



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, FEBRUARY 3, 2021

On Wednesday, February 3, 2021, the Board of Zoning Appeals held an electronic public hearing at 1:00 p.m. due to the disaster represented by the spread of COVID-19 pursuant to and in compliance with Ordinance 2020-232; display notice having been published in the Richmond Legacy Newspaper on January 27, 2021 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, Chair
 Roger H. York, Jr., Vice-Chair
 Rodney M. Poole
 Edward H. Winks, Jr.
 Susan Sadid

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

The Chairman called the meeting to order and read the Board of Zoning Appeals Introductory Statement, which explains the proceedings of the meeting including the fact that the public hearing is being held electronically due to the state of emergency that exists as a result of the spread of Covid-19 pursuant to and in compliance with Ordinance 2020-232. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

BZA 01-2021 (CONTINUED FROM JANUARY 6, 2021 MEETING)

APPLICANT: CCR II Holdings, LLC

PREMISES: 1201 IDLEWOOD AVENUE
(Tax Parcel Number W000-0437/025)

SUBJECT: A building permit to construct a new single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on November 6, 2020, based on Sections 30-300 & 30-412.4(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the lot area and lot width requirements are not met. Lot areas of five thousand square feet (5,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of 5,925.1 square feet and a lot width of forty-seven and four tenths feet (47.40') currently exists. A lot area of 2,781.3 square feet and width of 22.25 feet is proposed for No. 1201. A lot area of 3,143.8 square feet and width of 25.15 feet is proposed for No. 1203.

APPLICATION was filed with the Board on November 13, 2020, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Mark Baker

Against Applicant: David Wright
Kathleen Brady

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, CCR II Holdings, LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 1201 Idlewood Avenue. Mr. Mark Baker, representing the applicant, testified that the request is being made under Special Exception #2. There are two lots which are separately owned, 1203 Idlewood is developed with a single-family dwelling and 1201 Idlewood is vacant and was once developed with a dwelling. The lots have always been deeded separately. Mr. Baker noted that the division would result in lots that are consistent with the development pattern and provide for infill housing which is also compatible. The new dwelling will be a high-quality, for sale product consisting of 1632 ft.² of floor area and three bedrooms and 2 ½ baths. The property is located on the south side of Idlewood Avenue west of South Harrison Street and is 22.25 feet wide and contains 2781 ft.² of lot

area. Mr. Baker stated that in the interest of time he will focus on the lotting pattern and compatibility of the dwelling as those are the items which have been questioned by the neighborhood association. Mr. Baker noted that along the subject block face the average lot area is 3150 ft.². There are smaller lots in the vicinity with lot areas as small as 1747 ft.². The lot widths along the subject block face average 25.2 feet in width and there are lots that are smaller in width with the smallest being 14 feet. Mr. Baker exhibited a slide showing a range of building forms looking from South Harrison Avenue down Idlewood Avenue noting that the subject property is the first lot on the left. In the foreground there are three-story dwellings built on smaller lots than the proposed lot. Along the north line of Idlewood Avenue there two-story dwellings and along the South line one and two-story dwellings on compatible lots. Mr. Baker will mentioned the proximity of the adjacent three-story dwellings. The next slide depicted the subject block face showing a variety of styles, both one and two-story dwellings. Mr. Baker noted that the relationship of the one and two-story dwellings next to each other is part of the neighborhood fabric. Mr. Baker's next slide depicted compatibility in terms of style and form in the block. There are mansard style roofs, full width porches, horizontal lap siding which is reflective of both older homes as well as newer construction. Mr. Baker noted that in the next slide the initial proposal was revised to address neighborhood concerns. Namely the roof style was changed from a gable roof to mansard roof. The foundation was changed to a slab. The combination of those changes reduced the overall height of the dwelling by 4 feet as determined by the zoning ordinance. Mr. Baker stated that the changes to the side elevation roofline were even more impactful as demonstrated by a reduction of over 6 feet at the front of the dwelling and nearly 9.5 feet at the rear. In the next slide Mr. Baker also noted that the changes in the depth of the proposed dwelling reduced the building footprint/lot coverage to 816 ft.² which was less than the adjoining dwelling footprint of 858 ft.². Mr. Baker indicated that the increase in the depth of the proposed structure of 12 feet was a function of needing to meet the required side yards. Mr. Baker stated that the dwelling would not scare the rear of the adjacent property. In addition, with a southern exposure in the rear, the additional depth would not shadow the adjacent rear yard unreasonably. In the next slide Mr. Baker noted that the proposed dwelling would represent 29% of allowable lot coverage which is just over half of the permitted in the R-6 zoning district. Mr. Baker also noted that for other homes in the vicinity, the zoning would allow for expansion. Mr. Baker contended that a modest one-room addition with a depth of the approximately 12 or 13 feet on the adjoining dwelling would be consistent with the dwelling depth being proposed for the new construction. Mr. Baker stated that there are examples of rear additions to one-story dwellings in the block as reflected by 60 foot deep dwelling at 1213 Idlewood Avenue. Mr. Baker noted that Idlewood Avenue between South Harrison Street and Randolph Street has a mix of one and two-story dwellings. All of the one-story dwellings were built prior to World War II. In the prior seven years 25 homes have been constructed which are all two-story in height. Of the

