

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 May 22, 2025 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN**  
5 **THE RICHMOND TIMES-DISPATCH MAY 5, 2025 AND MAY 12, 2025.**  
6  
7

8 **Members Present:** Terone B. Green, Chair  
9 Barry R. Lawrence, Vice Chair  
10 John R. Broadway  
11 Joseph S. Massie, III  
12

13 **Member Absent:** Walter L. Johnson, Jr.  
14

15 **Also Present:** Leslie A. News, Assistant Director of Planning  
16 Benjamin Blankinship, Secretary  
17 Paul M. Gidley, County Planner  
18 Sara Rozmus, County Planner  
19 Janaya Poarch, Accounting Clerk  
20  
21  
22

23 **Mr. Green -** Good morning and welcome to today's, May 22, 2025, Board  
24 of Zoning Appeals meeting. For those that are able, would you please stand and join us  
25 in the Pledge of Allegiance.  
26

27 **[Recitation of Pledge of Allegiance]**  
28  
29

30 **Mr. Green-** Prior to Mr. Blankinship reading our rules, I just want to make  
31 a few comments. The Board of Zoning Appeals meets at this time once a month and we  
32 hear cases. And in some instances, individuals are pleased with decisions that we make.  
33 And in some instances, individuals are not pleased with decisions that we make. But I  
34 want to reassure everyone in the audience, and on Webex, that we do our best to listen  
35 to both sides. What we do have, we have the cases, we have recommendations from  
36 staff. In some instances, we follow that recommendation. And there are a lot of instances  
37 where we objectively listen to what you present and decide and go another way. So, even  
38 staff in some instances may not be happy with it. The beauty of what we have is, we have  
39 a five-member body, one member is not here because he's traveling. We take our job  
40 very seriously. You know, there are times when folks, we do go out and look at your  
41 properties, especially in our districts, and sometimes we venture out into other areas to  
42 see what's going on. So, it's not just what staff says, it's not just what you say, but you  
43 don't see us. We don't communicate with each other about cases, which is the beauty of  
44 this body. Sometimes I'm hearing my board members' opinions at the same time that you  
45 are. But what I do ask is that you are polite to us, and we will be polite to you. We ask  
46 that you aren't redundant. And if there are multiple cases and if you agree with what an

individual says that you don't repeat it. Because we don't have time limits because we know that sometimes this is new to individuals. This is foreign and so we are very patient. Folks get up there and they're nervous. Folks behind here get nervous. Folks get up there and make mistakes. Folks back here make mistakes. But that's just being human. And the reason I'm saying this is because there was a case we heard last month and, you know, they just didn't like our opinion. And they sent a very terse email to all of us. And I just want to say that we did what we were supposed to do. We objectively heard it. We looked at the facts. And I remember calling Mr. Blankinship, and I asked Mr. Gidley to follow up. Sometimes, you know, we get all the facts, and sometimes additional information comes out. And that's the beauty of why we listen. One thing that I've learned by being on this board is that you just can't read and form an opinion because you may see someone in the audience that you may know, and you can't side with them because you know them. You have to really be objective. And I think we really achieve that objectivity in what we're attempting to do. And there's always a process that if you don't like the decisions that we make, you can appeal it. You know, Mr. Blankinship may have talked to you about that, but you can appeal it. But the beauty, since I've been on the board, now I've never seen anything that's been overturned since I've been here.

Mr. Blankinship- Not by the Circuit Court, no sir. It's been a few years now.

Mr. Green- Yeah. Since I've been on here, and I've been here seven or eight years now, and nothing's been overturned. So, that tells you that we really pay attention. What I've noticed is that Mr. Lawrence writes copious notes. Mr. Johnson writes copious notes. We have two attorneys, that are geniuses, down there. So, they're using their analytical legal skills. I'm just a regular ole person, you know. But we've learned the knack of listening and that helps us to be objective in what we hear. So, just work with us, we work with you, and you work with staff and we'll get through things. But I don't want, I don't like folks challenging us and criticizing us for just doing our jobs. There's a lot of things in life that we don't like that we have to accept and deal with. And if you don't like it, you can challenge it. You know, you have your opinions and sometimes we may give you our opinion and, I think, that's okay. Because we're human. We're all human. We're just trying to work this thing so everybody can be happy. But if you really look at us, we really try to look for a compromise that will work for everybody. And the other thing that I want folks to remember is that rules change, ordinances change, variances, I mean, the county changes. You can't cite that it's always been this way because sometimes we've had a Circuit Court decision where things have changed that we have to factor in. I'm not sure if all of you all are aware of that. The Board of Supervisors make changes that I'm not sure that all of you are aware that we have to factor in. We assume that maybe staff is educating you all on that process when that happens. But just recognize that just because something was done 15, 20 years ago doesn't mean it's going to be the same way today. People change. Attitudes change. The county's changing. And my theory is that you've got to adapt to change in some instances. Not everything is going to always be the same. So, that's all I wanted to say. So, Mr. Blankinship, you can give our rules, but then I would like to ask Mr. Gidley, because I did ask him to follow on some additional information that came up that helped put into perspective as to why we didn't vote the way that, those entities wanted us to.



93  
94 Mr. Blankinship- Alright. Well, good morning, Mr. Chair, members of the board.  
95 Good morning to everyone in the room with us today. I'd also like to welcome those who  
96 are joining us remotely on Webex. If you wish to observe the meeting, but you do not  
97 intend to speak, then welcome and thank you for joining us. For those of you on Webex  
98 who would like to speak, we need to know that in advance so we can connect you at the  
99 appropriate time. So, if you are an applicant or if you have questions or comments on one  
100 of the cases, please press the chat button now. It's located in the bottom right corner of  
101 the screen, and when the chat window opens, please select Janaya Poarch from the list  
102 of participants and let her know your name and which case you're interested in. The chat  
103 feature will only be used to identify speakers, so please do not type questions or  
104 comments into a chat, but please send a chat now to Janaya Poarch now. So as the  
105 secretary, I will call each case, we will ask everyone in the room who intends to speak to  
106 that case to stand and be sworn in. Then a member of the Planning Department's staff  
107 will give a brief presentation, and then the applicant will give their presentation. Then  
108 anyone else who wishes to speak, in favor or in opposition, will have a chance to do so.  
109 We'll hear from those in the room first and then from those on Webex. After everyone has  
110 had a chance to speak, the applicant and only the applicant will have an opportunity for  
111 rebuttal. This meeting is being recorded, I believe we record the video as well as the  
112 audio, so we'll ask everyone in the room to speak directly into the microphone at the back  
113 of the room there. We ask you to state your name, and please spell your last name so we  
114 get it correctly in the record. And of course, once your case is over, you're free to leave,  
115 there's no need for you to stay until the end of the meeting.

116  
117 We do have one member absent this morning, as the Chair mentioned. Under the Code  
118 of Virginia for the Board to vote in favor of an applicant there must be three affirmative  
119 votes. And since we have one member absent today, theoretically that reduces your  
120 chances of having three affirmative votes. So, I just wanted everyone to be aware of that.  
121 You do have the right to request deferral to next month, if you think that would be  
122 important to the success of your case.

123  
124 With that, Mr. Chair, you wanted to hear from Mr. Gidley before we began.

125  
126 Mr. Green- Yes. Could you just give us a recap because some additional  
127 information came up that would kind of help us feel more comfortable with the decision  
128 that we made.

129  
130 Mr. Gidley- Yes. Good morning, Mr. Chair, members of the board. Last  
131 month you approved a case off of Crystal Spring Road. There was a lot of opposition to  
132 it. And statements that in the past variances had been denied due to the lack of access  
133 to this property. The board approved this request with the standard condition that the  
134 applicant, at the time of building permit, must prove that they have a legal access to the  
135 property. The applicant, in this case, was a contract purchaser. Before he purchased the  
136 property he wanted to make sure staff, not just Planning staff but Permit Center staff,  
137 which reviews and enforces the conditions of this board at time of building permit  
138 approval, had a comfort level that he had access. So, even after this meeting, he

continued to email me with additional information as it was coming into him, and at one point, with some information he had provided, I was able to follow up with my own research, and at that point said, "Hey," this looks pretty good that he has legal access to the property. I shared it with the Assistant Director of the Permit Center, who concurred that it looked good to him that the gentleman had legal access to the property. And of course, we responded back to let him know that. This information came up after the hearing and that's why it wasn't, you know, available at the time. But just the gentleman following up, the applicant following up with staff, he was just doing his due diligence, and it looks like he's good to go as far as access to the property's concerned.

Mr. Green- Thank you. And you see that was something that was important that we needed to know because the other person was saying that they did not have access, which created some debate. Now that we know that they do have access, I feel like the rest of the folks can feel comfortable in the decisions that we made. And hopefully the folks that did not get what they want, understand that now. Thank you.

Mr. Gidley- Yes, sir.

Mr. Green- We can begin.

**CUP-2025-100633 - Britney Holloway: conditional use permit to allow hosted short-term rental of a dwelling at 4908 Bangor Court, Forest Green at Shannon Green, Brookland. Parcel 762-757-5097. Zoning: R-3C, One-Family Residence District (Conditional). Code Section: 24-4431.A.**

Mr. Blankinship- Ready to go. Alright, the first case this morning is **Conditional Use Permit 2025-100633**, Britney Holloway: a conditional use permit to allow hosted short-term rental of a dwelling at 4908 Bangor Court, in the Forest Green at Shannon Green subdivision, in the Brookland Magisterial District. Mr. Chair, I'll just note that this is a case that we left an email in support of the applicant's request on the desk for you this morning. So, would everyone who intends to speak to this case please stand and be sworn in. Britney Holloway is on Webex, so I guess we will hear from Mr. Gidley first and then we'll hear from the applicant.

Mr. Gidley- Thank you, Mr. Secretary. Good morning, Mr. Chair, members of the board. The subject property is located in a cul-de-sac of single-family homes just off the terminus of Shrader Road. This is a single-story home with three bedrooms. The applicant would like to rent out two of the three bedrooms for short-term rental. The third bedroom would be occupied by the applicant, as these are hosted stays where the owner of the property is present during the rental. Here's a picture of the residence here. The conditional use permit's going to be required for two reasons here. One, the property being in a cul-de-sac lacks the required 80 feet of lot width. Second, and I think this is important to clarify, the applicant had in the past been able to rent it for more than 60 days a year, and yet on the application she said she was requesting fewer than 60 days a year. And so, staff had emailed her for clarification. Apparently, she'd been in an accident and this morning actually emailed back to me. She can have the total number of stays as far



185 as she, when she has guests there, those can total with the approval of a conditional use  
186 permit more than 60 a year. Particularly for hosted, it could be 365 nights, as long as it's  
187 a hosted stay. What she seemed to think I was asking was can one individual rental be  
188 there for 60 plus days. And by definition a short-term rental can be for no more than 30  
189 days in a row for one person. And so, I just wanted to make that clear. But evidently, she  
190 is going to want to have her total number of stays for all the guests exceed 60. So, that  
191 would be a second reason for a conditional use permit.

192  
193 So, now that that's been clarified, in looking at this case, they did come to the attention of  
194 the county following a complaint which involved cars parking in the cul-de-sac, and people  
195 coming and going into the property. Staff did contact the HOA, their regulations do not  
196 address short-term rentals, so their attorney advised them not to comment on it. But they  
197 did hear similar complaints from some people nearby. The zoning ordinance requires a  
198 parking space for each room rented and one for the owner. Meaning a total of three  
199 spaces. The applicant can accommodate this. Where the car is now, the driveway ends  
200 there, but if she extends it back to the fence, there would be room for three cars. And with  
201 the conditions of this use permit, hopefully that would address the concern about people  
202 parking in the cul-de-sac. During staff's visit, there were several areas of logs and brush  
203 piles. You see some over here. There was another one on the other side of the porch,  
204 and more back through here. Obviously, these can attract, you know, snakes and what  
205 have you, and are not permitted to be there for a long period of time. So, before she rents  
206 out the property, she should get that cleaned up. And as you can see here, there is a  
207 privacy fence that encloses the rear yard. So, in conclusion, the applicant wants to rent  
208 two rooms of her three bedrooms for hosted stays. These would potentially, in total, with  
209 all the renters, exceed 60 days a year. Staff believes the neighbor's concerns can be  
210 addressed by extending the driveway, cleaning up the property, and following code  
211 requirements, which include a requirement that check-in and checkout not occur between  
212 11:00 p.m. and 7:00 a.m. As a result, assuming no further concerns are expressed here  
213 today, staff can recommend approval of this request subject to the conditions in your  
214 report. If you have any questions, I'll be happy to answer those.

215  
216 Mr. Green- Any questions from the board to staff?

217  
218 Mr. Lawrence- Yes, Mr. Chairman, I got a couple things. So, if I understand  
219 from the staff report, the applicant is already using this for short-term rentals. Is that  
220 correct?

221  
222 Mr. Gidley- Yes, sir. When Community Revitalization received the  
223 complaint and went out, she told them, hey, they're hosted rentals versus un-hosted,  
224 which would require a conditional use permit. The reality is though, because she's in a  
225 cul-de-sac, she lacks the 80 feet of a lot width. And apparently that was not picked up on  
226 so she is in here now applying for use permit.

227  
228 Mr. Lawrence- In looking at the property, the cul-de-sac, and this was during  
229 middle of the day when presumably a lot of people are at work. There are a lot of people

230 that park on the street, the narrower frontage lots, so the on-street parking was a little bit  
231 limited.

232

233 Mr. Gidley- Yes sir.

234

235 Mr. Lawrence- As you mentioned, the driveway has logs, and right now  
236 there's no way you can get three cars in the driveway. But what you're saying, Mr. Gidley,  
237 is that if she would remove those logs, which has been suggested by staff, and extend  
238 the driveway back to the privacy fence, that would give sufficient room for three vehicles?

239

240 Mr. Gidley- Yes sir, exactly.

241

242 Mr. Lawrence- Yeah, if the board were to approve this case, the conditions  
243 would address the issues you mentioned in terms of the logs and also the issue with the  
244 rear of the lot in terms of cleaning it up.

245

246 Mr. Gidley- Yes. She would have to clean up the property. I did get an  
247 email about spring cleaning the other day. She didn't go into details, but she can address  
248 that. So, I think she's on board with doing that. And then one of the conditions is you have  
249 to park on the property and provide the required parking. So, extending the driveway  
250 would provide room for three vehicles. Yes, sir.

251

252 Mr. Lawrence- The staff report, Mr. Gidley, mentioned that a couple of  
253 residents expressed concerns regarding parking, as you mentioned, and also coming and  
254 going at night. I consider those more general concerns. Did we receive anything more  
255 specific in terms of any criticism about the way the property was being managed or, or  
256 any, you know, noise or, or other concerns with the property?

257

258 Mr. Gidley- I didn't hear any noise complaints, no sir.

259

260 Mr. Lawrence- That's all I have for staff right now, Mr. Chairman.

261

262 Mr. Green- Any other questions? We'll now hear from the applicant.

263

264 Mr. Blankinship- Alright staff, if you can connect Miss Holloway through Webex.  
265 Good morning, Miss Holloway.

266

267 Ms. Holloway- Good morning.

268

269 Mr. Blankinship- Hello.

270

271 Ms. Holloway- I'm sorry that I can't be there in person. I was looking forward  
272 to meeting you. But, yeah, I had a little accident trying to play Misses Fix-it. Well, not  
273 trying. I play it well, but I didn't yesterday. Thank you all for talking to me today. A couple  
274 things that you brought up I have some updates on. I'm not sure if I'm able to share photos  
275 with you. Is that possible here?



