



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, FEBRUARY 6, 2019

On Wednesday, February 6, 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 January 23 and 30, 2019 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
 Kenneth R. Samuels Sr.

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.

BZA 06-2019

APPLICANT: Dickson Properties LLC

PREMISES: 3021 MONUMENT AVENUE
 (Tax Parcel Number W000-1368/007)

SUBJECT: A building permit to convert an existing building containing one (1) dwelling unit and six (6) lodging units into a multifamily dwelling containing four (4) units.

DISAPPROVED by the Zoning Administrator on November 19, 2018, based on Sections 30-300 & 30-416.5(2)b of the zoning ordinance for the reason that: In an R-48 (Multi-Family Residential District), the side yard (setback) requirement is not met. A side yard of fifteen feet (15') is required; four and a half feet (4.5') is proposed along the western property line.

APPLICATION was filed with the Board on December 13, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Timothy D. Dickson
Joe Yates

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Dickson Properties LLC, has requested a special exception to convert an existing building containing one dwelling unit and six lodging units into a multifamily dwelling containing four dwelling units for property located at 3021 Monument Avenue. Mr. Joe Yates, architecture for the applicant, testified that the property has recently been used for one dwelling unit and six lodging units and that it was originally built as a duplex with very large units. Mr. Yates explained that the owner, Mr. Dixon, has had difficulty renting units over the years to other than students and the intent is to upgrade the property. Mr. Yates stated that the plan calls for reducing the overall number of units to four dwelling units consisting of two two-bedroom units and two one-bedroom units. Mr. Yates indicated that there is an existing wooden fire scape on the west side of the building. Mr. Yates stated that the plan calls for rebuilding and extending the fire escape. Mr. Yates noted that it is not possible to meet the 15 foot side yard setback requirement for the stairway. Mr. Yates indicated that the proposed stairway will be located 4.5 feet from the western property line. Mr. Yates stated that there was no opposition from the Museum District Association or Monument Avenue Preservation Society nor any of the surrounding neighbors.

In response to a question from Mr. York, Mr. Yates stated that the property to the west is also owned by the Dixons.

Speaking in support Mr. Tim Dixon, owner of the property, stated that the property is zoned R-48 and as such the multifamily use is permitted. Mr. Dixon further stated that there is no other place to locate the stairs in conformance with the zoning ordinance. Mr. Dixon noted that the Commission of Architectural Review had approved the proposed plans.

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 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 side yard (setback) requirement be granted to Dickson Properties LLC for a building permit to convert an existing building containing one (1) dwelling unit and six (6) lodging units into a multifamily dwelling containing four (4) units.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Pinnock, York, Poole, Hogue, Samuels

negative: None

BZA 07-2019

APPLICANT: CC Richmond I LLC

PREMISES: 3015 WOODCLIFF AVENUE
(Tax Parcel Number N000-0988/013)

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

DISAPPROVED by the Zoning Administrator on December 14, 2018, based on Sections 30-300, 30-410.5(1) & 30-630.2(b)(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 front yard of 17.5' is required along Highland View Avenue; 3.4' is proposed.

APPLICATION was filed with the Board on December 14, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Mark Baker
Greg Shron

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, CC Richmond I LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 3015 Woodcliff Avenue. Mr. Mark Baker, representing the applicant, testified the property is located at the southeast corner of Woodcliff Avenue and Highland view Avenue and as such has a dual front yard requirement. Mr. Baker stated that the lot is a legal lot of record having a lot width of 36 feet and a lot depth of 64 feet. Mr. Baker stated that the request is consistent with the special exception intent statement in so far as providing an opportunity for home ownership, retaining residents in the city and promoting neighborhood improvement. Mr. Baker noted that the property was acquired through the National Community Stabilization Trust as a quick sale. Mr. Baker further noted that the original intent was to renovate the house but that upon examination it became clear that the renovation costs would be excessive and that the only alternative was to raise the dwelling and build a new one. Mr. Baker stated that the proposed dwelling will be two stories encompassing 1270 ft.², two bedrooms and two one half baths. Mr. Baker further stated that the dwelling will be compatible with the design and size of existing dwellings in the block. Mr. Baker indicated that the special exception criteria had been met in so far as the intended purpose of the dwelling is consistent with the use regulations and the location of the dwelling is consistent with the development pattern of the neighborhood. Specifically, Mr. Baker pointed to the fact that the spacing between dwellings is consistent with that of other dwellings in the block. Mr. Baker stated that there was no opposition from surrounding neighbors and that the property was not located within a neighborhood association.

Speaking in support, Mr. Greg Shron, owner of the property stated that the intent is to construct a dwelling which meets affordability standards. Mr. Shron noted the sales price will be \$200,000 which is 60% of AMI. Mr. Shron stated that in order to meet affordability standards that the proposed siding will be vinyl.

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 his each is an 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 CC Richmond I LLC for a building permit to construct a new single-family detached dwelling, subject to compliance with the applied for special exception including provision of vinyl siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Samuels

negative: None

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

The meeting was adjourned at 2:00 p.m.


Chairman


Secretary