13 homes built since 2000, the proposed dwelling would be the second smallest home. Mr. Baker stated that the normal zoning setbacks are met. Mr. Baker indicated that in accordance with the purpose section of the zoning ordinance the standard setbacks are intended to provide adequate light and air. At over 6 feet of distance between the dwellings, not only are normal zoning requirements met, but the typical setback in the block of 1.9 feet is exceeded. Mr. Baker stated that discussions had occurred with the adjoining neighbor regarding window alignment. Mr. Baker stated that the second story window in the stair will align with the first floor window on the adjacent dwelling. Mr. Baker further stated that to avoid any privacy concerns that they would be willing to make that window not operable with opaque glass. Mr. Baker indicated that the owner would be open to adjusting or eliminating a first floor window that might constitute a privacy issue for a window on the adjoining dwelling should that be the desire of the owner of the adjoining dwelling. Mr. Baker noted that in special exception cases where lots have been split and sold which were not in conformance with the zoning ordinance that the approval of a special exception on one lot legitimizes the adjoining lot. In this case permits were approved for 1203 Idlewood Avenue which in accordance with the 60 day rule as provided in the Code of Virginia legitimized the subject lot. Mr. Baker stated that it is reasonable to ask that of 1203 Idlewood Avenue is deemed to be a legal lot by virtue of issuance of permits would that not also legalize 1201 Idlewood Avenue. Mr. Baker concluded by stating the proposed request is in line with the special exception intent and he is confident that the applicable tests have been met.

In response to a question from Mr. York, Mr. Baker stated that the legal status of 1203 Idlewood Avenue remains unchanged in so far as the current case is concerned.

In response to a question from Mr. Poole, Mr. Baker stated that the six adjacent dwellings on Idlewood Avenue are one story bungalows. Mr. Baker reiterated the fact that there had been no one-story dwellings constructed since approximately 1940 in the area. Mr. Baker stated that if you look at the south line between Randolph and Stafford there is a mix of one and two stories. Mr. Baker stated that to the extent two-story dwellings were built that they were infill.

Mr. Poole stated that he had a problem with the six adjacent single-family one-story dwellings being inconsistent with the proposal which is part of the criteria for the special exception.

Mr. Baker stated he viewed it as compatibility which is different from the same. Mr. Baker stated there are two-story dwellings built next to one-story dwellings throughout the city which are compatible. Mr. Baker noted that if 1100 ft.² single-story house were constructed on this lot it would extend an additional 17 feet to the rear over the proposed two-story dwelling. Mr. Baker further noted

that the adjoining neighbor is already concerned about the depth of the proposed two-story dwelling. Mr. Baker indicated that his client's desire is to create a home ownership opportunity consistent with what has been built in recent years in the neighborhood.

