



CITY OF RICHMOND

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

May 6, 2019

Macfarlane Associates, LLC  
1812 E. Grace Street  
Richmond, Virginia 23223  
Attn: Charles MacFarlane

Markham Planning, LLC  
23 W. Broad Street  
Richmond, VA 23220  
Attn: Lory Markham

To Whom It May Concern:

RE: **BZA 25-2019**

You are hereby notified that the Board of Zoning Appeals will hold a public hearing on Wednesday, June 5, 2019 at 1:00 p.m. in the 5th floor conference room, City Hall, 900 East Broad Street, to consider an application for a building permit for renovations and to split the lot to convert the existing two-family dwelling into two single-family attached dwellings at 1813 & 1815 EAST GRACE STREET (Tax Parcel Number E000-0131/007), located in a B-5 (Central Business District).

Please be advised that the applicant or the applicant's representative must be present at the hearing. The Board of Zoning Appeals Rules of Procedure provides that in the case of an application for a variance or a special exception, the applicant, proponents or persons aggrieved under §15.2-2314 of the Code of Virginia, shall be permitted a total of six (6) minutes each to present their case. The Board of Zoning Appeals will withhold questions until the conclusion of the respective presentations.

Finally, when you submitted your application to the zoning office you were given an handout entitled, Suggestions for Presenting Your Case to the Board, which indicated that you should discuss your request with your neighbor(s) and neighborhood

BZA 25-2019

Page 2

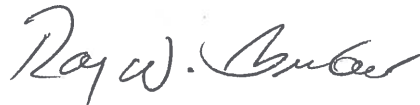
May 6, 2019

association(s) prior to appearing before the Board of Zoning Appeals. Contact information for civic group(s) can be found by navigating to the Civic Group webpage of the City's website at <http://www.richmondgov.com/PlanningAndDevelopmentReview/civicasociationgroupinformation.aspx> . Once there, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, simply scroll down the page to the appropriate group(s) to find the contact information for each.

Please be advised that if you fail to discuss your request with your neighbors and neighborhood association(s), you should anticipate that your case will be continued until the Board's next regularly scheduled meeting. Please note that the Board's Rules of Procedure require payment of a \$150.00 continuance fee if the applicant must request a continuance for the reason that the applicant failed to discuss their case with their neighbors and neighborhood association(s). Please contact your neighborhood association to determine their meeting schedule. Be sure you allow yourself enough time to talk to all concerned parties prior to the hearing before the Board. For your convenience a list of the property owner(s) which have been identified based on the City Assessor's records as being located within a 150' radius of subject property is being provided to you (see attachment).

If you have any questions regarding the Board's procedures or any issue involving presentation of your case, please feel free to contact me.

Very truly yours,



Roy W. Benbow, Secretary

Phone: (804) 240-2124

Fax: (804) 646-5789

E-mail: Roy.Benbow@richmondgov.com

cc: Zoning Administrator

Notice of this meeting is being sent to the persons whom the Board of Zoning Appeals believes to be property owners in the immediate vicinity of the property concerned in this application. This notice is for their information only, and there is no need for them to appear unless they so desire. The Board will, however, welcome such views as any persons care to express during the hearing on this application.

1806 East Franklin Street Llc C/o Pmc  
Property Group Inc  
1608 Walnut St #1400  
Philadelphia PA 19103

Andersen Daniel & Beth  
110 N 19th St Unit 2b  
Richmond VA 23223

Batenhorst Randal L & Alice S  
110 N. 19th St Unit 1d  
Richmond VA 23223

Dowd Michael G  
1100n 19th St Unit 1c  
Richmond VA 23223

Ellis Dwight D li  
3816 Indigo Run Dr  
Richmond VA 23233

Junkin G Malcolm  
43891 Glenhazel Dr  
Ashburn VA 20147

Lewin Roger D & Regine Birute R  
110 N 19th St Unit 3a  
Richmond VA 23223

Lovings Produce Llc C/o Harry W Loving  
1601 E Grace St  
Richmond VA 23219

Macfarlane Charles S  
6207 Three Chopt Road  
Richmond VA 23226

Monaskon Corp  
Po Box 17002  
Richmond VA 23226

Pace King Properties LLC  
116 E Franklin St  
Richmond VA 23219

Patel Mukesh P & Falguni M  
5271 Roselawn Rd  
Roanoke VA 24018

Rochelle Holding Co C/o D H Eure Atty  
1132 Hermitage Rd  
Richmond VA 23220

Rodriguez Jonathan A  
110 N 19th St Unit 1b  
Richmond VA 23223

Scott Lewis D  
1101 Schroeder Rd  
Powhatan VA 23139

Shockoe Center Apartments LLC  
2903-a Boulevard  
Colonial Heights VA 23834

Sterling Bilder LLC  
17 S Belmont Ave  
Richmond VA 23221

Sterling Row Condominium Unit Owners  
Association  
17 S Belmont Ave  
Richmond VA 23221

Sutherland Home Buyers LLC  
3002 Oxford Drive  
Sutherland VA 23885

Syprazk Jeanette G  
41 Starnes Ave Unit 1  
Asheville NC 28801

Tdh Properties LLC  
5320 Stanwood Way  
Glen Allen VA 23059

Valley West LLC  
2903 A Boulevard  
Colonial Heights VA 23834

Vanderbilt Properties LLC  
Po Box 707 Pmb 12788  
Richmond VA 23218

Werkforce LLC  
2715 E Broad St  
Richmond VA 23223

**Property:** 1813 E Grace St **Parcel ID:** E0000131007

### Parcel

**Street Address:** 1813 E Grace St Richmond, VA 23223-6955  
**Alternate Street Addresses:** 1815 E Grace St  
**Owner:** MACFARLANE ASSOCIATES LLC  
**Mailing Address:** 2700 E CARY ST STE B, RICHMOND, VA 23223  
**Subdivision Name :** NONE  
**Parent Parcel ID:**  
**Assessment Area:** 334 - Tobacco Row/Undertakers Row  
**Property Class:** 130 - R Two Story+ (2.5, 3.0, 3+)  
**Zoning District:** B-5 - Business (Central Business)  
**Exemption Code:** -

### Current Assessment

**Effective Date:** 01/01/2019  
**Land Value:** \$100,000  
**Improvement Value:** \$545,000  
**Total Value:** \$645,000  
**Area Tax:** \$24  
**Special Assessment District:** None

### Land Description

**Parcel Square Feet:** 4016.22  
**Acreage:** 0.092  
**Property Description 1:** 0049.08X0081.83 0000.000  
**State Plane Coords( ?<#>):** X= 11794508.378167 Y= 3719768.743833  
**Latitude:** 37.53410852 , **Longitude:** -77.42533323

### Description

**Land Type:** Residential Lot C  
**Topology:** Level  
**Front Size:** 49  
**Rear Size:** 81  
**Parcel Square Feet:** 4016.22  
**Acreage:** 0.092  
**Property Description 1:** 0049.08X0081.83 0000.000  
**Subdivision Name :** NONE  
**State Plane Coords( ?<#>):** X= 11794508.378167 Y= 3719768.743833  
**Latitude:** 37.53410852 , **Longitude:** -77.42533323

### Other

**Street improvement:** Paved  
**Sidewalk:** Yes

**Assessments**

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2019	\$100,000	\$545,000	\$645,000	Reassessment
2018	\$100,000	\$511,000	\$611,000	Reassessment
2017	\$95,000	\$483,000	\$578,000	Reassessment
2016	\$80,000	\$471,000	\$551,000	Reassessment
2015	\$80,000	\$428,000	\$508,000	Reassessment
2014	\$80,000	\$384,000	\$464,000	Reassessment
2013	\$80,000	\$623,000	\$703,000	Reassessment
2012	\$80,000	\$428,000	\$508,000	Reassessment
2011	\$80,000	\$451,000	\$531,000	CarryOver
2010	\$80,000	\$451,000	\$531,000	Reassessment
2009	\$80,000	\$470,000	\$550,000	Reassessment
2008	\$80,000	\$470,000	\$550,000	Reassessment
2007	\$68,600	\$350,200	\$418,800	Reassessment
2006	\$68,600	\$60,800	\$129,400	Reassessment
2005	\$40,600	\$60,800	\$101,400	Reassessment
2004	\$39,400	\$59,000	\$98,400	Reassessment
2003	\$59,000	\$39,400	\$98,400	Not Available
2002	\$59,000	\$39,400	\$98,400	Reassessment
2001	\$48,000	\$32,000	\$80,000	Reassessment
1998	\$40,000	\$32,000	\$72,000	Not Available

**Transfers**

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
01/08/2003	\$102,500	ASSC FOR THE PRESERV OF VA	ID2003-1438	
03/22/1993	\$103,000	Not Available	00339-0769	
05/12/1970	\$7,500	Not Available	000664- A00642	

**Planning**

**Master Plan Future Land Use:** NMU  
**Zoning District:** B-5 - Business (Central Business)  
**Planning District:** East  
**Traffic Zone:** 1083  
**City Neighborhood Code:** SHKB  
**City Neighborhood Name:** Shockoe Bottom  
**Civic Code:** 4016  
**Civic Association Name:** Shockoe Partnership  
**Subdivision Name:** NONE  
**City Old and Historic District:** Shockoe Valley  
**National historic District:** Shockoe Valley and Tobacco Row  
**Neighborhoods in Bloom:**  
**Redevelopment Conservation Area:**

**Economic Development**

**Care Area:** - Shockoe Bottom  
**Enterprise Zone:** III

**Environment**

**100 YEAR Flood Plain Flag:** Contact the Water Resources Division at 646-7586.  
**500 YEAR Flood Plain Flag:** Y  
**Resource Protection Flag:** Contact the Water Resources Division at 646-7586.  
**Wetland Flag:** N

**Census**

Census Year	Block	Block Group	Tr
2000	2017	0205002	020500
1990	303	0205003	020500

