

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**  
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY ADMINISTRATION**  
3 **BUILDING IN THE GOVERNMENT CENTER AT PARHAM AND HUNGARY**  
4 **SPRING ROADS, ON THURSDAY OCTOBER 26, 2017 AT 9:00 A.M., NOTICE**  
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH OCTOBER**  
6 **9, 2017 AND OCTOBER 16, 2017.**  
7

Members Present: William M. Mackey, Jr., Chairman  
Helen E. Harris, Vice Chairman  
Gentry Bell  
Terone B. Green  
James W. Reid

Also Present: Jean M. Moore, Assistant Director of Planning  
Benjamin Blankinship, Secretary  
Paul M. Gidley, County Planner  
R. Miguel Madrigal, County Planner

8  
9 Mr. Mackey - Good morning. I'd like to call the meeting to order  
10 Welcome to the October 26, 2017 meeting of the Henrico County Board of Zoning  
11 Appeals. For all those who are able, will you please stand and join us in the Pledge  
12 of Allegiance.  
13

14 Thank you. Now we'll have Mr. Ben Blankinship please read our rules of the  
15 meeting.  
16

17 Mr. Blankinship - Good morning, Mr. Chair, members of the Board,  
18 ladies and gentleman, the rules for this meeting are as follows: Acting as secretary,  
19 I will announce each case. We will then ask everyone who intends to speak to that  
20 case to stand and be sworn in. Then a member of the staff will give an introduction  
21 to the case. Then the applicant will have the opportunity to make their presentation.  
22 After the applicant, anyone else who wishes to speak will be given the opportunity.  
23 After everyone has had a chance to speak, the applicant, and only the applicant,  
24 will have an opportunity for rebuttal. The Board will then take that matter under  
25 advisement and continue to the next public hearing. After all of the public hearings,  
26 they'll go back through the agenda and render all of their decisions at the end of  
27 the meeting. So if you wish to hear their decision on a specific case you can stay  
28 until the end of the hearings, or you can check the Planning Department website—  
29 we usually get it updated within an hour of when the meeting ends—or you can  
30 call the Planning Department this afternoon.  
31

32 This meeting is being recorded, so we'll ask everyone who speaks to speak directly  
33 into the microphone on the podium, state your name, and please spell your last  
34 name to make sure we get it correct in the record.  
35

36 I'm not aware of requests for deferral or withdrawal, although we may have  
37 deferrals if people can't get here. With that, I think we're ready to proceed.

38  
39 Mr. Mackey - All right. If it pleases the Board, we have been informed  
40 that there may be some people running late. Perhaps we could go ahead with  
41 approval of the minutes first to allow a few more people a little bit more time to get  
42 here.

43  
44 Mr. Blankinship - All right. Mr. Chair, it's unusual, but we have two sets  
45 of minutes on the agenda this morning. If you will remember at the September  
46 meeting there was a question about the August minutes. There was a sentence  
47 that appeared to be missing, so we had to go back and check the record before  
48 those minutes could be approved. So there was one page of August minutes  
49 included in your package with a sentence highlighted. Actually, that sentence you'll  
50 see is in brackets. We went back and listened to the tape, and it was not actually  
51 spoken. The nomination had been made earlier in the meeting, if you remember.  
52 So we just kind of proceeded based on that. So we just inserted that sentence in  
53 brackets so that the minutes will make sense.

54  
55 Mr. Mackey - All right. Well we'll start with the minutes from the  
56 August 24, 2017 meeting. The correction being made will be line 3209, Mr. Bell  
57 formally nominated Ms. Helen Harris. Do we have a motion?

58  
59 Mr. Green - I move we approve the minutes as corrected.

60  
61 Ms. Harris - Second.

62  
63 Mr. Mackey - All in favor? Any opposed? All right, the motion is  
64 carried.

65  
66 On a motion by Mr. Green, seconded by Ms. Harris, the Board **approved as**  
67 **corrected** the **Minutes of the August 24, 2017** Henrico County Board of Zoning  
68 Appeals meeting.

69  
70  
71 Affirmative: Bell, Green, Harris, Mackey, Reid 5  
72 Negative: 0  
73 Absent: 0

74  
75  
76 Now we'll move to the minutes from the September 28, 2017 meeting.

77  
78 Ms. Harris - Mr. Chairman, I had a couple of corrections. They're  
79 small. On page 17, line 736. I think Mr. Bell said, "She thinks" instead of "She  
80 things."  
81

82 Mr. Mackey - Okay, we'll make that correction.  
 83  
 84 Ms. Harris - On page 23, line 1002. I think there was an omission  
 85 there. "I've been trying to do this." I think the word "do" has been omitted.  
 86  
 87 Mr. Mackey - Okay.  
 88  
 89 Ms. Harris - Those were the only two corrections that I saw.  
 90  
 91 Mr. Mackey - All right. Are there any other corrections?  
 92  
 93 Ms. Harris - I would like to make a motion that we accept the  
 94 minutes as corrected.  
 95  
 96 Mr. Bell - Second.  
 97  
 98 Mr. Mackey - It's moved by Ms. Harris and seconded by Mr. Bell. All  
 99 in favor say aye. Those opposed say no. There is no opposition; that motion  
 100 passes.

101  
 102 On a motion by Ms. Harris, seconded by Mr. Bell, the Board **approved as**  
 103 **corrected the Minutes of the September 28, 2017** Henrico County Board of  
 104 Zoning Appeals meeting.

107 Affirmative:	Bell, Green, Harris, Mackey, Reid	5
108 Negative:		0
109 Absent:		0

110  
 111  
 112 Mr. Mackey - All right, Mr. Blankinship, will you call our first case,  
 113 please.  
 114  
 115 Mr. Blankinship - All right. Conditional use permit 2017-00032, Ollie  
 116 Marie Ellis. Is there anyone here to represent that case yet? All right, we'll assume  
 117 they are stuck in traffic.

118  
 119 Conditional use permit 2017-00033 and 34 are both Home Depot. Is anyone here  
 120 to represent those cases? Okay. We'll start with CUP2017-00033, Home Depot.

121  
 122 **CUP2017-00033** **HOME DEPOT** requests a conditional use permit  
 123 pursuant to Section 24-116(d)(1) of the County Code to allow a temporary sales  
 124 stand at 6501 W Broad Street (Parcel 768-742-3277) zoned Business District (B-  
 125 2) and Business District (B-3) (Tuckahoe).  
 126

127 Mr. Blankinship - Would everyone who intends to speak to this case  
128 please stand and be sworn in. Raise your right hands, please. Do you swear the  
129 testimony you're about to give is the truth, the whole truth, and nothing but the truth  
130 so help you God? All right, thank you. A member of our staff is right behind you,  
131 and we're going to let him do an introduction before you begin. Miguel?

132  
133 Mr. Madrigal - Good morning. Mr. Chair, members of the Board,  
134 before you is a request to allow a temporary sales stand at a home improvement  
135 center. The subject property is over ten acres in size and was formerly a Dominion  
136 Chevrolet vehicle dealership. Home Depot purchased the property and  
137 redeveloped it in 1999. The site improvements consist of a 109,000-square-foot  
138 retail building and 22,500-square-foot outdoor garden center, all developed under  
139 a plan of development.

140  
141 Consistent with previous years, the applicant would like to install a 2,400-square-  
142 foot tent in the parking lot for the seasonal sale of Christmas trees between  
143 November 2nd and December 29th of this year. I have to apologize. This is the  
144 best scan that I could produce with the technology that we have. You can barely  
145 see the tent here.

146  
147 Although Christmas tree sales are permitted by right in the garden center, the  
148 applicant would prefer to have the seasonal sales tent in the parking lot. Because  
149 the plan of development prohibits outdoor storage as a condition of approval, a  
150 CUP is necessary for a temporary sales stand in the parking lot.

151  
152 The property is primarily zoned B-3, and the majority of the lot is designated as  
153 commercial arterial on the Comprehensive Plan. The seasonal sale of Christmas  
154 trees is a customary and incidental accessory use to a home improvement store.  
155 Everybody is pretty familiar with that, especially this time of year. Consequently,  
156 the proposed use is not out of character with a Home Depot and is consistent with  
157 both the zoning and Comprehensive Plan designations. The applicant does not  
158 state why Christmas tree sales cannot be conducted in the outdoor garden center,  
159 which would then be consistent with the approved POD.

160  
161 The only detrimental impact anticipated by staff would be vehicular congestion in  
162 Home Depot's parking lot due to the tent's placement near the front of the store  
163 and the displacement of approximately 14 parking stalls. Although the whole  
164 shopping center is slightly short on parking by approximately 32 parking stalls—  
165 that's after all of these went in a couple years ago—the proposal has not been  
166 shown to cause any significant or lasting adverse impacts in recent years.  
167 Additionally, staff has not received any complaints about the seasonal sale of  
168 Christmas trees or lack of parking at the shopping center.

169  
170 In conclusion, the request is consistent with surrounding land uses and the intent  
171 of the zoning and Comprehensive Plan designations. The proposed use would be  
172 of a short duration and will not cause any lasting or substantial detrimental impacts.

173 Specific conditions of approval have been prepared to mitigate any adverse  
174 impacts on adjacent uses during the temporary period that the tent will be on site.  
175 For these reasons, staff recommends approval subject to conditions.

176

177 That concludes my presentation. I'll be happy to answer any questions.

178

179 Mr. Mackey - All right, thank you, Miguel. Are there any questions?

180

181 Ms. Harris - Just one question. Is this the same location as used in  
182 prior years?

183

184 Mr. Madrigal - Yes, it's exactly the same.

185

186 Ms. Harris - Okay.

187

188 Mr. Madrigal - The last few years we've been out, there's been a  
189 pumpkin patch there, and then they replace that with the tent. This year, for some  
190 reason, they didn't put the pumpkin patch there. They put all the pumpkins against  
191 the building. But it's at the exact same spot as previous years.