Speaking in opposition, Mr. David Wright testified he is vice president of the Randolph Neighborhood Association and a nearby homeowner. Mr. Wright indicated that certain of the materials used by Mr. Baker were only provided to the neighbors within the last few hours and there was not sufficient time to review them. Mr. Wright felt as if some of the photos showing the addition at the rear of 1203 Idlewood Avenue were somewhat misleading. Mr. Wright noted that there were six adjacent one story bungalows to the subject property that are the most closely related homes. Mr. Wright further noted that two letters had been provided to the Board from the association having to do with lot area, dwelling size and compatibility with other dwellings in the immediate vicinity and indicated his hope that they had been read. Mr. Wright stated that the appropriate special exception criteria had not been met by the proposal. Mr. Wright noted that the proposed house is the width of a double door garage door. It is extraordinarily narrow but the proposed dwelling is two stories in height and towers over the adjoining single-story dwellings. (At this point Mr. Wright lost his Microsoft teams connection)

Speaking in opposition, Ms. Kathleen Brady testified that she resides at 1203 Idlewood Avenue. Ms. Brady stated there are no photos showing her bungalow and those of her neighbors. Ms. Brady noted that there is an alley bordered by the subject property which is very narrow and then six adjoining single-story bungalows. Ms. Brady indicated that there were some photos included in their original letter and hoped that they were available to the Board. Ms. Brady indicated that she purchased her home on October 8 of this year and learned there was a dwelling proposed to be built on the adjoining lot. Ms. Brady stated she appreciates there is a need for housing in the city but there are zoning regulations in place which are designed to uphold standards of development because they are best for all city residents. Ms. Brady explained that as a landscaper and someone who grows plants indoors and outdoors year-round the proposed two-story dwelling would negatively impact her property. Ms. Brady noted that the proposed dwelling would tower over her home blocking all of the east facing windows and a portion of her rear yard. Ms. Brady noted that she does not have control over whether someone chooses to build a home on the adjoining lot but questioned the impact the proposed dwelling would have on her property. Ms. Brady further noted that the proposed dwelling does not meet various zoning requirements regarding lot size, lot width and compatibility with adjoining dwellings in the immediate vicinity of the subject lot. Ms. Brady indicated that she had personally spoken with over 20 of her surrounding neighbors who also opposed the proposed construction. Ms. Brady stated that the petition had been

submitted signed by surrounding neighbors on the 1200 block of Idlewood, 400 block of South Harrison and on 1200 block of Wallace. Ms. Brady indicated that the Randolph Neighborhood Association also opposed the proposed construction. Ms. Brady expressed the opinion that her property values will be greatly diminished by construction of the small very narrow house. Ms. Brady stated that she along with the neighboring community all find the proposed build incompatible with the block. Ms. Brady concluded by thanking the Board stating that she hoped that the special exception to city zoning and city code would not be granted.

Mr. York asked if Mr. Baker could provide information regarding the median lot width within the Board of Zoning Appeals notice boundary of 150 feet. Mr. Baker stated within the South line of the 1200 block of Idlewood Avenue the average lot width is 25.2 feet. Mr. Baker noted that the subject lot is approximately 2 ½ feet less in width than the adjacent property. Mr. Baker noted that the reason the subject lot had slightly less width was for the reason that it adjoins an alley and as such a side yard setback was not provided. Mr. Baker further noted that the lots on Wallace are smaller in terms of lot area and lot width being that they are single-family attached dwellings. Mr. Baker stated that the lots in the 400 block of Harrison are wider but are typically smaller in terms of lot area. Mr. Baker noted that Mr. Wright's home which is located across the street is zoned R-5 single-family residential and is an outlier in that it exceeds zoning requirements in terms of lot width and lot area. Mr. Baker indicated that the lot widths on the north side of Idlewood in the 1200 block are approximately 31 feet in width and were developed as part of the Randolph CUP. Mr. Baker stated that insofar as the neighborhood petition is concerned there were 24 signatures that represented 19 properties of which there are eight properties with lesser lot widths and 11 properties with lesser lot areas than that being proposed for the subject property.

