



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

February 5, 2021

Oregon Hill Historic LLC
304 E Main Street
Richmond, VA 23219

Baker Development Resources
1519 Summit Avenue, Suite 102
Richmond, VA 23230
Attn: Mark Baker

To Whom It May Concern:

RE: **BZA 15-2021**

You are hereby notified that the Board of Zoning Appeals will hold an electronic public hearing on Wednesday, March 3, 2021 due to the disaster represented by the spread of COVID-19 pursuant to and in compliance with Ordinance 2020-232 to consider an application for a building permit to re-establish the nonconforming use rights to office use and convert the building to a two-family dwelling including the sanctioning of a previously constructed addition and proposed addition of exterior rear stairs at 316 WEST LEIGH STREET (Tax Parcel Number N000-0210/039), located in an R-6 (Single-Family Attached Residential) District.

Please be advised that the applicant or applicant's representative is required to participate in the electronic public hearing by calling 804-316-9457 and entering code 802 929 136# beginning at 1:00 p.m. For video access by computer, smart phone or tablet visit <https://richmondva.legistar.com/Calendar.aspx>. Select the Board of Zoning Appeals drop-down and 2021 drop-down, click meeting details for March 3, 2021 meeting and then click video access. In the event you have difficulty accessing a public hearing you may contact Mr. William Davidson at 804-396-5350 or by email at William.Davidson@richmondgov.com for assistance. In accordance with Ordinance No. 2020-232, please be advised that an inability to access one of the enumerated public hearing through video means shall not be considered a prerequisite for participating in the subject public hearing. It will be necessary for you to stay on the line until such time as your case is called. The Board of Zoning Appeals Rules of Procedure provides that in the case of an application for a variance or a special exception, the applicant, proponents or persons aggrieved under §15.2-2314 of the Code of Virginia, shall be permitted a total of six (6) minutes each to present their case. The Board of Zoning Appeals will withhold questions until the conclusion of the respective presentations. For the purposes of the record it also requested that before addressing the Board you identify yourself and spell your name.

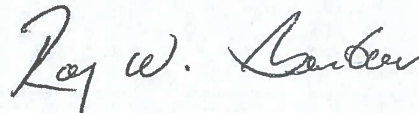
Finally, when you submitted your application to the zoning office you were given an handout entitled, Suggestions for Presenting Your Case to the Board, which indicated that you should discuss your request with your neighbor(s) and neighborhood

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Page 2
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association(s) prior to appearing before the Board of Zoning Appeals. Contact information for civic group(s) can be found by navigating to the Civic Group webpage of the City's website at <http://www.richmondgov.com/PlanningAndDevelopmentReview/civicasociationgroupinformation.aspx>. Once there, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, simply scroll down the page to the appropriate group(s) to find the contact information for each. The Board understands that given the current situation it is not practical to conduct face-to-face discussions with either your neighbors or neighborhood association(s) but the Board requests that you make a good faith effort to provide them with relevant information regarding your case.

If you have any questions regarding the Board's procedures or any issue involving presentation of your case, please feel free to contact me.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Roy W. Benbow". The signature is fluid and cursive, with the first name "Roy" being the most prominent.

Roy W. Benbow, Secretary
Phone: (804) 240-2124
Fax: (804) 646-5789
E-mail: Roy.Benbow@richmondgov.com

cc: Zoning Administrator

Notice of this meeting is being sent to the persons whom the Board of Zoning Appeals believes to be property owners in the immediate vicinity of the property concerned in this application. This notice is for their information only, and there is no need for them to appear unless they so desire. The Board will, however, welcome such views as any persons care to express during the hearing on this application.

314 W Leigh Street LLC
1603 Treyboy Ave
Richmond, VA 23226

Austin Desi A Sr
405 W Duval St
Richmond, VA 23220

City Of Richmond Public Works
900 E Broad St Rm 1000
Richmond, VA 23219

City Of Richmond School Board
301 N 9th St 17th Floor
Richmond, VA 23219

Dobrin 2 LLC
304 E Main Street
Richmond, VA 23219

Ebenezer Baptist Church Trs
216 W Leigh St
Richmond, VA 23220

Eco Flats LLC
600 Ridge Top Rd
Richmond, VA 23229

Fritz Lucas And Emily Anne Williams-
fritz
304 W Leigh St
Richmond, VA 23220

Hager Leigh LLC
812 Riverside Park
Richmond, VA 23220

Hemmer Beaumont John And Gretchen
308 W Leigh St
Richmond, VA 23220

Henderson Realty LLC
313 N 2nd Street
Richmond, VA 23219

Jackson Richard A & Maria M
13273 Kellington Lane
Richmond, VA 23238

Johnston Kyle H
Po Box 7075
Richmond, VA 23221

Martic Igor
302 W Leigh St
Richmond, VA 23220

Over The James Llc C/o Justin K Burdick
213 Golf Vista Circle
Davenport, FL 33837

