

CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

May 9, 2022

Aaron Ogburn
615 North 28th Street
Richmond, Virginia 23223

To Whom It May Concern:

RE: **BZA 20-2022**

You are hereby notified that the Board of Zoning Appeals will hold a public hearing on Wednesday, June 1, 2022 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 219 EAST 35th STREET (Tax Parcel Number S000-2457/018), located in an R-5 (Single-Family Residential) District. This meeting will be open to in-person participation. To maximize compliance with public health guidance aimed at preventing the spread of COVID-19, 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 **424 637 271#**. For video access by computer, smart phone or tablet visit <https://richmondva.legistar.com/Calendar.aspx>. Select the Board of Zoning Appeals drop-down and 2022 drop-down, click meeting details for June 1, 2022 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 20-2022

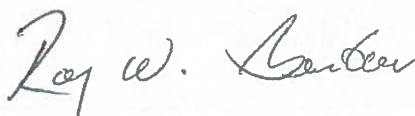
Page 2

May 9, 2022

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,

A handwritten signature in dark ink, appearing to read "Roy W. Benbow". The signature is fluid and cursive, with the first name "Roy" being the most prominent.

Roy W. Benbow, Secretary
Phone: (804) 240-2124
E-mail: Roy.Benbow@rva.gov

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.

Canter Amanda K R
218 East 35th St
Richmond, VA 23224

Cava Rental Properties Llc
5310 Markel Rd #104
Richmond, VA 23230

Edenton James Richard
214 E 35th St
Richmond, VA 23224

Gayton Investment Corporation
210 E Main St
Richmond, VA 23219

Greene William A
6900 Able Rd
Chesterfield, VA 23832

Howlett Wilbur L And Viola E
208 E 35th St
Richmond, VA 23224

Hysell Antonia
227 E 35th St
Richmond, VA 23224

Kcmvkcjl2014 Llc
8531 Cherokee Rd
Richmond, VA 23235

Keaton William M And Hite Lekeisha S
210 E 34th St
Richmond, VA 23224

Lewis Thomas F
Po Box 35764
Richmond, VA 23235

Lost Llc
8005 Thom Rd
Richmond, VA 23229

Peck Gary L
207 E 36th St
Richmond, VA 23224

Phillips Elleanor
3310 Peyton Ave
Richmond, VA 23224

Ragland Todd
12604 Wheat Ter
Henrico, VA 23233

Saunders Naomi G
231 E 35th St
Richmond, VA 23225

Solferino Raymond
Po Box 69
Moseley, VA 23120

Virginia Capital Holdings Llc
563 Fleeter St
Mineral, VA 23117

Property: 219 E 35th St **Parcel ID:** S0002457018**Parcel**

Street Address: 219 E 35th St Richmond, VA 23224-
Owner: OGBURN AARON
Mailing Address: 615 N 28TH ST, RICHMOND, VA 23223
Subdivision Name : BURFOOTS ADDITION
Parent Parcel ID:
Assessment Area: 184 - George Wythe South
Property Class: 110 - R One Story
Zoning District: R-5 - Residential (Single Family)
Exemption Code: -

Current Assessment

Effective Date: 01/01/2022
Land Value: \$40,000
Improvement Value: \$59,000
Total Value: \$99,000
Area Tax: \$0
Special Assessment District: None

Land Description

Parcel Square Feet: 6540
Acreage: 0.15
Property Description 1: BURFOOTS L7-8 B4
Property Description 2: 0060.00X0109.00 0000.000
State Plane Coords(?): X= 11781797.999997 Y= 3710132.941034
Latitude: 37.50785983 , **Longitude:** -77.469662

Description

Land Type: Residential Lot B
Topology:
Front Size: 60
Rear Size: 109
Parcel Square Feet: 6540
Acreage: 0.15
Property Description 1: BURFOOTS L7-8 B4
Property Description 2: 0060.00X0109.00 0000.000
Subdivision Name : BURFOOTS ADDITION
State Plane Coords(?): X= 11781797.999997 Y= 3710132.941034
Latitude: 37.50785983 , **Longitude:** -77.469662

Other

Street improvement:
Sidewalk:

