



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JULY 7, 2021

On Wednesday, July 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 June 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

The Chairman called the meeting to order and read the Board of Zoning Appeals Introductory Statement, which explains the proceedings of the meeting including the fact that the public hearing is being held electronically due to the state of emergency that exists as a result of the spread of Covid-19 pursuant to and in compliance with Ordinance 2020-232. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

BZA 37-2021

APPLICANT: James Catts

PREMISES: 3910 BROOK ROAD
(Tax Parcel Number N000-2043/008)

SUBJECT: A building permit to construct an accessory building and an addition to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on November 13, 2020, based on Sections 30-300, 30-410.5(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the front yard (setback) requirement is not met. A front yard of 24.8 feet is required along the Claremont Avenue street frontage; a front yard of 5.59 feet exists/is proposed for the addition and a front yard of 16.51 feet is proposed for the accessory building.

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

APPEARANCES:

For Applicant: James Catts

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, James Catts, has requested a special exception to construct an accessory building and an addition to a single-family detached dwelling for property located at 3910 Brook Road. Mr. James Catts testified that his property is a corner lot located at the corner of Brook Road and Claremont Avenue. Mr. Catts noted that the property fronts Brook Road and requires a front yard setback of 25 feet along Claremont Avenue based on the R-5 zoning. Mr. Catts stated the lot is narrow being only 40 feet wide and the existing house is 28 feet wide and was constructed in 1941. There are side yard setbacks of approximately 6 feet on either side of the dwelling. Mr. Catts explained that the request is to construct a two-story addition extending approximately 18.5 feet from the rear of the dwelling. Mr. Catts noted that the request also includes construction of a garage at some point at the rear of the property. It was explained that if the special exception is approved that a permit for the garage must be secured within two years from the date of approval. Mr. Catts concluded by stating that he was aware of no objection to the requested special exception.

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 and 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 addition and accessory use; the addition and 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 addition and 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 front yard (setback) requirement be granted to James Catts for a building permit to construct an accessory building and an addition to a 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

BZA 38-2021 (CONTINUED TO AUGUST 4, 2021 MEETING WITH A FEE)

APPLICANT: Urban Grounds Consulting, LLC

PREMISES: 616 NORTH 37th STREET
(Tax Parcel Number E000-1283/015)

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

DISAPPROVED by the Zoning Administrator on April 16, 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, 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 7,500.0 square feet and a lot width of sixty feet (60') currently exists; Lot areas of 3,750.0 square feet and a lot widths of 30.0 feet are proposed for #614 and #616.

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

BZA 39-2021

APPLICANT: JPL Richmond Realty LLC

PREMISES: 3403 & 3405 LAWSON STREET
(Tax Parcel Number S000-2455/009 & 010)

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

DISAPPROVED by the Zoning Administrator on April 26, 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 11,520 square feet and a lot width of seventy-two feet (72') currently exists. A lot area of 6,560 square feet and width of 41 feet is proposed for #3403. A lot area of 4,960 square feet and width of 31 feet is proposed for #3401.

APPLICATION was filed with the Board on April 15, 2021, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Chris Landis

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, JPL Richmond Realty LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 3403 and 3405 Lawson Street. Mr. Chris Landis, representing the applicant, testified that the intent is to combine 3403 and 3405 Lawson Street and construct a new dwelling on 3401 Lawson Street. Mr. Landis noted that one lot having a lot area 11,520 ft.² and 72 feet in width exists. The proposal is to create two lots of 4560 ft.² and 4960 ft.². Mr. Landis further noted that the R-5 requirement is 6000 ft.² of lot area and 50 feet of width. Mr. Landis stated that the proposed lot widths and lot areas are compatible with surrounding lots in the neighborhood as is the proposed dwelling. Mr. Landis indicated that there is a gap in the block frontage adjacent to the East 34th Street. Mr. Landis stated that they had reached out to surrounding neighbors and had received no negative comment but had received a positive response from the property owner of 3407 Lawson Street. Mr. Landis

concluded by stating that the project will include provision of two off-street parking spaces as well as cementitious siding.

In response to a question from Mr. York, Mr. Landis stated that to ensure marketability it is necessary to construct a two-story dwelling.

In response to a question from Mr. Poole, Mr. Landis stated that they sent an entire packet of information to the properties within a 150 foot radius.

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. Mr. Landis concluded by stating that they also had a zoom meeting with the civic association.

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 JPL Richmond Realty 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, Sadid

negative: None

BZA 40-2021

APPLICANT: Viaco LLC

PREMISES: 2212 4th AVENUE
(Tax Parcel Number N000-0561/015)

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

DISAPPROVED by the Zoning Administrator on May 12, 2021, based on Sections 30-300 & 30-412.4(1) of the zoning ordinance for the reason that: In a 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 8,400.0 square feet and a lot width of sixty feet (60') currently exists; lot areas of 4,200.0 square feet and lot widths of 30.0 feet are proposed (2212 & 2214).