**Schools**

**Elementary School:** Bellevue  
**Middle School:** Martin Luther King Jr  
**High School:** Armstrong

**Public Safety**

**Police Precinct:** 1  
**Police Sector:** 111  
**Fire District:** 1  
**Dispatch Zone:** 124B

**Public Works Schedules**

**Street Sweep:** TBD  
**Leaf Collection:** TBD  
**Refuse Collection:** Thursday  
**Bulk Collection:**

**Government Districts**

**Council District:** 7  
**Voter Precinct:** 708  
**State House District:** 71  
**State Senate District:** 9  
**Congressional District:** 4

**Extension 1 Details**

TH

**Extension Name:** R01 - R#990596&204055-2.5Sty.S/A-**Year Built:** 1805**Stories:** 2.5**Units:** 0**Number Of Rooms:** 9**Number Of Bed Rooms:** 4**Number Of Full Baths:** 2**Number Of Half Baths:** 1**Condition:** very good for age**Foundation Type:** 3/4 Bsmt**1st Predominant Exterior:** Brick**2nd Predominant Exterior:** N/A**Roof Style:** Gable**Roof Material:** Metal**Interior Wall:** Drywall**Floor Finish:** Softwood-standard**Heating Type:** Forced hot air**Central Air:** Y**Basement Garage Car #:** 0**Fireplace:** Y**Building Description (Out Building and  
Yard Items) :****Extension 1 Dimensions****Finished Living Area:** 1782 Sqft**Attic:** 384 Sqft**Finished Attic:** 126 Sqft**Basement:** 600 Sqft**Finished Basement:** 0 Sqft**Attached Garage:** 0 Sqft**Detached Garage:** 0 Sqft**Attached Carport:** 0 Sqft**Enclosed Porch:** 0 Sqft**Open Porch:** 20 Sqft**Deck:** 0 Sqft**Extension 2 Details****Extension Name:** R03 - 2 Sty Attach Single Fam Town**Year Built:** 1818**Stories:** 2**Units:** 0**Number Of Rooms:** 9**Number Of Bed Rooms:** 4**Number Of Full Baths:** 2**Number Of Half Baths:** 1**Condition:** very good for age**Foundation Type:** 1/2 Bsmt, 1/4 Crawl**1st Predominant Exterior:** Brick**2nd Predominant Exterior:** N/A**Roof Style:** Gable**Roof Material:** Metal**Interior Wall:** Drywall**Floor Finish:** Softwood-standard**Heating Type:** Forced hot air**Central Air:** Y**Basement Garage Car #:** 0**Fireplace:** Y

**Building Description (Out Building and  
Yard Items) :****Extension 2 Dimensions****Finished Living Area:** 2166 Sqft**Attic:** 384 Sqft**Finished Attic:** 384 Sqft**Basement:** 600 Sqft**Finished Basement:** 0 Sqft**Attached Garage:** 0 Sqft**Detached Garage:** 0 Sqft**Attached Carport:** 0 Sqft**Enclosed Porch:** 0 Sqft**Open Porch:** 20 Sqft**Deck:** 0 Sqft



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**Property Images**

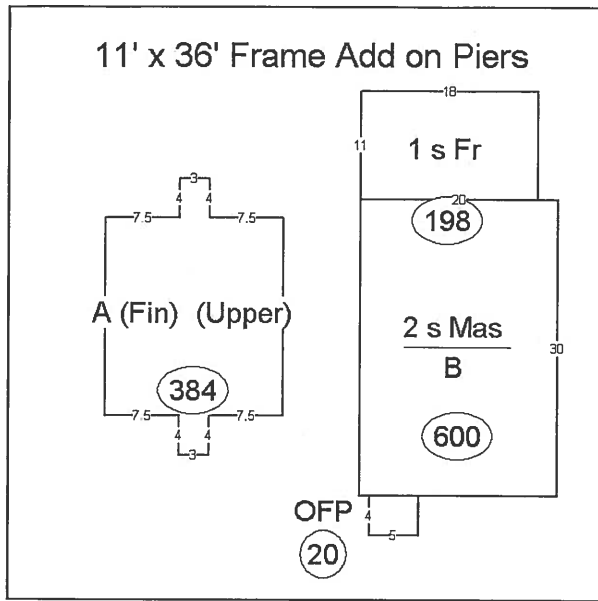
Name:E0000131007 Desc:R03



[Click here for Larger Image](#)

**Sketch Images**

Name: E0000131007 Desc: R01



RICHMOND BOARD OF ZONING APPEALS APPLICATION FORM



THE RICHMOND ZONING ADMINISTRATION OFFICE
ROOM 110, CITY HALL, 900 EAST BROAD STREET
RICHMOND, VIRGINIA 23219
(804) 646-6340

TO BE COMPLETED BY THE APPLICANT

PROPERTY

OWNER: Macfarlane Associates, LLC PHONE: (Home) ( ) (Mobile) (804) 233-9700
ADDRESS 1812 E. Grace Street EMAIL: charles@macfarlaneva.com
Richmond, Virginia 23223
Attn: Charles MacFarlane

PROPERTY OWNER'S

REPRESENTATIVE: Lory Markham PHONE: (Home) ( ) (Mobile) (804) 248-2561
(Name/Address) Markham Planning, LLC EMAIL: lory@markhamplanning.com
23 W. Broad Street
Richmond, VA 23220

TO BE COMPLETED BY THE ZONING ADMINISTRATION OFFICE

PROPERTY ADDRESS (ES) 1813 & 1815 East Grace Street

TYPE OF APPLICATION: [ ] VARIANCE [X] SPECIAL EXCEPTION [ ] OTHER

ZONING ORDINANCE SECTION NUMBERS(S): 30-300, 30-442.1(7) & 30-1040.2(a)

APPLICATION REQUIRED FOR: A building permit for renovations and to split the lot to convert the existing two-family dwelling into two single-family attached dwellings.

TAX PARCEL NUMBER(S): E000-0131/007 ZONING DISTRICT: B-5 (Central Business)

REQUEST DISAPPROVED FOR THE REASON THAT: The street oriented commercial frontage requirement is not met. A minimum of one thousand (1,000) square feet of floor area of the ground floor of a building located adjacent to the street oriented commercial frontage shall be devoted to other uses permitted in the B-5 district; none is proposed. A previous Board case (No. 147-03) authorized the conversion of the existing two-family dwelling into two single-family attached dwellings, however no action implementing the permission granted by the Board was made within two years of the Board's approval.

DATE REQUEST DISAPPROVED: April 12, 2019 FEE WAIVER: YES [ ] NO: [X]

DATE FILED: April 12, 2019 TIME FILED: 2:30 p.m. PREPARED BY: Richard Saunders RECEIPT NO. BZAR-0052687-2019

AS CERTIFIED BY: [Signature] (ZONING ADMINSTRATOR)

I BASE MY APPLICATION ON:

SECTION 17.20 PARAGRAPH(S) OF THE CHARTER OF THE CITY OF RICHMOND

SECTION 15.2 -2309.2 [ ] OF THE CODE OF VIRGINIA [OR]

SECTION 1040.3 PARAGRAPH(S) (5) OF THE ZONING ORDINANCE OF THE CITY OF RICHMOND

TO BE COMPLETED BY APPLICANT

I have received the handouts, Suggestions for Presenting Your Case to the Board & Excerpts from the City Charter [X]

I have been notified that I, or my representative, must be present at the hearing at which my request will be considered.

SIGNATURE OF OWNER OR AUTHORIZED AGENT: [Signature] DATE: 4/20/19

\*\*\* TO BE COMPLETED BY THE SECRETARY TO THE BOARD OF ZONING APPEALS \*\*\*

CASE NUMBER: BZA 25-2019 HEARING DATE: June 5, 2019 AT 1:00 P.M.



BOARD OF ZONING APPEALS CASE BZA 25-2019  
150' Buffer

APPLICANT(S): Macfarlane Associates, LLC

PREMISES: 1813 & 1815 East Grace Street

(Tax Parcel Number E000-0131/007)

SUBJECT: A building permit for renovations and to split the lot to convert the existing two-family dwelling into two single-family attached dwellings.

REASON FOR THE REQUEST: Based on Sections 30-300, 30-442.1(7) & 30-1040.2(a) of the Zoning Ordinance for the reason that:  
The street oriented commercial frontage requirement is not met.





## BOARD OF ZONING APPEALS PRESENTATION SUGGESTIONS

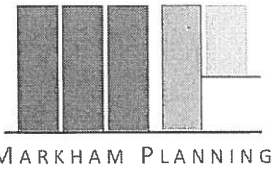
CITY OF RICHMOND, VIRGINIA

When presenting your request for a variance or exception to the Board of Zoning Appeals, it is important that you consider the points outlined below. The City Charter requires that every decision of the Board must be based upon a finding of fact that the Board must determine from sworn testimony, together with pertinent evidence, presented at its public hearing. It is essential that the Board receive thorough and complete information in order for it to adequately consider your case and make an informed decision.

1. The powers and duties of the Board of Zoning Appeals are specified in Section 17.20 of the City Charter and Article X, Division 5, of the Zoning Ordinance. The Zoning Office will assist you in identifying how your case should be filed. If you have questions regarding your case filing, please contact the Zoning Administration Office (646-6340/6701). Please review the applicable provisions of the City Charter or the Zoning Ordinance thoroughly and address them when presenting your case to the Board to show that the applicable requirements have been satisfied.
2. The Board of Zoning Appeals is a quasi-judicial board whose decisions are controlled by statutory law and also take into consideration applicable case law that has been handed down by the Richmond Circuit Court and the Virginia Supreme Court. The Board suggests that if you have any legal questions regarding statutory or case law as it may apply to your application, that those legal issues should be discussed with an attorney before you make your final decision to submit an application to the Board.
3. The Board considers it absolutely essential that you discuss your case with your neighbors (notification letters are sent to property owners within a 150-foot radius of your property) as well as your neighborhood association(s). Information regarding your neighborhood association(s) and/or contact person(s) may be obtained from the City's website at <http://www.richmondgov.com/PlanningAndDevelopmentReview/civicasociationgroupinformation.aspx> Once on the page, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, scroll down the page to the appropriate group(s) to find the contact information for each.
4. **Please be advised that if you fail to discuss your request with your neighbors and neighborhood association(s), you should anticipate that your case will be continued until the Board's next regularly scheduled meeting.** It is highly recommended that you contact your neighborhood association as soon as possible to determine their meeting schedule in order to be sure you allow yourself enough time to talk to all concerned parties prior to the hearing before the Board. The Board's Rules of Procedure require payment of a \$150.00 continuance fee if the applicant must request a continuance for the reason that the applicant failed to discuss their case with their neighbor(s) or neighborhood association(s).
4. You are also strongly encouraged to discuss your pending case with the Secretary of the Board, Roy Benbow (804-240-2124) well before the hearing. The Secretary can be helpful by explaining the BZA public hearing process.
5. Utilizing photographs, plans, maps, diagrams and such other written or graphic evidence as needed to fully explain your request can be a great help to the Board in understanding your request and thereby improve your chances for success. Remember a picture is worth a thousand words.
6. Note that, although the Board is not authorized to grant a waiver from the zoning regulations based on financial circumstances alone, it may be a factor to be taken into consideration along with other facts in a case. If your case involves such a factor, please provide the Board with complete and relevant financial information for its review.
7. The Board's hearings are informal, although all testimony is taken under oath. You are not required to be represented by an attorney in presenting your case. However, if you choose, you may have legal representation and/or may utilize such technical experts or other persons to testify on your behalf as you feel are needed to adequately explain your request to the Board.

