



**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, SEPTEMBER 6, 2023**

On Wednesday, September 6, 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 August 23 and 30, 2023 and written notice having been sent to interested parties.

Members Present: Roger H. York, Jr., Acting Chair  
Mary J. Hogue  
Susan Sadid  
Bryce L. Robertson  
Edward H. Winks, Jr.

Staff Present: Roy W. Benbow, Secretary  
William C. Davidson, Zoning Administrator  
Brian P. Mercer, Planner  
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 28-2023 (CONTINUED TO OCTOBER 4, 2023 MEETING OF THE BOARD  
WITHOUT FEE)

APPLICANT: Canvas Development LLC

PREMISES: 624 JUDAH STREET  
(Tax Parcel Number N000-0210/024)

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

DISAPPROVED by the Zoning Administrator on July 10, 2023, based on Sections 30-300, 30-418.5, 30-418.6:1 & 30-630.2 of the zoning ordinance for the reason that: In an R-53 (Multi-Family Residential) District, the front, side, and rear yard and lot coverage requirements are not met. A front yard of 10.09 feet is required; a front yard of 5.66 feet is proposed. A rear yard of five feet (5') is required; a rear yard of 1.5 feet is proposed. Side yards of three feet (3') are required; a side yard of one foot (1') is proposed. Lot coverage shall not exceed fifty-five percent (55%) of the area of the lot; a lot coverage of sixty-one percent (61%) is proposed.

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

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BZA 29-2023

APPLICANT: Jackmo LLC

PREMISES: 217 EAST 15<sup>th</sup> STREET  
(Tax Parcel Number S000-0191/007)

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

DISAPPROVED by the Zoning Administrator on July 11, 2023, based on Sections 30-300 & 30-413.5(1) of the zoning ordinance for the reason that: In an R-7 (Single- and Two-Family Urban Residential) District, the lot area and lot width requirements are not met. Lot areas of three thousand six hundred square feet (3,600 SF) and lot widths of thirty feet (30') are required. For zoning purposes, one (1) lot having a lot area of 5,294 square feet and a lot width of 51.9 feet currently exists. A lot area of 3,142 square feet and lot width of 30.8 feet are proposed for No. 215 and lot area of 2,152 square feet and lot width of 21.1 are proposed for No. 217.

APPLICATION was filed with the Board on July 11, 2023, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

## APPEARANCES:

For Applicant:           Alessandro Ragazzi  
                                  Mark Baker

Against Applicant:   None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case the applicant, Jackmo LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 217 E. 15<sup>th</sup> Street. Mr. Alessandro Ragazzi, representing the applicant, testified that the request is being made under special exception #2 lot division to create buildable lots. Mr. Ragazzi testified that the property is located on the South line of East 15<sup>th</sup> Street between Stockton Street and Everett Street across from the Blackwell Elementary school. The property measures 51.9 feet in width and 102 feet in depth and has a lot area of 5293 ft.<sup>2</sup>. Mr. Ragazzi noted that the property previously consisted of three lots of approximately 17 feet in width. The request is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood. Mr. Ragazzi noted that the existing dwelling at 217 E. 15<sup>th</sup> Street is to be retained. The new dwelling will contain approximately 1720 ft.<sup>2</sup> of floor area, include three bedrooms and 2 ½ baths with a modern open floor plan. The exterior of the dwelling will be consistent with the existing neighborhood character which include full width porches and two-story structures. In addition the siding will be cementitious. The proposed lot has a lot area of 3142 ft.<sup>2</sup> and a lot width of 30.8 feet. Mr. Ragazzi noted that the proposed lots are consistent with the predominant lot widths and lot areas in the block. Mr. Ragazzi indicated that there are a wide range of architectural styles evidenced in the block which include a range of building materials and roof forms. Mr. Ragazzi stated that they had reached out to the Blackwell Historic Community Civic Association and the Historic Blackwell Neighborhood Association and had received no response. In addition letters were sent to all property owners within 150 foot radius and no opposition had been noted.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (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 30-610.1 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 Jackmo 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 and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

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

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BZA 30-2023

APPLICANT: Bertha LLC  
PREMISES: 2916 GARLAND AVENUE  
(Tax Parcel Number N000-0889/011)  
SUBJECT: A lot split and building permits to construct two new single-family (detached) dwellings.

DISAPPROVED by the Zoning Administrator on July 12, 2023, based on Sections 30-300 & 30-412.4(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the lot area and lot width requirements are not met. Lot areas of five thousand square feet (5,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of 8,100 square feet and a lot width of sixty-feet (60') currently exists. Lot areas of 4,050 square feet and lot widths of thirty feet (30') are proposed.

