

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 JANUARY 28, 2021 AT 9:00 A.M., NOTICE HAVING BEEN**  
5 **PUBLISHED IN THE *RICHMOND TIMES-DISPATCH* JANUARY 11, 2021 AND**  
6 **JANUARY 19, 2021.**

7  
8 **Members Present:** Walter L. Johnson, Jr., Vice-Chair  
9 Gentry Bell  
10 Terrell A. Pollard  
11 James W. Reid  
12

13 **Member Absent:** Terone B. Green, Chair  
14

15 **Also Present:** Benjamin Blankinship, Secretary  
16 Paul M. Gidley, County Planner  
17 R. Miguel Madrigal, County Planner  
18 Rosemary Deemer, County Planner  
19 Kristin Smith, County Planner  
20 Kuronda Powell, Account Clerk  
21

22  
23 **Mr. Johnson -** Happy New Year. Good morning, everyone. Welcome to the  
24 January 28, 2021 meeting for the Henrico County Board of Zoning Appeals. For those  
25 who are able please stand with us and join in the Pledge of Allegiance.  
26

27 **[Recitation of the Pledge of Allegiance]**  
28

29 **Mr. Blankinship, will you now read the rules.**  
30

31 **Mr. Blankinship -** Good morning, Mr. Chairman, members of the Board, and  
32 good morning those of you in the room with us.  
33

34 There are also two remote options for participating in this meeting. There is a livestream  
35 on the Planning Department webpage, and we are hosting a video conference using  
36 Webex. I'd like to welcome everyone who's joining us remotely. If you wish to observe  
37 the meeting, but you do not intend to speak, welcome and thank you for joining us.  
38

39 For those of you on Webex, if you wish to speak, we need to know that in advance so we  
40 can connect you at the appropriate time. So if you're an applicant or if you have questions  
41 or comments on one of the cases, please press the chat button now located on the bottom  
42 right corner of the screen, and when the chat window opens please select Kristin Smith  
43 from the list of participants and let her know your name and which case you are interested  
44 in. That feature is only being used to identify speakers, so please do not type questions  
45 or comments into a chat, but please send a chat to Kristin Smith now so she can get the  
46 queue organized.

47  
48 All right. Acting as secretary I will call each case. Then we will ask those of you in the  
49 room to stand and be sworn in. Then a member of the Planning Department staff will  
50 give a brief presentation. And then the applicant will speak. Then anyone else who  
51 wishes to speak will be given the opportunity. We will hear from citizens in the room first  
52 and then from those on Webex.

53  
54 After everyone has had a chance to speak, the applicant and only the applicant will have  
55 an opportunity for rebuttal. This meeting is being recorded, so we'll ask those of you in  
56 the room to speak into the microphone on the lectern in the back of the room. And we'll  
57 ask you to state your name and please spell your last name, so we get it correctly in the  
58 record.

59  
60 And we are short one member this morning, so there is the possibility of a 2-2 tie. The  
61 Code of Virginia provides and the rules of this Board provide that if there is a 2 to 2 tie  
62 vote, the case will automatically be deferred to next month's meeting. But hopefully that  
63 won't come.

64  
65 So with that, Mr. Chair, the first case is deferred from last month. It's conditional use  
66 permit 2020, number 43. Rosemary T. Tufaro.

67  
68 **CUP2020-00043 ROSEMARY T. TUFARO requests a conditional use permit**  
69 **pursuant to Section 24-12(h) of the County Code to allow short-term rental of a**  
70 **dwelling at 7708 Biscayne Court (WILLIAMSBURG PARK) (Parcel 763-750-4223)**  
71 **zoned One-Family Residence District (R-3) (Tuckahoe).**

72  
73 Mr. Blankinship - Will everyone who intends to speak to this case please stand  
74 and be sworn in? Raise your right hand. Do you swear the testimony you're about to  
75 give is the truth, the whole truth, and nothing but the truth so help you God?

76  
77 Mr. Blankinship - Thank you. All right, Mr. Madrigal.

78  
79 Mr. Madrigal - Thank you, Mr. Secretary, Mr. Chair, good morning. Members  
80 of the Board. Before you is a request to allow a short-term rental in a one-family dwelling.  
81 This case was deferred from your December hearing to allow the applicant time to  
82 address opposition expressed by neighbors. Staff has received a total of 13 letters of  
83 opposition and 8 letters of support on this request.

84  
85 The subject property is a 1/3-acre lot in the Williamsburg Park Subdivision recorded in  
86 1964. The home was built in 1967 and consists of four bedrooms and was acquired by  
87 the applicant in January of last year. It's a split-level structure with 1,148 square feet on  
88 the main and upper floors. 668 square feet on the lower level, which includes a 240-  
89 square-foot bonus room. The applicant lives in two of the bedrooms and offers the other  
90 two for short-term rental.

91

92 The lower level is listed as a suite that can accommodate up to three guests, and the  
93 bonus room is listed as a separate bedroom for one guest. All stays will be hosted, taking  
94 place in the principal dwelling, and the number of renters will be limited to no more than  
95 four guests.

96  
97 The property is on a cul-de-sac and it exceeds the 80-foot minimum street-frontage  
98 requirement. The property has a long, 75-foot, deep single-stack driveway that can  
99 accommodate three to four vehicles.

100  
101 The neighboring homes on either side of the lot are approximately 30 feet distant. The  
102 property has been listed on Airbnb since February and there have been no formal  
103 complaints. A CUP is necessary because the applicant intends to offer the home for  
104 short-term rentals in excess of 60 days per year.

105  
106 Additionally, staff is not aware of an HOA or civic association for the neighborhood.

107  
108 The property is zoned R-3 and is designated SR2 in the 2026 Future Land Use Map. A  
109 one-family dwelling is consistent with both designations. The Board of Supervisors has  
110 determined that the short-term rental of the dwelling may be acceptable as an accessory  
111 use. In this case the Board must determine whether or not the short-term rental of the  
112 property should be limited to 60 days per year.

113  
114 Although the property is generally well suited for the proposed use, the neighboring  
115 homes are only 30 feet away. As long as the applicant's short-term renters are quiet and  
116 considerate there should be no substantial detrimental impacts.

117  
118 Because the stays will be hosted, the applicant will be more directly affected than anyone  
119 else and will be able to resolve any problems that may arise during the rental. It should  
120 be noted that the county code limits short-term rentals to one party at a time. The  
121 applicant would not be allowed to rent the downstairs suite to one party and the bonus  
122 room to a different party at the same time.

123  
124 The applicant's neighbors have expressed concern regarding parking on the street. Staff  
125 has recommended that all guests park on site and not on the street. Although the  
126 driveway is long enough to accommodate four vehicles, they will be stacked due to its  
127 narrow width. This may become inconvenient for the host and guests as they may need  
128 to move cars around any time someone has to leave the property. Be that as it may, the  
129 condition is necessary to address the reasonable concern of neighbors.

130  
131 Neighbors also expressed concern about traffic, but staff does not believe that the short-  
132 term rental will have a discernable impact on traffic and volume of speed.

133  
134 In conclusion, all stays will be hosted and will take place in the principal dwelling. The lot  
135 exceeds the minimum 80-foot street-frontage requirement, and the number of renters  
136 would be limited to no more than four guests.

138 A CUP is necessary because the applicant intends to offer the property for short-term  
139 rentals in excess of 60 days per year. Staff does not anticipate any detrimental impacts,  
140 especially since the applicant will be on site to resolve any problems that may arise.  
141

142 Based on the facts of the case, staff recommends approval of this request subject to  
143 conditions. This concludes my presentation. I'll be happy to answer any questions.  
144

145 Mr. Johnson - Thank you. Are there any questions from the Board of the  
146 staff? Any questions from the Board?  
147

148 Mr. Blankinship - I was hoping that you would show the map of the support and  
149 opposition.  
150

151 Mr. Madrigal - I did. It was --  
152

153 Mr. Blankinship - I'm sorry. I was trying to keep organized with everybody in  
154 back and on Webex. All right. So you did go over that?  
155

156 Mr. Madrigal - Yes.  
157

158 Mr. Blankinship - All right. Thank you. I apologize.  
159

160 Mr. Madrigal - No worries.  
161

162 Mr. Johnson - Mr. Bell.  
163

164 Mr. Bell - Have you read the conditions in here, one through five, and  
165 agree with them?  
166

167 Mr. Johnson - Well we're with the staff.  
168

169 Mr. Blankinship - We'll get to her in just a second.  
170

171 Mr. Johnson - Anything from the Board? Then I'm going to go to the  
172 applicant. If there's no questions, we will now hear from the applicant.  
173

174 Ms. Tufaro - Hello. Thank you for hearing me. My name is Rosemary  
175 Tufaro. I go by Rory. That's why you see that often in the letters. To spell my name, like  
176 you said, was T-u-f-a-r-o.  
177

178 To answer your question, sir, is yes. I agree with those four items. Sorry. I'm really  
179 nervous. And I am, like you already saw, that I am present.  
180

181 So I did make this slide show to show my neighbors when I found out they were against  
182 me continuing Airbnb which I've been doing for two years. Once in this neighborhood  
183 and once at my previous residence. I spoke to Mr. Blankinship about continuing so I can

184 inform the neighbors and educate them a little bit about Airbnb and why I personally do  
185 it. And so I did host this open house and I invited the entire neighborhood, and nobody  
186 showed.

187  
188 So this was the presentation I had, and I know you guys had it already, so I just want to  
189 show you just quickly, and I can read it if you haven't read it, but I think you guys have  
190 already read it. Is that correct?

191  
192 Mr. Blankinship - No. They would not have seen the presentation yet.

193  
194 Ms. Tufaro - Oh, okay. So, like I said on this slide, is that when I found out  
195 that one neighbor was concerned that ran the watch program, I went over to talk to her  
196 and she said, Well, I should have talked to her about it. So I said, you know, I apologize,  
197 Bonnie. I would like to inform you a little bit about what Airbnb's are if you're not used to  
198 it or accustomed to what it's all about. So that was the point of this presentation.

