

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 23, 2025 AT 9:00 A.M., NOTICE HAVING BEEN PUBLISHED**
5 **IN THE *RICHMOND TIMES-DISPATCH* OCTOBER 6, 2025 AND OCTOBER 13, 2025.**
6
7

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

13
14 **Also Present:** Leslie A. News, Assistant Director of Planning
15 Benjamin Blankinship, Secretary
16 Paul M. Gidley, County Planner
17 Sara Rozmus, County Planner
18 Kayla Shelton, Accounting Clerk
19
20

21
22 **Mr. Lawrence -** Good morning, and welcome to the October 23, 2025 meeting
23 of the Henrico County Board of Zoning Appeals. For those who are able, please stand
24 and join us in the Pledge of Allegiance.
25

26
27 **[Recitation of Pledge of Allegiance]**
28
29

30 **Mr. Lawrence-** At this time Mr. Blankinship will read our rules.
31

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

47 opportunity. We'll hear from those in the room first and then from those on Webex. After
48 everyone has had a chance to speak, the applicant and only the applicant will have an
49 opportunity for rebuttal. This meeting is being video recorded, so we'll ask everyone in
50 the room to speak directly into the microphone on the podium in the back of the room.
51 We ask you to state your name, and please spell your last name so we get it correctly in
52 the record. And of course, once your case is over, you're free to leave, there's no need
53 for you to stay until the end of the meeting. With that, Mr. Chair, I believe we are ready
54 for the first case.

55
56 Mr. Lawrence- Thank you, Mr. Blankinship. If you could please call our first
57 request.

58
59 **CUP-2024-101127 Lateisha Harvey: conditional use permit to provide in-home**
60 **daycare for up to 12 children at 1023 Bogart Road, Clarendon Farms, Fairfield.**
61 **Parcel 812-734-8514. Zoning: R-3C, One-Family Residence District (Conditional).**
62 **Code Section: 24-4205.**

63
64 Mr. Blankinship- Alright, CUP-2024-101127 Lateisha Harvey a conditional use permit
65 to provide in-home daycare for up to 12 children at 1023 Bogart Road, Clarendon Farms,
66 Fairfield Magisterial District. Would everyone who intends to speak to this case, please
67 stand and be sworn in. Raise your right hands, please. Do you swear the testimony you're
68 about to give is the truth, the whole truth, and nothing but the truth to help you God?
69 Thank you. Ms. Rozmus.

70
71 Ms. Rozmus- Thank you, Mr. Secretary. Good morning board. The subject
72 property is in the Clarendon Farms subdivision off Cedar Fork Road. Today's applicants,
73 Ms. Lateisha Harvey, who along with her mother, have experience operating a family day
74 home elsewhere in the county. In March of last year, they moved into their home at 1023
75 Bogart Road. The Harveys would like to provide childcare services at this property for up
76 to twelve children. This is a four-bedroom home with a large driveway that can
77 accommodate up to four vehicles. The backyard is completely fenced in, with some
78 parking area in the rear. So, there's some good screening. In reviewing this request, staff
79 found that the property is zoned R-3C, One-Family Residence District, which allows a
80 small family day home for up to five children by right. A large family day home with
81 between six and twelve children, however, requires a conditional use permit. Since the
82 Harveys want to care for up to twelve children, a conditional use permit is required. As
83 noted, the property has a large driveway and a fenced in yard, both of which are
84 conducive to a family day home. The Harveys are also experienced childcare operators.
85 Last year, however, several neighbors expressed opposition to the request, and the
86 Clarendon Farms Homeowners Association has continued to oppose the request for a
87 large family day home as it is as a violation of their covenants. In conclusion, Clarendon
88 Farms is an established subdivision of single-family homes. The Harveys are experienced
89 operators who have begun offering care for up to five children, which is allowed by right.
90 This request is to increase that number to twelve. The home could be a good location for
91 a large family day home, however as noted before, the homeowners association
92 interprets their covenants as prohibiting the proposed use. We prefer to not set up

93 potential conflicts between county actions and a homeowners association, so for this
94 reason staff recommends denial of this request. And I can answer any questions.

95
96 Mr. Lawrence- Any questions from the board to staff? Okay, hearing none we will
97 now hear from the applicant.

98
99 Mr. Blankinship- As Mr. Crockett comes to the podium, I will just observe that Ms.
100 Harvey is available on Webex. And also, there was a packet of material that was left on
101 the table this morning that was provided by Mr. Crockett.

102
103 Mr. Crockett- Good morning, I'm Douglas Crockett, last name C R O C K E T T.
104 And I represent Ms. Lateisha Harvey as counsel in this matter, and so we are here today
105 to ask the board to approve this conditional use permit application. I've been here before,
106 and one time I made the presentation, there were some questions. I did reach out to the
107 HOA since the last meeting. I did receive an email back saying that they were going to
108 review what I had sent, but I didn't hear back again after that, so we are here today without
109 any further communication with the HOA. There was a gentleman here last time, Mr.
110 Fletcher, he owns the home right next door to 1023. He lives at 1019 Bogart Road. He
111 and I spoke after the meeting, emailed with him. Didn't receive a response back. He
112 seemed like, I don't know if he's available today by a video, but he seemed like he wanted
113 to see if there could be an agreement, but we didn't really communicate to that point.
114 Since the last meeting. He did relate to me. He's a retired police officer. He was from New
115 Jersey, and as you note in his emails, most of his concerns are about crime and things
116 such as that. So, yeah, I'm here today for Ms. Lateisha Harvey, who operates the daycare
117 and is the daycare owner. Her mother, Ollie Harvey, owns the home. She purchased the
118 home with the plan of her daughter moving her daycare from 3307 Oxnard Road to 1023
119 Bogart Road in Clarendon Farms. And I gave you some information about that before the
120 last meeting. One, I would hope that you noted is in order for the parents to bring their
121 children to the daycare, they basically have to travel one block on two streets. So, they
122 come down the main road, they turn into Clarendon Farms where there are no homes,
123 then they turn onto a street with homes, go one block. Turn to the left on Bogart Road
124 and pass the two homes on the left that's on the screen and the two homes on the right.
125 The home on the corner right has access not to Bogart Road, but the driveway comes out
126 onto a different street. And that's the street that the second homeowner emailed from.
127 And that person, a person coming to bring their child would not pass that individual's
128 home on the way, just 1019 Bogart Road. And so, what would be happening, is Ms.
129 Harvey would be moving from a home in Henrico County that is 1,080 square feet, to a
130 home that is 2,248 square feet. She's doubling the space. I mean, it's really about the
131 children and providing a better place for them. She'll have a nice backyard in which to
132 supervise the children as well. The home on Bogart Road was built in 2000, the home on
133 the Oxnard Road was built in 1956. Seven. So, you can see how this would be a real
134 upgrade for these children. And Ms. Ollie Harvey bought the home back in January of
135 2024. So, her plan has been on hold for almost two years. And that's a concern, of course,
136 to her, and has created a lot of issues that she's had to deal with in the meantime. So,
137 she came I think in July of last year. It was put on, it was deferred, then we came back
138 July of this year, and this is our fourth attempt to bring this before the board for several

139 reasons, which you are aware. So, my intent today is to show that it's really not a real
140 debatable issue about whether this application should be approved or not. And even
141 though Ms. Latiesha Harvey is here by video, I really don't think she'll need to speak,
142 because I think it's a fairly clear cut issue.

143
144 So, there are several laws that I want to point out to you. They're the zoning laws. The
145 four conditions within the Henrico Zoning Ordinance which the staff deals with in their
146 report, that an applicant has to meet in order for the board to approve. So, the board does
147 not have to approve it based on the staff recommendation. But those are the conditions
148 that have to be met. And then also within the ordinances, in 24-8501 a family day home
149 is defined as an accessory use. So, it's different from a business. That's something
150 separate and apart from the primary use of the residence. And then, the Property Owner's
151 Association Act, Virginia code 55.1-1821 limits homeowners associations in their ability
152 to restrict or prohibit family day homes. That code section refers to them as home-based
153 childcare services, but I think we can agree that that's the same thing. So, the Virginia
154 Code requires a homeowner's association to expressly restrict or prohibit a family day
155 home. I gave you a brief just a couple of days before this meeting. That code section is
156 attached as an exhibit to that brief. It's 55.1-1821. Section A of that code section talks
157 about home based businesses in general and says how a homeowners association can
158 prohibit those in their declarations or restrict them by rule or by law, and then part B
159 specifically talks about, home based childcare services and sets out that a homeowners
160 association, which is a property owner's association, comes under the Property Owner's
161 Association Act, has to expressly in their declarations prohibit or restrict a family day
162 home. And if that's not the case, they can do it by rule or by law, but they cannot prohibit,
163 they can only restrict by rule or by law. And then the other two legal precedents that I've
164 given you are City Council of City of Virginia Beach versus Harold, a 1988 case. That
165 case tells us that there is a burden shifting. So, if the applicant comes and shows, provides
166 evidence that it is unreasonable to apply the zoning ordinance to their property. In that
167 particular case, the burden is first on the applicant, they show that it would be
168 unreasonable, then the burden shifts to those who are opposed to the application, to show
169 that it would be reasonable to deny the application. So that's a burden shifting, and then
170 if they provide evidence, it's not a very high standard. They don't have to show by a
171 preponderance of the evidence or clear convincing evidence or beyond a reasonable
172 evidence. It just has to be fairly debatable. And what I'm showing to you today is not even
173 fairly debatable, they have to produce evidence of reasonableness, so the burden would
174 then shift to the HOA and the neighbors after a showing by the applicant that it would be
175 unreasonable to apply. So, the staff has come to the conclusion that those four conditions
176 in the zoning ordinance are met. And then also, as I said, the ordinances say that a family
177 day home is an accessory use. In a sense it's a residential use. It's not a business. And
178 Virginia Code would stand for that as well. But you have discretion, as I just said, to deny
179 the conditional use permit upon evidence of reasonableness. So first of all, it's
180 unreasonable to apply the zoning ordinances to this case, to this property, because the
181 HOA is trying to use a covenant that doesn't apply. They have not expressly said anything
182 about family day homes. You have that in your packet. The covenant that I believe they're
183 going under says that any business within the subdivision that has clients or customers
184 coming to and from the home is prohibited. Doesn't mention family day homes at all.

185 Those were put in place I think in the 1990s. So those have never been changed, the law
186 did change. The law changed in 2019, which said that they have to specifically reference
187 family day home in order to prohibit or restrict. So basically, there, the HOA is saying we
188 had a meeting, the board is saying we had a meeting, we're telling you that they have not
189 spoken. The only way they can speak as an HOA is through the provisions provided by
190 the Virginia Code. So in order for the HOA to speak on this issue, they have to say in their
191 declarations or in their bylaws or rules specifically, expressly about family day homes,
192 how they are prohibited or how they are restricted. If they're only restricted, they can't be
193 restricted by size. That's in section B of that code section. And then a family day home is
194 an accessory use to the primary use of the residence. So, it would be unreasonable in
195 this case to say that this conditional use permit should not be approved. It's just there is
196 HOA opposition.

197
198 Mr. Lawrence- Excuse me, Mr. Crockett, can you bring us to a conclusion? We have
199 been pretty generous of your time, I think most of the meeting and the last meeting. With
200 all due respect.

201
202 Mr. Crockett- Oh, you said bring it to a conclusion. Well, basically, that could
203 conclude basically what I'm presenting to you, evidence of unreasonableness, to apply
204 that and now the burden shifts to the HOA to provide evidence otherwise. Or to the
205 homeowners who are objecting, and then I'll come back with the rest of what I have to
206 say.

207
208 Mr. Lawrence- Okay, thank you sir. At this time, does anyone from the board have
209 questions of Mr. Crockett?

210
211 Mr. Massie- Were your clients aware that Clarendon Farms...

212
213 Mr. Crockett- I'm having a little trouble hearing you.

214
215 Mr. Massie- Were your clients aware that Clarendon Farms had a homeowners
216 association prior to moving there?

217
218 Mr. Crockett- Yes, they were aware. However, the homeowners association, as I
219 said, that issue is moot.

220
221 Mr. Massie- Okay. Wait a minute. The question is, were they aware?

222
223 Mr. Crockett- Yes.

224
225 Mr. Massie- Thank you, that's the answer, okay. Your clients, were they aware
226 that they wanted to operate a daycare before they moved to Clarendon Farms?

227
228 Mr. Crockett- Okay, so with all due respect, you know, if we want to use our time
229 well, I don't think these questions go to the point of what our burden is. Our burden is to
230 show that to apply it would be unreasonable. Now the burden shifts to the other side.

231 These questions should come later, you know, if it's a question about whether we have
232 met our burden, I'm willing to field those answers, but if it's a question about what they
233 did related to the HOA it is just irrelevant and immaterial.

234

235 Mr. Lawrence- Mr. Crockett, you've been asked questions by Mr. Massie and you
236 can either choose to answer the questions or not answer, but please direct your
237 responses to his questions.

238

239 Mr. Massie- Did your client know that they wanted to open the daycare prior to
240 moving to Clarendon Farms?

241

242 Mr. Crockett- Yes.

243

244 Mr. Massie- Did your client contact the homeowners association prior to moving
245 to Clarendon Farms?

246

247 Mr. Crockett- Yes, if I can, expand on that just a little bit?

248

249 Mr. Massie- You could, you could say whatever you want to say when I'm
250 finished. Okay?

251

252 Mr. Crockett- Okay.

253

254 Mr. Massie- So your clients knew that it was a homeowners association. They
255 contacted the homeowners association. They knew there was an issue prior to moving to
256 Clarendon Farms as far as the homeowners association and the daycare is concerned.

257

258 Mr. Crockett- I'm sorry, did they know?

259

260 Mr. Massie- Did they know there was a potential issue prior to buying the
261 property?

262

263 Mr. Crockett- I believe they did, yes.

264

265 Mr. Massie- So they knew there was a potential issue before they even moved
266 there.

267

268 Mr. Crockett- Yes.

269

270 Mr. Massie- That's all the questions I have.

271

272 Mr. Crockett- Okay, if I can respond. So, basically what the homeowners
273 association has done with the declaration, so if a homeowner purchases a property, they
274 get a copy of the declarations. The declarations say no businesses can be allowed.
275 Everybody stops at that point. Those who are guaranteed by right with five or fewer
276 children, they say the homeowners association is not going to allow it. What we're

277 showing is that if a person had the resources to get an attorney and had the determination
278 to start a homeowners association, they would be able to show as we're doing today that
279 that declaration does not apply and that they are allowed to have a family day care there.
280 So the HOA It's just a, it's a smoke screen. It's not a real defense to the homeowners
281 association, because it doesn't meet the criteria of the Virginia Code.

282
283 Mr. Green- I'm sorry, do you live in an area with homeowners association?

284
285 Mr. Crockett- Yes, I do.

286
287 Mr. Green- Do you abide by the rules of the homeowners association to the
288 extent that you can?

289
290 Mr. Crockett- As an attorney, I would abide by all the rules that are legal. I would
291 not abide by the rules that have no legal foundation to them.