Acknowledgement of Receipt by Applicant or Authorized Agent: \_\_\_\_\_

(Revised: 4/28/16)



April 10, 2019

Mr. Roy Benbow, Secretary  
Board of Zoning Appeals  
900 East Broad Street, Suite 511  
Richmond, VA 23219

Dear Mr. Benbow,

Please accept this letter as the Applicant's Report for the application for a special exception for the property located at 1813 and 1815 East Grace Street. With this application, the property owner is petitioning the Board of Zoning Appeals for a special exception under Section 30-1040.3(5) of the Zoning Ordinance, which allows the Board to grant relief from the limitation on the amount of floor area within the building dedicated to dwelling uses. The property is currently a two-family detached dwelling with no other principal use, with the units located side-by-side and fronting on East Grace Street. There are four on-site parking spaces located on the property behind the existing building and accessed from North 19<sup>th</sup> Street.

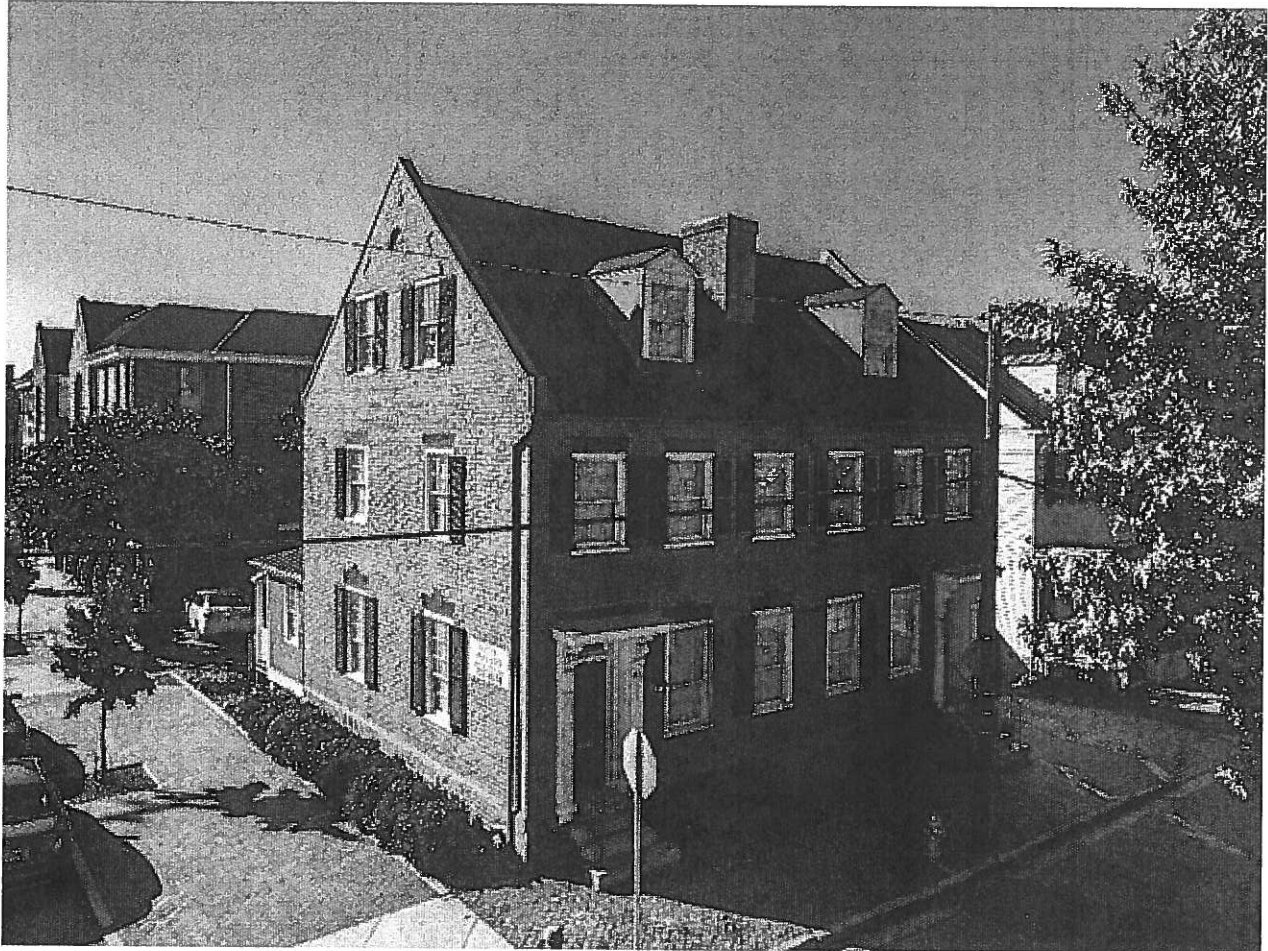
The applicant wishes to subdivide the property into two separate parcels respective to the existing two separate residential units and the existing two separate street numbers- 1813 and 1815. The property was acquired by the current owner in 2003 and renovated to good condition for the existing two-family dwelling use. The zoning in 2003 and the current zoning requires a certain portion of the ground floor of the building to be devoted to other permitted principal uses besides dwelling units. The building has been in use as a two-family detached dwelling without the required other principal use under the authorization of a variance from the Board of Zoning Appeals in 2003 (Case 12-03). Additionally, the owner was later granted a variance by the Board in 2003 (Case 147-03) for the same relief from the street-oriented commercial requirement for two single-family attached units. The owner did not subdivide the property within two year after completing the renovation and has relied on the original approval and certificate of occupancy. The owner would now like to subdivide the property and is petitioning the Board for a special exception from 30-442.1(4) for two single-family attached dwellings. As opposed to the existing variance that was granted from the same requirement for a two-family detached dwelling in 2003.

*Site*

The property is located at the intersection of East Grace and North 19<sup>th</sup> Streets. The property is also located within the Shockoe Valley City Old and Historic District as well as the Shockoe Valley and Tobacco Row National Historic District. The property has a land area of 4,017 sq. ft. and is zoned in the B-5 Central Business District, which requires dwelling units to have another principal permitted use on



the ground floor along streets designated as "street oriented commercial" on the City's Zoning Map. This is the last property on East Grace Street that has the "street-oriented commercial designation". This property is improved as a two and a half-story building currently in use as two attached rowhouse units. On the west side, 1813 East Grace is in use with 1,782 sq. ft. of finished living area and was built in 1805. On the east side, 1815 East Grace is in use with 2,166 sq. ft. of finished living area and was built in 1818 according to City Assessor's records. The ground floor is designated as living space in both units with kitchen spaces in the rear. The property maintains four (4) parking spaces in the rear of the property accessible from North 19th Street.



Adjacent to the property is an alleyway to the west and across it is a similar duplex residential building. North 19<sup>th</sup> Street is adjacent to the east and across it is a light industrial one-story building. Located across East Grace Street is the historic Adam Craig House. Diagonally across the intersection is a multi-family apartment building. Across the rear parking lot to the south is a building converted to condominium units. All these surrounding properties are currently zoned as B-5 Central Business District as well. There is only one commercial space on this block of East Grace Street.

### *Zoning*

The subject property is located in the B-5 Central Business District which permits dwellings units as well as certain commercial uses. The existing building was built in 1805 in the duplex style as two attached

units. The Board is able to grant special exceptions to waive the ground floor commercial requirements under certain criteria, which include:

*a. Due to the existing or projected land uses of properties on the same block, there is no purpose to be served by providing for uninterrupted commercial frontage on the property, or that ground floor commercial space on the property is either not physically practical or not economically viable.* Adhering to the zoning requirements would take great lengths to retrofit the building, which was originally constructed over 210 years ago and is currently deemed in "very good condition" with living space on the ground floor, to a different use other than that for dwelling to conform. The ordinance requires a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building to be devoted to other principal uses in this district. The footprint of the building is roughly 1,200 sq. ft. which would require a modification of most of the ground floor. The currently floor plan also prohibits the building from being converted to another use on the upper floors as there would be no way to access them without travelling through the required commercial space on the ground floor unless a separate stair or elevator were to be added taking a majority of the ground floor just to access the upper floors. This is not practical.

*b. Granting the exception will increase residential occupancy thereby facilitating a mixed use character of the district in which the property is located consistent with objectives for mixed use in the area;* Shockoe Bottom has become a thriving mixed-use neighborhood that thrives because of the influx of residents and the variety of housing options available to them. The primary commercial streets in Shockoe Bottom have become East Main Street and East Broad Street. The provision of additional housing options in allowing for single-family on the ground floor will limit competition and further the success of the businesses along East Main and East Broad Streets and continue to facilitate the mixed-use character of the district.

