

1 MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS OF
2 HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION BUILDING IN THE
3 GOVERNMENT CENTER AT PARHAM AND HUNGARY SPRING ROADS, ON
4 THURSDAY NOVEMBER 21, 2019 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED
5 IN THE *RICHMOND TIMES-DISPATCH* NOVEMBER 4, 2019 AND NOVEMBER 11,
6 2019.
7
8

9 Members Present: Terone B. Green, Vice-Chair
10 Walter L. Johnson, Jr.
11 Terrell A. Pollard
12 James W. Reid
13

14 Member Absent: Gentry Bell, Chair
15

16 Also Present: Jean M. Moore, Assistant Director of Planning
17 Benjamin Blankinship, Secretary
18 Paul M. Gidley, County Planner
19 R. Miguel Madrigal, County Planner
20 Kuronda Powell, Account Clerk
21
22

23 Mr. Green - Welcome to the November meeting of the Henrico County
24 Board of Zoning Appeals. Will those who are able to please stand and join us in the
25 Pledge of Allegiance.
26

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

29 Mr. Blankinship will now read our rules.
30

31 Mr. Blankinship - Good morning, Mr. Chair, members of the board, ladies and
32 gentlemen. The rules for this meeting are as follows: Acting as secretary I will call each
33 of the two cases and then we will ask everyone who intends to speak to that case to stand
34 and be sworn in. Then a member of the staff will give a brief introduction to the case, and
35 then the applicant will present their case. Then anyone else who wishes to speak will be
36 given the opportunity. It doesn't look like we have too many people here this morning
37 who are going to speak, but anyone who does wish to -- it's a public hearing, so anyone
38 who wishes to speak will have the opportunity, and if anyone does speak, then the
39 applicant will have the opportunity for rebuttal.
40

41 This meeting is being recorded, so we'll ask everyone who speaks to speak directly into
42 the microphone on the podium and please state your name and spell your last name just
43 to make sure we get it correctly in the record.
44

45 As noted, there are two members, well, one member we knew is absent, the other may
46 be caught in traffic, maybe here in a moment. In order for a case to be approved you

47 have to have three affirmative votes, so if you only have three members present,
48 everybody has to vote in favor, so there is the possibility that waiting until next month, if
49 you chose to defer until next month, having the fifth vote could be to your advantage. Not
50 sure if that, again, is really critical to us this morning, but it is a part of the rules so I need
51 to read it.

52
53 We do not have any requests for deferral or withdrawal, and as far as I know we are ready
54 to proceed.

55
56 Mr. Green - Okay, Mr. Blankinship, thank you. Will you please call our first
57 request?

58
59 Mr. Blankinship - All right. We have no conditional use permits on this
60 morning's agenda. We have two variances.

61
62 **VAR2019-00033** **IRVIN M. BEY** requests a variance from Section 24-94 of the
63 County Code to build a one-family dwelling at 2150 Mountain Road (Parcel 777-765-
64 9591) zoned Agricultural District (A-1) (Fairfield). The lot width requirement is not met.
65 The applicant has 127 feet lot width, where the Code requires 150 feet lot width. The
66 applicant requests a variance of 23 feet lot width.

67
68 Mr. Blankinship - Would everyone who intends to speak to this case please
69 stand and be sworn in. Would you raise your right hands, please? Do you swear the test
70 -- just raise it, is fine. Do you swear the testimony you're about to give is the truth, the
71 whole truth, and nothing but the truth, so help you God?

72
73 Mr. Bey - I do.

74
75 Mr. Blankinship - Thank you. All right, Mr. Madrigal, you can begin.

76
77 Mr. Madrigal - Thank you, Mr. Secretary. Good morning, Mr. Chair,
78 members of the board. Before you is a request to allow a one-family dwelling in an
79 agricultural district.

80
81 The subject property is located adjacent to Virginia Randolph Academy on Mountain
82 Road, bordering on the east. It was originally part of a 23-acre tract of land owned by the
83 Mallory family since the turn of the 20th century. In 1912 the property was divided into
84 four lots, each containing 5.75 acres of land, which were distributed to family. In 1913 lot
85 number 2 was further divided into three parcels of varying acreage.

