



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JANUARY 2, 2019

On Wednesday, January 2, 2019, 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 December 19 and 26, 2018 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, Chair
 Roger H. York, Jr., Vice-Chair
 Rodney M. Poole
 Susan Sadid
 Edward H. Winks, Jr.

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner II

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.

CASE NO. 37-18 (CONTINUED FROM THE NOVEMBER 2, 2018 MEETING WITH
FEE)

APPLICANT: Tim Farrow

PREMISES: 622 HOLLY STREET
 (Tax Parcel Number W000-0139/039)

SUBJECT: A building permit to construct a one-story addition (13' x 15') on the rear of a single-family (attached) dwelling.

DISAPPROVED by the Zoning Administrator on September 7, 2018, based on Sections 30-300, 30-413.2(2), 30-413.7. & 30-620.1(c) of the zoning ordinance for the reason that: In an R-7 (Single- and Two-Family Urban Residential District), the side yard (setback) and lot coverage requirements are not met. A side yard of three feet (3') is required; 0.0' is proposed. A maximum lot coverage of fifty-five percent (55%) is permitted. Lot coverage of 660 square feet is permitted; 753 square feet (62.75%) is proposed.

APPLICATION was filed with the Board on September 7, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: None

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Tim Farrow, has requested a special exception to construct a one-story addition on the rear of a single family attached dwelling for property located at 622 Holly Street.

The Board finds that the property owner failed to be in attendance at the designated hearing date and time to present their case or request a continuance as required and as a consequence the Board denied the applicants request.

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 denied to Tim Farrow for a building permit to construct a one-story addition (13' x 15') on the rear of a single-family (attached) dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Deny

affirmative: Pinnock, York, Poole, Sadid, Winks

negative: None

BZA 01-2019

APPLICANT: James & Carmela DePasquale

PREMISES: 18 WEST FRANKLIN STREET
(Tax Parcel Number W000-0104/022)

SUBJECT: A building permit to convert an office building into a multi-family
(5-units) dwelling.

DISAPPROVED by the Zoning Administrator on November 10, 2018, based on Sections 30-300 & 30-428.6(2)b of the zoning ordinance for the reason that: In an RO-3 (Residential-Office District), the side yard (setback) requirement is not met. A side yard of fifteen feet (15') is required; none exists/is proposed along the eastern and western property lines.

APPLICATION was filed with the Board on November 10, 2018, based on Section 17.20(b) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Lory Markham

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, James and Carmela DePasquale, have requested a variance to convert an office building into a multi-family dwelling for property located at 18 W. Franklin Street. Ms. Lory Markham, representing the applicant, testified that the building is historic and was constructed 1895. Ms. Markham stated that the building has recently been used for offices. Ms. Markham noted that the proposed use is permitted in the RO-3 Multi-Family Residential District and that the contract purchaser is seeking approval to convert the building to five dwelling units. Ms. Markham further noted that the lot is 24.38 feet wide and currently has a nonconforming side yard. The side yard requirement for the office use would be increased from 10 feet to 15 feet resulting in a greater nonconformity. Ms. Markham explained that with a lot width of approximately 24 feet that the combined required side yards would exceed the actual lot width. Ms. Markham noted that in so far as the five off-street parking space requirement is concerned that two spaces would be provided on-site and three spaces would continue to be nonconforming. Ms. Markham further noted that with respect to the off-street parking requirement that the proposed dwelling units would come

closer to conformance as the office use would require 14 off-street parking spaces. Ms. Markham stated that the Downtown Neighborhood Association supported the requested variance.

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.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the side yard (setback) requirement be granted to James & Carmela DePasquale for a building permit to convert an office building into a multi-family (5-units) dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Pinnock, York, Poole, Sadid, Winks

negative: None

BZA 02-2019

APPLICANT: Cheshire Developments

PREMISES: 309 WEST 14th STREET
(Tax Parcel Number S000-0122/024)

SUBJECT: A building permit to enclose an existing covered front porch on a single-family dwelling.

DISAPPROVED by the Zoning Administrator on November 15, 2018, based on Sections 30-300 & 30-413.15(1)(c) 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 front yard of 4.62' is required; zero (0) is proposed.

