

1 **MINUTES OF THE REGULAR MEETING OF THE BOARD OF ZONING**  
2 **APPEALS OF HENRICO COUNTY, HELD IN THE COUNTY**  
3 **ADMINISTRATION BUILDING IN THE HENRICO COUNTY GOVERNMENT**  
4 **COMPLEX, ON THURSDAY, SEPTEMBER 28, 2006, AT 9:00 A.M., NOTICE**  
5 **HAVING BEEN PUBLISHED IN THE RICHMOND TIMES-DISPATCH**  
6 **SEPTEMBER 7 AND SEPTEMBER 14, 2006.**  
7

**Members Present:**                    **James W. Nunnally, Chairman**  
   **Richard Kirkland, CBZA, Vice-Chairman**  
   **Elizabeth G. Dwyer**  
   **Helen E. Harris**  
   **R. A. Wright**

**Also Present:**                        **David D. O’Kelly, Assistant Director of Planning**  
   **Benjamin Blankinship, Secretary**  
   **Paul Gidley, County Planner**  
   **Ann B. Cleary, Recording Secretary**

8  
9 Mr. Nunnally -                        Good morning, Ladies and Gentlemen. Welcome to  
10 our September Board of Zoning Appeals meeting. Will you please stand and join  
11 us in the **Pledge of Allegiance to the Flag of Our Country**. Thank you. Mr.  
12 Blankinship, will you read the rules of the meeting, please?  
13

14 Mr. Blankinship -                    Good morning, Mr. Chairman, Members of the Board,  
15 ladies and gentleman. The rules for this meeting are as follows. Acting as  
16 Secretary, I will call each case and while I’m reading the announcement, the  
17 applicants should come down to the podium. We will then ask everyone who  
18 intends to speak on that case to stand and be sworn in. Then the applicant will  
19 give their testimony. After the applicant has spoken, anyone else who wishes to  
20 speak will have the opportunity. After everyone has spoken, the applicant and  
21 only the applicant will have an opportunity for rebuttal. Looking around at the  
22 sparse crowd this morning, I don’t think we’re going to have a whole lot of  
23 rebuttal, but that is the process. After hearing the case and asking questions, the  
24 Board will take the matter under advisement. They will render all of their  
25 decisions at the end of the meeting. So, if you wish to know their decision on a  
26 specific case, you can either stay until the end of the meeting or you can check  
27 the Planning Department website this afternoon—we usually get it updated within  
28 about a half hour of the end of meeting—or you can call the Planning Department  
29 late this afternoon. This meeting is being tape recorded, so we’ll ask everyone  
30 who speaks to speak directly into the microphone on the podium. State your  
31 name and please spell your last name. Finally, out in the foyer there are two  
32 binders that contain the staff report for each case, including the conditions that  
33 have been recommended by the staff. It’s very important that you be familiar  
34 with the conditions that staff has recommended for your case. Mr. Chairman, we  
35 do not have any deferrals or withdrawals for this morning.

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Mr. Nunnally - Good. All right. Will you call the first case please?

**A-33-2006 SHURM CONSTRUCTION** requests a variance from Section 24-95(b)(8) to build a one-family dwelling at 150 Cedar Fork Road (Parcel 811-725-9348), zoned A-1, Agricultural District (Fairfield). The lot width requirement and total lot area requirement are not met. The applicant has 27,173 sq.ft. lot area and 87 feet lot width, where the Code requires 30,000 sq. ft. lot area and 150 feet lot width. The applicant requests a variance of 6,827 sq. ft. lot area and 63 feet lot width.

Mr. Nunnally - Is there anyone else here interested in this case? If so, will please stand and raise you right hand and be sworn?

Mr. Blankinship - Raise your right hand, please, sir. Do you swear the testimony you're about to give is the truth and nothing but the truth, so help you God?

Mr. Seal - I do.

Mr. Nunnally - Please state your name for the record, sir, and tell us what you're requesting.

Mr. Seal - My name is Robert Seal. Me and my siblings are the lot owner. I'm here representing myself and my siblings. Basically, I want to put a house on this lot. This is my mother and father's lot they bought in 1955. Our mother passed away in '91, and in '98 the house was condemned. We had to have it torn down and the lot cleared. Now, I'm at a point where I'm financially able to put another house on it and that's what I'd like to do to make it a useful lot.

Mr. Nunnally - What type of house are you planning on putting there?

Mr. Seal - I'm still in the planning stages as to what size house, but whatever I can get a building permit on. I'd just like to build a one-family dwelling.

Mr. Nunnally - Is that going to be for your own personal use?

Mr. Seal - Yes sir.

Ms. Dwyer - Are there any conditions on this?

Mr. Blankinship - Just one.

82 Ms. Dwyer - Okay.  
83  
84 Mr. Wright - Mr. Seal, have you attempted to acquire the property  
85 to the west of this property?  
86  
87 Mr. Seal - I talked with them before and they had no interest in  
88 giving me enough land or letting me buy enough land to make my lot in  
89 compliance.  
90  
91 Mr. Wright - So you've tried to acquire enough to make your lot  
92 confirm to the ordinance.  
93  
94 Mr. Seal - Yes sir.  
95  
96 Ms. Dwyer - Is it being used for anything now?  
97  
98 Mr. Seal - No ma'am. It's just a vacant lot. When we  
99 demolished the house at the time, I did meet with Mr. Scott Suddarth of Henrico  
100 County to discuss any options I had rather than tearing the house down. He told  
101 me at the time, that there was severe foundation damage to the house and he  
102 says it's going to cost you more to bring this up to County Code than if you tear it  
103 down and build a new house. So, I had the County demolish the place and clear  
104 the lot. At the time, I wasn't financially able to proceed with building a house. I  
105 don't know enough about the laws. Although I know stupidity's not an excuse, but  
106 that's all I have to go with here. I didn't know I had any kind of time limits or  
107 anything like that before I could build a house. I was waiting until I was  
108 financially able. My siblings have agreed to let me buy them out because I've  
109 been paying the taxes by myself for the last 10 years or so, and I paid for all the  
110 demolition. Now it's to a point where I can just buy them out at a very reasonable  
111 price and own the lot by myself. Plans were to do that and then put a house on  
112 it.  
113  
114 Mr. Nunnally - Do you plan to live there yourself?  
115  
116 Mr. Seal - I do, yes. That's my old neighborhood. I lived there for  
117 20 years as a child and I'd like to go back.  
118  
119 Ms. Dwyer - Is there any other use for this property?  
120  
121 Mr. Seal - Nothing that I'm aware of, no ma'am. It's just about a  
122 half-acre lot.  
123  
124 Mr. Wright - Mr. Blankinship, if Mr. Seal had just reconstructed a  
125 house there or done something to what was there, he would have been okay,  
126 wouldn't he.  
127

128 Mr. Blankinship - Yes sir. It would have been non-conforming.  
129  
130 Mr. Wright - Was there a time limit within which he had to replace  
131 the house or once it was torn down that pretty well eliminated the non-conformity,  
132 didn't it?  
133  
134 Mr. Blankinship - You have two years from when it's demolished.  
135  
136 Mr. Wright - Oh, okay. If he had built it within two years, he would  
137 have no problem.  
138  
139 Mr. Blankinship - Yes sir, that's correct.  
140  
141 Mr. Seal - Again, I wasn't aware of that. I know that's not an  
142 excuse, but I just didn't know. Had I known, I would have taken action and did  
143 what I had to do to come up with the money. I just thought I would wait until I  
144 could save enough so I didn't have to go so much in debt for the place.  
145  
146 Ms. Harris - When was the house demolished?  
147  
148 Mr. Seal - In 1998.  
149  
150 Ms. Harris - You didn't have a permit to demolish it in 1998?  
151  
152 Mr. Seal - Ma'am?  
153  
154 Ms. Harris - Did you have any type of permission to demolish the  
155 house?  
156  
157 Mr. Seal - Permission?  
158  
159 Mr. Blankinship - Did you get a demolition permit from building  
160 inspectors?  
161  
162 Mr. Seal - The County took care of all of that. They told me I  
163 could either get a private contractor to do it or I could get the County to do it.  
164  
165 Mr. Blankinship - Oh, the County actually did the demolition.  
166  
167 Mr. Seal - The County actually did the demolition, yes. That was  
168 the issue. The old house had asbestos shingles on it, so that had to be handled  
169 and certified through the County that it was handled properly. Rather than get  
170 into that with a private contractor and me be liable for seeing that everything was  
171 done properly, I just contacted the County to take care of the whole deal. They  
172 just did everything.  
173

174 Ms. Harris - You were notified by the County that you had to  
175 respond to the asbestos condition?

176  
177 Mr. Seal - Yes ma'am. I got the notice from the County that the  
178 house had been deemed unsafe and was given 30 days to let them know that  
179 either I was going to demolish it, try to fix it, or they were going to come in and  
180 demolish it and if we didn't pay, it would be added onto our tax bill. At that time, I  
181 just worked with the County and they set up a payment plan for me to pay off the  
182 demolition over a year's time. They gave me a year to pay it off without any kind  
183 of interest fees or anything, so we split it up 12 months and I made my payments  
184 over the next year and paid for the demolition and the clearing of the lot.

185  
186 Mr. Nunnally - Any other questions of Mr. Seal?

187  
188 Mr. Wright - What size house was located on the lot that was  
189 demolished?

190  
191 Mr. Seal - It was a big two-story house. I'm assuming  
192 something like maybe 1,500 to 1,700 square foot.

193  
194 Mr. Wright - Will your new house occupy any additional area of  
195 land than the old house?

196  
197 Mr. Seal - No sir, it would be in the same area.

198  
199 Mr. Wright - About the same size?

200  
201 Mr. Seal - Probably, yes sir. Something around 1,500 to 1,700  
202 square foot is what I have in mind. Something along those lines.