APPLICATION was filed with the Board on May 12, 2021, based on Sections 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Vladimir Slobodnik

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Vladimir Slobodnik, has requested a special exception to construct a new single-family detached dwelling for property located at 2212 4th Avenue. Mr. Slobodnik testified that the proposal is to construct a two-story dwelling with cementitious siding. Mr. Slobodnik stated the dwelling is consistent with other dwellings in the neighborhood as is the lot size. Mr. Slobodnik noted that the subject lot is the only undeveloped lot in the block. Mr. Slobodnik indicated that he had recently built a house three doors down from the subject property. Mr. Slobodnik offered the following as conditions of approval:

- 1) Substantial compliance with the plans submitted to the Board.
- 2) Provision of cementitious siding.
- 3) The planting of two 7' tall red bud trees along the rear property line flanking the proposed parking space.
- 4) The installation of a 6.5' fence along the rear property line and along the east and west side property lines terminating at the rear of the proposed dwelling.

In response to a question from Mr. Poole, Mr. Slobodnik stated that his partner had made a good faith effort to contact surrounding neighbors.

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. Mr. Landis concluded by stating that they also had a zoom meeting with the civic association.

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 Viaco LLC for a building permit to construct a new single-family detached dwelling, subject to the following conditions:

- 1) Substantial compliance with the plans submitted to the Board.
- 2) Provision of cementitious siding.
- 3) The planting of two 7' tall red bud trees along the rear property line flanking the proposed parking space.
- 4) The installation of a 6.5' fence along the rear property line and along the east and west side property lines terminating at the rear of the proposed dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Sadid

negative: None

BZA 41-2021

APPLICANT: FOREMMA LLC

PREMISES: 14 NORTH AUBURN AVENUE & 3201 FLOYD AVENUE
(Tax Parcel Number W000-1456/012 & 013)

SUBJECT: A building permit to re-establish the nonconforming use rights to a commercial use (office and violin repair shop), convert the building to a dwelling unit, and reconsolidate the lots to their original configuration as a single property.

DISAPPROVED by the Zoning Administrator on May 13, 2021, based on Sections 30-300, 30-412.1, 30-412.2(2), 30-412.2(2)c & 30-800.4 of the zoning ordinance for the reason that: In a R-6 (Single-Family Attached Residential) District, the proposed use (office and violin repair shop) is not permitted as the previous nonconforming use rights have expired. The property originally consisted of one parcel with a single-family detached dwelling constructed in 1910 and an accessory building constructed in 1912. The Board of Zoning Appeals (Case No. 70-89) authorized a lot split to its current configuration (2 parcels) and permitted the conversion of the accessory building from an office use to an office use with accessory violin repair. A Certificate of Occupancy (C.O.) was issued to several tenants for the office and violin repair business. Records indicate the nonconforming commercial use of the building (14 North Auburn Avenue) expired in December 2020. The proposal is to re-establish the nonconforming use rights in the accessory building and convert the building to a dwelling unit as well as the re-consolidation of the two properties into a single parcel again.

APPLICATION was filed with the Board on May 13, 2021, based on Section 1040.3(14) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Robert Laughlin

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, FOREMMA LLC, has requested a special exception to reestablish nonconforming commercial use rights for 14 N. Auburn Avenue and 3201 Floyd Avenue for the purpose of establishing a dwelling use and to reconsolidate the lots to their original configuration as a single property. Mr. Robert Laughlin, representing the applicant, testified that he is the father of the applicant and is representing his son in this matter. Mr. Laughlin stated his desire is to move closer to his grandchildren and is hopeful that the Board will approve the requested special exception in order that the building may be converted to a dwelling use. Mr. Laughlin explained that in order to occupy the building for a dwelling use that it is necessary to first reestablish the nonconforming rights before the conversion can take place. It was noted that in the R-6 zoning district two detached dwelling units would not be permitted by right. If approved by the Board the lots would be consolidated into a single lot with two detached dwelling units on the property.

In response to a question from Mr. Poole, Mr. Laughlin stated that the Fan District Association did not oppose the request nor did any of the surrounding neighbors.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (14) of the zoning ordinance, the property owner has demonstrated that the property was acquired in good faith and that the building cannot reasonably be devoted to a conforming use.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the nonconforming use rights be granted to FOREMMA LLC for a building permit to re-establish the nonconforming use rights to a commercial use (office and violin repair shop), convert the building to a dwelling unit, and reconsolidate the lots to their original configuration as a single property, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

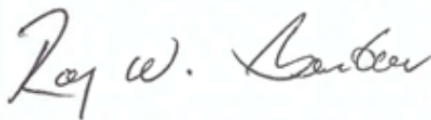
Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Sadid

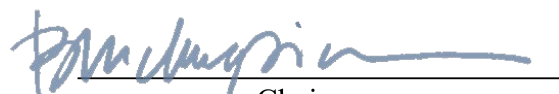
negative: None

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

The meeting was adjourned at 1:55 p.m.



Secretary



Chairman