86
87 The subject property is composed of two of these parcels which are still owned by the
88 members of the Mallory family. Each lot was improved with a one-family dwelling which
89 were demolished in April of this year. And, if you look at the aerial, you can see the two
90 dwellings towards the front of the lots here.

91

92 In May of this year the two parcels were consolidated into one plot by the applicant. The
93 applicant intends to build a three-story, 4,300-square-foot, dwelling with a 536-square-
94 foot side-load attached garage and reside on the property.
95

96 Although the property has sufficient land area for the proposed dwelling, because of the
97 physical dimensions and layout of the parcel it does not meet the minimum lot-width
98 requirement. The lot has 127 feet of lot width instead of 150 feet as required for the A-1
99 district. The applicant is requesting a variance of 23 feet of lot width in order to build a
100 one-family dwelling on the property.
101

102 With respect to the threshold question, the subject property was originally composed of
103 two independent lots that were created in 1913 prior to the adoption of the zoning
104 ordinance. Each lot had been improved with a one-family dwelling, which were recently
105 demolished. The applicant consolidated the two lots with the intent of building a new
106 home on the property. Although the lot is over 4 acres in area, it's unusual shape and
107 orientation restrict its width.
108

109 The parcel essentially narrows towards the front of the property where the lot width is
110 measured, and you can see that here on the plat, in this area. Absent a variance its
111 physical condition creates a hardship situation that unreasonably restricts the use of the
112 property.
113

114 Relative to the five subtests, item number one, it appears that the applicant acquired the
115 property in good faith, and he did not create the hardship situation.
116

117 Item number two, substantial detriment, granting the variance will not have any
118 substantial detrimental impacts to the adjacent property. The proposed home will abut
119 the Virginia Randolph Academy to the west, a vacant 11-acre parcel to the north, a one-
120 family dwelling to the east, and the Glen Allen Softball Complex to the south. The
121 proposed home will be set back approximately 200 feet from the front property line and
122 will have a 20-foot side-yard setback from the adjacent school. Staff does not anticipate
123 any detrimental impacts from the proposed home on the adjacent school, or to the existing
124 home to the east, since there will only be one home on over 4 acres of land.
125

126 Item number three, general recurring nature. As previously mentioned, the property was
127 originally divided over 100 years ago, prior to the adoption of the zoning ordinance. The
128 property narrows as it approaches Mountain Road, creating a hardship as to lot width.
129 Although the applicant attempted to remedy the situation by consolidating the two lots,
130 the circumstances surrounding the property are unique to it, and do not rise to the level
131 of justifying a code amendment to address this issue. The best recourse is for the
132 applicant to request a variance in this instance.
133

134 Items number four and five are satisfied as outlined in the staff report. In conclusion, the
135 subject property is composed of two independent lots that have been consolidated to
136 facilitate the construction of a new one-family dwelling. Without the variance there is no
137 reasonable beneficial use for the property. The proposed use is consistent with both the

138 zoning and comprehensive plan designations on the property. Although the site falls short
139 of the minimum lot-width requirement for the A-1 district, it is more than adequate for a
140 one-family dwelling. Furthermore, the applicants' request is consistent with the area's
141 established development pattern and should not pose any detrimental impacts to adjacent
142 and surrounding property. Based on these facts, staff recommends approval subject to
143 the attached conditions.

144

145 This concludes my presentation. I'll be happy to answer any questions.

146

147 Mr. Green - Thank you. Are there any questions from the board of staff?

148

149 Mr. Johnson - Mr. Madrigal, you mentioned that the property was joined
150 together. You had more -- or two properties.

151

152 Mr. Madrigal - It was composed of two in the -- two independent parcels.
153 And if you see this line here that shows the lot width, that's kind of roughly where the lots
154 were divided. So they were joined into one earlier in the year in May. They were
155 consolidated to make one larger property and to alleviate the lot-width issue. But because
156 the orientation of the lot, the way the lot lines are laid out, even though it was consolidated
157 it still fell short by 20-some-odd feet.

158

159 Mr. Green - Are there any other questions?

160

161 Mr. Johnson - The entrance is right by the school. The other houses there
162 are demolished?

163

164 Mr. Madrigal - Yes, sir. The two homes that are -- you can see here on the
165 aerial. Those are gone now. They were demolished earlier in the year.

