



BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, MARCH 6, 2024

On Wednesday, March 6, 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 February 21 and 28, 2024 and written notice having been sent to interested parties.

Members Present: Roger H. York, Jr., Vice-Chair, Acting Chairman
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

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.

BZA 05-2024

APPLICANT: City of Richmond School Board

PREMISES: 4314 CRUTCHFIELD STREET
(Tax Parcel Number S005-3293/002)

SUBJECT: An electrical permit to install site lighting for athletic fields accessory to a public high school.

DISAPPROVED by the Zoning Administrator on December 10, 2023, based on Sections 30-300, 30-408.7 & 30-650.2 of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the proposed height of accessory structures (light poles) exceeds the maximum height limit applicable in the zoning district. A maximum height of thirty-five feet (35') is permitted. Additional height is permitted for public buildings provided that a required yard is increased a minimum of one-foot (1') for each additional one-foot (1') of height in excess of the thirty-five foot (35') limit. Based on their proximity to a property line, seven (7) of the eighteen (18) proposed light poles will exceed the permitted height allowance. The light poles range in height from 60' to 90' and require height waivers ranging from 9.1' to 35.5'.

APPLICATION was filed with the Board on December 14, 2023, based on Section 17.20(c) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Eddie Glass
John Bilasa
Nicole Jones
Jacquelyn Anderson
Teesha Irvy
Jamie Winstine

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, City of Richmond School Board, has requested a variance to install site lighting at the new George Wythe High School athletic field for property located at 4314 Crutchfield Street. Electrical permits were requested to install public school athletic field lighting. The current zoning is R-4 single-family residential. The Vice-Chairman, Mr. York, explained that the proposed height of the light poles exceeds the maximum height limit applicable in the zoning district; the maximum height of 35 feet is permitted. Additional height is permitted for public uses provided that a required yard is increased a maximum of 1 foot for each additional 1 foot of height in excess of 35 feet. Based on their proximity to the respective property lines, 7 of the 18 proposed light poles exceed the permitted height allowance. The light poles range in height from 60 feet to 90 feet and require height waivers ranging from 9.1 feet to 35.5 feet. Mr. Eddie Glass, civil engineer for the project, testified that RPS had reached out in both

English and Spanish to all neighbors within a 150-foot radius. The project is proposed to be completed in two phases the first of which is construction of the new high school. Phase II of the project will be demolition of the existing school and construction of new athletic fields. Mr. Glass explained that this is an extremely small, narrow, tight site. Mr. Glass further explained that they had looked at various pole heights and fixtures to ensure that adjoining properties would not be negatively affected. In the end it was determined that long light fixtures would result in poorly lit fields and increased safety issues. Mr. Glass stated that all applicable variance standards have been met.

In response to a question from Mr. Robertson, Mr. Glass stated that lighting will be directed toward the athletic fields and away from the surrounding residential properties. Further, the lights will include shields.

In response to a question from Ms. Hogue, Mr. Glass stated that all athletic field activities will be concluded by 12 midnight which is necessary for security of individuals leaving activities as well as cleanup.

In response to a question from Ms. Sadid, Mr. Glass stated that the lights will be capable of being adjusted.

Speaking in support, Ms. Nicole Jones, Council representative of the 9th District, testified that the community had been made part of the entire school construction effort. Councilwoman Jones stated that the proposed construction will be an asset to not only the students but the community at large.

Speaking in support, Ms. Jacqueline Anderson testified that she was a former student of George Wythe high school and a neighbor and supports the proposed construction.

Speaking in support, Ms. Teesha Irvy testified that she is a mother of six children and that the proposed lighting will increase needed safety.

Speaking in support, Ms. Jamie Winstine testified that the proposed lighting will not negatively affect surrounding residential areas and are needed for safety purposes.

The Board finds that in accordance with §17.20 of the Charter of the City of Richmond that the sworn testimony and evidence offered in this case demonstrates that the installation of site lighting at the George Wythe High School athletic field for property located at 4314 Crutchfield Street, which is prohibited by ordinance, is in the public interest and that such construction or use will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, will not unreasonably impair an adequate

supply of light and air to adjacent property, will not increase congestion in streets and will not increase public danger from fire or otherwise affect public safety.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the height requirements of accessory structures be granted to the City of Richmond School Board for an electrical permit to install site lighting for athletic fields accessory to a public high school, subject to substantial compliance with the plans submitted to the Board and the provision that the lights shall be turned off by 12:00 a.m. (midnight).