APPLICATION was filed with the Board on November 15, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Jason Bhattacharya

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Cheshire Developments, has requested a special exception to enclose an existing covered front porch on a single-family dwelling for property located at 309 W. 14th Street. Mr. Bhattacharya testified that the dwelling was originally constructed in 1910 with four decks two which being located in the front and the remaining being located in the rear. Mr. Bhattacharya indicated that he had previously received permission through an administrative variance to enclose the rear decks but due to the front deck being located in a front yard that he was seeking approval from the Board for a front yard special exception. Mr. Bhattacharya stated that the enclosure was needed to provide additional square footage for a master bedroom. Mr. Bhattacharya indicated that the footprint of the dwelling will not be expanded and that the enclosure is needed to meet modern day dwelling unit needs. Mr. Bhattacharya indicated that the request was the minimum necessary to accommodate the intended purpose of the addition and that the addition or similar construction serving the same purpose could not reasonably be located elsewhere on a lot in compliance with the zoning ordinance. Finally the addition will be in keeping with the architectural character of the dwelling and development within the neighborhood.

In response to a question from Mr. York, Mr. Bhattacharya stated that Hardy plank siding will be utilized for the enclosure.

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 front yard (setback) requirement be granted to Cheshire Developments for a building permit to enclose an existing covered front porch on a single-family dwelling, subject to 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, Sadid, Winks

negative: None

BZA 03-2019

WITHDRAWN BY APPLICANT

BZA 04-2019 (CONTINUED TO THE MARCH 6, 2019 MEETING WITHOUT FEE)

APPLICANT: Nancy and Ernest Bush, Jr.

PREMISES: 900 NORTON STREET
(Tax Parcel Number N000-0573/021)

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

DISAPPROVED by the Zoning Administrator on November 16, 2018, based on Sections 30-300, 30-413.6(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-7 (Single- and Two-Family Urban Residential District), the front yard (setback) requirement is not met. Fifteen feet (15') is required along the Catherine Street frontage; 3.08 feet ± is proposed.

APPLICATION was filed with the Board on November 16, 2018, based on Section 17.20(b) of the Charter of the City of Richmond.

BZA 05-2019

APPLICANT: Rackley LLC

PREMISES: 1601 NORTH 22nd STREET
(Tax Parcel Number E000-0859/014)

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

DISAPPROVED by the Zoning Administrator on November 16, 2018, based on Sections 30-300, 30-620.1(c) & 30-630.1(a) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the street side yard (setback) requirement is not met. A street side yard of three feet (3') is required; zero (0) is proposed along the V Street frontage.

APPLICATION was filed with the Board on November 16, 2018, based on Section 17.20(b) of the Charter of the City of Richmond.

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, Rackley LLC, has requested a variance to construct a new single-family detached dwelling for property located at 1601 N. 22nd Street. Mr. Mark Baker, representing the applicant, testified that his client is the contract purchaser. Mr. Baker noted that the dwelling will have 1650 ft.² with two stories consisting of three bedrooms and two and one half baths. The structure will have a traditional front porch with cementitious siding. Required parking will be accessed from the alley. Mr. Baker noted that the lot is currently vacant and located at the corner of North 22nd Street and V Street. Mr. Baker stated that the lot measures approximately 19.5 feet in width and 124 feet in depth. Mr. Baker stated that the lot is a legal lot of record. Mr. Baker reiterated the fact that his client is requesting a variance based on insufficient lot width. Mr. Baker stated that if required to meet the street side yard setback requirement that the overall

width of the proposed dwelling would be reduced to approximately 13 feet which was insufficient width to construct a dwelling meeting modern day living standards nor consistent with other dwellings in the block. Mr. Baker explained that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property and that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements. Mr. Baker stated that the applicant has acted in good faith by not acquiring the property prior to receiving approval from the Board. Mr. Baker further stated that this was not a self-created hardship and that the granting of variance will not be a substantial detriment to surrounding property owners. Mr. Baker indicated that the proposed use is permitted by the zoning ordinance and is not contrary to the purpose of the ordinance. Mr. Baker concluded by stating that the Church Hill Central Association was not opposed to the request and that letters had been sent to all property owners within 150 feet radius of the lot and no opposition had been noted.

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.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the street side yard (setback) requirement be granted to Rackley LLC for a building permit to construct a new single-family detached dwelling, subject to 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, Sadid, Winks

negative: None

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

Upon motion made by Mr. Roger York and seconded by Mr. Rodney Poole, Members voted (5-0) to elect Mr. Burt Pinnock as the Chairman and Mr. Roger York as the Vice-Chairman of the Richmond Board of Zoning Appeals for 2019, and Mr. Rodney Poole as the Board's representative to the Planning Commission for 2019.

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


Chairman


Secretary