



**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, JUNE 5, 2024**

On Wednesday, June 5, 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 May 22 and 29, 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 14-2024

APPLICANT:                   Gregory S Cooperman and Cassandra Marie Pallai

PREMISES: 2101 STUART AVENUE  
(Tax Parcel Number W000-0950/013)

SUBJECT: A building permit to reconstruct a rear screened porch to an existing single-family (detached) dwelling and construct a second story addition to an existing accessory structure.

DISAPPROVED by the Zoning Administrator on March 7, 2024, based on Sections 30-300, 30-412.5(1)a, 30-412.5(1)b & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the front and side yard (setbacks) requirements are not met. A front yard of 11.31' is required for the second story addition along the North Rowland Street frontage, as established by the adjacent building at 312 North Rowland Street; 5.4 feet is proposed. A side yard of three feet (3') is required for the second story addition adjacent to 2103 Stuart Avenue; zero feet (0') is proposed.

APPLICATION was filed with the Board on April 4, 2024, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Josh McCullar

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Gregory S Cooperman and Cassandra Marie Pallai, have requested a special exception to reconstruct a screen porch and construct a second story addition to an existing accessory structure for property located at 2101 Stuart Avenue. Mr. Josh McCullar, architect for the applicant, testified a front yard of 11.31 feet is required and 5.4 feet is proposed, a side yard of 3 feet is required and no side yard is proposed. Mr. McCullar explained that the two-story deck and steps on the back of the house which are dry rotted are proposed to be replaced. The replacement cedar deck and steps will essentially be an in-kind replacement and the deck will be screened. In addition, the plans call for construction of a second story on top of the existing garage which will serve as office space for his clients. Mr. McCullar stated that the existing garage is a 19' x 19' footprint is constructed of cinderblock. Mr. McCullar noted that the lot located at the corner Stuart Avenue and North Rowland Street is a corner lot and as such is required to provide two front yards. The structure will be comprised of a slate-colored brick, including some glass, polished concrete and white oak. Mr. McCullar concluded by stating that the proposed structure is consistent with the existing dwelling and other dwellings in the neighborhood. Further, his clients

had received letters of support from surrounding neighbors and there was no opposition noted to the proposed project.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3(1) of the City Code, the intended purpose and use of the proposed accessory use is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the accessory use; the accessory use or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the accessory use will be in keeping with the architectural character of the dwelling and development within the neighborhood.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS** that a request for a special exception from the front and side yard (setbacks) requirements be granted to Gregory S Cooperman and Cassandra Marie Pallai for a building permit to reconstruct a rear screened porch to an existing single-family (detached) dwelling and construct a second story addition to an existing accessory structure, 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 15-2024

**APPLICANT:** Elderhomes Corporation, T/A Project  
**PREMISES:** 2110 EDWARDS AVENUE  
(Tax Parcel Number S000-0458/005)  
**SUBJECT:** A lot split and building permits to construct two new single-family (detached) dwellings.

**DISAPPROVED** by the Zoning Administrator on April 15, 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 9,438 square feet and a lot width of sixty-six feet (66') currently exists. Lot areas of 4,719 square feet and lot widths of thirty-three (33') feet are proposed.

APPLICATION was filed with the Board on April 12, 2024, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant:           Mark Baker  
                                  Barbara Starkey-Goode  
                                  Frank Wilson

Against Applicant:   None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Elderhomes Corporation, T/A Project, has requested a special exception to construct new single-family detached dwellings for property located at 2110 Edwards Avenue. Mr. Mark Baker, representing the applicant, testified that the request is to permit lot division to create buildable lots with the goal of constructing two new single-family detached dwellings. Mr. Baker noted the property is located on the South line of Edwards Avenue between east 21<sup>st</sup> street and east 22<sup>nd</sup> street. Each lot contains roughly 4719 ft.<sup>2</sup> of lot area comprising 33 feet in width and 143 feet in depth. Mr. Baker explained that the lots had been combined from a zoning perspective due to the construction of a house centrally located on the lots that has since been demolished. Mr. Baker further explained that the special exception provision of creating infill housing that is compatible with the neighborhood has been met. Each dwelling will contain three bedrooms, two and half baths, a full width front porch and cementitious siding. Mr. Baker noted that the street frontage requirements have been met and that no side yard or subdivision request is necessary. Mr. Baker stated that the proposed lots are consistent with the predominant lot widths and lot areas in the vicinity and that the proposed dwellings will be compatible with other dwellings in the vicinity. Mr. Baker concluded by stating the Oak Growth Neighborhood Association had provided a letter of support and that letters were sent to all property owners within a 150-foot radius and no opposition had been noted.

