



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, DECEMBER 4, 2019

On Wednesday, December 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 November 20 and 27, 2019 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, Chair
 Roger H. York, Jr.
 Kenneth R. Samuels, Sr.
 Susan Sadid

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner II
 Neil R. Gibson, Assistant City Attorney

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 48-2019

APPLICANT: John Wilson

PREMISES: 505 NORTH 24th STREET
 (Tax Parcel Number E000-0336/019)

SUBJECT: A building permit to construct a new accessory building (approximately 16' X 8') and to use a portion thereof (79 sq. ft.) for use as a home occupation (art studio).

DISAPPROVED by the Zoning Administrator on October 4, 2019, based on Sections 30-300, 30-419.4 & 30-694.1(2) of the zoning ordinance for the reason that: In an R-63 (Multi-family Urban Residential), the proposed home occupation is not permitted. Home occupation use of an accessory building shall be permitted only when authorized by exception granted by the Board of Zoning Appeals.

APPLICATION was filed with the Board on October 4, 2019, based on Section 1040.3(9) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: John Wilson

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, John Wilson, has requested a special exception to use approximately 79 ft.² of a newly constructed accessory building for use as a home occupation (art studio). Mr. John Wilson testified that he plans to build a small accessory structure which will meet all zoning requirements to be utilized as a home office for his one member architectural firm. Mr. Wilson noted that he is currently operating his home occupation from his house. Mr. Wilson stated that the proposed home occupation will not have any impact on the surrounding properties. Mr. Wilson explained that it is not his practice to have clients coming to the property. Mr. Wilson noted that is merely requesting approval to relocate his home occupation from his dwelling to the newly constructed accessory building.

The Board is satisfied that the property was acquired in good faith and that an exceptional situation exists whereby the applicant has shown to the satisfaction of the Board that the proposed home occupation use of an accessory building will be limited to an architectural office and all conditions set forth in Section 114-694.1 of the zoning ordinance will be met and that the home occupation will not result in any greater impacts on the adjoining and surrounding properties that would result if the home occupation were conducted within the dwelling unit.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception for a home occupation use of an accessory structure be granted to John Wilson for a building permit to

construct a new accessory building (approximately 16' X 8') and to use a portion thereof (79 sq. ft.) for use as a home occupation (art studio).

ACTION OF THE BOARD: (4-0)

Vote to Grant

affirmative: Pinnock, York, Samuels, Sadid

negative: None

BZA 49-2019

APPLICANT: DMS Construction

PREMISES: 2318 VENABLE STREET
(Tax Parcel Number E0000-425/019)

SUBJECT: A building permit to construct an addition (basement, 1st & 2nd floor) and a two-story deck on the rear of a single-family attached dwelling.

DISAPPROVED by the Zoning Administrator on August 20, 2019, based on Sections 30-300, 30-419.6(2)a & 30-630.9(i) of the zoning ordinance for the reason that: In an R-63 (Multifamily Urban Residential District), the side yard (setback) requirement is not met. A side yard of three (3') foot is required; an 0.9' ± side yard setback is proposed along the eastern property line and none along the western property line.

APPLICATION was filed with the Board on October 18, 2019, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Michael Haley

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, DMS Construction, has requested a special exception to construct an addition (basement, 1st & 2nd floor) and a two-story deck on the rear of a single-family detached dwelling. Mr. Michael Haley, representing the applicant, testified that he is withdrawing the setback request along the western

property line for the construction of the deck and will comply with applicable zoning requirements. Mr. Haley indicated that he had received negative feedback from the adjoining property owner regarding the impact the proposed deck will have on a rear facing window of his home. It was noted that the side yard requirement along the eastern property line is 3 feet and that 0.9 feet \pm is proposed. It was noted that the lot width is slightly less than 18 feet which severely inhibits its use consistent with modern-day dwelling needs.

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 and 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 addition and accessory use; the addition and 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 addition and 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 DMS Construction for a building permit to construct an addition (basement, 1st & 2nd floor) and a two-story deck on the rear of a single-family attached dwelling, subject to the proposed two-story deck meeting the three foot side yard setback along the western property line.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Samuels, Sadid

negative: None

BZA 50-2019

APPLICANT: Keana and Shanell Williams

PREMISES: 3422 R STREET
(Tax Parcel Number E000-1273/043)

SUBJECT: A building permit to enclose an existing 1st floor covered porch and to construct a 2nd floor addition to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on October 18, 2019, based on Sections 30-300, 30-410.5(1), 30-630.1(a)(1) & 30-810.1 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the front yard (setback) and the nonconforming feature requirements are not met. A front yard of sixteen feet (16'), as established by 1204 North 35th Street is required; a nonconforming front yard of 0.3 feet \pm exists; none is proposed. No building or structure having a nonconforming feature shall be reconstructed with another building or structure unless such nonconforming feature is hereby eliminated and the building or structure is made to conform.

APPLICATION was filed with the Board on October 18, 2019, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Keana Williams
 Shanell Williams

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Keana and Shanell Williams, have requested a special exception for to enclose an existing first floor covered porch and to construct a 2nd floor addition to a single-family detached dwelling for property located at 3422 R Street. Mr. Keana Williams testified that due to the lotting pattern two front yards are required, one along R Street and the second along North 35th Street. Mr. Williams noted that his house is located along the street line adjacent to North 35th Street precluding enclosure of the existing first floor covered porch and construction of a 2nd floor addition within the L-shaped portion of the dwelling. Mr. Williams indicated that a front yard of 16 feet is required which is slightly less than the width of the dwelling. Mr. Williams stated that the desire is to increase the dwelling from 2 to 3 bedrooms in addition to enclosing the porch. Mr. Williams indicated that departure from the required setback is the minimum necessary to accommodate the proposed improvements and it is not possible to construct the addition elsewhere on the lot. Mr. Williams indicated that the siding for the proposed addition will be cementitious.

