



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, APRIL 7, 2021

On Wednesday, April 7, 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 March 31, 2021 and written notice having been sent to interested parties.

Members Present: Roger H. York, Jr., Vice-Chair
 Rodney M. Poole
 Susan Sadid
 Edward H. Winks, Jr.

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

The Vice-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 16-2021

APPLICANT: Eric Burfeind

PREMISES: 118 GRANITE AVENUE
(Tax Parcel Number W020-0185/023)

SUBJECT: A building permit to construct an addition (298 sq. ft.) on the rear of an existing single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on December 18, 2020, based on Sections 30-300 & 30-408.6 of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, lot coverage requirement is not met. A maximum lot coverage of thirty percent (30%) is permitted; 31.94 % ± is proposed.

APPLICATION was filed with the Board on January 13, 2021, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Eric Burfeind

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Eric Burfeind, has requested a special exception to construct a 298 ft.² addition to a single-family detached dwelling for property located at 118 Granite Avenue. Mr. Burfeind testified that he and his wife had resided in the City of Richmond for approximately 35 years. Mr. Burfeind stated that he had previously undertaken renovations to a dwelling but had never sought to add a room addition. Mr. Burfeind indicated that he noticed all of the residents within a 150 foot radius regarding his proposal as well as the Westhampton Civic Association. Mr. Burfeind noted that he received supporting emails from adjacent neighbors as well as those across the street. Mr. Burfeind noted that he is allowed by right to extend the addition of 4 feet and is requesting an 8 foot extension. Mr. Burfeind indicated that the proposed addition is necessary to accommodate modern-day living needs.

In response to a question from Mr. York, Mr. Burfeind noted that his lot is one of the smaller lots in the neighborhood.

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 RESOLV in as will plans that she also there is periodically there so you will you do so you will and you will comply ED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot coverage requirement be granted to Eric Burfeind for a building permit to construct an addition (298 sq. ft.) on the rear of 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: (4-0)

Vote to Grant Conditionally affirmative: York, Poole, Sadid, Winks
negative: None

BZA 17-2021

APPLICANT: Eleven Eleven 25th LLC
PREMISES: 1810 NORTH 29th STREET
(Tax Parcel Number E000-0951/011)
SUBJECT: A lot split and building permits to construct two new single-family detached dwellings.

DISAPPROVED by the Zoning Administrator on February 10, 2021, 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 7,800 square feet and a lot width of sixty feet (60') currently exists; lot areas of 3,900 square feet and lot widths of thirty feet (30') are proposed.

APPLICATION was filed with the Board on February 10, 2021, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Mark Baker

Against Applicant: None

No Position: Marlene Cowart

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Eleven Eleven 25th LLC, has requested a special exception to construct two new single-family detached dwellings for property located at 1810 N. 29th Street. Mr. Mark Baker, representing the applicant, testified that the request is being made under special exception #2 a lot division to create buildable lots. Mr. Baker noted that the request is consistent with the special exception intent in so far as creation of infill housing that is compatible with the neighborhood. Mr. Baker stated that it will be a high-quality for sale product and that each dwelling will have a floor area of 1674 ft.². The dwellings will consist of three bedrooms and 2 ½ baths and the exterior design will be compatible with the surrounding neighborhood and consist of cementitious siding. Mr. Baker stated the property is located on the west side of 29th Street and is 60 feet in width 110 feet in depth and contains 6600 ft.² of lot area. Mr. Baker indicated that the proposed lot split will result in two lots which are 30 feet wide and 110 feet deep with 3300 ft.² of lot area. Mr. Baker noted that the lot had previously consisted of two to lots of record and the use is consistent with the R-5 zoning district regulations. The requisite parking requirements will be met. Mr. Baker indicated that the lots will meet requisite side yard requirements. Mr. Baker stated that the proposed lots are generally consistent with surrounding lots in the neighborhood and the new dwellings will be consistent with other dwellings in the vicinity. Mr. Baker noted that the full width front porches are consistent in character with the other two story dwellings in the vicinity. Mr. Baker concluded by stating that letters were sent to all property owners within 150 foot radius of the subject request and noted that his client is working with the owner of the property to the South regarding timing of the work and including fence replacement.