276  
 277 Mr. Blankinship- Probably not.  
 278  
 279 Ms. Holloway- Okay.  
 280  
 281 Mr. Blankinship- Since we didn't know in advance.  
 282  
 283 Ms. Holloway- Yes, and I apologize for that.  
 284  
 285 Mr. Blankinship- That's alright.  
 286  
 287 Ms. Holloway- So, and if you, I did send in the email, there are a couple of  
 288 photos where you talked about the logs. I'm right there with you on not wanting the logs.  
 289 It was a huge tree, three trunks, I had it taken down late fall. I do live here and own the  
 290 home by myself. It's a little difficult sometimes to get help, unfortunately and not  
 291 everything is exactly affordable, but I did most of the work getting it in the backyard myself,  
 292 that big pile of branches, believe it or not. That was all me. The logs not so much. But I  
 293 actually have removed one of the piles out front alongside the driveway. And, I know that  
 294 you mentioned, or someone, and sorry I couldn't, I couldn't quite hear, so I couldn't see  
 295 either cause I was leaned in real close. But the logs aren't actually like impeding the  
 296 driveway, they're off to the side. But the ones that are off to the side have all been  
 297 removed. Somebody came and picked them up. As well as some from the back. And one  
 298 of the piles of branches in the back, I have already had picked up as well. I have two  
 299 people coming by later today to pick some up as well. So, I did mention spring cleaning.  
 300 It's a big yard and last year, believe it or not, it was beautiful. All these trees, it takes a  
 301 while to do the upkeep and I have been working on it little by little, but yeah, it's a whole  
 302 lot. Usually by June it's all presentable and the ivy is taken down and, you know, the  
 303 leaves and pinecones and things are up. But it's kind of just getting started to that season.  
 304 So, if you would like, I'm happy to keep you updated along the way. Last year I actually  
 305 kind of video documented everything because that's all I was doing and friends wanted  
 306 to know why I couldn't hang out, and I said, "Well, here you go", you can watch what I do  
 307 all day. Which is the yard work. So yeah, I'm happy to keep you updated on that. And I  
 308 take a lot of pride in what I do. I love being out there and doing that instead of in the  
 309 house, but I have to do both. So. That has been updated. One more thing is I do believe  
 310 that one of my neighbors, they actually reached out to me over at 4910, when they saw  
 311 the sign and I do believe that Carl sent you guys an email, he couldn't be there today in  
 312 person. I think that they have something with the children at school today. Yes, that's  
 313 correct, but he said he was going to try to attend, but then they had something with the  
 314 kids at school, so he said that he sent an email just kind of supporting me. I've kept in  
 315 contact with my direct neighbors from the start. Even prior to that. I like to be outdoors a  
 316 lot. I listen to music or sing sometimes too loud. And so, I've always checked in. I've been  
 317 here ten years come June. The 15th is my tenth anniversary of having this as my first  
 318 home. So, I've always checked in with them and said, you know, did you hear my music?  
 319 Not that I'm playing in the middle of the night, but I always check in and I've never had  
 320 any complaints from 4910, 4906, and then I guess it's the property that's directly behind  
 321 my yard, so I guess 4907, but that's the next street over. But they, you know, they look

right into my yard, so, I know that my direct neighbors are good because I always make sure of that. I love this neighborhood. I hear the football games from the high school that I graduated from on Friday nights in the fall. It's important to me to have a good relationship with everybody. So, I'm pretty confident in the closest ones, but I haven't spoken to others across the way. But I also haven't heard anything from anyone with any concerns. As far as the parking, I have strict rules that are pretty extensive when it comes to just talking about parking. I have a diagram with cartoon cars that I drew on a photo of the home, so that they would know exactly, like precisely, where not to be. Most of them, because I'm so specific, they're terrified and they say, "did I park okay?" So, I'm always monitoring that. I will ask someone to move if I think they're even a foot, you know, too far to where it just feels to me like they're not close enough to the home. Like, no, you have to be close to my house. To note, everybody in the cul-de-sac parks that way. There's at least one home on the cul-de-sac that typically has three cars, two on the street parking in the same fashion. I'm not sure why we do it. It's always been this way since I bought the house, but we pull in forward to the curb instead of alongside. I think maybe because the mail lady will not deliver if she can't get close enough. But I'm definitely not the only person. Actually, two homes have at least two cars in the street almost at all times. I didn't want to be like nitpicky, but I did take some pictures just to kind of show, again I can email that, but just to show that that's like the norm for the cul-de-sac. When I had roommates prior, that's also how we parked so that we could get in and out going to work. So, I don't feel like, you know, it's a specific trait that has anything really to do specifically just with renters because the other homes aren't renting and they have the same parking situation. Late night comings and goings...

Mr. Green- Ms. Holloway.

Ms. Holloway- Sorry.

Mr. Green- I'm just going to see if the board has any questions for you.

Ms. Holloway- Oh, sure. Yeah, I didn't really know what to say, so I just figured I'd cover it all, you know.

Mr. Blankinship- You're fine.

Ms. Holloway- You know.

Mr. Green- Are there any questions from the board to Miss Holloway?

Mr. Lawrence- Yeah, I had a question, Mr. Chairman. Miss Holloway, I appreciate you reaching out to your neighbors. It sounds like you've made a concerted effort to keep everyone in the loop. I did see an email from your adjoining property owner this morning in support of the case.



366 Ms. Holloway- I'm sorry, I'm having a little difficulty hearing you. I have my  
367 volume all the way up. Do you mind, is there any volume on your end you could increase  
368 a little bit?  
369

370 Mr. Lawrence- Let me try talking a little more directly into the microphone.  
371

372 Ms. Holloway- There we go. Yes, thank you.  
373

374 Mr. Lawrence- What I was saying was that I appreciate your concerted effort  
375 to keep all of your neighbors in the loop, and I wanted to confirm we did receive the email  
376 this morning from the adjoining property owner in support of the case. I guess, my only  
377 concern without having heard from anyone else in the neighborhood, but based on the  
378 staff report, there's the parking situation. I just want to make sure that you understand  
379 what staff, I think, has determined. Having viewed the property, it looks like the logs, you  
380 know, have kind of been moved to the side of the driveway, but it looks like there still  
381 might be issues trying to get parking all the way up to your fence.  
382

383 Ms. Holloway- Oh yeah.  
384

385 Mr. Lawrence- So, I think that there needs to be a clear understanding that  
386 you're going to have to have room in that driveway for three vehicles. And I think, you  
387 know, really to be honest, you're going to need to have, you know, all that cleared out of  
388 that area in order to do that. The other thing I wanted to just be clear on is that staff has,  
389 as mentioned in the staff report, suggested conditions that if this case is approved, regard  
390 cleaning up the property. And your property, you know, is attractive from the street, but,  
391 you know, the backyard, I think, there were some concerns about some debris that could  
392 cause vermin to come into the neighborhood. You don't want to have that in your backyard  
393 if you're hosting guests.  
394

395 Ms. Holloway- No.  
396

397 Mr. Lawrence- But do you understand the conditions that the staff has  
398 recommended in this case and you're willing to comply with those?  
399

400 Ms. Holloway- I do and like I said about the logs, that was the plan anyway.  
401 It's a little hard to get assistance. However, as soon as I, you know, read those conditions,  
402 it was that very day that I had two of the piles removed already. So, I'm definitely proactive  
403 as far extending the driveway. Since I took the tree down last fall, there's no absorption  
404 of rainfall. So, I actually already had discussed adding, I mean, not necessarily to make  
405 it a driveway at the time, but I had already decided and discussed graveling it in and  
406 making like a walking path to get in. Because of the, you know, there's nothing, it's just  
407 mud because the tree had to come down because it was dead. I mean that was already  
408 kind of in motion, so not only am I absolutely, you know, all for doing what I have to do to  
409 comply with, with the conditions, it kind of makes it easy because those were already on  
410 the agenda in some way, shape, form or fashion. And I'm just going to fast track it.  
411

412 Mr. Green- Ms. Holloway, Ms. Holloway, one of the board members has  
 413 a follow-up question.  
 414  
 415 Ms. Holloway- Yeah.  
 416  
 417 Mr. Lawrence- Thank you for those comments, Miss Holloway. Mr. Gidley, I  
 418 wanted to follow up. So, in terms of the driveway, do we have any parameters or  
 419 conditions on how the driveway has to be maintained? I'm assuming we don't require a  
 420 paved driveway. Does it have to be graveled or is a dirt driveway, for instance, acceptable  
 421 to accommodate for short-term rentals?  
 422  
 423 Mr. Gidley- It has to be usable, the driveway, which can vary depending  
 424 upon the situation out in the field. But typically it needs to be graveled anyway. And then  
 425 when I go out there, I usually pace it off, or measure it, I had a measuring tape, and so I  
 426 can make sure there's adequate room for the three cars.  
 427  
 428 Mr. Blankinship- It would have to be gravel though, sir.  
 429  
 430 Mr. Lawrence- Yeah, okay. That's all I had, Mr. Chairman, if you want to see  
 431 if any other board members have questions?  
 432  
 433 Mr. Green- Do any other board members have questions? Hearing none,  
 434 is there anyone else to speak in support or favor in the audience or on Webex?  
 435  
 436 Mr. Blankinship- There is one more on Webex, the individual who sent the  
 437 email.  
 438  
 439 Mr. Green- Okay.  
 440  
 441 Mr. Blankinship- Mr. Baab.  
 442  
 443 Mr. Baab- Can you hear me?  
 444  
 445 Mr. Blankinship- Yes, good morning.  
 446  
 447 Mr. Baab- Hello, Board. My name is Carl Babb, and I do live at 4910  
 448 Bangor Court. Just wanted to speak on what Miss Holloway said and let you know that  
 449 we have had no trouble with the parking of her guests in the past. It's neither presented  
 450 problems for mail delivery nor for trash pickup. I'm not certain what the basis of any  
 451 complaints were, because her property, if it were to present parking difficulties, would  
 452 probably be most prominent for ours, but we have had no issues. So, I just wanted to  
 453 reiterate that for you though.  
 454  
 455 Mr. Green- Thank you.  
 456  
 457 Mr. Blankinship- Yeah, thank you for taking the time, sir.



Mr. Green- Hearing no other comments or concerns or anyone on Webex, is there a motion on this?

Mr. Lawrence- Yes sir, Mr. Chairman, they do have an HOA in the neighborhood as the staff report mentioned. The HOA has no involvement in short-term rental cases, so they've deferred to this body. I did have some concerns, I think staff did too, in terms of parking and the condition of the rear of the lot. But based on the comments from Miss Holloway, and her neighbor, I'm confident that if we approve this case with the conditions recommended by staff that there shouldn't be any problems. So having said that, I move that we approve this conditional use permit subject the conditions recommended by the staff. It's consistent with the comprehensive plan and the zoning ordinance. These will be hosted rentals where the applicant's at home when the property is rented, the conditions of approval require them to extend the driveway and prohibit them from parking on the street.

Mr. Green- Is there a second?

Mr. Broadway- Second.

Mr. Green- The motion has been made and seconded. Is there any discussion? Hearing no discussion, all in favor say Aye.

Board- Aye.

Mr. Green- All opposed like sign. None. Approved. Next case.

On a motion by Mr. Lawrence, seconded by Mr. Broadway, the Board **approved case CUP-2025-100633**, subject to the following conditions:

1. This conditional use permit authorizes short-term rental of the existing dwelling for hosted stays to a maximum of two renters at a time. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to the improvements currently on the property. Any additional improvements must comply with the applicable regulations of the County Code.

3. This approval is subject to the County noise ordinance (Sec. 10-67 through 10-69), registry ordinance (Sec. 20-280 through 20-282), and short-term rental development standards (Sec. 24-4431). The dwelling must be occupied by the property owner for at least 185 days per year. Check-in and check-out must not be offered between 11:00 pm and 7:00 am.

4. All vehicles associated with the short-term rental must be parked on the property, not in the right-of-way. The existing driveway must be extended to provide parking for a total of three vehicles.

5. Any exterior lighting must be shielded to direct light away from adjacent property and streets.
6. Before listing the property for short-term rental, the logs on the property must be stacked in one location. All brush and other debris must be removed from the property.
7. Before listing the property for short-term rental, the applicant must obtain approval for the change of use from the Department of Building Construction and Inspections and complete the online registration process. Approval and registration must be obtained no later than May 22, 2027, or this conditional use permit will expire.

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

**CUP-2025-100748 - Isaiah Thomas: conditional use permit to keep up to six hens in the rear yard at 9203 Lyndonway Drive, Pinedale Farms, Tuckahoe. Parcel 752-747-2746. Zoning: R-2A, One-Family Residence District. Code Section: 24-4420.G.**

Mr. Blankinship- Alright, our next case is **Conditional Use Permit 2025-100748**, Isaiah Thomas: a conditional use permit to keep up to six hens in the rear yard at 9203 Lyndonway Drive, in the Pinedale Farms Subdivision, in the Tuckahoe 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 are 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, Mr. Secretary. Good morning board. The subject property is located at 9203 Lyndonway Drive, in the Tuckahoe Magisterial District. The tri-level house was built in 1979 as part of the Pinedale subdivision and the neighborhood is zoned R-2A One-Family Residence District and is characterized by single family homes on lots of 13,500 square feet to one acre. The subject dwelling is located on a .38-acre lot and is consistent with the size and intensity of the surrounding area. The applicant purchased the home in 2023 and is, today, requesting a conditional use permit to keep up to three hens, no roosters, in the rear yard. The plan the applicant submitted shows a coop measuring 40 square feet, to be located in the southeast side of the rear yard, 25 feet from the side lot line and 45 feet from the rear lot line, as required by Code. The application is consistent with the character and development pattern of the surrounding area. The chicken coop will be compatible with its surroundings and the recommended conditions limit the intensity of the proposed accessory use. The properties on Lyndonway Drive and Donora Drive have similar sized lots and setbacks to the subject property. And the location of the coop will be approximately 50 feet from the neighbor to the rear, on the rear southwest of the property, and over 70 feet from the left southeast side neighbor.



Staff did receive one email in opposition of this conditional use permit. The email sender said he had had a conversation with the applicant prior to sending his email, but he felt that the application was not consistent, and had some concerns about the hens, as most do. But, I think, if there are no neighbor objections and, the applicant keeps the property well maintained and follows the required setbacks, staff did not see any adverse impact to the surrounding area and would recommend approval subject to the conditions included in the staff report.

Mr. Green- Thank you. Any questions from board to staff? Hearing none, we'll hear from the applicant.

Mr. Thomas- Good morning, Mr. Chair. Board members. My name is Isaiah Thomas. I am one of the owners at 9203 Lyndonway Way drive along with my wife Abby, who's absent this morning with our one-year-old twins. Our desire to have a couple of chickens on our property dates back to prior to when we moved to our current neighborhood, and over the past year, along with, you know, economic changes and things of that nature, we've just decided to give it a go. Desiring to give our neighbors a chance to voice their opinions. We wanted to go about it the right way and figure out how to do it in line with the ordinances of the county. And also seeing that other people in our neighborhood also have chickens on their property, not to like be a whistleblower or anything of that nature. We didn't believe that it would be out of order. So, as has already been stated, our desire is to have no more than three hens, to benefit from some eggs and also as our kids get older, give them something of a responsibility to take care of along with other things that, you know, other chores that children normally are given as they grow up and are asked to take care of their home. We hope to be able to do this and regardless of our desires, plan to be in line with whatever the board decides this morning. Thank you.

Mr. Green- Thank you. Are there any questions from the board to the applicant?

Mr. Broadway- Mr. Chairman, I do have a question. Do you have any experience taking care of chickens?

Mr. Thomas- Not personally, no, but, my wife has.

Mr. Broadway- Okay.

Mr. Green- Any other questions? Hearing none, we'll hear from... Is there anyone in the audience for or on Webex, for or against this? You can go to the mic, sir.

Mr. Yaffe- Good morning. I appreciate the opportunity to say a few words. My name is Barry Yaffe, Y A F F E. I live around the corner from the Thomas's 9103 Donora Drive. We just have some concerns. We want to be good neighbors, but we have concerns. I heard Mr. Thomas say other people in the neighborhood have chickens. We've been there over 40 years. I don't know anybody in that immediate area that have

597 chickens. So, that was news to me. We have a quiet neighborhood. We are concerned  
598 with whatever clucking noise chickens make. Our bedroom is right next to Mr. Thomas's  
599 backyard. And I don't know, about a smell when the chicken has to do their business and  
600 things of that nature, but I assume there must be something there. We spend a lot of time  
601 on our backyard, we appreciate that and like to keep the residential area that we moved  
602 into as it is. There are woods behind us that, from the woods, foxes have come out and  
603 they come into our yard. We've seen them multiple times in a year. Deer come out. I don't  
604 want to have anything to be attracting animals like that into Mr. Thomas's yard or our  
605 yard. That is a concern of having wild animals say, oh, there's some, there was something  
606 over there let me keep going back there until I find it. So, we are opposed to it based on  
607 those reasons. Thank you.

608  
609 Mr. Green- Mr. Yaffe, it is?

610  
611 Mr. Yaffe- Yes.

612  
613 Mr. Green- Mr. Yaffe, earlier I had stated that things have changed. And  
614 one thing that we're seeing is a proliferation of individuals wanting hens, more dogs, more  
615 cats, to maintain. We had a case last month where they had a pigmy goat that someone  
616 wanted and... But what we attempt to do, the county has changed the rules that will allow  
617 individuals, not us, the county Board of Supervisors, changed the rules that will allow  
618 individuals to keep up to six, in some instances, hens. And I see Mr. Thomas is asking  
619 for three, but it's interesting that he didn't ask for all six. So, he's limiting it to three and I  
620 guess he might eventually want to grow it to six, but I guess we'll figure that out later. But  
621 what we do is, from time to time, we will go back and ask, you know,... It's interesting a  
622 lot of folks have concerns about the noise, the smell, the rodents, the, you know, the  
623 things that could attract something to that. And what we do, we ask the applicant, and  
624 we'll ask them to come back to... One thing we've noticed, the feed, how do you keep the  
625 feed secure. How do you make sure... We learn a lot in this process. We heard a case  
626 last week where a young lady even built something underneath the henhouse to keep  
627 predators from potentially digging and coming up. So, they're very fascinating. So, you  
628 know, when somebody refers to us as the goat whisperers, we're also known as the hen  
629 whisperers too. So, we learn a lot in this process. But one thing that we do, we will ask  
630 staff to go back from time to time and give us reports, okay, for every case that we've  
631 approve, or we know the residents have not been in support of this. And ask have there  
632 been any additional concerns or complaints and nothing has come back to us. It seems  
633 that when these individuals put these chicken coops in a yard, they seem to be okay.  
634 Predators, yeah, you know, it's interesting I was, I have camera outside of my house. I  
635 live in Short Pump, it was either a fox or coyote, that just came running across my  
636 driveway and I'm like, what in the world? So, animals roam. But the coop is contained.  
637 The noise we have found is mitigated, you know. And think about dogs barking. I mean,  
638 I hear a lot of dogs barking in my neighborhood at all times of the night and all day. But  
639 maybe Mr. Thomas can come back, or staff and come back and address the noise  
640 concerns. But like I said, we really do, we asked in the in the reports that they look at  
641 ways... Well, inspections, you know, have, have an inspector come out and make sure



642 that that everything is... pest inspection come out and make sure that everything is done  
643 appropriately so you won't have that problem.

