



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JUNE 1, 2022

On Wednesday, June 1, 2022, 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 May 18 and 25, 2022 and written notice having been sent to interested parties.

Members Present: Roger H. York, Jr., Acting Chair
 Rodney M. Poole
 Mary J. Hogue
 Susan Sadid
 Edward H. Winks, Jr.

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner II
 Bonnie Ashley, 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 15-2022 (CONTINUED FROM MAY 4, 2022 MEETING)

APPLICANT: Bower Ventures LLC

PREMISES: 1505 NORTH 19th STREET
(Tax Parcel Number E000-0934/026)

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

DISAPPROVED by the Zoning Administrator on March 18, 2022, 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 7,980 square feet and a lot width of sixty feet (60) currently exists. A lot area of 4,046 square feet and lot width of 30.42' feet is proposed for No. 1505. A lot area of 3,934 square feet and lot width of 29.58 feet is proposed for No. 1507.

APPLICATION was filed with the Board on March 18, 2022, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Mark Baker

Against Applicant: Dorothy Crowell
Dalton Belcher
John Taylor

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Bower Ventures LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 1505 N. 19th Street. Mr. Mark Baker, representing the applicant, testified that this case was heard last month and was continued to permit further discussion with surrounding neighbors. Mr. Baker noted that this request is being made under special exception #2 which involves a lot split. The existing dwelling at 1505 N. 19th Street will remain and a new dwelling will be constructed on the vacant portion of the lot. The split will result in two lots having a width of 30.42 feet and 29.58 feet. Mr. Baker indicated that it will be a high-quality product with compatible bungalow design encompassing approximately 1450 ft.² of floor area. The property was originally two separate 30 foot wide parcels which were subsequently combined by deed. Mr. Baker noted that all the relevant special exception criteria will be met and that this case is exactly what the special exception criteria were designed to address. Mr. Baker noted that they had met with neighbors on-site. Discussions with the neighbors involved the R-5 zoning and the intent of the special exception. Discussions also involved the predominant development pattern in the block. Mr. Baker stated it was

noteworthy that two of the concerned neighbors also resided on 30 foot wide lots. Mr. Baker indicated that the existing encroaching awning would be allowed to remain.

In response to a question from Mr. Poole, Mr. Baker stated that all the conditions of the special exception have been met.

Speaking in opposition, Mr. Dalton Belcher stated that he along with Mr. John Taylor who is a lawyer and Ms. Dorothy Crowell who is the adjoining property owner at 1509 N. 19th Street are opposed to the request. Mr. Taylor stated that he was a neighbor living to the rear and one block down at 1706 N. 20th Street. Mr. Taylor expressed concern that two dwellings have recently been constructed across the street on similarly sized lots. Mr. Taylor stated that the block is becoming overcrowded. Mr. Taylor further stated that the city requirements should be met. Mr. Taylor noted that if you walk up and down the block that more than half the lots have more area than what is being proposed. Only a few of the lots have smaller separations than that being proposed by the applicant.

Mr. Belcher noted that the adjoining property owner Ms. Crowell was in attendance at the May 4 public hearing and remains in opposition to the requested special exception. Mr. Belcher who resides at 1513 N. 19th Street noted that the lot width dimensions were changed in the late 1970s from 30 feet to 50 feet. Mr. Belcher reasoned that the change was made by City Council because of an appreciation that the 30 foot lot width dimension was a disservice to the neighborhood. Mr. Belcher noted that the neighborhood is too crowded. Mr. Belcher indicated that there has always been a high demand for housing and to suggest that housing demand now is any different is not supported by the facts.

