



**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, NOVEMBER 6, 2024**

On Wednesday, November 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 October 23 and 30, 2024 and written notice having been sent to interested parties.

Members Present:                   Rodney M. Poole, Chair  
  Roger H. York, Jr., Vice-Chair  
  Mary J. Hogue  
  Susan Sadid  
  Bryce L. Robertson

Staff Present:                       Roy W. Benbow, Secretary  
  Joshua S. Young, Acting Zoning Administrator  
  Brian P. Mercer, Planner  
  Neil R. Gibson, Senior Assistant City Attorney

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The Chairman called the meeting to order and read the Board of Zoning Appeals Introductory Statement, which explains the proceedings of the meeting. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

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BZA 34-2024

APPLICANT:                       Salwa Elshowaia

PREMISES:                       1603 WILLIAMSBURG ROAD  
  (Tax Parcel Number E010-0049/001)

**SUBJECT:** A building permit to construct a second story addition and interior renovations for a mixed-use building.

DISAPPROVED by the Zoning Administrator on June 12, 2024, based on Sections 30-300 & 30-436.3(1) of the zoning ordinance for the reason that: In a B-2 (Community Business) District, the front yard (setback) requirement is not met. A front yard of twenty-five feet (25') is required for the addition (2nd-story) along the Williamsburg Road street frontage; 14.7 feet currently exists/is proposed.

APPLICATION was filed with the Board on September 11, 2024, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

**APPEARANCES:**

For Applicant: Larry Gooss  
Chuck D'Aprix

Against Applicant: None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, Salwa Elshowaia, has requested a special exception to construct a second story addition for a mixed-use building for property located at 1603 Williamsburg Road. Mr. Lawrence Gooss, representing the applicant, testified that the existing building was formerly a funeral home. The proposal is to convert the first floor to commercial space and public spaces while the second floor will be converted to five apartments, four two-bedroom apartments and one one-bedroom apartment. Mr. Gooss stated that the intent is to create viable uses that will be an asset to the neighborhood. Mr. Gooss noted that the apartments will be designed in a contemporary-industrial style with tall ceilings and very large operable windows. The exterior walls and roof will be brick veneer and include R-value insulation and waterproofing in accordance with current codes. Mr. Gooss indicated that the proposal is a vertical expansion of the first floor with no additional encroachment into the required setback. Newly paved parking and landscaping will be provided. Mr. Gooss noted that the only other use existing in the block was a 7-Eleven store and that the proposal will have no negative effects on surrounding property owners. Mr. Gooss stated that the proposed project was consistent with applicable special exception criteria. Mr. Gooss concluded by stating that the proposal is consistent with the applicable special exception criteria as outlined in the City Zoning Ordinance.

Speaking in support, Mr. Chuck D'Aprix stated that he was in attendance representing the Greater Fulton Civic Association which had no objection to the proposed special exception.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3(1) of the City Code, the intended purpose and use of the proposed 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 existing building and is as you will 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 Salwa Elshowaia for a building permit to construct a second story addition and interior renovations for a mixed-use building, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

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

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BZA 35-2024

APPLICANT: 5069 Forest Hill LLC  
PREMISES: 5069 FOREST HILL AVENUE  
(Tax Parcel Number S006-0268/030)  
SUBJECT: A building permit to construct a new mixed-use building.

DISAPPROVED by the Zoning Administrator on July 2, 2024, based on Sections 30-300 & 30-436.5 of the zoning ordinance for the reason that: In a B-2 (Community Business) District, the building height requirement is not met. No building or structure in the B-2 zoning district shall exceed thirty-five feet (35') in height; 38'7¼"± is proposed.

APPLICATION was filed with the Board on September 13, 2024, based on Section 30-1040.3(14) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Nolen Blackwood

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, 5069 Forest Hill LLC, has requested a special exception to construct a new mixed-use building for property located at 5069 Forest Hill Avenue. Mr. Nolen Blackwood, representing the applicant, testified that the height waiver of approximately 3 feet is being requested for a building containing 30 residential units and 7800 ft.<sup>2</sup> of retail space. Mr. Blackwood explained that the increase in height will improve the marketability and overall quality of the project. It was noted that the project is consistent with the city's 300 Plan and a similar project was approved at 4071 Forest Hill Avenue. Mr. Blackwood stated that the increased height is necessary for seeking out quality retail tenants. Mr. Blackwood indicated that the Forest Hill corridor has matured and that the increased height will make the project more attractive for potential tenants. The higher ceilings will allow for improved visibility and more functional space. Mr. Blackwood stated that the proposal is consistent with the special exception criteria and recent development in the neighborhood. Mr. Blackwood explained that they had contacted the Westover Hills Neighborhood Association as well as the United Methodist Church and there were no objections were noted. Further, letters were sent to surrounding property owners and again no objections were noted.

In response to a question from the Chairman, Mr. Poole, Mr. Blackwood stated that the proposed project will not in any way negatively affect provision of light and air to adjacent properties.

The Board is satisfied that the property was acquired in good faith and pursuant to the applicable special exception the proposed use of the building is consistent with the use regulations, the applicant has demonstrated that additional height will not unreasonably impair light and air to adjacent or nearby properties and the Board is satisfied that the design, construction materials and overall massing of the building will be compatible with the general character of development in the immediate and surrounding area.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a that a request for a special exception from the building

height requirement be granted to 5069 Forest Hill LLC for a building permit to construct a new mixed-use building, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, York, Hogue, Sadid, Robertson

negative: None

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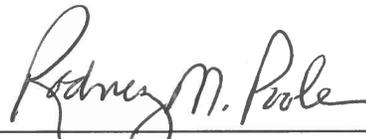
Upon motion made by Ms. Hogue and seconded by Mr. Robertson, Members voted (4-0) to adopt the Board's October meeting minutes.

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The meeting was adjourned at 1:17 p.m.

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Secretary

  
Chairman