you have no idea what's in the containers. Do you have
2203 the ability to ask them to open them to see what's in the containers?
2204
2205 Mr. Gagnon- I don't believe the inspector went into the containers. I do have
2206 the inspector here today if you want to ask him that question.
2207
2208 Mr. Green- I was just curious if that can be done because you don't know
2209 what's in them.
2210
2211 Mr. Gagnon- With consent, it could be.
2212
2213 Mr. Green- Because it could be a lot of oil drums and environmental
2214 things that we just don't know because we just didn't see, which means you need to get
2215 this stuff out of there.
2216
2217 Mr. Lawrence- And so just the last question, just a confirmation, but Mr.
2218 Clemons was given an opportunity to file an appeal. That was not done and then he sold
2219 the property to Mr. Carter on September 26, who in turn did proceed with the appeal. So,
2220 we're dealing with two property owners, right?
2221
2222 Mr. Ganon- Yes, well, let me clarify if I can. Okay. So, the original notice
2223 of violation in July could have been appealed by anyone who was adversely affected. So,
2224 Mr. Clemons, but also anybody else who was aware of it. The appellant was running the
2225 business at the time. He was renting from Mr. Clemons and running the business, so he
2226 also could have appealed.
2227
2228 Mr. Green- Okay, so that explains why when it was sold, the person who
2229 owned it didn't take, but they cleaned the property, moved out, they actually just left it.
2230
2231 Mr. Gagnon- Yes, as far as I know, there's been no change of use related
2232 to the transfer of ownership. It's still being used the same way.
2233
2234 Mr. Lawrence- Any other questions from the board? Okay, Mr. Blankinship, I
2235 guess, do we hear from the appellant now or...?
2236
2237 Mr. Blankinship- Yes.
2238
2239 Mr. Lawrence- Okay.
2240
2241 Ms. McCormick- Good morning, I'm Kiana McCormick, M C C O R M I C K and
2242 I am representing Jasper Carter in reference to 3400 Vawter Avenue. I can't deny
2243 anything that's been given, but however, there was a bunch of misunderstood information

2244 when it came to the titling process when they initially came out for the first, on July 16th,
2245 I guess. They were advised that we were in the process, process of titling the owner, but
2246 there was a sick attorney somewhere. So that wasn't our fault or whatever. So, I advised
2247 the guy that came out. We also, on the third I spoke to him on, I think on the 29th of that
2248 month and I allowed him to come to the location to do an inspection. They didn't come
2249 out to inspect on their own, I allowed them to come through the gate because I wanted
2250 them to see that there was nothing there. He came saying that there was trash. He said
2251 they had a complaint of garbage and something else. Okay, so there was no garbage
2252 there. He took pictures of everything, and we were advising him that everything that he
2253 did take a picture of was recyclable. The buses, the trucks, everything that was parked
2254 out there, nothing is not running. Everything can be moved with the motor.
2255

2256 Mr. Green- Excuse me. I'm sorry. I was just trying to understand. I hate to
2257 interrupt. When I hear someone say they represent, I think in terms of a lawyer represent.
2258

2259 Ms. McCormick- Well, I mean I'm here.
2260

2261 Mr. Green- Wait a minute, who are you? What is your capacity and what
2262 role?
2263

2264 Ms. McCormick- I'm his wife.
2265

2266 Mr. Green- Whose wife?
2267

2268 Ms. McCormick- Yeah, I'm Jasper Carter's wife.
2269

2270 Mr. Green- Okay, so you're the property owner.
2271

2272 Ms. McCormick- Yes. I'm actually there. Sorry about that.
2273

2274 Mr. Green- Sorry, thank you.
2275

2276 Ms. McCormick- But spoke to Anthony a number of times, also spoke to Miguel.
2277 I received information that every time we, so with the with the applications that were
2278 submitted in the beginning, I submitted them, but because they were still in Mr. Clemons's
2279 name, Mr. Clemons had to submit everything. So he was, he did, that's not what Mr.
2280 Clemons wanted to do. He wanted to get it straight so that we could submit everything on
2281 our own. So that was September 28 when we finally got that. Have I been there over a
2282 year? Yes. Am I denying anything that has been said? No. Besides the fact that it's a
2283 salvage and junkyard. Since that date,
2284

2285 Mr. Green- Excuse me.
2286

2287 Ms. McCormick- I'm trying to remember everything. I'm sorry.
2288

2289 Mr. Green- You're admitting it's a salvage and junkyard.

2290
2291 Ms. McCormick- No, except for that. That's the one thing that I'm not admitting,
2292 that it's a salvage and junkyard. So, everything I've been doing recycling for probably
2293 about fifteen years So everything there is recyclable. Everything, when I say everything.
2294 So, from the date forward to today, we received, of course we received a second violation.
2295 Well, it was the first violation again because we were the new owners. So, it was a
2296 subsequent violation. Okay, once we've received that violation, that's the violation that I
2297 appealed in reference to it. The storage containers have been moved. When they took
2298 the last picture, I think they were out December 1. The storage containers are gone, and
2299 anything that I need to do, I need to know what that is for that property. Now am I going
2300 to start as a... I know that M-1 is for recycling. I did not know that it would occur to them
2301 that it would be a junkyard, but that's neither here nor there. I don't feel like it's a junkyard
2302 because like I said, the vehicles are not inoperable. Everything out there I can start up
2303 with a key. What we want to do is we want to move forward with Henrico County because
2304 we did purchase this property and opened a business there. That's my goal. But I need
2305 to know what could and what couldn't be done, because I was just given so much
2306 information that was just confusing.

2307
2308 Mr. Green- Okay, the chairman asked if you asked the attorney if there
2309 was a business license. Do you have a business license?

2310
2311 Ms. McCormick- I don't, I have a business license, so we hold a business, we
2312 do have a lot, another lot in Jetersville, Virginia, so we hold a business license there with
2313 the business that we currently have. But upon moving into this location until we owned it,
2314 we didn't produce anything. I never rented this property from this guy. I never rented this
2315 property from this guy. I've never rented this property. Not one time.

2316
2317 Mr. Blankinship- There is not a business license at this location.

2318
2319 Mr. Green- Right. I'm just saying if you're going to run a business you
2320 would think that you would get a business license.

2321
2322 Mr. Massie- I have some questions for you. So, you admit that the
2323 violations were proper?

2324
2325 Ms. McCormick- Correct.

2326
2327 Mr. Massie- So you admit that?

2328
2329 Ms. McCormick- Correct.

2330
2331 Mr. Massie- How does the property look now, today?