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, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property and that dwelling to be constructed on the lot 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 Bower Ventures 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, provision of cementitious siding. Further, the motion approving BZA case 15-2022 included a provision that the owner or any successors in title of 1507 North 19th Street are precluded from removing the encroaching portion of the awning without the consent of the adjoining property owner at 1509 North 19th Street.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally
affirmative: York, Poole, Hogue, Sadid, Winks

negative: None

BZA 18-2022

APPLICANT: Andre Yancey, Lee Anthony, & Shirley Anderson

PREMISES: 900 NORTH 36th STREET
(Tax Parcel Number E000-1110/011)

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

DISAPPROVED by the Zoning Administrator on April 11, 2022, based on Sections 30-300 & 30-410.6 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot coverage requirement is not met. Maximum lot coverage shall not exceed thirty-five percent (35%) of the area of the lot. A lot coverage of 1,312.5 square feet (35%) is permitted; 1,331 square feet (35.49% ±) exists/ 1,559 square feet (41.57% ±) is proposed.

APPLICATION was filed with the Board on April 11, 2022, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Andrew Billups

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Andre Yancey, Lee Anthony, & Shirley Anderson,

have requested a special exception to construct an addition to a single-family detached dwelling for property located at 900 N. 36th Street. Mr. Andrew Billups, representing the applicants, testified that his clients are requesting permission to exceed the lot coverage requirement in the R-5 zoning district which is 35% of the area of the lot. Specifically, the request is to permit a 41.57% lot coverage. Mr. Billups noted that all of the special exception tests have been met. Approval of the request will permit modernization of the dwelling. The proposed addition is the minimum necessary to accommodate the intended purpose of the dwelling. Further, the addition is consistent with the surrounding neighborhood. Mr. Billups noted that the 30 foot lot width is also consistent with other lots in the vicinity. The proposed addition will accommodate a half-bath and laundry room on the first floor and a master suite on the second floor which as stated are necessary to achieve modern-day living needs. Mr. Billups concluded by stating that letters were sent to all property owners within a 150 foot radius and no opposition has been noted.

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 addition is consistent with the zoning district regulations; departure from the lot coverage requirements is the minimum necessary to accommodate the intended purpose of the dwelling; 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 lot coverage requirement be granted to Andre Yancey, Lee Anthony, & Shirley Anderson for a building permit to construct an addition to a 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: York, Poole, Hogue, Sadid, Winks

negative: None

BZA 19-2022

APPLICANT: Robin T. Reifsnider & John L. Reifsnider, Trustees

PREMISES: 609 MAYFAIR AVENUE
(Tax Parcel Number W021-0254/014)

SUBJECT: A building permit to enclose an existing covered open porch (23.96 SF) and an existing screened porch (254.6 SF) to a single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on April 19, 2022, based on Sections 30-300 & 30-408.6 of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the lot coverage requirement is not met. Maximum lot coverage shall not exceed thirty percent (30%) of the area of the lot. A lot coverage 2,953.8 square feet (30%) is permitted; 2,780.2 square feet (28%) exists/ 3,058.8 square feet (31%) is proposed.

APPLICATION was filed with the Board on April 12, 2022, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Matson Roberts

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Robin T. Reifsnider & John L. Reifsnider, Trustees, have requested a special exception to enclose an existing covered porch and an existing screened porch to a single-family detached dwelling for property located at 609 Mayfair Avenue. Mr. Matson Roberts, representing the applicants, testified that the R-4 zoning district permits a maximum lot coverage of 30%. The proposed enclosures amount to approximately 270 ft.² or a lot coverage of 31%. Mr. Roberts stated the goal of the project is to convert an existing screened porch into an enclosed room and to capture an existing covered back entry stoop and convert it into an enlarged master bedroom closet. Mr. Roberts explained that the departure from the lot coverage requirement is the minimum necessary to accommodate the intended purpose of the addition and an addition serving the same purpose and function cannot reasonably be located elsewhere on the lot in compliance with the applicable zoning requirements. Mr. Roberts indicated that the proposed enclosures will be in keeping with the architectural character of the dwelling and other dwellings in the neighborhood. Finally the proposed enclosures are necessary to achieve modern-day dwelling needs. Mr. Roberts stated that letters were sent to all neighbors within a 150 foot radius and no opposition was noted. Mr. Roberts requested approval of an amended elevation

drawing entitled “South Porch Elevations” dated June 1, 2022 based on the request of the adjoining neighbor.

