



DEPARTMENT OF  
**PLANNING AND  
DEVELOPMENT  
REVIEW**

**BOARD OF  
ZONING APPEALS**

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, DECEMBER 4, 2024**

On Wednesday, December 4, 2024, the Board of Zoning Appeals held a public hearing in the Fifth Floor Conference Room, 900 East Broad Street, at 1:00 p.m.; display notice having been published in the Richmond Legacy Newspaper on November 20 and 27, 2024 and written notice having been sent to interested parties.

Members Present:                Rodney M. Poole, Chair  
   Roger H. York, Jr., Vice-Chair  
   Mary J. Hogue  
   Susan Sadid  
   Bryce L. Robertson

Staff Present:                    Roy W. Benbow, Secretary  
   William C. Davidson, Zoning Administrator  
   Brian P. Mercer, Planner  
   Neil R. Gibson, Senior Assistant City Attorney

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The Chairman called the meeting to order and read the Board of Zoning Appeals Introductory Statement, which explains the proceedings of the meeting. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

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**BZA 36-2024**

**APPLICANT:**                Linwood and Charla Williams

**PREMISES:**                1724 & 1724 ½ NORTH 20<sup>th</sup> STREET  
   (Tax Parcel Numbers E000-0934/007 & 048)

**SUBJECT:** A lot split and building permit to construct a new single-family (detached) dwelling.

**DISAPPROVED** by the Zoning Administrator on October 1, 2024, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot area and lot width requirements are not met. Lot areas of six thousand square feet (6,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one lot having a lot area of 7,980 square feet and a lot width of sixty feet (60') currently exists. Lot areas of 3,990 square feet and lot widths of thirty feet (30') are proposed.

**APPLICATION** was filed with the Board on September 26, 2024, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

**APPEARANCES:**

For Applicant: Will Gillette

Against Applicant: None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, Linwood and Charla Williams, have requested a special exception to construct a new single-family detached dwelling for property located at 1724 & 1724 ½ North 20<sup>th</sup> Street. Mr. Will Gillette, representing the applicant, testified that the current request was previously approved by the Board as a variance in 2004. The variance was never implemented which necessitates the current request. Mr. Gillette stated that the goal is to permit construction of one new single-family detached dwelling which is consistent with the special exception intent of creating infill housing which is compatible with the neighborhood. The dwelling will be a high-quality for sale product of approximately 1904 ft.<sup>2</sup> of floor area including three bedrooms and 2 ½ baths. The exterior of the dwelling will be a compatible design of other dwellings in the neighborhood and include cementitious siding. Mr. Gillette explained that the subject lot was originally 60 feet in width and contained 7980 ft.<sup>2</sup> of lot area. Mr. Gillette noted that in 2004 the Board approved a variance to divide the subject property into two 30 foot wide parcels and construct a new dwelling on the southern portion of the lot. Mr. Gillette noted that the lot previously consisted of two legal lots of record that were subsequently combined and the proposed single-family dwelling is consistent with the R-5 zoning district regulations. Further, the side yard requirements will be met and no subdivision will be required. One off-street parking space will be provided at the rear of the property. Mr. Gillette indicated that the proposed lots are consistent with the predominant lot areas and lot widths in the vicinity. Likewise the new dwelling will be compatible with

other dwellings in the vicinity. Mr. Gillette concluded by stating there is no active neighborhood association and letters were sent to all property owners within a 150-foot radius and no opposition was identified.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed or other means, and the number of lots to be created do not exceed the number of previously existing lots of record, the new lots comply with Section 30-610.1 of the zoning ordinance and off-street parking requirements will be met, each lot created by the division will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property and that dwellings to be constructed on the lots will be compatible with the dwellings existing or to be constructed in the immediate vicinity of the property.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot area and lot width requirements be granted to Linwood and Charla Williams for a lot split and building permit to construct a new single-family (detached) dwelling, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, York, Hogue, Sadid, Robertson

negative: None

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BZA 37-2024

APPLICANT: Gary L. Tyler & Robyn C. Tyler Living Trust

PREMISES: 408 CLEVELAND STREET  
(Tax Parcel Number W000-1464/019)

SUBJECT: A lot split to reduce the area of an existing nonconforming commercial building into two (2) separate buildings on independent lots of record.

DISAPPROVED by the Zoning Administrator on October 15, 2024, based on Sections 30-300 & 30-800.2(b) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the nonconforming use requirements are not met. The area of a lot on which a nonconforming use is located shall not be reduced unless authorized by the Board of Zoning Appeals. Two (2) lots are proposed; one retaining the nonconforming convenience store and the other retaining the nonconforming laundromat.