166

167 Mr. Johnson - And were they're planning on putting the new facility, that'd be
168 further back on the property?

169

170 Mr. Madrigal - Yes, sir. You can see here roughly that's the proposed
171 location for the new home, and it's going to be oriented towards Mountain Road.

172

173 Mr. Johnson - That's fine.

174

175 Mr. Madrigal - You can see the elevations there. So here's the front
176 elevation, which will be facing Mountain Road.

177

178 Mr. Johnson - No other questions.

179

180 Mr. Green - We'll now hear from the applicant. How about we start with
181 you giving us your name and spelling it.

182

183 Mr. Bey - Good morning. My name is Irvin Bey, and my wife and I are
184 the owners of this particular property that we are asking for a variance on because of the,
185 one, the dimensions of the property and how the configuration of the property is. And it's
186 already been stated that we only have 127 feet and we need 150. With the demolished
187 structures that were there and having the property combined, the two lots, the placement
188 of the house will be in accordance to -- we're not breaking any zoning laws.

189
190 We're not having the new construction in the place of the old demolished homes. It'll be
191 moved back about 200 feet. And with that, if we can have that 200 feet moving to the
192 back, we'll have enough land and footage on both sides of the house. And that was one
193 of the reasons why we applied to have both lots consolidated.

194
195 And I just like to -- my last comment, I guess, would be I would appreciate you giving me
196 consideration to do this. Thank you.

197
198 Mr. Green - Before you leave. Are there any questions for the applicant
199 from the members of the board?

200
201 Mr. Reid - Mr. Bey, have you read the conditions of approval in the staff
202 report? Are you in agreement with those?

203
204 Mr. Bey - Yes, sir. Read it. Total agreement with it. Yes, sir.

205
206 Mr. Reid - Good, thank you.

207
208 Mr. Green - Does anyone else wish to speak in support of this request?
209 And would you state your name please and -- were you sworn in?

210
211 Mr. Blankinship - Yes, you were.

212
213 Ms. Mallory - Good morning, I'm Tye Davenport Mallory, last name
214 Mallory, M-A-L-L-O-R-Y, and I'm here to speak in support of variance. Full disclosure,
215 we are family, and we live at 2100 Mountain Road, and if I may use your mouse; we live
216 here, if you see. This little corner lot, one of the three. And we look very much forward
217 to having family near us again, so we speak in support.

218
219 Mr. Green - Are there any questions of the speaker? Does anyone wish
220 to speak in opposition to this request?

221
222 Mr. Blankinship - I know the two people in the audience came after we began.
223 This is Variance number 33 on Mountain Road, the Bey place on Mountain Road.

224
225 Mr. Green - Okay. The public hearing is now closed, and a motion would
226 be in order. What is the pleasure of the board?

227

228 Mr. Pollard - I move that we approve the variance subject to the conditions
229 recommended by the staff. Without a variance they cannot use the lot for any permitted
230 use. That is an unreasonable hardship. The lots were divided a long time ago, so the
231 applicant did not create the hardship.

232
233 There used to be two houses on this land, so one house should not cause any detrimental
234 impacts. The circumstances that lead to this variance, the size and the shape of the land,
235 are unique to this property. The other tests are met as stated in the staff report.

236
237 Mr. Johnson - I second it.

238
239 Mr. Green - There's a motion by Mr. Pollard and seconded by Mr.
240 Johnson. Is there any discussion? All in favor of the motion say yea. All opposed say
241 nay. Motion is approved.

242
243 After an advertised public hearing and on a motion by Mr. Pollard, seconded by Mr.
244 Johnson, the Board **approved** application **VAR2019-00033 IRVIN M. BEY's** request for
245 a variance from Section 24-94 of the County Code to build a one-family dwelling at 2150
246 Mountain Road (Parcel 777-765-9591) zoned Agricultural District (A-1) (Fairfield). The lot
247 width requirement is not met. The Board approved this request subject to the following
248 conditions:

- 249
250 1. This variance applies only to the lot width requirement for one dwelling only. All other
251 applicable regulations of the County Code shall remain in force.
252
253 2. Only the improvements shown on the plot plan and building design filed with the
254 application may be constructed pursuant to this approval. Any additional improvements
255 shall comply with the applicable regulations of the County Code. Any substantial changes
256 or additions to the design or location of the improvements will require a new variance.
257
258 3. Clearing, grading, or other land disturbing activity shall not begin until the applicant has
259 submitted, and the Department of Public Works has approved, an environmental
260 compliance plan.
261
262 4. Any dwelling on the property shall be served by public water and sewer.
263
264 5. A building permit must be approved by November 22, 2021, or this variance will expire.
265 If the building permit is cancelled or revoked because construction was not diligently
266 pursued, this variance will expire at that time.

