

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 OCTOBER 26, 2023 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED**
5 **IN THE *RICHMOND TIMES-DISPATCH* OCTOBER 16, 2023 AND OCTOBER 23, 2023.**
6

7
8 **Members Present:** Walter L. Johnson, Jr., Chair
9 Terrell A. Pollard, Vice-Chair
10 Terone B. Green
11 Barry R. Lawrence
12 John R. Broadway
13

14
15 **Also Present:** Leslie A. News, Assistant Director of Planning
16 Benjamin Blankinship, Secretary
17 Paul M. Gidley, County Planner
18 Janaya Poarch, Accounting Clerk
19
20
21

22 **Mr. Johnson -** Good morning and welcome to the Henrico Board of Zoning
23 **Appeals.** For all that are able, would you please stand join us in the Pledge of Allegiance.
24

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

28 **Mr. Johnson-** Good morning, everybody. Mr. Blankinship will now read our
29 **rules.**
30

31 **Mr. Blankinship-** Good morning, Mr. Chair, members of the Board, and good
32 **morning to everyone in the room with us today.** I'd also like to welcome everyone joining
33 **us remotely on WebEx.** If you wish to observe the meeting, but you do not intend to speak,
34 **welcome, and thank you for joining.** For those of you on Webex who would like to speak,
35 **we need to know that in advance so we can connect you at the appropriate time.** So, if
36 **you're an applicant, or if you have questions or comments on one of the cases, please**
37 **press the chat button now.** It's located in the bottom right corner of the screen. And when
38 **the chat window opens, please select Janaya Poarch from the list of participants and let**
39 **her know your name and which case you're interested in.** The chat feature is only being
40 **used to identify speakers, so please do not type questions or comments into a chat, but**
41 **please send a chat to Janaya Poarch now.**
42

43 **So, as Secretary, I will call each case, and will ask everyone in the room who intends to**
44 **speak to that case to stand and be sworn in.** Then a member of the Planning Department
45 **Staff will give a brief presentation and then the applicant will give their presentation.** After
46 **that, everyone else who wishes to speak in favor or in opposition will have the opportunity.**

47 We will hear from those in the room first, and then from those on WebEx. After everyone
48 has had a chance to speak the applicant, and only the applicant, will have an opportunity
49 for rebuttal.

50
51 This meeting is being recorded. So, for everyone in the room, we'll ask everyone to speak
52 directly into the microphone on the podium at the back of the room. We'll ask you to state
53 your name, and please spell your last name, so we get it correctly in the record. And,
54 once your cases over, you're free to leave, there's no need for you to stay for the rest of
55 the meeting.

56
57 And with that Mr. Chair, we have no requests for deferral or withdrawal that I'm aware of.
58 So, I think we're ready for the first case.

59
60 Mr. Johnson- Okay.

61
62 Mr. Blankinship- We have six conditional use permits and one variance on this
63 morning's agenda. The first conditional use permit is **Conditional Use Permit 2023**
64 **number 48**, Ali Zahraei: conditional use permit to allow an accessory dwelling unit at
65 5345 Axe Handle Lane, in the West Ridge subdivision, in the Three Chopt Magisterial
66 District. This case was deferred from last month.

67
68 **CUP2023-00048 - Ali Zahraei: conditional use permit to allow an accessory dwelling**
69 **unit at 5345 Axe Handle Lane, West Ridge, Three Chopt. Parcel 731-773-9933.**
70 **Zoning: A-1, Agricultural District. Code Section: 24-4406.**

71
72
73 Mr. Blankinship- Would everyone who intends to speak to this case please
74 stand and be sworn in. Raise your right hands please. Do you swear that the testimony
75 you are about to give is the truth, the whole truth, and nothing but the truth, so help you
76 God? Thank you. Mr. Gidley.

77
78 Mr. Gidley- Good morning members of the Board. As you know, this case
79 was heard last month, and the Board ultimately deferred it. The applicant owns a 2,534-
80 square-foot residence that he is in the process of converting into two residences.
81 Basically, the main residence and an accessory dwelling unit. The second residence
82 would be rented out to a third party. And an accessory dwelling unit does require approval
83 of a conditional use permit by this Board. During last month's hearing a number of
84 neighbors spoke out about the condition of the property, and concerns over whether the
85 accessory dwelling unit would fit in and be consistent with the surrounding neighborhood.
86 In response, this Board deferred the case until today's hearing to allow the applicant time
87 to meet with the neighbors and hopefully address some of their concerns. On Tuesday
88 evening the applicant emailed staff indicating he had cut the grass, secured a sliding glass
89 door, and scheduled regular trash pickup. Unfortunately, he had not met with the
90 neighbors, which was the primary reason for the deferral. Instead, he sent it a number of
91 pictures of potential zoning violations, many of which do not appear to be from his
92 immediate neighborhood. Due to the number of concerns raised by the neighbors at last

93 month's public hearing, along with the applicant's failure to meet with the neighbors as
94 requested by this Board, staff is no longer in a position to support this request. As a result,
95 we recommend denial. This concludes my presentation and if you have any questions, I
96 will be happy to answer them. Thank you.

97

98 Mr. Johnson- Thank you. Are there any questions from the Board of staff?

99

100 Mr. Lawrence- I have a question Mr. Chairman.

101

102 Mr. Johnson- Yes.

103

104 Mr. Lawrence- Mr. Gidley, is this a non-conforming lot? I was reading the staff
105 evaluation, and it says, it indicated in number two of the staff evaluation that the lot was
106 nonconforming, and if that's the case, in what respect is it nonconforming? Article 4 says
107 the property must meet the lot area width and setback requirements. Does it?

108

109 Mr. Gidley- No, it does not.

110

111 Mr. Blankinship- Mr. Lawrence, I did fair amount of research into that question
112 and did not come to a satisfactory answer. The lot is shown on the approved subdivision
113 plat at the size and shape that it is today. That subdivision plat was approved with the
114 same standards that are in place today. But this was a matter of 40 years ago, or so. And
115 so, I do not, I was not able to find a clear statement in the file of how and why the lot was
116 approved at its existing size and shape.

117

118 Mr. Lawrence- So, is it the square footage of the lot?

119

120 Mr. Gidley- The lot area is not met.

121

122 Mr. Blankinship- Yes, the lot area.

123

124 Mr. Lawrence- So, what is the lot area?

125

126 Mr. Blankinship- I think it's .85, isn't it? .86-acres. It's required to be one acre.

127

128 Mr. Lawrence- So, it looks like there may have been an error.

129

130 Mr. Blankinship- It could have been an error. There could be something else
131 that, you know, a decision that was made that is just not reflected in the file. I could not
132 find a satisfactory answer to that question. That's why I did not clearly answer that
133 question in the staff report.

134

135 Mr. Lawrence- Okay, thank you.

136

137 Mr. Johnson- Any other questions for staff? Okay. None.

138

139 Mr. Blankinship- Would you like to hear from the applicant?
140
141 Mr. Johnson- Okay, we'll now hear from the applicant. Go to the mic.
142
143 Mr. Zahraei- Hello everybody. I've asked my daughter to speak, because
144 of my language barrier.
145
146 Mr. Blankinship- Could you pull the microphone up so we can hear you a little
147 better?
148
149 Mr. Zahraei- Yes. My daughter Ana is with me. I want to see if you guys will
150 let Anna speak for me. For my language barrier, I think for your better understanding.
151
152 Mr. Johnson- Okay.
153
154 Ms. Zahraei- So the concerns...
155
156 Mr. Gidley- Name?
157
158 Mr. Blankinship- Could you tell us your name please?
159
160 Ms. Zahraei- Yes, my apologies. I'm Ana Zahraei. My last name is spelled
161 Z.A.H.R.A.E.I. The number of concerns that we heard, I'm going to go through the ones
162 that are currently fixed and that he has renovated. A securing of the sliding doors without
163 a landing was necessary, which is done now. Proper architectural plans were a concern.
164 They are not ready yet. However, a professional did come to the property and take
165 measurements, and everything is done. The plan just has not been given to us yet. We
166 tried to get it done by this date, however, it took longer. Trash service and recycling
167 service are in place now. Enlisting a professional ...drainfield, to make sure that it's in
168 good condition, that is done. The receipt is with us today and the County will have a copy.
169 When complete, it was a concern of how many people would be in the house. The
170 property already had four bedrooms, so the only... there will be at least four people in
171 there. And the difference would only be one more or one less person at the property. It
172 wouldn't be any more or any less than that. And it was a concern of which... what would
173 be rented out and because, in the future, the plan is to have another person, my grandma,
174 live with us. Then we will be renting out the smaller, 800-square-foot, side. For future
175 regards, we will be living on the main side of the house. Another concern was the Koi
176 Pond and filling it. We do love the Koi Pond, and it was very unfortunate that it couldn't
177 stay during the time that my father was not at the house, but it will not be filled anytime
178 soon, as there are a lot more important concerns regarding the house's exterior. So,
179 although that will be done eventually, it's in our future plans. It was a concern of when he
180 was away from the house when exactly the water was off, and the electricity was off. But
181 from the years 2018 to 2021, he was not at the house, so he has absolutely no knowledge
182 of when the water was turned off, or when the electricity was gone. All we know is that
183 we came back to the house in 2022 to 2023, and ever since then we've done everything

184 to our best ability to recover everything that been broken down. And I believe I should
185 cover everything.

186
187 Mr. Blankinship- Thank you.

188
189 Mr. Johnson- Any questions from the Board?

190
191 Mr. Green- Yes. When we heard this case before, we were given
192 information that you would rent the unit out to a family, or somebody else, and now you're
193 saying you're not going to rent it out. It will be for your grandmother.

194
195 Ms. Zahraei- No. It will still be rented out to another family. We're just saying
196 the side that is being rented will switch. We'll go to the main side which is the bigger,
197 bigger half of the house essentially, and the smaller house will be rented to someone.
198 Only one or two people that are extra can live there because there's only one bedroom
199 available. Because we're not necessarily adding any bedrooms. Regarding the concern
200 about the amount or number that'll be at the house. The number of people will be the
201 same.

202
203 Mr. Johnson- What is the number of the people that will be in the facility?

204
205 Ms. Zahraei- So, there are four bedrooms, so there will be four people.
206 Maybe five, if it's rented out to a husband and wife. That's the maximum number of
207 people, four or five. It will not reach above that.

208
209 Mr. Green- Where does the grandmother come in? You said the
210 grandmother...

211
212 Ms. Zahraei- When the house is renovated.

213
214 Mr. Blankinship- She's going to live in the main dwelling unit with the two of
215 you?

216
217 Ms. Zahraei- Yes, sir.

218
219 Mr. Green- But you said you're going to move from the smaller unit to the
220 larger unit. As I understand, the smaller unit only has one bedroom. So, the three of you
221 are going to be in one bedroom and you're going to rent the house, the main unit, to
222 someone else?

223
224 Ms. Zahraei- No. So, we're going to move with my grandma to the main
225 unit. That's why we're not going to live in the smaller unit. Because there's only one
226 bedroom in there, we can't live there with my grandma. That's why there's going to be a
227 switch of the sides and we're going to go to the main unit and the renters essentially are
228 going to be in the smaller unit of the house.

229

230 Mr. Green- So, the smaller unit has one bedroom. So, the two of you all
231 are in the one bedroom now?
232
233 Ms. Zahraei- So, well, my dad gave me the bedroom. So, we essentially
234 share a bathroom. There's not another bedroom in there, but he does have a bed in what's
235 supposed to be, in the future, the living room, just for some privacy for the both of us. But,
236 we don't have like another bedroom with a bathroom. We just have to kind of share the
237 bathroom.
238
239 Mr. Green- So, while you're not... I guess the question is, why. Why are
240 you not in the main unit now?
241
242 Ms. Zahraei- Well, because it's renovated and right now it's with the renters
243 that we have, we have at the moment.
244
245 Mr. Green- So, you currently have it rented now.
246
247 Ms. Zahraei- Yes.
248
249 Mr. Green- How many people are renting it, in that main unit now?
250
251 Ms. Zahraei- Four.
252
253 Mr. Green- Four people?
254
255 Ms. Zahraei- Yes.
256
257 Mr. Green- A family or four different individuals?
258
259 Ms. Zahraei- A husband and a wife, and two children.
260
261 Mr. Green- Okay. Thank you.
262
263 Mr. Pollard- Does...
264
265 Mr. Johnson- So, I did... Go ahead.
266
267 Mr. Pollard- I just have a question for staff. Does this swapping of what's
268 going to be rented out, does that change the request at all, the application? Is that a
269 different application or is it pretty much the same thing?
270
271 Mr. Gidley- No sir. I'm sorry.
272
273 Mr. Johnson- Now when they switch rooms, there are four people there, you
274 only have one bed.
275

276 Mr. Blankinship- Where are those four people going to go who are in the
277 principal house today?
278
279 Ms. Zahraei- They're going to leave. There are going to be new renters.
280 Their contract will be over.
281
282 Mr. Blankinship- They're moving out of the house and going somewhere else.
283
284 Mr. Green- So for clarification, you and your father are in the smaller unit,
285 which is one bedroom that has sleeping quarters, sleeping arrangements that he's made.
286 The main unit currently has a family in it. Four individuals; a husband, wife and two kids.
287 When their lease, I guess, is up, they're moving out. You and your father are moving over
288 to the main unit with your grandmother and then you all are going to rent the smaller unit
289 out. Is that's what you're saying?
290
291 Ms. Zahraei- Yes.
292
293 Mr. Green- Okay.
294
295 Mr. Johnson- Okay. Any other questions from the Board?
296
297 Mr. Pollard- I have a question for Mr. Blankinship.
298
299 Mr. Blankinship- Yes sir.
300
301 Mr. Pollard- In the event this is denied, will they have the ability to reapply?
302
303 Mr. Blankinship- After one year. If it was denied they could apply again in one
304 year.
305
306 Mr. Johnson- Okay.
307
308 Mr. Green- If it is denied, could they turn it into an Airbnb?
309
310 Mr. Blankinship- They could apply, yes. They could apply for that next month if
311 they wanted. It would be a substantially different application.
312
313 Mr. Green- But, but the second unit has a kitchen in it. Correct?
314
315 Mr. Blankinship- It does not now, but they're going to renovate it to put a kitchen
316 in. That's part of the renovation they're proposing.
317
318 Mr. Green- But if we deny and they decide to go Air BnB, they could not
319 put a...
320
321 Mr. Blankinship- They would not put a kitchen in it.

