

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 JULY 24, 2025 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN**  
5 **THE RICHMOND TIMES-DISPATCH JULY 7, 2025 AND JULY 14, 2025.**  
6  
7

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

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

15 **Also Present:** Leslie A. News, Assistant Director of Planning  
16 Benjamin Blankinship, Secretary  
17 Sara Rozmus, County Planner  
18 Kayla Shelton, Accounting Clerk  
19  
20  
21

22 **Mr. Lawrence -** Good morning, everyone. Welcome to the July 24th, 2025,  
23 meeting of the Henrico County Board of Zoning Appeals. For those who are able, please  
24 stand and join us in the Pledge of Allegiance.  
25

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

29 **Mr. Lawrence -** Okay, at this time, Mr. Blankinship, who's our secretary, will  
30 now read our rules.  
31

32 **Mr. Blankinship-** Good morning Mr. Chairman members of the board. Good  
33 morning to everyone in the room with us today. And I would also like to welcome everyone  
34 who is 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 Kayla Shelton 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 Kayla Shelton now. As secretary, I will  
43 call each case, and we will ask everyone in the room who intends to speak to that case  
44 to stand and be sworn in. Then a member of the Planning Department staff will give a  
45 brief presentation and then the applicant will have their opportunity to present their case.  
46 After the applicant, anyone else who wishes to speak in favor or in opposition will be given

the opportunity. We'll hear from citizens in the room first and then from those who are on Webex. After everyone has had a chance to speak, the applicant and only the applicant has an opportunity for rebuttal. This meeting is being recorded, so for those in the room, we will ask everyone to speak directly into the microphone back there on the podium in the back of the room. We'll ask everyone to state your name and please spell your last name, so we get it correctly in the record. And of course, once your case is over, you're free to leave, there's no need for you to stay for the rest of the meeting. We do have one member missing this morning. Mr. Green is not with us due to a death in the family. Under the Code of Virginia, for the board to rule in favor of an applicant, there must be three affirmative votes. So because we have one member absent, anyone who would like to defer to next month certainly has the opportunity to do that if you feel that you might have a better chance of getting all three of the votes you need with the full five member board. So, does anybody feeling uncomfortable right now and want to request a deferral? Of course, you can also defer when your case is called if you want to think that through. With that Mr. Chair, we do not have any requests for deferral that I'm aware of. There is one case noted on the agenda that was withdrawn after the cases were advertised and notices were mailed, so there is one case that will not be heard. With that are we ready to begin?

Mr. Lawrence- Yes, thank you Mr. Blankinship. If you could please call our first request.

**CUP-2024-101127 Lateisha Harvey: conditional use permit to provide in-home daycare for up to 12 children at 1023 Bogart Road, Clarendon Farms, Fairfield. Parcel 812-734-8514. Zoning: R-3C, One-Family Residence District (Conditional). Code Section: 24-4205.**

Mr. Blankinship- Alright, our first case is a deferral from approximately one year ago. It is **Conditional Use Permit 2024-101127** Lateisha Harvey: conditional use permit to provide in-home daycare for up to 12 children at 1023 Bogart Road, Clarendon Farms, Fairfield Magisterial District. Would everyone 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 us the truth, the whole truth and nothing but the truth, so I help you God? Thank you. Ms. Rozmus.

Ms. Rozmus- Thank you, Mr. secretary. Good morning members of the board. The subject property is in the Clarendon Farms subdivision off Cedar Fork Road. Today's applicant, Ms. Latisha Harvey, who along with her mother, have experience operating a family day home elsewhere in the county. In March of last year, they moved into their home at 1023 Bogart Road. The Harvey's would like to provide childcare services at this property for up to twelve children. This is a four-bedroom home with a large driveway that can accommodate up to four vehicles. The backyard is fully fenced with the park to the rear. Last year when the board heard this case, the Clarendon Farm's Homeowners Association opposed the request on the grounds that the neighborhood covenants prohibited a business use of this property. The Harveys disagreed and hired an attorney. One year later, the issue remains unresolved, but the applicant's attorney asked to



93 resume the public hearing process. In reviewing this request, staff found the property is  
94 zoned R-3C, One-Family Residence District, which allows a small family day home for up  
95 to five children by right. A large family day home with between six and twelve children,  
96 however, requires a conditional use permit. Since the Harvey's want to want to care for  
97 up to twelve children, they've applied for this conditional use permit. As noted, the  
98 property has a large driveway and a fenced in rear yard, both of which are conducive to  
99 a family day home. The Harveys are also experienced childcare operators and have been  
100 in operation elsewhere in the area. Last year several neighbors expressed opposition to  
101 the request and the Clarendon Farms HOA continued to oppose the request. In  
102 conclusion, Clarendon Farms is an established subdivision of single-family homes. The  
103 Harvey's are experienced operators who have become offering care for up to five  
104 children, which is allowed by right. This request is to increase the number to twelve. The  
105 Homeowner Association interprets their covenants as prohibiting the proposed use, and  
106 so we prefer not to set up potential conflicts between county actions and homeowners  
107 associations. For this reason, staff recommends denial of this request.

108  
109 Mr. Lawrence- Okay, thank you Ms. Rozmus. Are there any questions from the  
110 board for staff at this point? Any questions? Okay, we'll now hear from the applicant.

111  
112 Mr. Crockett- Good morning. My name is Douglas Crockett C R O C K E T T. I'm  
113 council for Ms. Lateisha Harvey and Ms. Ali Harvey. I have some hesitancy about going  
114 forward because they are not here with me. And so, I have not had a chance to talk to  
115 them. Whether they would want me to proceed with, I think it's now four board members  
116 rather than five, yeah, so I'm, I'm not sure what to do in this situation.

117  
118 Mr. Lawrence- Do you want to see if you can contact them, sir?

119  
120 Mr. Crockett- Would that be...

121  
122 Mr. Blankinship- Ms. Harvey is actually on Webex. Would you like us to invite her?

123  
124 Mr. Crockett- Which Ms. Harvey do you have?

125  
126 Mr. Blankinship- Lateisha, I'm sorry.

127  
128 Mr. Crockett- Yes, if we could I would be fine with well I think I would rather give  
129 her a call.

130  
131 Mr. Blankinship- Okay, yeah that might be better.

132  
133 Mr. Crockett- Okay.

134  
135 Mr. Blankinship- How about if we pass this case by and go on with the agenda and  
136 when I see you come back into the room, I'll call you next.

137  
138 Mr. Crockett- Okay, thank you. Sorry for the confusion.

139  
140 Mr. Blankinship- Thank you.  
141  
142

143 **CUP 2025-101018 Nancy Waterbury: conditional use permit to allow hosted short-**  
144 **term rental at 11004 Mountain Spring Drive, Mountain Spring, Brookland. Parcel**  
145 **761-770-5897. Zoning: R-2AC, One-Family Residence District (Conditional). Code**  
146 **Section: 24-4431.A.**  
147

148 Mr. Blankinship- Alright, Mr. Chair, I mentioned the next case **CUP 2025-101018** has  
149 been withdrawn. That's Nancy Waterbury **Conditional Use Permit** to allow hosted short-  
150 term rental at 11004 Mountain Spring Drive. If anybody is here for this case, I'm afraid it  
151 has been withdrawn and will not be heard. It has been withdrawn and will not be heard  
152 this morning.  
153  
154

155 **CUP-2025-101295 Eastern Henrico Ruritan Club: conditional use permit to allow a**  
156 **turkey shoot at 3808 Nine Mile Road, Varina. Parcel 806-723-4768. Zoning: O-3C,**  
157 **Office District (Conditional). Code Section: 24-2308.B.2.**  
158

159 Mr. Blankinship- The next case is **Conditional Use Permit 2025-101295** , Eastern  
160 Henrico Ruritan Club, a conditional use permit to allow a turkey shoot at 3808 Nine Mile  
161 Road, Varina Magisterial District. Would everyone who is here to speak to this case,  
162 please stand and be sworn in. Yes. Okay, y'all give me just one second.  
163  
164

165 **VAR-2025-100769 Blue Steel Construction, LLC: variance from the front yard**  
166 **setback, lot area requirement, and lot width requirement to build a single-family**  
167 **dwelling at 3313 Waverly Boulevard. East Highland Park, Fairfield. Parcel 798-734-**  
168 **5927. Zoning: R-4, One-Family Residence District. Code Section: 24-3105.E.1 and**  
169 **24-6402.A.2.**  
170

171 Mr. Blankinship- We do have a request from the applicant on **VAR-2025-100769** Blue  
172 Steel Construction LLC, variance from the front yard setback, lot area requirement and  
173 lot width requirement to build a single-family dwelling at 3313 Waverly Boulevard in East  
174 Highland Park in the Fairfield Magisterial District. Is there anyone else in the room who is  
175 here to speak to that case? No? Alright. Mr. Rempe has asked for a deferral on the  
176 grounds that he would like to be heard by the full five-member board. This is in Fairfield  
177 District so I guess this would come to you, so a motion would be in order.  
178

179 Mr. Massie- I motion to defer this case.  
180

181 Mr. Johnson- Second.  
182

183 Mr. Lawrence- Okay, we have a motion and a second to defer variance case 2025-  
184 100769. All in favor of the motion say "Aye".



Board- Aye.

Mr. Lawrence- All opposed "No". So, the motion carries to forward to August, and of course Mr. Green is absent.

Mr. Blankinship- That will be heard on August the 28th. Quite alright.

**On a motion by Mr. Massie, seconded by Mr. Johnson, the Board deferred case VAR-2025-100769 until the August 28, 2025 public hearing.**

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

**CUP-2025-101295 Eastern Henrico Ruritan Club: conditional use permit to allow a turkey shoot at 3808 Nine Mile Road, Varina. Parcel 806-723-4768. Zoning: O-3C, Office District (Conditional). Code Section: 24-2308.B.2.**

Mr. Blankinship- Alright, now back where we were, if you raise your right hands, do you swear the testimony you're about to give us is the truth, the whole truth and nothing but the truth so help you God? Thank you. Alright, Ms. Rozmus.

Ms. Rozmus- Thank you Mr. Secretary. This request is for a turkey shoot which was first held by the Eastern Henrico Ruritan Club back in 1967. The event is held annually on Fridays from October to December and the Wednesday before Thanksgiving. After absences due to COVID, the Ruritans resumed this fundraiser back in 2023, which covered both 2023 and 2024. As you may know, the Ruritans meet in the building in the Eastern Government Center. The turkey shoot is held on the adjacent baseball field. Ammunition is limited to low power bird shot. Participants fire to the north, which is open for approximately 250 feet, with a tree line and County storage facility beyond that. The Glen Echo Park subdivision is 300 feet to the west of the shooting area, but staff has not had any complaints raised by those residents over the last 56 years. Finally, this is county property and while the Department of General Services is okay with this proposal conditions including an agreement and liability insurance are included to protect the county in case of unforeseen incidents. In conclusion, the Ruritan club has held turkey shoots here since 1967. They're requesting a new two-year permit for this year and next. It would authorize events from 6:00 p.m. to 10:00 p.m. every Friday, October through December and the Wednesday before Thanksgiving. Staff recommends approval of this request subject to the conditions included in the staff report. I can answer any questions.

Mr. Lawrence- Thank you, Ms. Rozmus. Does the board have any questions to staff before we hear from the applicant?