192

193 Mr. Blankinship - Could you go back to the site map, Miguel?

194

195 Mr. Madrigal - Yes sir.

196

197 Mr. Blankinship - Mr. Bell had asked a very good question. In some  
198 place, including on this map, we refer to this as a temporary sales stand. In other  
199 places, we refer to it a 40-by-60-foot tent. The "temporary sales stand" is the  
200 language in the code that allows this use, so that's why in some places we've used  
201 that term. But it is, in fact, a 40-by-60-foot tent.

202

203 Mr. Bell - Miguel, did you hear anything—the Burlington Coat  
204 Factory and the Office Depot, those businesses have not changed. But now we  
205 have Aldi with these. Are there any problems with parking associated with this?

206

207 Mr. Madrigal - No. Over the last few years, we haven't had any  
208 complaints. Actually, since the use has been going on for the last five years, we  
209 haven't had any complaints with respect to parking. Because of the way the  
210 shopping center is set up with that main entryway splitting the two halves of the  
211 center, any congestion or any parking impacts will primarily be experienced by the  
212 Home Depot folks because it's in their parking lot. If anything, some people might  
213 spill over onto the Burlington Coat Factory side. But generally I would expect that  
214 to be right along that main entryway.

215

216 Mr. Bell - That side that is Aldi now?

217

218 Mr. Madrigal - Yes. You have Aldi there, Burlington Coat Factory, and  
219 you have Office Max. We haven't heard any complaints.  
220  
221 Mr. Bell - Thank you.  
222  
223 Mr. Reid - You mentioned the dates were November 2nd to  
224 December 29?  
225  
226 Mr. Madrigal - Yes sir.  
227  
228 Mr. Reid - And the conditions of approval say December 26.  
229  
230 Mr. Madrigal - Oh, I'm sorry. Let's see. They've actually requested  
231 November 2nd to December 26. Our conditions, November 2nd through December  
232 26. So on the conditions it's correct.  
233  
234 Mr. Reid - Okay.  
235  
236 Mr. Mackey - Does the application say December 26?  
237  
238 Mr. Madrigal - Yes sir.  
239  
240 Mr. Mackey - Okay. All right. Are there any further questions? All  
241 right, thank you, Miguel.  
242  
243 Mr. Madrigal - Thank you.  
244  
245 Mr. Mackey - Can we hear from the applicant, please?  
246  
247 Mr. Johns - Good morning, ladies and gentlemen of the Board. My  
248 name is Paul Johns. J-o-h-n-s. As your representative said this morning, we've  
249 been doing it for the past five years. We've secured this structure well enough to  
250 leave it there for a whole month without any incidents or problems from the general  
251 public and everyone that was coming around. So I really don't see why we  
252 shouldn't be able to get this granted for us to do this another year. That's all I really  
253 have to say.  
254  
255 Mr. Blankinship - Mr. Johns, are you associated with Home Depot or with  
256 the tent company?  
257  
258 Mr. Johns - No sir. I'm associated with the tent company.  
259  
260 Mr. Blankinship - Okay. So you're not actually on site during the month  
261 that the tent is there?  
262

263 Mr. Johns - Actually I am the one that goes out and installs each  
264 tent to each location. And so far there are ten locations. We start with the one up  
265 here in Henrico County and ending in Virginia Beach.

266  
267 Mr. Green - Is this something that happens every year?

268  
269 Mr. Johns - Yes.

270  
271 Mr. Green - So every year they have to come for this?

272  
273 Mr. Johns - Yes sir, we do.

274  
275 Ms. Harris - Mr. Johns, my question deals with security. Are you  
276 familiar with what they do for security? Are they leaving those items out overnight?

277  
278 Mr. Johns - I do believe they put a fence around the tent after we  
279 finish with the installation. And they provide their own security.

280  
281 Mr. Reid - Where will the tent be on the property, on the east side  
282 towards that shopping center that's next to it?

283  
284 Mr. Johns - Yes sir.

285  
286 Mr. Reid - Okay.

287  
288 Mr. Johns - Right along the fence line.

289  
290 Mr. Blankinship - It's right in front of the garden center, right?

291  
292 Mr. Johns - Yes sir. It's about six parking spaces and once you  
293 cross from the main garden center.

294  
295 Mr. Mackey - All right, are there any other questions for Mr. Johns?  
296 All right, thank you, Mr. Johns.

297  
298 Mr. Johns - Thank you.

299  
300 **[After the conclusion of the public hearings, the Board discussed the case**  
301 **and made its decision. This portion of the transcript is included here for**  
302 **convenience of reference.]**

303  
304 Mr. Mackey - Is there a motion?

305  
306 Mr. Green - So moved.

307

308 Mr. Mackey - We have a motion by Mr. Green. Do we have a  
309 second?

310  
311 Mr. Reid - Second.

312  
313 Mr. Mackey - Seconded by Mr. Reid. Discussion?

314  
315 Ms. Harris - Yes. I think that this is a good example of good  
316 customers that come before us. They come year after year, and they provide a  
317 service to the community, and we don't have any problems that are being reported.  
318 As long as this continues this way, I think that we need to grant them the conditional  
319 use permit.

320  
321 Mr. Mackey - All right, thank you, Ms. Harris. We have a motion by  
322 Mr. Green, seconded by Mr. Reid. All in favor say aye. Those opposed say no. The  
323 motion passes 5 to 0.

324  
325 After an advertised public hearing and on a motion by Mr. Green, seconded by Mr.  
326 Reid, the Board **approved** application **CUP2017-00033, HOME DEPOT** requests  
327 a conditional use permit pursuant to Section 24-116(d)(1) of the County Code to  
328 allow a temporary sales stand at 6501 W Broad Street (Parcel 768-742-3277)  
329 zoned Business District (B-2) and Business District (B-3) (Tuckahoe). The Board  
330 approved the conditional use permit subject to the following conditions:

331  
332 1. This conditional use permit applies only to the erection of a temporary tent for  
333 the sale of Christmas trees from November 2 through December 26, 2017. All other  
334 applicable regulations of the County Code shall remain in force.

335  
336 2. Only one tent, as shown on the plot plan filed with the application, may be  
337 erected pursuant to this approval. Any additional improvements shall comply with  
338 the applicable regulations of the County Code. Any substantial changes or  
339 additions to the design or location of the improvements will require a new use  
340 permit.

341  
342 3. The applicant shall obtain a building permit for the tent, and shall comply with  
343 all requirements and conditions of the Department of Building Inspections.

344  
345 4. The tent shall not interfere with approved landscaping islands or parking lot  
346 lighting. All approved landscaping shall be maintained in a healthy condition.

347  
348 5. The tent shall be removed from the property no later than January 2, 2018, at  
349 which time this permit shall expire.

350  
351 6. A sign shall be posted on the exterior of the tent providing emergency contact  
352 information and stating that trespassing after hours is prohibited.

353



354			
355	Affirmative:	Bell, Green, Harris, Mackey, Reid	5
356	Negative:		0
357	Absent:		0

358  
359

360 **[At this point, the transcript continues with the public hearing on the next**  
361 **case.]**

362

363 Mr. Blankinship - Next is CUP2017-00034, Home Depot. Mr. Gidley will  
364 do the introduction on this case.

365

366 **CUP2017-00034 HOME DEPOT** requests a conditional use permit  
367 pursuant to Section 24-116(d)(1) of the County Code to allow a temporary sales  
368 stand at 11260 W Broad Street (Parcel 742-762-4307) zoned Light Industrial  
369 District (M-1C) and West Broad Street Overlay (WBSO) (Three Chopt).

370

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

375

376 Mr. Gidley - Thank you, Mr. Secretary. Good morning,  
377 Mr. Chairman, members of the Board. This is also a request for Christmas tree  
378 sales, this time at the Home Depot in Short Pump. The store is located in the  
379 Brookhollow Shopping Center and other anchors there include Hobby Lobby,  
380 Target, and also Kohl's. The proposed sales would occur between November the  
381 2nd and December the 26th. Plans call for using a 40-foot-by-60-foot tent to house  
382 the trees.

383

384 As in past years, the tent would be located in the parking lot across the drive aisle  
385 from the garden center. The garden center is located right here. And of course the  
386 drive aisle comes in front of the store, and here's the proposed location right here.

387

388 In evaluating the request, is it consistent with the Comprehensive Plan and Zoning  
389 Ordinance? The property is zoned M-1C, Light Industrial District (Conditional) and  
390 is designated Commercial Concentration on the Future Land Use Plan. A home  
391 improvement store such as Home Depot is consistent with both of these  
392 designations. In addition, the sale of Christmas trees is customarily accessory to a  
393 home improvement store.

394

395 Would the request result in a substantial detriment to nearby property? In recent  
396 years, the outparcels on the site have started to fill in, and that's made parking a  
397 little bit tighter out there. That said, the proposed tent would only occupy 14 parking  
398 spaces, and there is adequate room to accommodate that. Past sales have been  
399 held, and complaints have not been received by staff regarding those past sales.

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444

In conclusion, ideally the sales would occur in the garden center where the POD for the site says they should be held. The request, however, is short term in nature and uses only 14 parking spaces. As a result, any detrimental impacts should be limited. Because the size and time frame is consistent with past years, staff recommends approval of this request subject to the attached conditions.

This concludes my presentation. If you have any questions, I'll be happy to entertain them.

Mr. Mackey - Thank you, Mr. Gidley. Are there any questions for Mr. Gidley? Thank you, sir. Can we hear from Mr. Johns again, please? Would you like to speak on this location?

Mr. Johns - Good morning, ladies and gentlemen of the Board. Paul Johns. For the past couple of years, like I said, we've been doing the same jobs starting up here and going all the way down to Virginia Beach. I have not had an issue with any of the tents in the past years. We have met all structural codes, everything that the fire department asks of us. So I don't see any reason why we wouldn't comply with the code that's been given in the past years.

Mr. Mackey - Thank you, Mr. Johns. Any questions for Mr. Johns?