2332
2333 Ms. McCormick- So that's what I forgot to bring you today. So, we have cleared
2334 out massively, like the buses aren't gone but everything in between is gone. I could have

2335 produced pictures today, but we didn't even know we could bring devices in. I was like,
2336 well, we can't take devices at court, so...

2337

2338 Mr. Green- This is not court.

2339

2340 Ms. McCormick- I know, I know now, because we walked out of the court
2341 building.

2342

2343 Mr. Massie- So, just what is probably going to happen. You're going to
2344 have the opportunity to get with the county today, and you make sure you comply.

2345

2346 Ms. McCormick- Okay.

2347

2348 Mr. Massie- You're willing to do that, right?

2349

2350 Ms. McCormick- Yes, absolutely.

2351

2352 Mr. Massie- And you admit to the violations?

2353

2354 Ms. McCormick- Yes.

2355

2356 Mr. Massie- Okay, that's all the questions I have.

2357

2358 Mr. Green- What about your business license?

2359

2360 Ms. McCormick- My son just recently applied for one for Henrico, just recently.
2361 He's talking about towing and storage because we have so many, so much that you can't
2362 do in Henrico County. I've never been here before. Like this is my first bout with Henrico
2363 County. I've been in Richmond City. I've been in cities all around, but this is different.
2364 Much different. But I understand.

2365

2366 Mr. Green- With all due respect, Henrico County is very good to work with.

2367

2368 Ms. McCormick- No doubt.

2369

2370 Mr. Green- And individuals will come out, work with you and help you and
2371 guide you through all of these things. But, I think you have some responsibility to make
2372 sure before you start a business or continue a business, to do what is asked of you.

2373

2374 Ms. McCormick- Absolutely.

2375

2376 Mr. Green- Because I mean for the director to get involved, that, I mean
2377 that's very, very high level and he makes decisions based on codes and rules and
2378 guidelines and it's impingent upon individuals to follow them. I mean, when we have
2379 offices, we have other people wasting a lot of time when this, you know, we're hearing

2380 that you you're working with people to get this resolved or fixed, you do it. But you know,
2381 that's just my opinion.

2382
2383 Ms. McCormick- I was told that someone was going to help me resolve and fix
2384 it, but I got violations, so it's fine. And that was just at sight with the people from the
2385 county, so...

2386
2387 Mr. Massie- But you can start over.

2388
2389 Ms. McCormick- I'm sorry.

2390
2391 Mr. Massie- But you can start over.

2392
2393 Ms. McCormick- Okay, I was saying that I want it to be right. I'm not looking for
2394 the wrong, I don't want to be in court twenty days from now paying fees and paying for an
2395 attorney to fight Henrico County. So, I would love to get everything in code today.

2396
2397 Mr. Massie- And that's appreciated.

2398
2399 Ms. McCormick- Thank you. I think I'm done. I have nothing else to say.

2400
2401 Mr. Lawrence- Any other questions from the board?

2402
2403 Mr. Green- What about the code, the buildings. Anybody else want to
2404 speak? Or we just heard from the attorney? I'm just curious.

2405
2406 Mr. Blankinship- Usually just let the attorney carry the ball. Unless there are
2407 questions.

2408
2409 Mr. Lawrence- If there are questions...

2410
2411 Mr. Green- I am interested in whoever went out to the property what they
2412 found.

2413
2414 Mr. Blankinship- Okay.

2415
2416 Mr. Massie- She made it clear that she was in violation, that's why were
2417 here.

2418
2419 Mr. Green- Yeah, but I'm concerned because I'd like to make sure that
2420 whatever happens moving forward that it is remediated because of snakes, rats, all kinds
2421 of stuff.

2422
2423 Ms. McCormick- We don't have any rats.

2424

2425 Mr. Green- But no. I'm just saying all that all that is resolved because, you
2426 know. Yeah, you, you're you're fine, but if I'm in that area, you know, I want to make sure
2427 and we do this. We do this with chickens. Folks come out to remediate to make sure that
2428 the people who are adjacent to that... and if you got these big old buses and everybody
2429 knows that they're dilapidated things that are sitting there, mice, rats, everything, vagrants
2430 get in there, we don't know if people are living up in there. I mean we just got to, I'm just
2431 curious to hear from the inspector.

2432
2433 Ms. McCormick- The inspector, I don't even think they went back to see the
2434 buses. They could only see it from over the overhead view.

2435
2436 Mr. Gagnon- Mr. Green, the inspector is here and he's happy to speak.

2437
2438 Mr. Green- I'm just curious to get his or her observations. I know we do
2439 we typically listen to the lawyer, but the inspector went out.

2440
2441 Mr. Lawrence- Mr. Johnson had a question while we wait. Go ahead.

2442
2443 Mr. Johnson- Go ahead.

2444
2445 Mr. Anderson- Good morning, board members. My name is Anthony
2446 Anderson, A N T H O N Y A N D E R S O N. I'm the community inspector for Community
2447 Revitalization. I guess I already know what the question is. So, I can just tell you about
2448 my visit, the one visit when I went actually behind the fence, because normally the gates
2449 are locked and there's a no trespassing gate, so I'm kind of limited to the pictures that I
2450 can take normally from the public right-of-way. Or just kind of driving around the perimeter
2451 of the area. But the day that's in question, when we actually went onto the property, there
2452 were dismantled vehicles, buses, probably in between sixty. seventy buses, batteries,
2453 propane tanks, tires, there was diesel fuel, oil, gasoline leaking into the ground at different
2454 areas. So, I was only allowed halfway back before we were stopped, and we weren't
2455 permitted to go any further. So once that permission was taken to actually walk around
2456 the property, we had to comply. But as far as just pretty much anything you could, well, I
2457 can't say that, but just tires, buses, dismantled vehicles, wires, car parts, forklifts,
2458 everything is just kind of stockpiled and are just kind of thrown in the back there. Along
2459 with the shipping containers that were there previously. To the point of, could there be
2460 rodents, varmints? It's possible, and I didn't see any at that point in time, but it's not saying
2461 that they're not there, because it can be hidden underneath everything else and coming
2462 out at night. From what I saw, it was a pretty hazardous situation. There's a lot of stuff
2463 that's compacted back there, and that's the whole reason that was communicated to the
2464 property owner, the dangers of that, and we did work with them to see what kind of
2465 resolution we could get, but we have to work within the confines of what the zoning
2466 ordinance says. I can't go outside of that.

2467
2468 Mr. Blankinship- Did you take the photographs that we're looking at?

2469
2470 Mr. Anderson- Yes sir.