203  
204 Mr. Nunnally - Any other questions? I'll ask again, is anyone here in  
205 opposition to this request? Hear none, that concludes the case. Thank you for  
206 coming, Mr. Seal.

207  
208 Mr. Seal - Thank you.

209  
210 **DECISION**

211  
212 Mr. Nunnally - A-33-2006, Shurm Construction Company.

213  
214 Ms. Harris - Mr. Chairman, I move that we approve this variance.  
215 With the demolition of the former home that was on this site, granting this  
216 variance would allow the homeowner the full use of the land as its zoned.

217  
218 Mr. Nunnally - Okay. Motion from Ms. Harris to be approved. Do I  
219 have a second?

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Mr. Wright - Second.

Mr. Nunnally - Second by Mr. Wright. All in favor say aye. It's been approved. I didn't ask for no's. Did everybody say aye?

After an advertised public hearing and on a motion by Ms. Harris, seconded by Mr. Wright, the Board **granted** application **A-33-2006** for a variance to build a one-family dwelling at 150 Cedar Fork Road (Parcel 811-725-9348), zoned A-1, Agricultural District (Fairfield). The Board granted the variance subject to the following condition:

1. This variance applies only to the lot width requirement and total lot area requirement. All other applicable regulations of the County Code shall remain in force.

Affirmative:	Dwyer, Harris, Kirkland, Nunnally, Wright	5
Negative:		0
Absent:		0

Mr. Nunnally - Next case.

**A-36-2006** **RYAN HOMES** requests a variance from Section 24-13.1(d)(2) to build a one-family dwelling at 1517 Village Field Drive (Village at Osborne) (Parcel 802-696-6643), zoned R-5AC, General Residential District (Conditional) (Varina). The minimum side yard setback is not met. The applicant proposes 20 feet minimum side yard setback, where the Code requires 25 feet minimum side yard setback. The applicant requests a variance of 5 feet minimum side yard setback.

Mr. Nunnally - Is there anyone else here interested in this case? If so, will you please stand and raise your right hand and be sworn.

Mr. Blankinship - Do you swear the testimony you're about to give is the truth and nothing but the truth, so help you God?

Mr. Smith - I do.

Mr. Nunnally - Please state your name for the record, sir, and tell us what you're requesting.

Mr. Smith - My name is Gene Smith. I work with Ryan Homes. We applied for a permit in Henrico County to build a home in the Village at Osborne subdivision and were granted a permit and started construction.

266 Somewhere along the line, somebody figured out there was a problem there, so  
267 they asked us to stop construction. We stopped and now we're trying to sort that  
268 out as to what happened. The foundation's in and the framing has been started  
269 on the home. We'd like permission just to finish it. Apparently, there was some  
270 misunderstanding with the County. Like I said, we had a building permit and all.

271

272 Mr. Nunnally - It was approved by the County before you started on  
273 it.

274

275 Mr. Smith - Yes sir.

276

277 Ms. Harris - When did you stop the construction?

278

279 Mr. Smith - It was probably two months ago maybe, as soon as  
280 we found out. The County notified us that there may be a problem and asked us  
281 to stop, so we stopped. Needless to say, our customer that bought the home is a  
282 little upset about that, but we explained the situation to him.

283

284 Ms. Dwyer - When you applied for the building permit, you were  
285 unaware of this extra five-foot requirement?

286

287 Mr. Smith - Yes, yes. There was definitely a little confusion. It's a  
288 zero-lot subdivision, which is our first experience with it. We had asked a lot of  
289 questions and we thought we were really clear on it. I think the County thought  
290 they were clear, too, but apparently, it wasn't as clear as we thought.

291

292 Ms. Dwyer - You had an engineer design—Is it a subdivision?

293

294 Mr. Smith - Yes. Foster and Miller.

295

296 Mr. Nunnally - Mr. Blankinship, is this the County's error or the  
297 builder? Seems like to me, it's the County's, isn't it?

298

299 Mr. Blankinship - I do believe from the record that the County made a  
300 mistake in approving the permit and possibly also in reviewing the buildable area  
301 plan of the subdivision. The final responsibility falls on the owner, the builder as  
302 his agent, but I do think the County is partially at fault here.

303

304 Mr. Kirkland - Mr. Blankinship, will this same problem occur on Lot  
305 (address) 7132, also, if it's not watched, before they build a home there? The lot  
306 on the back side. They already found this mistake on that lot, is what I'm trying  
307 to say, before we hear it again.

308

309 Mr. Smith - This is the only lot that we have a problem with. We  
310 know the issue and the County knows the issue, so it won't happen again.

311

312 Mr. Blankinship - Anyone want an opportunity to respond to that?  
313

314 Mr. Mistr - I'm Spud Mistr with Foster and Miller. There are only  
315 six lots affected by this. They are wider. We made all the lots 61 feet wide as  
316 opposed to 60 to try to avoid this problem. As you know in the past, the side  
317 yards, if it was a reverse corner lot, had to be 25 feet. These are not reverse  
318 corner lots, but the County did change the ordinance in 2002. On the  
319 construction plans, we showed the side yard as 20 feet. I didn't pick it up, nor did  
320 anybody at the County. The plans were approved that way. When Ryan sold the  
321 home, they wanted to get as large homes as we could out here. I understand it's  
322 about a \$325,000 home that will be constructed. When we did the plot plan,  
323 actually, one of surveyors picked up and said that he thought it should be 25 feet,  
324 called Ryan. They called the Permit Center. The Permit Center checked it and  
325 said, "No, 20 feet is sufficient," and made a handwritten note that it was okay.  
326 We continued with the plot plan and then after the footings were in and the  
327 foundation was in and the inspector or somebody caught it and said, "No, we've  
328 made a mistake." Ryan stopped at that point in time.  
329

330 Mr. Blankinship - How are you going to prevent this from happening on  
331 the other five?  
332

333 Mr. Mistr - We know that the other five have to have the 25-foot  
334 setback. They are back-to-back, so it's not like it's setting out into somebody's  
335 front yard that's behind them. The reason I think the County went to this was to  
336 give a little additional room for landscaping along the sides when you only had 20  
337 feet. In this case, the subdivision was proffered to have two trees not only in the  
338 front, but on these corner lots to have two trees in the side also. There will be  
339 landscaping there.  
340

341 Mr. Blankinship - Are they just going to choose a smaller house plan or  
342 how are they going to rectify that?  
343

344 Mr. Smith - Yes. All the lots in here allow for a 40-foot house. On  
345 the 61-foot lot, you can put a 40-foot house. This is actually a 45-foot house, so  
346 it's just bigger than all the others.  
347

348 Mr. Nunnally - Any other questions for Mr. Mistr? Any questions for  
349 Mr. Smith? I'll ask again, is anyone here in opposition to this case? Hear none,  
350 I'm concluding this case. Thank you for coming, sir.  
351

352 Mr. Mistr - Thank you.  
353

## 354 **DECISION**

355

356 Mr. Nunnally - A-36-2006, Ryan Homes.  
357



358 Mr. Wright - I move we approve it.  
359  
360 Mr. Nunnally - Motion by Mr. Wright that it be approved. Do I have a  
361 second?  
362  
363 Mr. Kirkland - Second.  
364  
365 Mr. Wright - Basis for the approval is it seems to be a County error  
366 here. Also, I know there was responsibility on the owner, but the County  
367 approved it. It seemed to be an innocent error. I think it would impose a hardship  
368 on the owner to have to move the foundation of the house.  
369  
370 Mr. Nunnally - All in favor of approval?  
371  
372 Ms. Harris - I have a question. Okay. Did he say that the site  
373 behind this site, where the house had not been constructed, would not run into  
374 the same problem?  
375  
376 Mr. Nunnally - No, it would not.  
377  
378 Ms. Harris - Okay.  
379  
380 Mr. Blankinship - They're going to use a narrower house on the other  
381 corners.  
382  
383 Mr. Nunnally - All in favor of approval say aye. Opposed? Been  
384 approved.  
385  
386 After an advertised public hearing and on a motion by Mr. Wright, seconded by  
387 Mr. Kirkland, the Board **granted** application **A-36-2006** for a variance to build a  
388 one-family dwelling at 1517 Village Field Drive (Village at Osborne) (Parcel 802-  
389 696-6643), zoned R-5AC, General Residence District (Conditional) (Varina). The  
390 Board granted the variance subject to the following condition:  
391  
392 1. This variance applies only to the side yard setback requirement. All other  
393 applicable regulations of the County Code shall remain in force.  
394  
395  
396 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5  
397 Negative: 0  
398 Absent: 0  
399  
400  
401 Mr. Nunnally - Next case, Mr. Blankinship.  
402

403 **UP-39-2006** **ST PAUL'S BAPTIST CHURCH** requests a  
404 conditional use permit pursuant to Section 24-116(c)(1) to install a temporary  
405 trailer at 4247 Creighton Road (Parcel 815-732-6107), zoned A-1, Agricultural  
406 District (Varina).

407

408 Mr. Nunnally - Anyone here concerning this case, St. Paul's Baptist  
409 Church? You want to just pass this over for the time being, Mr. Blankinship?

410

411 Mr. Blankinship - That will be fine.

412

413 **A-37-2006** **EDMOND L COTTRILL** requests a variance from  
414 Sections 24-94 and 24-9 to build a one-family dwelling at 1856 Old Hanover  
415 Road (Parcels 833-725-1009 and 833-724-8370), zoned A-1, Agricultural District  
416 (Varina). The lot width requirement and public street frontage requirement are not  
417 met. The applicant has 36 feet lot width and 36 feet public street frontage, where  
418 the Code requires 150 feet lot width and 50 feet public street frontage. The  
419 applicant requests a variance of 114 feet lot width and 14 feet public street  
420 frontage.

