



**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, OCTOBER 2, 2024**

On Wednesday, October 2, 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 September 18 and 25, 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  
  Bryce L. Robertson

Staff Present:                       Roy W. Benbow, Secretary  
  William C. Davidson, 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 30-2024

APPLICANT:                   Belle4316 LLC  
  
PREMISES:                    3315 DECATUR STREET  
  (Tax Parcel Number S000-2282/015)

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

**DISAPPROVED** by the Zoning Administrator on August 15, 2024, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, 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 lot having a lot area of 10,230 square feet and a lot width of sixty-six feet (66') currently exists. Lot areas of 5,115 square feet and lot widths of thirty-three (33') feet are proposed.

**APPLICATION** was filed with the Board on July 15, 2024, based on Section 30-1040.3(2) 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, Belle4316 LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 3315 Decatur Street. Mr. Will Gillette, representing the applicant, testified that the request was being made under special exception #2 with the goal of permitting construction of a single-family detached dwelling. It was noted that the property is located on the northwest corner of Salem Street and East 34<sup>th</sup> Street and is currently occupied with a single-family dwelling located on the southern portion of the property. The proposed dwelling would be located on the northern portion of a lot and is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood. Mr. Gillette stated that the proposed dwelling would be a 1 ½ story bungalow containing approximately 1450 ft.<sup>2</sup> of finished floor area and including three bedrooms and 2 ½ baths. The exterior of the dwelling is compatible with the design of other dwellings in the area which includes a full width front porch, traditional bungalow design and will employ cementitious siding. Each of the lots will be 33 feet in width and contain 5115 ft.<sup>2</sup> of lot area. Mr. Gillette noted that the property was previously two legal subdivision lots which were subsequently combined and that the street frontage and side yard requirements are met and that no subdivision is required. Further, the proposed lots are consistent with the predominant lot area and lot widths in the vicinity. Mr. Gillette stated that the new dwelling will also be compatible with dwellings in the vicinity which are generally older and of a bungalow style and include front facing gables which be clad in lap siding. In terms of neighborhood outreach letters were sent to all property owners within 150-foot radius and no

opposition was noted. There is no formal neighborhood association which represents the subject property.

The Board is satisfied that the property was acquired in good faith and pursuant to Sect30-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed or other means, 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 30-610.1 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, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property 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 Belle4316 LLC for a lot split and 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, Hogue, Robertson  
negative: None

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BZA 31-2024

APPLICANT: Oregon Hill Historic LLC

PREMISES: 2317 WEST MAIN STREET  
(Tax Parcel Number W000-1036/006)

SUBJECT: A building permit to convert an existing first floor commercial space into two dwelling units.

DISAPPROVED by the Zoning Administrator on July 18, 2024, based on Sections 30-300 & 30-433.2(8) of the zoning ordinance for the reason that: In a UB (Urban

Business) District, the proposed use is not permitted as the commercial frontage requirement is not met. Dwelling units contained within the same building as other permitted principal uses are permitted, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district. No commercial use is proposed along the ground floor as the entire building will be devoted to residential use.

APPLICATION was filed with the Board on July 18, 2024, based on Section 30-1040.3(5) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Will Gillette  
Mark Baker

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Oregon Hill Historic LLC, has requested a special exception to convert an existing 1<sup>st</sup> floor commercial space into two dwelling units for property located at 2317 W. Main Street. Mr. Will Gillette, representing the applicant, testified that the request is being made under special exception #5 which would permit the entirety of the first floor to be occupied by a dwelling use. Mr. Gillette noted that the property is zoned UB urban business and is located on the south side of West Main Street between Addison Street and Stafford Avenue. The lot is 20 feet in width and 130 feet in depth and contains 2600 ft.<sup>2</sup> of lot area. The property is currently occupied by a vacant commercial unit on the first floor and a two-bedroom two bath dwelling unit on the second floor. Mr. Gillette explained that the proposal is to convert the first floor back to a residential use consisting of two units and containing one bedroom and one bath at the front of the building and a two-bedroom two bath unit which will be accessed from the rear alley at the rear of the building. No changes are proposed for the second floor of the building. Mr. Gillette stated that the request will establish a dwelling use on the entire ground floor contrary to the UB regulations which require that the greater of 1000 ft.<sup>2</sup> or one third of the ground floor be devoted to commercial uses. Mr. Gillette noted that the request is very similar to one made and approved by the Board at 2319 W. Main Street in 2021. Mr. Gillette explained that the request is consistent with the special exception #5 intent statement in so far as uninterrupted commercial frontage is not the most desirable form of development and additional dwellings would be beneficial in terms of economic viability. Mr. Gillette noted that the renovated building would be functionally and architecturally compatible with the surrounding area. In support of the request Mr. Gillette stated that the ground floor of the building had

