

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 20, 2025 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED**
5 **IN THE *RICHMOND TIMES-DISPATCH* NOVEMBER 3, 2025 AND NOVEMBER 10,**
6 **2025**

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

14
15 **Also Present:** Leslie A. News, Assistant Director of Planning
16 Benjamin Blankinship, Secretary
17 Paul M. Gidley, County Planner
18 Sara Rozmus, County Planner
19 Kayla Shelton, Accounting Clerk
20

21
22
23 **Mr. Barry Lawrence -** We will convene this morning's meeting. Good morning,
24 welcome to the November 20, 2025, meeting of the Henrico County Board of Zoning
25 Appeals. For those who are able, will you please stand at this time and join us for the
26 Pledge of Allegiance.

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

30
31 **Mr. Barry Lawrence-** Thank you. Mr. Blankinship will now read our rules.
32

33 **Mr. Blankinship-** Good morning, Mr. Chair, members of the board. Good morning,
34 ladies and gentlemen, with us in the room today, and I would also like to welcome those
35 who are joining us remotely on Webex. If you wish to observe the meeting but you do not
36 intend to speak, then welcome and thank you for joining us. For those of you on Webex
37 who would like to speak, we need to know that in advance so we can connect you at the
38 appropriate time. So, if you are an applicant or if you have questions or comments on one
39 of the cases, please press the chat button now. It's located in the bottom right corner of
40 the screen, and when the chat window opens, please select Janaya Poarch from the list
41 of participants and let her know your name and which case you are interested in. The
42 chat feature will only be used to identify speakers, so please do not type questions or
43 comments into a chat, but please send a chat to Janaya Poarch now. So, for those of us
44 in the room, as secretary, I will call each case. We will ask everyone who intends to speak
45 to that case to stand and be sworn in. Then a member of the Planning Department staff
46 will give a brief introduction to the case. Then the applicant will present their case. After

47 the applicant has spoken, anyone else who wishes to speak will have the opportunity.
48 We'll hear from citizens in the room first and then from those online. After everyone has
49 had a chance to speak, the applicant and only the applicant will have an opportunity for
50 rebuttal. This meeting is being video recorded, so for those in the room, we will ask you
51 to speak directly into the microphone on the podium there at the back of the room. We'll
52 ask everyone to state your name and please spell your last name, so we get it correctly
53 in the record. And once your case is over, you're free to leave, there's no need for you to
54 stay for the rest of the meeting. With that, Mr. Chair, we do have three withdrawn cases
55 on this morning's agenda. So let me announce those first, because if anybody is here for
56 the withdrawn cases, you have the rest of the morning off.

57
58 **CUP-2025-102462 - Chris Grocholski: conditional use permit to allow short-term**
59 **rental of a dwelling at 1101 Swissvale Place, Westmoor, Tuckahoe. Parcel 748-742-**
60 **4394. Zoning: R-2A, One-Family Residence District. Code Section: 24-4431.**

61
62 Mr. Blankinship- The first is **CUP-2025-102462** Chris Grocholski: a conditional use
63 permit to allow short-term rental of a dwelling at 1101 Swissvale Place, in Westmoor
64 subdivision, in the Tuckahoe Magisterial District that case has been withdrawn.

65
66 **CUP-2025-102476 - Elmer Monroy Puerta for Alicia and Tony Pitorri: conditional**
67 **use permit to build a carport in the side yard at 2204 Wolverine Drive, Valentine**
68 **Hills, Fairfield. Parcel 777-755-0694. Zoning: R-2, One-Family Residence District.**
69 **Code Section: 24-4404.A.1.**

70
71 Mr. Blankinship- The second case on the agenda also has been withdrawn. That's
72 **CUP-2025-102476** Elmer Monroy Puerta for Alicia and Tony Pitorri: conditional use
73 permit to build a carport in the side yard at 2204 Wolverine Drive, in Valentine Hills, in the
74 Fairfield Magisterial District. That case has been withdrawn.

75
76 **VAR-2025-102511 - Logan Farmer for 647 Walsing Drive LLC: variance from the**
77 **accessory structure location requirement to build a swimming pool at 647 Walsing**
78 **Drive, Mooreland Landing, Tuckahoe. Parcel 741-731-8467. Zoning: R-1, One-**
79 **Family Residence District. Code Section: 24-4404.A. The applicant has 6 feet**
80 **between a swimming pool and a dwelling where the Code requires 10 feet between**
81 **principal and accessory structures. The applicant requests a variance of 4 feet.**

82
83 Mr. Blankinship- Finally on the variances. **VAR-2025-102511** Logan Farmer for 647
84 Walsing Drive LLC, a variance from the accessory structure location requirement to build
85 a swimming pool at 647 Walsing Drive, in Mooreland Landing, in the Tuckahoe
86 Magisterial District. That case has also been withdrawn.

87
88 **VAR-2025-101300 - Jesus Alvarez: variance from the public street frontage**
89 **requirement to build a single-family dwelling at 9104 Mayfair Avenue, Fairfield.**
90 **Parcel 770-758-8369. Zoning: R-3, One-Family Residence District. Code Section:**
91 **24-4306.E.1. The applicant has 0 feet public street frontage where the Code requires**

92 **50 feet public street frontage. The applicant requests a variance of 50 feet public**
93 **street frontage.**

94
95 Mr. Chair, we also have one request for a deferral this morning that was received after
96 your packets were sent out. That is **VAR-2025-101300** Jesus Alvarez: variance from the
97 public street frontage requirement to build a single-family dwelling at 9104 Mayfair
98 Avenue, in the Fairfield Magisterial District. Is Mr. Alvarez here? Okay, can you come up
99 to the podium, please? And is there anybody in the room? We're not going to hear the
100 case at this time, but is there anybody in the room who is for or against deferral of this
101 case, please let us know. Okay, seeing none, Mr. Alvarez and your representative.

102
103 Mr. Craver- My name is actually Randy Craver. I'm here with Mr. Alvarez. I'm his
104 brother-in-law. So, I'm here to kind of help him through this.

105
106 Mr. Blankinship- Spell the last name please.

107
108 Mr. Craver- Craver.

109
110 Mr. Blankinship- Thank you. And your request for deferral?

111
112 Mr. Craver- We are requesting it to get deferred.

113
114 Mr. Blankinship- For how long?

115
116 Mr. Craver For four months.

117
118 Mr. Blankinship- Until March twenty-sixth?

119
120 Mr. Craver- Yes.

121
122 Mr. Blankinship- And for what purpose?

123
124 Mr. Craver- So we have time to complete what the county asked us to do as far
125 as removing the containers and stuff that's on the property.

126
127 Mr. Blankinship- March twenty-sixth.

128
129 Mr. Massie- So moved.

130
131 Mr. Green- Second.

132
133 Mr. Lawrence- We have a motion by Mr. Massie for deferral and a second by Mr.
134 Green. All those in favor of deferral for this case signify by saying "Aye."

135
136 Board- Aye.

137

138 Mr. Lawrence- Is there anyone opposed? Motion carries.
139

140

141

Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5

142 **Negative: 0**

143 **Absent: 0**

144

145

146 Mr. Blankinship- All right, thank you.

147

148 Mr. Craver- Thank you.

149

150 Mr. Blankinship- Your mic is on mute, Sir. Very last button. There you go.

151

152 Mr. Green- Oh, Mr. Chair, I'd like to request or ask if we can move variance,
153 2025-102451 up to the first case because of some time constraints that individual has.

154

155 Mr. Lawrence- Is there anyone here who has an objection to moving the case up?
156 Okay, we'll now proceed.

157

158 Mr. Blankinship- All right, we're going to go a little out of order on the agenda.

159

160 **VAR-2025-102451 Elizabeth Floyd for Christopher Farsaci: variance from the rear**
161 **yard setback to build a sunroom at 4121 Cole's Point Way, Cottages at Crossridge,**
162 **Brookland. The applicant has 28 feet rear yard setback where the Code requires 35**
163 **feet rear yard setback. The applicant requests a variance of 7 feet rear yard setback.**
164 **Parcel 764-762-5357. Zoning: R-5AC, General Residence District (Conditional).**
165 **Code Section: 24-3313.D.**

166

167 Mr. Blankinship- The next case will be **VAR-2025-102451** Elizabeth Floyd for
168 Christopher Farsaci: variance from the rear yard setback to build a sunroom at 4121
169 Cole's Point Way, in the Cottages at Crossridge, in the Brookland Magisterial District.
170 Would everyone who intends to speak to this case, please stand and be sworn in. Raise
171 your right hand, please. Do you swear the testimony you're about to give is the truth, the
172 whole truth, and nothing, but the truth to help you God? Thank you. Mr. Gidley.

173

174 Mr. Gidley- Thank you, Mr. Secretary. Good morning, Mr. Chair, members of the
175 board. The subject property is located in the Cottages at Crossridge. There's an existing
176 2,472-square-foot home on the property with a two-car garage and patio. It was
177 constructed in 2005. This is a picture of the patio right here. The applicant proposes to
178 construct a sunroom over the patio, and here's the building plan right here. And this is a
179 concept plan. As you can see here, the proposed sunroom would be twelve feet by twelve
180 feet and would come within twenty-eight feet of the rear lot line versus a required setback
181 of thirty-five feet. As a result, the applicant has applied for a seven-foot rear yard variance.

182

183 In reviewing this request, one of three threshold tests must be met. The applicant tends
184 to rely on unreasonable restriction of the property, noting that it backs up to an
185 environmental protection area, which it does. You can see the rear yard right there. Staff
186 certainly understands where he's coming from. However, the inability to convert a patio
187 into a sunroom does not make the thirty-five-foot setback unreasonable. The second
188 threshold test is not met as the thirty-five-foot rear yard setback in this district was already
189 in place when the subdivision was established. And finally, this does not involve
190 accessibility for a disabled person. In conclusion, staff certainly understands where the
191 applicant is coming from. However, we don't believe any of the threshold tests are met as
192 required by the Code of Virginia. As a result, we're left to recommend that the variance
193 be denied. If you have any questions, I'll be happy to answer those. Thank you.

194

195 Mr. Lawrence- Does anyone from the board have any questions at this time of Mr.
196 Gidley? Seeing none, we will hear from the applicant.

