



CITY OF RICHMOND

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, OCTOBER 2, 2019**

On Wednesday, October 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 September 18 and 25, 2019 and written notice having been sent to interested parties.

Members Present:                Roger H. York, Jr., Vice-Chair  
   Rodney M. Poole  
   Kenneth R. Samuels, Sr.  
   Edward H. Winks, Jr.  
   Susan Sadid

Staff Present:                    Roy W. Benbow, Secretary  
   Brian P. Mercer, Acting Zoning Administrator  
   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**BZA 41-2019 (WITHDRAWN)**

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; 17.06' 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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BZA 42-2019

APPLICANT: Eleven Eleven 25th LLC

PREMISES: 2319 FAIRMOUNT AVENUE  
(Tax Parcel Number E000-0559/011)

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

DISAPPROVED by the Zoning Administrator on August 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), the front yard (setback) is not met. A front yard of fifteen feet (15') is required; a front yard of 0.83 feet ± is proposed along North 24th Street.

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

APPEARANCES:

For Applicant: Garrett Augustine

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Eleven Eleven LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 2319 Fairmount Avenue. Mr. Garrett Augustine, representing the applicant, testified that the lot in question is a corner lot and has a front yard requirement along Fairmount Avenue and North 24th Street. The requested special exception is for the North 24th Street frontage. Mr. Augustine noted that the lot is only 20 feet wide and the request is to construct a 16 foot wide house. Mr. Augustine stated

that in light of the fact that there is existing right-of-way between the eastern property line and the North 24th Street curb the dwelling is proposed to be located approximately 10 inches from the subject property line. Mr. Augustine indicated that a 3 foot side yard setback will be provided adjacent to the interior side property line to allow for installation of windows. Mr. Augustine noted that the lot width and dwelling width are consistent with other dwellings and lots in the neighborhood as required by the special exception. Mr. Augustine further noted that the proposed dwelling is consistent with the character of other dwellings in the neighborhood. Mr. Augustine stated that the siding will be cementitious. Mr. Augustine indicated that the surrounding neighbors were in support of the requested special exception as was the Church Hill North Civic Association.

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 Eleven Eleven 25<sup>th</sup> LLC for a 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, Poole, Samuels, Winks, Sadid

negative: None

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BZA 43-2019 (CONTINUED TO THE NOVEMBER 6, 2019 MEETING OF THE  
BOARD WITH FEE)

APPLICANT: Kyle Johnston

PREMISES: 205 BEAUMONT AVENUE  
(Tax Parcel Number W000-1449/022)

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

DISAPPROVED by the Zoning Administrator on August 14, 2019, based on Sections 30-300, 30-410.5(1), 30-410.5(2), 30-410.6 & 30-710.1(a)(1) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the front yard, side yards (setbacks), lot coverage and the parking requirements are not met. A front yard of 3.05' is required; 2.99'± is proposed. A side yard of three (3') feet is required; 1.19' is proposed along the northern property line and 0.5' is proposed along the southern property line. A maximum lot coverage of 35% of the area of the lot is permitted; 72.3% is proposed. One (1) parking space is required; none is proposed.

APPLICATION was filed with the Board on August 14, 2019, based on Section 1040.3(1) & (11) of the City of Richmond Zoning Ordinance.

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BZA 44-2019

APPLICANT: Altadonna Properties LLC

PREMISES: 1509 NORTH 22<sup>nd</sup> STREET  
(Tax Parcel Number E000-0778/018)

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

DISAPPROVED by the Zoning Administrator on August 14, 2019, based on Sections 30-300, 30-410.5(1), 30-410.5(2), 30-410.6 & 30-710.1(a)(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the lot area, lot width, and side yard (setback) 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 6,896 square feet and a lot width of fifty-five feet (55') currently exists. A lot area of 3,950 square feet and width of 31.5 feet is proposed for No. 1509. A lot area of 2,947 square feet and width of 23.5 feet is proposed for the newly created lot No. 1511. A side yard of five (5) feet is required; 3.12' is proposed along the northern property line for the existing dwelling (No. 1509), and side yards of 3.08' are proposed for proposed dwelling (No. 1511).

