



## CITY OF RICHMOND

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

### BOARD OF ZONING APPEALS

#### MEETING MINUTES

**WEDNESDAY, JUNE 3, 2020**

On Wednesday, June 3, 2020, the Board of Zoning Appeals held an electronic public hearing due to the disaster represented by the spread of COVID-19 pursuant to and in compliance with Ordinance 2020-093 at 1:00 p.m.; display notice having been published in the Richmond Legacy Newspaper on May 27, 2020 and written notice having been sent to interested parties.

Members Present:                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  
   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 19-2020

APPLICANT:                    CC Richmond II, LP

PREMISES:                    1121 NORTH 27<sup>th</sup> STREET  
   (Tax Parcel Number E000-0521/034)

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

**DISAPPROVED** by the Zoning Administrator on March 5, 2020, based on Sections 30-300 & 30-412.5(1)b of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the side yard (setback) requirement is not met. A side yard of three (3) feet is required; 1.8 feet is proposed along the southern property line.

**APPLICATION** was filed with the Board on March 5, 2020, 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 II, LP, has requested a special exception to construct a new single-family detached dwelling for property located at 1121 N. 27<sup>th</sup> Street. Mr. Mark Baker, representing the applicant, testified that the request is being made under Special Exception #1. Mr. Baker stated that the goal is to build a new single-family detached dwelling which will encourage improvement of property, increase opportunities for home ownership, retain residents in the City and promote neighborhood improvement. Mr. Baker stated that it will be a high-quality infill product of approximately 1512 ft.<sup>2</sup> of floor area. It will have two bedrooms/2 ½ baths with a full master bedroom suite. The exterior will be a compatible design and include cementitious lap siding. Mr. Baker explained that the property is located midblock on the east side of 27<sup>th</sup> Street and the lot has a width of 19 feet and a depth of 132 feet with a lot area of 2508 ft.<sup>2</sup>. Mr. Baker indicated that the required side yard setback is 3 feet, a side yard setback of 1.8 feet is being requested. Mr. Baker noted that the proposed single-family use is consistent with the use regulations of the district, the departure from the yard requirements is the minimum necessary, the dwelling cannot reasonably be located elsewhere on the lot and the dwelling is in keeping with the development pattern of the neighborhood. Mr. Baker noted that the average lot width in the neighborhood is 20.62 feet and that the proposed lot has a width of 19 feet. Mr. Baker further noted that the average unit depth in the block is 54 feet and that 52.15 feet is being proposed. Mr. Baker indicated that the side yard setback relief is being requested on the south side where the adjoining dwelling is 2.2 feet from the property line versus the north side where the

adjoining building has no side yard setback. Mr. Baker explained that this approach is consistent with the development pattern of the neighborhood. Mr. Baker stated that the proposed dwelling is compatible with other dwellings in the vicinity which are for the most part two stories with full width porches and frame construction. Mr. Baker concluded by stating that the Church Hill Central Civic Association indicated that the project did not need neighborhood review.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3(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 side yard (setback) requirement be granted to CC Richmond II, LP 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: (4-0)

Vote to Grant Conditionally  
affirmative: York, Poole, Hogue, Samuels

negative: None

-----  
BZA 20-2020 (CONTINUED TO THE JULY 1, 2020 MEETING OF THE BOARD)

APPLICANT: Myrtle H Brown

PREMISES: 10 W 30<sup>th</sup> STREET  
(Tax Parcel Number S000-1347/017)

SUBJECT: A building permit to split an existing lot improved with a single-family detached dwelling and to construct a new single-family detached dwelling on the proposed vacant lot.

DISAPPROVED by the Zoning Administrator on March 12, 2020, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the lot area and width requirements are not met. A lot area of six thousand square feet (6,000 SF) and a lot width of fifty feet (50') are required. One lot having a lot area of 6,900 square feet and a lot width of 60' currently exists. Lot areas of 3,450 square feet and lot widths of thirty feet (30') are proposed.

APPLICATION was filed with the Board on March 12, 2020, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

-----  
BZA 21-2020

APPLICANT: Urban Land Solutions, LLC

PREMISES: 3016 2<sup>nd</sup> AVENUE  
(Tax Parcel Number N000-0989/003)

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

DISAPPROVED by the Zoning Administrator on March 13, 2020, based on Sections 30-300 & 30-412.4(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the lot area and lot width requirements are not met. A lot area of five thousand square feet (5,000 SF) and a lot width of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of 9,800.0 square feet and a lot width of seventy feet (70') currently exists; a lot area of 4,970.0 square feet (#3016) and 4,830.0 square feet (#3014 1/2) and lot widths of 35.5 feet (#3016) and 34.5 feet (#3014 1/2) are proposed.