231 Board- No.  
 232  
 233 Mr. Lawrence- Yep. Okay, at this time, we'll hear from the applicant, please?  
 234  
 235 Mr. Brownie- Good morning. My name's Glenn Brownie, B R O W N I E  
 236 representing the Eastern Henrico Ruritan Club. I personally am the one who oversees the  
 237 turkey shoots on Friday nights as they go on, we've been putting them on for many years,  
 238 never had any complaints to our knowledge, no incidences, no problems. It is a good  
 239 fundraiser for us. So, we'd like to continue it, of course, and we do have insurance, we do  
 240 have to renew before October 31st. Our insurance is current right now until end of  
 241 September. That is a specific policy just for the turkey shoot. And Henrico County is also  
 242 named in the coverage, and this is addition to our normal Ruritan Club insurance.  
 243  
 244 Mr. Lawrence- Can I get your name again sir?  
 245  
 246 Mr. Brownie- Name?  
 247  
 248 Mr. Lawrence- Yes.  
 249  
 250 Mr. Brownie- Glenn Brownie, B R O W N I E.  
 251  
 252 Mr. Lawrence- Yeah, I think we had someone else's name on the application.  
 253  
 254 Mr. Brownie- Yes, I'm not technically real savvy with computers, so somebody else  
 255 in our club, Theresa. Yes, Theresa's the vice president who did the application for us  
 256 online.  
 257  
 258 Mr. Lawrence- Okay, thank you. Does anyone on the board have questions for Mr.  
 259 Brownie?  
 260  
 261 Mr. Blankinship- I have a couple, Mr. Chair, if you don't mind. Yeah, I'm just curious  
 262 over the last couple years how the numbers have been.  
 263  
 264 Mr. Brownie- It kind of depends on the day. We have really good days, we have  
 265 other days that are so so, but even on the so so days, we still have made money. We  
 266 haven't gone in the hole. Last year overall, I think we raised roughly about \$8,000 in three  
 267 months for the club.  
 268  
 269 Mr. Blankinship- On an average day of the turkey shoot, how many participants do  
 270 you have?  
 271  
 272 Mr. Brownie- It ranges, on a bad day we have ten to twelve. On an average day,  
 273 usually sixteen or eighteen.  
 274  
 275 Mr. Blankinship- Okay.  
 276



277 Mr. Brownie- We have had some days where we've had twenty-five to thirty.  
 278  
 279 Mr. Blankinship- Okay.  
 280  
 281 Mr. Brownie- That's kind of rare, but it has happened once or twice.  
 282  
 283 Mr. Blankinship- I'm just wondering how it's changed over the years, it's been going  
 284 on a long time.  
 285  
 286 Mr. Brownie- I would say it's more inconsistent for us on the number of shooters.  
 287 In the past it used to be very consistent. It would be fifteen, sixteen, eighteen every Friday  
 288 night. Now you don't know, you're pretty much guaranteed ten to twelve. Anything  
 289 additional is gravy.  
 290  
 291 Mr. Blankinship- So in the time frame from six to ten, is it four an hour or is it you get  
 292 twelve of them at six o'clock and one or two that straggle in?  
 293  
 294 Mr. Brownie- Most everybody that wants to shoot is usually there by five, five-thirty,  
 295 six o'clock. I mean, I have guys that beat me there that are set up and ready to go when  
 296 I'm getting there. Most everybody is there and ready to go by seven is when we try and  
 297 start anyway.  
 298  
 299 Mr. Blankinship- Oh, okay.  
 300  
 301 Mr. Brownie- And usually we go ten rounds. And we're normally done by about  
 302 nine-fifteen to nine-thirty.  
 303  
 304 Mr. Blankinship- Okay, so six to ten is the right time frame.  
 305  
 306 Mr. Brownie- Yes.  
 307  
 308 Mr. Blankinship- And obviously you're aware of the construction.  
 309  
 310 Mr. Brownie- Yes, we have heard about the new construction.  
 311  
 312 Mr. Blankinship- That's part of the problem, and that's not a concern to you?  
 313  
 314 Mr. Brownie- Not at the moment for us, because we're over in the back away from  
 315 that. So, as long as I would say that nobody complains about the noise, but in the grand  
 316 scheme of things, we're using low powered rounds and everything would be going away  
 317 from them anyhow.  
 318  
 319 Mr. Blankinship- Right.  
 320  
 321 Mr. Brownie- And other than normal traffic in or out of there. You don't really notice  
 322 us over there on a Friday night.

323  
 324 Mr. Blankinship- Thank you, Mr. Chairman.  
 325  
 326 Mr. Lawrence- Mr. Johnson you had a question or two?  
 327  
 328 Mr. Johnson- Most of the questions have been answered by him. But also, I go by  
 329 and watch this once in a while, you know, and they're doing a great job of it and I like the  
 330 way you are handling it as well.  
 331  
 332 Mr. Brownie- Thank you.  
 333  
 334 Mr. Lawrence- Does anyone else from the board have any questions of the  
 335 applicant?  
 336  
 337 Mr. Broadway- Not of the applicant but I want to ask Mr. Blankinship  
 338 or Ms. Rozmus is this an application that has to be reviewed every year?  
 339  
 340 Mr. Blankinship- Every two years.  
 341  
 342 Mr. Broadway- Every two years, okay. Because I thought we had it before or  
 343 maybe that's a different turkey shoot.  
 344  
 345 Mr. Blankinship- There are, I think two now that are active. We had six at one time.  
 346 But I think we're down to just the two.  
 347  
 348 Mr. Lawrence- I had a question of staff, the staff report mentions proposed  
 349 conditions six and seven which address a license agreement with a memorandum of  
 350 understanding and insurance. And I can't recall whether these are new conditions or  
 351 whether these conditions have been in the cases that we have approved in the past.  
 352  
 353 Mr. Blankinship- I'll answer that since I'm a little more familiar. They are unique to this  
 354 case because this property is owned by the county. So, the other turkey shoots that we've  
 355 handled in the past do not have similar conditions. It's the property owner's own  
 356 responsibility to manage those things.  
 357  
 358 Mr. Lawrence- But this particular case...  
 359  
 360 Mr. Blankinship- That has been on for I want to say ten years.  
 361  
 362 Mr. Lawrence- Okay.  
 363  
 364 Mr. Blankinship- I could be off by, it could be twelve or it could be eight.  
 365  
 366 Mr. Lawrence- The County owned this property for decades.  
 367  
 368 Mr. Blankinship- Yes for ever and ever. This is the old Gler. Echo property.



369

370 Mr. Lawrence- Correct. Okay, thank you. Okay, any other questions from the board  
371 to staff or the applicant? Okay, Mr. Johnson, are you ready to make a motion on this  
372 case?

373

374 Mr. Johnson- Yes, I moved that we approve this conditional use permit subject to  
375 conditions recommended by staff and the turkey shoot has been held at this location for  
376 about sixty years. And there is a large parking lot and lightning as well, and there have  
377 never been complaints.

378

379 Mr. Lawrence- Can we have a motion for Mr. Johnson? Do we have a second?

380

381 Mr. Broadway- Second.

382

383 Mr. Lawrence- Okay, second by Mr. Broadway, any discussion? No discussion. All  
384 in favor say "Aye".

385

386 Board- Aye.

387

388 Mr. Lawrence- All opposed "No". The motion of carries four to zero with Mr. Green  
389 absent.

390

391 On a motion by Mr. Johnson, seconded by Mr. Broadway, **the Board approved case**  
392 **CUP-2025-101295** subject to the following conditions:

393

394 1. This conditional use permit authorizes only the Ruritan Club turkey shoot. All other  
395 applicable regulations of the County Code remain in force.

396 2. Hours of operation must be limited to 6:00 PM to 10:00 PM on Fridays, October through  
397 December, and on the Wednesday before Thanksgiving Day, 2025 and 2026. This permit  
398 will expire on December 31, 2026.

399 3. The firing line must be clearly designated. Firearms may only be discharged along the  
400 designated firing line, using only shotguns loaded with low-power (2-3/4") shells.

401 4. Sufficient off-street parking and restrooms must be provided for all participants.

402 5. No alcoholic beverages may be consumed on the property during the turkey shoot. A  
403 sign to this effect must be conspicuously posted in the immediate vicinity of the shooting  
404 area. No person under the influence of alcohol, as defined in §18.2-266 of the Code of  
405 Virginia, may be permitted in the shooting area.

406 6. This conditional use permit will not be effective until the applicant enters into a license  
407 agreement or memorandum of understanding with the County, which must include an  
408 indemnification and hold harmless clause in favor of the County, its elected officials,  
409 employees, agents, and volunteers.

7. This conditional use permit will not be effective until the applicant provides general liability insurance in the minimum amount of \$1 million per occurrence, \$2 million aggregate, naming the County of Henrico as an additional insured. This coverage must be primary to the additional insured and to any self-insurance or insurance afforded to the County of Henrico.

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

**CUP-2024-101127 Lateisha Harvey request for a family day home (cont.)**

Mr. Blankinship- Thank you, Mr. Chair. I see that Mr. Crockett has returned to the room. Would you like to go forward with the case or would you like to...?

Mr. Crockett- We would like to defer until next month.

Mr. Blankinship- Okay. And this is again Fairfield so we will take a motion.

Mr. Lawrence- Mr. Blankinship, can I ask a question before you do this? I know there's a specific time frame in which the board is required to act on cases. This case has already been deferred once, is that correct or?

Mr. Blankinship- Yes sir.

Mr. Lawrence- So, how does that affect what we do today?

Mr. Blankinship- As long as the applicant is requesting deferral, that time limit does not kick in. The purpose of the time limit is so that the board cannot just not act on a case that an applicant wants to have action on.

Mr. Lawrence- Okay. Theoretically the applicant could ask for deferrals once, twice, three times. That's just not typical.

Mr. Blankinship- At some point we usually advise them to withdraw and then resubmit when they're ready.

Mr. Lawrence- Okay, Mr. Massie, do you have a motion?

Mr. Massie- Yes, I move that we defer this request to August 28<sup>th</sup>.

Mr. Lawrence- So, we have a motion by Mr. Massie? Do we have a second?

Mr. Johnson- Second.



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Mr. Lawrence- Second by Mr. Johnson. Is there any discussion on the motion? All  
in favor say "Aye".

Board- Aye.

Mr. Lawrence- Opposed? None. The motion carries four ayes and no no's and one  
absent.

Mr. Crockett- Okay, thank you. So, I'll get another mailing from you?

Mr. Blankinship- Yes sir.

Mr. Crockett- Thank you very much.

Mr. Blankinship- Thank you.

On a motion by Mr. Massie, seconded by Mr. Johnson, **the Board deferred case CUP-2024-101127** until the August 28 public hearing.

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

Mr. Lawrence- Okay, Mr. Blankinship I guess we're back to the agenda in the next  
case.

Mr. Blankinship- Yes sir.

**CUP-2025-101448 Lauren Schooler: conditional use permit to keep up to six hens in the rear yard at 823 Francis Road, Battlefield Acres, Fairfield. Parcel 785-766-4748. Zoning: R-2A, One-Family Residence District. Code Section: 24-4420.G.**

Mr. Blankinship- **Conditional Use Permit 2025-101448** Lauren Schooler: conditional use permit to keep up to six hens in the rear yard at 823 Francis Road, Battlefield Acres, Fairfield Magisterial District. Would everyone who intends on speaking to this case please stand and be sworn in.

Ms. Rozmus- She's on Webex.

Mr. Blankinship- I do not have notice that she's on Webex. Staff, do we have an applicant or a representative for this case on Webex? Yes, we do. Okay alright I must

have just missed a message. I apologize. Alright, the applicant will be joining us on Webex. Ms. Rozmus, you can do your presentation.

Ms. Rozmus- Thank you sir. The subject property is located at 823 Francis Road in the Fairfield Magisterial District. The home was built in 1995 as part of the Battlefield Acres subdivision. The area is zoned R-2A, One-Family Residence District and is characterized by single-family homes, some with accessory structures, and lots ranging from one-third to two acres. A monument to the Battle of Yellow Tavern, in 1864 is located just to the east on Telegraph Road. The applicant is seeking a conditional use permit to keep up to six hens, no roosters in the rear yard. The proposed coup and run will be 136 square feet, which complies with the zoning ordinance. The proposed location for the chicken coup will be in the rear yard of the property on the northwest side. It is required to be twenty-five feet from the side lot line, forty-five feet from the rear and ten feet from the primary dwelling. The coup would be over one-hundred feet from all adjacent neighbors. This application is consistent with the character and development pattern of the surrounding area. The property and the properties around it are all zoned R-2A and allow for accessory structures on the property. The chicken coup will be compatible with its surroundings and the recommended conditions will limit the intensity of the proposed accessory use. Staff recommends approval subject the conditions included in the staff report. And I will note that she, she did build the coup, but there's no chickens in it. I can take any questions.

Mr. Lawrence- Thank you, Ms. Rozmus. Any questions of Ms. Rozmus from the board?

Mr. Massie- No sir.

Mr. Johnson-- Just looking at the chicken coup there that it seems like well it's off the ground and all, but is there any way that the chickens can move around rather than seem like they're just locked in a pen.

Ms. Rozmus- An elevated structure. Yeah, usually there's a ramp and I I'm sure Ms. Schooler can speak to that, but I think that there's typically a ramp so they can go in and out, and from what I know that having this elevated structure helps with like you know, bird feces and, you know, general upkeep is just a little easier to keep it off the ground.

Mr. Blankinship- Does the concept plan show a run on this one?

Ms. Rozmus- She does have a run. Yes.

Mr. Blankinship- There you go, so what you see on the left, the darker color is what it has been on the left, yeah, has been installed already and I guess the run is to be installed after approval.

Ms. Rozmus- Yes.



547  
548 Mr. Johnson- Just looking at that would indicate that the chickens are just standing  
549 in one place all the time.  
550  
551 Ms. Rozmus- Yeah, I should have popped this up, but yeah, they have, they have  
552 a little space to, to free roam.  
553  
554 Mr. Johnson- Okay, thank you.  
555  
556 Ms. Rozmus- Free roam confined.  
557  
558 Mr. Lawrence- Okay, any other questions, Mr. Johnson or anyone else from the  
559 board? Okay, hearing none at this time we'll hear from the applicant.  
560  
561 Mr. Blankinship- All right staff, can we connect Ms. Schooler on Webex, please? Good  
562 morning.  
563  
564 Ms. Schooler- This is Lauren Schooler and just to clarify yes, there will be a run.  
565 We had not built anything before, so we decided to see if we could build something that  
566 wasn't going to fall down and then we filed for the permit, because we just wanted to be  
567 sure that we could actually do it before we went through all the trouble, but we still have  
568 a ways to go in building.  
569  
570 Mr. Blankinship- Can you tell us a little about your request?  
571  
572 Ms. Schooler- Yes. We just decided, you know, we're a homeschooling family and  
573 we decided that we wanted to try our hand at, you know, keeping chickens with the  
574 blessing of our immediate neighbors, and again, you know, building a structure as well  
575 has been a good learning experience for our family, so that's what we're doing and we  
576 want problems as much as our neighbors want problems, so we're taking our time and  
577 trying to make sure we do it the right way.  
578  
579 Mr. Lawrence- Does anyone from the board have any questions of Ms. Schooler?  
580  
581 Mr. Massie- Ma'am, where is the feed going to be stored?  
582  
583 Ms. Schooler- We have a metal shed about ten or twelve feet away from it that  
584 closes and it will be in that shed in a sealed container.  
585  
586 Mr. Massie- Are you willing to use a pest control company within thirty days?  
587  
588 Ms. Schooler- Absolutely. Like I said, we want problems, no more than anybody  
589 else does, so absolutely.  
590  
591  
592 Mr. Massie- Thank you.