644  
645 Mr. Blankinship- And, if you do, please let us know and, and we can take action  
646 after the fact to make sure that it's done appropriately.

647  
648 Mr. Yaffe- Thank you.

649  
650 Mr. Blankinship- With, with that in mind Mr. Chair, I would note that as you said,  
651 the applicant has requested three hens. The standard condition follows the code  
652 allowance, which is six hens. Since there is concern expressed by the neighbor, perhaps  
653 it would be better to limit this one to three hens, since that's what the applicant requested  
654 to begin with. So, you may, whoever makes the motion may want to consider amending  
655 the first condition.

656  
657 Mr. Green- Is there anyone else to speak for or against this?

658  
659 Mr. Broadway- I do have one other question for the applicant. Mr. Thomas,  
660 have you discussed this with any of your other neighbors?

661  
662 Mr. Thomas- Just Mr. Yaffe, and then our other neighbors to the right of our  
663 property in the image. They sent the other formal complaint in and they came to our door  
664 just to have a discussion about their concerns, similar to Mr. Yaffe's, and a couple of other  
665 points that are very valid. But also, as Mr. Yaffe said, just desiring to be friendly neighbors,  
666 wanted to be up front about it and, and discuss.

667  
668 Mr. Broadway- Alright, okay, thank you.

669  
670 Mr. Green- Thank you. Any other questions from the board? Hearing  
671 none, is there discussion among the board? Is there a motion?

672  
673 Mr. Broadway- Yes, sir. I would move that we approve the application, based  
674 on the conditions set out by the staff and the addition that the number of hens be limited  
675 to three.

676  
677 Mr. Green- Is there a second?

678  
679 Mr. Massie- Second.

680  
681 Mr. Green- Motion is made and seconded, any discussion? Hearing no  
682 discussion, all in favor say aye.

683  
684 Board- Aye.

685  
686 Mr. Green- All opposed, like sign. Passes.

687

On a motion by Mr. Broadway, seconded by Mr. Massie, the Board **approved case CUP-2025-100748** subject to the following conditions:

1. This conditional use permit authorizes the keeping of no more than three hens (no roosters). 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 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. The applicant must maintain the property so that noise and odors are controlled.
7. 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 May 22, 2027, or this conditional use permit will expire.

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

**CUP-2025-100749 - Kanikka Blakely: conditional use permit to provide daycare for up to 12 children in the home at 3213 Glenwood Ridge Drive, Glenwood Lakes, Fairfield. Parcel 805-728-8754. Zoning: R-3AC, One-Family Residence District (Conditional). Code Section: 24-4402.**

Mr. Blankinship- Alright, the next case is **Conditional Use Permit 2025-100749**, Kanikka Blakely: a conditional use permit to provide daycare for up to 12 children in the home at 3213 Glenwood Ridge Drive, in Glenwood Lakes, in the Fairfield Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. Morning, would you raise your right hands please. Do you swear the



testimony you are 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, Mr. Secretary. The subject property is located at 3213 Glenwood Ridge Drive in the Fairfield Magisterial District.

Mr. Blankinship- I've been notified we're having trouble with that microphone. Can you just please make an effort to speak directly into it?

Ms. Rozmus- Yes. Thank you. The subject property is located at 3213 Glenwood Ridge Drive in the Fairfield Magisterial District. The 2,196-square-foot dwelling was built in 2001 as part of the Glenwood Lakes subdivision. The property surrounding is zoned R-3AC, One-Family Residence District, conditional with conditions established in the 1996 rezoning. The applicant purchased the property in 2025 and is requesting a conditional use permit for a large family day home, which is defined by Henrico County's zoning ordinance as providing care for six to twelve children. A small family day home would be allowed by right, and a large family day home is permitted with an approved conditional use permit. The Glenwood Lakes Homeowners Association has provided written approval for the proposed use. Miss Blakely was able to obtain that well in advance. Glenwood Lakes is an established neighborhood and a family day home provides a much needed service for the community in providing childcare for families in the area in a safe comfortable home environment. The proposed use will be open Monday through Friday from 7:30 A.M. to 05:30 P.M. And to add a small amount of flexibility, the proposed conditions has limited the hours to 07:00 A.M. to 6:00 P.M. Drop off and pick-up times are staggered to prevent any traffic congestion. And, I don't believe I have a picture, but across the street is an open common area, so there's...

Mr. Blankinship- Use the aerial.

Ms. Rozmus- Oh, I can do the aerial... is an open, ...

Mr. Blankinship- Expanded. Yeah.

Ms. Rozmus- ... open common area, so there are no homes across the street, so there's no risk of it blocking anyone's driveway during drop-off and pickup. The driveway is large enough to accommodate several cars and staggering the drop-off and pick-up times will minimize any potential congestion during peak commuting hours. Miss Blakely has been established in home childcare service for many years, I believe up to ten. She is well known for her services in her current, where she currently lives, she's moving to this location, and has had no complaints, only glowing reviews. She's very popular on Facebook and staff does not see any detriment to the surrounding area and would recommend approval subject to the conditions included in the staff report.

Mr. Green- Alright, any questions from the board to our staff? Hearing none, we'll hear from the applicant.

780 Ms. Blakely- Good morning board. My name is Kannika Blakely and I'm an  
781 operator of a family day home at my current residence, and I just moved to this new  
782 property here and I just want to transfer my family day home to my new location.  
783

784 Mr. Green- Where's your current location? Where are you moving from?  
785

786 Ms. Blakely- Behind Henrico High School, off Azelea Avenue, and I have a  
787 permit for that property and I'm moving to this one.  
788

789 Mr. Green- And so, you've already approached your homeowners  
790 association, that's good.  
791

792 Ms. Rozmus- Yeah.  
793

794 Mr. Blankinship- We really appreciate that.  
795

796 Mr. Green- We appreciate that. And they seem to have approved it and  
797 had no concerns.  
798

799 Ms. Blakely- No concerns.  
800

801 Mr. Green- Thank you. Any other questions form the board?  
802

803 Mr. Massie- So, you've been doing this for ten years?  
804

805 Ms. Blakely- Yes, over ten years actually, but yes, and I love it and I think  
806 it's going to serve the community very well. I'm here to serve the community.  
807

808 Mr. Massie- I bet you have a long waitlist.  
809

810 Ms. Blakely- Yes, I do. I'm full currently, so...  
811

812 Mr. Blankinship- What ages of children do you care for?  
813

814 Ms. Blakely- My license is from six weeks to twelve years old.  
815

816 Mr. Green- Okay, any other questions? Is there anyone in the audience  
817 or Webex for or against this?  
818

819 Mr. Blankinship- There is no one on Webex for this case.  
820

821 Mr. Green- Hearing none, is there a motion?  
822

823 Mr. Massie- Yes, there is a motion. I move that we approve this conditional  
824 use permit subject to the conditions recommended by the staff. It is consistent with the



comprehensive plan and the zoning ordinance. The family day home serves an important service in the neighborhood. The fenced rear yard will protect the neighbor's privacy.

Mr. Green- Is there a second.

Mr. Lawrence- Second.

Mr. Green- It's been motioned and seconded, any discussion? Hearing no discussion, all in favor say aye.

Board- Aye.

Mr. Green- All opposed like sign. Approved.

Ms. Blakely- Thank you

On a motion by Mr. Lawrence, seconded by Mr. Massie, the Board **approved case CUP-2025-100749** subject to the following conditions:

1. This conditional use permit authorizes a family day home for up to 12 children. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to the existing improvements on the property. Any additional improvements must comply with the applicable regulations of the County Code.

3. Hours of operation are limited to Monday through Friday, 7:00 am to 6:00 pm.

4. Drop-off and pick-up times must be staggered to avoid congestion in front of the dwelling.

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

**CUP-2025-100758 - Benjamin Harris: conditional use permit to build a detached garage in the front yard at 8871 Battlefield Park Road, Varina. Parcel 809-679-1012. Zoning: R-2A, One-Family Residence District. Code Section: 24-4404.A.1.**

Mr. Blankinship- The next case is **Conditional Use Permit 2025-100758, Benjamin Harris: a conditional use permit to build a detached garage in the front yard at 8871 Battlefield Park Road, in the Varina Magisterial District.**

870 Would everyone who intends to speak to this case please stand and be sworn in. Mr.  
871 Harris is not in the room. Is Mr. Harris on Webex? Do not have notice that Mr. Harris is on  
872 Webex. Do you want to just pass this one by for now, Mr. Chair? Maybe he's caught in  
873 traffic.

874  
875 Mr. Green- Yeah, we'll come back. That is Varina, and Mr. Johnson is not  
876 here, so we can either at the end defer, or see if the individual shows. Next case sir.  
877

878 **CUP-2025-100762 - Murtaza Popalzai: conditional use permit to keep up to six hens**  
879 **in the rear yard at 9 W Magruder Street, Sandston, Varina. Parcel 826-717-7826.**  
880 **Zoning: R-4, One-Family Residence District. Code Section: 24-4420.G.**  
881

882 Mr. Blankinship- Alright, next will be **Conditional Use Permit 2025-100762**  
883 **Murtaza Popalzai: a conditional use permit to keep up to six hens in the rear yard at 9 W**  
884 **Magruder Street, in Sandston, in the Varina Magisterial District. Would everyone who**  
885 **intends to speak to this case please stand and be sworn in. Maybe they're together.**  
886

887 Mr. Green- Are they on Webex?  
888

889 Mr. Blankinship- No, again, this is not, we do have two more applicants on  
890 Webex, but not for this case.  
891

892 Mr. Green- Then we'll just come back to this...  
893

894 Mr. Blankinship- It's funny it's the other Varina one, maybe they all knew Mr.  
895 Johnson wasn't going to be here and wanted to defer.  
896

897 **CUP-2025-100778 - Tony Wyrick: conditional use permit to allow short-term rental**  
898 **of the dwelling at 5315 Lee Avenue, Shenandoah Place, Brookland. Parcel 771-737-**  
899 **6143. Zoning: R-3, One-Family Residence District. Code Section: 24-4431.A.**  
900

901 Mr. Blankinship- Alright, the next case then is **Conditional Use Permit 2025-**  
902 **100778, Tony Wyrick: a conditional use permit to allow short-term rental of the dwelling**  
903 **at 5315 Lee Avenue, in Shenandoah Place, in the Brookland Magisterial District. Is there**  
904 **anybody here to speak to this case? Great. Please Stand. Please raise your right hands.**  
905 **Do you swear the testimony you are about to give is the truth, the whole truth, and nothing**  
906 **but the truth, so help you God? Thank you. Mr. Gidley.**  
907

908 Mr. Gidley- Thank you, Mr. Secretary. The subject property is located just  
909 the east of the intersection of Monument and Libbie Avenues. The property contains a  
910 three-bedroom home on a quarter acre lot. The applicants would like to offer their home  
911 for short-term rental for up to 180 days per year. They need a conditional use permit for  
912 two reasons. One of these would be unhosted stays. Secondly, the stays could potentially  
913 be for more than 60 days each year.  
914



915 Mr. Blankinship- Paul, like I told Sara, please make sure you're speaking  
916 directly into the microphone.

917

918 Mr. Gidley- Yeah, I'm trying to bend over as far as I can. In reviewing this  
919 request, this is an established neighborhood of single-family homes. Willow Lawn is just  
920 to the east, and St. Mary's hospital is also close by. A well-maintained short-term rental  
921 would not be out of character with the surrounding area. As you can see here, the property  
922 has a large driveway that can easily provide the four required off street parking spaces.  
923 And if you look at the backyard on the left side, it is screened by an opaque privacy fence,  
924 to the... I'm sorry, to the rear yard, there's evergreen landscaping there, there's an alley  
925 behind that, and then the property owner to the rear then has his own privacy fence as  
926 you can see there. And then on the right side, the screening there is more modest. There's  
927 a chain link fence, a couple of Crepe Myrtles, and some small Nandinas over there. If the  
928 adjacent neighbor expresses concern about the privacy, staff could support further  
929 screening, otherwise we're okay with what's there. And in conclusion the applicants own  
930 a three-bedroom home they wish to offer for unhosted short-term rental for up to 180 days  
931 per year. The lots in the neighborhood are relatively spacious, the driveway can  
932 accommodate the required parking, and the rear yard is reasonably screened from  
933 adjacent properties. As a result, staff can recommend approval, subject to the conditions  
934 in your staff reports. If you have any questions, I'll be happy to answer those. Thank you.

935

936 Mr. Green- Are there any questions from the board to staff?

937

938 Mr. Lawrence- I had one question, Mr. Chairman. Mr. Gidley, so the applicant  
939 is asking, is this for just hosted stays or also unhosted stays?

940

941 Mr. Gidley- Unhosted stays.

942

943 Mr. Lawrence- Oh, unhosted stays.

944

945 Mr. Gidley- Yes sir.

946

947 Mr. Lawrence- Okay. And what is the threshold number that triggers the CUP  
948 requirement? Do any unhosted stays require a CUP?

949

950 Mr. Gidley- Yes sir.

951

952 Mr. Lawrence- Okay.

953

954 Mr. Gidley- And then they want to go for up to 180 days per year. So, does  
955 that also require a conditional use permit?

956

957 Mr. Lawrence- ... maximum required or, or allowed under the ordinance,  
958 correct?

959

960 Mr. Gidley- You can go up to 60 by right. Correct, Mr. Blankinship?

961  
 962 Mr. Blankinship- Hosted, yes. If it's unhosted you need a conditional use  
 963 permit, period.  
 964  
 965 Mr. Gidley- So, in this case it's two reasons. One, it's unhosted. And  
 966 secondly because of the 180 days.  
 967  
 968 Mr. Lawrence- That's the maximum, the 180?  
 969  
 970 Mr. Blankinship- Well, the applicant is required to live in the home, it has to be  
 971 their primary residence, and they have to live in the home 185 days to meet that definition.  
 972 So, if it's unhosted stays, then practically they're limited to the other 180 days in a year.  
 973  
 974 Mr. Lawrence- Okay, right. Okay, thank you. That's all I had.  
 975  
 976 Mr. Green- Any other questions from staff from, from board to staff?  
 977 Hearing none, we'll hear from the applicant.  
 978  
 979 Mr. Wyrick- Good morning. I appreciate your time. This is my wife, Anita.  
 980  
 981 Mr. Blankinship- Tell us your name please.  
 982  
 983 Mr. Wyrick- I'm sorry?  
 984  
 985 Mr. Blankinship- Tell us your name. And if you could, pull that microphone up.  
 986  
 987 Mr. Wyrick- Oh, I'm Tony and this is my wife, Anita. And we intend to do a  
 988 little traveling in the future.  
 989  
 990 Mr. Blankinship- I'm sorry. Can you move it a little closer?  
 991  
 992 Mr. Wyrick- Okay. Hello?  
 993  
 994 Mr. Blankinship- Thank you sir.  
 995  
 996 Mr. Wyrick- Are we good? Okay, so we intend to do some traveling in the  
 997 future, and this was actually suggested by our neighbor that we do short-term rental. She  
 998 apparently had returned from Canada, where she used extensively short-term rentals.  
 999 And it was quite appealing to us, you know, so we thought we'd give it a go. We've been  
 1000 putting some work into it to try to get it up to speed the way we would like to see it. And  
 1001 that's really it. Do you have any questions for me?  
 1002  
 1003 Mr. Green- Are there any questions from the board?  
 1004



1005 Mr. Lawrence- I just had a few questions of, Mr. Wyrick. Mr. Wyrick, it looks  
1006 like from the staff report, there's some kind of construction going on in your backyard. Is  
1007 that a patio or?  
1008  
1009 Mr. Wyrick- Yes, sir, it is, and it's been completed.  
1010  
1011 Mr. Lawrence- Is that to accommodate your guests when they come or?  
1012  
1013 Mr. Wyrick- It certainly is, and for us as well.  
1014  
1015 Mr. Lawrence- Also the staff report mentions there was a privacy fence on  
1016 the lot across from the alley, I believe.  
1017  
1018 Mr. Wyrick- Yes.  
1019  
1020 Mr. Lawrence- Okay. And also, it wasn't mentioned in the staff report, but it  
1021 looks like along the rear of your property, there's a chain link fence between your property  
1022 and the alley, is that correct?  
1023  
1024 Mr. Wyrick- That is correct. We used to have a dog and so the entire  
1025 property is fenced in.  
1026  
1027 Mr. Lawrence- Okay. Yeah, your property, you know, it's a very attractive  
1028 property and I'll tell you I rode through that neighborhood. I've in Henrico County now for  
1029 37 years. And I thought, you know, I'm always amazed when I find parts of the county that  
1030 I've never really spent any time in. Your neighborhood was one of those and it's a really  
1031 cool neighborhood. You know, it's very conveniently located. I think it's an appropriate  
1032 location for short-term rentals, close to the hospital, close to Willow Lawn. And it looks  
1033 like you've got plenty of room for on-site parking on your property too. But it's a nice  
1034 neighborhood and I was glad to have the opportunity to be introduced to it when I rode  
1035 through.  
1036  
1037 Mr. Wyrick- Well, I appreciate it. Thank you very much.  
1038  
1039 Mr. Lawrence- I have no further questions, Mr. Chairman.  
1040  
1041 Mr. Green- Any other questions from the board? Is there anyone else in  
1042 the audience and/or Webex to speak for or against this case?  
1043  
1044 Mr. Blankinship- There's no one on Webex for this case.  
1045  
1046 Ms. Kerneklian- Okay. Hi, I'm a classroom teacher in Henrico County, I taught  
1047 at Fairfield.  
1048  
1049 Mr. Blankinship- Tell us your name please.  
1050