322
323 Mr. Green- ... and get their...
324
325 Mr. Blankinship- That's correct.
326
327 Mr. Green- Okay, that's great. They can do something with it.
328
329 Mr. Blankinship- Yes sir.
330
331 Mr. Johnson- You understand what they're saying, right? About the Airbnb
332 and what, you know, you are doing now?
333
334 Mr. Blankinship- I don't think that...
335
336 Mr. Pollard- They can work that out with staff.
337
338 Mr. Green- The other question is I read what you wrote and one thing we
339 were concerned about was the large contingency of your neighbors that are here. I know
340 you said your work schedule... I mean, why haven't you really attempted to meet with
341 your neighbors. Because, you know, they're very concerned about this property and that
342 neighborhood, and it appeared, from what I heard last time, they're very vested with the
343 entire neighborhood and were very helpful in making sure your property was maintained
344 in your absence. And, you know, I would think out of gratitude you would have met with
345 them, just really to ease their concerns. Could you explain more about that?
346
347 Mr. Green- I'm Sorry, we can't hear you.
348
349 Mr. Zahraei- I have a tight schedule at my work. So, when I get back to
350 house, I see my neighbors I really don't know. A lot of the houses around me, but I see
351 the light is off. So, I don't want to be bother or, you know, wake them up. To do the things
352 that they said, I didn't know that the years I was out of the house, so that passed, but after
353 I walked to the house, I have some pictures. From the first day all the years, I worked
354 outside and inside the house. This is the before and after picture of the siding. I have the
355 pictures of the roof that was broken down there. The wood from the deck. Or, you know,
356 everything that I fixed from outside, and I have the pictures from the roof I changed. The
357 roof was leaking under, so the ceiling was down. The mold was inside the walls. Inside, I
358 don't go over the inside because it's not my neighbor's concern, it's just the outside. Also,
359 the garden, the yard, the trees; every two, three months I have all the pictures from the
360 loading of all the trees and the leaves, everything from the yard. I try my best to, you
361 know, bring back the house in good condition from the first day I come back. If this is my
362 house, my concern more than everybody to, you know, give my house to good value.
363 When I came back to my house, the house was in auction, I tried to sell the house.
364 Nobody's pay for my house more than 280,000 dollars, which is a lot, but half of what the
365 house is worth. So, I started to renovate it. I keep the house and I try and, so, you know,
366 give a more value to my house. All the pictures are here if you want. And then I don't think
367 my house, even outside, is the worst house in the neighborhood. So, I'm not saying I am

368 the best, I have the best and cleanest yard, but is not the worst one. So, I'm trying my
369 best, my neighbor's concerns and always I'm open if they have any concern. Absolutely,
370 I'm going to try and do what they ask. I don't know if ...
371

372 Mr. Gidley- I would've gone on a Saturday or some time like that would be
373 a good time to meet with people, because they're there during the day.
374

375 Mr. Green- Yeah, but he said his work schedule, so we don't know what
376 his work is.
377

378 Mr. Zahraei- I work Saturday and Sunday too.
379

380 Mr. Johnson- Okay. Anyone else wish to speak in favor of the applicant?
381 Anyone want to speak in opposition? Okay. Alright.
382

383 Mr. Lawrence- Mr. Chairman, can I ask one more question of staff?
384

385 Mr. Johnson- Yes.
386

387 Mr. Lawrence- I recall at the last meeting, there was some concern about a
388 door that was unsecured, and it didn't have steps. I guess it's a building code violation,
389 do we know if that issue has been addressed yet?
390

391 Mr. Blankinship- He said in the email that he has.
392

393 Mr. Lawrence- He has?
394

395 Mr. Gidley- The applicant indicated he has.
396

397 Mr. Lawrence- Okay.
398

399 Mr. Johnson- Okay. I close this hearing. A motion would be in order. What
400 is the pleasure of the Board?
401

402 Mr. Green- This is a very tough one. The neighbors came and expressed
403 some concerns the last time. The only thing that appears that did not happen was that
404 the applicant did not meet with the neighbors. But the applicant clearly indicated that he
405 works, works on those days. So, if he's working seven days and that could prohibit him
406 from doing that. He seems to have provided a list of all the things that needed to be
407 addressed. He's addressed the concerns of who's going to live where and how he's going
408 to do it. The property currently has renters in, in it, and they're going to swap sides, and
409 bring the grandmother in, and rent to another family. So, it doesn't seem like it's going to
410 increase the number of individuals in there. The last time the neighbors were very vocal
411 in their opposition, and this time nobody is speaking in opposition. And I'm just not, don't
412 understand, you know, I don't know how they feel about it. So, based on what I'm seeing...
413

414 Mr. Johnson- They also have copies of what they've changed if you want to
415 see those.

416

417 Mr. Gidley- Yeah, they spoke already. They spoke last month.

418

419 Mr. Green- Yeah, but I would think that they would...

420

421 Mr. Pollard- Are there people here to speak in opposition?

422

423 Unknown speaker- Will we...

424

425 Mr. Blankinship- You're going to have to go up to the microphone.

426

427 Mr. Green- Okay. We can...

428

429 Mr. Blankinship- I think we need to hear from them.

430

431 Mr. Johnson- Are you speaking in opposition?

432

433 Mr. Green- Yeah. They need to be sworn in. You asked but nobody said
434 anything so.

435

436 Mr. Johnson- Okay.

437

438 Mr. Blankinship- Raise your right hands... I'm sorry. Would you, yeah.

439

440 Mr. Johnson- All the ones that want to speak.

441

442 Mr. Blankinship- Yeah, anyone else? Raise your right hands, please.

443

444 Mr. Johnson- If all of you could raise your right hand, please.

445

446 Mr. Green- That are going to speak again.

447

448 Mr. Blankinship- Do you swear the testimony you are about to give is the truth,
449 the whole truth, and nothing but the truth, so help you God? Thank you. Yes ma'am.

450

451 Ms. Matthews- I'm sorry, we didn't think that we needed to speak again
452 because we had expressed so many concerns last time, and yes...

453

454 Mr. Blankinship- Tell us your name again, please.

455

456 Ms. Matthews- I'm sorry. Judy Matthews. M.A.T.T.H.E.W.S.

457

458 Mr. Pollard- And to interrupt for just one second, excuse me. One of the
459 reasons we wanted to hear from the neighbors is because he presented a list of things,

460 the corrections, and so it appears he's attempting to respond to some of your concerns.
461 So, you live there so you might have seen some of those changes.

462
463 Ms. Matthews- Yes. My house is immediately adjacent actually. And yes,
464 those things have been done. Our concern is that how, you know, it took a very long time,
465 and it took this Board to, to make sure that those things happened. Our concern is in the
466 future that this won't continue to occur. We continue to have the concern about the rental
467 property, and the number of cars that come and go from that property. You know, we're
468 not sure who's there, because of the cars that are coming and going. Additionally, you
469 know, we're concerned about additional people in a single-family development that we've
470 now got two separate families living in a home that's supposed to be a single-family
471 development. So, what is the understanding... What is actually a single-family home if
472 you've got two different people, families living in one facility that has two different
473 entrances? And we were concerned before about a duplex, you know. What is our future
474 concern is that another person purchases his home and then creates a duplex situation
475 in a single-family development. So, I think that continues to be our concern, and yes the
476 property has improved on a visual standpoint, but do we know that that will continue?

477
478 Mr. Blankinship- Thank you. Is your testimony more or less the same or did you
479 have anything additional?

480
481 Mr. Matthews- My name is Steve Matthews. 12737 Sawdust Drive, and I'm
482 the spouse of Judy. I live next door. I'm the original builder of the addition.

483
484 Mr. Blankinship- Oh, okay.

485
486 Mr. Matthews- And when that addition was built, I believe the County
487 requested that it not be a bedroom.

488
489 Mr. Blankinship- Right.

490
491 Mr. Matthews- And it was an office, is how we wrote it off, to get it passed.
492 And now it's going to become a bedroom.

493
494 Mr. Blankinship- Right.

495
496 Mr. Matthews- Okay, that's number one. Number two is I own property up on
497 Kain Road, which is the road that comes down into our little neighborhood, and when the
498 crash came in 2006 to 2008, the County... We put a culvert in. We were going to build a
499 house. The banks took all the building loans from all of us builders, and the county tripled
500 the, quadrupled the taxes on the property because I put a culvert in. When I called the
501 tax office, they basically came down to telling me if you can't afford the taxes sell it. The
502 original owner of the house, the Walinski's, who built the house, they loved that house.
503 They built it. The first owner. They ran into financial difficulties, and they put up the house
504 for sale. They loved it and they could not afford it. That's all I'm going to say, and now
505 they live in a smaller house. They're very happy. Thank you.

506
507 Mr. Blankinship- Thank you. Sir, did you have anything additional or ...
508
509 Unknown speaker- Basically the same.
510
511 Mr. Blankinship- Okay. Fine, thank you.
512
513 Mr. Johnson- Thank you.
514
515 Mr. Green- She wanted...
516
517 Mr. Johnson- Have you been sworn in?
518
519 Mr. Blankinship- Yeah, come on around. Thank you. Do you swear the
520 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
521 help you God?
522
523 Ms. Pridgen- I do.
524
525 Mr. Blankinship- Thank you.
526
527 Ms. Pridgen- My name is Nancy Pridgen, I live on the street next to this,
528 Sawdust Drive. And probably the one thing that I'm not hearing here is, I'm wondering
529 how we can determine the veracity of what is supposed to occur and whether it occurs. I
530 am concerned about that. I'm concerned. And the veracity also, I think, links into the fact
531 that no effort was made to meet with any of us. I drive by there. I walk by there. We all
532 do. And I appreciate that people have full time jobs. I am a nurse. I understand about 12-
533 hour shifts. But I am disturbed by zero communication. We are all friends. We all know
534 each other. We've raised our children there. But I'm just puzzled and, you know, the big
535 tree was in the, the big rotting tree had fallen, was in the front yard yesterday. And then
536 today it's not there. So, I'm frustrated by the fact that we can't seem to... there's not going
537 to be any accountability for whether things happen that are supposed to happen. So, I'm
538 hopeful that you all will not allow this to occur. But I at least just wanted to share my
539 thoughts. Thank you so much.
540
541 Mr. Blankinship- Thank you.
542
543 Mr. Johnson- Go ahead.
544
545 Mr. Pollard- I have a question for staff. If it is approved, is there a recourse
546 if there turn out to be violations?
547
548 Mr. Blankinship- Yeah, any violations would still be handled the way violations
549 normally are when there is a complaint. We did as always recommend, well, last month
550 we included recommended conditions. We still have those in the file if the Board chose to
551 approve this subject to conditions, then we would enforce those conditions. We don't

552 control who lives in these. So, you know, if they rent it to two people for a year and then
553 they rent it to four people the next year, that's not something that we would control. As
554 long as it's within legal requirements.

555
556 Mr. Green- Okay, for point of clarification, the concern that it is going to
557 be turned into a duplex.

558
559 Mr. Blankinship- There is a fine line between a duplex and an accessory
560 dwelling unit. The purpose of the accessory dwelling unit ordinance was to allow property
561 owners to create an independent living unit within their dwelling unit. Because the Board
562 of Supervisors determined, after hearing from a lot of County citizens, that there are many
563 cases where this is an appropriate thing to do and where its helpful to everybody.

564
565 Mr. Green- An in-law suite, yeah.

566
567 Mr. Blankinship- But the reason a conditional use permit is required is because
568 it's not always an appropriate thing. It's not always the best thing for the neighborhood,
569 and it's not always compatible with its surroundings. So, that's the burden that's placed
570 on you as the Board to make that decision.

571
572 Mr. Lawrence- Yeah, I think...

573
574 Mr. Johnson- I would also like to see those copies that you have there, sir.

575
576 Mr. Green- Pictures of...

577
578 Mr. Blankinship- Your photographs. Your before and after photographs. Well,
579 you do get an opportunity for rebuttal if everyone has spoken. So, I guess everyone has
580 spoken.

