



## CITY OF RICHMOND

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

### BOARD OF ZONING APPEALS

#### MEETING MINUTES

**WEDNESDAY, JUNE 2, 2021**

On Wednesday, June 2, 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 May 26, 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  
  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

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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 25-2021 (CONTINUED FROM MAY 5, 2021 MEETING)

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.

APPEARANCES:

For Applicant: Enoch Pou, Jr.

Against Applicant: Carlton Hassell, Jr.

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Roseland C Braxton, has requested a special exception to construct a new single-family detached dwelling for property located at 1712 4<sup>th</sup> Avenue. Mr. Enoch Pou, Jr., representing the applicant, testified that this case was continued last month based on concerns of some neighbors. Mr. Pou stated that he had communicated with the neighbors and responded to their concerns. Mr. Pou indicated that he had heard nothing further from the neighbors. Mr. Pou explained that the proposed lot sizes are similar to other lots in the vicinity.

In response to a question from Mr. Poole, Mr. Pou stated that he would offer as a condition of approval provision of cementitious siding.

In response to a question from Mr. Winks, Mr. Pou stated that concerns were expressed regarding the size of the lot and potential gentrification. Mr. Pou indicated that the product will be for sale with the hope that it will lead to homeownership and reiterated the fact that the proposed lot sizes are similar to others in the vicinity.

Speaking in opposition, Mr. Carlton Hassell Jr., testified that he is the owner of the Queen Ann Victorian structure on the adjacent lot. Mr. Hassell explained that many of the older homes in the vicinity are of a Queen Ann architecture and expressed concern that the proposed structure will deviate from others in the vicinity. Mr. Hassell expressed concern over the accuracy of the applicant's survey and questioned whether or not it incorporated some of his property. Concern was also expressed about the proximity of the proposed structure and the need for proper fire rating. Mr. Hassell concluded by suggesting that it would be preferable if an accessory dwelling unit were constructed on the rear portion of the existing lot thereby eliminating the necessity of dividing the subject lot.

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 Rosalyn C. Braxton for a building permit to construct a new single-family detached dwelling, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

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

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

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BZA 27-2021 (CONTINUED FROM MAY 5, 2021 MEETING)

**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.

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, K C Enterprises of VA LLC, has requested a special exception to construct two new single-family detached dwellings for property located at 3015 Garland Avenue. Mr. Charlie Wilson, representing the applicant, testified that the subject lot is developed with a single-family detached dwelling. The dwelling has been deemed unsafe and will be demolished. The lot is large enough to accommodate two single-family attached dwellings by right but these dwellings would not be consistent with the surrounding development pattern. The proposed dwellings are consistent with the special exception intent. Mr. Wilson stated that the dwellings will be a high-quality for sale product with approximately 2400 ft.<sup>2</sup> of floor area including four bedrooms and 2 ½ baths. The exterior will include a full with front porch and cementitious siding. Mr. Wilson noted that the lot is located on the east side of Garland Avenue midblock between Crawford Street and Brooklyn Park Boulevard and contains approximately 8100 ft.<sup>2</sup> of lot area. Mr. Wilson stated that the proposed split would result in two lots consistent with the original subdivision lots with both lots containing 4050 ft.<sup>2</sup> of lot area and a width of 30 feet. Mr. Wilson indicated that off-street parking requirements would be met and would be accessed via a north-south alley at the rear of the property. Mr. Wilson stated that the lots would be consistent with the predominant lot areas and lot widths in the vicinity and cited several such

examples of this fact. Mr. Wilson explained that the new dwellings will be compatible with other dwellings in the vicinity. Finally, Mr. Wilson stated that letters were sent out to all property owners within a 150 foot radius and no opposition was noted. Mr. Wilson conditioned the approval on a revised plan submitted to the Board regarding the window design/alignment on the first floor of the southern façade

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 K C Enterprises of VA LLC for a lot split and building permits to construct two new single-family detached dwellings, subject to substantial compliance with the revised plans submitted to the Board regarding the window design/alignment on the first floor of the southern façade for the proposed dwelling at 3013 Garland Avenue and provision of cementitious siding.

