



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JULY 1, 2020

On Wednesday, July 1, 2020, the Board of Zoning Appeals held an electronic public hearing due to the disaster represented by the spread of COVID-19 pursuant to and in compliance with Ordinance 2020-093 at 1:00 p.m.; display notice having been published in the Richmond Legacy Newspaper on June 24, 2020 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, Chair
 Roger H. York, Jr., Vice-Chair
 Rodney M. Poole
 Mary J. Hogue
 Kenneth R. Samuels, Sr.

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. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

BZA 20-2020 (CONTINUED FROM THE JUNE 3, 2020 MEETING)

APPLICANT: Myrtle H Brown

PREMISES: 10 W 30th STREET
(Tax Parcel Number S000-1347/017)

SUBJECT: A building permit to split an existing lot improved with a single-family detached dwelling and to construct a new single-family detached dwelling on the proposed vacant lot.

DISAPPROVED by the Zoning Administrator on March 12, 2020, 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 width requirements are not met. A lot area of six thousand square feet (6,000 SF) and a lot width of fifty feet (50') are required. One lot having a lot area of 6,900 square feet and a lot width of 60' currently exists. Lot areas of 3,450 square feet and lot widths of thirty feet (30') are proposed.

APPLICATION was filed with the Board on March 12, 2020, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Charlie Wilson

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Myrtle H Brown, has requested a special exception to split an existing lot improved with a single-family detached dwelling and to construct a new single-family detached dwelling for property located at 10 W. 30th Street. Mr. Charlie Wilson, representing the applicant, testified that the requested special exception would grant relief from the lot area and lot width requirements and would thereby authorize the property to be split into two lots in order to construct a new single-family detached dwelling. Mr. Wilson noted that the property is located on the western side of 30th Street lying between Midlothian Turnpike and Forest Hill Avenue. The subject property is currently 60 feet in width and 150 feet in depth. Mr. Wilson further noted that the southern portion of the property is improved with a two-story single-family detached dwelling. Mr. Wilson stated that the request would authorize the currently vacant northern portion of the property to be developed with a new two-story single-family detached dwelling. Mr. Wilson indicated that the request is consistent with the goals and intent of the special exception which encourages the creation of infill housing that is compatible with the neighborhood. Mr. Wilson stated that his client is proposing a 1721 ft.² dwelling which will include three bedrooms and 2 ½ baths and a master bedroom suite. Mr. Wilson noted that construction of the proposed dwelling will facilitate homeownership which is one of the criteria of

the special exception. Mr. Wilson further noted that the exterior will be cementitious siding which again is compatible with the neighborhood. Mr. Wilson stated that the side yard and subdivision requirements will be met as well as off-street parking. Mr. Wilson provided data in support of the fact that the proposed dwelling width will be consistent with those in the surrounding neighborhood as well as the average side yard setbacks. Mr. Wilson stated that letters were sent out in early May to all neighbors within a 150 foot radius. Mr. Wilson noted that a continuance was requested in June to permit consultation with the Swansboro Neighborhood Association. Mr. Wilson concluded by stating that overall discussions were positive.

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 Myrtle H Brown for a building permit to split an existing lot improved with a single-family detached dwelling and to construct a new single-family detached dwelling on the proposed vacant lot, 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, Hogue, Samuels

negative: None

APPLICANT: Evolve Development LLC

PREMISES: 2924 R STREET
(Tax Parcel Number E000-0565/016)

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

DISAPPROVED by the Zoning Administrator on May 15, 2020, based on Sections 30-300, 30-412.5.(1)a & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the front yard (setback) requirement is not met. A front yard (setback) of fifteen feet (15') is required along N 30th Street; 0.8' is proposed.