581
582 Mr. Johnson- Okay. You have to be sworn in too as well.

583
584 Mr. Blankinship- This is your question, where he secured the...

585
586 Mr. Lawrence- Okay.

587
588 Mr. Blankinship- This is where he secured the window where the deck had
589 been removed, or the sliding door, I guess.

590
591 Mr. Johnson- Okay.

592
593 Mr. Blankinship- Do you want to hear from additional...

594
595 Mr. Johnson- Yes. We can now hear from...

596

597 Mr. Blankinship- Again with the right hands. Do you swear that the testimony
598 you are about to give is the truth, the whole truth, and nothing but the truth, so help you
599 God. Thank you. Your name please.
600

601 Mr. Sykes- My name is Donald Sykes. S.Y.K.E.S. And I live directly
602 across the street from this property. I don't know all the laws and stuff, but I think my
603 concern is I get calls every day. Letters from investors wanting to buy my house. And to
604 me, I'm afraid this is going to start some precedent that investors can come in and they
605 say, well, this guy's got a duplex over here, or whatever you call it, and it's going to
606 become something that they're going to do. Well, he can do it. I can do it. And they may
607 not come to the County and get permission. You know, the people living in the house
608 keeps changing. Sometimes I've looked over there and there's five cars. Sometimes
609 there's six cars in the driveway. I have no idea. I, I've been living in my house for 41, or
610 42 years and I've always known my immediate neighbor. I don't know these people. I
611 wouldn't recognize this guy if I'd passed him on the streets. And we've made, trying to do
612 it, but it just doesn't work. And I think that's my major concern is that this is going to spread
613 throughout the neighborhood if this happens. Because it'd be really easy for an investor
614 to come in and buy a house and rent out five rooms in it. And nobody, nobody's going to
615 know when they're not going to come to the County, probably, and ask if they can do it,
616 so...
617

618 Mr. Blankinship- That does happen in the County. We do get complaints and
619 we do shut it down where it happens. So, let me just set your mind at ease about that.
620

621 Mr. Sykes- That's my concern is that we're going to see this. Okay. Well,
622 they got it, why can't I get it. And it's just going to snowball throughout the neighborhood.
623

624 Mr. Blankinship- We do receive from time-to-time complaints of that nature,
625 and we shut them down when that happens.
626

627 Mr. Sykes- I live on Axe Handle and, of course, with the new
628 neighborhood, it's a huge amount of traffic and like I said, sometimes there's four cars in
629 the driveway. Sometimes there's five and times there's six, and nobody knows... The
630 story keeps changing. Every time we come in here, we hear the story changes. And that's,
631 that's my concern.
632

633 Mr. Green- We saw those.
634

635 Mr. Burton- Yeah, Steven Burton. B.U.R.T.O.N. And, I mean, my main
636 problem with it is that it's a single-family home and he's already turned it into a two-family
637 home and it's going to stay that way. Our neighborhood has single-family homes. The
638 neighborhood has been there since the late seventies, I believe. I've lived here since the
639 90's. But it shouldn't be that way. I mean, this is not, there's other areas for, you know,
640 two-family homes and it's not our neighborhood. I mean, all the things he's done is fine
641 and dandy, but that's not what we're here about, really. About cutting grass and trimming
642 trees, I don't think. I mean, you should do that anyway. You come here, then you're forced

643 into doing it just to try to get everybody on their side. That's not why it should be done.
644 You know. What's right is right, and what's wrong is wrong. And there are six and seven,
645 six cars over there sometimes. Sometimes five. But it's a lot. There's a lot of people living
646 over there and, you know, it shouldn't be that way. So, I just I hope it doesn't get approved.
647 It's going to just be like a snowball for the rest of the neighborhood, you know. And in the
648 neighborhood behind us is even bigger houses. So, it could be back there too. So, it's
649 something the County shouldn't do in my opinion.

650
651 Mr. Green- Mr. Blankinship. Mr. Blankinship, could you rearticulate what
652 you just said for point of clarification about accessory dwelling units and the position that
653 the County has. Then I'll say something after that.

654
655 Mr. Blankinship- The Board of Supervisors considered this issue very carefully
656 two or three years ago. We've written papers on it over the last 10 years because there
657 have been a lot of requests to the Board of Supervisors, "Can't you do something to allow"
658 this situation, that situation, specific situations where somebody has a family member that
659 they want to have living near them. They want to build an in-law suite. Maybe attached to
660 their house. Maybe separate from their house. And the County has always prohibited that
661 in the past, and specifically prohibited having a second kitchen. And there have just been
662 a number of these requests over the years that I've been here, and it finally came to the
663 point where the Board of Supervisors asked the staff, would you study this issue and
664 prepare an amendment that would allow us to address these concerns that the
665 constituents are coming to us with. And again, it's one of those issues that is like chickens
666 and, like, more than four pets, that is appropriate in some locations, and it's not
667 appropriate and others. And so, the Board of Supervisors gave that responsibility to this
668 Board to hold a public hearing on each of these cases. I understand your concern about
669 a precedent. But I want to assure you every case like this has to come before the Board,
670 and they look at each case on its own merits. They're not going to say, well, we approved
671 one down the street, how can we deny this? They look at every case on its own merits,
672 and they approve or deny each case based on the evidence and the testimony at the
673 public hearing. And it is a difficult challenge. Some of these cases are, you know, pretty
674 clearly one way or the other. This is one where staff agrees with what you said earlier,
675 that this is challenging. It's kind of close to that line. This is a neighborhood of all single-
676 family homes, and this would be the first case where the County would be authorizing
677 somebody to do an accessory dwelling unit in one of those homes. On the other hand,
678 we've heard testimony of five people, or six people, or maybe even eight people living in
679 a home, but there are single-family homes all over the County that have eight people
680 living in them and nobody thinks anything of it. You know, those of us who have adult
681 children have had times when we've had four or five cars in our driveways. This is not an
682 unusual thing, and it's not necessarily related to whether there is a second kitchen. So,
683 it's not a simple issue. It's not a black and white issue. It's an issue where the board,
684 Board of Supervisors has given this Board the responsibility of reviewing these on a case-
685 by-case basis and making that determination.

686
687 Mr. Green- Thank you for that clear perspective.

688

689 Mr. Johnson- Yes?

690

691 Mr. Matthews- Steve Matthews, 12737 Sawdust Drive. I understand your
692 concern and I believe that we have allowed in-law suites, where grandparents and elderly
693 people are allowed to stay, but this variance is to make money. It's not to allow an elderly
694 parent to live with the kids. Or the kids to live with the parents. This is strictly to make
695 money. That's all I'm going to say.

696

697 Mr. Johnson- Okay.

698

699 Mr. Blankinship- Alright, ma'am.

700

701 Mr. Johnson- Yes. Go ahead.

702

703 Ms. Zahraei- Before, I was translating for him. If it's okay, I'd like to speak
704 as his daughter and not as a translator. The main concern that I hear, and I find to be
705 valid, is the zero communication with the neighbors. Completely understand that. I just
706 want to let everyone know that there are days where I don't see, I can't speak to my father,
707 for two, three days in a row because of how hard he works. It's not because he doesn't
708 put in an effort. It's not because he simply does not want to speak to neighbors. It's
709 genuinely because he works. He works really hard and I'm very proud of my father. I've
710 seen him lose the house. I've seen him go bankrupt for the house. I've seen how hard
711 he's worked in order to regain some sort of position of the house. In order to pay off his
712 debts. I think one of the main concerns for our neighbors is that this house is just a
713 property and just a source some money for my father. That's simply not true because if
714 that was the case, the house would have been sold after the renovations were done.
715 Initial renovations were done, now the house price has gone up completely from what it
716 initially was. Which is half the price the house was bought for. Now the renovations on
717 the main part of the house are done. The price has gone up. He could have, by all means,
718 sold the house. But I hear the dream he has about the garden he wants in his yard. How
719 he wants to walk through his yard and walk through a clean yard as well. And another
720 concern was that our neighbors don't know whether in the future it's going to get dirty
721 again. If it's going to have debris again. I can assure you no one more than my father
722 himself would like to walk through a garden where he can see plants that he has planted.
723 Where he can see his hard work portrayed through his household. Another concern of
724 mine is that it's perceived as a means to make money. It's not for means to just solely
725 make money. It's for means of survival. I don't think my father wants to live in a duplex for
726 the rest of his life, he has never been that type of man. He's never been the type to settle.
727 He's never been the type to find an easy way out. This is genuinely what he needs at the
728 moment, in order to survive, in order to pay for my tuition. In order to pay for what we want
729 to eat. In order to cover the debt that he's in for the bankruptcy of the house, because of
730 all the other trillion cases that he has had to go through in the past couple years. If he had
731 the choice, he would never, ever, ever, ever try to rent to another family, whether he
732 knows them, or whether he doesn't know them, that's not related to us into our home. And
733 I can also assure you that this situation will not be something that's happened, well... This
734 is not his word. This is my word. Not something that's going to be there for a long, long

735 term. Our goal is to get to a place where we can afford a comfortable lifestyle so then we
736 can go back to a single house. We, me and my dad, don't want to live in the conditions
737 that we live in. We don't want to share a bathroom. We don't want to share a shower. We
738 don't want, I don't want my dad to not have a room. That's really not a bedroom. We're
739 living in these conditions because we have to. And it was completely our responsibility to
740 communicate that with our neighbors. And I completely understand why they don't see
741 that. I understand why they can't. They have not heard that yet. But I also think it's a little
742 unfair to blame him for not being able to explain that. Not being able to put his pride out
743 there and, let alone the language barrier, he would have never been able to explain the
744 situation the way I'm explaining it right now to any neighbor. And I just want to say that.

745

746 Mr. Johnson- Okay.

747

748 Mr. Blankinship- Thank you.

749

750 Mr. Zahraei- One of the other concerns one of our neighbors said about the
751 bedroom, it was an office and he built it. This is wrong, or unfortunately the last owner
752 he's cheating on me because he signed for four bedrooms. And this was the first time I
753 heard about that. That was the bedroom with the full bathroom inside the, is what I signed
754 for when I bought the house.

755

756 Mr. Johnson- Okay. Thank you. Okay.

757

758 Mr. Green- Alright, it's time to wrap this one up.

759

760 Mr. Johnson- Yes.

761

762 Mr. Green- Close the hearing?

763

764 Mr. Johnson- Yeah. Okay, this public hearing is now closed.

765

766 Mr. Green- First, it's nothing, there's nothing wrong with making money.
767 Because that's what the whole Airbnb thing is about, and that is being proliferated all
768 across the county. And so, there are plenty of people with, with Airbnb's. There's plenty
769 of people that are renting rooms, renting places and that's just, that's just the American
770 way. In reference to the cars, I live in Short Pump. At one point I had five cars. I had a
771 wife who had a car, two daughters who are in college who had cars, I had a car, and I
772 had my little toy car. So, I had five cars on my property. And I was cognizant of my
773 neighbors and made sure that they weren't parked on the street, but they were parked in
774 my yard. So, I hope that we aren't going to ding people, because if that's the case then
775 I'm the biggest offender. I've subsequently sold them since my daughter's moved, and I
776 don't want to pay the taxes or the insurance and but if it had been low, I would have kept
777 it. What I am hearing, and like I said, this is a very difficult case. What I am hearing is the
778 applicant... We got a lot into what happened. And what happened was the individual, it
779 was a marital, domestic marital issue, and the wife could not keep the house, totally out
780 of his control, to the standards that the other neighbors wanted it. Those things happen.

781 It appears now that once he regained control of the home, he's doing everything he can
782 to bring it back to the standards that would be satisfactory to the neighbors. The neighbors
783 are concerned about the quote, unquote duplex, but as Mr. Blankinship stated, that
784 accessory dwelling unit is permissible in the County. What happens in the future, no one
785 can control. If in fact the yard falls into disrepair, no one can control that. I can't control if
786 my neighbor's grass grows. Those things we can't control. What you do have as a
787 protection is the HOA, which prohibits certain things from happening. But even in my area
788 we saw, I saw this, where someone wanted to do an Airbnb and we had to deal with it.
789 I'm saying all this because it's just a tough situation. But I do see the applicant making an
790 attempt. And while a lot of us, including myself, are resistant to change, you know, we
791 have to recognize that change occurs, and the County has allowed certain things. So,
792 based on that, I move that we approve the conditional use permit subject to conditions
793 recommended by staff. It is consistent with the Comprehensive Plan and Zoning
794 Ordinance. The dwelling unit would be inside the existing dwelling. A second kitchen
795 should not have much impact on the neighborhood.

796
797 Mr. Pollard- I second.

798
799 Mr. Johnson- It's been motioned and second. All in favor say, Aye.

800
801 Board- Aye.

802
803 Mr. Johnson- All opposed say, Nay? Motion passed.

804
805 On a motion by Mr. Green, seconded by Mr. Pollard, the Board **approved** case **CUP2023-**
806 **00048** subject to the following conditions:

807
808 1. This conditional use permit authorizes an accessory dwelling unit within the existing
809 dwelling. All other applicable regulations of the County Code remain in force.

