



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, AUGUST 4, 2021

On Wednesday, August 4, 2021, the Board of Zoning Appeals held an electronic public hearing at 1:00 p.m due to the disaster represented by the spread of COVID-19 pursuant to and in compliance with Ordinance 2021-181; display notice having been published in the Richmond Legacy Newspaper on July 28, 2021 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, Chair
 Roger H. York, Jr., Vice-Chair
 Rodney M. Poole
 Susan Sadid
 Edward H. Winks, Jr.

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner II
 Neil R. Gibson, 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 including the fact that the public hearing is being held electronically due to the state of emergency that exists as a result of the spread of Covid-19 pursuant to and in compliance with Ordinance 2021-181. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

BZA 38-2021 (CONTINUED FROM JULY 7, 2021 MEETING)

APPLICANT: Urban Grounds Consulting, LLC

PREMISES: 616 NORTH 37th STREET
(Tax Parcel Number E000-1283/015)

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

DISAPPROVED by the Zoning Administrator on April 16, 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 7,500.0 square feet and a lot width of sixty feet (60') currently exists; Lot areas of 3,750.0 square feet and a lot widths of 30.0 feet are proposed for #614 and #616.

APPLICATION was filed with the Board on April 16, 2021, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Michelle Rosman

No Position: Sarah Parker
Blake Herlich

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Urban Grounds Consulting LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 616 N. 37th Street. Ms. Michelle Rosman, representing the applicant, testified that she has served as the realtor for the applicant in the sale of other properties and that they are quality builders. Ms. Rozman explained that the applicant is committed to constructing the ramp on the adjoining property. Further, construction of and inspection of the proposed handicap ramp at 614 North 37th Street will occur prior to issuance of the building permit for the single-family detached dwelling at 616 North 37th Street. Ms. Rozman noted that the applicant had already applied for the required building permit. Ms. Rozman stated that the lot in question is a legal lot of record and is comparable in size to other lots in the vicinity. In addition, the proposed dwelling is also comparable with other dwellings in the vicinity. The proposed development is also consistent with the city's recently adopted master plan. Ms. Rozman indicated that the required off-street parking will be provided at the rear of the property via alley access.

In response to a question from Mr. York, Ms. Rozman stated that the siding will be cementitious.

In response to a question from Ms. Sarah Parker, Ms. Rozman stated that as soon as the permit is issued for the ramp, construction will commence. Construction of the dwelling is anticipated to take between six and eight months.

In response to a question from Mr. Blake Herlich, Ms. Rozman stated that she is authorized to speak on behalf of the applicant.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed, 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 114-610.1 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 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 Urban Grounds Consulting, LLC for a building permit to construct a new single-family detached dwelling, subject to substantial compliance with the plans submitted to the Board, provision of cementitious siding, and one off-street parking space on the rear of the lot. Further, construction of and inspection of the proposed handicap ramp at 614 North 37th Street must occur prior to issuance of the building permit for the single-family detached dwelling at 616 North 37th Street.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally
affirmative: Pinnock, York, Poole, Sadid, Winks
negative: None

BZA 42-2021

APPLICANT: El Channun, LLC

PREMISES: 1230 ½ NORTH 38th STREET
(Tax Parcel Number E000-1411/024)

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

DISAPPROVED by the Zoning Administrator on June 14, 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 6,680.0 square feet and a lot width of 65.5 feet currently exists; lot areas of 3,110.0 square feet (#1230 ½) and 3,570.0 square feet (#1230) and lot widths of 31.6 feet (#1230 ½) and 33.9 feet (#1230) are proposed.

APPLICATION was filed with the Board on June 9, 2021, based on Section 1040.3(2) 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 applicant, El Channun, LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 1230 ½ N. 38th Street. Mr. Mark Baker, representing the applicant, testified that the request is being made under special exception #2. Mr. Baker stated that the dwelling is a high-quality for sale product consisting of one and one half stories and 1493 ft.² of floor area. There will be three bedrooms 2 ½ baths and the exterior of the dwelling will be cementitious siding with a full width porch. Mr. Baker noted the 1230 and 1230 ½ N. 30th Street had been deeded separately since at least 1942 and they are recognized as separate tax parcels. They had been under common ownership since 1943 and were combined for zoning purposes by virtue of construction of an accessory shed on 1230 ½ North 38th Street. Mr. Baker indicated that the existing dwelling at 1230 N. 38 Street was built in 1963. Once the split has taken place 1230 N. 38th Street will have 3555 ft.² of lot area and 1230 ½ will have 3563 ft.² of lot area. Mr. Baker stated that the subject lots had previously existed as legal lots of record and that the proposed use is consistent with the R-5 Zoning Regulations. Off-street parking will be provided at the rear of a lot via an east/west alley. Mr. Baker indicated that the proposed lots are consistent with the predominant lot areas and lot widths in the vicinity. Mr. Baker indicated that in terms of design there is a wide range of building

materials including lap siding in the neighborhood. Dwellings are detached and typically range in height from 1 to 1 ½ stories and generally have full width porches. Mr. Baker noted that in terms of size and the width, depth and area of the proposed dwelling is compatible with other dwellings existing in the block. Mr. Baker indicated that the Church Hill Central Civic Association did not take a position with regard to the application and that letters were sent out to all property owners within 150 feet of the subject lot and that no opposition was noted.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed, 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 114-610.1 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 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 El Channun, LLC 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: (5-0)