APPLICATION was filed with the Board on July 12, 2023, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:  
For Applicant: Will Gillette  
Mark Baker

Against Applicant: Christina Davis  
Sabrina Thompson

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, Bertha LLC, has requested a special exception for the purpose of permitting a lot split and building permits to construct two new single-family detached dwellings for property located at 2916 Garland Avenue. Mr. Will Gillette, representing the applicant, testified that the property is located on the Western line of Garland Avenue between Brookland Park Boulevard and Essex Street. Mr. Gillette noted that the request is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood. Mr. Gillette also noted that the existing dwelling is in very poor condition. The new dwelling will have approximately 2400 ft.<sup>2</sup> of floor area include three bedrooms and two and half baths, provide a full width front porch and include cementitious siding. The proposed lots will be 30 feet in width and contain 4050 ft.<sup>2</sup> of lot area. Mr. Gillette indicated that the lots had previously been legal lots of record and off-street parking will be provided via a rear alley. The proposed lots are consistent with the predominant lot area and lot widths in the vicinity. Mr. Gillette stated the new dwellings will be compatible with dwellings in the vicinity which are generally two stories in height and include a range of architectural styles many of which have central dormer windows in the roofline and asymmetrical window patterns along the front façades. A range of building materials exist including stucco, lap siding and brick. Mr. Gillette stated that they had reached out to the Battery Park Neighborhood Association and had received no response. In addition letters were sent to all owners within a 150 foot radius and no opposition was noted.

After lengthy discussion Mr. Gillette agreed on behalf of the applicant to the following conditions which were suggested for consideration by Mr. Winks:

- 1) Brick pilasters under the front porch
- 2) Lattice screening of the front porch crawl space
- 3) Parging foundation
- 4) Three columns on front porch
- 5) Prohibit window alignment across from the side door at 2912 Garland Avenue
- 6) Substantial compliance with the plans submitted to the Board and provision of cementitious siding

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (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 Bertha LLC for a lot split and building permits to construct two new single-family (detached) dwellings, subject to the following conditions:

- 1) Brick pilasters under the front porch
- 2) Lattice screening of the front porch crawl space
- 3) Parging of the foundation
- 4) Three columns on front porch
- 5) Prohibit window alignment across from the side door at 2912 Garland Avenue
- 6) 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, Hogue, Sadid, Robertson, Winks  
 negative: None

BZA 31-2023

APPLICANT: PSG III LLC

PREMISES: 500 MAPLE AVENUE  
(Tax Parcel Number W021-0283/021)

SUBJECT: Building permits to demolish an existing one-story single-family (detached) dwelling and to construct a new two-story single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on July 18, 2023, based on Sections 30-300, 30-408.5(1) & 30-408.6 of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the front yard (setback) and lot coverage requirements are not met. A front yard of twenty-five feet (25') is required along Lowry Street; 4.5 feet is proposed. Maximum lot coverage shall not exceed thirty percent (30%) of the area of the lot. A lot coverage of 1,560 square feet (30%) is permitted; 2,033 square feet (39%) is proposed for the construction of the new single-family detached dwelling (1,788 SF) and the existing one-story detached garage (245 SF) that remains.

APPLICATION was filed with the Board on July 12, 2023, based on Section 30-1040.3(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, PSG III LLC, has requested a special exception to construct a new two-story single-family detached dwelling for property located at 500 Maple Avenue. Mr. Mark Baker, representing the applicant, testified that the request is being made under special exception #1. Mr. Baker stated that the request is consistent with the special exception intent "to encourage improvement of property, increase opportunities for home ownership, retain residents in the city and promote neighborhood improvement." Mr. Baker noted that the dwelling will be of high-quality to be occupied by the current owner. Mr. Baker pointed out that he appears on a regular basis before the Board and that the proposed dwelling is the nicest home that he has brought to the Board. The dwelling will include approximately 2536 ft.<sup>2</sup> of floor area with three bedrooms and two and half baths. The exterior will include a full width front porch with wraparound corners and cementitious siding and masonry stone materials. Mr. Baker stated that the property is located at the northeast corner of Lowry Street and Maple Avenue and is a legal lot of record. The lot is similar in size to other lots in the vicinity. Mr. Baker indicated that in order to construct a dwelling appropriate to the market relief is needed from the setback requirement adjacent to Lowry Street. Application of the full set back requirement would result in a buildable lot width of only 11 feet which would be totally out of character with other dwellings in the neighborhood. Mr. Baker explained that relief is also needed with respect to the lot coverage requirement. It was noted that the R-4 zoning district requires a minimum lot area of 7500 ft.<sup>2</sup> and a maximum lot coverage of 30%. The subject lot is only 5200 ft.<sup>2</sup> which makes application of the R-4 lot area and lot coverage requirements inappropriate. Mr. Baker stated that the lot coverage request is

minimal in nature given the comparative lot size. Mr. Baker explained that a special use was granted for eight dwellings across the street all of which permitted a lot coverage of 50% which is significantly larger than that currently being requested. The request is consistent with the development pattern in the neighborhood and the single-family use is consistent with the R-4 use regulations. Mr. Baker stated that the lot was located within the Westhampton Citizens Association and the Westview Civic Association. The Westhampton Citizens Association deferred to the neighbors in the vicinity. No response was received from the Westview Civic Association. Letters were sent to all property owners within a 150 foot radius and no opposition was noted

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3(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 and lot coverage requirements are 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) and lot coverage requirements be granted to PSG III LLC for building permits to demolish an existing one-story single-family (detached) dwelling and to construct a new two-story 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, Hogue, Sadid, Robertson, Winks  
 negative: None

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BZA 32-2023

**APPLICANT:** Asset Properties LLC

**PREMISES:** 3304 TUXEDO BOULEVARD  
 (Tax Parcel Number E000-3313/011)



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

**DISAPPROVED** by the Zoning Administrator on July 18, 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 requirement is not met. Lot areas of six thousand square feet (6,000 SF) are required. For zoning purposes, one (1) lot having a lot area of 10,000 square feet currently exists. Lot areas of five thousand square feet (SF) are proposed.