*c. Any alterations to the building will not be architecturally incompatible with the dominant character of building facades on the block;* The building has existed in its current residential condition for over 210 years and the immediately surrounding properties have also existed as primarily residential properties in this historic residential enclave in Shockoe Bottom nearly as long. There is one industrial shed building, one commercial building and a surface parking lot along this block of East Grace Street, while all the remaining buildings, including the subject property, are residential in nature and have been since they were built centuries ago

*d. The board may attach such conditions as it deems necessary to ensure that the building facade fenestration and the location and nature of pedestrian and vehicular ingress and egress are compatible with the surrounding area.* There are four existing off-street parking spaces located at the rear to the property accessed from North 19<sup>th</sup> Street. Should the Board grant the special exception, these spaces will continue to be provided and access easements will be recorded along with the subdivision plat.

Strict application of the terms of the ordinance unreasonably restrict subdivision of the property with its current use. There is a need for flexibility in the application of restrictions on the use of ground floor space within the building, especially as in its current form is functionally and architecturally compatible with the surrounding area. Ground floor space dedicated to non-dwelling use on the property is neither



physical practically nor economically viable and a special exception under 30-1040.3(5) should be granted.

Thank you for your consideration of this application. Please feel free to contact me at lory@markhamplanning.com or (804) 248-2561 if you have any questions or require additional materials to process this application.

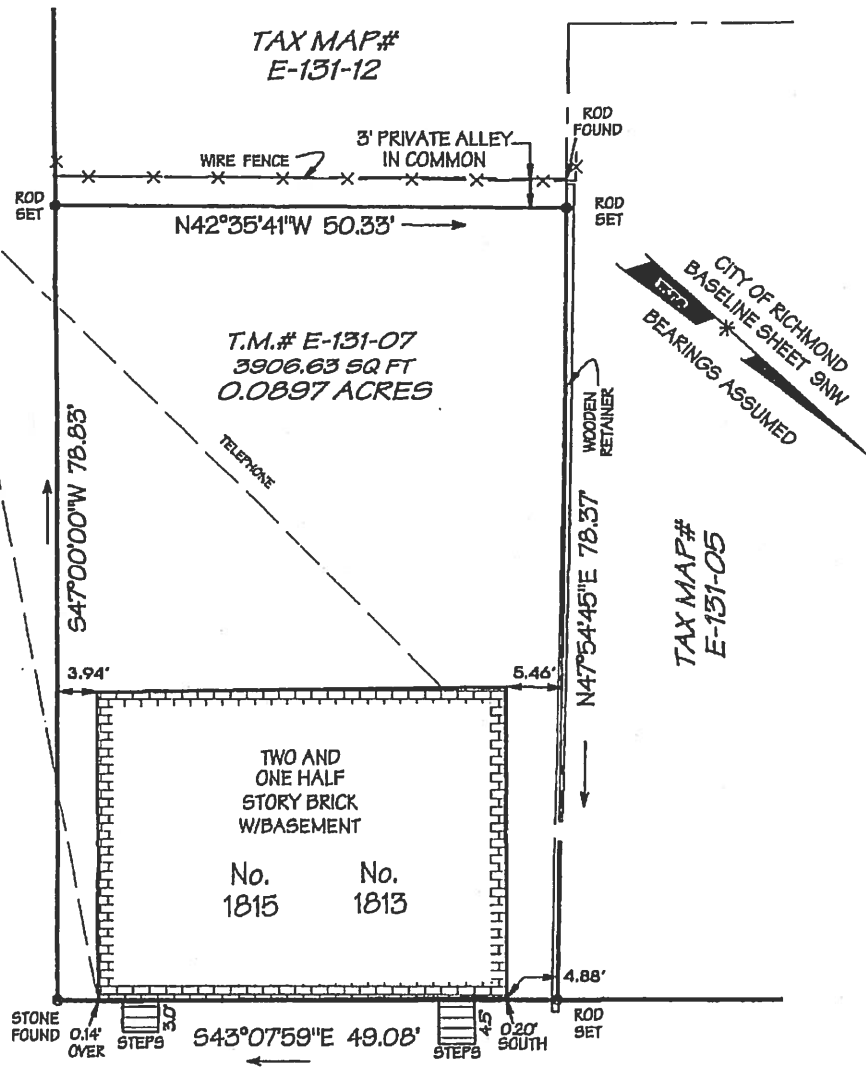
Very Truly Yours,

Lory Markham

Enclosures

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "C".  
CURRENT OWNER: MACFARLANE ASSOCIATES LLC.

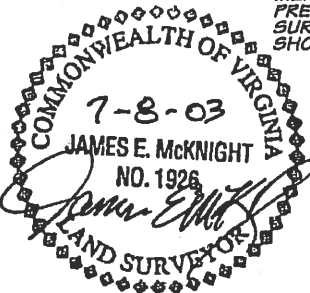
N. 19<sup>TH</sup> STREET



**E. GRACE STREET**

PLAT SHOWING IMPROVEMENTS ON No. 1813 & 1815 E. GRACE STREET,  
IN THE CITY OF RICHMOND, VIRGINIA.

THIS IS TO CERTIFY THAT ON JULY 08, 2003, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE.



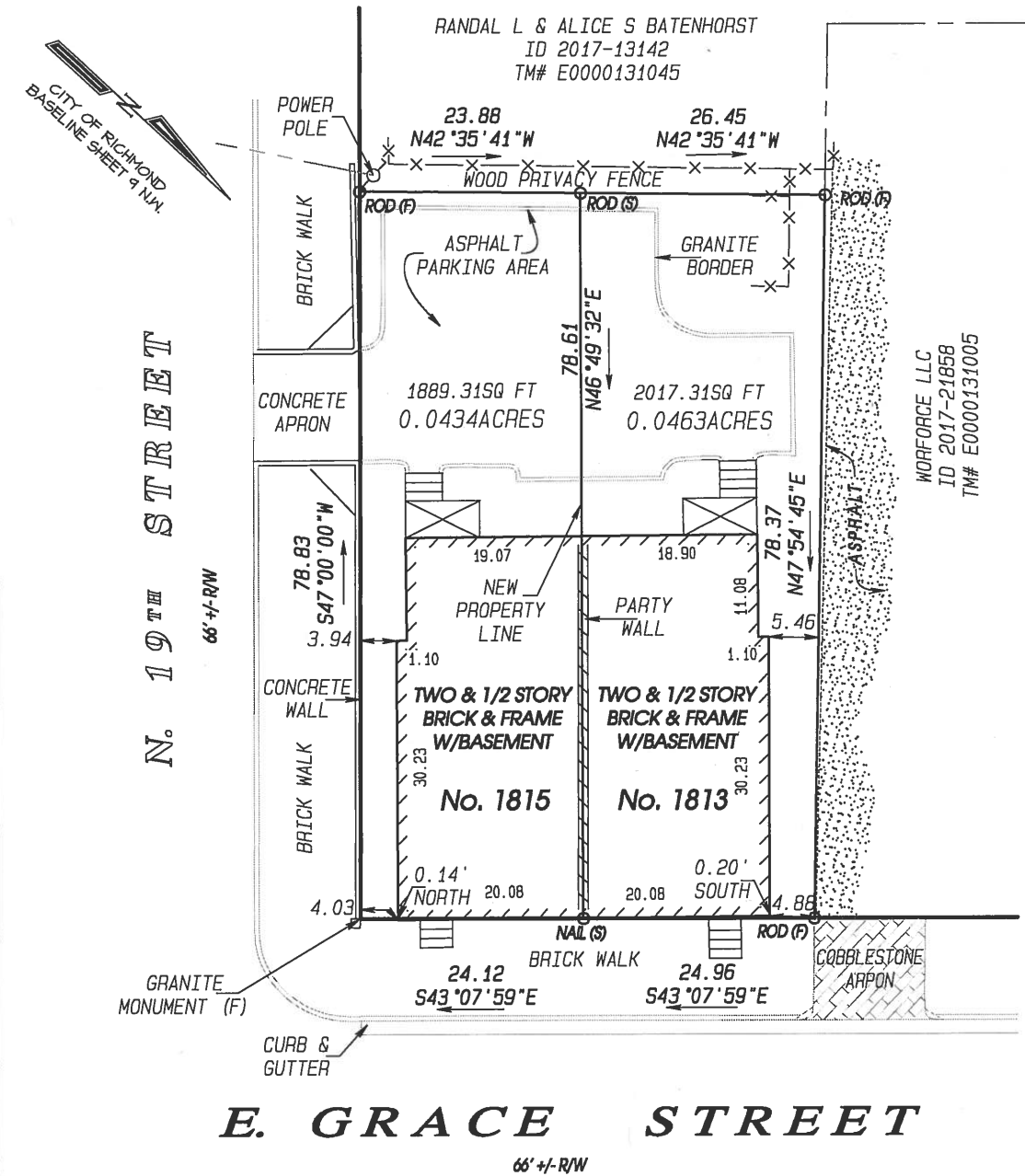
**McKNIGHT & ASSOCIATES, P.C.**

LAND SURVEYORS PLANNERS

305 TWIN RIDGE LANE  
RICHMOND, VIRGINIA 23235  
TELEPHONE (804) 320-2646

SCALE: 1" = 15'  
JOB NUMBER: 02021213

NOTES: THIS PROPERTY IS LOCATED IN F.E.M.A. FLOOD ZONE "X".  
 CURRENT OWNER: MACFARLANE PARTNERS, LLC ID 2003-1438  
 TAX MAP PARCEL: E0000131007  
 UNDERGROUND UTILITIES

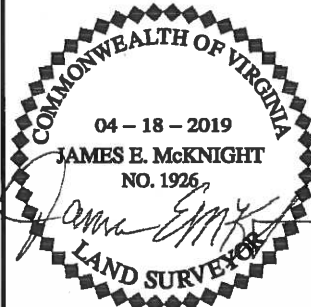


**E. GRACE STREET**  
 66' +/- R/W

**PLAT SHOWING TWO PARCELS OF LAND KNOWN AS  
 No. 1813 AND 1815 EAST GRACE STREET,  
 IN THE CITY OF RICHMOND, VIRGINIA.**

THIS IS TO CERTIFY THAT ON APRIL 18, 2019, I MADE AN ACCURATE FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON. THIS SURVEY IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT. PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS PLAT COMPLIES WITH THE MINIMUM STANDARDS ESTABLISHED BY THE VIRGINIA STATE BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS, AND LAND SURVEYORS.

