

1
2 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF**
3 **HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE**
4 **GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON**
5 **THURSDAY MAY 28, 2026 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED IN**
6 **THE *HENRICO CITIZEN* MAY 4, 2026 THROUGH MAY 11, 2026.**
7

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

14 **Member Absent:** Walter L. Johnson, Jr.
15

16 **Also Present:** Ben Sehl, Assistant Director of Planning
17 Benjamin Blankinship, Secretary
18 Paul M. Gidley, County Planner
19
20
21

22 **Mr. Lawrence -** Good morning, everyone. Welcome to today's meeting, the
23 **May 28, 2026, meeting of the Henrico County Board of Zoning Appeals. For those who**
24 **are able, please stand and join us in the Pledge of Allegiance.**
25

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

29 **Mr. Lawrence -** Yeah, at this time, Mr. Blankinship is going to read our rules.
30
31

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

will be given the opportunity. We'll hear from those in the room first and then from those on Webex. After everyone has had a chance to speak, the applicant and only the applicant will have an opportunity for rebuttal. There are also three appeals, well there are now two appeals on this morning's agenda. And for that case, the process is a little different. The Assistant County Attorney will speak on behalf of the Planning Director, and then the appellant will present their case. Each side will have 10 minutes. Then anyone else who wishes to speak will be given the opportunity with a time limit of three minutes. And again, we'll hear from citizens in the room first and then from those on Webex. This meeting is being video recorded, and the video will be posted online, and we also will be transcribing minutes. So, for those in the room, we will ask you to speak directly into the microphone on the podium there in the back of the room. We'll ask you to state your name and please spell your last name so that we get it correctly in the record. And once your case is over, of course, you're free to go. There's no need for you to stay for the rest of the meeting. I do have one other note I want to mention. There is one member absent this morning. Under the Code of Virginia, for the board to rule in favor of an applicant or an appellant, there must be three affirmative votes. So, because we have one member absent today, you may want to defer your case in order to increase your chances of getting the third vote. So, if anybody would like to defer your case, you can tell me now or you can tell me when your case is called, if you want some time to think about it. Seeing nobody responding right now, Mr. Chair, I will mention we have one case withdrawn this morning, that is appeal 2026-100534 Cortland Putbrese for SSR incorporated. An appeal of an administrative decision regarding the Regency Inn at 1500 East Ridge Road in the Tuckahoe Magisterial District. That appeal has been withdrawn, so it will not be heard this morning, but there are two other appeals on the agenda.

Mr. Lawrence - Thank you, Mr. Blankinship. Can you please call our first request?

CUP-2026-100662 Jennifer Whilden: conditional use permit to allow hosted short-term rental of one bedroom at 201 Danray Drive, Chamberlayne Farms, Fairfield. Parcel 790-754-1300. Zoning: R-2A, One-Family Residence District. Code Section: 24-4431.A.

Mr. Blankinship - Alright, our first case this morning is conditional use permit 2026-100662. Jennifer Whilden, a conditional use permit to allow hosted short-term rental of one bedroom at 201 Danray Drive in the Chamberland Farms subdivision in the Fairfield Magisterial District. Would everyone who would like to speak on this case please stand up to be sworn in. Raise your right hand, please. Do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Gidley - I do.

Mr. Blankinship - Raise your right hand, please, you as well. Alright, thank you. Alright, Mr. Gidley, and then you will be next.

93 Mr. Gidley - Thank you, Mr. Secretary. Good morning, Mr. Chairman,
94 members of the board. Given our caseload this morning I am going to be as brief as I can
95 with these cases today, so bear with me. The subject property is located just southwest
96 of the intersection of Chamberlayne and Wilkinson Roads. The applicant is proposing to
97 offer one bedroom for short-term rental, to as many as four guests. She is required to
98 obtain a conditional use permit as she wants to have a rentals for up to 300 days a year.
99 This is an established neighborhood. The board had previously approved a short-term
100 rental roughly a half a mile south of here. Staff has not received any complaints regarding
101 that short-term rental. These will be hosted stays where the applicant is present during
102 the stays. These typically result in far fewer complaints, because the applicant is there to
103 address any issues that come up. This is a picture of the home here and as you can see,
104 it's a sizable home with a nice yard. In the back, the applicant does have a large driveway
105 that can accommodate five or six vehicles, so there's no need to be parking on the street.
106 Given this staff is recommending approval of this case subject to the conditions in your
107 staff report. If you have any questions, I'll be happy to answer those. Thank you.
108

109 Mr. Lawrance - Thank you, Mr. Gidley. Does anyone from the board have any
110 questions for Mr. Gidley? Okay, hearing none at this point, we will now hear from the
111 applicant, please.
112

113 Jennifer Whilden - Hi, yep, thanks. Yeah, I'm hoping to..

114
115 Mr. Blankinship - Tell us your name please.
116

117 Jennifer Whilden - I'm sorry. Jennifer Whilden. Thank you. And I'm wanting to
118 rent out, there's a bedroom on the bottom floor that has a separate entrance, and that's
119 from the back. You would enter from the back, but it's locked off from the house and has
120 a separate entrance. It has one bedroom, one living room, and then a bathroom. So that's
121 what I'm hoping to rent out.
122

123 Mr. Lawrence - Okay, thank you ma'am. Does anyone from the board have
124 any questions of Ms. Whilden? Nope. Okay, hearing no questions then, thank you ma'am.
125 We will open up the public hearing. Is there anyone in the audience or on Webex who
126 wishes to speak in support of this request? Yes sir. Can you go to the podium, please?
127

128 Sam Rugg - My name is Sam Rugg and we are neighbors. We actually live
129 directly across the street from Ms. Whilden, and we are wholeheartedly in support of this
130 and just wanted to put that on record.
131

132 Mr. Blankinship - Thank you for taking the time. Could you spell your last name
133 for me, please?
134

135 Sam Rugg - It's R U G G,
136

137 Mr. Lawrence - Thank you, Mr. Rugg. Is there anyone in the audience or from
138 Webex that wishes to speak in opposition to this case?

139
140 Mr. Blankinship - There is no one on Webex.
141
142 Mr. Lawrence Okay. I did have one question before we move forward on this.
143 Mr. Gidley, while you're standing there, I noticed the proposed conditions state that the
144 applicant can have no more than three pets on the premises. Does that include the main
145 residence or is that just applying to the short-term rental?
146
147 Mr. Blankinship- It does include the main residence, Mr. Lawrence, and that
148 was added because as you know, a conditional use permit is required to have more than
149 three pets on the property, and it was just one of those issues where if people were
150 bringing multiple pets to a property where they were already multiple pets, there could be
151 all kinds of conflicts going on and troubling the neighbors
152
153 Mr. Lawrence - Okay, for some reason I was thinking the trigger was four.
154
155 Mr. Broadway - Yeah, that's what I thought as well.
156
157 Mr. Lawrence - I thought normally...
158
159 Mr. Blankinship - You know what? I think you're right.
160
161 Mr. Gidley - I didn't see that condition.
162
163 Mr. Blankinship - Where is that in the staff report?
164
165 Mr. Lawrence - It's in the conditions. It's one of the conditions for the case.
166
167 Mr. Broadway - Under number two.
168
169 Mr. Lawrence - Yeah, number two.
170
171 Mr. Broadway - Yeah, next to the last bullet.
172
173 Mr. Blankinship - Oh, in the analysis. You're right. Yeah, that should be four.
174 That was changed. It used to be three, but it was changed to four.
175
176 Mr. Lawrence - That's what it was? I saw the three and that kind of jumped
177 out at me.
178
179 Ms. Whilden - Can I add?
180
181 Mr. Blankinship - Yes.
182
183 Ms. Wilden - I have no pets if that helps. I have zero pets.
184

185 Mr. Lawrence - So, that's not an issue for you.
 186
 187 Ms. Wilden - Not an issue
 188
 189 Mr. Blankinship - Thank you.
 190
 191 Mr. Lawrence - Thank you. But probably ought to clarify that, I guess.
 192
 193 Mr. Blankinship - Yes.
 194
 195 Mr. Lawrence - Okay. Thank you, Mr. Gidley. Any other questions from the
 196 board? Mr. Massie, are you ready for a motion on the case?
 197
 198 Mr. Massie - Yes sir. I move that we approve the conditional use permit. I
 199 agree with the recommendations of the staff. It is consistent with the comprehensive plan
 200 and the zoning ordinance; the property is suitable for short term rentals and hosted stays
 201 should have minimal impact on the neighborhood.
 202
 203 Mr. Lawrence - We have a motion by Mr. Massie to approve this case. Is there
 204 a second?
 205
 206 Mr. Green- Second.
 207
 208 Mr. Lawrence- Second by Mr. Green. All in favor of the motion, say "Aye."
 209 Anyone opposed "No." Of course, Mr. Johnson will be absent for this vote and the
 210 following votes today. So, this case is approved. Thank you very much.
 211
 212 On a motion by Mr. Massie, seconded by Mr. Green, the Board **approved case CUP-**
 213 **2026-100662** subject to the following conditions:
 214
 215 1. This conditional use permit authorizes the hosted short-term rental of up to one
 216 bedroom for four guests. All other applicable regulations of the County Code
 217 remain in force.
 218
 219 2. This approval is subject to the County noise ordinance (Sec. 10-67 through
 220 10-69), registry ordinance (Sec. 20-280 through 20-282), and short-term rental
 221 development standards (Sec. 24-4431). The dwelling must be occupied by the
 applicant for at least 185 days per year.
 222
 223 3. All vehicles associated with the short-term rental must be parked on the property,
 not on the right-of-way of Danray Drive or Old Orchard Road.
 224
 225 4. Before listing the property for short-term rental, the applicant must obtain approval
 226 for the change of use from the Department of Building Construction and
 227 Inspections and complete the online registration process. Approval and
 228 registration must be obtained within two years of the date of approval (May 28,
 2026), or this conditional use permit will expire.

Affirmative:	Broadway, Green, Massie, Lawrence	4
Negative:	Lawrence	0
Absent:	Johnson	1

CUP-2026-100809 Jared Ireland: conditional use permit to keep up to six hens in the rear yard at 1807 Locust Hill Road, Whitaker Woods, Tuckahoe. Parcel 740-747-5280. Zoning: R-2, One-Family Residence District. Code Section: 24-4420.G.

Mr. Blankinship- Alright, the next case is conditional use permit 2026 number 100809. Jared Ireland, a conditional use permit to keep up to six hens in the rear yard at 1807 Locust Hill Road in Whitaker Woods 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're about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Ireland - I do.

Mr. Blankinship - Thank you. Members of the board, I'll call to your attention three emails that were received after your packets went out. There are emails of support from the neighbor on the left, the neighbor on the right and the neighbor across the street. That's how you do it. Mr. Gidley?

Mr. Gidley - Thank you, Mr. Secretary. The subject property is located in the Whitaker Woods subdivision, just west of the Gayton Library off Gayton Road. This is a single-family residential area. The applicant's property is just under one half an acre in area. That is similar to the other lots in the neighborhood. She is proposing to keep up to... let me get a picture of the house up here. She is proposing to keep up to six hens in the rear yard. The proposed chicken coop is 25 feet from the side lot line, 45 feet from the rear, and 25 to 30 feet from the principal dwelling, which complies with the setback requirements. As noted, a number of neighbors submitted letters of support for this request. Staff believes the conditions of approval would address any issues as far as, you know, pests and anything like that. As a result, staff recommends approval of this case subject to conditions in your staff report. If you have any questions, I'll be happy to answer those. Thank you.

Mr. Lawrence- Thank you, Mr. Gidley. Any questions from the board to Mr. Gidley? Okay, hearing none we will now hear from the applicant, please.

Mr. Jared Ireland - Good morning board and chair. My name is Jared Ireland, Ireland liked country, I R E L A N D. And we are here to request the ability to have six hens on our property. My son learned about raising chickens at his school. He got very interested and excited about being able to raise chickens and he asked for it for his birthday. And so after asking for his birthday, we got excited and wanted to encourage

275 him to be able to take care of animals and well, we have built a coop and prepared it but
276 wanted to come for approval. My son would like to read his letter that he has given to all
277 our neighbors.

278
279 Mr. Lawrence - Very good, thank you.

280
281 Mr. Blankinship - Can you move the microphone down for him? Sorry we
282 couldn't get it high enough for you.

283
284 Mr. Blake Ireland - My name is Blake Ireland, Ireland likes the country, I R E L A
285 N D. So, my letter is dear county. I would like to get chickens because they are friendly,
286 cute and provide eggs. I will take good care of them. I will build a chicken coop that is
287 safe and has run space for good exercise. I will keep the coop clean. I researched that
288 chickens are not loud or harmful. Before I go through the county permit process, I want
289 to know if you have any questions or concerns. Thanks. Think like Island. P S. I want to
290 name my chickens Comet, Cookie, Kiwi, Muffin, Waffles, and Butter.

291
292 Mr. Blankinship - Comet doesn't seem to fit that.

293
294 Mr. Lawrence: Thank you, Mr. Ireland and Mister Ireland. Do we have any
295 questions from the board for the applicants? Okay, hearing no questions from the board,
296 we'll now open up the public hearing. We do have three letters of support. Is there anyone
297 here in the audience or on Webex or anyone additionally that wishes to speak in support
298 of the case? And I will note that one of the letters of support from a neighbor is also a
299 former Planning Director for Henrico County and retired Deputy County Manager for
300 Community Development. So that's a pretty good reference. Anyone in the audience or
301 on Webex that wishes to speak in opposition of the case?

302
303 Mr. Blankinship - There's no one on Webex.

304
305 Mr. Broadway,-: Okay, hearing none, Mr. Broadway are you ready to make a
306 motion on this?

307
308 Mr. Broadway: I am and based mainly on the testimony of second speaker, I
309 move that we approve the conditional use permit subject to the conditions recommended
310 by the staff. It is consistent with the comprehensive plan and the zoning ordinances and
311 as you indicated to Mr. Chairman, the neighbors have expressed support. The conditions
312 addressed food storage and pest control.

313
314 Mr. Lawrence: There's a motion by Mr. Broadway to approve this case. Do I
315 hear a second?

316
317 Mr. Massie: Second

318
319 Mr. Lawrence: Second by Mr. Massie, all in favor of the motion say "Aye." Is
320 there anyone opposed? Hearing none, the case is approved.

Mr. Ireland - Thank you board.

Mr. Lawrence - Thank you, sir. Thank you, Blake.

On a motion by Mr. Broadway, seconded by Mr. Massie, the Board **approved case CUP-2026-100809** subject to the following conditions:

1. This conditional use permit authorizes the keeping of six hens (no roosters) in the rear yard. All other applicable regulations of the County Code remain in force.
2. This conditional use permit applies only to the coop and run shown on the plot plan filed with the application. Any substantial changes to the location of the coop and run 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 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. No later than July 31, 2026, 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.

Affirmative:	Broadway, Green, Massie, Lawrence	4
Negative:	Lawrence	0
Absent:	Johnson	1

CUP-2026-100844 Roya Saddat: conditional use permit to provide daycare for up to 12 children in the home at 11446 Old Mountain Road, Holladay Hill, Brookland. Parcel 762-772-4033. Zoning: R-3C, One-Family Residence District (Conditional). Code Section: 24-4402.

Mr. Blankinship: Alright, the next case is conditional use permit 2026 number 100844. Roya Saddat. A conditional use permit to provide daycare for up to twelve

367 children in the home at 11446 Old Mountain Road in Holladay Hill in the Brookland
368 Magisterial District. Would everyone who intends to speak to this case please stand and
369 be sworn in. Raise your right hand, please. Do you swear the testimony you're about to
370 give is the truth, the whole truth and nothing but the truth, so help you God. Thank you,
371 Mr. Gidley.