Mr. Lawrence- Do you have any other questions, Mr. Massie or Mr. Broadway? Mr. Johnson? I did have one question before we proceed with a motion on this. I learned, Ms. Schooler, several months ago that these chickens have a specific lifespan for being fertile, and I'm no chicken expert, unlike Mr. Johnson here who grew up on the form, so not this is not my area of expertise, but I'm just curious, what are your plans for the chickens once they are no longer able to lay eggs?

Ms. Schooler- Well, I mean they will be like pets and we will take care of them and you know as long as they are well and healthy and then it will be time for them to move on over the rainbow bridge.

Mr. Lawrence- Does that mean chicken soup or...?

Mr. Blankinship- We don't need to be that specific!

Ms. Schooler- Yeah, we call it freezer camp, so that's at least what I've heard. But yeah, you know, at that point, you were not going to keep them miserable, but they'll be more like pets.

Mr. Lawrence- Got it, thank you. Any other questions from the board? Hearing no questions, we'll ask if there's anyone here to speak and support the case? Is there anyone here that wishes to speak in opposition to this request? Hearing none, the public hearing is closed. A motion would be in order, and what is the pleasure of the board?

Mr. Massie- I move that we approve this conditional use of permit subject to conditions recommended by the staff. It's consistent with the comprehensive plan and the zoning ordinance. The coup would be over a hundred feet from the nearest neighbor. The conditions address food storage, and pest control.

Mr. Johnson- Second.

Mr. Lawrence- Okay we have a motion from Mr. Massie, seconded by Mr. Johnson. Okay, all in favor say "Aye".

Board- Aye.

Mr. Lawrence- All opposed "No". The motion carries four to zero, with Mr. Green being absent. Thank you.

On a motion by Mr. Massie, seconded by Mr. Johnson, **the Board approved case CUP-2025-101448** subject to the following conditions:

1. This conditional use permit authorizes the keeping of six hens (no roosters) in the rear yard. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to a chicken coop similar to the building design filed with the application. The structure must be located at least 45 feet from the rear lot line, 25 feet from the side lot lines, 10 feet from the dwelling, and 6 feet from any other accessory structures. Any substantial changes or additions to the design or location of the improvements will require a new conditional use permit. Any additional improvements must comply with the applicable regulations of the County Code.

3. The applicants must comply with all of the requirements of Sec. 24-4420.A and G of the Zoning Ordinance. This includes requirements that the hens be kept in a covered enclosure and not allowed to run free, and that the activity must not produce any objectionable odors or vermin.

4. Any feed stored on the site must be kept indoors, in a metal container with a secure lid or other sealed container impervious to vermin.

5. Waste from the hens must be composted in a responsible manner or removed from the property weekly. Until composted or removed, waste must be kept at least 100 feet from surface water and wells and covered with an impermeable barrier that will resist wind.

6. Within 30 days of bringing the hens to the property, the applicant must submit an inspection report from a licensed pest control company addressing recommendations to prevent any infestation of vermin related to the keeping of hens. This condition must be satisfied by July 24, 2027, or this conditional use permit will expire.

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

**CUP-2025-101476 Crystal Lowzinski: conditional use permit to build a detached accessory dwelling unit at 2849 Waterford Way West, Waterford, Three Chopt. Parcel 736-756-6980. Zoning: R-4, One-Family Residence District. Code Section: 24-4406.**

Mr. Lawrence- And I guess we'll move on to the next case now, Mr. Blankinship.

Mr. Blankinship- Mr. Chair, that's conditional use permit 2025-101476 Crystal Lowzinski: conditional use permit to build a detached accessory dwelling unit at 2849 Waterford Way West, in the Waterford subdivision, in the Three Chopt 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 is the truth, the whole truth, and nothing but the truth so help you God? Do you represent the applicant? Yes, okay.



685 Mr. Lowzinski- Yes, it's our property.

686  
687 Mr. Blankinship- Okay, great. Mr. Chair, I will note that this case did get some written  
688 comments that were submitted after the agenda packet was mailed. Those were left on  
689 the table for you, both in favor and in support. And I'm going to deliver copies of three of  
690 them to you while Ms. Rozmus gives her presentation.

691  
692 Ms. Rozmus- Thank you Mr. Secretary. The subject property is located at 2849  
693 Waterford Way West in the Three Chop Magisterial District. The subject property consists  
694 of .55 acres improved with a two-story colonial style home built in 1987. The applicant  
695 purchased the home in 2017. The area zoned R-4, One-Family Residence District and is  
696 characterized by single-family homes on lots ranging from 8,000 square feet to one acre.  
697 The applicant has applied for a conditional use permit to build a detached accessory  
698 dwelling unit in the rear yard. You can see the position of the accessory dwelling unit in  
699 the rear yard right here. And for reference, it is going to be behind this detached garage.  
700 The proposed ADU will be located behind an existing detached garage, three feet from  
701 the side lot line fifty-three feet from the north side lot line, and over one-hundred feet from  
702 the rear lot line. The plans show a building twenty-four feet wide by twenty feet deep,  
703 including a living room, a kitchen, one bedroom, a full bathroom, and a small laundry  
704 closet. The ADU will be one floor and approximately twelve feet in height. A single-family  
705 dwelling is a principle used permitted by-right under Article Four. An accessory dwelling  
706 unit is permitted by conditional use permit subject to restrictions. One of the restrictions  
707 is the floor area of the ADU must not exceed thirty-five percent of the floor area of the  
708 principal dwelling or 800 square feet, whichever is less. Because the principal dwelling  
709 measures 2,432 square feet, the proposed ADU must be limited to 800 square feet. The  
710 plan submitted the application shows 480 square feet of floor area and twelve feet, one  
711 story in height. The ADU would therefore be subordinate to the principal dwelling in height  
712 and lot coverage. The ADU will be separated by mature vegetation in the rear, and also  
713 some vegetation on either side. Staff does not anticipate any detrimental impact to the  
714 surrounding area, and if there's no objection from adjacent neighbors, staff recommends  
715 approval subject to the conditions including the staff report. We have created a map that  
716 shows where the support and opposition have are located in the neighborhood. As you  
717 can see, the support is in green. And the opposition is in red.

718  
719 Mr. Blankinship- The one that came in last night that is not on the map is located very  
720 close to the other two that were in opposition down there on Abby Lane. I'm sorry the  
721 street name is not on there, but it's right there. It's interesting that there was a request a  
722 couple years ago for a conditional use permit for an accessory dwelling unit right in that  
723 area and that was denied after a vocal opposition from the neighbors, so I don't know  
724 whether that has any influence on their opposition to this case or not, but it's just curious  
725 to me that all three of the opponents live close to each other but far from the applicants.

726  
727 Mr. Lawrence- So just, just to confirm this map, and I'm sorry I was a little distracted  
728 while you were explaining this, looking at something else on here. So, we have three  
729 letters or statements of support, which are the two adjoining property owners and then  
730 the next beyond that.

731

732 Ms. Rozmus- Yes.

733

734 Mr. Lawrence- I guess I would say to the north, but I'm not sure if that matters.

735

736 Mr. Blankinship- It is, yes.

737

738 Mr. Lawrence- North, okay. And then we have this morning received these two  
739 letters in opposition, and those are the properties down in Winngate.

740

741 Ms. Rozmus- Yes and I do believe one of the opposing letters was from the  
742 previous applicant. Correct me if I'm wrong. Or maybe he just referenced it.

743

744 Mr. Blankinship- I didn't check that. I will say they are not in Winngate, they are in  
745 Waterford but the line is right there. The dashed red line just above the word Winngate.  
746 They are in Waterford. But some distance away from the applicant.

747

748 Mr. Lawrence- So my next question I guess is Winngate a separate subdivision?

749

750 Mr. Blankinship- Winngate is yes.

751

752 Ms. Rozmus- Yes.

753

754 Mr. Lawrence- So the opposition is from an adjoining subdivision.

755

756 Mr. Blankinship- No, the opposition is still in Waterford. The boundary line is just  
757 beyond.

758

759 Ms. Rozmus- Yes.

760

761 Mr. Lawrence- So they're in Waterford just outside of Winngate.

762

763 Ms. Rozmus- Yes.

764

765 Mr. Lawrence- Okay. Does anyone else on the board have questions of Ms. Rozmus  
766 before we hear from the applicant? Okay, hearing none I guess we'll hear from the  
767 applicant?

768

769 Mr. Blankinship- And let me just comment that we also have the contractor on Webex.  
770 If they or anyone else has any questions for the contractor.

771

772 Mr. Lowzinski- Good morning ladies and gentlemen, my name is David  
773 Lowzinski, L O W Z I N S K I have been a resident of Henrico for the last thirty years. I  
774 am the owner of the home, with my wife. I met my wife at Godwin High School. She has  
775 been a resident of Henrico her entire life. We currently live in Waterford, which is about a  
776 mile from the neighborhood we both grew up in right down Church Road off the Colonies.



Henrico means a lot to us. We love our neighborhood, our neighbors, and our community. When I say community, I think about all the great people we've met at Tuckahoe Little League, Striker Park, Raintree Pool of the list goes on. I'm here today because my father-in-law passed away last year and my mother-in-law is now on a fixed income. Her income is not enough to even cover rent on her own. I'm here today because we want to help her. We have a decent sized backyard, and I think you could see from this picture it's quite a bit bigger than the average size in our neighborhood. And we would like to build her a small single story livable area. In our hearts, we know this is the right thing to do. But we also want to ensure that this protects the integrity of our beautiful neighborhood. With regard to that, the things that I think are most important to share are number one, this building will sit behind our garage and be completely invisible from the street. Nobody walking or driving by will ever be able to see it or know it's there. Our next door neighbors, will be able to see this building when they mow their backyard for example, but we have talked to them and we have received their full support, and it seems that that's passed through and you've received it on your end as well. Number two, we did receive a sign in our front yard and we're often outside working in the yard or playing with the dog, and one of the neighbors came by in passing and just had a couple questions and asked us if we were going to rent this unit out, and to that, I understand that that can be a concern. That is absolutely not our intent now or in the distant future if or when something happens to my mother-in-law. This is 100 % to give her a place of safety near her family. I hope this has helped. In closing I just wanted to thank everybody here today for listening. Any questions?

Mr. Lawrence- Thank you, Mr. Lowzinski. Does anyone on the board have any questions for Mr. Lowzinski?

Mr. Johnson- You're saying that the other building is going to be just for the use of the family?

Mr. Lowzinski- Correct, for my mother-in-law.

Mr. Lawrence- Can I follow up on a question, Mr. Johnson's question? I was going to ask this actually on another case that is coming up, but I know the intent is to use this. I'm sure that's exactly what's going to happen here. I know the board, the Board of Supervisors was just considering allowing ADU's several years ago. There was discussion about whether to limit these to family members or not, and we approve cases like this, you know, we're taking the applicant on faith that this is what they're going to do. But if the Lowzinskis at some point say five years from now decided they wanted to rent this out to say a college student or something, they would be able to do that, right? There's nothing in this conditional use permit that would prohibit that.

Mr. Blankinship- That is correct. For those of you who don't know the process for amending the zoning ordinance, the staff drafts an amendment that we present to the Planning Commission. They make a recommendation and then the Board of Supervisors either adopts or does not adopt the amendment. When we amended this, the Planning Commission included a sentence that said "The occupants of the ADU had to be related



823 in some way to the occupants of the principal dwelling” and when we took that to the  
824 Board of Supervisors, they asked us to strike that sentence. One reason was they didn't  
825 want county employees knocking on the door asking can I see your ID. Who's related to  
826 who kind of questions are overly intrusive and the other is because we can't see into the  
827 future. The Lowzinskis may live in that home for a long time, but they won't always live  
828 there. At some point somebody else will take over the property and they will find they  
829 bought this asset and they have other uses for it besides an in-law. So, the board  
830 specifically asked us not to get involved in that.

831  
832 Mr. Lawrence- So that leads to my second question. If the Lowzinskis were to sell  
833 their property, and somebody else purchases it, will they be operating under the same  
834 conditions that the Lowzinskis operated under?

835  
836 Mr. Blankinship- Yes, yes.

837  
838 Mr. Lawrence- Does anyone else from the board have questions of Mr. Lowzinski or  
839 staff before we close the public hearing?

840  
841 Mr. Broadway- I would only ask just as a matter of information. There has been some  
842 discussion about the Board of Supervisors addressing this. Is this correct in the City of  
843 Richmond you can have ADU's by right?

844  
845 Ms. Rozmus- Yes.

846  
847  
848 Mr. Blankinship- That's correct.