Assessments

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2022	\$40,000	\$59,000	\$99,000	Reassessment
2021	\$20,000	\$52,000	\$72,000	Reassessment
2020	\$20,000	\$50,000	\$70,000	Reassessment
2019	\$20,000	\$45,000	\$65,000	Reassessment
2018	\$10,000	\$42,000	\$52,000	Reassessment
2017	\$10,000	\$40,000	\$50,000	Reassessment
2016	\$10,000	\$40,000	\$50,000	Reassessment
2015	\$10,000	\$40,000	\$50,000	Reassessment
2014	\$10,000	\$40,000	\$50,000	Reassessment
2013	\$18,000	\$40,000	\$58,000	Reassessment
2012	\$18,000	\$44,000	\$62,000	Reassessment
2011	\$18,000	\$46,000	\$64,000	CarryOver
2010	\$18,000	\$46,000	\$64,000	Reassessment
2009	\$18,100	\$45,900	\$64,000	Reassessment
2008	\$18,100	\$45,900	\$64,000	Reassessment
2007	\$18,100	\$43,700	\$61,800	Reassessment
2006	\$12,900	\$43,700	\$56,600	Reassessment
2005	\$11,300	\$40,900	\$52,200	Reassessment
2004	\$9,300	\$33,800	\$43,100	Reassessment
2003	\$8,900	\$32,500	\$41,400	Reassessment
2002	\$8,700	\$31,900	\$40,600	Reassessment
2001	\$8,700	\$31,900	\$40,600	Reassessment
1998	\$7,500	\$27,500	\$35,000	Not Available

Transfers

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
01/11/2022	\$35,000	EVANS WILLIAM E & PATSY A	ID2022-770	2 - INVALID SALE-Foreclosure, Forced Sale, etc.
12/09/1999	\$0	LUCORD LEWIS W AND ROSE A	ID9900-33214	
10/13/1977	\$19,500	Not Available	00521-0089	

Planning

Master Plan Future Land Use: R
Zoning District: R-5 - Residential (Single Family)
Planning District: Old South
Traffic Zone: 1180
City Neighborhood Code: SWNW
City Neighborhood Name: Swansboro West
Civic Code: 0
Civic Association Name: Swansboro West - Hull Street/Midlothian Civic Association
Subdivision Name: BURFOOTS ADDITION
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	4009	0604004	060400
1990	410	0604004	060400

Schools

Elementary School: Swansboro
Middle School: River City
High School: Wythe

Public Safety

Police Precinct: 2
Police Sector: 211
Fire District: 17
Dispatch Zone: 169B

Public Works Schedules

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

Government Districts

Council District: 5
Voter Precinct: 510
State House District: 79
State Senate District: 18
Congressional District: 4

Extension 1 Details

Extension Name: R01 - Residential record #01
Year Built: 1928
Stories: 1
Units: 0
Number Of Rooms: 4
Number Of Bed Rooms: 2
Number Of Full Baths: 1
Number Of Half Baths: 0
Condition: fair for age
Foundation Type: Full Crawl
1st Predominant Exterior: Wood siding / Wood shake
2nd Predominant Exterior: N/A
Roof Style: Gable
Roof Material: Comp sh to 235#
Interior Wall: Drywall
Floor Finish: Hardwood-std oak
Heating Type: Hot water or steam
Central Air: N
Basement Garage Car #: 0
Fireplace: N
Building Description (Out Building and Yard Items) : Residential Detached Garage

Extension 1 Dimensions

Finished Living Area: 942 Sqft
Attic: 0 Sqft
Finished Attic: 0 Sqft
Basement: 0 Sqft
Finished Basement: 0 Sqft
Attached Garage: 0 Sqft
Detached Garage: 180 Sqft
Attached Carport: 0 Sqft
Enclosed Porch: 0 Sqft
Open Porch: 108 Sqft
Deck: 0 Sqft

Property Images

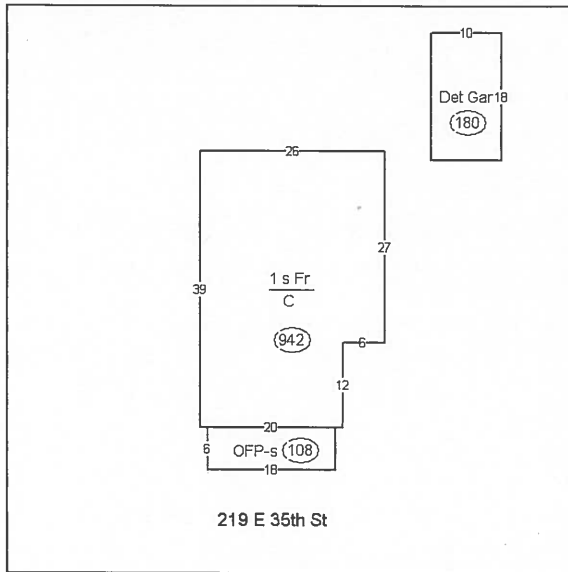
Name:S0002457018 Desc:R01



[Click here for Larger Image](#)

Sketch Images

Name:S0002457018 Desc:R01



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

TO BE COMPLETED BY THE APPLICANT

PROPERTY OWNER: Aaron Ogburn **PHONE:** (Home) () () (Mobile) () ()

ADDRESS 615 North 28th Street **FAX:** () () (Work) (804) 937-2134

Richmond, Virginia 23223 **E-mail Address:** aaronogburn@gmail.com

PROPERTY OWNER'S REPRESENTATIVE: _____ **PHONE:** (Home) () () (Mobile) () ()

(Name/Address) _____ **FAX:** () () (Work) () ()

_____ **E-mail Address:** _____

TO BE COMPLETED BY THE ZONING ADMINISTRATION OFFICE

PROPERTY ADDRESS (ES) 219 East 35th Street

TYPE OF APPLICATION: ☐ VARIANCE ☒ SPECIAL EXCEPTION ☐ OTHER _____

ZONING ORDINANCE SECTION NUMBERS(S): 30-300 & 30-410.4

APPLICATION REQUIRED FOR: A building permit to construct a new single-family detached dwelling.