Mr. York explained the reason for his question was the fact that a determination would have to be made by the Board regarding what constitutes the immediate vicinity. Should the Board just consider the bungalows located immediately to the west or do you look at it more as the radius around the subject property.

Mr. Poole asked do the original two lots that were split have the same lot lines. Mr. Baker stated that they are the original lots that were platted. Mr. Poole asked that with respect to the 20 or so property owners who were in opposition how many of them represented single-story or two-story dwellings. Mr. Baker stated he did not have an exact number. Mr. Baker further stated that there are owners of two story dwellings represented on the petition. Mr. Baker noted that the properties to the rear on Wallace do not comply with the lot area or lot width requirements and also do not comply with the R-6 requirements for attached dwellings. Mr. Baker indicated that there are 17 foot wide lots and a 14 foot wide

lot in this area. Mr. Baker expressed the opinion that the petition supported the case in terms of lot size and the fabric of the neighborhood.

Mr. Wright rejoined the meeting at this point. Mr. Wright stated that the proposed house will be distinctly out of character with the rest of the neighborhood. Mr. Wright urged the Board to think carefully about what is being proposed and deny the special exception request.

Mr. York questioned whether the legitimization of the lot and the character of the building could be considered separately. It was explained that the special exception does not make such a provision.

Mr. Poole moved to deny the requested special exception and for the purposes of discussion Mr. York seconded the motion. Mr. Poole expressed concern over the provision in the special exception text which refers to predominant lot areas and lot widths in the immediate vicinity of the property. Mr. Poole noted that the immediately adjacent dwellings are one story. Mr. Poole acknowledged that Mr. Baker explained that there are other two-story dwellings within the vicinity but is it the immediate vicinity. Mr. Poole expressed concern over the fact that not only did the neighborhood association oppose the requested special exception but at least 20 of the immediate neighbors also objected to the request even if some of them were owners of two-story dwellings. Mr. Poole stated that that is why he specifically asked Mr. Baker whether some of the owners that were objecting resided in two-story dwellings. Mr. Poole stated that for those reasons he does not believe the request meets the requirements of the special exception.

Mr. York inquired of Mr. Poole if he would have a problem with the construction of a similar structure on the lot or is the problem with legitimizing the lot as well. Mr. Poole responded by stating he would not have a problem with legitimizing the lot given the nature and intent of the special exception. Mr. Poole indicated the problem is that the structure being proposed is not compatible.

The Chairman, Mr. Pinnock, stated he would not have issues with legitimizing the lot based on the special exception. Mr. Pinnock stated that with respect to Mr. Poole's concern he would not have issue with the proposed modest two-story structure. Mr. Pinnock indicated that when looking at the block in its entirety not just the adjoining six structures it is not exclusively a one-story block face. Mr. Pinnock added that not considering the structures across the alley to the rear does not seem viable. Mr. Pinnock stated it seems like a transition from one to three stories which is what is physically existing. Mr. Pinnock indicated it was a challenge to say that because of the immediately adjacent one-story structure that you can only build a one-story structure in an area that is ranging from 1 to 3 stories.

Mr. Poole indicated his only argument was that it is the six adjacent structures and not just the immediately adjacent structure.

Mr. York stated that if you look at other similar neighborhoods in the city that you will find a pattern that is similar to that existing in this case. Mr. York noted that if you go to the west of this block that you see intermingling of one and two-story structures. Mr. York noted that the thing that is unique about this situation is that there five single-story structures in a row. Mr. York indicated he did not feel that the sunlight argument carried a lot of weight. If you look at the direct southern exposure and the amount of projection of the building beyond the rear of the adjacent building it will not have a material effect on the amount of the sunlight that is available. Mr. York stated that he was sympathetic to what Mr. Poole was saying regarding the phrase immediate vicinity but when you look at the language in the special exception provision it talks about lot patterns being consistent and building design being compatible. Mr. York indicated consistent means it is the same as other things while compatible means it can get along with others. Something can be inconsistent and still be compatible. Mr. York stated that having a two-story building next to a one-story building is not inherently incompatible. It may be inconsistent but it is not incompatible. Consistency is not the standard we use for this situation it is only for the lot. Mr. York stated the lot is close enough to other lots in the area to be considered consistent.

