



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, AUGUST 3, 2022

On Wednesday, August 3, 2022, the Board of Zoning Appeals held a public hearing in the 2nd Floor Council Chamber, 900 East Broad Street, at 1:00 p.m.; display notice having been published in the Richmond Legacy Newspaper on July 20 and 27, 2022 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, 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 II

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 28-2022

APPLICANT: Stephen and Elizabeth Dragone

PREMISES: 601 ST CHRISTOPHERS ROAD
(Tax Parcel Number W021-0281/001)

SUBJECT: A building permit to construct a one-story detached garage
accessory to a single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on February 24, 2022, based on Sections 30-300, 30-408.5(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the front yard (setback) requirement is not met. A front yard of twenty-five feet (25') is required along the Bay Street frontage, 5.3' currently exists for the main building and six and one-half feet (6.5') is proposed for the garage.

APPLICATION was filed with the Board on April 14, 2022, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Elizabeth Dragone
Bruce Tyler
Jessica Czajkowski

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Stephen and Elizabeth Dragone, have requested a special exception to construct a 400 ft.² detached garage for property located at 601 St. Christophers Road. Ms. Dragone testified that they are requesting a special exception to construct a garage in the rear of the property that is consistent with the current character of their dwelling and the neighborhood. Ms. Dragone noted that they have a corner lot which is bounded by St. Christophers Road and Bay Street. Due to the fact that it is a corner lot a 25 foot setback is required from the Bay Street frontage. Ms. Dragone noted that their lot is only 48 feet wide and imposition of the required setbacks severely restricts the ability to construct the garage on the property. Further, there is a utility pole with guide wires that further restricts construction of the proposed garage. Ms. Dragone indicated that there is no other location that would accommodate construction of a garage. Ms. Dragone noted that their current dwelling setback along Bay Street is 5.3 feet and that the proposed setback for the garage is 6.5 feet. Ms. Dragone further noted that there are several other dwellings in the neighborhood that are similarly situated. Ms. Dragone explained that they have a shed in the rear yard that has been broken into and that there have been some automobile break-ins in the neighborhood. Construction of the proposed garage would abate security concerns. It was noted that there is no other location on the lot that would

accommodate construction of a garage other than that proposed. Ms. Dragone explained that they don't want to move from the neighborhood and to that end construction of the garage is essential.

In response to a question from Mr. York, Ms. Dragone stated that they had reached out to their surrounding neighborhoods and had received no objection to construction of the proposed garage. Mr. York noted that from one of the pictures submitted with the application there is sufficient vegetation that would block the view of the garage from the dwelling to the rear.

Speaking in support, Mr. Bruce Tyler testified that he resides at 611 St. Christopher's Road. Mr. Tyler stated that it is imposition of the corner lot setback requirements that has necessitated the special exception application. Mr. Tyler noted that the garage is needed and that it will ensure that Mr. and Mrs. Dragone remain in the neighborhood.

Speaking in support, Ms. Czajkowski testified that she resides at 511 St. Christopher's Road. Ms. Czajkowski stated that she lives directly across the street from the applicants. Ms. Czajkowski explained that their property is also a corner lot and they had appeared previously before the Board of Zoning Appeals for construction of their sunroom. Ms. Czajkowski further explained that given the prevailing lot sizes in the neighborhood that imposition of the corner lot setback requirements severely inhibits construction of additions or accessory uses. Ms. Czajkowski concluded by stating that construction of the garage will add value to the neighborhood.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3(1) of the City Code, the intended purpose and use of the proposed 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 yard (setback) requirement be granted to Stephen and Elizabeth Dragone for a building permit to construct a one-story detached garage accessory to a single-family (detached) dwelling, subject to subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Hogue, Sadid

negative: None

BZA 29-2022 (CONTINUED TO A LATER MEETING OF THE BOARD WITHOUT FEE. It was noted as part of the continuance motion that the applicant needed to substantiate ownership of the property for which the special exception had been requested)

APPLICANT: R Street Properties LLC Attn: Fred A. Dixon

PREMISES: 3418 R STREET
(Tax Parcel Number E000-1273/045)

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

DISAPPROVED by the Zoning Administrator on October 13, 2021, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot area and lot width requirements are not met. Lot areas of six thousand square feet (6,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of 7,500 square feet and a lot width of sixty-two and five tenths feet (62.5') currently exists. A lot area of 3,606.77 square feet and width of 30.37 feet is proposed for No. 3418. A lot area of 3,855.06 square feet and width of 31.74 feet is proposed for No. 3416.