849  
850 Mr. Broadway- I mean I'm not saying that the way they do things with the city should  
851 necessarily be our guide, but perhaps it does suggest that there's a trend toward giving  
852 almost blanket approval.

853  
854 Mr. Blankinship- There has been legislation proposed at the General Assembly more  
855 than once in the last few years that would require all localities in Virginia to allow  
856 accessory dwelling units by right. We would have lost the ability to have this process. So,  
857 we opposed that, not that we're opposed to ADUs, but we like this process. But it is one  
858 very important way of addressing the affordability crisis. Huge issue for a lot of people.

859  
860 Mr. Lawrence- And I did have a follow-up question on that too, I guess it was Ms.  
861 Rozmus or Mr. Blankinship, but if I understand correctly, this or any other ADU can be  
862 built within three feet of the property line, is that sideline and rear line or both?

863  
864 Mr. Blankinship- It is unless there's an easement or an alley that would increase that  
865 setback, but that's one of the reasons for this process is so that in specific cases where  
866 that's not an appropriate location, the board can require a different location.

Mr. Lawrence- Okay. I guess I just find that a little bit curious, that's what the ordinance states and this request you know complies with what's in the ordinance, but, that, you know, we have, you know, porches or extensions on houses that have to meet you know, a thirty-five or forty-five yard foot setback or decks that have to meet a twenty-five foot setback. But yet, we're allowing separate structures to be within three feet of the property line. Something seems a little counterintuitive to me.

Mr. Blankinship- It is subject to your review and that that's why we did discuss that at the time of that amendment as well. Should these have a greater setback. We decided as long as we have this process that we would allow the board to be in control of that. And you have seen a couple of cases, I think there were a couple in the University Heights area where the land sloped down very steeply and so the neighbors were at a much lower elevation. And so we suggested that the ADU be at a greater setback than the rear lot line, specifically so that you're not looking up at a big building.

Mr. Lawrence- I'm not passing judgement on it, because obviously that was the legislative decision by the Planning Commission and Board, but I just...

Mr. Blankinship- That decision was made with the understanding that this board would exercise judgment case-by-case.

Mr. Lawrence- And in this case, Ms. Rozmus, can you again clarify what the setbacks would be for this particular structure?

Ms. Rozmus- This structure's setbacks are three feet from the south side lot line, which is this side.

Mr. Blankinship- Put the site map up.

Ms. Rozmus- Oh yeah, that's helpful. Three feet from the south. Fifty-three feet from the north and over one-hundred feet from the rear, which is the east. And I will note that building code does support the same distance from sides. So, you have to have a fire-related building.

Mr. Lawrence- Yeah, and the only reason why I raised this question... A couple of reasons I raised this, but one reason also is that, you know, let's assume the next door neighbor wanted to build an accessory dwelling unit, three feet from the property line. Then you've got only several feet between two structures, and would that perhaps raise some safety issues in terms of fire?

Ms. Rozmus- Yeah, Building Inspections might have an issue with that. I would definitely like to run it by them before I did that. But I mean there are definitely areas in our county that have, you know, accessory structures that are pretty close on side lines. I mean, it wouldn't stop them from if they wanted to put a shed here or some other non-livable structure would certainly be appropriate, but yeah, Building Inspections might want a little distance in between.



914

Mr. Lawrence- So a shed could be built three foot off the property line. How about a garage? I'm trying to remember what the side yard setback is for a garage. The same?

917

Ms. Rozmus- Yeah.

919

Mr. Blankinship- It's also three, but if it's within five, then Building Inspections will take a closer look at the fire rating of the wall.

922

Mr. Lawrence- Okay, any other questions before we have the public hearing?

924

Mr. Blankinship- And let me say again that we do have the contractor on Webex if anyone has a question for the contractor.

927

Mr. Lawrence- Any questions for the contractor at this point from the board? Okay, hearing none we will now open the public hearing and we'll ask anyone who's in support of the case if they would like to speak. I know we have some correspondence in the package. Is there anyone on Webex? Do we know, Mr. Blankinship?

932

Mr. Blankinship- There is not for this case, other than the contractor.

934

Mr. Lawrence- And do we have anyone in the audience or in Webex that would like to speak in opposition of the case? And again, I know we've received a couple letters this morning from the opposition that's been pointed out. Hearing none, then I guess we'll close the public hearing. Mr. Green is not here today, so he's not able to weigh in on this case, but is there someone else on the board that's comfortable making a motion on this case?

941

Mr. Broadway- Yes, sir. I would move that we approve the application contingent upon complying with conditions recommended by the staff.

944

Mr. Lawrence- We have a motion from Mr. Broadway. Is there a second?

946

Mr. Massie- I second

948

Mr. Lawrence- We have a second from Mr. Massie. Is there any discussion of the motion? Hearing none, all in favor of the motion say "Aye".

951

Board- Aye.

953

Mr. Lawrence- Anyone opposed, say "no". So, the motion carries four to zero with Mr. Green absent.

956

Mr. Blankinship- Thank you.

958

Mr. Lowzinski- Thank you.

959



On a motion by Mr. Broadway , seconded by Mr. Massie, the Board approved case subject to the following conditions:

1. This conditional use permit authorizes a detached accessory dwelling unit. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to the improvements shown on the plot plan and building design filed with the application. Any substantial changes or additions to the design or location of the improvements 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, including a brick foundation on all four sides.

4. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works. The applicant may be required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

5. The applicant must obtain a building permit for the proposed accessory dwelling unit by July 24, 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.

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

**CUP-2025-101482 Carl Dixon: conditional use permit to build a detached accessory dwelling unit at 9466 Barrett Place, Kingsland Pointe, Varina. Parcel 818-673-6959. Zoning: A-1, Agricultural District. Code Section: 24-4406.**

Mr. Blankinship- Alright, the next case is Conditional Use Permit 2025-101482 Carl Dixon, a conditional use permit to build a detached accessory dwelling unit at 9466 Barrett Place in Kingsland Point in the Varina Magisterial District. Would everyone who intends to speak to this case, please stand to 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. Ms. Rozmus.

Ms. Rozmus- Thank you sir. The subject property is located southeast of the intersection of Kingsland and Varina roads. This 1.77-acre lot is zoned A-1, Agricultural District. It contains an existing 1,560-square-foot dwelling And the applicants would like

1006 to construct a detached accessory dwelling unit in the rear yard to house an elderly  
1007 relative. The concept plan shows the proposed ADU would be 485 square feet in floor  
1008 area and contains a bedroom, bathroom kitchen, and living area. In reviewing this  
1009 request, the property is zoned A-1 which allows a single-family dwelling with accessory  
1010 uses. As you know, an ADU is possible with the approval of a conditional use permit. The  
1011 proposed area of the ADU is 485 square feet, which is within the maximum limit of 546  
1012 square feet. It would be subordinate in both floor area and height to the principal  
1013 residence. The applicant submitted a concept plan that shows the proposed ADU in the  
1014 rear yard over sixty feet from the side neighbors and one-hundred feet from the rear lot  
1015 line. With its location behind the house, it should not be visible from the street. Extensive  
1016 woodlands to the rear provide adequate coverage and the ADU would only be seen by  
1017 the left side neighbor.

1018  
1019 In conclusion, the applicant owns a home on 1.77-acre lot. They wish to add an ADU in  
1020 the rear yard. The structure would be subordinate in both floor area and height to the  
1021 principal dwelling, it would not be visible from the street. It would also be screened from  
1022 the neighboring properties and the rear lot line. Since staff does not anticipate any  
1023 detrimental impact on nearby properties, we would recommend approval subject to the  
1024 conditions included in the staff report. And I can answer any questions.

1025  
1026 Mr. Lawrence- Are there any questions from the board at this time for Ms. Rozmus?  
1027 Hearing none, you have one Mr. Johnson?

1028  
1029 Mr. Johnson- The facility you're going to be putting up, that'll be behind the house?

1030  
1031 Ms. Rozmus- Yes, it'll be located to the rear of the house, pull back up the concept  
1032 plan. So, here's the home. We're looking at it from the front. Here's the driveway, the  
1033 home, and the ADU would be in the rear.

1034  
1035 Mr. Johnson- Okay. Do we have the size of it?

1036  
1037 Ms. Rozmus- Yes, it is going to be 485 square feet.

1038  
1039 Mr. Blankinship- About twenty-two by twenty-six.

1040  
1041 Ms. Rozmus- Yes, twenty-two point four by twenty-six point eight.

1042  
1043 Mr. Lawrence- Do you have any other questions, Mr. Johnson? That raised a  
1044 question or two I have before we move on with hearing from the applicant. I noticed in the  
1045 staff report, Ms. Rozmus, that it says the design of this proposed ADU is out of character  
1046 with the neighborhood and presumably the principal dwelling as well, based on the design  
1047 that's shown here. Do we typically approve ADUs that have architectural designs that are  
1048 not in conformity with the housing of the neighborhood? It seems like in the past in the  
1049 staff report that's something that's been emphasized. And in this case, I noticed it's not  
1050 the case, but yet staff's still recommending approval. So, I'm just curious, is there



something that makes this case different or something about this particular property that's a little different than maybe some of the other cases we've considered?

Ms. Rozmus- I would say that this property is a little more unique because of the size, so, not having a smaller accessory dwelling unit that looks exactly like the principal structure I don't think is going to be that jarring in the neighborhood. This neighborhood also does not have an HOA, does not have any restrictive covenants that would dictate the style or materials in houses. So, I think that having something that just looks a little bit more chic is not going to really be a huge detrimental impact to the area.

Mr. Lawrence- It's a cool looking structure.

Ms. Rozmus- It is.

Mr. Lawrence- I was just curious about that.

Mr. Blankinship- It is very much a case-by-case determination. On the previous case, the houses in Waterford are very consistent, even the accessory structures, as you saw the two garages next to each other were very similar, and if you had a completely different style there, it might have a different impact on the neighbors. So, it's just something we always point out. But in this case, yeah, we can let the Dixons speak to this, but our view was there's not that same level of consistency house to house and there are larger lots further apart, so it's not as much of an issue.

Mr. Massie- Can you see it from the street?

Ms. Rozmus- I don't believe so, you have to really be looking.

Mr. Blankinship- You might catch a glimpse of the storage building there but not much.

Ms. Rozmus- I think when I took this picture, I was a little bit down the driveway, so it's not even on the edge.

Mr. Lawrence- We can let the Dixons speak to this as well. The other thing that kind of jumped out at me is when you know their intent is to use this for, as I understand, for an elderly member just like our last case, but yet the design on the house says Bluestone vacation home that just kind of jumped out at me. Maybe the Dixons can elaborate on that. That's all I had. Anybody else on the board have questions? Okay, at this time then we'll hear from the applicant.

Ms. Dixon- Good morning, everyone. Thank you again for having us here. And yes. It was the model that we liked.

Mr. Blankinship- Sorry, state your name for us, please.

Ms. Dixon- I'm so sorry. I'm Kelly Dixon. K E L L Y D I X O N.



1097  
1098 Mr. Blankinship- Thank you.  
1099

1100 Ms. Dixon- And again, this is for my mother. She is eighty years old. Right now  
1101 we live in Aylett, which is forty minutes away, and she's getting obviously older and she  
1102 she's still very independent, so what that's why we wanted to give her something of her  
1103 own. But I think having us closer would be very helpful, you know, so I take her to her  
1104 appointments, all of that stuff, and just having somebody nearby. I do have a sister that's  
1105 fifteen minutes away, but having somebody closer, I think would be helpful. That model,  
1106 she did like it, and she's a very good woman, adopted five kids, sorry, and has done a  
1107 wonderful job with us, so I will do whatever's in my power to make sure she's taken care  
1108 of.  
1109

1110 Mr. Blankinship- Sounds like she's on a permanent vacation.  
1111

1112 Mr. Dixon- Hey, good morning. My name's Carl Dixon C A R L D I X O N. This is  
1113 something that I wanted to do for my mother-in-law for quite some time. I wanted to do it  
1114 for my own mother who passed away last year. My dream was to have both my mom and  
1115 my mother-in-law together in one place close by towards that we can take care of them  
1116 as they have taken care of us. Like my wife said, we do everything that we can to make  
1117 sure she gets to her appointments on time. I just need to make sure that she's taken care  
1118 of and has everything available to her at her disposal. I will do what I can at any given  
1119 point to make sure that happens.  
1120

1121 Mr. Lawrence- Thank you, Mr. Dixon. Does anyone from the board have questions  
1122 for Mr. and Mrs. Dixon?  
1123

1124 Mr. Lawrence- I did have a question. You indicated, Ms. Dixon, that you all live in  
1125 Aylett. So, who lives in the in the primary dwelling here? Okay. So, she she's going to be  
1126 moving from the primary dwelling to the ADU, the accessory dwelling.  
1127

1128 Mr. Dixon- And then we'll move him back in.  
1129

1130 Mr. Lawrence- So you're going to move back from Aylett.  
1131

1132 Mr. Dixon- Yes sir.  
1133

1134 Mr. Lawrence- Welcome back to Henrico. Any other questions from the board before  
1135 we open the public hearing? Okay, at this time we'll open the public hearing. Is there  
1136 anyone here who would like to speak in favor of this case? Do we have anyone  
1137 in the audience or on Webex who's in opposition to the case?  
1138

1139 Mr. Blankinship- There's no one on Webex.  
1140

1141 Mr. Lawrence- Okay. Hearing none, we will close the public hearing and are we  
1142 ready for a motion on this case?

