



BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, AUGUST 7, 2024

On Wednesday, August 7, 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 July 24 and 31, 2024 and written notice having been sent to interested parties.

Members Present: Rodney M. Poole, Chair
 Roger H. York, Jr., Vice-Chair
 Bryce L. Robertson
 Leigh V. Kelley

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 20-2024

APPLICANT: Brett T. Shankles

PREMISES: 1907 WESTOVER HILLS BOULEVARD
 (Tax Parcel Number S000-2640/001)

SUBJECT: A certificate of zoning compliance to construct an accessory structure (shed) to an existing single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on January 26, 2024, based on Sections 30-300, 30-406.5(1) & 30-630.(b)(2) of the zoning ordinance for the reason that: In an R-3 (Single-Family Residential) District, the front yard (setback) requirement is not met. Per the “1-in-4 rule”, a front yard varying in depth from 62-64 feet is required for the shed along the 4920 Evelyn Byrd Road frontage, as established by the adjacent building at 4920 Evelyn Byrd Road; approximately 47 feet is proposed.

APPLICATION was filed with the Board on June 13, 2024, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Brett Shankles

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Brett T. Shankles, has requested a special exception to construct an accessory building which is accessory to a single-family detached dwelling for property located at 1907 Westover Hills Boulevard. Mr. Shankles testified that a front yard setback is required along Westover Hills Boulevard as well as Evelyn Byrd Road. Based on the 1:4 rule the average front yard setback from Evelyn Byrd Road is 63 feet. Mr. Shankles explained that his lot is only 65 feet in width which would preclude any development whatsoever. Mr. Shankles noted that he is purchasing the accessory building from Tough Shed and it will be clad in cementitious siding. Mr. Shankles concluded by stating he had the support of the Westover Hills Neighborhood Association and had received no negative comment from any of the surrounding property owners concerning the requested 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 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 Brett T. Shankles for a certificate of zoning compliance to construct an accessory structure (shed) to an existing 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: Poole, York, Robertson, Kelley

negative: None

BZA 21-2024

APPLICANT: Elderhomes Corporation, T/A Project Homes

PREMISES: 2301 WHITCOMB STREET
(Tax Parcel Number E012-0276/038)

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

DISAPPROVED by the Zoning Administrator on June 17, 2024, based on Sections 30-300, 30-410.5(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the front yard (setback) requirement is not met. A front yard of 25' is required along the Sussex Street frontage, as established by the adjacent building at 2007 Sussex Street; eight feet (8') is proposed.

APPLICATION was filed with the Board on June 14, 2024, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Will Gillette

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Elderhomes Corporation, has requested a special

exception to construct a new single-family detached dwelling for property located at 2301 Whitcomb Street. Mr. Will Gillette, representing the applicant, testified that the goal of the special exception application is to permit the construction of a new single-family detached dwelling on the currently vacant lot. Mr. Gillette noted that the request is consistent with the special exception intent to encourage improvement of property, increase opportunities for home ownership, retain residents in the city and promote neighborhood improvement. The proposal is to construct a high-quality dwelling of approximately 1800 ft.² containing three bedrooms and three baths with a full width front porch and cementitious siding. Mr. Gillette stated that the property is located at the southwest corner of Whitcomb Street and Sussex Street. It is a legal lot of record of approximately 6000 ft.² which is similar in size to other nearby properties. It is 40 feet in width which is slightly smaller than other corner lots in the neighborhood. Based on the fact that the property is a corner lot the zoning ordinance requires a 25-foot front yard setback along each street frontage. This requirement would result in a buildable lot width of only 10 feet which would be inconsistent with all other dwellings in the neighborhood. Mr. Gillette indicated that the average side yard setback for dwellings along the 2100/2300 block of Whitcomb Street is 8.5 feet compared to the requested 8 feet which supports the special exception criteria regarding compatibility with other street frontages in the neighborhood. Mr. Gillette noted that the proposed single-family use is consistent with the R-5 district regulations and that relief from the Sussex Street frontage is the minimum necessary to accommodate the proposed dwelling and that the proposed dwelling is in keeping with the development pattern of the neighborhood. Mr. Gillette concluded by stating that in terms of neighborhood outreach that the Eastview Civic Association was contacted regarding the requested special exception as were all property owners within a 150-foot radius and no negative comments were received.