been vacant for some time evidenced by the fact that since the current owner purchased the property in 2020 it had only been occupied for commercial purposes for approximately 18 months and that the most recent occupation was over a year ago. Mr. Gillette indicated that seven of the 12 buildings in the block do not include commercial uses and that the subject building was originally a residential dwelling and does not have a storefront character. Mr. Gillette explained that approval of a special exception will increase residential occupancy thereby facilitating a mixed-use character of the district in which the property is located. Further, alterations to the building will not be architecturally incompatible with the dominant character of building façades in the block. Mr. Gillette concluded by stating they had reached out to the Fan District Association on several occasions but had received no response. In addition, letters were sent to all property owners with 150-foot radius and no opposition was noted.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (5) of the zoning ordinance that the applicant has demonstrated that there is no purpose in providing for uninterrupted commercial frontage and that ground floor commercial space is either physically impractical or economically unfeasible, additionally increasing the dwelling unit floor area will increase residential occupancy thereby facilitating a mixed use character of the neighborhood and finally that any proposed alterations to the building will not be architecturally incompatible with the dominant character of building façades on the block.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS** that a that a request for a special exception from the commercial frontage requirement be granted to Oregon Hill Historic LLC for a building permit to convert an existing first floor commercial space into two dwelling units, subject to substantial compliance with the plans submitted to the Board.

**ACTION OF THE BOARD:** (4-0)

Vote to Grant Conditionally

affirmative: Poole, York, Hogue, Robertson

negative: None

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BZA 32-2024

**APPLICANT:** 2501 Grayland Purchaser LLC

PREMISES: 2501 GRAYLAND AVENUE  
(Tax Parcel Number W000-1113/001)

SUBJECT: A building permit to construct a new four-story mixed-use building.

DISAPPROVED by the Zoning Administrator on February 20, 2024, based on Sections 30-300 & 30-444.4(1)a of the zoning ordinance for the reason that: In a B-6 (Mixed-Use Business) District, the front yard (setback) requirement is not met. In no case shall a front yard with a depth greater than ten feet be permitted, provided further that not more than ten percent of the building wall of the street level story along the street shall be set back more than ten feet. 43.35%± of the building wall of the street level story along the South Robinson Street frontage is proposed to be set back more than ten feet.

APPLICATION was filed with the Board on August 15, 2024, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Lory Markham

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, 2501 Grayland Purchaser LLC, has requested a special exception to construct a new four-story mixed-use building for property located at 2501 Grayland Avenue. Ms. Lory Markham, representing the applicant, testified that the subject property is a 0.96-acre parcel located at the southeast intersection of Grayland Avenue and South Robinson Street. The proposed development will include two multifamily buildings with a combined 221 dwelling units and 186 garage parking spaces. The development received plan of development approval on July 5, 2024. Ms. Markham explained that the B-6 zoning district regulations require a front yard with a depth of not greater than 10 feet while allowing a maximum of a 10% building footprint to exceed the subject setback Ms. Markham explained that an electrical transformer and utility easement are currently located along the South Robinson Street frontage which makes it impossible to comply with the requisite 10-foot setback requirement which is the basis for the special exception request. Ms. Markham noted that the intent of the subject special exception recognizes that many existing lots in the city are characterized by conditions, such as that present in this case involving the existing utility easement which severely inhibits the potential for development for permitted dwelling uses that are consistent with the modern-day living needs. The special exception and intent statement recognizes that is often desirable to