197

198 Ms. Floyd- Hi, how are you all today? So, the proposed sunroom, it only has...

199

200 Mr. Blankinship- Tell us your name please.

201

202 Ms. Floyd- Oh I'm sorry. Elizabeth Floyd. F L O Y D.

203

204 Mr. Blankinship- Thank you.

205

206 Ms. Floyd- So on the concept plan, you can see that the sunroom, it's only
207 encroaching at maximum, seven feet into the setback. On the smaller side just over four
208 feet. The rear setback, it's off a completely undevelopable portion of land. As you can see
209 from the picture, it's just all environmental, very grown up, nothing is going to be, yes,
210 thank you. Nothing is going to be improved back there, you know, so he isn't really going
211 to be impacting any of the neighbors, I mean, nothing's going to be developed behind
212 him.

213

214 Mr. Lawrence- Anyone from the board have any questions of Ms. Floyd? I have a
215 few questions, Ms. Floyd.

216

217 Ms. Floyd- Yes sir.

218

219 Mr. Lawrence- Ms. Floyd, Crossridge has a very active HOA with restrictive
220 covenants and I'm aware of them, because I have a couple of family members that live
221 there. Initially, I noticed in the staff report I didn't see any weigh in by the HOA. But, I see
222 this morning, there's a letter from your HOA that has given their approval to this project.

223

224 Mr. Blankinship- That was left on the table for you this morning.

225

226 Mr. Lawrence- So there's no objections from the HOA about what you're proposing?

227

228 Ms. Floyd- Yes sir.

229
230 Mr. Lawrence- Okay, secondly have the adjoining property owners weighed in on
231 this case?
232
233 Ms. Floyd- Sorry, this is the property owner.
234
235 Mr. Farsaci- Christopher, excuse me. Christopher Farsaci, I'm the property
236 owner. So, the neighbors on either side, in fact, they both said that they'd come and
237 support this today. I told them it wasn't necessary. There's been no feedback to the
238 contrary that said, you know, hey, I don't think you're doing the right thing or whatever. I
239 get a lot of feedback because I'm on the board at Crossridge. So, people know who I am.
240
241 Mr. Lawrence- So you're on the board?
242
243 Mr. Farsaci- I'm the president.
244
245 Mr. Lawrence- Oh you're the president, okay. The home next door to you, it appears
246 to me they have a sunroom on the back of their house. Am I mistaken, but it looked to me
247 like there's a sunroom on that house.
248
249 Mr. Farsaci- They do. Both houses have sunrooms.
250
251 Mr. Lawrence- So, did they get a variance for that or how did that occur?
252
253 Ms. Floyd- We did not research the neighboring property for their building
254 permits.
255
256 Mr. Farsaci- Yeah, they existed prior to my purchase of the home. You know, they
257 were there as part of the original construction.
258
259 Mr. Blankinship- If you look at the screen, Mr. Lawrence, the rear lot line is closer to
260 the street because of the environmental features in the back. So, the houses on either
261 side are slightly deeper in the rear yard, so they were able to build those sunrooms without
262 variances. They do meet the setback requirement.
263
264 Mr. Lawrence- The real property line to me looks a little odd. It kind of comes
265 inwards.
266
267 Ms. Floyd- It does, and that's what's kind of causing this issue is a jog inward.
268
269 Mr. Blankinship- And that was required because of the environmental feature in the
270 rear they have to meet setback from the streams.
271
272 Ms. Floyd- Yeah, the way it is shaped, it kind of creates it to where it doesn't
273 have environmental features on the lot or minimal impact.
274

275 Mr. Lawrence- Mr. Gidley, can you point out where the staff report mentioned also
276 that the adjoining homes, the way they were situated on the lot? The adjoining homes
277 angle a little bit away from this house. So, there'll probably be less of an impact by having
278 a structure in the back.

279
280 Mr. Blankinship- I'll be happy to answer that. Yes, as you can see again on the screen
281 before you, it's not a wide divergence, but the houses are somewhat fanned out on the
282 outside of the curve of the street. So rather than looking, you know, directly into your
283 neighbor's side yard, there's a little bit more of an angle away.

284
285 Mr. Lawrence- Is there a patio or a deck in this footprint?

286
287 Mr. Farsaci- Yes. We will construct on the existing patio. It's a twelve-by-twelve
288 patio.

289
290 Mr. Lawrence- So you're not going beyond that footprint?

291
292 Ms. Floyd- No sir.

293
294 Mr. Lawrence- I think that's the only questions I have. Does anyone else from the
295 board have any questions?

296
297 Mr. Green- Mr. Chair, I'm in favor of supporting this as I always state. This is the
298 new trend that we're seeing in the county where the folks want to take the decks or
299 existing areas and close them and to me it adds square footage. It adds to the value of
300 the house, and it also creates opportunities for folks who are in the construction industry
301 to create jobs and opportunities and, it's just to me, these are just no brainers. And then
302 when looking in what's back behind it, I don't see where it's going to impact anything and
303 this is what people want, people want now.

304
305 Mr. Lawrence- I appreciate those comments, Mr. Green. I'm going to share some
306 comments too, before we make a motion on this case for Ms. Floyd and Mr. Farsaci. I
307 probably have a little more conservative viewpoint on this issue than some of my
308 colleagues. The Board of Supervisors and the Planning Commission have established
309 setback requirements. And I think this body has to be careful as I mentioned before about
310 not getting into a legislative role in granting variances to circumvent the ordinance. Having
311 said that, I think we also have to use some common sense.

312
313 Mr. Blankinship- Are we closing the public hearing?

314
315 Mr. Lawrence- I'm sorry. No, we're not. Do we have anyone in the audience that
316 wants to speak to the case? I'm sorry, for or against the case or on Webex?

317
318 Mr. Blankinship- There is no one on Webex for this case.

319

320 Mr. Lawrence- Thank you, Mr. Blankinship. Having said that, I think we have to use
321 some common sense as well, and I do have a little difference of opinion with staff. I
322 respect staff and their recommendation on this, and I think they're compelled to
323 recommend denial because of the way they read the State Code and the threshold test.
324 But I disagree a little bit. I think there is a physical condition on this property that does
325 create a hardship. I've ridden through the neighborhood a couple times, and I've gone
326 into other sections nearby, adjoining sections that have almost no setback. And they have
327 porches going all the way up to the property line. Now I know that maybe there's a different
328 zoning classification. I'm not sure how this neighborhood was zoned. I'm looking at the
329 line on the rear property line. I'm seeing the way that line runs, and it's a little bit curious
330 to me. They have this so-called environmental area behind them. But I also notice if you
331 go behind that area, there's huge, I guess cell phone towers or electrical things, which to
332 me are very unappealing. So, I don't see how this is going to detrimentally affect the
333 neighborhood or the neighbors. I do think there's a physical condition here that can justify
334 granting the variance. So having said all that, I'm going to move that we approve this
335 variance, subject and the conditions recommended by the staff. The rear yard setback is
336 unreasonable as applied to this lot. The proposed addition would improve the value of the
337 property and the other tests are met as stated in staff report. So that's my motion.

338
339 Mr. Green- Second.

340
341 Mr. Lawrence- Motion by the Chair, Mr. Lawrence, seconded by Mr. Green. All in
342 favor say "Aye."

343
344 Board- Aye.

345
346 Mr. Lawrence- Is there anyone opposed? Motion carries.

347
348 Mr. Green- Just a point of clarification.

349
350 Mr. Farsaci- Thank you very much.

351
352 Mr. Green- Quick question. Yes, as president of the Association, did you abstain
353 from voting on this?

354
355 Mr. Farsaci- Yes. The review was conducted by the architectural review
356 committee. They did this solely on their own and they submitted it to me.

357
358 Mr. Green- Okay, thank you.

359
360 Mr. Lawrence- Thank you, Mr. Green. That was a question I was going to ask too,
361 and I had forgotten to ask. So, thank you.

362
363 **On a motion by Mr. Lawrence , seconded by Mr. Green, the Board approved case**
364 **VAR-2025-102451 subject to the following conditions:**

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1. This variance applies only to the rear yard requirement for a sunroom only. All other applicable regulations of the County Code remain in force.

2. This variance applies only to the improvements shown on the plot plan prepared by Virginia surveys and dated 9-8-2025 and the building design prepared by Moffett & Company filed with the application. Any substantial changes or additions to the design or location of the sunroom will require a new variance. Any additional improvements must comply with the applicable regulations of the County Code.

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

4. This approval is subject to the conditions proffered with rezoning case C-10C-02.

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

6. The applicant must obtain a building permit for the proposed sunroom within two years of the date of approval (November 20, 2027) or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

Affirmative:	Broadway, Green, Johnson, Lawrence, Massie	5
Negative:		0
Absent:		0

Mr. Blankinship- Okay, we are now going to return to the top of the agenda or the third case on the agenda under conditional use permits.

CUP-2025-102537 Byron Peterson for Stuart and Madison Johnson: conditional use permit to build a detached garage with an accessory dwelling unit at 700 Baldwin Road, Westham, Tuckahoe. Parcel 758-738-7269. Zoning: R-3, One-Family Residence District. Code Section: 24-4406.

Mr. Blankinship- This is **CUP-2025-102537** Byron Peterson for Stuart and Madison Johnson a conditional use permit to build a detached garage with an accessory dwelling unit at 700 Baldwin Road, in the Westham 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. Oh, yeah, they'll be gone in a moment. Do you swear the testimony you're about to give is the truth, the whole truth, and nothing but the truth so help you God? Thank you. And members of the board called your attention, there were

411 also some email messages on this case that were left on the table. Ms. Rozmus, would
412 you provide copies? Do you have copies of those?

413
414 Mr. Gidley- I have copies.

415
416 Mr. Blankinship- Can we get a copy of those back to the applicant? I have an extra
417 set as well. Forgot to leave them on the table down there this morning. Alright, thank you,
418 Mr. Gidley.

419
420 Mr. Gidley- Thank you, Mr. Secretary. The subject property is located in the
421 Westham subdivision, just southwest of Three Chopt and Patterson Avenue's
422 intersection. The applicants purchased the property in 2022. There was an existing Cape-
423 Cod home on it, they demolished that, and they've replaced it with a new two-story, 3,912-
424 square-foot dwelling that you can see right here. Now this is an aerial view from about a
425 year or so ago when it was under construction. As you can see, in addition to the home,
426 they built a two-story garage in the back corner of the yard. The first floor was for, you
427 know, vehicles, while the second floor was used for storage. This detached garage was
428 recently damaged when a tree fell on it, you can see that right here. The applicants would
429 like to rebuild the second floor. This time, instead of storage, they would like to use it as
430 an accessory dwelling unit.