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 dwelling is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the dwelling; the dwelling or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the dwelling will be in keeping with the architectural character of 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 Elderhomes Corporation, T/A Project Homes 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: Poole, York, Robertson, Kelley

negative: None

BZA 22-2024

APPLICANT: Scott and Deborah Robinson

PREMISES: 10650 CHEROKEE ROAD
(Tax Parcel Number C001-0434/006)

SUBJECT: A certificate of zoning compliance to construct an accessory structure (carport) to an existing single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on April 29, 2024, based on Sections 30-300 & 30-680.1(d) of the zoning ordinance for the reason that: In an R-1 (Single-Family Residential) District, accessory structures are not permitted in the front yard, as established by the main building. An accessory building or structure may only be located in a front yard if located 100 feet or greater from the nearest street line. A front yard of 68.5 feet is required, as established by the existing main building; a front yard of 50' is proposed.

APPLICATION was filed with the Board on May 17, 2024, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Scott Robinson
John Girardi

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case the applicants, Scott and Deborah Robinson, have requested a special exception to construct an accessory structure (carport) to a single-family detached dwelling for property located at 10650 Cherokee Road. Mr. Scott Robinson testified that he is requesting permission to construct a carport in front of his dwelling which is not permitted by the underlying R-1 single-family zoning. A

front yard 68.5 feet is required as established by the existing main building, a front yard of 50 feet is proposed. Mr. Robinson noted that his lot is subject to a severe topographical deviation from the front to the rear of the property. Mr. Robinson further noted that due to the topographical conditions the house as well as the proposed carport are/would not be visible from the street. Mr. Robinson explained that he has a circular driveway which is typically accessed from the western portion of the lot. Mr. Robinson explained that as a result of the existing topography the driveway is cut through the bank in front of the lot. In terms of the special exception requirement the proposed structure cannot reasonably be located elsewhere on the lot, Mr. Robinson stated that due to the severe topography there is no other appropriate location for the carport other than that proposed. Mr. Robinson explained that given the current dwelling floor plan the only feasible accessibility point is from the eastern portion of the dwelling which is why the carport is proposed for that side of the lot. Locating the carport as proposed allows access to the walkways to the house from our automobiles without utilization of stairs or ramps. This is an important safety and security consideration. The proposed carport will not in any way affect the surrounding neighbors with respect to provision of light and air or in any way obstruct existing views. Mr. Robinson indicated that the departure from the required setback is the minimum necessary to accommodate the intended purpose of the accessory structure. Further, the proposed open carport is in keeping with the development pattern in the neighborhood and the architectural character of the existing dwelling as a result of replication of several architectural features. Mr. Robinson concluded by stating that he contacted surrounding neighbors and there was no objection to the proposed carport. In addition, the Cherokee Neighborhood Association was also in support of the requested special exception.

Speaking in support, Mr. John Girardi testified that his seal appears on the plans and that as the President of the Cherokee Neighborhood Association he is in full support of Mr. Robinson's request. Mr. Girardi noted that given the close proximity of the carport to the required 10-foot side yard setback that it is advisable or for the carport to remain open.

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

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the accessory structures in the front yard requirement be granted to Scott and Deborah Robinson for a certificate of zoning compliance to construct an accessory structure (carport) to an existing single-family (detached) dwelling, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally affirmative: Poole, York, Robertson, Kelley

negative: None

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

The meeting was adjourned at 1:35 p.m.



 Secretary



 VICE Chairman