1051 Ms. Kerneklian- My name is Mary Ann Kerneklian, of the Kerneklians, K E R N  
 1052 E K L I A N. And my kids used to marvel how I could write on the board and know exactly  
 1053 what they were doing.  
 1054  
 1055 Mr. Blankinship- We need you to speak to the microphone, please.  
 1056  
 1057 Ms. Kerneklian- You cannot hear me as loud as I am?  
 1058  
 1059 Mr. Blankinship- We're being recorded.  
 1060  
 1061 Ms. Kerneklian- Okay, the Wyricks love their house, and we love them. All the  
 1062 neighbors love them. And so, if they want to do this as an endeavor, we support it. But we  
 1063 also know that they love their house so much they won't let anything harm the house or  
 1064 the neighborhood. And if you were really interested, you would find out all the  
 1065 specifications of the company that would be assisting them. And it's a long list from the  
 1066 quality of the pillows, the quality of the towels, and et cetera, et cetera. And it goes on and  
 1067 on. So therefore, this company, that will also oversee the process, must be very reputable.  
 1068 So, we're not concerned. The neighbors are one hundred percent in favor of it. So, are  
 1069 there any questions? Did I do a good job?  
 1070  
 1071 Mr. Blankinship- Yes ma'am.  
 1072  
 1073 Ms. Kerneklian- I want you to know that you did a very good job today because  
 1074 you... Only thing you didn't do was introduce yourselves. And that would have been  
 1075 another wonderful aspect. Okay, so we clapped for you. You did a wonderful job and  
 1076 you've kept our neighborhood safe and beautiful, and we thank you for that.  
 1077  
 1078 Mr. Blankinship- Thank you.  
 1079  
 1080 Mr. Lawrence- Thank you, ma'am.  
 1081  
 1082 Ms. Wyrick- I just wanted to say thank you very much for your  
 1083 consideration.  
 1084  
 1085 Mr. Blankinship- Thank you. There is no one on Webex for this case.  
 1086  
 1087 Mr. Green- Well, my name is Terone Green.  
 1088  
 1089 Mr. Lawrence- Barry Lawrence.  
 1090  
 1091 Mr. Green- Next.  
 1092  
 1093 Mr. Blankinship- Ben Blankinship.  
 1094  
 1095 Mr. Massie- Joe Massie.  
 1096



1097 Mr. Broadway- John Broadway.  
1098

1099 Ms. Kerneklian- I appreciate how hard you work...  
1100

1101 Mr. Green- Okay. And you have heard from the staff? So, you know, my  
1102 mother and father were teachers, so you listen to what a teacher says. So, thank you. Is  
1103 there any other discussion on this and no one else on Webex?  
1104

1105 Mr. Blankinship- No, there was no one on Webex for this case.  
1106

1107 Mr. Green- Is there a motion?  
1108

1109 Mr. Lawrence- Yeah, I'll make a motion. I just had a question of staff, before  
1110 I make a motion. So, Mr. Gidley, we have not received any opposition on this case.  
1111

1112 Mr. Gidley- No, sir.  
1113

1114 Mr. Lawrence- There's no HOA in this neighborhood, I'm assuming.  
1115

1116 Mr. Gidley- That's correct.  
1117

1118 Mr. Lawrence- It's an older neighborhood, so there wouldn't be an HOA  
1119 opinion on this. Okay, having said that, Mr. Chairman, I move that we approve this  
1120 conditional use permit subject to the conditions recommended by the staff. It's consistent  
1121 with the comprehensive plan and the zoning ordinance. The property has a large rear  
1122 yard that is reasonably private. This is an appropriate location for short-term rental with  
1123 shopping and other attractions within walking distance.  
1124

1125 Mr. Green- Is there a second?  
1126

1127 Mr. Broadway- Second.  
1128

1129 Mr. Green- Motion has been made and seconded. Is there any  
1130 discussion. Hearing no discussion, all in favor of the motion say aye.  
1131

1132 Board- Aye.  
1133

1134 Mr. Green- All opposed, like sign. Motion passes. Thank you.  
1135

1136 On a motion by Mr. Lawrence, seconded by Mr. Broadway, the Board **approved case**  
1137 **CUP-2025-100778** subject to the following conditions:  
1138

1139 1. This conditional use permit authorizes short-term rental of the existing dwelling for no  
1140 more than 180 days per year. All other applicable regulations of the County Code remain  
1141 in force.  
1142

2. This conditional use permit applies only to the improvements currently on the property. Any additional improvements must comply with the applicable regulations of the County Code.

3. This approval is subject to the County noise ordinance (Sec. 10-67 through 10-69), registry ordinance (Sec. 20-280 through 20-282), and short-term rental development standards (Sec. 24-4431). The dwelling must be occupied by the property owner for at least 185 days per year.

4. All vehicles associated with the short-term rental must be parked on the property, not on the right-of-way.

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

6. Before listing the property for short-term rental, the applicant must obtain approval for the change of use from the Department of Building Construction and Inspections and complete the online registration process. Approval and registration must be obtained no later than May 22, 2027, or this conditional use permit will expire.

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

**CUP-2025-100803 - Esther Bebawy: conditional use permit to allow hosted short-term rental of a dwelling at 5616 Drayton Drive, Linsey Lakes, Brookland. Parcel 757-767-2874. Zoning: R-3C, One-Family Residence District (Conditional). Code Section: 24-4431.A.**

Mr. Blankinship- Okay, the next case is **Conditional Use Permit 2025-100803**, Esther Bebawy: a conditional use permit to allow hosted short-term rental of a dwelling at 5616 Drayton Drive, in Linsey Lakes, in the Brookland Magisterial District. Mr. Chair, we did leave five emails in opposition on the table. There was also one included in the package. Staff, have we given them the emails? If you could give them copies of the emails pertaining to their case. Alright, and would everyone who's interested in speaking to this case please stand and be sworn in. Raise your right hands please. Do you swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Gidley- Thank you, Mr. Secretary. The subject property is in the Lindsey Lakes subdivision off Springfield Road. It contains a two-story home and the applicant has lived here since 2022. The applicant would like to offer three bedrooms for short, short-term rentals for up to six guests. Two of the bedrooms that would be rented are upstairs and one is downstairs in a converted dining room. An additional room upstairs



would be the applicants, as these would be hosted stays where the applicant is present. A conditional use permit is needed as the applicant would like to rent for as many days as she can each year, and for hosted stays that's up to 365 days a year. In reviewing this request, since the blue public hearing sign went up, staff received two calls complaining about the property. The property currently has four accessory structures, which is significant, but within the 30% coverage limit. One structure is located in the side yard, and the applicant has indicated rather than applying for a conditional use to permit she would probably just relocate it to the rear yard.

Mr. Green- What is it, Mr. Gidley.

Mr. Gidley- That's a good question. It's kind of an open-air structure there, so I guess I'll let the applicant answer that when she gets up. A second structure is a 524-square-foot building with a futon and sewing equipment, a full bath, and a kitchen with a sink, cabinets, and a microwave. A guest house without cooking facilities is permitted, but placing the microwave in there violates the terms of the building permit approval that states there will be no cooking facilities in the unit. It also violates the zoning ordinance. The applicant also says the facility would not be an accessory dwelling, but instead be used for a dressmaking and alteration business. This, however, is also a violation of the zoning ordinance, as home occupations have to take place in the main home and not in an accessory structure. And there were two business license applications that were filled out. Both of which indicated the business would not be in an accessory structure and yet we're being told it is now. So, there are two zoning violations with regard to this building here. The other complaint concerned clearing of the trees on the property. This side here, when the applicant purchased the property, was large trees and it sloped down and there was a lot of leaf litter there. And that was an area that was shown on the construction plans for the neighborhood as wetlands to be preserved. The covenants of the neighborhood also require these to be no-disturb areas. The applicant, as you can see here, has changed that quite a bit and that was one of the complaints that we received. The trees were taken down, the area appears to have been filled in. A large driveway was placed here along with the two structures I showed you earlier. One's between the fence and the larger unit back there and then the larger one you can see. Staff talked to Public Works, they said it does not violate county code, but it may violate the Clean Water Act. And, as staff noted, it also appears to violate the neighborhood covenants that would prohibit the wetlands from being cleared. On the plus side, hosted stays typically result in fewer complaints, and there's plenty of parking on the site because the applicant does have two driveways actually.

Given the large number of accessory structures on the property, the placement of cooking facilities, and the dressmaking business in an accessory structure, those are as noted violations of the zoning ordinance. The unauthorized clearing of wetlands and the rather intensive use of the property has already resulted in complaints from the neighbors. Having a short-term rental for up to six guests for as many as 365 days a year would just add to the activity on the site. Given the problems out there right now, staff recommends denial of this request. If you have any questions, I'll be happy to answer those. Thank you.

1235  
1236 Mr. Green- Yes, I have a question. If they were not, how were they able  
1237 to build that unit without the county saying you're violating the wetlands piece?  
1238  
1239 Mr. Gidley- I was told by Permit Center staff that there is a Public Works  
1240 wetlands review, but that was not required for that permit.  
1241  
1242 Mr. Blankinship- For the driveway construction or the building?  
1243  
1244 Mr. Gidley- For the building.  
1245  
1246 Mr. Blankinship- Yeah. The driveway construction, I believe, was done without  
1247 any notice to the county that it was going to happen. I believe we did receive a complaint  
1248 and an inspector went out, but at that point the damage was done.  
1249  
1250 Mr. Green- So, the county didn't have a problem with them building the  
1251 building?  
1252  
1253 Mr. Blankinship- So, the building is far enough back that it's not in the wetland  
1254 area.  
1255  
1256 Mr. Green- So, the only problem with the building is it has a microwave?  
1257  
1258 Mr. Blankinship- So, let me clarify. There are four accessory structures on the  
1259 property. Only one of them is large enough that a building permit is required. Yes, if you're  
1260 under a certain size, you're still required to comply with the building code, but you don't  
1261 have to get a permit or inspections.  
1262  
1263 Mr. Green- But they had to get a building permit for that.  
1264  
1265 Mr. Blankinship- They did for that building. But that building is not where the  
1266 wetlands are. Is that correct?  
1267  
1268 Mr. Gidley- No, sir.  
1269  
1270 Mr. Blankinship- Oh, sorry.  
1271  
1272 Mr. Gidley- The wetlands area extended all the way back to the trees and  
1273 the rearmost of the side yard was within that wetlands area. And that's why I'm saying the  
1274 Permit Center indicated to me when it went to Public Works it, it did not include a wetlands  
1275 review, for whatever reason.  
1276  
1277 Mr. Blankinship- But it should have.  
1278  
1279 Mr. Gidley- I would think so.  
1280

1281 Mr. Green- Okay.

1282

1283 Mr. Gidley- Yeah. It may very well have been cleared by them, but still it

1284 was noted on the construction plans for the subdivision.

1285

1286 Mr. Green- So, as a point of clarification, the county made that mistake,

1287 not the applicant?

1288

1289 Mr. Gidley- No, I would state the applicant went ahead and cleared and

1290 filled the wetlands. The county did not approve of that. After that was done, a building

1291 permit was issued for that structure in the back. I would have thought someone would

1292 have said, "Hey, what happened with regard to the wetlands?" Maybe somebody did

1293 notice it but said it's already been cleared, what am I going to do about it now? I'm just

1294 going to review this structure under the normal rules.

1295

1296 Mr. Green- When you say you thought someone should, you referencing

1297 someone from the county who should have thought about that. Is that what you're saying?

1298

1299 Mr. Gidley- I would think so. I mean, in reviewing this case, I noticed that

1300 there were stars that they put on the plat for the subdivision. Those indicate there are

1301 restrictions on the lot as far as wetlands or floodplain. I noticed that and I followed up on

1302 that during my review. Again, the trees were removed, and the wetlands were already

1303 filled without permission from the county. When that building permit came in afterwards,

1304 any reviewer may have said, well, the damage has been done, and I'm just going to go

1305 ahead and review the building per the normal regulations.

1306

1307 Mr. Blankinship- They may have, but we don't know that.

1308

1309 Mr. Gidley- Yeah, we don't know that for sure.

1310

1311 Mr. Green- So, whoever owns the home had trees, so they just... I'm just

1312 making assumptions. Did they assume that, oh, this is my yard so I can take my trees

1313 down cause I want more open yard and I don't want to deal with the leaves? Because I'm

1314 seeing that all the time. I mean, we see all, you know, we see that all the time.

1315

1316 Mr. Gidley- Some of the emails we received are referencing the clearing

1317 of wetlands and the covenants in the neighborhood, so some of the neighbors obviously

1318 were familiar with the rules. I would think the property owner themselves would also be if

1319 the neighbors are.

1320

1321 Mr. Green- Well, you'd be surprised at what people don't pay attention to

1322 in those covenants. We see that all the time. And, you know, trees. I'm just trying to say,

1323 so right now it is done. One of the biggest complaints is that it's a microwave in there, and

1324 if that microwave were taken away, would that be a problem?

1325



1326 Mr. Gidley- They would have to take away the microwave, not use it as  
 1327 an accessory dwelling unit, ...  
 1328  
 1329 Mr. Green- Right.  
 1330  
 1331 Mr. Gidley- ... and will not have the business in there either, the home  
 1332 occupation.  
 1333  
 1334 Mr. Green- Right.  
 1335  
 1336 Mr. Gidley- And so, if they did those two things then that unit would be  
 1337 okay at that point. The complaints from the neighbors were just the overall number of  
 1338 accessory structures in the rear yard and the clearing of the trees in the wetlands.  
 1339  
 1340 Mr. Green- Can you do the aerial? It's all fenced in. You just really can't  
 1341 see what's back there?  
 1342  
 1343 Mr. Gidley- Well, the aerial is not going to show all the structures because  
 1344 they are more recent. There's one building shown here, but that's it. Our staff does have  
 1345 pictures. There's the one I showed you earlier. There's this one here which technically  
 1346 actually should have required a building permit.  
 1347  
 1348 Mr. Green- What is that?  
 1349  
 1350 Mr. Gidley- It's a storage shed.  
 1351  
 1352 Mr. Green- Okay, and so it's one, two...  
 1353  
 1354 Mr. Gidley- There's, that's the same one again. Then there's this one here  
 1355 and then the guest house here.  
 1356  
 1357 Mr. Blankinship- You can see that's considerably taller, so the neighbor to the  
 1358 rear would be aware of it.  
 1359  
 1360 Mr. Gidley- Oh yeah, certainly if you're next-door neighbors, you're clearly  
 1361 going to see these structures.  
 1362  
 1363 Mr. Green- But they have it fenced.  
 1364  
 1365 Mr. Gidley- Yeah, but it's a lot taller, so...  
 1366  
 1367 Mr. Green- Yeah, yeah, yeah, but if... Okay, we'll just have to ask the  
 1368 applicant. Any other questions?  
 1369  
 1370 Mr. Lawrence- I had some questions of Mr. Gidley, Mr. Chairman.  
 1371

372 Mr. Green- Yes, sir.  
 1373  
 1374 Mr. Lawrence- Mr. Gidley, it appeared to me eyeballing from the street that  
 1375 one of these accessory structures is in the side yard. Is that not the case?  
 1376  
 1377 Mr. Gidley- Yes, sir.  
 1378  
 1379 Mr. Lawrence- It is in the side yard.  
 1380  
 1381 Mr. Gidley- Yes sir, that's what I noted.  
 1382  
 1383 Mr. Lawrence- And doesn't that require a conditional use permit?  
 1384  
 1385 Mr. Gidley- Yes. So, I spoke to the applicant about that and they indicated  
 1386 they thought they were going to just go ahead and relocate it to the rear yard as well.  
 1387  
 1388 Mr. Lawrence- Is it on a foundation?  
 1389  
 1390 Mr. Gidley- Not a permanent foundation from what it looks like.  
 1391  
 1392 Mr. Lawrence- I understand there's not an HOA in the neighborhood, but  
 '393 there are restrictive covenants, is that correct?  
 394  
 1395 Mr. Gidley- That's my understanding.  
 1396  
 1397 Mr. Lawrence- Which, I assume, address, like most neighborhood  
 1398 covenants, fencing, buildings, architectural style, et cetera. One thing I noted, ... I'm fairly  
 1399 familiar with this neighborhood because I walk through there fairly frequently, but, there  
 1400 are a lot of natural wood fences in the neighborhood. Just like in my neighborhood. Some  
 1401 are split rails, some are privacy. Most of them look like they're probably under six feet, or  
 1402 so. This one has a very tall natural privacy fence. But also fronting the driveway, there's  
 1403 a very tall white fence, which to me looks totally out of character with the rest of the  
 1404 neighborhood. I didn't see anything else in the neighborhood, any other fencing, that  
 1405 wasn't natural. Do you know, and that's not really within our purview, but you don't know  
 1406 whether there are covenants in the neighborhood that address that as well?  
 1407  
 1408 Mr. Gidley- I didn't look at that, no, sir.  
 1409  
 1410 Mr. Lawrence- And I'm not too concerned about the microwave, but the  
 1411 county ordinance prohibits home businesses in accessory dwellings, correct?  
 1412  
 1413 Mr. Gidley- Yes, sir. And when they came in for the building permit, and  
 1414 this is recently, you know, this is a new structure. Because there's like a full bathroom in  
 1415 the guest house, and there's a futon in there and all that. To get the building permit, they  
 116 had to sign a document stating that there would not be any cooking facilities in this

1417 structure. So, that's something they were clearly made aware of and recently signed to  
1418 get the building permit.