APPLICATION was filed with the Board on August 14, 2019, based on Section 1040.3(2) 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, Altadonna Properties LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 1509 N. 22nd Street. Mr. Mark Baker, representing the applicant, testified that the request is being made under Special Exception 2 Lot divisions to create buildable lots. Mr. Baker noted that the existing lot dimensions are 55' x 125' and the lot currently includes an existing single-family dwelling. The lot encompasses 6896 ft.<sup>2</sup>. Mr. Baker stated that the lot is located on the East side of North 22nd Street. Mr. Baker indicated that the proposed lot split will result in one lot of 23.5 feet in width and approximately 2947 ft.<sup>2</sup> on which is proposed to be constructed the new single-family dwelling and a second lot of approximately 31.5 feet in width and 3950 ft.<sup>2</sup> which includes the existing single-family dwelling. Mr. Baker stated that the dwelling will include three bedrooms and 2 1/2 baths. Mr. Baker noted that the subject lot previously existed as to legal lots of record as required by the special exception criteria. Mr. Baker indicated that off-street parking will be provided at the rear of both lots and accessed by an existing alley. Mr. Baker noted that the lots are consistent with the predominant lot areas and lot widths in the vicinity. Mr. Baker indicated that the average neighborhood lot width is 22.47 feet and the average lot area is 2817 ft.<sup>2</sup> both of which being consistent with the newly proposed lot. Mr. Baker stated that the new dwelling will be compatible with dwellings in the vicinity which are in general two stories in height and having front porches. Mr. Baker further stated that there was no opposition from the Unity Civic League Civic Association and there was no opposition in response to letters sent to property owners within 150 feet of the subject lot. Mr. Baker concluded by stating that the subject special exception is consistent with applicable provisions of the Intent Statement.

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 lot area, lot width, and side yard (setback) requirements be granted to Altadonna Properties LLC for a 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, Poole, Samuels, Winks, Sadid

negative:

None

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BZA 45-2019

APPLICANT: Elliot and Kristine Becker

PREMISES: 4401 STUART AVENUE  
(Tax Parcel Number W019-0265/001)

SUBJECT: A building permit to construct an addition and porch on the rear of an existing single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on August 15, 2019, 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 front yard of twenty-five feet (25') is required along Woodlawn Avenue; 16.9 feet ± is proposed. A nonconforming front yard of 16.3 feet exists for the dwelling and 16.9 feet ± is proposed for the addition.

APPLICATION was filed with the Board on August 16, 2019, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Elliot Becker

Against Applicant: None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicants, Elliott and Kristine Becker, have requested a special exception to construct an addition and porch on the rear of an existing single-family detached dwelling for property located at 4401 Stuart Avenue. Mr. Elliot Becker testified that their goal is to modernize the house by adding a first floor laundry room, expanding the kitchen and bathroom and adding a screened in porch. Mr. Becker noted that consistent with a special exception criteria the dwelling was constructed many years ago and does not meet contemporary needs with respect to size, function or amenities. Mr. Becker noted that the dwelling only has one full bathroom and a small half bath. Mr. Becker stated that the proposed construction will ameliorate the problem regarding modern contemporary needs. Mr. Becker noted that there is a front yard requirement along Stuart Avenue and Woodlawn Avenue. Mr. Becker further noted that the R-5 zoning requires a 25 foot setback from Woodland Avenue which renders a portion of the existing house nonconforming. Mr. Becker indicated that the request is to extend the addition along the existing house line. Mr. Becker acknowledged that there is no room for error with respect to location of the proposed addition along the Western property line. Mr. Becker indicated that his contractor is well aware of the need for precision concerning the need not to violate the required side yard setback. Mr. Becker advised the Board that he had made a good faith effort to contact neighbors within 150 foot radius and that there was no opposition from the West Hampton Civic Association.

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 Elliot and Kristine Becker for a building permit to construct an addition and porch on the rear of an existing 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, Poole, Samuels, Winks, Sadid

negative:

None

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

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The meeting was adjourned at 1:50 p.m.

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Chairman

  
Secretary