ACTION OF THE BOARD: (4-0)

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

BZA 06-2024

APPLICANT: City of Richmond C/O City Attorney

PREMISES: 1903 & 1905 SEMMES AVENUE
(Tax Parcel Numbers S000-0302/008 & 012)

SUBJECT: A building permit to construct a new three-story mixed-use building.

DISAPPROVED by the Zoning Administrator on January 8, 2024, based on Sections 30-300, 30-630.1.(a)(1), 30-630.3, & 30-710.5 of the zoning ordinance for the reason that: In a B-3 (General Business) District, the front yard (setback) and the spaces for the parking of vehicles and access aisles requirements are not met. A front yard of fifteen feet (15') is required along the West 20th Street frontage; 8.15± feet is proposed. Spaces for the parking of vehicles and access aisles thereto shall not be located within that portion of a required front yard on a lot in any other district and situated within fifty feet (50') of a lot in an R or RO district. The proposed drive aisles are within fifty feet (50') of an R-district and within the required front yards established by the existing single-family detached dwellings that front West 19th & West 20th Streets.

APPLICATION was filed with the Board on January 19, 2024, based on Section 15.2-2309.2 of the Code of Virginia.

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, City of Richmond C/O City Attorney, has requested a variance to construct a new three-story mixed-use building for property located at 1903 and 1905 Semmes Avenue. Mr. Mark Baker, representing the applicant, testified that the property is located at the North line of Semmes Avenue and is currently vacant. The property was declared surplus and transferred to the Maggie Walker Community Land Trust in 2002 with the goal of developing affordable housing. This goal is currently being pursued by Commonwealth Catholic Charities. Mr. Baker explained that the property is currently zoned B-3 general commercial and that the request relates to site access through a front yard on both the 19th and 20th Street frontages. The variance request is intended to permit a mixed-use building which would be operated by Commonwealth Catholic Charities consisting of 20 dwelling units targeted toward low-income seniors. Further, a corner commercial use is proposed of approximately 1300 ft.². The project will encompass three stories and is consistent with other new construction in the vicinity reflecting a modern design with quality materials and cementitious siding. Except for the current request all other zoning requirements have been met and application has been made for a POD. Mr. Baker stated that in terms of site access the B-3 district does not generally require front yards. Mr. Baker noted that the parcels across the alley to the north are zoned R-6 and front on both 19th and 20th streets. Consequently, the subject property is required to provide a front yard setback on both 19th and 20th streets. Mr. Baker explained that this fact results in an access issue as zoning prohibits the use of Semmes Avenue which is the principle frontage for access. Zoning also prohibits access to the front yard within 50 feet of residential properties and effectively prevents access from 19th and 20th Street. Unfortunately, the alley cannot be used for access due to a significant grade differential. The foregoing denies any reasonable vehicular access to the site and also denies the ability to provide parking on the site and provide needed functions such as pickups and refuse removal. Mr. Baker stated that the problem is exacerbated by virtue of the fact that Semmes Avenue cannot be used for parking and the 19th Street is only partially improved resulting in limited on street parking. Mr. Baker also noted that the parcel is irregular in shape and tapers from 60 feet at the corner of West 20th Street to only 40 feet at the corner of West's 19th Street. Due to a 20-foot rear yard being required the usable depth of the property is further reduced. Based on

the foregoing the goal is to move the building toward 20th Street and Semmes Avenue providing an 8-foot setback rather than the 15-foot required setback to allow for use of the deepest portion of the lot to be maximized. Mr. Baker indicated that siting of the building as proposed allows reasonable building depth at the building's eastern end. As proposed the usable first floor building depth is limited to approximately 13 feet. Moving the building eastward on the site, as the front yard setback would require, would reduce this dimension further. Mr. Baker noted that the proposed building location addresses the goals of the Richmond 300 Plan. Mr. Baker stated that the request meets the threshold requirements of the code of Virginia as the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property. Mr. Baker indicated that given the site restrictions that the resulting hardship is undue in nature and approaches confiscation. Mr. Baker concluded by stating that letters were sent to all neighbors within a 150-foot radius and no opposition was noted. Further, the Commonwealth Catholic Charities along with Mr. Baker's team have reach out to the Springhill Association.