1419  
1420 Mr. Lawrence- What about the home business?  
1421

1422 Mr. Gidley- And then the home business; they had two business license  
1423 applications, and on both they checked the business would not take place in an accessory  
1424 building?  
1425

1426 Mr. Lawrence- Do you know if there is a business being operated out of there  
1427 currently?  
1428

1429 Mr. Gidley- That's what she indicated to me and she had sewing  
1430 equipment there.  
1431

1432 Mr. Lawrence- She said that?  
1433

1434 Mr. Gidley- Yeah, she said it's not an ADU, it's my business being  
1435 operated out of there.  
1436

1437 Mr. Lawrence- The other question I had, Mr. Gidley, is that what struck me  
1438 as unusual about the property, is there are two driveways? There's one driveway that is  
1439 obviously a cement driveway that I'm sure went with the construction of the house. And I  
1440 guess with the clearing, into the wetlands area, now a second driveway has been added.  
1441 I guess there's nothing in the ordinance that that prohibits that. I don't know if their  
1442 neighborhood covenants prohibit that or not, but this is the only home in the neighborhood  
1443 I saw that had that sort of arrangement, which kind of looks out of kilter too, but, yeah.  
1444

1445 Mr. Gidley- They had to check with Public Works, which, you know, they  
1446 had to do some changes with the curb out there once Public Works received the  
1447 complaint.  
1448

1449 Mr. Lawrence- Yeah, when you're going to do curb cutting for driveways,  
1450 doesn't that require county approval?  
1451

1452 Mr. Blankinship- County approval, yes, or a permit. And, and they did not obtain  
1453 that until after the work was done. And there was a complaint, and we referred that  
1454 complaint to Public Works and they had to come back and rebuild the apron at the  
1455 entrance to the driveway.  
1456

1457 Mr. Lawrence- Sir, that's all I have for staff at this time.  
1458

1459 Mr. Green- So, Mr. Gidley, you referenced the driveway. So, is the  
1460 problem that they put the driveway in without approval?  
1461



Mr. Blankinship- Without a permit, right. You know, the first three or four, up to seven feet of the driveway is within the county right-of-way. It's part of the county property, ... and it connects to the county road, so you have to get county approval because you changed the drainage pattern and that sort of thing. They did not get the approval in advance. They just cut the curb, broke the curb and removed it and poured asphalt all the way out to the county street. So, after the complaint, Public Works went out and met with them and you see the work that was retrofitted there where they replaced part of the curb and built the concrete aprons required by Public Works.

Mr. Green- Okay, any other questions from the board to staff? Hearing none, we'll now hear from the applicant.

Ms. Hanna- Good morning, my name is Diana Hanna. I am helping the applicant, Esther Bebawy. She is my sister-in-law, and I am just talking on her behalf. So, she is applying for the short-term rental and change of use to just use her home as a hosted stay for like an Airbnb. Sorry if I seem nervous, it's my first time doing this. So, I just wanted to say, the applicant faces economic hardship, including mortgage loans in a single income. The hosted short-term rental will serve as a primary means of financial support without compromise to the neighborhood peace or property character. So, denial would create an undue hardship on the applicant while serving no material public interests. The applicant respectfully requests the Board of Zoning to approve the conditional use permit and to allow the hosted short-term rental for the residence for up to 365 days. The applicant has corrected all cited issues, committed to compliance, maintained the respectful neighbor relations, and relies on this rental for financial survival. The requested use aligns with the county code, comprehensive plan and zoning ordinance as far as we know. And as far as I know, we only received one complaint. From Donna Paxton, who we don't think she lives on the same street as, as Esther. And she, her concern, to us is, is an aesthetic judgment. There's no actual documenting nuisance that happened. And it's, in my opinion, the compatibility must be assessed based on the use, scale, and intensity. So, Miss Donna Paxton, there's photos, as you can see, the ... is, you know, it clearly shows that the property is clean, it's well maintained and organized. So, these claims, they don't align with the actual condition of the home. She has two private driveways, which ensures that there's no interference with the neighborhood parking. And she, Esther, will adhere to the community rules, including the required hours from 9:00 P.M. to 7:00 A.M. She's also committed to being respectful to the neighbors. The neighborhood is quiet and we don't see any children surrounding the other homes, but, it's important to remind you that whoever is going to use the home, they're going to be, we, they will give their ID, they're going to go through proper screening, they're going to be respectful and responsible individuals. They're not going to be dangerous in any way. It's also important to point out that Miss Donna Paxton has spoken as if she represents the whole neighborhood, but she didn't provide any names, she didn't say any statement to support her complaint. And as for the trees that were spoken about, the tall trees were removed from the boundary about three years ago, because there were safety concerns cause she has an elderly mom who likes to garden, and she saw snakes and insects in the garden area. The Department of Public Works confirmed that this action was not a county code violation, and any reference to potential Clean Water Act issues

1508 or anything is just speculative. And no agency has contacted Esther about any federal  
1509 violation, or any violation. So, I believe the neighborhood covenants are civil matters and  
1510 outside the scope of the county enforcement. Again, the trees that they're questioning,  
1511 they were tall, they were leaning, and actually one of them almost fell and hit her mom.  
1512 And which gave her emotional distress and fear. So, the trees were removed for safety  
1513 reasons, and we believe any current complaint about it to be maybe retaliatory and  
1514 unfounded at this time, because the time has already passed. As far as the structure you  
1515 were asking about it is a gazebo that has...

1516  
1517 Mr. Green- Hold on. Could you pull the structures back up, because we're  
1518 going to go through each structure. We'd like to know what each structure is. That one.

1519  
1520 Ms. Hanna- Yeah, that structure is just a gazebo, it's not a strong  
1521 foundation. It's just sticks and a roof and a bunch of curtains on the sides. And  
1522 unfortunately, because we received inconsistent guidance from the county inspectors,  
1523 when one inspector visited, we asked about installing the gazebo near the house, and  
1524 they were assured there was no issues. Just because it's under the 256 square feet.  
1525 However, late in a later visit, a different inspector told us that it's a violation. And then it,  
1526 the contradiction, caused confusion, but we have where Esther has been cooperative and  
1527 stated that she's willing to remove the gazebo if it is really a violation.

1528  
1529 Mr. Green- Hold on. Hold on. We heard that it would be moved, removed  
1530 permanently or moved to another location. Because Mr. Gidley said you would move it  
1531 back. Because that was my next question, where would you move it back, because you  
1532 have built all around it?

1533  
1534 Ms. Hanna- Yeah, I mean, it is a confusion, so I get, I guess we will try to  
1535 look, relocate it, but if we cannot relocate it, then we'll just remove it completely or apply  
1536 for a conditional use for it.

1537  
1538 Mr. Green- Could you show us where you would move it? If you were to  
1539 move it, where would you move it.

1540  
1541 Mr. Gidley- Basically in this area right here, Mr. Chair, is about the only  
1542 place they'd have room.

1543  
1544 Ms. Hanna- Yeah, it might not make... it doesn't really make sense to put  
1545 it in the middle like that.

1546  
1547 Mr. Green- Then where would you move it?

1548  
1549 Mr. Blankinship- If you want to meet with us before you move it, that might be  
1550 a better idea than moving it and then finding out whether the new location complies. We'd  
1551 be happy to meet you on site and explain what's allowed and what's not.

553 Mr. Gidley- I did actually meet out there with Building Inspections and  
1554 measured.  
1555  
1556 Mr. Green- So, where could it be moved?  
1557  
1558 Mr. Gidley- Basically, right here because there's not room back here  
1559 between this structure and, I'm sorry. Between this structure and the...  
1560  
1561 Mr. Green- Well hold on, now, what is this building?  
1562  
1563 Ms. Hanna- This one? Yes, shed. It's just a storage shed.  
1564  
1565 Mr. Blankinship- It'd be nice if, if we could look at all these on the aerial, but the  
1566 aerial was a year old, and all these buildings were put up within the last year, so...  
1567  
1568 Mr. Gidley- Yeah, between this building and the one I just showed, there's  
1569 not enough room for the one to meet setbacks.  
1570  
1571 Mr. Green- Now, what is this building?  
1572  
1573 Ms. Hanna- Another storage shed.  
1574  
1575 Mr. Green- So, you have two storage sheds?  
1576  
1577 Ms. Hanna- Yes, sir.  
1578  
1579 Mr. Green- Okay. Yeah, okay, now I'm not trying to get personal, but you  
1580 stipulated, you just stated that she was, that there's some financial concerns. But if all this  
1581 was put up within the last year, all this has got to be extremely costly to put out, so I  
1582 guess, I want to be delicate, if she's having financial concerns, how are you able to put  
1583 all of this there?  
1584  
1585 Ms. Hanna- She was able to get, take out loans to get them.  
1586  
1587 Mr. Green- Okay. Alright, are there any other questions?  
1588  
1589 Mr. Lawrence- Yeah, I had a I had a couple questions, Mr. Chairman. Ma'am,  
1590 I'm sorry I didn't catch your name and your relationship to the applicant.  
1591  
1592 Ms. Hanna- My name is Diana Hanna and she's my sister-in-law.  
1593  
1594 Mr. Lawrence- Okay, thank you. And...  
1595  
1596 Mr. Gidley- Can we have the last name spelled?  
97  
1598 Mr. Blankinship- H A N N A H?



1599  
1600 Ms. Hanna- No H at the end, just H A N N A.  
1601  
1602 Mr. Blankinship- H A N N A, thank you.  
1603  
1604 Mr. Lawrence- Okay, so, I guess my first question is the larger accessory  
1605 structure in the back. The one that has the microwave. Is that currently being used for a  
1606 business?  
1607  
1608 Ms. Hanna- That one is not being used for business. That shed was, is  
1609 used totally for personal purpose. It does not have a kitchen or a stove. It's simply used  
1610 as a light fitness activity with a microwave, some gym equipment, space to relax and  
1611 enjoy snacks. But once she was told the microwave was not permitted, the microwave  
1612 was taken out.  
1613  
1614 Mr. Lawrence- How about the embroidery business? You mentioned she  
1615 wished to run an embroidery business in that location. Has that happened?  
1616  
1617 Ms. Hanna- She does have a business. She did receive a home  
1618 occupation license. But there's no commercial traffic, there is no signage or clients visiting  
1619 the property. So, the home occupation is occurring inside the primary dwelling.  
1620  
1621 Mr. Lawrence- What is the occupation?  
1622  
1623 Ms. Hanna- Seamstress. Tailor. Seamstress.  
1624  
1625 Mr. Lawrence- Mr. Gidley, is that a legitimate, permitted home occupation?  
1626  
1627 Mr. Gidley- It can be in the main dwelling.  
1628  
1629 Mr. Lawrence- In the main dwelling, okay.  
1630  
1631 Mr. Gidley- They told me point blank, as I noted, hey, we're not using this  
1632 as an ADU, our business is located in this accessory structure.  
1633  
1634 Mr. Lawrence- You were told something different.  
1635  
1636 Mr. Gidley- Yes. And some of their equipment was back there.  
1637  
1638 Mr. Lawrence- So, some confusion on that, I think.  
1639  
1640 Mr. Green- Well let me ask you this, because you want to use the main  
1641 house for hosted stays, was it her, your intention to move the sewing business from the  
1642 main house out to the other facility?  
1643

644 Ms. Hanna- No, she, right now, when she learned that it's not allowed, it's  
 1645 not permitted, she has all business activity is gonna be in the main dwelling and she's  
 1646 using that accessory building as a storage area only and just a personal hobby area.  
 1647  
 1648 Mr. Lawrence- I guess, the last question I have is, have you or Ms., sorry if I  
 1649 pronounced your name incorrectly, Bebawy, I believe, have you all had discussions with  
 1650 your neighbors in terms of what your plans are? I mean, obviously you can do with your  
 1651 property what you want to as long as it doesn't violate the neighborhood covenants, but  
 1652 in terms of business activity or, in this specific case before this body, have you had  
 1653 discussions about short-term rental?  
 1654  
 1655 Ms. Hanna- I think she might have talked to maybe one person who didn't  
 1656 seem to have any problems.  
 1657  
 1658 Mr. Lawrence- But not with all the adjoining neighbors?  
 1659  
 1660 Ms. Hanna- No.  
 1661  
 1662 Mr. Lawrence- Okay.  
 1663  
 1664 Mr. Blankinship- I just to point out, I know that you prepared your statement in  
 1665 advance, as we prepared our staff report in advance. You mentioned several times in  
 566 your prepared statement that there was only one email in opposition to your case, and I  
 1667 just wanted to point out for the record that we did provide you the other five, just now, that  
 1668 were received over the past week. They're not in the package because they were received  
 1669 after the package was sent.  
 1670  
 1671 Mr. Lawrence- Thank you very much for your comments. Anybody else have  
 1672 any questions of the of the applicant before we hear from the public? I guess not. Mr.  
 1673 Blankinship, can we call for the public comment, if there is anyone who wishes to speak?  
 1674  
 1675 Mr. Blankinship- Yes. There were several people who were sworn in, so let's  
 1676 see here. Is there anybody in favor of the applicant? Okay, then whoever wants to go first  
 1677 in opposition.  
 1678  
 1679 Mr. Hurdelbrink- Good morning, my name is Paul Hurdelbrink, and I'm the  
 1680 property owner directly next to this property.  
 1681  
 1682 Mr. Blankinship- I'm sorry. Can you say the name again?  
 1683  
 1684 Mr. Hurdelbrink- My last name is Paul Hurdelbrink. My last name is H U R D E  
 1685 L B R I N K.  
 1686  
 1687 Mr. Blankinship- Thank you.  
 588

1689 Mr. Hurdelbrink- Thank you for the opportunity to speak. Obviously there have  
1690 been several safety concerns and zoning violations mentioned in the staff's report, and it  
1691 clearly shows this is not in the best interest of our neighborhood, and frankly it doesn't  
1692 really surprise me at all. Over the years, I personally had to deal with the added noise  
1693 from construction and the land clearing. Additional trash on my property. Nails in the  
1694 street. Part of the wetlands does extend onto my property as well. The flooding and  
1695 standing water has just continued to get worse. None of this will get any better by allowing  
1696 short-term rentals on this property year-round. I see there being additional complaints  
1697 and safety concerns which would occupy a considerable amount of the county's time and  
1698 resources. The safety and wellbeing of our neighborhood is my main concern. Therefore,  
1699 I ask that you please deny this request. Thank you.

1700  
1701 Mr. Lawrence- Mr. Hurdelbrink, can I ask you a question before you sit down?

1702  
1703 Mr. Hurdelbrink- Yes.

1704  
1705 Mr. Lawrence- Did Ms. Bebawy, did she discuss with you beforehand her  
1706 plans for either having, running a business out of her house or her plans for having short-  
1707 term rentals?

1708  
1709 Mr. Hurdelbrink- No, there has been no contact.

1710  
1711 Mr. Lawrence- Thank you.

1712  
1713 Mr. Green- My question is, do you see any other activity going in and out  
1714 of that facility, or the house?

1715  
1716 Mr. Hurdelbrink- There is, under normal circumstances, there's very little  
1717 activity.

1718  
1719 Mr. Lawrence- That's all I had. Thank you, sir.

1720  
1721 Mr. Hurdelbrink- Thank you.

1722  
1723 Mr. Pitrone- Ready?

1724  
1725 Mr. Green- Yes, sir.