TAX PARCEL NUMBER(S): S000-2457/018 **ZONING DISTRICT:** R-5 (Single-Family Residential)

REQUEST DISAPPROVED FOR THE REASON THAT: The lot area and lot 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. For zoning purposes, one (1) lot having a lot area of 6,540.0 square feet and a lot width of sixty feet (60') currently exists; lot areas of 3,183.0 square feet (#217) and 3,357.0 square feet (#219) and lot widths of 29.2 feet (#217) and 30.8 feet (#219) are proposed.

DATE REQUEST DISAPPROVED: April 19, 2022 **FEE WAIVER:** YES ☐ NO: ☒

DATE FILED: April 14, 2022 **TIME FILED:** 10:30 a.m. **PREPARED BY:** David Duckhardt **RECEIPT NO.** BZAR-110259-2022

AS CERTIFIED BY: [Signature] **(ZONING ADMINISTRATOR)**

I BASE MY APPLICATION ON:

SECTION 17.20 PARAGRAPH(S) _____ **OF THE CHARTER OF THE CITY OF RICHMOND**

SECTION 15.2 -2309.2 ☐ **OF THE CODE OF VIRGINIA** [OR]

SECTION 1040.3 PARAGRAPH(S) (2) **OF THE ZONING ORDINANCE OF THE CITY OF RICHMOND**

TO BE COMPLETED BY APPLICANT

I have received the handouts, Suggestions for Presenting Your Case to the Board & Excerpts from the City Charter ☒

I have been notified that I, or my representative, must be present at the hearing at which my request will be considered.

SIGNATURE OF OWNER OR AUTHORIZED AGENT: [Signature] **DATE:** 4-26-2022

*** TO BE COMPLETED BY THE SECRETARY TO THE BOARD OF ZONING APPEALS ***

CASE NUMBER: BZA 20-2022 **HEARING DATE:** June 1, 2022 **AT** 1:00 **P.M.**

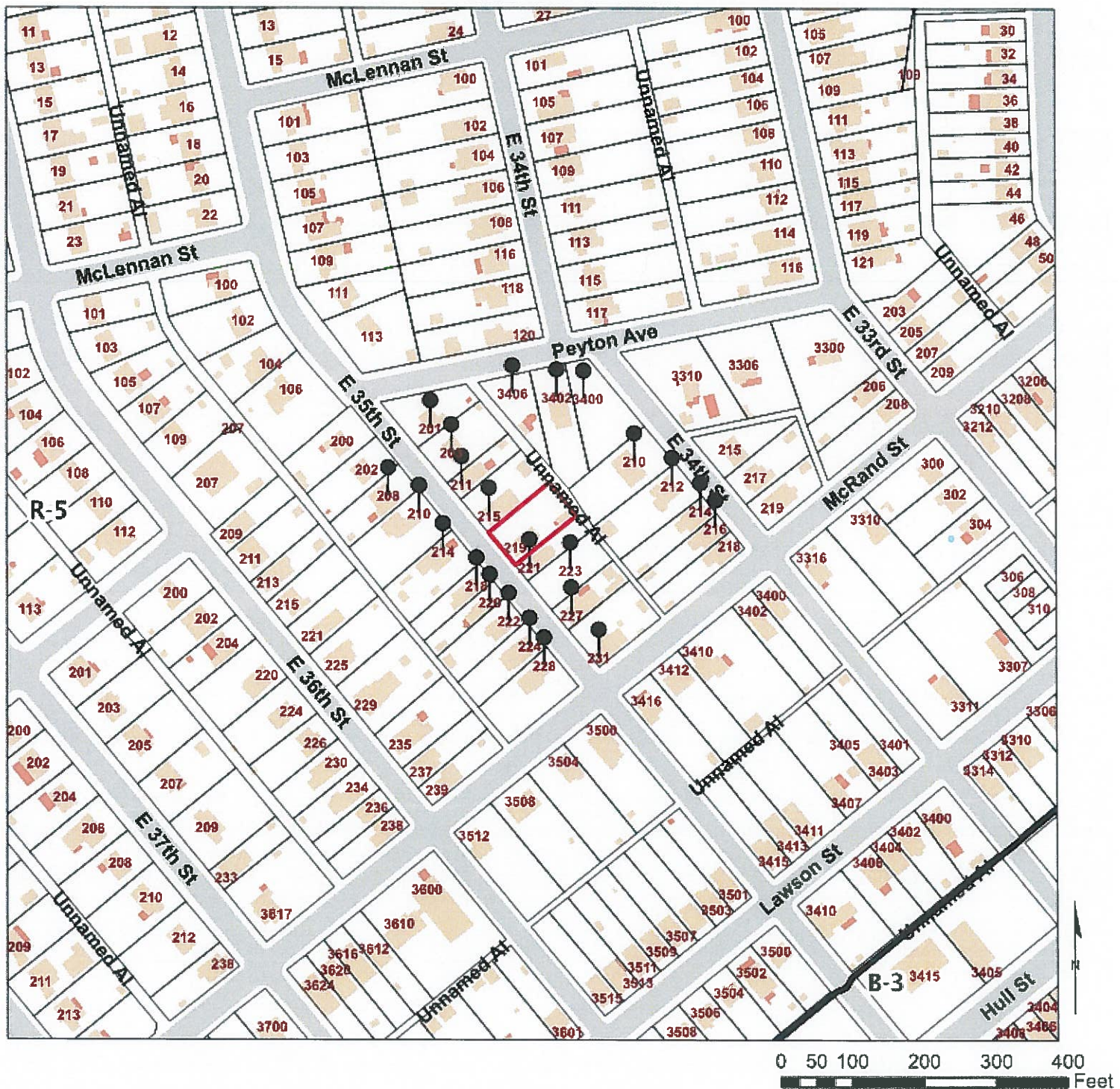
BOARD OF ZONING APPEALS CASE BZA 20-2022
150' Buffer