292
293 Mr. Green- And the other thing while... it's Mr. Crockett? I understand what
294 you're trying to do, I personally have found that I'd like to hear from the applicant. Now, I
295 know we're pressed for time, but hearing from the applicant... and I don't know if you said
296 the applicant is on Webex?

297
298 Mr. Blankinship- Yes, she is on Webex if you would like to hear from her.

299
300 Mr. Green- And the reason I say that is because while we listen to, while I
301 listened and I'm sure we listened to staff's report, nothing is more compelling to help
302 convince us one way or the other than hearing from the applicant. Actual person. You
303 know, if people are going to take their time to come sit, they want to be heard. And I feel
304 it's my duty to hear them. And this can be daunting, this could be challenging, this could
305 be, you know, overwhelming for people to think, you know, that their voices can be heard.
306 Quite a few times I'm addressing the audience, all too often, you know, what staff says is
307 one thing. We objectively listen to what you all say, and in a lot of instances we've been,
308 I've been, swayed by hearing from applicants appeal and compassion and the sense that
309 that they make. So if the person, your applicant, chooses not to, then that's fine, but you
310 know, I would prefer to hear from a lay perspective. I'm not an attorney, I'm a lay person
311 and nothing is better than a lay perspective for me.

312
313 Mr. Crockett- I mean, she's there.

314
315 Mr. Blankinship- Staff, could you connect the applicant?

316
317 Mr. Green- That's up to her. He said he'd want her to speak, so I'm just giving
318 my opinion.

319
320 Mr. Crockett- Well I said I didn't think she would have to, but if you require that,
321 sure.

322

323 Mr. Green- I don't require that, we can move on.

324
325 Mr. Crockett- She's there.

326
327 Mr. Lawrence- Excuse me, Mr. Crockett. Anyone else from the Board has questions
328 for Mr. Crockett? Okay, hearing none, let's see if there's anyone that wishes to speak in
329 support of this request other than the applicant. Hearing none, is there anyone here that
330 would like to speak in opposition to this request? Yes ma'am. Have you been sworn in
331 ma'am? Sorry. Were you sworn in earlier?

332
333 Mr. Blankinship- Yes.

334
335 Ms. Jackson- Good morning. My name is Sheronda Jackson. I am the current
336 president of the Clarendon Farms HOA. The former president and current vice president
337 Ms. Sandra Mosley is also with me in attendance. I was able to preview the July and
338 August hearings virtually in September. I was out of the country, but I was able to be
339 provided some feedback from the vice president as well as some additional homeowners
340 who attended the hearing virtually. If I may, I'd like to provide a little history and bring a
341 little clarity to this situation. Ms. Ollie Harvey offered to purchase 1023 Bogart Road and
342 her offer was accepted on December second, 2023, in which time she had three days to
343 obtain and review the bylaws with her agent, in addition to a ten-day due diligence period.
344 There are no contingencies, no questions or any disclosures related to opening a large
345 family day home associated with the contract. Ms. Ollie Harvey is the sole owner of this
346 property. The property is not co-owned by her daughter, with her daughter Lateisha
347 Harvey, who actually occupies the property. It is believed that Ms. Ollie Harvey lives in
348 another neighborhood, which I believe we stated that earlier, and not Clarendon Farms.
349 On that premise alone, the HOA can deny her request according to the bylaws that they
350 specifically speak to homeowners who occupy the property and are recorded deeded
351 owners. In our bylaws it's on page one, article two, section four or on page two section
352 eight. I am privy to this information, not only as an acting, long time Clarendon Farms
353 board member and current president. But I am also the real estate broker who
354 represented the seller in the purchase of 1023 Bogart Road. There was never any
355 communication to me from the agent or from the Harvey's themselves that they were
356 planning to open a large family home daycare. Otherwise, we would have told them
357 immediately that that could not happen. Several months after closing, Ms. Ollie Harvey
358 called the former president, now current V.P., Ms. Sandra Mosley to inquire about a
359 daycare, but no formal application, written request or letter of intent was submitted to the
360 HOA. I spoke to both Ms. Ollie and Lateisha Harvey on a joint call back in July of 2024 I
361 asked pertinent questions with hopes of seeing where the HOA could support this
362 endeavor. But Lateisha Harvey unfortunately was very rude, uncooperative, and she
363 ultimately disconnected from the call. My overall comments to Ms. Ollie Harvey was that
364 the HOA board needs to follow the proper protocols in order to approve the request. This
365 decision could not be made by me alone, and we would need to consider the other 123
366 homeowners, especially the ones that are going to be directly impacted on or near Bogart
367 that would see this as an issue. I also suggested that we could allow small day home care
368 based on Henrico County and/or state Department of Education's current guidelines but

369 that wasn't feasible, and that's how we got here. To fast forward in lieu of time, because
370 we are a very tight knit community, ...going to travel, discussions were mounting, so after
371 speaking with several homeowners, I decided to call a special board meeting on July 14,
372 2025, to discuss the issue, bring the motion to the floor and vote on the issue. I submitted
373 our HOA board decision to Mr. Blankinship for further review in preparation for that
374 hearing. Here is what we now know. Ms. Mosley, as I mentioned earlier, is retired and is
375 still consulting for the Department of Social Services with a background in program
376 licensing and accounting. Another active board member who is a PhD currently works for
377 the Department of Education, who now manages these day home programs. We've
378 obtained both the copies of the standards for licensing family day homes and the general
379 procedures for child licensure. The HOA is well aware of the specific regulations relative
380 to family day homes. And in reading some of these policies, it has now created a new
381 level of concern pertaining to the children that Mr. Crockett has spoken about. Please
382 allow me to share just a few. According to the state, the state guidelines, there's an issue
383 with capacity. The provider shall ensure that the total number of children receiving care
384 at any time does not exceed the maximum license capacity of the home. There's an issue
385 with garbage, and I think that we've had several residents who made complaints with
386 regards to garbage in and around the properties, which brings me to the next point, which
387 could also draw rodents in other unwarranted insects. There's an issue with space.
388 There's an issue with individual location. These issues are a definite concern as we're
389 also aware that Ms. Lateisha has quite a few children of her own residing in the home,
390 which is a four bedroom, two and a half bath, 2,248-square-foot home. And requesting
391 an application for a large family day home to include an additional six to twelve children,
392 it's just not conducive for a home of this size. But for the sake of the children, as Mr.
393 Crockett has stated, this day home should require a much larger home on a much larger
394 lot. A commercial space should be considered, as opposed to forcing an HOA to disregard
395 their bylaws and covenants established and established homeowners to approve this
396 request. And if I may give my final thoughts and I'll be done. Clarendon Farms is a twenty-
397 five-year-old community that encompasses 124 homes, and surprisingly about seventy
398 percent are the original owners or have lived in this neighborhood a minimum of twenty
399 years, myself included. Being biased, there's so many wonderful things I could say about
400 the caliber of people that make up our community. But as new residents begin to take
401 ownership, we are saddened and challenged with the task of maintaining optimum levels
402 of safety, security, and more importantly our equitable interest. Please note, that the
403 Clarendon Farm's HOA or the community as a whole, is not attempting to restrict Ms.
404 Harvey's ability to generate income as a large part of our collective community, our
405 professionals, our entrepreneurs, or work remote, especially post-COVID. The issue for
406 us lies in the liabilities and the negative impact it will have on the overall neighborhood
407 and neighboring properties. The points previously mentioned are just to name a few.
408 Several homeowners have already voiced their concerns to the zoning board and quite a
409 few have shared their opinions with the HOA. Long term, this could have a dramatic effect
410 on Clarendon's Farm's social and economic values. Unfortunately, Ms. Harvey wasn't the
411 first, and we are diligently working with attorneys and other homeowners associations to
412 revise our bylaws to address this. But until then, anyone in Clarendon Farms operating
413 an unlicensed facility beyond the state and county guidelines will be notified and
414 reprimanded. So if Ms. Harvey is willing to comply with the number of children that the

415 state and or county guidelines will allow, then we will begin. We will be open to an
416 approval. Otherwise, her request by the HOA board is unanimously denied. That's it.

417
418 Mr. Lawrence- Thank you, Ms. Jackson. Does anyone on the Board have any
419 questions for Ms. Jackson?

420
421 Mr. Green- I appreciate your presentation.

422
423 Ms. Jackson- Yes sir, thank you.

424
425 Mr. Green- There is a question. This is not the first time we've approved day
426 homes and an expansion, and some of the concerns that you raised in terms of trash and
427 rodents and all of that, that could occur anywhere. So, while your presentation was good
428 you kind of lost me there. And then when you talk about the size of the house, it begs the
429 question. I'm going to ask staff, houses 2,200 square feet, have we approved extensions
430 of day homes about that size, so that's not anything out of the ordinary? But I guess that
431 what we're hearing is that we do have the ability to grant that we definitely listen to the
432 HOA, but we do grant that, but I just don't want to assume that just because you're going
433 to see more kids because if he's got five, you have the same number, you could have
434 trash and rats and whatever that you have with twelve or your neighbor couldn't have the
435 same thing. So it sounds like you all monitor and control that. Other thing, thank you for
436 clarification on the homeowners association and HOA. I was unfortunate that when I
437 moved into my house twenty-seven years ago, for some reason I didn't get the HOA rules.
438 So I didn't have the three days to review it. They later found that it came after the fact, so
439 I didn't realize all of the restrictions that I had to follow, but not before I moved into the
440 house and I don't know where that error occurred, but it was, it was corrected. So thank
441 you for that. That was a question that I had and that was it.

442
443 Mr. Lawrence- Anyone else from the board have questions for Ms. Jackson? Thank
444 you, Ms. Jackson. Hearing none, Mr. Crockett, would you like to respond? Briefly, please.
445 Mr. Crockett, could you please address the Board.

446
447 Mr. Crockett- You said the staff could ask questions I didn't know if I could, but I
448 do have a question for Ms. Jackson that is at the end of her presentation, she said as
449 long as the applicant applies with state and county regulations, the HOA would be willing
450 to agree. And so I just want to clarify if that's the case, there's no real, you know, we're
451 not on opposite sides here cause my client truly would do that. And I would be glad for
452 her to speak on that issue. I mean, they're complying at a smaller space. They're visited
453 by the state to make sure that they are complying. The staff found that they were always
454 they've been in compliance. And so, I mean, I think we're in agreement. I don't want to
455 waste time I mean, did y'all hear the same thing?

456
457 Mr. Green- Mr. Crockett what I heard, what I understood, is that as long as they
458 comply up until the limit that is currently in place.

459
460 Mr. Blankinship- The number five.

461
462 Mr. Green- You're a lawyer, so you're trying to confuse us. Going beyond that
463 she said that they vote, they do this, that, and the other, so if they're going to approve
464 going beyond that, I would think they would need to go back to the board and vote that
465 they would grant that exception. That's not what I heard. But we're done.

466
467 Mr. Lawrence- Thank you, Mr. Crockett.

468
469 Mr. Crockett- Wait, I was going to respond. I haven't responded yet.

470
471 Mr. Lawrence- Please be brief, go ahead.

472
473 Mr. Crockett- I understand the need to be brief. But also have an obligation to my
474 client. This is costing not only their time, their resources, it is a big upset to their lives.

475
476 Mr. Lawrence- Understood sir, it's costing our time too.

477
478 Mr. Crockett- And I'm trying to let the appeals board know, so we will not waste
479 more time by appealing to the circuit court, what the standard is and the way the court
480 would view this, and that is we have presented evidence that it would be unreasonable to
481 deny the application. And the board, in order to deny the application, still has to fit within
482 those four criteria that's in the zoning ordinance. And the first one has to do with the
483 comprehensive plan. I don't think we're, you know, that's an issue. Second one with the
484 zoning or articles three, four, and five, I don't think that's the issue. The third one is
485 compatibility. And the fourth one is the adverse impact on public health, safety and
486 welfare. So, compatibility, you know.

487
488 Mr. Green- Mr. Crockett, I'm sorry, but you're restating the arguments that you
489 did earlier. You could have had the time to do this. Would you please...

490
491 Mr. Crockett- This is in response to, I mean if this is evidence of reasonableness,
492 which I think you pointed out, it is unreasonable to talk about rodents and such.

493
494 Mr. Lawrence- I don't think we need to rehash all that, Mr. Crockett. I think if you
495 have any new information you wish to address, then we'll hear that, but other than that, I
496 think we are ready to move on.

497
498 Mr. Crockett- Well, I would just reiterate that we're just dealing with an HOA
499 provision that does not apply. The HOA board can't speak to it because they don't have
500 a declaration or bylaw rule that applies in this case. What they have does not comply with
501 the Virginia Code. They cannot come in and say, we oppose it. They just can't do that.
502 They have to have what's required by the Virginia Code. This body cannot overrule the
503 Virginia Code. The HOA cannot overrule the Virginia Code.

504
505 Mr. Lawrence- This body does have the obligation and the authority to provide
506 conditions and under state law is aside from the HOA. Ms. Harvey can operate a home

507 for up to five children without the permission of this board. This board's responsibility is
508 to determine whether or not to allow additional children. And I'm not going to get into the
509 debate. We're not going to get into the debate about whether the HOA is in compliance
510 with state law or not. That's not our position or our authority to make that determination.
511

512 Mr. Crockett- I would be willing to bet that there are no small family daycare homes
513 in Clarendon Farms, because if they did, what Ms. Jackson said they were supposed to
514 do, they would have seen that all businesses were prohibited.
515

516 Mr. Massie- I have a motion.
517

518 Mr. Lawrence- Thank you, Mr. Crockett. We're through, appreciate it. Do we have a
519 motion?
520

521 Mr. Massie- I have a motion. I move that we deny the conditional use permit. The
522 HOA has expressed opposition because they feel it would be detrimental to the
523 neighborhood.
524

525 Mr. Lawrence- We have a motion from Mr. Massie, do we have a second?
526

527 Mr. Green- Second, with a comment. Second it and see this is why it's important
528 for applicants to be here themselves to state their case. You know, if this is so important
529 to the applicant, then the applicant, not necessarily the attorney needs to be here to
530 appeal the case to us. She has every right to take it forward to the circuit court, but I live
531 in an association with an HOA. I follow the rules in my association, I painted my mailbox
532 posts one color and the next day they told me I had to paint it back. The color that they
533 deemed. If I didn't like it, I just would need to move, so I second.
534

535 Mr. Lawrence- We have a second from Mr. Green. Any discussion? All in favor of
536 the motion say "Aye."
537

538 Board- Aye.
539

540 Mr. Lawrence- All opposed No. The motion carries, five Ayes, no Noes.
541

542 On a motion by Mr. Massie, seconded by Mr. Green, the Board **denied case CUP-2024-**
543 **101127.**
544

545
546 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
547 **Negative: 0**
548 **Absent: 0**
549
550

551 **CUP-2025-101576 Rachel Morris: conditional use permit to keep 10 dogs at 2807**
552 **Bethlehem Road, West Broad Street Village, Brookland. Parcel 766-748-7835.**
553 **Zoning: R-4, One-Family Residence District. Code Section: 24-4420.C.3.**
554