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 addition is consistent with the zoning district regulations; departure from the lot coverage requirements is the minimum necessary to accommodate the intended purpose of the dwelling; 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 lot coverage requirement be granted to Robin T. Reifsnider & John L. Reifsnider, Trustees for a building permit to enclose an existing covered open porch (23.96 SF) and an existing screened porch (254.6 SF) to a single-family (detached) dwelling, subject to substantial compliance with the plans submitted to the Board including a revised elevation plan titled “South Porch Elevations” dated June 1, 2022.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally
affirmative: York, Poole, Hogue, Sadid, Winks
negative: None

BZA 20-2022

APPLICANT: 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.

DISAPPROVED by the Zoning Administrator on April 19, 2022, 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. 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.

APPLICATION was filed with the Board on April 14, 2022, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Aaron Ogburn

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Aaron Ogburn, has requested a special exception to construct a new single-family detached dwelling for property located at 219 E. 35th Street. Mr. Ogburn testified that 219 E. 35th Street lot originally consisted of two lots of record and were deeded as such until the 1970s. Mr. Ogburn stated that the proposed house is two stories and consists of 1500 ft.² and is very similar nature to other dwellings in the immediate vicinity. Mr. Ogburn noted that the property is zoned R-5 single-family residential and requires a lot area of 6000 ft.² and a lot width of 50 feet. The proposed lot areas for the two lots is 3183 ft.² and 3357 ft.² with lot widths of 29.2 feet and 30.8 feet respectively. Mr. Ogburn explained that the lot widths are not exactly the same for the reason that the existing house is being provided with the necessary fire separation setback. Mr. Ogburn indicated that all of the relevant special exception criteria have been met. Further the siding will be cementitious. Mr. Ogburn stated that he had reached out to the property owners within a 150 foot radius and no objection was noted and that there was no objection from the Swansboro West Neighborhood Association.

In response to a question from Mr. York, Mr. Ogburn stated that he was not aware of a house ever existing on the proposed lot.

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, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property and that dwelling to be

constructed on the lot 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 Aaron Ogburn 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: York, Poole, Hogue, Sadid, Winks

negative: None

BZA 21-2022

APPLICANT: Williams General Contractor LLC Carter Williams, D/B/A

PREMISES: 2404 BELLS ROAD
(Tax Parcel Number S009-0065/025)

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

DISAPPROVED by the Zoning Administrator on April 19, 2022, based on Sections 30-300, 30-408.5(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the front yard (setback) requirement is not met. A front yard of twenty-five feet (25') is required; 21.50 feet ± is proposed along the Meridian Avenue frontage.

APPLICATION was filed with the Board on April 18, 2022, 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, Williams General Contractor LLC Carter Williams, D/B/A, has requested a special exception to construct a new single-family detached dwelling for property located at 2404 Bells Road. Mr. Mark Baker, representing the applicant, testified that the property is currently vacant and was acquired as part of a package of 14 lots which is a part of the Villa Heights Subdivision which was platted in 1914. Apparently this portion of the subdivision was never developed. Infrastructure including streets and sidewalks were installed around 2008 but again the lots were not developed. Mr. Baker noted that his client is currently cleaning up the site and moving forward with the construction of 14 new dwellings. Mr. Baker explained that the development is small and self-contained with all lots accessed from a single cul-de-sac. Mr. Baker noted that as the lots were platted in 1914 the issue of a dual front yard requirement at the corner of Bells Road and Meridian Avenue was not contemplated. The request is for relief from the Meridian Avenue front yard requirement. The goal is to permit one single-family dwelling that is compatible with the character of the existing homes in the area. Mr. Baker indicated that the request is consistent with the special exception intent statement. The dwelling will be high-quality with approximately 1320 ft.² of floor area including three bedrooms and two and half baths. The exterior will include a front porch and cementitious siding. The lot is a legal lot of record which is similar in size to other lots in the vicinity. In order to construct a dwelling which is consistent in character with other dwellings in the neighborhood relief is needed from the front yard setback requirement. The front yard setback on Bells Road will be met as well as the side and rear yard setbacks. A front yard setback of 21.5 feet is proposed on Meridian Avenue. A 25 foot setback is required. The requisite off-street parking space will be provided. The proposed dwelling will be compatible with dwellings in the vicinity. Mr. Baker concluded by stating that they had reached out to the Richmond Highway Neighborhood Civic Association and had received no response. Neighborhood outreach was also conducted and no negative response was noted. Finally the request was discussed with Councilperson Travel who was very supportive of the special exception.