372
373 Mr. Gidley: Thank you, Mr. Secretary. The subject property is as located
374 is located off of Mountain Road. This is a roughly one-third of an acre property, and it
375 contains an existing dwelling 3,250 square feet in area. This is a picture of the home here.
376 The applicant has been operating in a small family day home for up to five children, for at
377 least the last few years. She is seeking a conditional use permit to increase this number
378 to 12 children. I would note that the homeowner's association initially expressed concern
379 about the application that it might be inconsistent with the deed restrictions. However, the
380 applicant and the HOA evidently met and provided a written statement that it is no longer
381 opposed to the application. It does reserve the right to enforce neighborhood covenants,
382 but things were worked out. I'd also just point out that in the rear yard, you can see some
383 of the play equipment right here. I just wanted to give you an idea of the neighborhood.
384 Anyway, staff recommends approval of this request subject to the conditions in your staff
385 report. If you have any questions, I'll be happy to answer those.

386
387 Mr. Lawrence - Thank you, Mr. Gidley. Does anyone have any questions for
388 Mr. Gidley? I may have a few after we hear from the applicant. Thank you. Ms. Saddat,
389 would you like to elaborate on your case for us?

390
391 Ms. Saddat: Yeah. Good morning, everyone and audience. I'm Roya
392 Saddat. I am running this small business for the past 13 years. The only reason when I
393 apply for the conditional permit is because my backup person, my assistant, when she
394 comes she has three kids. At this point I don't want to lose my license because her kids
395 also come, because kids is going to school and one is not and they are going to school
396 from three to five o'clock. When she is four cases all coming to my home, it's going to be
397 counted as my point of my daycare. The only reason when I apply for the permit, twelve
398 kids is this reason, but I run this a small business for the past 13 years, I have no
399 complaints or concerns regarding my neighbors. They are happy, I had this. I don't have
400 any complaints from my neighbors, so far.

401
402 Mr. Lawrence: Thank you, ma'am. Any questions for Ms. Saddat?

403
404 Mr. Lawrence-: I will say, so 13 years you've been operating?

405
406 Ms. Saddat: Yes, yes, sir.

407
408 Mr. Lawrence- You must have been doing it pretty quietly because
409 apparently the homeowners' association wasn't even aware that you were watching kids
410 in the home, so you must have been pretty quiet and discreet.

412 Ms. Saddat: Yes, no complaints from neighbors. Also, I raised a lot of my
 413 neighbors around my homes, and their kids.
 414
 415 Mr. Lawrence: Thank you. I Appreciate the service you're providing.
 416
 417 Ms. Saddat: Of course. It's a pleasure.
 418
 419 Mr. Lawrence: Yes. Okay, if there's no other questions for the applicant, we
 420 will open up the public hearing. Is there anyone here in the audience that wishes to speak
 421 in support of this request or on Webex? Is there anyone in the audience or on Webex that
 422 wishes to speak in opposition to this case?
 423
 424 Mr. Blankinship: There was no one on Webex.
 425
 426 Mr. Lawrence- Okay, hearing none. I do have a couple of questions for Mr.
 427 Gidley. So, the applicant, Ms. Saddat, can answer this question too, but they'll have to
 428 apply for an amendment, I assume, to their state license to allow the additional children
 429 as well as getting our...
 430
 431 Ms. Saddat- I already have a state license.
 432
 433 Mr. Lawrence- You already have that?
 434
 435 Ms. Saddat- Yes, I have a state license.
 436
 437 Mr. Lawrence- For up to twelve children?
 438
 439 Ms. Saddat- Before 2013 I had twelve kids, but since my daughter gets
 440 sick, for one year I didn't work. Then it changed to five kids. The rule is for a state license
 441 change, then I need to get the permit, conditional permit license.
 442
 443 Mr. Gidley- I think she needs a conditional use permit and then the state
 444 will go ahead and reissue it.
 445
 446 Mr. Lawrence- Reissue the license.
 447
 448 Mr. Gidley- Yes, sir.
 449
 450 Mr. Lawrence- Yeah. I think we said we're not aware of any concerns or
 451 violations in the past for your operation, is that correct?
 452
 453 Ms. Saddat- Yes, I don't have no violation.
 454
 455 Mr. Lawrence- Congratulations on that. The only other question I had is your
 456 property is very well maintained too. I had a chance to inspect it and it's in a good location,
 457 I think it's on a corner. It looks like a pretty quiet neighborhood, plentiful parking. The only

question I had, and I think this might have been alluded to in the staff report is I noticed your yard, it is on a corner, it's not fenced, it is up on kind of a bluff I guess, but is there any concern expressed from a public safety standpoint about having, you know, twelve children? I know you're going to stagger playtimes and that sort of stuff, but is there any concern from the county standpoint, Paul, or any concerns you've heard from the neighborhood association about children's safety?

Mr. Gidley- Yeah, a lot of times, rear yards for family day homes are fenced, that's pretty common. It's not a requirement as such, at least, not from the zoning ordinance perspective. I can't really speak for the Commonwealth on that. We did note it in the staff report, we didn't make it a condition, we just noted it so if the board feels that it's important for the reasons you mention, then you can go ahead and make that a condition of approval, you know, from a public safety standpoint. But if you don't feel that way, then you can go ahead and move forward with the conditions as they are currently written.

Mr. Lawrence- I'm not sure what the homeowner's association's covenants are. They may have restrictions on fencing, they may allow, they may not allow, they may have certain conditions on it. So, obviously that's something they'd have to discuss. Does anyone else on the board have any concerns about the fencing issue or...

Mr. Green- No, I would only assume that since she's have been doing it for 13 years it has not been an issue, so why should we make it an issue when she clearly articulated that the only reason she's expanding is because her help is bringing in two additional children for a specific period of time and, you know, then you would get into what the neighbors would like to fence. So that's a whole other issue and then what type of fencing. Just let it rest.

Mr. Broadway - Okay, yeah, I agree with Mr. Green on that.

Mr. Lawrence- Okay. Very good. I agree as well, so if there's no other discussion from the board. I'm going to make a motion that we approve this conditional use permit subject to the conditions recommended by the staff. It is consistent with the comprehensive plan and the zoning ordinance. The location is convenient for drop-off and pick-up and family daycare homes do provide an important service to the neighborhood. So, I'll make that motion. Is there a second to my motion?

Mr. Broadway- Second.

Mr. Lawrence- There is a motion by the Chairman, Mr. Lawrence, second by Mr. Broadway, all in favor say "Aye.". Anyone opposed say "Nay." Hearing none, the case is approved.

Ms. Sadad- Thank you.

Mr. Lawrence- Thank you. Thank you so much, Ms. Saddat

On a motion by Mr. Lawrence, seconded by Mr. Broadway, the Board approved case CUP-2026-100844 subject to the following conditions:

1. This conditional use permit authorizes a family day home with up to 12 children. All other applicable regulations of the County Code remain in force.
2. Vehicles associated with the family day home must park on the property, not on the right-of-way of Old Mountain Road. This includes parking for the purpose of dropping off or picking up children, as well as employees of the family day home.
3. The hours of operation must be limited to 7:00 am to 6:00 pm.
4. The applicant must operate in compliance with the neighborhood covenants and community standards.

Affirmative:	Broadway, Green, Massie, Lawrence	4
Negative:	Lawrence	0
Absent:	Johnson	1

CUP-2026-100955 Hiram Paul Huerta Morales: conditional use permit to keep up to six hens in the rear yard at 2410 Lauderdale Drive, Tuckahoe Village West, Tuckahoe. Parcel 730-750-7247. Zoning: R-2A, One-Family Residence District. Code Section: 24-4420.G.

Mr. Blankinship- Alright, the next case is conditional use permit 2026 number 100955. Hiram Paul Huerta Morales, a conditional use permit to keep up to six hens in the rear yard at 2410 Lauderdale Drive, in the Tuckahoe Village West subdivision, in the Tuckahoe Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hand, please. Do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Gidley- Thank you, Mr. Secretary. This is a request to keep up to six hens in the rear yard on a property located off Lauderdale Drive. This is a picture of the property here. And the concept plan was pretty basic, but it does show it located in the rear yard. This is a single-family residential area. The applicant is seeking to keep up to six hens. This came to the county's attention because there was a complaint to the Department of Community Revitalization, and the complaint was that the chicken coop was located on the property line. The applicant has since relocated the chicken coop, but they do need a conditional use permit as well. The location does appear to meet setbacks as required by the zoning ordinance. Here's a picture of the chicken coop. And as you can see, the property itself does appear to be well maintained. Staff believes the request is reasonable now that the coop meets setbacks. Finally, the conditions of approval would address concerns like pest control, food storage, etc. As a result, we are recommending

550 approval of this request subject to the conditions in your staff reports. If you have any
551 questions, I'll be happy to answer those. Thank you.

552
553 Mr. Lawrence- Thank you, Mr. Gidley. Does anyone from the board have any
554 questions for Mr. Gidley? Hearing none we will hear from the applicant now.

555
556 Mr. Morales - Good morning, everybody. My name is Hiram Paul Huerta
557 Morales and I just tried to apply to have some chickens. So, the economy now is so hard
558 to feed family, so I just started my business like two years ago, so I just try to help and
559 show my kids how everything we can eat, we can make someone healthy. And, I know
560 before I have my chicken coop right back to the fence, but I get somebody from the
561 County, they was worried about my chicken coop, so they said I had to move it, so I just
562 moved everything more to the center of my yard. And I never have any complaints or any
563 problems with my neighbors. So, I don't want to make any bother. With my family, we're
564 going to plan to put a fence to keep more privacy. Nobody have any issues about the
565 chickens, even I have another property, so what I'm going to clean the chicken coop, I'm
566 going to take to the other property in the country. Even my kids, they are so happy
567 because they now have the first chickens. I don't know what else I can say, but, we try to
568 follow the rules of the county, and that's the reason we tried to apply. Even before I
569 decided to have a chicken, so I have a couple of friends who doesn't have any permits.
570 And they never applied, they said, no, you don't have to if you have two specific things,
571 okay, so we cool. So, this is the reason we have the chicken coop and after I think two
572 months when I've finished the view, I get the county and say, no, you had to apply for the
573 permitted. Oh, okay, so now the chicken is going to be much more expensive because of
574 the permits and everything. But the thing is we try to teach kids, so how to raise animals
575 and have a feeling so they have that experience. I think that's it.

576
577 Mr. Lawrence- Thank you, Mr. Morales. Does anyone from the board have
578 any questions for Mr. Morales? Hearing none, we will open up the public hearing. Is there
579 anyone in the audience or on Webex that wishes to speak in support of this case? Is there
580 anyone in on Webex or in the audience that wishes to speak in opposition of this case?

581
582 Mr. Blankinship- No one on Webex for this case

583
584 Mr. Lawrence- Is there any other discussion by the board and if not... Mr.
585 Broadway.

586
587 Mr. Broadway- I would just say it seems that chickens are increasingly
588 popular in Tuckahoe.

589
590 Mr. Blankinship- It was residents of Tuckahoe that first approached the Board
591 of Supervisors to have this added to the zoning ordinance.

592
593 Mr. Broadway- Really. Well, Mr. Chairman, I would move that we approve this
594 conditional use permit subject to the conditions recommended by the staff. It is consistent

with the comprehensive plan and the zoning ordinance, the owner has moved the coop to meet the setbacks, and the conditions address food storage and pest control.

Mr. Lawrence- Okay, we have a motion by Mr. Broadway to approve this case with the conditions. Do I hear a second?

Mr. Green- Second.

Mr. Lawrence- Second by Mr. Green. All in favor of the motion say "Aye." Is there anyone opposed? Hearing none, the motion carries and this case is approved. Thank you, sir.

On a motion by Mr. Broadway, seconded by Mr. Green, the Board **approved case CUP-2026-100955** subject to the following conditions:

1. This conditional use permit authorizes the keeping of six hens (no roosters) in the rear yard. All other applicable regulations of the County Code remain in force.
2. This conditional use permit applies only to 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 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. No later than July 31, 2026, 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.

Affirmative:	Broadway, Green, Massie, Lawrence	4
Negative:	Lawrence	0
Absent:	Johnson	1

641
642 **CUP-2026-100971 Bria Smith: conditional use permit to provide daycare for up to**
643 **12 children in the home at 8101 Asheville Court, Four Mile Run, Varina. Parcel 820-**
644 **687-8166. Zoning: R-2AC, One-Family Residence District (Conditional). Code**
645 **Section: 24-4402.**
646

647 Mr. Blankinship- Alright, Mr. Chair. The next case is conditional use permit
648 2026 number 100971 Bria Smith, a conditional use permit to provide daycare for up to
649 twelve children in the home at 8101 Asheville Court in the Four Mile Run subdivision, in
650 the Varina Magisterial District. Would everyone who intends to speak to this case please
651 stand and be sworn in. We do not have anyone on Webex for this case. Is that correct,
652 Webex staff? Applicant is not here, Bria Smith. None of the opponents are here. We
653 actually did have one email that was left on the table for you, two more that were received
654 late last night in opposition, so I was wondering if we would have anyone here in
655 opposition. I'm seeing nobody, Mr. Chair. So, do you want to carry this over to see if they
656 show up?
657

658 Mr. Lawrence- What's the pleasure of the board? I guess we should defer
659 this for another month and...
660

661 Mr. Green- Get a sense from Mr...
662

663 Mr. Broadway- We could see if the applicant shows up before the end of the
664 meeting.
665

666 Mr. Gidley - Could be traffic.
667

668 Mr. Lawrence- Okay, we'll do that, otherwise... Okay, we'll go ahead and
669 move forward then and we'll come back to this case at the end, Mr. Blankinship.
670

671 **CUP-2026-100988 Joshua Allen: conditional use permit to allow a carport in the**
672 **front yard at 3506 Harris Avenue, Pemberton Place, Fairfield. Parcel 802-734-3000.**
673 **Zoning: R-4, One-Family Residence District. Code Section: 24-4404.A.1.**
674

675 **VAR-2026-101011 Joshua Allen: variance from the front yard setback and**
676 **accessory structure setback to allow a carport in the front yard at 3506 Harris**
677 **Avenue, Pemberton Place, Fairfield. Parcel 802-734-3000. Zoning: R-4, One-Family**
678 **Residence District. Code Section: 24-3105.E.1 and 24-4404.A.6. The applicant has**
679 **a carport 8 feet from the front lot line and 3 feet from the dwelling where the Zoning**
680 **Ordinance requires 35 feet from the front lot line and 10 feet from the dwelling. The**
681 **applicant requests a variance of 27 feet front yard setback and 7 feet accessory**
682 **structure setback.**
683

684 Mr. Blankinship- Alright, the next two cases are companions. There's a
685 conditional use permit and a variance that are on essentially the same matter, so with
686 your permission, Mr. Chair, I'll call them both together. We'll hold one public hearing, but

we will need two separate motions and two separate votes. The first is conditional use permit 2026 number 100988, and the other is variance 2026 number 101011. In both cases, the applicant is Joshua Allen applying for a conditional use permit and a variance from the front yard setback and a variance from the accessory structure setback to allow a carport in the front yard at 3506 Harris Avenue in the Pemberton Place subdivision, in the Fairfield Magisterial District. Would everyone who intends to speak to this case please stand to be sworn in? Sir, if you would raise your right hand, do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth, so help you God?

Mr. Allen - Yes sir.

Mr. Blankinship - Thank you. Mr. Gidley.

Mr. Allen - You want me to say my name?

Mr. Blankinship - We'll be with you in just a second. We're going to hear from the staff and then from you.