The Board finds that evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

Finally, the Board finds by a preponderance of the evidence that the application meets the standard for the variance as defined in §15.2-2201 of the Code of Virginia and the criteria set out in this section.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the front yard (setback) and the spaces for the parking of vehicles and access aisles requirements be granted to City of Richmond C/O City Attorney for a building permit to construct

a new three-story mixed-use building, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally affirmative: York, Hogue, Sadid, Robertson

negative: None

BZA 07-2024

APPLICANT: Canvas Development

PREMISES: 400 SOUTH STAFFORD AVENUE
(Tax Parcel Number W000-1071/010)

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

DISAPPROVED by the Zoning Administrator on January 19, 2024, based on Sections 30-300 & 30-412.5(1)(a) & (b) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the front and side yard (setback) requirements are not met. Front yards with a depth of fifteen feet (15') are required along the Grayland Avenue and South Stafford Avenue frontages. A front yard of 0.5± feet is proposed along Grayland Avenue and 8.9± feet is proposed along South Stafford Avenue. A side yard of three feet (3') is required along the southern property line; 1.59± feet is proposed.

APPLICATION was filed with the Board on January 19, 2024, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Will Gillette

No Position: Russell Gibbs
Amber Burkhardt

Against Applicant: Elaine Goodman

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Canvas Development, has requested a variance to construct a new single-family detached dwelling for property located at 400 S. Stafford Avenue. Mr. Will Gillette, representing the applicant, testified that the subject property is zoned R-6 and is located at the corner of Grayland Avenue and South Stafford Avenue. It is a triangular shaped lot containing approximately 1102 ft.² of lot area with approximately 20-foot of frontage along South Stafford Avenue and 70 feet of frontage along Grayland Avenue. Mr. Gillette stated that historically development in the neighborhood consists of single-family detached dwellings. Mr. Gillette indicated that a dwelling previously existed on the lot and that subsequently the property was reduced from a traditional rectangular shaped parcel to a triangular shaped parcel as a result of the Commonwealth of Virginia's construction of the Downtown Expressway. Mr. Gillette stated that the lot configuration in the area supports fronting a dwelling on South Stafford Avenue. However, that would require two front yards and a three-foot internal side yard setback under current zoning standards. Furthermore, the combination of the front yard and internal side yard requirements of 18 feet would exceed the width of the lot on the vast majority of the parcel. Mr. Gillette noted that absent approval of the requested variance the property is not a buildable and that the request is the minimum necessary needed to permit construction of a detached dwelling. Mr. Gillette explained that other than the aforementioned front and side yard requests all other zoning considerations have been met and that a similar request had been approved in 2018 by the Board for 2020 Idlewood Avenue. Mr. Gillette noted that in that particular case the Board approved a variance for construction of a modern three-story detached dwelling as is being proposed in this case. Mr. Gillette indicated that the dwelling would be a high-quality for sale product consisting of 1799 ft.² of floor area, comprising three bedrooms and 2 ½ baths and including cementitious siding. Mr. Gillette stated that the strict application of the front yard and side yard requirements combined with the properties irregular shape would unreasonably restrict the use of the property. Mr. Gillette noted that the property was acquired in good faith and the hardship was not created by the applicant. Further, granting the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of the property. Also, the condition or situation of the property concerned is not of so general or reoccurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance. In addition, granting of the variance does not result in a use that is not otherwise permitted by the underlying zoning and the relief sought is not available through a special exception or a zoning modification. Finally, the variance is not contrary to the purpose of the ordinance. Mr. Gillette concluded by stating that letters had been sent out to all property owners within a 150-foot radius and that they had reached out to the Byrd Park Civic league but as of yet had not received a response. Mr. Gillette stated that based on conversations with nearby neighbors the applicant had agreed to replace the sidewalk along the property frontage and

that they had also spoken with the council persons representative as well as DPW regarding traffic calming measures in the area. The Zoning Administrator, Mr. Davidson, advised the Board that he had forwarded neighborhood concerns regarding traffic problems at the intersection to DPW.

Mr. Russell Gibbs testified that he resided at 2406 Grayland Avenue and is in support of the request subject to intersection improvements. Mr. Gibbs stated that the Grayland Avenue, South Stafford and Idlewood configuration represents a dangerous traffic problem. There have been a number of accidents at these intersections. The difficulty is in pulling out of Stafford Avenue due to lack of visibility. Mr. Gibbs stated that the addition of a house on the corner would further exacerbate the problem. Mr. Gibbs stated that he welcomed the design of the proposed dwelling. Mr. Gibbs commented that the opening of the proposed restaurant at the intersection will further compound traffic issues. Mr. Gibbs stated that due to alley access problems trashcan pickup has become problematic.