1143  
1144 Mr. Johnson- Yes. I move that we approve this conditional use permit subject to  
1145 conditions recommended by staff and that it is consistent with the comprehensive plan  
1146 and the zoning ordinance and the accessory dwelling will not be visible from the street,  
1147 and it'll have a very little impact on the neighbors. Again, I move for approval.  
1148

1149 Mr. Lawrence- We have a motion from Mr. Johnson. Do we have a second?  
1150

1151 Mr. Johnson- Second.  
1152

1153 Mr. Lawrence- Mr. Broadway has seconded the motion. Is there any discussion on  
1154 the motion? All in favor please say "Aye".  
1155

1156 Board- Aye.  
1157

1158 Mr. Lawrence- Anyone opposed, "No"? And we have a motion with none opposed  
1159 and Mr. Green is absent, so the motion carries four to zero with one absent vote.  
1160

1161 Mr. Dixon- Thank you.  
1162

1163 Mr. Lawrence- Good luck in your new homes.  
1164

1165 On a motion by Mr. Johnson, seconded by Mr. Broadway, **the Board approved case**  
1166 **CUP-2025-101482** subject to the following conditions:  
1167

1168 1. This conditional use permit authorizes the installation of one accessory dwelling unit  
1169 on the property. All other applicable regulations of the County Code remain in force.  
1170

1171 2. This conditional use permit applies only to the improvements shown on the building  
1172 design titled, "Bluestone Vacation Home, House Plan #592-123D-0078" filed with the  
1173 application. Any substantial changes or additions to the design or location of the  
1174 improvements will require a new conditional use permit. Any additional improvements  
1175 must comply with the applicable regulations of the County Code.  
1176

1177 3. Any exterior lighting must be shielded to direct light away from adjacent property.  
1178

1179 4. Building permit approval is contingent on Health Department requirements for water  
1180 supply and sewage disposal.  
1181

1182 5. Before beginning any development (man-made change) within or adjacent to the  
1183 Special Flood Hazard Area (SFHA), the applicant must obtain approval of a Floodplain  
1184 Development Permit from the Department of Public Works. The development must  
1185 comply with all applicable requirements of Chapter 10, Article 1.  
1186

1187 6. Before beginning any clearing, grading, or other land disturbing activity, the applicant  
1188 must obtain approval from the Department of Public Works. The applicant may be

required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

7. The applicant must obtain a building permit for the proposed accessory dwelling unit by July 24, 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.

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

Mr. Blankinship- Alright, Mr. Chair, that concludes the conditional use permits for this morning. We have five variances, but the first one has already requested and been granted a deferral, so that was **VAR-2025-100769 Blue Steel Construction**. If anybody was here for that case, **that case has been deferred to the August 28<sup>th</sup> meeting**.

**VAR-2025-101227 Holly Sepety: variance from the public street frontage requirement to build a single-family dwelling at 2555 Yarnell Road, Varina. The applicant has 0 feet public street frontage where the Code requires 50 feet public street frontage. The applicant requests a variance of 50 feet public street frontage. Parcel 815-695-1018. Zoning: A-1, Agricultural District. Code Section: 24-4306.E.1.**

Mr. Blankinship- The next case is VAR-2025-101227 Holly Sepety a variance from the public street frontage requirement to build a single-family dwelling at 2555 Yarnell Road, in the Varina Magisterial District. The applicant is joining us on Webex. Is there anyone else in the room who intends to speak to this case? Alright Ms. Rozmus.

Ms. Rozmus- The subject property is located at 2555 Yarnell Road in the Varina Magisterial District.

Mr. Blankinship- You're on the wrong case on the display.

Ms. Rozmus- Am I?

Mr. Blankinship- That's the case that was deferred.

Ms. Rozmus- You're right. My mistake. There we go, that looks better. The property is an unimproved parcel that has been vacant since it was established through a family subdivision in 1962. The subject property is zoned A-1, Agricultural District. The applicant purchased the subject property and the adjacent neighboring property to the southwest at 2559 Yarnell Road in 2010. When she purchased the lot, it included the adjacent dwelling at 2559 and she applied for a variance for public street frontage



requirement that had been approved in 2004. The applicant is requesting a variance from the public street frontage requirement for the property at 2555 Yarnell Road to build a single-family home. The property is already served by a private gravel drive that serves all of the houses all along the road from 2551 to 2559. This 1.22-acre parcel meets the lot area and lot with requirements for a single-family dwelling. Due to the lack of public street frontage, the zoning ordinance does not allow a home on the lot which could be considered an unreasonable restriction. Staff is not aware of any other reasonable use for this property except as an additional yard area for the adjoining lots. The applicant did not create this hardship; the property was divided as part of a family subdivision several decades before it was acquired by the applicant. The subject property is surrounded by single-family homes on lots ranging from one to ten acres. The proposed one-story, 1,400-square-foot house would be consistent with the surrounding area. The proposed home would comply with the required setbacks and would not be detrimental to the adjacent properties. In addition, the applicant's deed appears to include an easement access to the property. If the variance is approved, the applicant will be required to demonstrate that they have an easement or other legal access to use the private drive before a building permit will be approved. Staff concluded that this case does meet the legal requirements for a variance. The property otherwise is suitable for a dwelling but cannot be used for that purpose. There appears to be no other reasonable beneficial use to the property. The applicant did not create the hardship, and staff does not anticipate any detrimental impact from the proposed dwelling. The conditions are specific to this lot, the use is allowed, and no other relief is available. Staff does recommend approval subject to the conditions included in the staff report. And this is the site, just not a lot to see, but, but you can see the gravel drive. And I can take any questions.

Mr. Lawrence- Are there any questions from the board. Mr. Johnson.

Mr. Johnson- So with this not having a concrete driveway or frontage from the public street or something?

Ms. Rozmus- Yes, so this is definitely something...we see these variances I wouldn't say common, but a little more frequently in the East End with these private drives that are a result from a family subdivision. So, whereas a new house is not going to meet the requirements of being on a public street, it does have access to a street, it's just not a public street. Therefore, a variance is the relief that's been requested.

Mr. Johnson- Okay.

Mr. Lawrence- Anyone else from the board have questions for Ms. Rozmus at this point? Hearing none we will hear from the applicant.

Mr. Blankinship- All right, staff, can we have the applicant on Webex now, please? See how badly I mispronounced your name? Good morning.

Ms. Sepety- HOLLYSEPETY.

1281 Mr. Blankinship- Yes, can you pronounce your last name again, please?  
1282  
1283 Ms. Sepety- Sepety.  
1284  
1285 Mr. Blankinship- Okay, so I was way off. Sorry. Alright, can you tell us what you're  
1286 doing.  
1287  
1288 Ms. Sepety- I have purchased this house with the adjacent lot. I purchased my  
1289 home, which is at 2559 Yarnell Road with the adjacent 2555 lot back in 2010. And now I  
1290 would like to sell the lot. It came separated as two separate lots, and due to some  
1291 hardships, I would like to sell the lot so that someone can build on it. The driveway is  
1292 shared. The house up on the front of the road, I believe is 2551. That house has a  
1293 separate driveway that they use. They don't use the one that's shared. I mean they rarely  
1294 use it. They might use it to get to their sheds sometimes, but it's mainly the middle house  
1295 and myself that use the driveway.  
1296  
1297 Mr. Lawrence- Okay, thank you, Ms. Sepety. Anyone from the board have questions  
1298 for Ms. Sepety?  
1299  
1300 Mr. Johnson- Are they going to be building a facility there right?  
1301  
1302 Ms. Rozmus- A single-family home.  
1303  
1304 Mr. Johnson- It's going to be built there?  
1305  
1306 Ms. Rozmus- Yes. Yes, the proposed single-family home, I have the concept plan.  
1307 Here's the site plan and then the concept plan. It's kind of a little bit of a modern looking  
1308 structure, and then this builder has built a similar style structure. I'm not sure where this  
1309 is.  
1310  
1311 Mr. Johnson?- She would also be using the same right-of-way?  
1312  
1313 Ms. Rozmus- Yes. The conditions include specifically that they will have to have  
1314 access to that private drive, legal access to the private drive.  
1315  
1316 Mr. Lawrence- Any more questions, Mr. Johnson? I had a follow-up question to Mr.  
1317 Johnson's questions. Do we know why there's no easement shown on the plat? There's  
1318 a plat in our packet, but typically wouldn't the easement be shown on that?  
1319  
1320 Mr. Blankinship- I believe it is.  
1321  
1322 Ms. Rozmus- I think it's over here.  
1323  
1324 Mr. Lawrence- The staff report mentioned that it did not, the plat did not include an  
1325 easement. Maybe I misread it.  
1326

1327 Mr. Blankinship- Are you able to zoom on that?  
 1328  
 1329 Ms. Rozmus- Yeah.  
 1330  
 1331 Mr. Blankinship- A thirty-foot private road. It's not called out by deed book reference  
 1332 or anything like that, but I believe the Deed does specify.  
 1333  
 1334 Ms. Rozmus- It does, yes.  
 1335  
 1336 Mr. Lawrence- So they do have deeded access to the property?  
 1337  
 1338 Mr. Blankinship- As far as we know, and of course they will have to prove that at the  
 1339 time of building permit application.  
 1340  
 1341 Mr. Lawrence- Okay. All right, thank you. Anyone else from the board until we have  
 1342 the public meeting. Okay, at this time we'll open the public hearing, and is there anyone  
 1343 present or on Webex that wishes to speak in favor of the case? Hearing none, do we  
 1344 have anyone who is opposed to the case who wishes to speak? Okay, hearing none, we  
 1345 will close the public hearing, and at this time I'll ask if we're ready to entertain a motion  
 1346 on the case.  
 1347  
 1348 Mr. Johnson- Yes. I move that we approve this variance subject to the conditions  
 1349 recommended by staff. This lot is large enough to meet the requirements for a house.  
 1350 And without a variance, there is no reasonable use, and the sharing of driveway will  
 1351 provide adequate access to the property. The other tests are met as stated in the staff  
 1352 report. Again, I move for approval.  
 1353  
 1354 Mr. Lawrence- We have a second for Mr. Johnson, I mean a motion from Mr.  
 1355 Johnson. Is there a second?  
 1356  
 1357 Mr. Massie- Second.  
 1358  
 1359 Mr. Lawrence- Mr. Massie has seconded the motion. Is there any discussion on the  
 1360 motion? All in favor, say "Aye".  
 1361  
 1362 Board- Aye.  
 1363  
 1364 Mr. Lawrence- Anyone opposed say "No". Motion carries with four Ayes, none  
 1365 opposed, and Mr. Green absent.  
 1366  
 1367  
 1368 On a motion by Mr. Johnson, seconded by Mr. Massie, **the Board approved case VAR-**  
 1369 **2025-101227** subject to the following conditions:  
 1370  
 1371 1. This variance applies only to the public street frontage requirement for one dwelling  
 1372 only. All other applicable regulations of the County Code remain in force.



2. This variance applies only to the improvements shown on the plot plan and building design filed with the application. Any substantial changes or additions to the design or location of the improvements will require a new variance. Any additional improvements must comply with the applicable regulations of the County Code.

3. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works. The applicant may be required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

4. At the time of building permit application, the applicant must provide evidence of Health Department approval of a private water supply and onsite sewage disposal system applying current VDH standards, including identification of primary and 100% reserve drainfield areas.

5. At the time of building permit application, the applicant must present evidence of an easement or other legal right of access to the property. Prior to certificate of occupancy, the driveway must be improved with a durable asphalt or compacted gravel surface sufficient to provide access for police, fire, emergency medical services, and other vehicles. The surface must be at least 10 feet wide with 12 feet of horizontal clearance and 14 feet of overhead clearance. The owners of the property, and their heirs or assigns, must maintain access to the property.

6. The applicant must obtain a building permit for the proposed single-family home by July 24, 2027, or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

**VAR-2025-101401 Prasad Sangle: variance from the rear yard setback to build an addition at 11812 Olde Covington Way, Covington, Three Chopt. The applicant has 35 feet rear yard setback where the Code requires 45 feet rear yard setback. The applicant requests a variance of 10 feet rear yard setback. Parcel 743-778-0000. Zoning: R-2AC, One-Family Residence District (Conditional). Code Section: 24-3308.D.**

Mr. Blankinship- Thank you, Ms. Sepety. Alright, the next case is VAR-2025-101401 Prasad Sangle a variance from the rear yard setback to build an addition at 11812 Olde Covington Way, in the Covington subdivision, in the Three Chopt Magisterial District. Both

Mr. Sangle and his contractor are joining us on Webex. Is there anyone in the room to speak to this case? Alright, Ms. Rozmus.

