



## CITY OF RICHMOND

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

### BOARD OF ZONING APPEALS

#### MEETING MINUTES

WEDNESDAY, MAY 5, 2021

On Wednesday, May 5, 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 April 28, 2021 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  
Susan Sadid

Staff Present:

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

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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.

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BZA 21-2021

APPLICANT: Twenty Three Hundred LLC

PREMISES: 2218 EAST GRACE STREET  
(Tax Parcel Number E000-0259/010)

SUBJECT: A building permit to construct an accessory structure to an existing nonconforming multi-family building.

DISAPPROVED by the Zoning Administrator on March 11, 2021, 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 construction of an accessory structure (gazebo) 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 March 11, 2021, based on Section 1040.3(13) 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 that the applicant, Twenty-Three Hundred LLC, has requested a special exception to construct an accessory structure to an existing nonconforming multifamily building for property located at 2218 E. Grace Street. Mr. Mark Baker, representing the applicant, testified that the request is being made under special exception #13 for expansion of a nonconforming use. Specifically, construction of a gazebo. Mr. Baker stated the property is located at the northwest corner of East Grace Street and North 23<sup>rd</sup> Street and is a large parcel containing over 10,000 ft.<sup>2</sup> of land area. The zoning is R-6. Mr. Baker noted that the property is a former location of the 2300 Club and is being converted into 8 condominium units. Mr. Baker indicated that the property owner is proposing to construct a new gazebo over a portion of an existing paved patio at the rear of the property. The special exception is required due to the fact that construction of the accessory structure constitutes an expansion of a nonconforming use. The gazebo has received a certificate of appropriateness from the Commission of Architectural Review. Mr. Baker stated that the request would improve and

modernize a nonconforming use and as an investment would be in the best interest of the City. Mr. Baker noted that the redevelopment of the property into condominium units has enhanced the properties compatibility with surrounding properties. Mr. Baker indicated that the modest expansion would allow the nonconforming use to be operated more efficiently, safely and permit a more efficient use of the outdoor space. Mr. Baker pointed out that the gazebo would allow owners to congregate with each other and visit friends which is important given the Covid implications. Mr. Baker cited a number of Covid related factors that underscored the rationale for constructing the gazebo. Mr. Baker noted that in instances involving residential projects staff is requesting the inclusion of improved outdoor space and pointed out that a parklet program have been initiated as a result. Mr. Baker indicated that the floor area devoted to the nonconforming use would not be increased nor will there be any increase in the number of dwelling units, lot area, or the extent of the nonconformity. Mr. Baker concluded by stating that no opposition had been registered by the Church Hill Neighborhood Association or surrounding neighbors.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (13) of the zoning ordinance, the applicant has shown that the proposed expansion of the nonconforming use is primarily for the purpose of enabling the nonconforming use to be operated more efficiently or safely and in a manner that does not adversely impact adjoining and surrounding properties.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS** that a request for a special exception from the nonconforming use requirements be granted to Twenty Three Hundred LLC for a building permit to construct an accessory structure to an existing nonconforming multi-family building, 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, Sadid

negative: None

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BZA 22-2021

**APPLICANT:** Site Works, Inc

PREMISES: 2 NORTH BRUNSWICK STREET  
(Tax Parcel Number W000-0451/040)

SUBJECT: A building permit to construct an addition and convert an existing print shop into a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on March 4, 2021, based on Sections 30-300 & 30-433.2(8) of the zoning ordinance for the reason that: In a UB-PO3 (Urban Business - Main Street/Uptown Parking Overlay) District, the proposed use is not permitted as the commercial frontage requirement is not met. Dwelling units are permitted when contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district. No commercial use is proposed as the entire building will be devoted to a residential use.