421

422 Mr. Nunnally - Anyone here interested in this case? If so, please  
423 stand and raise your right hand.

424

425 Mr. Blankinship - Move over to the microphone, if you would.

426

427 Mr. Trimmer - Yes sir.

428

429 Mr. Nunnally - Please state your name for the record, sir, and tell us  
430 what you're requesting.

431

432 Mr. Trimmer - Charles Ryland Trimmer.

433

434 Mr. Nunnally - Trimmer?

435

436 Mr. Trimmer - Yes sir. I own the adjacent property

437

438 Mr. Blankinship - Are you the applicant?

439

440 Mr. Trimmer - No.

441

442 Mr. Blankinship - Is the applicant in the room?

443

444 Mr. Nunnally - Don't see him.

445

446 Mr. Blankinship - That's two in a row.

447

448 Ms. Dwyer - Were you here to speak in opposition to this request  
449 or in support?

450  
451 Mr. Trimmer - He had somebody come over with a measuring stick,  
452 Edward Cottrill did. It was one of those tape measures on a wheel. When they  
453 put red flags out in places, they were anywhere from 6 to 10 foot inside of my  
454 property.

455  
456 Ms. Dwyer - You're in opposition. Okay. If you could just hold  
457 your testimony for a minute.

458  
459 Mr. Nunnally - Mr. Trimmer, you're going to have to wait. The  
460 applicant is not here and we're going to have to pass this over to see if he gets  
461 here before we can hear this.

462  
463 Mr. Trimmer - Okay.

464  
465 Mr. Nunnally - If you don't mind having a seat, we'll call you back  
466 later, if possible. Thank you.

467  
468 **A-38-2006** **ANTHONY O. HARRIS** requests a variance from  
469 Section 24-9 to build a one-family dwelling at 1480 Burning Tree Road (Parcel  
470 804-693-6271), zoned A-1, Agricultural District (Varina). The public street  
471 frontage requirement is not met. The applicant has 0 feet public street frontage,  
472 where the Code requires 50 feet public street frontage. The applicant requests a  
473 variance of 50 feet public street frontage.

474  
475 Mr. Nunnally - Is there anyone else who desires to speak on this  
476 case? If so, if you'll please stand and raise your right hand to be sworn.

477  
478 Mr. Blankinship - Raise your right hand, please. Do you swear the  
479 testimony you're about to give is the truth and nothing but the truth, so help you  
480 God?

481  
482 Mr. Harris - I do.

483  
484 Mr. Nunnally - Will you state your name for the record, sir, and tell us  
485 what you're requesting?

486  
487 Mr. Harris - Anthony O. Harris. I'm requesting approval to build,  
488 to reconstruct a one-family home on a lot that I own, which came with a 50-foot  
489 easement to Burning Tree Road.

490  
491 Mr. Nunnally - You said with a 50-foot easement?

492  
493 Mr. Harris - Yes. I have a copy of the Schedule A.

494  
495 Mr. Blankinship - That shows on the plat as well, Mr. Chairman.  
496  
497 Ms. Dwyer - Is there a dwelling or any building on the property at  
498 this time?  
499  
500 Mr. Harris - No. There was a dwelling. The dwelling was an  
501 attractive nuisance with possible evidence of squatters, which was falling down.  
502 It was built in approximately 1937. When I had the lot cleared, the building was  
503 falling to the side. I had it pushed over and the contractor, basically, took away  
504 whatever was left.  
505  
506 Ms. Dwyer - Okay.  
507  
508 Mr. Harris - —whatever was left.  
509  
510 Ms. Dwyer - When was the demolition done?  
511  
512 Mr. Harris - Last summer some time. Not too long after I received  
513 it, because it really became a concern of being a possible attractive nuisance and  
514 there was some evidence of squatters.  
515  
516 Ms. Dwyer - Mr. Blankinship, is there any grandfathering here,  
517 since he's within the two-year period of the demolition of an existing home?  
518  
519 Mr. Blankinship - Let's see exactly what the ordinance says.  
520  
521 Ms. Dwyer - While he's looking that up, I have one more question.  
522 In the staff report, it says that you own 7.37 acres of land.  
523  
524 Mr. Harris - That's incorrect.  
525  
526 Ms. Dwyer - Okay.  
527  
528 Mr. Harris - I own approximately 4. Own three lots.  
529  
530 Ms. Dwyer - Can we get the aerial photograph on the screen and  
531 then Mr. Harris can show us what he has. All right.  
532  
533 Mr. Nunnally - You own 4.27 acres of land, is that right?  
534  
535 Mr. Harris - That sounds right.  
536  
537 Mr. Wright - Which three lots do you own?  
538

539 Mr. Harris - I own the stem lot and I own the lot directly behind the  
540 one I'm looking to build on.  
541  
542 Ms. Dwyer - The long, narrow one that has no road frontage and  
543 the one behind 1480.  
544  
545 Mr. Harris - Right. My family owns additional property on the  
546 other side of the wooded acreage to the east.  
547  
548 Ms. Dwyer - You have no road frontage on either of these parcels.  
549  
550 Mr. Harris - Correct.  
551  
552 Ms. Dwyer - Is your plan to consolidate these lots and put one  
553 house on all three lots or do you plan to build more houses in the future?  
554  
555 Mr. Harris - My initial plan is to build the individual lot. I do  
556 understand that because I own contiguous lots, my attorney advised me that I do  
557 have the ability to move my lot lines or erase them, all of that. I have no plans.  
558 Right now, I'm looking, basically, to reconstruct a home on that single lot.  
559  
560 Ms. Dwyer - The reason I ask is that, as you can see, there's a fair  
561 amount of development happening in Varina these days and this lot doesn't  
562 conform to the development standards. So if we allowed it to be in the middle of  
563 a large parcel of land that's now undeveloped, it would possibly interfere with the  
564 coordinated development of land in the future. What we're concerned about is  
565 having lots of parcels that don't meet the ordinance with single houses on them,  
566 sprinkled all around in odd lot shapes. That would inhibit future development. So  
567 that's why I'm concerned about three lots and about the fact that maybe in future  
568 with these three lots, you'll be coming back for variances on the other two to  
569 have houses built on lots that don't meet the standards.  
570  
571 Mr. Harris - That don't meet the standards?  
572  
573 Ms. Dwyer - Right. The other two lots don't have road frontage  
574 either, the other two lots that you own.  
575  
576 Mr. Harris - Right. I made several attempts to rectify this matter. I  
577 never could understand why that rectangle area on the front parcel was the way  
578 it was. I understand the history of when Burning Tree Road was created and my  
579 uncle owns that first house at 1522. In fact, he owns all three of those houses on  
580 Burning Tree, but he explained to me that when they brought the road through,  
581 they gave the frontage parcel to the individual homeowners of the land attaching  
582 to it and for some reason, this stem lot didn't get the frontage. That stem lot  
583 would have been perfect access for any of the back lots. The reason I bought  
584 the land was because of the perpetual easement. It was a perpetual 50-foot

585 easement. Since there was a house there, I didn't think there was going to be a  
586 particular issue with putting a house there. The reason I want to put the house  
587 there is because I have an 80-year-old mother that lives at 1454, who's here, and  
588 I have a 75-year-old uncle and an aunt at 1480, and a cousin at 1432. So, this  
589 land, for the most part, with the exception of a couple of parcels in between, has  
590 been in the family and I'm interested in putting a house there so I can be  
591 somewhere near my family.

592

593 Ms. Harris - I have a question. 1488, is that the land that the stem  
594 lot seems to be abutting?

595

596 Mr. Harris - 1480?

597

598 Ms. Harris - Yes. 1488.

599

600 Mr. Harris - Right. 1488 is in front of it.

601

602 Ms. Harris - Do you know the owner of that property?

603

604 Mr. Harris - I've had several conversations with him.

605

606 Ms. Harris - You have been unable to secure that property?

607

608 Mr. Harris - Correct. I would even do some sort of an exchange  
609 for that little rectangle area in the front because that stem piece, I'd put a road  
610 down there. It's wide enough to put a road down there. It's 85 feet wide. He  
611 doesn't seem to want to sell it to me.

612

613 Mr. Nunnally - Not interested at all. Okay.

614

615 Mr. Wright - Mr. Harris, do you own that access there? You say  
616 it's 50 feet.

617

618 Mr. Harris - I have a perpetual easement.

619

620 Mr. Wright - Is it an easement or do you own it? You don't own it.

621

622 Mr. Harris - No, I don't own it.

623

624 Mr. Wright - It just has an easement. Okay.

625

626 Mr. Harris - Right.

627

628 Mr. Wright - I'd like to ask Mr. Blankinship a question. Is that why  
629 we don't have a concern of lot width at the building line here? In A-37, you have

630 a lot width problem because it's back off the road, but here you don't have a lot  
631 width problem.  
632  
633 Mr. Blankinship - Exactly. On A-37, we measured back on that stem  
634 and the stem is too narrow.  
635  
636 Mr. Wright - They own the stem in 37.  
637  
638 Mr. Blankinship - Right.  
639  
640 Mr. Wright - Okay. I thought that's what it was; I just wanted to  
641 clear that up.  
642  
643 Mr. Blankinship - Yes sir.  
644  
645 Ms. Dwyer - Mr. Blankinship, did you look into that other question  
646 about whether he would be grandfathered in because there was a previous  
647 dwelling?  
648  
649 Mr. Blankinship - Yes ma'am. It says that the previous building could  
650 have been enlarged or structurally altered, but not reconstructed or substituted.  
651  
652 Ms. Dwyer - How does that differ from the other?  
653  
654 Mr. Blankinship - I may have been mistaken on the other one.  
655  
656 Ms. Dwyer - About the two years?  
657  
658 Mr. Blankinship - Yes. I think it would have to be the same.  
659  
660 Ms. Dwyer - All right. That was my understanding, too.  
661  
662 Mr. Blankinship - It depends on how it's destroyed. The two years  
663 comes into play if it's destroyed in like a fire or a flood or something like that.  
664  
665 Ms. Dwyer - The earlier one was actually demolished.  
666  
667 Mr. Blankinship - Right.  
668  
669 Mr. Wright - Mr. Harris, how long has that dwelling been on that  
670 property?  
671  
672 Mr. Harris - 1937 and it looked every bit of it. It was essentially  
673 leaning to the side. I really couldn't understand why, for tax purposes, it even  
674 had a value.  
675