Ms. Harris - Yes, I'm just curious. How do you anchor the tent to the pavement?

Mr. Johns - There are ten legs on this structure. Each one is anchored down with a four-foot stake, which is anchored into the asphalt. Each stake is rated at 1,200 pounds per stake. The strap that's attached to it is rated at about 1,400 to 2,000 pounds. There are ten of them all around the tent, which anchors it down.

Ms. Harris - So when you leave that construction area, do you still have holes there where you had anchored those stakes?

Mr. Johns - After remove the tent, we go back and patch the holes, as normal with sand and blacktop asphalt patch.

Ms. Harris - And then you come back the next year and use the same holes?

Mr. Johns - For the most part, yes.

Ms. Harris - Interesting.

445 Mr. Mackey - Are there any other questions for Mr. Johns? All right,  
446 thank you, sir.

447  
448 Mr. Johns - Thank you.

449  
450 **[After the conclusion of the public hearings, the Board discussed the case**  
451 **and made its decision. This portion of the transcript is included here for**  
452 **convenience of reference.]**

453  
454 Mr. Mackey - What is the pleasure of the Board?

455  
456 Mr. Green - So moved.

457  
458 Mr. Mackey - All right. Motion made by Mr. Green. Do we have a  
459 second?

460  
461 Mr. Reid - Second.

462  
463 Mr. Mackey - Seconded by Mr. Reid. Discussion?

464  
465 Ms. Harris - I think that the same statement applies to both of these  
466 cases since they seem to be companion cases. Certainly, this does not endanger  
467 the health or welfare of the community.

468  
469 Mr. Mackey - All right, thank you, Ms. Harris. We have a motion by  
470 Mr. Green and a second by Mr. Reid. All in favor say aye. Those opposed say no.  
471 There is no opposition; that motion passes. The ayes have it 5 to 0.

472  
473 After an advertised public hearing and on a motion by Mr. Green, seconded by Mr.  
474 Reid, the Board **approved** application **CUP2017-00034, HOME DEPOT** requests  
475 a conditional use permit pursuant to Section 24-116(d)(1) of the County Code to  
476 allow a temporary sales stand at 11260 W Broad Street (Parcel 742-762-4307)  
477 zoned Light Industrial District (M-1C) and West Broad Street Overlay (WBSO)  
478 (Three Chopt). The Board approved the conditional use permit subject to the  
479 following conditions:

480  
481 1. This conditional use permit applies only to the erection of a temporary tent for  
482 the sale of Christmas trees from November 2 through December 26, 2017. All other  
483 applicable regulations of the County Code shall remain in force.

484  
485 2. Only one tent, as shown on the plot plan filed with the application, may be  
486 erected pursuant to this approval. Any additional improvements shall comply with  
487 the applicable regulations of the County Code. Any substantial changes or  
488 additions to the design or location of the improvements will require a new use  
489 permit.

490

- 491 3. The applicant shall obtain a building permit for the tent, and shall comply with  
 492 all requirements and conditions of the Department of Building Inspections.  
 493  
 494 4. The tent shall not interfere with approved landscaping islands or parking lot  
 495 lighting. All approved landscaping shall be maintained in a healthy condition.  
 496  
 497 5. The tent shall be removed from the property no later than January 2, 2018, at  
 498 which time this permit shall expire.  
 499  
 500 6. A sign shall be posted on the exterior of the tent providing emergency contact  
 501 information and stating that trespassing after hours is prohibited.  
 502  
 503

504	Affirmative:	Bell, Green, Harris, Mackey, Reid	5
505	Negative:		0
506	Absent:		0

507  
 508  
 509 **[At this point, the transcript continues with the public hearing on the next**  
 510 **case.]**  
 511

512 Mr. Blankinship - It looks like we have a much fuller house now. Sorry  
 513 everybody had to wade through that difficult traffic to get here this morning. We  
 514 just skipped ahead on the agenda, and I hope everybody has had a minute to  
 515 collect your thoughts and pull yourselves together. So we'll go back to the top of  
 516 the agenda now and begin with CUP2017-00032.  
 517

518 **CUP2017-00032 OLLIE MARIE ELLIS** requests a conditional use  
 519 permit pursuant to Section 24-12(g) of the County Code to operate a family day  
 520 home with employees at 2809 Eagle Trace Terrace (RIVER BLUFFS) (Parcel 806-  
 521 736-6673) zoned One-Family Residence District (R-3AC) (Fairfield).  
 522

523 Mr. Blankinship - Would everyone who intends to speak to this case  
 524 please stand and be sworn in. Raise your right hands, please. Do you swear the  
 525 testimony you're about to give is the truth, the whole truth, and nothing but the truth  
 526 so help you God?  
 527

528 Ms. Ellis - Yes.

529  
 530 Mr. Blankinship - Thank you. If you'll give us just a moment. Mr. Gidley,  
 531 are you doing this one?  
 532

533 Mr. Gidley - Yes sir.

534  
 535 Mr. Blankinship - Mr. Gidley is going to give us an introduction to the  
 536 case and then you can speak.

537

538 Mr. Gidley - Thank you, Mr. Secretary. Good morning again,  
539 members of the Board.

540

541 This property is located in the River Bluffs subdivision, which as you can see here  
542 is located just northeast of the intersection of Mechanicsville and Laburnum. It's a  
543 typical suburban neighborhood of 1-1/2-to-2-story homes. The applicant owns a  
544 two-story home with just over 2,000 square feet of floor area. She purchased the  
545 home this past summer. This is a view of the home right here.

546

547 The applicant would like to operate a large family day home for up to 12 children.  
548 That is allowed by right. The reason she needs a conditional use permit is twofold.  
549 First of all, she wants to have two outside employees work for her. Secondly,  
550 instead of closing at 6 p.m., she'd like to go 30 minutes more until 6:30 p.m. So  
551 either one of these would require a conditional use permit.

552

553 As far as the evaluation with regard to the Comprehensive Plan and Zoning  
554 Ordinance, the property is zoned R-3AC, One-Family Residential District,  
555 Suburban Residential 2 on the Future Land Use Plan. And a one-family dwelling  
556 is consistent with both of these. A family day home is also a permitted accessory  
557 use. However, as noted, for the outside employees and extra time, a conditional  
558 use permit is required.

559

560 As far as any substantial detriment, staff doesn't really see any significant  
561 substantial detriment. The main concern were the two employees coming in from  
562 outside. And obviously there are people coming and going to drop their children  
563 off. So rather than having the employees park in front of the home and interfere  
564 with that, staff has a condition recommending the employees park on the  
565 applicant's driveway. That would keep the front free for people to come and drop  
566 their children off.

567

568 In conclusion, the proposed use is consistent with both the Zoning Ordinance and  
569 the Comprehensive Plan. A family day home can be a positive for a neighborhood.  
570 The only potential negative impact staff sees can be mitigated by the condition  
571 requiring employees to park on the driveway. As a result, staff recommends  
572 approval of this request subject to the conditions found in the staff report.

573

574 That concludes my presentation on this. If you have any questions, I will be happy  
575 to answer those.

576

577 Mr. Mackey - Thank you, Mr. Gidley. Does anyone from the Board  
578 have a question for Mr. Gidley? Thank you, sir.

579

580 Mr. Gidley - Yes sir.

581

582 Mr. Mackey - Can we hear from our applicant now?

583  
584 Ms. Ellis - Good morning. I'm Ollie Ellis. I am the homeowner.  
585  
586 Mr. Mackey - Excuse me, Ms. Ellis. Would you say your name again  
587 and spell it please for the record?  
588  
589 Ms. Ellis - Ollie Ellis. First name is O-I-I-e. Last name is Ellis, E-  
590 I-I-i-s.  
591  
592 Mr. Mackey - Thank you.  
593  
594 Ms. Ellis - This is my first time ever doing anything like this. I'm  
595 not sure what the expectations are.  
596  
597 Mr. Mackey - We'd just like for you to speak a little bit on behalf of  
598 yourself, why you want to receive this conditional use permit for your daycare.  
599  
600 Ms. Ellis - Okay. I had something traumatic happen in my past  
601 where I lost two little children. There are not a lot of daycares that offer a resource  
602 of helping families financially. I want to be able to start from my home and after a  
603 year go into a facility. I want to be able to help families. Well offer them a  
604 reasonable rate. That's my whole purpose for doing it.  
605  
606 Right now I'm using my home. It's my home, so I'm pretty excited about that. I have  
607 an ample amount of space. I have a ten-year-old daughter, and it's just me and  
608 her. So starting from my home would be smart and a good resource in the area  
609 that I'm in. I already have clients lined up. So to have this permit approved would  
610 be great and very honorable.  
611  
612 Mr. Mackey - I'm sure I speak for everyone on the Board and the staff  
613 that we're definitely sorry to hear about the loss of your two children. Are there any  
614 questions for Ms. Ellis? Yes, Mr. Bell.  
615  
616 Mr. Bell - You have a ten-year-old daughter. How many children  
617 will you be starting with?  
618  
619 Ms. Ellis - From what the permit allows me to do is 6 to 12 kids. I  
620 have about four kids, parents that would like for me to work with their children.  
621  
622 Mr. Bell - When will the extra help be employed?  
623  
624 Ms. Ellis - I'm in the process of looking at applicants. Actually, my  
625 classmates. We're all in school for the same thing, which is early childhood  
626 development. So I'm not actually opening until the first week of December. I know  
627 there's a process of getting people employed and having funding set up for that.  
628 So that's something that I'm working on now.

629  
630 Mr. Bell - The reason I asked the question is I noticed you didn't  
631 have any fencing. I was curious to know how you're going to take care of the kids  
632 while they're outside playing.

633  
634 Ms. Ellis - Yes. It's very supervised. And also I'm looking into  
635 some temporary fencing. I just did some yard work yesterday, me and someone  
636 else. We're actually putting a section together that will be right behind where that  
637 grill is, between that tree line and the other tree line. It's going to be temporary so  
638 it's rubber mulch, different types of things, and putting some—I guess outdoor play  
639 equipment. Not a lot, but something that's going to enhance a child's gross motor  
640 skills.

