



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JANUARY 5, 2022

On Wednesday, January 5, 2022, the Board of Zoning Appeals held an electronic public hearing at 1:00 p.m due to the disaster represented by the spread of COVID-19 pursuant to the current ongoing declaration of a local emergency confirmed by Res. No. 2020-R025, adopted March 16, 2020 and as permitted by §2.2-3708.2(A)(3) of the Virginia Freedom of Information Act; display notice having been published in the Richmond Legacy Newspaper on December 22 and 29, 2021 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, Chair
 Roger H. York, Jr., Vice-Chair
 Rodney M. Poole
 Susan Sadid
 Bryce L. Robertson

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 including the fact that the public hearing is being held electronically due to current ongoing declaration of a local emergency confirmed by Res. No. 2020-R025, adopted March 16, 2020 and as permitted by §2.2-3708.2(A)(3) of the Virginia Freedom of Information Act. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

BZA 01-2022

APPLICANT: Justin Navas & Addisanne Hall and Altadonna Properties LLC

PREMISES: 1509 & 1511 NORTH 22nd STREET
(Tax Parcel Number E000-0778/018 & 029)

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

DISAPPROVED by the Zoning Administrator on October 13, 2021, based on Sections 30-300 & 30-412.4(1) of the zoning ordinance for the reason that: In R-6 (Single-Family Attached Residential) District, the lot area and lot width requirements are not met. Lot areas of five thousand square feet (5,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of 6,896 square feet and a lot width of fifty-five feet (55') currently exists. A lot area of 4,030 square feet and width of 32.14 feet is proposed for No. 1509. A lot area of 2,866 square feet and width of 22.86 feet is proposed for No. 1511.

APPLICATION was filed with the Board on October 13, 2021, 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, Justin Navas & Addisanne Hall and Altadonna Properties LLC, have requested a special exception to construct a new single-family detached dwelling for property located at 1509 & 1511 N. 22th Street. Mr. Mark Baker, representing the applicant, testified that the request is being made under special exception #2 lot division to create buildable lots. Mr. Baker pointed out that a nearly identical special exception was approved in 2019 to authorize the split. The subject special exception authorized a new lot and dwelling at 1511 N. 22nd Street. The existing dwelling at 1509 N. 22nd Street was to remain. Mr. Baker stated that the split/new dwelling was depicted on an architectural site plan which became part of the approval. Mr. Baker stated the lots were than split and 1509 N. 22nd Street was sold to a new owner who is a party to this case. Mr. Baker further stated that unfortunately when it came time for the permit for the new building at 1511 N. 22nd Street it was realized that the actual plat splitting

lots did not match the original Board of Zoning Appeals approval. Mr. Baker indicated that the new lot was to be 31.5 feet wide in accordance with the architectural site plan but in order to provide a 10% side yard as required for the existing dwelling the plan had to show a width of 32.14 feet. The new lot in return had to be .64 feet narrower. The bottom line is the new lot is not wide enough to support the cumulative setbacks and proposed dwelling width. Mr. Baker indicated that the current request addresses the issue by authorizing a slightly smaller lot with a reduced width of .64 feet. In addition, the dwelling width will be adjusted by less than 1 foot in order to allow the side yard setbacks to be met as required by the special exception criteria. The revised split would result in a lot width of 22.86 feet and 2866 ft.² for the new construction and 32.14 feet of width and 4030 ft.² of lot area. The dwelling width would be reduced from 17'4" to 16'6". Mr. Baker indicated that in all other instances the request is identical to the one previously approved. Mr. Baker concluded by stating that the Unity Civic League Civic Association was contacted but no response was received. Letters were sent out to all property owners within a 150 foot radius and no opposition was noted.

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 Justin Navas & Addisanne Hall and Altadonna Properties 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, Sadid, Robertson

negative: None

BZA 02-2022

APPLICANT: Andrea Daniela Galina

PREMISES: 2907 WEST GRACE STREET
(Tax Parcel Number W000-1370/010)

SUBJECT: A building permit to construct a one-story detached garage accessory to a single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on November 16, 2021, based on Sections 30-300 & 30-412.6 of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the lot coverage requirement is not met. Maximum lot coverage shall not exceed fifty-five percent (55%) of the area of the lot. A lot coverage of 1,887.6 square feet (55%) is permitted; 1,427.0 square feet (42%) exists/ 1,989.0 square feet (58%) is proposed.

APPLICATION was filed with the Board on November 12, 2021, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Jay McGee

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Andrea Daniela Galina, has requested a special exception to reconstruct a one-story detached garage accessory to a single-family detached dwelling for property located at 2907 W. Grace Street. Mr. Jay McGee, contractor for the applicant, testified that the special exception is being requested due to a slightly greater lot coverage than is permitted. Mr. McGee noted that 1887.6 ft.² of lot coverage is permitted and that the request is for 1989 ft.² of lot coverage, a difference of approximately 100 ft.². Mr. McGee indicated that the location of the garage was adjusted slightly to ensure that the required parking backup was provided. Mr. McGee stated that the request is necessary to permit construction of the proposed garage. Mr. McGee indicated that all property owners within a 150 foot radius and specifically including the ones directly adjacent to the subject property were contacted and no objections were noted.

In response to a question from Mr. York, Mr. McGee stated that the garage cannot be reduced in size and remain viable.

In response to a question from Mr. Poole, Mr. McGee stated that they did attempt to contact the West Grace Street Association not received the response.

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 lot coverage requirement be granted to Andrea Daniela Galina for a building permit to construct a one-story detached garage accessory 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: Pinnock, York, Poole, Sadid, Robertson
negative: None

Upon motion made by Mr. Poole and seconded by Mr. York, Members voted (4-0) to adopt the Board’s December meeting minutes.

Upon motion made by Mr. Poole and seconded by Mr. York, Members voted (5-0) to elect Mr. Burt Pinnock as the Chairman and Mr. Roger York as the Vice-Chairman of the Richmond Board of Zoning Appeals for 2022, and appoint Mr. Rodney Poole as the Board’s representative to the Planning Commission for 2022.

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

Roy W. Carter

Secretary

[Handwritten Signature]

Chairman