2471
2472 Mr. Blankinship- Thank you.
2473
2474 Mr. Lawrence- Mr. Anderson, don't we address tire disposal in our
2475 ordinance? I know that's tire disposal. Isn't that addressed in the county ordinance about
2476 how tires can be disposed?
2477
2478 Mr. Anderson- I believe so, sir. I have to get back with you on that.
2479
2480 Mr. Lawrence- Because I know that's been a big concern in the past. We
2481 have these tire dumps where you have, you know, water sitting there breeding insects,
2482 mosquitoes, rodents, that sort of thing. That's something that really concerns me, I guess.
2483 And you said there were a substantial number of tires that had been disposed of on the
2484 property?
2485
2486 Mr. Anderson- Correct. So, bus tires, truck tires, smaller vehicles, all sorts of
2487 tires over there.
2488
2489 Mr. Lawrence- Mr. Johnson, you had a question I think, don't you?
2490
2491 Mr. Johnson- At the beginning. Were all the tires and all of the other things
2492 in that lot removed out from there?
2493
2494 Mr. Anderson- From what I could see in the pictures that were taken, there
2495 has been some improvement, but the vast majority of the items are still there based on
2496 my last inspection.
2497
2498 Mr. Green- When was that?
2499
2500 Mr. Anderson- I believe it was October seventh. No, no December seventh.
2501 December when I went there just to take some pictures. So normally, I would just take
2502 pictures at reinspection time and just kind of see what's still there, so I can kind of stay
2503 on track.
2504
2505 Mr. Green- In your professional opinion, what is your professional opinion
2506 of which you have seen? Is this one of the worst things, cases you've seen or what?
2507
2508 Mr. Anderson- It's up there. It's similar. I mean, it looks like a junk salvage
2509 yard. That's what you're looking at. If you go to most junk and salvage yards or dumps,
2510 that's what you see. If you go to a recycling plant, it looks completely different.
2511
2512 Mr. Green- Thank you, sir.
2513
2514 Mr. Lawrence- Okay, Mr. Massie, do you have any questions?
2515
2516 Mr. Massie- I have no questions.

2517
2518 Mr. Lawrence- Anyone else in the board have any questions? Okay, where
2519 do we go from here now, Mr. Blankinship?
2520
2521 Mr. Blankinship- Close the hearing.
2522
2523 Mr. Lawrence- Okay, we'll close... First we need to ask, is there anyone here
2524 who wants to speak to this case on Webex or from the audience?
2525
2526 Mr. Blankinship- There's no one left on Webex.
2527
2528 Mr. Lawrence- Okay, then we will close the public hearing, and does the
2529 board wish to have any more discussion?
2530
2531 Mr. Green- Yeah, what happens next?
2532
2533 Mr. Blankinship- That'll be between the property owner and Community
2534 Maintenance. They'll decide a path forward to bring her into... she's explained that she
2535 wants to be in compliance. That's ninety percent of the battle, so she may apply for a
2536 provisional use permit, she may apply for a plan of development. She may clean up the
2537 site. I mean, there are several paths that are open.
2538
2539 Mr. Green- Can we also put a time frame on this so we can monitor this
2540 coming back to us?
2541
2542 Mr. Blankinship- I would be happy to bring you a report after the time frame, yes.
2543
2544 Mr. Green- What time frame is normal?
2545
2546 Mr. Blankinship- What would you like sixty days, ninety days?
2547
2548 Mr. Green- Sixty days, I would like to see something in sixty days.
2549
2550 Mr. Massie- What about ninety?
2551
2552 Mr. Blankinship- No. No. No because...
2553
2554 Ms. McCormick- I'm fine with sixty.
2555
2556 Mr. Green- The applicant, I mean the appellant, already said that
2557 significant improvement has been done. A third of it cleaned up.
2558
2559 Ms. McCormick- Well, the last inspection Anthony didn't come back.
2560
2561 Mr. Blankinship- Excuse me, ma'am, the public hearing is closed.
2562

2563 Ms. McCormick- He just asked me a question.
2564
2565 Mr. Green- So I say sixty because.
2566
2567 Mr. Blankinship- I will report in sixty days.
2568
2569 Mr. Green- And if we need more time then we can grant more time.
2570
2571 Mr. Blankinship- I will report to you in sixty days. It won't be on the agenda or
2572 anything, I'll just come back to you with it.
2573
2574 Mr. Green- If we need more time then we can grant more time, I'd rather
2575 see it resolved sooner than later.
2576
2577 Mr. Lawrence- Okay, all right, having heard I think what we need to hear, Mr.
2578 Massie, are you ready to make a motion?
2579
2580 Mr. Massie- Yes. I'm affirming the decision, for the reasons stated by the
2581 assistant county attorney in his presentation to this board. I move that the board finds the
2582 Director correctly determined that the property is being used as a salvage and junk yard.
2583 The accessory storage is a violation of the zoning ordinance and the portable storage
2584 containers are being kept on the property in violation of the zoning ordinance. And for
2585 those reasons, I move the board affirm the decision of the Director and dismiss appellant's
2586 appeal.
2587
2588 Mr. Green- Second.
2589
2590 Mr. Lawrence- We have a motion by Mr. Massie, a second by Mr. Green to
2591 affirm the director's decision in this case. All in favor say "Aye."
2592
2593 Board- Aye.
2594
2595 Mr. Lawrence- All opposed say "No". The director's decision is affirmed.
2596
2597 Mr. Blankinship- Alright, so you're going to work with the Community
2598 Maintenance folks and in sixty days we'll report back to the board on your progress. Thank
2599 you very much.
2600
2601 On a motion by Mr. Massie, seconded by Mr. Green, **the Board affirmed the decision**
2602 **of the Director of Planning and dismissed the appellant's appeal.**
2603
2604
2605 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
2606 **Negative: 0**
2607 **Absent: 0**
2608

2609
2610 **CUP-2024-101514 Jessica Li: conditional use permit to allow short-term rental of a**
2611 **dwelling at 3535 Meadow Road, Varina. Parcel 848-715-5404. Zoning: A-1,**
2612 **Agricultural District. Code Section: 24-4431.A.**

2613
2614 Mr. Blankinship- Alright, there is one last case this morning. It is a show cause
2615 hearing, a request to revoke a **CUP-2024-101514 Jessica Li: conditional use permit to**
2616 **allow short-term rental of a dwelling at 3535 Meadow Road, in the Varina Magisterial**
2617 **District. The request to revoke the permit came to the Planning Department from the Chief**
2618 **of Police. And so, we asked if the Division of Police would present the case and explain**
2619 **why the Chief is making that request.**

