



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, AUGUST 5, 2020

On Wednesday, August 5, 2020, the Board of Zoning Appeals held an electronic public hearing at 1:00 p.m. due to the disaster represented by the spread of COVID-19 pursuant to and in compliance with Ordinance 2020-093; display notice having been published in the Richmond Legacy Newspaper on July 26, 2020 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
- 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 including the fact that the public hearing is being held electronically due to the state of emergency that exists as a result of the spread of Covid-19 pursuant to and in compliance with Ordinance 2020-093. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

BZA 28-2020

APPLICANT: Neil Nordheim

PREMISES: 408 WEST 25th STREET
(Tax Parcel Number S000-0700/010)

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

DISAPPROVED by the Zoning Administrator on May 18, 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 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 9,176.0 square feet and a lot width of sixty-two feet (62') currently exists; a lot area of 4,526.81 square feet (#406) and 4,649.19 square feet (#408) and lot widths of 30.59 feet (#406) and 31.41 feet (#408) are proposed.

APPLICATION was filed with the Board on May 15, 2020, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Neil Nordheim

Against Applicant: Jacob Wiseman

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Neil Nordheim, has requested a special exception to construct a new single-family detached dwelling for property located at 408 W. 25th Street. Mr. Nordheim testified that he lives in the neighborhood and is a resident of Woodland Heights. Mr. Nordheim stated that he had lived in the neighborhood since 2007 and had rehabbed a couple of houses. Mr. Nordheim noted that the existing house at 408 W. 25th Street is in disrepair and they are currently renovating it. Mr. Nordheim indicated that the intent is to split the existing lot into two lots of approximately 31 feet in width and construct a new single-family detached dwelling. Mr. Nordheim noted that the zoning ordinance requires a 5000 ft.² minimum lot size and that the proposal calls for two lots of approximately 4500 ft.² and 4600 ft.² which are similar in size to other lots in the neighborhood. Mr. Nordheim indicated that it will be utilizing cementitious siding and off-street parking will be provided. Mr. Nordheim further indicated that the proposed dwelling is compatible with other dwellings in the neighborhood. Mr. Nordheim stated that the proposed construction is consistent with the goals as stated in the City's Master Plan and will promote homeownership. Mr. Miller stated that he has the support of the Woodland Heights Neighborhood Association as well as the surrounding neighbors.

Speaking in opposition Mr. Jacob Wiseman testified that his home is located on two lots and that the home spans the subject lots. Mr. Wiseman expressed concern over disrupting a development pattern that had existed for over 80 years.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (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 114-610.1 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 Neil Nordheim 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: Pinnock, York, Poole, Hogue, Samuels

negative: None

BZA 29-2020 (WITHDRAWN)

APPLICANT: John and Holly Martin

PREMISES: 5404 MATOAKA ROAD
(Tax Parcel Number W020-0187/015)

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

BZA 30-2020 (CONTINUED TO SEPTEMBER 2, 2020 MEETING)

APPLICANT: Twenty O Ten Grove Ave LLC

PREMISES: 2010 GROVE AVENUE
(Tax Parcel Number W000-0904/024)

SUBJECT: A building permit to construct a freestanding deck abutting a nonconforming multi-family dwelling.

DISAPPROVED by the Zoning Administrator on June 12, 2020, based on Sections 30-300, 30-800.1 & 30-800.2 of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the nonconforming use requirements are not met. The addition of an exterior deck is an expansion of the nonconforming use. No building or structure devoted to a nonconforming use shall be enlarged or extended unless such building or structure is thereafter devoted to a conforming use.

APPLICATION was filed with the Board on June 12, 2020, based on Section 1040.3(13) of the City of Richmond Zoning Ordinance.

BZA 31-2020

APPLICANT: Nelson Benavides, et al

PREMISES: 3000½ Q STREET
(Tax Parcel Number E000-0627/031)

SUBJECT: A building permit to construct an addition to a two-family attached dwelling.

DISAPPROVED by the Zoning Administrator on June 12, 2020, based on Sections 30-300 & 30-412.6 of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the lot coverage requirement is not met. A maximum lot coverage of fifty-five percent (55%) is permitted; 63.39% exists 67.89% ± is proposed.