SCALE: 1" = 15'



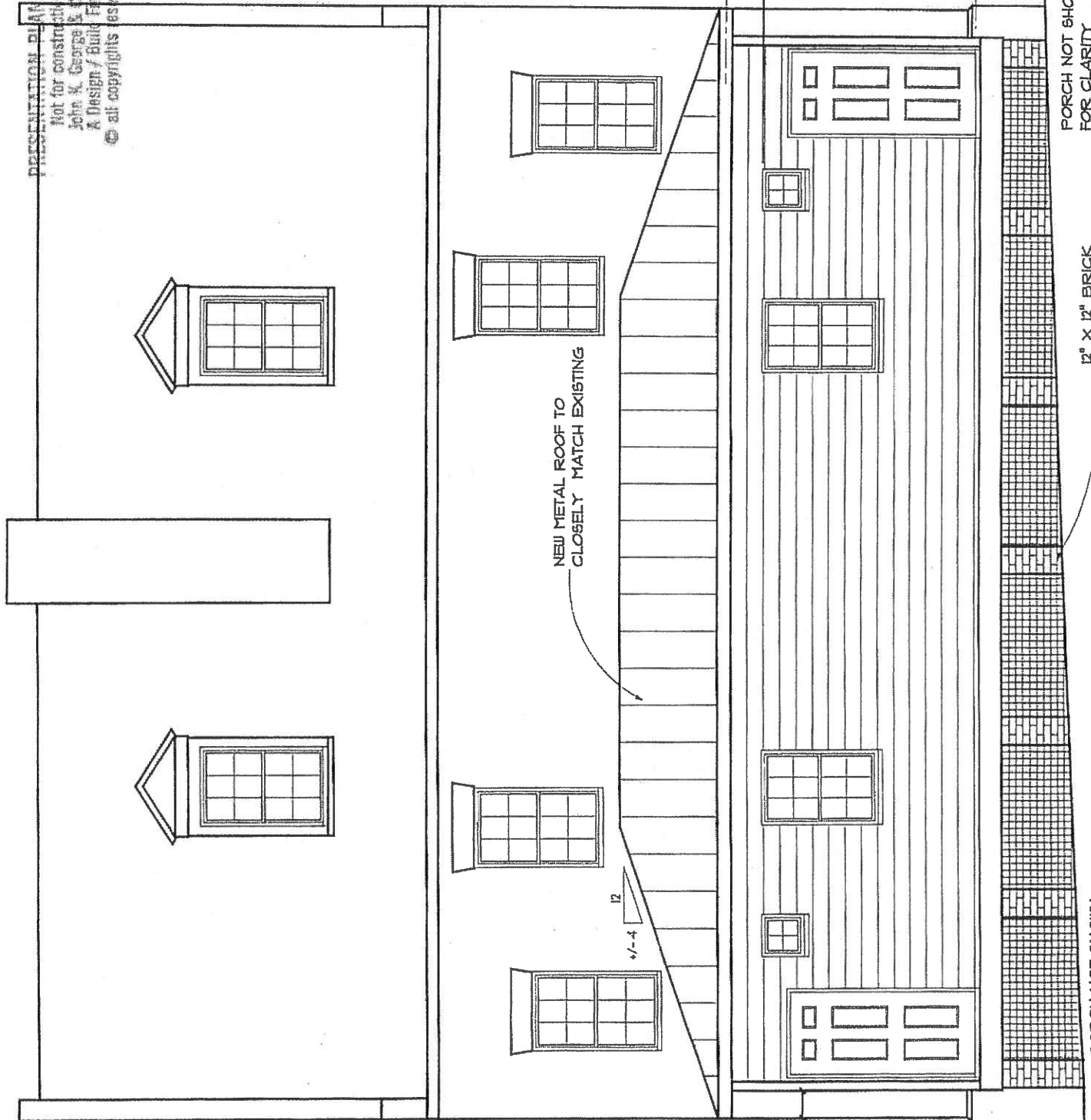
**McKNIGHT & ASSOCIATES, P.C.**  
 LAND SURVEYORS PLANNERS

201 TWIN RIDGE LANE  
 RICHMOND, VIRGINIA 23235  
 TELEPHONE (804) 320-2646

JOB NUMBER: 02021213

PRESENTATION PLANS ONLY

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John K. George & Co.  
A Design / Build Firm  
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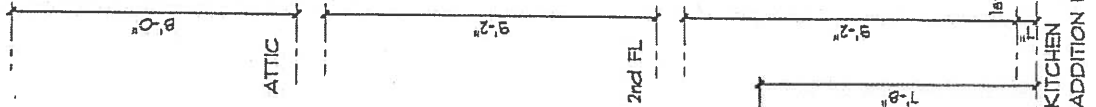
NEW METAL ROOF TO  
CLOSELY MATCH EXISTING

PORCH NOT SHOWN  
FOR CLARITY

12" X 12" BRICK  
PIERS (TYP)

SOUTH ELEVATION

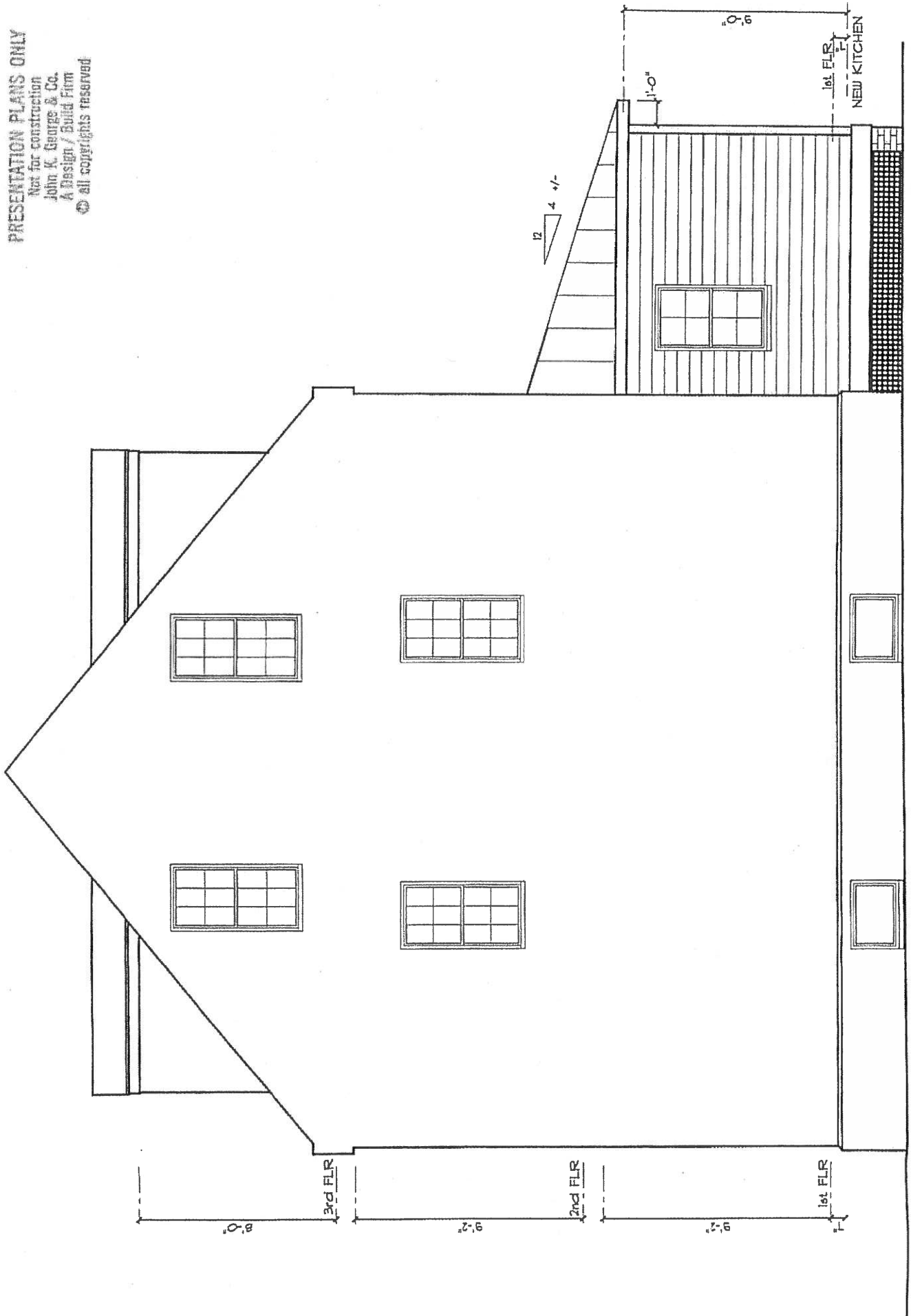
PORCH NOT SHOWN  
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John K. George & Co.  
3000 W. Clay St.  
Richmond, VA 23230