199  
200 So I just want you -- to tell you a little bit about myself. I'm a single mom of three. My  
201 oldest is currently at VMI. My middle child is Angelica, she's holding the little dog. Not  
202 our dog. And, you know, the night I had this presentation actually had a phone call she  
203 was in remission and that very night we got a phone call from her doctor saying that  
204 unfortunately her lupus is back.

205  
206 So, you know, these are additional costs that I have to help my ex-husband and myself  
207 pay for. You know, and I'm, like you, I'm a public servant making a teacher's salary.  
208 Which after 20 years is still only about \$51,000 a year, sadly, with a master's degree. So  
209 that's a little bit about me. And why I started it was basically to supplement my income  
210 two years ago.

211  
212 I came home and told my partner, Matt, I said, I'm going to start doing this to make income.  
213 I just feel like this is the best way for me to supplement being that I have to be at home  
214 with the kids, that if I had to take on a part-time job that only paid, like, \$10 an hour at  
215 Kroger I wouldn't be able to significantly supplement \$51,000 a year and own a home. I  
216 mean, that's just the facts of education, unfortunately.

217  
218 So that's why I started the Airbnb. Okay. And I had already previously traveled through  
219 Airbnb for about two years. I actually really enjoy traveling that way, because to me it's  
220 safer, it's more of a homey feel, it's usually cleaner than a hotel and cheaper than a hotel.

221  
222 And this slide just kind of tells about what they stand for. And they stand for community  
223 and they don't agree with, you know, discrimination at all. So, you know, it's a kind of a  
224 double-blind sided. When I get a request for somebody to stay at my place, I can read  
225 their reviews and they can review mine.

226  
227 And so if I see somebody comes across with only a two out of five, I don't host them. You  
228 know. That's just for my safety. You know. And you can see how many times they've  
229 stayed at a place, et cetera, and then they can see my scores, which is a 4.9. I'm a

230 Superhost. Which means that I provide a safe and warm, clean, environment for them to  
231 come to.

232  
233 So a lot of the letters talked about trust and safety, and that's how this whole Airbnb was  
234 started. I, you know, when I started to do more investigation, these people started renting  
235 a room in their basement and that's how they started and then their business grew. And  
236 of course they made this empire.

237  
238 And a fun fact I learned not too long ago is that Airbnb -- I can't remember exactly how it  
239 goes, but it's the largest hotel chain that doesn't own a piece of land. So, you know.

240  
241 And, like I said, the safety and trust is that it goes both ways on the rating system, so you  
242 can rate people and they're rated. I know one concern is how are they vetted? Well  
243 Airbnb runs background checks on every guest. And sometimes when you have a new  
244 guest their request for staying will be pending until a criminal investigation, background  
245 check, is done. Which usually takes about 24 hours.

246  
247 So even a new guest that has no ratings has to be vetted before they're allowed to stay  
248 and government ID. Passport and driver's license are needed to book for them to be able  
249 to do that as well. So it is, like I said, a very safe program. I don't know how many people  
250 I hosted over the last two years, but I have had very little problem to none really at all. It's  
251 actually a great program.

252  
253 I meet people from all over the world. And we've been invited to go to Italy even to stay  
254 with one of my guests that stayed with me for four days after she flew into the United  
255 States.

256  
257 And then I just want to point out that I'm able to afford to add a Ring camera on my  
258 premises, which records the comings and going, as extra safety. And I don't know if any  
259 of you own Ring, but the greatest thing about that, I think, is that you also find out any  
260 incidents that possibly happen within, like, I think it's like a five-mile radius. So, you know,  
261 it really keeps me informed on anything that's happening. And most of the things are,  
262 you know, simple little things, but sometimes it's somebody's car was broken a mile away  
263 and they let you know. And none of my Ring announcements have been from  
264 Williamsburg Park.

265  
266 You already addressed the traffic and parking and I'm okay with using my driveway.  
267 That's how I often have my guests park anyway for their safety, is I'll have them pull in  
268 behind us. Especially this year. Because I'm working from home, so I very rarely leave  
269 the house. My car kind of stays put. So they often pull in behind me. So that's what that  
270 slide was about.

271  
272 And then, you know, this slide just talks about how some of the neighbors worried that it  
273 would be an eyesore and things like that, but Airbnb and that income helps me keep my  
274 house up nice. I think it's pretty -- one of the nicest ones in the neighborhood, actually.

275

276 And I just wanted to point out that, you know, I'm doing this the legal way. I'm coming to  
277 you and asking you for this permit, when some of these houses have illegal housing going  
278 on and their houses, unfortunately, are eyesores and traffic problems. Like the one, you  
279 know, I can't really see that far, but, you know, they often have trash, extra cars parked.  
280

281 The one in my cul-de-sac, which I have a closer picture of has, like, five cars. I have a  
282 slide of it. It's coming up. And their homeowner, whoever owns the house, won't let them  
283 park in the driveway at all. They have their painting truck in the driveway, and they make  
284 all their residents, and I don't know how many residents come and go in that house, park  
285 in the road. And they have about five cars.  
286

287 So there's four houses in my cul-de-sac, and two of the houses, one actually wrote a letter  
288 of complaint, which I think was a joke, saying that I was the problem, when they own five  
289 cars and only park one in the driveway. And then the other house, which is some sort of  
290 rental, legal or not legal, they have five cars and only one car is parked in the driveway.  
291

292 That just talks about the improvements I'd made in addition to the one concern identifying  
293 where I live. I added that yellow flag to my mailbox, and they have images of my house  
294 and where it goes, so they make sure they come to the right location.  
295

296 And then I just want to point out number seven, because I don't want to read this all to  
297 you. I know you have a busy day. But, it's important to know that watched people behave.  
298 When you know you're being watched, you're going to behave. And because I'm on  
299 property, there's no parties. That's not allowed. I'm actually a really kind of quiet person.  
300 As most people know, I don't like noise. So I don't want to have a guest that is loud.  
301

302 Most of my guests actually are working people. The person that stayed with me last night  
303 is working at VCU as a respiratory therapist, and he has his job for the next six weeks,  
304 and he actually already said to me this morning, I'd like to stay here for my position until  
305 the end. And I told him that I was in this process of zoning, that I would have to let him  
306 know. But he already is like, your place is great. Safe and clean. I'd like to continue to  
307 stay during my position at VCU as a respiratory therapist.  
308

309 I don't know if you've ever traveled by Airbnb, but I want you to know that it's really one  
310 of the best ways to travel. And that treehouse in the middle is actually right on River Road  
311 in million-dollar homes. She's booked pretty much 365 days. And when we first started,  
312 she was four months in, and it was like \$120 to stay there. Now she charges \$260 a night  
313 to stay there. And that's in a million-dollar-home neighborhood. That treehouse in the  
314 back right there is right on the river by the bridge. Which if you ever want to take your  
315 child or grandchild, I strongly recommend going to her place.  
316

317 Castle in Knoxville. Last week I stayed in South Carolina at a different treehouse that's  
318 not up there.  
319

320 And, again, I just want to thank you, again, for supporting a mom of three that it's really  
321 the only way that I can survive and keep this home. And I know one of the things that

322 you're considering is that 60 days. I just want you to do the math on that. It's 60 times  
323 about \$40 a night is only an additional \$2,400. That's not supplementing a teacher's  
324 salary.

325  
326 And without Airbnb the options I will have at this point, and I'm, like I said, I'm really upset  
327 and nervous. But the options I would have is to either sell the home and find a cheaper  
328 place to live, which is nearly impossible, or get another job. Which, if I worked at Kroger  
329 for \$10 an hour, I'd have to work four or five nights a week for four hours a night. And  
330 that's just not feasible for a mom of three and hold my library job during the day.

331  
332 So that's all I have right now. And there were some letters that appeared to be missing  
333 that I just want to make sure that you have in support. And in my final closing statement,  
334 when I get the chance to speak again, is it okay if I read one letter that was emailed just  
335 this morning?

336  
337 Mr. Blankinship - Yes, I think so.

338  
339 Ms. Tufaro - Okay. So I do have copies of the letters of support. And I  
340 don't know if you want them, but I did notice that there was one or two that appeared to  
341 be missing. But I'm not sure at this point.

342  
343 Mr. Blankinship - You can bring those to me here.

344  
345 Ms. Tufaro - Okay. Thank you.

346  
347 Mr. Johnson - Are there any questions to the applicant? For the applicant?

348  
349 Mr. Reid - Ms. Tufaro, since you have been open how many -- what kind  
350 of occupancy rate are you running? Do you have somebody every day of the week? Or  
351 couple days a week?

352  
353 Ms. Tufaro - So this past month -- I'm only renting, just so you know, the  
354 basement apartment. I don't rent the upstairs anymore. I was renting both spaces, but  
355 now I'm only doing the one space. I have two spaces going, but I don't do the second  
356 space, if that makes sense. And so the downstairs, which has one bedroom and I rent  
357 that to usually one person or a couple and if they have a child, I'll kind of allow it. But it  
358 usually gets too noisy, unfortunately. So this past month, out of 30 days, I've only had 4  
359 nights not occupied.

360  
361 Mr. Reid - Not occupied.

362  
363 Ms. Tufaro - Not occupied. Sorry. I don't know who's speaking with the  
364 masks on. I was looking at the wrong person.

365  
366 Mr. Reid - I have trouble hearing, too. I have several other concerns. I  
367 drove through the neighborhood in December when the first hearing was scheduled, and



368 I drove through twice this month. And each time the court was practically filled with cars.  
369 Your driveway was filled with cars and there was a car parked in front of the house.

370  
371 And the other concern I have is the closest of the homes. You're only 30 feet apart.