APPLICATION was filed with the Board on June 12, 2020, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Nelson Benavides

Against Applicant: None

Not Opposed: Barbara Opalak

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Nelson Benevides, has requested a special exception to construct an addition to a two-family attached dwelling for property located at 3000 ½ Q Street. Mr. Benevides testified the property was purchased at a city tax auction with the intent rehabbing the property. Mr. Benevides stated the intent is to enclose the 5' x 8' rear porch to provide a needed mudroom and storage for the dwelling. Mr. Benevides noted that a waiver to the lot coverage requirement is necessitated by the increased square footage. Mr. Benevides indicated that he is requesting the ability to increase his current lot coverage from 63.39% to 67.89%. Mr. Benevides stated that the stairs are also being expanded from 25 inches in width of 36 inches in width to comply with current code.

Ms. Barbara Opalak inquired about the location of the supercans. Mr. Benevides stated that they will be located in front of the building.

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 lot coverage requirement be granted to Nelson Benavides, et al for a building permit to construct an addition to two-family attached dwelling, subject to 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

BZA 32-2020

APPLICANT: Cava Capital LLC

PREMISES: 1502 WILLIAMSBURG ROAD
(Tax Parcel Number W000-0904/024)

SUBJECT: Lot splits and building permits to divide an existing lot improved with a single-family detached dwelling into three (3) lots and to construct a new single-family detached dwelling on each of the two vacant lots.

DISAPPROVED by the Zoning Administrator on June 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 lot width requirements are not met. Lot areas of six thousand square feet (6,000 sq ft) and lot widths of fifty feet (50') are required. One lot having a lot area of 14,000 square feet and a lot width of 100' currently exists. A lot area of 4,200 square feet and a lot width of thirty feet (30') is proposed for the new single-family detached dwelling at 1500 Williamsburg Road. A lot area of 4,620 square feet and a lot width of thirty-three feet (33') is proposed for the existing single-family detached dwelling at 1502 Williamsburg Road. A lot area of 4,340 square feet and a lot width of thirty-one feet (31') is proposed for the new single-family detached dwelling at 1504 Williamsburg Road.

APPLICATION was filed with the Board on June 12, 2020, 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, Cava Capital LLC, has requested a special exception to divide an existing lot improved with a single-family detached dwelling into three lots and construct a new single-family detached dwelling on two of the subject lots. Mr. Mark Baker, representing the applicant, testified that the property is zoned R-5 Single-Family Residential and is located on the north side of Williamsburg Road at the corner of Montgomery Street. Mr. Baker stated that there is currently a single 100 foot wide lot comprising approximately 14000 ft.²

of lot area. Mr. Baker noted that the property originally consisted of three lots and is improved with a single-family detached dwelling located in the center of the property. Mr. Baker indicated that the intent is to reestablish the original three lots which will average approximately 32 feet in lot width and 4400 ft.² in lot area. Mr. Baker noted that a lot line adjustment is being requested to transfer 6 feet of lot width to the adjoining lot on the east to accommodate an existing encroachment. Mr. Baker indicated that a letter of agreement between the two parties concerning the proposed lot line adjustment has been submitted. Mr. Baker stated that the goal is to build two single-family detached dwellings which will provide infill housing compatible with the neighborhood. Mr. Baker indicated that the dwellings will have an approximately 1760 ft.² of finished floor area consisting of four bedrooms and two baths. Mr. Baker noted that the design is compatible with that existing in the neighborhood and that cementitious lap siding will be provided. Mr. Baker explained that the special exception criteria have been met including provision of off-street parking and required side yards. Mr. Baker indicated that the proposed dwellings are consistent in terms of massing and dwelling width and depth with the range of dwellings found in the block. Mr. Baker concluded by stating that letters have been sent out to everyone within a 150 foot radius of the property that he was unaware of any concerns regarding the proposed special exception.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (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 114-610.1 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 Cava Capital LLC for lot splits and building permits to divide an existing lot improved with a single-family detached dwelling into three (3) lots and to construct a new single-family detached dwelling on each of the two vacant lots, 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: Pinnock, York, Poole, Hogue, Samuels

negative: None

Upon motion made by Mr. Poole and seconded by Ms. Hogue, Members voted (5-0) to adopt the Board's July meeting minutes.

The meeting was adjourned at 2:15 p.m.



Chairman



Secretary