641  
642 Mr. Bell - And then lastly, did you read your conditions and do  
643 you approve of them?

644  
645 Ms. Ellis - In reference to the parking?

646  
647 Mr. Bell - There are four actually, but yes, the parking.

648  
649 Ms. Ellis - Yes.

650  
651 Mr. Bell - I had some concerns about that. Can your driveway  
652 handle the parking?

653  
654 Ms. Ellis - Yes. My driveway can actually hold about four cars.

655  
656 Mr. Bell - Thank you.

657  
658 Ms. Ellis - Okay.

659  
660 Mr. Mackey - Anyone else have a question for Ms. Ellis?

661  
662 Ms. Harris - Yes, I do. In your description of your activity, I noticed  
663 that you mentioned you have a third level and you have a bottom level. The second  
664 level, I was wondering what goes on there?

665  
666 Ms. Ellis - How the home is set up, the actual first level of the  
667 home I was referencing—I guess people would call it a basement area. It's not a  
668 basement to me. But it's a full room, and it's opposite of where my garage doors  
669 are. That room right there. That's part of where the daycare is. It's mostly set up  
670 for toddlers. The upper level is a room set up for infants. It's a private room. It's  
671 limited space, so I'm only requiring two infants.

672  
673 Mr. Blankinship - That explains why you need employees.

674

675 Ms. Ellis - Yes.  
676  
677 Mr. Blankinship - Somebody has to be upstairs and somebody has to be  
678 downstairs at the same time.  
679  
680 Ms. Ellis - Absolutely.  
681  
682 Ms. Harris - So that floor level is really the area that you will use for  
683 your home?  
684  
685 Ms. Ellis - Yes ma'am. That third level, I have four rooms up  
686 there—my private bed room, my daughter's private bedroom, a bathroom that's  
687 outside of my daughter's bedroom, and my office and the infant's room. The level  
688 in between, the first level and the second level, that's a setting area, dining area,  
689 enjoyment room, kitchen. So it's a lot of space.  
690  
691 Ms. Harris - Okay. I drove by there yesterday. I was wondering do  
692 you use your garage as a garage or did you—I know you said you're using one of  
693 the segments for your business. I was wondering do you use the garage as a  
694 garage.  
695  
696 Ms. Ellis - No ma'am.  
697  
698 Ms. Harris - Okay.  
699  
700 Ms. Ellis - No ma'am, I don't.  
701  
702 Ms. Harris - Thank you.  
703  
704 Mr. Mackey - All right, thank you Ms. Harris. Are there any other  
705 questions? All right. Thank you, Ms. Ellis.  
706  
707 Ms. Ellis - All right. Thank you.  
708  
709 **[After the conclusion of the public hearings, the Board discussed the case**  
710 **and made its decision. This portion of the transcript is included here for**  
711 **convenience of reference.]**  
712  
713 Mr. Mackey - What is the pleasure of the Board?  
714  
715 Ms. Harris - Mr. Chairman, I'd like to make a motion that we  
716 approve this CUP permit. I feel that this particular business and businesses like it  
717 will add to rather than detract from the health and welfare of the community. I did  
718 drive by, and it seems as though it would be an asset to have a child daycare in  
719 that home as long as everything else that goes along with a family daycare is  
720 achieved.



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Mr. Mackey - All right, thank you, Ms. Harris. We have a motion by Ms. Harris.

Mr. Green - Second.

Mr. Mackey - Seconded by Mr. Green. Discussion?

Mr. Green - I really appreciate the fact that she said she would make it affordable. All too often when you look at daycares—and having gone through that myself, it's not affordable anymore. So the fact that she stressed that she's going to make it affordable to families, I commend her for that.

Mr. Mackey - All right, thank you, Mr. Green. We have a motion by Ms. Harris, properly seconded by Mr. Green. All in favor say aye. Those opposed say no. There is no opposition; that motion passes. The ayes have it 5 to 0.

After an advertised public hearing and on a motion by Ms. Harris, seconded by Mr. Green, the Board **approved** application **CUP2017-00032, OLLIE MARIE ELLIS's** request for a conditional use permit pursuant to Section 24-12(g) of the County Code to operate a family day home with employees at 2809 Eagle Trace Terrace (RIVER BLUFFS) (Parcel 806-736-6673) zoned One-Family Residence District (R-3AC) (Fairfield). The Board approved the conditional use permit subject to the following conditions:

1. This conditional use permit applies only to the operation of a family day home with two employees from outside the home and extended hours of operation. All other applicable regulations of the County Code shall remain in force.
2. No more than twelve children, exclusive of the care provider's own children, may receive daycare services at any one time.
3. The hours of operation shall be limited to 6:30 AM to 6:30 PM.
4. All vehicles associated with the family day home, including vehicles used by the operator and employee shall be parked on-site, off of the public street right-of-way.

Affirmative:	Bell, Green, Harris, Mackey, Reid	5
Negative:		0
Absent:		0

**[At this point, the transcript continues with the public hearing on the next case.]**

767 Mr. Blankinship - That completes the public hearings on conditional use  
768 permits. We also have two variances on this morning's agenda.

769  
770 **VAR2017-00018** **MARTHA DALE MABRY** requests a variance from  
771 Section 24-9 of the County Code to build a one-family dwelling at 1855 Mill Road  
772 (MILL RD) (Parcel 808-686-9084) zoned Agricultural District (A-1) (Varina). The  
773 public street frontage requirement is not met. The applicant proposes 0 feet public  
774 street frontage, where the Code requires 50 feet public street frontage. The  
775 applicant requests a variance of 50 feet public street frontage.

776  
777 Mr. Blankinship - Would everyone who intends to speak to this case  
778 please stand and be sworn in. Raise your right hands, please. Do you swear the  
779 testimony you're about to give is the truth, the whole truth, and nothing but the truth  
780 so help you God?

781  
782 Ms. Mabry - I do.

783  
784 Mr. Blankinship - Thank you. I'm sorry. Were you up for this case as  
785 well?

786  
787 Male - Yes sir.

788  
789 Mr. Blankinship - Oh, I'm sorry. Would you raise your right hand, please.  
790 Do you swear the testimony you're about to give is the truth, the whole truth, and  
791 nothing but the truth so help you God? Thank you. All right, Miguel, if you would  
792 begin.

793  
794 Mr. Madrigal - Thank you, Mr. Secretary. Mr. Chair, members of the  
795 Board. Before you is a request to build a one-family dwelling in an agricultural  
796 district. The subject property is slightly over one acre in size, it is relatively flat, and  
797 it is an undeveloped wooded lot. It was created by gifting in 1999 and was derived  
798 from a 60-acre tract of land purchased by the Moore family in 1947. It is one of ten  
799 lots of varying size that have been created over time from the 60-acre tract of land.  
800 Seven of the ten lots are improved with one-family dwellings. The residual parcel  
801 is approximately 36 acres in size and is still owned by a member of the Moore  
802 family.

803  
804 Access to the subject property is by way of a private road that intersects Mill Road  
805 on the south. You can see a photo of it here. The private road is located on a 60-  
806 foot-wide private access easement that's service for other homes lacking public  
807 right-of-way. The private road extends well over 700 feet into the residual parcel.  
808 You can see that here on the aerial. You can see the road traveling all the way  
809 down.

810

811 The three most recent homes on the property were constructed by way of variance  
812 due to lack of public street frontage. You can see the three homes that I'm  
813 referencing right here.

814  
815 If approved, the proposed home would be the fifth property to be served by the  
816 private road. The applicant acquired the lot in 2001 from her son who is a  
817 grandchild of the Moore family. Because the lot sits over 200 feet south of Mill  
818 Road, it does not meet the minimum public street frontage requirement of 50 feet  
819 to be developable. The applicant currently has the property listed for sale, and  
820 would like to be obtain a variance to make the property more marketable. Because  
821 of the applicant's intent to sell the property, no construction plans were submitted  
822 with the request. She did submit a soil study confirming that a four-bedroom  
823 dwelling could be built on the lot and be served by an alternative septic system.

824  
825 With respect to the threshold question, the subject property is part of an original  
826 tract of land that comprised 60 acres. Here is a more expanded view of the  
827 property. The original land encompassed all of this area here. Over the years, the  
828 parcel was divided into ten individual lots and a residual parcel of 36 acres.  
829 Because of the small size of the subject property, its limited access, and the  
830 adjoining residential neighbors, it would be impractical to use the property for  
831 anything other than a one-family dwelling. Absent a variance, the lot would not be  
832 developable.

833  
834 Relative to the five subtests, item number 1 asks whether the property was  
835 acquired in good faith and that any existing hardship is not self-imposed. The  
836 subject lot was created by family division in 1999. The applicant acquired the  
837 property by gift deed in 2001. She originally intended to build and live on the lot,  
838 but her plans have since changed. She now intends to sell the property so that it  
839 can be developed by a purchaser. It appears that the property was acquired in  
840 good faith and the applicant did not create the hardship situation.

841  
842 Item 2 asks whether the granting of the variance will result in a substantial  
843 detrimental impact on adjacent or nearby property. It appears that the subject lot  
844 was created in association with a family division and there are several existing  
845 homes on the original tract of land. If approved, the variance would allow an eighth  
846 home to be added to the original tract and a fourth home on the east side of the  
847 private road. Here you can see there's an existing home. That's one, two, and  
848 three. So it would be the fourth home on the east side of that road.

849  
850 The only detrimental impact identified by staff is a lack of a maintenance  
851 agreement from the upkeep of the private road. Beyond the road maintenance  
852 issue, the approval of the applicant's request should not result in any other  
853 detrimental impacts to adjacent or nearby properties.

