



## CITY OF RICHMOND

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

### BOARD OF ZONING APPEALS

#### MEETING MINUTES

**WEDNESDAY, SEPTEMBER 4, 2019**

On Wednesday, September 4, 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 August 21 and 28, 2019 and written notice having been sent to interested parties.

Members Present:                   Burt F. Pinnock, Chair  
  Roger H. York, Jr.  
  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  
  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 37-2019

APPLICANT:                   Matthew D. Elmes

PREMISES: 130 NORTH 32<sup>nd</sup> STREET  
(Tax Parcel Number E000-0733/001)

SUBJECT: A building permit to construct a two-story detached garage  
accessory to a two-family detached dwelling.

DISAPPROVED by the Zoning Administrator on June 13, 2019, based on Sections 30-300, 30-412.5(1)(a) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), front yard (setback) requirement is not met. A front yard of fifteen feet (15') is required along the East Grace Street frontage; 0.5' plus or minus is proposed.

APPLICATION was filed with the Board on June 13, 2019, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Matt Elmes  
Charles Field

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Matthew D. Elms, has requested a special exception to construct a two-story detached garage accessory to a two-family detached dwelling for property located at 130 N. 32nd Street. Mr. Elms testified that the purpose of this request is to construct a two-story detached garage at the rear of the property. Mr. Elms indicated that the garage will be accessed off of East Grace Street. Mr. Elms noted that due to the lotting pattern front yards are required along both North 32nd Street and East Grace Street. Mr. Elms stated that there had been a garage at that location since the dwelling was constructed in 1902. Mr. Elms explained that garages varying in size from 30 x 30 to 20 x 30 have existed at the rear of the property. Mr. Elms stated that there will be no construction on the adjacent property going down to North 31st Street. Mr. Elms also noted that the adjoining property includes a large sinkhole which severely limits the potential for construction. Mr. Elms stated that in order to meet the lot coverage requirement that a portion of the adjoining property had been deeded into the subject lot. Mr. Elms indicated that the setback waiver was the minimum necessary to facilitate construction of a garage given the existing lot configuration. Mr. Elms also noted that the garage cannot reasonably be located elsewhere on a lot in compliance with the setback requirements.

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 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 front yard (setback) requirement be granted to Matthew D. Elmes for a building permit to construct a two-story detached garage accessory to a two-family detached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Pinnock, York, Poole, Hogue, Samuels

negative: None

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BZA 38-2019

APPLICANT: Stephen Crumley & Linda Morrissett

PREMISES: 2601 EAST BROAD STREET  
(Tax Parcel Number E000-0438/001)

SUBJECT: A building permit to remove an existing wood board fence and construct a 5'-9" wood picket fence with brick columns accessory to a single-family attached dwelling.

DISAPPROVED by the Zoning Administrator on July 22, 2019, based on Sections 30-300, 30-412.5(2)a, 30-630.1(a)(1) & 30-630.9(b) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the front yard (setback) is not met and the maximum permitted height for a fence located within the front yard is exceeded. A front yard of eleven feet (11'), as established by 213 North 26th Street is required; none is proposed. Fences and walls located within the required front yard shall not exceed four feet (4') in height with columns and posts not exceeding five and one-half feet (5 ½') in height; a fence varying in heights of 3'-4" to 5'-9" and brick columns with heights of 6'-3 ¾" are proposed along the North 26th Street frontage. The request is an expansion of

a previous Board Case (Case No. 18-09) that granted a special exception from the front yard (setback) requirement and to exceed the maximum permitted height for a fence located within the front yard.

APPLICATION was filed with the Board on July 12, 2019, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Steve Crumley

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Stephen Crumley and Linda Morrisette, have requested a special exception to remove an existing wood board fence and construct a 5'9" wood picket fence with brick columns accessory to a single-family attached dwelling for property located at 2601 E. Broad Street. Mr. Stephen Crumley testified that he is the owner of the subject property. Mr. Crumley explained that the purpose of the request is to construct a new fence in the place of an existing fence along 26th Street. Mr. Crumley explained that the height of the fence which is 5'9" is reasonably necessary to provide security from the adjoining street. Further the design of the fence is compatible with the dwelling and the general character the surrounding neighborhood and has been approved by the Commission of Architectural Review. Mr. Crumley noted that the fence will not unreasonably impair light and air to adjacent property and will not in any way affect visibility in so far as motor vehicles are concerned. Mr. Crumley further noted that the previous fence had been approved by the Board in 2009. Mr. Crumley concluded by stating that neither the Church Hill Civic Association nor the surrounding neighbors were in opposition to construction of the proposed fence.

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 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 front yard

(setback) requirement and the maximum permitted height for a fence located within the front yard be granted to Stephen Crumley & Linda Morrissett for a building permit to remove an existing wood board fence and construct a 5'-9" wood picket fence with brick columns accessory to a single-family attached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Pinnock, York, Poole, Hogue, Samuels

negative: None

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BZA 39-2019

APPLICANT: City of Richmond Department of Public Works

PREMISES: 3400 BELT BOULEVARD  
(Tax Parcel Number C009-0612/010)

SUBJECT: An electrical permit to install site lighting at an existing multipurpose sports field.