APPLICATION was filed with the Board on March 13, 2020, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Douglas Harley

Against Applicant: None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, Urban Land Solutions LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 3016 2<sup>nd</sup> Avenue. Mr. Douglas Harley, representing the applicant, testified that he is a small general contractor and owns several properties in the City of Richmond. Mr. Harley noted that the property in question consisted of two lots, lot 15 is vacant and lot 14 is developed with a single-family dwelling. Mr. Harley further noted that the lots are legal lots of record. Mr. Harley explained that his lots encompasses approximately 4900 ft.<sup>2</sup> in area and lot widths of approximately 35 feet. Mr. Harley noted that the proposed dwelling will have approximately 1800 ft.<sup>2</sup> and include three bedrooms and 2 ½ baths. Mr. Harley stated that he proposes single-family ownership rather than rental. Mr. Harley indicated that all requisite setbacks will be met. Off-street parking will be provided in the rear off the alley. Mr. Harley stated that the proposed dwelling and lot are consistent with others in the surrounding neighborhood. Mr. Harley noted that the siding will be board and batten. Mr. Harley concluded by stating that he was aware of no opposition from the surrounding neighbors.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed, and the number of lots to be created do not exceed the number of previously existing lots of record, the new lots comply with Section 30-610.1 of the zoning ordinance and off-street parking requirements will be met, each lot created by the division will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations and that dwellings to be constructed on the lots will be compatible with the dwellings existing or to be constructed in the immediate vicinity of the property.

**RESOLUTION:** NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot area and lot width requirements be granted to Urban Land Solutions, 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 board & batten siding and revision of the site plans to reflect provision off-street parking in the rear of 3014 ½ 2<sup>nd</sup> Avenue and 3016 2<sup>nd</sup> Avenue.

**ACTION OF THE BOARD:** (4-0)

Vote to Grant Conditionally

affirmative: York, Poole, Hogue, Samuels

negative: None

-----

BZA 22-2020

APPLICANT: Property Key Solutions, LLC

PREMISES: 3801 DECATUR STREET  
(Tax Parcel Number C006-0125/010)

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

DISAPPROVED by the Zoning Administrator on March 13, 2020, based on Sections 30-300 & 30-408.4 of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential District), the lot area and lot width requirements are not met. A lot area of seven thousand five hundred square feet (7,500 SF) and a lot width of sixty feet (60') are required. For zoning purposes, one (1) lot having a lot area of 9,300.0 square feet and a lot width of sixty feet (60') currently exists; a lot area of 4,758.0 square feet (#3801) and 4,542.0 square feet (#3803) and lot widths of 30.7 feet (#3801) and 29.3 feet (#3803) are proposed.

APPLICATION was filed with the Board on March 13, 2020, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Monica Belmar

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Property Key Solutions LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 3801 Decatur Street. Ms. Monica Belmar, representing the applicant, testified that she is seeking a building permit to construct a new single-family detached dwelling. Ms. Belmar noted that the lots in question were legal lots of record. Ms. Belmar stated that the proposed lots will have lot areas of 4758 ft.<sup>2</sup> and 4542 ft.<sup>2</sup> respectively. The lot widths will be approximately 30 feet. Ms. Belmar noted that they are currently renovating the existing dwelling. Ms. Belmar further noted that the proposed lots are similar in nature to other lots in the surrounding neighborhood. Ms. Belmar indicated that the dwelling will be two stories in height and that the siding will be cementitious. Ms. Belmar explained that a number of the houses in the block are of a cottage style. Ms. Belmar indicated

that she was not aware of any opposition to the proposed project. Ms. Belmar stated that the proposed infill housing will promote homeownership in the area.

Mr. York noted that many of the houses in the surrounding neighborhood are one story bungalows. Ms. Belmar stated that the surrounding houses are small and that it would not be possible to market an insufficiently sized dwelling. Mr. York noted that Mr. Davidson had approved an administrative variance for an addition on the rear of 3801 Decatur Street. Ms. Belmar stated that the addition is currently under construction.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed, and the number of lots to be created do not exceed the number of previously existing lots of record, the new lots comply with Section 30-610.1 of the zoning ordinance and off-street parking requirements will be met, each lot created by the division will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations and that dwellings to be constructed on the lots will be compatible with the dwellings existing or to be constructed in the immediate vicinity of the property.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot area and lot width requirements be granted to Property Key Solutions, 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: (4-0)

Vote to Grant Conditionally

affirmative: York, Poole, Hogue, Samuels

negative: None

-----  
BZA 23-2020 (CONTINUED TO THE JULY 1, 2020 MEETING OF THE BOARD)

APPLICANT: Eagles Properties and Investments LLC

PREMISES: 3110 P STREET  
(Tax Parcel Number E000-0723/023)

SUBJECT: A building permit to add an addition and a deck onto the rear of an existing single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on December 30, 2019, based on Sections 30-300, 30-412.5(1)(b), & 30-620.1(c) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the side yard (setback) requirement is not met. A three foot (3') side yard setback is required; 0.5 feet  $\pm$  is proposed along the western property line and 2.0 feet is proposed along the eastern property line.