854  
855 Item 3 asks whether the request is of a general recurring nature more appropriately  
856 handled by a code amendment. Requests to waive the street front frontage request

857 are of a general recurring nature. This standard was first adopted in 1960 and has  
858 been a County requirement for the last 57 years. In 2012, the County adopted  
859 specific standards for family subdivisions to address in part these concerns. In this  
860 case, the family division appears to have occurred in two batches—one in the early  
861 to mid seventies and a second batch in the mid to late nineties. These divisions  
862 occurred well after the adoption of the street frontage requirement, but before the  
863 adoption of the family subdivision standards. Thus, the hardship facing the  
864 applicant does not lend itself to a legislative solution because of the timing.

865  
866 Staff would like to state for the record that any further division or development of  
867 the residual property will require subdivision approval and necessary street  
868 improvements, especially since the property has already availed itself of multiple  
869 divisions of land without the benefit of County review and the installation of basic  
870 infrastructure.

871  
872 With respect to items 4 and 5, staff is satisfied that they have met the requirements  
873 as outlined in the staff report.

874  
875 In conclusion, the proposed dwelling is consistent with the underlying zoning and  
876 Comprehensive Plan designations for the property. The subject lot was created in  
877 1999 by way of family division prior to the adoption of specific standards for these  
878 types of divisions. If approved, it's the applicant's intent to sell the lot with the  
879 benefit of a variance. Approval of the applicant's request should not have any  
880 detrimental impacts due to the presence of other homes in the immediate vicinity  
881 as well as an established access easement. Absent a variance, the lot would not  
882 be developable. Based on these facts, staff recommends approval subject to  
883 conditions.

884  
885 That concludes my presentation. If you have any questions, I'll be happy to answer  
886 them.

887  
888 Mr. Mackey - Thank you, Miguel. I have a question. Dealing with the  
889 conditions of approval, condition #5, the applicant shall install an address marker  
890 at the intersection of her private drive and the private road as per R3 19.1 of the  
891 Virginia Residential Code. Since she is planning to sell it, is that something that  
892 she needs to complete before or is that something that we would hold for whoever  
893 purchases it and plans to develop the lot?

894  
895 Mr. Madrigal - If approved, the variance carries with the property. It'll  
896 go along with the land, so whoever purchases it, they'll have to abide by these  
897 conditions.

898  
899 Mr. Mackey - Okay. Does Ms. Mabry have to?

900  
901 Mr. Madrigal - She can elect to do that or the purchaser can elect to  
902 do that at that time.

903  
904 Mr. Mackey - Okay.  
905  
906 Mr. Madrigal - Either way, it will be a condition of approval that will be  
907 verified once construction happens.  
908  
909 Mr. Mackey - Okay. Thank you. Are there any other questions?  
910  
911 Ms. Harris - Yes. Mr. Madrigal, do you know if those other homes  
912 that were built along that access road were approved by the subdivision  
913 requirements?  
914  
915 Mr. Madrigal - No. All the lots that exist now were, as best as I could  
916 tell, the result of family division over time. It occurred in two stages, one in the mid  
917 seventies and the other one in the later nineties. That's the extent of what the  
918 research showed.  
919  
920 Ms. Harris - But you don't know if they were subjected to  
921 subdivision approval?  
922  
923 Mr. Madrigal - No. They did get some counseling or advice because  
924 what's unusual is that the access easement is 60 feet wide and it extends down.  
925 So whoever designed it was aware of our street requirements because that's the  
926 minimum width for a residential street.  
927  
928 Ms. Harris - Why are we requiring the subdivision approval now?  
929  
930 Mr. Madrigal - We're not. We're saying that any further development  
931 of the residual parcel will require a subdivision plan.  
932  
933 Mr. Blankinship - The reason for that is because the Board of  
934 Supervisors changed the code a few years ago. So creating any new lot now would  
935 require going through the subdivision process. But this lot was already created.  
936  
937 Mr. Mackey - Any other questions for Mr. Madrigal? All right, thank  
938 you, Miguel. Can we hear from the applicant now?  
939  
940 Ms. Baxter - Good morning. My name is Sherry Baxter, and I'm with  
941 Hometown Reality. B-a-x-t-e-r. I'm the listing agent on this property. We're here  
942 because I was contacted by another agent who has a client that's a contractor. He  
943 would be interested in purchasing this lot if we were able to obtain the variance,  
944 because it's on a private road, not on a public road. That's my whole purpose for  
945 being here, to see if we can obtain this variance.  
946

947 Mr. Mackey - Okay. Ms. Baxter, I would imagine that approval by the  
948 other residents to use that private road has been granted or will be granted to the  
949 developer?  
950  
951 Ms. Baxter - We would have to go through that process as well.  
952  
953 Mr. Mackey - Okay. All right. Are there any questions for Ms. Baxter?  
954 All right, thank you. Thank you, Ms. Baxter. Is there anyone here who would like  
955 to speak in opposition?  
956  
957 Mr. Moore - I'm really just worried about the road.  
958  
959 Mr. Mackey - I need you to state your name and spell it.  
960  
961 Mr. Moore - Anthony Moore. A-n-t-h-o-n-y. M-o-o-r-e. I'm just  
962 concerned about the road. I just want to make sure it's going to stay private. I don't  
963 want it to go public. I don't know when that occurs or what has to happen for it go  
964 public. I guess you know. Is it going to stay private?  
965  
966 Mr. Blankinship - It would not be something this Board would be  
967 responsible for. In fact, if it was going public, it wouldn't be before this Board at all.  
968 Normally the process would be if somebody wanted to develop the additional  
969 acreage farther in, then they would build a public street and dedicate it to the  
970 County. But it would be up to them to do that.  
971  
972 Mr. Moore - That's not the issue here?  
973  
974 Mr. Blankinship - No.  
975  
976 Mr. Moore - Okay.  
977  
978 Mr. Blankinship - Now I'll ask you, who does maintain the road?  
979  
980 Mr. Moore - Me and my brother.  
981  
982 Mr. Blankinship - Okay. Is there a written agreement or is it just  
983 something you—  
984  
985 Mr. Moore - It's just something we do. We have the farm, we have  
986 the equipment.  
987  
988 Mr. Blankinship - Would you be interested in having a written agreement  
989 that would include this new—  
990  
991 Mr. Moore - Probably so. Once the house is built and somebody's  
992 there, yes, we probably would.

993  
994 Mr. Blankinship - We would encourage you all to get together and work  
995 that out.  
996  
997 Mr. Moore - Right. When the contractor comes in, there's no  
998 change to anything, right?  
999  
1000 Mr. Blankinship - To the status of the road, no sir.  
1001  
1002 Mr. Moore - No.  
1003  
1004 Mr. Blankinship - That change would be—  
1005  
1006 Mr. Moore - They just have to deal with what's there, right?  
1007  
1008 Mr. Blankinship - Yes. You'd have one more neighbor driving on your  
1009 road. Your interest is to have them required to contribute in some way to the  
1010 maintenance of the road.  
1011  
1012 Mr. Moore - Right.  
1013  
1014 Mr. Blankinship - But that would be up to you. The County would not be  
1015 involved in that process.  
1016  
1017 Mr. Moore - But if they bought the house, if they don't want to put  
1018 anything toward it, what do I do then? Do I have to take them to court?  
1019  
1020 Mr. Blankinship - Yes, right. That would be something you would have to  
1021 work out with them.  
1022  
1023 Mr. Moore - Okay. All right. Thank you.  
1024  
1025 Mr. Green - Do you live in one of these houses?  
1026  
1027 Mr. Moore - Yes I do. The one on the same side all the way down  
1028 right there where the little thing is. That's my house.  
1029  
1030 Mr. Green - The sense I get is that it's private and it's family.  
1031  
1032 Mr. Moore - Yes.  
1033  
1034 Mr. Green - So you all are open to selling it to non-family?  
1035  
1036 Mr. Moore - It was all out of my hands. No, I'm not open to it, but,  
1037 you know. It's already done.  
1038

1039 Mr. Green - Do you want to see this property developed?  
1040  
1041 Mr. Moore - No, I don't. But I don't know that there's anything I can  
1042 do about it. I don't think anybody does.  
1043  
1044 Mr. Reid - Do you farm the land behind you?  
1045  
1046 Mr. Moore - My family and I do. Mostly my father, but we all have a  
1047 hand in it.  
1048  
1049 Mr. Green - So the other two lots could potentially be sold as well?  
1050  
1051 Mr. Moore - Probably not because that is still in my father's name.  
1052 Could potentially. You never know what could happen, but right now no, that's not  
1053 an option.  
1054  
1055 Mr. Green - Who owns that lot there?  
1056  
1057 Mr. Blankinship - It is currently owned by a member of the family.  
1058  
1059 Mr. Moore - Which lot are you looking at?  
1060  
1061 Mr. Blankinship - The one that's the subject of this morning's request.  
1062  
1063 Mr. Moore - It's not really family. It's my grandfather remarried.  
1064 They died. I don't really consider that family.  
1065  
1066 Mr. Blankinship - It's an in-law.  
1067  
1068 Mr. Moore - Yes. So it's not a blood relative or anything like that.  
1069  
1070 Mr. Green - So it's your desire to keep that whole 60 acres in the  
1071 family.  
1072  
1073 Mr. Moore - I would love to.  
1074  
1075 Ms. Harris - Mr. Moore, did you all ever think about buying that  
1076 property?  
1077  
1078 Mr. Moore - All I can do is think about it. I don't really have . . . I wish  
1079 I could.  
1080  
1081 Mr. Mackey - All right, any other questions for Mr. Moore?  
1082  
1083 Mr. Green - Do we know what kind of house would come in?  
1084