permit construction of new dwellings to encourage improvement of property, retain residents in the city and promote neighborhood improvement. Ms. Markham referenced the fact that the Board is authorized to grant the exception if it finds that the intended purpose and use of the dwelling is consistent with the use regulations applicable in the district in which the property is situated. The proposed use is permitted in the B-6 district. Further, that departure from the applicable yard requirements is the minimum necessary. Ms. Markham noted that the proposed building will be located on easement line and no further adjustments are possible. Finally, any newly constructed dwelling will be in keeping with the development pattern of the neighborhood which is the case regarding the current request. The proposed building is consistent with the height, massing and set back of the building across Grayland Avenue and other B6 development in the area. Ms. Markham concluded by stating that letters had been sent to all property owners within a 150-foot radius and no objections were noted. No neighborhood Association was identified.

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 use is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the dwelling use; the dwelling use or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the dwelling use 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 2501 Grayland Purchaser LLC for a building permit to construct a new four-story mixed-use building, subject to substantial compliance with the plans submitted to the Board.

**ACTION OF THE BOARD:** (4-0)

Vote to Grant Conditionally

affirmative: Poole, York, Hogue, Robertson

negative: None

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BZA 33-2024

**APPLICANT:** SHIPLOCK LLC

PREMISES: 2719, 2721, 2723, 2725 & 2727 EAST CARY STREET  
(Tax Parcel Numbers E000-0443/003, E000-0443/004, E000-0443/005, E000-0443/006 & E000-0443/007)

SUBJECT: Building permits to construct five new single-family (attached) dwellings.

DISAPPROVED by the Zoning Administrator on August 7, 2024, based on Sections 30-300 & 30-442.4(1)a of the zoning ordinance for the reason that: In a B-5 (Central Business) District, the front yard (setback) requirement is not met. A front yard of not greater than ten feet for no more than 10% of each building frontage is required; 63% of each building frontage proposed is greater than ten feet from the street line.

APPLICATION was filed with the Board on August 21, 2024, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Alessandro Ragazzi

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Shiplock LLC, has requested a special exception to construct five new single-family attached dwellings for property located at 2719-2727 E. Cary Street. Mr. Alessandro Ragazzi, representing the applicant, testified that the request is being made under special exception #1 with the goal of permitting construction of five new single-family attached dwellings on the currently vacant lots. Mr. Ragazzi 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 subject properties are located at the southwestern intersection of East Cary Street and Pear Street. The property consists of five legal lots of record that were recently subdivided. Each lot contains approximate 1900 ft.<sup>2</sup> of lot area and a lot width of approximate 2122 feet. Mr. Ragazzi indicated that similar lot sizes exist along the 2600 block of Main Street. Mr. Ragazzi explained that the proposed dwellings will be three stories in height with a basement garage and rooftop patio, will contain approximately 3774 ft.<sup>2</sup> of floor area, include 3 bedrooms and 3.5 baths, will provide a high-quality brick façade with a roof balcony and rooftop patio providing outdoor living space along with a two-car garage. Mr. Ragazzi stated that the underlying zoning is B-5 Central Business District which requires a front yard of not greater than 10 feet for no more than 10% of the building frontage.



Mr. Ragazzi noted that during the subdivision process the public works department required the owner to provide an 8-foot-wide public easement along the East Cary Street in order to continue the streetscape improvements to match those to the west. Mr. Ragazzi explained that the unintended consequence of the easement is that the dwellings cannot meet the front yard setback requirement. All other zoning standards have been met. In terms of the special exception test the dwelling use is consistent with the B-5 use regulations, relief from the Cary Street front yard requirement is the minimum necessary to accommodate the proposed dwellings and the proposed dwellings are in keeping with the development pattern of the neighborhood including the existing streetscape improvements along East Cary Street. Mr. Ragazzi concluded by stating that they had reached out to the Shockoe Partnership that did not take a formal vote but in general was supportive. Letters were sent to all property owners within 150 feet and no opposition was noted.

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 use is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the dwelling use; the dwelling use or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the dwelling use 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 SHIPLOCK LLC for building permits to construct five new single-family (attached) dwellings, subject to substantial compliance with the plans submitted to the Board.

**ACTION OF THE BOARD:** (4-0)

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

negative: None

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

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

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Secretary

  
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Chairman