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 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) and the nonconforming feature requirements be granted to Keana and Shanell Williams for a building permit to enclose an existing 1st floor covered porch and to construct a 2nd floor addition to single-family detached dwelling, subject to provision of cementitious siding for the proposed addition.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Samuels, Sadid

negative: None

BZA 51-2019 (CONTINUED TO THE JANUARY 2, 2020 MEETING OF THE BOARD)

APPLICANT: BT Property Holdings, LLC

PREMISES: 1201 CHANTILLY STREET
(Tax Parcel Number W019-0140/001)

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

DISAPPROVED by the Zoning Administrator on October 18, 2019, based on Sections 30-300, 30-410.5(1) & 30-630.1(a) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the front yard and street-side yard (setback) requirements are not met. A front yard of twenty-five feet (25') is required along Wythe Avenue; eight feet (8') is proposed. A street-side yard of ten feet (10') is required along Monumental Street; eight feet (8') is proposed.

APPLICATION was filed with the Board on October 18, 2019, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

BZA 52-2019

APPLICANT: Lancaster Custom Builder, Inc.

PREMISES: 120 GRANITE AVENUE
(Tax Parcel Number W020-0185/024)

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

DISAPPROVED by the Zoning Administrator on October 18, 2019, based on Sections 30-300 & 30-1040.2(a) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential District), the plans are not in conformity with the previous approval (Case No. 36-17). The previous approval granted a variance to construct a two-story single-family dwelling and a two-story detached garage, subject to the condition that plumbing facilities shall not be permitted within the garage, except for provision of an exterior water spigot. The original plans reflected a craftsman style two-story dwelling and a detached two-story garage; the proposal is to construct a federalist style two-story dwelling and a detached two-story garage with a half-bath.

APPLICATION was filed with the Board on October 18, 2019, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Robert Lancaster

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Lancaster Custom Builder Incorporated, has requested a variance to construct a new single-family dwelling and detached garage for property located at 120 Granite Avenue. Mr. Robert Lancaster, representing the applicant, testified that the Board granted a variance to split the lot in December of 2017. The previous approval granted lot widths of 52.5 feet each. The only condition attached to the previous approval dealt with provision of an exterior water spigot. The previous approval was also predicated on construction of a craftsman style two-story dwelling and a two-story detached garage which is now being replaced with a federalist style two-story dwelling and detached two-story garage with a half-bath. Mr. Lancaster noted that the first of the two dwellings has been constructed and is now occupied. Mr. Lancaster stated that the Westhampton Civic Association was in support of the requested variance. Mr. Lancaster also stated that there was no opposition from the surrounding property owners. Mr. Lancaster explained that the dwelling will be occupied by young

family that currently live in the neighborhood and have two children with one on the way.

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 for the modification of the previously approved plans be granted to Lancaster Custom Builder, Inc. for a building permit to construct a new single-family dwelling and detached garage.

ACTION OF THE BOARD: (4-0)

Vote to Grant

affirmative: Pinnock, York, Samuels, Sadid

negative: None

BZA 53-2019

APPLICANT: Mark Julian and Natalie Newfield

PREMISES: 3866 FAUQUIER AVENUE
(Tax Parcel Number N000-1895/010)

SUBJECT: A building permit to construct a one-story detached garage (24' x 24') in the rear of a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on October 14, 2019, based on Sections 30-300, 30-410.5.(1), 30-630.2(b)(1) & 30-1040.(a) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the plans are not in conformity with the previous approval (Case No. 31-2019). The previous approval granted the special exception to construct a one-story addition and a one-story detached garage. The original plans reflected a driveway access to the garage along the existing (15') public alley; the proposal is to have the driveway access along Greycourt Avenue.

APPLICATION was filed with the Board on October 25, 2019, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Paul Salvucci
Natalie Newfield

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Mark Julian and Natalie Newfield, have requested a special exception to construct a one-story detached garage in the rear of a single-family detached dwelling for property located at 3866 Fauquier Avenue. Mr. Paul Salvucci, representing the applicants, testified that the Board in July of 2019 approved a special exception to in part construct a one-story detached garage in the rear of the property. It was noted at that time that the garage was needed for security and accessibility purposes. Mr. Salvucci stated that the only change proposed is to redirect access to the garage from the rear alley to Greycourt Avenue. Mr. Salvucci noted that the Department of Public Works had agreed to approve a curb cut from Greycourt Avenue to access the garage. Mr. Salvucci stated that there is ample on-street parking and that the curb cut will have no effect. Mr. Salvucci indicated that the neighbors were in support of the requested special exception.

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 for the modification of the previously approved plans be granted to Mark Julian and Natalie Newfield for a building permit to construct a one-story detached garage (24'x24') in the rear of a single-family detached dwelling.

ACTION OF THE BOARD: (4-0)

Vote to Grant

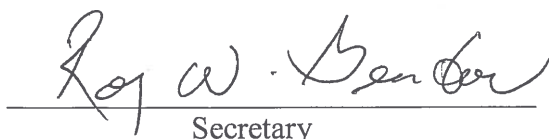
affirmative: Pinnock, York, Samuels, Sadid

negative: None

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

The meeting was adjourned at 1:45 p.m.


Chairman


Secretary