1085 Mr. Blankinship - I don't believe we have been provided with any details  
1086 on dwellings.  
1087  
1088 Mr. Moore - It's not a big house that's on the land, so I don't think  
1089 that would be an issue of them building something that's going to downgrade our  
1090 property.  
1091  
1092 Mr. Mackey - All of that would have to meet building codes.  
1093  
1094 Mr. Blankinship - It would have to meet the building code. We always  
1095 encourage applicants to provide more information if they have it, if they've decided  
1096 on that kind of a thing, but they're not required to. And in this case where it's being  
1097 marketed to a builder, he probably is waiting until he finds a buyer before he  
1098 decides what's going to be built on it.  
1099  
1100 It looks like Ms. Mabry would like to say something.  
1101  
1102 Ms. Mabry - I can address that a little bit.  
1103  
1104 Mr. Mackey - You can come forward, Ms. Mabry.  
1105  
1106 Ms. Mabry - I'm sorry to interrupt you.  
1107  
1108 Mr. Moore - Oh no, you're fine.  
1109  
1110 Ms. Mabry - The soil study allows for a four-bedroom, two-bath.  
1111 That's the max on that.  
1112  
1113 Mr. Mackey - All right, thank you. Are there any other questions for  
1114 Mr. Moore? Thank you, sir. Is there anyone else who would like to speak in  
1115 opposition? Okay.  
1116  
1117 Mr. Dykes - First name is Bobby, last name is Dykes. D-y-k-e-s. I  
1118 live in the first house right there. It belongs to—, who is my mother-in-law. She's  
1119 89 years old. We've talked about this. The land everything, that property in the  
1120 front is going to belong to me and my wife. I do not want this house built back there.  
1121 This is going to be an inconvenience to all of us that live on this side road and in  
1122 the front. We're going to have a lot of trucks and everything coming in and out.  
1123 This is farmland. We would love to see it stay farmland.  
1124  
1125 It's too much of a problem for us. The end of the road right there at Mill Road, if  
1126 you put the picture back up, that drainage thing and everything. The big trucks are  
1127 not going to take it on that private road. They will not take it. None of us around  
1128 there want this house to be built. We'd love to see it stay farmland. We have peace  
1129 and quiet. This is the way we like it in Varina. I've talked to Barry. I have talked to

1130 all of them. We like the way it's set up now. I hope you do not let this go through  
1131 because it's going to cause a lot of stress on us.

1132  
1133 This road, when it goes in, if they get it approved and start cutting trees, how are  
1134 people going to get out that live back there? How are they going to get in? This is  
1135 going to be a lot of inconvenience for us. We're used to the country. We don't want  
1136 our country torn up. We want it to be kept the way it is, please.

1137  
1138 Mr. Mackey - All right. Are there any questions for Mr. Dykes?

1139  
1140 Mr. Blankinship - I have the same question that Ms. Harris had for  
1141 Mr. Moore. Have you considered purchasing this property?

1142  
1143 Mr. Dykes - I'm not Mr. Moore; I'm Mr. Dykes. I live in the front.  
1144 Right now my mother-in-law is 89 years old. She's getting ready to pass away any  
1145 time. I would love to, but we can't come up with the money right now.

1146  
1147 Mr. Mackey - Mr. Dykes, your comment about the big trucks, are you  
1148 talking about just during the construction portion?

1149  
1150 Mr. Dykes - Yes.

1151  
1152 Mr. Mackey - Okay, All right.

1153  
1154 Ms. Harris - Mr. Dykes, when those other homes were built, did you  
1155 have to deal with those trucks?

1156  
1157 Mr. Dykes - No ma'am. This was before my time. My wife and I  
1158 have only been married 17 years. We moved into the house 17 years ago.

1159  
1160 Ms. Harris - So those homes were already constructed?

1161  
1162 Mr. Dykes - Yes ma'am.

1163  
1164 Mr. Mackey - All right. Are there any questions for Mr. Dykes? All  
1165 right, thank you, sir.

1166  
1167 Mr. Dykes - Thank you.

1168  
1169 Mr. Mackey - Is there anyone else who would like to speak in  
1170 opposition? Is there anyone who would like to speak in favor of the application?  
1171 You can come back, Ms. Baxter.

1172  
1173 Ms. Baxter - I spoke with Mr. Dykes when we first put the house on  
1174 the market. He's a very nice man. He was interested in purchasing it at that time,  
1175 but our prices aren't together. The home that Mr. Dykes lives in faces Mill Road,

1176 the paved Mill Road. As far as coming up the private road to visit friends and all,  
1177 certainly. But the impact on his house, the private road is beside his house, not on  
1178 his land or in front of his house.

1179  
1180 Mr. Mackey - Okay. Thank you, Ms. Baxter. I think that concludes  
1181 everything for this case. Can we call our next application?

1182  
1183 **[After the conclusion of the public hearings, the Board discussed the case**  
1184 **and made its decision. This portion of the transcript is included here for**  
1185 **convenience of reference.]**

1186  
1187 Mr. Mackey - What is the pleasure of the Board? Being the Varina  
1188 Magistrate, we definitely take into consideration the comments by Mr. Moore and  
1189 Mr. Dykes. I can understand that you wanted to keep it in the family and that it  
1190 would be private. The only problem is I feel that if someone has the land and they  
1191 want to develop it, if it's something they can do within the ordinance, I believe it's  
1192 our duty to allow that.

1193  
1194 I make a motion that we accept the County's recommendation and approve the  
1195 variance with the zero street frontage. Is there a second.

1196  
1197 Mr. Bell - I'll second the motion.

1198  
1199 Mr. Mackey - All right. It's been moved by the chairman, seconded  
1200 by Mr. Bell. All in favor say aye.

1201  
1202 Ms. Harris - Can we just have a little discussion?

1203  
1204 Mr. Mackey - Oh, I'm sorry. I apologize. Discussion?

1205  
1206 Mr. Bell - Just a little bit. This was an interesting one. We have  
1207 the private road concerns of the people who live there, farmers. They're still  
1208 farming. Now he has to negotiate with so many people to make it happen. But it  
1209 can happen through negotiations with the road issue. The other issue is one of not  
1210 safety, not welfare, but keeping the past as it was. Well, the issue to me looked a  
1211 little like a temporary issue. His concerns seemed to be dwelling around the  
1212 building of the house, the trucks coming in, limbs being cut off trees, the road not  
1213 holding up. Hopefully, before the house is approved the maintenance agreement  
1214 will be there, and things like that can be corrected.

1215  
1216 The last thing is that here you have a person who has a piece of property that he's  
1217 paid for. If we would vote against him, we're telling that man he's spent the money  
1218 for a piece of property that's non-developable. He's in a position where he can't  
1219 use his land at all. That's why I seconded the motion.

1220  
1221 Mr. Mackey - Thank you, Mr. Bell. Any other discussion?

1222

1223 Mr. Green - I'm not going to support this. Sometimes you have to  
1224 listen to the citizens and their wishes. The gentleman and families built their nice  
1225 community and they want to maintain the community. They're concerned about  
1226 what—I haven't seen what kind of house you're going to get. You don't know what  
1227 kind of neighbors you're going to get. You don't know what kind of tension is going  
1228 to occur.

1229

1230 The sense I get is that if given the opportunity, they would buy the property, but  
1231 circumstances are that they can't at this given time. Yes, if someone owns the land,  
1232 and it's a quick sale, and dump it to somebody else, but you have to recognize the  
1233 individuals that still have to live in the area and maintain the area and the  
1234 community. We're always talking about building communities. Well I like to see  
1235 communities built where folks are receptive to the neighbors and the housing  
1236 around it. So I'm going to side with the gentlemen because they ultimately have to  
1237 live there every day. We go back to our properties and neighborhoods, and they  
1238 have to live there. I've got to take that into consideration.

1239

1240 Mr. Mackey - Okay. Thank you, Mr. Green. Is there any other  
1241 discussion?

1242

1243 Ms. Harris - Yes. A while ago when we had Attorney Wright on the  
1244 Board, he had concerns about confiscation of property. If you have ownership of a  
1245 property and someone tells you that you can't use it, that you can't build on it, it  
1246 amounts to someone taking the use of your property away from you. We have in  
1247 the conclusion of the staff report that absent a variance, the lot would not be  
1248 developable. That means that if they don't get this variance, they would not be able  
1249 to do anything with this lot at all. I know we have the authority to say no, but this  
1250 family division was set up years ago. We'd be taking their land and saying they  
1251 can't use it.

1252

1253 I think it's to the real estate agent's advantage to have a proper home built on this  
1254 lot because we know about commissions. The more the house costs, the more  
1255 their commission is. So I believe that the real estate agent and the owner of the  
1256 property will be acting in good faith.

1257

1258 I know there's an ongoing argument about rural versus urban—well, the city versus  
1259 the country, do we want to keep Varina rural or not. But we know Varina is loaded  
1260 with cases like this. We just have to deal with them case by case. But there are  
1261 two separate opinions about how rural Varina should remain. People who own their  
1262 property, I don't see how we could very well dictate to them that, "You can't do this  
1263 with your property," and there's nothing else they can do with it.

1264

1265 Mr. Green - Just by virtue of the fact that we can say yes or no gives  
1266 us the ability to say yes or no. I'm going to side with the gentlemen and say no. I  
1267 don't feel that we're taking anything away. We're just being cognizant of humanistic

1268 people's wishes. They have to live in these environments. As I thought about this  
1269 case, I thought about my neighborhood. The house could burn down next to mine,  
1270 and somebody could come in and put a structure up that is totally out of character  
1271 and not consistent with my neighborhood simply because somebody owns the  
1272 land. Potentially.

1273  
1274 Mr. Mackey - I don't think so. I think we're kind of getting off a little  
1275 bit, because they all have ordinances, and they couldn't just build any structure  
1276 they want. But I think we are at the portion where we will say yes or no, so we'll go  
1277 on with the vote. It's properly moved and seconded. All in favor say aye. Those  
1278 opposed say no. The ayes have it 4 to 1.

1279  
1280 After an advertised public hearing and on a motion by Mr. Mackey, seconded by  
1281 Mr. Bell, the Board **approved** application **VAR2017-00018, MARTHA DALE**  
1282 **MABRY' s** request for a variance from Section 24-9 of the County Code to build a  
1283 one-family dwelling at 1855 Mill Road (MILL RD) (Parcel 808-686-9084) zoned  
1284 Agricultural District (A-1) (Varina). The Board approved the variance subject to the  
1285 following conditions:

1286  
1287 1. This variance applies only to the street frontage requirement for one dwelling  
1288 only. All other applicable regulations of the County Code shall remain in force.