431
432 In evaluating this request, the property is zoned R-3, One-Family Residence District. A
433 single-family dwelling is a permitted use in the R-3 district. A detached garage is a typical
434 accessory structure and an ADU may be approved by a conditional use permit. The
435 proposed unit would have a floor area of 672 square feet within the 800-square-foot
436 maximum permitted on this property. The original structure had a gabled roof, but the
437 proposed replacement had extensive dormers on it that you can see here. The proposed
438 new structure violated the twenty-foot building height limit, so the applicants did make
439 some modifications to bring it into compliance with the twenty-foot building height limit, so
440 what they are proposing is in compliance with the twenty-foot height limit. The ADU is
441 served by long paved driveway so there's plenty of parking on the property. Recently,
442 staff received four emails in opposition, two of which were from nearby property owners
443 that received notice in the mail, I believe they are at your desk. Anyway, they expressed
444 concern about building height and the next-door neighbor also expressed concern about
445 loss of privacy in their rear yard. You can see the neighbor here, his property is actually
446 higher. And they also have a privacy fence here, so yes, the second floor could look into
447 their rear yard, but on their property is much higher. So, staff isn't too concerned about
448 an extensive impact on the neighbor. They also said something about this would be the
449 third dwelling on the property, which is not the case. The main dwelling is three floors,
450 two floors, and then a basement that's finished. There's a wet bar in the basement where
451 the elderly dad lives, but that's not a separate dwelling unit. That is in compliance with the
452 zoning ordinance.

453
454 In conclusion, the existing two-car garage with second floor storage was recently
455 damaged in the storm. There's a proposal to rebuild and use the second floor for an ADU.
456 Staff does not believe this will have a significant impact on the neighbors, especially since

457 the property owners live on the site and will be able to police, you know, any activity that
458 occurs there. There's also plenty of parking as noted. As a result, staff recommends
459 approval of this case subject to the conditions in your staff reports. If you have any
460 questions, I'll be happy to answer those.

461

462 Mr. Lawrence- Thank you. Does anyone from the board have any questions for Mr.
463 Gidley? I had a couple for you, Mr. Gidley. First question was the staff report mentions a
464 lot of features in the backyard that include floodplain drainage areas. The proposed
465 structure, how would that affect the floodplain and the drainage on the property?

466

467 Mr. Gidley- Yeah, the floodplain is on the side here, kind of opposite of where
468 the garage is. You can see it here on the plat, and its floodplain is field located at the 180-
469 foot elevation contour. So that runs here, which is quite distant from the garage and there
470 is a picture here. This is standing on the side street looking towards the garage. As you
471 can see, this area here is the floodplain down here. The garage is up here and it's existing
472 and already approved.

473

474 Mr. Lawrence- Okay, the other thing too, I was a little confused about the maximum
475 square footage because the staff report indicates that the applicant could actually go up
476 to 800 square feet.

477

478 Mr. Gidley- Due to the size of their dwelling.

479

480 Mr. Lawrence- Yeah, I was under the impression that the maximum was 750. I don't
481 know how I got it. Can you explain how that threshold is calculated?

482

483 Mr. Gidley- It is, what thirty-five percent, Ben?

484

485 Mr. Blankinship- Yes.

486

487 Mr. Gidley- Of the floor area of the dwelling or 800 square feet maximum.

488

489 Mr. Lawrence- Okay.

490

491 Mr. Gidley- So if the dwelling is say 5,000 square feet, you're going to blow
492 through the 800, so they're going to cap it at 800 in the Code.

493

494 Mr. Lawrence- Okay.

495

496 Mr. Gidley- But if you have a thousand-square-foot dwelling then you're going to
497 be limited to 350 square feet. So, it's whatever's less, thirty-five percent of the floor area
498 of the home or 800 square feet.

499

500 Mr. Lawrence- I was for some reason thinking thirty percent and 750, so I must be
501 confused with maybe another jurisdiction. Okay, but the applicant though, he's not
502 requesting 800, right?

503
504 Mr. Gidley- No sir, he's requesting 672 square feet.
505
506 Mr. Lawrence- Okay. All right, thank you.
507
508 Mr. Gidley- Yes, sir.
509
510 Mr. Lawrence- Anyone else on the board have questions? Hearing none, we'll hear
511 from the applicant.
512
513 Mr. Broadway- I did have a question for Mr. Gidley. You referred to one of the letters
514 in opposition as saying that this would be the third distinct living dwelling, which was
515 inaccurate. Do you know what they meant by third living dwelling?
516
517 Mr. Gidley- Let me get to it. Okay. You know, I think I gave duplicate copies, but
518 they talked about the living unit, I believe downstairs also. I think there is some comment
519 in the mail or in the email.
520
521 Mr. Broadway- Yeah, but that wouldn't be a separate dwelling.
522
523 Mr. Blankinship- You reviewed that building permit?
524
525 Mr. Gidley- Yes sir, there was a building permit issued when the home was
526 recently constructed. It just showed a sink down there and they are allowed to have a wet
527 bar as long as it's not a kitchen with cooking facilities. I spoke to the applicant yesterday
528 and confirmed it remains a wet bar, not a kitchen with cooking facilities. And my
529 understanding is, it's simply a matter of their dad is living down there.
530
531 Mr. Blankinship- So there's a bedroom and bathroom that sort of makes a separate
532 living area from the rest of the house, but it is not a separate dwelling unit.
533
534 Mr. Gidley- Right, it's not a dwelling unit that would require a conditional use
535 permit.
536
537 Mr. Lawrence- It's not a separate dwelling unit because it doesn't have separate
538 kitchen facilities.
539
540 Mr. Gidley- Yes, sir.
541
542 Mr. Lawrence- It's actually part of the main structure?
543
544 Mr. Gidley- Yes sir.
545
546 Mr. Green- Well, my question, how would that person know that much and be
547 that concerned about somebody else's property?
548

549 Mr. Gidley- Yeah, I wondered that too, Mr. Green.
550
551 Mr. Green- That's rather intrusive, so I mean, are they monitoring it or what's
552 happening? Okay. That doesn't make sense to me.
553
554 Mr. Lawrence- Any other questions from the board to Mr. Gidley? Hearing none, we
555 will hear from the applicant now.
556
557 Mr. Peterson- Good morning, Byron Peterson. I am the builder for this project and
558 represent the Johnsons on this. I built the house approximately a year and a half ago.
559 Unfortunately, we had a big storm, and a giant oak tree smashed the existing garage. The
560 previous garage actually had a 12-12 pitch on it, and it was room trusses, so it was
561 actually higher than the proposed new building. We're a foot and half shorter on the new
562 building than the old building. And as you can see from the plans, we're just going to put
563 basically a big room that has options to do various things. It will be heated and cooled. It
564 will have a bathroom in it. Other than that, I think we've met all the requirements. The
565 twenty-foot building height was met and the square footage was met, and like I said
566 before, this was an existing dwelling.
567
568 Mr. Blankinship- The zoning ordinance does not constrain who lives in the unit, but do
569 you know from your conversations with the owner who they plan to have living in this?
570
571 Mr. Peterson- It's planned to be an office, you know, as so many people work at
572 home, so primarily it's going to be an office area. I don't really know what the future holds,
573 but.
574
575 Mr. Blankinship- Please do.
576
577 Mr. Green- Name?
578
579 Mr. Johnson- Stuart Johnson.
580
581 Mr. Blankinship- Yes sir.
582
583 Mr. Johnson- So the house was constructed for multi-generational living. My father
584 has no money to live by himself, and he's eighty-five years old. So, we built the house
585 with a bedroom in the basement where he could live. The building permit was approved
586 and we're within code there, it's not a separate dwelling in the basement. Yes, there's a
587 fridge down there and a sink. We take him to dinner every night. He's recently aged very
588 quickly and so my sister's been living with us in the main house, we have two small
589 children as well. We want my dad to stay there as long as he can. My sister recently
590 relocated back from New York to Virginia to help with his cancer treatment, and therefore,
591 this storm was, has been terrible that knocked over our garage, it's been the biggest pain,
592 but yet it opened up an opportunity where we could have more help as a family, where
593 my sister could come live and move to Richmond. And instead of her living in the upstairs

594 with her two small children, this would be her living unit and help take care of my dad until
595 his, you know, and until the end of his life. After that, I don't know what we're going to do.
596

597 Mr. Blankinship- Sure.
598

599 Mr. Green- First, Mr. Johnson, thank you, but you didn't have to go that deep.
600 It's your house. And who's in your house. You got five bedrooms and there are different
601 people in different bedrooms. That's your call. You know, I too am going through some of
602 that something where my father recently passed, I had to move my sister and reconstruct
603 it, remodeling, you know my mother's house and it's nobody's business what we're doing
604 in there as long as we're doing it within code and within structure and all this intrusiveness
605 about third units and who's there. You know, people need to realize that families are
606 moving in together. Children are coming home, you know, wives getting mad, put their
607 husbands in the garage or some dwelling unit, and that's just life. So, I appreciate that,
608 but you know you didn't have to go too deep about what you're doing in your home.
609

610 Mr. Johnson- Yeah, I understand.
611

612 Mr. Lawrence- Anyone else on the board have any questions for either Mr. Madison
613 or Mr. Peterson, before we open it up for public comment? Hearing none, at this time we'll
614 ask if there's anyone in the audience or on Webex who wishes to speak either in favor or
615 in opposition to the case.
616

617 Mr. Blankinship- There is no one on Webex.
618

619 Mr. Lawrence- Okay, hearing none, we will close the public hearing, and is there
620 any further discussion from the board? Mr. Broadway, are you ready to make a motion
621 on case?
622

623 Mr. Broadway- Yes sir. Well, based on the recommendations of the staff this
624 dwelling would provide additional living space for a family member, and the garage is
625 already allowed by right, only the dwelling unit requires approval. It's consistent with the
626 comprehensive plan and zoning ordinance. So on that basis I would move that we
627 approve it.
628

629 Mr. Green- Second.
630

631 Mr. Johnson- Second.
632

633 Mr. Lawrence- We have a motion from Mr. Broadway to approve the case. We have
634 a second, I think from Mr. Green, we also had one from Mr. Johnson too. I think Mr. Green
635 weighed in first. All those in favor say "Aye."
636

637 Board- Aye.
638

639 Mr. Lawrence- Anyone opposed say "No." The motion carries.

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On a motion by Mr. Broadway , seconded by Mr. Green, the Board approved case CUP-2025-102537 subject to the following conditions:

1. This conditional use permit authorizes the use of the second floor of the detached garage for an accessory dwelling unit (ADU). All other applicable regulations of the County Code remain in force.
2. This conditional use permit applies only to the garage and ADU shown on the plot plan prepared by Balzer & Associates dated 12/7/2022 and the building design titled "Garage Reconstruction" prepared by Brad Kite, LLC and revised 11/11/25, filed with the application, showing the building height less than 20 feet. Any substantial changes or additions to the design or location of the garage and ADU will require a new conditional use permit. Any additional improvements must comply with the applicable regulations of the County Code.
3. Any exterior lighting must be shielded to direct light away from adjacent property and streets.
4. The new construction must match the existing dwelling as nearly as practical in materials and color.
5. Before beginning any clearing, grading, or other land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works. The applicant may be required to analyze and provide solutions to minimize drainage impacts on downstream properties. Corps of Engineers and DEQ permits may be required.
6. The applicant must obtain a building permit for the proposed accessory dwelling unit within two years of approval (by November 20, 2027), or this conditional use permit will expire. If the building permit is cancelled or revoked after that date due to failure to diligently pursue construction, this conditional use permit will expire at that time.