2620
2621 Mr. Wershbale- Absolutely. Good morning, everybody. Mr. Chairman,
2622 members of the board. My name is Bob Wershbale. I am the Assistant Chief of Police of
2623 the Support Services Bureau, which includes the Community Policing unit. On September
2624 26, 2024, the board approved the conditional use permit to allow the short-term rental of
2625 the dwelling located at 3535 Meadow Road. As noted in the letter from the Henrico County
2626 Chief of Police located in your staff report, this property has had several large parties
2627 indicating mismanagement of the short-term rental. These events have impacted the quiet
2628 residential nature of this portion of Meadow Road, and most importantly has adversely
2629 impacted the safety and insecurity of the surrounding community. There have been at
2630 least three large parties, mismanaged parties where renters have dishonestly leased the
2631 subject property online, not only disregarded rental compliance policies, county codes,
2632 and guidelines for short term rentals. When these events occurred during the late evening
2633 and early morning hours, our 911 communication center received several calls for service
2634 from surrounding neighbors for various criminal and quality of life concerns. These
2635 included loud overnight noise and party complaints, discharges of firearms, vehicle
2636 violations, underaged drinking of alcohol and other juvenile problems. Due to the large
2637 size of attendance at these parties, attendees' vehicles were parked in the public right-
2638 of-way of Meadow Road, blocking emergency responders access to the property. In one
2639 instance, it took officers one and a half hours to clear the roadway after closing down a
2640 party. For those not familiar with the location, this stretch of Meadow Road is a windy and
2641 unlit single lane road. On November 1, three pedestrians were struck in a hit and run
2642 crash while they were leaving the party from this location on foot. Luckily, this incident
2643 wasn't fatal, but one victim now suffers from memory loss and is currently undergoing
2644 speech and physical therapy. The same night there were two separate people found
2645 unconscious during the same party on the property. This resulted in two separate EMS
2646 requests for assistance. Of note, there was commercial armed security on site of that
2647 property at the time of all these instances. Henrico Police believe that events such as
2648 these will continue to occur at this property due to lack of oversight, management and
2649 controls by the owners and the leasing property company. This is a large house, and the
2650 property will continue to draw events and parties with renters who will continue to
2651 disregard codes and rules. For these reasons, Henrico Police are requesting the
2652 conditional use permit be revoked at this time. Henrico Police believe the following county
2653 codes and conditional use permit conditions have been violated. CUP condition number
2654 one regarding the number of allowed renters. CUP condition number two regarding the

2655 noise ordinance. My colleagues and I, we can attest that we weren't present at the time
2656 these incidents took place. Through our conversations with the responding officers, as
2657 well as my personal review of the body worn camera footage that was obtained at that
2658 time, we can attest to the noise violations as it relates to these large parties. County code
2659 section 1068 regarding county's noise ordinance and county code section 24-4431.F
2660 regarding commercial use of the property for commercial parties with commercial armed
2661 security being prohibited. This concludes my presentation; my colleagues and I are happy
2662 to answer any questions that y'all may have.

2663
2664 Mr. Green- I have a question. What's the approximate size of the house
2665 do you think?

2666
2667 Mr. Wershbale- The approximate size of the house, I do not have that. I do
2668 know in one of the reports that there's at least three floors to the property. During the
2669 course of one of those parties, it was reported that there was a thousand people present.
2670 That's the reason people walking down the street parking in multiple locations. It's a good-
2671 sized property.

2672
2673 Mr. Green- So do you also think that the location... You said it's on a windy
2674 road. Is there anything adjoining, any houses are joining it?

2675
2676 Mr. Wershbale- There are houses that are nearby. It's a very rural section of
2677 that stretch of road. It's residential, but...

2678
2679 Mr. Green- So it's a good big house tucked away in the woods to have
2680 parties in.

2681
2682 Mr. Wershbale- And it's accessible right off the roadway.

2683
2684 Mr. Blankinship- Mr. Green, it's 4,247 square feet, plus 3,100 square feet of
2685 walkout basement. So about a 7,350-square-foot house.

2686
2687 Mr. Green- Do you have a picture of the house?

2688
2689 Mr. Wershbale- There it is right there.

2690
2691 Mr. Green- Do you have a frontal of the house?

2692
2693 Mr. Worsehall- As you can see right here at the gate, that is Meadow Road
2694 right there. So, it is right on the roadway. In my review of a lot of the body worn camera
2695 footage that we saw as our officers responded to these calls for service, it looked like a
2696 grand opening event. There were people just walking back and forth across the roadway
2697 here in front of the residence. If you are looking at the screen as is, if you're looking to
2698 right, you have the railroad tracks right up the road from that. There were people just
2699 popping out of the woods, walking up, coming along. Not much of a shoulder. Very
2700 dangerous area. We've had reports in one instance, our officers are reporting over 200

2701 people present, and another report we have officers reporting over a thousand people
2702 present.

2703

2704 Mr. Green- And so there's a lake behind it.

2705

2706 Mr. Wershbale- Yes. Right there.

2707

2708 Mr. Green- So, is that accessible? So that poses a danger. People get
2709 intoxicated and go swimming.

2710

2711 Mr. Worsehall- I mentioned that there were unconscious people located on
2712 the property. One person was located outside; one person was located inside.

2713

2714 Mr. Green- You said that's four stories?

2715

2716 Mr. Worsehall- Three.

2717

2718 Mr. Green- Three.

2719

2720 Mr. Lawrence- Does anyone else have questions? Do you have any
2721 questions, Mr. Johnson?

2722

2723 Mr. Johnson- The cars, are they parked on the facility as well?

2724

2725 Mr. Wershbale- Many of the cars are parking in the community, some along
2726 the railroad tracks, some along the sides of the road, which made it even more dangerous.
2727 That was one of the hindrances for our emergency responders, whether it was police or
2728 fire or rescue that would respond to these calls. During the course of time, as noted in the
2729 report, there were over eleven calls since this has been operational.

2730

2731 Mr. Green- Could you ascertain the type of parties? Were they college
2732 parties, frat parties, or just young kids renting a house?

2733

2734 Mr. Wershbale- A lot of young kids from what I can discern from the body worn
2735 camera footage. Lots of young people. From what I understand in talking with various
2736 folks, from information gleaned at the scene, someone would rent the property, someone
2737 would advertise a property, be it social media, Instagram, whatever it might be. And now
2738 what might have been one thing turns into something completely different. But in our
2739 assessment, someone had taken those steps to secure armed security. In many cases
2740 there were eight armed security officers on scene at these locations. The last instance
2741 that I spoke of in which there were actually five people in the street, three of them were
2742 struck. They were all in their early twenties.