Mr. Gidley- Thank you, Mr. Secretary. The subject property is located just east of Mechanicsville Turnpike and south of Laburnum. This is a picture of the property here. The applicant has a carport in the front yard, as you can see. He also has a total of about 14 cars parked on or in front of the property. This case came to the county's attention by way of complaints to the Department of Community of Revitalization. Let's see if I can show the concept plan. This is approximate. As you know, a carport or other accessory building needs to be located in the rear yard of the property. If it's located in the front yard, in addition to the conditional use permit, it needs to be at least 35 feet off the front property line and 10 feet from the house. The house itself is not 35 feet from the property line, so there's no way for an accessory structure to meet that 35-foot setback and the 10 feet from the house. The applicant could put it in the backyard, but as you can see, he already has a number of vehicles and has three accessory structures in the rear yard. The applicant also owns the property next door, which has many of the same issues as you see here today. As far as the variance is concerned, he stated the reason he needed it is because he has trouble with migraines and this provides easier access to the vehicles without being out in the sunlight for as long. He had a doctor's note, but the doctor's note noted a separate issue rather than the migraine, so staff is not sure what to make of that. The reality is, even if a threshold test is met, the applicant is required to meet all five subtests under state laws. Staff does not believe the first three are met. This is a self-created hardship, putting this up without the required permits. The applicant indicated he was told by a lady at the county he did not need permits. When I told him he needed a conditional use permit, he told me, oh that's what she told me, that he needed a conditional use permit. But obviously one was not obtained, and the shed went up in the front yard anyway, so staff believes it's a self-created hardship. Second subtest, there is a substantial detriment to nearby property. As noted, staff did receive complaints about this. If you look at it from the street, it is what it is, I guess. That is detrimental. You actually have a nice home across the street, so staff does believe has a substantial detrimental

733 impact in nearby property, and staff also believes the third subtest is not met as well. So,
734 for these reasons, since you have to meet all five subtests and staff believes three are
735 not met, staff is recommending denial of the variance. For much the same reasons, the
736 detrimental impact to the nearby property owners and the complaints received, staff
737 believes that conditional use permit should also not be approved. So, we're
738 recommending denial of these two cases. If you have any questions, I'll be happy to
739 answer those. Thank you.

740
741 Mr. Lawrence- Thank you, Mr. Gidley. Does anyone from the board have any
742 questions for Mr. Gidley?

743
744 Mr. Massie- Mr. Gidley, how many complaints did you receive?

745
746 Mr. Gidley- Do you have that number, Ben? It's the Department of
747 Community Revitalization.

748
749 Mr. Massie - Okay. But we don't know how many it was?

750
751 Mr. Gidley- No sir, I don't.

752
753 Mr. Massie - Was it more than three?

754
755 Mr. Gidley- For some reason, I don't know, for some reason three is in my
756 mind, but I don't know firsthand so I can't swear to that.

757
758 Mr. Green- Mr. Gidley, are all of the cars registered and up to date or are
759 they just sitting there?

760
761 Mr. Gidley- Well, some have had these antique tags put on them, which
762 exempts them from being inspected, but some of those looked inoperative, you know,
763 tires being flat or buried in the soil. There are inoperative vehicles in the rear yard that are
764 not licensed period, at least when I was out there on the site. So, some are legal and
765 some are inoperative.

766
767 Mr. Green- Well, just looking at this one white car, in fact a branch is
768 growing next to it. It looks like it's been sitting there for a while.

769
770 Mr. Gidley- Yes sir, as I said, some do not appear to be physically
771 operatable.

772
773 Mr. Green- What is, I mean. Does the applicant, and I guess he can
774 answer that, just collect cars, or is it a repair place or what is it? I mean what did you
775 ascertain?

776
777 Mr. Blankinship- Let's let the applicant...

778

779 Mr. Gidley- Yeah. Either that or the inspector.
780

781 Mr. Lawrence- Any other questions for Mr. Gidley? I did have a couple
782 questions, Mr. Gidley. Can you put up the schematic you had up earlier that shows the
783 arial view of the property? Yeah, that one.
784

785 Mr. Gidley - Yes sir.
786

787 Mr. Lawrence- Directly behind the property, is that an alley that goes behind
788 it?
789

790 Mr. Gidley- Yes sir.
791

792 Mr. Lawrence- Okay. And behind the alley, is that a tire disposal facility?
793

794 Mr. Blankinship- It's not a disposal facility, I'll answer for Mr. Gidley. That is
795 Mechanicsville Turnpike, is the next block there, and that is an auto repair business.
796

797 Mr. Lawrence- Are they allowed to keep tires out in the open like that
798 collecting water?
799

800 Mr. Blankinship- There are regulations of what they can and cannot do. They
801 have to be screened, there has to be limited to a certain number, they can only stack
802 them to a certain height. I will also say that if we don't have a complaint, we cannot take
803 enforcement action based solely on an aerial photograph. That's considered an
804 unreasonable search in court, so unless we can see it from the road or from somebody
805 else's property or we receive a complaint from somebody who can see it. It's very difficult
806 for the zoning staff to take enforcement action on these. Now, the fire marshal staff has
807 a different set of regulations and they may be able to do something if it gets to the point
808 where it becomes a fire safety concern. But in many cases there's very little or nothing
809 that we from a zoning perspective can do when we see a violation on an aerial photograph
810 and that's the only way we know about it.
811

812 Mr. Green- Excuse me, point of clarification. For practical purposes, I
813 don't want to get confused, could we just stick specifically for this guy's property? You're
814 getting into that. That could lead people to believe that there's confusion and going on
815 with this guy's property related to those tires and that's another issue. I understand what
816 you're saying, but I just want to stay.,,
817

818 Mr. Lawrence- I just wanted that for my own clarification, Mr. Green, because
819 we had, we had this up on the screen and, it just raised a question, I guess. We've raised
820 a complaint about this property, and I've got, you know, maybe more concerns about the
821 one behind it.
822

823 Mr. Blankinship - I shouldn't have spoken so long. I apologize.
824

825 Mr. Lawrence- We'll raise that question another time. I did have one more
826 question, Mr. Gidley. Do we know what those other structures are in the rear of the
827 property? It looks like we've got what, maybe three other structures on the property?
828

829 Mr. Gidley - Yes sir.
830

831 Mr. Lawrence- Okay, are those all in compliance with the county zoning
832 ordinance?
833

834 Mr. Gidley- It looks borderline as far as the one-third coverage
835 requirement in the rear yard. I'm not going to go with the aerial as far as setbacks. I did
836 not enter his rear yard, I went back to the fence there to where I could see there were
837 vehicles that were not tagged in the rear yard and more inoperative vehicles there.
838

839 Mr. Lawrence- But the complaints we received were just pertaining to the
840 carport, not anything to do with the rest of the property, is that correct?
841

842 Mr. Gidley- I believe it was regarding the property as a whole, I can let the
843 inspector correct me if I'm wrong. Is that correct?
844

845 Mr. Anthony Anderson (Inspector) - Correct.
846

847 Mr. Gidley - Okay, so the inspector just confirmed it was the property as
848 a whole.
849

850 Mr. Blankinship - Okay. The only issue before this board is the carport.
851

852 Mr. Lawrence- Gotcha, thank you. Any other questions for Mr. Gidley?
853 Hearing none, we will hear from the applicant now. Sir, go ahead.
854

855 Mr. Allen- State my name?
856

857 Mr. Lawrence- Yes sir.
858

859 Mr. Allen- My name is Joshua McDonald Allen.
860

861 Mr. Blankinship - Can you tell us what you're applying for?
862

863 Mr. Allen - I'm applying for a permit for my carport that's already there. I'd like to read
864 a letter from the Department of Veterans Affairs and I'm a United States Marine Corps
865 veteran, on disability. I'm writing on behalf of Mr. Allen, who is a patient in the neurology
866 clinic at the Hamilton Homes McGuire Medical Clinic. He has been under the care of the
867 clinic since 2019. I was most recently seen on March 24. I'm contacting you to request
868 that Mr. Allen's carport remain in the current original location due to his medical condition
869 making him a high risk for recurrent falls. Thank you for your understanding, Dr. Mihran
870 Ozbalik, MD.

871
872 Mr. Lawrence - Okay, thank you sir. Does anyone from the board have
873 questions?
874
875 Mr. Massie - I have a question. I'm trying to relate the carport to your health.
876 Explain that a little bit more.
877
878 Mr. Allen- I use the carport to house the car that I use to go to church.
879 I'm a maker of ancient biblical instruments. I sung for Governor Gilmore's inauguration
880 and his request for me to play a horn and sing. And to make a long story short, I need the
881 carport there so that I will be able to go to church and not have a risk for falls.
882
883 Mr. Green- Are you saying because it's close to the house?
884
885 Mr. Allen- Close to the house. Yes, sir. They asked me about putting it
886 in the back, but there's an alley in the back and the businesses in the back keep the alley
887 blocked up, but there wouldn't have been no way to access it.
888
889 Mr. Lawrence- Could it be put to the side?
890
891 Mr. Broadway- Mr. Allen, why do you have so many cars on your properties?
892
893 Mr. Allen - They are all antiques. All the ones in front are tagged, legal.
894 We had a tremendous ice storm over the winter. There was no way to go out and start
895 them, but I'm in process of making sure that they're... They all start and run, but because
896 of the ice down all the batteries are dead. But they are all legally tagged and I pay
897 insurance on all of them.
898
899 Mr. Green- Mr. Allen, it looks like to me, it looks like in order to get to the
900 car that's underneath the carport, you've got to move three or four other cars to get to
901 them, but it also looks like those cars, those two red trucks looks like are parked on your
902 yard, or is that a driveway?
903
904 Mr. Allen- They're parked in the yard, but they are not parked there all
905 the time, sir. It just so happened when whoever came and inspected it, they were there.
906
907 Mr. Green- So where are they parked?
908
909 Mr. Allen- On the street.
910
911 Mr. Green- So in order to get your car out of the carport, you have to drive
912 across your yard to pull a car out of the carport, not a driveway, not a paved driveway.
913
914 Mr. Allen- That's correct. I see no difference in a paved driveway and the
915 yard.
916

917 Mr. Green- Well, I guess my concern is how many people really park,
918 driving their cars across the yard to get to a carport. Typically, what I've seen is that there's
919 a carport, a driveway, a paved driveway, a brick or a rocked driveway. This is just the first
920 time I've seen someone put a structure in front of the house and you're driving across the
921 yard to get to the structure. I'm just trying to understand.
922

923 Mr. Allen- The driveway directly behind that red truck there, there's a
924 driveway right there. There's usually no cars, the truck, those two trucks there are usually
925 not there's and people are all up and down the street, park on the street, it's not just me.
926

927 Mr. Green- Mr. Gidley, I guess in order to put that unit there, would he
928 need to have gotten a building permit to put it there or can you just put a carport up like
929 that?
930

931 Mr. Gidley- If it's over, what is it 250 square feet, Ben, that you need a
932 building permit? Obviously, you need a conditional use permit to put it in the front yard,
933 which the applicant told me he had been told.
934

935 Mr. Allen- The lady's name was Amy. And she told me there was some
936 type of problem with the builder and the builder was at from what I understood at the
937 same day. And, she said well what actually happened is the builder put it down in the
938 wrong place. And he wouldn't move it. And so, that's when I found out that you had to
939 have a building permit. I didn't realize that I needed a permit when it was originally put
940 up, but I contacted the proper authorities about it and they said that I wouldn't need if it
941 was not compliant. So, I called her up and Amy, she asked me how far it was from the
942 house, and I told her and she asked me how far it was from the road. And I told her, she
943 said "Well if you and the builder can work it out, you won't need a permit." And her name
944 was Amy.
945

946 Mr. Green- But with all due respect, Amy may have said that, but we've
947 got to go by ordinances rules and laws, so she may have been incorrect, but now we
948 we're trying to get this matter corrected. So, you know.
949

950 Mr. Lawrence- Any other questions from the board for Mr. Allen before we
951 hear from the public? Okay, thank you, Mr. Allen. At this time, we will open up the public
952 hearing and see if there's anyone in the audience or on Webex that wishes to speak in
953 support of this case. And hearing none we will ask if there's anyone in the audience or on
954 Webex that wishes to speak in opposition to this case.
955

956 Mr. Blankinship- There is one person on Webex and I do not know whether
957 they're in opposition or support. Okay. Alright, staff, can we connect, is it Rickitta
958 Langhorne? And I'll also note why we have a pause that Ms. Smith, the applicant for the
959 previous case, has now joined on Webex. So, we can go back to that afterwards. Staff,
960 can we hear from Ms. Langhorne?
961

962 Ms. Langhorne- Good morning, everyone.

963
 964 Mr. Blankinship - Good morning.
 965
 966 Ms. Langhorne - Yes, I am a neighbor of Mr. Allen and I am in support of the
 967 carport. I've lived near Mr. Allen for many years going on about four years now and he
 968 has definitely been a good neighbor; it never caused any issues or disturbances with me
 969 or any that I am aware of. I am the nice house across the street as the gentleman stated
 970 and thank you. I don't have any issues as I stated. I feel it hasn't negatively impact my
 971 property and Mr. Alan as he stated, he does use the carport, you know, for his cars or if
 972 he may need to go out there and do anything to the car, he's up under there and a
 973 gentleman of Mr. Allen's age, I don't believe should be out in the sun working on cars. If
 974 he has to go under there and do anything or get to any of his cars, that's fine by me. We
 975 do live on a dead end street, so a lot of people park their cars on the street. It's not
 976 uncommon on our street. So, if you don't live on this street or if you don't work at
 977 Strange's, you wouldn't necessarily have to come down the street. So, like I said it doesn't
 978 bother me. I'm directly across the street from him. You know, I see him, we speak, you
 979 know, we talk about the day or the weather or anything of that nature, but I feel, you know,
 980 with it being his property, we don't live in a HOA. He can do whatever he wants. Like to
 981 do to his property. The gentleman was speaking to say about his driveway, a lot of us on
 982 the street don't have paved driveways. It's just grass and gravel basically. So, I tend to
 983 drive across my grass from time to time if I need to go through the back or get something
 984 from my sheds, so it's not uncommon to see a car parked on the line, in the driveway, on
 985 the street, in front of the mailbox, what have you. So that's just coming around here. Me
 986 personally, I don't see an issue with him having it in his yard where it is. Like I said, it
 987 would most likely directly affect me because it's right across from me or his cars may
 988 directly affect me if I'm coming in my driveway and leaving out my driveway, but it does
 989 not. So, I actually am in support of him keeping his carport where exactly it is.
 990
 991 Mr. Blankinship- Thank you for taking the time to join us this morning.
 992
 993 Ms. Langhorn- No problem, you're welcome.
 994
 995 Mr. Green- Well, yeah, no questions but comment. It is not uncommon for
 996 people to park cars on streets. That's just the way life is. But it is somewhat unique to see
 997 a carport in front of a house, not on the side or in the back. So, and I know that the last
 998 speaker said that it is his property and he should be able to do what he wants to do, but
 999 that's the whole purpose of this. You can do whatever you want to do within the guidelines
 1000 that the county, state and federal entities have approved. And so that's the whole purpose
 1001 of this. I respect his service; I respect what he's done. What he continues to do, but, you
 1002 know, and the fact that it is on a cul-de-sac or dead end, you know, that's noted, but it's
 1003 just a carport in front of a house that is somewhat unusual. And for that I'm not going to
 1004 be supportive of this.
 1005
 1006 Mr. Lawrence- Thank you, Mr. Green. Any other discussion by the board?
 1007

1008 Mr. Broadway- I might be less concerned about the carport than the number
 1009 of vehicles in the yards, but I guess that's not the issue before us. It's out of our jurisdiction
 1010 for the moment.
 1011

1012 Mr. Lawrence - Yeah, we're strictly the carport.
 1013

1014 Mr. Gidley - Yes sir, carport.
 1015

1016 Mr. Broadway- Alright, well, how does this case relate to the next one?
 1017

1018 Mr. Blankinship- The variance and the conditional use permit are companions
 1019 in the sense that he has to have the variance to have the carport within 35 feet of the
 1020 street or within 10 feet of the house and it is both. He also needs the conditional use
 1021 permit to put it in the front yard. So, if either case is denied, the other becomes moot.
 1022

1023 Mr. Broadway- I see. Okay.
 1024

1025 Mr. Green- Another reason, I just don't want this to set a precedence that
 1026 people can think that once we've grant approval for this, then everybody else can say, I
 1027 can do the same thing, I just have to take a stand on that one.
 1028

1029 Mr. Allen - Can I say something, sir?
 1030

1031 Mr. Gidley- They've closed the hearing.
 1032

1033 Mr. Blankinship- Questions, does the board have questions?
 1034

1035 Mr. Lawrence - Do you want to hear from the applicant again or not?
 1036

1037 Mr. Green- No.
 1038

1039 Mr. Broadway - Oh sure, I think we should let him speak. Comments, right?
 1040

1041 Mr. Lawrence - Sir, so you can go up.
 1042

1043 Mr. Allen- I'd like to say if you patrolled our neighborhood, there's
 1044 buildings and carports all around in various places, some in front, some on the side. I
 1045 don't see why my property was targeted when it's everywhere. This is not a community
 1046 that's got I guess you called some sort of rule association. You got carports and things
 1047 everywhere.
 1048

1049 Mr. Blankinship- I can speak to that, sir. The reason why you were, as you say,
 1050 targeted, is because we received specific complaints about your property. So when we
 1051 receive a complaint, we have a responsibility to follow up on it. And we did review the
 1052 neighborhood and there are no carports in the front yard in your neighborhood except
 1053 your two, your house and the one next door.