APPLICATION was filed with the Board on March 12, 2021, based on Section 1040.3(5) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Bill Walter

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Site Works Inc., has requested a special exception to convert an existing print shop into a single-family detached dwelling and to construct an addition for property located at 2 N. Brunswick Street. Mr. Bill Walter, owner of the company, testified that the subject building is an existing garage that has been vacant for many years. Mr. Walter stated that he purchased the building approximately one and one half years ago. Mr. Walter indicated that the request is to eliminate the requirement for the first floor commercial space, substitute residential space and construct a second floor. The garage would be converted into a single-family residence. Mr. Walter noted that there are no other commercial storefronts along North Brunswick. Mr. Walter further noted that the building is blighted and the roof is beginning to collapse. Mr. Walter indicated that this represents a sizable investment to convert the building to a single-family dwelling. Creation of the single-family dwelling will also result in a viable use which will represent an increase in the tax base. Also there are no utilities turned on so the proposed improvements will result in increased revenues. Mr. Walter stated that the addition of the single-family dwelling will increase neighborhood security, create construction jobs and generate revenues for building material

suppliers. Mr. Walter noted that the Fan District Association and the Fan Area Business Alliance were both supportive of the requested special exception. In addition, there was no opposition from the surrounding neighbors.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (5) of the zoning ordinance that the applicant has demonstrated that there is no purpose in providing for uninterrupted commercial frontage and that ground floor commercial space is either physically impractical or economically unfeasible, additionally increasing the dwelling unit floor area will increase residential occupancy thereby facilitating a mixed use character of the neighborhood and finally that any proposed alterations to the building will not be architecturally incompatible with the dominant character of building façades on the block.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS** that a request for a special exception from the commercial frontage requirement be granted to Site Works, Inc for a building permit to construct an addition and convert an existing print shop into a single-family detached 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, Sadid

negative:

None

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BZA 23-2021

**APPLICANT:** Jennifer Nedeff

**PREMISES:** 8075 ARLINGTON DRIVE  
(Tax Parcel Number C004-0165/002)

**SUBJECT:** A building permit to construct an accessory structure to an existing single-family detached dwelling.

**DISAPPROVED** by the Zoning Administrator on March 12, 2021, based on Sections 30-300, 30-404.5(1) & 30-1220.138 of the zoning ordinance for the reason that: In an R-2 (Single-Family Residential) District, accessory buildings and structures are not permitted in the front yard, as established by the main building. A front yard

is defined as “a yard extending the length of the street frontage of a lot and being the minimum horizontal distance between the street line and the main building.”

A front yard (setback) of 44.6 feet, as established by the main building is required along the Arlington Drive street frontage; 7.7 feet ± is proposed for the accessory structure.

APPLICATION was filed with the Board on March 12, 2021, based on Section 1040.3(1) 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, Jennifer Nedeff, has requested a special exception to construct an accessory structure to an existing single-family detached dwelling for property located at 8075 Arlington Drive. Mr. Mark Baker, representing the applicant, testified that the goal is to construct a small accessory building to improve the functionality and livability of the dwelling use. The property is zoned R-2 and is located on the south side of Arlington at the intersection with Stratford Road. Mr. Baker noted that the lots on the north side of Arlington Drive are through lots with additional frontage on the Riverside Drive. Lots on the south side are through lots with additional frontage on Menokin Road. Arlington Drive is used for access purposes for all of the subject properties. Mr. Baker noted that due to a topographical and site related considerations accessory uses have historically been located within front yards along Arlington Drive. Mr. Baker indicated that owners typically consider the Arlington Drive frontage as their backyard from a functional perspective. Mr. Baker noted that the proposed building is a small shed measuring 8' x 8' and abutting the driveway/parking area. The proposed improvements would include a fully enclosed/screened in gated trash and recycle area and storage for bicycles. Mr. Baker stated that the shed will be Dutch colonial revival design and is compatible with the existing dwelling and dwellings in the neighborhood. Mr. Baker noted that the front yard setback along Arlington Drive based on the adjoining building is 44.6 feet and 7.7 feet is being requested. Mr. Baker stated that the request is the minimum needed in order to achieve an accessory use that meets the needs of the dwelling inhabitants and will be in keeping with the development pattern of the neighborhood. Mr. Baker concluded by stating that the Southhampton Civic Association had provided a letter of support and that a memorandum of support was received from six neighbors/property owners along Arlington Drive.