267
268
269 Affirmative: Green, Harris, Johnson, Reid 4
270 Negative: 0
271 Absent: Bell 1

272
273

274 Mr. Green - The next item on the agenda is the approval of -- no, I'm sorry.
275 Would you move to next case?

276
277 Mr. Blankinship - That would be Variance 2019, number 34, Sophia Hudson.

278
279 **VAR2019-00034** **SOPHIA HUDSON** requests a variance from Section 24-94 of
280 the County Code to build a one-family dwelling at 1701 Mill Road (Parcel 806-686-9873)
281 zoned Agricultural District (A-1) (Varina). The lot width requirement is not met. The
282 applicant has 100 feet lot width, where the Code requires 150 feet lot width. The applicant
283 requests a variance of 50 feet lot width.

284
285 Mr. Blankinship - Would everyone who intends to speak to this case please
286 stand and be sworn in? Raise your right hands, please. Do you swear the testimony
287 you're about to give is the truth, the whole truth, and nothing but the truth, so help you
288 God?

289
290 Mr. Blankinship - Thank you, Mr. Gidley.

291
292 Mr. Gidley - Thank you, Mr. Secretary. Good morning, Mr. Chairman,
293 members of the board. The subject property is located on the south side of Mill Road just
294 west of Battlefield Park Drive. This lot was first recorded back in 1930 and a home was
295 subsequently constructed around 1937. After falling into disrepair the home was
296 demolished last year.

297
298 You can see the plat here with Mill Road right up here, and the applicant today is a
299 contract purchaser who would like to construct a new home on the property. Although
300 the lot contains almost 2 acres in lot area and is 800 feet deep, it has only 100 feet of lot
301 width versus the 150 feet required in the A-1 district. As a result, the applicant has applied
302 for a 50-foot lot-width variance to allow construction of a new home.

303
304 In evaluating this request, as I mentioned, the lot was first recorded in 1930, and at the
305 time there was no zoning ordinance in effect, in Henrico County. By the time of the
306 home's construction in 1937 the zoning ordinance had been adopted, but it did not contain
307 a lot-width requirement.

308
309 Following the adoption of the 150-foot lot-width requirement in 1945 this home became
310 nonconforming with regard to lot width. As noted, it was demolished just last year.
311 Because the required 150-foot lot-width is not met, a new home may not be constructed
312 on the property absent of variance. As a result, there does not appear to be any
313 reasonable beneficial use of the property unless the applicant is able to obtain a variance.

314
315 When it comes to the five subtests staff believes that these are met. I would specifically
316 discuss subtest number two, dealing with detrimental impact to adjacent and nearby
317 property. As you can see in the aerial here, the surrounding land uses are single-family
318 in nature. Typically, on lots of at least one acre in size and often times more than one
319 acre. There are two homes along the western boundary of the property; one right here

320 and a second right here. Both of these are brick ranchers containing roughly 2,300-
321 square-feet of floor area, and this is the home closest to the street shown right here. And
322 to the east the closest home is a 980-square-foot rancher with vinyl siding. And this is a
323 picture of the home to the east.

324
325 The applicant in this case submitted plans for a 437-square-foot mobile home to be place
326 on the property. However, the zoning ordinance requires any home in the A-1 district to
327 contain at least 900 square feet of floor area. As a result, the applicant has been informed
328 of the need for an alternative home plan that would comply with the 900-square-foot
329 minimum floor area for the A-1 district.