555 Mr. Blankinship- Our second case was also deferred from last month and that is CUP-
556 2025-101576 Rachel Morris: a conditional use permit to keep more than four dogs at 2807
557 Bethlehem Road, West Broad Street Village, in the Brookland Magisterial District. I'll call
558 your attention again to the information regarding this case that was left at on the table for
559 you. Would everyone who intends to speak to this case, please stand up and be sworn
560 it? Raise your right hands, please. Do you swear the testimony you're about to give is the
561 truth, the whole truth and nothing but the truth, so help you God? Thank you, Ms. Rozmus.
562

563 Ms. Rozmus- Thank you Mr. Secretary. The subject property is located in the West
564 Broad Street Village Subdivision, 190 feet from the intersection of Bethlehem Road and
565 West Broad Street. The area is zoned R-4, One-Family Residence District, and is
566 characterized by single-family homes on lots ranging from 8,000 square feet to one acre.
567 The subject lot is fifty feet wide by one hundred fifty feet deep, and the rear yard is
568 enclosed with a privacy fence. The applicant is seeking a conditional use permit to keep
569 six dogs on their property at 2807 Bethlehem Road. This is amended from last month
570 when the number was ten. They've reduced it to six. The dogs are personal pets of the
571 applicant and cannot be used for breeding. The whole block, from West Broad Street to
572 Fountain Avenue, is designated CA, Commercial Arterial on the 2026 Future Land Use
573 Map. While most of the block is developed with commercial uses, including the Super 8
574 Motel to the west, the subject property is one of three dwellings built in 2024. While the
575 use of the property for a dwelling is not consistent with the comprehensive plan, this
576 request would not affect its consistency. A single-family use is a principal use permitted
577 by right. It allows up to four dogs, cats, or similar animals as an accessory use to a single-
578 family dwelling. Keeping more than four pets is allowed only if a conditional use permit is
579 approved by the Board of Zoning Appeals. These animals must be the occupant's pets;
580 boarding or breeding animals is considered commercial use and is not permitted as an
581 accessory use to a dwelling. Since applying for this conditional use permit, the applicant
582 has decided to reduce the number of dogs living on her property. As of today the applicant
583 has four of her own dogs and two dogs belonging to her adult children that will not be
584 permanent residents.
585

586 Staff evaluated this application and found that keeping six dogs is not significantly over
587 the limit of four pets, but is over the limit of four pets allowed by the zoning ordinance.
588 The applicant's yard is enclosed with a wooden privacy fence, however, the nearest
589 residents on either side of the property are fourteen feet away from the rear yard. The lot
590 measure measures 0.16 of an acre in size, which does not leave ample space for six
591 dogs. The size of the subject property's lot and the close proximity of the neighbors could
592 cause a detrimental impact to the surrounding properties. Staff received three comments
593 from an immediate neighbor, in opposition of this request and seven comments in
594 support. However, only one of the support comments is from an adjacent neighbor. Staff
595 is concerned that such a large number of dogs would not be appropriate on a modest-

596 sized lot. Due to the potential detrimental impact on the neighbors staff recommends
597 denial of this conditional use permit. And I can answer any questions.

598
599 Mr. Lawrence- Thank you, Ms. Rozmus. Does anyone from the Board have any
600 questions?

601
602 Mr. Green- What kind of dogs?

603
604 Ms. Rozmus- They are doodle mixes ranging from small to medium.

605
606 Mr. Blankinship- The photographs that were left on the table show.

607
608 Ms. Rozmus- There are some pictures of them.

609
610 Mr. Green- Oh okay, So what's the size?

611
612 Ms. Rozmus- I believe the applicant can verify this, but I want to say that we talked
613 about like the maximum was forty-five pounds, seeing the pictures, that's also my guess,
614 but she can verify that information.

615
616 Mr. Lawrence- Any other questions from the Board? I'll ask one question before we
617 hear from the applicant. Ms. Rozmus, in reading the staff report, at least initially, I
618 understood that staff was called out for the property, I guess, as a result of some concerns
619 expressed by an adjoining property owner, and when staff inspected the property it was
620 determined that there was an odor coming from the property and also, noise, is that
621 correct?

622
623 Ms. Rozmus- Yeah, that's correct. I think that by having a large number of dogs,
624 keeping up with the, you know, the waste is a challenge. Ms. Morris does have a waste
625 disposal company that she uses, but you know, I think that only picks up solid waste. So,
626 there's always the potential of conflict with, you know, other types of odors.

627
628 Mr. Lawrence- And having viewed the property, previously, it appears there are
629 three new homes that have been constructed, and I think I understand they've been
630 constructed in the last year or two.

631
632 Ms. Rozmus- Yes.

633
634 Mr. Lawrence- The first home in the neighborhood actually adjoins the hotel parking
635 lot.

636
637 Ms. Rozmus- Yes.

638
639 Mr. Lawrence- But the subject property is actually in between two residential
640 properties, is that correct?

641

642 Ms. Rozmus- It is, yes, it's right in the middle, it's this outlined in red.
643
644 Mr. Blankinship- And this photograph is a little over a year old, well almost two years
645 now, so there is another house beside the subject house.
646
647 Mr. Lawrence- I noticed that one in driving by there and there are also other
648 residential dwellings across the street as well, is that correct?
649
650 Ms. Rozmus- Yes sir. There are residences across the street and some in the rear.
651 I'm sorry, not in the rear, in the rear right.
652
653 Mr. Lawrence- And the concerns that we've received have come from one of the
654 adjoining property owners.
655
656 Ms. Rozmus- Yes, an immediately adjoining property owner.
657
658 Mr. Lawrence- Have we heard from the other immediately adjoining property
659 owner?
660
661 Ms. Rozmus- We have not.
662
663 Mr. Lawrence- Do we know if anyone's living in that house yet, because it looks like
664 it's brand new?
665
666 Ms. Rozmus- There is someone living there.
667
668 Mr. Lawrence- And is it the subject property owner? She owns the home, is that
669 correct?
670
671 Ms. Rozmus- Yes.
672
673 Mr. Lawrence- That's all I have for staff. Does anyone else on the Board wish to
674 address staff before hearing from the applicant? Okay, hearing none, I will ask the
675 applicant to come forward at this time.
676
677 Ms. Morris- Good morning, my name is Rachel Morris, M O R R I S. Thank you
678 for letting me speak today, members of the board. I'm requesting approval to keep six
679 dogs on my property, which measures 0.16 acres. I understand the intent of pet limits is
680 to prevent overcrowding, noise and sanitation issues, and I fully support these goals.
681 However, I believe my situation demonstrates that responsible ownership, not just lot size,
682 should determine what's appropriate.
683
684 First, I want to clarify that my dogs are not all large animals. I have three small dogs, each
685 under twenty pounds and three medium sized dogs. Around forty pounds. In total, their
686 combined size and impact are comparable to what two large dogs would create,
687 something already common and accepted in our neighborhood. The immediate next door

688 neighbor, the one that has sent in complaints, has two significantly larger dogs of about
689 eighty pounds on a much smaller lot than my lot, and overall footprint in terms of space
690 and activity is actually less on my lot and more sanitary in comparison.
691

692 Second, I go above and beyond in caring for my pets and maintaining my property. I hire
693 a professional service, Scoop Hero, twice a week to clean, sanitize, and deodorize my
694 yard. All six dogs are currently on vaccinations, regularly groomed and well trained. I
695 spend about forty-five minutes each day on structured training and exercise. I use training
696 collars to minimize barking. I have also worked to make sure my dogs do not disturb
697 anyone or create a nuisance. You will also note, I know you referenced the immediate
698 neighbors on the other side. I've spoken to them. They actually play and speak to my
699 dogs. They have no issues with my house or my dogs. We get along quite well. I was also
700 present for that conversation. As well as the gentleman and family across the street. You
701 will also see a note from my employer that I am on conference calls with clients and
702 colleagues all hours most of the day. I work in tech. Tech has to work all 24/7. And I work
703 from home. My dogs do not bark or disturb them at all. You will see that in my file there
704 were many neighbors from my old neighborhood, which was a condo community where
705 most of these dogs resided. They were well behaved, did not bark, and were well loved
706 by the community. You will also see notes from other people who've been to my home
707 and have mentioned how clean and nice my yard was, along with the current neighbor in
708 the neighborhood. Please see the pictures in my file along with receipts from Scoop Hero.
709 There are no odors in my yard. And it's quite possible that the odor is coming from the
710 neighbors next door or a draft coming from other neighbors who owns dogs as well.
711

712 Third, this is also a temporary and family-based situation. Two of the dogs belong to my
713 adult children. My daughter recently moved in while attending paramedic school, and my
714 son, who is in the US Air Force, has left his dog temporarily with me while he is waiting
715 for military housing. Once his housing is ready, he will relocate his dog. This is not a
716 permanent request for six dogs. It's simply a temporary accommodation for my family's
717 current circumstances while supporting two young adults, one of whom has chosen to
718 serve our community and country.
719

720 Fourth, all my dogs are doodles. They are well socialized with other animals and people,
721 especially children and the elderly. Five of these dogs are certified emotional support
722 animals and will be trained to be therapy dogs to volunteer in hospitals, convalescent
723 homes, and police stations for victims. They have been instrumental in supporting me
724 with my health issues. I'd like to share that with others.
725

726 Fifth, I'd like to address the complaints from this neighbor as there are, it sounds like three
727 listed in the packet from the same household. Since they have moved in, this neighbor
728 has yelled, used vulgar language, and attacked my family constantly about many things.
729 For instance, how we have landscaped our backyard, along with many other things that
730 should not be a nuisance to them. We ignored it and did not speak until one day on
731 September 21st when I asked them nicely to please stop and to leave us alone. We were
732 not doing anything wrong, nor violating any laws. This escalated to where my family was
733 threatened with violence, including taking all our dogs away. We had to call the police

734 and since then get a protective order, along with pressing criminal charges. That
735 statement, the statement that my dogs on a small lot will exacerbate the situation is
736 subjective and incorrect. What has exacerbated this situation is their actions and their
737 actions alone. It's not fair to put that responsibility on my dogs or my family as we are the
738 victims in this situation. Also, I'd like to note that they have received a noise violation for
739 their two dogs incessantly barking. They've called animal control twice. On my household
740 there were no violations found, only noted how clean my house was by the animal control
741 officers, how clean my lawn was, along with how quiet my dogs were until the animal
742 control officers approached the dogs, to which they barked as that is a normal occurrence.
743 I really had hoped that I didn't need to bring any of this up today, but I feel like because
744 of their complaints and the things that they've been saying, I've been left with no choice.
745 I certainly hope you guys can take the facts into consideration and understand that I can
746 only be accountable for my actions, my pets, not theirs. Finally, the intent of the zoning
747 rule is to ensure responsible pet management, not to impose arbitrary limits when there's
748 no negative impact. My home and yard are clean, quiet, and well kept. My neighbors have
749 not been disturbed, and the property remains in full compliance with health and sanitation
750 standards. In short, the number of dogs isn't the problem. How they're cared for is. I've
751 demonstrated responsible ownership, proactive sanitation, and ongoing training. I
752 respectfully ask the board to consider granting an exception or a variance based on these
753 facts, allowing my family to remain together and our dogs to stay in a safe, well managed
754 environment. Thank you.

755
756 Mr. Lawrence- Thank you, Ms. Morris. Any questions from the board for Ms. Morris?
757

758 Mr. Green- Ms. Morris, I appreciate you answering the question I had that four
759 of the dogs are yours, one dog is your daughters, the other dog is your sons, so that
760 explains that and I have a daughter who's going to be having some surgery coming home
761 to stay with us while she recuperates. So, she has a dog, so we're going to have two
762 dogs, not six, but I certainly understand that, and I can see a real hardship with her trying
763 to get rid of the dog. The other question I have is it appeared to me, based on what I saw,
764 the yard is pretty well maintained. Your dogs are, I guess, house dogs? Yeah. How often
765 do you let them out? And then another thing, reason I'm saying this is because your dog's
766 out, your neighbor's dog's out, it's going to be barking. I mean, that happens with my dog,
767 you know, so that's just life, but could you explain to me the living situation of the dogs?
768

769 Ms. Morris- They go first, they have actually a very strict schedule, so they go out
770 first thing in the morning. They go out of at lunchtime, and then they go out in the evening
771 right after work. That is typically how it is. Now in the evening, after I have more time to
772 sit outside and work with them or focus, they're out a little bit longer. In the morning,
773 they're usually not wanting to stay outside very long. They go out, they do their business,
774 they come, they let me know they're ready, they want their food. So, they come in, they
775 eat, they chill and they relax. Noon, they go out, they get a little bit of exercise, you know,
776 they will urinate at that time, they don't really do much more than that. And then again,
777 they know the routine is we're out for a few minutes, they come back in. But in the evening,
778 I do let them exercise and run. Because they are dogs and because of the breeds they're

779 mixed with, they have high energy, and they need to be able to do that otherwise they go
780 a little crate crazy. They get a little stir crazy in the house.

781
782 Mr. Green- And another quick question. Your daughter brought her dog and your
783 son bought his dog in... how is acclimation going with your four dogs?
784

785 Ms. Morris- Very well. Like I said, my dogs had been very, because of the condo
786 community that we lived in prior to this, it was a heavy dog community. We had a central
787 park where we would go and put all our dogs out in the middle of this park, and they would
788 just run and play together, and so my dogs have literally been socialized with many dogs,
789 many people, children, as I said children, elderly, everyone, so they adapted quite well to
790 them.

791
792 Ms. Chloe Morris- I have a yorkie.

793
794 Mr. Lawrence- Excuse me, ma'am, can you identify yourself?
795

796 Ms. Morris- Yeah, my name is Chloe Morris M O R R I S. I'm Rachel Morris's daughter
797 that lives there right now. I have a twelve-pound yorkipoo. His name is Salem, and when
798 we moved in, he very much, her dogs are big. He decided that he was going to run the
799 show. He is the pack leader and all that. So, there was no issue with acclimating with my
800 dog. And he's the smallest out of all of them. There were no issues at all.

801
802 Ms. Rachel Morris- And as for my son's dog, he is actually the brother of one of my dogs,
803 full brother, and then half-brother to two of my other dogs. So, I literally have a family of
804 sibling dogs.

805
806 Mr. Lawrence- Do we have other questions from other board members?
807

808 Mr. Broadway- I have a question. Ms. Morris, I think in your original application it
809 was to keep ten dogs, is that correct?
810

811 Ms. Morris- Yes.
812

813 Mr. Broadway- You rehomed four of them?
814

815 Ms. Morris- Correct.
816

817 Mr. Broadway- How long ago was that?
818

819 Ms. Morris- It was about a month ago. It was a week before our last hearing. It
820 was fairly recent after we received the letter that the Planning Department that was
821 recommending a denial. We went ahead and took into consideration lot size, just other
822 things that were going on with our neighbors as well. Safety aspects, so we decided to
823 re-home four of our dogs. And to be fair, I'm going to be honest. I'm a sucker. I'm not
824 going to lie. These dogs did not have a home. I gave them a home temporarily and then

825 I found them really great homes for them to live. And now they're off living great lives.
826 They get to come back, and they'll visit me if they can or people are constantly sending
827 me pictures and videos, so I still get to be a part of their lives, and all I ask is for people
828 to use them for good and that's it.