372  
373 And the final thing, your neighbor at, I think it was 7712, I think Ms. Gilbert, had a  
374 complaint about two gentlemen who were wandering around in her yard trying to get in  
375 her house when I think they were supposed to be at your house. Do you know anything  
376 about that?

377  
378 Ms. Tufaro - Yes. I'm glad you picked up this picture. That's what I wanted  
379 to show you, actually. So is there a laser pointer on here?

380  
381 Mr. Blankinship - No. Sorry.

382  
383 Ms. Tufaro - Okay. That's fine. So if you look at that image right there, you  
384 see those four cars in the center?

385  
386 Mr. Reid - Yes.

387  
388 Ms. Tufaro - Three out of four of those cars are from that person's house  
389 that complained. That's in the center. Then her house, she has a driveway. She only  
390 parks one car. And it's four generations that live in that house: the mother, the two adults,  
391 the child that's older than me, and then their daughter and granddaughter is often there,  
392 being the fourth generation.

393  
394 So in that image there that white car, the black car behind them, the white truck with the  
395 blue tarp on it, sit there all day long. That white truck with a blue tarp, which I don't even  
396 know how that's legal, thank you for pointing to it. That's a complete eyesore. And then  
397 their house, if you point to their house, you can see the car in their driveway and then  
398 they have another car parked in front of their house.

399  
400 And if you see the house to the right of mine, can you point to that house? That one.  
401 They said they wrote a letter. I didn't see it and they didn't send me a copy. Alex and  
402 (indiscernible) that house right there. If you could see, they only have space for one car  
403 next to that white mailbox. And that lady that complained parks her car in front of their  
404 house as well.

405  
406 So I'm not the problem with the cars. And, yeah, sometimes my house has a little bit  
407 extra cars when my son's home from college. My son is 18, going to be 19, and my  
408 daughter's 16. They share a car which is only there 50 percent of the time, because I  
409 have joint custody with my husband.

410  
411 So there are times when I have three cars, there are times when I have four cars. But  
412 that's it.

414 Mr. Reid - The white car over there on the left looks like the one that I  
415 saw parked in front of your house.

416  
417 Ms. Tufaro - It is not my car.

418  
419 Mr. Reid - Pardon?

420  
421 Ms. Tufaro - That is not my car, either, and sometimes they do run out of  
422 space. That one house that complained, Joan and Roger and Melissa, they have five  
423 cars themselves. And, like, this morning when I woke up there was a sixth car. A black  
424 truck, I've never seen before. And when they run out of space they park in front of my  
425 house and the house next to them that has only that one spot. The house in between us.

426  
427 And Alex even told me last week when I spoke to them about that car that they park in  
428 front of my house, and the woman responded, I've been doing it for years. Because he  
429 said, I can't even back out of my driveway.

430  
431 So, yes, there is a car problem, but it's not me. And the fourth house on the right-hand  
432 corner, which you can't see, which I thought was in my slides, but I don't see it in my slide  
433 presentation, that -- okay that house right there. That's the one that probably has illegal  
434 residents, because they're different people living there all the time. They have a huge  
435 driveway, but they have a sign in the driveway that says, No parking. Which was in my  
436 slideshow, like I said, but I don't see it. And they have a painting business of some sort.  
437 They have five cars and they only park one in the driveway.

438  
439 So between those two houses in that cul-de-sac there are 10 cars, and only 2 of those 10  
440 cars are in a driveway, 8 other cars are in the road. So, again, yes. I agree with you. It's  
441 a parking problem. But it's not my house that's the problem.

442  
443 Mr. Reid - Have you had any complaints from your neighbors in the  
444 months that you've had the B&B open?

445  
446 Ms. Tufaro - Not a one. And I read Joan's letter and what upsets me is I  
447 was honest with her when I moved in and told them that I supplement my income this  
448 way. And I told them that if anything ever came awry to contact me and I'd be glad to  
449 help them. But their letter says that I tried to hide it and sneak it, which is not the truth at  
450 all.

451  
452 And I'm sad that Alex and Lively's letter is not there either, because they're the neighbors  
453 in between us and they also said to me, Yeah. We appreciate that you said if there's ever  
454 a problem to come over and let me know. So, like I said, I don't know where that letter is.  
455 They said they sent it last week. So. Supporting me and showing that I have never had  
456 any trouble whatsoever. And never parked in front of their homes when they have parked  
457 in front of mine. And I don't complain about it, because it happens sometimes where you  
458 have to park in front of somebody's house. But I have never parked in front of her home.

459

460 Mr. Johnson - Okay.  
461  
462 Mr. Reid - Did you address the two gentlemen who were wandering  
463 around in the other yard who were supposedly, I guess, staying at your B&B?  
464  
465 Ms. Tufaro - Yes. Her letter said one gentleman, and I don't know if that  
466 ever happened, because she's never told me that. I'm always very friendly to them and I  
467 talk to them and I play with Little Berkley, their little granddaughter, when she's outside.  
468 So when I did read that letter, I added additional images of my house to help prevent that  
469 from happening again, including that yellow flag on my mailbox. And I send through the  
470 Airbnb app the guest that's coming -- in my slideshow you see the flat, because that was  
471 added just recently. But I added additional identification of my home so that wouldn't  
472 happen. And that happened according to her in her letter. She never spoke to me one  
473 time.  
474  
475 Well, I've lived here one year, and twice two people came up to my house looking for the  
476 house next door to me where Alex and Lively live. I mean, sometimes people come up  
477 to the wrong house. So. As I was living there two people came up to my house incorrectly  
478 and now I know that one person came up to Joan's house one time. And I, like I said, I  
479 added additional images and ways that people can identify the correct house.  
480  
481 Mr. Reid - Thank you.  
482  
483 Mr. Johnson - Is that all Mr. Reid?  
484  
485 Mr. Reid - Yes. Thank you, ma'am.  
486  
487 Ms. Tufaro - Want me to sit?  
488  
489 Mr. Pollard - Also you mentioned about your parking. Now are you aware  
490 that you're supposed to park in the driveway rather than on the street?  
491  
492 Ms. Tufaro - Are you talking about me personally, or my guests?  
493  
494 Mr. Pollard - Your guests as well.  
495  
496 Ms. Tufaro - I was unaware of that, but now that I'm aware, that is not a  
497 problem whatsoever. But my home in front can park three cars. Right now, in that image  
498 actually, that's my ex-husband's car in the driveway. My daughter must have been  
499 borrowing his car. She kind of crashed her brother's car recently and so she was  
500 borrowing dad's car. So that's her vehicle pulled in. And then my partner's vehicle is right  
501 there, and the red Subaru is my car. And, as you see, there's still space for another car  
502 that my guests can easily have on the driveway and I could park my car in the road. And  
503 if my daughter is with me or my son, who's currently at college, like I said, they share one  
504 car, it would be two cars in the road of my own personal owning.

505  
506 Mr. Pollard - And also on your regulations you read that you can't rent two  
507 spaces with one time as well.  
508  
509 Ms. Tufaro - Right.  
510  
511 Mr. Pollard - I know you've mentioned that you just have one rental, but be  
512 aware that you can only do one space at a time?  
513  
514 Ms. Tufaro - Yes. I was unaware, but now you have made me aware. But  
515 even before I was made aware, I only switched to one space just for my own personal  
516 quietness of not having an extra guest in my personal living space. Because that one  
517 bonus room was my personal living space. And my old house that I lived in at Garland  
518 Estates, it was big enough where people weren't in my space. Like, they had their own  
519 room, and it wasn't that big a deal. With this one I only rented the top room once in a  
520 while, when money was a little tight, to make ends meet a little bit more. But I found that  
521 this house is, upstairs, too close of quarters and I preferred not to have it. I preferred only  
522 to use the basement apartment which has its own entrance.  
523  
524 Mr. Pollard - Okay. And also that there are regulations on the number of  
525 days as well. As, well, I guess you have been through the B&B regulations now. Read  
526 through those?  
527  
528 Ms. Tufaro - The ones that you sent me in the email?  
529  
530 Mr. Pollard - Did you -- Mr. Blankinship?  
531  
532 Mr. Blankinship - Excuse me. You would have been provided with the full list,  
533 the checklist, when you first applied.  
534  
535 Mr. Pollard - Yes.  
536  
537 Mr. Blankinship - They're all summarized. The regulations are all summarized  
538 in that checklist.  
539  
540 Ms. Tufaro - I'd have to find it.  
541  
542 Mr. Blankinship - We can get you another copy.  
543  
544 Mr. Pollard - Yes.  
545  
546 Mr. Pollard - And, other than that, I noticed that I was reading through that  
547 you have about 11 yeses of approving it for you to do that and I think I had 14 that were  
548 negative.  
549  
550 Mr. Blankinship - Yes. The numbers are a little misleading this time.