Mr. Poole stated that to Mr. York's point about incompatibility is why the neighborhood association and 20 neighbors were saying to the Board they do not believe it is compatible with their neighborhood.

The motion to deny the requested special exception failed by a vote of 3-2.

Mr. York moved to approve the requested special exception and Mr. Sadid seconded the motion. The motion to approve the requested special exception was approved by a vote of 3-2.

The Board finds that pursuant to Section 114-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined, and the number of lots to be created do not exceed the number of previously existing lots of record, the subject lot complies with Section 114-610.1 of the zoning ordinance and off-street parking requirements will be met, the subject lot will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations and that dwelling to be constructed on the subject lot will be compatible with the dwellings existing or and 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 CCR II Holdings, LLC 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: (2-3)

Vote to Deny

affirmative: Poole, Winks

negative: Pinnock, York, Sadid

ACTION OF THE BOARD: (3-2)

Vote to Grant Conditionally

affirmative: Pinnock, York, Sadid

negative: Poole, Winks

BZA 05-2021

APPLICANT: Nan Sung

PREMISES: 1616 ROGERS STREET
(Tax Parcel Number E000-1234/013)

SUBJECT: A building permit to construct a new single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on December 14, 2020, 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 (1) lot having a lot area of 9,375.0 square feet and a lot width of seventy-five feet (75') currently exists; lot areas of 4,687.5 square feet and lot widths of 37.5 feet are proposed.

APPLICATION was filed with the Board on December 11, 2020, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Nan Sung

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Nan Sung, has requested a special exception to construct a new single-family detached dwelling for property located at 1616 Rogers Street. Ms. Nan Sung testified that she is the owner of 1616 Rogers Street which she purchased in March 2019. Ms. Nan Sung stated that she is not a developer or in the real estate business. Ms. Nan Sung explained that she and her husband reside in the adjoining dwelling which is small and they desire to build a new home which meets modern-day living needs. Ms. Nan Sung also explained that the existing dwelling will be available for their two daughters which lived in the area. It was noted that the property is zoned R-5 Single-Family Residential which requires a lot width of 50 feet and a lot area of 6000 ft.². Lot widths of 37.5 feet and lot areas of 4687.5 ft.² are proposed for the subject lots. Ms. Nan Sung indicated that all requisite yard requirements will be met. Ms. Nan Sung stated that the proposal is to construct a single story dwelling with a front porch. Ms. Nan Sung noted that the proposed dwelling and lot dimensions are consistent with those existing in the neighborhood. Ms. Nan Sung stated that the required off-street parking space will be provided off the alley to the rear. Ms. Nan Sung indicated that the siding will be cementitious. Ms. Nan Sung indicated that there was no opposition from any of the surrounding neighbors to the requested special exception.

The Board finds that pursuant to Section 114-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed, 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 114-610.1 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 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 Nan Sung for a 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: Pinnock, York, Poole, Winks, Sadid

negative: None

BZA 06-2021 (CONTINUED TO MARCH 3, 2021 OR APRIL 7, 2021 MEETING
WITHOUT FEE)

APPLICANT: Jordan Clark

PREMISES: 506 CHEATWOOD AVENUE
(Tax Parcel Number N018-0455/019)

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

DISAPPROVED by the Zoning Administrator on December 16, 2020, 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 (1) lot having a lot area of 8,625 square feet and a lot width of seventy-five feet (75') currently exists. A lot area of 4,830 square feet and width of 42.0 feet is proposed for No. 506. A lot area of 3,795 square feet and width of 33.0 feet is proposed for No. 504 ½.