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

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Winks

negative: None

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BZA 31-2021

**APPLICANT:** CCR3 Holdings LLC

**PREMISES:** 107 NORTH NANSEMOND STREET  
(Tax Parcel Number W000-1599/045)

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

DISAPPROVED by the Zoning Administrator on March 19, 2021, based on Sections 30-300 & 30-412.4(2)b of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the lot area requirement is not met. Lot areas of two thousand two hundred square feet (2,200 SF) are required. For zoning purposes, one (1) lot having a lot area of 3,780 square feet and a lot width of forty-two feet (42') currently exists. Lot areas of 1,870.87 (No. 107) and 1,909.17 (No. 111) square feet are 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: Mark Baker

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, CCR3 Holdings LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 107 N. Nansemond Street. Mr. Baker, representing the applicant, testified that the lot is currently improved with a single-family dwelling and that the proposal is to create a new single-family attached dwelling. Mr. Baker noted that creation of infill housing is compatible with the special exception intent and that dwelling will be a high-quality for sale product including approximately 1734 ft.<sup>2</sup> of floor area and three bedrooms and two one half baths. Mr. Baker indicated that the siding will be cementitious. Mr. Baker stated that the lot is located on the east side of North Nansemond Street midblock between Grove Avenue and Floyd Avenue and contains 3780 ft.<sup>2</sup> of lot area and measures 42' x 90'. Mr. Baker noted that the proposed 107 N. Nansemond Street lot split will result in a lot of 22 feet in width and 90 feet in depth and include 1900 ft.<sup>2</sup> of lot area. The lot at 109 N. Nansemond Street will measure 20' x 90' and include 1879 ft.<sup>2</sup> of lot area and will be the location for the proposed new dwelling. Mr. Baker stated that off-street parking requirements will be met at the rear of the site. Mr. Baker further stated that the proposed lots are consistent with the predominant lot areas and lot widths in the vicinity and cited several such examples. Mr. Baker stated that the new dwelling will be compatible with other dwellings in the vicinity. Mr. Baker stated that the project had been presented to the Museum District Zoning Committee and to his knowledge the Association had not taken a position. Mr. Baker concluded by stating that letters have been sent to all property owners within 150 foot radius and he was aware of no opposition.

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 requirement be granted to CCR3 Holdings LLC for a lot split and building permit to 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: (5-0)

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

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BZA 32-2021

APPLICANT: Shannon Harton

PREMISES: 3351 CORLEY HOME DRIVE  
(Tax Parcel Number C001-1230/044)

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

DISAPPROVED by the Zoning Administrator on March 23, 2021, based on Sections 30-300, 30-410.5(1) & 30-1220.138 of the zoning ordinance for the reason that: In an R-5 (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 approximately fifty feet (50’), as established by the main building is required along the Conley Home Drive frontage; 26.67’ is proposed.

APPLICATION was filed with the Board on March 25, 2021, based on Sections 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Shannon Harton

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Shannon Harton, has requested a special exception to construct a two car garage accessory to an existing single-family detached dwelling for property located at 3351 Corley Home Drive. Mr. Shannon Harton testified that they moved into their home this past November and immediately began plans to construct the garage. Mr. Harton noted that their home is the only one in the neighborhood without a garage. One of the major problems with their dwelling is the fact that it contains virtually no storage space which necessitates in part the need for the accessory garage. The garage is needed to enhance the livability and functionality of their home. Mr. Harton indicated that the garage will accommodate two vehicles which are currently parked on a gravel pad. The garage will also accommodate bicycles, household items, storage for refuse containers and space for a small workshop. Mr. Harton noted that the garage will be located approximately 27 feet from the curb which is consistent with that of his next-door neighbor. Mr. Harton noted that the placement of the structure will align almost perfectly with the homes going up the street. It will maintain the same spacing between structures and conform architecturally to the materials of those homes. Mr. Harton stated that the proposed garage will not only take architectural cues from their dwelling but other structures in the neighborhood. Mr. Harton noted that given the severe topographical changes on his lot that it is not possible to construct the proposed garage in any other location. Mr. Harden indicated that the proposal is the minimum necessary to facilitate reasonable use of the property. Mr. Harton concluded by stating that the architectural review committee of the neighborhood had approved the proposed construction as well as the surrounding neighbors.

