

BOARD OF ZONING APPEALS

November 8, 2024

Linwood and Charla Williams 119 Longstreet Avenue Henrico, VA 23075

Baker Development Resources 530 East Main Street, Suite 730 Richmond, VA 23219 Attn: Mark Baker

To Whom It May Concern:

RE: BZA 36-2024

You are hereby notified that the Board of Zoning Appeals will hold a public hearing on **Wednesday, December 4, 2024** at **1:00 PM** in the 5th Floor Conference Room, City Hall, 900 E. Broad Street to consider an application for a lot split and building permit to construct a new single-family (detached) dwelling at 1724 & 1724 ½ NORTH 20th STREET (Tax Parcel Numbers E000-0934/007 & 048), located in an R-5 (Single-Family Residential) District. This meeting will be open to in-person participation with a virtual option. The public will have the option to provide their comments by teleconference/videoconference via Microsoft Teams, or in writing via email as indicated below.

Please be advised that the applicant or applicant's representative is required to participate in the subject public hearing either by teleconference/videoconference or in person. For teleconference participation call 804-316-9457 and entering code 655 207 225#. phone For video access tablet bv computer. smart or https://richmondva.legistar.com/Calendar.aspx. Select the Board of Zoning Appeals dropdown and 2024 drop-down, click meeting details for December 4, 2024 meeting and then click video access. In the event you have difficulty accessing a public hearing you may contact Mr. William Davidson at 804-396-5350 or by email at Chuck.Davidson@rva.gov for assistance. The Board of Zoning Appeals Rules of Procedure provides that in the case of an application for a variance or a special exception, the applicant, proponents or persons aggrieved under §15.2-2314 of the Code of Virginia, shall be permitted a total of six (6) minutes each to present their case. The Board of Zoning Appeals will withhold questions until the conclusion of the respective presentations. For the purposes of the record it also requested that before addressing the Board you identify yourself and spell your name.

Finally, when you submitted your application to the zoning office you were given an handout entitled, Suggestions for Presenting Your Case to the Board, which indicated that you should discuss your request with your neighbor(s) and neighborhood

BZA 36-2024 Page 2 November 8, 2024

association(s) prior to appearing before the Board of Zoning Appeals. Contact information for civic group(s) can be found by navigating to the Civic Group webpage of the City's website at https://www.rva.gov/planning-development-review/civic-groups. Once there, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, simply scroll down the page to the appropriate group(s) to find the contact information for each. The Board understands that given the current situation it is not practical to conduct face-to-face discussions with either your neighbors or neighborhood association(s) but the Board requests that you make a good faith effort to provide them with relevant information regarding your case.

If you have any questions regarding the Board's procedures or any issue involving presentation of your case, please feel free to contact me.

Very truly yours,

Roy W. Benbow, Secretary Phone: (804) 240-2124

E-mail: Roy.Benbow@rva.gov

Zoj w. Lanteer

cc: Zoning Administrator

Notice of this meeting is being sent to the persons whom the Board of Zoning Appeals believes to be property owners in the immediate vicinity of the property concerned in this application. This notice is for their information only, and there is no need for them to appear unless they so desire. The Board will, however, welcome such views as any persons care to express during the hearing on this application.

Baskerville Bertha C Etals 744 N 2nd St #221 Richmond, VA 23219 Cava Rental Properties Llc 2405 Westwood Ave #200 Richmond, VA 23230 Couch Randall Howard 1715 N 20th St Richmond, VA 23223

Edwards Virginia G Trs William A & Virginia G Edwards Trust 350 Pinewood Dr San Rafael, CA 94903 Gates Elizabeth 1527 N 19th St Richmond, VA 23223 Jackson Carnelia 1721 N 20th St Richmond, VA 23223

Jones Mary 1303 Bent Brook Dr Richmond, VA 23231 Lowe Cristopher A And Burke Alyssa M 1718 N 20th St Richmond, VA 23223

Miller Lauren 1722 N 20th St Richmond, VA 23223

Morgan Calvin T Sr & Florence B 1717 N 20th St Richmond, VA 23223 Muse Phyllis J 1725 N 20th St Richmond, VA 23223 Nedd Aaron Michael Amonn 1716 N 20th St Richmond, VA 23223

Parker Melissa 1732 N 20th St Richmond, VA 23223 Pennington Rachel Corinne 1720 N 20th St Richmond, VA 23223 Rra I Llc 700 Chiswick Park Rd Henrico, VA 23229

Sawyer Robert K Ii 2600 Autumnfield Rd Midlothian, VA 23113 Taylor Theodore C & Vernon B & Rickey L 1736 N 20th St Richmond, VA 23223 Thomas Johnnie W & Barbara D 1545 N 19th St Richmond, VA 23223

Up The Hill Llc 2914 Floyd Ave Richmond, VA 23221 **Property: 1724** N 20th St **Parcel ID:** E0000934048

Parcel

Street Address: 1724 N 20th St Richmond, VA 23223-

Owner: WILLIAMS LINWOOD W AND CHARLA D

Mailing Address: 119 LONG STREET AVE, HENRICO, VA 23075

Subdivision Name: BRAUERS PLAN Parent Parcel ID: E0000934007

Assessment Area: 332 - East End - Fairmont/Creighton
Property Class: 101 - R Single Family Vacant (R1-R7)
Zoning District: R-5 - Residential (Single Family)

Exemption Code: -

Current Assessment

Effective Date: 01/01/2024 **Land Value:** \$78,000

Improvement Value:

Total Value: \$78,000

Area Tax: \$0

Special Assessment District: None

Land Description

Parcel Square Feet: 3990

Acreage: 0.092

Property Description 1: BRAUER'S PLAN L130

Property Description 2: 0030.00X0133.00 0000.091 AC State Plane Coords(?): X= 11798404.2507 Y= 3724784.5753

