



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, SEPTEMBER 7, 2022

On Wednesday, September 7, 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 August 24 and 31, 2022 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
 Susan Sadid

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 30-2022 (CONTINUED FROM AUGUST 3, 2022 MEETING)

APPLICANT: S & M General Contractor Inc.

PREMISES: 3402 P STREET
(Tax Parcel Number E000-0964/025)

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

DISAPPROVED by the Zoning Administrator on June 16, 2022, based on Sections 30-300, 30-410.5(1), 30-410.6, 30-630.2(a)(1) & 30-710.1(a)(1) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the front yard (setback), lot coverage, and off-street parking requirements are not met. A front yard of 19.74' is required; a front yard of 6.00' is proposed. A maximum lot coverage of thirty-five percent (35%) is permitted; 49.01% ± is proposed. One (1) off-street parking space is required; none are proposed.

APPLICATION was filed with the Board on June 16, 2022, based on Section 1040.3(1) & (11) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Michelle Bebbs
Mohamed Mohamed

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, S & M General Contractor Inc, has requested a special exception to construct a new single-family detached dwelling for property located at 3402 P Street. Ms. Michelle Bebbs, representing the applicant, testified that at the time of purchase of the property by the owner the structure was in a serious state of disrepair. The structure has been removed and the special exception request is to construct a new dwelling while maintaining required side yards. The three special exception waivers that are being requested include the front yard setback, the lot coverage requirement and the parking requirement. Ms. Bebbs noted that the former structure was built right on the front property line while the new structure is proposed to have a 6 foot setback. The proposed dwelling will have four bedrooms. Ms. Bebbs stated that they had worked with Mr. Mark Olinger in the development of the dwelling plans and Mr. Olinger had supplied the Board with a detailed statement outlining compliance with the special exception criteria. Ms. Bebbs explained the changes have been made to the roofline of the structure, the siding and the windows.

Speaking in support, Mr. Mohamed Mohamed testified that he purchased the property from the City of Richmond for \$148,000. The former structure had three bedrooms and one bath and required demolition due to its condition. Mr.

Mohamed explained that the total investment will exceed \$400,000. Mr. Mohamed further explained that the lot is small and that the requested special exception waivers are necessary to allow for construction of a new dwelling.

Ms. Bebbbs stated that she researched the on-street parking situation on P Street and had sent the Board pictures demonstrating its availability in accordance with the special exception criteria.

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; 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.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (11) of the zoning ordinance, the applicant has demonstrated that the exception will not result in an inadequate supply of parking or other adverse impact on the neighborhood; adequate parking to serve the needs of the use is provided on-site and within convenient proximity and the number, location and arrangement of parking spaces intended to serve the use is sufficient to provide for its parking needs based on the nature of the use and the characteristics of its operation.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the front yard (setback), lot coverage, and off-street parking requirements be granted to S & M General Contractor Inc. 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, Sadid

negative: None

BZA 32-2022

APPLICANT: Roberto C. Chavez

PREMISES: 2515 COURTLAND STREET
(Tax Parcel Number S009-0144/031)

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

DISAPPROVED by the Zoning Administrator on May 13, 2022, based on Sections 30-300 & 30-408.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot width requirement is not met. A lot width of sixty feet (60') is required. For zoning purposes, one (1) lot having a lot width of one hundred feet (100') currently exists. Lot widths of fifty feet (50') are proposed for No. 2515 & No. 2517.

APPLICATION was filed with the Board on May 16, 2022, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: German Chavez

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Roberto Chavez, has requested a special exception to construct a new single-family detached dwelling for property located at 2515 Courtland Street. Mr. Chavez testified that the lot width requirement for the R-4 zoning district is 60 feet and he is requesting lot widths of 50 feet for 2515 & 2517 Courtland Street. The new dwelling is proposed to be constructed on 2515 Courtland Street. Mr. Chavez explained that the proposed dwelling will be two stories in height and contain three bedrooms. Mr. Chavez further explained that the proposed lot widths are consistent with other lot widths in the neighborhood and the proposed dwelling is compatible with other dwellings in the immediate vicinity. Mr. Chavez inquired if it would be possible to either use vinyl siding for the entirety of the structure or alternatively use it for three sides only. Mr. Chavez explained that the difference in cost between cementitious siding and vinyl siding is approximately \$7000.

The Chairman, Mr. Pinnock, explained that historically vinyl siding has not been accepted by the Board due to maintenance and durability issues. Mr. Pinnock inquired as to what percent of the cost of construction did the \$7000 represent. It was determined that it represented less than 5% of the total cost of construction.

Mr. Poole explained that the policy of the Board as part of this type of special exception approval is to require cementitious siding or like material. Vinyl siding is not considered by the Board as an acceptable alternative for the reasons stated by Mr. Pinnock. Mr. Poole noted that the Board has the discretion to approve or not approve a special exception.

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 width requirement be granted to Roberto C. Chavez 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, Sadid

negative: None

BZA 33-2022

APPLICANT: Temple Beth El

PREMISES: 3330 GROVE AVENUE
(Tax Parcel Number W000-1514/039)

SUBJECT: A building permit to construct an addition to an existing place of worship (synagogue).

DISAPPROVED by the Zoning Administrator on July 11, 2022, 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 11,773 square feet (55%) is permitted; 11,979 square feet (55.9%) exists and 12,596.61 square feet (58.8%) is proposed.

APPLICATION was filed with the Board on July 11, 2022, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: James Byerly
 Benita Felmus
 Rita Ruby

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Temple Beth El, has requested a variance to construct an addition to an existing synagogue for property located at 3330 Grove Avenue. Mr. James Byerly, architect for the applicant, testified that the property owners are requesting a variance in order to permit the addition of an accessible entrance on Grove Avenue and the rear alley off Roseneath Road where the Temple parking lot is located. The proposed addition will also provide for limiting access into the Temple for a higher level of security and access. Mr. Byerly noted that the Temple owns three properties that are only separated by public alleys. Mr. Byerly further noted if the three properties could be included in the calculations the existing buildings and proposed addition would only cover 48% of the property which would be in compliance with the R-6 Single-Family Attached Residential District regulations. Mr. Byerly indicated that the Museum District Association had no opposition to the requested variance and that no opposition was noted from any of the property owners located within a 150 foot radius of the Temple.

Speaking in support, Ms. Benita Felmus, Chairman of the Temple Beth EL Synagogue Renovation Committee, testified that they needed to close in the breezeway for security purposes. Ms. Felmus noted that there has been a problem with homeless occupancy of this area which is not secure from the front or rear.

Speaking in support, Ms. Rita Ruby testified that she and her husband are currently residents of the City of Richmond. Ms. Ruby has been a member of the Synagogue for more than 40 years and her husband has been a member for 66

years and that there is a long family history of membership. Ms. Ruby indicated that both she and her husband are past presidents of the Synagogue and are serving on the Board of Governors. Ms. Ruby explained that the requested security and accessibility improvements are critical to the operation of the Synagogue. Ms. Ruby concluded by stating that more than half of their members are over the age of 65 which adds greater importance to the issues of accessibility and security.

The Board finds that evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

Finally, the Board finds by a preponderance of the evidence that the application meets the standard for the variance as defined in §15.2-2201 of the Code of Virginia and the criteria set out in this section.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the lot coverage requirement be granted to Temple Beth El for a building permit to construct an addition to an existing place of worship (synagogue), 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, Hogue, Sadid

negative: None

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

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



Secretary


Chairman