Ms. Amber Burkhart testified that she also was concerned about visibility and traffic maneuverability at the intersection of Grayland Avenue in South Stafford Avenue.

Speaking opposition, Ms. Elaine Goodman testified that she resides at 2323 Idlewood Avenue and also expressed concern regarding trash pickup in the vicinity of the proposed development. Ms. Goodman expressed the opinion that the proposed restaurant across the street will be a detriment to the neighborhood. Ms. Goodman explained that she was opposed to the requested variance due to its effect on traffic visibility and pedestrian safety at the intersection.

The Board finds that evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a

zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

Finally, the Board finds by a preponderance of the evidence that the application meets the standard for the variance as defined in §15.2-2201 of the Code of Virginia and the criteria set out in this section.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the front and side yard (setback) requirements be granted to Canvas Development 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: (4-0)

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

BZA 08-2024

APPLICANT: UP Randolph LLC C/O University Property

PREMISES: 1328 WEST CARY STREET
(Tax Parcel Number W000-0443/013)

SUBJECT: A building permit to authorize an outdoor dining area accessory to an existing restaurant.

DISAPPROVED by the Zoning Administrator on December 5, 2023, based on Sections 30-300 & 30-433.2(21)a of the zoning ordinance for the reason that: In a UB (Urban Business) District, no area outside a completely enclosed building used for the service or accommodation of patrons shall be situated within 100 feet of any property in any R district. Properties to the west, east and south are zoned R-63 (Multi-Family Urban Residential). The proposed outdoor dining area is within an approximate minimum distance of 67.59'± from property located across West Cary Street.

APPLICATION was filed with the Board on January 19, 2024, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Julio Afre
 Rosio Garcia

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, UP Randolph LLC C/O University Property, has requested a variance to authorize an outdoor dining area at 1328 W. Cary Street. Mr. Julio Afre testified that the request is based on the fact that the proposed outdoor dining area is located within 100 feet of property in a residential district. Mr. Afre explained that the 100-foot radius requirement is triggered by a parking lot which is located across Cary Street approximately 67 feet from the proposed outside dining area. Further, there are no residential properties located within the 100-foot radius as specified by the zoning ordinance for outdoor dining. Mr. Afre stated that the building was purchased approximately 15 years ago and that the outdoor dining existed at that time. It was only after submitting plans for renovation of the dining area that they became aware of the radius requirement. Mr. Afre noted that 50% of the business proceeds are generated by the outdoor dining area which makes renovating it critical to the success of the business. In terms of seating the outdoor dining area has a seating capacity of 16 seats and the indoor portion of the restaurant has a 15-seat capacity. Failure to receive approval of the proposed renovation would represent a significant hardship for the business.

Speaking in support, Ms. Rocio Garcia, owner of the restaurant, testified that renovation of the outdoor dining area is critical to the continued operation of the restaurant. After lengthy discussion the condition of closure of the outdoor dining area at 12 midnight was offered by Ms. Garcia.

The Board finds that evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not

otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

Finally, the Board finds by a preponderance of the evidence that the application meets the standard for the variance as defined in §15.2-2201 of the Code of Virginia and the criteria set out in this section.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the outdoor dining requirements be granted to UP Randolph LLC C/O University Property for a building permit to authorize an outdoor dining area accessory to an existing restaurant, subject to substantial compliance with the plans submitted to the Board and the provision that the outdoor dining shall be closed by 12:00 a.m. (midnight).

ACTION OF THE BOARD: (4-0)

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

BZA 09-2024

APPLICANT: Barnstar Properties LLC

PREMISES: 422 HUNT AVENUE
(Tax Parcel Number N000-1555/019)

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

DISAPPROVED by the Zoning Administrator on January 19, 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. A lot area of 3,849 square feet and lot width of 28.51 feet are proposed.