Vcuref
Po Box 843040
Richmond, VA 23284

Property: 316 W Leigh St **Parcel ID:** N0000210039**Parcel**

Street Address: 316 W Leigh St Richmond, VA 23220-
Owner: OREGON HILL HISTORIC LLC
Mailing Address: 304 E MAIN ST, RICHMOND, VA 23219
Subdivision Name : NONE
Parent Parcel ID:
Assessment Area: 411 - Jackson/Carver
Property Class: 450 - B Mixed Use
Zoning District: R-6 - Residential (Single Family Attached)
Exemption Code: -

Current Assessment

Effective Date: 01/01/2021
Land Value: \$45,000
Improvement Value: \$110,000
Total Value: \$155,000
Area Tax: \$0
Special Assessment District: None

Land Description

Parcel Square Feet: 3120
Acreage: 0.072
Property Description 1: 0026.00X0120.00 0000.000
State Plane Coords(?): X= 11789400.158537 Y= 3725876.320937
Latitude: 37.55086498 , **Longitude:** -77.442847

Description

Land Type: Primary Commercial/Indust Land
Topology:
Front Size: 26
Rear Size: 120
Parcel Square Feet: 3120
Acreage: 0.072
Property Description 1: 0026.00X0120.00 0000.000
Subdivision Name : NONE
State Plane Coords(?): X= 11789400.158537 Y= 3725876.320937
Latitude: 37.55086498 , **Longitude:** -77.442847

Other

Street improvement:
Sidewalk:

Assessments

Assessment Year	Land Value	Improvement Value	Total Value	Reason
2021	\$45,000	\$110,000	\$155,000	Reassessment
2020	\$45,000	\$110,000	\$155,000	Reassessment
2019	\$45,000	\$106,000	\$151,000	Reassessment
2018	\$45,000	\$104,000	\$149,000	Reassessment
2017	\$45,000	\$104,000	\$149,000	Reassessment
2016	\$40,000	\$105,000	\$145,000	Reassessment
2015	\$39,000	\$106,000	\$145,000	Reassessment
2014	\$39,000	\$106,000	\$145,000	Reassessment
2013	\$39,000	\$106,000	\$145,000	Reassessment
2012	\$39,000	\$106,000	\$145,000	Reassessment
2011	\$39,000	\$106,000	\$145,000	CarryOver
2010	\$39,000	\$106,000	\$145,000	Reassessment
2009	\$39,000	\$106,000	\$145,000	Reassessment
2008	\$39,000	\$106,000	\$145,000	Reassessment
2007	\$33,000	\$96,000	\$129,000	Reassessment
2006	\$30,000	\$87,000	\$117,000	Reassessment
2005	\$12,100	\$97,900	\$110,000	Reassessment
2004	\$11,000	\$85,100	\$96,100	Reassessment
2003	\$10,600	\$79,500	\$90,100	Reassessment
2002	\$10,600	\$79,500	\$90,100	Reassessment
1998	\$10,000	\$75,000	\$85,000	Not Available

Transfers

Transfer Date	Consideration Amount	Grantor Name	Deed Reference	Verified Market Sale Description
11/10/2020	\$165,000	CHAN KAM	ID2020-26614	1 - VALID SALE-Valid, Use in Ratio Analysis
09/04/2020	\$150,000	MPH ENTERPRISES LLC	ID2020-20549	1 - VALID SALE-Valid, Use in Ratio Analysis
01/25/2006	\$0	HOWLETTE MARGARET P	ID2006-2647	
02/25/1999	\$0	HOWLETTE MILLARD P	IW9900-247	
11/06/1967	\$8,000	Not Available	00648-B0462	

Planning

Master Plan Future Land Use: NMU
Zoning District: R-6 - Residential (Single Family Attached)
Planning District: Downtown
Traffic Zone: 1043
City Neighborhood Code: JKWD
City Neighborhood Name: Jackson Ward
Civic Code: 0580
Civic Association Name: Historic Jackson Ward Association
Subdivision Name: NONE
City Old and Historic District: Jackson Ward
National historic District: Jackson Ward
Neighborhoods in Bloom: Jackson Ward
Redevelopment Conservation Area:

Economic Development

Care Area: - Jackson Ward
Enterprise Zone: III

Environment

100 YEAR Flood Plain Flag: Contact the Water Resources Division at 646-7586.
500 YEAR Flood Plain Flag: N
Resource Protection Flag: Contact the Water Resources Division at 646-7586.
Wetland Flag: N