APPLICATION was filed with the Board on March 13, 2020, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

-----  
BZA 24-2020

APPLICANT: Sarah G. Valentine

PREMISES: 800 PEPPER AVENUE  
(Tax Parcel Number W021-0205/034)

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

DISAPPROVED by the Zoning Administrator on February 5, 2020, based on Sections 30-300, 30-408.5(1), 30-408.6 & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential District), the front yard (setback) and lot coverage requirements are not met. A front yard of 20.30 feet is required along the Hanover Avenue street frontage; a front yard of 10.68 feet is proposed. A maximum lot coverage of thirty percent (30%) is permitted; 33.17 %  $\pm$  is proposed.

APPLICATION was filed with the Board on April 17, 2020, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Jonah Kane-West

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Sarah G Valentine, has requested a special exception



to construct a building accessory to a single-family detached dwelling for property located at 800 Pepper Avenue. Mr. Jonah Kane-West, representing the applicant, testified that the subject property has dual front yards being located at the corner of Hanover Avenue and Pepper Avenue. Mr. Kane-West noted that the buildable lot width is approximately 10 feet. Mr. Kane-West stated the new accessory building will be built in place of a dilapidated garage. Mr. Kane-West indicated that the accessory dwelling was needed to house his musical instruments and for storage purposes. Mr. Kane-West noted that the existing garage is not temperature controlled or structurally sound. Mr. Kane-West further noted that the main house encompasses approximately 1300 ft.<sup>2</sup> which further underscores the need for the new accessory building. Mr. Kane-West stated the main structure is located right on the Hanover Avenue property line and that the proposed accessory building will have an approximate 23 foot setback. Mr. Kane-West indicated that the proposed accessory building is approximately the same size as existing structure. Mr. Kane-West stated the proposed accessory building is consistent in design with other accessory buildings in the surrounding neighborhood. Mr. Kane-West also noted that the request also includes a lot coverage waiver of only 3%. Mr. Kane-West indicated that compliance with the lot coverage requirement would reduce the size of the garage to approximately 200 ft.<sup>2</sup> which would be insufficient to accommodate their growing needs. Mr. Kane-West concluded by stating he is aware of no opposition from surrounding neighbors or the Westhampton Civic Association.

In response to a question from Mr. York, Mr. Kane-West indicated that a parallel parking space will be provided along the rear property line. Mr. Kane-West stated there will be no plumbing facilities within the accessory building.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3(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) and lot coverage requirements be granted to Sarah G. Valentine for a building permit to construct a building accessory to a single-family detached dwelling, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally  
affirmative: York, Poole, Hogue, Samuels  
negative: None

-----  
BZA 25-2020

APPLICANT: Catherine F Gioeli

PREMISES: 3103 GRANTLAND DRIVE  
(Tax Parcel Number W000-1330/016)

SUBJECT: A building permit to construct a front vestibule addition (90 SF) to  
a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on April 17, 2020, based on Sections 30-300, 30-410.5(1) & 30-630.9(f) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential District), the front yard (setback) requirement is not met. A front yard of twenty-five feet (25') is required; 21.98 feet ± is proposed along the Grantland Drive frontage.

APPLICATION was filed with the Board on April 17, 2020, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Ed Lane

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Catherine F Gioeli, has requested a special exception to construct a front vestibule addition (90 ft.<sup>2</sup>) to a single-family detached dwelling for property located at 3103 Grantland Drive. Mr. Ed Lane, representing the applicant, testified that a front yard of 25 feet is required along Grantland Drive and that his client is requesting a setback of approximately 22 feet. Mr. Lane indicated his client's desire is to construct a vestibule on the front of the existing dwelling. Mr. Lane noted that the house was constructed approximately 60 years ago and not designed with a foyer or coat closet. Mr. Lane stated that the current house has a front porch which will be utilized in part for the proposed vestibule. Mr. Lane noted that the front yard setback proposed by his client is not dissimilar from other dwellings in the neighborhood. Mr. Lane indicated that he was

not aware of any opposition from the surrounding neighbors. Mr. Lane noted that the vestibule will provide additional security by adding an additional barrier to entry. Mr. Lane concluded by stating that the proposed vestibule will be consistent with the style and character of the neighborhood.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3(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 Catherine F Gioeli for a building permit to construct a front vestibule addition (90 SF) to a single-family detached dwelling, subject to subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally

affirmative: York, Poole, Hogue, Samuels

negative: None


-----

Upon motion made by Mr. Poole and seconded by Ms. Hogue, Members voted (4-0) to adopt the Board's May meeting minutes.

-----

The meeting was adjourned at 2:20 p.m.

-----



Secretary



Chairman