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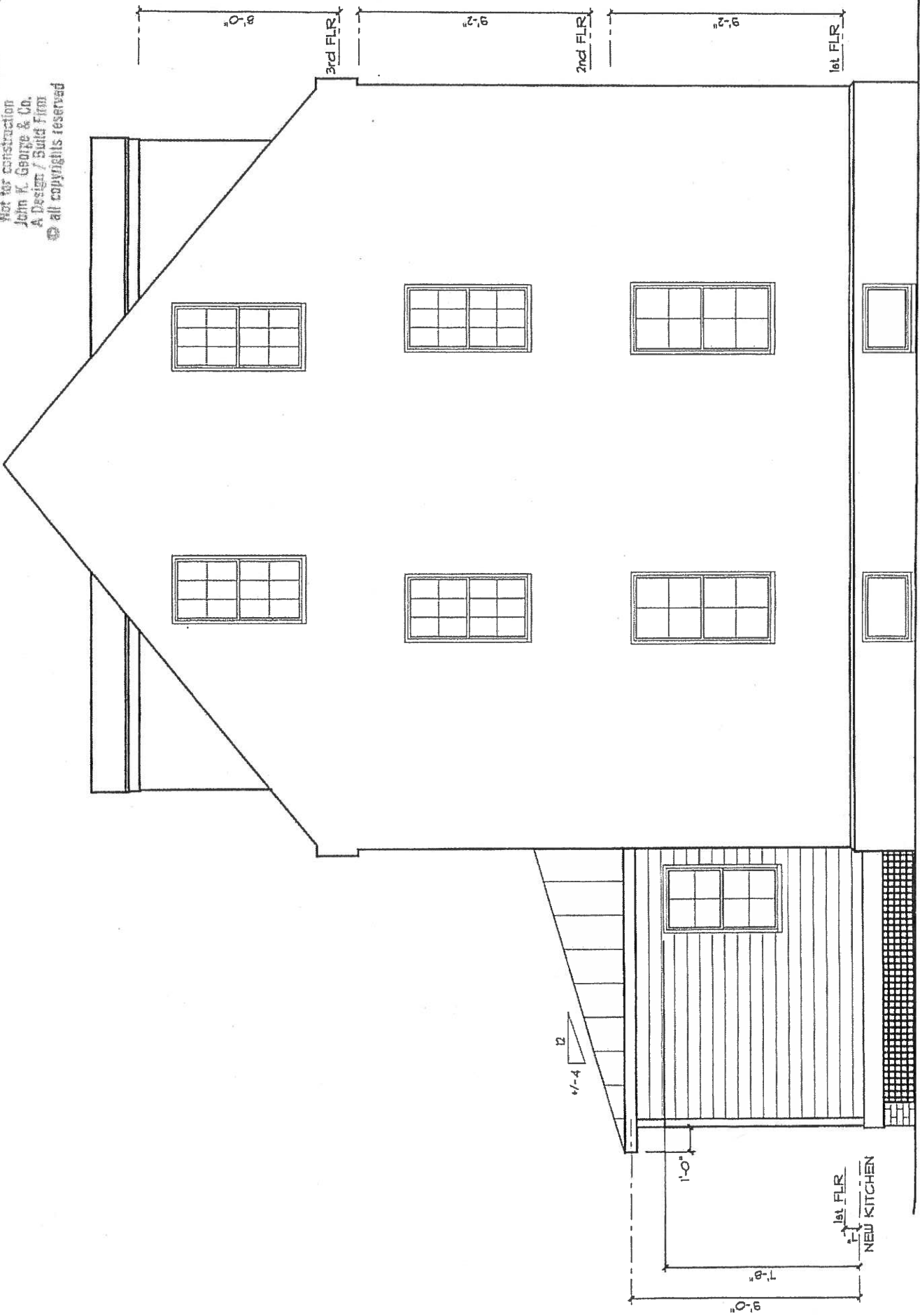


PORCH NOT SHOWN  
FOR CLARITY

WEST ELEVATION

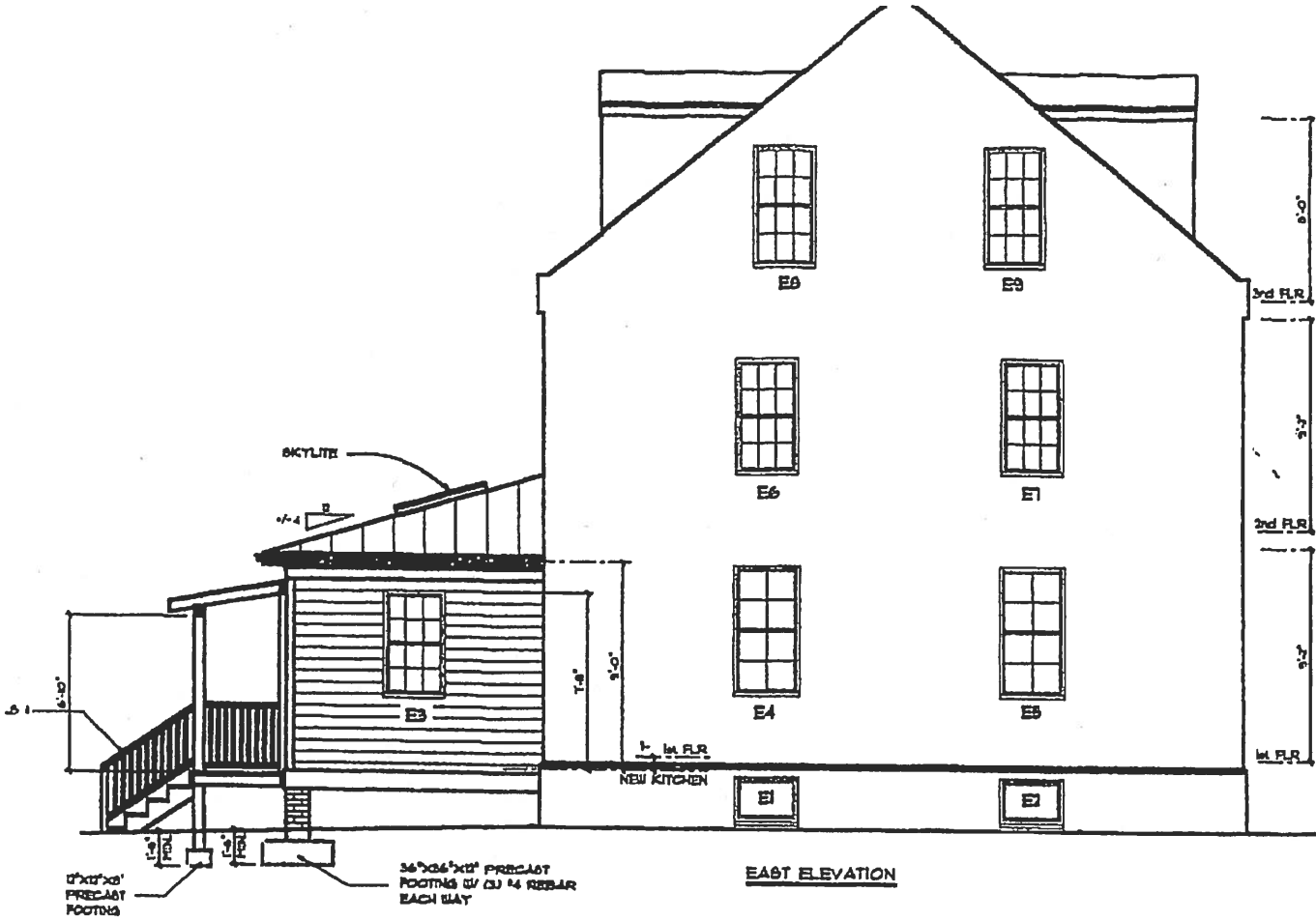
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 3000 W Clay St