Latitude: 37.54762095, Longitude: -77.41161930

Description

Land Type: Residential Lot A

Topology: Front Size: 30 Rear Size: 133

Parcel Square Feet: 3990 Acreage: 0.092

Property Description 1: BRAUER'S PLAN L130
Property Description 2: 0030.00X0133.00 0000.091 AC

Subdivision Name: BRAUERS PLAN

State Plane Coords(?): X= 11798404.2507 Y= 3724784.5753

Latitude: 37.54762095, Longitude: -77.41161930

Other-

Street improvement:

Sidewalk:

Assessments

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2025	\$82,000	\$0	\$82,000	Reassessment
2024	\$78,000	\$0	\$78,000	Reassessment
2023	\$78,000	\$0	\$78,000	Reassessment
2022	\$52,000	\$0	\$52,000	Reassessment
2021	\$40,000	\$0	\$40,000	Reassessment
2020	\$40,000	\$0	\$40,000	Reassessment
2019	\$30,000	\$0	\$30,000	Reassessment
2018	\$20,000	\$0	\$20,000	Reassessment
2017	\$20,000	\$0	\$20,000	Reassessment
2016	\$20,000	\$0	\$20,000	Reassessment
2015	\$20,000	\$0	\$20,000	Reassessment
2014	\$20,000	\$0	\$20,000	Reassessment
2013	\$20,000	\$0	\$20,000	Reassessment
2012	\$11,000	\$0	\$11,000	Reassessment
2011	\$10,000	\$0	\$10,000	CarryOver
2010	\$10,000	\$0	\$10,000	Reassessment
2009	\$10,000	\$0	\$10,000	Reassessment
2008	\$10,000	\$0	\$10,000	Reassessment
2007	\$9,500	\$0	\$9,500	Reassessment
2006	\$6,800	\$0	\$6,800	Reassessment

-Transfers

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description	
08/05/2022	\$205,000	TAYLOR GEORGE E III	ID2022-18080	2 - INVALID SALE-Sale Includes Multiple Parcels	
03/29/2011	\$11,450	VERGONA MARIE A	ID2011-5466	1 - VALID SALE-Valid, Use in Ratio Analysis	
05/16/2005	\$0	OLD TOWNE BULIDERS LLC AND	ID2005-15664		

Planning

Master Plan Future Land Use: NH-MU

Zoning District: R-5 - Residential (Single Family)

Planning District: East Traffic Zone: 1035

City Neighborhood Code: BRAR
City Neighborhood Name: Brauers
Civic Code: 1190

Civic Association Name: Fairmount Neighborhood

Subdivision Name: BRAUERS PLAN

City Old and Historic District:
National historic District:
Neighborhoods in Bloom:
Redevelopment Conservation Area:

Economic Development

Care Area: Enterprise Zone:

Environment

100 YEAR Flood Plain Flag: Contact the Water Resources Division at 646-7586.

500 YEAR Flood Plain Flag: N

Resource Protection Flag: Contact the Water Resources Division at 646-7586.

Wetland Flag: N

-Census

Census Year	Block	Block Group	Tract
2000	1001	0204001	020400
1990	103	0204001	020400

Schools

Elementary School: Woodville

Middle School: Martin Luther King Jr

High School: Armstrong

Public Safety

Police Precinct: 1
Police Sector: 113
Fire District: 11
Dispatch Zone: 103A

Public Works Schedules

Street Sweep: TBD
Leaf Collection: TBD
Refuse Collection: Thursday
Bulk Collection: TBD

Government Districts

Council District: 7

Council District for 2025 (Current Election): 7

Voter Precinct: 702 State House District: 79 State Senate District: 14 Congressional District: 4

Property Images

Name:E0000934048 Desc:



Click here for Larger Image

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Sketch Images	3	
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Property: 1724 1/2 N 20th St **Parcel ID:** E0000934007

Parcel

Street Address: 1724 1/2 N 20th St Richmond, VA 23223-

Owner: WILLIAMS LINWOOD W AND CHARLA D

Mailing Address: 119 LONG STREET AVE, HENRICO, VA 23075

Subdivision Name: BRAUERS PLAN

Parent Parcel ID:

Assessment Area: 332 - East End - Fairmont/Creighton

Property Class: 120 - R Two Story

Zoning District: R-5 - Residential (Single Family)

Exemption Code: -

Current Assessment

Effective Date: 01/01/2024

Land Value: \$78,000

Improvement Value: \$172,000

Total Value: \$250,000

Area Tax: \$0

Special Assessment District: None

Land Description

Parcel Square Feet: 3990

Acreage: 0.092

Property Description 1: BRAUER"S PLAN L129

Property Description 2: 0030.00X0133.00 0000.091 AC

State Plane Coords(?): X= 11798417.068833 Y= 3724811.698967

Latitude: 37.54770149, Longitude: -77.41158440

Description

Land Type: Residential Lot A

Topology: Front Size: 30

Rear Size: 133

Parcel Square Feet: 3990

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Other

Street improvement:

Sidewalk:

Assessments

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2025	\$82,000	\$177,000	\$259,000	Reassessment
2024	\$78,000	\$172,000	\$250,000	Reassessment
2023	\$78,000	\$154,000	\$232,000	Reassessment
2022	\$52,000	\$141,000	\$193,000	Reassessment
2021	\$40,000	\$139,000	\$179,000	Reassessment
2020	\$40,000	\$134,000	\$174,000	Reassessment
2019	\$30,000	\$123,000	\$153,000	Reassessment
2018	\$20,000	\$119,000	\$139,000	Reassessment
2017	\$20,000	\$118,000	\$138,000	Reassessment
2016	\$20,000	\$87,000	\$107,000	Reassessment
2015	\$20,000	\$87,000	\$107,000	Reassessment
2014	\$20,000	\$83,000	\$103,000	Reassessment
2013	\$20,000	\$82,000	\$102,000	Reassessment
2012	\$10,000	\$95,000	\$105,000	Reassessment
2011	\$10,000	\$115,000	\$125,000	CarryOver
2010	\$10,000	\$115,000	\$125,000	Reassessment
2009	\$10,000	\$73,000	\$83,000	Reassessment
2008	\$10,000	\$68,000	\$78,000	Reassessment
2007	\$9,500	\$60,200	\$69,700	Reassessment
2006	\$7,800	\$60,200	\$68,000	Reassessment
2005	\$6,800	\$27,700	\$34,500	Reassessment
2004	\$5,700	\$23,300	\$29,000	Reassessment
2003	\$5,700	\$23,300	\$29,000	Reassessment
2002	\$5,500	\$22,600	\$28,100	Reassessment
2000	\$5,500	\$22,600	\$28,100	Reassessment
1998	\$5,500	\$21,500	\$27,000	Not Available

-Transfers

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
08/05/2022	\$205,000	TAYLOR GEORGE E III	ID2022-18080	2 - INVALID SALE-Sale Includes Multiple Parcels
10/01/2010	\$0	BURK FRANK P AND KELLY J	ID2010-18089	1 - VALID SALE-Valid, Use in Ratio Analysis
10/20/2008	\$0	INDYMAC BANK FSB	ID2008-27432	2 - INVALID SALE-Relation Between Buyer/Seller
10/20/2008	\$90,000	INDYMAC FEDERAL BANK FSB	ID2008-27433	2 - INVALID SALE-DO NOT USE
05/14/2008	\$118,150	ORABONA PAUL & MEGAN	ID2008-13110	Invalid-Foreclosure
09/07/2006	\$0	DISTINGUISHED RESTORATIONS LLC	ID200631208	
03/29/2006	\$0	DISTINGUISHED RESTORATIONS LLC	ID200610007	
04/13/2005	\$68,000	OLDE TOWNE BUILDERS LLC &	ID2005-11565	
12/02/2004	\$0	OLDE TOWNE BUILDERS LLC	ID2004-39810	
07/27/2004	\$0	OLDE TOWNE BUILDERS LLC	ID2004-25049	
12/05/2003	\$18,000	MAZYCK JOEL L	ID2003-46784	
11/19/1997	\$9,000	Not Available	09700-25522	
08/19/1997	\$5,000	Not Available	009700-108114	
04/06/1977	\$4,800	Not Available	000719-01458	

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Master Plan Future Land Use: NH-MU

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Council District: 7

Council District for 2025 (Current Election): 7

Voter Precinct: 702
State House District: 79
State Senate District: 14
Congressional District: 4

Extension 1 Details

Extension Name: R01 - Residential record #01

Year Built: 1910 Stories: 2 Units: 0

Number Of Rooms: 8 Number Of Bed Rooms: 3 Number Of Full Baths: 3 Number Of Half Baths: 0

> Condition: normal for age Foundation Type: 3/4 Bsmt, 1/4 Crawl

1st Predominant Exterior: Alum/Vinyl 2nd Predominant Exterior: N/A

> Roof Style: Flat or Shed Roof Material: Metal

Interior Wall: Drywall

Floor Finish: Softwood-standard

Heating Type: Heat pump

Central Air: Y Basement Garage Car #: 0

Fireplace: N

Building Description (Out Building and Yard Items):

Extension 1 Dimensions

Finished Living Area: 1722 Sqft

Attic: 0 Sqft

Finished Attic: 0 Sqft

Basement: 645 Sqft

Finished Basement: 0 Sqft

Attached Garage: 0 Sqft Detached Garage: 0 Sqft

Attached Carport: 0 Sqft

Enclosed Porch: 0 Sqft

Open Porch: 100 Sqft

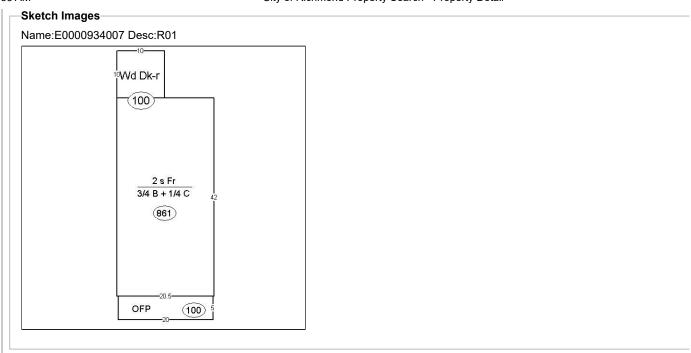
Deck: 100 Sqft

Property Images

Name:E0000934007 Desc:R01



Click here for Larger Image



RICHMOND BOARD OF ZONING APPEALS APPLICATION FORM



THE RICHMOND ZONING ADMINISTRATION OFFICE ROOM 110, CITY HALL, 900 EAST BROAD STREET RICHMOND, VIRGINIA 23219 (804) 646-6340