Ms. Rozmus- Thank you Mr. Secretary. The subject property is located at 11812 Olde Covington Way, just north of Nuckols Road in the Three Chopt Magisterial District. The Covington subdivision is zoned R-2AC, One-Family Residence District conditional and consists of single-family homes on lots ranging from 13,000 square feet to one acre. The subject property is located just north of the cul-de-sac on Olde Covington Way and is improved with a two-story, 3,704-square-foot home with five bedrooms and an existing rear deck. The lot area is typical of the neighborhood and has setbacks that are consistent with adjacent properties. However, the lot has an angular rear property line which creates a unique shape to the rear of the lot. The zoning ordinance requires a rear setback of forty-five feet and allows a deck to extend ten feet into the rear setback. The plat of the property shows the dwelling is located 45.5 feet from the north side of the rear lot line with a deck extending 7.1 feet on the left north corner. Leaving a setback of 37.9 feet. The lot slopes downward from front to back. The house was constructed with two stories and a walkout basement giving the appearance of three stories from the rear. The zoning ordinance allows a deck on the main floor of the dwelling to extend up to ten feet into the rear yard setback. In this case, the deck is on the main floor, but because it is above the walkout basement, it appears to be on second floor when viewed from the rear of the house. The applicant is requesting to build a three season porch below the existing deck. They are also proposing a fourteen by twelve feet addition to the rear, to the full height of the house, but the addition complies with the rear yard setback. The Board of Supervisors has required sunrooms and porches to meet the same setbacks as the main dwelling while allowing decks to extend up to ten feet into the setback. In this case, however, the angle of the rear yard does create a unique condition for the subject lot. The rear line is positioned at an angle where the southern portion of the rear lot has ample setback, while the property line extends to a point. Additionally, the home has an existing deck, which is on the main floor but appears to be on second floor when viewed from the rear. The proposed porch would be under this deck, and in most cases where a deck is to be converted to addition, the addition would stand on top of the deck, imposing a much greater mass when viewed from the adjoining lot. In this case, because of the topography of the lot and the existing main floor deck, the impact on of this enclosed structure is minimal, most of the impact has already existed. The deck was built with the house when it was originally built. Staff thus found this case does meet the legal requirements for a variance. The hardship is due to the unique shape of the rear yard. The proposed porch would enclose the area under the deck rather than adding height and bulk to the rear of the house. The property owner did not create the hardship, and staff does not recommend or excuse me, staff does not anticipate any detrimental impacts to the proposed dwelling. I've talked to Mr. Sangle and he has chatted with his neighbors. His neighbors are in favor of the project, and I've not received any opposition. Staff recommends approval subject to the conditions in the staff report.

Mr. Lawrence- Thank you, Ms. Rozmus. Does anyone from the board have any questions of staff at this time? Hearing no questions we will proceed hearing from the applicant.



1465  
1466 Mr. Blankinship- Alright, staff, can we connect Mr. Sangle?  
1467  
1468 Mr. Sangle- Good morning, gentlemen.  
1469  
1470 Mr. Blankinship- Good morning.  
1471  
1472 Mr. Sangle- This is Prasad Sangle. Last name is spelled S A N G L E.  
1473  
1474 Mr. Blankinship- Can you tell us about... okay, go ahead.  
1475  
1476 Mr. Sangle- Yeah. We are looking for this addition which will provide us much  
1477 needed living space and functionality of the home in close portion below the area of the  
1478 existing deck without including the height of the structure. This space will give, you know,  
1479 accessibility to the basement and make it easier, especially our family is going with some  
1480 elderly people giving them outside experience. You know, that's kind of the intent of this.  
1481 This addition will not negatively impact any neighboring properties, the use of sunlight, or  
1482 you know, any property values. I personally speak to every single neighbor around it  
1483 because we didn't want to do anything what our neighbors didn't like. And then due to the  
1484 shape of the lot, this is the ... that's right.  
1485  
1486 Mr. Lawrence- Thank you, Mr. Sangle. Does anyone from the board have any  
1487 questions for Mr. Sangle? Hearing no questions. Do you have one, Mr. Johnson?  
1488  
1489 Mr. Johnson- I'm just kind of curious. In the bank of the house, is that a drop off?  
1490  
1491 Ms. Rozmus- Yes. Yes.  
1492  
1493 Mr. Johnson- Do you know how steep it is?  
1494  
1495 Ms. Rozmus- That's a good question. I don't think I asked the level of drop off, but  
1496 it does... It's not really very well conveyed in these photos, but there is, there is a drop, I  
1497 mean you can kind of see it in the front, like the house is kind of on a hill, and then in the  
1498 back it does slope down.  
1499  
1500 Mr. Lawrence- I will ask a follow-up question. So, if I understand correctly, Ms.  
1501 Rozmus, the proposed addition to the house would actually be within the footprint of the  
1502 existing deck, is that correct?  
1503  
1504 Ms. Rozmus- The addition or the sunroom or the I think you called it a three  
1505 seasons room. The three seasons room is in the existing footprint of the rear porch. The  
1506 addition is this area highlighted in red over here, which does meet setbacks. Yeah.  
1507  
1508 Mr. Lawrence- That meets setback requirements, but the sunroom which does not  
1509 meet the setback requirements is within the existing...  
1510



1511 Ms. Rozmus- Yes, but it's underneath it.  
1512  
1513 Mr. Blankinship- It looks like the maximum fall on that lot is about four feet.  
1514  
1515 Ms. Rozmus- Okay.  
1516  
1517 Mr. Blankinship- Between four and six feet.  
1518  
1519 Mr. Lawrence- Any other questions from the board for Ms. Rozmus before we open  
1520 the public hearing? Okay, at this time we'll open the public hearing and if there's anyone  
1521 here besides the applicant that wishes to speak in favor of the case, we'll hear from them.  
1522 Hearing none, is there anyone in the public that's in opposition of the case.  
1523  
1524 Mr. Blankinship- Just to repeat, we do have the contractor as well.  
1525  
1526 Mr. Lawrence- Yeah, are there any questions from the board of the contractor before  
1527 we close the public hearing? Any other questions from the board of the applicant or with  
1528 the contractor? Hearing none, are we ready for a motion on this case?  
1529  
1530 Mr. Massie- Yes. I move that we approve this conditional use of permit subject to  
1531 the conditions recommended by the staff.  
1532  
1533 Mr. Johnson- Second.  
1534  
1535 Mr. Lawrence- Okay, we have a motion for Mr. Massie and a second from Mr.  
1536 Johnson. All in favor say "Aye".  
1537  
1538 Board- Aye.  
1539  
1540 Mr. Lawrence- Anyone opposed, "No"? Mr. Green is absent, so the motion carried  
1541 four aye's, and none opposed. Thank you.  
1542  
1543 On a motion by Mr. Massie, seconded by Mr. Johnson, **the Board approved case VAR-**  
1544 **2025-101401** subject to the following conditions:  
1545  
1546 1. This variance applies only to the rear yard setback requirement for one dwelling only.  
1547 All other applicable regulations of the County Code remain in force.  
1548  
1549 2. This variance applies only to the improvements shown on the plot plan and building  
1550 design filed with the application. Any substantial changes or additions to the design or  
1551 location of the improvements will require a new variance. Any additional improvements  
1552 must comply with the applicable regulations of the County Code.  
1553  
1554 3. The new construction must be approved by the Covington Homeowners Association  
1555 and must match the existing dwelling as nearly as practical in materials and color.  
1556

4. The approval is subject to the conditions proffered with rezoning case C-1C-03.

5. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works. The applicant may be required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

6. The applicant must obtain a building permit for the proposed addition by July 24, 2027, or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

**VAR-2025-101436 Richard Mills: variance from the rear yard setback to build an addition at 2606 Northwind Court, Timberline Village, Three Chopt. The applicant has 32 feet rear yard setback where the Code requires 45 feet rear yard setback. The applicant requests a variance of 13 feet rear yard setback. Parcel 730-755-3373. Zoning: R-2A, One-Family Residence District. Code Section: 24-3308.D.**

Mr. Blankinship- Alright, the next case is VAR-2025-101436 Richard Mills. Variance from the rear yard setback to build an addition at 2606 Northwind Court, in Timberline Village, in the Three Chopt Magisterial District. Would everyone who intends to speak to this case stand and be sworn in. Raise your right hand 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. And Mr. Chair, I'll just call to your attention there were three letters in support of this application that were left on the table for you this morning. Ms. Rozmus.

Ms. Rozmus- Thank you. The subject property is located northwest of the intersection of Lauderdale Drive and Causeway Drive. The site contains a two-story colonial home with 2,966 square feet of floor area. The applicant would like to construct a large addition onto the back of their home consisting of a three-car garage with living space above it, along with a screened porch and new deck. The main addition would be three stories in height and the driveway would also be extended, coming to within nine feet of the rear lot line. While the screened porch and deck would meet setbacks, the living edition would encroach 12.5 feet into the forty-five-foot rear yard setback. In reviewing this request, none of the threshold tests appear to be met. The first one concerns whether the zoning ordinance unreasonably restricts the property. In this case the applicants have an almost 3,000-square-foot home. It's over thirty-five or excuse me, over seventy-five feet from the rear lot line, providing up to thirty feet for an addition. The



setback is thus not unreasonable as there is plenty of room to build an edition without a variance. Two, the forty-five-foot setback for the R-2A district came into effect in 1960, whereas the subdivision wasn't platted until 1984. As a result, there is no hardship that existed as the effective date of the ordinance. Finally, this application does not involve providing accessibility for a disabled person. Since none of the three threshold tests are met staff does not believe there is a legal justification for a variance. Staff would also note that two sub tests do not appear to be met. The applicant indicates that they are responsible for the hardship. Giving the ample room for the addition this is an issue of design rather than setbacks. They could obviously design one without encroaching 12.5 feet into the setbacks. Second, regarding detrimental impact, this is an established neighborhood with excellent privacy that adds to property values. The proposed addition would be three stories and encroach 12.5 feet into the setback. The extension of the driveway would also result in numerous trees being removed, contributing to the loss of privacy in the neighborhood. In conclusion, staff does not believe this case meets the legal standards for a variance. The property is not unreasonably restricted as it contains a large home and has room to construct the proposed deck, a screened in porch and a thirty-foot addition without a variance. The applicant states that the hardship is self-imposed and the proposed three-story addition encroaching 12.5 feet into the setback would remove numerous trees impacting the privacy and character of the neighborhood. For these reasons staff recommends denial of this request. I can answer any questions.

Mr. Lawrence- Are there any questions from the board to Ms. Rozmus before we hear from the applicant? Okay, at this time we'll hear from the applicant.

Mr. Steele- Good morning. My name's Robert Steele, S T E E L E. I serve as architect for Rochelle and Mike Mills. They asked me to attend and speak on their behalf. This is a complicated property. It's an unusual diamond shape, as you can see on the exhibit up on the screen. I believe the reason they retained me as an architect to come in was to try and solve this puzzle of how they could reasonably add to a home that they love and create a place that they can live as they've told me for the rest of their days. Rochelle and Mike I consider young, but I'm older. When they bought the house, they didn't have any children. Now they have four girls, they're starting to grow up and they need more bedrooms and bathrooms. They'd like play areas and everything, but they love their neighbors and they love their community. They would love to stay in their home. So, they challenged me as an architect to figure out a way to add on to their home. What we've designed has been approved by the HOA, but as we all know HOAs can't speak to zoning issues. They can speak to design issues. Paramount was that none of the garage doors can face the front street. They all have to face a side yard. I believe that the reason we qualify as item number one in the report. The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property. We disagree with the staff respectfully. We believe that this test is met. We have done everything we can. And I'll point out a couple of things. One of which is the existing house is approximately sixty-two feet off the property line, not seventy-five. That could be due to our exhibit which shows that the existing portion of the home.. is it possible to enlarge that exhibit? Thank you. The existing corner of the house is indeed seventy-five feet away, but what the exhibit doesn't show is that we're removing an approximately 12.5-foot deep, what we call



1649 a shed. It's a portion of their home. They're removing this and relocating all their utilities,  
1650 a considerable expense, in order to use that twelve-foot space within this addition. So  
1651 there really is only about seventeen feet from the rear of their home to this forty-five-foot  
1652 setback. We believe that's the challenge here. We can't go to the side. We can't have the  
1653 garage doors face the front street, and therefore, Rochelle and Mike have spoken with  
1654 their neighbors, they have spoken with the HOA, and everybody believes that they're  
1655 worth keeping in the neighborhood also and that's why I believe you see those letters of  
1656 support. I will point out when we say that we're encroaching by approximately twelve foot  
1657 six inches, it's a triangle. If you see in this exhibit, the majority of the addition is outside  
1658 this unusual diamond shape lot is our hardship, so that's why we believe item number  
1659 one is the condition that creates the hardship. Working with the HOA, we can't rotate or  
1660 reorient the garage without still necessitating a variance for the garage to work on the  
1661 side. Therefore we believe number one that the test is met. I will point out a couple things  
1662 they've spoken with their neighbors about. One is that there's only one large tree that's  
1663 coming down. The remaining understory trees, they intend to plant approximately a dozen  
1664 under story trees where those will be removed. A lot of the larger trees you see in this  
1665 photograph will remain. Their desire is to still have a beautiful park like setting in their rear  
1666 yard. And their neighbors desire that as well. So you can see the large tree that's on the  
1667 property line right there at the fence line and what have you. The large trees remain.  
1668 There is one that's right at the edge of the proposed garage addition that would need to  
1669 come out. I'll also point out, as you can see in the photographs, there's approximately ten  
1670 feet of fall, so the garage level of the addition is actually below the first floor floor line of  
1671 the house. So it's down quite a bit from the front cul-de-sac. I'm uncertain you would see  
1672 this from the cul-de-sac, which is another reason we've done our best to position the  
1673 addition behind the home, behind their home. As you can see there, you can't even see  
1674 the, the wing of their house that's back there that we'll be removing. At least I can't see it.  
1675 Maybe you can see it. So as an architect, we're presented with many challenges. This  
1676 was a particularly interesting one, and I tip my hat to Rochelle and Mike for working with  
1677 her neighbors. And their HOA and allowing me the opportunity to try and solve this. I know  
1678 we don't meet the forty-five-foot setback, but we've done everything we could to  
1679 accommodate their needs for their growing family, to hear what their neighbors thought  
1680 and their HOA and designed something that's sensitive to this site. I'll also point out that  
1681 not only are we dropping down ten feet, but the garage will be built into the earth at that  
1682 level to allow some of those trees to remain. So, I think every effort has been made to  
1683 make this work, the one we can't change is a forty-five foot rear yard setback and on an  
1684 unusually shaped lot. And I'm happy to answer any questions.