330
331 As noted, the remaining subtests appear to be met. So, in conclusion, the lot was
332 recorded prior to the adoption of the first zoning ordinance in Henrico County. Although
333 it has 100 feet of lot width, that is shy of the 150 feet required for a new dwelling in the A-
334 1 district. As a result, absent a variance there is no reasonable beneficial use for this
335 property. Assuming the applicant submits an alternative floor plan with at least 900
336 square feet of floor area, the five subtests would appear to be met. As a result, staff
337 recommends approval of this request subject to the conditions in your staff report. This
338 concludes my presentation and I will be happy to answer any questions you may have.
339 Thank you.

340
341 Mr. Green - Question, you said mobile home. Is it mobile, or modular?
342 There's a difference.

343
344 Mr. Gidley - I believe they have mobile home down. Let me check my staff
345 report.

346
347 Mr. Green - And do you have a picture of what that mobile home will look
348 like?

349
350 Mr. Gidley - This is what they submitted. Now this is the 400-some-
351 square-foot design right here that would need to be amended. Mr. Green, I don't see
352 anything in here that states specifically mobile home. Oh, here it is.

353
354 Mr. Green - I see it.

355
356 Mr. Gidley - On your 11 by 17 pages, it would be the fifth one.

357
358 Mr. Johnson - Right.

359
360 Mr. Gidley - It does state, third line down, type of foundation for building
361 and installing a mobile home. And in my phone conversations with them that's what they
362 characterize it as, as well.

363
364 Mr. Green - Okay. Because there's a big difference between, I think, a
365 mobile home and a modular home.

366
367 Mr. Gidley - Yes, sir.
368
369 Mr. Green - And the look of a mobile home is different than a modular
370 home. Whereas a modular home looks more consistent with it's a home, and a mobile
371 home is just a square box that we see. So hopefully the applicant can address that. Are
372 there any questions from the board of staff?
373
374 Mr. Johnson - Yes. You mentioned that with the mobile home -- I also
375 noticed that they have a platform that it will be sitting on. Instead you have a concrete
376 platform it's sitting on. Would that be bolted down to that platform?
377
378 Mr. Blankinship - The building code would require that, Mr. Johnson, yes.
379
380 Mr. Johnson - Okay.
381
382 Mr. Gidley - And it does state in line five of the page I referenced
383 previously, the cement is simply poured in to fill the slab, some extra support in the shape
384 of metal rods can be installed. But, again, as Mr. Blankinship noted, they would need to
385 be building code on that.
386
387 Mr. Johnson - It would be bolted down?
388
389 Mr. Gidley - Yes, sir.
390
391 Mr. Johnson - Okay.
392
393 Mr. Green - Are there any other questions of staff? I mean of the board?
394 We'll now hear from the applicant.
395
396 Mr. Smith - Do not actually believe I'm the applicant, because I'm not the
397 person who's wanting to build this home.
398
399 Mr. Blankinship - Oh, who are you?
400
401 Mr. Smith - My name is Richard Smith. I live at 1721 Mill Road.
402
403 Mr. Blankinship - Oh. Is there anyone here representing the applicant on this
404 case? Do y'all represent the applicant? Oh, okay. I'm sorry. Well let's let them go first
405 then.
406
407 Mr. Green - Oh, okay. Yes.
408
409 Mr. Blankinship - Sorry. Please come on down.
410
411 Mr. Green - Have you been sworn in?

412
413 Mr. Blankinship - No, she has not. Before you begin, would you raise your right
414 hand, please. Do you swear the testimony you're about to give is the truth, the whole
415 truth, and nothing but the truth so help you God?
416
417 Ms. Hudson - Yes.
418
419 Mr. Green - And would you give us your full name, please.
420
421 Ms. Hudson - Sophia Annette Hudson. I'm sorry, I'm not familiar with these
422 proceedings, but yes, everything you stated here is true. I simply want to place a mobile
423 home there and, according with the ordinances, bolted down on a concrete slab.
424
425 Mr. Green - Do you have a picture of what the mobile home would look
426 like?
427
428 Ms. Hudson - No sir, I do not. I failed to give that because I wasn't quite
429 sure. But I am sure about the floor plan and the square footage that I would need to use.
430
431 Mr. Blankinship - Do you mean by that that you understand it needs to be at
432 least 900 square feet. That what you submitted does not meet the requirements of the
433 code.
434
435 Ms. Hudson - I understand that.
436
437 Mr. Blankinship - Okay.
438
439 Mr. Green - Any questions from the board?
440
441 Mr. Johnson - So you are making preparations to get a larger one?
442
443 Ms. Hudson - No, sir.
444
445 Mr. Green - Oh, you're not.
446
447 Ms. Hudson - No, sir.
448
449 Mr. Johnson - So you're using the 437 square foot facility.
450
451 Ms. Hudson - I beg your pardon?
452
453 Mr. Johnson - So you are using the 437 square foot mobile home?
454
455 Ms. Hudson - Yes. Yes, sir.
456
457 Mr. Green - And the recommendation is that they --