2743

2744 Mr. Green- When you say security, you're talking about Police officers?

2745

2746 Mr. Wershbaile- No, these are, these are private, commercial armed security
2747 that have a DCJS license, but they are not police officers at all.

2748
2749 Mr. Johnson- Oh, okay.

2750
2751 Mr. Lawrence- Do we know if there were any underaged individuals?

2752
2753 Mr. Wershbaile- If I was a betting man, I would absolutely say that there was
2754 a lot of underage people. But the one thing to keep in mind, when these types of calls for
2755 service were coming out that time of day, the only resources that you have out in the
2756 community at a given time, is the midnight shift officers that are working. If we're fortunate
2757 we have maybe thirty-six officers across the county. When you're dealing with 200 to
2758 1000 people depending on that situation, and especially when you're dealing with a
2759 situation that resulted in a hit and run crash that left the person unconscious and in serious
2760 medical condition. Our concern was more towards those people that were injured at that
2761 given time, not so much writing a person that's under twenty-one a ticket for underaged
2762 consumption. But it was occurring.

2763
2764 Mr. Green- What about trash and beer bottles and cans? I'm sure, I mean
2765 my neighbor has a pool and they're young kids and one neighbor, they used to toss their
2766 beer bottles in my yard. I'm like you're going to have to stop or I'm going to shut this thing
2767 down. With a thousand people, I'm sure it's a lot of mess.

2768
2769 Mr. Wershbaile- I can only imagine. I can't attest to what kind of debris was left
2770 behind.

2771
2772 Mr. Green- Okay, thank you.

2773
2774 Mr. Lawrence- I have a question or two, it's probably more for Ben or staff.
2775 Have we previously had any short-term rental conditional use permits revoked?

2776
2777 Mr. Blankinship- No, we have not and this will break our record that we're so
2778 proud of that everybody who's gone through the process that we've never had any
2779 complaints after that. This is the first one where we have had a conditional use permit for
2780 short-term rental that resulted in complaints.

2781
2782 Mr. Lawrence- We just approved this, was it last year?

2783
2784 Mr. Blankinship- It's about a year and a half.

2785
2786 Mr. Lawrence- This permit allows unhosted stays, right?

2787
2788 Mr. Blankinship- That's correct.

2789
2790 Mr. Lawrence- Yeah. So obviously the property owners were not on the
2791 property when any of this occurred?

2792
2793 Mr. Blankinship- With these events they were not, is my understanding.
2794
2795 Mr. Lawrence- Okay, and let me ask you this question. Is the area zoned A-
2796 1?
2797
2798 Mr. Blankinship- Yes.
2799
2800 Mr. Lawrence- I call this kind of like an outdoor festival or an event. Are they
2801 allowed in A-1 districts?
2802
2803 Mr. Blankinship- Generally speaking, no. You could get a temporary use permit
2804 for certain kinds of events, but that would be vetted by police and the county attorney's
2805 office.
2806
2807 Mr. Lawrence- So there's a permitting process that's required for that?
2808
2809 Mr. Blankinship- Yes.
2810
2811 Mr. Green- And to add to that, Mr. Chair, we've approved these incidents
2812 where folks have had pools and we've restricted that they shut the pool down at ten
2813 o'clock.
2814
2815 Mr. Blankinship- Right.
2816
2817 Mr. Green- And I'm just extremely disappointed. This is the first time I've
2818 ever heard this. I take pride in saying that we've never had a complaint about short-term
2819 rentals and we've never had a complaint about chickens.
2820
2821 Mr. Blankinship- After they've been approved.
2822
2823 Mr. Green- And we've really hadn't had any about accessory dwelling
2824 units, so this appears to be egregious.
2825
2826 Mr. Lawrence- And this permit that we issued to them had the standard
2827 conditions we usually have in there, which I'm sure addressed... I'm not sure how big of
2828 a issue lighting is because of where the property is located, but probably hours when
2829 people could check in and outdoor activities. I guess there's not a pool on the property. If
2830 there's a pool, a lot of times we have a condition you can't use the pool after 9:00 p.m. or
2831 something. So, the water feature here, that is not the river, is it?
2832
2833 Mr. Blankinship- No it's a lake. It's probably a stormwater pond.
2834
2835 Mr. Lawrence- Okay.
2836

2837 Mr. Green- But what I vaguely could remember is that for a property of
2838 this magnitude and statures, a million dollar plus, I guess property, that we would assume
2839 that it would pull a certain clientele and not necessarily party calls. Now people will have
2840 parties I'm sure and invite guests over. I suspect that's happening, but when you have
2841 what he's reporting that it could be in excess of a thousand, that's just egregious. That's
2842 just egregious.

2843
2844 Mr. Lawrence- Mr. Johnson or Mr. Broadway?

2845
2846 Mr. Johnson- Yes. Has this been done before? Have they listed all these
2847 facilities, of parties going to this facility?

2848
2849 Mr. Wershbaile- I'm sorry?

2850
2851 Mr. Blankinship- How many parties have you been made aware of?

2852
2853 Mr. Wershbaile- We're aware of at least three large ones. Over the course of
2854 time, there's been at least eleven calls for service of various nature of those instances
2855 that I mentioned earlier. I will say this, going back to October of twenty-four, that was one
2856 of the first large party instances that was brought to the police department's attention.
2857 That was the one that had nearly a thousand people there. For those that aren't aware,
2858 every two weeks the Henrico County Police Division comes together as a group in all the
2859 various sections and we do we have a crimes meeting. We talk about not just crime, but
2860 other concerns that are popping up. And this incidence came up in that matter, and I
2861 distinctly remember saying in the midst of this meeting that someone is going to get
2862 seriously hurt or killed if these types of events continue on. Shortly thereafter in April of
2863 25, that's when we had that next party of over 200 people. Leading now, you know, here
2864 we are not even a year and a half, just over a year from that incident where there was a,
2865 again, this large party that took place that resulted in somebody else being seriously
2866 injured and in speaking with the crash investigator, very lucky to be alive. The person was
2867 knocked out of their tennis shoes, and they found them fifty feet into the wood line.

2868
2869 Mr. Green- Mr. Blankinship, I have a question. I'm not trying to take
2870 anything away from the integrity of the owners, but if this thing is revoked, how do you
2871 monitor whether or not the owners are now getting the party to skirt the rules?

2872
2873 Mr. Blankinship- Well, that would also be a violation because they don't have
2874 the temporary use permit. So, you know, you have twelve people at your house for a
2875 party, that's one thing. If you have 1,200 people at your house for a party, that's a different
2876 matter.

2877
2878 Mr. Lawrence- Mr. Broadway, you had a question.