1726  
1727 Mr. Pitrone- I'm Greg Pitrone, P I T R O N E. I live down the street from  
1728 the homeowner. So, I just want to say that our neighborhood is going through a huge  
1729 influx right now. I'm considered the old guy in the neighborhood. All of my kids and our  
1730 neighbors' kids have grown up. New families have moved into the neighborhood. And  
1731 we're starting to see an influx of young families and there are a lot of kids there. There's  
1732 at least 18 kids that get off on the corner of Drayton and Linsey Lakes for the elementary  
1733 school. About 18 kids there. And for the first time and, you know, it's been started a couple  
1734 years ago, I'm seeing more and more kids out playing in the streets now, riding bikes, you



know, playing soccer, playing basketball. I haven't seen that for a long time, but there's a lot of kids, a lot of activities going on now in that neighborhood. So, the extra traffic is one thing that we are concerned about. We don't, you know, it's six people, you know, that could be, you know, that's three cars at least. As far as everything else that's going on. I originally spoke to Mr. Blankinship a couple months ago regarding the ability to build an additional, the ability to take a structure from one location and move it to another. And that is what, I believe, they started to do. There was just two flat beds that showed up one day and unloaded what looked like a whole house in the backyard. And when I say a whole house, it wasn't a mobile home, it wasn't a prefabbed home. It was like you would go into your living room with a saw and cut each wall out in the corners and load them and carry them. Siding, insulation, windows, drywall, everything's still intact. And we believe that that was what they were intentionally going to put back there. I will say that the house has been listed previously as an Airbnb and she has had residents, has had people in there. And when they were there, we never saw her car in the driveway or on the street. And the structure that she's built, to me and to the people that I have talked to, looks like it could be a house. It could be rented out as a cottage, the other large shed that has been built. She mentioned about her mother being fearful of the wetlands. I walk up and down that street every day with my dogs taking them for a walk. Never once has she said hello to me or anything. But my wife and I would watch her and her mother. Her mother actually sat on a little stool in the wetlands pulling the little seedling trees out of the ground and clearing it by hand. So, I don't see where the fear of it came into place at all. Shortly after all the wetlands were removed, a load of topsoil came. And again, walking with my wife, with the dogs, I looked out and am just amazed how that's just making it worse when it rains, it's going to be terrible. And sure enough it rained, and it was terrible. Now I don't know where all the water's going because she's paved the driveway in so everything is bypassing the culvert. And a heavy rain is now going into her driveway because she cut the curb next to it. The gazebo is all paved behind it, as you can see with papers and everything. So, I don't know where the water's going. I'd be concerned about that. We do have a concern as far as the insurance that there's a lot of structures back there, so if something happens to one of those buildings that it catches fire, they're all in close proximity. So, it gets spread easily and onto the neighbor's houses. I'm not going to take too much more of your time. But I will say the one thing that struck me really, really hard in the beginning of this is the first couple people that came up, actually everybody that's come up, they've all said, have you talked to your neighbors? And they said yes, I've talked to my neighbors. She has been there, and she has not talked to anybody. That I know of. Nobody on my street has spoken with her. And I live down the street from her. Paul is there right next door. Never a word. She's not trying to make that a neighborly a thing. I think it's a business venture honestly. I think that we were picked because we don't have a homeowners association, and it's affordable housing. It's, you know, compared to other areas in the county, in that area, it's affordable and it's a good location. So, I think it was sought out to do that. But yeah. So, I guess, you know, in closing, as a homeowner, I don't approve it because it impacts my property value of my home and the safety of the kids on the street. As a Linsey Lakes resident, I do not approve it as it's going to impact family life, kids safety and the overall values. And as a Henrico citizen, I do not approve this as she has bent and broken several of the county ordinances, and she needs to be held accountable for it, not us.

1781  
1782 Mr. Lawrence- Mr. Pitrone, can I ask you a question?  
1783  
1784 Mr. Pitrone- Yes.  
1785  
1786 Mr. Lawrence- Are you finished? Have you finished your...  
1787  
1788 Mr. Pitrone- Yes.  
1789  
1790 Mr. Lawrence- Okay. Thank you. So, you're a long-standing member of the  
1791 neighborhood, resident of the neighborhood.  
1792  
1793 Mr. Pitrone- Twentysomething years.  
1794  
1795 Mr. Lawrence- Alright, you all have restricted covenants, but there's no HOA.  
1796 How are those covenants enforced and is it basically a self-enforcement type of  
1797 mechanism or do you have any mechanism to enforce covenants?  
1798  
1799 Mr. Pitrone- I mean it is self-enforcement, yeah. There's nobody really  
1800 going around, you know, policing anybody, but then there's really not that much,... I mean,  
1801 this is, you know, I've spoken to Mr. Blankinship several times about the curb. I mean, I  
1802 walked up the street and I saw what they did to the curb, and they didn't. I've been in...  
1803 have done construction before. They didn't cut the curb. That took a sledgehammer to  
1804 the curb, and in the fence. You know, things like that people just don't do. I mean, it's a  
1805 respectful area. You know, there are some rentals there in the neighborhood, but even  
1806 the people that own the rental properties are maintaining it to stay with the rest of the  
1807 neighbors.  
1808  
1809 Mr. Lawrence- Is there a covenant that addresses fencing in the  
1810 neighborhood, do you know?  
1811  
1812 Mr. Pitrone- I am not aware of one. The majority of the fences are like four  
1813 feet, maybe six feet. I know I have a four-foot in the front, three-foot in the front, and then  
1814 my three sides are like six feet.  
1815  
1816 Mr. Lawrence- Okay.  
1817  
1818 Mr. Green- Mr. Pitrone, my question, and this is just this hypothetical, if  
1819 that structure were built, that one that we see there, and you found that maybe it was  
1820 used for the mother-in-law or whoever, would that be, would you have a problem with  
1821 that? Because we see a lot of that, where people are building those...  
1822  
1823 Mr. Pitrone- We do. I mean if, if she would have gone about things the right  
1824 way, probably not, you know, no. But the fact that, you know, she wants them to make it  
1825 an Airbnb, and she's essentially put in a, you know, a cottage in the back.  
1826

1827 Mr. Gidley- If I could, Mr. Chair, too, you can't have a short-term rental  
1828 and an accessory dwelling unit on the same property. So, in this case she could not use  
1829 the structure for ADU if they're having a short-term rental in the main house.  
1830  
1831 Mr. Green- But this looks like to me that the three units back there. I  
1832 mean, she showed us, you said the other units were... storage facilities, but we didn't see  
1833 them for... Okay, that is the Gazebo. Okay, the other one. That. That looks like it could  
1834 be a housing facility. And the other one looks like it could be a housing facility because I  
1835 think the thing that caught me was the glass doors. I'm concerned.  
1836  
1837 Mr. Pitrone- I have a storage set on my property, and it is, you know, raised  
1838 up on blocks like everybody else's and it is uninsulated. It's got a regular, you know, door  
1839 on it. It does have a window, but it's not, you know, it's a single pane window, not a double  
1840 pane insulated window.  
1841  
1842 Mr. Green- Right.  
1843  
1844 Mr. Massie- A question, I think this may have been answered. So, all of  
1845 these came up on the property in the last 12 months?  
1846  
1847 Mr. Pitrone- Yes. Rapid fire.  
1848  
1849 Mr. Broadway- So, the applicant has had some financial constraints, but  
1850 borrowed money to build all these?  
1851  
1852 Mr. Green- Right, that's what I hear.  
1853  
1854 Mr. Broadway- That does strike me as...  
1855  
1856 Mr. Green- Odd.  
1857  
1858 Mr. Broadway- Yes.  
1859  
1860 Mr. Blankinship- As well as paving the new driveway.  
1861  
1862 Mr. Broadway- Yes.  
1863  
1864 Mr. Blankinship- I think we have one more speaker.  
1865  
1866 Mr. Pitrone- Yeah. And as to that structure up there now, that was built  
1867 without that little addition on it. So, that came after the framing and everything, I guess,  
1868 would have been had been inspected.  
1869  
1870 Mr. Green- This?  
1871  
1872 Mr. Massie- The step up?



1873  
 1874 Mr. Green- Oh, what is that little step up?  
 1875  
 1876 Mr. Gidley- They had a building permit for the main structure, but one of  
 1877 the building inspectors noted they built beyond what the building permit authorized and  
 1878 forced them to come back and amend their building permit to show this as well.  
 1879  
 1880 Mr. Green- Okay.  
 1881  
 1882 Mr. Pitrone- Just from getting with Mr. Blankinship in the past and following  
 1883 it up online and watching it happen and unfold, it kind of almost seems like everything  
 1884 was circumventing the systems, you know. Let's do it. Oh, we got caught. So, then let's  
 1885 file the paperwork now to...  
 1886  
 1887 Mr. Green- Let me ask you this question. If none of those units were back  
 1888 there and the applicant just asked for the ability to use a main house for stays, would you  
 1889 have a problem with that?  
 1890  
 1891 Mr. Pitrone- No.  
 1892  
 1893 Mr. Green- So, the concern is that these individuals could potentially  
 1894 migrate from the main facility out to these other facilities.  
 1895  
 1896 Mr. Pitrone- That is one of the concerns, yes.  
 1897  
 1898 Mr. Broadway- Yeah. I mean, has anyone from the county seen the interior  
 1899 of these sheds?  
 1900  
 1901 Mr. Gidley- Yes.  
 1902  
 1903 Mr. Green- Well, are they sheds or are they...  
 1904  
 1905 Mr. Gidley- This one, I had pictures of that I showed earlier, the others  
 1906 right now are sheds currently.  
 1907  
 1908 Mr. Blankinship- They're just large open areas. They're large open areas.  
 1909 They're not interior, interior walls or finishes.  
 1910  
 1911 Mr. Green- But they could be ...  
 1912  
 1913 Mr. Blankinship- Right.  
 1914  
 1915 Mr. Gidley- Yes, sir. It could be.  
 1916  
 1917 Mr. Green- ... finished?  
 1918

919 Mr. Pitrone- So, I guess, to better answer your question, would I be happy  
1920 with it? No, I wouldn't be happy with it, but there's not, you know, the extra driveways and  
1921 everything, so she would have to, you know, limit and restrict like other people are doing,  
1922 what they would have available to rent out. So, this just makes it more accessible for  
1923 everything.

1924  
1925 Mr. Green- Well, my concern is it looks like a compound is being built.

1926  
1927 Mr. Pitrone- Yes, it is.

1928  
1929 Mr. Gidley- That's what one lady called it.

1930  
1931 Mr. Blankinship- That word was used.

1932  
1933 Mr. Green- And, you know, when you have a separate drive, you have  
1934 separate facilities, it's a compound. That's how I see it. And, you know, if you're out in  
1935 Varina where you got a lot of land potentially, you could, I don't know, I guess you could  
1936 do that, but this just looks like a compound.

1937  
1938 Mr. Pitrone- It is. It's very densely packed. I wish I was looking on like  
1939 Google Maps and Bing, but they're not showing it. However, I will say Google Maps if you  
1940 pull it up, and don't do the aerial view there is a large green section that is blocked out  
1941 that indicates that it is a wetland. But yeah, like I said, pictures really don't do it justice  
1942 because there's, it is more compact than what it actually is showing in the pictures.

1943  
1944 Mr. Green- Well, fortunately we have individuals, you know, other than  
1945 staff or board members will go out and look at things, so we get it. Thank you very much.

1946  
1947 Mr. Pitrone- Thank you very much.

1948  
1949 Mr. Green- Next person.

1950  
1951 Ms. Hall- Hello, my name is Kelly Hall, H A L L. I am the homeowner  
1952 directly behind... I'll show you when he pulls it up. Not the house, just to the, I guess the  
1953 bottom of that photo. Yes, that's where we are. My property contains the rest of the  
1954 wetlands. About a third of our lot is also, those connect, what was connected wetlands.  
1955 And I am also downstream, so to speak. We have a drain. Our side of those wetlands  
1956 does remain wet, especially during seasonal flooding. And then there's also a, I guess,  
1957 county drain that, is on our property that collects everything that's coming from those  
1958 woods. And then an additional drain, of course, on the street out front that collects water.  
1959 I did submit my comments earlier this week and I'm not going to run through them all  
1960 again. You've read them. But my biggest concern is, well, first of all, I would like to address  
1961 that no she did not reach out to us to discuss any of this. Even when we had the incident  
1962 with her workers being on our property, we never spoke to her throughout that either, only  
1963 to the workers. My biggest concern is the additional drainage issues that we're going to  
1964 have because I have installed a rain garden. I've spent three years on it, and I am finally

starting to see the benefits of that, where we're not having the standing water, or mosquitoes, and different things. After this last rainstorm, I did notice now that all this has been done, we are getting standing water again. Honestly, not as much as I expected, but we are getting it again. And so, even if this permit is denied, my concern is whether there are any repercussions or mitigation for the issues that I'm now going to have to deal with on my side from this land being cleared without permit? I would also like to say that, you know, I think, I won't speak for the neighborhood, but I know that when this project began and it seemed like it might just be a mother-in-law suite, or something like that, I think we were all willing to kind of grant a little grace to it, you know. We can sympathize there. But this has just been such an ongoing, you know, constant construction project with no communication and a serious pattern of her asking for forgiveness rather than permission, changing the wordings on the permits and different things, you know. We've gone from, oh, it's just a shed, to now it's a new addition, to now it's, you know, non-dwelling storage. If the short-term rental is granted, what happens to all those buildings? What are they there for? I will say as, you know, the person on the other side, it's mostly my woods that backs up to her. Is it a bit of an eyesore, seeing all those? Yes, but I mean there's a fence there, which, by the way, is already starting to come down. So, I really, you know, it's not really a problem for me as far as the eyesore aspect. I am more concerned about the pollution, the traffic, and having a bunch of strangers there, you know, backing up to my property. Because we've already had issues, as Paul stated, with trash being thrown on our property, brush being thrown on our property, just a disregard for the shared space that we have.

Mr. Green- So, my question for you is with all these buildings there and you're not seeing any activity, so she is at least not using those buildings for anything?

Ms. Hall- It's hard for me to see anything since the fence was, has now been put up, unless I, you know, go over there and try to jump over and look through. But the only real activity that we have seen has been from the workers, or things related to, you know, whether it was the driveway or the fence, or different things that they've been doing in the construction process.

Mr. Green- We heard earlier that there was some confusion between building permits and all of that, so we can understand that. But the other thing that I am hearing is that while this structure is there you're not seeing, no one is seeing any real activity in it. So, at least she's, she's not using it for anything as well as the other buildings. So, in kind of good faith, she did it, but she's not taking advantage of it.

Ms. Hall- Right.

Mr. Green- And so you got to, you know, you got to go to motive on that because most people who somewhat would be deceptive, you know, of breaking the rules, would potentially have started using those things for something, and then, like you said, ask for forgiveness, so, I'm just, yeah. Okay, thank you. Any other questions or comments from the board to... Was there anyone on Webex?



011 Mr. Blankinship- There's not for this case now.  
 2012  
 2013 Mr. Green- Is there any other discussion from the board? If not, we'll  
 2014 entertain a motion.  
 2015  
 2016 Mr. Lawrence- Mr. Chairman, I'm sympathetic to property owners that want  
 2017 to take advantage of the county ordinance. I think we've done, you know, we try to give  
 2018 property owners the benefit of the doubt. We also need to be cognizant of the  
 2019 neighborhood though and clearly there's some activities going on here that have  
 2020 concerned the neighbors. To be fair to Miss Bebawy, I think there probably are some  
 2021 language issues which might have affected, you know, her ability to communicate with  
 2022 her neighbors. And I'm sympathetic to that, I am. I suspect maybe there was some  
 2023 unawareness of property covenants or county regulations. I'm also sympathetic to that as  
 2024 well. But there's been a pattern of activity here and, I think at this point, to grant a short-  
 2025 term rental in addition to what else is going on in the property is going to be out of  
 2026 character for the neighborhood. So having said all that, I'm going to move that we deny  
 2027 the conditional use permit. The county's received a number of complaints about this lot.  
 2028 There are several zoning violations on the property. Development of the lot is more  
 2029 intense than the surrounding lots and adding short-term rental would continue to affect  
 2030 the character of the neighborhood.  
 2031  
 2032 Mr. Green- Is there a second?  
 2033  
 2034 Mr. Broadway- Second.  
 2035  
 2036 Mr. Green- The motion has been made and seconded. All in favor say  
 2037 aye.  
 2038  
 2039 Board- Aye.  
 2040  
 2041 Mr. Green- All opposed, like sign. It's been denied.  
 2042  
 2043 On a motion by Mr. Lawrence, seconded by Mr. Broadway, the Board **denied case CUP-**  
 2044 **2025-100803.**  
 2045  
 2046  
 2047 **Affirmative:** Broadway, Green, Lawrence, Massie 4  
 2048 **Negative:** 0  
 2049 **Absent:** Johnson 1  
 2050  
 2051  
 2052 **CUP-2025-100854 - Misun Chang: conditional use permit to allow short-term rental**  
 2053 **of a dwelling at 2521 Maplewood Road, Hermitage Park, Fairfield. Parcel 779-747-**  
 2054 **3936. Zoning: R-4, One-Family Residence District. Code Section: 24-4431.A.**  
 2055

2056 Mr. Blankinship- Okay, next case is **Conditional Use Permit 2025-100854**,  
 2057 Misun Chang: a conditional use permit to allow short-term rental of a dwelling at 2521  
 2058 Maplewood Road, in Hermitage Park, in the Fairfield Magisterial District. The applicant  
 2059 for this case is on Webex. Is there anyone in the room who intends to speak to this  
 2060 application? Alright, Ms. Rozmus.  
 2061  
 2062 Ms. Rozmus- Thank you, Mr. Secretary. The subject property is located on  
 2063 the south side, ...  
 2064  
 2065 Mr. Green- Could you repeat that?  
 2066  
 2067 Mr. Blankinship- They're on Webex.  
 2068  
 2069 Mr. Green- Okay. Thank you.  
 2070  
 2071 Ms. Rozmus- ... south side of Maplewood Road, approximately 2,000 feet  
 2072 from Lakeside Avenue in the Hermitage Park subdivision. The lot measures 50 feet wide  
 2073 and 147 feet deep and is improved with a three bedroom dwelling built in 1947. The  
 2074 applicant acquired the property in August 2024 and would like to list it for unhosted short-  
 2075 term rentals. Because rentals would be unhosted, and it would be offered more than 30  
 2076 days per year, and the property has less than 80 feet of street frontage, a conditional use  
 2077 permit is required. The home has three bedrooms, two of which would be rented to groups  
 2078 of up to four persons total. Some rentals would be hosted and some would be unhosted.  
 2079 Miss Chang has indicated that she didn't, she didn't know which one she would want to  
 2080 do, so she said ask for unhosted and be okay with hosted. The area would be attractive  
 2081 for short-term rentals because it is convenient to Lewis Ginter Botanical Gardens and  
 2082 Belmont Recreation Center, along with restaurants and other businesses. However, most  
 2083 of the lots are 50 feet wide, and the houses tend to be close together, so it is important to  
 2084 regulate this use to maintain neighborhood character. The property is zoned R-4 and the  
 2085 surrounding property is also zoned R-4. The property is served by a gravel driveway that  
 2086 is long enough to accommodate at least three vehicles, and the rear yard is enclosed with  
 2087 the privacy fence on all sides, and a rail fence along the alley to the rear. A short-term  
 2088 rental of the property to small groups of four renters should not change the character of  
 2089 the neighborhood, and the principal use of the property will remain a single family  
 2090 dwelling. Staff received two emails in opposition from one from the adjacent neighbors,  
 2091 directly beside. I believe she's on this side. No. Sorry, she's across the street, over here.  
 2092 And another from an adjacent neighbor over on Kenwood Avenue. Provided the owner  
 2093 maintains the property and manages the short-term rental well, there should be no  
 2094 detrimental impact to the nearby properties. And unless opposition is received at the  
 2095 public hearing, staff recommends approval subject to the conditions included in the staff  
 2096 report.  
 2097  
 2098 Mr. Green- Any comments or questions or concerns from the board to the  
 2099 staff? Hearing none we'll hear from the applicant on Webex.  
 2100