Vote to Grant Conditionally
affirmative: Pinnock, York, Poole, Sadid, Winks

negative: None

BZA 43-2021

APPLICANT: Paul Vincent Lenz and Mary Susan Peebles

PREMISES: 1922 GROVE AVENUE
(Tax Parcel Number W000-0857/030)

SUBJECT: A building permit to construct a rear covered porch on an existing single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on May 26, 2021, based on Sections 30-300, 30-412.5 (2b) & 30-710.1 of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the side yard (setback) and off-street parking requirements are not met. A side yard (setback) of three feet (3') is required for the rear porch addition along the northwestern property line; 1.01' is proposed. One (1) parking space is required, none is proposed.

APPLICATION was filed with the Board on June 9, 2021, based on Sections 1040.3(1 & 11) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Bob Farinholt

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Paul Vincent Lenz and Mary Susan Peebles, have requested a special exception to build a rear covered porch for property located at 1922 Grove Avenue. Mr. Bob Farinholt, representing the applicant, testified that the current house was built very close to the property line on the west side. Mr. Farinholt noted that the proposed covered porch will be set slightly in from the house line on the west side. Mr. Farinholt indicated that the adjacent property owner on the west side is in support of the requested special exception. Mr. Farinholt noted that letters were sent to all property owners within a 150 foot radius of the subject property and that there was no opposition to the request. Mr. Farinholt explained that due to the narrowness of the alley is not possible to provide an off-street parking space at the rear of the lot which necessitates the parking special exception. Mr. Farinholt indicated that reduction of the size of the porch to meet the required setback would materially affect its usability and again noted that the proposed porch is set in from the existing house line. Gutters will be installed and the water will be directed to the alley to ensure that there is no impact on the adjoining property owners.

In response to a question from Mr. York, Mr. Farinholt stated that no other similarly situated properties are capable of accessing the rear of their property for parking purposes.

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 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.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (11) of the zoning ordinance, the applicant has demonstrated that the exception will not result in an inadequate supply of parking or other adverse impact on the neighborhood; adequate parking to serve the needs of the use is provided within convenient proximity and the number, location and arrangement of parking spaces intended to serve the use is sufficient to provide for its parking needs based on the nature of the use and the characteristics of its operation.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the side yard (setback) and off-street parking requirements be granted to Paul Vincent Lenz and Mary Susan Peebles for a building permit to construct a rear covered porch on an existing single-family detached dwelling, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally affirmative: Pinnock, York, Poole, Sadid, Winks
negative: None

BZA 44-2021

APPLICANT: Turnage Properties, LLC

PREMISES: 2908 LAWSON STREET
(Tax Parcel Number S000-1343/004)

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

DISAPPROVED by the Zoning Administrator on June 11, 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 7,920.0 square

feet and a lot width of 66.0 feet currently exists; lot areas of 3,720.0 square feet (#2908) and 4,200.0 square feet (#2906) and lot widths of 31.0 feet (#2908) and 35.0 feet (#2906) are proposed.

APPLICATION was filed with the Board on June 23, 2021, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Michelle Bibbs

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant Turnage Properties LLC, have requested a special exception to construct a new single-family detached dwelling for property located at 2908 Lawson Street. Ms. Michelle Bibbs, representing the applicant, testified that there is an existing two-story home located on the property that the owners will be renovating. The intent is to split the lot and construct a new single-family detached dwelling. The new dwelling will be 2 ½ stories. Ms. Bibbs explained that the proposed lot and dwelling are consistent with other lots and dwellings in the vicinity. Ms. Bibbs indicated that letters had been sent to all neighbors within a 150 foot radius and no opposition was noted. Ms. Bibbs stated that the siding will be cementitious. Ms. Bibbs noted that the right-hand setback for the existing dwelling is 4.6 feet rather than the 6 feet shown on the site plan.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed, 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 114-610.1 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 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 Turnage Properties, LLC 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: (5-0)

Vote to Grant Conditionally
affirmative: Pinnock, York, Poole, Sadid, Winks

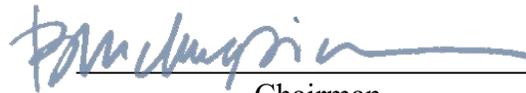
negative: None

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

The meeting was adjourned at 1:38 p.m.



Secretary



Chairman