551  
552 Mr. Pollard - Right.  
553  
554 Mr. Blankinship - Because we had -- several of the neighbors sent more than  
555 one correspondence.  
556  
557 Mr. Pollard - Okay.  
558  
559 Mr. Blankinship - For example, I received two just yesterday from people who  
560 had already sent messages back in December just to say please make sure they still  
561 have my message from December.  
562  
563 Mr. Pollard - Right.  
564  
565 Mr. Blankinship - So. One can't necessarily just count.  
566  
567 Mr. Pollard - Right.  
568  
569 Mr. Blankinship - But that's why I thought that map would be helpful to you.  
570  
571 Mr. Pollard - Thank you.  
572  
573 Ms. Tufaro - I was wondering if you would be so kind to put that map back  
574 up. So the purple ones are the ones against. And if you notice there's only one purple  
575 next to me that can actually see me. That all the problems they stated is how -- I don't  
576 know how to word it. But like the parking issue and the traffic issue. I have shown you,  
577 unfortunately they are causing that problem, not me. But if you see the green houses, all  
578 three of those houses actually see me and support me.  
579  
580 The other purple houses, the ones way over the on the left-hand side, you have to go all  
581 the way around the block. They don't pass my house. I don't pass their house. My  
582 guests don't pass their house. I wish you could zoom out, but my Airbnb has no affect on  
583 them at all. The only one that I could see, like, the one issue where one person went to  
584 their house, is the only thing that happened. And I rectified that situation my adding  
585 additional signage and pictures to my guests.  
586  
587 Mr. Pollard - All right.  
588  
589 Mr. Johnson - Okay.  
590  
591 Ms. Tufaro - Yes. And, like I said, 7710 was where Lively and Alex live.  
592 And they wrote me a letter in support, but I don't know why it's not here. But they didn't  
593 send me a copy. So the house in between, 7710, like I said, they even had complaints  
594 about 7712 parking in that. You see how their property really narrows down. They only  
595 have a spot for one car. They're having issues with 7712 as well.  
596

597 Mr. Pollard - Right. We appreciate that.  
598  
599 Mr. Johnson - Any more questions for the applicant?  
600  
601 Mr. Pollard - No.  
602  
603 Mr. Johnson - I think we have a good idea about what do you plan on doing  
604 and how you are doing it as well.  
605  
606 Ms. Tufaro - Thank you.  
607  
608 Mr. Johnson - All right.  
609  
610 Mr. Blankinship - All right, Mr. Chair, we do have one neighbor in the lobby, and  
611 we are limited to 10 people in the room, so we're going to have to ask you (applicant) to  
612 step out into the lobby so he can come in.  
613  
614 Mr. Johnson - Yes.  
615  
616 Mr. Blankinship - With the Board and staff we're already at eight.  
617  
618 Ms. Tufaro - Can he (boyfriend) leave?  
619  
620 Mr. Blankinship - Yes you, you can hear in the lobby.  
621  
622 Ms. Tufaro - Do you need both of us to leave?  
623  
624 Mr. Blankinship - Yes.  
625  
626 Mr. Johnson - Yes.  
627  
628 Mr. Blankinship - Yes. I'm sorry, but we have the governor's limit on attendees  
629 to follow.  
630  
631 Mr. Johnson - Yes. Is there anyone speaking in support?  
632  
633 Mr. Blankinship - That's a good question. Is there anyone on the Webex to  
634 speak in support?  
635  
636 Ms. Deemer - No. We have no one on Webex in support.  
637  
638 Mr. Blankinship - Okay. Thank you. No.  
639  
640 Mr. Johnson - Okay. Yes. Then we have one person listening to speak in  
641 opposition to the request.  
642

643 Mr. Blankinship - Yes, sir.  
644  
645 Mr. Johnson - All right. Thank you.  
646  
647 Mr. Blankinship - Good morning, Mr. Clark. Would you raise your right hand,  
648 please? Do you swear the testimony you're about to give is the truth, the whole truth, and  
649 nothing but the truth so help you God?  
650  
651 Mr. Clark - I do.  
652  
653 Mr. Blankinship - Thank you. Tell us your name.  
654  
655 Mr. Clark - John Clark and I'm at 2402 Landon Road, which is on the  
656 other side of the neighborhood. Is it all right if I take my mask off to speak?  
657  
658 Mr. Blankinship - Yes.  
659  
660 Mr. Clark - Okay. I'll do that. I did respond to this case back, I guess,  
661 earlier this month, on the 6th, and then I added one really late last night, burning the  
662 midnight oil. I just want to make sure, Ben, that you got that. I had sent a recall to try to  
663 correct something towards the end, and I didn't get a message in at work. But did you  
664 get -- you got that?  
665  
666 Mr. Blankinship - I did. Copies have not been provided to the Board, though.  
667 They have your previous communication, but not the one from last night.  
668  
669 Mr. Clark - Okay. Wow. Okay. I wish I could provide copies to the Board.  
670 I only brought one copy. But, anyway, maybe I'll -- I can leave my copy with you after I've  
671 kind of finished --  
672  
673 Mr. Blankinship - Well, if I have a copy on email that can go in the file. You can  
674 just state your --  
675  
676 Mr. Clark - Okay. Sure. I'll just go on ahead and summarize.  
677  
678 Mr. Johnson - Mr. Clark, before you start, where's your home located?  
679  
680 Mr. Clark - I'm located at 2402 Landon Road.  
681  
682 Mr. Blankinship - It's pretty close to the curve there in the top left.  
683  
684 Mr. Johnson - Right there?  
685  
686 Mr. Clark - That's it. Yes.  
687  
688 Mr. Johnson - Okay.

689  
690 Mr. Clark - Yes. And I've been a resident there for closing on 11 years.  
691 Several other residents next to me, they've been there much longer. 27 years, Bonnie  
692 Hunt, or Bonnie Warren has been there. And then the Flemings next to her. They've  
693 been there 42 years. There's several of us, others, that have been there, you know, 14  
694 years, in that range.

695  
696 But anyway, I just want to say, going through my letter here -- I received Rosemary's, or  
697 Rory's, invitation. I got it kind of late -- I appreciate her reaching out, but it was just such  
698 late notice I couldn't attend.

699  
700 I do know about Airbnb. I've used it a couple times myself. One place was up in Long  
701 Island, New York. Another one was a small-town in West Virginia. Those experiences -  
702 - there was a lot more seclusion, if you will, a lot more isolation. It was not in a  
703 neighborhood, a tight setting, like Williamsburg Park. And there's plenty of room for  
704 parking, you didn't feel like you were intruding on neighbors or having to deal with  
705 neighbors. And I, you know, I basically -- I'm not like an Airbnb fan, but I, you know, I've  
706 used it because there wasn't any other option and it served its purpose.

707  
708 My feeling is that, in regard to this, I think the county needs to look at using Airbnbs on  
709 larger isolated lots that are screened and have on-site parking. I really think that's the  
710 best way to do something like this. And I fully understand her situation, you know, trying  
711 to earn money and making ends meet. I do that myself. You know. I worked a side job  
712 as a pizza delivery guy. I worked for the county. I need some extra income. And I've  
713 also rented out a couple of rooms in my house to long term renters who've been with me  
714 for many years. And so they've been a good addition to my house and to the  
715 neighborhood.

716  
717 I had one paragraph in my letter from last night about comparing short-term guests versus  
718 long term guests. And I think you may not see some of your neighbors. You might think,  
719 Well that's the same as an Airbnb guest. Well, it's not. They're there, they're vested in  
720 the neighborhood, so you can get to know them if the timing is right. And, as for the  
721 neighborhood, we're trying to maintain some cohesiveness in our neighborhood with  
722 events like the neighborhood watch, the neighborhood cleanup day, spring/fall cookout  
723 gatherings or National Night Out events.

724  
725 And people who are transient are not really vested in our neighborhood. It kind of further  
726 creates more disassociation in our neighborhood. Accountability is compromised if you  
727 don't live there. Person hits a car when they're backing out, damages property or -- they  
728 may not stick around to see through the consequences. And so -- they're not as familiar  
729 with the area.

730  
731 I heard, you know, one point was brought up about somebody going to the wrong house  
732 and that can easily happen with our neighborhood. All of our houses, just about, are the  
733 same design. And they're all close together.

734



735 I actually had one of my renters, when he first moved in with me, he showed up and went  
736 to the house next door accidentally and startled the lady there and walked right in and he  
737 just got confused. So I can understand how this happened previously and could happen  
738 in the future.

739  
740 I think, you know, just it creates more conflicts, potentially, with having, you know,  
741 transients and strangers in your neighborhood. And we're trying to keep a stable known  
742 population. And that contributes to a more cohesive, safer neighborhood. Doesn't  
743 guarantee it, but it does help to contribute to it.

744  
745 And I mentioned, you know, we have a neighborhood watch program. That's been on for  
746 25 years. It was headed up by Bonnie Warren with assistance from Ellen Fleming who  
747 lives next door. They're both close neighbors of mine. And a business use like this we  
748 feel runs contrary to the goals and purposes of the neighborhood watch program and  
749 other things that we're trying to do to build cohesiveness in the neighborhood. And it may  
750 not be a significant problem with one location that's approved, but the question becomes  
751 as you approve more situations like this, what becomes of our neighborhood and the  
752 character of it?

753  
754 I alluded to the flier that I got from -- she sent a flier out to us in our mailboxes, or whatever.  
755 So that was with my letter as well. Like I said, I appreciate that, the outreach. But she  
756 alluded to being a Superhost at Garland Estates. I did a little research. It doesn't appear  
757 like in that subdivision that she was an owner on one of the properties in Garland Estates  
758 Court. That's what I saw as being part of that subdivision. So I'm not sure, you know,  
759 whether she was, you know, what was going on there. Whether a permit was requested  
760 from the county and what her track record was with the county on running that  
761 establishment.

762  
763 And, also, she's already been doing up to a year at her current location without, you know,  
764 getting a permit beforehand. So that's kind of troubling that someone can do this that  
765 long and not get a permit. I thought it's 60-day limit. But, anyway, that's just a question.

766  
767 Another question I have is does the county have any criteria for how many of these Airbnb  
768 short-term rental situations they would approve within a given small neighborhood like  
769 ours? Could every home conceivably have one of these? Which I know is probably not  
770 going to happen, but, you know, it brings the point of how many would be approved. And  
771 could the county cover this from an oversight standpoint as far as enforcement and  
772 regulating?

773  
774 So I think it would greatly transform what we know as our neighborhood that appealed to  
775 us when we bought our homes there. And my other neighbors and I are very concerned.  
776 Even though we don't live next to Rory, we're concerned from an impact, a precedent-  
777 setting impact to the rest of the neighborhood. She may do a fine job with it. I don't know.  
778 She seems like she probably would, keep a nice, quiet place. But it's the long-term impact  
779 from approving these, you know, once you let one in does that mean that we're going to  
780 have how many more? And then the impact that that has on our neighborhood.