676 Mr. Wright - Yes, it could not have been remodeled or renovated  
677 or anything like that.  
678  
679 Mr. Harris - It would have been too much of a stretch to even put  
680 a car in it or to try to even put a car in it.  
681  
682 Mr. Wright - When did it stop being habitable?  
683  
684 Mr. Harris - I'm not sure.  
685  
686 Mr. Wright - It was formally a residence, wasn't it? It was  
687 inhabited?  
688  
689 Mr. Harris - All I know is a guy—and I know him by name and he  
690 wasn't a relative—Charlie Harris, owned it. I never met this guy. Somebody  
691 else, the attorney, officiated the closing for him. I assume at some point in time,  
692 he probably lived there, but I couldn't tell you how long ago. I know I wouldn't live  
693 there.  
694  
695 Mr. Wright - That easement that you refer to, can you use it? Is it  
696 open for traffic and so forth?  
697  
698 Mr. Harris - Oh, yes. It's a good road. It's a road that I would be  
699 proud to maintain and to improve. It stretches the full length of the property in  
700 the front of 1488.  
701  
702 Mr. Wright - Mr. Harris, when you demolished the other home—I  
703 was reading the staff report and noticed that there was no permit for the  
704 demolition. Did you have a permit to demolish the other home?  
705  
706 Mr. Harris - I talked to the contractor. We talked about several  
707 issues and one of them was do you need to go get a permit for it or whatever.  
708 He looked at the house and he said, "This thing is leaning down. If we just push  
709 it aside, I can just move it off the property." That's what he did.  
710  
711 Mr. Wright - Okay. Thank you.  
712  
713 Mr. Harris - That's what he did.  
714  
715 Ms. Harris - This private 50-foot easement for ingress and egress,  
716 what property are we attaching that to?  
717  
718 Mr. Harris - It's attached to two properties, which I own. It's  
719 attached to 1480 and it's also attached to the property behind it.  
720



721 Ms. Harris - I have a question about easements and rights-of-way.  
722 Why is it, if it's for ingress and egress, can this easement not be used for a right-  
723 of-way? Maybe, Mr. Blankinship, you could help with that.

724  
725 Mr. Blankinship - I'm not sure I understand the question.

726  
727 Ms. Harris - Why couldn't he use this for his right-of-way?

728  
729 Mr. Blankinship - He plans on using that.

730  
731 Ms. Harris - If he already has the easement, I don't understand  
732 why he's before us, is what I'm saying.

733  
734 Mr. Blankinship - Oh, because he doesn't have public street frontage.  
735 His lot doesn't front on a public street and the Code requires any lot to be used  
736 for a dwelling to have frontage on a public street.

737  
738 Ms. Harris - I understand that; that's what we're all about. We've  
739 had cases where the right-of-way traveled with the land. We gave them access  
740 to their land-locked property with a right-of-way. Is that what he would need  
741 here?

742  
743 Mr. Blankinship - This easement would serve as his right-of-way to the  
744 property.

745  
746 Ms. Harris - Okay. Thank you.

747  
748 Mr. Nunnally - Any other questions for Mr. Harris? I'll ask again, is  
749 anyone here in opposition of this request? Hear none that concludes the case.  
750 Thank you for coming.

751  
752 **DECISION**

753  
754 Mr. Nunnally: A-38-2006, Anthony O. Harris.

755  
756 Ms. Harris - I move that we approve this property since he already  
757 has the 50-foot easement for egress and ingress. We just need the right-of-way  
758 for him to enter this land. Without the variance, he wouldn't be able to rebuild this  
759 house, which had been torn down.

760  
761 Mr. Wright - Second.

762  
763 Mr. Nunnally - Motion by Ms. Harris, second by Mr. Wright that it be  
764 approved. All in favor says aye. Opposed?

765

766 Ms. Dwyer - No. Mr. Chairman, may I make a statement about my  
767 no votes for these two cases?

768  
769 Mr. Nunnally - Yes ma'am.

770  
771 Ms. Dwyer - Just briefly. I have a concern about the proliferation  
772 of substandard lots. When I say substandard lots, I mean lots that don't meet the  
773 requirements of the subdivision ordinance, particularly in these cases where we  
774 see that coordinated development is happening in the neighborhood. On this  
775 particular aerial photograph, you see Settlers Ridge Boulevard and the  
776 coordinated development of that very large parcel of land. Same is true on the  
777 previous case, A-37. When we allow these houses to be put on these patchwork  
778 parcels that do not meet the standard requirements for the ordinance, I think that  
779 we are prohibiting in the future the coordinated and rational and reasonable and  
780 appropriate development of large acres of land, of large parcels of land. I think  
781 this is a situation that is recurring and because it is so, it doesn't meet the third  
782 prong of the test that this body needs to consider. I just wanted to make a  
783 statement as to the basis for my votes.

784  
785 Mr. Nunnally - Thank you, ma'am.

786  
787 Ms. Dwyer - Thank you.

788  
789 After an advertised public hearing and on a motion by Ms. Harris, seconded by  
790 Mr. Wright, the Board **granted** application **A-38-2006** for a variance to build a  
791 one-family dwelling at 1480 Burning Tree Road (Parcel 804-693-6271), zoned A-  
792 1, Agricultural District (Varina). The Board granted the variance subject to the  
793 following conditions:

- 794  
795 1. This variance applies only to the public street frontage requirement. All  
796 other applicable regulations of the County Code shall remain in force.  
797  
798 2. Approval of this request does not imply that a building permit will be  
799 issued. Building permit approval is contingent on Health Department  
800 requirements, including, but not limited to, soil evaluation for a septic drainfield  
801 and reserve area, and approval of a well location.  
802  
803 3. At the time of building permit application, the applicant shall submit the  
804 necessary information to the Department of Public Works to ensure compliance  
805 with the requirements of the Chesapeake Bay Preservation Act and the code  
806 requirements for water quality standards.  
807  
808 4. The applicant shall present proof with the building permit application that a  
809 legal access to the property has been obtained.

810

811 5. The owners of the property, and their heirs or assigns, shall accept  
812 responsibility for maintaining access to the property until such a time as the  
813 access is improved to County standards and accepted into the County road  
814 system for maintenance.

815

816

817 Affirmative: Harris, Kirkland, Nunnally, Wright 4

818 Negative: Dwyer 1

819 Absent: 0

820

821

822 Mr. Nunnally - Next case, Mr. Blankinship.

823

824 **UP-40-2006 GILLIES CREEK INDUSTRIAL RECYCLING, LLC**

825 requests a conditional use permit pursuant to Section 24-94(g) to build a tower  
826 100 feet tall at 4200 Masonic Lane (Parcel 806-719-8851), zoned M-2, General  
827 Industrial District (Varina).

828

829 Mr. Nunnally - Is there anyone else here interested in this case? If  
830 so, will you please stand and raise your right hand?

831

832 Mr. Blankinship: Do you swear the testimony you're about to give is  
833 the truth and nothing but the truth, so help you God?

834

835 Mr. Liesfeld - Yes I do.

836

837 Mr. Nunnally - Please state your name for the record and tell us what  
838 you're requesting.

839

840 Mr. Liesfeld - My name is Chris Liesfeld and I'm the general  
841 operations manager with my family business, Gillies Creek. I'm here today to get  
842 approval to erect a tower for observation purposes at my recycling facility.

843

844 Mr. Borden: I'm Todd Borden with Engineering Design,  
845 representing Gillies Creek Recycling.

846

847 Mr. Nunnally - Why do you need this 100-foot tower now? You've  
848 been in operation, for what, seven years as a recycling facility and now you want  
849 a 100-foot tower to observe things?

850

851 Mr. Liesfeld - Right. Yes sir, I do. At our facility, it's spread out  
852 over a hundred acres. In different areas of our facility, we're doing different types  
853 of recycling, recycling wood, concrete. These individual areas are fairly large  
854 themselves, where we have to operate. Yes, over the seven years, I have been  
855 without a tower. I can see the value of having it, as far as being able to

856 coordinate the operations, by being able to see things simultaneously and  
857 coordinate equipment and manpower as needed.

858  
859 Mr. Nunnally - Are you going to have somebody up there so many  
860 hours a day or do they show up once in a while to look around or what?

861  
862 Mr. Liesfeld - Correct. It's not going to be someone there all day.  
863 Primarily, it's going to be used by me or one of my field foremen. It's only going  
864 to be used as needed. No one's going to be there all day in that tower.

865  
866 Mr. Kirkland - Mr. Liesfeld, is this tower going to be fenced in some  
867 way so when you leave in the evenings, we won't have vandals or something  
868 trying to climb it? Is it going to be lit all the time? Is this the old fire tower from  
869 up in Short Pump?

870  
871 Mr. Liesfeld - It's very similar to that tower. It is not that exact  
872 tower.

873  
874 Mr. Kirkland - Okay.

875  
876 Mr. Liesfeld - It's pretty much identical to that.

877  
878 Mr. Kirkland - Okay.