2879
2880 Mr. Broadway- Yeah, I'm wondering who is sponsoring or organizing these
2881 parties?

2882

2883 Mr. Wershbale- We have names that are associated with the reports that were
2884 taken, but I would only imagine that whoever that person was, it would have had to go
2885 through either the owners or the property listing as an airbnb.
2886

2887 Mr. Broadway- Were the participants paying to be there?
2888

2889 Mr. Wershbale- Yes, there were. In one of the reports I have from the crash
2890 investigator, going back to that incident that took place on November 1, what was relayed
2891 to the crash investigator was as people were coming up, they were being charged \$40 a
2892 head to then come into the venue to participate in the party. There were also multiple
2893 fights that took place during that time as one can imagine when there's alcohol and young
2894 people involved.
2895

2896 Mr. Green- So this is a tantamount to what we hear about goes on in
2897 California? They rent mansions.
2898

2899 Mr. Broadway- So the fact that they were running a business...
2900

2901 Mr. Wershbale- Someone was making money.
2902

2903 Mr. Lawrence- Mr. Johnson, did you have any other questions.
2904

2905 Mr. Johnson- No.
2906

2907 Mr. Lawrence- Does anyone else from the board? I guess we give the
2908 property owner an opportunity to speak to the case?
2909

2910 Mr. Blankinship- Yes, is there anyone else who would like to speak to this case,
2911 please stand and be sworn in? Raise your right hand, please. Do you swear the testimony
2912 you're about to give is the truth, the whole truth, and nothing but the truth, so help you
2913 God? Thank you.
2914

2915 Mr. Li- Hello, my name is Richard Li. Last name spelled L I.
2916

2917 Ms. Li- Yeah, my name's Jessica Li, same last name L I.
2918

2919 Mr. Li- Thank you very much for the officer to take help, take care of
2920 our property, and also thank you for the board to allow us to run the short term zoning like
2921 the license last year, the zoning changed last year. We too came here to the same room
2922 to apply for the short-term rental license last year like a zoning change. Even if the
2923 business isn't very successful, we had trouble, but we really appreciate both parties, both
2924 of you, you, all of you guys are very friendly and like very justified judgments and
2925 comments. We accept there is mismanagement and also this is largely due to both her
2926 and myself, we are we don't know how to run this property. We are planning to retire from
2927 the northeast to a reasonably warmer place. We have about two years to go to retire, so
2928 that we were planning to get used to the community. That was the initial reason to buy

2929 the property. But during the time, during the time from last year till we retire, we have a
2930 few years, we think we need some income to cover the cost for the very increased inflated
2931 insurance and other expenses related to the property. So, we think there is a need to rent
2932 the property, so that's why we came over try to follow the rules of the local. We are very
2933 open and very happy to work with the all levels of authority to correct the problems
2934 happened or potential problems that may happen in the future. So, after I receive the, like
2935 the notice, the letter from the authority from the Police Department, myself and my wife,
2936 we take very serious of this issue. We talk to quite a lot of people and we also consulted
2937 a lot of like a property owner especially with a larger scale of property how to manage it.
2938 So, we come out with four or five kinds of solutions to see if we can still ask like the Police
2939 Department and also the Board to give us some probational time to correct the problem.
2940

2941 The first thing is when we started the time and also the people who used our property, we
2942 found that largely they are relative to the Halloween time. So then, because of October
2943 and November, in order to correct this we already blocked the like three weeks around
2944 the Halloween. The next Halloween is 31st of October 2026, so I already blocked the 23rd
2945 through November 6, so the three weeks around this time, so don't allow public access
2946 to the property. That's one thing. The second thing is that we are considering to increase
2947 the... right now we have six cameras because we in order to coordinate the business
2948 requirements we cannot intrude the people's privacy, so we cannot put too many cameras
2949 in the building. So right now, we are we are talking to them and also we are considering
2950 to increase like two, three more like outdoor camera, so we can see signs of anything
2951 wrong happening there, at the gates and also outside the surrounding area. So that's
2952 second thing. The third thing is that we are also very seriously negotiating with the
2953 company who helped us to recruit the people who, so we are asking them to enhance
2954 their algorithm to see, to scan and also we are we are planning to personally involve to
2955 reach the people to see potentially if we can by talking to them before they come to the
2956 house, to sense if they are the age and some other things to feel if there are something
2957 going to happen there that may happen. So, the last one, we are to at least to address
2958 the pond. There's the water there like there's the lake for sure, but the lake was the was
2959 the artificial dam, so there are about ten to twenty feet. So the water is very, very shallow,
2960 so in order to put a single boat to the lake, you have to push very far a pretty long distance.
2961 So, if you are concerned people make it long during the of course, we are asking to let
2962 this happen in the future if you grant us to for another period of time to correct the thing.
2963 We are not planning to apply for a license forever. We really basically a couple years,
2964 then we are going to come down to live there. So, then we have grown up children, they
2965 may come over to join us and also the I think my wife will probably say something.
2966

2967 Ms. Li- Yeah, thank you very much, please sir, police officer and the
2968 board for giving us the opportunity to talk here. We sincerely feel so sorry for this thing
2969 happening. We take seriously our local community safety and everybody's happiness for
2970 our neighborhood. We so sincerely feel sorry for this thing happened. As my husband
2971 said, these two larger parties happened during Halloween season. And we just gave full
2972 trust to the company like Airbnb are helping us to run this business, because we just are
2973 new to this business. We just think they can handle properly. Unfortunately, they just
2974 failed their job. So, just like my husband said, if the Police Department give us some

2975 period of time to correct this... mistake or board allowed us to correct, give us opportunity,
2976 we definitely, we decide actually at this moment we're just starting to work with the
2977 company request with respect to the resolution, how we going to handle this to prevent
2978 this thing happening. We are also going to decide to step into monitoring every single
2979 step to make sure every single guest, they've been properly screened and also request
2980 their identity, their age and the purpose for use. So, we are not try to make a whole lot of
2981 profit, actually we lose money in the past one over a little bit one-and-a-half year. We just
2982 trying to, you know, because of the gap, we are not retired yet. So, we try to use this
2983 period of time to make some, you know, to balance out the financial situation. We are not
2984 just. We are very responsible people, we are learning, we, we don't definitely that's not
2985 intention for, you know, just loosing up the situation. We try to correct. We try to make it
2986 right. We try to make our neighborhood welcoming us. Try to think we are, we're going to
2987 be a positive energy to this community. So, we are here to asking... we really appreciate
2988 the police department for their testimony and the data they report with. Receive, our heart
2989 is very heavy. We sorry for this thing occurred. We are here, we try to find out the
2990 resolution and try our very best not to make these things happening again.

