



**CITY OF RICHMOND**

DEPARTMENT OF PLANNING AND  
DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, APRIL 1, 2015**

On Wednesday, April 1, 2015, 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 March 18 and 25, 2015 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  
  Mary J. Hogue  
  Susan Sadid

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. 11-15**

APPLICANT:                   Richmond Affordable Housing

PREMISES:                   2600 Q STREET  
                                  (Tax Parcel Number E000-0520/021)

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

DISAPPROVED by the Zoning Administrator on February 18, 2015, based on Sections 114-300, 114-412.5(1)a & 114-630.1(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 12.4 feet, as established by 1105 North 26<sup>th</sup> Street is required; none is proposed.

APPLICATION was filed with the Board on February 12, 2015, based on Section 17.20(b) of the City Charter.

APPEARANCES:

For Applicant:        David Herring  
                              Matt Jarreau

Against Applicant:    none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Richmond Affordable Housing, has requested a variance to construct a new single-family detached dwelling located at 2600 Q Street. Mr. Matt Jarreau, representing the applicant, testified that a setback variance is being requested along North 26th Street. Mr. Jarreau noted that the 1924 Sanborn maps identified a house on the subject lot. Mr. Jarreau explained that the variance application is requesting permission to position the house as it formerly existed. It was noted that the lot is only 22 feet wide and application of required setbacks would leave a buildable lot width of approximately 9 feet. Mr. Jarreau stated that based on conversations with the Church Hill Civic Association that the applicant was agreeable to constructing a suitable vehicle barrier along the alley property line of the property located immediately to the north of 2600 Q Street. Further, construction would be in substantial compliance with the plans submitted to the Board including provision of Hardi-Plank siding.

The Board is satisfied that the property was acquired in good faith and that an exceptional situation exists due to the narrowness of the lot; whereby strict application of the setback requirement unreasonably restricts its use, and the granting of a variance in this case will 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 granted to Richmond Affordable Housing for a building permit to construct a new single-family (detached) dwelling, subject to the following conditions:

1. That a suitable vehicular barrier be constructed along the alley property line of the property located immediately to the north of 2600 Q Street.
2. Construction shall be in 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: Sadid, Hogue, Pinnock, York, Samuels

negative: none

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CASE NO. 12-15

APPLICANT: Robert & Cynthia Hudson

PREMISES: 2504 CEDAR STREET  
(Tax Parcel Number E000-0380/025)

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

DISAPPROVED by the Zoning Administrator on February 18, 2015, based on Sections 114-300 & 114-710.1(2) of the zoning ordinance for the reason that: In an R-63 (Multi-Family Urban Residential District), the off-street parking requirement is not met. One (1) off-street parking space is required; none is proposed.

APPLICATION was filed with the Board on February 13, 2015, based on Section 1040.3(11) of the City Code.

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 applicants, Robert and Cynthia Hudson, have requested a special exception to construct a new single-family attached dwelling located at 2504 Cedar Street. Mr. Poole advised the Chairman that due to a prior commitment that it would be necessary for him to relinquish his seat. The Chairman instructed

that Ms. Susan Sadid would take Mr. Poole's seat on the Board. Mr. Matthew P. Jarreau, representing the applicants, testified that the property is zoned R-63 Multi-Family Urban Residential District. Mr. Jarreau stated that he resides at 611 N. 26th Street which is located approximately one block from the subject property. Mr. Jarreau noted that previously there was a single-family attached home located on the property which burned down in the late 1980s. Mr. Jarreau indicated that plans call for the construction of a single-family attached home on the property. Mr. Jarreau further noted that there is no rear alley access which makes provision of the required off-street parking space impossible. Mr. Jarreau stated that this lot and the adjoining lot are unique for the reason that they do not have alley access. Mr. Jarreau indicated that there is simply no way to provide the required off-street parking space given the configuration of the lot. Mr. Jarreau noted that a parking survey of the block in question indicated that there was ample on-street parking available.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (11) of the zoning ordinance, the applicants have demonstrated that the exception will not result in an inadequate supply of parking or other adverse impact on the neighborhood; adequate parking to serve the needs of the use is provided within convenient proximity and the number, location and arrangement of parking spaces intended to serve the use is sufficient to provide for its parking needs based on the nature of the use and the characteristics of its operation.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the off-street parking requirement be granted to Robert & Cynthia Hudson for a building permit to construct a new single-family attached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Sadid, Hogue, Pinnock, York, Samuels

negative: none

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CASE NO. 13-15

APPLICANT: Robert & Cynthia Hudson

PREMISES: 2506 CEDAR STREET  
(Tax Parcel Number E000-0380/024)

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

DISAPPROVED by the Zoning Administrator on February 18, 2015, based on Sections 114-300 & 114-710.1(2) of the zoning ordinance for the reason that: In a(an) R-63 (Multi-Family Urban Residential District), the off-street parking requirement is not met. One (1) off-street parking space is required; none is proposed.