879  
880 Mr. Liesfeld - As far as access, there is no real plan that I have in  
881 mind to keep a fence around it, but our property is partially fenced and there are  
882 "No Trespassing" signs at the perimeter of my property. There is no plan for a  
883 fence, but that can be—

884  
885 Mr. Kirkland - I was just thinking the novelty of something this size  
886 sticking up over the trees might attract youths or people that just want to climb it  
887 for an activity one evening.

888  
889 Mr. Liesfeld - That is very possible.

890  
891 Mr. Kirkland - I thought maybe you could secure it in some way,  
892 whether you have a ladder that breaks down or whatever that would assure that  
893 we wouldn't have any type situations like that.

894  
895 Mr. Liesfeld - Certainly.

896  
897 Mr. Blankinship - Are you aware of any problems with trespassing or  
898 vandalism or anything on your site?

899  
900 Mr. Liesfeld - We have had some. Occasionally, there have been  
901 people just using our property to walk from Masonic Lane to, say, Old Richmond

902 Road. I have seen strangers. It's not every day, but maybe once every six  
903 months.  
904  
905 Mr. Blankinship - That's probably something we should address.  
906  
907 Ms. Dwyer - Can you think of any way to secure the tower so that  
908 it could not be accessed?  
909  
910 Mr. Liesfeld - Sure. I believe a fence around the base of the tower  
911 where you have to enter with a key can certainly be a way to prevent people from  
912 accessing it.  
913  
914 Ms. Dwyer - Would you be agreeable to adding that to this request  
915 or committing to that as a condition?  
916  
917 Mr. Liesfeld - Sure I would, yes.  
918  
919 Ms. Dwyer - Okay.  
920  
921 Mr. Nunnally - What height fence are you speaking of, Ms. Dwyer?  
922  
923 Ms. Dwyer - I'm not sure what security fences usually are, eight  
924 feet, ten feet? I would defer to staff on the specifics, whether there should be  
925 barbed wire. A chain link fence with barbed wire?  
926  
927 Mr. Liesfeld - Yes, the tower in Short Pump that was mentioned  
928 does have a fence around the base of that tower and that is, obviously, to keep  
929 people out of it. I could follow or design something similar to that.  
930  
931 Mr. Kirkland - That's fine. That would be all right with me.  
932  
933 Ms. Harris - I have a question. Is this the standard height for  
934 communication towers, or is this "100 feet" taller than that?  
935  
936 Mr. Blankinship - In an Industrial District, we would allow a  
937 communication tower up to 100 feet by right just on the building permit.  
938  
939 Ms. Dwyer - Do we have any specifics on the tower in Short  
940 Pump? Do you know anything about it, how high the fence is or how it's  
941 constructed or what it's made of?  
942  
943 Mr. Liesfeld - That information can be obtained and I can easily get  
944 permission to take measurements, if needed.  
945  
946 Ms. Dwyer - Who owns that tower?  
947

948 Mr. Liesfeld - Well, that tower was actually part of my father's. Out  
949 in the Short Pump area, there's an event that goes on every year called, "The  
950 Field Day of the Past." Lots of old equipment, old structures and my father is part  
951 of that group and it was brought there by him.  
952

953 Ms. Harris - I have two more questions. Could this be used for a  
954 communications tower?  
955

956 Mr. Liesfeld - For my purposes?  
957

958 Ms. Harris - Yes.  
959

960 Mr. Liesfeld - No. I'm not going to use it for communication.  
961

962 Ms. Harris - Or sublet it for that purpose.  
963

964 Mr. Liesfeld - No.  
965

966 Ms. Harris - Okay. The other thing, Mr. Blankinship, were  
967 neighbors notified? I know that it's a commercial area or industrial area, but did  
968 we let anyone know that this variance was sought or this permit was sought?  
969

970 Mr. Blankinship - Yes ma'am, I'm sure we did follow the standard  
971 procedure.  
972

973 Mr. Nunnally - Any other questions of Mr. Liesfeld?  
974

975 Mr. Kirkland - I'd like to ask Mr. Blankinship a question. I'm looking  
976 at the plat and it looks like this is closer to the interstate than it is to the other side  
977 lines of the property. Do you have any idea how much this would be visible from  
978 the east line of the property and the north line of the property? That would be the  
979 south line and the west line.  
980

981 Mr. Blankinship - I don't know of any specific way to answer that or  
982 anything that I could compare it to for you. I don't have a really fixed idea in my  
983 mind, no sir, of how visible it would be.  
984

985 Mr. Kirkland - They are industrial areas, also, aren't they?  
986

987 Mr. Blankinship - Yes sir.  
988

989 Mr. Kirkland - Surrounding the property. It wouldn't have any impact  
990 on those. I'm just trying to determine if it had any impact on the adjoining  
991 properties.  
992

993 Mr. Blankinship - The only guideline I could really offer you there is we  
994 did check the distances. You're looking at 350 feet from the interstate, a  
995 thousand feet from the cemetery, and 1400 feet from the railroad. A quarter mile  
996 away, a 100-foot tower it is hard to ...

997

998 Mr. Kirkland - Probably wouldn't see it.

999

1000 Mr. Blankinship - It's hard to really quantify how visible it would be.

1001

1002 Ms. Dwyer - It would depend on the trees in the area from the  
1003 point of observation and the elevation.

1004

1005 Mr. Kirkland - All right.

1006

1007 Mr. Nunnally - Any other questions from the Board or staff? Do you  
1008 have anything to say, sir?

1009

1010 Mr. Borden - No sir.

1011

1012 Mr. Nunnally - Okay. Once again, I ask is there any opposition to  
1013 this request? Hearing none that concludes the case. Thank you for coming.

1014

## 1015 **DECISION**

1016

1017 Mr. Nunnally: UP-40-2006, Gillies Creek Industrial Recycling.

1018

1019 Mr. Kirkland - I move we approve it. This tower would be consistent  
1020 with the uses of the property and would in no way cause any harm to adjacent  
1021 land, in that it's bordered by industrial all the way around.

1022

1023 Ms. Dwyer - Do you want to add the condition about the fencing?

1024

1025 Mr. Kirkland - Yes, please.

1026

1027 Mr. Nunnally - I think that should be in there.

1028

1029 Mr. Kirkland - A security fence should be added with a locked gate,  
1030 with barbed wire on top. I would say a minimum height of eight feet.

1031

1032 Ms. Dwyer - He seemed agreeable.

1033

1034 Mr. Kirkland - That's what they have at Short Pump.

1035

1036 Mr. Nunnally - Motion by Mr. Kirkland it be approved. Do I have a  
1037 second?

1038

1039 Mr. Wright - Second.  
1040  
1041 Mr. Nunnally - Second by Mr. Wright. All in favor of approval say  
1042 aye. Opposed? Been approved.  
1043  
1044 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by  
1045 Mr. Wright, the Board **granted** application **UP-40-2006** for conditional use permit  
1046 to build a tower 100 feet tall at 4200 Masonic Lane (Parcel 806-719-8851), zoned  
1047 M-2, General Industrial District (Varina). The Board granted the variance subject  
1048 to the following conditions:  
1049  
1050 1. Only the improvements shown on the plan filed with the application may  
1051 be constructed pursuant to this approval. Any additional improvements shall  
1052 comply with the applicable regulations of the County Code. Any substantial  
1053 changes or additions may require a new use permit.  
1054  
1055 2. [ADDED] The base of the tower shall be secured by a continuous chain  
1056 link fence at least eight feet in height, topped with barbed wire, entered only  
1057 through a locked gate.  
1058  
1059  
1060 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5  
1061 Negative: 0  
1062 Absent: 0  
1063  
1064  
1065 Mr. Nunnally - Next case, Mr. Blankinship.  
1066  
1067 **UP-41-2006 ECHELON EVENTS** requests a temporary conditional  
1068 use permit pursuant to Section 24-116(c)(1) to show an outdoor movie at 1601  
1069 Willow Lawn Drive (North Willow Lawn) (Parcel 773-736-6272 and 2198), zoned  
1070 B-2, Business District (Brookland).  
1071  
1072 Ms. Gmelch - Good morning, I'm Jessica Gmelch.  
1073  
1074 Mr. Nunnally - Did you swear? Is anyone else here interested in this  
1075 case?  
1076  
1077 Mr. Blankinship - Would you raise your right hand please? Do you  
1078 swear the testimony you're about to give is the truth and nothing but the truth, so  
1079 help you God?  
1080  
1081 Ms. Gmelch - I do.  
1082  
1083 Mr. Nunnally - Please state your name for the record, ma'am, and  
1084 tell us what you're requesting.



1085  
1086 Ms. Gmelch - My name is Jessica Gmelch and I work with Echelon  
1087 Event Management. We're helping Willow Lawn Mall celebrate their 50<sup>th</sup>  
1088 anniversary by doing an outdoor drive-in movie.  
1089  
1090 Mr. Kirkland - Ms. Gmelch, you were confident today when you  
1091 came. I saw the advertisement on TV this morning for the movie.  
1092  
1093 Ms. Gmelch - We're kind of behind a little bit. We had always been  
1094 told that Willow Lawn was a private property and any kind of permit would never  
1095 be needed. Then we were corrected in this situation. Mr. Blankinship was very  
1096 nice enough to squeeze us in and try and make sure that we're abiding by all the  
1097 rules.  
1098  
1099 Mr. Kirkland - I figured it was something like that.  
1100  
1101 Ms. Harris - Have you had any feedback from neighbors or do  
1102 they know what is going to occur?  
1103  
1104 Ms. Gmelch - They should know. A mass mailing went out to all  
1105 neighborhood areas around Willow Lawn Mall and it's been positive feedback so  
1106 far.  
1107  
1108 Mr. Kirkland - Did you have a police report done on this site for  
1109 whether or not there would be any problems with patrolling?  
1110  
1111 Ms. Gmelch - Since we started the planning, we have hired three  
1112 off-duty Henrico County police officers to help us with the event. They have  
1113 helped us plan the entrance and exit for all cars during the movie festival and  
1114 they will be there for both evenings.  
1115  
1116 Ms. Dwyer - Would you be willing to add that to the conditions that  
1117 are part of the approval that there will be some police presence there during the  
1118 event?  
1119  
1120 Ms. Gmelch - Absolutely.  
1121  
1122 Ms. Dwyer - Do you plan to have one officer or?  
1123  
1124 Ms. Gmelch - There will be three officers both Friday and Saturday  
1125 evening, plus the 24-hour mall security.  
1126  
1127 Ms. Harris - Aren't you very close to the senior citizen high-rise  
1128 there?  
1129  
1130 Ms. Gmelch - Yes.