APPLICATION was filed with the Board on January 29, 2024, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Alessandro Ragazzi

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Barnstar Properties LLC, has requested a special exception to construct a single-family dwelling for property located at 422 Hunt Avenue. Mr. Alessandro Ragazzi, representing the applicant, testified that a special exception is being requested to permit lot division for the creation of buildable lots. The subject property is located on the north side of Hunt Avenue, between Branch Avenue and Woodson Avenue. Mr. Ragazzi noted that there are three single lots of record, lot 25, 26 and 27 in the block 2 of the original Providence Park Subdivision that were subsequently combined by deed in 1957. Each lot is approximately 30 feet in width containing 4050 ft.² of lot area and measuring 115 feet in depth. The current zoning is R-5 and the subject lot does not meet the lot area and lot width requirements. Mr. Ragazzi noted that the request is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood. The existing dwelling at 424 Hunt Avenue will be retained with new dwellings being constructed at 422 and 426 Hunt Avenue. The lot at 422 Hunt Avenue lot measures 28.51 feet in width and contain 3849 ft.² of lot area. The lot at 426 Hunt Avenue measures 32 feet in width and contain 4320 ft.² of lot area. The new dwellings will measure approximately 1480 ft.² in size containing three bedrooms, two and half baths with an open kitchen and dining area. Mr. Ragazzi noted that there are a range of dwelling types in the neighborhood and that the proposed dwellings will have full width front porches, will be two stories in height with a gable roof and be constructed of cementitious siding. Mr. Ragazzi stated that all though off-street parking is not required it will be provided at the rear of the lot. In terms of the special exception requirements the lot is a legal lot of record which had been combined by deed, the use is permitted under the current single-family R-5 zoning, street frontage requirements have been met, no subdivision of lots is required and all relative zoning feature requirements have been also met. Further, the proposed lots are consistent with the predominant lot width and lot area in the block. Finally, the proposed dwellings will be compatible with dwellings in the vicinity in terms of height, architectural styles, provision of front porches and dwelling size. Mr. Ragazzi concluded by stating that letters have been sent to all property owners within a 150-foot radius and no responses had been received. In addition, the Providence Park Civic Association had been contacted and no response had been received.

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 Barnstar Properties 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: (4-0)

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

BZA 10-2024

APPLICANT: Barnstar Properties LLC
PREMISES: 426 HUNT AVENUE
 (Tax Parcel Number N000-1555/017)
SUBJECT: A lot split and building permit to construct a new single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on January 19, 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. A lot area of 3,981 square feet and lot width of 29.49 feet are proposed.

APPLICATION was filed with the Board on January 29, 2024, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Alessandro Ragazzi

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Barnstar Properties LLC, has requested a special exception to construct a single-family dwelling for property located at 422 Hunt Avenue. Mr. Alessandro Ragazzi, representing the applicant, testified that a special exception is being requested to permit lot division for the creation of buildable lots. The subject property is located on the north side of Hunt Avenue, between Branch Avenue and Woodson Avenue. Mr. Ragazzi noted that there are three single lots of record, lot 25, 26 and 27 in the block 2 of the original Providence Park Subdivision that were subsequently combined by deed in 1957. Each lot is approximately 30 feet in width containing 4050 ft.² of lot area and measuring 115 feet in depth. The current zoning is R-5 and the subject lot does not meet the lot area and lot width requirements. Mr. Ragazzi noted that the request is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood. The existing dwelling at 424 Hunt Avenue will be retained with new dwellings being constructed at 422 and 426 Hunt Avenue. The lot at 422 Hunt Avenue lot measures 28.51 feet in width and contain 3849 ft.² of lot area. The lot at 426 Hunt Avenue measures 32 feet in width and contain 4320 ft.² of lot area. The new dwellings will measure approximately 1480 ft.² in size containing three bedrooms, two and half baths with an open kitchen and dining area. Mr. Ragazzi noted that there are a range of dwelling types in the neighborhood and that the proposed dwellings will have full width front porches, will be two stories in height with a gable roof and be constructed of cementitious siding. Mr. Ragazzi stated that all though off-street parking is not required it will be provided at the rear of the lot. In terms of the special exception requirements the lot is a legal lot of record which had been combined by deed, the use is permitted under the current single-family R-5 zoning, street frontage requirements have been met, no subdivision of lots is required and all relative zoning feature requirements have been also met. Further, the proposed lots are consistent with the predominant lot width and lot area in the block. Finally, the proposed dwellings will be compatible with dwellings in the vicinity in terms of height, architectural styles, provision of front porches and dwelling size. Mr. Ragazzi concluded by stating that letters have been sent to all

property owners within a 150-foot radius and no responses had been received. In addition, the Providence Park Civic Association had been contacted and no response had been received.

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 Barnstar Properties 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: (4-0)

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

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

The meeting was adjourned at 2:15 p.m.

Roy W. Beabow
Secretary

Roger H York Jr
VICE Chairman