



BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, MARCH 1, 2023

On Wednesday, March 1, 2023, 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 February 15 and 22, 2023 and written notice having been sent to interested parties.

Members Present: Rodney M. Poole, Chair
 Roger H. York, Jr., Vice-Chair
 Susan Sadid
 Bryce L. Robertson
 Michael A. Way, Jr.

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner II
 Andrew A. Gore, 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 02-2023 (CONTINUED FROM FEBRUARY 1, 2023 MEETING)

APPLICANT: Siwel Renovations, LLC

PREMISES: 6418 STUART AVENUE
(Tax Parcel Number W021-0156/020)

SUBJECT: A building permit to rebuild on the existing foundation and enlarge footprint for a new single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on November 25, 2022, based on Sections 30-300, 30-408.5(2) & 30-630.1(a) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the side yard (setback) and street side yard (setback) requirements are not met. A side yard of six feet (6') is required; four feet (4') is proposed along the eastern property line. A street side yard of ten feet (10') is required along Chantecler Avenue; 5.4 feet is proposed.

APPLICATION was filed with the Board on November 25, 2022, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Lewis Little

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Siwel Renovations, LLC, has requested a special exception to rebuild on the existing foundation and enlarge the footprint for a new single-family detached dwelling for 6418 Stuart Avenue. Mr. Lewis Little, representing the applicant, testified that he proposes to construct a new dwelling on an existing foundation which has had its walls removed. The new dwelling will include a second story. There will also be an addition on the rear of the dwelling. Mr. Little noted that there will be no further encroachment into the required setbacks based on the proposed construction of the dwelling. Mr. Little stated that the required setback is 10 feet along Chandelier Avenue and that 5.4 feet is proposed based on the existing foundation. Mr. Little indicated that due to the fact that the lot is shaped like a parallelogram the dimension of the lot narrows toward the rear which necessitates a small setback waiver for the addition. Mr. Little indicated that he contacted the neighbors within 150 feet of his property and is aware of no objections to the requested special exception. In addition, the project had had not been opposed by the Westhampton Civic Association.

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 and addition is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the dwelling and addition; the dwelling and addition or

similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the dwelling and addition 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 side yard (setback) and street side yard (setback) requirements be granted to Siwel Renovations, LLC for a building permit to rebuild on the existing foundation and enlarge footprint for 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: Poole, York, Sadid, Robertson, Way

negative: None

BZA 04-2023

APPLICANT: Greg DiCrosta and Noelle Giles

PREMISES: 4401 SOUTH WILLET TA DRIVE
(Tax Parcel Number W019-0309/006)

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

DISAPPROVED by the Zoning Administrator on January 6, 2023, 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 along Woodlawn Avenue; seven feet (7') is proposed.

APPLICATION was filed with the Board on January 6, 2023, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Greg DiCrosta

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Greg DiCrosta and Noelle Giles, have requested a special exception to construct an addition to a single-family detached dwelling for property located at 4401 S. Willetta Drive. Mr. Greg DiCrosta testified that when he and his wife purchased the house it was in a deteriorated condition and they had made significant improvements to the dwelling and property which pleased their surrounding neighbors. The lot fronts on South Willetta Drive and Woodlawn Avenue and as such is a corner lot. The request is to extend an existing covered patio approximately 1.5 feet and enclose the patio which will result in a side yard of 7 feet rather than the 10 feet that is required. Additionally, an open patio extending from the enclosed patio is also proposed. Mr. DiCrosta explained that the additional square footage is needed to improve the livability of the dwelling. The additional square footage is necessary to modernize the dwelling thereby making it more likely that they will be able to live in their home for an extended period of time. Mr. DiCrosta stated that they had spoken with their neighbors and there was no objection to the requested special exception. In addition they had contacted the Westhampton Civic Association and were informed that there was no objection to their request.

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 yard requirements is the minimum necessary to accommodate the intended purpose of the addition; 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 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 Greg DiCrosta and Noelle Giles 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.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, York, Sadid, Robertson, Way

negative: None

BZA 05-2023

APPLICANT: Dennis J Rudzinski, Jr. & Angela Foster

PREMISES: 307 NORTH ROWLAND STREET
(Tax Parcel Number W000-0906/033)

SUBJECT: A building permit to construct a one story rear addition to a single-family (attached) dwelling.

DISAPPROVED by the Zoning Administrator on January 17, 2023, based on Sections 30-300, 30-412.5(2)b & 30-412.6 of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the side yard (setback) and lot coverage requirements are not met. Side yards of three feet (3') are required except where buildings are attached; none are proposed. Maximum lot coverage shall not exceed fifty-five percent (55%) of the area of the lot. A lot coverage of 1,533.5 square feet (55%) is permitted; 1,495.0 square feet (54%) exists/ 1,833.47 square feet (66%) is proposed.

APPLICATION was filed with the Board on January 11, 2023, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Brian Maslyk
Dennis J Rudzinski
Angela Foster
Ken Felts

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Dennis J Rudzinski, Jr. & Angela Foster, have requested a special exception to construct a one-story rear addition to a single-family attached dwelling for property located at 307 N. Rowland Street. Ken Felts, representing the applicant, testified that his clients have owned their home since the summer of 2017. Mr. Felts stated that the reason for the proposed dwelling expansion is to enable his clients to remain in the city. Mr. Felts explained that his clients had canvassed the neighborhood within a 150 foot radius and there was no opposition to the proposed special exception. Mr. Brian Maslyk, architect for the applicants, testified that the dwelling was constructed in

1904 and the floor plan is currently outdated for a modern living style. Mr. Maslyk explained that the proposed expansion is consistent with the current neighborhood development pattern. Mr. Maslyk noted that most of the surrounding homes have been expanded one time or another. Mr. Maslyk explained that the lot contains 2788 ft.² and the R-6 zoning allows for a lot coverage of 55%. The existing house covers 1070 ft.² and the garage covers an additional 425 ft.² which equates with 54% lot coverage. The proposed addition is 340 ft.² which given the small size of the lot increases the lot coverage to 66%. Mr. Maslyk noted that after construction there will still remain 710 ft.² of open space. Mr. Maslyk indicated that the rear of the home had been reconfigured to include a modernized kitchen, laundry room and living space to the rear.

In response to a question from Mr. York, Mr. Maslyk stated that the proposed structure will not include a party wall.

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 yard requirements is the minimum necessary to accommodate the intended purpose of the addition; 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 side yard (setback) and lot coverage requirements be granted to Dennis J Rudzinski, Jr. & Angela Foster for a building permit to construct a one story rear addition to a single-family (attached) 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: Poole, York, Sadid, Robertson, Way

negative: None

Upon motion made by Mr. Robertson and seconded by Mr. York, Members voted (3-0) to adopt the Board's February meeting minutes.

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

Roy W. Benton
Secretary

Roger N. York
VICE Chairman