829
830 Mr. Broadway- Okay, I just wondered if your rehoming four of them might have
831 alleviated some of the objections of some of the neighbors.

832
833 Ms. Morris- There's only one neighbor that has an objection, and to be fair that
834 neighbor has an objection about many things about me and my family, and I honestly
835 really don't know what to do other than the actions that I've already taken.

836
837 Mr. Broadway- Okay, this neighbor is the subject of the protective order?

838
839 Ms. Morris- Correct. And I have pressed criminal charges against him as well.

840
841 Mr. Broadway- I'm sorry.

842
843 Ms. Morris- I have pressed criminal charges against him as well.

844
845 Mr. Broadway- But it says he was summoned for a hearing on October the tenth.
846 What happened then?

847
848 Ms. Morris- That was our protective or permanent protective order hearing. It
849 ended up getting deferred because he had pending criminal charges to December 9th, I
850 believe. Along with his criminal charges.

851
852 Mr. Broadway- He had other criminal charges?

853
854 Ms. Morris- He had the criminal charges we pressed against him, so they wanted
855 to wait to see how that played out and what the verdict was on that. And then proceed
856 with the protective order.

857
858 Mr. Broadway- I see, thanks.

859
860 Ms. Morris- And we actually, I believe in the packet, our neighbor from across the
861 street wrote a letter in reference that he was in support of our conditional use permit. He
862 has no issues with this. A lot of the neighbors honestly are really wonderful in the
863 neighborhood, and we don't have any issues with them.

864
865 Mr. Broadway- What would you estimate is the amount of time before the other two
866 dogs will be leaving with your son and daughter?

867
868 Ms. Morris- So, hopefully within six months, the challenge right now is as you
869 guys are aware, there's a government shutdown. So, while my son has to continue
870 working, he's not being paid, so it's going to take a little bit of time. He has to get a

871 paycheck to be able to secure housing. While he gets an allowance or an allotment of
872 some sort for it, it's not enough fully to secure that housing. So hopefully in the next six
873 months he'll get housing and he'll take the one dog. Her paramedic school is a two-year
874 program, but because she is a wonderful twenty-two year young woman. She doesn't
875 necessarily want to live with her mother forever, so her goal is a year, but we also want
876 to make sure that she successfully fulfills the program so that she can become a
877 paramedic and to serve. So, two years maximum for her and six months for the other dog.

878
879 Mr. Broadway- Okay, thank you.

880
881 Mr. Green- Ms. Morris, I'm typically one who likes to stick to the rules related to
882 dogs, but on this I clearly see the exception from a standpoint that you've already re-
883 homed four dogs, so you have made a sacrifice. We all could be faced with a son or
884 daughter, a kid coming home with, with either animals and or children, and that's just life.
885 And to expediate her, I'm with the Richmond Ambulance Authority, so if you're looking for
886 a job, you can come over there and apply with us.

887
888 Ms. Morris- I work with The DRT, so yeah.

889
890 Ms. Morris- And it's her birthday today.

891
892 Mr. Green- Happy birthday. But I think for me, you know, you're abiding by the
893 four, but the exception with the two, I understand that, and so.

894
895 Ms. Rozmus- I would just like to note that if you approve six dogs, she can get two
896 more. That conditional use permit would approve up to six dogs.

897
898 Mr. Blankinship- We could craft the conditions.

899
900 Ms. Rozmus- We could adjust the conditions to pertain to just the temporary dogs,
901 but as it's written now, it's written for the six existing dogs. Just wanted to clarify that.

902
903 Mr. Green- The assumption I made was she probably was aware of that or she
904 would have regifted two as opposed to four, so she's bringing it under six I didn't hear.

905
906 Ms. Rozmus- Four is allowed by right.

907
908 Mr. Green- Yeah, I know. But she still could bring two back.

909
910 Ms. Rozmus- She could if the conditions are written that way.

911
912 Mr. Green- I'm not hearing it that way. You know, they made the sacrifice to give
913 four away, the son's situation, the daughter's situation. So, it's just the society that we live
914 in. We've got our kids coming home. For all various factors and dogs and cats and pot
915 belly pigs and whatever.

916

917 Mr. Blankinship- As long as we have clear guidance from the board, we can draft the
918 condition to enforce whatever the board decides. I think we're just pressing for clarity.

919
920 Ms. Rozmus- Yes, please.

921
922 Mr. Lawrence- Any other questions from the board of Ms. Morris? I have a couple if
923 no one else does. Ms. Morris, how many dogs did you have in your previous home? You
924 said you lived in a condo or a townhouse before you moved here?

925
926 Ms. Morris- I had received my son's right before I moved, but I had the four and
927 then I had five right before I moved. But I was moving in that time and I knew that she
928 was going to end up moving in with me. I wanted to submit one permit, one time and
929 make that request.

930
931 Mr. Lawrence- Were you aware when you moved into your house there was a limit
932 on how many animals you can have per dwelling unit?

933
934 Ms. Morris- I was aware, that's why I submitted the conditional use permit as
935 soon as I moved in.

936
937 Mr. Lawrence- So the permit was submitted upon moving in and not in response to
938 the complaints from your neighbor?

939
940 Ms. Morris- No, the neighbor actually did not move in until July, mid-July.

941
942 Ms. Chloe Morris- We were the first out of the three houses to move in.

943
944 Ms. Rachel Morris- Right, correct.

945
946 Mr. Lawrence- So when you moved in you had ten dogs?

947
948 Ms. Morris- No, I did not. No, I did not. I had five when I moved in plus hers when
949 she moved in. So we had six. Again, I gained those extra dogs because I didn't want them
950 to be without a home and since found them ...

951
952 Mr. Lawrence- But you requested ten initially.

953
954 Ms. Morris- Correct.

955
956 Mr. Lawrence- I'm a little confused on the numbers, I guess.

957
958 Ms. Morris- So I moved in on six-four I think it was. It was early June and I started
959 acquiring additional dogs. I knew that I was going to foster more dogs, so I submitted it.
960 But all of those dogs have found new homes.

961
962 Mr. Lawrence- Do you have any cats?

963
964 Ms. Morris- We do have cats, yes.
965
966 Mr. Lawrence- Now, my understanding is the county ordinance has a limit on four
967 and that includes cats as well, is that correct?
968
969 Mr. Blankinship- That is correct, this is the first I've heard of cats.
970
971 Ms. Rozmus- Same.
972
973 Ms. Morris- Okay, I was not aware cats were included in that.
974
975 Mr. Green- How many cats do you have?
976
977 Ms. Morris- We have four cats in total. She has three and I have one.
978
979 Ms. Chloe Morris- We were told by animal control that cats are a separate matter, that
980 they aren't included with the dogs.
981
982 Ms. Rozmus- Four animals total in the zoning code.
983
984 Mr. Green- Okay, now okay.
985
986 Ms. Rachel Morris- So when she moved in, she brought her three cats and I had one.
987
988 Mr. Green- Alright, so how many animals are in the house now? As of today,
989 how many animals are in the house?
990
991 Mr. Blankinship- Do the cats ever go outdoors?
992
993 Ms. Morris- No, they are strictly indoors. and I have automatic litter pans that
994 keep it clean as well as in the house, I have automatic robots that clean the floors and
995 the dust and we have air purifiers as well.
996
997 Mr. Green- So, I guess when your daughter moves, the three cats go with her.
998 Three cats and a dog go with her.
999
1000 Ms. Morris- Correct.
1001
1002 Ms. Rozmus- Still at six, seven with a cat.
1003
1004 Mr. Lawrence- This is kind of complicated. I'm very sympathetic to your situation,
1005 Ms. Morris. I really am, and we have animals and right now we have one that's shown up
1006 that we just had surgery for that's supposed to belong to my mother-in-law. I think it may
1007 end up at our house permanently, and I really applaud what you're doing, but you know,
1008 the property is pretty small, it's a pretty small yard and ten animals is a lot.

1009
1010 Ms. Morris- But the cats don't go out in the yard.
1011
1012 Mr. Lawrence- I understand that.
1013
1014 Mr. Blankinship- That does make a difference. under the zoning ordinance and I
1015 apologize, my computer is not normal today, so I'm skimming through the zoning
1016 ordinance right now. But for context, the old ordinance provided "any animals at your
1017 home," and we were actually asked in court, I think it was at the Virginia Supreme Court
1018 if that meant that five goldfish in a bowl or five hamsters in a terrarium would require a
1019 conditional use permit? At that time the county attorney had to answer yes, that would
1020 be a kennel. In response to that, as part of our code update in 2021, we revised the pet
1021 standards significantly. And as soon as I can get to it, I will, thank you. Yeah, the phrase
1022 leading into the limit of four is "the keeping of dogs, cats pigeons, and similar animals as
1023 pets outside of a dwelling must comply with the following requirements." The section title
1024 is "Accessory Keeping of Animals Outside of a Dwelling (as accessory to a dwelling)."
1025 And then the lead in sentence, "The keeping of animals outside a dwelling as accessory
1026 to a dwelling is permitted only in accordance with the standards." So, our intent was to
1027 make it clear that goldfish and hamsters did not count against your limit of four, because
1028 they never go outside. If the cats never go outside, they never generate complaints from
1029 neighbors is the theory. So, there's just got to be a very clear understanding, based on
1030 your testimony under oath this morning, that it's not that the cats hardly ever go outside,
1031 it's that the cats never go outside, any more than a goldfish would go outside. If that's the
1032 case, then I think you can ignore the number of cats.
1033
1034 Ms. Morris- So I'm actually paranoid of my cat running away or my cats running
1035 away. He's gone out once on the porch. And since then, you know, I'm like inside, you
1036 know, there's, you know, there's critters and stuff like that. Like, let's stay inside. So, I'm
1037 really strict about keeping them indoors only.
1038
1039 Mr. Blankinship- You need to explain to your cat that that would be a zoning violation.
1040
1041 Ms. Rozmus- Notice of violation to the cat.
1042
1043 Ms. Morris- But yes, no, we don't. The thing is and my friend Tyra will tell you
1044 right now, she lost her cat outside for a couple of weeks. Unfortunately, because she took
1045 it out. We don't want to lose our animals, we love our animals and cats can climb a fence
1046 so quickly and disappear. I want to keep them safe inside, one hundred percent. The
1047 dogs are a little more controllable. Cats do what they want.
1048
1049 Mr. Blankinship- My suggestion, Mr. Chair, is we set aside the question of cats to the
1050 testimony that they never go outside.
1051
1052 Mr. Lawrence- I'm afraid I wittingly opened a can of worms, because actually we
1053 also have an adopted cat and we now have this, you know, dog temporarily or long term,
1054 I'm not sure which, and I was going to ask if you could give us some guidance on how we

1055 could get the dog to stop barking at the cat. By asking that question, I apparently got
1056 some information.

1057

1058 Ms. Morris- But I can. Okay, so I'm going to tell you something.

1059

1060 Mr. Blankinship- Let's go ahead and remain on this subject. We have eight more
1061 cases after you.

1062

1063 Mr. Lawrence- Are there any more questions from the board to the applicant at this
1064 time?

1065

1066 Mr. Green- I guess we need to get those clarifications. Because I always thought
1067 it was animals period. First time I've been on this board recognizing that.

1068

1069 Mr. Blankinship- It is any animals that spend any part of their day outside. So, if you
1070 have goldfish, they do not count. If you have birds that you never allow outside, if you
1071 have hamsters in a terrarium they don't count. But if you have cats and dogs that are
1072 inside ninety-nine percent of the time, but they're outside one percent of the time, they
1073 count.

1074

1075 Mr. Green- If I had ten goldfish and decided to take them and sit on my deck....

1076

1077 Mr. Blankinship- If you take the goldfish for a walk; starting to sound like a Dr. Seuss
1078 book.

1079

1080 Mr. Lawrence- If there are no more questions from the board, I think it's time for us
1081 to hear from the audience or the public. Is there anyone in the audience or on Webex that
1082 wishes to speak in support of this case? We have received some letters. Anyone that
1083 wishes to speak?

1084

1085 Mr. Blankinship- There's no one on Webex for this case.

1086

1087 Mr. Lawrence- Okay, is there anyone here in the audience or on Webex that would
1088 like to speak, express concerns or opposition to this request? No. Are there any other
1089 questions from the board? Let me tell you my thoughts on this. You know, initially when I
1090 saw the size of the house and the initial request was for ten dogs, I felt that was excessive
1091 and I was concerned about the complaints that came from the adjoining property. We
1092 have received some more information, you know, over time. My thought was that we
1093 needed to get down to four dogs in a reasonable period of time and my inclination was to
1094 go ahead and put a condition on the case that would give you a year to bring the six dogs
1095 down to four. What I'm hearing this morning is that one of the dogs is probably going to
1096 be rehomed in six months. The other we are probably looking at a maximum of a year or
1097 two. If we approve the case as presented today, can you tell us this morning that within
1098 the next two years you'll be back to the four that the ordinance allows?

1099

1100 Mr. Blankinship- I'm sorry, if we are going to have you on the record we need to have
1101 you at the microphone.
1102

1103 Ms. Morris- Yes sir, that is the plan.
1104

1105 Mr. Lawrence- Okay, anyone else on the board have any questions? Thoughts or
1106 concerns?
1107

1108 Mr. Green- Yeah. You know, while that is the plan, things change. We don't know
1109 what's going to happen. No offense, but somebody could get sick and prolong it. You
1110 know, we don't know what's going to happen with your son, you know, in the military...
1111

1112 Mr. Blankinship- We can have another hearing
1113

1114 Mr. Green- He could be deployed or anything could happen. So, while the
1115 intention is there, you know, I think you made the sacrifice by getting rid of or rehoming
1116 four of them already and now that we realized that the cat's not a problem, you know, with
1117 children, you just never know. That's all I'm saying.
1118

1119 Mr. Lawrence- Mr. Green, are you saying you'd be more comfortable having a
1120 provision with a time limit or are you not saying that...
1121

1122 Mr. Green- I think that we have to trust people. I think that she's down to four,
1123 you know, the daughter is going through paramedic school, the son is deployed, we know
1124 the federal government has shut down, we don't know. And I think that everybody means
1125 well and I, sometimes we just got to trust.
1126

1127 Mr. Blankinship- Do we want to keep the standard condition that no new or
1128 replacement animals may be added?
1129

1130 Mr. Lawrence- Yes. And Ms. Morris, I may need to consult with you not only about
1131 the cat, but I'm hoping we can work out keeping the dachshund, but if not, I know I can't
1132 give her to you, but maybe you could find another home.
1133

1134 Mr. Green- And when he consults, I want to be in on that because she's two...
1135

1136 Mr. Lawrence- Part yorkie, she's very stubborn, but I don't think she's leaving the
1137 family, we're going to find one of our family members, probably us are going to keep her.
1138

1139 Ms. Morris- I do all of the training. I can teach you all the commands. In fact, my
1140 dogs now, the older one and some of the ones that are getting older, I use hand signals
1141 now. Instead of saying quiet, I do this or sit is this, so I got you.
1142

1143 Mr. Lawrence- I'll get your contact information. Hearing no other questions from the
1144 board, I'm ready to make a motion on this case. I move that we approve the conditional
1145 use permit subject to conditions recommended by the staff. It is consistent with the

1146 comprehensive plan, the zoning ordinance and the rear yard is enclosed by a privacy
1147 fence. Several of the applicants' friends have expressed support.