	Of the second	(004) 040-0340		
	TO BE COMPLET	TED BY THE APPLICANT		
PROPETY OWNER:	Linwood and Charla Williams	PHONE: (Home)	(Mobile) ()	
ADDRESS	119 Longstreet Avenue	FAX: ()	(Work) ()	
	Henrico, Virginia 23075	E-mail Address:		
PROPERTY	OWNER'S			
REPRESENT	FATIVE: Baker Development Resources	PHONE: (Home) ((Mobile) (<u>804)</u> <u>874-6275</u>	
(Name/Addre	ess) 530 East Main Street, Suite 730	FAX:	(Work) (
	Richmond, Virginia 23219	E-mail Address: markbak	er@bakerdevelopmentresources.com	
	Attn: Mark Baker			
	TO BE COMPLETED BY THE	ZONING ADMINSTRATION	N OFFICE	
PROPERTY /	ADDRESS(ES) 1724 & 1724 ½ North 20th Str	eet		
TYPE OF API	PLICATION: VARIANCE	SPECIAL EXCEPTION	OTHER	
ZONING ORI	DINANCE SECTION NUMBERS(S): 30-300	& 30-410.4		
	ON REQUIRED FOR: A lot split and a building		ingle-family detached dwelling	
	L NUMBER(S): <u>E000-0934/007 & 048</u> Z			
	SAPPROVED FOR THE REASON THAT: ' quare feet (6,000 SF) and lot widths of fifty fe			
	square feet and a lot width of sixty feet (60')			
30.0 feet are p	roposed. A previous Board Case (No. 92-04) a	approved on October 6, 2004 a	uthorized a Variance from the lot	
area and lot w	idth requirements.			
DATE REQUE	EST DISAPPROVED: October 1, 2024		FEE WAIVER: YES \(\square\) NO: \(\square\)	
DATE FILED:	September 26, 2324, TIME FILED: 8:00 a.m. Pl	REPARED BY: David Duckhard	t RECEIPT NO. <u>BZAR-155739-2023</u>	
AS CERTIFIE	D BY:		(ZONING ADMINSTRATOR)	
I BASE MY A	PPLICATION ON:			
SECTION 17.2	0 PARAGRAPH(S)	OF THE CHARTER OF THE	CITY OF RICHMOND	
SECTION 15.2 -2309.2 □ OF THE CODE OF VIRGINIA [OR]				
SECTION 104	0.3 PARAGRAPH(S) (2) OF THE	ZONING ORDINANCE OF T	HE CITY OF RICHMOND	
	TO BE COMPLE	FED BY APPLICANT		
I have received	the handouts, Suggestions for Presenting You	r Case to the Board & Excerpts	s from the City Charter 🗹	
I have been not	tified that I, or my representative, must be pro	esent at the hearing at which n	ny request will be considered.	
	OF OWNER OR AUTHORIZED AGENT: _		DATE: 10/29/2024	
*	** TO BE COMPLETED BY THE SECRET.	ARY TO THE BOARD OF 70	ONING ADDEALS ***	

BOARD OF ZONING APPEALS CASE BZA 36-2024 150' Buffer

APPLICANT(S): Linwood and Charla Williams

PREMISES: 1724 & 1724 ½ North 20th Street (Tax Parcel Numbers E000-0934/007 & 048)

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

REASON FOR THE REQUEST: Based on Sections 30-300 & 30-410.4 of the Zoning Ordinance for the reason that:

The lot area and lot width requirements are not met.





BOARD OF ZONING APPEALS PRESENTATION SUGGESTIONS

CITY OF RICHMOND, VIRGINIA

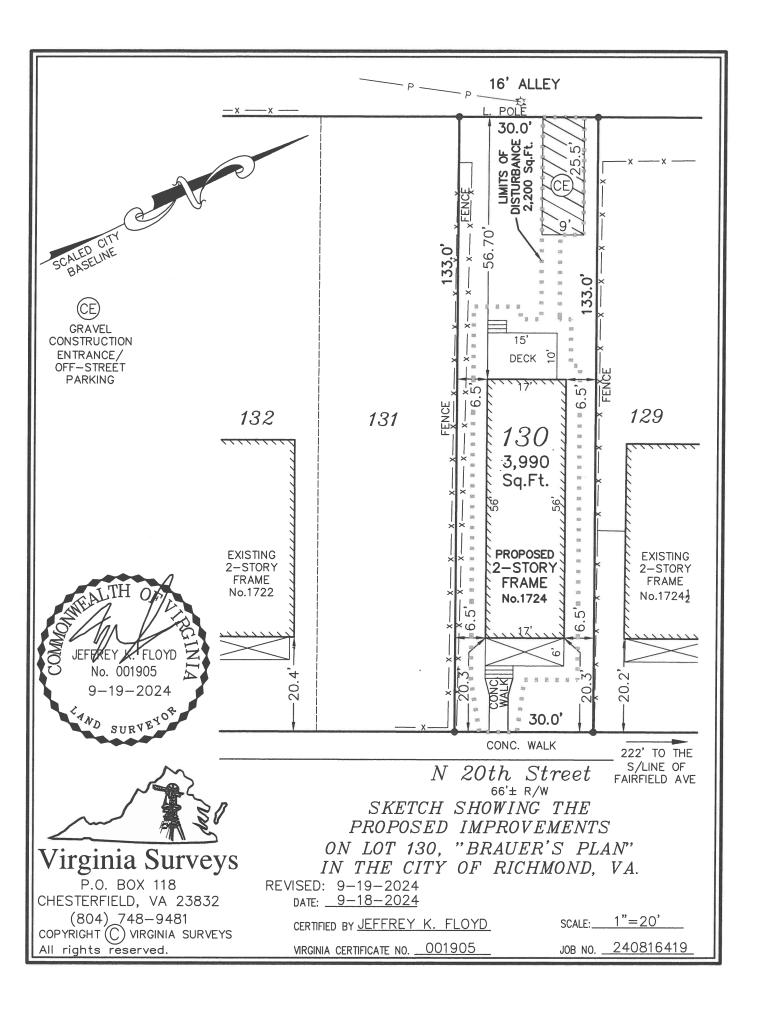
When presenting your request for a variance or exception to the Board of Zoning Appeals, it is important that you consider the points outlined below. The City Charter requires that every decision of the Board must be based upon a finding of fact that the Board must determine from sworn testimony, together with pertinent evidence, presented at its public hearing. It is essential that the Board receive thorough and complete information in order for it to adequately consider your case and make an informed decision.