Census

Census Year	Block	Block Group	Tract
2000	1010	0302001	030200
1990	226	0302002	030200

Schools

Elementary School: Carver
Middle School: Hill
High School: Armstrong

Public Safety

Police Precinct: 4
Police Sector: 413
Fire District: 5
Dispatch Zone: 086B

Public Works Schedules

Street Sweep: TBD
Leaf Collection: TBD
Refuse Collection: Wednesday
Bulk Collection: TBD

Government Districts

Council District: 2
Voter Precinct: 213
State House District: 71
State Senate District: 9
Congressional District: 4

Extension 1 Details

Extension Name: C01 - Apt over Office
Year Built: 1930
Stories: 2
Units: 0
Number Of Rooms: 0
Number Of Bed Rooms: 0
Number Of Full Baths: 0
Number Of Half Baths: 0
Condition: fair for age
Foundation Type:
1st Predominant Exterior:
2nd Predominant Exterior: N/A
Roof Style: 1
Roof Material:
Interior Wall:
Floor Finish:
Heating Type: 2084 sf
Central Air: N
Basement Garage Car #: 0
Fireplace: N
Building Description (Out Building and Yard Items) :

Extension 1 Dimensions

Finished Living Area: 2084 Sqft
Attic: 0 Sqft
Finished Attic: 0 Sqft
Basement: 0 Sqft
Finished Basement: 0 Sqft
Attached Garage: 0 Sqft
Detached Garage: 0 Sqft
Attached Carport: 0 Sqft
Enclosed Porch: 0 Sqft
Open Porch: 0 Sqft
Deck: 0 Sqft

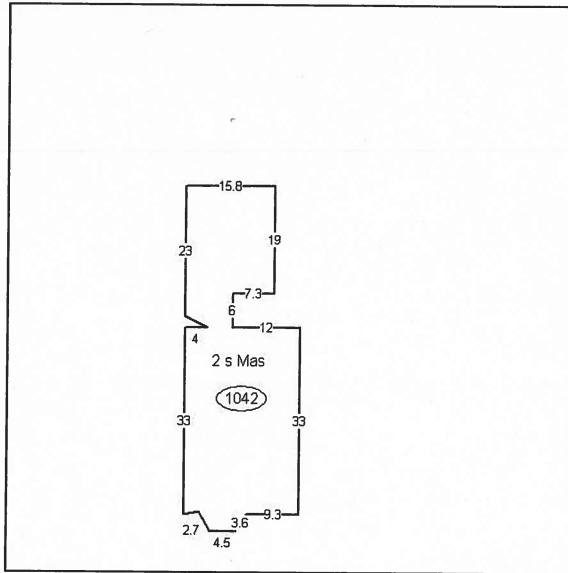
Property Images

Name:N0000210039 Desc:C01

[Click here for Larger Image](#)

Sketch Images

Name:N0000210039 Desc:C01



RICHMOND BOARD OF ZONING APPEALS APPLICATION FORM



THE RICHMOND ZONING ADMINISTRATION OFFICE
ROOM 110, CITY HALL, 900 EAST BROAD STREET
RICHMOND, VIRGINIA 23219
(804) 646-6340

TO BE COMPLETED BY THE APPLICANT	
PROPERTY	
OWNER: <u>Oregon Hill Historic LLC</u>	PHONE: (Home) () _____ (Mobile) () _____
ADDRESS: <u>304 E Main Street</u>	FAX: () _____ (Work) () _____
<u>Richmond, Virginia 23219</u>	E-mail Address: _____
PROPERTY OWNER'S	
REPRESENTATIVE: <u>Baker Development Resources</u>	PHONE: (Home) () _____ (Mobile) (804) <u>874-6275</u>
(Name/Address) <u>1519 Summit Avenue, Suite 102</u>	FAX: () _____ (Work) () _____
<u>Richmond, VA 23230</u>	E-mail Address: <u>markbaker@bakerdevelopmentresources.com</u>
<u>Attn: Mark Baker</u>	

TO BE COMPLETED BY THE ZONING ADMINISTRATION OFFICE

PROPERTY ADDRESS (ES) 316 West Leigh Street

TYPE OF APPLICATION: ☐ VARIANCE ☒ SPECIAL EXCEPTION ☐ OTHER _____

ZONING ORDINANCE SECTION NUMBERS(S): 30-300 & 30-800.4

APPLICATION REQUIRED FOR: A building permit to re-establish the nonconforming use rights to office use and convert the building to a two-family dwelling including the sanctioning of a previously constructed addition and proposed addition of exterior rear stairs.