Affirmative:	Broadway, Green, Johnson, Lawrence, Massie	5
Negative:		0
Absent:		0

CUP-2025-102551 Mauricio Linares: conditional use permit to keep up to six hens in the rear yard at 2815 Dellrose Avenue, Hermitage Park Addition, Fairfield. Parcel 777-746-4534. Zoning: R-4, One-Family Residence District. Code Section: 24-4420.G.

Mr. Blankinship- Alright the last conditional use permit before we move to variances will be CUP-2025-102551 Mauricio Linares a conditional use permit to keep up to six hens

686 in the rear yard at 2815 Dellrose Avenue, in Hermitage Park Addition, in the Fairfield
687 Magisterial District. Would everyone who intends to speak to this case please stand and
688 be sworn in. Raise your right hands, please. Do you swear the testimony you're about to
689 give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you.
690

691 Mr. Massie- I have a question. Did you just want to defer this case? Put this off to
692 do what you need to do?

693
694 Mr. Linares (by translator)- I'm sorry?

695
696 Mr. Massie- Do you want to defer this case? Continue the case.
697

698 Mr. Linares (by translator)- He's trying to obtain his permit for the hens.
699

700 Mr. Massie- I know what he needs, but there's certain things he needs to do in
701 order to make that happen.
702

703 Mr. Blankinship- Yeah. We tried hard to communicate with you and had very little
704 success, but where the coup is located now is not allowed by the ordinance and the Board
705 can't approve it where it is now. In order to have it approved, it has to be moved to meet
706 the setback, which is twenty-five feet from the property line. So, this can't be approved
707 this morning. It can be denied or it can be deferred. If it's deferred, Mr. Linares can move
708 the coup to the middle of the property and then we can, you know, hear the case again.
709 After that's been done.
710

711 Mr. Linares (by translator)- I gotcha.
712

713 Mr. Green- Can you explain that to him? Or does he understand?
714

715 Mr. Linares (by translator)- I'm sorry?
716

717 Mr. Green- Does he understand or do you want to explain that to him?
718

719 Mr. Linares (by translator)- Translation. Where in the vicinity would he move it to,
720 the middle of the yard? He said yeah, he will try to move it to the middle of the back yard.
721

722 Mr. Massie- How much time does he need?
723

724 Mr. Linares (by translator)- Two months?
725

726 Mr. Blankinship- January the twenty-second.
727

728 Mr. Massie- I make a motion that we defer this.
729

730 Ms. Rozmus- He also has to get rid of some hens.
731

732 Mr. Blankinship- Yeah, he has to get down to six as well. That's the total of all the
733 birds in the coup. Turkeys as well as chickens.

734
735 Mr. Lawrence- Do we need to hear if anyone has objections to deferral from the
736 audience?

737
738 Mr. Blankinship- This is a public hearing, so...

739
740 Mr. Lawrence- Yeah, is there anyone in the public, in the audience or on Webex that
741 wishes to speak in favor of or in opposition to the deferral of the case?

742
743 Mr. Blankinship- There is no one on Webex.

744
745 Mr. Lawrence- Hearing none, Mr. Massie.

746
747 Mr. Massie- I move we defer this case until January.

748
749 Mr. Lawrence- We have a motion from Mr. Massie to defer this case to January
750 twenty-second.

751
752 Mr. Green- Second.

753
754 Mr. Lawrence- We have a second from Mr. Green. All in favor say "Aye."

755
756 Board- Aye.

757
758 Mr. Lawrence- All opposed say "No." Motion carries.

759
760 Mr. Blankinship- We'll see you again January twenty-second, and yeah, Ms. Rozmus
761 is going to try to work with you a little bit here.

762
763 **On a motion by Mr. Massie, seconded by Mr. Green, the Board deferred case CUP-**
764 **2025-102551 until the January 22, 2026 public hearing.**

765
766
767 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
768 **Negative: 0**
769 **Absent: 0**

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771
772 **VAR-2025-102362 Noble Development of Virginia Corp.: variance from the lot width**
773 **requirement to build a single-family dwelling at 140 Cedar Fork Road, Fairfield. The**
774 **applicant has 55 feet lot width where the Code requires 65 feet lot width. The**
775 **applicant requests a variance of 10 feet lot width. Parcel 811-725-6020. Zoning: R-**
776 **3, One-Family Residence District. Code Section: 24-6402.A.2.**
777

778 Mr. Blankinship- Okay, that brings us to **VAR-2025-102362** Noble Development of
779 Virginia Corp. a variance from the lot width requirement to build a single-family dwelling
780 at 140 Cedar Fork Road, in the Fairfield Magisterial District. Would everyone who intends
781 to speak to this case, please stand and be sworn in. Raise your right hands, please. Do
782 you swear the testimony you're about to give is the truth, the whole truth, and nothing but
783 the truth, so help you God? Thank you. I'm sorry Ms. Rozmus, if I knew you were
784 presenting this one, I would have waited for you. It's my mistake. I thought Mr. Gidley was
785 doing this.

786
787 Mr. Massie- I have a question for you guys as well. Just like the last case, the
788 county needs you to do some things. I think it's an environmental study that needs to be
789 done. Do you want you to defer this case?

790
791 Mr. Rezaul Chowdhury- I'm sorry.

792
793 Mr. Massie- Do you want to defer this case, continue it? I believe an
794 environmental study needs to be done.

795
796 Mr. Blankinship- They have provided the information either last night or this morning,
797 but of course the Department of Public Works hasn't had a chance to review it yet.

798
799 Mr. Massie- Right.

800
801 Mr. Blankinship- So, we would like for them to review it before the board takes action.

802
803 Mr. Massie- Would you like to defer to the January date? I move that we defer
804 this case to January.

805
806 Mr. Blankinship- This is a public hearing.

807
808 Mr. Lawrence- This is a public hearing. Is there anyone in the audience or on Webex
809 that wishes to speak in favor of or in opposition to a deferral of this case? Okay, hearing
810 none, Mr. Massie, we're ready for motion.

811
812 Mr. Massie- I move that we defer this case to January 22, 2026.

813
814 Mr. Lawrence- We have a motion from Mr. Massie. Do we have a second?

815
816 Mr. Broadway- Second.

817
818 Mr. Lawrence- Second by Mr. Broadway to defer the case to January 22, 2026. All
819 in favor say "Aye."

820
821 Board- Aye.

822
823 Mr. Lawrence- All opposed say "No." Motion carries.

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On a motion by Mr. Massie, seconded by Mr. Broadway, the Board deferred case VAR-2025-102362 until the January 22, 2026 public hearing.

Affirmative:	Broadway, Green, Johnson, Lawrence, Massie	5
Negative:		0
Absent:		0

VAR-2025-102572 Vicente Ramirez: variance from the rear yard setback to build an attached carport at 2005 Stonehollow Road, Stonequarter, Tuckahoe. The applicant has 33 feet rear yard setback where the Code requires 35 feet rear yard setback. The applicant requests a variance of 2 feet rear yard setback. Parcel 734-749-9776. Zoning: R-4, One-Family Residence District. Code Section: 24-3311.D.

Mr. Blankinship- Alright next case has been handled already and the case after that has been withdrawn, which brings us to **VAR-2025-102572** Vicente Ramirez a variance from the rear yard setback to build an attached carport at 2005 Stonehollow Road, in Stonequarter Subdivision, in the Tuckahoe Magisterial District. Would everyone who intends to speak to this case please stand and be sworn in. Raise your right hands, please. Do you swear the testimony you're about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Mr. Gidley. Okay, did Sarah leave again? Yeah, we'll get them from you in just a second. Go ahead.

Mr. Gidley- Thank you, Mr. Secretary. The subject properties located southwest of the intersection of Ridgefield and John Rolfe. It is a corner lot containing a two-story dwelling. It is accessed by a driveway that comes off the side street, Stonequarter Road. The applicant wishes to construct a twenty-nine-foot nine inch by twenty-four-foot carport onto the rear of the home. The concept plan is here, it would go back a little further than the current driveway, within thirty-three point twenty-five feet of the rear lot line. Because the rear yard setback is thirty-five feet, the applicant has applied for a variance. After the staff report went out, the applicant was kind enough to submit some drawings here and this is an elevation in the proposed carport.

Mr. Blankinship- These drawings were also left on the table for you this morning.

Mr. Gidley- Okay. In reviewing this request, staff does not believe any of the threshold tests are met. The property is not unreasonably restricted. It's shape is the same as the adjacent lot and its front and rear lot lines are parallel to one another. So, there's nothing unusual about it. The thirty-five-foot rear yard setback is common throughout the neighborhood. If the applicant reduced the size of the proposed carport from twenty-eight feet nine inches down to just over twenty-seven feet, namely twenty-one inches, a variance would not be needed. There is no hardship due to a physical condition that existed prior to the ordinance. The thirty-five foot rear yard setback for this district was established in 1960 long before the subdivision was recorded in 1985. And finally, this

870 does not involve a disability. The applicant for some reason mentioned some damage to
871 vehicles, but obviously a lot of people, myself included, park our vehicle outside. Frankly,
872 because none of the threshold tests are met, according to the Code of Virginia, a variance
873 should not be approved at that point. I wouldn't note that several subtests are not met. By
874 not redesigning this twenty-one inches shorter to comply with the setback, it is a self-
875 created hardship. Due to the relatively small nature of the request, an administrative
876 modification was possible. However, when the Director of Planning reviewed the
877 application, he determined it did not meet the requirements for a modification. Finally in
878 your packet, there is a letter of opposition from an adjoining property owner across the
879 way who would look at the carport and they indicated they had concerns about the
880 aesthetics and the integrity of the zoning ordinance. In conclusion, staff does not believe
881 the case meets the requirements for a variance. The property has no unusual
882 characteristics and is not unreasonably restricted. The hardship is self-imposed, most
883 people would simply take twenty-one inches off the proposal to comply. And finally, noted
884 it is subject to a modification, but the Director of Planning determined those requirements
885 were not met. As a result, staff recommends denial of this request. If you have any
886 questions, I'll be happy to answer those. Thank you.