1131  
1132 Ms. Harris - You are.  
1133  
1134 Ms. Gmelch - They are notified of the event.  
1135  
1136 Ms. Dwyer - The sound is in each individual car.  
1137  
1138 Ms. Gmelch - Correct. You turn into a radio station. It's not  
1139 amplified music.  
1140  
1141 Ms. Dwyer - What movies are you showing?  
1142  
1143 Ms. Gmelch - Friday night will be Grease and Saturday will be  
1144 Madagascar, which is a kids' cartoon movie.  
1145  
1146 Mr. Kirkland - I have no further questions, Mr. Chairman.  
1147  
1148 Mr. Nunnally - Okay. Anyone else have any questions? I'll ask  
1149 again, is anyone here in opposition to this request? Hear none that concludes  
1150 the case. Thank you for coming.  
1151  
1152 Ms. Gmelch - Thank you.  
1153  
1154 **DECISION**  
1155  
1156 Mr. Nunnally - UP-41-2006, Echelon Events.  
1157  
1158 Mr. Kirkland - I move we approve it and we add a condition, which  
1159 was agreeable with the applicant, that three off-duty police officers be hired  
1160 during the two-day event.  
1161  
1162 Ms. Dwyer - Second.  
1163  
1164 Mr. Nunnally - Motion by Mr. Kirkland, second by Ms. Dwyer that it  
1165 be approved. All in favor say aye. Opposed? It's been approved.  
1166  
1167 After an advertised public hearing and on a motion by Mr. Kirkland, seconded by  
1168 Mr. Dwyer, the Board **granted** application **UP-41-2006** for a temporary  
1169 conditional use permit to show an outdoor movie at 1601 Willow Lawn Drive  
1170 (Parcel 773-736-6272 and 2198). The Board granted the variance based on the  
1171 following conditions:  
1172  
1173 1. This approval is only for the showing of a drive-in movie between the  
1174 hours of 7 PM and 10 PM on Friday, October 6, 2006 and Saturday, October 7,  
1175 2006.  
1176

- 1177 2. The site shall be cleaned of trash and other debris at the close of business  
 1178 each day.  
 1179  
 1180 3. Lighting shall be provided such that patrons will be able to move around  
 1181 the site in safety, but shall not create glare or spill over onto the adjoining  
 1182 property.  
 1183  
 1184 4. [ADDED] Three off-duty police officers shall patrol the site and direct traffic  
 1185 on both days of the event.

1186  
 1187  
 1188 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5  
 1189 Negative: 0  
 1190 Absent: 0  
 1191

1192  
 1193 Mr. Nunnally - You want to try these other two that were not here,  
 1194 Mr. Blankinship?

1195  
 1196 **UP-39-2006 ST PAUL'S BAPTIST CHURCH** requests a  
 1197 conditional use permit pursuant to Section 24-116(c)(1) to install a temporary  
 1198 trailer at 4247 Creighton Road (Parcel 815-732-6107), zoned A-1, Agricultural  
 1199 District (Varina).  
 1200

1201 Mr. Nunnally - Anyone here from St. Paul's Baptist Church? Do we  
 1202 have a motion that we defer it or deny it or what?  
 1203

1204 **DECISION**

1205  
 1206 Mr. Wright - I move we defer it to the next meeting.  
 1207

1208 Ms. Harris - Second.  
 1209

1210 Mr. Nunnally - Motion by Mr. Wright, second by Ms Harris we defer  
 1211 till the next meeting. All in favor say aye.  
 1212

1213 Ms. Dwyer - Mr. Chairman, I had one question just for staff. I  
 1214 wasn't clear from the staff report exactly where the trailer was going to be, so I  
 1215 wonder if that could be clarified for the next month's staff report.  
 1216

1217 Mr. Blankinship - It certainly will.  
 1218

1219 Ms. Dwyer - Thank you.  
 1220

1221 Upon a motion by Mr. Wright, seconded by Ms. Harris, the Board **deferred**  
 1222 application **UP-39-2006** for a conditional use permit to install a temporary trailer

1223 at 4247 Creighton Road (Parcel 815-732-6107) (Varina). The Board deferred the  
1224 request from the September 28, 2006 meeting until the October 19, 2006  
1225 meeting because no one attended the hearing to present the application.

1226  
1227 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5  
1228 Negative: 0  
1229 Absent: 0

1230  
1231 Mr. Nunnally - All right.

1232  
1233 **A-37-2006** **EDMOND L. COTTRILL** requests a variance from  
1234 Sections 24-94 and 24-9 to build a one-family dwelling at 1856 Old Hanover  
1235 Road (Parcels 833-725-1009 and 833-724-8370), zoned A-1, Agricultural District  
1236 (Varina). The lot width requirement and public street frontage requirement are not  
1237 met. The applicant has 36 feet lot width and 36 feet public street frontage, where  
1238 the Code requires 150 feet lot width and 50 feet public street frontage. The  
1239 applicant requests a variance of 114 feet lot width and 14 feet public street  
1240 frontage.

1241  
1242 Mr. Nunnally - Is anyone else here interested in this case? If so,  
1243 please stand and raise your right hand and be sworn in.

1244  
1245 Mr. Blankinship - Mr. Trimmer has already been sworn. You're still  
1246 under oath, sir. If you'd raise your right hand. Do you swear the testimony  
1247 you're about to give is the truth, the whole, and nothing but the truth, so help you  
1248 God?

1249  
1250 Ms. Glazebrook - Yes sir.

1251  
1252 Mr. Nunnally - Please state your name for the record, ma'am, and  
1253 tell us what you're requesting.

1254  
1255 Ms. Glazebrook - I'm Susan Glazebrook with Long and Foster Realtors  
1256 and I'm representing Mr. Cottrill.

1257  
1258 Mr. Kirkland - Could you get a little closer to the mike or pull it  
1259 down?

1260  
1261 Mr. Nunnally - All right. Repeat what you just said.

1262  
1263 Ms. Glazebrook - I'm Susan Glazebrook with Long and Foster Realtors  
1264 and I'm representing Mr. Cottrill.

1265  
1266 Mr. Nunnally - All right. Tell us what you're requesting, please.

1267

1268 Ms. Glazebrook - We're requesting a variance. We are selling that  
1269 parcel and without the variance, it's land-locked.  
1270  
1271 Ms. Dwyer - Is the parcel being used for anything at this time?  
1272  
1273 Ms. Glazebrook - No ma'am.  
1274  
1275 Ms. Dwyer - It appears that the access to this property is  
1276 somewhat compromised by the shape of the, I guess what's listed as Parcel  
1277 1856? No.  
1278  
1279 Mr. Blankinship - The address is 1856.  
1280  
1281 Ms. Dwyer - The address is 1856. Do you own the other parcel  
1282 that has road access, that gives you access to Old Hanover Road? Is that part of  
1283 this parcel or not?  
1284  
1285 Ms. Glazebrook - He also owns 1850, where his house and his  
1286 driveway is on.  
1287  
1288 Ms. Dwyer - Okay. So, this odd-shaped parcel that sort of gives  
1289 access to the lot that we're discussing today, does he also own that?  
1290  
1291 Ms. Glazebrook - Yes ma'am.  
1292  
1293 Ms. Dwyer - Okay. Have you read the conditions in which staff  
1294 suggests that the boundary between 1850 and 1856 be adjusted to provide a 30-  
1295 foot wide access to the property and that 1856 be consolidated with the subject  
1296 property?  
1297  
1298 Ms. Glazebrook - Yes ma'am.  
1299  
1300 Ms. Dwyer - And is that agreeable?  
1301  
1302 Ms. Glazebrook - Yes.  
1303  
1304 Mr. Nunnally - Any other questions from staff or the Board?  
1305  
1306 Mr. Kirkland - I want to clarify something about the access.  
1307  
1308 Mr. Nunnally - All right, sir.  
1309  
1310 Mr. Kirkland - Is that a road in there now or just property, or will a  
1311 road be put in or what?  
1312