781  
782 So we really, you know, would request that the Board deny this. Because we want to  
783 retain the strictly residential nature of our neighborhood and that we bought into and  
784 invested all these years and paid real estate taxes for. So that's all I have to say.

785  
786 Mr. Johnson - Okay.

787  
788 Mr. Blankinship - I can answer that last question, Mr. Chair, if you'd like me to.  
789 Which is that there is not really a question of precedent. The Board looks at each of these  
790 on its own merits. Excuse me. We know that there are about 200 of them in the county  
791 right now. So there're roughly 100,000 homes in the county, so 200 out of 100,000 is not  
792 the kind of concentration that would really cause any concerns at this point.

793  
794 There's not a number that says they have to be this far apart, or they can't be more than  
795 this many in the neighborhood, but certainly if the Board began to see multiple requests  
796 in a small area, that would be something they would take into account.

797  
798 Mr. Johnson - Okay. Thank you. Also, Mr. Clark, you mentioned in the  
799 beginning, you said that you used to rent your house up -- rooms out to someone.

800  
801 Mr. Clark - Yes. I reside there and I also rent out a couple of rooms there  
802 to long term renters who've been with me for many years.

803  
804 Mr. Johnson - Does that --

805  
806 Mr. Clark - I would suggest that's one, you know, Airbnb is one option.  
807 But that's also an option. And there's a lot of renters like that in this, you know, in this  
808 metropolitan area.

809  
810 Mr. Johnson - So you were saying that that was a good idea, but short term  
811 is not.

812  
813 Mr. Clark - Yes. I think it introduces a very transient dynamic in the  
814 neighborhood where people are not vested in what's going on in the neighborhood and  
815 committed to what's going on. Whatever things we're trying to do. And we, like I said,  
816 the neighborhood watch association, the clean-up days, the things that we have. It  
817 creates further disassociation and estrangement, I think. We're already trying right now  
818 to hold that together.

819  
820 It's pretty tough when you live in a more diverse world with a lot -- people would speak  
821 different language and cultures. But we're trying to, you know, still keep that alive. And  
822 having a transient dynamic created by something like this, it's, you know, propagated is  
823 not going to help that goal. And it just further -- it -- yeah. Just creates more alienation  
824 in our neighborhood. Less cohesiveness and more concerns for security in general.

825

826 I can't blame that on her, you know, as to creating that. But it's just that dynamic from a  
827 broad perspective.

828  
829 Mr. Johnson - I was just looking at that in another way. Because often  
830 sometimes longtime renters also may not be there for two or three months, I mean, and  
831 still long time. Because you're saying it's almost the same thing.

832  
833 Mr. Clark - Yeah. Yeah. And I'm not --

834  
835 Mr. Johnson - So, anyway, I was just inquiring about that. Also, with the  
836 renter. Does anyone have a question for the applicant before I ask a few more questions?  
837 Have a question for the applicant? Okay.

838  
839 Mr. Blankinship - Mr. Chair, we do have one speaker on Webex who would like  
840 to speak in opposition.

841  
842 Mr. Johnson - Okay. I was just taking that into consideration.

843  
844 Ms. Deemer - I'm now going to unmute Tina Puffenbarger.

845  
846 Mr. Johnson - Okay. Mr. Blankinship.

847  
848 Mr. Blankinship - Ms. Puffenbarger?

849  
850 Ms. Puffenbarger - Yes. Can you hear me?

851  
852 Mr. Blankinship - Yes. We can. We're getting an echo, though, if you have  
853 something else in the background you might turn it down.

854  
855 Ms. Puffenbarger - Let me turn that down. Does that help?

856  
857 Mr. Blankinship - Yes, ma'am.

858  
859 Mr. Johnson - Yes.

860  
861 Ms. Puffenbarger - I live on Wistar Street, so around the corner. My concerns are  
862 basically what the gentleman just said. Transient people in the neighborhood, more foot  
863 traffic, more traffic in general. I'm a walker, and I've almost been run over several times  
864 walking around this area. It's a very tight and narrow space.

865  
866 The more cars -- and I understand the person who runs the Airbnb is going to allow them  
867 to park in her driveway, that's great, but it's still going to add to people in the  
868 neighborhood.

869  
870 Again, my concerns are just opening up a hotel in my neighborhood is basically how I see  
871 it. And I'm definitely opposed to that. I live alone, and I have lived here for over five years

872 now. And I have noticed within the last couple of months a large influx of strange people  
873 coming into the neighborhood, and that concerns me.

874  
875 That's basically all I have to say. Those are my bullet points.

876  
877 Mr. Blankinship - All right. Thank you.

878  
879 Mr. Johnson - Thank you.

880  
881 Mr. Reid - I have a question.

882  
883 Mr. Johnson - Do you have any questions for the applicant?

884  
885 Mr. Reid - Are your concerns over the increased number of people in the  
886 neighborhood around Mrs. Tufaro's home, or just all over the neighborhood?

887  
888 Ms. Puffenbarger - In that area specifically, but also in my neighborhood as well.  
889 There's a large rental population. I didn't realize that when I first moved here. And I'm  
890 not opposed to renting, but it does bring in a large influx of people in the neighborhood.  
891 But, yes, specifically around this case.

892  
893 Mr. Johnson - Okay. Anyone else have any questions?

894  
895 Mr. Bell - No questions.

896  
897 Mr. Johnson - Okay.

898  
899 Mr. Blankinship - Thank you, Ms. Puffenbarger. Mr. Clark, I'm sorry, we're only  
900 supposed to have 10 people in the room, so we need to get the applicant back in. I guess  
901 if Kuronda will send them back in.

902  
903 Mr. Johnson - Yes. Thank you.

904  
905 Mr. Blankinship - Great. Thank you. Were you able to hear the testimony in  
906 the lobby?

907  
908 Ms. Tufaro - I was. Thank you.

909  
910 Mr. Blankinship - Good.

911  
912 Mr. Johnson - Okay. Does anyone else have any questions for the  
913 applicant? Do you have anything? Would you like to interject?

914  
915 Ms. Tufaro - Yes, I would. I just want to address a few things that were  
916 said. And to clarify them. And, you know, John Clark, I appreciate that he mentioned  
917 that he also rented out a room in support. To me that supports my argument here with

918 what I'm saying. Is he supplemented his income, and that's all I'm asking you to help me  
919 to do, is to supplement my income like he had the opportunity.

920  
921 And I have no idea how he vetted his people and how long they really stayed and who  
922 regulated him, and if he would pay taxes. I don't know. But thank you, John, for  
923 supporting my case.

924  
925 Another support I felt like he said was that -- sorry, I wrote notes.

926  
927 Mr. Reid - Excuse me, Ms. Tufaro, I can't hear you very well.

928  
929 Ms. Tufaro - Is the microphone not on? Oh. Okay.

930  
931 Mr. Johnson Bring it closer to you.

932  
933 Ms. Tufaro - Okay. What would you like me to repeat? I'm sorry.

934  
935 Mr. Blankinship - Please do, yes.

936  
937 Mr. Johnson - Yes.

938  
939 Ms. Tufaro - Okay. I just want to thank John, because to me what he said  
940 really just supports what I'm asking you to help me do is to supplement my income like  
941 he did. He admitted that he had renters, he rented out rooms. I'm not sure if he paid  
942 taxes or got the correct zoning. I guess you can look that up and see if he followed the  
943 regulations like I'm trying to do and do it legally.

944  
945 Also, I just want to point out that I moved in in January 24th. Nobody came to greet me  
946 in this friendly neighborhood, this community that's so strong. And Bonnie told me, Well  
947 the reason why was the pandemic. Well, I'm a school teacher, and March 13th is a very  
948 strong day in my life, because that was the last day I taught in person. I haven't taught in  
949 person since March 13th. So I lived there almost two months, and not one single person  
950 in this family, strong community that John is claiming it to be came to greet me. So --

951  
952 Mr. Blankinship - Well let's try to stay focused on your application.

953  
954 Mr. Johnson - Yes. Right.

955  
956 Ms. Tufaro - Okay. Well that's okay. The one thing that he did say was  
957 that, you know, he's concerned if some damage happens. Which, obviously, that is  
958 always a concern with anything. But Airbnb has a million-dollar coverage policy that if  
959 anything was to happen. And after I've been doing it for two years, I've never had a claim  
960 happen. But if one person backed out of my driveway and did by accident hit a car, Airbnb  
961 has a million-dollar policy as well as, of course, their car insurance. So that's a little bit of  
962 a moot point there.

963

964 And, like I already showed you, and can I go back to that slideshow real quick and then I  
965 just have one last thing.

966  
967 Mr. Blankinship - You have --

968  
969 Mr. Johnson - Yes.

970  
971 Ms. Tufaro - You could leave it on that slide. It's fine. That helps me see  
972 the pages I'm looking for. Okay. That page.

973  
974 Again, this is the page I wanted to show you before and my nerves kind of got to me. But  
975 if you push in that corner right there, so it gets bigger. Is if you see those red arrows.  
976 Those are all of the cars that belong to 7712 and 7714. That's a lot of cars in the road,  
977 and that's like the major complaint that keeps happening. And Tina said on the online  
978 that there is a parking problem. But, again, I just want you to see that visual. Yes, that  
979 part. That out of two homes there's 10 cars, and only 2 of their cars park in the driveway.  
980 So that's a lot of cars in that little cul-de-sac, but it's not because of me.

981  
982 Again, and I'd just like to read one last thing. And this was sent this morning, so I don't  
983 think you have a copy of it. But it's from a fellow teacher of mine that I've been working  
984 with for 20 years. And it says this, To whom it may concern, I'm a teacher and I've been  
985 a teacher for 27 years without exception. I have never worked only as a teacher. My  
986 career has been supplemented by side gigs, summer work, and tutoring.

