



CITY OF RICHMOND

DEPARTMENT OF PLANNING AND
DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, DECEMBER 7, 2016

On Wednesday, December 7, 2016, 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 Voice Newspaper on November 23 and 30, 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
 Kenneth R. Samuels
 Edward H. Winks, Jr.

Member(s) Absent: Mary Jane Hogue

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

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.

CASE NO. 29-16

APPLICANT: Historic Richmond Renovations, LLC

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

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

DISAPPROVED by the Zoning Administrator on October 4, 2016, based on Sections 30-300, 30-412.5(1)(b) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached District) District, the front yard (setback) requirement is not met. A front yard of fifteen feet (15') is required; none is proposed along North 27th Street.

APPLICATION was filed with the Board on October 4, 2016, 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 single-family detached dwelling located at 2620 Q Street. Mr. Mark Baker, representing the applicant, testified that the property in question is located at the corner of Q Street and 27th Street. Mr. Baker pointed out that the property has two front yards based on the lotting pattern. Mr. Baker also pointed out that the lot in question is 17.58 feet in width. Mr. Baker indicated that given the 15 foot front yard setback requirement that the lot has a buildable width of less than 3 feet which not only meets the hardship test but amounts to a theoretical taking. Mr. Baker stated historically the lot was developed with a storefront building with residential above. Further, the building was developed lot line to lot line. Mr. Baker indicated that the setback requirement from Q Street will be met. Mr. Baker stated that the previous storefront was demolished in 1990 and that the lot had remained vacant ever since. Mr. Baker noted that there was no opposition from the surrounding neighbors and that the Church Hill Central Civic Association did not indicate opposition to the proposed variance request. Mr. Baker also noted that the elevation drawings involving the front porch and provision of Hardi-Plank siding were altered as a result of neighborhood input. Mr. Baker offered the conditions that the proposed structure will comply with the revised elevation plans submitted to the Board dated December 1, 2016 and the siding will be Hardi-Plank. Mr. Baker concluded by stating that in his opinion all of the relevant provisions relating to the granting of a variance had been met.

In response to a question from Mr. Winks, it was pointed out that constructing a detached garage would present potential lot coverage and setback problems.

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 single-family detached dwelling, subject to substantial compliance with the elevation plans submitted to the Board dated December 1, 2016 and provision of Hardi-Plank siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Winks, Pinnock, York, Samuels

negative: none

CASE NO. 30-16

APPLICANT: Tracey Chalkley

PREMISES: 3309 ROSEWOOD AVENUE
 (Tax Parcel Number W000-1505/012)

SUBJECT: A building permit to split an existing lot improved with a single-family dwelling and to construct a new single-family detached dwelling on the proposed vacant lot.

DISAPPROVED by the Zoning Administrator on October 21, 2016, based on Sections 30-300, 30-410.4 & 30-410.5(2) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the lot area, lot width and side yard (setback) 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 6,550.0 square feet and a lot width of 58.3 feet currently exists; lot areas of 3,737.0 square feet (#3309) and 2,813.0 square feet (#3307) and lot widths of 34.38 feet (#3309) and 23.93 feet (#3307) are proposed. Five feet (5') side yards are required; side yards of 3.0 feet are proposed (#3309 & #3307).

APPLICATION was filed with the Board on October 12, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Thomas Davies

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Tracey Chalkley, has requested a variance to split an existing lot improved with a single-family dwelling and to construct a new single-family detached dwelling on the proposed vacant lot for property located at 3309 Rosewood Avenue. Mr. Thomas Davies, representing the applicant, testified there is an existing detached single-family dwelling located on a lot of approximately 58 feet in width. Mr. Davies explained that the intent is to split the lot into two separate lots with lot widths of 34.38 feet and 23.89 feet. Mr. Davies explained that the proposed lot widths will be similar to other lot widths in the neighborhood. Mr. Davies pointed out that in the 1970s the current lot had existed as two separate lots but was combined through a revised deed. Mr. Davies indicated that his family intends to live in the newly constructed dwelling. Mr. Davies concluded by stating that approval of the variance will result in a consistent block face in terms of the single-family detached development.

In response to a question from Mr. York, Mr. Davies stated that access to the adjoining property will be provided via an easement. Mr. Davies also noted that there are other two-story houses in the block and surrounding neighborhood. Mr. Davies supplied the Board with revised elevation drawings and indicated that the siding will be Hardi-Plank.

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 lot area, lot width and side yard (setback) requirements be granted to Tracey Chalkley for a building permit to split an existing lot improved with a single-family dwelling and to construct a new single-family detached dwelling on the proposed vacant lot, subject to substantial compliance with the elevation drawings submitted at the Board’s December 7, 2016 meeting and provision of Hardi-Plank siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Winks, Pinnock, York, Samuels

negative: none

CASE NO. 31-16

APPLICANT: Gregory Powers

PREMISES: 3300 MIDLOTHIAN TURNPIKE
 (Tax Parcel Number S000-2141/005)

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

DISAPPROVED by the Zoning Administrator on October 18, 2016, based on Sections 30-300 & 30-800.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential 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 October 12, 2016, based on Section 1040.3(14) of the Zoning Ordinance of the City of Richmond.