810
811 2. This conditional use permit applies only to the existing dwelling and the improvements
812 shown on the building plans filed with the application. Any additional improvements must
813 comply with the applicable regulations of the County Code. Any substantial changes or
814 additions to the design or location of the improvements will require a new conditional use
815 permit.

816
817 3. This approval is subject to Sections 24-4403, 24-4404, and 24-4406 of the Zoning
818 Ordinance.

819
820 4. The applicant must obtain a building permit for the kitchen and other proposed
821 renovations by September 29, 2025, or this conditional use permit will expire. If the
822 building permit is cancelled or revoked after that date due to failure to diligently pursue
823 construction, this conditional use permit will expire at that time.

824
825
826 **Affirmative: Broadway, Green, Johnson, Lawrence, Pollard 5**

827 **Negative:** 0
828 **Absent:** 0

829
830

831 Mr. Blankinship- Alright, the next case is **Conditional Use Permit 2023**
832 **number 52**, Nicholas and Liane Pace: a conditional use permit to build a pool and pavilion
833 in the front yard at 5 Kanawha Road, in Chatham Hills, in the Tuckahoe Magisterial
834 District. Mr. Pace is with us on WebEx, and I believe Mrs. Pace is with us in the room.

835

836 We need to keep those. Can we get them back to you in a day or two. We need to make
837 copies; they're evidence in the case now. I'm sorry I didn't realize what you're going to do
838 there Mr. Chair.

839

840 **CUP2023-00052 - Nicholas and Liane Pace: conditional use permit to build a pool**
841 **and pavilion in the front yard at 5 Kanawha Road, Chatham Hills, Tuckahoe. Parcel**
842 **764-730-7792. Zoning: R-1, One-Family Residence District. Code Section: 24-**
843 **4404.A.1.**

844

845 Mr. Blankinship- Alright, if everyone who intends to speak to this case would
846 please stand and be sworn in. Raise your right hand please. Do you swear that the
847 testimony you are about to give is the truth, the whole truth, and nothing but the truth, so
848 help you God? Thank you. You can be seated until Mr. Gidley does his report.

849

850 Mr. Gidley- Thank you Mr. Secretary. The subject property is located just
851 south of River Road. It contains an existing at 7,992-square-foot dwelling that's on 3.157
852 acres. The property was purchased by the applicants in 2012 from U. S. District Judge
853 Robert Merhige's family. The home is located, as you can see here, at the northeast
854 corner of the property, which is generally level. It contains very little rear yard area due to
855 previous divisions of the property. So, there really isn't a rear yard to put an accessory
856 structure in. As you can see here, from the home it slopes down towards the James River,
857 and there's also a tennis court further down towards the main street that you can see right
858 here to the left. To kind of orient you. This is Kanawha Road right here. The main dwelling
859 is back in the corner here. The applicants would like to replace this existing swimming
860 pool, right here off the immediate corner of the house, with a new swimming pool that
861 would go between the home and the tennis court. So, the new pool would be right here.
862 And technically, that's a mixture of the side yard and the front yard, so that needs a
863 conditional use permit. In addition, they would like to construct a tennis pavilion adjacent
864 to the existing tennis court, which you can see here. And this would be in the front yard.
865 And so, it would also require a conditional use permit. So, they have applied for the
866 required conditional use permit. In evaluating this request, accessory structures, typically,
867 they're discourage to be located in the front yard, at least on smaller lots. However, as
868 you can see here, the surrounding area consists of large homes on lots of an acre or
869 more. And, as I noted, over three acres in this case. In 2021, this board approved a
870 conditional use permit for an accessory dwelling. Actually, right across the street here.
871 So, there is some history in the neighborhood of accessory structures being in the front
872 and side yards in this neighborhood. As a result, due to the over three acre size of the lot,

873 the closest residence would be over 200 feet from the accessory structures that are being
874 proposed. And then, as you come down Kanawha, as you can see here, the lot slopes up
875 pretty good from the road and so with the slope here and the additional landscaping up
876 at the top of the slope, it's really difficult to see onto the property. So, there's not really
877 going to be much of an impact there. So, in conclusion, the subject property is over three
878 acres in area, the proposed in-ground swimming pool and tennis pavilion would be
879 constructed of quality materials and be over 200 feet from the nearest residences. It's not
880 really visible from the street. Accordingly, staff does not see any detrimental impact on
881 nearby property and therefore we recommend approval. If you have any questions, I'll be
882 happy to answer those. Thank you.

883
884 Mr. Johnson- Any questions from the Board of staff?

885
886 Mr. Lawrence- I had one question Mr. Chairman.

887
888 Mr. Johnson- Yes.

889
890 Mr. Lawrence- It's kind of a generic question, I guess, but Mr. Gidley, what
891 type and height of fencing is required around swimming pools? Condition number five
892 recommended by staff refers to the pool being secured. I'm trying to determine under our
893 ordinance what that looks like in terms of type and height.

894
895 Mr. Gidley- The Building Code requires it to be secured. I don't know the
896 fence height. Mr. Blankenship may right off hand. Alternatively, some people have an
897 automatic cover that can substitute in lieu of a fence, but I don't know the height right off
898 hand. That is the Building Code.

899
900 Mr. Blankinship- Yeah, we used to recommend the condition that had a specific
901 fence design, and we decided after working with the building official, that it would be better
902 to leave that question to the Building Code. There are a lot of different ways to address
903 it, or at least several different ways to address that under the Building Code. We just want
904 to make a note that there is a requirement, and that the applicant needs to meet it.

905
906 Mr. Lawrence- So, that would be reviewed during the Building Inspection
907 process.

908
909 Mr. Blankinship- Yes sir.

910
911 Mr. Lawrence- Okay. Okay. Thank you. That's all I had Mr. Chairman.

912
913 Mr. Johnson- Okay.

914
915 Mrs. Pace- I think my husband is on.

916
917 Mr. Blankinship- Do you want him to do the presentation?

918

919 Mrs. Pace- Yes.
920
921 Mr. Blankinship- Alright. Staff, can we have Mr. Pace, unmuted?
922
923 Mr. Pace- This is Nick Pace. Can you hear me?
924
925 Mr. Blankinship- Yes sir. Thank you.
926
927 Mr. Pace- Yeah, and thanks for the Board's consideration for this. I
928 apologize for not being there in person. I had to go to California for work.
929
930 Mr. Blankinship- Alright.
931
932 Mr. Pace- But I'll just speak briefly. I think Mr. Gidley summarized our
933 request, and it's in the papers, but basically, we'd like to replace an existing pool with a
934 slightly larger pool, and then put a pavilion in place of where a current patio sits. With how
935 our house is situated on the lot, as you saw from the presentation, we really do not have
936 a backyard. Because our house abuts the property line on what is technically considered
937 the backyard, and thus we are requesting a conditional use permit to add each of these
938 features to our front yard in the case of the pavilion. The side yard in the case of the pool.
939 As stated earlier we would use quality building materials. A lot of heavy landscaping so
940 it's not visible from the street and pretty discreet. We've also reached out to all of our
941 neighbors on the surrounding properties in advance of even submitting the application to
942 let them know what's going on and have heard from all of them that they have not seen
943 any issues. I don't know if there's anyone in the room today or not, but we took that step
944 just to make sure that, you know, there was no issues. And then, finally, I think it also was
945 stated, this is fairly customary for our neighborhood. There are swimming pools and other
946 accessory buildings throughout the different properties, due to the different ways in which
947 the properties situate. So, I'll stop there. I'm happy to answer any questions if the Board
948 has any.
949
950 Mr. Johnson- Are there any questions from the Board? Okay.
951
952 Mr. Blankinship- Alright. Thank you, Mr. Pace.
953
954 Mr. Pace- Thank you.
955
956 Mr. Blankinship- Is there anyone else in the audience who intends to speak in
957 favor or in opposition?
958
959 Mr. Johnson- Okay.
960
961 Mr. Blankinship- He's our only person on WebEx, is that correct staff? Yes.
962 They typed their response. Yes, he's the only person.
963

964 Mr. Johnson- Okay. If that's it. Okay, this hearing in now closed. A motion
965 would be in order. What's the pleasure of the Board?
966

967 Mr. Broadway- Well, Mr. Chairman, assuming that the applicants are
968 agreeable to the conditions of approval, I would move that we approve the conditional
969 use permit.
970

971 Mr. Lawrence- Second.
972

973 Mr. Johnson- It's been motioned and seconded. All in favor say, Aye.
974

975 Board- Aye.
976

977 Mr. Johnson- All opposed say, Nay. Motion passed. Okay.
978

979 On a motion by Mr. Broadway, seconded by Mr. Lawrence, the Board **approved** case
980 **CUP2023-00052**, subject to the following conditions:
981

982 1. This conditional use permit authorizes a swimming pool and tennis pavilion in the front
983 and side yards as shown on the site plan submitted with this application. All other
984 applicable regulations of the County Code remain in force.
985

986 2. This conditional use permit applies only to the improvements shown on the site plan
987 dated July 17, 2023, and building design dated August 29, 2023, prepared by JKV
988 Architects and filed with the application. Any additional improvements must comply with
989 the applicable regulations of the County Code. Any substantial changes or additions to
990 the design or location of the improvements will require a new conditional use permit.
991

992 3. Before beginning any clearing, grading, or other land disturbing activity, the applicants
993 must obtain approval of an environmental compliance plan from the Department of Public
994 Works.
995

996 4. Any exterior lighting must be shielded to direct light away from adjacent property and
997 streets.
998

999 5. The swimming pool must be enclosed or secured as required by the Building Code.
1000

1001 6. The applicants must obtain a building permit for the proposed swimming pool and
1002 tennis pavilion by October 27, 2025, or this conditional use permit will expire. If the
1003 building permit is cancelled or revoked after that date due to failure to diligently pursue
1004 construction, this conditional use permit will expire at that time.
1005

1006
1007 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Pollard** **5**

1008 **Negative:** **0**

1009 **Absent:** **0**
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Mr. Blankinship- Alright, next case is **Conditional Use Permit 2023 number 53**, Paula Holm: conditional use permit to build a gazebo in the front yard at 8900 Brennan Road, in Mooreland Farms, in the Tuckahoe Magisterial District.

CUP2023-00053 - Paula Holm: conditional use permit to build a gazebo in the front yard at 8900 Brennan Road, Mooreland Farms, Tuckahoe. Parcel 744-731-4690. Zoning: R-1, One-Family Residence District. Code Section: 24-4404.A.1.

Mr. Blankinship- Would everyone who intends to speak to this case stand and be sworn in. Raise your right hand please. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Gidley- Thank you again Mr. Secretary. Members of the Board. The subject property is located south of River Road in the Mooreland Farms Subdivision. The applicants actually own two lots, that together total over seven acres in lot area. Improvements on the property include the 9,777-square-foot-dwelling right here. Also, a large, detached garage, right here. And then you can see the driveway heads down to Brennan Road here. And this is a view from Brennan Road towards the house. In front of the house, there is an existing Koi Pond. The applicant would like to install a 22-foot diameter gazebo in front of the pond. It would go roughly in this area here with the house being to the rear, and the public street out here. So, the gazebo would go roughly right here. This location would place it 320 feet from Brennan Road, and 280 feet from the nearest dwelling. And this is an elevation to the proposed gazebo right here. Since this is in the front yard, it does require a conditional use permit, which the applicants obviously have applied for. In evaluating this request, the property is designated SR-1 on the Comprehensive Plan and is zoned R-1. A single-family dwelling is consistent with these, and accessory structures in the front yard require a conditional use permit. Again, like the last case, normally, if you have a typical subdivision lot, we don't like a lot of accessory structures in the front yard. But here you're talking about a seven-acre site, so it's a different story. The closest residence would be over 280 feet from the gazebo. And as I noted the public street over 320 feet away. If you look towards the east, you can see there's plenty of landscaping. And if you look towards the west, there's also plenty of landscaping. So, it's really not going to be particularly visible to anyone. So, in conclusion, the applicant would like to place a 22-foot diameter gazebo in their front yard. Due to the size of the property, extensive setbacks, and landscaping the proposed gazebo would not have a detrimental impact on nearby property. As a result, staff recommends approval subject to the conditions in your staff report. If you have any questions. I'll be more than happy to answer them. Thank you.

Mr. Johnson- Are there any questions from the Board for staff? No? Okay, we'll now hear from the applicant.

1056 Ms. Holm- Good morning. My name is Paula Holm. H.O.L.M. The gazebo
1057 is a structure we thought would be nice along the Koi Pond, since it is a large Koi Pond
1058 with over 250 Koi. And there's not a specific viewing area for it. So, we're going to tuck it
1059 in tight. And as you look at that extra lot we were talking about, it's immediately to the
1060 west side of that. So, it's going to, I think, enhance the property visually from the front.
1061 The only people that would see it is if they're standing directly in front of our driveway.
1062 And I have spoken to many of the neighbors, and they're quite friendly, and lovely. So, I
1063 think we're good on that account. I do feel with the size of the property it would be a lovely
1064 feature. And my husband would be so happy to be able to see the Koi actually. But I think
1065 that's everything. If you have questions for me or anything about it. We do have the
1066 engineering design and the extras, I believe, required for the conditional use and the
1067 building permit. That's it.
1068

1069 Mr. Johnson- Okay. Are there any questions for the applicant? Any
1070 questions for the applicant? None. Okay. Does anyone wish to speak in support? Do you
1071 have anybody here for support? Any opposition? Okay. This hearing is now closed. A
1072 motion would be in order. What is the pleasure of the Board?
1073

1074 Mr. Broadway- Well, Mr. Chairman, based on the information we've heard, I
1075 would move that we approve this conditional use permit subject to the conditions
1076 recommended by the staff.
1077

1078 Mr. Lawrence- Second.

1079
1080 Mr. Johnson- It's been motioned and second. All in favor say, Aye.