1054
1055 Mr. Allen- Well, what do you consider my neighborhood, just my street?
1056
1057 Mr. Blankinship- The subdivision is what I went by. The Pemberton Place
1058 subdivision.
1059
1060 Mr. Allen- I mean all around my...
1061
1062 Mr. Blankinship- There are others in the county, yes sir. But there are none in
1063 Pemberton Place.
1064
1065 Mr. Lawrence - Okay, any other discussion on this? Do you have any
1066 questions? All right. Thank you, Mr. Allen. Is there any other discussion from the board
1067 or are we ready for a motion on this case?
1068
1069 Mr. Massie - Yeah. I'm ready for motion?
1070
1071 Mr. Lawrence - Yes sir.
1072
1073 Mr. Massie- I move we deny the conditional use permit. The carport is too
1074 close to the street and the house, and it is out of character with the rest of the
1075 neighborhood.
1076
1077 Mr. Lawrence- We have a motion by Mr. Massie to deny the case. Is there a
1078 second?
1079
1080 Mr. Green- Second.
1081
1082 Mr. Lawrence- Second by Mr. Green. All in the favor of the motion say "Aye."
1083 Is there anyone opposed? Hearing none, the motion carries and this case is denied.
1084
1085 On motion by Mr. Massie, seconded by Mr. Green, the Board **denied case CUP-2026-**
1086 **100988.**
1087
1088
1089 **Affirmative: Broadway, Green, Massie, Lawrence 4**
1090 **Negative: Lawrence 0**
1091 **Absent: Johnson 1**
1092
1093
1094 Mr. Massie- The second one. The front yard setback is reasonable as
1095 applied to this lot. The accessory structure setback is reasonable and necessary for
1096 safety. The carport has a detriment impact on nearby property and is likely to affect
1097 property values.
1098

Mr. Lawrence- Mr. Massie , before we go forward. We're required to hear from the public before we take action on the variance?

Mr. Blankinship- No, I clearly stated we were going to hold one public hearing for both cases.

Mr. Lawrence- I'm sorry. I missed that. Thank you, Mr. Massie, is there a second?

Mr. Green- Second.

Mr. Lawrence- A second by Mr. Green. All in favor of the motion to deny the variance, say "Aye." Is there anyone opposed? Hearing none, the variance is denied.

On a motion by Mr. Massie, seconded by Mr. Green, the Board **denied case VAR-2026-101011.**

Affirmative:		0
Negative:	Broadway, Green, Lawrence, Massie	4
Absent:	Johnson	1

CUP-2026-100971 Bria Smith: conditional use permit to provide daycare for up to 12 children in the home at 8101 Asheville Court, Four Mile Run, Varina. Parcel 820-687-8166. Zoning: R-2AC, One-Family Residence District (Conditional). Code Section: 24-4402.

Mr. Blankinship- Alright, Mr. Chair, as I mentioned, we do have Ms. Bria Smith on on Webex now, so we'll return to conditional use permit 2026, number 100971. Bria Smith, the conditional use permit to provide daycare for up to twelve children in the home at 8101 Asheville Court, Four Mile Run in the Varina Magisterial District. I also mentioned that we left one email on the table for you that was received after the packages were mailed. We also received two last night after 09:00 p.m.. So, I apologize. Those have not been printed for you, but there were two other statements in opposition. Alright, Webex staff, can we, oh, well let's hear from Mr. Gidley first. Go ahead.

Mr. Gidley- Thank you, Mr. Secretary. The subject property is located in the Four Mile Run subdivision, which is near Interstate 295 on New Market Road. The applicant currently cares for up to five children, similar to the previous daycare case, she would like to bump that up to twelve children. And for that reason, she does need a conditional use permit. This is a picture of her home here, as you can see it's a large home with a sizable front yard. Family day homes do provide childcare options for people in their own neighborhood and they can be an asset to the community. If you look at the rear yard of the subject property, it is fenced and there is a privacy screen along the rear yard, so from that perspective staff believes it's a safe and appropriate place for yourig

1145 children to play. As a result, based on these findings, as long as she has the children
1146 picked up and dropped off in her own driveway, we can recommend approval subject to
1147 the conditions in your staff report. If you have any questions, I'll be happy to answer those.
1148 Thank you.

1149
1150 Mr. Lawrence- Thank you Mr. Gidley, any questions from the board for Mr.
1151 Gidley. Hearing none then we will hear from the applicant who is on Webex. Is that
1152 correct?

1153
1154 Mr. Blankinship- That's correct, Ms. Smith. Staff, can we hear from Ms. Smith?
1155 Ms. Smith, we're not hearing you. Are you on mute by any chance?

1156
1157 Ms. Smith- Hello, I'm here. Good morning.

1158
1159 Mr. Blankinship- Good morning.

1160
1161 Ms. Smith- Yeah, so of course it's my passion to provide affordable care
1162 for the community, not just quality, but affordable as well. And so, I would like to just be
1163 able to provide care for more children. I actually have some clients that are in my
1164 neighborhood that are looking for care. One neighbor lives like diagonally across the
1165 street from me. So, I do think that being able to provide care for more children will be an
1166 asset to my community. I do keep the kids, you know, I rarely take them like they, we
1167 always, when we play, we play in the backyard. I never take them like on the streets or
1168 anything, so, they're always pretty safe, within the backyard.

1169
1170 Mr. Lawrence- Okay, thank you Ms. Smith. Anyone from the board
1171 have any questions for Ms. Smith? Okay, hearing none, we will then open the public
1172 hearing. Is there anyone in the audience or on Webex that wishes to speak in support of
1173 this case? Hearing none, is there anyone in the audience or on Webex that wishes to
1174 speak an opposition to this case?

1175
1176 Mr. Blankinship- There was no one else on Webex for this case.

1177
1178 Mr. Lawrence- Okay, did you mention, Mr. Blankinship, that we received
1179 some emails in opposition?

1180
1181 Mr. Blankinship- Yes sir. There is one that was left on the table for you this
1182 morning, and the two that were received last night that, I apologize, we have not had an
1183 opportunity to print. They're not that different. If you're interested in my view, they raised
1184 some great concerns. These are all issues that a person who operates a family day home
1185 has to be aware of. Ms. Smith has been operating her home for years with fewer children,
1186 and I'm sure is aware of them and many of these are issues for the licensing agency,
1187 which is the Department of Education. And you know, they inspect these family day
1188 homes on a regular basis and they make sure that people are following all those
1189 regulations, so. We appreciate people pointing out that there are, you know, complex
1190 regulations of these matters, but of course we've taken that into account.

1191 Mr. Lawrence- Do we know if there's been any complaints about the daycare
1192 center from residents?
1193

1194 Mr. Blankinship- No sir. The only response we got was when we notified people
1195 of the public hearing. How long has she been operating? Ms. Smith, how long have you
1196 operated at that location?
1197

1198 Ms. Smith- I've operated for a year. On May 19 of this year, but of course
1199 I only had, four kids including my own, which makes that five. Yeah.
1200

1201 Mr. Lawrence- Okay. Questions from other board members? Any discussion
1202 by other board members? Are we ready for a motion on the case? Mr. Johnson is not
1203 here today, so does someone else on the board wish to make a motion?
1204

1205 Mr. Green - Yeah.
1206

1207 Mr. Broadway- Well, one of us. I would move that we approve this conditional
1208 use permit subject to the conditions recommended by the staff. It's consistent with the
1209 comprehensive plan and the zoning ordinance. Family day homes provide an important
1210 service to the neighborhood and the licensing agency will address the issues raised by
1211 the neighbor.
1212

1213 Mr. Lawrence- Okay, we have a motion by Mr. Broadway to approve this
1214 request. Is there a second to the motion?
1215

1216 Mr. Massie- Second.
1217

1218 Mr. Lawrence- Second by Mr. Massie. All in favor say "Aye." Is there anyone
1219 opposed? Hearing none, the motion carries and this request is approved.
1220

1221 On a motion by Mr. Broadway, seconded by Mr. Massie, the Board **approved case CUP-**
1222 **2026-100971** subject to the following conditions:
1223

- 1224
- 1225 1. This conditional use permit authorizes a large family day home for up to 12
1226 children. All other applicable regulations of the County Code remain in force.
1227
 - 1228 2. This conditional use permit applies only to the existing improvements on the
1229 property. Any additional improvements must comply with the applicable
1230 regulations of the County Code.
1231
 - 1232 3. Hours of operation are limited to Monday through Friday, 7:00 am to 6:00 pm.
1233
 - 1234 4. Drop-off and pick-up times must be staggered to avoid congestion in front of the
1235 dwelling.
1236

5. Vehicles associated with the family day home must not park on the right-of-way of Asheville Court or Heather Ridge Drive. This includes parking for the purpose of dropping off or picking up children, as well as employees of the family day home.

Affirmative:	Broadway, Green, Massie, Lawrence	4
Negative:	Lawrence	0
Absent:	Johnson	1

VAR-2026-100752 Jung Moon: variance from the lot area requirement and lot width requirement to build a single-family dwelling at 1707 Pump Road, Tuckahoe. Parcel 741-746-8324. Zoning: A-1, Agricultural District. Code Section: 24-3204.D. The applicant has 0.77 acre lot area and 138 feet lot width where the Zoning Ordinance requires 1 acre lot area and 150 feet lot width. The applicant requests a variance of 0.23 acre lot area and 12 feet lot width.

Mr. Blankinship- Alright, Mr. Chair, we're gonna jump back into the variances now. This next case is variance 2026 number 100752, Yung Moon, a variance from the lot area requirement and lot width requirement to build a single-family dwelling at 1707 Pump Road in the Tuckahoe Magisterial District. Will everyone who intends to speak to this case, please stand and be sworn in. Your right hands, please. Do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth, so help you God? Thank you, Mr. Gidley.

Mr. Gidley- Mr. Broadway, you're popular today in Tuckahoe. Thank you, Mr. Secretary. The subject property is located on the east line of Pump Road just north of Gayton Road or northeast of the Gayton Library. This was originally a 12.7-acre parcel that was divided in 1972. In November of 1990, the board approved a variance to allow a dwelling on the property. The current owners were the contract purchasers at the time and brought the property as two lots. And that includes the lot down here at the corner of Gayton and Pump, and then this lot up here that's the subject of today's request. While they moved into the house on the corner, they did not build second dwelling on this lot, and the variance subsequently expired. They have indicated they would like to relocate to the new lot in a new dwelling that would allow them to age in place better than the current dwelling would. Looking at the threshold tests, staff believes the first test can be met. While they did not meet the requirements of the A-1 district at the time, the lot has been vacant for over 50 years and the previous approval by this board indicated that it felt at the time that it was unreasonably restricted. As noted in your staff report, staff believes the five subtests are met by the applicant as well. As a result, we are recommending approval of this request, subject to the conditions in your staff report. If you have any questions, I'll be happy to answer those.

Mr. Lawrence- Thank you, Mr. Gidley. Any questions from the board? I did have one question, Mr. Gidley.

1283 Mr. Gidley- Yes, sir.
 1284
 1285 Mr. Lawrence- Yes, sir. It appears that all the zoning adjacent to this property
 1286 is R-2, so you've got this A-1 property that's kind of in an area that's been, you know,
 1287 developed over time. Was there any discussion with the property owner about, asking for
 1288 requesting a rezoning of the property?
 1289
 1290 Mr. Gidley- Yes sir, that that came up actually. Oftentimes we would
 1291 rather have property rezoned when the applicant touches base. About doing that, there
 1292 was concern expressed about just taking one small lot and rezoning just that, rather than
 1293 a comprehensive rezoning. So, the decision was made that the variance, particularly
 1294 given the prior approval, was probably the appropriate way to go.
 1295
 1296 Mr. Lawrence- Okay. Alright, thank you. Any other questions for Mr. Gidley?
 1297 Okay, I'm hearing none, then we will hear from, is it Mr. Moon or Ms. Moon? Thank you.
 1298
 1299 Mr. Bekanich- Good morning, everyone. Jason Bekanich B E K A N I C H.
 1300 These are my cousins here. Everything that I had prepared to say, you guys pretty much
 1301 covered it. So, we already had a precedent set in 1990. We looked at the zoning as well.
 1302 There's five properties that are A-1 in that area and they have two of them. The other
 1303 one's a library and the other three of them are all under the one-acre requirement except
 1304 for the one. So, there's one that's actually meeting the A-1 requirements as they stand.
 1305 So yeah, so R-2, you know, if we did go to rezone it. It would be that one problem that
 1306 you're rezoning the one, it would meet all the requirements at that point as only half an
 1307 acre is required. So did have more to say, but it sounded like Mr. Gidley and the board
 1308 have already kind of covered most of the points and same points that I had, so I do
 1309 appreciate it. That makes my job a little bit easier.
 1310
 1311 Mr. Lawrence- Thank you, sir, can you spell your name again?
 1312
 1313 Mr. Bekanich- Jason Bekanich. B E K A N I C H.
 1314
 1315 Mr. Lawrence- Yeah, okay. Thank you, sir. Anyone else from the board have
 1316 questions?
 1317
 1318 Mr. Green- Well, the only thing I have to say is that I'm familiar with the
 1319 Moons. I'm a customer of theirs because they have an excellent leather shop. I've gone
 1320 in for multiple repairs, they've never discussed any of this with me. Because of where I
 1321 live, I see them drive by my house every day, so I would like to support this, but I want to
 1322 disclose that. I am a customer there, so I hope that doesn't impose a conflict. So, I'm
 1323 putting it out there, full disclosure.
 1324
 1325 Mr. Lawrence- Appreciate it. Thank you, sir.
 1326
 1327 Mr. Broadway- Well, yeah, I would say that this is my extended neighborhood,
 1328 and I have driven down this part of Pump Road literally hundreds of times. And I've often

1329 wondered why there were all those trees there and there's not a house from the property.
 1330 Now I think I have an understanding of that. Based on the staff recommendations and the
 1331 testimony, I would move that we approve this variance subject to the conditions
 1332 recommended by the staff. The lot was approved by the board in 1990. There's no other
 1333 reasonable use for the lot, the property is otherwise suitable for a dwelling, and the
 1334 proposed dwelling will certainly fit into the surrounding neighborhood.
 1335
 1336 Mr. Lawrence- We have a motion by Mr. Broadway to approve the variance.
 1337 Is there a second to the motion?
 1338
 1339 Mr. Gidley- If I could I don't think you opened it up to any public comment
 1340 earlier.
 1341
 1342 Mr. Blankinship - For the record.
 1343
 1344 Mr. Lawrence- I'm sorry. I forgot to ask for public comments. Is there anyone
 1345 in the audience or on Webex that wishes to speak in support of the case?
 1346
 1347 Mr. Blankinship- There is no one on Webex.
 1348
 1349 Mr. Lawrence- Is there anyone in the audience or on Webex that wishes to
 1350 voice opposition to the case? My apologies for jumping around you.
 1351
 1352 Mr. Broadway- Yes, thanks, Mr. Gidley, for keeping us in the line.
 1353
 1354 Mr. Lawrence- Yeah, thank you, Mr. Gidley.
 1355
 1356 Mr. Blankinship - So we have a motion. Is there a second?
 1357
 1358 Mr. Massie- Second.
 1359
 1360 Mr. Lawrence- Second by Mr. Massie.
 1361
 1362 Mr. Green- So can I vote knowing that?
 1363
 1364 Mr. Blankinship- Yes. Yes, you've disclosed your own relationship, which is not
 1365 disqualifying.
 1366
 1367 Mr. Lawrence- So we have a motion by Mr. Broadway, seconded by Mr.
 1368 Massie. All in favor say "Aye." Is there anyone opposed? No? The variance is approved.
 1369
 1370 Mr. Broadway- And one comment that I made, this is not a condition of the
 1371 approval, but when you do build, it would certainly be nice if you could leave some of the
 1372 trees.
 1373

1374 Mr. Bekanich- If you've seen the front yard of the other home, they have
1375 plenty of trees.

1376
1377 Mr. Blankinship- Alright, thank you.

