



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

**BOARD OF
ZONING APPEALS**

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, MAY 3, 2023

On Wednesday, May 3, 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 April 19 and 26, 2023 and written notice having been sent to interested parties.

Members Present: Rodney M. Poole, Chair
 Roger H. York, Jr., Vice-Chair
 Mary J. Hogue
 Susan Sadid
 Bryce L. Robertson

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 09-2023

APPLICANT: Tom Gay

PREMISES: 24 LIBBIE AVENUE
(Tax Parcel Number W021-0407/014)

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

DISAPPROVED by the Zoning Administrator on November 5, 2021, 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. Lot coverage shall not exceed thirty percent (30%) of the area of the lot. A lot coverage of twenty-eight and four tenths percent (28.4%) exists; thirty-two and six tenths percent (32.6%) is proposed.

APPLICATION was filed with the Board on November 16, 2022, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Tom Gay

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Tom Gay, has requested a special exception to construct an addition to a single-family detached dwelling for property located at 24 Libbie Avenue. Mr. Gay testified that he is requesting a special exception to construct an addition to his house in the block between Grove Avenue and Cary Street. The addition will be for a Florida room/living room and will contain approximately 320 ft.². Mr. Gay noted that the R-4 zoning district permits a maximum lot coverage of 30% and currently he has 28.4% of lot coverage and is requesting 32.6%. This represents an increase over the allowable lot coverage of approximately 2.5%. Mr. Gay stated that his house along with the houses on either side of him are one story ranch dwellings that were constructed in the 1960s. Mr. Gay indicated that his lot is one of the smallest lots in the neighborhood. Mr. Gay stated that he purchased his property in January 2020. Mr. Gay explained that his home is small and lacks suitable living area which is the basis for the special exception request. Mr. Gay stated that he sent out a total of 16 letters to the surrounding neighbors and received letters and emails of support which did not include any objection to his request. Mr. Gay indicated that he had received a letter of no opposition from the Land Use Subcommittee of the Westhampton Civic Association. Mr. Gay concluded by stating that the purpose of the proposed addition is consistent with the intent statement of the special exception and the departure from the required lot coverage is the minimum

necessary while being in keeping with the architectural character and development pattern in the neighborhood.

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 to 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 Tom Gay 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: Poole, York, Hogue, Sadid, Robertson

negative: None

BZA 10-2023 (CONTINUED TO JUNE 7, 2023 MEETING WITHOUT FEE)

APPLICANT: Canvas Development LLC

PREMISES: 3323 ROSEWOOD AVENUE
(Tax Parcel Number W000-1505/005)

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

DISAPPROVED by the Zoning Administrator on March 9, 2023, 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) is required and a lot width of fifty feet (50') is required. Two (2) lots with lot areas of two thousand eight

hundred square feet (2,800 SF) and lot widths of twenty-five feet (25') are proposed.

APPLICATION was filed with the Board on March 9, 2023, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

BZA 11-2023 (WITHDRAWN)

APPLICANT: Burger King Company LLC

PREMISES: 4800 WEST BROAD STREET
(Tax Parcel Number N000-2003/018)

SUBJECT: A Certificate of Occupancy for a restaurant with a drive-up facility.

DISAPPROVED by the Zoning Administrator on October 26, 2022, based on Sections 30-300, 30-457.2 & 30.800.4 of the zoning ordinance for the reason that: In a TOD-1 (Transit-Oriented Nodal) District, the proposed use (drive-up facility) is not permitted as the previous nonconforming use rights have expired. The previous restaurant with drive-up facilities was established prior to the current TOD-1 zoning designation and became nonconforming when the property was re-zoned from B-3 (General Business) to TOD-1 in 2022. Drive-up facilities are not permitted in the TOD-1 zoning district and records indicate the restaurant with drive-up facilities has been discontinued for a period of more than two years.

APPLICATION was filed with the Board on March 16, 2023, based on Section 30-1040.3(14) of the City of Richmond Zoning Ordinance.

BZA 12-2023

APPLICANT: Wesley and Sabrina Dewalt

PREMISES: 3318 N STREET
(Tax Parcel Number E000-0880/008)

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

DISAPPROVED by the Zoning Administrator on March 20, 2023, based on Sections 30-300, 30-410.5(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In

an R-5 (Single-Family Residential) District, the front yard (setback) requirement is not met. A nonconforming front yard of 19.21 feet, as established by 810 Chimborazo Boulevard, is required; 7.45 feet is proposed.