TAX PARCEL NUMBER(S): N000-0210/039 **ZONING DISTRICT:** R-6 (Single-Family Attached Residential)

REQUEST DISAPPROVED FOR THE REASON THAT: The proposed use is not permitted as the previous nonconforming use rights have expired. Whenever a nonconforming use of a building or structure is discontinued for a period of two years or longer any subsequent use of the premises shall conform to the regulations applicable in the district in which it is located.

DATE REQUEST DISAPPROVED: January 15, 2021 **FEE WAIVER:** YES ☐ NO: ☒

DATE FILED: January 15, 2021 **TIME FILED:** 2:50 p.m. **PREPARED BY:** Brian Mercer **RECEIPT NO.** BZAR-085427-2021

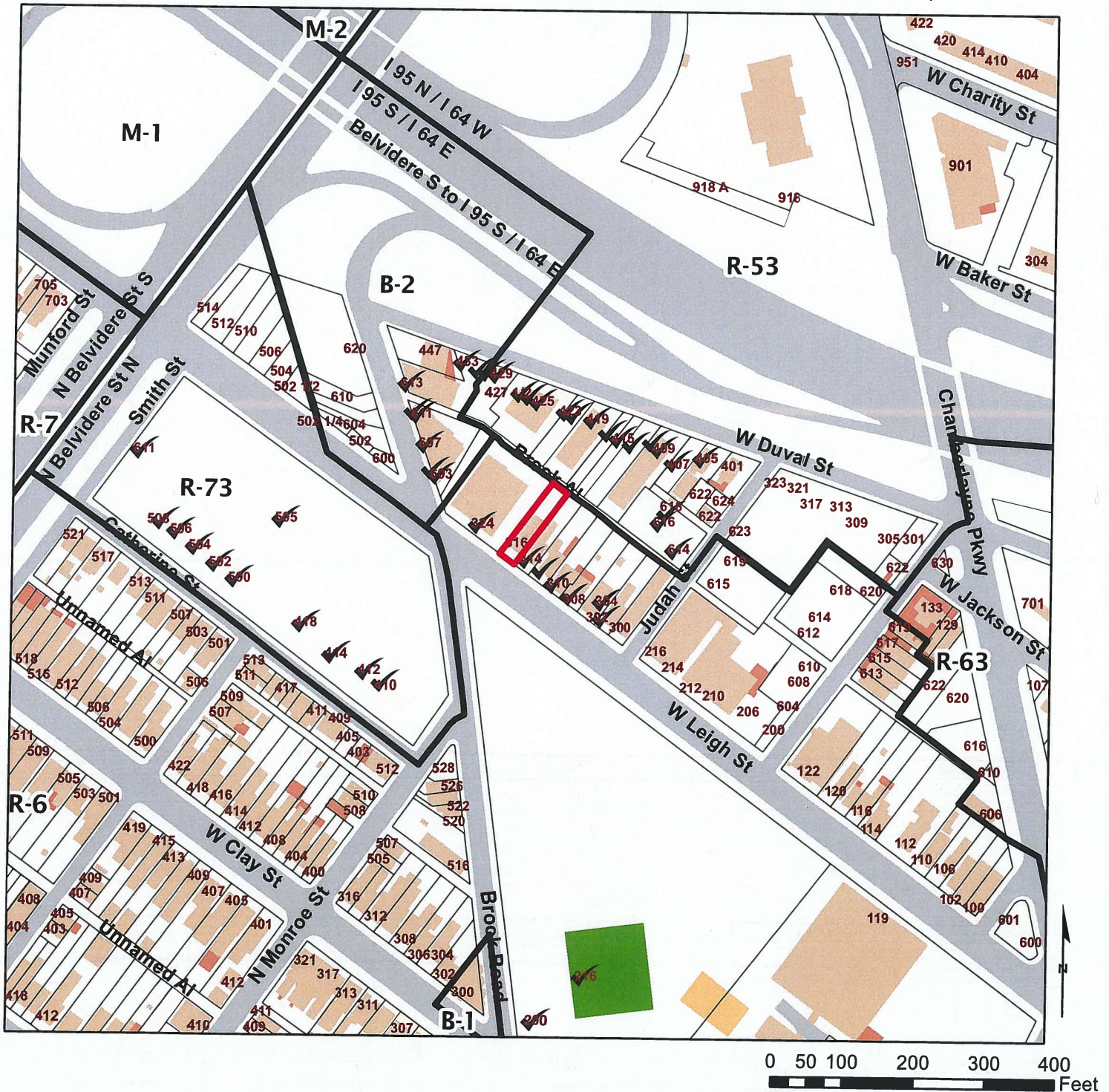
AS CERTIFIED BY: [Signature] (ZONING ADMINISTRATOR)