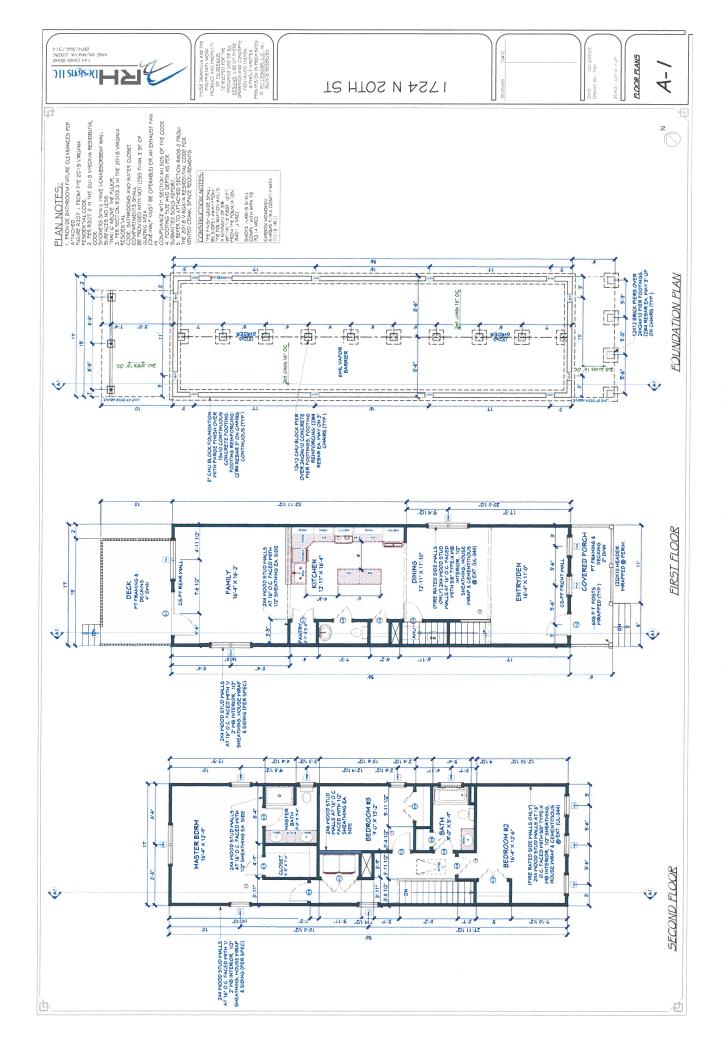
- 1. The powers and duties of the Board of Zoning Appeals (BZA) are specified in Section 17.20 of the City Charter and Article X, Division 5, of the Zoning Ordinance. The Zoning Office will assist you in identifying how your case should be filed. If you have questions regarding your case filing, please contact the Zoning Administration Office (804-646-6340) or at PDRZoningAdministration@Richmondgov.com. Please review the applicable provisions of the City Charter or the Zoning Ordinance thoroughly and address them when presenting your case to the Board to show that the applicable requirements have been satisfied.
- 2. The Board of Zoning Appeals is a quasi-judicial board whose decisions are controlled by statutory law and also take into consideration applicable case law that has been handed down by the Richmond Circuit Court and the Virginia Supreme Court. The Board suggests that if you have any legal questions regarding statutory or case law as it may apply to your application, that those legal issues should be discussed with an attorney before you make your final decision to submit an application to the Board.
- 3. The Board considers it essential that you discuss your case with nearby residents (notification letters are sent to all property owners within a 150-foot radius of your property) and any nearby civic association(s). Information regarding your neighborhood association(s) and/or contact person(s) may be obtained here. Once on the page, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, scroll down the page to the appropriate group(s) to find the contact information for each.

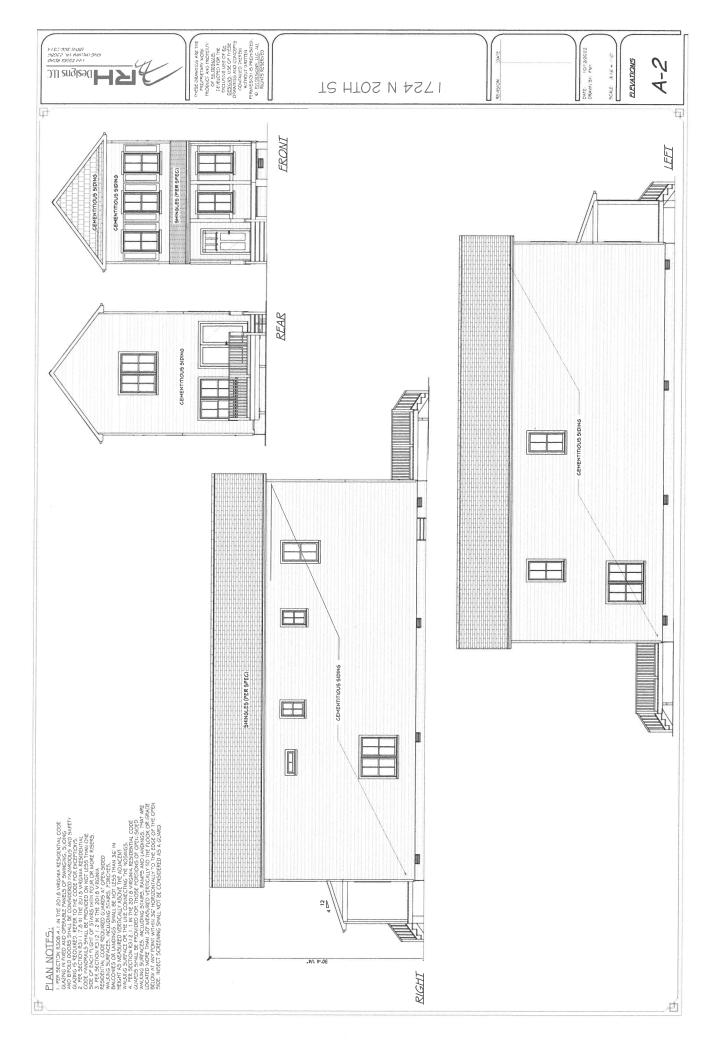
Be advised that if you fail to discuss your request with your neighbors and neighborhood association(s), you should anticipate that your case will be continued until the Board's next regularly scheduled meeting. It is highly recommended that you contact your neighborhood association as soon as possible to determine their meeting schedule in order to be sure you allow yourself enough time to talk to all concerned parties prior to the hearing before the Board. The Board's Rules of Procedure require payment of a one-hundred fifty dollar (\$150) continuance fee if the applicant must request a continuance for the reason that the applicant failed to discuss their case with their neighbor(s) or neighborhood association(s).