APPLICATION was filed with the Board on December 16, 2020, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

BZA 07-2021

APPLICANT: Michael & Rosana McGann

PREMISES: 206 NORTH VINE STREET
(Tax Parcel Number W000-0732/019)

SUBJECT: A building permit to construct a rear two-story addition and alter an existing fence/wall onto a single-family (attached) dwelling.

DISAPPROVED by the Zoning Administrator on December 16, 2020, based on Sections 30-300, 30-412.5(2)b, 30-412.6 & 30-630.9(b) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the side yard (setback) and lot coverage requirements are not met and the maximum permitted height for a fence/wall is exceeded. A side yard (setback) of three feet (3') is required along the side property lines for the rear two-story addition; eight inches (8") is proposed along both side property lines. A lot coverage of 55% is permitted; 58% exists and 67.3% is proposed. No fence or wall located within a side yard shall exceed six and a half feet (6.5') in height. An eight foot (8') fence/wall is proposed on the two side property lines.

APPLICATION was filed with the Board on December 16, 2020, based on Sections 1040.3(1) & 1040.3(10) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Mark Baker

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Michael & Rosana McGann have requested a special exception to construct a rear two-story addition and alter an existing fence/wall onto a single-family attached dwelling for property located at 206 N. Vine Street. Mr. Mark Baker, representing the applicants, testified that the goal is to construct an addition to the rear of the existing dwelling to improve functionality and livability. Currently there is 2224 ft.² of finished floor area and the proposed addition will be 285 ft.² and two stories. This will increase the overall square footage to 3168 ft.². Mr. Baker indicated that it will include an upgrade of a small office/bedroom on the second floor to a true master bedroom. The modifications will allow for additional first floor living space and a necessary mudroom. In terms of the exterior the addition is a compatible design and includes quality building materials. Mr. Baker noted that the property is zoned R-6 single-family residential and is located on the west side of North Vine Street. The lot measures 20.37 feet in width and 150.58 feet in depth and contains approximately 3067 ft.² of lot area. Mr. Baker indicated that the request includes relief from the side yard requirements and lot coverage requirements. Specifically the side yard relief allows the addition to be in line of with the existing structure and removes the potential for dead space along the alley. Mr. Baker noted that a previous special exception was granted for construction of the garage. Mr. Baker further noted that the addition is in keeping with the architectural character of the existing dwelling. Mr. Baker explained that the proposed dwelling depth of 60 feet is compatible with other dwellings in the vicinity. Of the 21 closest dwellings the average depth is 68.2 feet and approximately two thirds of the subject dwellings

actually exceed a depth of 68 feet. Mr. Baker indicated that the proposal is for 3160 ft.² of floor area. The average of the surrounding dwellings is 2955 ft.² with the largest dwelling being 3910 ft.². Mr. Baker explained that the applicants are also requesting a special exception to legitimize a wall which is existing on the property for many years. The height issue of the wall was not realized with previous requests on the property. Mr. Baker stated that the wall is 8 feet tall overall with a portion of the wall being less than 6.5 feet in height. The top of the wall consists of open lattice. The wall is necessary from both a security and sound buffering standpoint. Mr. Baker noted that the Fan District Association had provided a letter of no opposition. Letters were sent to all property owners within a 150 foot radius. A letter of support was received from the next-door neighbor.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3(1) of the City Code, the intended purpose and use of the proposed addition is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the addition; the addition or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the addition will be in keeping with the architectural character of the dwelling and development within the neighborhood.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (10) of the zoning ordinance, the applicant has shown that the property on which the fence/wall is to be constructed is devoted to a conforming dwelling use, that the proposed height of the fence/wall is reasonably necessary to provide security for the property and/or to provide a buffer from noise and activity on the adjacent street, that the design and construction materials of the existing fence/wall is compatible with the main building and other structures located on the lot and with the general character of development in the immediate surrounding area and that the fence/wall will not unreasonably impair light and air to adjacent property, and will not impair necessary visibility for operators of motor vehicles at any intersection of the adjacent street with an alley, driveway or other street.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the side yard (setback) and lot coverage requirements and the maximum permitted height for a fence/wall be granted to Michael & Rosana McGann for a building permit to construct a rear two-story addition and alter an existing fence/wall onto a single-family (attached) dwelling, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Winks, Sadid