887
888 Mr. Lawrence- Does anyone from the board have any questions?

889
890 Mr. Green- Just to be contentious. You said that under the state zoning
891 ordinance, it doesn't meet the test, right?

892
893 Mr. Gidley- Yes sir.

894
895 Mr. Green- And the director said it doesn't meet it?

896
897 Mr. Gidley- Yes sir.

898
899 Mr. Green- I guess I know why we can hear it, but why are we hearing it if it is
900 not being met? If the state says it's not met.

901
902 Mr. Gidley- Okay. Yeah, to simplify the process for a minor variance, an applicant
903 can deal with staff administratively, which is a simpler process, but it is subject to pretty
904 similar standards to what you see here. The director reviewed it as noted and determined
905 it didn't meet those standards. At that point, the applicant can redesign or they have the
906 right to go to the BZA. The role of the BZA judicially would be to apply state law and tell
907 the applicant you do or do not meet the standards under state law for a variance.

908
909 Mr. Blankinship- Yeah, in this case, it's almost like an appeal, which you haven't seen
910 for a while, but there will be an appeal on next month's agenda, where somebody feels
911 like they're aggrieved by the director's decision and they want to go the next step up and
912 that's you.

913
914 Mr. Green- But the simple thing is that if he had just cut twenty-one inches off, it
915 would be okay.

916
917 Mr. Gidley- Yes sir.
918
919 Mr. Green- Okay. So, he has to address that?
920
921 Mr. Gidley- Yes.
922
923 Mr. Green- That's a good compromise.
924
925 Mr. Lawrence- Mr. Gidley can you just, I don't want to want to rehash this too much,
926 but can you just again kind of explain the distinction between a modification and a
927 variance? Obviously, the modification is a staff action. I'm not sure some of us were aware
928 of the fact that the Director of Planning actually has discretion to make exceptions like
929 this. Can you kind of elaborate on it a little bit? Mr. Green raised a good question on that.
930
931 Mr. Blankinship- If you don't mind, I'll jump in on this one as well. If a variance is
932 requested for less than fifteen percent of a minimum yard, a front, interior side, street side
933 or rear yard, or for a height of less than three feet or for a buffer of less than ten percent,
934 it can be approved administratively. So, these are very small variances in all three of
935 those cases that can be handled administratively by the director. He is required to notify
936 the neighbors and they have, I think, it's twenty-one days rather than thirty days to reply.
937 Then the director either approves or denies. Also, if we had received opposition from a
938 neighbor, then we would notify the applicant that you should change this from a
939 modification to a variance request so it would come before the board. But in most of the
940 cases that you see, these screened porches over an existing deck, e.g., they're usually
941 like twenty-five feet instead of thirty-five or thirty feet instead of forty, it's much more than
942 the fifteen percent threshold. Anything that would make an unbuildable lot buildable, so
943 lot area, lot width, public street frontage, those are not within the purview of the
944 administrator or the director. So they are only for fifteen percent of a setback, three feet
945 of height or ten percent of the required buffer. These are the things that he can do.
946
947 Mr. Lawrence- This is the first time during my tenure with the BZA that I think it's
948 been brought to our attention that the director actually made a modification ruling. So, it's
949 the first time I've seen that in a staff report, I think.
950
951 Mr. Gidley- It came about in the new code that was adopted. The possibility
952 existed for us to do it under state law and the board adopted it under the new code.
953
954 Mr. Lawrence- The county actually did not have that procedure in place until 2021,
955 which is after I retired. Okay, thank you.
956
957
958 Mr. Lawrence- I'm going to ask you a question, Mr. Gidley. We can ask the same
959 question of the applicant. We know what his intent is here. By taking two inches off the
960 garage...
961

962 Mr. Gidley- Twenty-one inches
963

964 Mr. Lawrence- Twenty-one inches, I'm sorry, twenty-one inches, a little less than two
965 feet. Would he still be able to be able to accommodate the vehicles he wants to park in
966 the garage? Is that going to prevent him from using the garage that he wants to use it?
967 Carport, I'm sorry.
968

969 Mr. Gidley- Whereas you can see here, the proposal would actually go a little bit
970 beyond the existing driveway. So, assuming his existing driveway can accommodate
971 them, I would think it would cover them.
972

973 Mr. Lawrence- Okay, thank you. Anyone else have questions for Mr. Gidley? Okay,
974 we will hear from the applicant now, sir.
975

976 Mr. Blankinship- Sir, could you pull the microphone a little closer. I'm having trouble
977 hearing you. I'm sorry, I'm still not hearing anything. Fred, are you able to check this
978 microphone? Thank you, Sir.
979

980 Mr. Ramirez- Good morning members of the board. My name is Vicente Ramirez.
981 I'm here to respectfully request approval of a minor two-foot variance to construct an
982 attached carport on my property. Due to the thirty-five-foot setback requirement, my
983 proposed carport falls short by twenty-four inches, creating a practical hardship that
984 prevents the carport from accommodating both of my vehicles as intended. Approval of
985 this modest variance will allow me to meet to protect my vehicles from severe weather
986 conditions, excessive summer heat, my cars get cooked beginning midday, the way the
987 sun moves, it's over my vehicles all day long until sunset. And prolonged sun exposure. I
988 want to be clear that I'm not seeking special treatment, only a reasonable adjustment that
989 allows the functional and safe construction, which I will shortly demonstrate on the
990 documents handed out. Professionally, I serve as an engineering technical specialist with
991 Dominion Energy, where I support the design and development of reliable energy
992 infrastructure throughout Virginia and neighboring regions, regulatory requirements and
993 public safety protocols. And I am willing to fully cooperate, and I am willing to fully
994 cooperate with Building Inspections to bring that same level of diligence and responsibility
995 to any improvements that I make on my property. I am fully committed to ensuring that an
996 approved variance for construction is completed to high standards. For the reasons that
997 I can demonstrate on the handouts that I turned in this morning, I respectfully request that
998 your approval of this minor two-foot setup, two-foot variance. As you can see on the
999 handout, it's not very visible, but, I'm not sure it's not showing on my tablet here, but
1000 there's a minor red line about where the tires of the front tires of the vehicles are. But this
1001 is to illustrate that I usually park my vehicles this way, as you can see, the doors are
1002 opened, with both doors being opened, you know, if the truck is on the right, if I construct
1003 the posts any closer. Then where I'm proposing the post, it will be basically a risk of
1004 contact with the vehicles. Let's see, go to the next picture, please. Alright, on picture two,
1005 as you can see, where the vehicles were parked, that's opening the door right there. So,
1006 the variance would allow me to move the post, just looking at picture, slightly to the left,
1007 between the edge of the driveway and the evergreen trees that I have planned there. This

1008 will allow me enough space to open the doors without you know, I've got kids, you know,
1009 I've got kids, you know, they just open the door, they don't look, you know, they can
1010 possibly damage the vehicle that I'm trying to preserve, you know. And as you can see,
1011 there's a garden area there and, so it falls within that little garden area there, and there's
1012 evergreen trees. They're called Emerald Tree Arborvitae. I'm sorry, American Peeler
1013 Arborvitae and those trees grow up to twenty-three feet, so they will provide a good
1014 permanent green coverage. Picture three shows basically without the variance approvals,
1015 the support posts would have to be installed in that general location where the arrows are
1016 pointed. It's closer to where the tires are and as you already saw on the first page, those
1017 are with the door already being opened, basically hitting the other vehicle. Picture four.
1018 One of the hardships that I'm going through is I get no use of my garage as you can see
1019 from picture four, the garage door opening, it's very limited. And the way that the layout
1020 of this driveway, it's at night at a ninety-degree angle from the entrance, so I would have
1021 to have no other vehicle, in addition to use. My garage, to be able to get in and also to
1022 get out. So, in addition to not properly being able to fit my vehicles inside the garage due
1023 to the dimensions of the garage door opening. So, as you can see, it's a very tight door
1024 and a ninety degree angle again to the driveway. There is an entrance from the garage
1025 to the kitchen. As you can see, the garage is slightly below the grading. And you can tell
1026 by that window to the right of it, so there are stairs in addition in the garage that lead to
1027 the kitchen, which also created an additional hazard. And making it more limited while
1028 bringing the vehicle into the garage if I were to, you know, to attempt that. So, it's a very
1029 high risk of an accident, and even with the vehicles inside the garage. You know, with as
1030 tight as it is, the doors aren't able to fully be opened, much less with the, as I've noted
1031 there, with the stairs to the kitchen. The next page is picture five, showing where the two
1032 feet variance would be again to the basically one-foot over the edge of the driveway, as
1033 you can see there. So, it's minimal variance, but it would create a, you know, a positive
1034 impact. American Peeler Arborvitae are the trees that you see there. They're all along the
1035 driveway and also along the edge of the road that I planted, you can look at multiple
1036 sources. They grow twenty-five to thirty feet in height, about three to four feet in width.
1037 The growth rate is average three feet per year So they're excellent for the, you know,
1038 screening, all year round, so, and with that, I thank you for your time and I appreciate and
1039 am willing to work with any adjustments that you also recommend. Thank you.

1040
1041 Mr. Lawrence- Thank you Mr. Ramirez. Any questions from the board?

1042
1043 Mr. Green- A couple things. One when I live on a corner and when I moved in, I
1044 didn't want to put up my fence up, so I put up similar trees as well as cypresses. And
1045 these things grow exponentially and they grow tall and wide. So, I'm trying to figure out
1046 how the carport is going to fit there and the trees not growing to the carport. And how you
1047 are going to do, how you're going to manage that? Second thing is, you know, it was your
1048 choice to buy those types of cars. I have a two called garage, but I also know that if I were
1049 to go up there and buy a Yukon or a car with an extended cab, I'd have some difficulty
1050 getting into my garage. Some of these houses, because of some of these new newer
1051 extended cab vehicles, they just won't fit in the garages. Second, the other thing is, that's
1052 a one-car garage? It looks like it's a one-car garage?

