



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JANUARY 6, 2021

On Wednesday, January 6, 2021, 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 2020-232; display notice having been published in the Richmond Legacy Newspaper on December 30, 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
 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 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 2020-232. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

BZA 40-2020 (CONTINUED FROM OCTOBER 7, 2020 MEETING)

APPLICANT: Tim Farrow

PREMISES: 622 HOLLY STREET
(Tax Parcel Number W000-0139/039)

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

DISAPPROVED by the Zoning Administrator on August 14, 2020, based on Sections 30-300, 30-413.6(2)a & 30-413.7 of the zoning ordinance for the reason that: In an R-7 (Single- and Two-Family Urban Residential) District, the side yard (setback) and lot coverage requirements are not met. A side yard of three (3) feet is required along the eastern and western property lines; zero is proposed. A maximum lot coverage of fifty-five (55) percent is permitted; 46.87%± exists 65.66%± is proposed.

APPLICATION was filed with the Board on August 14, 2020, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Tim Farrow
Jeanne McKeon

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Tim Farrow and Jeanne McKeon, have requested a special exception to construct an addition onto a single-family attached dwelling for property located at 622 Holly Street. Mr. Farrell and Ms. McKeon provided the following testimony. Their home is a small single-family dwelling that was constructed in the 1890s. The proposal is to construct a single-story 15' x 15' addition on the rear of the home to make it more suitable to a modern lifestyle. To make the best utilization of a small lot the request is to grant relief to the lot coverage and the three-foot side yard setback requirements. The dwelling is small consisting of only 780 ft.². There is a cramped kitchen downstairs. On the second floor there is a small bedroom connected to a modest bathroom. The proposal is to modernize the house by constructing a reasonably sized kitchen, half-bath, dining room and laundry room on the first floor. The addition is architecturally consistent with other dwellings in Oregon Hill. More than half of the lots on the same side of Holly Street exceed the 55% lot coverage requirement. Granting of the special exception will encourage improvement of the property and also promote neighborhood improvement and investment. Approval of the special exception will also permit continued occupancy of the home in a manner which is

consistent with modern day dwelling needs. Adherence to the required setbacks would result in an addition that is 9 feet wide having an interior that is 8 feet in width which would render the project impractical and thereby negate the opportunity to meet modern-day dwelling needs. If a 9 foot wide addition were extended into the backyard in such a manner as to achieve the requested square footage it would severely reduce the available backyard space. The neighbors on either side of 622 Holly Street have agreed to the requested special exception and also agreed to provide a three-foot maintenance easement which is included in the record. The Oregon Hill Neighborhood Association has provided a letter of support. Finally there is no opposition from any of the surrounding neighbors to the proposed special exception request.

The Chairman thanked the applicants for “the most eloquently stated, scripted and presented case I’ve heard since my time on this Board”.

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 side yard (setback) and lot coverage requirements be granted to Tim Farrow for a building permit to construct an addition on to a single-family attached 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, Samuels, Sadid

negative: None

BZA 01-2021 (CONTINUED TO FEBRUARY 3, 2021 MEETING/without fee)

APPLICANT: CCR II Holdings, LLC

PREMISES: 1201 IDLEWOOD AVENUE
(Tax Parcel Number W000-0437/025)

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

DISAPPROVED by the Zoning Administrator on November 6, 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. 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 5,925.1 square feet and a lot width of forty-seven and four tenths feet (47.40') currently exists. A lot area of 2,781.3 square feet and width of 22.25 feet is proposed for No. 1201. A lot area of 3,143.8 square feet and width of 25.15 feet is proposed for No. 1203.

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

BZA 02-2021

APPLICANT: Sabrina Walters

PREMISES: 5416 CAMPBELL AVENUE
(Tax Parcel Number E010-0138/027)

SUBJECT: Building permits to construct new single-family detached dwellings.

DISAPPROVED by the Zoning Administrator on November 13, 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 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of 10,150.0 square feet and a lot width of seventy feet (70') currently exists; lot areas of 5,075.0 square feet and lot widths of thirty-five feet (35') are proposed (#5414 & 5416).

APPLICATION was filed with the Board on November 13, 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, Sabine Walters has requested a special exception to construct a new single-family detached dwellings for property located at 5416 Campbell Avenue. Mr. Mark Baker, representing the applicant, testified that the special exception request is to create buildable lots that will accommodate two new single-family detached dwellings. Mr. Baker noted that the requested special exception is consistent with the intent statement which acknowledges the appropriateness of creating infill housing that is compatible with the surrounding neighborhood. Mr. Baker stated that the 1100 ft.² dwelling will include two bedrooms and two baths. Mr. Baker explained that the proposed dwellings will be a bungalow style with full width porches and utilize cementitious siding. Mr. Baker noted that the property is located on the east side of Campbell Avenue and measures 70 feet in width and 145 feet in depth. The property contains approximately 2150 ft.² and is zoned R-5 Single-Family Residential. Mr. Baker further noted that the proposed lot split will result in two 35 foot wide lots with approximately 5075 ft.² each. Mr. Baker indicated that the lots had previously consisted of two legal lots of record that were subsequently combined by deed. Further, the single-family use is consistent with the use regulations in the R-5 district and the lots will comply with public street frontage requirements. The off-street parking requirements will be met and the lots will meet requisite side yard requirements. Mr. Baker stated that the lots are consistent with the predominant lot areas and lot widths in the vicinity and the proposed lots are consistent with other lots in the block. Mr. Baker indicated that the property is located within the Greater Fulton Civic Association. Mr. Baker noted that there was no opposition from the Association. Mr. Baker stated that letters have been sent to all property owners within a 150 foot radius and that no opposition had been voiced.