101 Mr. Blankinship- Staff, can we connect Miss Chang? Good morning. Can you  
2102 hear me?  
2103  
2104 Ms. Chang- Can you hear me?  
2105  
2106 Mr. Blankinship- Yes, hello.  
2107  
2108 Ms. Chang- Oh hi, sorry, apologies first for not being able to attend in  
2109 person. I came down with a bug and I thought it best not to spread that around. So, sorry  
2110 I couldn't be there in person. But I don't have anything other than to say that I did speak  
2111 with the neighbors, I didn't speak with the one on Kenwood Avenue, but the neighbor  
2112 directly across the street. I will admit I'm guilty of not being able to reach out to them  
2113 before the sign went up. You all just did a very excellent, efficient job and the sign came  
2114 up before I had a chance to talk to my neighbors. So, I commend you on all your  
2115 thoroughness. But I did speak with her, and she did relay her concerns and I do respect  
2116 her concerns. But the other neighbors I spoke with, let me know they, the ones directly  
2117 adjacent and in front of me did, the ones I spoke with didn't have any issue. And I do,  
2118 again, I do respect her concerns, and I will do everything in my power to make sure it  
2119 doesn't affect her. And to be honest, I know I applied for unhosted stays, but as  
2120 mentioned, it would be a mix, and this is my primary home. So, the reason I did apply for  
2121 unhosted is in the event I did need to do an unhosted stay, I would have the option. But  
2122 most likely, because this is my primary residence, I don't really have any other place to  
123 live, most of them will be hosted. Were there any questions that I might need to address?  
2124  
2125 Mr. Green- Any questions from staff, I'm mean from the board to the  
2126 applicant? Hearing none, is there anyone else on Webex or in the audience to speak for  
2127 or against this?  
2128  
2129 Mr. Blankinship- No one else for this case on Webex.  
2130  
2131 Mr. Green- All right, hearing none, no concerns, is there a motion?  
2132  
2133 Mr. Massie- Yes sir. I move that we approve this conditional use of permit  
2134 subject to the conditions recommended by staff. It's consistent with the comprehensive  
2135 plan and the zoning ordinance. The location's appropriate for short-term rentals. One  
2136 neighbor expressed concern about the previous owner, and we expect the new owner to  
2137 keep a better eye on the property.  
2138  
2139 Mr. Green- Is there a second?  
2140  
2141 Mr. Broadway- I Second.  
2142  
2143 Mr. Green- Motion has been made and seconded, all in favor, hearing no  
2144 discussion, all in favor, say aye.  
145  
2146 Board- Aye.



Mr. Green- All opposed, like sign. Motion passes.

Mr. Blankinship- Alright, thank you Miss Chang.

On a motion by Mr. Massie, seconded by Mr. Broadway, the Board **approved case CUP-2025-100854** subject to the following conditions:

1. This conditional use permit authorizes short-term rental of two bedrooms to a total of four persons at a time. All other applicable regulations of the County Code remain in force.

2. This conditional use permit applies only to the improvements currently on the property. Any additional improvements must comply with the applicable regulations of the County Code.

3. This approval is subject to the County noise ordinance (Sec. 10-67 through 10-69), registry ordinance (Sec. 20-280 through 20-282), and short-term rental development standards (Sec. 24-4431). The dwelling must be occupied by the applicant for at least 185 days per year.

4. Whenever the property is offered for short-term rental, the privacy fence in the rear yard must be maintained in good condition.

5. All vehicles associated with the short-term rental must be parked on the property, not on the right-of-way.

6. Any exterior lighting must be shielded to direct light away from adjacent property and streets.

7. Before listing the property for short-term rental, the applicant must obtain approval for the change of use from the Department of Building Construction and Inspections and complete the online registration process. Approval and registration must be obtained no later than May 22, 2027, or this conditional use permit will expire.

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

**CUP-2025-100882 - Richard Johnson: conditional use permit to build a detached garage in the front and side yards at 6917 Fort Alvis Court, Village at Olde Colony, Varina. Parcel 803-694-4284. Zoning: R-3C, One-Family Residence District (Conditional). Code Section: 24-4404.A.1.**

Mr. Blankinship- The next case is **Conditional Use Permit 2025-100882**, Richard Johnson. **This application has been withdrawn by the applicant.** I spoke to

them on the phone, I think the day before yesterday. He said he had decided to just build the garage in the rear yard rather than the side yard so the application is no longer necessary. And they followed up with an email during the meeting, so I do now have that in writing.

Mr. Green-                      Alright. On to the next one.

**CUP-2025-100936 - Jae W. Lee: conditional use permit to build a detached accessory dwelling unit at 2836 Dumbarton Road, Fairfield. Parcel 777-745-5214. Zoning: R-4, One-Family Residence District. Code Section: 24-4406.**

Mr. Blankinship- So, the last conditional use permit before we get to the variances would be **Conditional Use Permit 2025-100936**, Jae W. Lee: a conditional use permit to build a detached accessory dwelling unit at 2836 Dumbarton Road, in the Fairfield Magisterial District. We have the representative, Isaac McGill, on Webex. Is there anyone in the room who intends to speak to this case? Alright, Ms. Rozmus.

Ms. Rozmus- Thank you, Mr. Secretary. The subject property is located at 2836 Dumbarton Road. The parcel was divided from the parcel directly beside it, 2828 Dumbarton Road, in 2018. The subject parcel consists of .55 acres and is improved with a two-story home built in 2019. The applicant purchased the property in 2021. The area is zoned R-4 One-Family Residence District and is characterized by single-family dwellings on lots of 8,000 square feet with a few large, with a few larger lots of up to one acre in size. The applicant is applying for a conditional use permit to build a detached accessory dwelling unit in the rear yard located in the northwest, left rear yard side of the property. It would be 15 feet from the side lot line and 41 feet from the rear. As with ADUs, the floor area must not exceed 35% of the floor area of the principal dwelling or 800 square feet, whichever is less. In this case, because the principal dwelling measures 3,000 square feet, the proposed ADU would be limited to 800 square feet. The plans included with the application show an ADU of 750 to 800 square feet, which is in the code's required area. The subject lot is actually a little larger than some of the other lots in the area. You can since it was subdivided from this one right here, these two are kind of a little more, a little more depth than the other lots in the immediate vicinity. With that being said, Mr. Lee has a lot of room in his rear yard, and the ADU will have plenty of distance between the neighboring properties. The west neighbor will be approximately 100 feet from the accessory dwelling unit and will be separated by a wooden fence.

Mr. Green-  
else's yard?

So, that brick house... Is that a brick house in somebody

Ms. Rozmus- Yes, so that is the house that's directly behind his property. So, yes, there's like a little bit of a fence, oh excuse me... I guess that's the only one I have. It looks like there's some vegetation and like half a fence that divides his, Mr. Lee's property, from his rear neighbor. So, you know, not a ton of distance, but I have not heard any comments from that neighbor. The one comment, I did get a call about the driveway. So, the tricky part about this property is the next door neighbor has a driveway that curves

2240 from Dumbarton Road kind of looks like it's on Mr. Lee's property. So, the neighbor just  
2241 called and expressed a little bit of concern about folks using her driveway instead of his  
2242 driveway for, you know, various things Uber Eats or, you know, Uber or something like  
2243 that. So, I addressed that specifically in the staff report under the conditions that any  
2244 resident of the ADU must use the driveway on Danley, which is right here and that's Mr.  
2245 Lee's driveway. He clearly uses it. His car is parked there, so I don't think there's any real  
2246 big issue with that, but I did make sure that her concern was addressed in the conditions.  
2247 Mr. Lee has indicated that the residents or excuse me, the ADU will be used for a family  
2248 member and staff has determined there will be no detrimental impact to the immediate  
2249 neighbors or the surrounding area. And if there's no neighbor objection, staff recommends  
2250 approval subject to the conditions included in the staff report.

2251  
2252 Mr. Green- Any questions from staff?

2253  
2254 Mr. Lawrence- I just had one, Mr. Chairman. Just if we could get Ms. Rozmus  
2255 to clarify a statement in the staff report. The staff report states that the proposed ADU  
2256 would be similar to the principal dwelling on the property, but inconsistent with the other  
2257 homes nearby.

2258  
2259 Ms. Rozmus- Yes.

2260  
2261 Mr. Lawrence- So, can you just elaborate on that statement a little bit?

2262  
2263 Ms. Rozmus- Yes, so the home here is definitely a newer, obviously, a  
2264 newer construction and has a lot of this siding. A lot of the homes in the immediate area  
2265 are brick. So, an ADU could be consistent with the existing primary dwelling, but would  
2266 be inconsistent, technically, with the other houses around it. We didn't, I didn't really feel  
2267 the need to force him to have a brick ADU, just to match his neighbor across the street.  
2268 But I just made a note that it is technically inconsistent with the visual characteristics.

2269  
2270 Mr. Lawrence- Inconsistent with the visual characteristics, but given the  
2271 design of the house, and the size of the house, the appearance of the house doesn't  
2272 appear to me, in any way, to devalue the neighborhood.

2273  
2274 Ms. Rozmus- Right. No, I think it would be well done. And Mr. Lee's  
2275 representative is the contractor, who I've been in contact with and seems to have a plan  
2276 and I think everything would go forward without a hitch.

2277  
2278 Mr. Lawrence- Thank you.

2279  
2280 Mr. Green- Any other questions? Hearing none, we'll now hear from the  
2281 representative.

2282  
2283 Mr. Blankinship- Do we have Isaac McGill on Webex? Mr. McGill, are you  
2284 there? Check and see if you're on mute.

2285



286 Ms. McGill- Can you guys hear me?  
2287  
2288 Mr. Blankinship- Yes, there we are.  
2289  
2290 Mr. McGill- Alright, sorry about that. Thank you so much for that detailed  
2291 explanation regarding this case. So yes, my name is Isaac McGill by the way. I'm the  
2292 contractor and the representative for Mr. Lee. So yeah, as mentioned, our intention is to  
2293 build a detached ADU that his primary intention is for his family, or in-laws to live there.  
2294 And yeah, we would match the existing, you know, aesthetic of the home. As far as the  
2295 driveway is concerned, we can make plans, and we did in some way shape or form, make  
2296 plans to extend that driveway closer towards the ADU, and if we need to, we'll do so.  
2297  
2298 Mr. Green- Any questions from the board to the representative? Is there  
2299 anyone else on Webex or in audience to speak for or against this? Hearing none, is there  
2300 a motion.  
2301  
2302 Mr. Massie- I move that we approve this conditional use permit subject to  
2303 the conditions recommended by the staff. It's consistent with the comprehensive plan and  
2304 the zoning ordinance. The accessory dwelling is clearly subordinate to the principal  
2305 dwelling. It will provide independent living space for a family member.  
2306  
2307 Mr. Green- Is there a second?  
108  
2309 Mr. Lawrence- Second  
2310  
2311 Mr. Green- It has been motioned and seconded. Any discussion? Hearing  
2312 no discussion, all in favor say aye.  
2313  
2314 Board- Aye.  
2315  
2316 Mr. Green- Like sign for no. Approved.  
2317  
2318 On a motion by Mr. Massie, seconded by Mr. Lawrence, the Board **approved case CUP-**  
2319 **2025-100936** subject to the following conditions:  
2320  
2321 1. This conditional use permit authorizes an accessory dwelling unit. All other applicable  
2322 regulations of the County Code remain in force.  
2323  
2324 2. This conditional use permit applies only to the improvements shown on the plan titled  
2325 "2836 Dumbarton Rd Proposed Site Plan" prepared by M&M Home Builders, LLC, dated  
2326 4/15/2025, and filed with the application. Any substantial changes or additions to the  
2327 design or location of the improvements will require a new conditional use permit. Any  
2328 additional improvements must comply with the applicable regulations of the County Code.  
2329  
130 3. The new construction must match the existing dwelling as nearly as practical in  
2331 materials and color.

2332  
2333 4. Access and parking for the accessory dwelling unit must be through the existing  
2334 driveway on Danley Lane.

2335  
2336 5. The applicant must obtain a building permit for the proposed accessory dwelling unity  
2337 by May 22, 2027, or this conditional use permit will expire. If the building permit is  
2338 cancelled or revoked after that date due to failure to diligently pursue construction, this  
2339 conditional use permit will expire at that time.  
2340

2341  
2342 **Affirmative:** **Broadway, Green, Lawrence, Massie** **4**  
2343 **Negative:** **0**  
2344 **Absent:** **Johnson** **1**  
2345

2346 **CUP-2025-100758 - Benjamin Harris: conditional use permit to build a detached**  
2347 **garage in the front yard at 8871 Battlefield Park Road, Varina. Parcel 809-679-1012.**  
2348 **Zoning: R-2A, One-Family Residence District. Code Section: 24-4404.A.1.**  
2349

2350 Mr. Green- Mr. Blankinship, before we move on to the variances, can we  
2351 go back to the Varina cases to see?  
2352

2353 Mr. Blankinship- Yes, sir. There are no new attendees on Webex and there's  
2354 nobody new in the boardroom that I've noticed, but we will call conditional use permit  
2355 2025 number 100758, Benjamin Harris, 8871 Battlefield Park Road.  
2356

2357 Mr. Green- Is anyone here for that?  
2358

2359 Mr. Blankinship- Conditional use permit 2025 number 100758... Well, I guess  
2360 hearing none we should probably make a motion on the case.  
2361

2362 Mr. Lawrence- Right now.  
2363

2364 Mr. Blankinship- Yes.  
2365

2366 Mr. Lawrence- Okay. So, given that we don't have the applicant or  
2367 representative here, I will move that we defer this request to June 26th to allow additional  
2368 time to provide additional information, address neighbors' concerns, and hear directly  
2369 from the applicant.  
2370

2371 Mr. Green- Is there a second?  
2372

2373 Mr. Massie- Second.  
2374

2375 Mr. Green- All in favor?  
2376

2377 Board- Aye.

378  
2379 Mr. Green- All opposed, like sign. Deferred. Next one.  
2380  
2381 On a motion by Mr. Lawrence, seconded by Mr. Massie, the Board **deferred case**  
2382 **CUP2025-100758 until the June 26, 2025 public hearing.**  
2383  
2384 **Affirmative: Broadway, Green, Lawrence, Massie 4**  
2385 **Negative: 0**  
2386 **Absent: Johnson 1**  
2387  
2388  
2389 **CUP-2025-100762 - Murtaza Popalzai: conditional use permit to keep up to six hens**  
2390 **in the rear yard at 9 W Magruder Street, Sandston, Varina. Parcel 826-717-7826.**  
2391 **Zoning: R-4, One-Family Residence District. Code Section: 24-4420.G.**  
2392  
2393 Mr. Blankinship- **Conditional use permit 2025 number 100762, Murtaza**  
2394 **Popalzai, a conditional use permit to keep six hens in the rear yard at 9 West Magruder**  
2395 **Street.**  
2396  
2397 Mr. Green- Is anyone here to speak for this? We'll hear a motion.  
2398  
2399 Mr. Lawrence- Again, given we don't have the applicant with this, I will move  
2400 that we defer this request to June 26th to allow time to provide additional information,  
2401 resolve neighbors' concerns, and hear directly from the applicant.  
2402  
2403 Mr. Green- Is there a second?  
2404  
2405 Mr. Broadway- Second.  
2406  
2407 Mr. Green- All in a favor say aye.  
2408  
2409 Board- Aye.  
2410  
2411 Mr. Green- All opposed, like sign. None  
2412  
2413 On a motion by Mr. Lawrence, seconded by Mr. Broadway, the Board **deferred case**  
2414 **CUP2025-100758 until the June 26, 2025 public hearing.**  
2415  
2416  
2417 **Affirmative: Broadway, Green, Lawrence, Massie 4**  
2418 **Negative: 0**  
2419 **Absent: Johnson 1**  
2420  
2421  
2422 Mr. Green- We'll move to the variances.  
2423  
2424



**VAR-2025-100658 - Subrahmaniam Garimella: variance from the rear yard setback to build a sunroom over the existing deck at 11471 Stanford Mill Road, Stanford Mill, Three Chopt. Parcel 744-763-9124. Zoning: R-3C, One-Family Residence District (Conditional). Code Section: 24-3309.D. The applicant has 30 feet rear yard setback where the Code requires 40 feet rear yard setback. The applicant requests a variance of 10 feet rear yard setback.**

Mr. Blankinship- Alright. Thank you, sir. The first variance this morning is **Variance 2025-100658**, Subrahmaniam Garimella: a variance from the rear yard setback to build a sunroom over the existing deck at 11471 Stanford Mill Road, in Stanford Mill, in the Three Chopt 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 are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Ms. Rozmus.