APPLICATION was filed with the Board on February 13, 2015, based on Section 1040.3(11) of the City Code.

APPEARANCES:

For Applicant: none

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Robert and Cynthia Hudson, have requested a special exception to construct a new single-family attached dwelling located at 2506 Cedar Street. Mr. Matthew P. Jarreau, representing the applicants, testified that the property is zoned R-63 Multi-Family Urban Residential District. Mr. Jarreau stated that he resides at 611 N. 26th Street which is located approximately one block from the subject property. Mr. Jarreau noted that previously there was a single-family attached home located on the property which burned down in the late 1980s. Mr. Jarreau indicated that plans call for the construction of a single-family attached home on the property. Mr. Jarreau further noted that there is no rear alley access which makes provision of the required off-street parking space impossible. Mr. Jarreau stated that this lot and the adjoining lot are unique for the reason that they do not have alley access. Mr. Jarreau indicated that there is simply no way to provide the required off-street parking space given the configuration of the lot. Mr. Jarreau noted that a parking survey of the block in question indicated that there was ample on-street parking available.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (11) of the zoning ordinance, the applicants have demonstrated that the exception will not result in an inadequate supply of parking or other adverse impact on the neighborhood; adequate parking to serve the needs of the use is provided within convenient proximity and the number, location and arrangement of parking spaces intended to serve the use is sufficient to provide

for its parking needs based on the nature of the use and the characteristics of its operation.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the off-street parking requirement be granted to Robert & Cynthia Hudson for a building permit to construct a new single-family attached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Sadid, Hogue, Pinnock, York, Samuels

negative: none

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CASE NO. 14-15

APPLICANT: Eric & Courtney Harper

PREMISES: 319 GREENWAY LANE  
(Tax Parcel Number W020-0135/020)

SUBJECT: A building permit to demolish and existing one-story addition (18' x 18') and construct a two-story addition (18' x 24') accessory to an existing single-family dwelling.

DISAPPROVED by the Zoning Administrator on February 13, 2015, based on Sections 114-300 & 114-630.1(a) of the zoning ordinance for the reason that: In an R-1 (Single-Family Residential District), the street side yard (setback) requirement is not met. A street side yard of no less than ten feet (10') is required along the Harland Road frontage; 5.54'± is proposed.

APPLICATION was filed with the Board on February 13, 2015, based on Section 1040.3(1) of the City Code.

APPEARANCES:

For Applicant: Kristi Lane

Against Applicant: none

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicants, Eric and Courtney Harper, have requested a special exception to demolish an existing one-story accessory structure and construct a two-story addition to an existing single-family dwelling located at 319 Greenway Lane. Ms. Kristi Lane, representing applicants, testified that the existing structure was a garage with attic space. Ms. Lane stated that the plan is to demolish the existing structure and replace it with a new addition to the dwelling. Ms. Lane indicated that the new addition will have more or less the same footprint as the previous structure. Ms. Lane noted that the addition will maintain essentially the same setback from Harlan Circle as the previous garage structure. Ms. Lane indicated that the new structure will be two stories in height. Ms. Lane stated that the existing structure could not be utilized given the 6 foot differential in floor levels. Ms. Lane advised the Board that the surrounding neighbors were in support of the requested special exception.

In response to a question from Mr. York, Ms. Lane indicated that the setback requested was consistent with other setbacks in the neighborhood.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3(1) of the City Code, the intended purpose and use of the proposed addition is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the addition; the addition or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the addition will be in keeping with the architectural character of the dwelling and development within the neighborhood.

**RESOLUTION:** NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the street side yard (setback) requirement be granted to Eric & Courtney Harper for a building permit to demolish and existing one-story addition (18' x 18') and construct a two-story addition (18' x 24') accessory to an existing single-family dwelling.

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

Vote to Grant

affirmative: Sadid, Hogue, Pinnock, York, Samuels

negative: none

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CASE NO. 15-15

APPLICANT: Deworth Restoration Associates, LLC

PREMISES: 2511 O STREET  
(Tax Parcel Number E000-0380/002)

SUBJECT: A building permit to split an existing lot at 2511 O STREET improved with a single-family attached dwelling and construct a new single-family attached dwelling on the proposed vacant lot at 2509 O STREET.

DISAPPROVED by the Zoning Administrator on February 18, 2015, based on Sections 114-300 & 114-419.5(2) of the zoning ordinance for the reason that: In an R-63 (Multi-Family Urban Residential District), the lot area and lot width requirements are not met. Lot areas of two thousand two hundred square feet (2,200 SF) and lot widths of sixteen feet (16') are required, except that the width of any lot at the end of a series of attached units shall be nineteen feet (19'). One (1) lot having a lot area of 3,475.2 square feet currently exists; a lot area of 1,252.76 square feet (#2511) and a lot width of 13.85 feet (#2511) are proposed.