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 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 accessory buildings and structures in the front yard requirement be granted to Jennifer Nedeff for a building permit to construct an accessory structure to 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, Hogue, Sadid

negative:

None

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BZA 24-2021

APPLICANT: Stanley B. and Jessica A. Czajkowski

PREMISES: 511 ST CHRISTOPHERS ROAD  
(Tax Parcel Number W021-0305/006)

SUBJECT: A building permit to demolish an existing first floor covered open porch and construct a two-story addition to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on March 15, 2021, based on Sections 30-300, 30-408.5(1) & 30-810.1 of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the front yard (setback) and nonconforming feature requirements are not met. A front yard of twenty-five feet (25') is required along the Bay Street frontage; a nonconforming front yard of 24.98 feet exists/ 8.3 feet ± is proposed for the two-story addition. No building or

structure having a nonconforming feature shall be reconstructed with another building **or** structure unless such nonconforming feature is hereby eliminated and the building or structure is made to conform.

APPLICATION was filed with the Board on March 15, 2021, based on Sections 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Paul Salvucci  
Jessica Czajkowski

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Stanley B. and Jessica A. Czajkowski, have requested a special exception to demolish an existing first floor covered open porch and construct a two-story addition to a single-family detached dwelling for property located at 511 St. Christophers Road. Mr. Paul Salvucci, representing the applicant, testified that the proposal is to add a two-story addition to the east side of the house. Mr. Salvucci noted that the dwelling is located on a corner lot and as such is required to provide two front yards setbacks. Mr. Salvucci noted that the existing covered porch is in disrepair. The foundation is crumbling and the floor is beginning to fall in on itself. The proposal is to replace the covered porch with a sunroom and add a second floor which will include necessary closets for the adjoining upstairs bedrooms. The proposed structure will be brick and slate which is consistent with the existing dwelling and other dwellings in the neighborhood. Mr. Salvucci stated that there are no other locations either on the lot or with respect to the existing floor plan that will accommodate the proposed addition. The proposed sunroom will also add additional dining space for the family. Mr. Salvucci explained that the proposed addition is necessary to facilitate modern-day living needs. Mr. Salvucci stated that the surrounding neighbors had been contacted and that no objections had been voiced regarding the proposed addition. Mr. Salvucci noted that one of the adjoining neighbors had written a letter of support.

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 front yard (setback) and nonconforming feature requirements be granted to Stanley B. and Jessica A. Czajkowski for a building permit to demolish an existing first floor covered open porch and construct a two-story addition to a single-family detached dwelling, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (4-1)

Vote to Grant Conditionally

affirmative: Pinnock, Poole, Hogue, Sadid

negative: York

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BZA 25-2021 (CONTINUED TO JUNE 2, 2021 MEETING WITHOUT FEE)

APPLICANT: Rosalyn C. Braxton

PREMISES: 1712 4<sup>th</sup> AVENUE  
(Tax Parcel Number N000-0419/002)

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

DISAPPROVED by the Zoning Administrator on March 16, 2021, based on Sections 30-300 & 30-412.4 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 8,399.89 square feet and a lot width of sixty feet (60') currently exists; lot areas of 4,199.94 square feet and lot widths of 30.0 feet are proposed.

APPLICATION was filed with the Board on March 16, 2021, based on Sections 1040.3(2) of the City of Richmond Zoning Ordinance.

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BZA 26-2021

APPLICANT: Percussion and Construction LLC

PREMISES: 1718 NORTH 29<sup>th</sup> STREET  
(Tax Parcel Number E000-0951/022)

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

DISAPPROVED by the Zoning Administrator on October 27, 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 6,495.55 square feet and a lot width of fifty-nine and ninety-two hundredths feet (59.92') currently exists. A lot area of 3,233.43 square feet and width of 29.96 feet is proposed for No. 1716. A lot area of 3,262.12 square feet and width of 29.96 feet is proposed for No. 1718.