APPLICANT(S): Aaron Ogburn

PREMISES: 219 EAST 35th Street
(Tax Parcel Number S000-2457/018)

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 (804-646-6340/6701). 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 \$175.00 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).

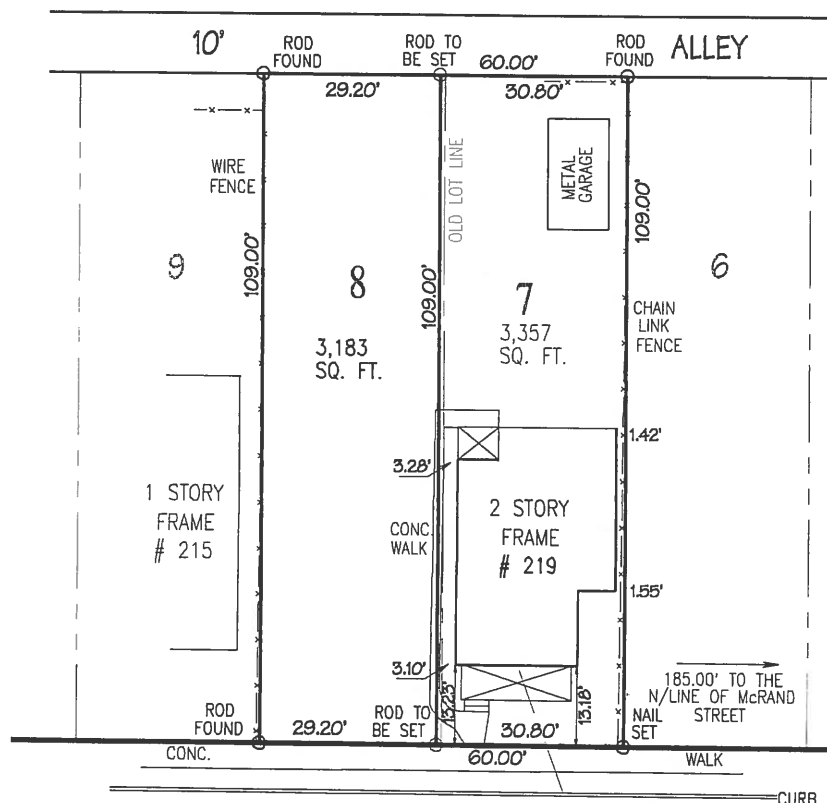
4. You are also strongly encouraged to discuss your pending case with the Secretary of the Board, Roy Benbow at (804) 240-2124 well before the hearing. The BZA Secretary can be helpful by explaining the BZA public hearing requirements and process.
5. Utilizing photographs, plans, maps, diagrams and such 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:

Revised: November 4, 2020

FREDERICK A. GIBSON & ASSOCIATES, P.C. ASSUMES NO LIABILITY REGARDING SUB-SURFACE FEATURES SUCH AS TOXIC WASTE, GARBAGE OR WASTE DISPOSAL AREAS, LANDFILLS, UNDERGROUND STORAGE TANKS, CEMETERIES OR BURIAL SITES, SHRINK/SWELL SOILS, UNDERGROUND WATERWAYS OR UTILITIES. CURRENT OWNER(S): AARON OGBURN INST. 220000770 PARCEL ID S0002457018