I BASE MY APPLICATION ON:	
SECTION 17.20 PARAGRAPH(S) _____	OF THE CHARTER OF THE CITY OF RICHMOND
SECTION 15.2-2309.2 <input type="checkbox"/>	OF THE CODE OF VIRGINIA [OR]
SECTION 1040.3 PARAGRAPH(S) <u>(14)</u>	OF THE ZONING ORDINANCE OF THE CITY OF RICHMOND

TO BE COMPLETED BY APPLICANT	
I have received the handouts, <i>Suggestions for Presenting Your Case to the Board & Excerpts from the City Charter</i> <input type="checkbox"/>	
I have been notified that I, or my representative, must be present at the hearing at which my request will be considered.	
SIGNATURE OF OWNER OR AUTHORIZED AGENT: <u>[Signature]</u>	DATE: <u>1/28/2021</u>

***** TO BE COMPLETED BY THE SECRETARY TO THE BOARD OF ZONING APPEALS *****

CASE NUMBER: BZA 15-2021 **HEARING DATE:** March 3, 2021 **AT** 1:00 **P.M.**





BOARD OF ZONING APPEALS PRESENTATION SUGGESTIONS

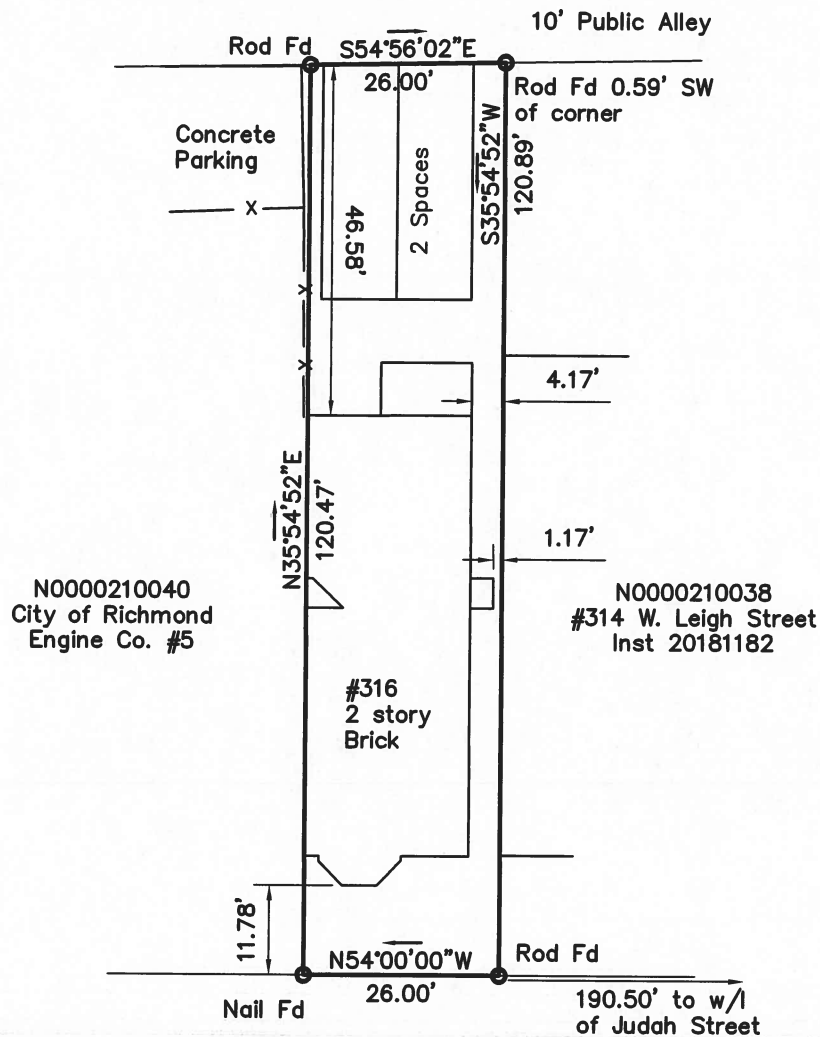
CITY OF RICHMOND, VIRGINIA

When presenting your request for a variance or exception to the Board of Zoning Appeals, it is important that you consider the points outlined below. The City Charter requires that every decision of the Board must be based upon a finding of fact that the Board must determine from sworn testimony, together with pertinent evidence, presented at its public hearing. It is essential that the Board receive thorough and complete information in order for it to adequately consider your case and make an informed decision.