1081
1082 Board- Aye.

1083
1084 Mr. Johnson- All opposed say, Nay.

1085
1086 Mr. Blankinship- I was really hoping someone was going to say dodecagonal
1087 during that hearing!
1088

1089 On a motion by Mr. Broadway, seconded by Mr. Lawrence, the Board **approved** case
1090 **CUP2023-00053**, subject to the following conditions:
1091

1092 1. This conditional use permit authorizes a detached accessory structure in the front yard.
1093 All other applicable regulations of the County Code remain in force.
1094

1095 2. This conditional use permit applies only to the improvements shown on the plot plan
1096 and building design filed with the application. Any additional improvements must comply
1097 with the applicable regulations of the County Code. Any substantial changes or additions
1098 to the design or location of the improvements will require a new conditional use permit.
1099

1100 3. The applicant must obtain a building perrnit for the proposed gazebo by October 27,
1101 2025, or this conditional use permit will expire. If the building permit is cancelled or
1102 revoked after that date, the conditional use permit will expire at that time.

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

Mr. Blankinship- The next case is Conditional Use Permit 2023 number 54, Jessica Holloway: a conditional use permit to keep up to six hens in the rear yard at 5401 Windingbrook Road, in the Rosemont subdivision, in the Brookland Magisterial District.

CUP2023-00054 - Jessica Holloway: conditional use permit to keep up to six hens in the rear yard at 5401 Windingbrook Road, Rosemont, Brookland. Parcel 773-744-3047. Zoning: R-2, One-Family Residence District. Code Section: 24-4420.G.1.

Would everyone who intends to speak to this case stand and be sworn in. Raise your right hand please. Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you. Mr. Gidley.

Mr. Gidley- Thank you Mr. Secretary. This property is located just north of Dickens Road, west of its intersection with Staples Mill. It contains an existing 1,672-square-foot-dwelling with a detached garage and storage building. As you can see here, it's also a corner lot. The front street is Windingbrook, and the side street is Wendover Lane. The applicant would like to keep up the six hens in his rear yard. There is an existing coop actually in the back of the property, but it is too small, and too close to the property line. As a result, the applicant would like to construct a new, roughly six-and-a-half by eight-foot chicken coop, with an enclosed run, elsewhere on the property. And here's a picture of the proposed chicken coop. And it would be approximately six feet in height, and it would be located behind the house by roughly 22 feet. Again, here's the house here at the front street. And the chicken coop would be located here, again, roughly 22 feet behind the house. It would also be located 65 feet from the rear property line and 30 feet from the interior sideline. In evaluating this request, as you know, you can keep up to six hens with the approval of a conditional use permit, assuming certain conditions are met. The applicant's property is consistent with the surrounding neighborhood, which is made up of single-family homes on roughly one-third acre lots. The proposed coop should be similar to other accessory buildings found throughout the neighborhood. This is a neighbor over here, and he actually sent in an email, that you should have, indicating that he is in support of this request. And assuming the applicants continue to maintain their property in accordance with the conditions, it should not have a detrimental impact on nearby property. Staff has suggested the standard conditions governing the storage of food, cleanup of waste, and the hiring of a pest control specialist. In conclusion, the applicant would like to keep up to six hens on their one-third of an acre lot. The proposed chicken coop would be 30 feet from the closest property line and 60 feet from the side street. The proposed conditions of approval would address any potential impacts. Accordingly, staff can recommend approval subject to the conditions in your staff report.

1149 Again, if you have any questions, please, let me know, I'll be happy to answer those.
1150 Thank you.

1151
1152 Mr. Johnson- Are there any questions from the Board for the staff?
1153

1154 Mr. Lawrence- Yes, I have a couple of questions for staff, Mr. Chairman. Mr.
1155 Gidley, the staff evaluation states that the proposed coop exceeds the dimensions
1156 required by the ordinance. How is this addressed in the conditions proposed by staff?
1157

1158 Mr. Blankinship- Sorry if that wasn't clear. It exceeds the minimum.
1159

1160 Mr. Johnson- Minimum.
1161

1162 Mr. Gidley- Minimum, yeah.
1163

1164 Mr. Lawrence- It exceeds the minimum?
1165

1166 Mr. Blankinship- Yeah. The ordinance requires a minimum size, and they
1167 exceed that.
1168

1169 Mr. Lawrence- Okay. I missed something there.
1170

1171 Mr. Blankinship- I apologize for not being more clear on that.
1172

1173 Mr. Gidley- Yeah, the animals are entitled to a certain amount of room,
1174 and we don't want them crammed into this where they didn't.
1175

1176 Mr. Lawrence- Gotcha. That makes sense. Okay. The way I interpreted this
1177 was that the proposed coop was larger than what the ordinance required, so. Okay. I
1178 guess the second question I had for staff is, have the neighbors on Wendover Lane,
1179 immediately adjacent to the subject property weighed in on the case?
1180

1181 Mr. Gidley- The neighbors over here, right here, would have received a
1182 notice of the hearing. And diagonal as well. And we've not heard from those.
1183

1184 Mr. Lawrence- There's a large house on the property that backs up to their
1185 house that fronts Dickens Road.
1186

1187 Mr. Gidley- Oh, okay, right here.
1188

1189 Mr. Blankinship- That's southwest.
1190

1191 Mr. Lawrence- Yes.
1192

1193 Mr. Gidley- I've not heard from them, and, as I said, there's an existing
1194 chicken coop right back here now, and that's going to go away, and the new one's going
1195 to be further away.

1196
1197 Mr. Lawrence- That's another question, but I'll save that one for the applicant.
1198 Okay, thank you.

1199
1200 Mr. Pollard- And remind me, what's the maximum number of chickens?

1201
1202 Mr. Johnson- Six. Six. And they have the maximum number of chickens
1203 now, right? Nothing above that?

1204
1205 Mr. Gidley- I think they have five or six now.

1206
1207 Mr. Johnson- Okay. Okay. Any other questions for the staff? We'll now hear
1208 from the applicant.

1209
1210 Ms. Holloway- Hello, my name is Jessica Holloway. H. O. L. L. O. W. A. Y.
1211 Good morning, Mr. Chairman and the Board. I, along with my husband and our two
1212 children, live at 5401 Windingbrook. I appreciate your consideration of our request. We
1213 do currently have five hens and I have a letter from our neighbor across Wendover, that
1214 I'm sorry I didn't submit ahead of time. Can I walk it up?

1215
1216 Mr. Blankinship- Yep. Paul, will you?

1217
1218 Ms. Holloway- We have discussed the situation with all of our neighbors. The
1219 ones that directly are close to our property. The one with the large house on Dickens is
1220 actually a veterinarian. And she's been very kind since she loves seeing the chickens.
1221 She has a little garden back by them and enjoys them as well. And same thing for the
1222 other property behind. They have a little boy, and he helps get the eggs and helped my
1223 children clean the coop before. So, she asked me when she got the information she said,
1224 "where do I say that I'm supporting? My children will be sad if you have to get rid of them"
1225 so. But again, sorry that I didn't manage to get a letter from her. I meant to. Were there
1226 any other questions to be addressed to me?

1227
1228 Mr. Johnson- Yes. With the chicken coop there, the food, the feed for the
1229 chickens, you have containers that, that you put food in, so they won't have rats and
1230 rodents coming in?

1231
1232 Ms. Holloway- Yes, sir. We actually have it hanging from the crossbeam in
1233 the coop, and it's high enough off the ground that we haven't had any other creatures
1234 getting into it. And then we store the extra food securely in our garage and haven't had
1235 any issues in there.

1236
1237 Mr. Johnson- Yeah, and that will be something that the rats can't eat through
1238 or anything, right?

1239
1240 Ms. Holloway- Yeah, because it hangs by a wire and it's off the ground. They
1241 would have to jump to the wire and climb down, and then hang. And it's just, it's like
1242 specially designed. The way the feeders open, it would be very difficult for it, or any other
1243 crawling creature. Chickens are tall enough their necks can reach in to be able to get the
1244 food out of the feeder.
1245
1246 Mr. Johnson- Not the feeder. I'm talking about storage.
1247
1248 Ms. Holloway- Storage, yes. Yes, it's stainless and in the garage, yes.
1249
1250 Mr. Johnson- Okay. Any questions for the applicant?
1251
1252 Mr. Lawrence- I have some questions for the applicant Mr. Chairman. So,
1253 Ms. Holloway, was this kind of a case where you're asking for forgiveness, as opposed
1254 to permission?
1255
1256 Ms. Holloway- Yes, sir.
1257
1258 Mr. Lawrence- Okay. Are you aware of the ordinance that prohibits keeping
1259 fowl without a conditional use permit?
1260
1261 Ms. Holloway- I was not actually aware of the conditional use permit. I was
1262 aware of the distance. And honestly knew of, had seen people around the county that
1263 had them. And I had the impression that the County was working on a way of allowing it,
1264 but it hadn't really gotten there yet. So, that was kind of where we were coming from.
1265
1266 Mr. Lawrence- So, how long have you had the chickens, and how many do
1267 you have?
1268
1269 Ms. Holloway- We got them last year at Easter when we bought six chicks
1270 and one started crowing, we got rid of that one.
1271
1272 Mr. Blankinship- Invited it to dinner?
1273
1274 Ms. Holloway- We invited it to someone else.
1275
1276 Mr. Lawrence- So, having said that, what prompted you to apply for a
1277 conditional use permit?
1278
1279 Ms. Holloway- The inspector stopping by my house.
1280
1281 Mr. Lawrence- Okay. Was there a complaint, Mr. Gidley, do you know? Or is
1282 this just a routine inspection?
1283
1284 Mr. Gidley- I don't know.

1285

1286 Mr. Blankinship- If this is the one I'm thinking of the inspector just saw it driving
1287 down the street. The chickens were actually free ranging in the yard. Is that correct? Yes,
1288 so she noticed that they were free ranging and knew that that was not allowed. And so
1289 contacted them.

1290

1291 Mr. Lawrence- Okay.

1292

1293 Mr. Johnson- Okay. Alright, any other questions for the applicant? Are there
1294 any in support of the applicant? Are there any in opposition? Okay.

1295

1296 Mr. Blankinship- Nobody online.

1297

1298 Mr. Johnson- Okay. Nothing online. The hearing is now closed. A motion
1299 would be in order.

1300

1301 Mr. Lawrence- Before I make the motion, Mr. Chairman, I'd just like to
1302 applaud the property owners on the appearance of their property. I did ride by the
1303 property, and it appears to be, probably, an ideal place to put a chicken coop. I actually
1304 saw some of the chickens too, running through the yard. But, because of where the
1305 property is located, there is a garage on the property immediately behind them. It's a fairly
1306 large lot and it looks like part of the lot is unimproved going along Wendover up to
1307 Dickens. So, I'm confident that the property owners are going to maintain the coop, like
1308 they do the rest of their property. I liked your Halloween decorations too. And the other
1309 thing I'll say is my daughter, who is currently living with us, they're renovating a home in
1310 the city. I'm not sure what the city ordinance says, but she has an interest in having
1311 backyard chickens. So, if it's okay. I may have her consult with you at some point to get
1312 some guidance on what you've done. Having said all that, Mr. Chairman, I would like to
1313 make a motion. I move that we approve this conditional use permit subject to the
1314 conditions recommended by the staff. It's consistent with a Comprehensive Plan and the
1315 Zoning Ordinance. The property is already enclosed with a fence. The next-door
1316 neighbors expressed support and the additional neighbor as well, as per the letter that
1317 we received today.

