



BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JULY 10, 2024

On Wednesday, July 10, 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 June 26 and July 3, 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
 Susan Sadid
 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

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 17-2024

APPLICANT: Virginia Electric & Power Company d/b/a Dominion Energy
 Virginia

PREMISES: 1104 MOORE STREET
(Tax Parcel Number N000-0469/025)

SUBJECT: A certificate of zoning compliance to erect a twelve foot (12') tall fence accessory to an existing electric substation.

DISAPPROVED by the Zoning Administrator on May 16, 2024, based on Sections 30-300, 30-413.6(1-3) & 30-630.9(b) of the zoning ordinance for the reason that: In an R-7 (Single- and Two-Family Urban Residential) District, the maximum permitted fence height located in a required front yard, side yard, and rear yard is exceeded. Fences located within the required front yard shall not exceed four feet (4') in height. Fences located in the required side and rear yards may not exceed six and a half feet (6.5') in height. A fence having a height of twelve feet (12') is proposed in all required yards.

APPLICATION was filed with the Board on May 16, 2024, based on Section 17.20(d)(1) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Hannah Hurst
Chris Cocker
Max Payur

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Virginia Electric & Power Company, has requested a special exception under the City Charter of the City of Richmond §17.20 (d) (1) to erect a 12-foot-tall fence for property located at 1104 Moore Street. Fences located within the required front yard shall not exceed 4 feet in height and fences located in the required side and rear yards shall not exceed 6 ½ feet in height. The Chairman, Mr. Poole explained that this particular special exception show by design, construction and operation adequately that the request will safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, shall not unreasonably impair an adequate supply of light and air to adjacent property, shall not increase congestion in streets and shall not increase public danger from fire or otherwise unreasonably affect public safety and shall not diminish or impair the established property values in the surrounding area. Further, the special exception is specifically designed to address the erection or use of buildings or structures by a public service corporation for public utility purposes exclusively which the Board finds to be reasonably necessary for the public convenience and welfare. Mr. Poole stated that the Virginia Electric Power

Company qualifies in terms of a public service corporation for public utility purposes.

Speaking in support, Ms. Hannah Hurst, testified that she is employed with Dominion Energy. Ms. Hurst stated the project for the public convenience and welfare is consistent with the Richmond City Charter. Ms. Hurst stated that the proposed fence will enclose the substation and is required for safety purposes as well as to protect newly installed equipment within the facility. Ms. Hurst explained that as part of the project there had been extensive outreach to neighbors and neighborhood associations. Ms. Hurst stated that the proposal will increase the fence height from 8 feet to 12 feet.

Speaking in support, Mr. Chris Cocker, with Dominion Power stated that the fence will be mostly opaque but will still allow penetration of diffused light for security purposes. It will be a 12-foot-tall metal extruded fence. The existing fence is 8 feet tall and has barbed wire located on the top. The proposed fence will have no such barbed wire. Mr. Cocker stated that the fence height was based on studies conducted by Dominion Power. Mr. Cocker noted that the facility is separated by an interstate, alleys and streets.

Speaking in support, Mr. Max Payur, with Dominion Power stated that there were a number of reasons for selecting this type of fence not the least of which was safety and the fact that it was cost-effective which is essential to this type of project. Further, no neighborhood opposition to the appearance of the fence was noted. Mr. Payur stated that to address landscaping efforts will be made to improve the school landscaping across the street. Mr. Payur noted that the nature of the fence will allow penetration by light which is also critical in terms of being able to see any activity within the facility from the outside. Mr. Payur indicated that the proposed fence will be much more attractive than the existing chain-link fence.

Ms. Hurst noted that this substation had been established in 1958 and in the ensuing years there have been seven cases involving the subject property.

The Board finds that in accordance with §17.20 (d)(1) of the Charter of the City of Richmond that the sworn testimony and evidence offered in this case demonstrates that the construction of a 12 foot tall security fence for property located at 1104 Moore Street, which is prohibited by ordinance, is in the public interest and that such construction or use will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, will not unreasonably impair an adequate supply of light and air to adjacent property, will not increase congestion in streets and will not increase public danger from fire or otherwise affect public safety.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the maximum permitted fence height requirements be granted to Virginia Electric & Power Company d/b/a Dominion Energy for a certificate of zoning compliance to erect a twelve foot (12') tall fence accessory to an existing electric substation, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, York, Hogue, Sadid, Robertson

negative: None

BZA 18-2024

APPLICANT: City of Richmond C/o Chief Admin Officer

PREMISES: 6255 OLD WARWICK ROAD
(Tax Parcel Number C007-0099/024)

SUBJECT: A building permit to erect an accessory structure (art sculpture) to an existing community center.

DISAPPROVED by the Zoning Administrator on April 29, 2024, based on Sections 30-300, 30-650.2, 30-1220.1 & 30-1220.138 of the zoning ordinance for the reason that: In an R-3 (Single-Family Residential) District, accessory structures are not permitted in the front yard, as established by the main building. An accessory building or structure may only be located in a front yard if located 100 feet or greater from the nearest street line. A front yard of approximately thirty feet (30') is proposed for the accessory structure.