987  
988 It seems that most people recognize that teachers are underpaid, but there is little done  
989 to remedy that situation. In fact, a teaching profession that has taken a remarkable hit  
990 during this past decade, particularly during the 2008 recession to help districts make up  
991 for shortfalls more and more teachers are finding their salaries don't keep up with inflation  
992 are leaving the profession or finding other ways to supplement their income. For those  
993 who chose to stay, it's not a question of if, but how teachers will make up for the lack of  
994 income.

995  
996 I've known Rosemary Tufaro for years. Since she has become a single mother she has  
997 worked hard and struggled to maintain a stable home for her children. Her ability to use  
998 Airbnb to augment her income has been critical. Without it, she would have never -- I'm  
999 sorry. Without it she would need to find other sources of supplement earnings which  
1000 would, in turn, leave her children home alone at times, taking away from her quality of life.

1001  
1002 Furthermore ending her ability to Airbnb takes away from businesses in Henrico who also  
1003 benefit from the visitors in the area, for Rosemary recommends local small businesses  
1004 and their -- for their shopping and eating while here. She is a loyal resident of the county  
1005 who is asking very little.

1006  
1007 It is my hope that you will grant her the ability to take care of her family and remain a  
1008 vibrant, contributing, member of Henrico. Joan Steen Hodges -- it was sent to Mr.  
1009 Blankinship.

1010  
1011 Mr. Blankinship - Yes. I did see a copy of that, but it was this morning, so it  
1012 hasn't been read. It will be in the file.

1013  
1014 Mr. Johnson - Okay. Thank you. Any Board members have any questions  
1015 for the applicant? Thank you. Appreciate it. The public hearing is now closed and a  
1016 motion would be in order. What is the pleasure of the Board?

1017  
1018 Mr. Reid - Since Ms. Tufaro has been in operation for a number of  
1019 months now and apparently there've been no complaints in the neighborhood and  
1020 apparently she has an excellent rating from Airbnb, I move that we approve the conditional  
1021 use permit subject to the conditions recommended by the staff. These would be hosted  
1022 stays, so the owners will always be there to resolve any issues that arise. She is limited  
1023 to four people at any time, so the impact would be minimal.

1024  
1025 Half the neighbors support it, half the neighbors oppose it, but she's been taking in guests  
1026 for several months now and the impacts the neighbors are concerned about have not  
1027 materialized. As long as the applicant follows the regulations in the conditions, I do not  
1028 think that this use will be detrimental to the neighbors. So I think we should approve it.

1029  
1030 Mr. Pollard - I second.

1031  
1032 Mr. Johnson - It's been seconded, Mr. Pollard seconded. Thank you. All in  
1033 favor of the motion say yea. All opposed say nay. The motion passes. Thank you.

1034  
1035  
1036 **Affirmative:** Bell, Johnson, Pollard, Reid 4  
1037 **Negative:** 0  
1038 **Absent:** Green 1

1039  
1040  
1041 On a motion by Mr. Reid, seconded by Mr. Pollard, the Board **approved** case **CUP2020-**  
1042 **00043 ROSEMARY T. TUFARO's** request for a conditional use permit pursuant to  
1043 Section 24-12(h) of the County Code to allow short-term rental of a dwelling at 7708  
1044 Biscayne Court (WILLIAMSBURG PARK) (Parcel 763-750-4223) zoned One-Family  
1045 Residence District (R-3) (Tuckahoe). The Board approved the request subject to the  
1046 following conditions:

1047  
1048 1. This approval allows only the short-term rental of two bedrooms in the principal dwelling  
1049 on the property for up to 4 persons at a time. All other applicable regulations of the County  
1050 Code remain in force.

1051  
1052 2. This approval is subject to the County noise ordinance (Sec. 10-67 through 10-69),  
1053 registry ordinance (Sec. 20-280 through 20-282) and short-term rental development  
1054 standards (Sec. 24-13.01(b)).

1056 3. All short-term renters must park in the private driveway on the property, not on Biscayne  
1057 Road or Biscayne Court.

1058  
1059 4. No later than March 8, 2021, the applicant must apply for a change-of-use certificate  
1060 from the Department of Building Construction and Inspections. The applicant must  
1061 diligently pursue any improvements required by the Building Code.

1062  
1063 5. The applicant or co-host must respond in person whenever necessary to resolve issues  
1064 and complaints arising in connection with the short-term rental.

1065  
1066  
1067 All right, Mr. Chair, the next case is conditional use permit 2021, number 2. John and  
1068 Tara Bowen.

1069  
1070 **CUP2021-00002 JOHN AND TARA BOWEN request a conditional use permit**  
1071 **pursuant to Section 24-95(i)(4) of the County Code to allow a swimming pool in the**  
1072 **side yard at 10607 Chipewyan Drive (CANTERBURY) (Parcel 740-745-8170) zoned**  
1073 **One-Family Residence District (R-2) (Tuckahoe).**

1074  
1075 Mr. Blankinship - I don't believe there is anyone in person to speak to this case. I  
1076 believe the applicant is with us and the contractor, the pool contractor, are with us on  
1077 Webex. Mr. Madrigal.

1078  
1079 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the Board.  
1080 Before you is a request to allow an in-ground swimming pool in a street-side yard of a  
1081 corner lot. The subject property is located at the southeast corner of Willingham Road  
1082 and Chipewyan Drive in the Canterbury subdivision which was established in 1971.

1083  
1084 The property is a reverse corner lot fronting on Chipewyan Drive, and is approximately  
1085 21,000 square feet in area. It is improved with a tri-level home built in 1971 totaling  
1086 approximately 1,900 square feet. Other improvements include a 200-square-foot shed  
1087 located in the rear yard.

1088  
1089 The applicants would like to install a 342-square-foot in-ground swimming pool in the rear  
1090 yard adjacent their driveway. The pool would be enclosed by a 3 to 6-foot-wide concrete  
1091 deck. Because the property is a reverse corner lot, code requires the pool to be set back  
1092 at least 65 feet from Willingham Road.

1093  
1094 The applicants have requested a CUP to allow the pool in the street-side yard only 25  
1095 feet from the right of way. The property is zoned R-2, and it is designated Suburban  
1096 Residential 1 on the 2026 Future Land Use Map.

1097  
1098 The existing home is consistent with both designations, and the proposed pool is a  
1099 customary and incidental accessory use to the home. If located in the rear yard, it would  
1100 be allowed by right. In this case it will be located in the street-side yard closer to the  
1101 property line than what is allowed by code.



1102 property line than what is allowed by code.

1103  
1104 The subject lot is approximately 120 feet wide at the front and narrows to 57 feet at the  
1105 rear. The applicant's proposing to locate the pool in the widest portion of the rear yard,  
1106 25 feet from the street-side property line.

1107  
1108 The pool can't be placed further onto the lot due to the presence of a concrete footer and  
1109 foundation from a previous shed, and an overhead power line. The farther the pool is  
1110 placed from the street would also require additional grading and the removal of mature  
1111 trees.

1112  
1113 The proposed location is 80 feet from the neighbor to the east and 100 feet to the neighbor  
1114 to the south. The rear yard is currently enclosed by a 4-foot-tall wooden fence, which will  
1115 be replaced with a taller wrought-iron-style fence. They also intend to plant shrubs along  
1116 the street-side property line which will limit the visual impact on the streetscape over time.

1117  
1118 This landscaping will augment the four existing trees and cypresses located towards the  
1119 rear of the lot. The neighbor to the east has an existing shed adjacent the common lot  
1120 line, which will help screen the pool.

1121  
1122 The neighbor to the south has an existing Magnolia tree in the front yard which will help  
1123 block their line of site to the pool. The most significant impact of the pool will be on the  
1124 streetscape of Willingham Road. This will be mitigated by the proposed taller fence in  
1125 combination with augmented landscaping.

1126  
1127 To further lesson the pool's visual impact, staff suggested a condition limiting any future  
1128 pool slide or diving board on the eastern side of the pool away from the street-side  
1129 property line.

1130  
1131 In conclusion, the location of the proposed in-ground pool was selected because of the  
1132 taper and the shape of the rear yard. Existing conditions which include an overhead  
1133 powerline, mature trees, and grading considerations.

1134  
1135 The proposed use is consistent with both the comprehensive plan and zoning ordinance.  
1136 The proposed location is approximately 80 feet from the nearest dwelling. To lesson the  
1137 impact on the streetscape the applicant will install a taller fence and additional  
1138 landscaping. Staff has also proposed conditions of approval to help mitigate the pool's  
1139 impact on the streetscape. If these conditions are adhered to, there should be no  
1140 substantial detrimental impacts on nearby property or the neighborhood.

1141  
1142 Staff recommends approval of this request subject to conditions. Also, staff has not  
1143 received any written correspondence or phone calls for or against this request. This  
1144 concludes my presentation. I'll be happy to answer any questions.