DISAPPROVED by the Zoning Administrator on July 17, 2019, based on Sections 30-300, 30-408.7 & 30-650.2 of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential District), the proposed height of accessory structures exceeds the maximum height limit applicable in the zoning district. A maximum height of forty-four feet (44') is permitted for two poles that are proposed to be located 15' off of the western property line; a height of seventy feet (70') is proposed for poles "S1" and "S2".

APPLICATION was filed with the Board on July 17, 2019, based on Section 17.20(c) of the Charter of The City of Richmond.

APPEARANCES:

For Applicant: Heywood Harrison

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 to install lighting at an existing multipurpose sports field located at 3400 belt Boulevard. Mr. Heywood Harrison, representing the City, testified that he is the project manager for the multipurpose facility improvements. Mr. Harrison stated the special exception is being requested for two light poles which will have a height of approximately 70 feet. Mr. Harrison noted that this exceeds the permitted height of 44 feet. Mr. Harrison explained that as part of the project an adjoining road was vacated by the city. Mr. Harrison noted that lighting of the facility is necessary based on the fact that there is a lack of similar facilities in this area of the city. Mr. Harrison further noted that inability to light the facility will severely limit its use. Mr. Harrison stated that the additional pole height is necessary to better direct the subject lights. Mr. Harrison noted that greater diffusion of light would be required if the poles were shorter in height. Mr. Harrison stated that the lighting will be limited to the sports fields. Mr. Harrison indicated there was no opposition from any of the affected civic associations and that there were actually no property owners to be contacted within the required 150 foot radius. Mr. Harrison concluded by stating that the project as required by the special exception criteria is consistent with the health, safety and general welfare of the city.

The Board finds that evidence shows that the City of Richmond, Department of Public Works, has satisfied the conditions of §17.20 paragraph C of the City Charter and that the proposed lighting structures are consistent with the health, safety and general welfare of the city and surrounding neighborhood.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a City Charter special exception from the maximum height requirement for accessory structures applicable in the zoning district be granted to the City of Richmond Department of Public Works for an electrical permit to install site lighting at an existing multipurpose sports field.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Pinnock, York, Poole, Hogue, Samuels

negative: None

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BZA 40-2019

APPLICANT: Cava Capital LLC

PREMISES: 1609 POLLOCK STREET  
(Tax Parcel Number N005-1079/009)

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

DISAPPROVED by the Zoning Administrator on July 19, 2019, based on Sections 30-300 & 30-630.2(b)(2) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the front yard (setback) requirement is not met. As per the 1 in 4 rule, a front yard varying in depths from 64.25 feet to 59.75 feet  $\pm$  is required; twenty-five (25) feet  $\pm$  is proposed.

APPLICATION was filed with the Board on July 19, 2019, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Kelly Henderson

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Cava Capital LLC, has requested a special exception to construct a new two-family detached dwellings for property located at 1609 Polk Street. Ms. Kelly Henderson, representing the applicant, testified that the basis for the special exception application is application of the 1:4 rule. Ms. Henderson noted that the subject rule results in the bisecting of the lot which renders it undevelopable. Ms. Henderson stated that all other requisite feature requirements will be met. Ms. Henderson proffered that the siding will be cementitious and will include a wood front porch.

In response to a question from Mr. Poole, Ms. Henderson indicated that they work with RRHA regarding identification of potential tenants that will utilize a voucher system.

Mr. York noted that the lot is situated at a transitional site and the proposed dwelling is consistent with other dwellings in the adjacent neighborhood. Mr. York indicated that as such the proposal is consistent with the applicable special exception criteria.

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 Cava Capital LLC for a building permit to construct a new two-family detached dwelling, subject to provision of cementitious siding, a wooden front porch, and substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Samuels

negative: None

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BZA 41-2019 (CONTINUED TO THE OCTOBER 2, 2019 MEETING OF THE  
BOARD WITH FEE)

APPLICANT: Nordrow Investments LLC

PREMISES: 1901 GEORGIA AVENUE  
(Tax Parcel Number W000-0781/010)

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

DISAPPROVED by the Zoning Administrator on July 19, 2019, based on Sections 30-300 & 30-410.5(1) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the front yard requirement is not met. A front yard of twenty-five feet (25') is required; 3.35' is proposed along Kansas Avenue.

APPLICATION was filed with the Board on July 19, 2019, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

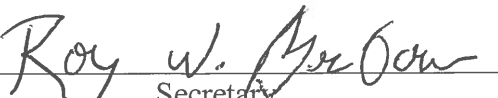
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Upon motion made by Ms. Hogue and seconded by Mr. Poole, Members voted (3-0) to adopt the Board's August meeting minutes.

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The meeting was adjourned at 2:00 p.m.  
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VICE · Chairman

  
Secretary