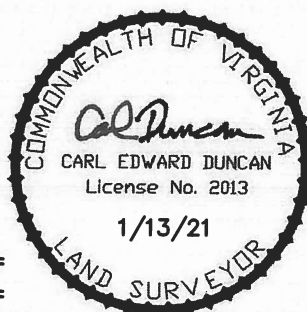
1. The powers and duties of the Board of Zoning Appeals are specified in Section 17.20 of the City Charter and Article X, Division 5, of the Zoning Ordinance. The Zoning Office will assist you in identifying how your case should be filed. If you have questions regarding your case filing, please contact the Zoning Administration Office (646-6340/6701). Please review the applicable provisions of the City Charter or the Zoning Ordinance thoroughly and address them when presenting your case to the Board to show that the applicable requirements have been satisfied.
2. The Board of Zoning Appeals is a quasi-judicial board whose decisions are controlled by statutory law and also take into consideration applicable case law that has been handed down by the Richmond Circuit Court and the Virginia Supreme Court. The Board suggests that if you have any legal questions regarding statutory or case law as it may apply to your application, that those legal issues should be discussed with an attorney before you make your final decision to submit an application to the Board.
3. The Board considers it absolutely essential that you discuss your case with your neighbors (notification letters are sent to property owners within a 150-foot radius of your property) as well as your neighborhood association(s). Information regarding your neighborhood association(s) and/or contact person(s) may be obtained from the City's website at <http://www.richmondgov.com/PlanningAndDevelopmentReview/civicasassociationgroupinformation.aspx> Once on the page, you can search for your property using the interactive map. A dialogue box will provide you with the names of all civic groups within which your property may lie. Once you have those group names, scroll down the page to the appropriate group(s) to find the contact information for each.
4. **Please be advised that if you fail to discuss your request with your neighbors and neighborhood association(s), you should anticipate that your case will be continued until the Board's next regularly scheduled meeting. It is highly recommended that you contact your neighborhood association as soon as possible to determine their meeting schedule in order to be sure you allow yourself enough time to talk to all concerned parties prior to the hearing before the Board.** The Board's Rules of Procedure require payment of a \$150.00 continuance fee if the applicant must request a continuance for the reason that the applicant failed to discuss their case with their neighbor(s) or neighborhood association(s).
4. **You are also strongly encouraged to discuss your pending case with the Secretary of the Board, Roy Benbow (804-240-2124) well before the hearing.** The Secretary can be helpful by explaining the BZA public hearing process.
5. Utilizing photographs, plans, maps, diagrams and such other written or graphic evidence as needed to fully explain your request can be a great help to the Board in understanding your request and thereby improve your chances for success. Remember a picture is worth a thousand words.
6. Note that, although the Board is not authorized to grant a waiver from the zoning regulations based on financial circumstances alone, it may be a factor to be taken into consideration along with other facts in a case. If your case involves such a factor, please provide the Board with complete and relevant financial information for its review.
7. The Board's hearings are informal, although all testimony is taken under oath. You are not required to be represented by an attorney in presenting your case. However, if you choose, you may have legal representation and/or may utilize such technical experts or other persons to testify on your behalf as you feel are needed to adequately explain your request to the Board.

Acknowledgement of Receipt by Applicant or Authorized Agent: _____

(Revised: 4/28/16)



Plat Showing the
Physical Improvements to
316 West Leigh Street
N0000210039
Dobrin Property Management
Spencer District
City of Richmond



C. E. Duncan & Associates, Inc.	
2809 Rocky Oak Road	
POWHATAN, VIRGINIA 23139	
(804) 598-8240 Fax (804) 598-9240	
DATE: 1/13/21	SCALE: 1"=20'
DRAWN BY: CED JOB NO.: 21-0188	

10' PUBLIC ALLEY

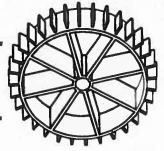
SITE PLAN

Dimensions and Labels:

- Top boundary: 120.47'
- Right boundary: 120.89'
- Bottom boundary: 26.0'
- Left boundary: 31.0'
- Parking area: (Gravel) PARKING, 20.0' wide, 46.58' long.
- Stairs: 12.1' wide, 7.0' high.
- Concrete Pad For Entry: 3.0' wide, 4.0' high.
- Other dimensions: 39.75', 4.17', 11.78', 1.17'.