1053

1054 Mr. Ramirez- Yes sir.

1055

1056 Mr. Green- Is any car parked in the garage? And the reason I asked that is
1057 because you say the extreme heat. Okay, but you can still pull around and pull a car into
1058 that. I mean, was your car just too big? Did you take that into consideration? You know,
1059 so do you have three cars? So, no car goes into the garage?

1060

1061 Mr. Ramirez- The only car that I can fit in there safely, well I wouldn't say safely,
1062 with risk still because of the dimensions is the orange car there that you see. But again,
1063 my driveway would have to be completely empty every time so that I can get in and out
1064 the garage. And again, once in the garage, the way that the stairs leave into the kitchen,
1065 there, as you can see, the kitchen is to the right, there's stairs that lead to it. So, they
1066 further prevent like fully opening the doors, it's very tight and again my driveway would
1067 have to be empty at all times to be able to get in and out. And it's just, even coming in,
1068 you'd have to make a tight left turn, back up and then to the right again. And on the corner,
1069 you can't see it there, but the heat pump is basically on the top left corner of the vehicle,
1070 so I can't really go up too, too much without, you know, having to back up, you know, two,
1071 three times to align the vehicle straight across to get it into garage.

1072

1073 Mr. Green- Yeah, but a lot of people have had a problem, I think that's just the
1074 way some of these older houses are. The problem is I see is you got these older houses,
1075 but you also have the newer vehicles and things are just huge, some of the vehicles are
1076 just huge. My concern is the trees, you know, I know how those trees are going to grow
1077 and I can see if you get this, the trees are just going to grow into the carport if they don't
1078 die.

1079

1080 Mr. Ramirez- Yes, I apologize for not answering that. So, these trees are called
1081 American Piller Arborvitae and they only grow about, they only grow about four feet, no
1082 more than that. So, I would say this wide. Those trees, as you see in the picture, I've had
1083 it for at least three years, and I don't see them getting any wider, so I spaced them out far
1084 enough that they would not have to protrude into the driveway. They also serve as hedges
1085 so they can be trimmed. They're not like the Green Arborvitae that grow like a fully grown
1086 tree. So, what you see there, they're almost at their full dimension. Now height wise, they
1087 do go up pretty high. They also can be trimmed as a hedge. but those trees would not
1088 protrude into the driveway by their own natural genetics.

1089

1090 Mr. Broadway- Yeah, Mr. Green I believe that's correct. I have some of those right
1091 outside my condo. And, I believe Mr. Ramirez is correct as to the width that they grow.

1092

1093 Mr. Green- I differ, because for me...

1094

1095 Mr. Broadway- That's about all I know about the trees.

1096

1097 Mr. Green- Yeah, one of my undergrad degrees is Botany, so I'm familiar with
1098 this, but I just, you know, a lot of this is trimming and care. And then like I said, with the
1099 carport, you know, if you don't have the necessary sun hitting it, then the trees are going

1100 to die. The bottom limbs will potentially die out. You've got to do a lot of maintenance.
1101 The other problem I have is you said that your kids are opening the doors and hitting the
1102 cars. Well, we all have that problem with our kids opening and hitting doors. That's just a
1103 matter of training the kid not to do that. But, like I said, I just think you just have a problem.
1104 You just, if you cut twenty-four inches off, you're okay. I guess what I'm trying to say is
1105 maybe you just have to train yourself to get in and out of the car. You can't just, okay,
1106 stop both doors open, you know, you hit something and all that. My garage, we pull one
1107 of the cars in and because it's such a large car. I have something that I have to monitor
1108 because if you don't, if you don't pull in so far the garage, don't hit the car. So, you just
1109 got to train yourselves to do that and you know, to me if you just cut it off to some twenty-
1110 one inches, you'd be okay.

1111
1112 Mr. Ramirez- Yes, sir, without the variance, again, the support posts would be, would be
1113 to the left of the driveway edge. You know, to make full use of the driveway, and not
1114 create a risk of accidentally, I'm not going to say I'm going to hit those posts with the front
1115 of the vehicle, but just to have to check proper clearance when opening the door. You
1116 know, that would really help. I think aesthetically it would be more aesthetically pleasing
1117 than if the driveway, and the carport do line up where it's not just where it's, where
1118 otherwise the carport would kind of end before the driveway edge. So, I think aesthetically
1119 it would be more appealing. Everything would line up with the variance.

1120
1121 Mr. Green- My other question, you have three vehicles. Are the other two
1122 vehicles parked alongside where this orange vehicle is? Is that what the intent is?

1123
1124 Mr. Ramirez- I'm sorry.

1125
1126 Mr. Green- Do you park all three of your vehicles the same way?

1127
1128 Mr. Ramirez- I typically just keep two in the driveway. The other one I placed on
1129 the side of the house, on the street.

1130
1131 Mr. Broadway- Have you discussed your plan with any of your neighbors?

1132
1133 Mr. Ramirez- I had. My neighbors asked me and I've told them that you know my
1134 proposal not being clear with them, but what I wanted to construct, there's plenty of green
1135 vegetation around, so, you know, I told them they'd be welcome to join the meeting. They
1136 were not against it. I didn't hear any negative feedback, but I did communicate that to
1137 them.

1138
1139 Mr. Broadway- Well, we have one letter in opposition from someone who says that
1140 they live across from your address.

1141
1142 Mr. Gidley- They live across from the driveway so they would look out at the
1143 carport.

1144

1145 Mr. Broadway- Although it's someone who identifies themselves as a neighbor
1146 opposed to the variance. I'm not as inclined to give us much precedence to someone who
1147 won't sign their name to their to their letter. I'm assuming you know who this person is.
1148

1149 Mr. Ramirez- I wouldn't know. I think that would be the person directly across from
1150 the, I believe that would be the person straight across from the driveway if I had to take
1151 an educated guess.
1152

1153 Mr. Broadway- Well he sets out dire consequences. Perhaps a little over the top.
1154

1155 Mr. Lawrence- Does anyone else on the board have any questions of Mr. Ramirez?
1156

1157 Mr. Green- Mr. Ramirez, the twenty-one, twenty-four inches is not, you don't
1158 accept that. You won't accept that?
1159

1160 Mr. Ramirez- It would be a more practical use of the entirety of the driveway where
1161 the post would intrude a foot into the driveway. So that would be, I think aesthetically, I
1162 would like to, the driveway, I'm sorry, the carport edge to line up with the driveway, and
1163 that's what, you know, I'm looking for. In the end, you know, if I had to build it without the
1164 variance I think it would look a little odd, just having to post, you know, like a foot into and
1165 then again just with the way my trucks are, it's two doors on the, you know, on the side,
1166 so I really like to. And as you can see, there's plenty of coverage on the side, so those
1167 trees will, they're not wide, they won't grow tall.
1168

1169 Mr. Green- So what you're trying to do is because you don't want to, you don't
1170 want to interfere with integrity of the brick that's already on the driveway because you
1171 would have to cut into the brick to put the driveway post in and you want to put them at
1172 the edge.
1173

1174 Mr. Ramirez- Correct, and my intention is to put concrete footing as support rather
1175 than, so I would like to keep the integrity of my driveway the way it is.
1176

1177 Mr. Lawrence- Mr. Gidley, I have a question for you. Can you explain again the
1178 difference between a carport and a garage? This is going to be a carport?
1179

1180 Mr. Gidley- Yes, sir, a carport is open on the sides and its roofed. So, in other
1181 words, this would be a roof that would be going out. I'm not sure what the material would
1182 be, but it would go out and then be open on the sides here.
1183

1184 Mr. Lawrence- Just a personal preference of mine, I find a garage more aesthetically
1185 pleasing than carports, maybe just the carports I've seen have not been done very well,
1186 but I think sometimes they can be a little bit of a visual intrusion depending on how they're
1187 constructed. I have a hard time looking at plans to see how it's going to look once it's
1188 constructed, but I know there's some detailed plans here. Some of the other folks here
1189 are probably better versed than I am in trying to visualize how this is going to look, but

1190 both have to meet the same setback in this case, but staff didn't see anything
1191 unreasonable about the ordinance as it applies here.

1192
1193 Mr. Green- Mr. Chair, one thing I would say, I would assume just based, just
1194 based on the way his driveway looks, I would say he appears to keep things very nice,
1195 so I would think that that carport would be designed in such a way that it would be
1196 somewhat aesthetically appealing. You can't tell from this. I would like to see what it would
1197 look like. The real or you know how the real one would look like because something about
1198 those aluminum things, but I know exactly what you are saying.

1199
1200 Mr. Lawrence- Yeah

1201
1202 Mr. Ramirez- Okay. I'd be happy to answer. My plans for that so where I have lifted,
1203 where I have noted the well, as you can see the triangle there, the support posts would
1204 be obviously wood, they would paint it stained to look aesthetically pleasing. I would have
1205 shingles on the roof, so that they'd be matching to the house. I've already thought about,
1206 you know, aesthetics as well. I'm going to do siding that matches the type and the color
1207 of the house as well, and I'm going to talk to the person that's going to do the shingles.
1208 I'm sorry, the siding as well so that I could have perhaps put siding on the posts or
1209 whatever he recommends that's more aesthetically pleasing, just staining it to a nice dark
1210 wood color. So, it wouldn't be one of those aluminum ones. I would try to make it as
1211 aesthetically pleasing as possible because I, you know, I'd like to keep my home looking
1212 nice, so I wouldn't want to put something that, you know, would be an eyesore for myself
1213 or the neighbors.

1214
1215 Mr. Broadway- Can we see if anyone else has any comments?

1216
1217 Mr. Lawrence- Yes, if there's no more questions from the board, let's hear from the
1218 public if there's anyone either in the audience or on Webex that wishes to speak.

1219
1220 Mr. Blankinship- There's no one on Webex.

1221
1222 Mr. Lawrence- Okay. In that case, unless there's more discussion, Mr. Broadway
1223 are you ready to make a motion?

1224
1225 Mr. Broadway- I am, and let me preface that by saying, you know our ordinances
1226 and regulations are done with the idea of the best interests of the community at large, but
1227 then I think there are circumstances where we may be able to see some exceptions being
1228 appropriate, and I think this is one of those cases. I don't want to say that the rear yard
1229 setback is unreasonable, but I just don't know that it should apply. In this case, the
1230 addition, in fact, would improve the value of the property, and so I would move that we
1231 approve.

1232
1233 Mr. Lawrence- We have a motion from Mr. Broadway. Is there a second?

1234
1235 Mr. Massie- Second.