458
459 Mr. Blankinship - We're not going to be able to approve a building permit for
460 that.
461
462 Ms. Hudson - I understand. I understand.
463
464 Mr. Blankinship - Okay.
465
466 Ms. Hudson - I'm simply here to answer questions.
467
468 Mr. Green - So you're not receptive to a larger footprint?
469
470 Ms. Hudson - No, sir. I'm not. I'm simply here to answer questions to see if
471 you will approve what I submitted.
472
473 Mr. Green - Okay, thank you.
474
475 Mr. Johnson - The regulation requires that it would be at least 900 square
476 feet. And you --
477
478 Ms. Hudson - Yes, sir. I understand.
479
480 Mr. Johnson - If you don't make it different, you know, we could...
481
482 Ms. Hudson - I understand.
483
484 Mr. Green - She's not prepared to make any changes to the
485 recommendations. So we have to deal with that. Any other questions?
486
487 Mr. Johnson - Are you the owner?
488
489 Ms. Hudson - Owner of the property? No, sir. I would like to purchase the
490 property and place a unit there that I submitted the floor plans for.
491
492 Mr. Green - Okay, thank you. Any other questions? Thank you. Is
493 anyone else here to speak in reference to the application? Would you state your name,
494 please?
495
496 Mr. Smith - My name is Richard Smith.
497
498 Mr. Green - And can affirm he was sworn in?
499
500 Mr. Blankinship - Yes.
501
502 Mr. Smith - As I was saying, I currently live at 1721 Mill Road. As y'all
503 was stating about the previous home that was there on the property, it was demolished

504 two days after Thanksgiving as of last year. It was done on a Saturday. There was no
505 permit pulled for this. The home was buried there on site. They took a bulldozer, made a
506 scoop across the home, pushed it in it, made another scoop across the home, pushed it
507 in it. My wife witnessed this.

508
509 They crushed the septic tank on site. The well for this land is currently on my property.
510 Asked them what they were going to do with the well, they said that was my problem.
511 Those are some facts that I know of the property. I contacted several divisions after the
512 home was bulldozed. I contacted the ordinance department that initially put a sign on the
513 house to say that the home needed to be bulldozed or they would do it, or renovated, or
514 whatever needed to be done. He said that that was no longer an issue of his because the
515 home was no longer there.

516
517 I reached out to the DEQ, Virginia Department of Environmental Quality. They told me
518 they had no problem with it as well. It was done illegally, but they had no problem with it.
519 Contacted the Health Department -- told to direct it to the Health Department as far as the
520 septic tank was concerned. They never returned a phone call to me.

521
522 I spoke with one man, he was on a road call at the time of a three tractor-trailer accident.
523 He kind of talked to me briefly when he was on that scene. He didn't really get to talk to
524 me a whole lot, because he was in an active, you know, environmental problem there.
525 Told him what was going on and everything. He said he would try to reach back out to
526 me. I never really heard much back from him.

527
528 So, you know, a home being built there is a problem to me as far as where potentially it
529 could be at. I have a problem with the fact with the home being buried there. Is it a
530 problem with my well? You know, is there any kind of problem as far as contaminating
531 my well, my water system? With the abandoned well being left on my property, what is it
532 that I potentially need to do with that or, you know, just what I need to do or what direction
533 needs to take place with that.

534
535 I know all of this land used to be family property when I bought my home here 17 years
536 ago, I believe it was, 18 years ago maybe now, and it was just kind of all divided up, the
537 land was. The initial home right here that is circled, was the original property for all of the
538 land, and it was kind of broken down and had been sold off. There was another acre of
539 land that's behind the highlighted area that was for sale as well this year, as well as this
540 property here. As far as I know both properties had been sold. Maybe they were just
541 taken off the market.