[illegible]

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535



RIVER MILL
DEVELOPMENT

SHEET:
A2.1

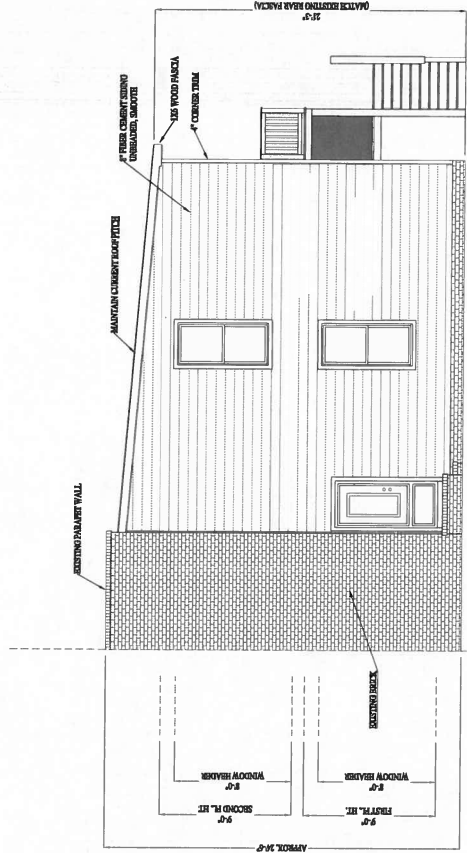
DATE:
11-10-2020

SCALE:
1/4" = 1'-0"

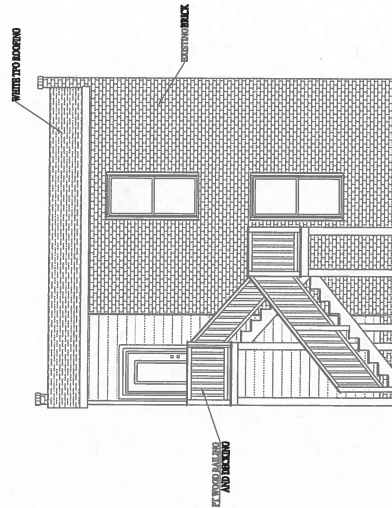
REVISION NOTES	
DATE	REMARK

RIVER MILL DEVELOPMENT
PHONE: (434) 774-4535
RIVERMILLDEVELOPMENT@GMAIL.COM

316 W LEIGH ST.



RIGHT PARTIAL ELEVATION



REAR ELEVATION



DATE: 11-10-2020

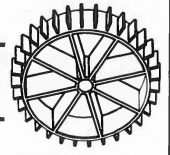
SCALE:
1/4" = 1'-0"

[illegible]

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

316 W LEIGH ST.





RIVER MILL
DEVELOPMENT

SHEET:
A1.2

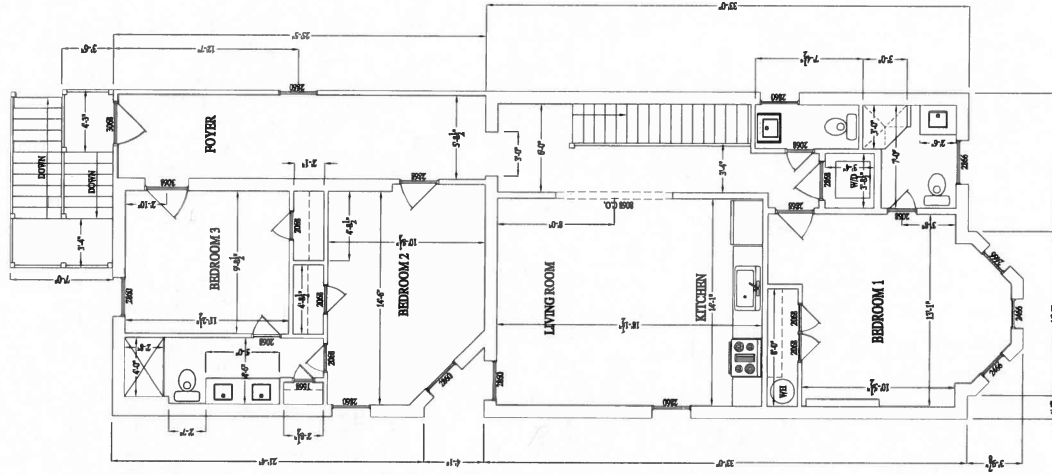
DATE:
11-10-2020

SCALE:
1/4" = 1'-0"