1378
1379 Mr. Bekanich- Thank you very much.

1380
1381 On a motion by Mr. Broadway, seconded by Mr. Massie, the Board approved case VAR-
1382 2026-100752 subject to the following conditions:

- 1383
1384 1. This variance applies only to the lot area and lot width requirements for one
1385 dwelling only. All other applicable regulations of the County Code remain in force.
1386
1387 2. This variance applies only to the dwelling shown on the plot plan and building
1388 design filed with the application. Any substantial changes or additions to the design
1389 or location of the dwelling will require a new variance. Any additional improvements
1390 must comply with the applicable regulations of the County Code.
1391
1392 3. Before beginning any clearing, grading, or other land disturbing activity, the
1393 applicant must obtain approval of an environmental compliance plan from the
1394 Department of Public Works. The applicant may be required to analyze and
1395 provide solutions to minimize drainage impacts on downstream properties. Corps
1396 of Engineers and DEQ permits may be required.
1397
1398 4. Any dwelling on the property must be served by public water and sewer.
1399
1400 5. The applicant must obtain a building permit for the proposed single-family dwelling
1401 within two years of the date of approval (by May 28, 2028) or this variance will
1402 expire. After that date, if the building permit is cancelled or revoked due to failure
1403 to diligently pursue construction, this variance will expire at that time.
1404
1405

1406	Affirmative:	Broadway, Green, Lawrence, Massie	4
1407	Negative:		0
1408	Absent:	Johnson	1

1409
1410
1411 Mr. Blankinship- The last variance before we move on to the appeals...

1412
1413 **APP-2026-100767 Duncan H. MacPherson: appeal a notice of violation at 10748 and**
1414 **10798 Greenwood Road, Fairfield. Parcels 777-768-9356 and 778-768-2615. Zoning:**
1415 **A-1, Agricultural District. Code Section: 24-2320.**

1416
1417 Mr. MacPherson - Ben.

1418
1419 Mr. Blankinship- Yes.

1420
1421 Mr. MacPherson - Sorry to interrupt. Can I get mine deferred, because I'm not
1422 doing good. I've been sick for a couple days now.

1423
1424 Mr. Blankinship- Oh, you're Mr. MacPherson. Yeah. All right. I guess we can
1425 pause? Mr. Chair, there's been a request to defer appeal 2026 number 100767 Appeal
1426 by Duncan H. MacPherson of a notice of violation regarding property at 10748 and 10798
1427 Greenwood Road in the Fairfield Magisterial District. Is there anyone here this morning
1428 who intended to speak to this case? Anyone with interest in the Greenwood Road case?
1429 There is no one on Webex. I guess it's at the pleasure of the board.

1430
1431 Mr. Lawrence - Mr. Massie, what's your...

1432
1433 Mr. Blankinship - Well, Mr. Gagnon may have a...

1434
1435 Mr. Gagnon - Here for the Director, we have no opposition.

1436
1437 Mr. Massie- Yes. I believe that we should defer this case to next month's
1438 meeting

1439
1440 Mr. Lawrence- We have a motion by Mr. Mr. Massie to defer.

1441
1442 Mr. Green - Second

1443
1444 Mr. Lawrence - Seconded by Mr. Green, and what was that date again, Mr.
1445 Blankinship?

1446
1447 Mr. Blankinship- June 25th

1448
1449 Mr. Lawrence- To the June 25, 2026, meeting. All in favor of deferral say
1450 "Aye." Is there anyone opposed? No. The motion carries and the case is deferred.

1451
1452 On a motion by Mr. Massie, seconded by Mr. Green, **the Board deferred case APP-**
1453 **2026-100767 to the June 25, 2026 public hearing.**

1454
1455
1456 **Affirmative:** Broadway, Green, Lawrence, Massie 4
1457 **Negative:** 0
1458 **Absent:** Johnson 1

1459
1460
1461 **VAR-2026-100964 Ginger Rutherford: variance from the rear yard setback to build**
1462 **a screened porch and roof at 3708 Meadow Run Court, Meadow Farms, Brookland.**
1463 **Parcel 764-768-4878. Zoning: R-2C, One-Family Residence District (Conditional).**
1464 **Code Section: 24-3307.D. The applicant has 33 feet rear yard setback where the**

Zoning Ordinance requires 45 feet rear yard setback. The applicant requests a variance of 12 feet rear yard setback.

Mr. Blankinship- Thank you. Alright, so the last variance is 100964 Ginger Rutherford. A variance from the rear yard setback to build a screened porch and roof at 3708 Meadow Run Court in Meadow Farms in the Brookland Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hand, please. Do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth, so help you God? Thank you. Mr. Chair, I'll call your attention to two emails in support of this application that were left on the table this morning. That is in addition to the five emails in support that were included in the agenda packet. Mr. Gidley?

Mr. Gidley- Thank you, Mr. Secretary. The subject property is located just southeast of the intersection of Mountain and Staples Mill Roads. As you can see here, the applicant recently built a screen porch over a portion of their deck and added a roof over another portion of that same deck. Finally, they added a pergola that's partially in the side yard. This work was done without a building permit and that resulted in a complaint. The rear yard setback on this property is required to be 45 feet. The screen porch extends within 34 feet of the rear lot line. The uncovered portion of the deck, which may extend 10 feet into the setback to 35 feet actually extends within 24 feet. As a result, the applicant has applied for a variance. I would note that proffers do require brick foundations for the home and so for a screen porch that would require the peers to be clad and brick.

Although not part of this request, as I mentioned earlier, there is a pergola in the side yard. The building code requires a structure to be 5 feet from the property line. The zoning violation could be corrected by meeting the setback and obtaining a building permit for that. In reviewing the request, the applicant is mentioning a medical issue that required her to go ahead and screen the porch and to provide shade over, a portion of the deck. In the past, the board has approved variances with the idea that someone with a disability should have the same access to their deck or to the outdoors as someone who is not disabled. And so, by going ahead and approving a variance to keep the person out of the sun, that could be viewed as accommodating a disability, so there is some history of this board making that exception for somebody. If the board concurs, then you look at the five subtests. Staff believes these are basically met. While the applicant did not get a building permit which she's responsible for, she's obviously not responsible for a medical condition, which would require a reasonable modification. Staff believes the conditions of approval, which would require her to go ahead and get a building permit for the pergola, would address that issue. There have been a number of letters from the neighbors and they've been in support. My understanding was the complaint focused mainly upon not having the required permits rather than the actual impact. As a result, staff is recommending approval subject to the conditions in your staff report. If you have any questions, I'll be happy to answer those.

1510 Mr. Lawrence- Thank you Mr. Gidley. I have a few questions. Any
 1511 other questions from the Board of Mr. Gidley? Questions, Mr. Gidley. So the variance
 1512 request, is that for the porch or for the deck, or for both?
 1513
 1514 Mr. Gidley - It would need to be for both.
 1515
 1516 Mr. Lawrence- Okay. The staff report says the deck extends 24 feet from the
 1517 property line. To me, maybe I'm eyeballing it wrong, to me it doesn't look like a deck, it
 1518 looks like a patio. Am I looking at that? I did go by the property too, and if it's a deck, it
 1519 must be a pretty low lying deck because...
 1520
 1521 Mr. Gidley - It's the old story, if you are going back to when we both had
 1522 darker hair and worked for the county. The old story was if you step up onto it then it's not
 1523 viewed as a patio.
 1524
 1525 Mr. Lawrence - So could have one foot step up and technically that is
 1526 considered a deck and not a patio.
 1527
 1528 Mr. Gidley - Yes sir. Yes, sir
 1529
 1530 Mr. Lawrence - And there's a swimming pool in the rear yard too. That looks
 1531 like it's probably closer to the property line than the deck or the porch. I'm assuming that
 1532 meets, went through the proper county channels when that was constructed and located.
 1533
 1534 Mr. Gidley- I believe it did. I didn't check on it.
 1535
 1536 Mr. Blankinship- Yes, there were building permits from 2021.
 1537
 1538 Mr. Lawrence- How far is the pergola from the property line? Looking at it and
 1539 looking at the property line, that pergola is pretty close.
 1540
 1541 Mr. Gidley- Yeah.
 1542
 1543 Mr. Lawrence- It kind of stands out honestly, but it looks like it's pretty close
 1544 to the line.
 1545
 1546 Mr. Gidley- Yeah, if the neighbor's fence is accurate, one corner was 2.1
 1547 feet off the property line, the other corner was 1.6 feet off the property line.
 1548
 1549 Mr. Lawrence- Okay, have you had conversations with the applicant about
 1550 moving that to comply with the code?
 1551
 1552 Mr. Gidley- Not other than what's in the staff report that was sent to the
 1553 applicant.
 1554
 1555

1556 Mr. Lawrence- I know the porch and deck were initially built without a building
 1557 permit. Have they now gotten the proper permits?
 1558

1559 Mr. Gidley- She has applied for a building permit for those, but obviously
 1560 she needs variance approval before the building permit can move forward.
 1561

1562 Mr. Lawrence- Okay, thank you. Any other questions from the board to Mr.
 1563 Gidley? We will hear from the applicant now. You are Ms. Rutherford?
 1564

1565 Ms. Rutherford- Yes, my name is Ginger Rutherford, and I guess one thing to
 1566 clarify, I'm actually not asking for a variance for the deck. It was there when I bought the
 1567 home. So, the whole deck was already there. I just redid the boards. I did this, but that
 1568 whole portion was there and I sent the image of that.
 1569

1570 Mr. Lawrence- Okay. Stop for just a second. So, Mr. Gidley, that's raised an
 1571 interesting question. So, how do we handle that?
 1572

1573 Mr. Blankinship - It's our normal practice if we're doing a variance and we
 1574 realize that other variances on the same property are necessary, we add them on behalf
 1575 of the applicant. It is in violation, so theoretically one of our fine inspectors could come
 1576 out and make you cut off the part that overhangs. Nobody wants that to happen.
 1577

1578 Mr. Lawrence- Okay, so we can take care of that. They probably thought what
 1579 I would have thought, that was considered a patio and not a deck, so maybe that's how
 1580 that could occur.
 1581

1582 Ms. Rutherford- Well, part of it is higher, I guess just to be clear... so on the
 1583 back part of the house to the left, that is raised off.
 1584

1585 Mr. Blankinship- Yeah, so part of our excellent customer service is that we
 1586 added that.
 1587

1588 Ms. Rutherford- That makes sense.
 1589

1590 Mr. Lawrence- I didn't mean to cut you off ma'am, if you want to go ahead
 1591 and finish your comments.
 1592

1593 Ms. Rutherford- No, that helps for sure. I guess the first thing I want to say is
 1594 that I am a hundred percent in violation. I thought because I wasn't changing the footprint
 1595 of the deck and I was simply adding a roof and screening that I didn't need a permit. So,
 1596 I'll just admit now that that was my fault for making that assumption. And it does not look
 1597 amazing right now because as soon as we found out about this, we halted all work. So,
 1598 none of this is in its intended physical state, but I surely didn't want to add any more
 1599 money or cost to it to have to remove it. So, I guess the point of all of it is that I do have
 1600 extensive skin cancer and I have to go every three months. My doctor sent in a letter for
 1601 that, and so the attempt was we did get this pool put in. I have three kids, I would love to

1602 spend time with them, but I can't be in the sun for any period of time. And so the attempt
 1603 for both of these was to provide that guidance. And we did have a similar like pergola in
 1604 the side yard before. We also paused on that pergola to understand the requirements. Is
 1605 it because it's concreted in the ground that it needs a building permit? If we just went
 1606 back to a freestanding structure would that require a building permit? We just kind of
 1607 paused wanting to kind of get that guidance from the board.
 1608
 1609 Mr. Lawrence- Okay, we're not really dealing with the pergola in this case
 1610 though, Mr. Gidley, is that right?
 1611
 1612 Mr. Blankinship - We can deal with that.
 1613
 1614 Mr. Lawrence - We can leave that up to staff to work with the owner on that.
 1615 Anything else you'd like to add to that?
 1616
 1617 Ms. Rutherford- I don't think so. I guess the only other thing is every one of my
 1618 neighbors that I've talked to is in support of it. I do understand probably why we got a
 1619 complaint because I am the president of the HOA for the neighborhood and so I might
 1620 have provided letters to certain individuals in the neighborhood for violations.
 1621
 1622 Mr. Blankinship- Normally when we get a complaint, we have opponents at the
 1623 hearing. In this case, the complaint was that you began the work without permits and
 1624 seven people are in support and nobody is in opposition that we've seen.
 1625
 1626 Ms. Rutherford- It's a little bit weird, it was also weird that they filed the
 1627 complaint a year after I started this. But, yeah, it would have been helpful to have known
 1628 the complaint was coming in early before I put all this money into it.
 1629
 1630 Mr. Lawrence- Thank you, Ms. Rutherford. Anyone on the Board have any
 1631 questions for Ms. Rutherford? Okay, hearing none, we'll go ahead and open up the public
 1632 hearing then. Is there anyone in the audience or on Webex that wishes to speak in support
 1633 of the case? Yes sir. She can speak too if she'd like.
 1634
 1635 Mr. Lupini- Yes hi, good morning. My name is Nick Lupini and I'm a
 1636 neighbor of Ginger and Chris's. I think it adds value to the property, don't see any, you
 1637 know, problem with it at all, and so I would hope you guys approve it.
 1638
 1639 Mr. Lawrence - What was your name again, sir?
 1640
 1641 Mr. Lupini - Last name is L U P I N I.
 1642
 1643 Mr. Blankinship - Okay thank you, sir. Yes.
 1644
 1645 Mr. Lawrence- Yes sir.
 1646

1647 Mr. Jankowski- My name is Karol, it's J A N K O W S K I. I'm immediately
 1648 adjacent, so that property has no issues, she takes care of her yard, you know, we're
 1649 neighbors.

1650

1651 Mr. Lawrence- So. Okay, thank you.

1652

1653 Mr. Green - Good president?

1654

1655 Mr. Jankowski- Since that's on record yes, absolutely!

1656

1657 Mr. Lawrence- Okay, thank you sir. And so we've heard from folks in support.
 1658 Is there anyone in the audience or on Webex that wishes to speak in opposition to the
 1659 case?

1660

1661 Mr. Blankinship- There is none on Webex.

1662

1663 Mr. Lawrence- No one, okay, hearing none, any other discussion by the
 1664 board? Okay, I'd just like to make a comment too. I did eyeball the neighborhood and
 1665 there's some kind of interesting configurations of houses in the neighborhood. I don't
 1666 know how the setbacks were applied throughout the neighborhood, but there's a lot of
 1667 other homes in the neighborhood that have additions and porches that appear to me to
 1668 actually be probably closer to the property line than the applicant's. But having said that,
 1669 the property is very well maintained. It's unfortunate that we had a situation with the
 1670 building permits. That's frustrating for you, I know, for the community and incurs an
 1671 expense, but we do have to follow the code as you know. I've been a little bit more
 1672 restrictive, I guess, than my colleagues on the board in terms of granting variances, but
 1673 we do have a medical hardship here that we can certainly use to justify the variance and
 1674 there's been other information here that's been provided. There's no opposition, kind of
 1675 unusual in a way to get this level of support for a project in the community. So, we thank
 1676 you for your time and patience through the process. Having said that, I'm going to make
 1677 a motion that we approve this variance subject to conditions recommended by the staff.
 1678 The screened porch is a reasonable modification for a person with a disability. Seven of
 1679 the neighbors have written to express support and we had a couple that spoke here today
 1680 as well. And the other tests are met as stated in the staff report. So that's my motion. Is
 1681 there a second?