APPLICATION was filed with the Board on October 14, 2024, based on Section 30-1040.3(9) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Lewis Little

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Gary L Tyler and Robyn C. Tyler Living Trust, have requested a special exception for a lot split to reduce the lot area of existing nonconforming commercial buildings into two separate buildings on independent lots of record for property located at 408 Cleveland Street. Mr. Lewis Little representing the applicant, testified that there is currently two buildings on the subject lot that are divided by a party wall. The western half of the building is utilized for a market and the easternmost building is a laundry. The proposal is to divide the two buildings by creating separate lots. Mr. Little explained that one of the reasons for the proposal is to facilitate estate planning as the property is currently in a trust. Mr. Little further explained that insofar as the special exception conditions are concerned the lots and the current uses were established in good faith and the existing buildings cannot reasonably be devoted to conforming uses. It should be noted that the current zoning is R-6 single-family attached residential district. Further, the proposed division will not increase potential adverse impacts on the surrounding properties. The division will result in one main building being located on each lot. Mr. Little concluded by stating that the Fan District Association has no opposition to the proposal nor do any of the surrounding neighbors.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (9) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed or other means, and the number of lots to be created do not exceed the number of previously existing lots of record, the existing buildings cannot reasonably be devoted to conforming uses and the proposed division will not increase potential adverse impacts of the nonconforming uses on adjoining and surrounding

properties. The division will comply with applicable requirements of the subdivision regulations and the division shall result in at least one main building being located in each lot.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the nonconforming use requirements be granted to Gary L. Tyler & Robyn C. Tyler Living Trust for a lot split to reduce the area of an existing nonconforming commercial building into two (2) separate buildings on independent lots of record, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally  
affirmative: Poole, York, Hogue, Sadid, Robertson  
negative: None

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BZA 38-2024

APPLICANT: Ashkan Gousheh

PREMISES: 1609 ROGERS STREET  
(Tax Parcel Number E000-1235/005)

SUBJECT: A lot split and building permits to construct two (2) new single-family (detached) dwellings.

DISAPPROVED by the Zoning Administrator on October 25, 2024, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot area and lot width requirements are not met. Lot areas of six thousand square feet (6,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one lot having a lot area of 6,750 square feet and a lot width of fifty feet (50') currently exists. Lot areas of 3,375 square feet and lot widths of twenty-five (25') feet are proposed.

APPLICATION was filed with the Board on October 17, 2024, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Ashkan Gousheh

Against Applicant: None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, Ashkan Gousheh, has requested a special exception for a lot split and building permits to construct two new single-family detached dwellings for property located at 1609 Rogers Street. Mr. Gousheh testified that the subject lot contains 6000 ft.<sup>2</sup> and is 50 feet wide. The proposal is to divide the property into two lots of 3376 ft.<sup>2</sup> in area and lot widths of 25 feet. Mr. Gousheh noted that the proposed lots were previously existing legal lots of record. Mr. Gousheh stated that it was his desire to construct two single-family one-story dwellings that will be compatible with the surrounding neighborhood in terms of design and overall square footage. Mr. Gousheh noted that most of the houses in the immediate vicinity are one story and contain approximately 1000 ft.<sup>2</sup>. The proposed dwellings will be affordable in nature and the proposal is consistent with the City's 300 Plan. Mr. Gousheh explained that if required to comply with the underlying zoning it would necessitate the construction of a two-story dwelling containing approximately 2000 ft.<sup>2</sup> on a 50-foot wide lot which would be incompatible both in terms of the structure size and lot size with the surrounding neighborhood. Mr. Gousheh indicated that letters had been sent to all property owners within 150 feet and no opposition was noted while two letters of support were received. The property in question is not represented by a neighborhood association.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed or other means, and the number of lots to be created do not exceed the number of previously existing lots of record, the new lots comply with Section 30-610.1 of the zoning ordinance and off-street parking requirements will be met, each lot created by the division will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property and that dwellings to be constructed on the lots will be compatible with the dwellings existing or to be constructed in the immediate vicinity of the property.

**RESOLUTION:** NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot area and lot width requirements be granted to Ashkan Gousheh for a lot split and building permits to construct two (2) new single-family (detached) dwellings, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative:

Poole, York, Hogue, Sadid, Robertson

negative:

None

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Upon motion made by Ms. Hogue and seconded by Ms. Sadid, Members voted (5-0) to adopt the Board's November meeting minutes.

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The meeting was adjourned at 1:20 p.m.

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Secretary

  
Chairman