1145  
1146 Mr. Johnson - Okay. Board, do you have any questions? Okay. You said  
147 about the concrete footer and foundation that was previous to the shed? Was it about

1148 three- or four-inch concrete or something?  
1149  
1150 Mr. Madrigal - The way it was explained to me here, if you look at the plot  
1151 plan here, this shows the previous shed. There's a new shed now in the back towards  
1152 the corner.  
1153  
1154 Mr. Johnson - Okay.  
1155  
1156 Mr. Madrigal - The foundation system was left in place. My understanding  
1157 from the contractor is that it's a really deep foundation. He said it was, like, three-foot  
1158 deep. I'm sure he can provide more details on that.  
1159  
1160 Mr. Johnson - Okay. That answered my question.  
1161  
1162 Mr. Blankinship - And you can also see the power line running across there.  
1163  
1164 Mr. Johnson - Yes. Okay. Thank you. No other questions.  
1165  
1166 Mr. Blankinship - All right. We're ready for the applicant.  
1167  
1168 Ms. Deemer - Yes. We're unmuting Mr. John Brown now. Bowen. I'm sorry.  
1169  
1170 Mr. Bowen - Hi. I'm John Bowen. Can everyone hear me okay?  
1171  
1172 Mr. Blankinship - Yes, sir.  
1173  
1174 Mr. Bowen - Appreciate everyone's time today and consideration. A  
1175 couple of things to point out. I think there may be a little bit of confusion on what the  
1176 proposal is with the fence. The original plan was a fence would go around the immediate  
1177 vicinity of the pool. That's part of the -- in the code. When you don't have a privacy fence  
1178 up you would have to have a fence around the pool for safety concerns. And so that  
1179 wouldn't outline the perimeter of the property.  
1180  
1181 However, since we initially filed our application to the county, my wife and I have decided  
1182 that we're going to replace the existing wooden fence that you see, the 4-foot wooden  
1183 fence you see there, with a 6-foot privacy fence around the entire back yard where the  
1184 existing fence is now.  
1185  
1186 So I think that the fence that, you know, by itself would alleviate any concerns that you  
1187 would have with the street view or the neighbor's view of the pool.  
1188  
1189 To confirm, the existing foundation on the old shed, that shed was there before we bought  
1190 the property. You know, we had a demolition contractor and the idea was for them to  
1191 also excavate the foundation. And we found it to be at least an 18-inch-thick concrete  
1192 foundation. It was quite a sight. And then the demolition contractor didn't feel comfortable  
1193 even with his excavation equipment to remove it. And so we decided to leave it there.

1194  
1195 What has also been mentioned and certainly, you know, wouldn't put the pool under --  
1196 directly underneath the power line. So where we propose to put it, you know, the best  
1197 spot for, you know, or as far as, like you said, the drainage and without having to remove  
1198 trees. And we think that the privacy fence should alleviate any concern you may have.  
1199

1200 That's all I really have to say. If anyone has any questions.

1201  
1202 Mr. Johnson - Anyone have any questions?

1203  
1204 Mr. Reid - No questions.

1205  
1206 Mr. Pollard - No questions.

1207  
1208 Mr. Johnson - Okay.

1209  
1210 Mr. Blankinship - Mr. Bowen, I understand you have the contractor also online.  
1211 Did you want him to speak, or was he just there to answer questions?

1212  
1213 Mr. Bowen - From my vantage point, if he's here and wants to say anything,  
1214 he certainly can. I'm not sure if he needs to or if he wants to. But we're separately dialed  
1215 in.

1216  
1217 Mr. Johnson - Right. Great. Thank you. There's no other questions from  
1218 the applicant?

1219  
1220 Mr. Bowen - No, sir.

1221  
1222 Mr. Johnson - Okay. Okay. Any questions from the Board?

1223  
1224 Mr. Reid - No questions.

1225  
1226 Mr. Johnson - No questions? Okay. Does anyone else wish to speak in  
1227 support of this request?

1228  
1229 Ms. Deemer - We have no one else on Webex.

1230  
1231 Mr. Johnson - Okay. Thank you. With that, this hearing is closed. A motion  
1232 would be in order. What is the pleasure of the Board?

1233  
1234 Mr. Reid - I move that we approve the conditional use permit subject to  
1235 the conditions recommended by the staff. The property has a large rear yard and a pool  
1236 would increase the value of their property. The powerline and other factors make it  
1237 difficult to locate the pool further from the street. As long as the applicant follows the  
1238 recommended conditions, I do not think the pool will be detrimental to the neighbors, so I  
1239 think we should approve it.

1240  
1241 Mr. Johnson - Okay. It's been motioned by Mr. Reid for approval. Is there a  
1242 second?

1243  
1244 Mr. Pollard - I second the motion to approve.

1245  
1246 Mr. Johnson - Mr. Pollard seconded. All in favor say yea. All opposed say  
1247 nay. The motion passed. Thank you.

1248  
1249 On a motion by Mr. Reid, seconded by Mr. Pollard, the Board **approved** case **CUP2021-**  
1250 **00002 JOHN AND TARA BOWEN's** request for a conditional use permit pursuant to  
1251 Section 24-95(i)(4) of the County Code to allow a swimming pool in the side yard at 10607  
1252 Chipewyan Drive (CANTERBURY) (Parcel 740-745-8170) zoned One-Family Residence  
1253 District (R-2) (Tuckahoe). The Board approved the request subject to the following  
1254 conditions:

1255  
1256 1. This conditional use permit applies only to the location of an in-ground swimming pool  
1257 in the street side yard. All other applicable regulations of the County Code remain in force.  
1258

1259 2. Only the improvements shown on the plot plan filed with the application may be  
1260 constructed pursuant to this approval. Any additional improvements must comply with the  
1261 applicable regulations of the County Code. Any substantial changes or additions to the  
1262 design or location of the improvements will require a new conditional use permit.  
1263

1264 3. The applicant must obtain a building permit for the proposed in-ground swimming pool  
1265 by January 30, 2023, or this conditional use permit will expire. If the building permit is  
1266 cancelled or revoked after that date due to failure to diligently pursue construction, this  
1267 conditional use permit will expire at that time.  
1268

1269 4. At the time of building permit application, the applicant must submit a plan for  
1270 administrative review and approval showing the location of any diving boards, slides, or  
1271 similar equipment; all pool equipment (e.g., water pumps, skimmers, etc.); and proposed  
1272 supplemental landscaping and fencing. The landscaping and fencing must provide  
1273 screening equivalent to evergreen trees six feet tall at the time of planting and five-gallon  
1274 shrubs. Diving boards, slides, and pool equipment must not be located between the pool  
1275 and Willingham Road. Pool equipment must be screened from view. All approved  
1276 landscaping and fencing must be installed before the pool is filled with water and must be  
1277 maintained as long as the pool remains in use.  
1278

1279 5. Any exterior pool lighting must be shielded to direct light away from adjacent property  
1280 and streets.

1281  
1282 6. The swimming pool must be enclosed as required by the Building Code.  
1283

1284  
1285 **Affirmative:** Bell, Johnson, Pollard, Reid 4  
1286 **Negative:** 0

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1332

**Absent:** **Green** **1**

Mr. Blankinship - All right, Mr. Chair.

Mr. Johnson - Thank you.

Mr. Blankinship - That completes our conditional use permits for this morning. There is one variance on this morning's agenda and that is variance 2021, number 2. Houses and Homes Foundation.

**VAR2021-00002 HOUSES AND HOMES FOUNDATION request a variance from Section 24-95(e)(1) of the County Code to build a one-family dwelling at 2851 Byrdhill Road (SHIRLEY) (Parcel 778-742-3980) zoned One-Family Residence District (R-4) (Brookland). The total lot area requirement is not met. The applicant proposes 11,700 square feet lot area, where the Code requires 15,000 square feet lot area. The applicant request a variance of 3,300 square feet lot area.**

Mr. Blankinship - There is no one in the room to speak to this case. I understand the applicant is available on Webex. So, Mr. Gidley you may begin.

Mr. Gidley - Thank you, Mr. Secretary. Good morning, Mr. Chair, members of the Board. The subject property is located in the Shirley Subdivision, which is just to the southeast of the Staples Mill Road and Interstate 64 interchange. The interchange is right here, and the property is over here. The subdivision was recorded back in 1924, which was prior to the first zoning ordinance. At the time its infrastructure was never really built, which includes the lack of public water and public sewer. Over the decades only eight homes have been built here and subsequently they are on well and septic systems.

In 2008 new construction plans were approved for this development which would include street, curb and gutter installation, and extension of public water and sewer.

In anticipation of these improvements, the developer applied for and obtained a building permit for a model home. This permit was approved with the understanding that public water and sewer would be extended, and the home would be connected to it.

While work began on the new home, the developer abandoned plans for the new subdivision and, as a result, public utilities were never extended, and the home was left uncompleted. And this is the home right here. And there's been some work on it lately, so it's almost done, actually.

This past September the applicant acquired the property, and they would like to complete the home and obtain a certificate of occupancy. However, because the home is not connected to public utilities, the applicant applied for and obtained approval from the health department for allowing the septic system, which has been installed.

1333  
1334 However, for pre-1960 exception lot such as this one, the zoning ordinance requires a  
1335 minimum lot area of 15,000 square feet for homes that are on well and septic. In this  
1336 case, they have 11,767 square feet of lot area.

1337  
1338 As a result they have applied for a variance for just over 3,000 square feet of lot area.  
1339 This would enable them to get building permit approval and, ultimately, a certificate of  
1340 occupancy that would allow the home to be occupied.

1341  
1342 In evaluating this request, as you know, there are three main threshold tests. One of  
1343 which needs to be met. Two of them appear to be met, actually, in this case. The original  
1344 subdivision, as I noted, between the two lots that make up the subject property was  
1345 recorded in 1924. This was before the first zoning ordinance in Henrico County, which  
1346 came about in 1933. The property would have been buildable at that time on a well and  
1347 septic system.

1348  
1349 A minimum lot are requirement for lots on well and septic was not adopted until 1942 and  
1350 that was 11,000 square feet, which the property still met at the time. It was not until 1953  
1351 that the minimum lot area went up to 15,000 square feet and at that point the property  
1352 became unbuildable.

1353  
1354 So in this case because the property predates the requirement, the hardship is due to a  
1355 condition of the property in effect at the time the ordinance was adopted. So there is a  
1356 hardship there.

1357  
1358 And, in addition, the property lacks a reasonable beneficial use. And so, as a result, that  
1359 threshold test is also met. Absent of variance there isn't a reasonable use of the property.

1360  
1361 The five subtests, as noted in your staff report, staff believes are met. The surrounding  
1362 property is predominantly wooded. Most of it is zoned residential except for light industrial  
1363 and conservation to the north.