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 setback requirement is the minimum necessary to accommodate the intended purpose of the dwelling; 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 Williams General Contractor LLC Carter Williams, D/B/A 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: York, Poole, Hogue, Sadid, Winks

negative: None

BZA 22-2022

APPLICANT: Williams General Contractor LLC Carter Williams, D/B/A

PREMISES: 2406 BELLS ROAD
(Tax Parcel Number S009-0065/006)

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

DISAPPROVED by the Zoning Administrator on April 19, 2022, based on Sections 30-300, 30-408.5(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the front yard (setback) requirement is not met. A front yard of twenty-five feet (25') is required; 21.49 feet ± is proposed along the Meridian Avenue frontage.

APPLICATION was filed with the Board on April 18, 2022, 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, Williams General Contractor LLC Carter Williams, D/B/A, has requested a special exception to construct a new single-family detached dwelling for property located at 2406 Bells Road. Mr. Mark Baker, representing the applicant, testified that the lot is currently vacant and is located at

the intersection of Bells Road and Meridian Avenue. Mr. Baker noted that the lot was a portion of a 1914 subdivision that was never developed and did not contemplate the existence of a two front yard requirement. The request is for a front yard setback waiver from the required 25 feet along Meridian Avenue to 21.49 feet. Mr. Baker stated that the request is consistent with the special exception intent. The dwelling will be a high-quality product of approximately 1600 ft.² of floor area comprising three bedrooms and 2 ½ baths. The exterior will include a front porch, cementitious siding and a rear deck. The lot in question is a legal lot of record similar in size to other lots in the vicinity. Mr. Baker noted that in order to construct a dwelling that is consistent in character with other dwellings in the vicinity relief is needed from the front yard setback requirement. All required setbacks with the exception of the Meridian Avenue front yard setback will be met. Mr. Baker indicated that the single-family use is consistent with the R-4 zoning district regulations and that the requested front yard waiver is the minimum necessary to accommodate the dwelling. Further the off-street parking requirement will be met and the proposed dwelling will be compatible with other dwellings in the vicinity. Mr. Baker concluded by stating that letters were sent out to all property owners within a 150 foot radius and no opposition was noted. The Richmond Highway Neighborhood Civic Association was contacted but no response was received.

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 setback requirement is the minimum necessary to accommodate the intended purpose of the dwelling; 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 Williams General Contractor LLC Carter Williams, D/B/A 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: York, Poole, Hogue, Sadid, Winks

negative: None

BZA 23-2022

APPLICANT: 4415 Augusta LLC

PREMISES: 4415 AUGUSTA AVENUE
(Tax Parcel Number W000-1998/002)

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

DISAPPROVED by the Zoning Administrator on March 22, 2022, 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 9,375 square feet and a lot width of seventy-five feet (75') currently exists. A lot area of 5,156 square feet and lot width of 41.25 feet is proposed for No. 4415. A lot area of 4,219 square feet and lot width of 33.75 feet is proposed for No. 4413.