1289  
1290 2. Approval of this request does not imply that a building permit will be issued.  
1291 Building permit approval is contingent on Health Department requirements,  
1292 including, but not limited to, soil evaluation for a septic drainfield and reserve area,  
1293 and approval of a well location.

1294  
1295 3. Before beginning any clearing, grading, or other land disturbing activity, the  
1296 applicant shall submit an environmental compliance plan to the Department of  
1297 Public Works.

1298  
1299 4. The applicant shall present proof with the building permit application that a legal  
1300 access to the property has been obtained. The driveway shall be improved with a  
1301 durable asphalt or compacted gravel surface at least 10 feet wide with 12 feet of  
1302 horizontal clearance and 14 feet of overhead clearance to provide access for  
1303 police, fire, emergency medical services, and other vehicles. The owners of the  
1304 property, and their heirs or assigns, shall accept responsibility for maintaining  
1305 access to the property until such a time as the access is improved to County  
1306 standards and accepted into the County road system for maintenance.

1307  
1308 5. The applicant shall install an address marker at the intersection of her private  
1309 drive and the private road as per §R319.1 of the Virginia Residential Code.

1310  
1311  
1312 Affirmative: Bell, Harris, Mackey, Reid 4  
1313 Negative: Green 1

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Absent:

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**[At this point, the transcript continues with the public hearing on the next case.]**

**VAR2017-00019**                    **CINDY G. HALTERMAN** requests a variance from Section 24-9 of the County Code to allow a one-family dwelling to remain at 2655 Lacywood Lane (Parcel 840-722-1635) zoned Agricultural District (A-1) and Conservation District (C-1) (Varina). The public street frontage requirement is not met. The applicant proposes 0 feet public street frontage, where the Code requires 50 feet public street frontage. The applicant requests a variance of 50 feet public street frontage.

Mr. Blankinship -                    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?

Mr. Gidley -                    Thank you, Mr. Secretary, members of the Board. This property is located off Grapevine Road, which is just southeast of Airport and 295. It contains a total of 169 acres of land and has been in the Binns family since 1946. This is also the site of a former sand and gravel operation run by Simon's Hauling. You can see a little bit of the residual site right there. Some of you who have been on the Board awhile may recall that.

Today the property is used for a small-scale agricultural use, and it also contains two single-family dwellings, both of which were constructed prior to 1960. These are currently owned by Jean Binns, and she would like to give one home to her daughter and one home to her son. To accomplish this, she would like to divide the property into two parcels. You can see the proposed division line right here.

The first parcel or southern parcel would contain the home at 2655 Lacywood. That is the property right here. It would be on this parcel. This parcel actually has public street frontage down here. So this proposed parcel would comply with code.

The second property or the more northern parcel contains the home located at 2650 Lacywood Lane. That's this home right here. This parcel lacks public street frontage. It does border the terminus of Traverse Drive. But the reality is under code the terminus of a road does not count towards the public street frontage requirement. So this proposed parcel would lack public street frontage. That's why she's here for a variance today.

One of the conditions of approval that we are recommending is when this line is finalized, and this is approximate here, it would be good if Traverse Drive would completely come in and attach to this northern parcel. I gather there's been

1360 discussion with different departments about maybe future development on down  
1361 the line. At least that way there would be a public road that could be extended in  
1362 here so a subdivision could be built if that's what is planned in the future.

1363  
1364 There are two main tests that the applicant needs to meet for a variance, one of  
1365 which has to be met. In this case, I believe both tests are met. One of those is does  
1366 the Zoning Ordinance unreasonably restrict the use of the property. And number  
1367 two, was there a change in the ordinance after the improvements were made. In  
1368 this case, as I noted, the homes were both built prior to 1960. And prior to 1960 on  
1369 a large-acreage A-1-zoned tract, you could have two homes on the property, and  
1370 there was no public street frontage requirement.

1371  
1372 In 1960, two changes were made to code. One said you need one lot per home,  
1373 and the other required public street frontage. So the applicant's proposal would  
1374 actually bring the property into compliance with the one-lot-per-home requirement,  
1375 but they are still running afoul of the lack-of-public-street-frontage requirement.  
1376 Because the homes were there, legally built with building permits prior to the  
1377 adoption of that public street frontage requirement, certainly the second test where  
1378 there was a change to the Zoning Ordinance, the effective date of which occurred  
1379 after the homes were already built, that requirement is met for a variance. Once  
1380 you get past that one main requirement, then you can come on to the five subtests  
1381 that we look at, and I'll go over those briefly.

1382  
1383 As far as the hardship, since the homes were built prior to the Binns acquiring  
1384 them, they did not cause the hardship and they purchased the property in good  
1385 faith.

1386  
1387 Substantial detrimental impact. The two homes actually already exist. The home  
1388 here at 2655 Lacywood is the more southern one. The northern parcel contains  
1389 this home at 2650. Again, both of these homes already exist, so nothing new is  
1390 really being proposed here other than the division of the property. So there  
1391 shouldn't be any substantial detrimental impact.

1392  
1393 As far as an ordinance amendment to address this issue, the only thing the Board  
1394 of Supervisors could really do is eliminate the public street frontage requirement.  
1395 And obviously that was adopted for public safety purposes to allow access for  
1396 police and fire and school buses. So short of doing away with that, there is really  
1397 no ordinance amendment that could be adopted by the Board to address this  
1398 situation.

1399  
1400 One-family dwellings are permitted in the A-1 district, so this is not a use variance.

1401  
1402 And finally, a special exception is not an option.

1403  
1404 In conclusion, the property consists of a 169-acre parcel with two homes. Because  
1405 these homes were built with building permits prior to the 1960 adoption of the public

1406 street frontage requirement, at least one of the first two main tests is met. And all  
1407 five subtests appear to be met as well. As a result, staff recommends approval of  
1408 this request subject to the conditions found in your staff report.

1409

1410 If there are any questions, I will be happy to answer them for you.

1411

1412 Mr. Mackey - Thank you, Mr. Gidley. Are there any questions?

1413

1414 Mr. Green - I'm new. Terminus. What do you mean by *terminus*?

1415

1416 Mr. Gidley - Yes sir. You can see this street coming down here,  
1417 which is Traverse Drive. The terminus is basically where it dead ends. There's not  
1418 an approved cul-de-sac built there where you could potentially have homes  
1419 constructed. It basically just dead ends right there. That's a terminus. I guess the  
1420 belief is in the future, roads like that could continue. If they would not, then they  
1421 would be developed with a cul-de-sac. As I said, it does not count as public street  
1422 frontage even though technically you abut a public street with this terminus right  
1423 here.

1424

1425 Mr. Green - Okay.

1426

1427 Mr. Mackey - Any other questions for Mr. Gidley?

1428

1429 Ms. Harris - Mr. Gidley, is there a vacant home on Lacywood Lane?

1430

1431 Mr. Gidley - Let's see. You said is there a vacant home on  
1432 Lacywood?

1433

1434 Ms. Harris - Yes, near that intersection. I drove by there, and I saw  
1435 our sign.

1436

1437 Mr. Gidley - When you come up the long gravel private road here,  
1438 there are a number of homes out here. There are two right here, one and two. The  
1439 applicant's home down here, the southernmost one, and one across the street.  
1440 And then the other one is up here, the more northern of the two. So there are a  
1441 number of homes along this road. On the main parcel here, there are just two.

1442

1443 Ms. Harris - But to your knowledge, there is no vacant home near  
1444 the parcel that we're discussing today.

1445

1446 Mr. Gidley - The only one I would say I'm familiar with is when I  
1447 spoke to the applicant. My understanding is Ms. Jean's son is taking care of a  
1448 family member who lives nearby but does not live on the property itself. And I  
1449 believe he's temporarily living elsewhere to take care of that family member. He  
1450 plans on moving back into one of the two homes on this property in the future. But  
1451 the applicant can probably address that in more detail.



1452

1453 Ms. Harris - Okay. The other thing I was concerned about—  
1454 Mr. Blankinship needs to answer this question. I know that we have cases where  
1455 the applicants desire to not be held to the standard for public street frontage. But  
1456 are we authorized to divide parcels?

1457

1458 Mr. Blankinship - This is an unusual case. And I will tell you that the  
1459 family has been working with the Planning Department and other County  
1460 departments for several months trying to find the best way to do this. They've had  
1461 several meetings with Public Works about whether to extend that public street.  
1462 They've had a lot of different conversations with different people. And we just have  
1463 not been able to find a way forward for them. That's why when this finally came to  
1464 me, I overcame my normal reluctance to recommend a variance as the solution to  
1465 the problem.

1466

1467 The reason for that has a lot to do with Mr. Green's question about that word  
1468 *terminus*. The reason for that requirement is when developed property abuts  
1469 undeveloped property, you want to make sure there's a way to extend the street  
1470 into the developed property. When the undeveloped property starts to develop,  
1471 you want to see that public street extended. So here you have the end of Traverse  
1472 there, you have a temporary cul-de-sac that can be opened and extended into this  
1473 property. But it would be I think excessive to say, "You have to build the public  
1474 street now in order to serve one house that's already been there for 60 years and  
1475 that already has a really well-established private drive that doesn't connect to  
1476 Traverse. It goes out the other way. It goes out Lacywood.

1477

1478 All things considered, I felt in this case, it's unreasonable to say you can't divide  
1479 this property unless you extend that public street that nobody is ever going to use—  
1480 at least for the foreseeable future nobody's going to use. If 20, 50 years down the  
1481 line it is time to develop this larger parcel, they can extend Traverse at that time.  
1482 So there's no need to extend it now, in my view, to preserve the development  
1483 pattern in the future.