1318

1319 Mr. Pollard- I second the motion.

1320

1321 Mr. Johnson- It's been motioned and seconded. All in favor say, Aye.

1322

1323 Board- Aye.

1324

1325 Mr. Johnson- All opposed say, Nay. Motion Passed.

1326

1327 On a motion by Mr. Lawrence, seconded by Mr. Pollard, the Board **approved** case
1328 **CUP2023-00054** subject to the following conditions:

1329

1330 **Affirmative: Broadway, Green, Johnson, Lawrence, Pollard 5**

1331 **Negative:** 0
1332 **Absent:** 0
1333
1334

1335 Mr. Blankinship- Alright, the next case is **Conditional Use Permit 2023**
1336 **number 55**, Jennifer Blandford: a conditional use permit to allow a solar array in the side
1337 yard at 900 Maybeury Drive, excuse me, in the Westmoor Subdivision, in the Tuckahoe
1338 Magisterial District.
1339

1340
1341 **CUP2023-00055 - Jennifer Blandford: conditional use permit to allow a solar array**
1342 **in the side yard at 900 Maybeury Drive, Westmoor, Tuckahoe. Parcel 748-740-1555.**
1343 **Zoning: R-2A, One-Family Residence District. Code Section: 24-4404.A.1.**
1344

1345 Mr. Blankinship- Would everyone who intends to speak to this case please
1346 stand and be sworn in. Raise your right hand please. Do you swear that the testimony
1347 you are about to give is the truth, the whole truth, and nothing but the truth, so help you
1348 God? Thank you. Mr. Gidley.
1349

1350 Mr. Gidley- Yes, sir. Thank you, Mr. Secretary. The subject property is
1351 located just south of Patterson Avenue on the west side of Maybeury Drive. Kind of caddy-
1352 corner from Maybeury Elementary School. This is a street view of the property looking at
1353 it from Maybeury, right here. As you can see, it contains an existing 2,032 square foot
1354 dwelling. There's also a detached garage and a small storage building on the property.
1355 The applicants have actually lived here since 1991. This is looking east towards Maybeury
1356 Drive. So, this is their side yard, right here. The array would be placed here in the side
1357 yard. It would be roughly 14 feet by 38 feet, and its height would slope from six-and-a-
1358 half-feet down to just over one-and-a-half-feet in height. This would be an accessory use
1359 allowed by right, except for its location in the side yard. As a result, the applicants have
1360 applied for the required conditional use permit. In evaluating this request, the surrounding
1361 neighborhood is made up of single-family dwellings on roughly one-third acre to one-half
1362 acre lots, with slightly smaller ones to the south. The exception to this is the elementary
1363 school, which is across the street. Again, this is where the array would go within the side
1364 yard right here. Towards the south is the closest property line. So, looking south, as you
1365 can see here, the residences are pretty distant. Part of the sideline is screened with the
1366 privacy fence and then there's landscaping along the remainder of it. So, these
1367 residences shouldn't really be impacted at all by the proposed array. The only place they
1368 really would be visible from is the public street, Maybeury. And a small number of shrubs
1369 or a short section of privacy fence would address that. So, other than some minor visual
1370 impact, staff really doesn't see any impact on any of the surrounding property owners
1371 from the proposed array. So, in conclusion, the applicants would like to install a solar
1372 array in their side yard. With a detached garage currently in the rear yard, the side yard
1373 seemed to be the best place to put it as far as room and also availability to the sunshine.
1374 Staff does not really anticipate any substantial detrimental impact, as noted, therefore we
1375 recommend approval of this request subject to the conditions in your staff report. If you
1376 have any questions, I'll be happy to answer those. Thank you.
1377

1378 Mr. Johnson- Okay, with the solar panels here, near the fence, are there
1379 trees there? But... Just curious, would they be blocking any of the sun's rays?
1380

1381 Mr. Gidley- The trees seem to be further away here. The arrays would go
1382 here. And then as you look east, again, the array would go here. And this street is pretty
1383 far away. Whether they retain that or not, I'm not sure. But it would probably be one of the
1384 better spots for it, as far as privacy, and still getting some sunshine.
1385

1386 Mr. Johnson- Okay. Alright, any questions for the staff?
1387

1388 Mr. Lawrence- I had a couple questions. Quick questions, Mr. Chairman. Mr.
1389 Gidley, do you know how many of these we've allowed as a conditional use permit since
1390 the ordinance provided for them?
1391

1392 Mr. Gidley- Large commercial type solar arrays use to require conditional
1393 use permits, and we also approved one over at Staples Mill and Hungary Road. I believe
1394 it was in the side yard. You may recall, because you kind of live that way.
1395

1396 Mr. Lawrence- Hungary Spring Road, right?
1397

1398 Mr. Gidley- Yeah.
1399

1400 Mr. Blankinship- There're actually two right near there. One is up on a pole,
1401 and one is ground mounted.
1402

1403 Mr. Gidley- So, we've done that before. As I noted in my presentation,
1404 they are allowed by right in a neighborhood. You know, just a small accessory array is
1405 allowed by right. So, the only ones you'd really be approving of now would be ones that
1406 are located in the front and side yards.
1407

1408 Mr. Lawrence- That raises my second question, which he may have
1409 answered, but can you clarify if these uses are permitted on rooftops by right?
1410

1411 Mr. Gidley- Yeah, I believe they are.
1412

1413 Mr. Blankinship- Yes.
1414

1415 Mr. Gidley- Yes.
1416

1417 Mr. Lawrence- I know I've seen several throughout the County, but on
1418 rooftops.
1419

1420 Mr. Gidley- Okay.
1421

1422 Mr. Lawrence- Yeah.
1423

1424 Mr. Blankinship- Yeah, it's not actually the solar array that's before you. It's the
1425 side yard location. If it was in the rear yard, it wouldn't be here. It'd just be a building
1426 permit.

1427
1428 Mr. Lawrence- Okay.

1429
1430 Mr. Johnson- Okay, thank you. Any other questions for staff? Okay, we'll
1431 now hear from the applicant.

1432
1433 Ms. Blandford- Good morning. My name is Jennifer Blandford. B. L. A. N. D.
1434 F. O. R. D. I live at 900 Maybeury Drive. We are interested in putting the solar array in
1435 for, obviously, energy savings, and doing a good thing for the environment. Frankly, if our
1436 house had been sited, as it originally was planned. We were supposed to be 9201
1437 Westmoor. Our house was supposed to face Westmoor. The builder, for whatever reason,
1438 decided to place our front door on Maybeury. Which makes this our side yard instead of
1439 what would have been our backyard. So, kind of a strange situation, but again, there are
1440 fences along the... Really, the only two neighbors that would be affected, one with heavy
1441 vegetation growth. The other one, a wooden fence. So, we don't see that it should affect
1442 the neighborhood at all. And again, the question came about the school. Again, the school
1443 is closer to Patterson Avenue, if you all know where Maybeury Elementary is. The closest
1444 thing would be the school buses and we don't see again, an issue with that. We would
1445 not want to put it on our roof because we have an expensive roof, with a 50-year life
1446 warranty. And so, we did not want to take a chance of it causing leakage into our house.
1447 So, that's why we decided to, or hope to put it in the yard. Thank you for your
1448 consideration.

1449
1450 Mr. Johnson- Any questions for the applicant? Okay. This public hearing is
1451 now closed. A motion would be in order. What is the pleasure of the Board?

1452
1453 Mr. Broadway- Well, Mr. Chairman, if the applicant is willing to accept the
1454 conditions recommended by the staff, I move that we approve this conditional use permit.

1455
1456 Mr. Lawrence- Second.

1457
1458 Mr. Johnson- It's been motioned and second. All in favor say, Aye.

1459
1460 Board- Aye.

1461
1462 Mr. Johnson- All opposed say, Nay. Motion passed.

1463
1464 On a motion by Mr. Broadway, seconded by Mr. Lawrence, the Board **approved** case
1465 **CUP2023-00055** subject to the following conditions:

1466
1467 1. This conditional use permit authorizes ground-mounted solar panels in the side yard.
1468 All other applicable regulations of the County Code remain in force.

1469

1470 2. This conditional use permit applies only to the improvements shown on the plans titled
1471 "Photovoltaic Ground Mount System Jennifer Blandford Residence" prepared by Top Tier
1472 Solar Solutions dated 8/21/2023, filed with the application. Any additional improvements
1473 must comply with the applicable regulations of the County Code. Any substantial changes
1474 or additions to the design or location of the improvements will require a new conditional
1475 use permit.

1476
1477 3. At the time of building permit application, the view of the side yard from Maybeury Drive
1478 must be screened by a privacy fence or landscaping approved by the Planning Director.
1479

1480 4. The applicant must obtain all required permits for the proposed solar array by October
1481 27, 2025, or this conditional use permit will expire. If the building permit is cancelled or
1482 revoked after that date due to failure to diligently pursue construction, this conditional use
1483 permit will expire at that time.
1484

1485
1486 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Pollard** **5**
1487 **Negative:** **0**
1488 **Absent:** **0**
1489
1490

1491 Mr. Blankinship- Alright, we have one more variance, but the last conditional
1492 use permit on this morning's agenda is **Conditional Use Permit 2023 number 56**, Bruce
1493 Amateau and Cheryl Michael: a conditional use permit to build an accessory dwelling unit
1494 at 502 West Drive Circle, in Lindsay Place, in the Tuckahoe Magisterial District.
1495

1496
1497 **CUP2023-00056 - Bruce Amateau and Cheryl Michael: conditional use permit to**
1498 **build an accessory dwelling unit at 502 West Drive Circle, Lindsay Place, Tuckahoe.**
1499 **Parcel 758-737-1358. Zoning: R-3, One-Family Residence District. Code Section:**
1500 **24-4406.**
1501

1502
1503 Mr. Blankinship- Would everyone who intend to speak to this case please stand
1504 and be sworn in. Raise your right hand please. Do you swear that the testimony you are
1505 about to give is the truth, the whole truth, and nothing but the truth, so help you God?
1506 Thank you. Mr. Gidley.
1507

1508 Mr. Gidley- Thank you Mr. Secretary. The subject property is located
1509 southeast of Forest Avenue, just east of Tuckahoe Elementary School. It consists actually
1510 of one and a half lots that, taken together, have 16,734 square feet of lot area, and 100
1511 feet of lot width. Here's a picture of the existing dwelling right here. And, as you can see,
1512 there is also a garage that's located in the rear yard. And this is the view of it from the
1513 front yard. The applicants wish to construct a 630-square-foot detached accessory
1514 dwelling unit in their rear yard. Let me get the site plan here. This is the front street here,
1515 the existing detached garage, and the proposed accessory dwelling unit would be right
1516 here. The structure would be of modern architectural design, containing a bedroom,

1517 bathroom, kitchen, and a living room. And it would be used to house the wife's aging
1518 mother, is my understanding. And here's a building plan. Here is the floor plan, and some
1519 elevations, as well, for you to see. In evaluating this request, there is an existing 24x24
1520 foot detached garage in the rear yard. Adding the accessory dwelling unit to it would
1521 intensify the use of the rear yard quite a bit. The accessory dwelling unit would be visible
1522 from the home at 704 Lindsey Drive. Which is up here. And let's see here. You can barely
1523 make out the dwelling here. So, they're going to be quite close. I thought I had a photo in
1524 here, a better photo for you, but I don't. That said, the proposed accessory dwelling unit
1525 would be set back, as you can see here, 25 feet from the rear property line, which is the
1526 setback for the house. So, they could do an addition and build right up to this line. Anyway,
1527 so there should be some expectation that development could occur within this area. Other
1528 than increasing the amount of building coverage in the rear yard, staff does not really
1529 anticipate any significant impacts on nearby property. Again, it's just one bedroom being
1530 proposed. For any future use of the building, it would be limited to no more than two
1531 residents in that one bedroom. So, in conclusion, as you can see here, the applicants
1532 wish to construct a 630-square-foot detached accessory dwelling in their rear yard. It will
1533 increase the intensity of the rear yard, but everything would be meet setbacks. As a result,
1534 staff does not really see any major impacts, and again then they could build right out to
1535 that line. As a result, we recommend approval of this request subject to the conditions in
1536 your staff report. If you have any questions, I'll be happy to answer those. Thank you.

1537
1538 Mr. Johnson- Now, it mentioned an eat in kitchen. Is that two kitchens, or
1539 just one?

1540
1541 Mr. Blankinship- Just below that.

1542
1543 Mr. Gidley- Yeah, for some reason this wasn't saved the way it should
1544 have been. Zooming in is a problem historically here, so I won't do that. But the kitchen
1545 would be right out here Mr. Johnson. So, there would be a kitchen here for the family.

1546
1547 Mr. Blankinship- There is not a separate dining room, but there's a kitchen and
1548 a table area within the kitchen area where you would eat.

1549
1550 Mr. Johnson- Okay. Because whenever it is talking about two different...

1551
1552 Mr. Blankinship- Yeah, this is separate from the principal dwelling, so that of
1553 course has a different kitchen, separate kitchen.

1554
1555 Mr. Johnson- Okay. Alright, any other questions for the staff?

1556
1557 Mr. Lawrence- I have one question, Mr. Chairman. Mr. Gidley, could you just
1558 clarify for us again, under the ordinance, what the distinction is between an accessory
1559 dwelling unit and a guest house?

1560
1561 Mr. Gidley- Yes sir. An accessory dwelling unit is where someone would
1562 live and that would be their residence. Such as in this case, the applicant's mom. They

1563 don't have another home to go to. This is where they actually stay. And an accessory
1564 dwelling unit, as Mr. Johnson may have been alluding to, can have a kitchen. So, you
1565 have a bedroom, kitchen, bathroom, family room, or what have you. A guest house is
1566 different. A guest house is not somebody's permanent residence. It's where someone
1567 goes to visit as a guest. So, if your son in northern Virginia wanted to come down and
1568 visit with you, and you had a guest house, he could stay in the guest house. He would
1569 still have a home to go back to elsewhere, it would not be his permanent residence on
1570 your property. Two other points to note on a guest house is, one, they would not contain
1571 a kitchen. The idea being that your family member would come in and eat with the family
1572 or go out to eat with the family. They wouldn't have a kitchen in there. The other thing is
1573 a guest, again, typically stays for a shorter period of time. So, typically you're looking at
1574 under 30 days for the length of the stay. Whereas here, the mom will probably stay for a
1575 number of months or years.