PLAT BK. 2 PG. 334



EAST 35TH STREET

40' R/W

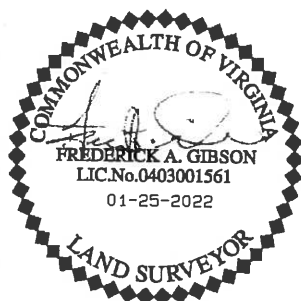
O/H
UTILITY
LINES

(PHYSICAL SURVEY)

PLAT SHOWING PROPOSED DIVISION OF PROPERTY LOCATED AT
219 E. 35TH STREET, IN THE CITY OF RICHMOND, VIRGINIA & BEING
ALL OF LOTS 7 & 8, BLOCK 4, MAP OF "SAUNDERS PLAN OF BURFOOT'S"
RECORDED IN PLAT BOOK 2, PAGE 334, IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT, CHESTERFIELD COUNTY, VIRGINIA

SCALE: 1" = 25'

THIS IS TO CERTIFY THAT ON JANUARY 25, 2022, I MADE A
FIELD SURVEY OF THE PREMISES SHOWN HEREON; THAT THERE ARE NO VISIBLE
ENCROACHMENTS BY IMPROVEMENTS EITHER FROM ADJOINING PREMISES OR FROM
SUBJECT PREMISES UPON ADJOINING PREMISES, OTHER THAN AS SHOWN HEREON.
THIS PLAT IS BEING FURNISHED WITHOUT BENEFIT OF A TITLE REPORT.
PREMISES SHOWN HEREON IS SUBJECT TO EASEMENTS OF RECORD OR OTHERWISE
TO THE BEST OF MY KNOWLEDGE AND BELIEF. THIS PLAT COMPLIES WITH THE
MINIMUM PROCEDURES AND STANDARDS ESTABLISHED BY THE VIRGINIA STATE
BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND CERTIFIED LANDSCAPE ARCHITECTS.

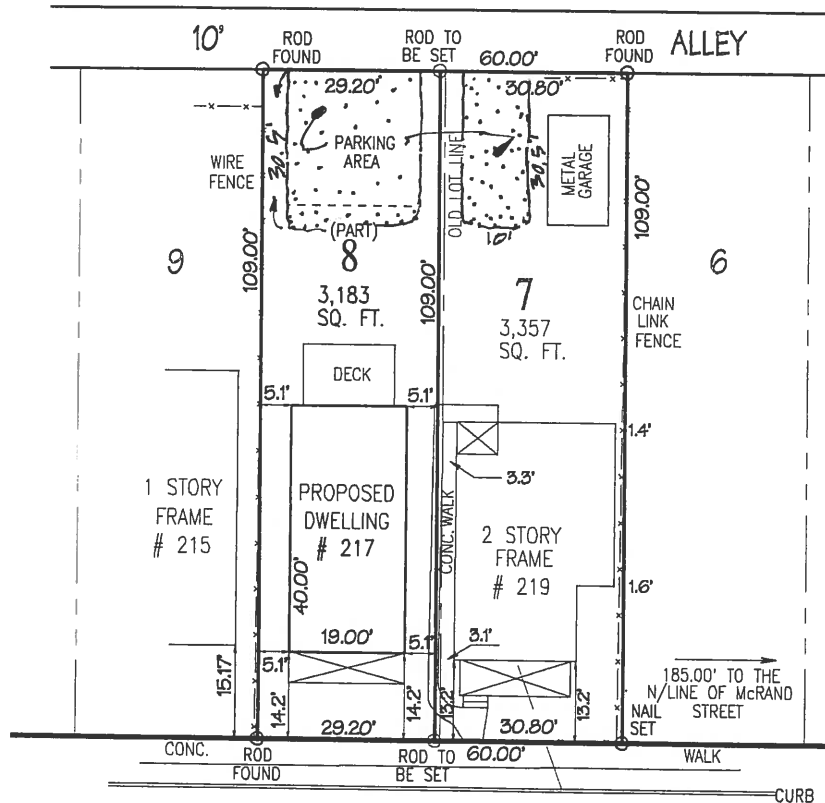


**FREDERICK A. GIBSON
& ASSOCIATES, P.C.**
LAND SURVEYORS
11521-G MIDLOTHIAN TURNPIKE
NORTH CHESTERFIELD, VIRGINIA 23235
PHONE 804 378-4485 FAX 804 378-4487

LEGEND
○ = IRON ROD FOUND
● = IRON ROD SET
UNLESS OTHERWISE NOTED.
PROJECT # 2201-07 LS

FREDERICK A. GIBSON & ASSOCIATES, P.C. ASSUMES NO LIABILITY REGARDING SUB-SURFACE FEATURES SUCH AS TOXIC WASTE, GARBAGE OR WASTE DISPOSAL AREAS, LANDFILLS, UNDERGROUND STORAGE TANKS, CEMETERIES OR BURIAL SITES, SHRINK/SWELL SOILS, UNDERGROUND WATERWAYS OR UTILITIES. CURRENT OWNER(S): AARON OGBURN INST. 220000770 PARCEL ID S0002457018