2991
2992 Mr. Lawrence- Okay, thank you, ma'am. Does anyone here have any
2993 questions?

2994
2995 Mr. Broadway- I do.

2996
2997 Mr. Lawrence- Okay, Mr. Broadway.

2998
2999 Mr. Broadway- Oh, thanks. So, you live in the house, is that correct?

3000
3001 Mr. Li- We currently, our primary residency is still in Philadelphia, so
3002 because we both have business and she had students. Over there, so we have some
3003 other duties there, we cannot just give up and come over here full time to retire. We still
3004 have, we still have time like a prelude like we needed to prepare the retirement, okay.

3005
3006 Mr. Broadway- So how often do you live in the house?

3007
3008 Mr. Li- We come at least like a twice a month. so like the last time we
3009 were here was the Richmond Marathon. We stayed here for a week, then we come here
3010 this week for this free like roughly for her and myself, we come here like twice a month,
3011 but we have two grown up children. So they have their... This is the family, like we call it
3012 the family vocational home, so come over too, so we make up the, so probably I mean all
3013 like about three times to like around three times a month. Each time spent about three,
3014 four days to five days, six days.

3015
3016 Mr. Broadway- Okay, so you do not spend six months out of the year in the
3017 house.

3018
3019 Mr. Li- They combine together it's pretty close, probably it's a little
3020 shy of what one hundred eighty-five days, yeah. And you know, a little shy of that but if

3021 you, if we, all the four members of the family pretty close. We didn't calculate last year,
3022 but that if you I mean there are some, we did not stay every weekend, we get the
3023 dependents there.

3024
3025 Mr. Broadway- Were you in the house during any of these parties?

3026
3027 Mr. Li- Oh no, we were absent. So that was the discussion we had
3028 with I mean we had to talking with some company, we already start to recruit to interview
3029 local companies. Our Airbnb company, they don't allow us to mingle with the tenants
3030 there.

3031
3032 Mr. Broadway- Did you know that people were being charged to attend these
3033 parties?

3034
3035 Mr. Li- I knew the people, but it's after these incidents happened, so
3036 we, we followed, you know the people, but we they are when they first this is the new
3037 business when we see the ... like this thing happens like November 1st. this year where
3038 they are just a regular customer. So we also we are running long term, like a rental in
3039 Philadelphia, so we don't see any difference for them and the other people.

3040
3041 Mr. Broadway- Yeah, okay. Did you receive any payment from the people
3042 who are paying to attend these parties?

3043
3044 Mr. Li- Of course not. Oh, we don't know the person outside of their
3045 apply for, we don't, we don't split any, and we don't even know they are charging people.
3046 They charging the attendee for we didn't know how and we assume we are asking them
3047 we don't allow parties, we tell our the people who we hire it's like a company, we ask them
3048 we do not allow parties, but we do allow the family gatherings because there are two,
3049 three universities there. We do allow their family in like a weekend gathering, we said that
3050 the maximum is like we have four or five bedrooms or so let's say we have.

3051
3052 Mr. Broadway- Okay.

3053
3054 Ms. Li- In the Airbnb like rental instruction we made it very clear no
3055 more than ten people for the party if they do, they need to apply, we have recreational
3056 building just in front of the property there's different building, not the house. So the all the
3057 party has to be in the recreational garage is not the property. So the two instances
3058 happened, people did not go that direction and so unfortunately, the Airbnb company did
3059 not screen them properly or maybe they didn't even do it.

3060
3061 Mr. Broadway- So, after it happened the first time, did you tell the Airbnb
3062 company not to let it happen again?

3063
3064 Ms. Li- They, when people just sign up, they just take it. So, we have
3065 clear instruction and we even said there's no, there's, we did not print the detail instruction
3066 with us today, but we made it very clear on the advertisements. They know we are very

3067 strict with the household. At that time we just saw that's just an instance thing happened,
3068 we did not think that will be like the Halloween thing, that kind of nature happened twice
3069 in this two years.

3070
3071 Mr. Broadway- Well two of them happened Halloween, but not the one in
3072 April.

3073
3074 Ms. Li- Excuse me?

3075
3076 Mr. Broadway- Well, one of the incidents was in April.

3077
3078 Mr. Li- Yeah, we did. But we didn't with that one we knew this right
3079 now from the police report. That one there was no incident. I did another thing is that...
3080 Since we are new here, we tried to make friends, so our neighbor, I do have our neighbors'
3081 phone number so then I call them every now and to make sure something if something's
3082 happening, something weird. So we didn't also, we didn't hear from them, but of course
3083 that doesn't cover every neighbor. There may be some neighbors we didn't and also we
3084 are somehow, we also the local authority like a police will also know some of them. So
3085 we try to work with us with everybody try to see to make it productive and constructive.
3086 So it's not we, we are trying to get through them through the property. They're open to top
3087 of, we don't it's not like that. We are, even if the improvement wasn't significant enough
3088 to stop the second things happen. But we did from the first time we already tightened up
3089 our rule, we learned something from the first incident. From this time when we receive
3090 the, when we received the report and we also did our homework and that we, we try to
3091 see there are still plenty of room for us to improve.

3092
3093 Mr. Broadway- Yes. Okay thank you.

3094
3095 Mr. Green Do we have people speak against this?

3096
3097 Mr. Lawrence- Does anyone else from the board wish to ask any more
3098 questions?

3099
3100 Mr. Blankinship- Is there anyone else to speak?

3101
3102 Mr. Lawrence- Anyone else to speak? Okay, so, I guess we'll have a public
3103 hearing. Yeah, no one on Webex. No one in the audience. Okay, so we've closed the
3104 hearing. We've heard from the party that had the Airbnb. We've heard from staff and now,
3105 Mr. Johnson, will hear from you.

3106
3107 Mr. Johnson- And we also hear from the police officers as well.