Speaking in support Ms. Barbara Goode, President Oak Grove Civic Association, testified that the proposed project will be an asset to the neighborhood and is compatible with other homes in the area.

Speaking in support, Mr. Frank Wilson, Vice President Oh Grove Civic Association echoed Ms. Gould’s comments regarding the benefit of the proposed construction of two new single-family detached dwellings in the neighborhood.

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 Elderhomes Corporation, T/A Project for a lot split and building permits to construct two 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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BZA 16-2024

APPLICANT: Sonja Roberts

PREMISES: 2310 PARK AVENUE  
(Tax Parcel Number W000-1086/019)

SUBJECT: A building permit to construct a one-story rear addition to an existing single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on April 12, 2024, based on Sections 30-300, 30-412.5(1)b & 30-412.6 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. Side yards of three feet (3') are required along each side property line; 0.1' is proposed along the western property line and 2.3' is proposed along the eastern property line. Maximum lot coverage shall not exceed fifty-five percent (55%) of the area of the lot. A lot coverage of 1,641 square feet (48%) currently exists; 1,985 square feet (59%) is proposed.

APPLICATION was filed with the Board on April 12, 2024, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Jen Lundeen  
Sonja Roberts

Against Applicant: Tim Farinholt

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Sonja Roberts, has requested a special exception to construct a one-story rear addition to a single-family dwelling for property located at 2310 Park Avenue. Ms. Jen Lundeen, architect for the applicant, testified that the zoning is R-6 and a side yard of 3 feet is required and 0.1' is proposed along the western property line and 2.3' is proposed along the eastern property line. In addition, a lot coverage waiver of 4% is being requested. Ms. Lundeen explained an existing deck along the eastern side of the house will be replaced. The plan calls for leaving the existing grill deck and removing the existing deck. The plans call for covering the area in question with a roof. Ms. Lundeen stated that if the required 3-foot setback was provided it would actually create a roof valley which would further exacerbate water runoff problems. Ms. Lundeen further explained that a gutter schematic had been included with the plans showing that the runoff will be diverted to the rear of her client's property and not on the adjoining property. Ms. Lundeen noted that the design is compatible with the existing dwelling as well as other dwellings in the neighborhood. Ms. Lundeen stated that her client had sent a letter with plans attached to her surrounding neighbors and had received no negative feedback. In addition, the aforementioned information was also made available to the Fan District Association but no response had been received. Both the Chairman, Mr. Poole and the Vice-Chairman, Mr. York noted that the Board relies on the plan review experts to ensure that additional drainage resulting from the proposed construction does not enter the adjoining properties.

Speaking in support, the applicant, Ms. Sonja Roberts testified that since purchasing her home she made a number of improvements and is requesting the

Board’s approval to continue with her renovation plans. Ms. Roberts explained that she had send copies of the plans to the property owners within a 150-foot radius. Two letters of support were received with no negative responses.

Speaking in opposition, Mr. Tim Farinholt testified that the applicant should be required to adhere to the established side yard setbacks. Mr. Farinholt continued to express concern over the pitch of the roof and the potential for runoff entering his property. Mr. Farinholt observed that a 9-inch waiver would negatively affect his property by virtue of a large wall being located in close proximity to his property line.

The Chairman, Mr. Poole, noted that the applicants request clearly conforms to the intent statement specified in §30-1040.3 (1) of the zoning ordinance as well as the other relevant standards.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3(1) of the City Code, the intended purpose and use of the proposed accessory use is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the accessory use; the accessory use or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the accessory use will be in keeping with the architectural character of the dwelling and development within the neighborhood.

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 be granted to Sonja Roberts for a building permit to construct a one-story rear addition to an existing single-family (detached) dwelling, subject to substantial compliance with the plans submitted to the Board, including the submitted revised plans dated June 4, 2024.

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 Mr. York and seconded by Ms. Sadid, Members voted (3-0) to adopt the Board’s April meeting minutes.

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

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The meeting was adjourned at 1:40 p.m.

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Ray W. Bunker  
Secretary

Rodney M. Poole  
Chairman