EAST ELEVATION

PORCH NOT SHOWN  
 FOR CLARITY



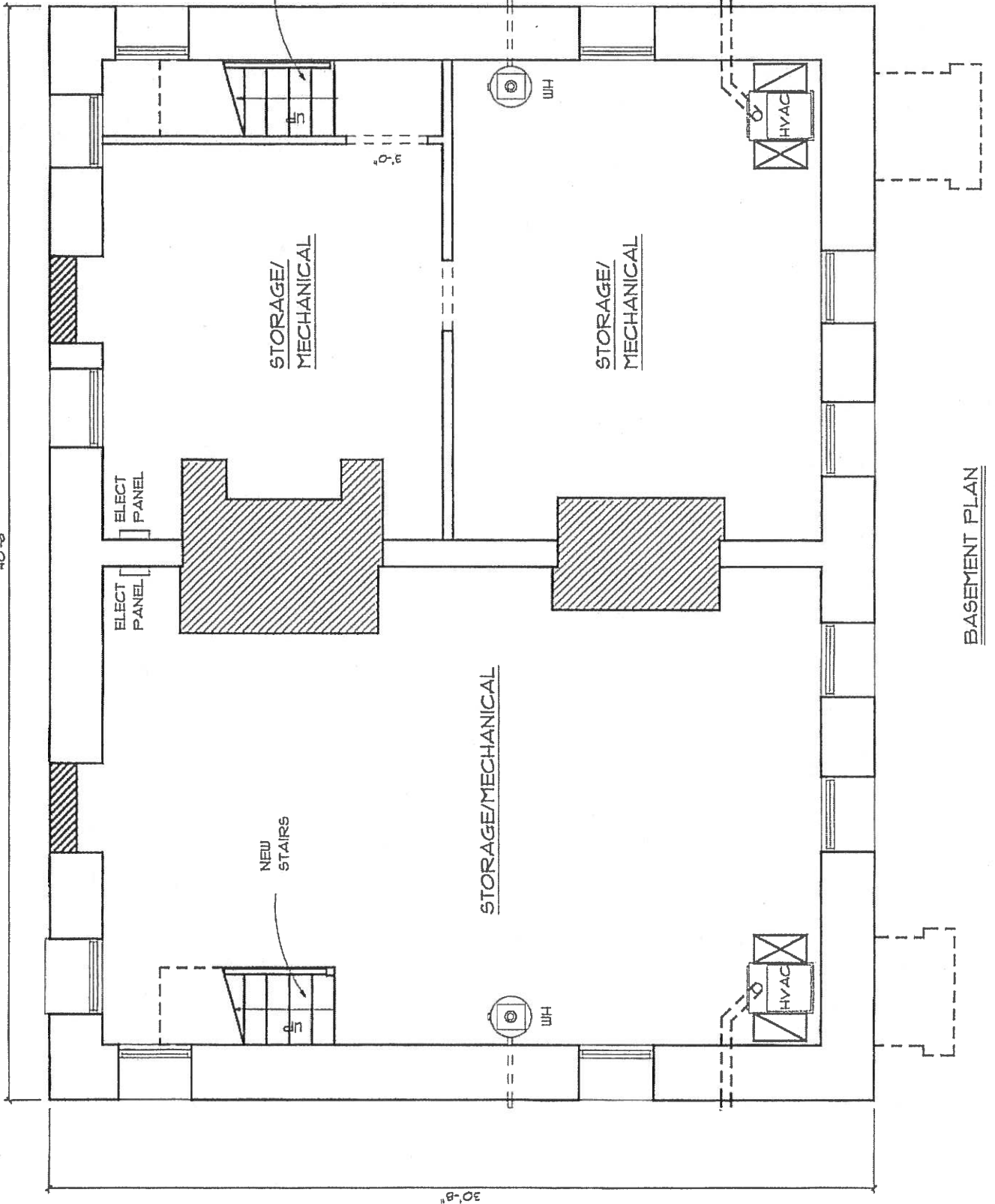
**EAST ELEVATION**

CLIENT COPY

1/4/02

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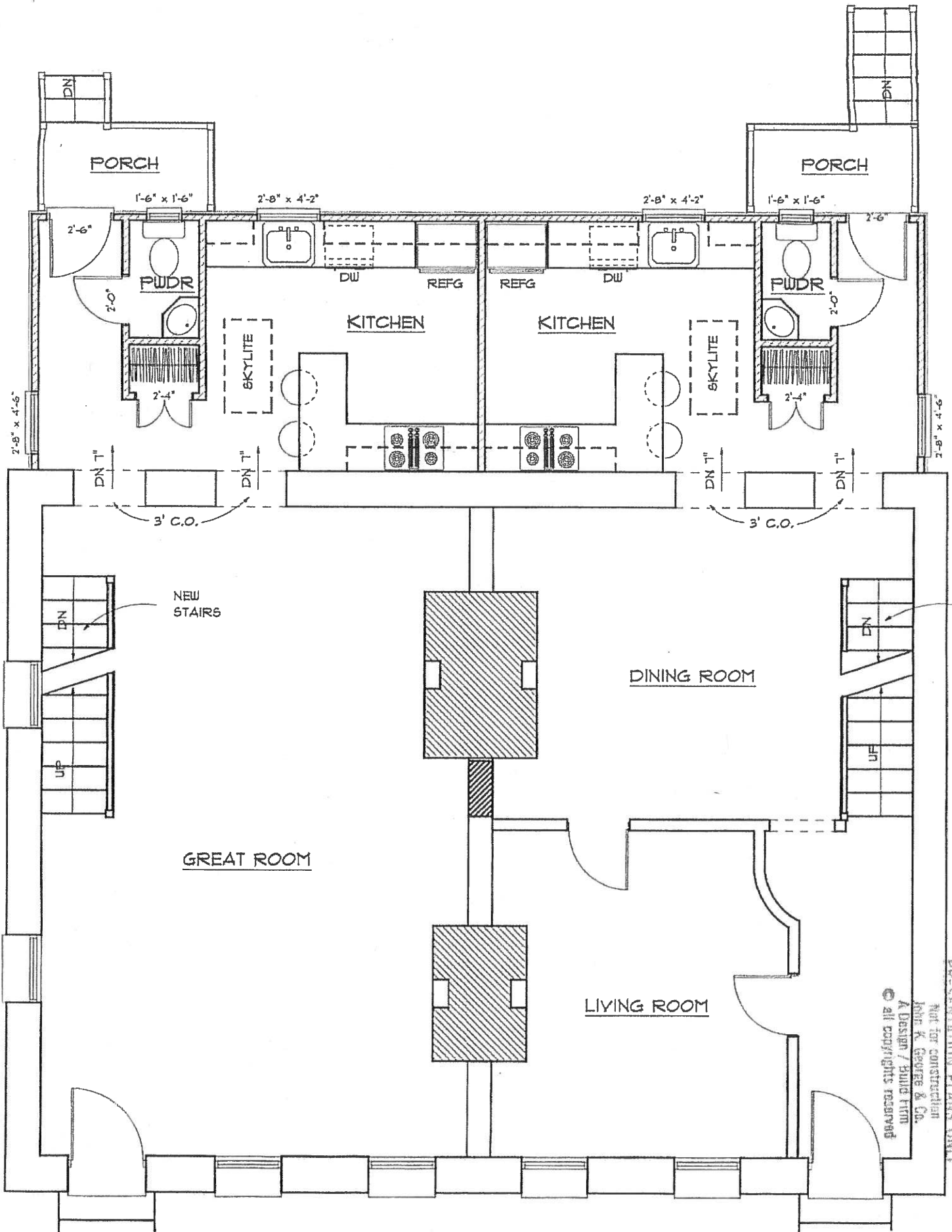
40'-6"



BASEMENT PLAN

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3000 W. Clay St.  
Richmond, VA 23230

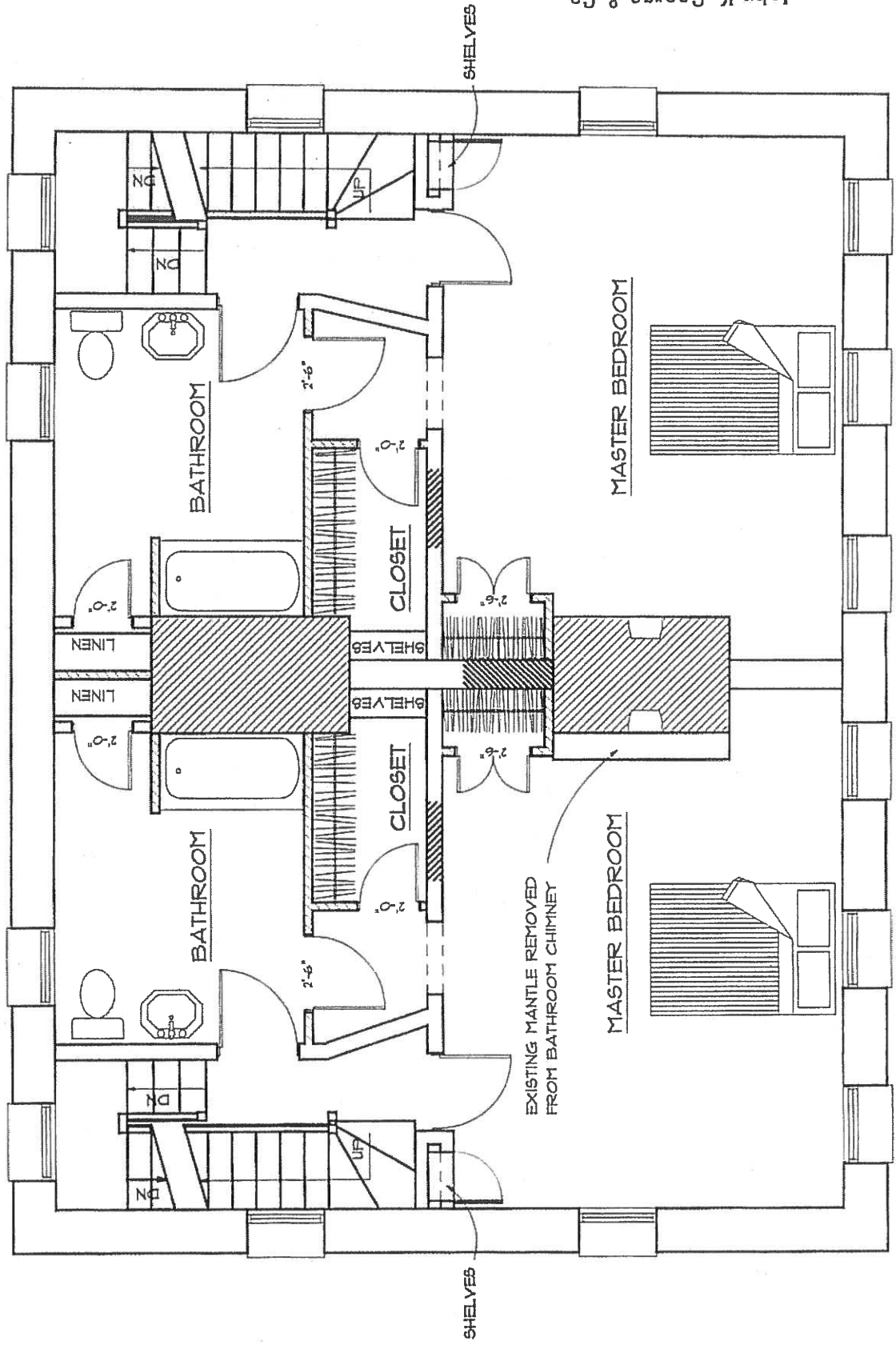




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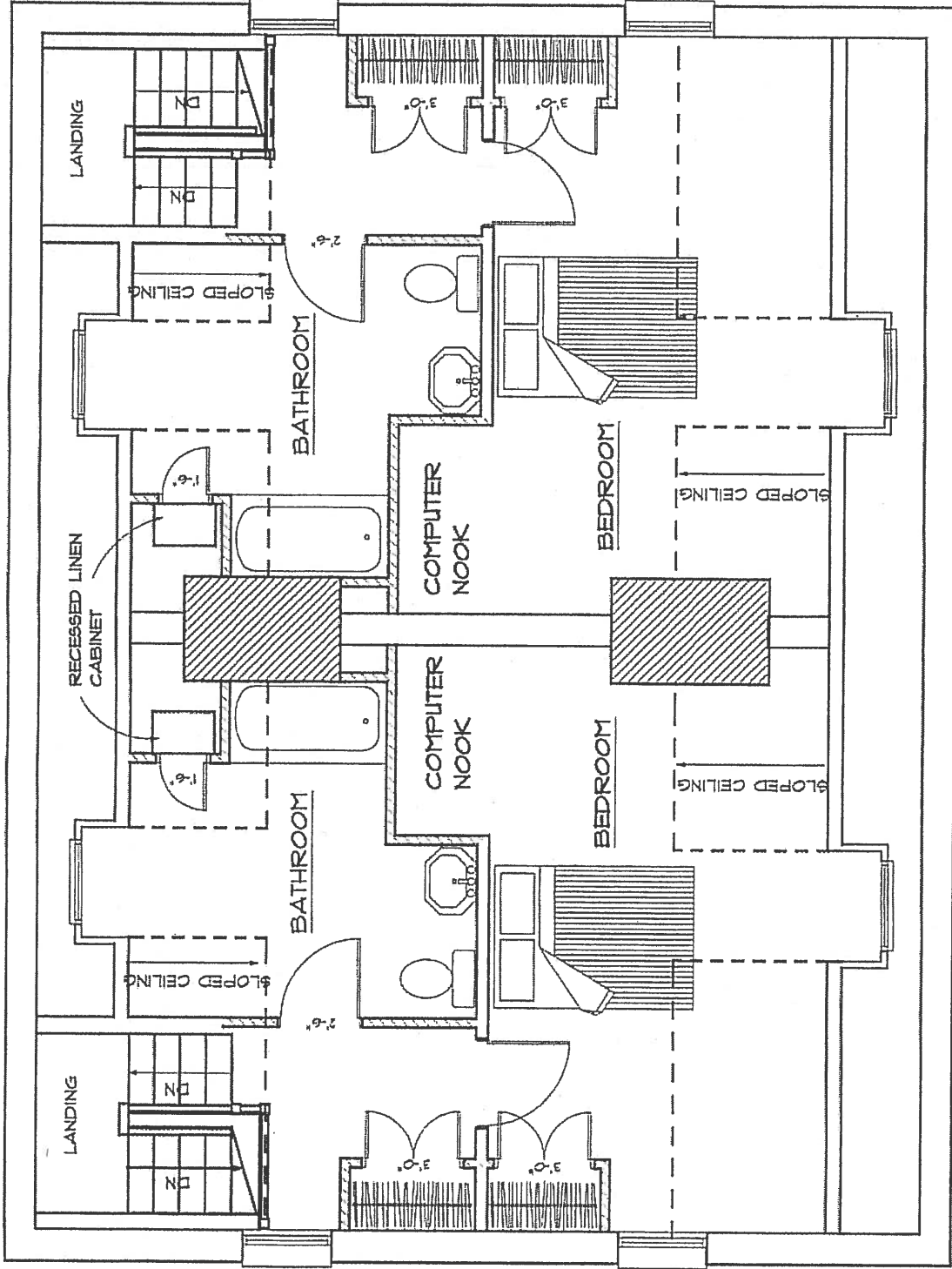
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 3000 W. Clay St.



