



**CITY OF RICHMOND**

DEPARTMENT OF PLANNING AND  
DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, JANUARY 4, 2017**

On Wednesday, January 4, 2017, the Board of Zoning Appeals held a public hearing in the Fifth Floor Conference Room, 900 East Broad Street, at 1:00 p.m.; display notice having been published in the Richmond Legacy Newspaper on December 21 and 28, 2016 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 Jane Hogue  
  Susan Sadid

Member(s) Absent:             Kenneth R. Samuels

Staff Present:                   Roy W. Benbow, Secretary  
  William Davidson, Zoning Administrator

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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. The applicant and those appearing in support of an application speak first, followed by those appearing in opposition.

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**CASE NO. 01-17**

APPLICANT:                   8 E 19<sup>th</sup> Street, LLC

PREMISES:                   8 EAST 19<sup>TH</sup> STREET  
(Tax Parcel Number S000-0241/028)

SUBJECT:                      A building permit to renovate the building for use as a two-family dwelling.

DISAPPROVED by the Zoning Administrator on November 21, 2016, based on Sections 30-300 & 30-800.4 of the zoning ordinance for the reason that: In a B-3 (General Business District), the proposed use is not permitted as the previous nonconforming use rights have expired. Whenever nonconforming uses of a building is discontinued for a period of two years or longer, any subsequent use of the premises shall conform to the regulations applicable in the district in which it is located.

APPLICATION was filed with the Board on November 17, 2016, based on Section 1040.3(14) of the Zoning Ordinance of the City of Richmond.

APPEARANCES:

For Applicant: Milorad Djordjevic

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Mr. Milorad Djordjevic, has requested a special exception to renovate a building for use as a two-family dwelling located at 8 E. 19th Street. Mr. Djordjevic testified that the property is zoned B-3 General Business District which does not permit a byright two-family use. The Zoning Administrator, Mr. William Davidson, stated that the issue before the Board was utilization of the first floor for a dwelling unit as a dwelling unit was permitted by right on the second floor. Mr. Davidson also noted that the building had been vacant for more than two years and that the Board had previously approved restoration nonconforming rights for a single-family use and that the approval had never been implemented. Mr. Djordjevic stated that the property did not provide off-street parking and there was inadequate on-street parking to support a business use. Mr. Djordjevic explained that conversion of the first floor to a commercial use was not cost-effective given the current rent structure in the neighborhood. Mr. Djordjevic concluded by stating that the only viable use of the first floor was for residential purposes.

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 expired nonconforming use rights requirement be granted to 8 E 19<sup>th</sup> Street, LLC for a building permit to renovate the building for use as a two-family dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Hogue, Pinnock, York, Sadid

negative: none

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CASE NO. 02-17

APPLICANT: Parkwood Mews, LLC

PREMISES: 2306 PARKWOOD AVENUE  
(Tax Parcel Number W000-1034/023)

SUBJECT: A building permit to construct a two-story addition to a 4-unit multi-family dwelling.

DISAPPROVED by the Zoning Administrator on November 21, 2016, based on Sections 30-300 & 30-419.6(2)b of the zoning ordinance for the reason that: In an R-63 (Multi-Family Urban Residential District), the side yard (setback) requirement is not met. Side yards of five feet (5') are required; three feet (3') are proposed.

APPLICATION was filed with the Board on November 18, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Joe Yates

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Parkwood Mews LLC, has requested a variance to construct a two-story addition to a four-unit multi-family dwelling located at 2306 Parkwood Avenue. Mr. Joe Yates, architect for the applicant, testified that the four-unit building was renovated approximately 10 years ago. Mr. Yates stated that the unit is decidedly small encompassing approximately 400 ft.<sup>2</sup>. Mr. Yates indicated that the plans call for adding a bedroom and bath in order to increase the living space thereby making the unit viable. Mr. Yates stated that instead of currently entering the unit through the bedroom that the floor plans would be reoriented such that the bedroom would be moved to the rear of the unit. Mr.

Yates indicated that there is a gravel parking area located at the rear of the property and the plans call for providing four off-street paved parking spaces. Mr. Yates noted that the proposed addition is being set in from the existing building line and that compliance with the required setback would constitute a hardship. Mr. Yates indicated that compliance with the required setback would negate the proposed addition which is intended to make the unit viable. It was noted that the existing building setback is approximately 1 foot from the respective property lines. Mr. Yates noted that Hardi-plank panels will be utilized. Mr. Yates stated that a total of 30 neighbors had been contacted regarding the proposed two-story addition and that they were aware of no objections. Mr. Yates also stated that the Uptown Association supported the requested variance.