APPEARANCES:

For Applicant: Gregory Powers

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Gregory Powers, has requested a special exception to renovate a building located at 3300 Midlothian Turnpike to be utilized as a two-family dwelling (the current zoning is R-5 single-family residential). Mr. Powers stated that the plan is to have one unit up and one unit down. Mr. Powers testified that the property in question is located at the corner of Midlothian Turnpike and East 33rd Street. Mr. Powers stated that the lot contains 16,250 ft.² which is substantially larger than other lots in the neighborhood. Mr. Powers indicated that it is not economically feasible to convert the house to a single-family use. It was noted that the Board had approved restoration of nonconforming rights to a two-family use in 2007 but that the special exception had never been implemented.

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 Gregory Powers 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, Winks, Pinnock, York, Samuels

negative: none

CASE NO. 32-16

APPLICANT: RVA Sugar LLC

PREMISES: 2908 EAST FRANKLIN STREET
(Tax Parcel Number E000-0578/006)

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

DISAPPROVED by the Zoning Administrator on October 20, 2016, based on Sections 30-300 & 30-412.5(1)a of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached District), the front yard (setback) requirement is not met. A front yard of fifteen feet (15') is required; none is proposed along the (unimproved) North 30th Street frontage.

APPLICATION was filed with the Board on October 13, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Matthew P. Jarreau

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, RVA Sugar LLC, has requested a variance to construct a single-family detached dwelling located at 2908 E. Franklin Street. Mr. Matthew Jarreau, representing the applicant, testified that the lot is located at the corner of East Franklin Street and North 30th Street. Mr. Jarreau noted that North 30th Street adjacent to his lot is a paper street which the Department of Public Works has indicated will not be improved. Mr. Jarreau stated that a vacant lot to the rear which fronts on 30th Street is responsible for imposing the dual front yard requirement. Mr. Jarreau indicated that the lot is 20 feet in width and given the 15 foot front yard setback requirement along 30th Street the lot is incapable of being developed which is the basis for the variance request. Mr. Jarreau stated that the project has received the support of the Commission of Architectural Review, the Church Hill Civic Association and the surrounding neighbors. Mr.

Jarreau offered as a condition of approval provision Hardi-Plank siding and compliance with the plans as submitted to the Board.

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 RVA Sugar LLC for a building permit to construct a single-family detached dwelling, subject to substantial compliance with the plans submitted to the Board including provision of Hardi-Plank siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Winks, Pinnock, York, Samuels

negative: none

CASE NO. 33-16

APPLICANT: Luke & Meghan Semple

PREMISES: 20 RIO VISTA LANE
(Tax Parcel Number W022-0162/014)

SUBJECT: A building permit to construct a two-story addition onto a single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on October 14, 2016, based on Sections 30-300 & 30-402.5(1) of the zoning ordinance for the reason that: In a(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; 17'-7" is proposed along Rio Vista Lane.

APPLICATION was filed with the Board on October 14, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Madison Spencer

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Luke and Megan Semple, have requested a variance to construct a two-story addition onto a single-family (detached) dwelling located at 20 Rio Vista Lane. Mr. Madison Spencer, representing the applicant, testified that the home was built in the 1930s. Mr. Spencer stated that plans call for removal of existing enclosed porch and replacement with a two-story addition. Mr. Spencer explained that the porch including the support structure were unsound and required replacement. Mr. Spencer noted that the existing porch already encroaches into the required setback and that the proposed addition would encroach slightly more into the required setback. Mr. Spencer indicated that the addition will provide needed bedroom and bathroom space to modernize the house. Mr. Spencer further indicated that a number of the homes in the neighborhood do not meet the prevailing setback requirements. Mr. Spencer pointed out that development of the lot is severely restricted by the existing topography. Mr. Spencer indicated that the proposed addition will be synonymous with existing character of the home and the surrounding neighborhood. Mr. Spencer stated that the surrounding neighbors were in support of the proposed addition and submitted a letter from the adjoining property owner so indicating. Mr. Spencer noted that Rio Vista Lane was fundamentally a dead-end street and that there will be no impact on the neighbors. Mr. Spencer offered as a condition of approval compliance with the plans submitted to the Board.

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 Luke & Meghan Semple for a building permit to construct a two-story addition onto 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: Poole, Winks, Pinnock, York, Samuels

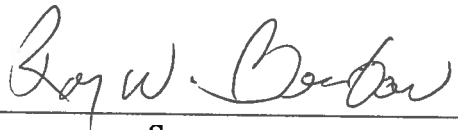
negative: none

Upon motion made by Mr. Poole and seconded by Mr. York, Members voted (4-0) to adopt the Board’s November 2, 2016 meeting minutes.

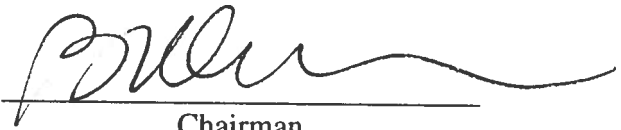
Upon motion made by Mr. Poole and seconded by Mr. Samuels Board Members voted (5-0) to recommend to the Chief Judge of the Circuit Court of the City of Richmond that Mr. Pinnock and Mr. York be reappointed as regular members and that Ms. Sadid be reappointed as an alternate member to the Richmond Board of Zoning Appeals. It was

noted that all of the foregoing members had expressed a desire to be reappointed to the Board.

The meeting was adjourned at 2:30 p.m.



Secretary



Chairman