PLAT BK. 2 PG. 33A



EAST 35TH STREET

40' R/W

O/H
UTILITY
LINES

(PHYSICAL SURVEY)

PLAT SHOWING PROPOSED IMPROVEMENTS
AND DIVISION OF PROPERTY LOCATED AT
219 E. 35TH STREET, IN THE CITY OF RICHMOND, VIRGINIA & BEING
ALL OF LOTS 7 & 8, BLOCK 4, MAP OF "SAUNDERS PLAN OF BURFOOT'S"
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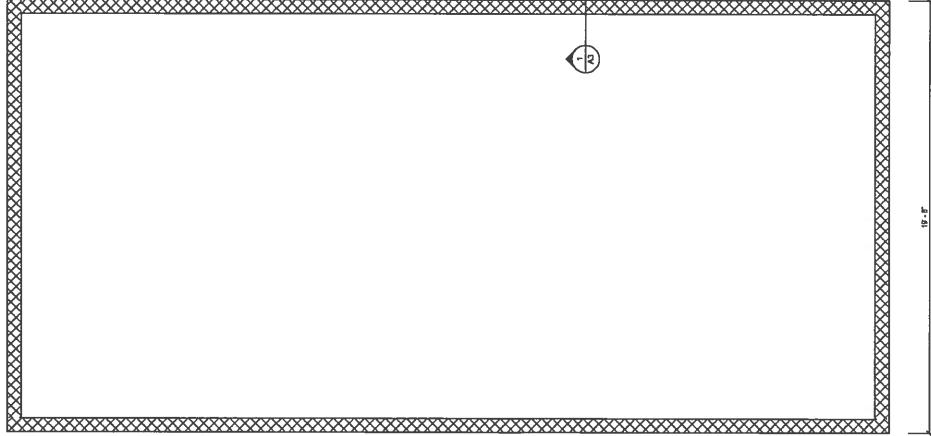
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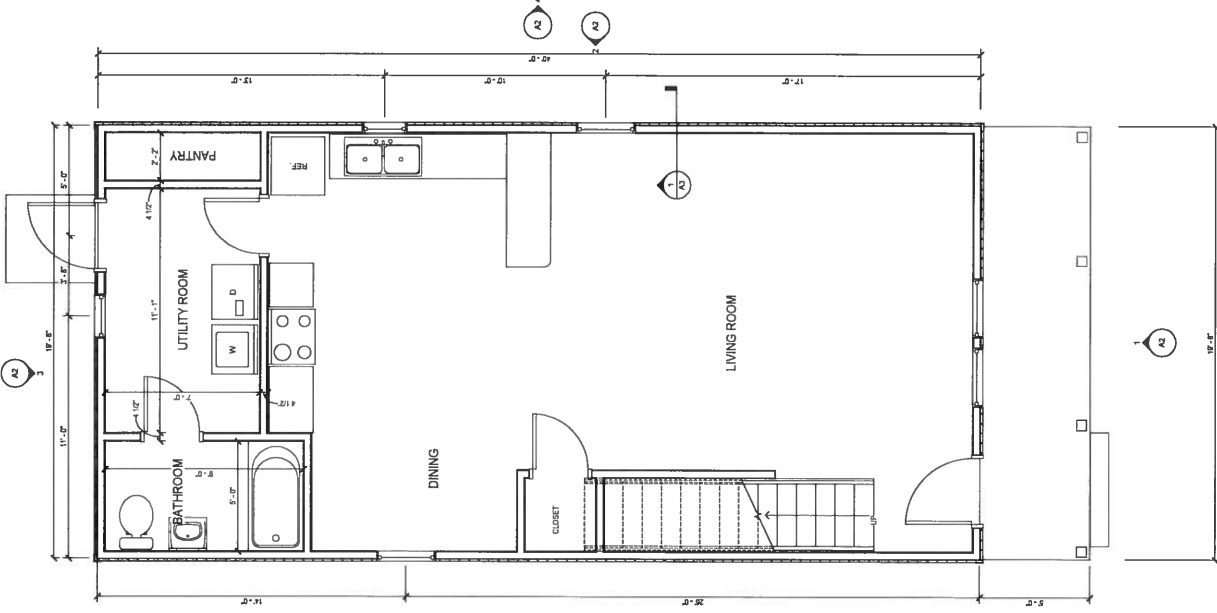
**FREDERICK A. GIBSON
& ASSOCIATES, P.C.**
LAND SURVEYORS
11521-G MIDLOTHIAN TURNPIKE
NORTH CHESTERFIELD, VIRGINIA 23235
PHONE 804 378-4485 FAX 804 378-4487