Ms. Rozmus- Thanks sir. The subject property is located northeast of the interchange of Interstate 64 and Interstate 295, at 11471 Stanford Mill Road. It was formerly part of the McDonald's Small Farm Subdivision of large lots zoned A-1, Agricultural. In 2006, the property was rezoned from A-1 to R-3C, One-Family Residence District (Conditional) for the development of a 12-lot subdivision. The street was constructed ten years later in 2016, and the houses were built between 2017 and 2021. The applicant purchased the property in 2020. It is improved with a 3,487-square-foot, five-bedroom dwelling with a deck on the rear. The applicant is requesting a variance to enclose the rear deck. The rear yard setback of 40 feet allows a deck to extend up to 10 feet into the setback. The applicant is requesting to enclose the deck, which already extends 10 feet, and the proposed sunroom is shown to extend 12 feet deep. Staff notified the applicant of the discrepancy of the size of the deck, and the applicant responded that the deck has always been 12 feet deep, so in this case the deck has always been in violation of the zoning ordinance since it's been constructed.

As part of a variance case, we have to address the various conditions to establish a hardship. The applicant himself has indicated that the 40-foot setback is probably reasonable and the regulation has not been changed since the property was developed. The applicant, however, has stated that the variance would be a reasonable modification for a person with a disability. It's indicated that his father would like to use the space for his, you know, just to get, get outside. He is limited with his mobility; however, no documentation of a disability was submitted, or a clear statement of why the proposed sunroom is a necessary modification. If the board finds the proposed sunroom would alleviate a hardship by granting a reasonable modification for a person with a disability, it has the authority to approve the variance if the five test subtests are also met. However, the applicant has not provided any documentation to support this conclusion. The abutting property to the south and east has been approved for development but has not been developed yet. That property is zoned for R-5AC, General Residence District (Conditional) and will be developed with dwellings on zero lot lines. The adjoining dwellings will have their side yards adjacent to the subject property, so the setbacks on those lots would be narrower than the rear yard on the subject property. The reduced

setback resulting from the variance would have some impact on those lots. There's nothing about the physical condition of this property that makes it unique, but the applicant has requested the variance on behalf of a person with disability. However, since there's no documentation of a disability or clear statement why the proposed sunroom is a necessary accommodation, staff has recommended deferral until documentation has been provided. I can answer any questions.

Mr. Lawrence- Does anyone from the board have any questions of Ms. Rozmus?

Mr. Green- If you got the documentation, then what would staff's recommendation be?

Ms. Blankinship- If the condition of that third test was met, staff would recommend approval of a 10-foot sunroom. I do want to point out that the applicant is requesting a 12-foot sun room. That also needs to be addressed in the, the board's decision making.

Mr. Green- Have we asked the applicant if they would agree to a 10-foot versus 12-foot?

Mr. Blankinship- We have, and they have, well, I'll let the applicant answer that question. We have discussed that with the applicant, yes sir.

Mr. Lawrence- Any other questions from the board? Okay, we'll hear from the applicant.

Mr. Garimella- Good morning, Chair. Good morning, board. My name is Subrahmaniam Garimella and the request I submitted is for my father who is 90-plus years old. And right now he has been because I'm the caretaker of my father and he has been in the living room, we have grown girls as well in the home and we have limited space. That's why I requested for an additional room for him. So, that the Commonwealth Medical Services nurses and therapy, physical therapists they come in too. So, that they can come directly from the sidewalk and do the stuff and everything, so there won't be disturbance for them as well as for the family members. That's the reason I requested for this one. And I'm flexible if it's a 10 feet also because I wanted a dedicated room for him so that at this age of 90 plus years old, I want to make him a little more comfortable and happy as a son. That's my request.

Mr. Lawrence- Thank you, Mr. Garimella. Any questions, Mr. Green or others?

Mr. Green- The applicant is under oath, so I tend to believe that his father's 90-plus years old. I could understand that. And I say that from personal experience because I'm experiencing the same thing with my father who's 95, had a stroke recently, and so we have to make similar accommodations and because of the



2517 deck, it is kind of worn, we're in the process of replacing that so his movement from the  
2518 bedroom to the deck would be okay. So, I'm not going to challenge someone who says  
2519 that there's a disability because at 98 plus... I'm 63 and I got some major disabilities so I  
2520 can only imagine. So, you have to trust sometimes.

2521  
2522 Mr. Lawrence- Yeah, I just had a question for Miss Rozmus. If I see the site  
2523 plan correctly, there's no impact on the property owner behind the applicant's property  
2524 because that is a subdivision that is yet to be developed. Right?

2525  
2526 Ms. Rozmus- I guess it's technically on the side. Oh, no, you're right, it's on  
2527 the side and the back, so, yes.

2528  
2529 Mr. Lawrence- So presumably, that property, they would already know that  
2530 the structure's there before they purchase?

2531  
2532 Ms. Rozmus- Yes, theoretically.

2533  
2534 Mr. Lawrence- That's all I had. Anybody else on the board have any  
2535 questions or any discussion? Mr. Green, we'll leave it in your court. If you'd like to make  
2536 a motion.

2537  
2538 Mr. Green- I move that we approve this variance subject conditions  
2539 recommended by the staff. The addition is necessary to make a reasonable modification  
2540 for a person with a disability. The hardship was not created by the applicant. The disability  
2541 is a unique situation that justifies the variance, the other tests are met as stated in the  
2542 staff support.

2543  
2544 Mr. Lawrence- We have a motion from Mr. Green, is there a second?

2545  
2546 Mr. Broadway- Second.

2547  
2548 Mr. Lawrence- We have a motion from Mr. Green and a second from Mr.  
2549 Broadway. All in favor say aye.

2550  
2551 Board- Aye.

2552  
2553 Mr. Lawrence- All opposed, no. Motion carries.

2554  
2555 On a motion by Mr. Green, seconded by Mr. Broadway, the Board **approved case VAR-**  
2556 **2025-100658** subject to the following conditions:

2557  
2558 1. This variance reduces the rear yard setback for the proposed sunroom to 30 feet where  
2559 the Zoning Ordinance requires 40 feet. All other applicable regulations of the County Code  
2560 remain in force.

2561  
2562 2. This variance applies only to the improvements shown on the plot plan and building  
2563 design titled "Stanford Mil' Dr. Sunroom Addition" prepared by CL Design, LLC, filed with



the application, as amended by these conditions. 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 sunroom must be 30 feet from the property line, as required for a deck. The new construction must comply with the proffered conditions of rezoning case C-18C-06 and 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 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 sunroom by May 22, 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, Green, Lawrence, Massie</b>	<b>4</b>
<b>Negative:</b>		<b>0</b>
<b>Absent:</b>	<b>Johnson</b>	<b>1</b>

**VAR-2025-100867 - Carlton D. Bailey, Jr.: variance from the side yard setback to build an addition to accommodate an elevator at 8413 Sleepy Duck Place, Westham Village, Tuckahoe. Parcel 755-736-2205. Zoning: R-3, One-Family Residence District. Code Section: 24-3309.D. The applicant has 8 feet side yard setback where the code requires 12 feet side yard setback. The applicant requests a variance of 4 feet side yard setback.**

Mr. Blankinship- Okay, the last case this morning is **Variance 2025-100867**, Carlton D. Bailey, Jr.: a variance from the side yard setback to build an addition to accommodate an elevator at 8413 Sleepy Duck Place, in the Westham Village Subdivision, in the Tuckahoe 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 are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Green- Excuse me.

Mr. Blankinship- Yes.

Mr. Green- You don't have to stay if you don't want to.

Mr. Blankinship- You've been approved. Thank you.

2610 Mr. Green- Sorry.

2611  
2612 Mr. Gidley- It's okay, sir.

2613  
2614 Mr. Blankinship- Okay. Mr. Gidley.

2615  
2616 Mr. Gidley- Thank you, Mr. Secretary. The subject property's located off  
2617 of Zionsville Road in the Westham Village subdivision. The applicants own a two-story  
2618 brick colonial home. They have lived here since 2003. Due to their advancing years and  
2619 a cancer diagnosis of one of the residents, they're having increased difficulties accessing  
2620 the second floor, where all the bedrooms are located. As a result, they would like to install  
2621 a small elevator onto the side of their home, to provide easier access to the second floor.  
2622 That would be this kind of gray area right here. You can maybe barely see. Because the  
2623 elevator would encroach four feet into the required 12-foot side yard setback they have  
2624 applied for the variance. In reviewing this request, as you know, one of the three threshold  
2625 tests must be met. Staff believes it qualifies under the one granting a reasonable  
2626 modification for a person with a disability. This is because the applicants have increasing  
2627 difficulty accessing the second floor where all the bedrooms are located. With this  
2628 threshold test met. Staff also believes all five subtests are met. This is a nice rendering  
2629 here of the proposal. The proposed elevator would be right here. And so, if you're looking  
2630 at detrimental impact, chimneys by right can go three feet into the setback. This should  
2631 only go four feet into the setback. So, staff doesn't really see how it's going to cause any  
2632 detrimental impact. It would be vinyl siding like the house. In addition to that, although  
2633 we've had inquiries about the case, there has been no opposition that we've been made  
2634 aware of. So, in conclusion, the applicants are aging, one is battling cancer. With the  
2635 home's bedrooms on the second floor, they'd like to install the four-foot-wide elevator on  
2636 the side of the home for access. Staff can recommend approval, subject to the conditions  
2637 recommended in your staff report. This concludes my presentation. If you have any  
2638 questions, I'll be happy to answer those.

2639  
2640 Mr. Green- Are there any questions from the board of staff? Hearing  
2641 none, we'll hear from the applicant.

2642  
2643 Mr. Bailey- Good morning, ladies and gentlemen. My name is Dave  
2644 Bailey, B A I L E Y. My wife, Sharon, and I request this variance. She has a medical  
2645 procedure this morning. Adequate, very adequate presentation. It's an eleven-house  
2646 neighborhood. I have contacted all of my neighbors. They have responded. Nothing but  
2647 the positive. The immediate next-door neighbor, friends as well as neighbors, anything  
2648 we can do to stay. Right at this time we're healthy as horses. The procedure that my wife  
2649 has had, the surgeries have come back remarkably well. We're looking for the next 20  
2650 years, and this illness came upon us just in the last two months. And we have looked, we  
2651 have torn apart, we have decided that we want to stay, and in order to stay and have the  
2652 amenities we need, we have to get to the second floor. Today we're fine. But, as I said,  
2653 we're looking for tomorrow and we ask for this variance. This is Ed Lane, my contractor,  
2654 he has done a half dozen improvements on our home over the last 20 years. If you have  
2655 any questions about the construction procedures, Ed can answer them.

656  
2657 Mr. Green- We've seen enough of his commercials. He is well respected  
2658 So, yes, if Ed Lane is doing it, yeah, we know it's going to be done right.  
2659  
2660 Mr. Bailey- Thank you, gentlemen. Any questions for me?  
2661  
2662 Mr. Green- No. May God bless you and your wife.  
2663  
2664 Mr. Bailey- Thank you.  
2665  
2666 Mr. Lane- Any questions for me?  
2667  
2668 Mr. Green- No.  
2669  
2670 Mr. Blankinship- Thank you for your patience being last on the agenda. I will  
2671 note that one case came in just after you, but you were 12<sup>th</sup>, and 12 is our limit, so they  
2672 had to wait a whole month. So, three hours isn't too bad.  
2673  
2674 Mr. Massie- Mr. Lane, you know my friend...  
2675  
2676 Mr. Green- Mr. Massie, you said something?  
2677  
2678 Mr. Massie- Mr. Lane, you know my friend Tony Pitts, right?  
2679  
2680 Mr. Lane- I do.  
2681  
2682 Mr. Massie- He referred me to you back in the 90s. You came to my house.  
2683  
2684 Mr. Lane- Okay.  
2685  
2686 Mr. Massie- Back then what you quoted me seemed like a lot of money; I  
2687 would take that quote again today.  
2688  
2689 Mr. Blankinship- I bet you would.  
2690  
2691 Mr. Green- Is there any other discussion? Anyone else on Webex or ...  
2692  
2693 Mr. Blankinship- There's no one else on Webex.  
2694  
2695 Mr. Green- Is there a motion?  
2696  
2697 Mr. Broadway- I would like to make a motion. The staff has concluded the  
2698 elevator is necessary for a person with a disability to reach the second floor. The hardship  
2699 was not created by the applicant and therefore the disability justifies a variance, and so I  
'00 would move that we approve.  
2701



2702 Mr. Green- Is there a second?  
 2703  
 2704 Mr. Massie- Second.  
 2705  
 2706 Mr. Green- All in favor say aye.  
 2707  
 2708 Board- Aye.  
 2709  
 2710 Mr. Green- Oh, motion made and seconded, and no discussion. All in  
 2711 favor say aye.  
 2712  
 2713 Board- Aye. Approved. Any other...  
 2714  
 2715 On a motion by Mr. Broadway, seconded by Mr. Massie, the Board **approved case VAR-**  
 2716 **2025-100867** subject to the following conditions:  
 2717  
 2718 1. This variance applies only to the side yard setback requirement for the proposed  
 2719 elevator only. All other applicable regulations of the County Code remain in force.  
 2720  
 2721 2. This variance applies only to the improvements shown on the plot plan and building  
 2722 design filed with the application. Any substantial changes or additions to the design or  
 2723 location of the improvements will require a new variance. Any additional improvements  
 2724 must comply with the applicable regulations of the County Code.  
 2725  
 2726 3. The new construction must match the existing dwelling as nearly as practical in  
 2727 materials and color.  
 2728  
 2729 4. Before beginning any clearing, grading, or other land disturbing activity, the applicant  
 2730 must obtain approval from the Department of Public Works. The applicant may be  
 2731 required to analyze and provide solutions to minimize drainage impacts on downstream  
 2732 properties. Corps of Engineers and DEQ permits may be required.  
 2733  
 2734 5. The applicant must obtain a building permit for the proposed elevator by May 22, 2027,  
 2735 or this variance will expire. After that date, if the building permit is cancelled or revoked  
 2736 due to failure to diligently pursue construction, this variance will expire at that time.  
 2737  
 2738  
 2739 **Affirmative: Broadway, Green, Lawrence, Massie 4**  
 2740 **Negative: 0**  
 2741 **Absent: Johnson 1**  
 2742  
 2743  
 2744 Mr. Blankinship- Okay, alright that concludes the cases. We did have two sets  
 2745 of minutes for you this month. Sorry about the glitch on that, but we are back up to speed  
 2746 now. And Mr. Lawrence has given us his usual thorough review, but there were no

747 substantive changes that he recommended, it was all punctuation and hyphens and  
2748 things. A couple of misspellings that we need to correct.

2749  
2750 Mr. Green- I'd like to say thank you to Mr. Lawrence, because people  
2751 don't realize minutes are extremely important and need to be accurate. And I've seen  
2752 instances where minutes are, you know, can be used in court for or against you. And then  
2753 I've seen where minutes have been changed. So, thanks. My cousin who's... I've told  
2754 him about you and he applauded you as well, because he's a stickler for minutes too.

2755  
2756 Mr. Lawrence- Well, staff does a thorough job, but it never hurts to have  
2757 another set of eyes on it.

2758  
2759 Mr. Green- Is there a motion to adjourn?

2760  
2761 Mr. Blankinship- Oh, wait, we need a vote on the minutes first.

2762  
2763 Mr. Green- Is there a motion to approve the minutes?

2764  
2765 Mr. Broadway- So moved.

2766  
2767 Mr. Green- Is there a second.

2768  
2769 Mr. Massie- Second.

2770  
2771 Mr. Green- All in favor say aye.

2772  
2773 Board- Aye.

2774  
2775 Mr. Blankinship- Now I'm going to record that one motion for both sets of  
2776 minutes, just so you know.

2777  
2778 Mr. Lawrence- Yes.

2779  
2780 On a motion by Mr. Broadway, seconded by Mr. Massie, the Board **approved the**  
2781 **minutes** from the March 27, 2025 and April 24, 2025 public hearings.

2782  
2783  
2784 **Affirmative:** **Broadway, Green, Lawrence, Massie** **4**  
2785 **Negative:** **0**  
2786 **Absent:** **Johnson** **1**

2787  
2788 Mr. Green- Alright, the motion to adjourn.

2789  
2790 Mr. Lawrence- So moved.

2791  
2792 Mr. Green- Is there a second.

2793  
2794 Mr. Massie- Second.  
2795  
2796 Mr. Green- Adjourned.  
2797  
2798 On a motion by Mr. Lawrence, seconded by Mr. Massie, the Board adjourned.  
2799

2800  
2801 **Affirmative:** Broadway, Green, Lawrence, Massie 4  
2802 **Negative:** 0  
2803 **Absent:** Johnson 1  
2804

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2807  
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2810



Terone B. Green, Chair

2811  
2812  
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2816



Mr. Benjamin W. Blankinship, Secretary