1236
1237 Mr. Lawrence- I have a second from Mr. Massie. All those in favor say "Aye."
1238
1239 Board- Aye.
1240
1241 Mr. Lawrence- Is there anyone opposed? The motion carries.
1242
1243 Mr. Green- Is it possible, after this is done, is it possible, can we see what it looks
1244 like afterwards? I know we approved these things, but we can do that. I'm curious to see.
1245 what it would look like after it's done.
1246
1247 Mr. Blankinship- Yes, sir. We will be happy to do that.
1248
1249 Mr. Green- Yeah, because that would help us in the future. And like I said, you
1250 know, my support was because anybody who spends that kind of money on your
1251 driveway. Yeah, I don't think you're going to slight anything else.
1252
1253 Mr. Blankinship- Yeah, we'll do that for you, Mr. Green.
1254
1255 Mr. Rameriz- I'd be more than happy to provide, you know, after pictures. If you'd
1256 like, I can work with Permitting and to be able to get those to you afterwards. Well, I really
1257 appreciate it. Thank you very much.
1258
1259 **On a motion by Mr. Broadway, seconded by Mr. Massie, the Board approved case**
1260 **VAR-2025-2025-102572 subject to the following conditions:**
1261
1262 1. This variance applies only to the rear yard setback requirement for the carport only. All
1263 other applicable regulations of the County Code remain in force.
1264
1265 2. This variance applies only to the carport shown on the plot plan (survey) and building
1266 design filed with the application. Any substantial changes or additions to the design or
1267 location of the carport will require a new variance. Any additional improvements must
1268 comply with the applicable regulations of the County Code.
1269
1270 3. The new construction must match the existing dwelling as nearly as practical in color
1271 and materials.
1272
1273 4. Before beginning any clearing, grading, or other land disturbing activity, the applicant
1274 must obtain approval of an environmental compliance plan from the Department of Public
1275 Works. The applicant may be required to analyze and provide solutions to minimize
1276 drainage impacts on downstream properties. Corps of Engineers and DEQ permits may
1277 be required.
1278
1279 5. The applicant must obtain a building permit for the proposed carport within two years
1280 of the date of approval (by November 20, 2027) or this variance will expire. After that date,

1281 if the building permit is cancelled or revoked due to failure to diligently pursue
1282 construction, this variance will expire at that time.

1283
1284

1285	Affirmative:	Broadway, Green, Johnson, Lawrence, Massie	5
1286	Negative:		0
1287	Absent:		0

1288
1289

1290 **VAR-2025-102597 Kent Merillat for Craig Toalson: variance from the rear yard**
1291 **setback to replace an existing deck with a covered porch at 8401 Sleepy Duck**
1292 **Place, Westham Village, Tuckahoe. The applicant has 29 feet rear yard setback**
1293 **where the Code requires 40 feet rear yard setback. The applicant requests a**
1294 **variance of 11 feet rear yard setback. Parcel 755-735-4693. Zoning: R-3, One-Family**
1295 **Residence District. Code Section: 24-3309.D.**

1296
1297

1297 Mr. Blankinship- Last case this morning is **VAR-2025-102597** Kent Merillat for Craig
1298 Toalson a variance from the rear yard setback to replace an existing deck with a covered
1299 porch at 8401 Sleepy Duck Place, in the Westham Village subdivision, in the Tuckahoe
1300 Magisterial District. Would everyone who intends to speak to this case please stand and
1301 be sworn in. Raise your right hands, please. Do you swear the testimony you're about to
1302 give is the truth, the whole truth, and nothing but the truth, so help you God?

1303
1304

1304 Mr. Merillat- I do.

1305
1306

1306 Mr. Blankinship- Thank you, Ms. Rozmus.

1307
1308

1308 Ms. Rozmus- Thank you, Mr. Secretary. The subject lot is located across Zionsville
1309 Road from Kanawha Recreation Center. The area has been zoned R-3 since 1945. The
1310 Westham Village Section One was recorded in 1999 and the subject dwelling was built in
1311 2001. The applicants acquired the property in 2016 and it is improved with a 3,630-
1312 square- foot dwelling and a detached accessory building. The property is a corner lot with
1313 the front on Sleepy Duck Place and a street side yard along Zionsville Road. The rear of
1314 the dwelling opens to a twenty or excuse me, opens to a deck twenty-nine feet wide and
1315 fourteen to sixteen feet deep, which steps down into a patio. The deck extends to within
1316 thirty feet of the rear lot line. The applicant plans to replace the deck and would like to
1317 cover approximately half the new deck with the roof. While the zoning ordinance allows a
1318 deck to extend up to ten feet into the setback, the proposed roof must meet the required
1319 setback of forty ft.

1320
1321

1321 The plans for the new construction include a stone fire placed five feet wide in the rear of
1322 the covered portion and an outdoor kitchen grill on the uncovered side of the deck. An
1323 existing shed roof would be extended from two feet to three feet wide and the steps down
1324 to the patio would be widened from three feet to ten feet. None of the threshold
1325 requirements are met for this application. While staff sympathizes with the property
1326 owner's desire to build a roof and a fireplace in the rear yard, there is nothing

1327 unreasonable about the forty-foot setback. The setback has not changed since
1328 subdivision was developed and the dwelling was built. Staff does concur with the
1329 applicant that the detrimental impact would not be substantial. And the proposed
1330 improvements are consistent with the neighborhood and would complement the design
1331 of the dwelling. The homeowners association has approved the proposed improvements.
1332 The adjoining lots on Sleepy Duck Place would not be affected by the porch and the
1333 dwelling to the rear at 346 Zionsville Road is almost a hundred feet away from the
1334 proposed porch and is situated on the lot such that the porch would not reduce the
1335 privacy. The owner of that property has submitted a letter in support of the application.
1336

1337 In conclusion, this case meets some, but not all legal requirements for a variance. The
1338 rear yard setback is reasonable, this hardship, if any, is self-imposed, however, staff does
1339 not anticipate any detrimental impacts from the proposed porch. The proposed use is
1340 allowed and no other relief is available. Because the setbacks are reasonable as applied
1341 to the property staff recommends denial of this variance. I can answer any questions.
1342

1343 Mr. Lawrence- Anyone from the board have questions? I've got a couple for Ms.
1344 Rozmus. Yes, you can put that schematic back up again you just had.
1345

1346 Ms. Rozmus- This one?
1347

1348 Mr. Lawrence- No, the aerial view of the property. Yes, that one. So, the property
1349 behind it?
1350

1351 Ms. Rozmus- Yes, 346 Zionsville Road?
1352

1353 Mr. Lawrence- So that fronts Zionsville Road. So, this house backs up to basically
1354 their front yard, is that correct? Or side yard?
1355

1356 Ms. Rozmus- I would call that a side yard. Front side yard, yeah.
1357

1358 Mr. Lawrence- Okay, and have they weighed in on the case?
1359

1360 Ms. Rozmus- Those are the ones that provided the letter of support.
1361

1362 Mr. Lawrence- Okay, and I'm a little confused I guess, about the what's going to be
1363 constructed here. So, are they simply replacing the existing deck? With a porch, I thought
1364 I've already read in the staff report, they're only going to be using half the existing deck
1365 as a porch and then keep the remainder of the deck as a deck, is that correct? I'm kind of
1366 confused, I guess, as to what exactly is being proposed here.
1367

1368 Mr. Blankinship- It might be best to hear from the applicant on that, but that's the way
1369 we interpreted the drawings. Yes, as you see in front of, you know, the full width of the
1370 existing deck is shown and about half of that width has a roof over it, with the fireplace
1371 centered on the far side of the deck, so away from the house. And then the remaining

1372 portion. You know the deck would remain a deck and then you have a set of what, three
1373 or four steps that go down to a patio area.

1374
1375 Mr. Lawrence- So, is the enclosed part...

1376
1377 Mr. Blankinship- It's not enclosed. It's roofed, not enclosed.

1378
1379 Mr. Lawrence- Okay, so is the roofed part twenty-nine feet from the property line or
1380 is the deck twenty-nine feet from the property line?

1381
1382 Mr. Blankinship- Both.

1383
1384 Ms. Rozmus- The whole thing. But the roofed part is the part that requires a
1385 variance.

1386
1387 Mr. Lawrence- But the roof is gonna be further than twenty-nine feet from the rear
1388 property line, correct? If it's only taking up half of the existing deck.

1389
1390 Mr. Blankinship- No, it's parallel.

1391
1392 Ms. Rozmus- It's parallel, yeah.

1393
1394 Mr. Blankinship- Go back to the site map. Yeah, that area to the lower right there is
1395 the area that will have the roof over it, and the area of that red rectangle to the upper left
1396 is going to remain uncovered deck.

1397
1398 Mr. Lawrence- I see, okay.

1399
1400 Mr. Blankinship- Measuring to that rear lot line to the top right there.

1401
1402 Mr. Lawrence- It's not going horizontally. Okay, I understand.

1403
1404 Ms. Rozmus- Yeah.

1405
1406 Mr. Lawrence- Any other questions from the board?

1407
1408 Mr. Green- Yeah, how do we know that that once it's roofed, they won't want to
1409 enclose it, but can they enclose it after it's roofed, or they have to come back?

1410
1411 Mr. Blankinship- I don't know if that would even require a building permit, but whether
1412 or not it required a building permit, it would be a simple matter to enclose it. They are
1413 showing a screening wall, I said not enclosed. There is a screening wall that looks to be
1414 about six feet tall. Yes, there you see the screening wall, so it is partially enclosed.

1415
1416 Ms. Rozmus- But it's not like a four seasons room.