negative: None

BZA 08-2021

APPLICANT: Oregon Hill Historic District LLC

PREMISES: 2319 WEST MAIN STREET
(Tax Parcel Number W000-1036/005)

SUBJECT: A building permit to convert a ground floor commercial space into a dwelling unit.

DISAPPROVED by the Zoning Administrator on December 16, 2020, based on Sections 30-300 & 30-433.2(8) of the zoning ordinance for the reason that: In a UB (Urban Business) District, the commercial frontage requirement is not met. In the UB (Urban Business) district, dwelling units contained within the same building as other permitted principal uses are permitted, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district, and provided further that the ground floor area devoted to other permitted principal uses shall be a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building and shall be not less than 20 feet in depth along the entire length of a principal street frontage, except for ingress and egress. No commercial use is proposed along the ground floor of the building.

APPLICATION was filed with the Board on December 16, 2020, based on Section 1040.3(5) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Mark Baker

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Oregon Hill Historic District LLC, has requested a special exception to convert a ground floor commercial space into a dwelling unit for property located at 2319 W. Main Street. Mr. Mark Baker representing the

applicant stated that the property is currently zoned UB urban business district. The lot is located on the south side of West Main Street and measures 20 feet in width and 130 feet in depth containing 2600 ft.² of lot area. Currently the building is a vacant commercial unit on the first floor and a vacant dwelling on the second floor. The building is in need of significant renovation. It was constructed in 1920 as a two-family dwelling. The proposal is to convert the building back to a two-family dwelling with a first and second story unit facing Main Street consisting of three bedrooms and two baths and a second unit facing the rear consisting of one bedroom and one bath. Mr. Baker noted that the proposal is consistent with the intent statement. The established/projected character of development suggests that uninterrupted commercial frontage is not the most desirable form of development along Main Street in this area. Additional dwellings would be advantageous in terms of the economic viability of the area and a renovated building would be functionally and architecturally compatible with the surrounding area. Mr. Baker noted that insofar as the special exception test is concerned there is no purpose to be served by providing for uninterrupted commercial frontage on the property and the fact that the ground floor commercial space is not economically viable. Mr. Baker noted that the commercial space has been vacant for approximately 4-5 years. Mr. Baker indicated that the existing building was originally a two-family dwelling and is not include a storefront character. Mr. Baker explained that the exception will increase residential occupancy thereby facilitating a mixed use character of the district. Mr. Baker stated that alterations to the building will not be architecturally incompatible with the dominant character building façades of the block. Mr. Baker indicated that the off-street parking requirement will be met. Mr. Baker concluded by stating the request was presented to the Uptown Association who indicated they would not be taking a position. Letters were sent to all property owners within 150 feet and no opposition has been received.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (5) of the zoning ordinance that the applicant has demonstrated that there is no purpose in providing for uninterrupted commercial frontage and that ground floor commercial space is either physically impractical or economically unfeasible, additionally increasing the dwelling unit floor area will increase residential occupancy thereby facilitating a mixed use character of the neighborhood and finally that any proposed alterations to the building will not be architecturally incompatible with the dominant character of building façades on the block.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the commercial frontage requirement be granted to Oregon Hill Historic District LLC for a building permit to convert a ground floor commercial space into a dwelling unit, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Winks, Sadid

negative: None

Upon motion made by Mr. Poole and seconded by Ms. Sadid, Members voted (4-0) to adopt the Board's January meeting minutes.

The meeting was adjourned at 2:25 p.m.



Secretary


Chairman