1685  
1686 Mr. Lawrence- Thank you Mr. Steele. Is there anyone from the board that has  
1687 questions of Mr. Steele? Any questions? Okay, hearing none, we will open the public  
1688 hearing and ask if there's anyone in the audience who wishes to speak in favor of the  
1689 case. And do we have anyone who wishes to speak in opposition of the case? Hearing  
1690 none, we'll close the public hearing. Are the Steeles on Webex do you know Mr.  
1691 Blankinship?

1692  
1693 Mr. Blankinship- This is Mr. Steele, Beale's no as far as I know are not available to  
1694 us.

1695

1696 Mr. Lawrence- Okay. I've got a question or two for Ms. Rozmus.

1697

1698 Mr. Blankinship- I can confirm there's nobody on Webex.

1699

1700 Mr. Lawrence- Nobody, okay. It'd be helpful to hear from the applicant, but Mr.  
1701 Steele's done a good job of explaining the case. I've got a question, Ms. Rozmus. So,  
1702 staff has determined there's not a legal, it doesn't meet the legal test for a variance the  
1703 case and there's not a hardship. Mr. Steele has made a fairly compelling case about the  
1704 design and what they have to do in order to build a structure on this property. Can you  
1705 review for us again what the alternative would be? Because the staff report says there is  
1706 an alternative other than encroaching on the setback. And I'm not real clear, I guess, how  
1707 that would transpire.

1708

1709 Mr. Blankinship- Sarah has done a wonderful job pinch hitting for Mr. Gidley this  
1710 morning and I do appreciate it. This was Paul's case, so I'm going to answer your question  
1711 if you don't mind. And I, we did not try to do an alternative design or anything, but as you  
1712 see on the exhibit in front of you there. The encroachment of twelve feet, at the triangle  
1713 there is considerably smaller than the area that remains that meets the setback. You  
1714 know, there is a substantial amount of lot area still within the setbacks that is not shown  
1715 as the proposed addition. Of course, the applicant always has the choice of building a  
1716 smaller addition. It's not that they have to have what they're asking for. They're living now  
1717 in the house that exists. So, you know frankly, we still kind of look at these things through  
1718 the old lens of the old Cochran decision which we've discussed with you of many times.  
1719 And that decision in all three of the cases the Virginia Supreme Court reviewed the court  
1720 made a very terse statement something to the effect that the applicant can just not do the  
1721 project and still make reasonable use. Now, we all understand that we are no longer using  
1722 that strict standard. So, the question now is what is reasonable and what is unreasonable?  
1723 And, we've presented our view that we think an addition could be built that is smaller than  
1724 this one. An addition could be built this size but designed differently to fill the more of the  
1725 buildable area rather than encroaching into the setback area. Mr. Steele, who has spent  
1726 far more time studying this particular design than we have, believes that we're being  
1727 unreasonable, that the zoning ordinance, the literal interpretation of the zoning ordinance  
1728 is unreasonable and that they should be allowed to go ahead. I will say that as is usually  
1729 the case, we wrote the staff report before we had heard from the neighbors, you're making  
1730 the decision after you heard from the neighbors. I'll also point out that we have not heard  
1731 from the neighbor to the west I'm not sure what direction, the neighbor directly to the east  
1732 there.

1733

1734 Mr. Lawrence- That was my next question.

1735

1736 Mr. Blankinship- That neighbor is not one that has written to us at least, but the  
1737 neighbor to the south is. That's the Canada address and Canada was the name on one  
1738 of the letters that we received in support, and they would be affected as much as anybody.  
1739 The other two are the other two that abut on the north and the west. Yes, around  
1740 Northwind Drive there. So those are the ones you have heard from, and we have not



1741 heard any opposition. So, this question of reason reasonableness is why there are five of  
1742 you and why these decisions are so difficult.

1743  
1744 Mr. Lawrence- While I think it is important to weigh in public input, I also think it's  
1745 important that this board not put the onus on citizens to determine whether something  
1746 complies with the ordinance. So, this is a difficult case. Another question I have is, is that  
1747 Mr. Steele indicated that in his view that because of the shape of the lot that creates a  
1748 hardship and staff didn't seem to come to that same conclusion. I'd like to hear a little bit  
1749 more about, about that.

1750  
1751 Mr. Blankinship- Well, I will say it's unusual that that much of the lot, that higher  
1752 percentage, whatever it is of the lot is encumbered by rear yard setbacks. Most lots are  
1753 rectangular and you have a, you know, a front and a rear. On the narrower sides of the  
1754 rectangle and the side yard setbacks extending along the longer sides of the rectangle,  
1755 and of course the side yard setbacks are much less intrusive. So, you know, most lots  
1756 you would not have as much rear yard area. So that, that is certainly a valid case. If you  
1757 look at again the property just to the south, the Canadas, they have one rear yard, one  
1758 rear lot line that does have kind of an angle to it. So again, a lot of their property is going  
1759 to be in rear yard as well, but both of their side lot lines would have the smaller side yard  
1760 setback. So, and that's just, you know, that was done that way by the developer and the  
1761 homebuilder put that the home where they did and you know those are just the facts on  
1762 the ground.

1763  
1764 Mr. Lawrence- Mr. Steel, do you know, have you or the applicants had any  
1765 conversation with the property owner to the rear, the one that hasn't weighed in on the  
1766 case?

1767  
1768 Mr. Steele- I believe they said they contacted them, but they didn't hear anything.  
1769 I believe they shared with all five neighbors, they met with all five. These were the three  
1770 who were comfortable writing a letter. I don't believe they heard any opposition. But I will  
1771 say for the record, they committed to all their neighbors that they would replant with the  
1772 twelve, trees, you know, understory plantings, that their intent is to do that. So, I certainly  
1773 as an architect would if that becomes a matter of public record, that would be good, I  
1774 think, so that everybody has that confidence, but that's certainly part of their conversation  
1775 is letting them know they will be replanting the beautiful trees and forest area back there.

1776  
1777 Mr. Lawrence- That was a concern mentioned in the staff report. The HOA has  
1778 officially reviewed this case and determined that they don't have concerns with it, is that  
1779 correct?

1780  
1781 Mr. Steele- Yeah, the HOA has approved our design and again there were  
1782 numerous conversations with them of other options, including and I was very bold, I just  
1783 said, well, why can't we face the garage doors to the front street and they said they just  
1784 can't do that in their community, and I respect that, but that's part of the challenge we  
1785 have here.

1787 Mr. Blankinship- Mr. Steele, we could not identify an HOA for Timberline Village,  
 1788 which HOA was it?  
 1789  
 1790 Mr. Steele- I don't know, Rochelle and Mike did all that work with their  
 1791 community.  
 1792  
 1793 Mr. Blankinship- I know some of the surrounding area is subject to an HOA and I can't  
 1794 remember the name of that board now. It was our understanding this property was not  
 1795 included in that.  
 1796  
 1797 Mr. Steele- Oh, I, we actually went to them first, but I didn't attend any of those  
 1798 meetings Rochelle and Mike went to present the design. So that's a good question.  
 1799  
 1800 Mr. Lawrence- Does anyone else from the board have any questions? Mr. Johnson,  
 1801 you had a question?  
 1802  
 1803 Mr. Johnson- Also this addition, how tall is that gonna be?  
 1804  
 1805 Mr. Steele- It's approximately the same height as the existing two-story house,  
 1806 the roof lines work in with one another, so it certainly meets all the height limits and what  
 1807 have you. But there is finished space above the garage. I believe we have a children's  
 1808 playroom, a bedroom, a bathroom, and an office in the space above the garage.  
 1809  
 1810 Mr. Blankinship- Can we see the rear of residence photos?  
 1811  
 1812 Ms. Rosmus- Yes.  
 1813  
 1814 Mr. Blankinship- Thank you. So, where you're seeing brick here and you see that shed  
 1815 as he described I think to the left that the garage will be roughly where that shed is now,  
 1816 but at the elevation. I'm having trouble describing this. The garage ceiling, I guess, will be  
 1817 where the brick meets the siding and then you'll have two stories above that?  
 1818  
 1819 Mr. Steele- Correct. The first floor of the addition ties in with the first floor that's  
 1820 above that white bandboard where the cursor is. And you can see how the lot slopes off  
 1821 to the rear, the actual garage where the cars are parked are down at that level. So, while  
 1822 that existing shed is actually two stories in height or a story-and-a-half. The car park, the  
 1823 garage is down approximately ten feet below the first floor.  
 1824  
 1825 Mr. Lawrence- But the addition on the house is not gonna be at a higher elevation  
 1826 than the primary structure, is that correct?  
 1827  
 1828 Mr. Steele- That's correct.  
 1829  
 1830 Mr. Lawrence- Any other questions from the board of Mr. Steele or Ms. Rozmus? Is  
 1831 there anyone here that would like to make a motion on this case?  
 1832



1833 Mr. Massie- I'll make a motion. I move that we approve subject to the conditions  
1834 recommended by the staff.

1835  
1836 Mr. Broadway- Second.

1837  
1838 Mr. Lawrence- We have a motion by Mr. Massie and a second by Mr. Broadway,  
1839 and before we vote I'd like to make a comment. If we were operating under the Cochran  
1840 decision, I would feel compelled to vote in opposition in this case just because of the,  
1841 information provided by staff and the fact that there is possibly an alternative although  
1842 that's open to some discussion I think on the case. I am uncomfortable with the BZA  
1843 getting in a position of legislating by variance, and I know we have different opinions on  
1844 this board in terms of what's appropriate, what's not appropriate in terms of setbacks, but  
1845 we have a legislative body and a Planning Commission that have established ground  
1846 rules, and we have made our views known to them and they will either, you know, make  
1847 modifications to the ordinance or not. That's in their ballpark. Having said that, as staff  
1848 has pointed out, the Cochran decision has been somewhat overturned by more recent  
1849 decisions. It's hard to keep up with all these decisions over the years, but we do have a  
1850 little more flexibility. And again, I don't think we should put an onus on neighbors to  
1851 enforce zoning requirements, but it sounds like the neighbors are in support of what's  
1852 being proposed and this is probably the least intrusive on the neighborhood. I'm a little  
1853 concerned about the confusion about the HOA, but I have no reason to believe that, you  
1854 know, that would be misrepresented intentionally, so there must have been a body of  
1855 some sort that they've discussed that has a jurisdiction over the neighborhood in terms of  
1856 covenants. So having said all that, based on, you know, what I saw in the staff report, I  
1857 probably would have had to vote in opposition to this case, but after hearing all the  
1858 information in Mr. Steele's excellent presentation and some more clarification from Mr.  
1859 Blankinship, I will support the motion that's made by Mr. Massie and I will call for the vote.  
1860 All in favor of the motion say "Aye".

1861  
1862 Board- Aye.

1863  
1864 Mr. Lawrence- All opposed say "No". I'll also say Mr. Green is absent. So, the motion  
1865 carries four Ayes and none opposed. I'll also say I'm a little bit uncomfortable voting on  
1866 the case in Mr. Green's absence, but knowing Mr. Green's philosophy I think he would  
1867 have probably been in support of this variance as well.

1868  
1869 Mr. Blankinship- I almost suggested to Mr. Steele that this would be a good one to  
1870 defer until Mr. Green is present because I agree with your suggestion there.

1871  
1872 Mr. Lawrence- Okay, thank you.

1873  
1874 On a motion by Mr. Massie, seconded by Mr. Broadway, **the Board approved case VAR-**  
1875 **2025-101436** subject to the following conditions:

1876  
1877 1. This variance applies only to the rear yard setback requirement for the proposed  
1878 addition only. All other applicable regulations of the County Code remain in force.

2. This variance applies only to the improvements shown on the plot plan and building design filed with the application. Any substantial changes or additions to the design or location of the improvements will require a new variance. 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. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works. The applicant may be required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.