542
543 I was interested in buying the property as well as the acre behind it because there is a
544 right-of-way that goes through my property that leads back to the one acre of land behind
545 the highlighted property, so I was a little concerned with the right-of-way and potentially
546 what that use could be.

547
548 But that right-of-way does not lead to this property that we are speaking of at 1711. I
549 believe this is considered. I think the other property is 1709, or this is 1709 and the other

550 property is 1711. No, this is 1701 and there's a 1711 property that's listed behind there.
551 Not that property. It's just land. There is no house, the 1711, it's just back there. Yeah.

552
553 It was originally listed as 3 acres of land, then it went to 2 acres of land, and they took the
554 1 acre of land and were selling that off separately with the 2 acres of land being sold off
555 separately. It was a little confusing to me. I talked to a realtor about it, asked her about
556 it, talked to her about the price of the property. Told her about the home being demolished
557 and buried there on site. She said she was not aware of that. I said, "Well I observed it.
558 I watched it. I witnessed it. Talked to the people as they were doing it. You know. I'm
559 making you aware of that."

560
561 So at this point I do not know where the property really lies at as far as being built on,
562 being bought, any of this. As per the applicant who wanted to build the home there, she
563 just stated that she does not actually own the land now, so I'm not aware of where the
564 land actually sits at, at this given moment. Because it is listed as off the market. Both
565 pieces of property are listed off the market.

566
567 Mr. Green - I have a question. Two questions for you.

568
569 Mr. Smith - Yes.

570
571 Mr. Green - One, are you for or against this project?

572
573 Mr. Smith - I would say I'm against it.

574
575 Mr. Green - And, secondly, given that your home is next door, even if a
576 larger mobile home were put there, what are your feelings in reference to a mobile home
577 versus a modular home?

578
579 Mr. Smith - I would be against a mobile home being, you know, installed
580 there, period, yes. It's dramatically different than what is out there in Varina totally. I don't
581 know of any mobile homes. I'm sure there's some modular homes that have been, you
582 know, erected out there. You know, I'm not too aware of it. But primarily all the homes
583 out there are built homes. I know the last home was just built farther up the road towards
584 Battlefield Park on the other side of Battlefield Park. The most recent home was built,
585 you know, it was built on site. It wasn't on modular home, mobile home, neither one. So,
586 yes, I would say I was against it.

587
588 Mr. Green - Okay. Are there any questions from the board?

589
590 Mr. Johnson - Yes. If there was a regular home built there, at least 900
591 square feet in space, would you have a -- you mentioned something about the septic tank.
592 Would you still have a problem with that?

593
594 Mr. Smith - Well, the septic tank is on their property where it was
595 bulldozed. I'm going to scroll with this mouse if it's attached. The septic tank was about

596 right here, and they just crushed it and dropped it in this place. There's a well, these two
597 little dots right here, where my little mark is right there. That well is for this property, or
598 was, until that home was bulldozed. And when I originally bought the property I stated if
599 this land was ever sold or anything that the well would have to be dealt with. I had to sign
600 an allowance to accept that well being on my property, and I had no problem with that
601 and I had no problem with giving accessibility to it.

602
603 Currently, the well top is intact, but the pumphouse top is dilapidated. And I'd spoken
604 with the previous owners before and they did rebuild it. They put down a sheet of plywood
605 and they just coated it with some asphalt. The asphalt cracked up and now it's dropping
606 in as well again. So I currently, you know, would love to know where that stands at.
607 Because I would possibly put a top on it. Potentially use that well as a water source for
608 my pool, possibly.

609
610 Mr. Green - Excuse me. One problem I have, and I think we need to just
611 move forward with this, is we're talking to someone who is adjacent to the property, and
612 we're talking to someone who is interested in the property, but we don't have the property
613 owner.

614
615 Mr. Blankinship - Right.

616
617 Mr. Green - So I think we need to just move on with this until we can hear
618 specifically from the property owner. That way we can ask the specific questions about
619 the house being bulldozed. But I think it's a little premature for us to talk about a piece of
620 property that the owner is not even here to address.