APPLICATION was filed with the Board on March 18, 2021, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Curvey Reid

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Percussion and Construction LLC, has requested a building permit to construct a new single-family detached dwelling for property located at 1718 N. 29<sup>th</sup> Street. Mr. Curvey Reid, representing the applicant, testified that the subject lots had originally existed as legal lots of record. It was noted that the zoning is R-5 requires 6000 ft.<sup>2</sup> of lot area and 50 feet of lot width. The proposed lots will be 29.96 feet in width and contain a lot area approximating 3233 ft.<sup>2</sup>. Mr. Reid noted that the proposed dwelling will be consistent with other dwellings in the neighborhood both in terms of the architecture and square footage. In addition, the proposed lot areas will also be consistent with those in the surrounding neighborhood. Mr. Reid explained that approval of the special exception will increase the city's tax base as well as fill in a missing gap with respect to the dwelling frontages along the block. Also it will eliminate a cut through in the block which is proven to be problematic.

In response to a question from Mr. Pinnock, Mr. Reid conditioned approval of the special exception on either painting or parging the concrete block foundation.

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 Percussion and Construction LLC 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, provision of cementitious siding and the painting or parging of the concrete block foundation wall.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Sadid

negative: None

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BZA 27-2021 (CONTINUED TO JUNE 2, 2021 MEETING WITHOUT FEE)

APPLICANT: K C Enterprises of VA LLC

PREMISES: 3015 GARLAND AVENUE  
(Tax Parcel Number N000-0974/031)

SUBJECT: A lot split and building permits to construct two new single-family detached dwellings.

DISAPPROVED by the Zoning Administrator on March 18, 2021, 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 8,100

square feet and a lot width of sixty feet (60') currently exists; lot areas of 4,050 square feet and lot widths of thirty feet (30') are proposed.

APPLICATION was filed with the Board on March 18, 2021, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

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BZA 28-2021

APPLICANT: KDZ REALTY LLC

PREMISES: 5308 PARKER STREET  
(Tax Parcel Number E010-0139/007)

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, 30-410.4 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. A lot area of six thousand square feet (6,000 SF) and a width of fifty feet (50') are required. One lot, having a lot area of eleven thousand three hundred twelve square feet (11,312 SF) and a width of seventy feet (70') currently exists. A lot area of 5,957.46 square feet and a width of 38.09' for lot 6, and a lot area of 5,187.85 square feet and a width of 31.91' for lot 7 is being proposed.

APPLICATION was filed with the Board on March 18, 2021, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Curvey Reid

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, KDZ REALTY LLC, has requested a special exception to split an existing lot and construct a new single-family detached dwelling for property located at 5308 Parker Street. Mr. Curvey Reid, representing the applicant, testified that the subject lots had originally existed as legal lots of record. It was noted that the zoning is R-5 requires 6000 ft.<sup>2</sup> of lot area and 50 feet of lot width. The proposed lots will average approximately 35 feet in width and contain lot areas approximating 5500 ft.<sup>2</sup>. Mr. Reid noted that the proposed

dwelling will be consistent with other dwellings in the neighborhood both in terms of the architecture and square footage. In addition, the proposed lot areas will also be consistent with those in the surrounding neighborhood. Mr. Reid noted that the adjoining neighbor Ms. Tate at 5306 Parker Street was in support of the requested special exception. Mr. Reid further noted that the addition of a single-family dwelling will result in increased revenues for the city and will eliminate a cut through in the block which is proven to be problematic.

In response to a question from Mr. Pinnock, Mr. Reid conditioned approval of the special exception on either painting or parging the concrete block foundation.

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 KDZ REALTY LLC 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, provision of cementitious siding and the painting or parging of the concrete block foundation wall.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Sadid

negative: None

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BZA 29-2021

APPLICANT: Ronald Nixon

PREMISES: 1322 & 1324 WEST MAIN STREET  
(Tax Parcel Number W000-0451/022)

SUBJECT: A building permit to convert two (2) existing first floor  
commercial spaces into two (2) dwelling units.

DISAPPROVED by the Zoning Administrator on March 18, 2021, based on Sections 30-300 & 30-433.2(8) of the zoning ordinance for the reason that: In a UB-PO3 (Urban Business - Main Street/Uptown Parking Overlay) District, the proposed use is not permitted as the commercial frontage requirement is not met. Dwelling units are permitted when contained within the same building as other permitted principal uses, provided that such dwelling units shall be located above the ground floor of the building or to the rear of other permitted principal uses so as not to interrupt commercial frontage in the district. No commercial use is proposed as the entire building will be devoted to a multi-family residential use.