5. The applicant must obtain a building permit for the proposed addition by July 24, 2027, or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

**VAR-2025-101452 Rajesh Borikar: variance from the rear yard setback to build an addition at 11416 Pinedale Drive, Hunters Trace, Three Chopt. The applicant has 25 feet rear yard setback where the Code requires 35 feet rear yard setback. The applicant requests a variance of 10 feet rear yard setback. Parcel 744-772-7053. Zoning: R-5AC, General Residence District (Conditional). Code Section: 24-3313.D.**

Mr. Blankinship- Alright, the last case for this morning is VAR-2025-101452 Rajesh Borikar a variance from the rear yard setback to build an addition at 11416 Pinedale Drive, in the Hunters Trace subdivision in the Three Chopt 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 is the truth, the whole truth and nothing but the truth so help you God? Thank you. Ms. Rozmus.

Ms. Rozmus- The subject property is located just north of the Twin Hickory Library and Twin Hickory Park. Hunter's Trace is a subdivision of twelve detached dwellings on zero lot lines at the end of Pinedale Drive, which extends into a cul-de-sac. The land was rezoned to R-5AC, General Residence District (Conditional) in 2020 or 2002. And the subdivision was recorded in 2004. The applicant is the original owner of the dwelling which was built in 2005. According to the architectural plans filed with the plan of development for this community, the subject dwelling does not have a bedroom or full bathroom on the main floor. According to the application, the owner has arthritis and finds



1925 it necessary to have a bedroom and full bathroom on the main floor of the dwelling. To  
1926 meet this need, the concept plan shows an addition measuring nineteen feet along the  
1927 rear of the dwelling extending eighteen feet into the backyard. The addition would replace  
1928 most of the existing patio and part of the existing deck. The concept plan also shows that  
1929 the existing deck would be converted to a screened porch. The rear yard setback would  
1930 be twenty-five feet to the proposed addition and thirty-three feet to the proposed screened  
1931 porch. A detached storage building has been erected in the left southwest corner of the  
1932 lot. The storage building is located within an eight-foot drainage and utilities easement  
1933 that would be less than ten feet from the proposed addition. If the variance is approved,  
1934 the applicant would need to move the storage building to another location on the property.  
1935 There's no reason to doubt that the property was acquired in good faith. If the variance  
1936 would alleviate a hardship by granting a reasonable modification for a person with a  
1937 disability, then the hardship was not self-imposed. The dwelling in the rear at 11204  
1938 Prescott Place is located just over fifty feet from the rear lot line. A variance to reduce the  
1939 setback from thirty-five feet to twenty-five feet means the addition will be located seventy-  
1940 five feet from that dwelling rather than eighty-five feet. The two houses are also separated  
1941 by a privacy fence and a line of trees. The dwelling to the left.

1942  
1943 Mr. Blankinship- You're out of order. Rear neighbor is the one you just described.  
1944

1945 Ms. Rozmus- It is.  
1946

1947 Mr. Blankinship- Once again, thank you very much for pinch hitting on absolutely zero  
1948 notice. She walked into the meeting this morning and was told she'd be doing all the  
1949 presentations. If you'd bring up the rear neighbor that's the one that you can barely see it  
1950 through the trees anyway. And it is screened by a privacy fence. This will be seventy-five  
1951 feet rather than eighty-five so you can judge for yourselves how much impact that will  
1952 have. Now the neighbor to the south, the one on the left, is the one you were just starting  
1953 to describe.  
1954

1955 Ms. Rozmus- The yes, the neighbor to the south is the, the left side neighbor, is at  
1956 an angle to the common lot line. As a result, the proposed addition in the rear the subject  
1957 property would have less impact on that neighbor because there's additional side yard  
1958 area to the adjoining lot.  
1959

1960 Mr. Blankinship- That's the opposite side there.  
1961

1962 Ms. Rozmus- That is the opposite side.  
1963

1964 Mr. Blankinship- Neighbor to the south.  
1965

1966 Ms. Rozmus- Thank you. The application is justified as a reasonable modification  
1967 for a person with a disability which is unique to the applicant. Staff determined this case  
1968 appears to meet the legal requirements for a variance. A variance would require a  
1969 reasonable modification to a person with a disability. The applicant did not cause the  
1970 hardship. Staff does not anticipate a substantial detrimental impact on nearby property,

1971 and the conditions are specific to this applicant, the use is allowed and no other relief is  
1972 available. Staff recommends approval subject to the conditions in the staff report. I can  
1973 try to answer any questions.

1974  
1975 Mr. Lawrence- Any questions of the Board for Ms. Rozmus? So, in this case, Ms.  
1976 Rozmus, the threshold test or the first test is met because of the disability, is that correct?

1977  
1978 Ms. Rosmus- Yes.

1979  
1980 Mr. Lawrence- And otherwise it would probably not, in staff's opinion, meet the  
1981 variance requirement, but because of the disability it puts it in a little different ballpark.

1982  
1983 Ms. Rozmus- Yes sir.

1984  
1985 Mr. Lawrence- Okay, thank you. If there are no other questions from the board  
1986 members, we will hear from the applicant now. Sir.

1987  
1988 Mr. Parham- Yes, my name is Kenneth Parham, that's K E N N E T H P a r h a m  
1989 R H A M And I'm speaking on behalf of Mr. Borikar. I'm the project manager for this  
1990 particular project. Mr. Borikar has lived here for around twenty years with his family and  
1991 and as you know, the area is subject to an HOA type situation. Like everybody in the  
1992 neighborhood actually that he's spoken to, he's been very cautious to make sure all his  
1993 neighbors knew about what he was trying to do and why he was trying to do it. Of course,  
1994 the main thing, like we say, is we're all going to get older. And we all are going to need  
1995 access to stuff that we don't have. Unfortunately, the downstairs was not built for another  
1996 room to be used as a, you know, a handicap accessible, owner suite. So that's the reason  
1997 why we're requesting the amount of space and all that cause everything has to have, you  
1998 know, enlarged doors and large spaces to get to and a lot of coverage just in case  
1999 anything other than arthritis becomes an issue for Mr. Borikar. And it was at the request  
2000 of his doctor that he have the first-floor suite. Something that he can use instead of using  
2001 the stairs.

2002  
2003 Mr. Lawrence- Thank you, Mr. Parham. It sounds like maybe this subdivision was, I  
2004 don't want to use the term poorly designed, but maybe not anticipating senior residents  
2005 in the future. This community is aging as you pointed out, and we probably need to be  
2006 more cognizant of that when we're building homes. Does anyone else on the board have  
2007 any questions of Mr. Parham? Is it Parm or Parham? I'm sorry sir.

2008  
2009 Mr. Parham- Parham.

2010  
2011 Mr. Lawrence- Like Parham Road. Okay, my apologies for mispronouncing your  
2012 name.

2013  
2014 Mr. Blankinship- You're new here.

2015



2016 Mr. Lawrence- I'm only what? Twenty-nine years here. Okay, no more questions of  
2017 the applicant, so at this time we'll open the public hearing up and we'll ask if there is  
2018 anyone here besides the applicant that wishes to speak in favor of the case. Hearing none  
2019 or on Webex. I'm seeing there's no one on Webex.

2020  
2021 Mr. Blankinship- There is no one on Webex.

2022  
2023 Mr. Lawrence- Okay, and do we have anyone here that wishes to speak in  
2024 opposition to the case, either in the audience or on Webex? Hearing none, we'll close the  
2025 public hearing and if there's no other discussion by the board, we'll entertain a motion if  
2026 someone is ready to do, to make one.

2027  
2028 Mr. Broadway- Mr. Chairman. I move approval of the application subject to  
2029 conditions recommended by the staff.

2030  
2031 Mr. Lawrence- Do we have a second to the motion?

2032  
2033 Mr. Massie- Second.

2034  
2035 Mr. Lawrence- Okay, Mr. Broadway has made the motion, seconded by Mr. Massie.  
2036 Is there any discussion on the motion? Hearing none, all in favor of the motion say "Aye".

2037  
2038 Board- Aye.

2039  
2040 Mr. Lawrence- If anyone opposes, say "No". That motion carries four ayes, none  
2041 opposed and Mr. Green is absent.

2042  
2043 On a motion by Mr. Broadway, seconded by Mr. Massie, **the Board approved case VAR-**  
2044 **2025-101452** subject to the following conditions:

2045  
2046 1. This variance applies only to the rear yard setback requirement for the proposed  
2047 addition. All other applicable regulations of the County Code remain in force.

2048  
2049 2. This variance applies only to an addition measuring 18 by 19 feet, containing a  
2050 bedroom and full bathroom, and a screened porch, as shown on the concept plan  
2051 submitted with the application. Any substantial changes or additions to the design or  
2052 location of the improvements will require a new variance. Any additional improvements  
2053 must comply with the applicable regulations of the County Code.

2054  
2055 3. The new construction must match the existing dwelling as nearly as practical in  
2056 materials and color.

2057  
2058 4. This approval is subject to the conditions of rezoning case C-9C-02 and plan of  
2059 development POD-059-02.

2061 5. The storage building must be removed from the property or moved to a location that  
2062 meets the requirements of Section 24-4404 of the Zoning Ordinance.

2063  
2064 6. The applicant must obtain a building permit for the proposed addition by July 24, 2027,  
2065 or this variance will expire. After that date, if the building permit is cancelled or revoked  
2066 due to failure to diligently pursue construction, this variance will expire at that time.

2067  
2068  
2069 **Affirmative:** **Broadway, Johnson, Lawrence, Massie** **4**  
2070 **Negative:** **0**  
2071 **Absent:** **Green** **1**

2072  
2073  
2074 Mr. Blankinship- Alright Mr. Chair, that completes the agenda and brings us to the  
2075 approval of minutes. As you know, we did get backed up one month on minutes. We have  
2076 the draft ones ready for June now, but I decided rather than hand them out to you, we  
2077 just include them in next month's packet. So, we do have the May minutes that were  
2078 provided in advance. Mr. Lawrence has provided some typographical and stylistic  
2079 changes, but there were no substantive changes in his comments. So, a motion would be  
2080 in order.

2081  
2082 Mr. Lawrence- Do we have a motion on the minutes? Okay Mr. Broadway. Mr.  
2083 Broadway, is that correct, has moved approval of the minutes with those typographical  
2084 corrections. We have a second from Mr. Johnson. Any discussion on the motion? Hearing  
2085 no discussion, all favor of the motion, say "Aye", all opposed "No". None opposed. The  
2086 motion carries, four ayes, none opposed, and Mr. Green is absent.

2087  
2088 On a motion by Mr. Broadway, seconded by Mr. Johnson, **the Board approved the**  
2089 **minutes of the May 22, 2025 public hearing.**

2090  
2091  
2092 **Affirmative:** **Broadway, Johnson, Lawrence, Massie** **4**  
2093 **Negative:** **0**  
2094 **Absent:** **Green** **1**

2095  
2096  
2097 Mr. Blankinship- The last item of business, Mr. Chair, is the calendar of meeting dates  
2098 and application deadlines for 2026 was included in your package. Not a whole lot to say  
2099 about it. Meet on the fourth Thursday, January through October, the third Thursday of  
2100 November and December. The application deadlines are five weeks in advance of the  
2101 meeting dates, with the exception of January, which is six weeks to allow us an additional  
2102 week over the holidays. And again, I think it is, we are required to accept or approve this  
2103 in some fashion, so yes, a motion would be in order.



Mr. Lawrence- Do we have a motion to approve the calendar for 2026. Mr. Broadway has moved. Do we have a second? Mr. Johnson. Any discussion of that? Hearing that discussion, all in favor say "Aye".

Board- Aye.

Mr. Lawrence- All opposed "No", so we carry the motion to approve the calendar, four ayes, no no's, and Mr. Green absent.

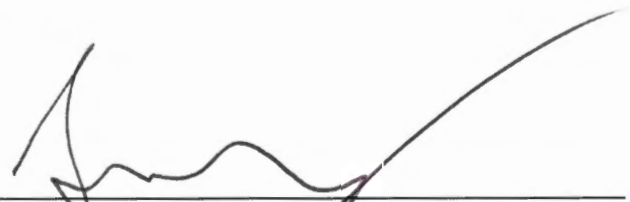
On a motion by Mr. Broadway, seconded by Mr. Johnson, the Board approved 2026 BZA Calendar.

<b>Affirmative:</b>	<b>Broadway, Johnson, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Green</b>	<b>1</b>

Mr. Lawrence- And before we adjourn, I just want to thank the board for covering for Mr. Green today, we extend sympathy to him on his loss, and you all did a great job of joining in for his cases, so I appreciate that.

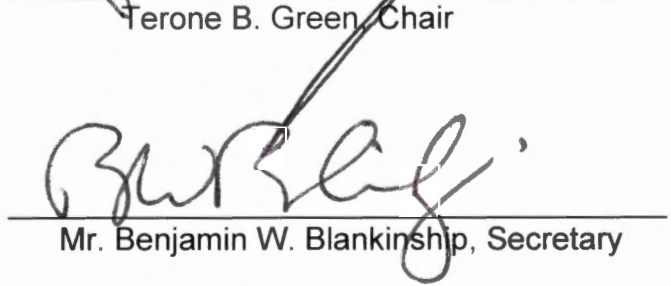
Board- Thank you.

Mr. Lawrence- But the meeting is adjourned.



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Terone B. Green, Chair



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Mr. Benjamin W. Blankinship, Secretary