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 side yard (setback) requirement be granted to Parkwood Mews, LLC for a building permit to construct a two-story addition to a 4-unit multi-family dwelling, subject to the condition that four (4) off-street parking spaces be provided at the rear of the property and siding shall be Hardi-plank.

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

Vote to Grant Conditionally

affirmative: Poole, Hogue, Pinnock, York, Sadid

negative: none

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CASE NO. 03-17

APPLICANT: Parkwood Mews, LLC

PREMISES: 2310 PARKWOOD AVENUE  
(Tax Parcel Number W000-1034/026)

SUBJECT: A building permit to construct a two-story addition to a 4-unit multi-family dwelling.

DISAPPROVED by the Zoning Administrator on November 21, 2016, based on Sections 30-300 & 30-419.6(2)b of the zoning ordinance for the reason that: In a(an) R-63 (Multi-Family Urban Residential District), the side yard (setback) requirement is not met. Side yards of five feet (5') are required; three feet (3') are proposed.

APPLICATION was filed with the Board on November 18, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Joe Yates

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Parkwood Mews LLC, has requested a variance to construct a two-story addition to a four-unit multi-family dwelling located at 2310 Parkwood Avenue. Mr. Joe Yates, architect for the applicant, testified that the four-unit building was renovated approximately 10 years ago. Mr. Yates stated that the unit is decidedly small encompassing approximately 400 ft.<sup>2</sup>. Mr. Yates indicated that the plans call for adding a bedroom and bath in order to increase the living space thereby making the unit viable. Mr. Yates stated that instead of currently entering the unit through the bedroom that the floor plans would be reoriented such that the bedroom would be moved to the rear of the unit. Mr. Yates indicated that there is a gravel parking area located at the rear of the property and the plans call for providing four off-street paved parking spaces. Mr. Yates noted that the proposed addition is being set in from the existing

building line and that compliance with the required setback would constitute a hardship. Mr. Yates indicated that compliance with the required setback would negate the proposed addition which is intended to make the unit viable. It was noted that the existing building setback is approximately 1 foot from the respective property lines. Mr. Yates noted that Hardi-plank panels will be utilized. Mr. Yates stated that a total of 30 neighbors had been contacted regarding the proposed two-story addition and that they were aware of no objections. Mr. Yates also stated that the Uptown Association supported the requested variance.

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 side yard (setback) requirement be granted to Parkwood Mews, LLC for a building permit to construct a two-story addition to a 4-unit multi-family dwelling subject to the condition that four (4) off-street parking spaces be provided at the rear of the property and siding shall be Hardi-plank.

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

Vote to Grant Conditionally

affirmative: Poole, Hogue, Pinnock, York, Sadid

negative: none

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CASE NO. 04-17

APPLICANT: Parkwood Mews, LLC

PREMISES: 2308 PARKWOOD AVENUE  
(Tax Parcel Number W000-1034/025)

SUBJECT: A building permit to construct a two-story addition to a 4-unit multi-family dwelling.

DISAPPROVED by the Zoning Administrator on November 21, 2016, based on Sections 30-300 & 30-419.6(2)b of the zoning ordinance for the reason that: In a(an) R-63 (Multi-Family Urban Residential District), the side yard (setback) requirement is not met. Side yards of five feet (5') are required; three feet (3') are proposed.

APPLICATION was filed with the Board on November 18, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Joe Yates

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Parkwood Mews LLC, has requested a variance to construct a two-story addition to a four-unit multi-family dwelling located at 2308 Parkwood Avenue. Mr. Joe Yates, architect for the applicant, testified that the four-unit building was renovated approximately 10 years ago. Mr. Yates stated that the unit is decidedly small encompassing approximately 400 ft.<sup>2</sup>. Mr. Yates indicated that the plans call for adding a bedroom and bath in order to increase the living space thereby making the unit viable. Mr. Yates stated that instead of currently entering the unit through the bedroom that the floor plans would be reoriented such that the bedroom would be moved to the rear of the unit. Mr. Yates indicated that there is a gravel parking area located at the rear of the property and the plans call for providing four off-street paved parking spaces. Mr. Yates noted that the proposed addition is being set in from the existing building line and that compliance with the required setback would constitute a hardship. Mr. Yates indicated that compliance with the required setback would negate the proposed addition which is intended to make the unit viable. It was noted that the existing building setback is approximately 1 foot from the

respective property lines. Mr. Yates noted that Hardi-plank panels will be utilized. Mr. Yates stated that a total of 30 neighbors had been contacted regarding the proposed two-story addition and that they were aware of no objections. Mr. Yates also stated that the Uptown Association supported the requested variance.