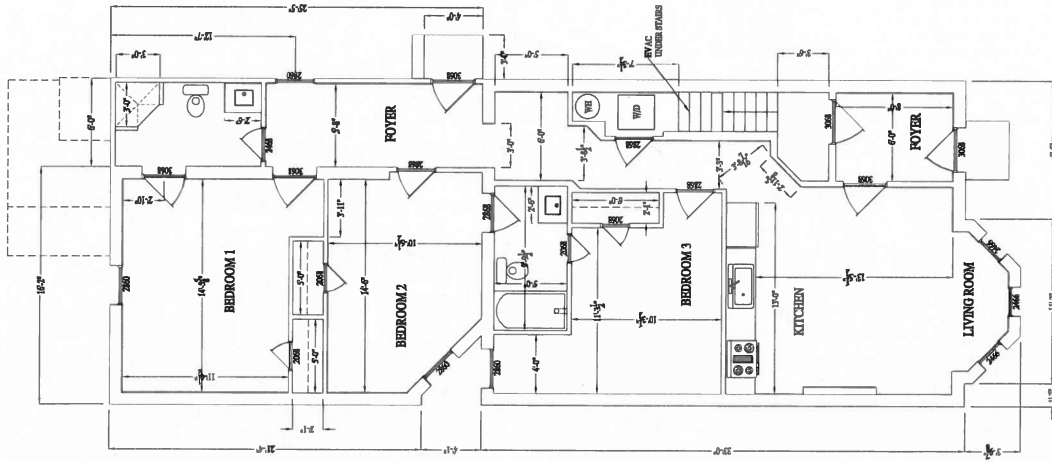
REVISION NOTES	
DATE	REMARK

RIVER MILL DEVELOPMENT
RIVERMILLDEVELOPMENT@GMAIL.COM
PHONE: (434) 774-4535

316 W LEIGH ST.



PROPOSED SECOND FLOOR



PROPOSED FIRST FLOOR

The Board is satisfied that the property was acquired in good faith, that an exceptional situation exists whereby strict application of the side yard requirement unreasonably restricts its use and that the granting of a variance in this case would alleviate a clearly demonstrable hardship and would be in harmony with the intended spirit and purpose of the ordinance and the powers of the Board.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a variance from the side yard requirement be granted to Bruce W. Tyler for a permit to construct an addition as proposed at the above described premises.

ACTION OF BOARD:	Granted	
Vote to grant		
Affirmative -	Johns, Kirk, Savage, Vellines, Venter	5
Negative -	None	0

CASE NO. 17-79

APPLICANT: Dr. Philmore Howlette
PREMISES: 316 West Leigh Street
SUBJECT: Certificate of occupancy for office use
of the second floor.

DISAPPROVED by the Commissioner of Buildings, April 10, 1979 under Sections 32.1-300, 32.1-710.1(23) and (24), 32.1-710.3(4), 32.1-800.1 and 32.1-800.2 of the zoning ordinance for the reason that: R-6 (Single-Family Attached Residential District) Expansion of a nonconforming use is prohibited. The parking requirement is not met. (9 are required and 2 are provided.).

APPEAL was filed with the Board, April 11, 1979 for a variance from the zoning ordinance based on Section 17.20(b) of the City Charter.

APPEARANCES:

For applicant: Dr. Philmore Howlett
Against applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant has owned and occupied the subject property since 1970. The first floor has been used as the applicant's medical office, which is a legal nonconforming use. The second floor has been used as support for, and in conjunction with the first floor office, although a certificate of occupancy specifically for the second floor use was never obtained. Four to five parking spaces are available at the rear of the property, and adequate curb-side space is normally available and used by the applicant's patients. Additional off-street parking is not available to the applicant in the immediate area.

The Board is satisfied that the property was acquired in good faith, that an exceptional situation exists whereby strict application of the nonconforming use requirement unreasonably restricts its use and that the granting of a variance in this case would alleviate a clearly demonstrable hardship and would be in harmony with the intended spirit and purpose of the ordinance and the powers of the Board.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a variance from the nonconforming use requirement be granted to Dr. Philmore Howlette for a certificate of occupancy for office use of the second floor of the above described premises on the condition that said office be occupied by no more than four persons.

ACTION OF BOARD:	Granted-conditionally	
Vote to grant		
Affirmative -	Johns, Kirk, Savage, Vellines, Venter	5
Negative -	None	0

CASE NO. 18-79

APPLICANT: Alice B. Street
PREMISES: 2363 Clearfield Street
SUBJECT: Permit to construct an addition to a single-family dwelling.

DISAPPROVED by the Commissioner of Buildings, April 9, 1979 under Sections 32.1-300 and 32.1-408.1 of the zoning ordinance for the reason that: "R-4 Single-Family Residential District. A duplex is not a permitted use in R-4."

APPEAL was filed with the Board, April 11, 1979 for a reversal of the decision of the Commissioner of Buildings and a variance from the zoning ordinance based on Section 17.20(a) and (b) of the City Charter.

APPEARANCES:

For applicant: Alice B. Street, John Ryan,
Against applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant has owned and occupied the property since 1951, and proposes to construct an addition to provide independent living quarters for her daughter and grandchildren. Although the addition will have a separate entrance, will contain separate kitchen facilities and the building must, therefore, be classified as a two-family dwelling under zoning ordinance definitions, it is intended that the entire structure be occupied by members of the same family. Utilities will not be separate. The lot consists of over three acres, and the structure is separated from adjacent properties by substantial yards.