APPLICATION was filed with the Board on March 17, 2023, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Joe Yates
 Wesley Dewalt
 Katherine Tolliver

Against Applicant: Janine Gillis
 Randall Walter

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Wesley and Sabrina Dewalt, have requested a special exception to construct a new single-family detached dwelling for property located at 3318 N Street. Mr. Joe Yates, representing the applicants, testified that the special exception request is to permit a waiver to the front yard setback requirement. Mr. Yates noted that the setback requirement along Chimborazo Boulevard is established by the adjoining house at 810 Chimborazo Boulevard which is setback 19.21 feet. Mr. Yates further noted that his clients are requesting a setback along Chimborazo Boulevard of 7.45 feet. Mr. Yates stated that the lot in question is located at the corner of Chimborazo Boulevard and N Street and as such is required to provide two front yards. Mr. Yates indicated that if required to comply with the current set back requirement that it would only leave approximately 10 to 12 feet of buildable lot width which in Mr. Yates opinion is impractical and not in keeping with the surrounding neighborhood. The lot in question is a legal lot of record. The subject dwelling is proposed to have 1800 ft.². Mr. Yates stated that the house was designed to reflect a front elevation from both of the adjoining streets. Mr. Yates noted that the adjoining house and house to the rear are both two stories and that there are one story houses located across the street and that the proposed dwelling will be one and one half stories which is consistent with dwellings in the neighborhood. Mr. Yates explained that they had just received a letter of support from the Church Hill Civic Association which reads in part that departure from the applicable yard and lot coverage requirements create a better site plan that will be required by the prevailing setbacks. In addition, the Association congratulates the applicant on the proposed elevation drawings. Mr. Yates explained that parking will not be provided due to site constraints which have been acknowledged by the zoning office. Mr. Yates further explained that there is no indication that a house ever existed on the

subject lot. Letters explaining the proposed special exception were delivered to the surrounding property owners.

Speaking in opposition, Ms. Janine Gillis testified that she resides at 716 Chimborazo Boulevard. Ms. Gillis expressed the opinion that placement of the dwelling as proposed could potentially interfere with the existing bus line that operates along Chimborazo Boulevard. Ms. Gillis also expressed concern that it was her understanding that the property would be utilized for short-term rentals/Air B&B. Ms. Gillis stated that the area is zoned for residential families. The Board Secretary, Mr. Benbow, inquired if a 10 foot wide house would be compatible with other dwellings in the vicinity. Ms. Gillis replied that it would not.

Speaking in opposition, Mr. Randall Walter testified that he was the owner of 3310-3316 N Street which are adjacent to the subject property. Mr. Walter expressed concern over the lack of parking. Mr. Walter also expressed concern that the dwelling was located too close to the sidewalk on Chimborazo Boulevard next to the bus stop. Mr. Walter did note that the rear alley is only 10 feet wide and is inoperable. Mr. Walter read from a letter he received from the applicant stating that the owners plan is to sell their home in Midlothian and to eventually make 3318 N Street their permanent residence. In the interim the dwelling will be utilized for long-term corporate housing. Mr. Walter expressed concern that given the two front façades that the dwelling could be easily turned into a duplex.

Speaking in support, Ms. Katherine Tolliver, testified that she resides at 810 Chimborazo Boulevard which is directly adjacent to the applicant's property. Ms. Tolliver stated that the applicant's proposal would be an improvement to Chimborazo Boulevard and the neighborhood.

Speaking in support, Mr. Wesley Dewalt, testified that he currently resides in Midlothian and the intent is to ultimately relocate to 3318 N Street which will be their forever home. Mr. Dewalt stated that in the interim before they move the intent is to rent the house for corporate occupancy. There will be no short-term rentals.

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.

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 Wesley and Sabrina Dewalt for a building permit to construct 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

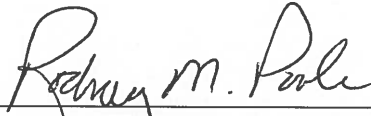
affirmative: Poole, York, Hogue, Sadid, Robertson

negative: None

Upon motion made by Ms. Sadid and seconded by Ms. Hogue, Members voted (3-0) to adopt the Board's April meeting minutes.

The meeting was adjourned at 2:05 p.m.


Secretary


Chairman