1417

1418 Mr. Blankinship- Right, it's not a sunroom.
1419
1420 Mr. Green- But they could?
1421
1422 Mr. Blankinship- Yes.
1423
1424 Mr. Green- Without approval or with approval?
1425
1426 Ms. Rozmus- We would be looking at the same kind of variance.
1427
1428 Mr. Blankinship- I mean yeah technically it would require approval.
1429
1430 Ms. Rozmus- Yeah, it would yes.
1431
1432 Mr. Green- Because I would think at some point they might want to do that, so...
1433
1434 Mr. Blankinship- But if you want to address that, we have of course added our
1435 standard condition, in the event that the board chooses to approve the variance despite
1436 of the recommendation of denial. We have recommended conditions as we always do,
1437 and one of our standard conditions is that it applies only to what they've shown. So, if you
1438 want to leave room for it to be enclosed in the future without coming back to this board,
1439 then you might want to consider amending that condition as well. Not that we are
1440 recommending that.
1441
1442 Mr. Green- No. I just like to understand from the applicant because most times
1443 what we see is everybody moves to enclose and two or three years down the road you
1444 might decide that you want to do that and is that the intent?
1445
1446 Mr. Merillat- It is not the intent at this time.
1447
1448 Mr. Lawrence- Are we ready hear from the applicant, board? Okay sir, you can go
1449 ahead.
1450
1451 Mr. Merillat- Good morning, my name is Kent Maryland, M E R I L L A T on behalf
1452 of the Toalson family. To answer one of the questions yes, the existing deck is in pretty
1453 rough shape, so the entire deck will be replaced. The part that will be covered is on the
1454 left side of this picture. Basically, the roofline will go from these, where the bump out
1455 begins to the corner of the home and coming out the distance of the deck. So, as you see
1456 it now, yeah, again, it's going to be pretty much the same footprint of the deck extending
1457 just a little bit past where it is now, to the back of the yard. With that said, the Toalsons
1458 have hired a designer to make sure the plan is well done, and they've hired a reputable
1459 builder to construct the plan, to complete the project. The plan itself, the design is well
1460 within the footprint and the fabric of the neighborhood. Also, the home, it's going to be
1461 aesthetically pleasing. I think, Mr. Green, you mentioned earlier on that one of the benefits
1462 is it's going to give people work. It's a little slow in the construction industry right now so
1463 we appreciate that. But also, I think one of the biggest benefits is it's going to give the

1464 Toalson family a place to create lasting memories with their family. They have three boys
1465 at home and we know they grow and leave, but they'll have some fun memories of this
1466 space as a family. We do have a letter of approval from the homeowner's association as
1467 well as the neighbor that was in question, as we would say behind the Toalson property.
1468 He is also present today. Anyway, I think the support is there from neighbors, from the
1469 community. It's going to be a great looking project and if you'd like to see it when it's
1470 completed, we would like to have you there.

1471
1472 Mr. Green- No, I just wanted to in the event that since you're here, If you're going
1473 to, if it gets approved and you want to enclose it.

1474
1475 Mr. Merillat- It is not the plan at this point to ever enclose it. Again, you know, they
1476 have a nice home, a sizable home. It's just strictly for an outdoor space that they can
1477 enjoy as a family.

1478
1479 Mr. Lawrence- Thank you, sir. I appreciate that presentation. Anyone from the board
1480 have any questions for Mr. Merillat? Is it Merrilat?

1481
1482 Mr. Merillat- Yep.

1483
1484 Mr. Lawrence- Any questions for Mr. Merillat? Hearing none, then we'll see if there's
1485 anyone from the public that wishes to speak in support or in opposition to this case.
1486 Anyone in the audience or on Webex?

1487
1488 Mr Blankinship- Yes sir, tell us your name.

1489
1490 Mr. Utt- Hi, good morning. My name is Tyson Utt. I'm the resident at 346
1491 Ziontown Road that's been mentioned in reference here. I did submit the letter of support
1492 for this, as well as I think you've heard the HOA supports the project as well. Again, the
1493 Toalsons are great members of the community. This is a great addition to the home. I
1494 think it's also just reflective of the fun that folks like to have and being social in the
1495 community there, and I really appreciate their willingness to keep us very informed of the
1496 plan and the design. I think it's being done tastefully, and I really appreciate them being
1497 good neighbors. We appreciate your support as well.

1498
1499 Mr. Blankinship- And your last name is spelled UTT?

1500
1501 Mr. Utt- That's correct.

1502
1503 Mr. Lawrence- What's your first name again?

1504
1505 Mr. Utt- Tyson.

1506
1507 Mr. Lawrence- Okay, and you're the property directly behind the...

1508

1509 Mr. Utt- Yes, that's right. The setback is to my property. So again, that's why
1510 I thought it was important to come and just show my support.
1511
1512 Mr. Lawrence- Thank you, sir.
1513
1514 Mr. Blankinship- Thanks for staying for the very last case on the agenda. Sorry about
1515 that.
1516
1517 Mr. Lawrence- Okay, is there anyone else? Sounds like there's not.
1518
1519 Mr. Blankinship- There's no one on Webex.
1520
1521 Mr. Green- What is the range of the cost of something like this?
1522
1523 Mr. Merilatt- You know, depending on all the value added items that you've put in
1524 there, you're probably upwards of over six figures.
1525
1526 Mr. Lawrence- Does that answer your question, Mr. Green?
1527
1528 Mr. Green- It goes back to I think everyone benefits. It adds value to the home.
1529 The neighbors appreciate it, you're putting people to work and keeping wives happy.
1530
1531 Mr. Lawrence- Anyone else from the board wish to comment or have questions?
1532
1533 Mr. Blankinship- The last thing I'll mention is that we did receive an email message
1534 from the supervisor for this district who is in favor of this. Mr. Rogish.
1535
1536 Mr. Lawrence- Okay, thank you. Mr. Broadway, are you ready to make a motion?
1537
1538 Mr. Broadway- Well, yeah, I would just first say, I guess I would revert to my
1539 comments on the previous case that sometimes we are given the opportunity to make a
1540 reasonable accommodation and I looked particularly at the staff report, which said, the,
1541 the ordinance allows the deck to extend up to ten feet to the setback. But if they want to
1542 have a roof over half of the new deck, then they have to comply with the setback and forty
1543 feet. And to me that seems like a bit of an unreasonable requirement. So, on that basis, I
1544 would move that we approve this variance subject to the conditions recommended by the
1545 staff.
1546
1547 Mr. Green- Second.
1548
1549 Mr. Lawrence- We have a motion by Mr. Broadway, and a second by Mr. Green. All
1550 in favor of the motion say "Aye."
1551
1552 Board- Aye.
1553
1554 Mr. Lawrence- All opposed, "No." Motion carries.

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On a motion by Mr. Broadway, seconded by Mr. Green, the Board approved case VAR-2025-102597 subject to the following conditions:

1. This variance applies only to the rear yard requirement for the proposed roof and fireplace only. All other applicable regulations of the County Code remain in force.
2. This variance applies only to the roof and fireplace shown on the building design titled, "Toalson Residence Permit Set" prepared by Pinnacle Design Consulting and dated 9/14/2025, filed with the application. Any substantial changes or additions to the design or location of the roof and fireplace will require a new variance. Any additional improvements must comply with the applicable regulations of the County Code.
3. The new construction must match the existing dwelling as nearly as practical in materials and color.
4. The applicant must obtain a building permit for the proposed roof and fireplace within two years of the date of approval (by November 20, 2027) or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

Affirmative:	Broadway, Green, Johnson, Lawrence, Massie	5
Negative:		0
Absent:		0

Mr. Blankinship- All right, Mr. Chair, that brings us to the minutes from the October meeting. Mr. Lawrence had an extensive list of notes on style and commas and things. There was one substantive notation where there was a dispute over who had made a statement and the statement being somewhat of an offhanded joke anyway, we decided just to strike it. So, a motion would be in order with that.

Mr. Broadway- I move to approve.

Mr. Johnson- Second.

Mr. Lawrence- We have a motion from Mr. Broadway and a second from Mr. Johnson. All in favor say "Aye."

Board- Aye.

Mr. Lawrence- All opposed, "No." Motion carries.

1600 On a motion by Mr. Broadway, seconded by Mr. Johnson, the Board **approved the**
1601 **minutes of the October 2025 meeting.**

1602
1603
1604 Mr. Blankinship- Under new business, Mr. Chair, there are two very brief mentions.
1605 One is that last case in point. The board, of course, wrote a letter to the Board of
1606 Supervisors raising this issue of a conflict over that ten-foot allowance. We did finally have
1607 a one-on-one meeting between myself and Mr. Rogish, which is the context in which he
1608 mentioned his support for this particular case, and he was very interested in the issue. I
1609 think he is interested in talking to the other members of the Board of Supervisors about
1610 addressing it in some way. So, I'm sorry that it has taken us so long to reach that point of
1611 progress, but at least we now have the ball rolling in terms of the Board's agenda. And
1612 finally, this is Ms. News's last meeting with us. She has announced her retirement
1613 effective in the middle of next month. So, I just wanted to call that to your attention to that
1614 so everybody can have an opportunity to thank her and say goodbye.

1615
1616 Board- Thank you, and congratulations.

1617
1618 Mr. Massie- Well, you can always feel free to just come in.

1619
1620 Mr. Blankinship- Right, we're just going to keep sending her staff reports too, just for
1621 the fun of it.

1622
1623 Mr. Green- She's been so quiet. What is your title?

1624
1625 Ms. News- I appreciate it. It has been very interesting working with you all and
1626 getting to know you.

1627
1628 Mr. Green- What is your title?

1629
1630 Mr. Blankinship- Mr. Green is asking your title.

1631
1632 Ms. News- I'm the Assistant Director of Planning. So maybe by the next meeting
1633 you'll have someone here. It may be a couple meetings. I'm not sure what they'll do.

1634
1635 Mr. Green- Can you all send out up-to-date contact information? This is the only
1636 board I've served on where I don't see that contact list go out where we can call each
1637 other. Not that we're going to be doing it, we're going to call each other for some other
1638 reason.

1639
1640 Mr. Blankinship- I thought we had done that, but we'll certainly do it.

1641
1642 Mr. Broadway- Good idea.

1643
1644 Mr. Lawrence- Any other business, Mr. Blankinship?

1645

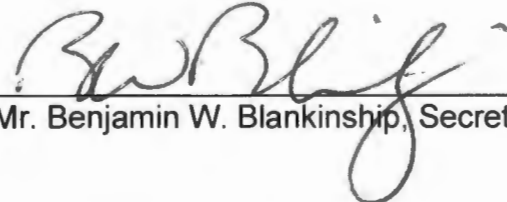
1646 Mr. Blankinship- No Sir.
 1647
 1648 Mr. Lawrence- Do we have a motion for adjournment?
 1649
 1650 Mr. Broadway- I move.
 1651
 1652 Mr. Johnson- Second.
 1653
 1654 Mr. Lawrence- Motion, Mr. Broadway, Second, Mr. Johnson. All in favor say "Aye."
 1655
 1656 Board- Aye.

1658 On a motion by Mr. Broadway, seconded by Mr. Johnson, **the Board adjourned until**
 1659 **the December 18, 2025 public hearing.**

1662	Affirmative:	Broadway, Green, Johnson, Lawrence, Massie	5
1663	Negative:		0
1664	Absent:		0

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 Barry Lawrence, Chair


 Mr. Benjamin W. Blankinship, Secretary