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 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 Shannon Harton 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, Winks

negative: None

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BZA 33-2021

APPLICANT: Lewis W Combs III

PREMISES: 1022 WEST 48<sup>th</sup> STREET  
(Tax Parcel Number S006-0371/005)

SUBJECT: A lot split to reduce the lot area of an existing nonconforming two-family detached dwelling and a building permit to construct a new single-family detached dwelling on the newly created lot.

DISAPPROVED by the Zoning Administrator on April 14, 2021, based on Sections 30-300 & 30-800.2(b) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the nonconforming use requirements are not met. The area of a lot on which a nonconforming use is located shall not be reduced unless authorized by the Board of Zoning Appeals. Two (2) lots are proposed; one retaining the nonconforming two-family detached dwelling and the other is proposed to construct a new single-family detached dwelling.

APPLICATION was filed with the Board on April 14, 2021, based on Section 1040.3(15) 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, Lewis W Combs III, has requested a special exception to reduce the lot area of an existing nonconforming two-family detached dwelling and requested a building permit to construct a new single-family detached dwelling on the newly created lot for property located at 1022 W. 48<sup>th</sup> Street. Mr. Mark Baker, representing the applicant, testified as a byproduct of the subject request a fully compliant R-5 lot will be created for the construction of a new single-family dwelling. Mr. Baker noted that this is not the typical special exception #2 involving a lot split. The lot is located on the west side of West 48<sup>th</sup> Street at the intersection of 48<sup>th</sup> Street and Dunstan Avenue. The lot measures 125 feet in width and 150 feet in depth and is exceptionally large for the area containing 18,750 ft.<sup>2</sup> of lot area. Mr. Baker indicated that the reduction in lot area would result in a lot of 75 feet in width containing 11,348 ft.<sup>2</sup> of lot area for the two-family dwelling and a 50 foot wide lot containing 7401 ft.<sup>2</sup> of lot area that would also meet all zoning standards and will be devoted to a conforming single-family dwelling. Mr. Baker stated that the lot area reduction will not increase potential adverse impacts of the nonconforming use. It was noted that the reduced size of the two-family lot would be 11,348 ft.<sup>2</sup> which is nearly twice the lot area required for a two-family dwelling. Further, the reduction would not result in noncompliance with any feature requirements as there are no nonconforming features that would be increased in terms of extent. Mr. Baker explained that although the proposed new single-family dwelling is not germane to the subject special exception that it will nonetheless be high-quality for sale product encompassing approximately 2000 ft.<sup>2</sup> of floor area and consisting of three bedrooms 2 ½ baths. The exterior would be a compatible design with cementitious siding and a full width porch. Mr. Baker indicated that letters were sent to all property owners within a 150 foot radius and no objection was noted. Mr. Baker noted that they had been working with a neighboring property owner, Ms. Emily Stiffler, and as a result had agreed to making modifications based on the June 1, 2021 plan submitted to the Board regarding the Dunstan Avenue elevation of the proposed dwelling including the provision of cementitious siding unless otherwise indicated.

The Board finds that evidence shows that that the proposed reduction in lot area will not increase potential adverse impacts on the nonconforming use and the reduction will not result in noncompliance with any lot area, lot width, yard, open space, lot coverage or off-street parking requirements applicable in the district or any increase in the degree or extent of any nonconforming feature and in all other respects the property shall continue to be subject to the rights and limitations set forth in Article VIII relative to nonconforming uses.

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 Lewis W Combs III for a lot split to reduce the lot area of an existing nonconforming two-family detached dwelling and a building permit to construct a new single-family detached dwelling on the newly created lot, subject to substantial compliance with the plans dated April 23, 2021 submitted to the Board and provision of cementitious siding and substantial compliance with the revised plans dated June 1, 2021 submitted to the Board regarding the Dunston Avenue elevation of the proposed dwelling including the provision of cementitious siding unless otherwise indicated.