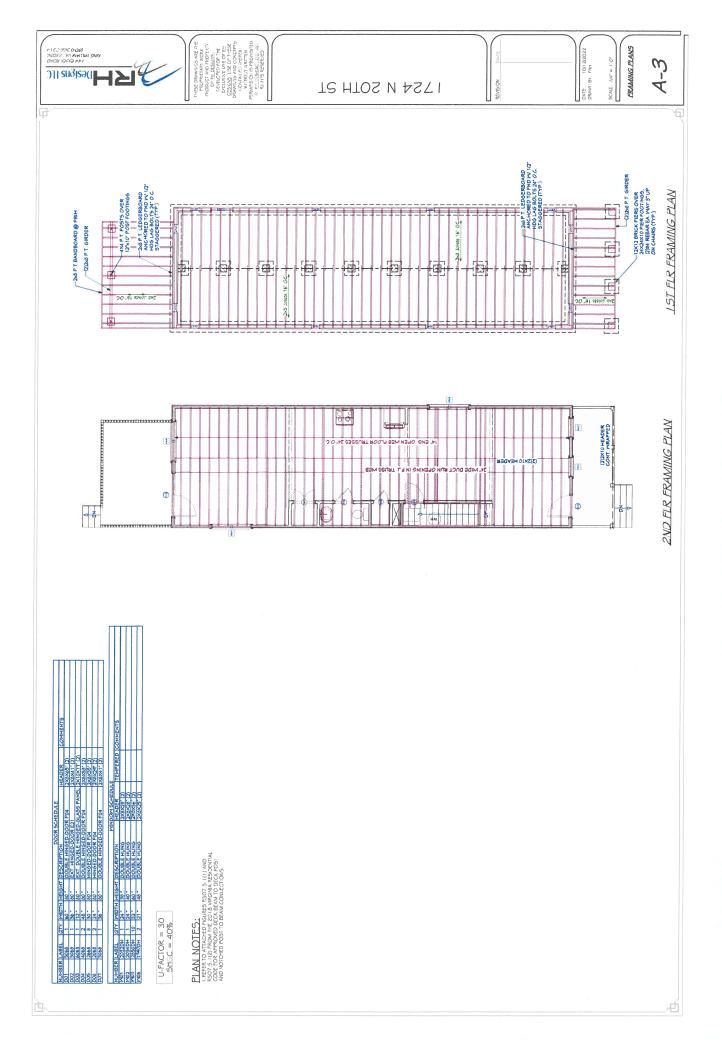
- 4. You are also strongly encouraged to discuss your pending case with the Secretary of the Board, Roy Benbow at (804) 240-2124 well before the hearing. The BZA Secretary can be helpful by explaining the BZA public hearing requirements and process.
- 5. Utilizing photographs, plans, maps, diagrams and such other written or graphic evidence as needed to fully explain your request can be a great help to the Board in understanding your request and thereby improve your chances for success. Remember . . . a picture is worth a thousand words.
- 6. Note that, although the Board is not authorized to grant a waiver from the zoning regulations based on financial circumstances alone, it may be a factor to be taken into consideration along with other facts in a case. If your case involves such a factor, please provide the Board with complete and relevant financial information for its review.
- 7. The Board's hearings are informal, although all testimony is taken under oath. You are not required to be represented by an attorney in presenting your case. However, if you choose, you may have legal representation and/or may utilize such technical experts or other persons to testify on your behalf as you feel are needed to adequately explain your request to the Board.