APPLICATION was filed with the Board on May 15, 2020, based on Section 1040.3(1) 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, Evolve Development LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 2924 R Street. Mr. Mark Baker, representing the applicant, testified that the request is being made under special exception #1. Mr. Baker noted that the request is for a legal lot of record measuring 20 feet in width and 98 feet in depth. Mr. Baker further noted that the average lot width in the neighborhood is 22.2 feet. Mr. Baker indicated that the subject lot is located at the corner of North 30th Street and R Street and as such is required to provide two front yards. Mr. Baker explained that given the 15 foot setback requirement along North 30th Street and the interior side yard setback requirement of 3 feet that the developable lot width of the property is only 2 feet. Mr. Baker stated that the request is consistent with the goals of the special exception intent statement. It will permit construction of a new dwelling, encourage improvement of property, provided an opportunity for home ownership, retain residents in the city and promote neighborhood improvement. Mr. Baker noted that the proposal is to construct a new 1800 square-foot dwelling comprising three bedrooms, 1 ½ baths and an open living area. The exterior design will be sensitive to the neighborhood and the dwelling will be compatible in design with existing dwellings in the vicinity. Mr. Baker stated that cementitious siding will be provided. Mr. Baker indicated that the proposed dwelling is consistent with the zoning regulations, departure from the

applicable yard is the minimum necessary and the dwelling is in keeping with the development pattern of the neighborhood. Mr. Baker noted that the Church Hill Central Civic Association is not currently requiring review of smaller requests. Mr. Baker stated that notices were mailed to all property owners within 150 foot radius and that there were no concerns expressed.

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 use; 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 Evolve Development 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, Hogue, Samuels
negative: None

BZA 27-2020

APPLICANT: 1112 N 35th Street LLC

PREMISES: 1112 NORTH 35th STREET
(Tax Parcel Number E000-1106/014)

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

DISAPPROVED by the Zoning Administrator on May 15, 2020, 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 square feet and a lot width of sixty feet (60') currently exists. A lot area of 3,812.5 square feet and width of 30.5 feet is proposed for No. 1112. A lot area of 3,687.5 square feet and width of 29.5 feet is proposed for the newly created lot No. 1114.

APPLICATION was filed with the Board on May 15, 2020, 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, 1112 N. 35th Street LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 1112 N. 35th Street. Mr. Mark Baker, representing the applicant, testified that the subject property is zoned R-5 Single-Family Residential and is located on the north side of 35th Street midblock between Blakely Street and R Street. Mr. Baker noted that the lot is 60 feet in width and 125 in depth and containing 7500 ft.² lot area. Mr. Baker stated that there is currently a single-family detached dwelling located on the western half of the property. The property originally consisted of two 30 foot wide lots. Mr. Baker explained that the proposal is to split the lot and develop the eastern half with a new single-family detached dwelling. Mr. Baker stated that the request is consistent with special exception #2 in so far as creation of infill housing that is compatible with the neighborhood. Mr. Baker indicated that the dwelling will have approximately 2224 ft.² of finished floor area and include three bedrooms and two and half baths with a full master bedroom suite. Mr. Baker stated that the exterior design will be compatible design with the surrounding neighborhood and include cementitious lap siding. Mr. Baker noted that off-street parking requirements will be met. Mr. Baker stated that there are mixture of lot widths in the surrounding area which varies block to block. Mr. Baker further stated that dwellings on 30 foot lots is part of the predominant develop pattern in the neighborhood. Mr. Baker noted that there are mixture of one and two-story dwellings in the surrounding neighborhood and that most of them have full width front porches. Mr. Baker further noted that there are a mixture of building styles and roof forms. Mr. Baker indicated that they had spoken with the president of the Church Hill Central Civic Association and that they are not requiring review on smaller cases. Mr. Baker concluded by stating that letters have been sent to all property owners within 150 foot radius and that no opposition had been expressed.

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 1112 N 35th Street 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: (5-0)

Vote to Grant Conditionally
affirmative: Pinnock, York, Poole, Hogue, Samuels
negative: None

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

The meeting was adjourned at 1:45 p.m.



Secretary



Chairman