1682

1683 Mr. Green- Second, but Mr. Lawrence are you implying that you have
 1684 been more difficult than we have been or we have been more difficult!

1685

1686 Mr. Blankinship- It all depends on point of view!

1687

1688 Mr. Lawrence- That's another point of view!

1689

1690 Mr. Green- Second.

1691

Mr. Lawrence- Okay, we have a motion by Mr. Lawrence, second by Mr. Green. All in favor say "Aye." Is there anyone opposed? Hearing none, the motion carries, the variance is approved. Thank you.

On a motion by Mr. Lawrence, seconded by Mr. Green, the Board **approved case VAR-2026-100964** subject to the following conditions:

1. This variance applies only to the rear yard setback requirement for the existing deck and screened porch only. All other applicable regulations of the County Code remain in force.
2. This variance applies only to the screened porch and deck shown on the plot plan and building design filed with the application. Any substantial changes or additions to the design or location of the screened porch and deck will require a new variance. Any additional improvements must comply with the applicable regulations of the County Code.
3. This approval is subject to the conditions proffered with rezoning case C-27C-93, including the requirement that the piers supporting the porch must be clad in brick.
4. No later than September 1, 2028, the applicant must obtain a building permit for the screened porch and deck, and the pergola must be brought into compliance with the Building Code and Zoning Ordinance. If the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

Affirmative:	Broadway, Green, Lawrence, Massie	4
Negative:		0
Absent:	Johnson	1

Mr. Blankinship- Alright, we are now moving on to the appeals. **Number 100534 was withdrawn this morning**, so I certainly hope no one's been waiting for that. **As you just heard, number 100767 has been deferred to the June meeting.**

Mr. Green- Before we get started, that was the director...? There was just some confusion. I got up and addressed someone.

Mr. Blankinship - Turn the mute off.

Mr. Sehl- There we go. Apologies. How often do I use that? Mr. Green, thank you, yes. I appreciate you speaking to the resident. She was over the cutoff for the board's May meeting. There were more than twelve cases, so she had filed in time for today's meeting, but because of the number of cases that were filed, she was moved to the June meeting.

1738
 1739 Mr. Green- Okay.
 1740
 1741 Mr. Sehl- She will not be able to make the June meeting, so I've just
 1742 actually send an email to staff asking them to reach out to her after this meeting about
 1743 discussing her case and when it would be. It would have been on next month's agenda,
 1744 Mr. Chair.
 1745
 1746 Mr. Lawrence- Which case was it?
 1747
 1748 Mr. Sehl- It was a conditional use permit, I believe for a short-term
 1749 rental.
 1750
 1751 Mr. Green - When I went out, she pulled me aside, but she didn't see...
 1752
 1753 Mr. Blankinship - Yeah.
 1754
 1755 Mr. Green - Someone, I think we said it was the last variance or whatever.
 1756
 1757 Mr. Sehl - She heard Mr. Blankinship call the last variance and was
 1758 concerned because she hadn't seen her case on the agenda. So, I've explained that and
 1759 have asked staff to reach out.
 1760
 1761 Mr. Lawrence - She thought it was on the agenda for today?
 1762
 1763 Mr. Sehl - She did, yes sir.
 1764
 1765 Mr. Lawrence- Yeah, we need to make sure we communicate with folks so
 1766 we don't waste their time and our time as well.
 1767
 1768 Mr. Green- That's when I got up and she's...
 1769
 1770 Mr. Lawrence- Thank you.
 1771
 1772 Mr. Blankinship- Alright, so 100534 has been withdrawn, 100767 has been
 1773 deferred.
 1774
 1775 **APP-2026-101776 - KGLI Properties, LLC: appeal notices of violation at 3401 Vawter**
 1776 **Avenue, East Highland Park, Fairfield. Parcels 798-734-3180, 798-734-3498 and 798-**
 1777 **734-4146. Zoning: M-1, Light Industrial District. Code Section: 24-2320.**
 1778
 1779 This is appeal 2026 number 101776 KGLI properties LLC, appeal notices of violation
 1780 regarding the property at 3401 Vawter Ave, 1400 Highland and 3340 Waverly. They are
 1781 all in East Highland Park, in the Fairfield Magisterial District. Would everyone who intends
 1782 to speak to this case, please stand and be sworn in. Raise your right hand. Do you swear
 1783 the testimony you are about to give is the truth, the whole truth and nothing but the truth,

1784 so help you God? Good. Thank you. Alright. Mr. Gagnon you will have 10 minutes and
1785 Mr. Anderson, you will also have 10 minutes.

1786
1787 Mr. Gagnon - Thank you, Mr. Secretary. Good morning, if it will please the
1788 board, my name is Abram Gagnon, Assistant County Attorney for the Director today. This
1789 case does involve three parcels of property. Together I'll talk about them as The Property,
1790 but each NOV refers to each piece of property, 3401 Vawter Avenue, 1400 Highland
1791 Street and 3320 Waverly Boulevard. You can see the three parcels located there. The
1792 property is zoned M-1, which is Light Industrial District. And if you recall from the case
1793 that we had across the street a couple of months ago, this is a largely residential area.
1794 Right up against the Richmond line on the other side of the railroad tracks. Appellant
1795 appears to have purchased the property in October of 2024 and appears to be operating
1796 it as a commercial rental space, but he hasn't done so in compliance with the law. To use
1797 this property as he intends, he's required to first obtain approval of a site plan. He's been
1798 aware of that at least since July 2025 where we had a prior notice of violation that was
1799 not appealed. Based on them being required to obtain approval for a site plan. The
1800 Director is asking the board to affirm two determinations here. I think there are two main
1801 issues in these notices of violations. First of all, there are shipping containers being stored
1802 on two pieces of these properties for longer than permitted in the zoning ordinance, and
1803 secondly, the outdoor areas of all three parcels are being used for outdoor storage,
1804 vehicles, trailers, tools, fuel tanks, other things like that, without first obtaining approval
1805 for the site plan that is required by the zoning ordinance before you're able to establish a
1806 new lawful principal use. So again, those are the two questions in this appeal. The
1807 standard of review for the record is that an administrative decision by the Director is
1808 presumed to be correct. Appellant then has the burden of proof to rebut that presumption.
1809 If the appellant does not meet their burden, the Board must affirm the determinations of
1810 the Director.

1811
1812 I'll go over the two sets of violations separately here. The first set of violations is
1813 related to these shipping containers, which are classified as temporary portable storage
1814 containers. The zoning ordinance prohibits storing these types of containers in the M-1
1815 district for more than one period not exceeding 30 days in any six-month period. It's longer
1816 than the time that would be allowed in a residential district, which would only be ten days.
1817 Appellant has provided two sets of grounds of appeal. In the first one he merely argues
1818 that the Board of Supervisors should change the ordinance to allow shipping containers
1819 in the M-1 district. I will show you pictures of the shipping containers here. As you can
1820 see, these are more than 30 days apart. The red shipping container at the top and the
1821 gray shipping containers at the bottom. My understanding is the Appellant did submit an
1822 amendment request to the Board of Supervisors with proposed language for what the
1823 amendment should say in his opinion, so they can look and see if they want to change
1824 the law. In our view, this is essentially an admission that the Director's determination was
1825 correct, but asking for the law to be different doesn't absolve him of compliance with
1826 current law.

1827
1828 In the second submitted grounds of appeal, appellant instead argued that shipping
1829 containers generally meet the definition of buildings in the zoning ordinance and thus

1830 should be regulated as some sort of accessory structure rather than a temporary portable
1831 storage container. There's a couple of problems with that interpretation. Number one, the
1832 definition of portable storage from the zoning ordinance explicitly refers to shipping
1833 containers. It's a container that's designed for the storage of commercial, industrial in this
1834 case and does not include any foundational wheels for movement. This use includes
1835 shipping containers, among other types of containers like the PODs boxes and things like
1836 that. It does not include prefabricated sheds and other similar things that might be
1837 considered buildings. The ordinance also has definitions for buildings and structures.
1838 Buildings are defined as any structure having a roof supported by columns or walls
1839 intended for shelter, housing and enclosure of persons, animals or properties. And
1840 structure is defined as anything constructed by an assembly of materials, the use of which
1841 requires a fixed location on the ground or attachment to something that is fixed to the
1842 ground. Under the zoning ordinance, very rarely is a shipping container like this going to
1843 be considered a structure. It's certainly construction by an assembly of materials. But
1844 generally, does not require a fixed location. I think I can picture some types of shipping
1845 containers that are modified so greatly to the extent where, maybe some sort of tiny home
1846 that was constructed out of a shipping container to the extent where it may be considered
1847 a structure. But the shipping containers on this property are not modified to that extent.
1848 In these grounds of appeal, appellant presented no evidence that the shipping containers
1849 are modified at all, or that they are fixed to the ground in any way. It appears to be entirely
1850 theoretical. There could be some shipping containers that are buildings, is the argument,
1851 but there's no evidence of the containers actually being modified in any way. Additionally,
1852 not all structures would be considered buildings. Again, a building is a structure with a
1853 roof, supported by columns and walls, but absent those substantial modifications where
1854 you can look at it and say that it looks like a building, it looks like it has roof. Generally,
1855 shipping container is not going to fall under that category either. The determination that
1856 the shipping containers are not buildings is also supported by the state building code.
1857 Shipping containers that are on a site temporarily or permanently for use as a storage
1858 container are exempt from the building code. There are only a few situations where a
1859 shipping container would fall under the building code and that is only "when a shipping
1860 container is repurposed as a building or part of a building". So, these shipping containers
1861 here I think are very clearly not repurposed to be a building. I will note appellant in this
1862 response's also wonders why the county might be permitted to use shipping containers,
1863 but not him. The county ordinance, the zoning ordinance does exempt the county from
1864 the provisions of the zoning ordinance. To any exempt where the Appellant is asking the
1865 Board to rule on the constitutionality of that provision. Virginia Courts have been very
1866 clear that that's not the role of the board. That's something only the courts can do. So, I
1867 would say that's not something that's issue in the case. It's just whether the Director
1868 made the correct decision under the current ordinance.

1869
1870 I will also point to board very quickly to a prior BZA case. In 2022 there was a case in
1871 Thames Drive where the owner had argued a very similar proposition that his shipping
1872 container should be classified as some sort of accessory shed, rather than as temporary
1873 portable storage, but the board upheld the determination of the Director. Among the
1874 board's rationale at that case, number one intent for the shipping container to be there
1875 permanently does not turn it into a shed. There are other regulations that a shipping

container stored permanently might also run afoul of, and even if the specific use in this case, of the shipping containers means it doesn't exactly fit definition of portable storage, it's certainly closer to that than any definition of shed or accessory structure. And so, I think when you first look at this case, there's a lot of definitions and statutes, but the case is actually pretty simple. It's just do these look like permanent structures, sheds, accessory structures of any kind, or do they look like shipping containers? And we argue they look most like shipping containers. They are being used in a way that other shipping containers across the county are being used, including the property right across the street which had the same violation, maybe six months ago. So, this is something that folks do in the county is use these, they're just not allowed to use them for a longer period of time than permitted in the zoning ordinance.

And then lastly, the second violation, the zoning ordinance does not permit outdoor storage as a principal use in the M-1 district. And the code inspector has observed that storage over multiple visits to the property. Storage uses occurring without an approved site plan, which is required by the zoning ordinance in order to establish any kind of principal use. The appellant will allege that there are other principal uses, but in order to establish those principal uses, he would have to do a site plan first. In conclusion, none of this is for aesthetic purpose. This is all for health and safety reasons. When owners are permitted to store items in violation of the zoning ordinance, even in industrial districts, it affects the parcels around it and you do see that across the county, including in the property right across the street. If you leave properties to develop without compliance, some can end up with issues like contaminated water, pests, air quality, things like that. The solution in this case is relatively simple. Get with Planning, will help you come into compliance, and we do want to encourage development of these parcels, but it has to be done within the bounds of the law. I do have a motion for you.

Mr. Lawrence- Thank you, sir. Does anyone from the board have any questions?

Mr. Massie- Yes, I just want to make sure I understand everything. So, in 07/25, July of 25, there was a notice of violation. Is that correct?

Mr. Gagnon - Yes sir.

Mr. Massie- That was a failure to obtain approval for a site plan, is that correct?

Mr. Gagnon - Yes sir.

Mr. Massie- And there was no appeal on that, is that correct?

Mr. Gagnon- There was no appeal.

Mr. Massie- And then in August of 25, they submitted a, they meaning the appellant, submitted a concept plan. Is that correct?

1922
1923 Mr. Gagnon Yes, sir.
1924
1925 Mr. Massie - But nothing ever came of that.
1926
1927 Mr. Gagnon Yes sir.
1928
1929 Mr. Massie - Okay, and then you issued another violation in March of 26.
1930
1931 Mr. Gagnon - Yes sir.
1932
1933 Mr. Massie - And that's the one we're here for now.
1934
1935 Mr. Gagnon - Yes, sir.
1936
1937 Mr. Massie - Now, as far as the ordinance, as far as these containers, what
1938 the appellant basically wants is for the Board of Supervisors to amend the way they look
1939 at these shipping containers.
1940
1941 Mr. Gagnon - That's been asked for, but appellant can certainly speak to
1942 that as well.
1943
1944 Mr. Massie - Okay, I got you. And that's a job for the Board of Supervisors,
1945 is that correct?
1946
1947 Mr. Gagnon - That would be our position. Changing the definition of
1948 shipping container is certainly a job for the Board of Supervisors. I think that the Board of
1949 Zoning Appeals has a role in interpreting the current zoning ordinance and specifically
1950 what definition these shipping containers fall into in the current ordinance.
1951
1952
1953 Mr. Massie - And the fact that the county uses these, they are exempt from
1954 the ordinance. Is that correct?
1955
1956 Mr. Gagnon - Yes, the zoning ordinance exempts the county.
1957
1958 Mr. Massie- That's another job for the Board of Supervisors.
1959
1960 Mr. Gagnon- Yes sir.
1961
1962 Mr. Massie - That's all the questions I have.
1963
1964 Mr. Lawrence - I have a few questions for you, sir. Can you explain briefly for
1965 us the difference between a concept plan and a plan of development? It sounds like it
1966 might have been a little bit of confusion on that issue.
1967

1968 Mr. Gagnon - Yes, my understanding is there are two separate things that
1969 are required by Planning. Maybe the Secretary could speak exactly to what a concept
1970 plan is.
1971

1972 Mr. Blankinship Yeah. I'd be happy to. A concept plan is the general idea that
1973 an applicant submits in order to get comments back from county departments. You first
1974 have an idea for a development proposal. You put something down on paper so we can
1975 distribute it to different departments to get response back from them, just to help the
1976 applicant along. A plan of development or a site plan is a completely different thing. It's a
1977 formal submission, has to be prepared by an engineer, has to meet some, you know,
1978 pretty elaborate standards for the character of the drawing, and then it's reviewed and
1979 approved. You get a stamp of approval on that, then you're ready to apply for your building
1980 permits. A concept plan is never formally approved. You just get comments back and then
1981 you know what direction you're going.
1982

1983

1984 Mr. Gagnon - Yes, and so my understanding is that the appellant got this
1985 NOV in, I believe it was July, started making moves towards getting into compliance and
1986 then halted for some reason.
1987

1988 Mr. Lawrence - - Submitted a concept plan but not a plan of development it
1989 sounds like maybe. Okay. Do you know how the subject property was being used by the
1990 previous users?
1991

1992 Mr. Gagnon - For some number of years beforehand it was vacant? I believe
1993 it was a, the middle parcel. If I can get to it, had some sort of industrial use before. The
1994 other two parcels were either vacant completely or just used as empty lots.
1995