APPLICATION was filed with the Board on June 16, 2022, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

BZA 30-2022 (CONTINUED TO SEPTEMBER 7, 2022 MEETING WITHOUT FEE)

APPLICANT: S & M General Contractor Inc.

PREMISES: 3402 P STREET
(Tax Parcel Number E000-0964/025)

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

DISAPPROVED by the Zoning Administrator on June 16, 2022, based on Sections 30-300, 30-410.5(1), 30-410.6 & 30-630.2(a)(1) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the front yard (setback) and lot coverage requirements are not met. A front yard of 19.74' is required and six feet (6') is proposed. A maximum lot coverage of thirty-five percent (35%) is permitted; 49.01% ± is proposed.

APPLICATION was filed with the Board on June 16, 2022, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

BZA 31-2022

APPLICANT: John W & Meta R Braymer & Daniel B & Meredith B Hurt

PREMISES: 4208 SULGRAVE ROAD
(Tax Parcel Number W022-0266/011)

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

DISAPPROVED by the Zoning Administrator on May 18, 2022, based on Sections 30-300, 30-402.5(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-1 (Single-Family Residential) District, the front yard (setback) requirement is not met. A front yard of thirty-five feet (35') is required along the Wakefield Road street frontage; 18.8'± is proposed.

APPLICATION was filed with the Board on June 13, 2022, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Mark Baker

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, John W & Meta R Braymer & Daniel B & Meredith B Hurt, have requested a special exception to construct an addition to an existing single-family detached dwelling for property located at 4208 Sulgrave Road. Mr.

Mark Baker, representing the applicants, testified that the lot is located at the northeast corner of Sulgrave Road and Wakefield Road. Given this fact, the property is required to provide two front yards. Mr. Baker explained that the objective of the project is to provide a first floor master bedroom which necessitates setback relief along Wakefield Road. Mr. Baker stated that the request is consistent with the special exception intent to encourage improvement of property, retain residents in the city and promote neighborhood improvement. Mr. Baker noted that his clients are in their 70s and need to transition to a first floor living arrangement for medical reasons. Mr. Baker further noted that an existing 1st floor bedroom does not meet the contemporary needs of his clients based on its size, lack of sufficient storage and an undersized bathroom which is not ADA compliant. Mr. Baker explained that the property is constrained based on its configuration. The existing dwelling is oriented toward Sulgrave Road and the lot is very shallow along the Sulgrave frontage in comparison to other lots in the area. Further, both existing front yards are over 50 feet in depth which exceeds the district minimum. These factors result in a dwelling being pushed into the northeast corner of the lot leaving little room for a functional, accessible rear yard area. Mr. Baker noted that the relief being requested is the minimum necessary to accommodate the needed function. The request is in keeping with the architectural character of the existing dwelling and the proposed location allows for the only logical/feasible connection to the existing floor plan. The design which includes a 10 foot offset is intended to maintain existing windows within the dwelling and to provide for architectural compatibility and symmetry along the dwellings front façade. Further, the addition is in keeping with the development pattern of the neighborhood. The architectural orientation of the applicant's lot is in keeping with that of the character along Sulgrave Road. Mr. Baker stated that given the development constraints placing the addition along the Wakefield frontage is reasonable and works within the development pattern of the neighborhood. Mr. Baker concluded by stating the proposed addition would achieve the necessary function with a design that represents the minimum necessary relief for the addition and is in keeping with the architectural character of the existing dwelling and respectful of the development pattern in the vicinity. In terms of neighborhood outreach approval had been received from the Windsor Farms Architectural Review Committee and no objection had been received from the Westhampton Citizens Association. Letters were sent out to all property owners within a 150 foot radius and support was received from the adjacent neighbor abutting 207 Wakefield Road.

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

with the zoning ordinance; and the addition will be in keeping with the architectural character of the dwelling and development within the neighborhood.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the front yard (setback) requirement be granted to John W & Meta R Braymer & Daniel B & Meredith B Hurt for a building permit to construct an addition to an existing single-family (detached) dwelling, subject to subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (4-0)

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

negative: None

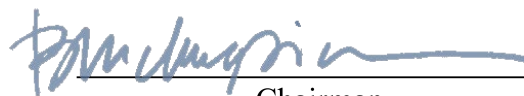
The Chairman, Mr. Pinnock, noted that Mr. Robertson had arrived at the meeting just in time to vote on the July minutes.

Upon motion made by Ms. Sadid and seconded by Mr. Robertson, Members voted (3-0) to adopt the Board's July meeting minutes.

The meeting was adjourned at 1:45 p.m.



Secretary



Chairman