APPLICATION was filed with the Board on February 13, 2015, based on Section 1040.3(2) of the City Code.

## APPEARANCES:

For Applicant: Deanna Lewis  
Matt Jarreau

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Deworth Restoration Associates, LLC, has requested a special exception to split an existing lot improved with a single-family attached dwelling and construct a new single-family attached dwelling on the proposed vacant lot. Ms. Deanna Lewis, representing the applicant, testified that the proposal is to split a lot which includes an existing dwelling and add an addition to that dwelling. Ms. Lewis indicated the plans also call for constructing a new dwelling on the newly created vacant lot. Ms. Lewis explained that the special exception is being sought for the reason that the lot containing the existing dwelling will not meet requisite zoning requirements in terms of lot width and lot size. Ms. Lewis indicated that the original construction along the block consisted of a general store and seven "working man" houses. Ms. Lewis stated that a gap remained in the block for the reason that the original developer did not own all of



the property. Ms. Lewis indicated that her plan was to complete construction in a manner consistent with the original development.

In response to a question from Mr. York, Ms. Lewis stated the construction will be brick veneer.

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 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 Deworth Restoration Associates, LLC for a building permit to split an existing lot at 2511 O STREET improved with a single-family attached dwelling and construct a new single-family attached dwelling on the proposed vacant lot at 2509 O STREET, subject to the condition that construction shall be in substantial compliance with plans submitted to the Board including provision of Brick Veneer construction.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Sadid, Hogue, Pinnock, York, Samuels

negative: none

CASE NO. 16-15 (CONTINUED TO MAY 6, 2015 MEETING/with fee)

APPLICANT: GTR Cedar LLC

PREMISES: 1903 EAST MARSHALL STREET  
(Tax Parcel Number E000-0187/001)

SUBJECT: A building permit to construct a multi-family building with 180 dwelling units and accessory parking.

DISAPPROVED by the Zoning Administrator on February 13, 2015, based on Sections 114-300, 114-444.4:1 & 114-444.7:1 of the zoning ordinance for the reason that: In a B-6 (Mixed Use Business - Conditional District), the front yard (setback) and maximum height requirements are not met. A front yard (setback) along Cedar Street of 8'9" +/- is required; 1'3" +/- is proposed. Maximum height for buildings is restricted to four (4) stories; five (5) stories are proposed.

APPLICATION was filed with the Board on February 13, 2015, based on Section 1040.3(1), (17) of the City Code.

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CASE NO. 17-15

APPLICANT: Sally Alvis & Ruth Alvis

PREMISES: 3213 & 3215 Floyd Avenue  
(Tax Parcel Number W000-1456/005 & 006)

SUBJECT: To split the lot located at 3215 FLOYD AVENUE and for a building permit construct a new single-family detached dwelling at 3213 FLOYD AVENUE.

DISAPPROVED by the Zoning Administrator on February 20, 2015, based on Sections 114-300, 114-412.4(1), 114-412.5(1)b & 114-620.1(c) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the lot area, lot width and side yard (setback) 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 8,100.0 square feet and a lot width of sixty feet (60') currently exists; lot areas of 3,375.0 square feet (#3213) and 4,725.0 square feet (#3215) and lot widths of 25.0 feet (#3213) and 35.0 feet (#3215) are proposed. Five foot (5') side yards are required; side yards of 3.25 feet (#3213) and 4.6 feet (#3215) are proposed.

APPLICATION was filed with the Board on February 20, 2015, based on Section 1040.(2) of the City Code.

APPEARANCES:

For Applicant: Kyle McLaughlin

Against Applicant: none

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicants, Sally and Ruth Alvis, have requested a special exception to construct a new single-family detached dwelling located at 3213 3215 Floyd Avenue. Mr. Kyle McLaughlin, representing the applicant, testified that the existing lot contains a single-family dwelling and the plan is to divide the lot and construct an additional single-family detached dwelling on the newly created lot. Mr. McLaughlin stated that the zoning office determined that the lots have been combined which is the reason for requesting the special exception. Mr. McLaughlin further stated that the neighborhood association and surrounding neighbors were in support of the requested special exception.

In response to a question from Mr. York, Mr. McLaughlin stated that the proposed lots and dwellings are consistent with other lots and dwellings in the neighborhood.

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, 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, 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, lot width and side yard (setback) requirements be granted to Sally Alvis & Ruth Alvis to split the lot located at 3215 FLOYD AVENUE and for a building permit construct a new single-family detached dwelling at 3213 FLOYD AVENUE, subject to the condition that construction shall be in 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: Sadid, Hogue, Pinnock, York, Samuels

negative: none

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Upon motion made by Mr. York and seconded by Mr. Samuels, Members voted (3-0) to adopt the Board's March 4, 2015 meeting minutes.

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The meeting was adjourned at 3:10 p.m.  
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Chairman

  
Secretary