1484

1485 That's kind of a long answer to a short question.

1486

1487 Ms. Harris - But thank you.

1488

1489 Mr. Blankinship - I think a year ago I did look at this and say no, a  
1490 variance is not appropriate here, you need to go through the subdivision process,  
1491 talk to Public Works and find a way to make this work. And we've just had meeting  
1492 after meeting after meeting, and we just can't make all the regulations line up to  
1493 get this to move forward.

1494

1495 Ms. Harris - Is Laceywood Lane paved?

1496

1497 Mr. Blankinship - It's paved almost all the way because this was a sand-  
1498 and-gravel operation, and those big heavy trucks were moving in and out of there.  
1499 So they went ahead and built—it's not to County standards, but it's a very solid  
1500 roadbed. If you look here at the map on the screen, just before the letter "L," it's a  
1501 public road. And then right where that yellow dashed line is it becomes a private  
1502 road at that point.

1503  
1504 Ms. Harris - Okay. Thank you.

1505  
1506 Mr. Mackey - All right. Thank you, Mr. Blankinship. Are there any  
1507 other questions for Mr. Gidley? Okay. Can we hear from the applicant please?

1508  
1509 Ms. Halterman - Good morning. My name is Cindy Halterman. It's H-a-  
1510 l-t-e-r-m-a-n. I am the daughter of Jean Binns, who is the property owner. I thank  
1511 you for letting me speak on her behalf this morning.

1512  
1513 As Mr. Blankinship mentioned, we've had several meetings with Public Works and  
1514 with the Planning Department trying to determine the best route to go with being  
1515 able to divide the property per my mother's wishes. This all came about as she  
1516 was preparing her will. The desire was to be able to leave one home to me and  
1517 one to one of my brothers. That's when we realized that the code had changed  
1518 and it was no longer permissible, that they had to be on separate lots. So we  
1519 proceeded from that point trying to come up with the best method of being able to  
1520 accomplish her wishes.

1521  
1522 The plan that we have in our minds would make no changes to the existing  
1523 structures. There are no improvements being made. I submitted with the  
1524 application a road maintenance agreement that we have established. Beyond our  
1525 property lines, further into the—I would say that would be the east—there are four  
1526 additional homes that are non-family members that use Lacywood Lane. They  
1527 have all signed. And we have a recorded road maintenance agreement from all  
1528 parties that are using it. There are eight homes that enter in through that access  
1529 point.

1530  
1531 As it stands right now, we don't have any immediate intentions of making any  
1532 changes. But we did have the discussion with Public Works with regard to Traverse  
1533 Drive, that as this property passes, possibly to the next generation, someone may  
1534 want to develop that larger parcel. So that was taken into consideration when we  
1535 were thinking about where we could divide it off to split the two homes. The best  
1536 outcome that we could come up with was to make sure that the property line was  
1537 south of Traverse Drive. Then if whoever ended up with ownership of that large  
1538 parcel wanted to put some houses back there, they would be able to create an  
1539 entrance in from that point.

1540  
1541 Mr. Mackey - All right, thank you, Ms. Halterman. Does anyone from  
1542 the Board have any questions for Ms. Halterman?

1543

1544 Ms. Harris - Yes. Ms. Halterman, thank you for your letter that we  
1545 received. I noticed on the application that one address is 2655. I believe that's your  
1546 address. And one is 2650.

1547

1548 Ms. Halterman - My mother's address is 2655. She resides there. I  
1549 actually own 2635, which is right here. That's my home.

1550

1551 Ms. Harris - I'm sorry; I didn't see that.

1552

1553 Ms. Halterman - Right here. That triangular-shaped lot, that's my lot.

1554

1555 Ms. Harris - Okay.

1556

1557 Ms. Halterman - My mother resides at 2655, which was the second  
1558 home built on the large parcel. And 2650 was the original homestead that was  
1559 where my grandparents built.

1560

1561 Ms. Harris - Can you point out her property, please? The other two.

1562

1563 Ms. Halterman - This is 2655 right here. That's my mother's, the owner  
1564 of the large parcel. Her home is right here. The original home that my grandparents  
1565 lived in prior to their death was right here.

1566

1567 Ms. Harris - Okay. What is the parcel between your house and . . .

1568

1569 Ms. Halterman - My grandparents left each of us an acre of land. This  
1570 lot was mine. This is one brother who built his home there. Another brother built a  
1571 home here. And this is just an empty lot right now. It was deeded to the third  
1572 brother, but he has not built on the property. So that is a vacant lot.

1573

1574 Ms. Harris - Thank you.

1575

1576 Ms. Halterman - You're welcome.

1577

1578 Mr. Mackey - Are there any other questions for Ms. Halterman?  
1579 Ms. Halterman, I have a question while you're up here. Each member of the Board  
1580 received a letter of recommendation that we approve the variance. It was signed  
1581 by an A. Evan. They said their property is adjacent to yours?

1582

1583 Ms. Halterman - It is, yes, and she's present today.

1584

1585 Mr. Mackey - Oh, okay. All right. We just wanted to get her name so  
1586 we could have it for the record.

1587

1588 Ms. Halterman - Yes. Her property is actually the first one when you  
1589 come onto Laceywood. It's right here.  
1590  
1591 Mr. Mackey - Okay. All right. Are there any other questions for  
1592 Ms. Halterman? All right. Thank you, Ms. Halterman.  
1593  
1594 Ms. Halterman - Thank you.  
1595  
1596 Mr. Mackey - Is there anyone here who would like to speak in  
1597 opposition to the application? Is there anyone who would like to speak in favor of  
1598 the application? Okay. Is A. Evans here? Can we get the spelling of your name?  
1599 Can you come to the podium, please? We just need this to get it into the record.  
1600  
1601 Ms. Evans - It's Abby (A-b-b-y), Evans (E-v-a-n-s).  
1602  
1603 Mr. Mackey - Evans. Okay. And your letter will be filed in the record.  
1604  
1605 Ms. Evans - Thank you.  
1606  
1607 Mr. Mackey - Thank you.  
1608  
1609 Ms. Harris - Ms. Evans, you are in support?  
1610  
1611 Ms. Evans - Yes. I'd like to see her keep her family home the way it  
1612 is. Thank you  
1613  
1614 Mr. Mackey - I didn't realize that the letters all had names on them. I  
1615 think we got them all mixed up, but they all say the same thing so I don't think that's  
1616 a problem.  
1617  
1618 Ms. Harris - Thank you.  
1619  
1620 Mr. Mackey - All right. Okay. I believe that is our last request.  
1621  
1622 Mr. Blankinship - Yes sir.  
1623  
1624 Mr. Mackey - Okay, we'll go on to our motion portion.  
1625  
1626 **[After the conclusion of the public hearings, the Board discussed the case**  
1627 **and made its decision. This portion of the transcript is included here for**  
1628 **convenience of reference.]**  
1629  
1630 Mr. Mackey - What is the pleasure of the Board? Being the Varina  
1631 magistrate, I'll make a motion. I feel that the property was acquired in good faith.  
1632 They did not cause the hardship on their own. It has met the five subtests, and I  
1633 do not believe it will be a detriment to the surrounding properties. Having said that,

1634 I would like to make the motion that we accept the County's recommendation and  
1635 grant the variance to Ms. Halterman to allow the dwelling at 2655. Is there a  
1636 second?

1637  
1638 Mr. Green - Second.

1639  
1640 Mr. Mackey - Seconded by Mr. Green. Discussion?

1641  
1642 Mr. Bell - There are no safety or welfare concerns that I see with  
1643 this particular request, and the conditions were met that are required by the state.

1644  
1645 Ms. Harris - As Mr. Blankinship pointed out, this case is unique. We  
1646 have a road that has been used and is used, even though it is not a public road. I  
1647 see no problem with granting this variance.

1648  
1649 Mr. Mackey - All right, it's moved and seconded. All in favor say aye.  
1650 Those opposed say no. The ayes have it 5 to 0.

1651  
1652 After an advertised public hearing and on a motion by Mr. Mackey, seconded by  
1653 Mr. Green, the Board **approved** application **VAR2017-00019, CINDY G.**  
1654 **HALTERMAN's** request for a variance from Section 24-9 of the County Code to  
1655 allow a one-family dwelling to remain at 2655 Lacywood Lane (Parcel 840-722-  
1656 1635) zoned Agricultural District (A-1) and Conservation District (C-1) (Varina).  
1657 The Board approved the variance subject to the following conditions:

1658  
1659 1. This variance applies only to the public street frontage requirement for the  
1660 existing dwelling at 2650 Lacywood Lane. All other applicable regulations of the  
1661 County Code shall remain in force.

1662  
1663 2. Only a single division of the property known as Parcel 840-722-1635 may occur  
1664 subject to this variance. This division shall be in general conformance with the  
1665 plans submitted with this application. The new property line shall intersect the  
1666 western boundary of the property south of the terminus of Traversee Drive.

1667  
1668  
1669 Affirmative: Bell, Green, Harris, Mackey, Reid 5  
1670 Negative: 0  
1671 Absent: 0

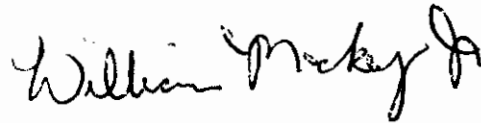
1672  
1673  
1674 Mr. Mackey - That's the end of our motion portion, and the minutes  
1675 have already been approved. We have no further business?

1676  
1677 Mr. Blankinship - No sir.

1678  
1679 Ms. Harris - Mr. Chairman, I move that we adjourn.

1680  
1681 Mr. Green - Second.  
1682  
1683  
1684 Affirmative: Bell, Green, Harris, Mackey, Reid 5  
1685 Negative: 0  
1686 Absent: 0

1687  
1688  
1689 Mr. Mackey - Meeting adjourned.

1690  
1691   
1692

1693  
1694 William M. Mackey, Jr.  
1695 Chairman

1696  
1697   
1698 Benjamin Blankinship, AICP  
1699 Secretary  
1700  
1701