APPLICATION was filed with the Board on March 18, 2021, based on Sections 1040.3(5) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Daniel Wassum

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Ronald Nixon, has requested a special exception to convert two existing first floor commercial spaces into two dwelling units for property located at 1322 and 1324 W. Main Street. Mr. Daniel Wassum, representing the applicant, testified that the property is located in a UB-PO3 Urban Business District. Mr. Wassum stated that the zoning ordinance requires first floor commercial space in the subject zoning district. Mr. Wassum explained that the physical arrangement of the subject buildings does not lend itself to commercial space. Most notably the subject buildings are located 8 feet above grade requiring steps and the buildings are setback 15 feet from the front property line. Mr. Wassum explained that the buildings have been offered for sale for quite a while with no buyers given the lack of viability of the required commercial space. The request is to convert the commercial spaces into two dwelling units. Mr. Wassum noted that no significant changes will be made to the exterior of the buildings. Also permitting residential usage will enhance the mixed use character of the neighborhood.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (5) of the zoning ordinance that the applicant has

demonstrated that there is no purpose in providing for uninterrupted commercial frontage and that ground floor commercial space is either physically impractical or economically unfeasible, additionally increasing the dwelling unit floor area will increase residential occupancy thereby facilitating a mixed use character of the neighborhood and finally that any proposed alterations to the building will not be architecturally incompatible with the dominant character of building façades on the block.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the commercial frontage requirement be granted to Ronald Nixon for a building permit to convert two (2) existing first floor commercial spaces into two (2) dwelling units, subject to 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, Sadid

negative: None

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BZA 30-2021

APPLICANT: Danielle Antonacci

PREMISES: 508 ARNOLD AVENUE  
(Tax Parcel Number N000-1147/020)

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

DISAPPROVED by the Zoning Administrator on March 19, 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. A lot area of six thousand square feet (6,000 SF) and a width of fifty feet (50') are required. One lot, (consisting of lots 29, 30, 31 and a portion of lot 28) having an area of seven thousand nine hundred forty-nine, zero point 55 square feet (7,949.55 SF) and seventy five feet (75') wide currently exists. A lot area of 4,176 SF and 39.78' wide (lot 29 and a portion of lot 30) and 3,773 SF and 35.93' wide (lot 31 and a portion of lot 30) is being proposed.

APPLICATION was filed with the Board on March 19, 2021, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Charlie Wilson

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Danielle Antonacci, has requested a special exception to split an existing lot and construct a single-family detached dwelling for property located at 508 Arnold Avenue. Mr. Charlie Wilson, representing the applicant, testified that the request is being made under special exception #2. Mr. Wilson stated that the project will be a high-quality for sale product encompassing approximately 1800 ft.<sup>2</sup> of floor area and 3 bedrooms/2.5 baths. The exterior will be compatible with surrounding dwellings including a full width porche and cementitious siding. The lot measures 71.71' x 105' and contains 7950 ft.<sup>2</sup> of lot area. The individual lots will be 35.93 feet and 39.78 feet in width. The proposed single-family development is consistent with the R-5 regulations and the lots will comply with the public street frontage requirements. Mr. Wilson indicated that the lots will comply with the requisite side yard setback requirements. Mr. Wilson noted that the property is not located within an established neighborhood association and the letters were sent out to all property owners within a 150 foot radius and no negative comments were received.

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 Danielle Antonacci 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 siding.



## ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Sadid

negative: None

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

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Upon motion made by Mr. York and seconded by Ms. Hogue, Members voted (4-0) to recommend the appointment to the Richmond Circuit Court, of Ms. Susan Sadid as a regular member to the Richmond Board of Zoning Appeals replacing Mr. Kenneth Samuels who previously resigned.

Upon motion made by Mr. York and seconded by Mr. Poole, Members voted (4-0) to recommend the appointment to the Richmond Circuit Court, of Mr. Bryce Robertson as an alternate member to the Richmond Board of Zoning Appeals replacing Ms. Susan Sadid.

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

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Secretary



Chairman