APPLICATION was filed with the Board on May 17, 2024, based on Section 17.20(c) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Patrick Lowery
Nicole Jones

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, City of Richmond, has requested a special exception to erect an accessory structure (art sculpture) which is not permitted within the front yard for property located at 6255 Old Warwick Road. The Chairman, Mr. Poole, explained that this application is being made under subsection © of §17.20 of the Richmond City Charter. Mr. Patrick Lowery, representing the city, testified that the proposed construction will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, the construction will not unreasonably impair an adequate supply of light and air to adjacent property, the construction will not increase congestion in the streets and will not increase public danger from fire or otherwise affect public safety. Mr. Lowery testified that they had engaged in extensive outreach in an effort to notify all surrounding property owners regarding construction of the proposed sculpture.

In response to a question from Mr. York, Mr. Davidson replied that the required setback for an accessory structure on this property is 100 feet. In response to a further question from Mr. York, Mr. Lowery testified that a 100-foot setback for the proposed structure would be problematic. It was noted that the Urban Design Committee had reviewed the proposed sculpture with respect to location, character and extent.

Speaking in support, Councilmember Jones indicated that this is the first such sculpture to be constructed in south side. Councilmember Jones noted that significant outreach had been undertaken regarding the project and that there was enormous support. Councilmember Jones indicated that she also supports the project wholeheartedly. The Chairman, Mr. Poole, thanked the Councilmember for taking the time to enlighten the Board regarding the importance of this project.

The Board finds that in accordance with §17.20 © of the Charter of the City of Richmond that the sworn testimony and evidence offered in this case demonstrates that the construction of an accessory structure (art sculpture) for property located at 6255 old Warwick Road, which is prohibited by ordinance, is in the public interest and that such construction or use will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, will not unreasonably impair an adequate supply of light and air to adjacent property, will not increase congestion in streets and will not increase public danger from fire or otherwise affect public safety.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the accessory structures in the front yard requirement be granted to City of Richmond C/o Chief Admin Officer for a building permit to erect an accessory structure (art sculpture)

to an existing community center, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, York, Hogue, Sadid, Robertson

negative: None

BZA 19-2024

APPLICANT: George Teschner

PREMISES: 1622 NOTTOWAY AVENUE
(Tax Parcel Number N000-2177/022)

SUBJECT: A building permit to construct a one-story rear addition to an existing single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on April 29, 2024, based on Sections 30-300, 30-410.5(1), 30-410.6 & 30-630.2(b)(2) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the front yard (setback) and lot coverage requirements are not met. A front yard of 25' is required for the addition along the Chevy Chase Street frontage, as established by the adjacent building at 4007 Chevy Chase Street; 9.76 feet is proposed. Maximum lot coverage shall not exceed thirty-five percent (35%) of the area of the lot. A lot coverage of 1,355 square feet (28.61%) currently exists; 1,755 square feet (37.06%) is proposed.

APPLICATION was filed with the Board on May 17, 2024, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: George Teschner

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, George Teschner, has requested a special exception to construct an addition at the rear of an existing single-family dwelling for property

located at 1622 Nottoway Avenue. Mr. Teschner explained that a front yard of 25 feet is required for the addition along the Chevy Chase Street frontage. A front yard setback of 9.76 is proposed. A combination of a 25-foot front yard and a 3.5-foot side yard would allow for a buildable lot width of 6.5 feet rendering the lot incapable of being developed. A maximum lot coverage of 35% is permitted and a 37.06% is requested. Mr. Teschner stated that his dwelling was constructed in 1935 and the lot has 35 feet of frontage along Nottoway Avenue. Mr. Teschner indicated that his wife suffers from a congenital heart problem which is the main reason for relocating the laundry from the basement to the first floor thereby removing the necessity to climb stairs. Mr. Teschner stated that modern day living needs necessitate incorporating the laundry room into the addition and providing for additional living space. Mr. Teschner explained that the addition will have a brick foundation and white cementitious siding matching the architectural character of the existing dwellings in the neighborhood. Mr. Teschner noted that after completion of the addition of the dwelling will encompass 1575 ft.² of floor area which is comparable with other dwellings in the neighborhood. Mr. Teschner indicated that he had received the support of the Bellevue Civic Association and that he had reached out to his neighbors and was unaware of any objections to the requested special exception.

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 addition is consistent with the zoning district regulations; departure from the yard and lot area requirements is the minimum necessary to accommodate the intended purpose of the addition; the addition or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the addition 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 front yard (setback) and lot coverage requirements be granted to George Teschner for a building permit to construct a one-story rear addition to an existing 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: Poole, York, Hogue, Sadid, Robertson

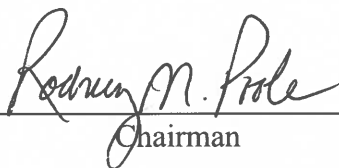
negative: None

Upon motion made by Mr. Robertson and seconded by Ms. Sadid, Members voted (5-0)
to adopt the Board's June meeting minutes.

The meeting was adjourned at 1:40 p.m.



Secretary



Chairman