



CITY OF RICHMOND

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

## BOARD OF ZONING APPEALS

### MEETING MINUTES

**WEDNESDAY, NOVEMBER 2, 2022**

On Wednesday, November 2, 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 October 19 and 26, 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

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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.

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BZA 35-2022

APPLICANT:           Philip and Christine Noonan

PREMISES: 4719 WEST FRANKLIN STREET  
(Tax Parcel Number W019-0185/040)

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

DISAPPROVED by the Zoning Administrator on September 19, 2022, based on Sections 30-300 & 30-630.1(a) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the street side yard (setback) requirement is not met. A street side yard of ten feet (10') is required; 5.6 feet ± is proposed along Chantilly Street.

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

APPEARANCES:

For Applicant: Jennifer Mullen

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this that the applicants, Philip and Christine Noonan, have requested a special exception to construct a garage addition to a single-family detached dwelling for property located at 4719 W. Franklin Street. Ms. Jennifer Mullen, attorney for the applicants, testified that the request is to reduce the street side yard setback requirement for the accessory use in the R-5 single-family zoning district. The property is located at the intersection of West Franklin Street and Chantilly Street. Ms. Mullen noted that the setback requirement is 10 feet and that her clients are requesting a setback of 5.6 feet which is consistent with the pattern of development in the neighborhood. Ms. Mullen explained that in accordance with §30-1040.3 of the zoning ordinance, the addition is a permitted use; the setback of 5.6 feet is the minimum necessary to accomplish reasonable use of the property and maintaining appropriate yard open space. The proposed garage is in keeping with the architectural character of the existing dwelling and the development pattern in the neighborhood. Ms. Mullen indicated that the siding will be cementitious which is also consistent with the existing dwelling and that found in the neighborhood. Further, the requested special exception is consistent with the intent statement. In conclusion Ms. Mullen stated that the requested special exception has the support of the surrounding neighbors

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 street side yard (setback) requirement be granted to Philip and Christine Noonan for a building permit to construct a garage addition to an existing 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, Hogue, Sadid

negative: None

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BZA 36-2022

(CONTINUED TO DECEMBER 7, 2022 MEETING WITHOUT FEE)

APPLICANT: CCR3 Holdings LLC

PREMISES: 413 NORTH ARTHUR ASHE BOULEVARD  
(Tax Parcel Number W000-1206/038)

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

DISAPPROVED by the Zoning Administrator on September 9, 2022, based on Sections 30-300 & 30-416.8 of the zoning ordinance for the reason that: In an R-48 (Multi-Family Residential) District, the building height requirement is not met. In the R-48 zoning district no building shall exceed thirty-five (35) feet in height. A building height of 43.44' ± is proposed.

APPLICATION was filed with the Board on September 15, 2022, based on Section 1040.3(17) of the City of Richmond Zoning Ordinance.

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BZA 37-2022  
(CONTINUED TO DECEMBER 7, 2022 MEETING WITHOUT FEE)

APPLICANT: CCR3 Holdings LLC

PREMISES: 415 NORTH ARTHUR ASHE BOULEVARD  
(Tax Parcel Number W000-1206/020)

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

DISAPPROVED by the Zoning Administrator on September 9, 2022, based on Sections 30-300, 30-416.8 & 30.800.2(b) of the zoning ordinance for the reason that: In an R-48 (Multi-Family Residential) District, the building height and nonconforming use requirements are not met. No building shall exceed thirty-five (35) feet in height in the zoning district; 43.44' ± is proposed. The lot area of a lot on which a nonconforming use is located shall not be reduced unless authorized by the Board of Zoning Appeals. The lot formerly known at 415 North Arthur Ashe Blvd contains a nonconforming parking area use and was divided to create a new lot (413 North Arthur Ashe Blvd).

APPLICATION was filed with the Board on September 15, 2022, based on Sections 1040.3(15 & 17) of the City of Richmond Zoning Ordinance.

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

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The meeting was adjourned at 1:10 p.m.

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Secretary

  
Chairman