LEGEND	
○	= IRON ROD FOUND
●	= IRON ROD SET
UNLESS OTHERWISE NOTED.	
PROJECT # 2201-07 LS	

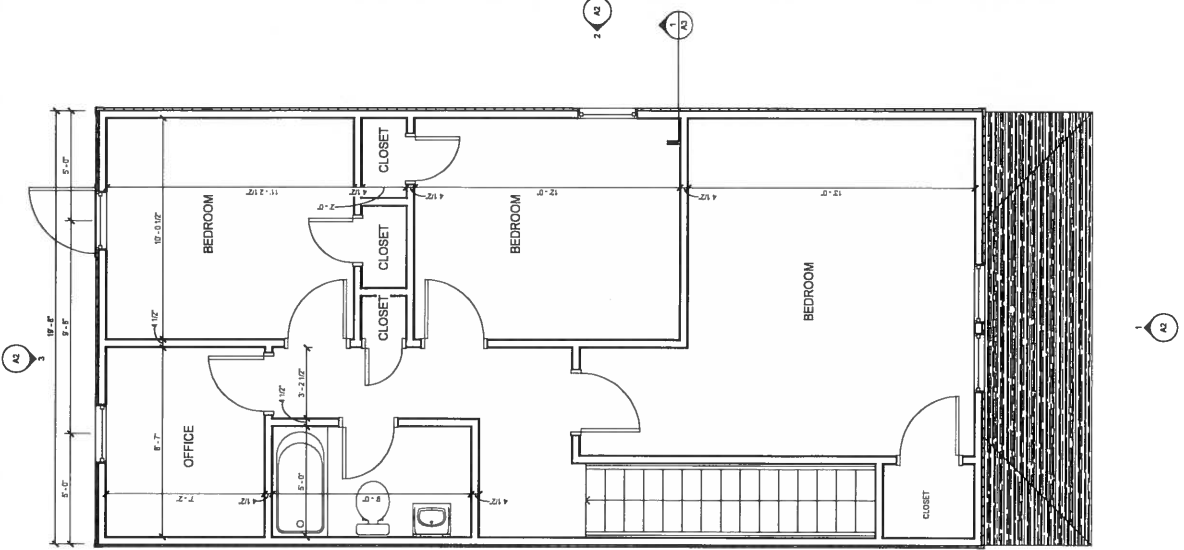
FOUNDATION PLAN
3/8" = 1'-0"



FIRST FLOOR PLAN
3/8" = 1'-0"



SECOND FLOOR
3/8" = 1'-0"