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 Sabrine Walters for building permits to construct new single-family detached dwellings, 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, Samuels, Sadid

negative: None

BZA 03-2021

APPLICANT: Weller Homes / Brady Weller

PREMISES: 1815 NATIONAL STREET
(Tax Parcel Number E011-0225/019)

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

DISAPPROVED by the Zoning Administrator on November 13, 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. For zoning purposes, one (1) lot having a lot area of 10,141.88 square feet and a lot width of sixty-six feet (66') currently exists. Lot areas of 5,070.94 square feet and lot widths of 33 feet are proposed.

APPLICATION was filed with the Board on November 13, 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 applicants, Weller Homes/Brady Weller, have requested a special exception to construct a new single-family detached dwelling for property located at 1815 National Street. Mr. Mark Baker, representing the applicants,

testified that the special exception application had been made under #2 lot divisions to create buildable lots. Mr. Baker noted that the requested special exception is consistent with the intent of creating infill housing that is compatible with the surrounding neighborhood. Mr. Baker stated that the dwelling will be a high-quality for sale product consisting of approximately 1400 ft.² and encompassing three bedrooms and two baths. Mr. Baker indicated that the exterior design will be compatible with the neighborhood which has an abundance of bungalows and will include cementitious siding. Mr. Baker stated that the lot is located on the south side of National Street and measures 66 feet in width and 150 feet in depth. The lot contains approximately 10,098 ft.² and is zoned R-5 Single-Family Residential. Mr. Baker noted that the proposed lot split will result in two lots of 33 feet in width and 5070 ft.² in lot area. Mr. Baker explained that the property had previously consisted of two legal lots of record that were subsequently combined by deed. Mr. Baker noted that the single-family use is consistent with the zoning regulations and the lots will comply with public street frontage requirements. Mr. Baker indicated that off-street parking will be provided via an east-west alley at the rear of the lot. Mr. Baker stated that all setback requirements will be met. Mr. Baker noted that the proposed lots are consistent with the predominant lot areas and lot widths in the vicinity. Mr. Baker stated that the lots are located within the Greater Fulton Civic Association and that the Association had responded by stating there was no opposition. Additionally, letters were sent out to all property owners within a 150 foot radius of the lots in question and that no opposition had been identified.

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 Weller Homes / Brady Weller for a lot split and 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 lap siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Samuels, Sadid

negative: None

BZA 04-2021

APPLICANT: TNT CONSTRUCTION

PREMISES: 1414 MELTON AVENUE
(Tax Parcel Number E000-1102/020)SUBJECT: A building permit to construct a rear addition onto an existing
single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on October 27, 2020, based on Sections 30-300 & 30-410.6 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot coverage requirement is not met. A maximum lot coverage of 35 percent is permitted, 39 percent is proposed.

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

APPEARANCES:

For Applicant: Mike Thomas

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Mr. Mike Thomas, has requested a special exception to construct a 408 ft.² addition onto the rear of the existing single-family detached dwelling for property located at 1414 Melton Avenue. Mr. Thomas testified that the current lot area requirement for the R-5 Single-Family Residential Zoning District is 35% and that he is proposing to increase that to 39% for the proposed addition. Mr. Thomas indicated that originally he had considered putting a second-story on the house but decided to request a single-story addition for the reason that it would be more compatible with the surrounding neighborhood. Mr. Thomas noted that he had spoken with a number of the surrounding neighbors and that there was no objection to the proposed addition. It was pointed out that the existing house contains only 860 ft.² of floor area. It was noted that the departure from the zoning requirements is the minimum necessary to accomplish reasonable

use of the property. Mr. Thomas indicated the addition will be in keeping with the architectural character of the dwelling and development within the neighborhood

In response to a question from Mr. Pinnock, Mr. Thomas stated that the siding 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 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 TNT CONSTRUCTION for a building permit to construct a rear addition onto 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: Pinnock, York, Poole, Samuels, Sadid

negative: None

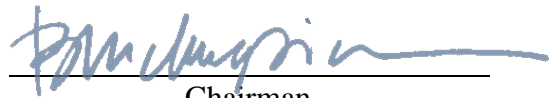
Upon motion made by Mr. Poole and seconded by Mr. Pinnock, Members voted (4-0) to adopt the Board's December meeting minutes.

Upon motion made by Mr. Poole and seconded by Mr. Samuels, Members voted (5-0) to elect Mr. Burt Pinnock as the Chairman and Mr. Roger York as the Vice-Chairman of the Richmond Board of Zoning Appeals for 2021, and Mr. Rodney Poole as the Board's representative to the Planning Commission for 2021.

The meeting was adjourned at 2:00 p.m.

Handwritten signature of Ray W. Barber in blue ink.

Secretary

Handwritten signature of the Chairman in blue ink.

Chairman