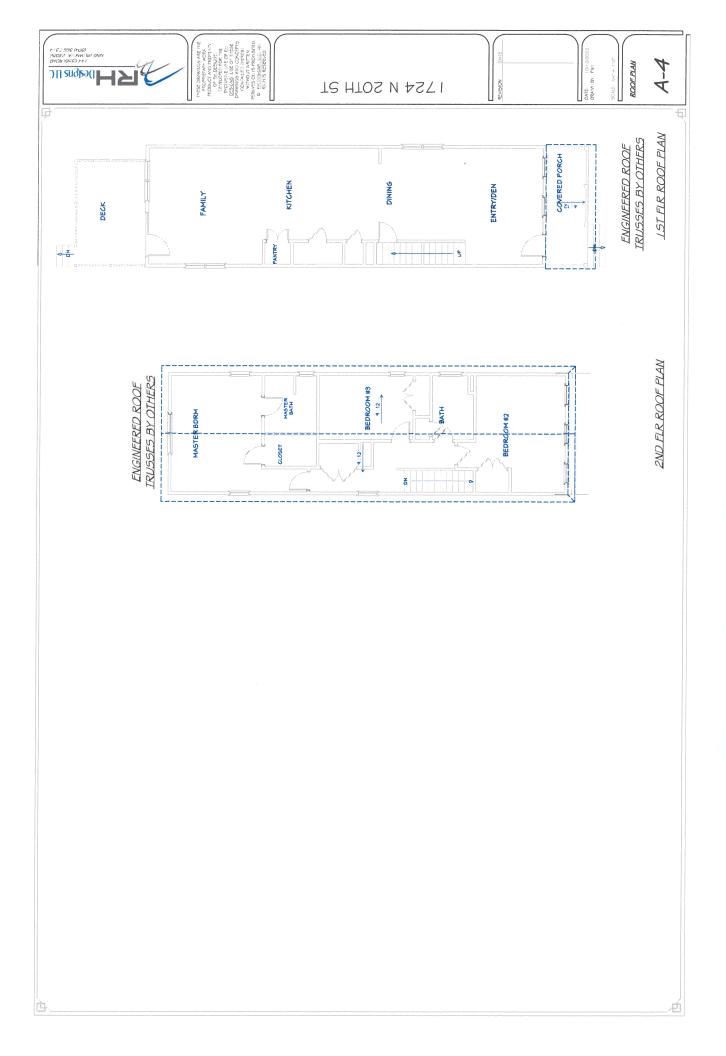
Acknowledgement of Receipt by Applicant or Authorized Agent:

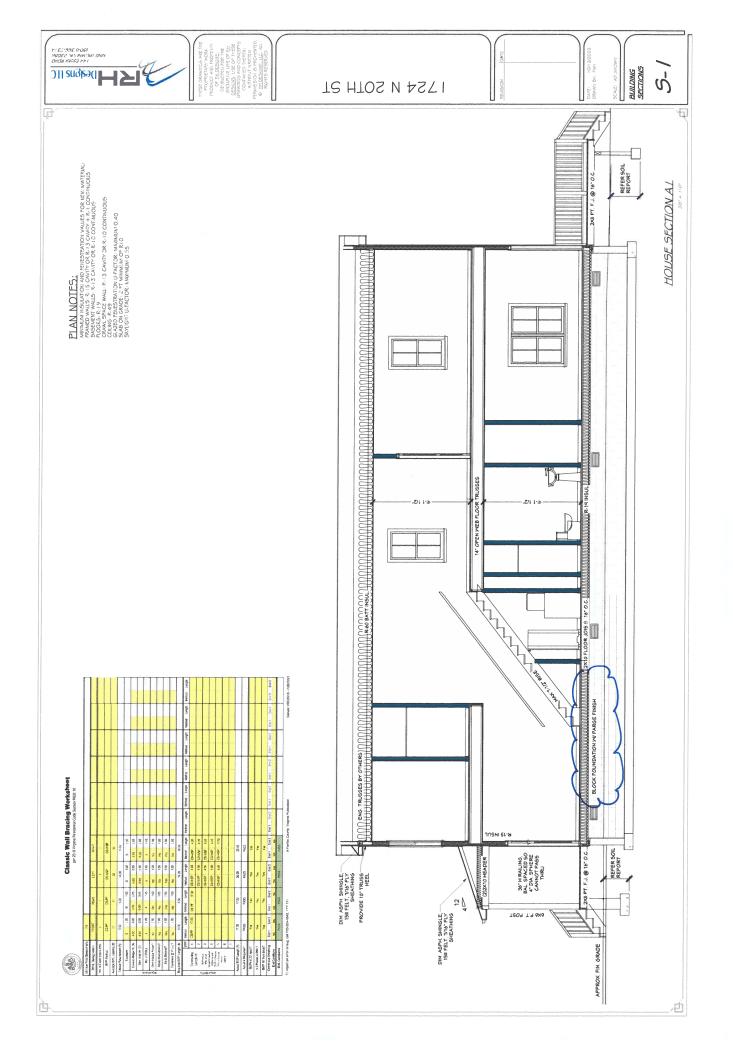














12 HTOS N 2STI

RH

OCCUPANCY GROUP - R5
TYPE OF CONSTRUCTION - VB
SQUARE FOOTAGE - 952 15T ILR,
952 2ND FIP,
1707 1,904

given the relatively short customer turnaround of approximately 5 minutes, 11 parking spaces was more than adequate to satisfy the need.

The Board is satisfied that the property was acquired in good faith and that an exceptional situation exists due to the fact that there is a rapid customer turnaround and leasable parking is not available within a 500-foot radius; whereby strict application of the off-street parking requirements unreasonably restricts its use, and the granting of a variance in this case will be in harmony with the intended spirit and purpose of the ordinance and the powers of the Board.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the off-street parking requirement be granted to Yong Hwan Rak for a building permit to convert an adult day-care facility to a retail food store (fish market), subject to the following conditions:

- 1. Hours of operation may not exceed Monday-Saturday from 10 AM to 7 PM.
- 2. Sale of alcoholic beverages shall not be permitted.