217 EAST 35TH STREET

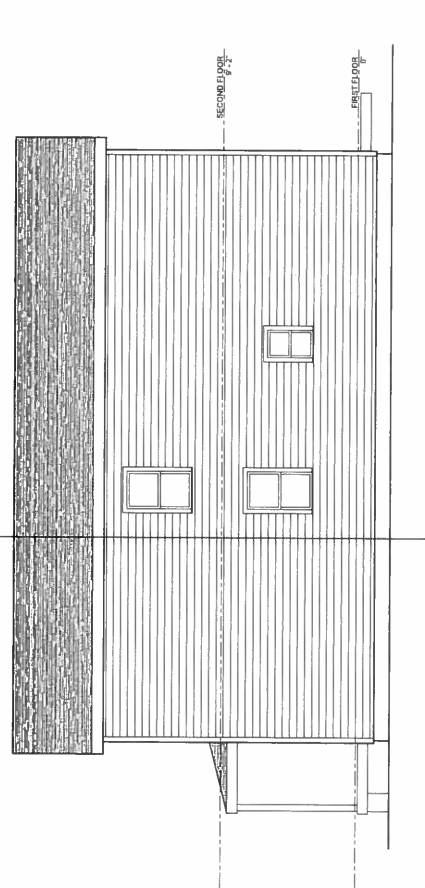
Designer
AARON OGBURN

DATE
APRIL 14, 2022

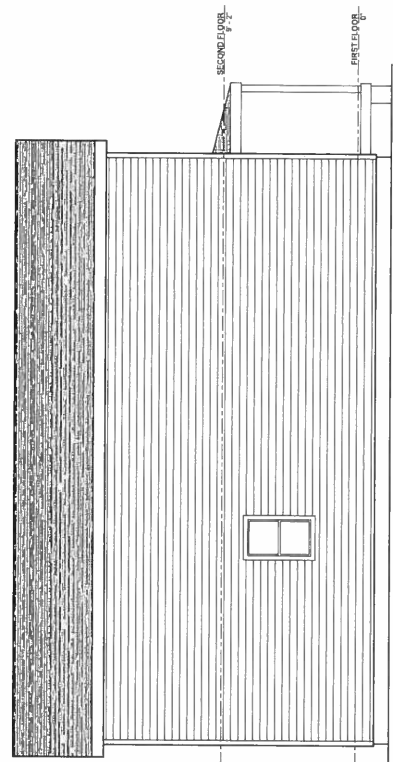
217 EAST 35TH STREET

Designer
AARON OGBURN

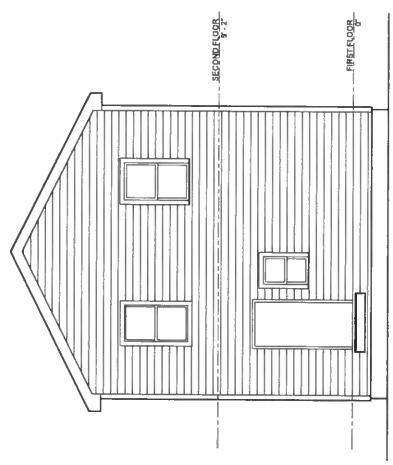
DATE:
MARCH 14, 2022



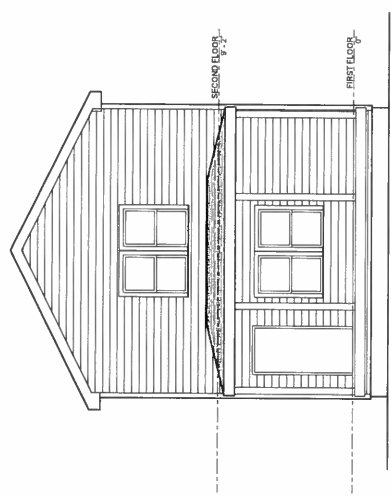
1 FRONT ELEVATION
1/4" = 1'-0"



2 RIGHT ELEVATION
1/4" = 1'-0"

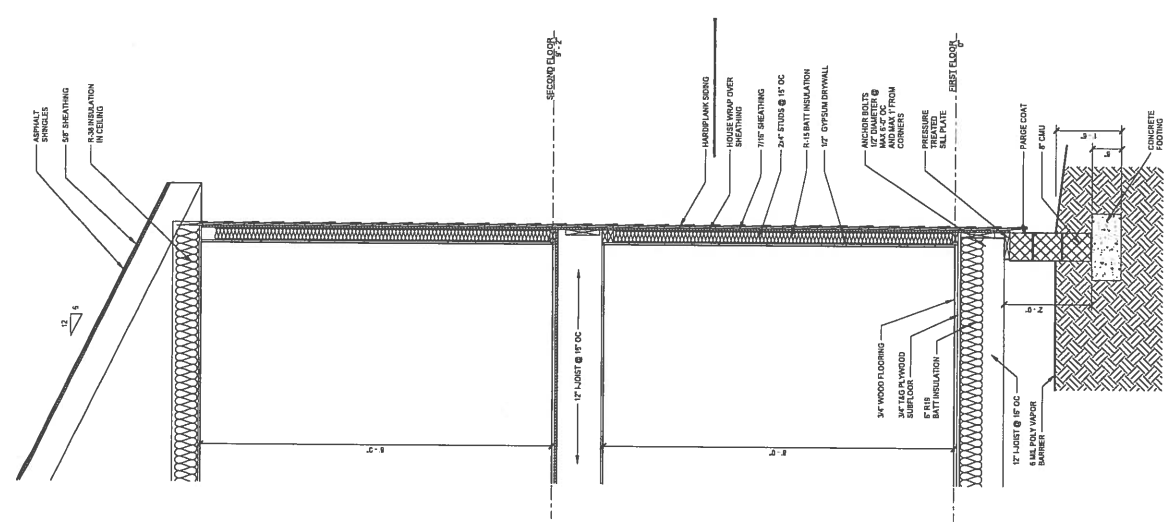


3 LEFT ELEVATION
1/4" = 1'-0"

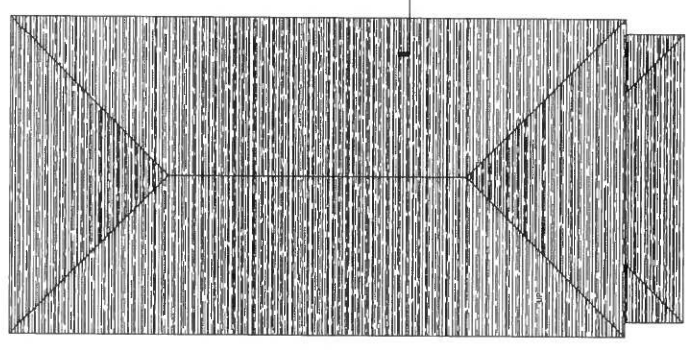


4 REAR ELEVATION
1/4" = 1'-0"

NOTE:
HARDPLANK
SIDING
(TYP)



1 WALL SECTION
3/4\"/>



ROOF PLAN
1/4\"/>