1313 Ms. Glazebrook - A road will be put in. The 1850, where his parcel and  
1314 his driveway are, is going to remain the same. The road will be put in to go  
1315 directly back to the 4.0 acres.  
1316  
1317 Mr. Kirkland - Which is commonly noted now on the plan as 1856, is  
1318 that correct? That's what it will go on, that little strip?  
1319  
1320 Ms. Glazebrook - Yes sir.  
1321  
1322 Mr. Kirkland - Okay.  
1323  
1324 Ms. Dwyer - So, that strip is how wide at the road?  
1325  
1326 Ms. Glazebrook - Thirty-six feet, I believe.  
1327  
1328 Ms. Dwyer - Okay. It will be a consistent, at least 35-foot access,  
1329 all the way back to the property. That will be consolidated with the larger parcel in  
1330 the back.  
1331  
1332 Ms. Glazebrook - Yes ma'am.  
1333  
1334 Mr. Nunnally - Any other questions for Ms. Glazebrook? All right,  
1335 ma'am. I think we have some opposition, so if you'll have a seat, we'll call you  
1336 back to rebut in just a few minutes. Mr. Trimmer, I believe. Is that right? Are  
1337 you Mr. Trimmer?  
1338  
1339 Mr. Trimmer - Yes sir, my name's Charles Trimmer.  
1340  
1341 Mr. Nunnally - All right, sir. You can go ahead and state what you  
1342 have to say, sir.  
1343  
1344 Mr. Trimmer - I live at 1870 Old Hanover Road. I have  
1345 approximately 160-foot road frontage. The distance that he's planning on putting  
1346 a road through there, when they came through and measured off and put red  
1347 flags, not having an actual survey there, were anywhere from 6 to 10 feet into my  
1348 property where they proposed putting this road in. They're going to be right up  
1349 on top of me if they put a road in there. When he started off he got that property  
1350 for around \$20,000 and the first thing he did, he offered my neighbor and myself  
1351 an acre and a half for \$8,000 a piece. Then some realtor came over and told him  
1352 they'd give him \$40,000 for it. Then somebody else told him they'd give him  
1353 \$60,000 for it. The land's been land-locked. At the corner of Hanover and Airport  
1354 Drive, trying to get in and out of there with the traffic flow is bad enough right  
1355 now. Somebody's going to get killed at that intersection because there's just so  
1356 many new houses coming up. That's still zoned agriculture.  
1357

1358 Mr. Nunnally - You say he's put some red flags up on your property?  
1359 They can't do that, sir.  
1360  
1361 Mr. Trimmer - I've marked my survey stakes with yellow flags. I  
1362 bought my house in 1999 and it was a VA-approved loan and everything had to  
1363 be surveyed and all that on it.  
1364  
1365 Mr. Wright - Your house appears to be a good distance from the  
1366 proposed road, based on this plat we have, aerial photo we have.  
1367  
1368 Mr. Trimmer - Not much. It's a distance from my house to his  
1369 house, but from his house to where this proposed road is, I don't know how much  
1370 he's going to have in there.  
1371  
1372 Mr. Wright - That's his problem, isn't it?  
1373  
1374 Mr. Trimmer - Okay, but I don't want him on my property.  
1375  
1376 Mr. Wright - It can't be on your property. You've got legal  
1377 ownership. They cannot put a road on your property.  
1378  
1379 Mr. Trimmer - How far does the road have to be off of my property?  
1380  
1381 Mr. Wright - Well it could be along the sideline of your property,  
1382 but I thought you indicated the road was right on top of your house and I'm  
1383 looking at this aerial photo here and it looks like a good distance between the  
1384 road and your house, if you own 1870 there.  
1385  
1386 Mr. Trimmer - I own 1870.  
1387  
1388 Mr. Wright - Can you see what I'm talking about?  
1389  
1390 Mr. Trimmer - Yes.  
1391  
1392 Mr. Wright - You see where the road is and how far it is? That's  
1393 not right on top of your house.  
1394  
1395 Mr. Trimmer - No, but it's right on my property line.  
1396  
1397 Mr. Wright - Naturally, it would be along the side of your property if  
1398 that's where they're going to put it in. They couldn't put it in anywhere else.  
1399  
1400 Mr. Blankinship - They certainly can't put it on your property.  
1401  
1402 Mr. Trimmer - Okay. They're asking to put a road in an agricultural  
1403 zone. With having a real estate agent involved and all, I'm sure it's going to end

1404 up they're going to put more than just one home back there. I image they're  
1405 going to try to split it into four homes because it would be kind of crazy for a real  
1406 estate agent to be involved in him building his own house back there.

1407

1408 Mr. Blankinship - In order to build any more houses, they'd have to  
1409 build a street, a public street and that's very expensive. Whether they would be  
1410 able to make that would is questionable. Also, they would also have to rezone  
1411 the property, which this is not a rezoning. The question is whether they should  
1412 be allowed to build in spite of not having 50 feet of road frontage and 150 feet of  
1413 lot width. You've lived there for how long?

1414

1415 Mr. Trimmer - Since 1999.

1416

1417 Mr. Blankinship - Can you think of anything else that that land back  
1418 there could be used for?

1419

1420 Mr. Trimmer - Farming. They put houses, new houses right beside  
1421 his. They put about 30 houses up in there now.

1422

1423 Mr. Blankinship - Yes.

1424

1425 Mr. Trimmer - Yes. His lot is real narrow.

1426

1427 Mr. Blankinship - Do you think a lot that size could be farmed  
1428 economically? Do you think they could make money farming it?

1429

1430 Mr. Trimmer - It could be turned into an orchard. I don't know what  
1431 all the crops are. I carry a pretty good size garden out there. I've got a 50' by  
1432 100' garden on that corner there.

1433

1434 Mr. Kirkland - What is your property zoned?

1435

1436 Mr. Trimmer - Agricultural.

1437

1438 Mr. Kirkland - You're agricultural also.

1439

1440 Mr. Trimmer - Yes sir.

1441

1442 Ms. Dwyer - There is an excess of four acres, so while normally he  
1443 would have to have a rezoning to build four houses, he could also come back  
1444 and ask for another variance. We've certainly had that, where people have come  
1445 back and asked for variance after variance after variance on a piece of property  
1446 that they have subdivided. That's not unheard of.

1447

1448 Mr. Nunnally - All right. Any other questions for Mr. Trimmer?

1449



1450 Mr. Trimmer - No sir.  
1451  
1452 Mr. Nunnally - Okay. Thank you, sir. Ms. Glazebrook, you want to  
1453 rebut? Let me ask you this first. Are you just planning on one house on these  
1454 four acres?  
1455  
1456 Ms. Glazebrook - Yes. The purchaser has sent in his specs, what he's  
1457 planning on doing. It's just going to be one home. The official survey has not  
1458 been done. We were trying to lay it out when we first got the contract on it. We  
1459 used the guidelines that we had, tax records and everything, and we did put the  
1460 red flags up, but the official survey has not been done at this time. They are  
1461 waiting to make sure that they can get the variance before the buyer goes ahead.  
1462  
1463 Mr. Nunnally - You're saying those red flags are not official.  
1464  
1465 Ms. Glazebrook - No.  
1466  
1467 Mr. Nunnally - It could be off.  
1468  
1469 Ms. Glazebrook - They are not official. We were just trying to walk it to  
1470 find out what we had there to work with.  
1471  
1472 Ms. Dwyer - At what time, Mr. Blankinship, would an official survey  
1473 need to be presented to the County or is there a point at which we ensure that a  
1474 survey is done?  
1475  
1476 Mr. Blankinship - At building permit, we would require a consolidation to  
1477 have been done and, of course, they'd have to have a survey for that.  
1478  
1479 Ms. Dwyer - Okay. We wouldn't require anything. We wouldn't  
1480 allow anything less than a survey. We've had trouble with this before with the  
1481 property lines. When we've had close connections between properties, we've  
1482 had issues with property lines before.  
1483  
1484 Mr. Kirkland - His home would be septic and well, is that correct?  
1485  
1486 Ms. Glazebrook - Yes sir.  
1487  
1488 Mr. Kirkland - No County water. You would have to use some of the  
1489 property for septic fields.  
1490  
1491 Ms. Glazebrook - Correct.  
1492  
1493 Mr. Kirkland - Thank you.  
1494

1495 Mr. Blankinship - Has that been investigated yet or was that waiting on  
1496 this hearing as well?  
1497  
1498 Ms. Glazebrook - They have had the perk test done.  
1499  
1500 Mr. Nunnally - All right. Any other questions from the Board or staff  
1501 for Ms. Glazebrook? Hearing none that concludes the case.  
1502

1503 **DECISION**

1504  
1505 Mr. Nunnally: A-37-2006, Edward L. Cottrill. Do we have a motion  
1506 on that?  
1507  
1508 Mr. Wright - I move we approve it.  
1509  
1510 Ms. Harris - Second the motion.  
1511  
1512 Mr. Nunnally - Motion by Mr. Wright, second by Ms. Harris that we  
1513 approve.  
1514  
1515 Mr. Wright - Basis for the motion is that the property cannot have a  
1516 reasonable use without the variance.  
1517  
1518 Mr. Nunnally - All in favor of approval say aye. Opposed?  
1519  
1520 Ms. Dwyer - No.  
1521  
1522 Mr. Nunnally - It's been approved, four to one.  
1523

1524 After an advertised public hearing and on a motion by Mr Wright, seconded by  
1525 Ms. Harris, the Board **granted** application **A-37-2006** for a variance to build a  
1526 one-family dwelling at 1856 Old Hanover Road (Parcels 833-725-1009 and 833-  
1527 724-8370), A-1, Agricultural District (Varina). The Board granted the variance  
1528 subject to the following conditions:  
1529

- 1530 1. This variance applies only to the minimum lot width and public street  
1531 frontage requirements. All other applicable regulations of the County Code shall  
1532 remain in force.  
1533  
1534 2. Approval of this request does not imply that a building permit will be  
1535 issued. Building permit approval is contingent on Health Department  
1536 requirements, including, but not limited to, soil evaluation for a septic drainfield  
1537 and reserve area, and approval of a well location.  
1538  
1539 3. At the time of building permit application, the applicant shall submit the  
1540 necessary information to the Department of Public Works to ensure compliance

1541 with the requirements of the Chesapeake Bay Preservation Act and the code  
1542 requirements for water quality standards.

1543  
1544 4. The applicant shall present proof with the building permit application that  
1545 the boundary line between 1850 Old Hanover Road (GPIN 833-724-7872) and  
1546 1856 Old Hanover Road (GPIN 833-724-8370) has been adjusted to provide  
1547 access 35 feet wide to the subject property (GPIN 834-725-1609), and that 1856  
1548 Old Hanover Road (GPIN 833-724-8370) has been consolidated with the subject  
1549 property (GPIN 834-725-1609).