**APPLICATION** was filed with the Board on July 14, 2023, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

**APPEARANCES:**

For Applicant: Dawoud Adeyola

Against Applicant: None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, Asset Properties LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 3304 tuxedo Boulevard. Mr. Dawoud Adeyola, representing the applicant, testified that the intent is to construct a new dwelling on 3302 Tuxedo Boulevard. The request is being made under special exception #2. The R-5 zoning district requires a minimum lot size of 6000 ft.<sup>2</sup> and two lots of 5000 ft.<sup>2</sup> each are being requested. There is an existing dwelling located at 3304 Tuxedo Boulevard. Mr. Adeyola noted that the proposed dwelling is compatible with other dwellings recently constructed in the neighborhood. Further, the lot size of 5000 ft.<sup>2</sup> is also compatible with other lots in the neighborhood. Mr. Adeyola stated that all of the required setbacks are being met. In addition, the siding will be cementitious with a brick foundation. Mr. Adeyola noted that he had reached out to all neighbors within a 150 foot radius and there was no opposition to the requested special exception.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (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 30-610.1 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 requirement be granted to Asset Properties 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 and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

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

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BZA 33-2023

APPLICANT: City of Richmond Department of Public Works

PREMISES: 2505 RICHMOND HIGHWAY  
(Tax Parcel Number S008-0275/005)

SUBJECT: A building permit to construct a new fire station (FS 21).

DISAPPROVED by the Zoning Administrator on July 6, 2023, based on Sections 30-300, 30-438.3(3), 30-438.5 & 30-438.6(a) & (b) of the zoning ordinance for the reason that: In a B-3 (General Business) District, the rear yard (setback), building height, and parking and circulation of vehicle requirements are not met. A rear yard of twenty (20) feet is required; three (3) feet is proposed. A maximum building height of 35 feet is permitted; 38.67 feet is proposed. Areas devoted to the parking or circulation of vehicles shall not be located between the main building and the street line and such areas shall not be located closer to the street line than the main building on the lot; parking circulation is proposed in front of the building. No driveway intersection on a street that constitutes the principal street frontage of a lot shall be permitted when other street frontage or alley access is available to serve the lot; a new (second) driveway and expansion of an existing driveway is proposed.

APPLICATION was filed with the Board on July 14, 2023, based on Section 17.20(c) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Travis Wolf

Against Applicant: None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, City of Richmond Department of Public Works, has requested a special exception under §17.20 © of the Richmond City Charter. Mr. Travis Wolf, representing the applicant testified that the existing fire station at 2505 Richmond Highway is being replaced. The existing station has served the area since 1945. While the station has undergone several renovations it still remains substandard in terms of current fire department standards. Mr. Wolfe noted that the request involves building height, setbacks and parking requirements and circulation. Mr. Wolf noted that the request is being made under §17.20 © of the Richmond City Charter. Mr. Wolf stated that the fire station design and location is necessary and in the public interest to continue to provide fire and medical services to the surrounding area. The proposed design is required for the expansion of the fire station to accommodate a third company and larger apparatus vehicles to ensure adequate and safe access and parking on the site. The proposed project does not impact surrounding properties any more than the existing use and is designed to protect the health, safety and welfare of the of the occupants of the adjoining properties. The fire station use will not increase congestion in streets and will maintain safety in the area by maintaining a public safety use at this location. Mr. Wolf noted that due to bringing a third company on-site that the fire station will be going from a two bay arrangement to a three bay arrangement. Mr. Wolf explained that as a result of the modernization efforts that the overall building height is being increased by approximately three feet. Mr. Wolf indicated that a rear yard waiver is being requested as a result of construction of an emergency generator and that the building footprint will not violate any required setbacks. Mr. Wolf explained that a secondary drive is being installed to provide needed access. Mr. Wolf stated that they had reached out to surrounding property owners and no opposition to the requested special exception have been noted.

The Board finds that in accordance with §17.20 of the Charter of the City of Richmond that the sworn testimony and evidence offered in this case demonstrates that the construction of the proposed fire station (FS 21) at 2505 Richmond Highway which is prohibited by ordinance, is in the public interest and that such construction or use will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, will not

unreasonably impair an adequate supply of light and air to adjacent property, will not increase congestion in streets and will not increase public danger from fire or otherwise affect public safety.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the rear yard (setback), building height, and parking and circulation of vehicle requirements be granted to the City of Richmond Department of Public Works for a building permit to construct a new fire station (FS 21), subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: York, Hogue, Sadid, Robertson, Winks

negative: None

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

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The meeting was adjourned at 2:15 p.m.

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Ray W. Benton  
Secretary

Rodney M. Poole  
Chairman