1576
1577 Mr. Blankinship- So, as a result of those factors, this request, the accessory
1578 dwelling unit requires the conditional use permit. Where a guest house would be allowed
1579 by right.

1580
1581 Mr. Lawrence- Is allowed by right. Okay.

1582
1583 Mr. Johnson- Okay. Alright, any other questions for staff? Alright. We'll now
1584 hear from the applicant.

1585
1586 Mr. Amateau- Good morning.

1587
1588 Mr. Pollard- Good morning.

1589
1590 Mr. Amateau- My name is Bruce Amateau. A. M. A. T. E. A. U. I live at 502
1591 West Drive Circle in Henrico. We want to build this accessory dwelling unit, or Granny
1592 Pod as we call it, for my mother-in-law. My wife's mother. We've been taking care of her.
1593 She's about a mile and a half from us now. She does not drive. She has never driven.
1594 Doesn't have a car. She's been widowed for 25 years. Her husband was a Richmond
1595 Firefighter that passed away from cancer. As she's aged, it's harder for her to deal with
1596 the size of house that she's currently in, and it's more cumbersome on us to keep going
1597 back and forth that mile and a half to pick her up for the grocery store. Pick her up for
1598 church, et cetera. She doesn't want to go to a home. She wants to live in her own house,
1599 which is why we've got to planning a detached accessory dwelling unit. So, she can still
1600 feel like she's in her own house. She's 87, got a touch of dementia, so we want to have
1601 her as close to us as we can get her. One of these days she's going to pass, it'll still be
1602 that building there. We have no interest in renting that out as long as we're there. We've
1603 been there almost 40 years. Don't plan to move. Don't want to rent it out to U.R. students.
1604 We have a, together, we have an extended family all over the place, so it would really
1605 turn into a guest house after my mother-in-law passes.

1606
1607 Mr. Blankinship- But with a kitchen.

1608

1609 Mr. Amateau- Sorry?
1610
1611 Mr. Blankinship- But with a kitchen.
1612
1613 Mr. Amateau- Yeah, true.
1614
1615 Mr. Johnson- Okay.
1616
1617 Mr. Amateau- That's about all. I'm happy to answer any questions you have.
1618 My hearing is not so great, so if you would speak up, I would appreciate it.
1619
1620 Mr. Johnson- Are there any questions for the applicant? Nope. No
1621 questions. Okay, is there anyone online?
1622
1623 Mr. Blankinship- There is one person, which we assume is the applicant for the
1624 next case.
1625
1626 Mr. Johnson- Okay. Okay, the hearing is now closed. A motion would be in
1627 order. What is the pleasure of the Board?
1628
1629 Mr. Broadway- Well, Mr. Chairman, this has been a busy day for my district.
1630
1631 Mr. Blankinship- It has indeed.
1632
1633 Mr. Pollard- A lot going on.
1634
1635 Mr. Broadway- But, with that in mind, on the, on the assumption that the
1636 applicant accepts the conditions recommended by the staff, I would move that we approve
1637 this conditional use permit.
1638
1639 Mr. Johnson- It's been motioned to move that we approve this.
1640
1641 Mr. Lawrence- Second.
1642
1643 Mr. Johnson- It's been motioned and seconded. All in favor say, Aye.
1644
1645 Board- Aye.
1646
1647 Mr. Johnson- All opposed say, Nay. All in favor. Motion passed.
1648
1649 On a motion by Mr. Broadway, seconded by Mr. Lawrence, the Board **approved** case
1650 **CUP2023-00056**, subject to the following conditions:
1651
1652 1. This conditional use permit authorizes an accessory dwelling unit in the rear yard. All
1653 other applicable regulations of the County Code remain in force.
1654

1655 2. The accessory dwelling unit must be substantially similar in size, design and location
1656 to the plans titled "Accessory Dwelling Unit 502 West Drive Circle Richmond, Virginia"
1657 from Keith Hunter, Architect, P.C. submitted with the application. Any change in the
1658 design or location of the improvements will require a new conditional use permit.

1659
1660 3. No more than two people may reside in the accessory dwelling unit.

1661
1662 4. The applicant must obtain a building permit for the proposed accessory dwelling unit
1663 by October 27, 2025, or this conditional use permit will expire. If the building permit is
1664 cancelled or revoked after that date due to failure to diligently pursue construction, this
1665 conditional use permit will expire at that time.

1666
1667
1668 **Affirmative: Broadway, Green, Johnson, Lawrence, Pollard 5**
1669 **Negative: 0**
1670 **Absent: 0**
1671
1672

1673 Mr. Blankinship- Alright, the last case this morning is **Variance 2023 number**
1674 **21**, Richmond Property Buyers, LLC: variance from the public street frontage requirement
1675 to build a single-family dwelling at 205 Brooks Road, in the Varina Magisterial District.

1676
1677 **Richmond Property Buyers, LLC: variance from the public street frontage**
1678 **requirement to build a single-family dwelling at 205 Brooks Road, Varina. Parcel**
1679 **817-724-0788. Zoning: R-2A, One-Family Residence District. Code Section: 24-**
1680 **4306.E.1. The applicant has 0 feet public street frontage where the Code requires**
1681 **50 feet public street frontage. The applicant requests a variance of 50 feet public**
1682 **street frontage.**

1683
1684 Mr. Blankinship- There is, as I mentioned, one person on WebEx, there is no
1685 one in the room, so Mr. Gidley if you would do your presentation.

1686
1687 Mr. Gidley- Thank you, Mr. Secretary. We've actually saved the best for
1688 last.

1689
1690 Mr. Gidley- This is a rather challenging case here. As you can see on the
1691 map, the property is located south of Nine Mile Road, not too far from where it intersects
1692 with Pleasant Street. The subject property was part of a landlocked 1.69-acre parcel that
1693 was recorded back in 1921. Excuse me. This 1.69-acre parcel was acquired by Samuel
1694 and Judith Ladd in 1968. As you can see here, two years later, in 1970, the Ladds went
1695 ahead, and they divided the parcel in to roughly three half-acre lots. There are currently
1696 three homes west of the original 1.6-acre parcel here. And for some reason, these indicate
1697 the same... This is the home here that's immediately in front of the subject property. This
1698 is 207 Brooks Road. And this is owned by the applicant as well, in addition to the subject
1699 property, behind this house right here. The subject property and the home I just showed
1700 you, these two in blue here, have been in common ownership since 1997. They were both
1701 acquired by the applicant in April of this year. The remainder of the original 1.69-acre tract

1702 here, along with the house at 211 Brooks is owned by descendants of the Ladd family.
1703 The applicant, Richmond Property Buyers, LLC. would like to build a home on this back
1704 parcel here. However, the back parcel lacks the required public street frontage. As a
1705 result, the applicant is proposing an access easement to get to it, which would be right
1706 here, on the north side of this hash line. That's not the one. Here we go. Sorry, these got
1707 out of order. This is a dwelling at 207 Brooks. The easement would go right through here,
1708 across their property, to the subject property. Which is located back behind it right here.
1709 So, as you can see, this is already opened and cleared. The easement, however, does
1710 not solve the code requirement that you abut a public street. And because of that, the
1711 applicant has come in and applied for a variance for lack of public street frontage.
1712

1713 In evaluating this variance request, we're going to apply the tests to the entire 1.69-acre
1714 tract. The State Supreme Court, in a number of cases, talks about the property taken as
1715 a whole. And sometimes it'll take a step back and looks at a property that was legal, or
1716 was closer to being legal, rather than what someone does recently and creates, you know,
1717 a bunch of lots that are not so compliant, so to speak. So, we're going to consider the
1718 property taken as a whole to be the original 1.69-acre tract. And again, the two reasons
1719 for this is one, the 1970 division of this 1.69-acre tract into three lots was not reviewed,
1720 and not approved by the County. Since this parcel, in 1970, lacked public street frontage,
1721 it was already non-conforming. And so, to come in and take a non-conforming lot and to
1722 divide it into three tracts like this, frankly, is not something that should have been done.
1723 So, we're going to go ahead and take a step back and view this as a property taken as a
1724 whole, to use the Court's term. So, in applying the threshold tests to the 1.69-acre parcel,
1725 absent a variance, it would not be buildable due to the lack of public street frontage. Given
1726 its size, 1.69 acres, that would be an unreasonable restriction on it. And so, from staff's
1727 perspective, they do have the right to a variance to put a home here to allow a reasonable
1728 and beneficial use of this property. We believe the second Threshold test is met as well,
1729 and this is because the original parcel was created in 1921. That was before the Zoning
1730 Ordinance took effect, and before the 1960 adoption of the public street frontage
1731 requirement. So, there is a hardship, lack of public street frontage, that is the result of a
1732 change in the Zoning Ordinance, that occurred after the property was originally recorded
1733 in 1921. So, this second Threshold test is met as well. Because two of the Threshold tests
1734 are met, we can look at the five required subtests. And as noted in your staff report, staff
1735 believes these are met. Probably the toughest one was the second one dealing with
1736 impact on adjacent property. Everyone around here, you know, has a home that abuts
1737 the public street, and so to come in behind these and put a new home in, that is kind of
1738 unusual, and I know staff had some mixed feelings about that. But going out there and
1739 looking at the property, the reality is every neighbor would back onto these folks as well.
1740 And the distances are quite great. It'd be 150 feet from the nearest dwelling. The proposed
1741 home would go here, and you can see here the setbacks proposed for the front and rear
1742 yards are like 80-something feet, which is essentially twice the required setback. So, in
1743 looking at this, it was hard for staff to find where there would be a detrimental impact on
1744 nearby property. And the easement that comes in, right here, is on property the applicant
1745 also owns, so they're the ones who are providing that easement. They own both parcels.
1746 So, staff doesn't really believe there's going to be a substantial detrimental impact. I would
1747 note one thing, for the applicant's record, I did hear they are interested in selling this front

1748 home. This says, proposed access easement here, so before they sell it, they would want
1749 to go ahead and record this access easement to this rear property while they still have
1750 control over this property, or else they would be in a position where this could lose quite
1751 a bit of value if they don't go ahead and do that. So, that would be my recommendation
1752 to them, in case they're listening.

1753
1754 In conclusion, the original 1.69-acre parcel lacked public street frontage, but was
1755 buildable from its creation in 1921 up until the adoption of the public street frontage
1756 requirement in 1960. It is entitled to a variance in order to provide a reasonable and
1757 beneficial use. However, because it was already non-conforming with respect to the
1758 public street frontage requirement, the Ladds should never have divided it into three non-
1759 conforming lots in 1970, as you see here. So, the original parcel is entitled to a variance.
1760 The real question is which of the three lots should be the beneficiary of that now. The
1761 Ladds were compensated when they sold this northern one after the division occurred,
1762 so they did receive payment for that. In addition, their descendants own, ... And let me
1763 get the aerial here... In addition, their descendants own this house here and as you can
1764 see, they have a number of accessory structures that do encroach across the boundary.
1765 And go quite some distance into this parcel right here. So, that really leaves the applicant's
1766 property as, probably, the ideal property to receive the variance the original 1.69-acre
1767 parcel is entitled to because of that. And because of the lack of any detrimental impact,
1768 staff recommends approval subject to the conditions in your staff reports. If you have any
1769 questions, I'll be happy to answer those. Thank you.

1770
1771 Mr. Johnson- Okay. Any, any other questions?

1772
1773 Mr. Lawrence- I had a question, Mr. Chairman.

1774
1775 Mr. Johnson- Yeah, go ahead.

1776
1777 Mr. Lawrence- Okay. Thank you. So, the division of 1970 wasn't reviewed or
1778 approved by the County. So, how did it get recorded? And if it was recorded, is it even
1779 valid without having County approval?

1780
1781 Mr. Gidley- They, at the time you could, in Henrico, you could go over and
1782 just record it. Today you could not do that. That's been changed. But at the time, an
1783 applicant could do it whether it met code or not.

1784
1785 Mr. Lawrence- But today, if somebody tried to go to the Circuit Court, I guess
1786 it would be, to record that, they would send them back to Planning.

1787
1788 Mr. Gidley- Yes, sir.

1789
1790 Mr. Lawrence- Okay, thank you.

1791
1792 Mr. Gidley- Yes, sir.