1550  
1551 5. Prior to applying for a building permit, the applicant shall remove any trash  
1552 and inoperative vehicles from the property.

1553  
1554  
1555 Affirmative: Harris, Kirkland, Nunnally, Wright 4  
1556 Negative: Dwyer 1  
1557 Absent: 0

1558

1559

1560 Mr. Nunnally - Thank you. All right, that's it, Mr. Blankinship.

1561

1562 Mr. Blankinship - Yes sir. We're up to two cases next month, now.

1563

1564 Ms. Dwyer - Thought you were going to get a vacation.

1565

1566 Mr. Nunnally - I told you, Mr. Blankinship.

1567

1568 Ms. Dwyer - Minutes?

1569

1570 Mr. Nunnally - Oh, my goodness.

1571

1572 Ms. Dwyer - Would you all mind deferring approval of the July 27  
1573 minutes until next month? I did not get a chance to thoroughly review those this  
1574 time.

1575

1576 Mr. Kirkland - I have no problem.

1577

1578 Mr. Wright - It's all right with me.

1579

1580 Mr. Nunnally - July, you say?

1581

1582 Ms. Dwyer - Yes.

1583

1584 Mr. Nunnally - Motion by Ms. Dwyer that we defer the minutes of  
1585 July until next month. All in favor say aye. Opposed? It's been deferred.

1586

1587 On a motion by Ms. Dwyer, the Board **deferred** the Minutes of the **July 27, 2006**,  
1588 Henrico County Board of Zoning Appeals meeting until the October 19, 2006  
1589 meeting.

1590

1591

1592 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5

1593 Negative: 0

1594 Absent: 0

1595

1596

1597 Mr. Nunnally - October what?

1598

1599 Mr. Blankinship - The 26<sup>th</sup>, I believe. July 27<sup>th</sup> was the date of the minutes.

1600

1601 Mr. Nunnally - October the 27<sup>th</sup>?

1602

1603 Mr. Blankinship - She was asking for the October meeting.

1604

1605 Mr. Nunnally - Oh, all right. We've got May and March.

1606

1607 Mr. Kirkland - Do we need to approve the meeting schedule for next year,  
1608 Mr. Blankinship, or are you giving that for benefit?

1609

1610 Mr. Nunnally - I thought we already approved that?

1611

1612 Mr. Blankinship - It was approved in July.

1613

1614 Mr. Kirkland - Okay. This is just for our general information?

1615

1616 Mr. Blankinship - Yes sir.

1617

1618 Mr. Kirkland - Okay.

1619

1620 Mr. Nunnally - Let's vote on the minutes for March the 23<sup>rd</sup>.

1621

1622 Ms. Harris - I have a few corrections. Page 29, line 1290. I repeated  
1623 that word "occurrence" and 1288.

1624

1625 Mr. Nunnally - Okay.

1626

1627 Ms. Harris - On page 38, 1701.

1628

1629 Mr. Nunnally - 1701. Okay.

1630

1631 Ms. Harris - Instead of saying, "that's opposed," "that was supposed."  
1632 Insert the word, "was."

1633  
1634 Mr. Nunnally - Okay.  
1635  
1636 Ms. Harris - Page 42, 1881. [Unintelligible]. "Down" was omitted. I will  
1637 try to speak a little louder.  
1638  
1639 Mr. Nunnally - That's it?  
1640  
1641 Ms. Dwyer - I just noticed something. I just have one. On page 10, it  
1642 looks like—I think Mr. Jennings spoke the words on 408 rather than Mr.  
1643 Blankinship. If Mr. Blankinship has never seen the conditions on the case, I'd be  
1644 surprised.  
1645  
1646 Mr. Nunnally - What page are you on, Ms. Dwyer?  
1647  
1648 Ms. Dwyer - Page 10, line 408. Mr. Blankinship, you don't want that to  
1649 stand.  
1650  
1651 Mr. Wright - That would certainly look bad, wouldn't it?  
1652  
1653 Mr. Kirkland - Mr. Davenport must have been—  
1654  
1655 *[Laughter.]*  
1656  
1657 Mr. Wright - Mr. Chairman, I think on page 1, line 9, we certainly ought to  
1658 put "ladies and gentleman" in there. I think we could be accused of  
1659 discrimination.  
1660  
1661 Ms. Dwyer - What if you didn't say that?  
1662  
1663 Mr. Nunnally - I think I did that.  
1664  
1665 Mr. Wright - I know you did.  
1666  
1667 Ms. Dwyer - He always says that.  
1668  
1669 Mr. Wright - Okay. Page 2—  
1670  
1671 Mr. Blankinship - I know what happened. The recording started after he said  
1672 [unintelligible].  
1673  
1674 Mr. Wright - Page 2, line 51 said, "All in favor, but there are no results.  
1675 Line 51, page 2, you said, "All in favor say aye," and we never find what the vote  
1676 was, whether it was unanimous or what. I think we need results in there.  
1677  
1678 Mr. Blankinship - Yes.

1679  
1680 Mr. Wright - Page 6. I don't know who "male" is. Look on line 232. Who  
1681 is that?  
1682  
1683 Ms. Harris - A male voice?  
1684  
1685 Mr. Kirkland - Does that mean a male voice?  
1686  
1687 Ms. Harris - I think it does. It's pretty consistent in the minutes.  
1688  
1689 Mr. Wright - Well, it's happened several places throughout these minutes.  
1690 I just point that out. I don't know who that is. Page 11.  
1691  
1692 Ms. Dwyer - No one wants to claim that statement? None of the males in  
1693 the room want to claim that statement?  
1694  
1695 Mr. Nunnally - I don't know.  
1696  
1697 Mr. Blankinship - Could be you, Mr. Nunnally.  
1698  
1699 Mr. Nunnally - I think that's Mr. Blankinship. That's Mr. Wright.  
1700  
1701 Mr. Wright - It sounds like Mr. Kirkland, to me.  
1702  
1703 Mr. Kirkland - You think it's me?  
1704  
1705 Mr. Wright - Mr. Blankinship said that they could listen to the tape again  
1706 and identify the voice. I think he can handle that.  
1707  
1708 Mr. Nunnally - What page are you on now?  
1709  
1710 Mr. Wright - Eleven. Same thing. Line 453, male. Page 16.  
1711  
1712 Mr. Nunnally - That sounds like Mr. Wright was asking Mr. Tokarz.  
1713  
1714 Mr. Wright - It may be. Line 699. Again, male.  
1715  
1716 Mr. Kirkland - I think that would be the applicant.  
1717  
1718 Mr. Wright - I wouldn't say three straight things there. Page 18. Same  
1719 thing. Line 804.  
1720  
1721 Mr. Nunnally - Okay.  
1722  
1723 Mr. Wright - Page 36. Male, again. Line 619. Page 65. Same thing.  
1724 Line 2947. We've got 51, also. That's all I have.

1725  
1726 Mr. Nunnally - Any other corrections on March?  
1727  
1728 Mr. Wright - I move we approve the March minutes.  
1729  
1730 Ms. Dwyer - Second.  
1731  
1732 Mr. Nunnally - Motion by Mr. Wright, second by Ms. Dwyer that they be  
1733 approved with the corrections. All in favor, say aye. It's been approved with the  
1734 corrections.  
1735  
1736 On a motion by Mr. Wright, seconded by Ms. Dwyer, the Board **approved** as  
1737 corrected the Minutes of the **March 23, 2006**, Henrico County Board of Zoning  
1738 Appeals meeting.  
1739  
1740  
1741 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5  
1742 Negative: 0  
1743 Absent: 0  
1744  
1745  
1746 Mr. Nunnally - All right, let's see now, May. Do we have a motion on  
1747 those?  
1748  
1749 Ms. Dwyer - I move we approve.  
1750  
1751 Mr. Wright - Second.  
1752  
1753 Mr. Nunnally - Motion by Ms. Dwyer, second by Mr. Wright that it be  
1754 approved. All in favor say aye. It's been approved.  
1755  
1756 On a motion by Mr. Dwyer, seconded by Mr. Wright, the Board **approved** the  
1757 Minutes of the **May 25, 2006**, Henrico County Board of Zoning Appeals meeting.  
1758  
1759  
1760 Affirmative: Dwyer, Harris, Kirkland, Nunnally, Wright 5  
1761 Negative: 0  
1762 Absent: 0  
1763  
1764  
1765 Ms. Harris - What is the next step in the case that we received?  
1766  
1767 Mr. Nunnally - Mr. Blankinship, Ms. Harris wants to know why we got  
1768 this. I know they sent us that and I requested a copy of it.  
1769

1770 Mr. Blankinship - Okay. Which one is that? They are hoping to resolve  
1771 that. They're hoping to work out a sale of that property. If they do that, then  
1772 they'll dismiss the suit.

1773  
1774 Mr. Nunnally - Okay.

1775  
1776 Mr. Blankinship - At this point, we're waiting for them.

1777  
1778 Mr. Wright - Has certiorari been granted in that case, do you  
1779 know?

1780  
1781 Mr. Blankinship - I haven't received notice of that. I'm not sure whether  
1782 we usually do or not.

1783  
1784 Mr. Nunnally - All right. Anything else for the Board.

1785  
1786 Mr. Wright - I move we adjourn.

1787  
1788 Mr. Kirkland - Second.

1789  
1790 Mr. Nunnally - Motion we adjourn by Mr. Wright, second by Mr.  
1791 Kirkland. All in favor, please stand.

1792  
1793 There being no further business, and on a motion by Ms. Wright, second by Mr.  
1794 Kirkland, the Board adjourned until **October 19, 2006**, at 9:00 a.m.

1795  
1796  
1797 James W. Nunnally

1798  
1799 Chairman

1800  
1801  
1802  
1803  
1804  
1805 Benjamin Blankinship, AICP

1806  
1807 Secretary

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