1364  
1365 You an see a little bit of the adjacent home over here. There's a side. It's square footage  
1366 is 1,344 square feet. The home subject to this request was 1,372 square feet of floor  
1367 area, so they're quite similar in size. Staff doesn't believe there would be that detrimental  
1368 impact there. And certainly having a home occupied by family would be far better for the  
1369 neighborhood than to have an unfinished home sitting unoccupied. So staff believes the  
1370 five subtests are met.

1371  
1372 So, in conclusion, the subject property was subdivided prior to the adoption of the first  
1373 zoning ordinance. A building permit was approved for the site in 2008 for a model home  
1374 as I noted with the belief it'd be connected to the public utilities. That, unfortunately, was  
1375 abandoned, so you now have a home that can't be occupied unless a variance is granted.  
1376 The Health Department has approved the use of well and septic, so from a public safety  
1377 perspective that is fine.

1378

1379 As noted earlier, the hardship predates the regulation and all five subtests are met. As a  
1380 result, staff recommends approval of this request subject to the conditions in your staff  
1381 report. This concludes my presentation. If you have any questions, I will be happy to  
1382 answer those. Thank you.

1383

1384 Mr. Johnson - Okay. Any questions? No questions.

1385

1386 Mr. Gidley - Thank you, Mr. Chair.

1387

1388 Mr. Blankinship - All right, Ms. Deemer, can we hear from Mr. Oni?

1389

1390 Ms. Deemer - Yes. He is now being unmuted.

1391

1392 Mr. Oni - My name is Oni. We actually acquired the property a couple  
1393 of months ago from the owner who passed unfortunately from cancer. We're just trying  
1394 to get this property completed so a family can move in there. I've gone through all the  
1395 steps we have to go through. Which includes getting a well and septic system installed.  
1396 Actually, specialized system. Also, I'm requesting a building permit and all -- no. Not a  
1397 building permit. But so we can have it on the market and have it ready to have a family  
1398 living there. Thank you.

1399

1400 Mr. Johnson - Thank you.

1401

1402 Mr. Blankinship - Mr. Oni, it was very difficult to hear you. Your microphone  
1403 seems to be breaking up a little bit. So please be patient with us if there are a lot of  
1404 questions.

1405

1406 Mr. Oni - That's fine.

1407

1408 Mr. Johnson - Any questions for the Board?

1409

1410 Mr. Reid - Mr. Oni, do you now have building permits to build the house?  
1411 I'm concerned about the health permit in particular.

1412

1413 Mr. Oni - When we bought the property the building was already there.  
1414 The permit was already approved by the previous owner. All we did was just try to get a  
1415 new or same building permit. We're also got approved by the Health Department for well  
1416 and septic. You are aware of that. So with the zoning rules we just kind of -- at home to  
1417 submit with a septic and well there. Which is why we are asking for a variance. And all I  
1418 can say --

1419

1420 Mr. Blankinship - So you're saying you already have the permit from the Health  
1421 Department for the septic system?

1422

1423 Mr. Oni - Yes. Already installed the well and septic system.

1424

1425 Mr. Blankinship - It's already installed.  
1426  
1427 Mr. Oni - Yes.  
1428  
1429 Mr. Blankinship - Oh. Good.  
1430  
1431 Mr. Johnson - Yes. Thank you. That's all the questions I have.  
1432  
1433 Mr. Reid - Yes.  
1434  
1435 Mr. Johnson - Any other questions. I know that there are areas that the size  
1436 of the lot and the need for utilities out there and when they change the boundaries, the  
1437 old stuff it was okay for them then, but the new things, the regulation had changed some.  
1438 But I just want --  
1439  
1440 Mr. Oni - Yes.  
1441  
1442 Mr. Johnson - I notice that in some of the other situations as well. But,  
1443 anyway, just wanted recognize that is what was happening sometime in those other  
1444 areas.  
1445  
1446 Mr. Blankinship - Paul, if you put that aerial on.  
1447  
1448 Mr. Blankinship - You'll see, Mr. Chair, notice the expanse. You'll see that for  
1449 some of those houses they've had to combine several lots together. But this one,  
1450 although this building was already there, the lot next to it is already built on as well. So  
1451 they really didn't have the opportunity to add any more land.  
1452  
1453 Mr. Johnson - Yes. I noted that here. Thank you. Anybody else have any  
1454 questions? Do we have any applicants for support? Mr. Blankinship?  
1455  
1456 Mr. Blankinship - Ms. Deemer, did Mr. Timmerman want to speak?  
1457  
1458 Ms. Deemer - Mr. Blankinship, we've not heard anything from him.  
1459  
1460 Mr. Blankinship - Okay. Mr. Oni's business partner, Mr. Timmerman, is also on  
1461 Webex, but I guess he's just there in case he's needed.  
1462  
1463 Mr. Johnson - Okay.  
1464  
1465 Mr. Blankinship - Is there anyone in opposition?  
1466  
1467 Ms. Deemer - We have no one else on Webex.  
1468  
1469 Mr. Johnson - Okay. No one else. This hearing is now closed. Do we have  
1470 a motion in order.



1471  
1472 Mr. Bell - I have a motion. I move that we approve the variance subject  
1473 to the conditions recommended by the staff. This is a unique situation where a house  
1474 was constructed with the expectation that water and sewer would be extended, but the  
1475 subdivision never was completed. The Health Department has approved the well and  
1476 septic system, but the house cannot be occupied until the variance is approved.

1477  
1478 The other tests are met as stated in the staff report. It would be better to complete the  
1479 house and have it completed then have it stand there empty. So I think we should  
1480 approve the variance.

1481  
1482 Mr. Johnson - Okay. There's been a motion by Mr. Bell. Do I have a  
1483 second?

1484  
1485 Mr. Reid - Second.

1486  
1487 Mr. Johnson - It's been seconded by Mr. Reid. All in favor vote yea. All  
1488 opposed nay. Mr. Blankinship, the motion passed.

1489  
1490 On a motion by Mr. Bell, seconded by Mr. Reid, the Board **approved** case **VAR2021-**  
1491 **00002 HOUSES AND HOMES FOUNDATION's** request for a variance from Section 24-  
1492 95(e)(1) of the County Code to build a one-family dwelling at 2851 Byrdhill Road  
1493 (SHIRLEY) (Parcel 778-742-3980) zoned One-Family Residence District (R-4)  
1494 (Brookland). The Board approved the request subject to the following conditions:

- 1495  
1496 1. This variance applies only to the lot area requirement for one dwelling served by a well  
1497 and septic system. All other applicable regulations of the County Code remain in force.  
1498  
1499 2. Only the existing dwelling may be constructed pursuant to this approval. Any additional  
1500 improvements must comply with the applicable regulations of the County Code. Any  
1501 substantial changes or additions to the design or location of the improvements will require  
1502 a new variance.  
1503  
1504 3. The applicant must obtain a building permit to complete the home by January 30, 2023,  
1505 or this variance will expire. After that date, if the building permit is cancelled or revoked  
1506 due to failure to diligently pursue construction, this variance will expire at that time.  
1507  
1508 4. At the time of building permit application, the applicant must provide evidence of Health  
1509 Department approval of a private water supply and onsite sewage disposal system.  
1510  
1511 5. Prior to certificate of occupancy, the applicant must establish positive drainage away  
1512 from the home's foundation and stabilize the soil around the septic system.

1513  
1514  
1515 **Affirmative: Bell, Johnson, Pollard, Reid 4**  
1516 **Negative: 0**

1517 **Absent:** **Green** **1**  
1518  
1519  
1520 Mr. Blankinship - All right. Thank you, Mr. Chair. That brings you to the  
1521 approval of the minutes.  
1522  
1523 Mr. Johnson - All right. The next item on the agenda? What's that, someone  
1524 said something?  
1525  
1526 Mr. Gidley - Can we get a motion on the minutes, please?  
1527  
1528 Mr. Johnson - Oh. That's what I'm getting ready to do now. The next item  
1529 is on the agenda is approval of the minutes. Are there any corrections on the minutes?  
1530  
1531 Mr. Pollard - I don't have any.  
1532  
1533 Mr. Johnson - Did you have one?  
1534  
1535 Mr. Bell - No.  
1536  
1537 Mr. Johnson - Okay, is there a motion?  
1538  
1539 Mr. Bell - I move that we approve the minutes of the December meeting.  
1540  
1541 Mr. Johnson - Yes. Okay. And do I hear a second?  
1542  
1543 Mr. Pollard - I second the motion.  
1544  
1545 Mr. Johnson - It's been motioned by Mr. Bell and second by Mr. Bell --  
1546  
1547 Mr. Pollard - It's Pollard.  
1548  
1549 Mr. Johnson - Pollard. All in favor say yea. All opposed nay. Motion passed  
1550 for the minutes. Okay.  
1551  
1552 On a motion by Mr. Bell, seconded by Mr. Pollard, the Board **approved the minutes** of  
1553 the December 17, 2020 meeting of the Board of Zoning Appeals.  
1554  
1555  
1556 **Affirmative:** **Bell, Johnson, Pollard, Reid** **4**  
1557 **Negative:** **0**  
1558 **Absent:** **Green** **1**  
1559  
1560  
1561 Thank you. Is there anything else that we have on the agenda?  
1562

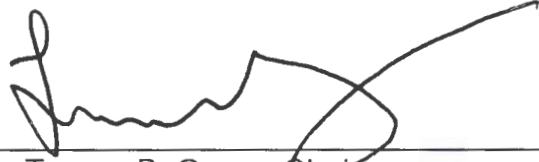
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Mr. Blankinship -

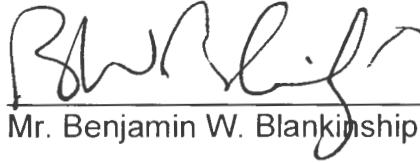
No, sir. That completes the business.

Mr. Johnson -

If that's it, then I will motion to adjourn. Okay.



Mr. Terone B. Green, Chair



Mr. Benjamin W. Blankinship, Secretary