Ms. Marlene Cowart adjoining neighbor to the south discussed the impact of the proposed dwelling on her property. Mr. Baker agreed that as a condition of approval to the construction of a privacy fence not less than 6 feet in height nor greater than 6 ½ feet in height from the rear of the proposed dwelling to the rear property line along the common property line adjacent to the property at 1812 North 29th Street.

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 Eleven Eleven 25th LLC for a lot split and building permits to construct two new single-family detached dwellings, subject to substantial compliance with the plans submitted to the Board, provision of cementitious siding and the construction of a privacy fence not less than 6 feet in height nor greater than 6 ½ feet in height from the rear of the proposed dwelling to the rear property line along the common property line adjacent to the property at 1812 North 29th Street.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally
affirmative: York, Poole, Sadid, Winks
negative: None

BZA 18-2021

APPLICANT: Urban Development Associates, LLC

PREMISES: 218 WEST 12th STREET
(Tax Parcel Number S000-0087/005)

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

DISAPPROVED by the Zoning Administrator on February 16, 2021, based on Sections 30-300, 30-413.5(1)b, 30-630.1(a)(1) & 30-630.9(e) of the zoning ordinance for the reason that: In an R-8 (Urban Residential) District, the front yard (setback) requirement is not met. A front yard with a depth of not less than ten feet (10') and not greater than eighteen feet (18') is required; 6.50 feet ± is proposed along Perry Street. A front yard of five feet (5') is required for the unenclosed porch; 0.34 feet ± is proposed.

APPLICATION was filed with the Board on February 12, 2021, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Chris Blake

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Urban Development Associates LLC, has requested a special exception to construct a new two-family detached dwelling for property located at 218 W. 12th Street. Mr. Chris Blake, representing the applicant, testified that he was a principal with Urban Development Associates. Mr. Blake explained that the request involves the front yard setback. It was noted that the R-8 zoning district requires a minimum setback of 10 feet and a maximum setback of 18 feet. Mr. Blake further explained that a setback of 6 ½ feet is proposed along Perry Street and that a 5 foot setback is required for the unenclosed porch and that .34 feet is being requested. Mr. Blake noted that the lot is a corner lot fronting on West 12th Street and Perry Street and as such is further restricted in terms of setbacks. Mr. Blake further noted that the setback requirement along Perry Street actually would exceed the footprint of the proposed dwelling and remove approximately 2300 ft.² of usable lot area. Mr. Blake indicated that the neighbor to the rear of 1208 Paris Street did not voice any opposition nor did other neighbors in the immediate vicinity. Mr. Blake noted that the Manchester Alliance also supported the project. Mr. Blake concluded by stating the intent is to construct a two-family for-sale dwelling.

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 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 front yard (setback) requirement be granted to Urban Development Associates, LLC for a building permit to construct a new two-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, Sadid, Winks

negative: None

BZA 19-2021

APPLICANT: L. Kent Pond

PREMISES: 3000 Q STREET
(Tax Parcel Number E000-0627/032)

SUBJECT: A building permit to demolish an existing building and construct a new single-family attached dwelling.

DISAPPROVED by the Zoning Administrator on February 16, 2021, based on Sections 30-300, 30-412.5(2)a, 30-412.6 & 630.1(a)(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the front yard (setback) and lot coverage requirements are not met. A front yard of fifteen feet (15') is required along North 30th Street; none is proposed. Maximum lot coverage shall not exceed fifty-five percent (55%) of the area of the lot. A lot coverage of 544.5 square feet (55%) is permitted; 666.0 square feet (67%) is proposed.