ACTION OF THE BOARD: (4-0-1)

Vote to Grant Conditionally

affirmative: Pinnock, Poole, Hogue, Winks

negative: None

abstention: York

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BZA 34-2021

APPLICANT: Historic Richmond Renovations, LLC

PREMISES: 2620 Q STREET  
(Tax Parcel Number E000-0520/009)

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

DISAPPROVED by the Zoning Administrator on April 14, 2021, based on Sections 30-300, 30-412.5(1)a & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the front yard (setback) requirement is not met. A front yard of 15.0 feet is required along the North 27<sup>th</sup> Street frontage; a front yard of 0.81 feet is proposed.

APPLICATION was filed with the Board on April 15, 2021, based on Section 15.2 - 2309.2 of the Code of Virginia.

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, Historic Richmond Renovations LLC, has requested a variance to construct a new single-family detached dwelling for property located at 2620 Q Street. Mr. Mark Baker, representing the applicant, testified that in 2016 a variance was granted for the subject property for a three-story dwelling with 1700 ft.<sup>2</sup> of floor area and a ground floor rear facing garage. Mr. Baker noted that the dwelling was never constructed and that the proposed request is consistent with the original approval. Mr. Baker explained that the lot is 17.58 feet in width and 142 feet in depth and contains 2496 ft.<sup>2</sup> of lot area. Mr. Baker indicated that the current zoning requirements specify a 15 foot setback along 27<sup>th</sup> Street and an interior setback of 3 feet for a total of 18 feet which exceeds the existing lot width of 17.58 feet. Mr. Baker noted that absent a variance approval the lot is incapable of being developed which more than meets the threshold requirements for approval of the variance. Mr. Baker further noted that the property is located in the Church Hill Central Civic Association and the Association is not currently actively reviewing projects. Mr. Baker concluded by stating that all property owners within a 150 foot radius had been notified and that no opposition had been noted.

The Board finds that evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

**RESOLUTION:** NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the front yard (setback)

requirement be granted to Historic Richmond Renovations, LLC for a building permit to construct a new single-family detached dwelling, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Winks

negative: None

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BZA 35-2021

APPLICANT: Cava Capital LLC

PREMISES: 1725 & 1727 NORTH 28<sup>th</sup> STREET  
(Tax Parcel Number E000-0951/062 & 077)

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

DISAPPROVED by the Zoning Administrator on April 16, 2021, based on Sections 30-300 & 30-1040.2(a) of the zoning ordinance for the reason that: In a R-5 (Single-Family Residential) District, the plans are not in compliance with the previous approval (BZA 14-2019). The previous approval granted a special exception from the lot area and lot width requirements, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding. The previous approval granted the construction of two new one-story single-family detached dwellings containing two bedrooms and two bathrooms. The proposal is to construct two new two-story single-family detached dwellings containing three bedrooms and one and a half (1.5) bathrooms.

APPLICATION was filed with the Board on April 16, 2021, based on Sections 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, Cava Capital LLC, has requested a special exception to construct two new single-family detached dwellings for property located at 1725 and 1727 N. 28<sup>th</sup> Street. Mr. Charlie Wilson, representing the applicant, testified that the BZA had previously approved case #14-2019 for a lot split that included a one-story/two-bedroom design. Mr. Wilson noted that the approval is still valid but the owner is now proposing a three-bedroom design which better reflects the needs of the current market and necessitates Board approval. Mr. Wilson explained that the goal is to construct two single-family detached dwellings which will both be two stories in height. The proposal is consistent with the special exception intent for creation of infill housing that is compatible with the neighborhood. The dwellings will be a high-quality product which creates affordable housing opportunities. Each dwelling will contain approximately 1335 ft.<sup>2</sup> of floor area and include three bedrooms and one and one half baths. The exteriors will include full width porches and cementitious siding. Mr. Wilson noted that the lot is located on the east side of North 28<sup>th</sup> Street midblock between Nine Mile Road and Y Street. The subject lots will be 30 feet in width and 130 feet in depth and contain 3900 ft.<sup>2</sup> of lot area. Mr. Wilson noted that the majority of the dwellings in the vicinity are two stories in height and typically have full width front porches as proposed. Mr. Wilson also noted that the required off-street parking requirements will be met and that the proposed lots are consistent with the predominant lot areas and lot widths in the vicinity. Mr. Wilson concluded by stating that letters were sent out to all property owners within 150 foot radius and that no opposition was 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 previous BZA conditions of approval be granted to Cava Capital LLC for building permits to construct two 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, Hogue, Winks