3108
3109 Mr. Green- Before you do that, Mr. Johnson, I'd like to just let you know
3110 how I feel. I think that one, I'm hearing what they said and the individual said that they're
3111 going to do with the rental company that's doing it. The persons and individuals that got
3112 hurt, in this, you know, I don't know who was liable for that. I didn't hear where you reached

3113 out to the any of the individuals that were hurt as a result of that, I think that we have to
3114 send a clear and loud message that we do not tolerate this kind of thing in Henrico County,
3115 simply because as the police officer said, the limited staff at night, we're putting the those
3116 individuals offices in danger, when you have eight armed officers, eight armed security
3117 folks on a facility, and I'll, our public servants who I appreciate, have to go in knowing that
3118 they're armed people that poses a similar risks, a threat to them, and also while you can't
3119 put a necessarily boat out in that river, that doesn't stop anybody from who's drunk to
3120 think I'm going to go skinny dipping and drown. Then we have some more major issues.
3121 So, this one is and I understand what you're attempting to do, but I'm also concerned that
3122 they live in Philadelphia. They don't necessarily reside here and then that leads me to
3123 believe that maybe someone could break in and use the house as a party house, and
3124 they not know. But, you know, I'm just a little disappointed with that. We had a track record
3125 of not having these things booked for us, and now we do. I'm looking forward to rejecting
3126 this and, and I'm also looking forward to making sure that Mr. Blankinship doesn't bring
3127 us any violations of chickens and hens when they come before. I mean, we've got to send
3128 a clear message that this is unconscionable, simply because of our sworn officers that
3129 put their lives at risk for some silliness.

3130
3131 Mr. Lawrence- I have a procedural question, Mr. Blankinship. so if the board
3132 should decide to revoke this permit, do the Lis have the opportunity to come back in the
3133 future and reapply? Is there a time frame in which they would not be able to do that? But
3134 is there an opportunity for them to do that in the future, if they chose to do so?

3135
3136 Mr. Blankinship- There would be, I think after one year, they could reapply.

3137
3138 Mr. Lawrence- Because they did say they were planning to move to the
3139 property permanently in two years, we could reconsider the situation at that time. I share
3140 the concerns about, you know, living a considerable ways away from the property and I'm
3141 not aware that we've had anything comparable, the situation of any other Airbnbs where
3142 we've had staff come back to us with complaints.

3143
3144 Mr. Blankinship- We try to avoid that.

3145
3146 Mr. Green- We had one in Wellesley hat someone illegally started. Not
3147 anything we ever approved. So, this is...

3148
3149 Mr. Lawrence- This is one of an approved case where...

3150
3151 Mr. Green- I'm just disappointed. We do a good job.

3152
3153 Mr. Blankinship- We can't say that anymore.

3154
3155 Mr. Lawrence- Yeah, it's unfortunate, Mr. and Ms. Li, you all put your trust in
3156 a company that apparently didn't do very well by you, but of course it raises the question
3157 also to me is I'm not really familiar I guess with how these Airbnbs are generally marketed.
3158 I mean, is this a situation that could reoccur?

3159
3160 Mr. Blankinship- This is why the residency requirement is so important.
3161
3162 Mr. Lawrence- All right, Mr. Johnson, I think we spoke our peace if you're
3163 ready for a motion.
3164
3165 Mr. Johnson- Okay. First thing, I thank the police as well, you know,
3166 because they spoke up a bit about this as well. And I move that we revoke this conditional
3167 use permit on the grounds that the applicant has violated the conditions of approval and
3168 it is clear from the evidence that the property has been rented with large parties, that
3169 hundreds of people have attended these parties and the applicants have not resolved the
3170 complaints in a timely manner.
3171
3172 Mr. Green- Second.
3173
3174 Mr. Lawrence- Was that Mr. Green? So, we have a motion from Mr. Johnson
3175 to revoke this permit, seconded by Mr. Green. If there's no further discussion, all in favor
3176 say "Aye."
3177
3178 Board- Aye.
3179
3180 Mr. Lawrence- Is there any opposition? Hearing none, the motion passes.
3181 We're sorry, Mr. and Ms. Li, but I hope you understand that, you know, you put us in a
3182 difficult situation. Maybe in the future, if you're residing on the property, we can reconsider
3183 this. But we have to rely on what information is brought to us, and this is a very concerning
3184 situation.
3185
3186 Mr. Li- Can I say that, can the board to give us about a half a year to
3187 wrap up so we can show outcome over here?
3188
3189 Mr. Blankinship- The revocation is in effect immediately. You need to take the
3190 site down. You need to get the property off of Airbnb and stop renting.
3191
3192 Ms. Li- Okay. There already have some bookings. We saw somebody
3193 even booked in May.
3194
3195 Mr. Green- May you say?
3196
3197 Ms. Li- So if we terminate with them, then we can do he will be fine
3198 with it.
3199
3200 Mr. Blankinship- Sorry about that.
3201
3202 Mr. Broadway- You'll just have to tell them the county revoked your permit.
3203 It's out of your hands in a way.
3204

3205 Mr. Lawrence- Yeah, it's out of your hands, out of our hands, I think.
 3206
 3207 Mr. Green- Isn't that right, Mr. Blankinship? Once you revoke it it's done?
 3208
 3209 Mr. Blankinship- Yes. There's been too many problems already at this property.
 3210 We don't need any more as of today.

3211
 3212 **On a motion by Mr. Johnson, seconded by Mr. Green, the Board Revoked the**
 3213 **conditional use permit from case CUP-2024-101514.**
 3214

3215
 3216 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
 3217 **Negative: 0**
 3218 **Absent: 0**
 3219

3220
 3221 Mr. Blankinship- That brings us to the minutes, Mr. Chair. You did send us
 3222 some revisions of a grammatical and so forth nature, but I don't believe there was
 3223 anything substantive that the board would need to vote on. So, a motion would be in
 3224 order?
 3225

3226 Mr. Green- So moved.

3227
 3228 Mr. Johnson- Second.

3229
 3230 Mr. Lawrence- We have a motion from Mr. Green to approve the minutes
 3231 from the last meeting with a second from Mr. Johnson. All in favor say "Aye."
 3232

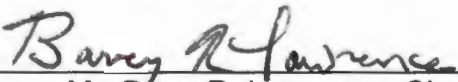
3233 Board- Aye.

3234
 3235 Mr. Lawrence- All opposed say "No". Motion carries, the minutes are
 3236 approved. Is there a motion to adjourn?
 3237

3238 Mr. Broadway- So moved.

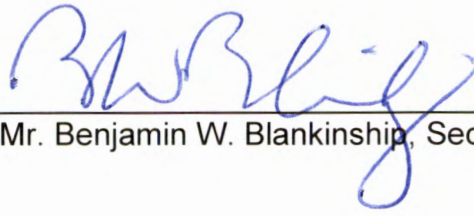
3239
 3240 Mr. Lawrence- Motion by Mr. Broadway, second by Mr. Johnson. Meeting
 3241 adjourned.
 3242

3243 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
 3244 **Negative: 0**
 3245 **Absent: 0**
 3246

3247
 3248
 3249
 3250 
 3251

Mr. Barry R. Lawrence, Chair

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3257



Mr. Benjamin W. Blankinship, Secretary