APPLICATION was filed with the Board on February 12, 2021, based on Sections 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Charles Field
L. Kent Pond

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case happen, L. Kent Pond, has requested a special exception to demolish an existing structure and construct a new single-family attached dwelling for property located at 3000 Q Street. Mr. Charlie Field, representing the applicant, testified that the existing structure is located approximately 2 feet from the

sidewalk and is not capable of being renovated. Mr. Field noted that the plan is to remove the existing structure and construct a new dwelling that will be in line with the adjoining dwelling. Mr. Field stated that the lot is exceedingly small permitting only 544 ft.² of lot coverage and that the proposal is to construct a dwelling with 656 ft.² of lot coverage. The plans call for constructing a two-story dwelling which would have sufficient square footage to meet modern-day living needs. Further the new foundation will be generally in the same location as the existing foundation. Mr. Field noted that the structure will extend approximately 1 to 1 ½ feet further to the rear than an existing structure.

In response to a question from Ms. Sadid, Mr. Field indicated that the neighbor at 3000 ½ Q Street had no opposition to the proposed project.

Mr. York noted that the building is required to be removed based on its unsafe condition.

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 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 front yard (setback) and lot coverage requirements be granted to L. Kent Pond for a building permit to demolish an existing building and construct a new single-family attached 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, Sadid, Winks
negative: None

APPLICANT: City of Richmond Department of Public Works

PREMISES: 2223 WEST CARY STREET
(Tax Parcel Number W000-0992/001)

SUBJECT: A building permit to construct a new fire station (FS 12).

DISAPPROVED by the Zoning Administrator on February 12, 2021, based on Sections 30-300, 30-419.6(2)b, 30-419.8, 30-419.10(1) & 30-710.1(a) of the zoning ordinance for the reason that: In an R-63 (Multi-Family Urban Residential) District, the side yard (setback), lot coverage, maximum story height, and parking requirements are not met. A side yard of five (5) feet is required; 3.6 feet is proposed along the southern property line. A maximum lot coverage of sixty-five percent (65%) is permitted; 69.65 % \pm is proposed. A maximum story height of 12 feet is permitted; a first floor story height of 18 feet is proposed and a third floor story height of 20 feet is proposed. Four (4) off-street parking spaces are required to be provided; 1 is proposed.

APPLICATION was filed with the Board on February 12, 2021, based on Section 17.20(C) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Dexter Goode
Michael Gibson
Josh McDonald
Ashley Carter

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, City of Richmond, has requested a special exception to construct a new fire station for property located at 2223 W. Cary Street. Mr. Dexter Goode noted that the request encompasses a side yard, lot coverage, story height and parking special exception. Mr. York also noted that the request is being made under §17.20 (C) of the City Charter. Mr. Goode explained that the existing fire station number 12 is over 100 years old and needs to be replaced for the reason that it does not meet current firefighting needs. The intent is to demolish the existing fire station which is two stories in height and construct a new three-story fire station with a mezzanine which is necessary to meet current firefighting needs. Mr. Goode indicated that several community meetings have been held with respect to the proposed fire station and that all residents within a 150 foot radius had been contacted concerning the proposed plans. Mr. Goode stated that there was no opposition to the proposed fire station.

Speaking in support, Mr. Michael Gibson, architect for the project testified that that the lot is a corner lot which under the current R-63 zoning allows four stories of a maximum of 12 feet each for a total of 48 feet. In order to accommodate the fire equipment an 18 foot first floor is required.

Speaking in support, Ms. Ashley Carter stated she is a nearby resident and is in support of the project.

The Board finds that evidence shows that the proposed fire station is a public use and satisfies the requirements of §17.20 (C) of the City Charter.


RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the side yard (setback), lot coverage, maximum story height, and parking requirements be granted to City of Richmond Department of Public Works for a building permit to construct a new fire station (FS 12), subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally affirmative: York, Poole, Sadid, Winks
negative: None

Upon motion made by Mr. Poole and seconded by Ms. Sadid, Members voted (3-0) to adopt the Board's March meeting minutes.

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



Secretary


Chairman