negative: None

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BZA 36-2021

APPLICANT: SEVENTH CORNER, LLC

PREMISES: 15 WEST 7<sup>th</sup> STREET  
(Tax Parcel Number S000-0056/023)

SUBJECT: A building permit to construct a new five-story mixed-use building.

DISAPPROVED by the Zoning Administrator on April 1, 2021, based on Sections 30-300 & 30-446.2(12) of the zoning ordinance for the reason that: In a B-7 (Mixed-Use Business) District, the commercial frontage requirement is not met. In the B-7 (Mixed-Use Business) district, dwelling units located within buildings located on lots having street frontage on Hull Street or Commerce Road, a minimum of one-third or 1,000 square feet, whichever is greater, of the floor area of the ground floor of the building shall be devoted to other principal uses permitted in this district, and such uses shall have a depth of not less than 20 feet along the entire Hull Street and Commerce Road, except for ingress and egress. Another permitted principal use of one-third of the ground floor is required. A ground floor of 36,311 square feet with a commercial space of 3,808 square feet (10.5%) is proposed along the Hull Street frontage.

APPLICATION was filed with the Board on April 16, 2021, based on Section 1040.3(5) of the City of Richmond Zoning Ordinance.

## APPEARANCES:

For Applicant: Robert Benaicha

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, SEVENTH CORNER LLC, has requested a special exception to construct a new five-story mixed-use building for property located at 15 W. 7<sup>th</sup> Street. Mr. Robert Benaicha, representing the applicant, testified that

the developer is Capital City Real Estate which is headquartered in DC and develops medium to large scale multifamily, medical office and mixed-use projects. Mr. Benaicha stated that his client saw growth potential in Richmond generally and Manchester specifically, and identified this property as a great opportunity and is therefore seeking to develop a mixed-use project in Manchester. Mr. Benaicha noted that the development is a bright project with approximately 173 dwelling units and in excess of 3800 ft.<sup>2</sup> of retail space. There will be over 225 parking spaces and the project will include amenities such as the pool and decks. Mr. Benaicha noted that the problem is that the B-7 district requires minimum amounts of ground floor nondwelling square footage. A minimum of 20 feet of depth is required along the entire Hull Street frontage or the greater of 1000 ft.<sup>2</sup> or 1/3 of the total ground floor space. Mr. Benaicha explained that the special exception is being requested under §30-1040.3 (5) which permits exceptions to the ground floor nondwelling use requirements where there is a need for flexibility in application of the restrictions on the use of the ground floor space. Mr. Benaicha noted that this can be true where the mixed-use character of development with a large dwelling component would be more advantageous to the livability and economic viability of the area and/or it is not physically or economically viable to establish ground floor commercial space or to limit the amount or location of ground floor area devoted to the dwelling units. Mr. Benaicha further noted that the only reason the product does not meet the zoning requirements is because the parking is being placed underground. Mr. Benaicha stated that mixed-use character of the development is more advantageous and allows a more robust amenity program in the project and avoids adverse effects on lease-up of residential in project and knock-on effects on neighboring for lease commercial properties. Mr. Benaicha concluded by stating the proposed project meets all necessary special exception criteria.

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 SEVENTH CORNER, LLC for a building permit to construct a new five-story mixed-use building, subject to substantial compliance with the first floor plans submitted to the Board.



ACTION OF THE BOARD: (5-0)

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

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

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The Zoning Administrator, Mr. Davidson, discussed with the Board issues involving  
requests to amend previously approved special exceptions for what are otherwise new  
accessory uses. After discussion, the matter was referred to the Boards legal counsel.

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The meeting was adjourned at 2:25 p.m.  
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Secretary



Chairman