APPLICATION was filed with the Board on March 18, 2022, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Lory Markham

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, 4415 Augusta LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 4415 Augusta Avenue. Ms. Lory Markham, representing the applicant, testified that the application for a special exception is being made under §30-1040.3 (2) *Lot division to create buildable lots*. Ms. Markham noted that the current R-5 single-family zoning requires a lot area of 6000 ft.² and a lot width of 50 feet. For zoning purposes one lot having a lot area of 9375 ft.² and a lot width of 75 feet currently exists. The proposal is to create 2 lots with lot areas of 5156 ft.² and 4219 ft.² and lot widths of 41.25 feet and 33.75 feet respectively. Ms. Markham noted that insofar as the special exception criteria are concerned the subject lots were legal lots of record which were subsequently combined by deed. The number of lots to be created will not exceed the number of previously existing lots of record. Ms. Markham noted that the lot in question was originally platted as

three separate 25 foot wide lots. The proposed single-family dwelling development is consistent with the R-5 zoning district regulations. The lots will have public street frontage. One off-street parking space will be provided for each lot via a rear alley. All yard requirements have been met or exceeded. The proposed lot split will meet the City subdivision requirements as the property previously consisted of three lots. Ms. Markham indicated that with the proposed division, eight of the lots fronting on the block will be less than the required 50 feet in width and five of the dwellings have lot widths of only 25 feet. Therefore the proposal is consistent with the predominant lot areas and lot widths in the vicinity. Mr. Markham indicated that the block has a variety of architectural styles as the houses were not all developed at the same time for by the same builder. The style of the proposed dwelling will be compatible with the surrounding houses. Ms. Markham noted that the houses in the block are reflective of the era and style that was prevalent at the time they were constructed with varying years of 1929, 1958 and 1986. Ms. Markham indicated that the exterior will be a combination of cementitious siding and metal.

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, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property 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 4415 Augusta 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.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: York, Poole, Hogue, Sadid, Winks

negative: None

BZA 24-2022

APPLICANT: Gregory and Kelli Lyn Olson

PREMISES: 1522 NORTH 35th STREET
(Tax Parcel Number E000-1542/031)

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

DISAPPROVED by the Zoning Administrator on April 19, 2022, 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 12,458 square feet and a lot width of one hundred feet (100') currently exists. A lot area of 8,102 square feet and lot width of 67 feet is proposed for No. 1522. A lot area of 4,356 square feet and lot width of 33 feet is proposed for No. 1520.

APPLICATION was filed with the Board on April 19, 2022, 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 applicants, Gregory and Kelli Lyn Olson, have requested a special exception to construct a new single-family detached dwelling for property located at 1522 N. 35th Street. Mr. Mark Baker, representing the applicant, testified that the subject property is located on the northern side of 35th Street between Briel Street and East Richmond Road. The request is being made under special exception #2 a lot split in order to construct a new dwelling on the vacant western portion of the lot (1520 N. 35th Street) and retain the existing dwelling on the remainder of the lot. Mr. Baker indicated that the request is consistent with the special exception intent regarding creation of infill housing that is compatible with the neighborhood. The proposed dwelling will be a high-quality product with approximately 2700 ft.² including four bedrooms and 2 ½ baths. The exterior will include a full width front porch, cementitious siding and a covered rear porch. Mr. Baker noted that the property was originally three separate lots and a part of a fourth lot which were subsequently combined by deed. These

parcels have been under common ownership since at least 1958. The proposal would result in two parcels of 33 feet in width and 67 feet in width. Mr. Baker explained that although it is not being requested this time that based on the original lots of record that an additional dwelling unit could be requested. Mr. Baker noted that the proposed single-family dwelling use is consistent with the R-5 district regulations. The proposed lot will meet all the requisite special exception requirements including street frontage, subdivision compliance, provision of side yards and a required off-street parking space to be located at the rear of the property. Mr. Baker stated that the proposed lots are consistent with the predominant lot areas and lot widths in the vicinity and that the dwelling will be compatible with other dwellings in the surrounding neighborhood. The proposed two-story design is respectful of the development characteristics in the neighborhood. Mr. Baker concluded by stating that the Unity Civic League had been contacted but no response had been received and letters were sent out to all owners within a 150 foot radius and no negative comments were likewise received.

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, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property 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 Gregory and Kelli Lyn Olson 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: York, Poole, Hogue, Sadid, Winks

negative: None

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

The meeting was adjourned at 2:30 p.m.



Secretary


VICE Chairman