1148
1149 Mr. Green- Second.

1150
1151 Mr. Lawrence- We have a motion from the chair, Mr. Lawrence.

1152
1153 Mr. Blankinship- Just for clarity, Mr. Lawrence, before the vote, the limit of no new or
1154 replacement animals is staying in, but there is no additional time limit?

1155
1156 Mr. Lawrence- Okay.

1157
1158 Mr. Blankinship- Is that correct?

1159
1160 Ms. Rozmus- Is there still a reduction to four or is six reduction to four? But no time
1161 limit.

1162
1163 Mr. Blankinship- Yes.

1164
1165 Mr. Lawrence- Thank you, Mr. Blankinship, for clarifying that. So, we have a motion
1166 from the chairman, Mr. Lawrence. We have a second by Mr. Green. Any other discussion?
1167 All in favor say "Aye."

1168
1169 Board- Aye.

1170
1171 Mr. Lawrence- Anyone opposed say no. No one's opposed, so the motion carries
1172 unanimously.

1173
1174 Mr. Blankinship- All right.

1175
1176 Ms. Morris- Thank you.

1177
1178 Mr. Lawrence- Thank you, Ms. Morris.

1179
1180 On a motion by Mr. Lawrence, seconded by Mr. Green, the Board **approved case CUP-**
1181 **2025-101576** subject to the following conditions:

1182
1183 1. This approval is only for the six dogs owned by the property owner's family. All other
1184 applicable regulations of the County Code remain in force. The approval is not for the
1185 boarding, breeding, or fostering of dogs at any time.

1186
1187 2. The applicant must maintain the property so that noise and odors are controlled.

1188
1189 3. No new or replacement animals may be added. When the applicant's adult children
1190 remove their dogs from the property, reducing the number of dogs to four, this conditional
1191 use permit will expire.

1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237

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

CUP-2025-102116 Jlea Garcia: conditional use permit to provide care for up to 12 children in the home at 6400 Oakland Chase Place, Oakland Chase, Varina. Parcel 806-704-0549. Zoning: R-3C, One-Family Residence District (Conditional). Code Section: 24-4205.

Mr. Blankinship- The next case is CUP-2025-102116 Jlea Garcia: conditional use permit to provide care for up to twelve children in the home at 6400 Oakland Chase Place, in the Oakland Chase subdivision, in the Varina Magisterial District. The applicant is with us on Webex. If there is anyone in the room who intends to speak to this case please stand and be sworn in. Alright hearing none, Ms. Rozmus.

Ms. Rozmus- Thank you, Mr. Secretary. The subject property is located at 6400 Oakland Chase Place in the Varina Magisterial District. The residence is situated on a 0.39-acre lot in the Oakland Chase subdivision, one half mile southwest from Darbytown Road. The property and the surrounding area is zoned R-3C One-Family Residence District and is characterized by single-family homes on lots ranging from 11,000 square feet to one acre. The applicant acquired the property in 2020 and currently operates a family day home with five children. Ms. Garcia has applied for a conditional use permit to expand her family day home to care for up to twelve children. The property is designated Suburban Residential 2 on the 2026 Future Land Use Map. A single-family dwelling with accessory uses and structures is consistent with that designation. Family day homes provide a needed service to the community by providing childcare for families in the area in a safe and comfortable home environment. This is a quiet, suburban neighborhood. It has wide streets with ample room for two-way traffic and on-street parking. So, you notice Ms. Garcia's home is also located, I wouldn't say at the corner, but near two through streets, which allows for easy access for pickups and drop-offs. On that note, drop-off and pickup times are staggered to prevent any traffic congestion. The proposed use will be open Monday through Friday from 07:30 A.M. to 05:30 P.M. and then in our conditions we actually added a small amount of flexibility to limit those hours from seven to six. The applicant has been operating a family day home, a small family day home for five children ranging from newborn to four years old at this location since 2020, and staff is unaware of any complaints made by adjacent neighbors. The applicant has contacted the Oakland Chase Homeowners Association but has not received a response. Information that staff gathered from the State Corporation Commission showed the homeowner's association status is inactive. The location of the property in the Oakland Chase subdivision is between two connector streets that allows for easy flow of access through the neighborhood. The home is a decent size and has an ample rear yard. Staff has included in the conditions the addition of a privacy fence, just for some added security for the

1238 children and for added protection in between the neighbors. The driveway is large enough
1239 to accommodate several cars, and the subject property appears to be suited to the
1240 proposed use, which is an important community service. Staff recommends approval
1241 subject to the conditions included the staff report. I can take any questions.
1242

1243 Mr. Lawrence- Does anyone on the Board have any questions of Ms. Rozmus?
1244 Hearing none, we will hear from the applicant.
1245

1246 Mr. Blankinship- Webex staff, can we have Ms. Garcia connected? Ms. Garcia.
1247 Webex staff, are we unmuting Ms. Garcia?
1248

1249 Ms. Shelton- She is unmuted.
1250

1251 Mr. Blankinship- Alright, thank you. Ms. Garcia are you there?
1252

1253 Ms. Garcia- Good morning, yes.
1254

1255 Mr. Blankinship- Thank you, good morning. Tell us about your application.
1256

1257 Ms. Garcia- So I put in the application to expand my family day home because
1258 there's a need. I've had several calls for additional childcare, but due to my limit, is why I
1259 put in the application to try to expand.
1260

1261 Mr. Lawrence- Thank you ma'am. Does anyone from the board have any questions
1262 for Ms. Garcia? No questions?
1263

1264 Ms. Garcia- I do see that, I'm sorry, I do see that you all asked for me to have a
1265 privacy fence put up by January. I am going to put one up, but I was just asking if I can
1266 wait till the summertime to you have it put up?
1267

1268 Mr. Lawrence- Does staff have any concerns about that?
1269

1270 Ms. Rozmus- No, no, we previously discussed that.
1271

1272 Mr. Lawrence- Any concerns about that, Mr. Massie?
1273

1274 Mr. Massie- No.
1275

1276 Mr. Lawrence- Okay, hearing no more questions from the board, we will see if
1277 there's anyone here that wishes to speak in support of the case. No one. Anyone here
1278 who wishes to speak in opposition to the case? Hearing no opposition, we'll close the
1279 public hearing and if there's no further discussion from the board, a motion would be in
1280 order.
1281

1282 Mr. Blankinship- But if I could just ask ma'am, when you say the summer, can you
1283 give me a date? July 31st or...?

1284
1285 Ms. Garcia- Yeah, you can put July 31st.
1286
1287 Mr. Blankinship- Okay.
1288
1289 Mr. Lawrence- I'm sorry, Mr. Johnson, this is in your district. Do you have any
1290 questions or concerns?
1291
1292 Mr. Johnson- No, I just noticed that they have two vehicles in the driveway and
1293 also, all the roadways usually got a lot of other traffic parked on the street as well. But I
1294 think what you're doing is great and I think that every time I run past there, I notice that
1295 it's taken care of real well.
1296
1297 Ms. Garcia- Thank you.
1298
1299 Mr. Lawrence- Thank you, Mr. Johnson. Are you ready to make a motion?
1300
1301 Mr. Johnson- Yes, I move that we approve this conditional use permit subject to
1302 the conditions recommended by staff, and it is consistent with the comprehensive plan
1303 and the zoning ordinance. The applicant has been caring for children in her home for
1304 several years without complaints, and the family day home provides an important service.
1305 Again, I think it is a great idea what she's doing.
1306
1307 Mr. Blankinship- And that includes the amendment of condition six to allow the fence
1308 by July 31st of next year?
1309
1310 Mr. Johnson- Yes. And that was one, and that was one of the things I was looking
1311 at as well, too. Because it didn't have that around it.
1312
1313 Mr. Lawrence- There's a motion by Mr. Johnson to approve the case with the
1314 conditions, including the amended condition. Do I hear a second?
1315
1316 Mr. Broadway- Second.
1317
1318 Mr. Lawrence- Second by Mr. Broadway. Is there any discussion? All in favor of the
1319 motion signify by saying "Aye."
1320
1321 Board- Aye.
1322
1323 Mr. Lawrence- All opposed say "Nay." Motion carries unanimously.
1324
1325 Mr. Blankinship- Thank you, Ms. Garcia.
1326
1327 On a motion by Mr. Johnson, seconded by Mr. Broadway, the Board approved case **CUP-**
1328 **2025-102116** subject to the following conditions:
1329

- 1330 1. This conditional use permit authorizes a large family day home for up to 12 children.
 1331 All other applicable regulations of the County Code remain in force.
 1332
 1333 2. This conditional use permit applies only to the existing improvements on the property.
 1334 Any additional improvements must comply with the applicable regulations of the County
 1335 Code.
 1336
 1337 3. Hours of operation are limited to Monday through Friday, 7:00 am to 6:00 pm.
 1338
 1339 4. Drop-off and pick-up times must be staggered to avoid congestion in front of the
 1340 dwelling.
 1341
 1342 5. Vehicles associated with the family day home must not park on the right-of-way of
 1343 Oakland Chase Place. This includes parking for the purpose of dropping off or picking up
 1344 children, as well as employees of the family day home.
 1345
 1346 6. By July 31, 2026, the rear yard must be enclosed with a privacy fence between 6 and
 1347 7 feet in height.
 1348

1350	Affirmative:	Broadway, Green, Johnson, Lawrence, Massie	5
1351	Negative:		0
1352	Absent:		0

1353
 1354 **CUP-2025-102348 Byerley Myers for Bronwyn McIntosh: conditional use permit to**
 1355 **convert an existing building to an accessory dwelling unit at 5808 Chamberlayne**
 1356 **Road, Chamberlayne Farms, Fairfield. Parcel 790-752-0914. Zoning: R-2A, One-**
 1357 **Family Residence District. Code Section: 24-4406.**
 1358

1359 Mr. Blankinship- The next case will be CUP-2025-102348 Byerley Myers for Bronwyn
 1360 McIntosh: conditional use permit to convert an existing building to an accessory dwelling
 1361 unit at 5808 Chamberlayne Road, in the Chamberlayne Farms subdivision, in the Fairfield
 1362 Magisterial District. Would everyone in the room who intends to speak to this case, please
 1363 stand and be sworn in. We also have Ms. Meyers, the architect, on Webex. So, if you'd
 1364 raise your right hand, please, do you swear the testimony you're about to give is the truth,
 1365 the whole truth, and nothing but the truth, so help you God? Thank you, Ms. Rozmus.
 1366

1367 Ms. Roxmus- Thank you, sir. The subject property is located or is on the northwest
 1368 side of Chamberlayne Road, 1,000 feet north of the Interstate 95 interchange. The
 1369 Chamberlayne Farms subdivision was recorded in 1944 and the dwelling on the property
 1370 was built in 1949. The dwelling contains a total of 3,569 square feet of floor area and is
 1371 two stories in height. In 1998, a storage building was added in the northwest corner of the
 1372 property, that has a porch on the external stair on the south, left end. The current owners
 1373 bought the property in 2011. They would like to convert the storage building to an
 1374 accessory dwelling unit. According to the application, the purpose of the ADU is to provide
 1375 an apartment for their son. The plans show a living room, kitchen, bathroom and mudroom

1376 and an upper floor containing one bedroom and an office. As it stands, the floor area of
1377 the storage building exceeds 800 square feet, which is the maximum allowed for an ADU.
1378 To meet the floor area limitation, part of the main floor will be retained as storage and the
1379 storage area will only be accessible from the outside, not from the ADU. Although the GIS
1380 map shows the building abutting a side property line, and close to the rear property line,
1381 the survey submitted with the application shows a side yard setback of 4.5 feet and a rear
1382 yard setback of 10.8 feet. In addition, the accessory building is approximately forty-five
1383 feet from the principal dwelling. The property is served by a long driveway that ends in a
1384 circular turnaround, which is large enough to accommodate more than four vehicles, and
1385 is easy to get out of. The existing storage building is subordinate to the principal dwelling
1386 in floor area and in height. The location of the existing building complies with code
1387 requirements. The floor area will be reduced to 799 square feet with the addition of that
1388 external storage space. It must share a driveway, street address, utilities and mailbox
1389 with a principal dwelling and may not be subdivided as a separate lot. The neighborhood
1390 surrounding the subject lot is developed with single-family dwellings, many of which have
1391 detached accessory structures. The subject lot is approximately twice as large as most
1392 of the other lots in the neighborhood, so even with an ADU, the property would be
1393 consistent with the density of the surrounding development. Because the proposed ADU
1394 would be located in an existing accessory structure, it would have very little impact on the
1395 neighbors who are already accustomed to seeing the building. The neighbor to the north
1396 is approximately fifty feet from the proposed ADU, while the two neighbors to the rear are
1397 over 100 feet away. Staff does not anticipate any detrimental impact and therefore
1398 recommends approval, subject the conditions included in the staff report. I can answer
1399 any questions.

1400
1401 Mr. Lawrence- Thank you, Ms. Rozmus. Does anyone from the board have any
1402 questions for Ms. Rozmus? Hearing none, we will now hear from the applicant.

1403
1404 Ms. McIntosh- Good morning. My name is Bronwyn McIntosh M C I N T O S H. I'm
1405 the homeowner at 5808 Chamberlayne Road. My son moved back from college in 2022
1406 when he graduated from VCU and he's been living with us ever since. My husband has
1407 been ill for about seven years, and my son has been a great help. This would enable us
1408 to give my son his own living space. He enjoys living in Henrico, as opposed to living
1409 downtown, strangely enough for a 28 year old. He's employed at K Line Shipping in Glen
1410 Allen, so he, as I say, enjoys living and working in Henrico. He would like to ultimately live
1411 on and inherit the property, which is a large property. He's valuable to us, because with
1412 my husband, his health is slowly declining, Keenan has been a great help with the
1413 maintenance, the upkeep of the property. Us being able to offer him the opportunity to
1414 have the accessory dwelling unit where he will be able to be on site and a source of
1415 manpower, when we need him. He's always there. So, this has worked out very well
1416 because we've lived there for fourteen years and have not used the building as
1417 extensively as we could have, but now it turns out that it's going to be something very
1418 valuable to the family.

1419
1420 Mr. Lawrence- Thank you, Ms. McIntosh. Does anyone from the board have any
1421 questions for Ms. McIntosh?

