



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JULY 6, 2022

On Wednesday, July 6, 2022, 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 June 22 and 29, 2022 and written notice having been sent to interested parties.

Members Present: Roger H. York, Jr., Acting Chair
 Rodney M. Poole
 Susan Sadid
 Edward H. Winks, Jr.
 Bryce L. Robertson

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner II
 Andrew Gore, Assistant City Attorney

The Acting 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 25-2022

APPLICANT: James and Catherine McConnel

PREMISES: 4408 HANOVER AVENUE
(Tax Parcel Number W019-0265/012)

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

DISAPPROVED by the Zoning Administrator on May 9, 2022, based on Sections 30-300, 30-410.5(2) & 30-410.6 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the side yard (setback) and lot coverage requirements are not met. A side yard of 3.45 feet is required; 2.06 ± feet is proposed along the western property line. Maximum lot coverage shall not exceed thirty-five percent (35%) of the area of the lot. A lot coverage of 1,630.25 square feet (35%) is permitted; 1,670 square feet (35.85%) exists/ 1,694.28 square feet (36.37%) is proposed.

APPLICATION was filed with the Board on May 9, 2022, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: James McConnel
Catherine McConnel

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, James and Catherine McConnel, have requested a special exception to construct an elevator shaft adjacent to a single-family detached dwelling for property located at 4408 Hanover Avenue. Ms. Catherine McConnel testified that they are seeking a special exception in accordance with §30-1040.3 of the Zoning Ordinance in order to construct an elevator shaft adjacent to the existing dwelling. Ms. McConnel stated they purchased their residence in December 2021. Ms. McConnel further stated that a degenerative condition in her husband's hip has worsened which inhibits his ability to climb stairs. The addition of the proposed elevator would improve functionality and livability of the dwelling. Ms. McConnel indicated that their contractor, Area Access, determined that based on the floor plan of the dwelling the only alternative was to add an exterior elevator near the center of the house on the west side of the dwelling where the roofline is at its highest. Ms. McConnel stated that the elevator shaft would be 76" x 46" allowing for a side yard setback of 2.06 feet. Ms. McConnel noted the adjoining lot is vacant. Ms. Connell further noted that the proposed elevator shaft would encroach into the required setback by 1.4 feet. Ms. McConnel stated that the proposed elevator shaft will increase the lot coverage of that permitted by 1.37%. The proposed elevator shaft will access the

dining room on the first floor, the master suite on the second floor and a bonus room on the third floor. The exterior of the shaft will be beaded cement siding. Further, the narrow width of the lot is a complicating factor not typically shared by other homes in the area. Given the design of the dwelling and its placement on the lot there is no other feasible location to construct the elevator shaft. The proposed shaft will be complementary and consistent in all respects with the architecture and appearance of the existing dwelling. In addition, granting of the special exception will not be detrimental to adjacent properties. Ms. McConnel concluded by stating that the surrounding neighbors were supportive of the requested special exception as well as the Westhampton Civic Association.

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 side yard (setback) and lot coverage requirements be granted to James and Catherine McConnel for a building permit to construct an addition (elevator shaft) to a 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: York, Poole, Sadid, Winks, Robertson

negative: None

BZA 26-2022

APPLICANT: Wilson Shannon

PREMISES: 88 WEST PILKINGTON STREET
(Tax Parcel Number S000-0482/017)

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

DISAPPROVED by the Zoning Administrator on May 5, 2022, based on Sections 30-300, 30-413.6(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-7 (Single-And Two-Family Urban Residential) District, the front yard (setback) requirement is not met. A front yard of fifteen feet (15') is required along the Bainbridge Street frontage; 3.08 feet ± is proposed.

APPLICATION was filed with the Board on May 10, 2022, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Michael Shine
Wilson Shannon
Chris Vernon

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Wilson Shannon, has requested a special exception to construct a new single-family detached dwelling for property located at 88 W. Pilkington Street. Mr. Michael Shine, representing the applicant, testified that the property is located at the corner of West Pilkington Street and Bainbridge Street. Further, the lot is narrow measuring 28 feet across the front and 23.5 feet across the rear. Mr. Shine noted that there was a dwelling originally located on the property and the request is to be able to rebuild a new structure on the lot. Mr. Shine further noted that a front yard of 15 feet is required along Bainbridge Street and that the request is to construct the dwelling within 3.08 feet of the street line. This would be the minimum necessary to permit development of the proposed dwelling given the fact that if the required setbacks were applied to the lot that approximately 10 feet of buildable lot width would remain. Mr. Shine stated that the proposed dwelling would constitute an improvement to the neighborhood. In addition, the proposed siding will be cementitious. There was no objection noted from the surrounding property owners.

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 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 Wilson Shannon 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: York, Poole, Sadid, Winks, Robertson

negative: None

BZA 27-2022

APPLICANT: Michael and Caroline Silek Noble

PREMISES: 6103 WESLEY ROAD
(Tax Parcel Number W021-0281/010)

SUBJECT: A building permit to construct a rear addition and a covered open porch to a single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on May 12, 2022, based on Sections 30-300, 30-408.5(2), 30-408.6 & 30-620.1(c) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the side yard (setback) and lot coverage requirements are not met. A side yard of 3.5 feet is required; 0.6 feet is proposed along the existing alley for the covered open porch. Maximum lot coverage shall not exceed thirty percent (30%) of the area of the lot. A lot coverage of 1,594.29 square feet (30%) is permitted; 1,289 square feet (24%) exists/ 2,117 square feet (40%) is proposed.

APPLICATION was filed with the Board on May 10, 2022, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Michael Noble

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Michael and Caroline Noble have requested a special exception to construct a rear addition and a covered porch to a single-family detached dwelling for property located at 6103 Wesley Road. Mr. Michael Noble testified that the setback requirement for the requested covered open porch is 3.5 feet and the request is for a 0.6 feet setback along the existing alley. It was noted that the lot coverage requirement is a maximum of 30% and 40% is being requested. Mr. Noble indicated that the proposed addition is necessary to accommodate their aging parents. Mr. Noble noted that there are no bedrooms on the main floor and only a half bath. The proposed addition on the back of the house would be for a master bedroom suite. Mr. Noble indicated that there lot is the smallest in the block. Mr. Noble explained that there is no other portion of his lot that would accommodate the addition than that proposed. The proposed improvements are in keeping with the architectural style of the dwelling and other dwellings in the neighborhood. Mr. Noble stated that letters had been sent to all property owners within a 150 foot radius and letters of support were received regarding the proposed improvements. In addition, the Westhampton Civic Association was notified and no objection was noted.

Mr. York noted that the adjacent house at 6105 Wesley Road was located approximately 90 feet from the applicant's property.

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 and 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 addition and accessory use; the addition and 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 addition and 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 side yard (setback) and lot coverage requirements be granted to Michael and Caroline Silek Noble for a building permit to construct a rear addition and a covered open porch to a 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:

York, Poole, Sadid, Winks, Robertson

negative:

None

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

The meeting was adjourned at 1:30 p.m.



Secretary



Chairman