1793

1794 Mr. Lawrence- That's all I had Mr. Chairman.
1795
1796 Mr. Johnson- Okay. Also... Go ahead. Go ahead, and then I'll go.
1797
1798 Mr. Broadway- Well, Mr. Chairman, I just had a question. It's not pertinent as
1799 such to this application, but when did Virginia localities first begin adopting zoning
1800 ordinances? Do you or Mr. Blankinship know that?
1801
1802 Mr. Gidley- Our first was 1933, and there was that original case out of
1803 Ohio, Euclid v. Ambler. That was, was that in the twenties or thirties?
1804
1805 Mr. Blankinship- Late twenties, yeah. I want to say 1932 was the Federal
1806 Enabling Act and the State Enabling Act would've followed pretty quickly after that. So,
1807 I'm not sure anybody had one before we did in 1933. Fairfax maybe.
1808
1809 Mr. Broadway- I was wondering about that.
1810
1811 Mr. Gidley- Euclid v. Ambler. It was a U. S. Supreme Court case.
1812
1813 Mr. Broadway- Okay. Thank you.
1814
1815 Mr. Johnson- Also, I went out there, looking at the facility as well, two or
1816 three times. First, because the one near the road as it was, I never saw the 205. And then
1817 as I got this, then it kind of made it a little bit different. You know, but you couldn't see,
1818 you couldn't see all the things that been in the background and already out there, you
1819 know. And I said It can't be that! Anyway, I had a problem finding it until I got this.
1820
1821 Mr. Gidley- Okay.
1822
1823 Mr. Johnson- But, other than that, and now that kind of cleared it up a little
1824 bit, especially when you went over there. Being in the back, back there, because there's
1825 only a little, about 12-foot right-of-way from the new house that they built to get back to
1826 that facility.
1827
1828 Mr. Gidley- That would go through here.
1829
1830 Mr. Johnson- Right through there, yes. And what made me think about it
1831 was when they had, there's a pole on each side, and maybe that's a roadway or
1832 something. And I think that would be... that's the entrance in there, isn't it?
1833
1834 Mr. Gidley- Yes, the entrance to the property would be through this
1835 access easement.
1836
1837 Mr. Johnson- Yes.
1838

1839 Mr. Gidley- Yeah, right through here. It's actually a 30-foot-wide easement
1840 that would be used for access, and also to get utilities back there.

1841
1842 Mr. Johnson- And it would also be close to that home they are building right
1843 there at Brooks Road. There is another house, so they'd have to go between the two
1844 houses.

1845
1846 Mr. Gidley- Yes, sir, they would.

1847
1848 Mr. Johnson- Yes. But anyway, it cleared it up a little bit, you know. But just
1849 seeing it back there, it kind of had me off-guard for a while. Okay. Anyone other, anyone
1850 have any questions on this? Okay.

1851
1852 Mr. Blankinship- Alright, WebEx staff, do we have Mr. Williams online? Oh, yes,
1853 okay, he would like to speak. Great, let's unmute him.

1854
1855 Mr. Johnson- Okay.

1856
1857 Mr. Blankinship- Good morning.

1858
1859 Mr. Williams- Good morning, everyone. Can you hear me okay?

1860
1861 Mr. Blankinship- Yes. Thank you.

1862
1863 Mr. Williams- Okay, thank you for your time. I just want to address any
1864 questions that may pop up.

1865
1866 Mr. Blankinship- Tell us your name please.

1867
1868 Mr. Williams- Yeah, Joseph Williams, managing member, Richmond
1869 Property Buyers. So, we initially acquired the property that was derelict, and had been for
1870 some time. I was told up to a decade. So, we've done an extensive renovation on the
1871 front property. So that's not a new property. That was a full rehab. Then there was a frame
1872 shed that was left. Some of the pictures that were presented are a little bit older, and there
1873 were actually multiple buildings on this property line as well, between the front lot and the
1874 rear lot, that we weren't able to save. So, ended up demolishing those and had updated
1875 the plat, which you see in front of you. And when we were back there looking around, we
1876 were like, wow, there's a half-acre back here. Could we do something with it? So, you'll
1877 see the 30-foot Ingress / egress / utility easement there, which also still provides 10-plus
1878 feet, I believe it's about 15-plus feet from either the shed or the dwelling, left or right of
1879 that easement. Once you get into the real property, which is a half-acre, with a proposed
1880 dwelling, to kind of set this whole variance off, you know, in front of it. There's nothing to
1881 the rear and then to the side yard of the proposed dwelling. Left and right we have 80-
1882 plus feet. So, when we look at that overhead, the lot, I think is east, is kind of like a side
1883 yard to the bigger lot at 187 Brooks. So, there'll be nothing in front of it. And then to the
1884 rear, you had the Ladd's property as well, where those buildings were crossing the

1885 property line. There's nothing back there on another acre. So, it kind of sits out there by
1886 itself, and actually has some of the biggest front, back, and side yards of many of the
1887 houses over there. It's just the issue of getting to it. So, we proposed, you know, the
1888 ingress / egress there, with the easement on the property that we own in the front, which
1889 has already been recorded with the County.

1890

1891 Mr. Gidley- Okay, good.

1892

1893 Mr. Johnson- Okay. Alrighty, any questions from the staff?

1894

1895 Mr. Lawrence- Quick question, Mr. Chairman.

1896

1897 Mr. Johnson- Yes.

1898

1899 Mr. Lawrence- So, the applicant already owns the property to the front of this,
1900 or to the side of it, on Brooks Road?

1901

1902 Mr. Johnson- The side.

1903

1904 Mr. Lawrence- Is that correct?

1905

1906 Mr. Williams- Directly in front of it. So, the house that fronts Brooks is 207.
1907 205, which was put into the application, which I would be, I'm assuming would be the
1908 proposed new address of the rear property if it were to be built. So, it goes, I think, I
1909 believe it goes to 203, which is the property... and 207, and the easement would be
1910 between 203 and 207. Does that make sense?

1911

1912 Mr. Blankinship- Yes.

1913

1914 Mr. Williams- And the rear property is, the property lines are direct in line
1915 with the front property, vertically.

1916

1917 Mr. Blankinship- But it was sold to you as all one property, the house that was
1918 in disrepair and going all the way back?

1919

1920 Mr. Williams- It was, it was two separate parcels from the same individual.
1921 So, we were buying, we were buying the front, and there was, when we initially were
1922 under contract to the front, she was talking to another neighbor about selling the rear.
1923 You know, obviously a lot of these properties, these people have had them for decades
1924 and they're just sitting. They're falling apart, you know. That eventually fell through, and
1925 we offered to purchase it for, I believe, a couple thousand dollars and then we ended up,
1926 you know, put a little bit more on that to make the deal happen. Just to kind of keep it all
1927 together.

1928

1929 Mr. Blankinship- Okay.

1930

1931 Mr. Johnson- Also, the buildings are already on that property.
1932
1933 Mr. Williams- Correct. Yeah, so if you're looking at, I'm not sure if you can
1934 pull it up, you see the 207 and then the one frame shed facing Brooks Road, that's a
1935 property we own. And then the .56-acres is directly behind that with the same vertical
1936 property lines that run in line with 207. So, those houses there, those houses were built
1937 some time ago. When we bought the property, you could literally see through the front of
1938 the house. I mean, it was on the verge of getting torn down. So, we've put roughly 70,000
1939 dollars just in this, to bring it back up to life. And then we actually demolished three
1940 buildings in the rear. Which are no longer there, which kind of set free that rear lot.
1941
1942 Mr. Johnson- And that would be the entrance way right by the...
1943
1944 Mr. Williams- To the left, correct. Yep. So, that other view you're looking at
1945 is, right there. So, with the 30-foot easement kind of right down the middle of both those
1946 properties. It still allows, I don't know, I'd have to go out there and measure, but roughly
1947 15-feet from our frame shed and then to the adjacent property, at 203 to your left, right
1948 there.
1949
1950 Mr. Johnson- Right.
1951
1952 Mr. Williams- It's the brick rancher.
1953
1954 Mr. Lawrence- So, the property we were just looking at, are you all renting
1955 that currently, or ... I'm a little bit confused about the ownership, I guess.
1956
1957 Mr. Johnson- Nobody's in it.
1958
1959 Mr. Williams- Yeah, we own it. Yeah, we just finished rehabilitating it.
1960
1961 Mr. Lawrence- I see, okay.
1962
1963 Mr. Williams- It's vacant. Yep.
1964
1965 Mr. Lawrence- Gotcha. Thank you.
1966
1967 Mr. Johnson- Okay, that entrance there, would that be... I know the other
1968 houses have gravel driveways as well. Would that be gravel all the way back there? It's
1969 kind of hard because you can't see anything back there.
1970
1971 Mr. Williams- Yeah, so that wood line you're looking at right there, it's kind
1972 of the property line. Runs directly through there to start that back parcel directly behind
1973 those buildings. You know, but we haven't got that far with planning. We were just talking
1974 about getting the variance and, or asked to propose a site plan of what it would look like.
1975 So, you know, we centered a 1,400-square-foot-rancher back there to be somewhat like
1976 kinds of houses similarly around it, you know. If we were required to do something else,

1977 you know, in terms of the actual, covering of the driveway we would, but, you know, all
1978 the properties there all have gravel driveways.

1979
1980 Mr. Blankinship- Mr. Chair, the recommended condition is that prior to
1981 requesting a certificate of occupancy, the driveway must be improved with a durable
1982 asphalt or compacted gravel surface at least 10 feet wide and with 12 feet of horizontal
1983 clearance in order to fit a fire truck through there.

1984
1985 Mr. Johnson- Okay. Thank you. Appreciate it. Okay, with that this public
1986 hearing is closed.

1987
1988 Mr. Blankinship- Yeah, there's no one else on WebEx and there is no one else
1989 in the room.

1990
1991 Mr. Johnson- Okay.

1992
1993 Mr. Williams- Thank you.

1994
1995 Mr. Johnson- Okay. I move we approve the conditions recommended by
1996 staff.

1997
1998 Mr. Pollard- Second.

1999
2000 Mr. Johnson- It's been motioned and second. All in favor say, Aye.

2001
2002 Board- Aye.

2003
2004 Mr. Johnson- All opposed say, Nay. Motion passed.

2005
2006 On a motion by Mr. Johnson, seconded by Mr. Pollard, the Board **approved** case
2007 **VAR2023-00021**, subject to the following conditions:

2008
2009 Due to a defect in the ad mailed to adjacent property owners, this case was reheard and
2010 approved at the Board's November 16, 2023 meeting.

2011
2012
2013 **Affirmative:** **Broadway, Green, Johnson, Lawrence, Pollard** **5**
2014 **Negative:** **0**
2015 **Absent:** **0**

2016
2017
2018 Mr. Blankinship- Alright Mr. Chair, that brings us to the approval of the minutes
2019 and Mr. Lawrence was kind enough to provide us with a list of those corrections, which
2020 have been left at the table for you.

2021
2022 Mr. Lawrence- I might mention there's another error in the minutes, towards
2023 the end of the minutes, Mr. Blankinship, but it wasn't recording error, it was a Barry

2024 Lawrence error. I mentioned twice in there that, trying to make a point about my un-
2025 familiarity with the ordinance, that I retired in 2019. I actually didn't retire until 2020. But
2026 since I said 2019, I guess that should be what's reflected in the minutes.

2027
2028 Mr. Blankinship- Alright.

2029
2030 Mr. Lawrence- So, I was confused.

2031
2032 Mr. Johnson- Alrighty. Okay.

2033
2034 Mr. Blankinship- I guess the joke would be that you retired in 2019 and then
2035 officially...

2036
2037 Mr. Lawrence- Yeah, I wasn't going to go there, but yeah.

2038
2039 Mr. Johnson- Okay.

2040
2041 Mr. Blankinship- Is there a motion?

2042
2043 Mr. Johnson- It has been motioned and second.

2044
2045 Mr. Blankinship- It has? I missed it.

2046
2047 Mr. Pollard- For what?

2048
2049 Mr. Blankinship- For the minutes.

2050
2051 Mr. Pollard- Oh, it's on me?

2052
2053 Mr. Johnson- Yes.

2054
2055 Mr. Pollard- I make a motion that we approve the minutes with the
2056 correction.

2057
2058
2059 Mr. Johnson- Second. It's motioned and second. All in favor say, Aye.

2060
2061 Board- Aye.


2062
2063 Mr. Johnson- Motion Passed.

2064
2065 On a motion by Mr. Pollard, seconded by Mr. Johnson, the Board **approved the minutes**
2066 **of the September 28, 2023 meeting.**


2067
2068
2069 **Affirmative: Broadway, Green, Johnson, Lawrence, Pollard 5**

2070 **Negative:** 0
 2071 **Absent:** 0
 2072
 2073
 2074 Mr. Blankinship- Alright, according to Google, Euclid v. Ambler was decided in
 2075 1926, and Arlington County adopted a zoning ordinance in 1930.
 2076
 2077 Mr. Broadway- So, they were the first in Virginia.
 2078
 2079 Mr. Blankinship- As far as I could tell in a ten second Google search.
 2080
 2081 Mr. Lawrence- Wow. Okay.
 2082
 2083 Mr. Johnson- Okay.
 2084
 2085 Mr. Pollard- I motion that we adjourn.
 2086
 2087 Mr. Johnson- It's been motioned and second. I second. All in favor say, Aye.
 2088
 2089 Board- Aye.
 2090
 2091 Mr. Johnson- All opposed?
 2092
 2093 Mr. Pollard- If you oppose, just stay sitting right here.
 2094
 2095 Mr. Blankinship- That's right.
 2096
 2097 On a motion by Mr. Pollard, seconded by Mr. Johnson, the Board **voted to adjourn.**
 2098
 2099

2100 **Affirmative:** Broadway, Green, Johnson, Lawrence, Pollard 5
 2101 **Negative:** 0
 2102 **Absent:** 0
 2103
 2104
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 2106
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 2117



 Walter L. Johnson, Jr., Chair



 Mr. Benjamin W. Blankinship, Secretary