1422
1423 Mr. Massie- I have a statement. I pass your house every single day. It's lovely.
1424
1425 Ms. McIntosh- It is a lovely house, it actually was custom built for an ex-governor of
1426 Virginia.
1427
1428 Mr. Massie- Say it again.
1429
1430 Ms. McIntosh- The house was custom built for an ex-governor of Virginia in 1949,
1431 John Battle.
1432
1433 Mr. Lawrence- Oh, John Battle lived there?
1434
1435 Mr. Johnson- Oh!
1436
1437 Ms. McIntosh- Yeah, we have the original architectural plans.
1438
1439 Mr. Lawrence- That's pretty cool.
1440
1441 Ms. McIntosh- That was bought in 1998.
1442
1443 Mr. Lawrence- You ought to put some sort of commemorative plaque there
1444 perhaps.
1445
1446 Ms. McIntosh- I know, I know. It's a lovely, it's a strange old house, but that building
1447 is almost as old as my son. It's been there since 1998 and he was born in 1997, so it's
1448 just a fun house, fun property to live on.
1449
1450 Mr. Lawrence- I was going to say you could put it on the historic register, but then
1451 that would probably restrict what you could do with the property. On second thought
1452 maybe you don't want to do that, unless you want the tax breaks. Any other questions
1453 from Ms. McIntosh? Thank you, Ms. McIntosh. Hearing no questions, we'll see if there's
1454 anyone in the audience or on Webex that wishes to speak in support of the case.
1455
1456 Mr. Blankinship- I'll just repeat, the architect is on Webex, if you have any questions.
1457
1458 Mr. Lawrence- Okay. Anyone in opposition of this case? Do you need to hear from
1459 the architect, Mr. Massie?
1460
1461 Mr. Massie- No.
1462
1463 Mr. Lawrence- So having heard no one in the audience or on Webex to speak, we
1464 will now close the public hearing. And if there's no further discussion, a motion would be
1465 in order at this time.
1466

1467 Mr. Massie- I move that we approve this conditional use of permit subject to the
1468 conditions recommended by the staff. It is consistent with the comprehensive plan and
1469 the zoning ordinance. This is an existing building, so it will have very little impact on the
1470 neighbors.

1471
1472 Mr. Green- Second.

1473
1474 Mr. Lawrence- There's a motion by Mr. Massie and a second by Mr. Green. All in
1475 favor say "Aye."

1476
1477 Board- Aye.

1478
1479 Mr. Lawrence- All oppose say "Nay." The motion carries unanimously to support this
1480 conditional use permit request. Thank you, Ms. McIntosh.

1481
1482 On a motion by Mr. Massie, seconded by Mr. Green, the Board **approved case CUP-**
1483 **2025-102348** subject to the following conditions:

1484
1485 1. This conditional use permit authorizes an accessory dwelling unit. All other applicable
1486 regulations of the County Code remain in force.

1487
1488 2. This conditional use permit applies only to the accessory dwelling unit shown on the
1489 building design titled, "McIntosh Guest House" prepared by Cadence Architecture and
1490 revised 10/14/25, filed with the application. Any substantial changes or additions to the
1491 design or location of the accessory dwelling unit will require a new conditional use permit.
1492 Any additional improvements must comply with the applicable regulations of the County
1493 Code.

1494
1495 3. All exterior changes must match the existing building as nearly as practical in materials
1496 and color.

1497
1498 4. Any exterior lighting must be shielded to direct light away from adjacent property and
1499 streets.

1500
1501 5. The applicant must obtain a building permit for the proposed accessory dwelling unit
1502 within two years of the date of approval (by October 23, 2027), or this conditional use
1503 permit will expire. If the building permit is cancelled or revoked after that date due to failure
1504 to diligently pursue construction, this conditional use permit will expire at that time.

1505
1506
1507 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
1508 **Negative: 0**
1509 **Absent: 0**

1510
1511

1512 **CUP-2025-102351 Joel Estrada: conditional use permit to build a detached**
1513 **accessory dwelling unit at 10726 Greenwood Road, Fairfield. Parcel 778-767-4776.**
1514 **Zoning: A-1, Agricultural District. Code Section: 24-4406.**
1515

1516 Mr. Blankinship- Alright, our last conditional use permit before we move on to
1517 variances will be CUP-2025-102351 Joel Estrada: conditional use permit to build a
1518 detached accessory dwelling unit at 10726 Greenwood Road, in the Fairfield Magisterial
1519 District. Would everyone who intends to speak to this case please stand and be sworn in.
1520 If you're going to speak, you need to stand and be sworn in. Raise your right hands
1521 please. Do you swear the testimony you are about to give is the truth, the whole truth,
1522 and nothing but the truth, so help you God? Thank you. Mr. Gidley
1523

1524 Mr. Gidley- Thank you, Mr. Secretary. Good morning, Mr. Chairman, members
1525 of the board. The subject property is located on the southern line of Greenwood Road
1526 across from the Greenwood Glen subdivision. This is a 4.37-acre parcel of land that
1527 extends back to Interstate 295. As you can see, there's an existing dwelling on the site,
1528 in addition, the applicant would like to construct an accessory dwelling unit off the back
1529 right hand corner of the house. The proposed ADU would contain a total of 660 square
1530 feet, just shy of the maximum allowed of 663 square feet. This is the building plan here.
1531 This would be a two-bedroom accessory dwelling unit with a kitchen and a living room,
1532 along with a full bath. As noted in your staff report, the applicant operates a landscape
1533 contracting business that he evidently runs from his property. While a home office is
1534 permitted to do paperwork, keep records, etc, he evidently runs his entire business from
1535 the property, rather than a B-3 Business District, where it is first allowed by right. This has
1536 resulted in a number of zoning violations on the property. This includes two employees
1537 reporting for work there each day and parking, a commercial trailer kept on the site,
1538 outdoor storage of building materials and equipment related to the landscaping business.
1539 It is important that the property be maintained, especially given there's a subdivision
1540 across the street from this site. In addition, staff also noted there was a travel trailer on
1541 the site that you can see here. There's an air conditioning unit in the window and a ramp
1542 going up to it, so it appears to be occupied. I even see like a rollator right outside here.
1543 While a travel trailer can be kept on the site, the zoning ordinance does not allow it to be
1544 connected to utilities or to be occupied. Hopefully the proposed ADU will perhaps
1545 accommodate someone who may be there now. While staff does not anticipate any
1546 detrimental impact from the proposed ADU, at this point you have a landscape contracting
1547 business being operated from the property, which again requires B-3 zoning to allow that.
1548 As a result, we are recommending a deferral to allow the applicant time to clean up the
1549 property before proceeding with his request. He emailed me the other day, saying he is
1550 working on cleaning up the property. I asked him to come here today, so he can give
1551 some idea when everything would be brought into order, and perhaps he can address the
1552 travel trailer issue also while he's here. So, I'll let the applicant speak towards that, but at
1553 the present time we are recommending deferral and we'll defer to whatever timeframe he
1554 thinks he needs to finish cleaning up the property. That concludes my presentation. If you
1555 have any questions, I'll be happy to answer them. Thank you.
1556

1557 Mr. Lawrence- Do we have any questions from the board of Mr. Gidley? I had one,
1558 Mr. Gidley, if there's no other questions. Viewing one of the photographs, it looks like
1559 some sort of angled overhang to the left of the house that could be seen from the front of
1560 the residence. It almost looked like a collapsed roof or something. Do you know what that
1561 is?
1562

1563 Mr. Gidley- Yeah, it's basically like an overhang or almost like a carport type of
1564 situation.
1565

1566 Mr. Blankinship- Which photo are we?
1567

1568 Mr. Lawrence- It was, I saw it in the packet.
1569

1570 Mr. Gidley- The first one.
1571

1572 Mr. Green- Yeah, I saw it too.
1573

1574 Mr. Gidley- I don't know if it shows. Right here, I think is what you're looking at.
1575

1576 Mr. Blankinship- Looks like a carport.
1577

1578 Mr. Lawrence- Okay, which is kind of weird because it angles down. Never quite
1579 seen something like that or maybe I have, but obviously this is not an HOA, right?
1580

1581 Mr. Blankinship- Correct.
1582

1583 Mr. Lawrence- Okay. That's all I had for Mr. Gidley. So, at this time we'll hear from
1584 the applicant.
1585

1586 Mr. Green- Mr. Gidley, did you ascertain whether or not they were using that as
1587 an office? Is that his office? That trailer.
1588

1589 Mr. Gidley- Well, given the rollator outside of it... I don't know what it's being
1590 used for, I wouldn't be surprised if whoever the ADU is for is living there presently.
1591

1592 Ms. Serrato- Hello, good morning, my name is Veronica Sarato.
1593

1594 Mr. Gidley- Could you spell it, please, ma'am? Can you spell it, please ma'am?
1595

1596 Ms. Serrato- My name, my last name?
1597

1598 Mr. Gidley- Yes ma'am.
1599

1600 Ms. Serrato- S E R R A T O.
1601

1602 Mr. Gidley- Thank you.

1603
1604 Mr. Massie- I have a one question for you. Do you, do you have any interest in
1605 deferring this case to take care of the zoning violations?
1606
1607 Ms. Serrato- What does that mean?
1608
1609 Mr. Massie- It has issues with the zoning; you have stuff on the property that
1610 should not be on the property. We want you to make time to clean it up.
1611
1612 Ms. Serrato- Yeah, we are going to clean up everything. He and my husband
1613 already put that two piles of dirt that he had in the back. He already filled out and he
1614 already put grass seed. He already did that. He already cleaned a lot of the things that
1615 he have on the side and we already bring, ask somebody to come and move that little
1616 camper. We are going to move it, take it out.
1617
1618 Mr. Massie- You're going to move it?
1619
1620 Ms. Serrato- Yeah, yeah.
1621
1622 Mr. Massie- How much time do you need to get all this done? So maybe less than
1623 a month? To be safe, can you move this to the December meeting?
1624
1625 Ms. Serrato- But in December we are going at Christmas to see my mom.
1626
1627 Mr. Blankinship- Oh, okay.
1628
1629 Ms. Serrato- Yeah, that's why.
1630
1631 Mr. Lawrence- So when are you going to go in December?
1632
1633 Ms. Serrato- We are going, we'll...
1634
1635 Mr. Serrato- We'll leave on the 17th.
1636
1637 Mr. Blankinship- Okay.
1638
1639 Mr. Massie- To January then?
1640
1641 Ms. Serrato- Yeah.
1642
1643 Mr. Massie- So, I move that we defer this.
1644
1645 Mr. Lawrence- Wait a minute, Mr. Massie. Do we have to hear from anyone in the
1646 public about the deferral, Mr. Blankinship?
1647
1648 Mr. Blankinship- It would be good idea.

1695 **feet rear yard setback. The applicant requests a variance of 10 feet rear yard**
1696 **setback. Parcel 751-750-7573. Zoning: R-2A, One-Family Residence District. Code**
1697 **Section: 24-3308.D.**

1698
1699 Mr. Blankinship- Alright, we have three variances on this morning's agenda. The first
1700 variance is **VAR-2025-102102** Lakisha Taylor: variance from the rear yard setback to
1701 build a screened porch over an existing deck at 9602 Wildbriar Lane, in the Pinedale Hills
1702 subdivision, in the Tuckahoe Magisterial District. Would everyone who intends to speak
1703 to this case please stand and be sworn in. Do you swear the testimony you're about to
1704 give is the truth, the whole truth, and nothing but the truth, so help you God? Thank you,
1705 Ms. Rozmus.

1706
1707 Ms. Rozmus- Thank you, sir. The subject property is located at 9602 Wildbriar
1708 Lane in the Tuckahoe Magisterial District. The property is part of the Pinedale Hills
1709 subdivision and is 235 feet southwest of Three Chopt Road. The single-family home is
1710 positioned on the bulb of the cul-de-sac on Wildbriar Lane and is on a 15,500-square-foot
1711 lot. The dwelling and surrounding area are zoned R-2A One Family Residence District,
1712 characterized by single-family homes on lots ranging from 13,500 square feet to one acre.
1713 The applicant purchased the property in 2020. The property was approved as a stem lot.
1714 It consists of an approximately rectangular buildable area connected to the street by an
1715 access strip, twenty to thirty feet wide.

1716
1717 The applicant has applied for a variance to the rear at setback to build a screened porch
1718 on the rear of the residence The plan submitted with the variance application shows a
1719 screened porch measuring 18.75 feet wide and 12.56 feet deep, attached to the rear of
1720 the home on an existing deck. According to the applicant, the screened in porch is
1721 necessary to provide a reasonable accommodation to a person with a disability. The
1722 applicant meets the threshold requirement for a variance as it is requested on behalf of a
1723 person with a disability. The applicant also provided documentation to staff corroborating
1724 this. Rear yard setbacks like many zoning regulations determine the density, privacy and
1725 character of the neighborhood. Reduction of the rear yard setback would have a small
1726 detrimental impact on the privacy of the neighbors and would reduce the standard to
1727 which all dwellings of the neighborhood are subject. However, I would say with this
1728 particular lot, there is very good shielding. Ms. Taylor has a privacy fence around the
1729 entirety of the rear lot. There are some very mature trees and the rear yard neighbor is a
1730 considerable distance from her rear yard.

1731
1732 In conclusion, this case does meet the legal requirements for a variance. The variance is
1733 requested to accommodate a person with a disability. The applicant did not cause the
1734 hardship because the request is for a disability and staff does not anticipate any
1735 detrimental impacts from the proposed screened in porch. The conditions are specific to
1736 this lot, the use is allowed, and no other relief is available. Staff recommends approval
1737 subject to conditions included in the staff report. And I can answer any questions.

1738
1739 Mr. Lawrence- Thank you, Ms. Rozmus. Do we have any questions from the board,
1740 Mr. Broadway?

1741
1742 Mr. Broadway- Not at this point.
1743
1744 Mr. Lawrence- Okay, thank you Ms. Rozmus. We will at this time hear from the
1745 applicant.
1746
1747 Ms. Taylor- Good morning.
1748
1749 Mr. Blankinship- You can lift that up if it's too low for your comfort.
1750
1751 Ms. Taylor- Good morning. My name is Lakisha Taylor, T A Y L O R. I want to
1752 make a correction. Maybe I didn't hear it properly, sometimes with my vision, my hearing
1753 is impacted as well. The property purchase was, you said 2020? I purchased it in 2010. I
1754 just wanted to make that correction. And I think Ms. Rozmus has provided you all with
1755 any documentation you all need. So, I don't think it's necessary for me to speak.
1756
1757 Mr. Blankinship- For clarity, we did not provide the board your medical documentation,
1758 because if we provide it to the board we have to provide it to anyone else who asks, and
1759 because you had asked us to keep it confidential, we took the step of just holding it back
1760 so that it could be provided, if necessary. But under HIPAA regulations and things like
1761 that, we don't want to share your medical information without your permission.
1762
1763 Ms. Taylor- Thank you, I appreciate that. The only other thing I want to speak to
1764 is that, to the council, Mr. Lawrence, I do have a dachshund and they are very stubborn.
1765 I just got him and I'm thinking, what am I thinking with this dachshund?
1766
1767 Mr. Lawrence- Yeah, my daughter adopted one three years ago in Baltimore that
1768 was about ten years old that she has. They lived with us for two years, so I've had
1769 experience with basically a purebred dachshund and now I've got this dachshund and
1770 yorkie mix and she's got the hair from the yorkie, but the stubbornness of the dachshund
1771 and you know, the hot dog shape, so.
1772
1773 Ms. Taylor- Yeah, I think mine is a schweenie. dachshund shih tzu mix, and they
1774 are very, very self-willed and very barks. Now he only barks, board members, when my
1775 neighbor dog comes out, Ben, behind me, he has two labs and as soon as he hears them
1776 out there, he runs to the fence and bark, bark, bark, but I yield. Thank you.
1777
1778 Mr. Lawrence- I may need to get your contact information as well for some advice.
1779 Thank you. Any questions from the board for Ms. Taylor?
1780
1781 Mr. Broadway- My only comment is that I grew up with dachshunds.
1782
1783 Mr. Lawrence- I have an expert sitting right next to me. I didn't even know it.
1784
1785 Mr. Broadway- I don't have any questions.
1786

1787 Mr. Lawrence- No questions, so we'll see at this time if there's anyone that wishes
1788 to speak in support of this request in the audience or on Webex. Hearing none, anyone
1789 in the audience that wishes to speak in opposition to this request, either in the audience
1790 or on Webex. Hearing none, we will close the public hearing and if there's no further
1791 discussion, I think a motion would be in order at this time.