1996 Mr. Lawrence - But the storage container issue is something more recent that
1997 developed after the property changed ownership?
1998

1999 Mr. Gagnon - Yes.
2000

2001 Mr. Lawrence- And the last question I had for you, I guess, is that the
2002 appellant provided evidence in the staff report of storage containers being placed on
2003 county-owned land. Is the county exempt from zoning ordinance requirements pertaining
2004 to storage containers or are these temporary containers; I just hate to create a perception
2005 out there that the county is doing something different than what we're allowing small
2006 businesses to do.
2007

2008 Mr. Gagnon- Yes sir. The county exempts itself from the all the provisions
2009 of the zoning ordinance. There are other ways that the county has to go through, other
2010 procedures to make sure that what it's doing is in line with the comprehensive plan, but
2011 there's a separate procedure for that. So, it's not specifically shipping containers, it's just
2012 as a whole, the county is exempt, and I can't speak to each specific shipping container.
2013

2014 Mr. Blankinship - If I can just add to that. Shipping containers are allowed, for
2015 example on a site with active construction. So, if there is a building permit on the site and
2016 we don't know that from just these photographs. They are allowed in the M-2 and M-3
2017 zoning districts, and we don't know what zoning those were in just from looking at those
2018 photographs. And they're allowed for a period of time, and we don't know, you know, what
2019 period of time those containers were there either. So, there's certainly evidence to
2020 suggest that the county owns shipping containers and has shipping containers on its
2021 property, but we haven't come anywhere near the point of determining if they would be in
2022 violation of the ordinance, if the county was not exempt from the ordinance.
2023

2024 Mr. Gagnon - Yes, and I will say as well, at least with the first provision of
2025 exhibits from the appellant, there were a number of containers that were provided,
2026 locations and pictures of containers that were privately owned. My understanding is that
2027 our departments are working on opening cases on all of those. It's certainly something
2028 that we worked on; just across the street we had one like that, that was before you
2029 recently, and there's been several others. We just got injunctive relief against another
2030 owner for a similar problem.
2031

2032 Mr. Lawrence - Okay. All right. Thank you. Any other questions from the board
2033 before we hear from the appellant? And we will hear from the appellant now. You have,
2034 what, ten minutes, is that right?
2035

2036 Mr. Blankinship - Yes.
2037

2038 Mr. Lawrence - Or he has ten minutes, I should say.
2039

2040 Mr. Blankinship - Oh, yeah. Can we get his slides, Fred, can we get Mr.
2041 Anderson's? Thank you.
2042

2043 Mr. Sehl - And Mr. Anderson, you might have noted, but there will be a
2044 yellow light that comes on with one minute left in your time.
2045

2046 Mr. Blankinship - He's going to need a remote, he doesn't have a mouse.
2047

2048 Mr. Anderson - Okay. Good morning. Chair, members of the board. My name
2049 is Jared Anderson and I'm representing the applicant in this appeal. Just the vicinity map
2050 showing the properties. When I talk about the property, I'm talking about all three of these
2051 parcels. If I'm talking about a specific property I'll name it by, by the specific address.
2052

2053 The appellant and applicant requests that the BZA finds that the administrative
2054 determinations regarding shipping containers and vehicles on the property were
2055 unreasonable and not proper for the following arguments. Shipping containers are
2056 uniquely constructed to store industrial equipment. And can meet the definition, the
2057 county's definition of a building depending on how it's repurposed and therefore should
2058 be considered, in certain circumstances, permanent accessory buildings. We believe the
2059 county's interpretation of certain provisions related to the shipping containers is

unnecessarily narrow. Apparently, the county's interpretation is that all shipping containers, no matter how they manifest, no matter how they're repurposed or adaptively reused, fall under the definition of portable storage, which we disagree with. As mentioned before, the county has placed shipping containers on county-owned land. There is no reasonable explanation why the county can place shipping containers on county-owned land while restricting taxpayers from utilizing shipping containers for similar purposes. And lastly to the second point. The applicant's tenants are in the towing, wrecker, contracting services and automobile repair businesses. So, to be cited for having vehicles on the premises not consistent with those definitions of those uses, those by right uses. We believe that shipping containers should be evaluated and enforced on the way they are being utilized and how they are manifested. In which case, if they are being affixed to the ground, intended for long term use as accessory storage, there's a certain point by which they would necessarily be out of the definition of portable storage and in the realm of a building, under the county's definition. That modification is dependent on various factors, but at a certain point, they no longer would be able to be placed on a flatbed truck. That's part of the definition for portable storage, such that it can be placed on a flatbed truck. If it's affixed to the ground and permanently there, it no longer is more portable than any other structure that is affixed to the ground. Shipping containers can range from being used for storage all the way up to being used for residences. We believe that if it can be used for things like this, such as residential uses, for Airbnb's, that they're certainly adequate for storing industrial equipment on industrial owned land. Shipping containers are ideal for industrial accessory storage. I think that that part's clear. That should be clear from the reality. The reality is the county has shipping containers for their purposes. Private citizens are using shipping containers for their purposes because they serve a niche, because they serve a purpose. They're structured, they're steel, they're weather resistant, they're easily secured, they reduce theft and vandalism. There's a lot of reasons why these work well for accessory storage. I'm not going to spend a whole lot of time on the pictures. You all have them in your packet, but how does allowing shipping containers on county owned property but citing similar shipping containers being used for the same purpose on private land promote the health, safety, and welfare of the community? All of the zoning comes from the police powers, and our understanding is that if it's good for, if it's good on county land and appropriate on county land, it should be appropriate for private citizens. There should not be this nexus between its okay on county land because we're exempt from the zoning ordinance. If it's appropriate there, it should be appropriate in other places. I'm not going to spend a whole lot of time on the pictures; you all have that in your packet.

We also just quickly drove around and saw several shipping containers on private property, and we're not trying to get anybody in trouble, we highlight this because, again, because these fill an important need, especially in commercial and industrial enterprises. We're storing equipment and materials and so it's something that's coming, it's apparently based on previous discussions, it's come up before. It's here now. It will continue to be an issue because there is a reason for these, and they serve an important purpose, particularly in industrial and commercial enterprises.

We tried to think of ways in which the interpretation and let me be clear, this is an interpretational issue for shipping containers. It's an interpretational issue in that the county's saying that all shipping containers are portable storage. Portable storage can only be on a premises temporarily, right? Temporary portable storage. We believe, again, if it's repurposed and utilized for different purposes, it no longer meets that definition. And so, in terms of enforcement, it's, it's an interpretation, the interpretation, we're unsure of any other reason other than aesthetic reasons why these shipping containers used as accessory storage are harming anyone, other than for esthetic reasons. Courts have already opined that regulating the use of private property for purely aesthetic considerations is improper. So, we're looking at property that is all under M-1, so it's industrial zoned land and the quoted text is the purpose of the M-1 district. The M-1 district is light industrial, general industrial. Does it make any sense that accessory outdoor storage is permitted in M-1, but enclosing those same items in an accessory shipping container might not be permitted? Doesn't seem to make much sense if accessory outdoor storage is permitted, but having an accessory shipping container that encloses those equipment and materials is not permitted.

Switching gears to the vehicular related uses. So, this is talking about particularly, 1400 Highland. It was cited for having outdoor storage of vehicles, equipment and tools, without a principal use. The principal use on this, this property is a wrecker and towing service which is permitted by right. The definition of wrecker/towing service includes the storage of vehicles. So, in our opinion that part of the violation doesn't hold water. We are working, as the applicant will discuss, we are working through the site plan process as we speak right now, so we are trying to get into compliance fully with the site plan, question. Under 3401 Vawter, same thing, tenants are an automotive repair and towing service. You've got to have vehicles, particularly if you're automotive repair, you gotta be able to store vehicles. That's just part of the principal use, the need for storage of vehicles and their equipment.

In conclusion, when a shipping container meets the county's definition of a building, it will no longer meet the definition of portable storage and should not be subject to the provisions regulating temporary portable storage. Also, vehicles on site, on the property are an ordinary and necessary function of operating or towing or a wrecker service and an automobile repair business. So our requests are that, we request that the BZA find that the administrative determinations of Henrico County were unreasonable, because storage containers are fixed to the ground and intended for intended and repurposed for permanent storage are an acceptable accessory building on the property, and then for the automotive repair, towing and wrecker service, an essential part of those principle uses is the temporary storage of vehicles and the storing of equipment used by those respective uses. And we'd also just from the more global point of view, just ask for sufficient time to, to complete the site plan process on all these properties, and with that, I yield my time, my thirteen seconds.

Mr. Lawrence -
Mr. Anderson?

Thank you, Mr. Anderson. Any questions from the Board for

2151 Mr. Massie - Yeah, I have a question. The first question I have is, so you
 2152 admit that the site plan has not been done?
 2153

2154 Mr. Anderson - The site plan is being worked on as we speak.
 2155

2156 Mr. Massie - Okay, so you're working on that.
 2157

2158 Mr. Anderson - Working on the site plan.
 2159

2160 Mr. Massie - So you admit you have to work on that and that needs to be
 2161 done. So, the real issue is about these containers. Tell me this, you were distinguishing
 2162 between different types of containers, some affixed the ground. How are your containers?
 2163 What type of containers do you have? What kind of containers are these? Are they fixed
 2164 to the ground or whatever?
 2165

2166 Mr. Anderson - They're not affixed to the ground yet but can be. And that's
 2167 our intent, is that if the interpretation is such that they can be considered buildings, we
 2168 will meet that standard, fix them to the ground, become permanent. The intent is for them
 2169 to be permanently there. That is the intent.
 2170

2171 MR. Massie - Did you discuss this with the county about what you want to
 2172 do with it? See if they have a problem with that?
 2173

2174 Mr. Blankinship - That would be part of the site plan process.
 2175

2176 Mr. Massie - Right. That might have resolved your issue.
 2177

2178 Mr. Green - Well, but my question is while he's going to that, can you
 2179 explain what it means to be affixed to the ground, versus not affixed to the ground?
 2180 Because I thought shipping containers are just placed on the ground. What's the affixed
 2181 versus non-affixed?
 2182

2183 Mr. Anderson - There's different methods of affixing the shipping containers
 2184 to the ground. You can have a concrete base and tie it into the concrete base with augers.
 2185 There's using the corners of the shipping container, you can use Earth augers, drill down
 2186 into the ground and affix them so that that they won't tip over, they won't move. There are
 2187 several different ways of affixing, they could be put on piers and footers. There are
 2188 numerous different ways, those pictures that we showed with them using for dwellings,
 2189 they would be on piers and footers or a concrete foundation pursuant to the building code.
 2190 So, there's numerous different ways and we'd be happy to work with the county officials
 2191 with what is an acceptable way to affix them to the ground.
 2192

2193 Mr. Green - Right, but those ones that are used as housing, as you just
 2194 stated, go through building code and it's a different process. So, how can you use that to
 2195 ... someone has taken that turning containers into a house, which is a whole different
 2196 process than what you're trying to do.

2197
2198 Mr. Anderson - Well, what we're suggesting is that at a certain point these
2199 shipping containers would fall under the building code, because they would be buildings.
2200 There's a certain point how they're repurposed that they would fall under, they would
2201 leave the definition of temporary storage and fall under the definition of building.

2202
2203 Mr. Green - So isn't that the gray area that we're in?

2204
2205 Mr. Turlington - My name is Jake Turlington T U R L I N G T O N. I'm the owner
2206 of KGLD Properties, but I also am the owner of Container Locals. I'm the local container
2207 dealer as well. So, to address your questions first. The containers are placed just as well
2208 as sheds are on concrete blocks to level them up and then they're tied to those concrete
2209 blocks. They're not, very rarely we do have customers that have augured into the ground
2210 and poured concrete and poured a permanent footing, but as well as sheds are placed in
2211 the same manner for portables for permanent storage. Is leveling on center blocks and
2212 then tying them to that center block structure there. And the only time I've ever heard of
2213 a container coming off of that is out in Tornado Alley, they're not, you know, they're 8,000
2214 pounds. It's not gonna lift off the ground in this area that I've ever seen. Any other
2215 questions on that subject before I move on?

2216
2217 Mr. Green - No.

2218
2219 Mr. Massie - No, sir.

2220
2221 Mr. Turlington - So to go to the site plan I submitted in July, when I received
2222 the first notice of violation. In the beginning of August I submitted, you know, downloaded
2223 a computer program and tried to comply with their site plan regulations. Submitted three
2224 different drawings to try to figure out within, and I was pretty much finally told you need to
2225 hire an engineer. Okay, great. Went through three engineers before someone was willing
2226 to try to beat through the weeds and make sense of some of these things because the
2227 Planning Department was requiring, because of three separate parcels acting as one,
2228 there are paper streets between the two or between the three that are... They're saying
2229 that you cannot have a principal use on this property or an accessory use when the
2230 principal use is on the other parcel. So, it's kind of a gray area there, and that's part of our
2231 site plan is to abandon those paper streets and make it all one parcel to come into
2232 compliance with that specific stipulation. So, I submitted a language to the Planning
2233 Department as well for the shipping container to be brought in front of the Board of
2234 Supervisors to discuss. I understand you don't want to have these things in front yards
2235 and things, you know, and I tell my customers all the time, look, you're playing with fire
2236 putting this thing right in your front yard, right in your driveway in your subdivision. This is
2237 not really what this is for, but I submitted language saying that M-1, M-2 and M-3, which
2238 the the county treats all as the same definition, none of them are allowed to have them
2239 longer than 30 days. When I drove from this subject property five miles east and counted
2240 sixty containers, sent all those pictures into the portal there. And then plus all those county
2241 owned containers are only within this complex and the Woodman Road complex.
2242 Nowhere else, and I got ten pictures of those. So, going back to the language I submitted,

2243 I was pretty much told we're not interested, by the Planning Department. There was no
2244 Board of Supervisor's hearing, there was no, hey, we can submit this paperwork to be
2245 heard and denied. I called first the supervisor in my district, and then he sent someone in
2246 Planning to call me and tell him, not interested in hearing anything about it. That was it.
2247 After I'd already, you know, tried to work through this in the right way. Also, another point
2248 that was just brought up. The property was not vacant. When I bought it, there was a
2249 cabinet maker inside the building and he had not been paying rent for quite a while, and
2250 the building was in disrepair and that was kind of his excuse to not pay rent. So, when I
2251 bought it, I told him you gotta get out so I can do repairs. So kicked him out. Did the
2252 repairs and have made the property look tenfold better, in my opinion anyway. Hopefully
2253 some of you all have seen it, but the original complaint with the Planning Department was
2254 that one of my original tenants when we fenced in the parking lot off Highland Street was
2255 a noise complaint. That's what triggered this whole thing. The complaint was never about
2256 the containers. No one has yet to complain about the containers to my knowledge. It's
2257 always been a noise complaint, and then this was a secondary violation. Another point
2258 that got brought up was the outdoor storage that they want cleaned up, but they won't
2259 allow for a vehicle to store these things outside. I heard some concerns about pollution
2260 and water runoff from storage containers. I have never witnessed that, and we sell
2261 between five and 600 containers a year, and we've been doing it for thirteen years, so I
2262 don't know where that comes from or what the concern is there. Oh, also the containers
2263 that are at the county. There was a question about whether they were permanent or would
2264 have been there to meet the guidelines, I've sold them half those containers. They have
2265 been there for years. I think that's all I've got. Thank you for your time.

2266
2267 Mr. Lawrence - Thank you, sir. Anybody else on the board have any questions
2268 for the appellants?

2269
2270 Mr. Massie - I guess I have a statement. I, you have legitimate concerns
2271 and I know you make money doing this and it's always important that people make money
2272 and we do not want to harm your, you know, compromise your living at all. But still the
2273 rules have to be complied with. Did you have legal council when you were going through
2274 this process? Did you have a lawyer?

2275
2276 Mr. Anderson - This is my lawyer here.

2277
2278 Mr. Massie - He was there the entire time

2279
2280 Mr. Anderson - Not the entire time. No sir. It was just from the point of this
2281 violation and the first violation got brought up because the original violation was a noise
2282 complaint and I evicted that tenant because of that incident. Right. So I'm trying to better
2283 the community and to comply with the rules.