621
622 Mr. Blankinship - Staff would be happy to work with you on some of those other
623 questions, other than the variance that's actually the subject of this morning.

624
625 Mr. Green - So we can defer this. Right?

626
627 Mr. Blankinship - You could, certainly. If the board is comfortable acting on the
628 variance that's before you, I think you could do that. And we could work with Mr. Smith's
629 other questions on the staff level.

630
631 Mr. Green - Okay. Let's do that. Let's do that. Are there any other
632 questions from any board members? The public hearing is now closed, and a motion will
633 be in order. What is the pleasure of the board?

634
635 Mr. Johnson - Mr. Chairman, the variance required that we have at least 900
636 square feet of space for a facility on that property, and that's the regulation.

637
638 Mr. Green - Yes.

639
640 Mr. Johnson - And I know that there's other issues as well. But far as this is
641 concerned, I move that we deny the variance. The existing houses are less than 200 feet

642 apart, and so that the lack of the width could create a problem with the neighbors.
643 Although two lots contain enough land area for a house, the long, narrow shape of the
644 land is not suitable for a dwelling. The code requires 150 feet in lot width in the area -- in
645 the A-1 district, and I see no reason to make any exceptions to this case.

646
647 Mr. Green - There's a motion by Mr. Johnson to deny. Do I hear a
648 second?

649
650 Mr. Reid - Second.

651
652 Mr. Green - The motion was seconded by Mr. Reid. Is there any
653 discussion among the board? All in favor of the motion to deny say aye. All opposed say
654 nay. Motion passes.

655
656 After an advertised public hearing and on a motion by Mr. Johnson, seconded by Mr.
657 Reid, the Board **denied** application **VAR2019-00034 SOPHIA HUDSON's** request for a
658 variance from Section 24-94 of the County Code to build a one-family dwelling at 1701
659 Mill Road (Parcel 806-686-9873) zoned Agricultural District (A-1) (Varina). The lot width
660 requirement is not met.

661
662
663 Affirmative: Green, Harris, Johnson, Reid 4
664 Negative: 0
665 Absent: Bell 1

666
667
668 Mr. Green - So this concludes our meeting for today. And the next item
669 on the agenda is the approval of the minutes. Are there any corrections to the draft
670 minutes?

671
672 Mr. Johnson - No objections.

673
674 Mr. Green - Is there a motion to approve the minutes?

675
676 Mr. Johnson - Motion that we approve the minutes.

677
678 Mr. Green - Motion made by Mr. Johnson, is there a second?

679
680 Mr. Reed. - Second.

681
682 Mr. Green - Seconded by Mr. Reid. All in favor aye. All opposed, nay.

683
684 On a motion by Mr. Johnson, seconded by Mr. Reid, the Board **approved the minutes**
685 of the October 24, 2019 Board of Zoning Appeals meeting.

686
687

688 Affirmative: Green, Harris, Johnson, Reid 4
 689 Negative: 0
 690 Absent: Bell 1

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Mr. Green - There is one item under new business which is to set a work session for December 19th for the purpose of training. Do I hear a motion?

Mr. Blankinship - Yes. Let me just explain there. I apologize. We had it set for today and then when we discussed it further the decision was made that with Mr. Bell absent it seemed wise to reschedule for next month so that all five members will be present.

Mr. Green - Is there a motion to move the training session to December 19th?

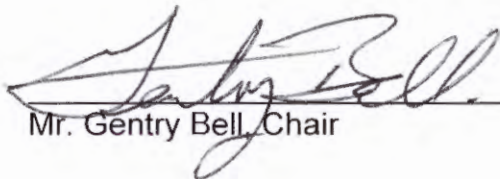
Mr. Reid - So moved.

Mr. Johnson - Second.

Mr. Green - Motion was moved by Mr. Reid, seconded by Mr. Johnson. Is there any discussion? All in favor of the motion to set the work session say aye. All opposed nay.

693 Affirmative: Green, Harris, Johnson, Reid 4
 694 Negative: 0
 695 Absent: Bell 1

Mr. Green - Thank you everyone, we're adjourned.


 Mr. Gentry Bell, Chair


 Mr. Benjamin W. Blankinship, Secretary