1792
1793 Mr. Broadway- Mr. Chairman, the staff has pointed out that the variance will will
1794 make a reasonable accommodation for a person with a disability. The proposed addition
1795 would improve the value of the property and the other tests are met as stated in the report,
1796 and so on that basis, I would move that we approve.

1797
1798 Mr. Johnson- I second.

1799
1800 Mr. Lawrence- We have a motion by Mr. Broadway to approve the conditional use
1801 permit. I'm sorry, the variance with the various conditions and a second by Mr. Johnson.
1802 If there's no further discussion, all in favor say "Aye."

1803
1804 Board- Aye.

1805
1806 Mr. Lawrence- All opposed say "Nay." And this motion carries unanimously.

1807
1808 Ms. Taylor- Thank you.

1809
1810 Mr. Blankinship- Thank you, ma'am.

1811
1812 Mr. Lawrence- Thank you, ma'am.

1813
1814 On a motion by Mr. Broadway, seconded by Mr. Johnson, the Board **approved case**
1815 **VAR-2025-102102** subject to the following conditions:

1816
1817 1. This variance applies only to the rear yard setback requirement for the proposed
1818 screened porch. All other applicable regulations of the County Code remain in force.

1819
1820 2. This variance applies only to the screened porch shown on the plot plan and building
1821 design titled, "Proposed Rear Deck" dated June 9, 2025, submitted with the application.
1822 Any substantial changes or additions to the design or location of the screened porch will
1823 require a new variance. Any additional improvements must comply with the applicable
1824 regulations of the County Code.

1825
1826 3. The new construction must match the existing dwelling as nearly as practical in
1827 materials and color.

1828
1829 4. The applicant must obtain a building permit for the proposed screened porch within two
1830 years of approval (by October 23, 2027), or this variance will expire. After that date, if the
1831 building permit is cancelled or revoked due to failure to diligently pursue construction, this
1832 variance will expire at that time.

1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866
1867
1868
1869
1870
1871
1872
1873
1874
1875
1876
1877
1878

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

VAR-2025-102281 Jerry Sipe for Quinton Burgess: variance from the rear yard setback to build a screened porch at 3312 Glenwood Range Lane, Fairways, Fairfield. The applicant has 25 feet rear yard setback where the Code requires 35 feet rear yard setback. The applicant requests a variance of 10 feet rear yard setback. Parcel 805-726-1541. Zoning: R-5AC, General Residence District (Conditional). Code Section: 24-3313.D.

Mr. Blankinship- Alright next case is **VAR-2025-102281** Jerry Sipe for Quinton Burgess: variance from the rear yard setback to build a screened porch at 3312 Glenwood Range Lane, Fairways, in the Fairfield Magisterial District. I'm assuming there's no one in the room to speak to this case. Mr. Sipe is on Webex. So Mr. Gidley, you can begin?

Mr. Gidley- Thank you, Mr. Chair. I mean, Mr. Secretary. The property is part of the new Fairways subdivision which is located on the site of the old Glenwood Golf Club. It contains a new 2,757-square-foot dwelling. The applicant purchased the home in August. This is a picture of the rear of the residence. As you can see, the back sliding glass door is secured. The applicant would like to construct a screened porch onto the rear of the home. While he's free to build a deck onto the rear of the home, the screened porch would extend within twenty-five feet of the rear lot line. The required rear yard setback in this district, however, is thirty-five feet. As a result, the applicant is seeking a ten-foot setback variance.

In reviewing this request and looking at the three threshold tests, staff doesn't believe any are met. This is a brand new subdivision that was only platted last year. The applicant has a new home on the property, as envisioned for this subdivision. He was able to construct the building, and he can construct a deck onto the rear of the house. It's not unreasonably restricted, however, simply because he can't build a screened porch ten feet into the required thirty-five-foot rear yard setback. There's no hardship that existed prior to the effective date of the ordinance, since the subdivision was platted last year and the code section for the setback took effect in 2018. So, that predates the subdivision. And finally, this does not involve accessibility for a disabled person. Because none of the three threshold tests are met, a variance should not be granted per the Code of Virginia. As for the subtests. The board, as we've noted, is seeing more and more requests to build screened porches and sunrooms into rear yard setbacks. That has been noted, but then that runs afoul to the required finding by this board that this is not a general and reoccurring situation. When you see a number of these that tends to be evidence that they are general and reoccurring. As noted in the staff report, staff does not really believe this is something that would have a detrimental impact. There's a retention pond behind the homeowner's property, so we don't believe there's a significant detrimental impact.

1879 Our concern is just the requirements under the Code of Virginia. We don't believe those
1880 are met. And here's a look at the building plan as proposed. Anyway, that concludes my
1881 presentation. If you have any questions, I'd be happy to answer this.
1882
1883 Mr. Lawrence- Thank you. Does anyone on the board have questions for Mr.
1884 Gidley?
1885
1886 Mr. Massie- Are there detrimental impacts?
1887
1888 Mr. Gidley- No, sir, I don't believe there is a significant detrimental impact. That's
1889 one of the subtests. But to get there, you have to show where the code is unreasonable,
1890 so, and it's a brand new subdivision. He has a home there that's a nice home and he can
1891 build a deck onto the rear of it. So, it's hard to argue it's unreasonably restricted. We're
1892 just going by the state code.
1893
1894 Mr. Massie- I understand.
1895
1896 Mr. Gidley- So, we wouldn't be doing our jobs for you if we didn't.
1897
1898 Mr. Lawrence- Well I had a few questions, Mr. Gidley. One that just popped into my
1899 head, you said that he can build a porch.
1900
1901 Mr. Gidley- He can build a deck onto the rear of the...
1902
1903 Mr. Lawrence- There's no other place on the property where he could put a
1904 screened-in-porch, is that correct?
1905
1906 Mr. Blankinship- There's some room on the right side, isn't there?
1907
1908 Mr. Lawrence- I know that staff usually works with residents to try to find an
1909 alternative.
1910
1911 Mr. Gidley- Over here he could do like a screened porch, anywhere out of this,
1912 and this is the proposed here, the actual as built survey is pretty similar to this right here.
1913 But anywhere within this hashed line he could build a screen porch.
1914
1915 Mr. Lawrence- Under the current ordinance.
1916
1917 Mr. Gidley- Yes sir.
1918
1919 Mr. Lawrence- Has the golf course closed?
1920
1921 Mr. Gidley- Yes sir, the golf course has closed.
1922
1923 Mr. Lawrence- So they are redeveloping the golf course as residential?
1924

1925 Mr. Gidley- Yes sir.
1926
1927 Mr. Lawrence- That's very unfortunate in my opinion. I guess people weren't playing
1928 golf as much anymore, Too much time, too much money. They're all playing pickleball.
1929
1930 Mr. Blankinship- Right.
1931
1932 Mr. Lawrence- Surprised they didn't put pickleball courts there. So does the house,
1933 does the house have a rear neighbor?
1934
1935 Mr. Gidley- The retention pond.
1936
1937 Mr. Blankinship- Show the photograph again. This is looking from the subject property
1938 north, is that correct?
1939
1940 Mr. Gidley- North and west.
1941
1942 Mr. Lawrence- So it's a BMP, or as Mr. Glover would refer to it, a big mud puddle.
1943
1944 Mr. Blankinship- A mud puddle exactly.
1945
1946 Mr. Lawrence- And so, are there homes behind that retention pond?
1947
1948 Mr. Blankinship- Yes, you see in the photo.
1949
1950 Mr. Lawrence- All right, so how close would you say the closest home is to the rear
1951 of this property, behind it?
1952
1953 Mr. Gidley- Maybe two-hundred feet, just a guess.
1954
1955 Mr. Lawrence- About two hundred feet. And I'm a little confused about the request
1956 because one place in the staff report it said they were requesting a ten-foot variance and
1957 in another place it looked like the request was for four feet or the applicants said four feet,
1958 the staff said ten feet. Can you clarify what the actual request is for?
1959
1960 Mr. Gidley- Yes sir, I saw that as well. What was submitted was a concept plan
1961 for what was proposed for the home with the building permit. I have the actual as-built
1962 survey here. I blew it up to the appropriate size and then scaled off the proposed addition.
1963 And then measured it from there. And it looks to me like it goes 9.5 feet into the setback,
1964 and we always round up to be on the safe side.
1965
1966 Mr. Lawrence- And a deck can go ten feet under the ordinance.
1967
1968 Mr. Gidley- Yes, sir. Yes sir.
1969
1970 Mr. Lawrence- Have we heard from any of the adjoining property owners?

1971
1972 Mr. Gidley- Not that I'm aware of now.
1973
1974 Mr. Lawrence- If they have moved in. Some of those houses might be under
1975 construction. But that's all I had. So having no further questions from Mr. Gidley, we will
1976 hear from the applicant on Webex.
1977
1978 Mr. Blankinship- Alright staff, can we connect Mr. Sipe? Mr. Sipe are you with us? Mr.
1979 Sipe, are we unmuted?
1980
1981 Mr. Sipe- Yes sir.
1982
1983 Mr. Blankinship- Oh, here we are, great, thank you.
1984
1985 Mr. Sipe- Good morning.
1986
1987 Mr. Blankinship- Can you tell us about your request?
1988
1989 Mr. Sipe- Yes, there, there are no houses behind his lot. There's a cell tower
1990 behind and his nearest neighbor is, you can't even see the property from the back of the
1991 nearest neighbor for the porch.
1992
1993 Mr. Green- Excuse me, I thought we were hearing from the applicant.
1994
1995 Mr. Blankinship- Yeah, can you identify yourself?
1996
1997 Mr. Sipe- I'm J.B. Sipe, the contractor.
1998
1999 Mr. Green- So is it your house?
2000
2001 Mr. Sipe- No sir.
2002
2003 Mr. Lawrence- Do you have anything you want to add, Mr. Sipe, about the request?
2004
2005 Mr. Sipe- No sir.
2006
2007 Mr. Lawrence- Does anyone from the board have questions for the contractor, Mr.
2008 Sipe? In hearing no questions, we'll open it up for public comment. Is there anyone in the
2009 audience who would like to speak in support of the case? On Webex? Is there anyone in
2010 the audience or on Webex that would like to speak in opposition to the case?
2011
2012 Mr. Blankinship- There's no one else on Webex.
2013
2014 Mr. Lawrence- Okay. Hearing no opposition with no further discussion from the
2015 board, it would be appropriate at this time to entertain a motion.
2016

2017 Mr. Massie- I move that we approve this variance subject to the conditions
2018 recommended by the staff. The rear yard setback is unread, I'm sorry. The rear yard
2019 setback is unreasonable as applied to this lot. The proposed addition would improve the
2020 value of the property. The other tests were also met as stated in the staff report.

2021
2022 Mr. Green- Second.

2023
2024 Mr. Lawrence- Theres a motion by Mr. Massie and a second by Mr. Green. If there's
2025 no further discussion, all in favor of the motion, say "Aye."

2026
2027 Board- Aye.

2028
2029 Mr. Lawrence- All opposed say "No." The motion carries unanimously.

2030
2031 On a motion by Mr. Massie, seconded by Mr. Green, the Board approved case **VAR-**
2032 **2025-102281** subject to the following conditions:

2033
2034 1. This variance applies only to the rear yard setback requirement for the proposed
2035 screened porch only. All other applicable regulations of the County Code remain in force.

2036
2037 2. This variance applies only to the screened porch shown on the plot plan and building
2038 design filed with the application. Any substantial changes or additions to the design or
2039 location of the screened porch will require a new variance. Any additional improvements
2040 must comply with the applicable regulations of the County Code.

2041
2042 3. This approval is subject to the conditions of REZ2021-00005 and PUP2021-00001.

2043
2044 4. The applicant must obtain a building permit for the proposed screened porch within two
2045 years of the date of approval (by October 23, 2027), or this variance will expire. After that
2046 date, if the building permit is cancelled or revoked due to failure to diligently pursue
2047 construction, this variance will expire at that time.

2048
2049
2050 **Affirmative:** Broadway, Green, Johnson, Lawrence, Massie 5
2051 **Negative:** 0
2052 **Absent:** 0

2053
2054
2055 **VAR-2025-102318 John Horton for Lidia Bucci: variance from the front yard setback**
2056 **to build a front porch at 914 Sabot Street, Westview, Brookland. The applicant has**
2057 **20 feet front yard setback where the Code requires 35 feet front yard setback. The**
2058 **applicant requests a variance of 15 feet front yard setback. Parcel 767-737-7914.**
2059 **Zoning: R-3, One-Family Residence District. Code Section: 24-3105.E.1.**

2060
2061

2062 Mr. Blankinship- Alright our last case this morning is **VAR-2025-102318** John Horton
2063 for Lidia Bucci: variance from the front yard setback to build a front porch at 914 Sabot
2064 Street, in Westview subdivision, in the Brookland Magisterial District. Everyone left in the
2065 room, please stay with me this morning. I guess you can't raise your right hand, but do
2066 you swear the testimony you're about to give is the truth, the whole truth, and nothing but
2067 the truth, so help you God. All right, thank you.

2068
2069 Mr. Blankinship- Mr. Gidley.