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 side yard (setback) requirement be granted to Parkwood Mews, LLC for a building permit to construct a two-story addition to a 4-unit multi-family dwelling, subject to the condition that four (4) off-street parking spaces be provided at the rear of the property and siding shall be Hardi-plank.

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

**Vote to Grant Conditionally**

affirmative: Poole, Hogue, Pinnock, York, Sadid

negative: none

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CASE NO. 05-17

APPLICANT: Steadfast Ventures, LLC

PREMISES: 9 TOWANA ROAD  
(Tax Parcel Number W021-0348/002)

SUBJECT: A building permit to construct an accessory structure (carport) to a single-family dwelling.

DISAPPROVED by the Zoning Administrator on November 22, 2016, based on Sections 30-300 & 30-402.5(1) of the zoning ordinance for the reason that: In an R-1 (Single-Family Residential District), the front yard (setback) requirement is not met. A front yard of thirty-five feet (35') is required; fourteen feet (14') ± is proposed.

APPLICATION was filed with the Board on November 21, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

## APPEARANCES:

For Applicant: Dusty Carey

Against Applicant: Edward Sinnott III  
John Wyatt

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Steadfast Ventures LLC, has requested a variance to construct an accessory structure (carport) to a single-family dwelling located at 9 Towana Road. Mr. Dusty Carey, representing the applicant, testified that due to the existing topography that it was not possible to construct the proposed carport anywhere on the property except in front of the existing dwelling. Mr. Carey noted that there is a large drainage ditch that traverses the property in front of the dwelling which he is not allowed to pipe. Mr. Carey indicated that in his opinion the carport was the least intrusive on the neighborhood and reflected the existing architecture of the dwelling. Mr. Carey stated that he purchased the property in July 2015. Mr. Carey stated that he demolished the former structure and constructed a 4300 ft.<sup>2</sup> dwelling at a cost of approximately \$500,000. Mr. Carey indicated that prospective buyers were unwilling to purchase the property for the reason that it lacked covered parking.

Speaking in opposition, Mr. Edward Sinnott III testified that the proposed carport was not in keeping with the neighborhood and as the next-door neighbor it was visible from his kitchen window. Mr. Sinnott further testified that he had not

been contacted regarding the proposed variance request. Mr. Sinnott indicated that he would be equally opposed to construction of a garage.

Speaking in opposition, Mr. John Wyatt testified that he lives directly across the street from the applicant's property and that he agreed that the carport was not in keeping with the character of the neighborhood. Mr. Wyatt further testified that he also had not been contacted regarding the proposed variance request. Mr. Wyatt also indicated that he would be equally opposed to construction of a garage.

The Board finds that the property was not acquired in good faith and that the applicant failed to show an extraordinary or exceptional situation whereby strict application of the front yard requirements unreasonably restricts its use or that there is a clearly demonstrable hardship. The Board is satisfied that reasonable use can be made of the property under applicable zoning regulations. The granting of a variance in this case would constitute a special privilege or convenience to the owner, would not be in keeping with the character of the neighborhood and would not be in harmony with the intended spirit and purpose of the ordinance and the powers of the Board.

**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 denied to Steadfast Ventures, LLC for a building permit to construct an accessory structure (carport) to a single-family dwelling.**

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

Vote to deny

affirmative: Poole, Hogue, Pinnock, York, 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 December 7, 2016 meeting minutes.

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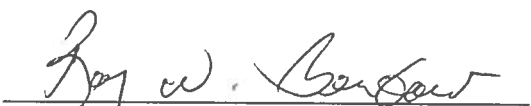
Upon motion made by Ms. Mary Jane Hogue and seconded by Ms. Susan Sadid, Members voted (5-0) to elect Mr. Burt Pinnock as the Chairman and Mr. Roger York as the Vice-Chairman of the Richmond Board of Zoning Appeals for 2016, and Mr. Rodney Poole as the Board's representative to the Planning Commission for 2016.

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

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Chairman

  
Secretary