2ND FLOOR PLAN

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3rd FLOOR PLAN

John K. George & Co.  
3000 W. Clay St.  
Richmond, VA 23230

**CASE NO. 147-03**

APPLICANT: Macfarlane Associates, LLC

PREMISES: 1813-1815 EAST GRACE STREET  
(Tax Parcel Number E000-0131/007)

SUBJECT: A building permit for renovations and additions to the building and to split the lot to create two (2) single-family attached dwellings

DISAPPROVED by the Zoning Administrator on September 23, 2003, based on Sections 32-300 and 32-442.1(12) of the zoning ordinance for the reason that: In a B-5 Central Business and City Old and Historic District, the street-oriented commercial frontage requirement is not met. A minimum of one thousand (1,000) square feet of the floor area of the ground floor of a building located adjacent to the Street Oriented Commercial Frontage shall be devoted to other uses permitted in the B-5 district; none is proposed.

APPLICATION was filed with the Board on September 16, 2003, based on Section 17.20(b) of the City Charter.

## APPEARANCES:

For Applicant: C. Samuel McDonald

Against Applicant:

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, MacFarlane Associates LLC, has requested a variance for renovations and additions to the building and to split the lot to create two single-family attached dwellings at 1813-1815 East Grace Street. Mr. Sam McDonald, representing MacFarlane Associates, testified that in February of 2003 the Board had approved use of 1813-1815 East Grace Street for a detached duplex. Mr. McDonald explained that as the result of increased construction costs, they had taken a further look at their long-term goal for the property. Mr. McDonald indicated that the original plan to create single-family ownership had been accelerated due to increased construction costs and a less than satisfactory anticipated revenue stream. Mr. McDonald stated that it was now their intent to split the property and create two single-family attached dwellings. Mr. McDonald further stated that there would be no overall changes to the plans as originally presented to the Board except for the fact that instead of a detached duplex there would be two single-family attached dwelling units.

In response to a question from Mr. Siff, Mr. McDonald indicated that two parking spaces would be available in the rear of each of the single-family dwelling units.

The Board is satisfied that the property was acquired in good faith and that an exceptional situation exists due to the need to provide single-family home ownership opportunities; whereby strict application of the street-oriented commercial frontage requirements unreasonably restricts its use, and the granting of a variance in this case will be in harmony with the intended spirit and purpose of the ordinance and the powers of the Board.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the street-oriented commercial frontage requirement be granted to Macfarlane Associates, LLC for a building permit for renovations and additions to the building and to split the lot to create two (2) single-family attached dwellings as proposed at the subject premises.

ACTION OF THE BOARD:           Granted           (5-0)

Vote to Grant

affirmative:           Pool, Cox, Williams, Siff, Parks

negative:           none

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Upon motion made by Mr. Siff and seconded by Mr. Poole , the Board members voted (5-0) to continue consideration of the following case to its meeting of Wednesday, January 7, 2004. The Board has determined that a continuance fee will not be required.

**CASE NO. 148-03**

APPLICANT:           Phillip R. Sanderson

PREMISES:           2700 MIDLOTHIAN TURNPIKE  
(Tax Parcel Number S000-1002/010)

SUBJECT:           A permit to build a new single-family detached dwelling

DISAPPROVED by the Zoning Administrator on October 21, 2003, based on Sections 32-300, 32-410.5(2) and 32-620.1(3) of the zoning ordinance for the reason that: In an R-5 Single-Family Residential District, the street side yard setback requirement is not met. A street side yard of three feet (3') is required; six inches (6") ± is proposed.

to legitimize that use. The Board's special exception power was limited to restoring the nonconforming rights to the 1<sup>st</sup> floor.

Mr. Briggs described the building as a commercial storefront not suitable for residential use. It had last been used as a convenience store. He had a prospective tenant, Winifred Ross, who wishes to operate a convenience store. At the previous meeting, the Board had informed Mr. Briggs that it was the Board's policy not to permit ABC licenses for properties located within residential areas. He protested, claiming that this was discriminatory. Ms. Ross stated that she did not think she could make it without alcohol sales.

Two members of the adjacent church appeared in opposition. They described many problems with trash and inappropriate behavior associated with the previous operation of the store. They stated that it has been the subject of major City enforcement efforts. They also pointed out that there has been much renovation in the area recently and that the proposed use would probably have a negative impact.

The Board concluded that the special exception criteria in this case had not been met and that a less intense use, such as an office or personal service use would be more appropriate. They also expressed concern that the applicant did not take advantage of the continuance to meet with neighbors and the East District staff.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the proposed use and the off-street parking requirements be denied to Ephriam H. Briggs for a certificate of occupancy for a first-floor convenience store/deli as proposed at the subject premises.

ACTION OF THE BOARD: Denied (5-0)

Vote to Deny

affirmative: Poole, Ivins, Williams, Siff, Parks

negative: none

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CASE NO. 12-03(CONTINUED)

APPLICANT: Association for the Preservation of Virginia Antiquities

PREMISES: 1813-1815 EAST GRACE STREET  
 (Tax Parcel Number E000-0131/007)

SUBJECT: A building permit for renovations and addition to the building to be used as a two-family detached dwelling

DISAPPROVED by the Zoning Administrator on December 17, 2002, based on Sections 32-300, 32-800.1(2)&(3) and 32-800.4 of the zoning ordinance for the reason that: "B-5 Central Business and City Old and Historic District. The proposed dwelling use and the enlargement of the building are not permitted as the nonconforming use rights have expired."

APPLICATION was filed with the Board on, 2003, based on Section 17.20(b) of the City Charter and Section 32-1040.3 (6) of the City Code.

APPEARANCES:

For Applicant: C. Samuel McDonald  
Charles MacFarlane

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case by the applicant, Sam McDonald, that the Association for the Preservation of Virginia Antiquities (APVA) owns the subject property which is developed with what is known as the Crump Double House. It is an attached pair of dwellings constructed prior to the Civil War. They are considered architecturally significant. They are located within an M-1 Light Industrial District which does not permit residential use. Since they have been vacant for more than two years, they have lost their nonconforming status. Approval of the requested special exception would restore those rights. In addition, additions are proposed at the rear to accommodate kitchens and bathrooms (the buildings currently contain only two rooms per floor). Since the additions exceed 10% of the existing floor area, a variance is needed. Off-street parking will be provided.

Mr. McDonald stated that the buildings do not lend themselves to nonresidential use and the historic restrictions would preclude exterior changes which might be necessary for nonresidential use. The Board had previously approved a similar request for the adjacent property. There is a significant 17<sup>th</sup> century house across Grace St.

The Board is satisfied that the special exception criteria are met in this case and that there is a need for the additions to enable reasonable use of the buildings as dwellings.

The Board is satisfied that the property was acquired in good faith and that an exceptional situation exists due to the small size of the existing dwellings whereby strict application of the nonconforming use requirements unreasonably

restricts its use and the granting of a variance in this case will be in harmony with the intended spirit and purpose of the ordinance and the powers of the Board.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the nonconforming use requirements be granted to the Association for the Preservation of Virginia Antiquities for a building permit for renovations and additions to a building to be used as a two-family dwelling as proposed at the subject premises.

ACTION OF THE BOARD:           Granted           (5-0)

Vote to Grant the special exception  
affirmative:           Poole, Ivins, Williams, Siff, Parks  
  
negative:               none

Vote to Grant the variance  
affirmative:           Poole, Ivins, Williams, Siff, Parks  
  
negative:               none

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CASE NO. 13-03

APPLICANT:           Jack R. Wilson, III (for the Crisis Pregnancy Center of Metropolitan Richmond)

PREMISES:            4100 BROOK ROAD  
                          (Tax Parcel Number N000-2274/015)

SUBJECT: An application for a reversal of the decision of the Zoning Administrator to deny a certificate of zoning compliance to legally operate its full range of business functions at 4100 BROOK ROAD (Tax Parcel Number N000-2274/015), located in an RO-1 Residential-Office District. The Zoning Administrator's decision to deny was based upon his interpretation of the term "social service delivery use" (a use not permitted in the RO-1 District) as set forth in the "definitions" section (Section 32-1220.77:1) of the zoning ordinance.

APPLICATION was filed with the Board on November 7, 2002, based on Section 17.20(a) of the City Charter.