2070
2071 Mr. Gidley- Thank you, Mr. Secretary. The subject property is located just north
2072 of Patterson Avenue, near St. Mary's Hospital. It is in the Westview subdivision, which
2073 was recorded back in 1926, prior to the first zoning ordinance. The dwelling on the
2074 property was constructed in 1948. Here's a picture of the dwelling, right here. As you can
2075 see, it's under renovation right now. Anyway, the subdivision was recorded prior to the
2076 first zoning ordinance. The subdivision plat included a building lot line, which was a
2077 twenty-five-foot building lot line on the subdivision plat. That was quite common back in
2078 the days before a zoning ordinance actually existed. The dwelling was constructed with
2079 a front yard setback of twenty-seven feet and then there was a front stoop that extended
2080 out an additional four feet in front of the building restriction line. It goes out six feet, so
2081 twenty-seven less six is twenty-one feet, so it's four feet beyond the front building line.
2082 The applicant as noted is renovating the property, they would like to extend this front
2083 porch, not closer to the road, but instead extend it to the sides of the house. A front porch
2084 is allowed to extend up to eight feet into the setback, but in this case, because the house
2085 itself extends almost eight feet into the setback, the only way to build a porch is through
2086 a variance, and again, just to clarify, you have a twenty-five-foot building line on the
2087 property. The house meets that, but under the current zoning ordinance, there's a thirty-
2088 five-foot front yard setback, so twenty-seven feet. The house is eight feet into the setback
2089 right now, but it met the twenty-five-foot building line that existed.

2090
2091 Looking at the required tests here, the staff believes that the first test may be met. A thirty-
2092 five-foot front yard setback is generally reasonable. The homes along Sabot though were
2093 built up to the twenty-five-foot front yard setback. So, to enforce that thirty-five-foot
2094 setback, when the adjacent houses don't meet it, may be unreasonable. The second
2095 subtest staff does believe is met, I mean not subtest, but threshold test, staff does believe
2096 is met. The subdivision was established and the dwelling built prior to the thirty-five-foot
2097 front yard setback being adopted. The dwelling was allowed at the twenty-five-foot
2098 setback, and the stoop was allowed to extend into the setback. The variance thus exists
2099 to relieve a hardship that existed prior to the construction of the home in 1948. One thing
2100 I would note too, that twenty-five-foot building line, it was vacated last month by the Board
2101 of Supervisors so that building line is now gone. The Board of Supervisors acted and
2102 decided to vacate it. So now you only have a thirty-five-foot front yard setback, thus the
2103 variance request today. As far as the five subtests, the current owner did not cause the
2104 hardship that exists there. All the other houses on Sabot, at least on this side, have the
2105 same twenty-five-foot front yard setback. Several of them have front porches. I tried to
2106 get pictures for you, but they didn't... with the vegetation all, it's kind of hard to see. But
2107 you can see down here a lot of them have stoops and porches that extend on into the

2108 setback. So, when it comes to detrimental impact staff doesn't really see that happening.
2109 With regard to the general and reoccurring situation again, the Board of Supervisors
2110 actually did get involved here and removed that building line. So, staff believes that five
2111 required substests are met, in addition to threshold test number two. As a result, we can
2112 recommend approval of this request. If you have any questions, I'll be happy to answer
2113 those for you.

2114
2115 Mr. Lawrence- Are there any questions from other members of the board? I have a
2116 couple, Mr. Gidley. You made reference to this, but can you explain again the action by
2117 the Board of Supervisors last month to vacate the building restriction line and why a
2118 variance is still necessary to accommodate this construction?

2119
2120 Mr. Gidley- Yes, so there's a twenty-five-foot building line on the subdivision plat. The
2121 applicant could not violate that under today's standards. The Board of Zoning Appeals
2122 cannot waive that because it is on the subdivision plat. Only the Board of Supervisors
2123 could resolve that issue. So, the applicant applied to the board to have that vacated by
2124 the Board of Supervisors, which they did. So once that was removed, it defaults to the
2125 current thirty-five-foot front yard setback that exists within the zoning ordinance. The
2126 house goes to within twenty-seven feet of the property line and then the porch comes out
2127 an additional six feet, so it goes to within twenty-one feet. So that's fourteen feet at that
2128 point. So, even though they're not coming any closer, just to extend it over to the side
2129 corners of the house, they would need a variance at that point. And because you're talking
2130 about the thirty-five-foot front yard setback in the zoning ordinance, versus the building
2131 line on the subdivision plat, at that point, the Board of Zoning Appeals can approve a
2132 variance to allow the construction.

2133
2134 Mr. Lawrence- And those houses were built without any insulation in the front walls
2135 from what the staff report indicated.

2136
2137 Mr. Gidley- Oh, that's... I don't live too far away and that's typical.

2138
2139 Mr. Lawrence- So this would help from an energy standpoint, I would assume. And
2140 you had mentioned there were some adjoining properties or other properties in the
2141 immediate area that this board had previously granted variances for something similar to
2142 the front porch. Is that correct?

2143
2144 Mr. Gidley- Not that I'm aware of.

2145
2146 Mr. Blankinship- I don't believe the board granted variances. I think they were built
2147 prior to the ordinance in 1960.

2148
2149 Mr. Lawrence- Prior to the changes in 1960.

2150
2151 Mr. Blankinship- Yes, and this one was built with a stoop but no roof over it.

2152

2153 Mr. Lawrence- Okay. But if my memory is correct, didn't the Board of Supervisors
2154 adopt changes to the county ordinance several years ago, with the recommendation of
2155 staff and the Planning Commission, to accommodate front porch improvements for older
2156 homes?

2157
2158 Mr. Gidley- Yes sir, they did. That allows them to go up to eight feet into the front
2159 yard setback. This would go up to fourteen feet into the setback.

2160
2161 Mr. Lawrence- So, that's why we have to get the variance, is the six-foot differential.

2162
2163 Mr. Gidley- Yes sir. And that goes back to the old twenty-five-foot building line
2164 on the subdivision plat, prior to the zoning ordinance controlling when these houses were
2165 built and that's why once the code changed, there was a change in code that impacted
2166 this and created the hardship that is present.

2167
2168 Mr. Lawrence- I just remember there being a lot of discussion and a lot of interest
2169 by the staff, Planning Commission and the Board to try to encourage folks to make these
2170 kinds of improvements.

2171
2172 Mr. Gidley- Yes.

2173
2174 Mr. Lawrence- All right, thank you. Any other questions from the board? Okay sir,
2175 we'll hear from the applicant now and you are Mr. Lucci?

2176
2177 Mr. Blankinship- No he's Mr. Horton.

2178
2179 Mr. Horton- John Horton.

2180
2181 Mr. Lawrence- Oh, you're, Mr. Horton. I'm sorry, Mr. Horton.

2182
2183 Mr. Horton- Last name spelled H O R T O N. Well, first I'd like to say I appreciate
2184 the conversation y'all just had, because I've been mystified for quite a while understanding
2185 the building line versus the variance and, you know, all of that.

2186
2187 Mr. Lawrence- That makes two of us, sir.

2188
2189 Mr. Horton- So my wife's grandfather built this house in the forties, and we've
2190 since sold our home, moved in with my mother-in-law. My father-in-law since passed, and
2191 the house has stayed in the family since it was built back in the forties. And so, we're
2192 going to renovate this house and move into it, take my mother-in-law with us and sell her
2193 place. And I think y'all have covered all the main points, but... and I think you raised an
2194 important point for us. The house is a block, concrete block with a brick exterior and there
2195 is not a lick of insulation in that whole house. And then with the stoop being uncovered
2196 like that, that house gets... cause the first three years we were married, we lived in that
2197 house. And it just gets beat by the sun all day long, so it heats up and it's very poor in
2198 terms of thermal performance. So, what we're trying to do is to balance the house, provide

2199 a cover for the front, to shield the windows and the door from the rain as well as the
2200 beating morning sun. And so we're going to have to insulate on the exterior, but we're
2201 using a product that's an insulating plaster, which I've talked to the staff about before,
2202 that, actually is like R 4.2 per inch, and so we're going to put some insulation of a few
2203 inches of that on the front and then run the porch across the center section. So, if you
2204 look at the, at the picture, that center section was actually the original house and we want
2205 to extend the porch to the left and to the right, up to the edges of the original house, and
2206 then of course cover it. I've talked to all the neighbors that are within, you know, eyesight
2207 of the house. They're all, you know, quite actually pretty pleased about what we're
2208 planning. So hopefully that, you know, meets with y'all's approval.
2209

2210 Mr. Lawrence- It does, and we appreciate that information, sir. I'm still a little
2211 confused. The Buccis currently live in the house?
2212

2213 Mr. Horton- No, actually it's been rented. They built this house in the forties and
2214 then they built another house over on Patterson Avenue in the fifties, moved to that, and
2215 the house on Sabots been rented ever since. And the renters have now moved out and
2216 we've done, under a permit, we've done some demolition on the interior, and we're
2217 finishing up some plans for the actual renovation, so I'm the son-in-law, and my mother-
2218 in-law is the surviving spouse. So, she actually owns the property.
2219

2220 Mr. Lawrence- I'm still unclear. What's your family's connection with the Buccis?
2221 They are the property owners, but you said your mother-in-law is the property owner?
2222

2223 Mr. Horton- Ms. Bucci is my mother-in-law.
2224

2225 Mr. Lawrence- Oh, I'm sorry, okay.
2226

2227 Mr. Horton- I married the daughter.
2228

2229 Mr. Lawrence- Okay, I understand.
2230

2231 Mr. Horton- I'm sorry, I wasn't being clear.
2232

2233 Mr. Lawrence- That's okay, I gotcha.
2234

2235 Mr. Horton- I married the daughter.
2236

2237 Mr. Lawrence- I do want to say that, I think Westview a really cool neighborhood and
2238 I wish, kind of wish we'd moved there because my wife just retired in January from St.
2239 Mary's. So we would have had a very short and nice commute and probably wouldn't
2240 have had to get me up at 5:30 in the morning for her morning shifts, but it's a nice
2241 neighborhood. And I've noticed there are other houses in the neighborhood, I've ridden
2242 through there recently, that are being improved, so I applaud you for, for what you're doing
2243 to the property. I think it's going to look nice.
2244

2245 Mr. Horton- Well, I'm trying to, you know, to add to what you were saying, we love
2246 the area. We lived there for three years when we first got married back in the late eighties
2247 and we didn't leave it because we didn't like it. We just needed, you know, we had one
2248 child, had another on the way and we knew we'd probably have, you know, at least one
2249 more and we just needed more space. And so, we built next door to my mother-in-law
2250 and father-in-law.

2251
2252 Mr. Lawrence- I think there are a lot of families that have been there for a long time
2253 and there's a couple members of the county staff that I've worked with very closely that
2254 either live or have lived in that neighborhood too.

2255
2256 Mr. Horton- It's a great area. So, we're looking forward to it.

2257
2258 Mr. Lawrence- Well, thank you so much. Anybody else in the board have any
2259 questions for Mr. Horton? Hearing no questions, we'll see if there's anyone that wishes to
2260 speak in the audience or on Webex in favor of the case.

2261
2262 Mr. Blankinship- There's no one in the audience or Webex.

2263
2264 Mr. Lawrence- No, is there anyone that wishes to speak in opposition in the
2265 audience or on Webex? Hearing none, is there any other questions or discussion by the
2266 board? Hearing none, then I'd like to make a motion that we approve the variance subject
2267 to the conditions recommended by the staff. The hardship was created when the setback
2268 was increased. Other houses on the same side of the street were built at the same
2269 setback and most of them have front porches. It is unreasonable to enforce a different
2270 standard on this property. The other tests are met as stated in the staff report. Do we
2271 have a second to that motion?

2272
2273 Mr. Broadway- Second.

2274
2275 Mr. Lawrence- The motion was made by the chairman, Mr. Lawrence, seconded by
2276 Mr. Broadway to approve the variance with the conditions recommended by staff. All in
2277 favor say "Aye."

2278
2279 Board- Aye.

2280
2281 Mr. Lawrence- All opposed say "Nay." The motion to approve the variance with the
2282 conditions is approved unanimously. Thank you, Mr. Horton.

2283
2284 Mr. Horton- Thank you. I appreciate your consideration and your support, sir.

2285
2286 On a motion by Mr. Lawrence, seconded by Mr. Broadway, the Board **approved case**
2287 **VAR-2025-102318**, subject to the following conditions:

2288
2289 1. This variance applies only to the front yard setback requirement for a front porch. All
2290 other applicable regulations of the County Code remain in force.

2291
2292
2293
2294
2295
2296
2297
2298
2299
2300
2301
2302
2303
2304
2305
2306
2307
2308
2309
2310
2311
2312
2313
2314
2315
2316
2317
2318
2319
2320
2321
2322
2323
2324
2325
2326
2327
2328
2329
2330
2331
2332
2333
2334
2335

2. This variance applies only to the front porch shown on the plot plan and building design filed with the application. Any substantial changes or additions to the design or location of the front porch will require a new variance. Any additional improvements must comply with the applicable regulations of the County Code.

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

4. The applicant must obtain a building permit for the proposed porch within two years of the date of approval (by October 23, 2027) or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.

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

Mr. Blankinship- Mr. Chair, that brings us to the minutes. As you know, we have two sets of minutes on this morning's agenda, the August 28th minutes. The chair has provided four substantive corrections, three of them proposing the correct speakers' names where the draft had shown only question marks and the fourth reflecting that Mr. Broadway did not vote on his own election to the role of Vice-Chair. So, a motion would be in order if everyone is in agreement with those four changes.

Mr. Broadway- So moved.

Mr. Lawrence- We have a motion from Mr. Broadway, is there be a second?

Mr. Johnson- Second.

Mr. Lawrence- Second by Mr. Johnson. All in favor of the motion say "Aye."

Board- Aye.

Mr. Lawrence- All opposed say "Nay."

Mr. Blankinship- All in favor of the minutes.

Mr. Lawrence- Say "Aye."

Board- Aye.

2336 On a motion by Mr. Broadway, seconded by Mr. Johnson, the Board approved the
2337 **August 25, 2025 minutes.**
2338

2339
2340 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
2341 **Negative: 0**
2342 **Absent: 0**
2343

2344
2345 Mr. Blankinship- Alright, then we have the September 25th minutes for which there
2346 were stylistic corrections, but no substantive changes. And a motion would be in order for
2347 that.
2348

2349 Mr. Green- So moved.

2350
2351 Mr. Lawrence- A motion from Mr. Green. Is there a second?
2352

2353 Mr. Massie- Second.

2354
2355 Mr. Lawrence- Second from Mr. Massie. All in favor say "Aye."
2356

2357 Board- Aye.

2358
2359 Mr Lawrence- All opposed "No." The minutes are approved for both of these.
2360

2361 On a motion by Mr. Green, seconded by Mr. Massie, the Board approved the **September**
2362 **25, 2025 minutes.**
2363

2364
2365 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
2366 **Negative: 0**
2367 **Absent: 0**
2368

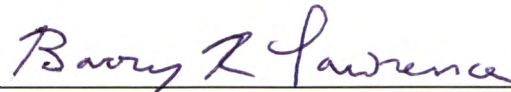
2369
2370
2371 Mr. Blankinship- Motion to adjourn would be in order.
2372

2373 Mr. Lawrence- Motion to adjourn? Motion by Broadway, second by Johnson.
2374 Adjourned.
2375

2376
2377 **Affirmative: Broadway, Green, Johnson, Lawrence, Massie 5**
2378 **Negative: 0**
2379 **Absent: 0**
2380

2381

2382
2383
2384
2385
2386
2387
2388
2389
2390
2391
2392
2393
2394
2395
2396



Barry R. Lawrence, Chair



Mr. Benjamin W. Blankinship, Secretary