ACTION OF THE BOARD:

Granted Conditionally

(5-0)

Vote to Grant Conditionally

affirmative:

Poole, Alexander, Williams, Siff, Brown

negative:

none

CASE NO. 92-04

APPLICANT:

Olde Towne Builders LLC

PREMISES:

1724 NORTH 20TH STREET

(Tax Parcel Number E000-0934/007)

SUBJECT:

A building permit to split the lot and to construct a new single-

family detached dwelling

DISAPPROVED by the Zoning Administrator on July 26, 2004, based on Sections 114-300 and 114-410.4 of the zoning ordinance for the reason that: In an R-5 Single-Family Residential District, the proposed lot split is not permitted as the lot area and lot width requirements are not met. Lot areas of six thousand square feet (6,000 sf) and a lot width of not less than fifty feet (50') are required; lot areas of 3,990 square feet and lot widths of 30 feet are proposed.

APPLICATION was filed with the Board on July 23, 2004, based on Section 17.20(b) of the City Charter.

APPEARANCES:

For Applicant: Charles Cochran

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Olde Towne Builders LLC, has requested a variance to construct a new single-family detached dwelling at 1724 North 20th Street. Mr. Charles Cochran, manager of Olde Towne Builders, testified that he was seeking a variance in order to split an existing 60-foot wide lot into two 30 foot wide lots and construct a new two-story single-family dwelling. Mr. Cochran noted the he also owned another property within the block and that it was his desire to improve the overall quality of development and in so doing protect his investments. Mr. Cochran indicated that a significant number of lots within the immediate neighborhood are thirty feet in width. Mr. Cochran further indicated that it was his belief that based on the location of the existing house, there was an intent to develop the remainder of the property. Mr. Neil Brooks, zoning administration staff, noted that the property in question originally consisted of two thirty-foot wide lots and was combined by deed.

In response to a question from Mr. Alexander, Mr. Cochran indicated that if the lot split variance was approved, he would sell the house. Mr. Cochran further indicated that he needed the additional income based on the fact that his wife had been recently diagnosed with leukemia. Mr. William Davidson, Zoning Administrator, noted that the plans called for minimum side yard setbacks and reminded all concerned that the Board had heard several cases involving structures that were not built in conformance with the approved plans.

The Board is satisfied that the property was acquired in good faith and that an exceptional situation exists due to the lotting pattern within the neighborhood and the need to create additional single-family ownership; whereby strict application of the lot area and lot width of requirements unreasonably restricts its use, and the granting of a variance in this case will be in harmony with the intended spirit and purpose of the ordinance and the powers of the Board.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the lot area and lot width requirements be granted to Olde Towne Builders, LLC for a building permit to split the lot and to construct a new single-family detached dwelling.

ACTION OF THE BOARD: Granted (5-0)

Vote to Grant

affirmative:

Poole, Alexander, Williams, Siff, Brown

negative:

none

CASE NO. 93-04

APPLICANT:

Rimas S. Rudys

PREMISES:

1511 WEST CARY STREET

(Tax Parcel Number W000-0603/010)

SUBJECT:

A building permit to renovate the building for use as a single-

family dwelling and to construct a second-story deck

DISAPPROVED by the Zoning Administrator on August 13, 2004, based on Sections 114-300, 114-438.1, 114-620.1(4) and 114-800.4 of the zoning ordinance for the reason that: In a B-3 General Business District, the proposed dwelling use is not permitted and the side yard setback requirement is not met. The nonconforming rights for a single-family dwelling use have expired, as the building has been vacant for a period of time in excess of two (2) years. Whenever a nonconforming use of a building or structure is discontinued for a period of two (2) years or longer, whether or not equipment or fixtures are removed, any subsequent use of the premises shall conform to the regulations applicable in the district in which it is located. Should the Board establish the single-family dwelling use, three foot (3') side yards are required; a side yard of six inches (6") ± is proposed along the western property line

APPLICATION was filed with the Board on August 10, 2004, based on Section 17.20(b) of the City Charter and Section 114-1040.3(6) of the City Code.

APPEARANCES:

For Applicant:

Rimas Rudys

Against Applicant:

none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Mr. Rimas Rudys, has requested a variance and a special exception to renovate a building for use as a single-family dwelling and to construct a second-story deck at 1511 West Cary Street. Mr. Rodney Poole disclosed to the Board that his company owned property at 1528 and 1600 West Cary Street and that the request in no way would have any effect on the aforementioned properties. Mr. Poole indicated that he did not believe that he needed to disqualify himself from voting but would acquiesce to the Board's wishes if they felt otherwise. The Chairperson, Ms. Jean Williams, noted that

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SCHEDULE 'A'

ALL that certain lot of land in the City of Richmond, Virginia, with all improvements thereon, known as No.1724 North 20th Street, described as follows:

BEGINNING at a point on the west line of North 20th Street 459 feet, more or less, north of Brauer's Lane; thence running northwardly along the western line of the 20th Street and fronting thereon 30 feet; thence running back from front between parallel lines 133 feet to an alley in the rear 16 feet wide; designated as Lot No. 130 in Brauer's Plan recorded in the Clerk's Office of the Circuit Court of Henrico County, Virginia, in Plat Book 9, at page 23, to which plat reference is hereby made for a more particular description of the property herein conveyed.

Being part of the same property conveyed to Olde Towne Builders, L.L.C., and Marie A. Vergona, as joint tenants with the right of survivorship as at common law, by Deed of Gift from Olde Towne Builders, L.L.C. dated July 27, 2004, recorded July 27, 2004 as Deed Instrument Number 04-025049 in the Clerk's Office, Circuit Court, City of Richmond, Virginia. By Deed of Correction dated October 26, 2004 and recorded December 2, 2004 in the Clerk's Office of the Circuit Court of Richmond City, Virginia as Deed Instrument Number 04-039810 Olde Towne Builders, LLC conveyed subject real estate to Olde Town Builders LLC and Marie A. Vergona, as tenants in common.

PRECORDED IN THE CLERICS OFFICE OF CITY OF RICHMOND ON

MAY 1 6 2005 AT //:34

DEPUTY CLERK