2284
2285 Mr. Massie - It seems like you are trying.

2286
2287 Mr. Anderson - And, and the, I don't know the property in Hanover County as
2288 well, when we talk about by right uses in Hanover County, we're not, we don't, aren't

2289 required to, if it's listed in our principal use table, we're not required to come back and get
2290 a planned development or a conditional use permit, which I was confused about the
2291 difference as well. And to do it every single time, if it's listed in the zoning. As an allowed-
2292 by-right use, and that's where I went by. That's my ignorance and for new and for the first
2293 time opening property in Henrico County. So I apologize there, it won't happen again. And
2294 this is where I've been with I've got an engineer involved and we are working through the
2295 site plan and we were actually denied a meeting two weeks ago to further that because
2296 they were advised not to talk to us until after this hearing.

2297
2298 Mr. Massie - So, well we're at the hearing now, this is what I want to do,
2299 and you let me know if this is good for you. This gentleman here who is your attorney,
2300 can he have time to get the site plan together. One that works for the county.

2301
2302 Mr. Anderson - I'm sorry. I can't hear you very well.

2303
2304 Mr. Massie - The gentleman, your attorney seems like he wants time to get
2305 this site plan together.

2306
2307 Mr. Anderson - Yeah, absolutely

2308
2309 Mr. Massie - Do you mind coming back after he works with the county
2310 anymore to try to resolve this?

2311
2312 Mr. Anderson - Absolutely. And we're almost there. It's just some of the
2313 guidelines and the setback rules with the parking. Where my engineer is concerned and
2314 I hired VHB who's been in business in the area for twenty plus years. They're saying that
2315 the setback should be ten feet per parking, but then they're being told it should be fifty
2316 feet, like if you're constructing a building, for parking vehicles that were towed to the lot.
2317 Now we're looking at what variances do we need because when you do that fifty-foot
2318 setback this way and thirty-five feet this way, you've got a five-foot square space to stand
2319 in on Waverly Boulevard. So, we're working through it, but there's been some confusion
2320 on everyone's part I think.

2321
2322 Mr. Massie - Does the county have a position on this?

2323
2324 Mr. Gagnon - Yeah, thank you, sir. The Director would oppose giving him
2325 more time, to comply with the requirements of the zoning ordinance. First of all, because
2326 there's been plenty of time, he has been aware of this since July of last year, but also our
2327 position is extending the time to comply with a notice of violation is a power that's granted
2328 to the Planning Director by the zoning ordinance and by Virginia Code 15.2-2286, so our
2329 position is that's not a function of the BZA, it's a function of the Planning Director. So, we
2330 would oppose, I guess deferring to another date for that reason.

2331
2332 Mr. Massie - Well, I'm still going to move that we continue to set two
2333 months.

2335 Mr. Anderson - Thank you, sir.
 2336
 2337 Mr. Massie - That's my motion.
 2338
 2339 Mr. Lawrence - Okay, we have a motion by Mr. Massey to defer the case. Oh,
 2340 I'm sorry, I'm sorry, it's a public hearing. Do we have anyone here or on Webex that wishes
 2341 to speak in the support of the case? Do we have anyone here in the audience or on
 2342 Webex that wishes to speak in opposition of the case?
 2343
 2344 Mr. Blankinship - There is no one on Webex.
 2345
 2346 Mr. Lawrence - Is there any further discussion about the board before we act
 2347 on Mr. Massie's motion?
 2348
 2349 Mr. Green - Yes. He just said that that's the function of the Planning
 2350 Director, you want to basically give him additional two months? What can we do? Can we
 2351 follow up on?
 2352
 2353 Mr. Blankinship - The question is...is the notice of violation valid? Or is invalid.
 2354 If it's invalid did we properly assess the situation or the facts or did we improperly apply
 2355 the law. That question in my view is not going to change in the next sixty days.
 2356
 2357 Mr. Green - I'm not a lawyer.
 2358
 2359 Mr. Gagnon - I can follow up a little bit on that because sometimes we do
 2360 get situations where the applicant wants a little bit more time, to comply, but if they come
 2361 back, you know, in two months and they've fully complied with everything, they've
 2362 removed the shipping containers and they've gotten a site plan. The determination of the
 2363 Director on March 2026 was still correct. So you would still, in my view, need to affirm
 2364 that, regardless of whether or not they had completely complied even at that point.
 2365
 2366 Mr. Blankinship - Yeah, I mean we're going to make every effort from this point
 2367 further to work with Mr. Turlington to get his plans approved and get his property under
 2368 some lawful, properly constructed use.
 2369
 2370 Mr. Green - So if we affirm the Director's decision what happens?
 2371
 2372 Mr. Blankinship - Then the notice of violation stays in place. Mr. Gagnon what
 2373 would be your next step.
 2374
 2375 Mr. Gagnon - That's right, and my suggestion is that the Planning
 2376 Department would be getting with the appellant relatively quickly here to get the site plan
 2377 moving. My understanding is there is an engineer that is hired at this point. So that
 2378 process could get moving pretty quickly while that process is in place. Likely there would
 2379 be some period of time where we would not move forward with further enforcement on
 2380 that particular issue.

2381
2382 Mr. Massie - So what's the harm to...
2383
2384 Mr. Anderson- The engineer has attended previous meetings with me before
2385 the notice of violation was issued. Before this current notice of violation was issued.
2386
2387 Mr. Blankinship - Thank you.
2388
2389 Mr. Massie - What would be the harm to Mr. Turlington once, if he's found
2390 in violation of this, what does this mean for him?
2391
2392 Mr. Gagnon - So at that point, either he has the ability to appeal the decision
2393 of the BZA. If that's not done, then the enforcement agencies of the county can continue
2394 enforcement, so that typically would involve getting a criminal summons, but again, based
2395 on if he's working with the Planning Director, to get a site plan specifically for that one. I
2396 would find it unlikely that a summons would be got right away.
2397
2398 Mr. Massie - So maybe this could be a continuance in a back door way.
2399
2400 Mr. Gagnon - Exactly.
2401
2402 Mr. Blankinship - In a sense, yeah.
2403
2404 Mr. Massie - Okay. Okay.
2405
2406 Mr. Green - Pull your motion or keep it.
2407
2408 Mr. Massie - I'll pull my motion. I don't like doing this, but I feel like I have
2409 to. For the reasons stated by the Assistant County Attorney in his presentation letter to
2410 the board, I move that the board finds the Director correctly determined the shipping
2411 containers were stored for longer than 30 days on 3401 Vawter Avenue and 1400
2412 Highland Street and find the Director correctly determined that 3401 Vawter Avenue, 1400
2413 Highland Street and 3220 Wavery Boulevard are used or being used for outdoor storage
2414 or vehicles, equipment, tools, and other items without first establishing a lawful principal
2415 use and an approved site plan and affirm the decision of the Director and dismiss the
2416 appellant's appeal.
2417
2418 Mr. Lawrence - We have a motion by Mr. Massie to affirm the Planning
2419 Director's decision. Is there a second to that motion?
2420
2421 Mr. Green- Second.
2422
2423 Mr. Lawrence Second by Mr. Green, all in favor of the motion say "Aye."
2424
2425 Mr. Green - Can we have a discussion, just a quick discussion?
2426

2427 Mr. Lawrence Yes.

2428

2429 Mr. Green - While we are doing this, are you giving us assurance that

2430 they're going to still work with him? So, he won't get a criminal violation and so they could

2431 potentially bring a site plan forward. So, we're affirming the Director but you're saying

2432 we're going to still work with the gentleman to get everything corrected.

2433

2434 Mr. Gagon- Yes, sir. Within reasonable time. I don't have authorization to

2435 give a specific time, but a reasonable time.

2436

2437 Mr. Massie- What's reasonable time? Like two months?

2438

2439 Mr. Gagnon - I can't tell you what reasonable time is.

2440

2441 Mr. Blankinship - It will probably be six months before it's finalized.

2442

2443 Mr. Gagnon - Okay. I will also point out, I'm not sure if that applies to the first

2444 set of violations, the storage containers. I would argue those need to get removed

2445 relatively quickly.

2446

2447 Mr. Green - He owns the business, that's what he does, so he can remove

2448 them.

2449

2450 Mr. Anderson - And that's the whole point you...

2451

2452 Mr. Blankinship - Sir, the public hearing is over.

2453

2454 Mr. Anderson - I'm sorry.

2455

2456 Mr. Massie - So, you don't think it's a possibility if you guys would work with

2457 him on those as well?

2458

2459 Mr. Gagnon - That would be a decision with the Planning Department.

2460

2461 Mr. Lawrence - Mr. Blankinship, question. Has this body deferred decisions

2462 on appeal cases like this before?

2463

2464 Mr. Blankinship - Normally when there's a deferral, it's because there is some

2465 piece of information that is going to be available in the next month that's not available

2466 today that is critical to the decision. So, if there was something about the facts or the law

2467 that was unclear or that was in dispute that could be settled within the next two weeks,

2468 then a deferral would allow you to have more complete information. There's not really a

2469 dispute over what the facts are. The disputes over the interpretation of the law I think are

2470 fairly narrow and are not going to change. It's just a matter of whether he is going to

2471 comply or the nuts and bolts of how to comply. That's not going to change in the next

2472 sixty days.

2473 Mr. Lawrence - What concerns me a little bit...I understand what you're
2474 saying, is that we got a complaint for a noise violation and this has turned into a complaint
2475 on containers. And it seems to me that maybe, well, I'm not going to say more than that,
2476 but it seems to me that maybe there wasn't evidence to get a violation on the noise
2477 ordinance, so we found another reason to write up the property owner. Maybe that's not
2478 the case, but I haven't heard that we actually have gotten a complaint about the
2479 containers.
2480

2481 Mr. Blankinship - If you reflect to the meeting six months ago on the property
2482 across Vawter, 3400 Vawter if memory serves, there was a general interest in this corridor
2483 that came from the Supervisor. They wanted this looked at and violations noted.
2484

2485 Mr. Lawrence - It's a political issue.
2486

2487 Mr. Blankinship - Well, no, I wouldn't say that it's a political issue, I would say
2488 it's a community character issue that was raised at that level and brought to staff. This is
2489 a community that is concerned about the way things are going. See if there were violations
2490 and if there were violations, see if you can get them corrected.
2491

2492 Mr. Lawrence The property owner, he has stated anyway that he has
2493 actually improved the property. Do we have evidence of that?
2494

2495 Mr. Blankinship - He may have. It's a matter of opinion as well whether a vacant
2496 lot is better or worse than a vacant lot covered with shipping containers.
2497

2498 Mr. Lawrence - As Mr. Massie suggested. If we had a month or two, would
2499 it allow us more time to get evidence, e.g., to determine whether or not the county is doing
2500 something different than what the ordinance is requiring businesses to do?
2501

2502 Mr. Blankinship - We can certainly come back to you next month with a report
2503 on that issue. It's a separate issue in my opinion. Doesn't have anything to do with this
2504 violation.
2505

2506 Mr. Lawrence - Just asking the question.
2507

2508 Mr. Gagnon - If I may, Mr. Chair?
2509

2510 Mr. Lawrence - Yes.
2511

2512 Mr. Gagnon - The inspector is here and he is able to speak to the
2513 complaints, but my understanding is there were several complaints about these sets of
2514 properties. The other thing is when any complaint is brought before our inspector about
2515 a piece of property, they go there and they check it out, and if there are other violations
2516 that they see, they are required to open cases on those violations as well.
2517
2518

2519 Mr. Lawrence - I guess what bothers me a little is the county is buying
 2520 containers from this gentleman and he's putting them on a county property according to
 2521 him, and he has pictures to show that, but we're telling him it's not appropriate for his
 2522 property because of how we're interpreting the ordinance. I just, I just want to make sure
 2523 we're not holding someone to a double standard here, I guess.
 2524

2525 Mr. Blankinship - We can certainly bring a report on that question to next
 2526 month's meeting.
 2527

2528 Mr. Green - Based on that, Mr. Lawrence, we have a motion seconded,
 2529 but where do we stand? What would everyone like to see happen?
 2530

2531 Mr. Massie - I withdraw my motion, and I want to do another motion.
 2532

2533 Mr. Green - I withdraw the second. I withdraw the second.
 2534

2535 Mr. Lawrence - Okay. Okay, so we have we've had a motion and a second to
 2536 uphold the Planning Director's determination and now we've withdrawn that motion.
 2537

2538 Mr. Green - I withdraw my second.
 2539

2540 Mr. Lawrence - Do you have a motion Mr. Massie?
 2541

2542 Mr. Massie - I want to motion to defer this case until the July meeting.
 2543

2544 Mr. Lawrence - Okay, we have a motion by Mr. Massie to defer this case until
 2545 the July... what date would that be Mr. Blankinship?
 2546

2547 Mr. Blankinship- Oh this calendar here, July 23rd.
 2548

2549 Mr. Lawrence - July 23rd meeting. Is there a second to that motion?
 2550

2551 Mr. Green - Second
 2552

2553 Mr. Lawrence Second by Mr. Green. All in favor of the motion say "Aye."
 2554 Anyone opposed? No opposition, so the motion carries to defer this case to the July 22nd
 2555 meeting, is that correct?
 2556

2557 Mr. Blankinship - 23rd
 2558

2559 Mr. Lawrence - 23rd meeting. Okay, thank you. Thank you.
 2560

2561 On a motion by Mr. Massie, seconded by Mr. Green, the Board **deferred case APP-2026-**
 2562 **100776- KGLI Properties, LLC until the July 23, 2026 public hearing.**
 2563
 2564

2565	Affirmative:	Broadway, Green, Lawrence, Massie	4
2566	Negative:		0
2567	Absent:	Johnson	1
2568			
2569			
2570	Mr. Blankinship -	Alright, that brings us to the minutes of the April 23rd meeting.	
2571	Mr. Lawrence had some typographical and grammatical kind of corrections, but he did		
2572	not offer any substantive changes.		
2573			
2574	Mr. Green -	Does he typically offer substantive changes?	
2575			
2576	Mr. Blankinship -	He occasionally does, he catches that a speaker was	
2577	recorded incorrectly.		
2578			
2579	Mr. Lawrence -	We only had twenty-five pages this time, so yeah.	
2580			
2581	Mr. Blankinship -	A motion would be in order?	
2582			
2583	Mr. Green -	So moved.	
2584			
2585	Mr. Lawrence	Moved by Mr. Green to adjourn the meeting.	
2586			
2587	Mr. Blankinship -	Wait a minute.	
2588			
2589	Mr. Lawrence -	Approve the minutes. I'm sorry.	
2590			
2591	Mr. Broadway-	The minutes, the minutes.	
2592			
2593	Mr. Lawrence-	Approval of minutes from the April meeting?	
2594			
2595	Mr. Blankinship -	Yes.	
2596			
2597	Mr. Lawrence -	What date was that?	
2598			
2599	Mr. Blankinship -	April 23 rd	
2600			
2601	Mr. Lawrence -	Mr. Green made a motion. Mr. Broadway seconded the	
2602	motion, all in favor say "Aye." Any opposed? Hearing none, the motion carries.		
2603			
2604	On a motion by Mr. Green, seconded by Mr. Broadway, the Board approved the minutes		
2605	of the April 23, 2026 public hearing.		
2606			
2607			
2608	Affirmative:	Broadway, Green, Lawrence, Massie	4
2609	Negative:		0
2610	Absent:	Johnson	1

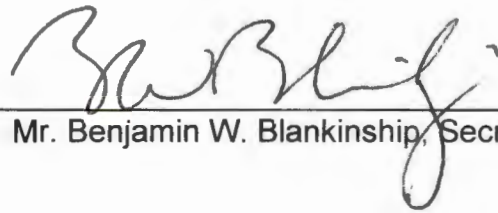
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Mr. Blankinship-
Mr. Lawrence -

Now the motion to adjourn.
I hear no motions.



Mr. Barry R. Lawrence, Chair



Mr. Benjamin W. Blankinship, Secretary