



CITY OF RICHMOND

DEPARTMENT OF PLANNING AND  
DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

## BOARD OF ZONING APPEALS

### MEETING MINUTES

WEDNESDAY, MAY 6, 2015

On Wednesday, May 6, 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 April 22 and 29, 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

Members Absent:           Mary J. Hogue

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. 16-15 (CONTINUED FROM APRIL 1, 2015 MEETING)

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.

APPEARANCES:

For Applicant: James Walker  
Steve Love

Against Applicant: Elaine Odell  
Chris Jones  
Charles Holt  
Henry McLaughlin

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, GTR Cedar LLC, has requested a special exception to construct a multi-family building with 180 dwelling units and accessory parking for property located at 1903 E. Marshall Street. The Chairperson, Mr. Pinnock, noted that the property is located in the B-6 Urban Business District and that the front yard setback and maximum height requirements are not met. Mr. Jim Walker, counsel for the applicant, testified that the story requirement is being addressed by special exception. Mr. Walker indicated that he would begin his presentation with the height exception. Mr. Walker noted that there is a 20 foot grade differential between the high point and low point of the property which presents topographical issues in so far as the determination of permitted stories is concerned. Mr. Walker further noted that the B-6 zoning determines height in terms of stories and not feet. Mr. Walker indicated the building is five stories tall adjacent to Cedar Street and slightly greater than three stories adjacent to 20th Street. Mr. Walker stated that the building is considered to be a five-story building based on where the story measurement is taken. Mr. Walker indicated that the 5th story is 28 inches taller than a four-story building. Mr. Walker stated that an exception is being requested to allow a 5th story as measured from the midpoint of the East Marshall Street elevation. Mr. Walker showed the Board a depiction of where the proposed elevation of the building would fall with respect to Jefferson Park. Mr. Walker noted that the proposed elevation of the building will be well below that of Jefferson Park. Mr. Walker further noted that during a meeting with the Friends of Jefferson Park that many of the concerns related to the appearance of the roof of the building and not the building's height. Mr.

Walker stated that the view from the park will not be impacted by the building and the building will be well below the proffer limitations of 144 feet above sea level and a building height of 50 feet. Mr. Walker noted that the special exception meets the intent of allowing infill development on a topographical challenged site with buried parking and with minimal impact to provision of light and air. Mr. Walker stated that a special exception for the 5th story is being requested due to the topography of the site. Mr. Walker referred to a 1950's/1960's photograph of the old Marshall Street viaduct. Mr. Walker noted that there has always been some kind of structure in the area. Mr. Walker further noted that with the exception of the last 30 years the placement of a building on the property is not going to be anything new or novel to the site. Mr. Walker indicated that the proposed structure will be approximately the same height as the top rail of the former viaduct. Mr. Walker stated that the profile of the old viaduct and the proposed building will be very similar. Mr. Walker referred to a photograph of the Cedar/Broad property across the street and noted that the proposed building will be roughly the same height as the Cedar/Broad building. Mr. Walker next referred to a photograph of the viaduct and its relation to the old Trinity Church at the 20th and Marshall Street location. Mr. Walker noted that the proposed building height will be roughly in line of the windowsills of the church and would not exceed the gutter line of the church. Mr. Walker next referred to a picture which included the old Jefferson School and the Goodwill building which had been there since the 1800's. Mr. Walker noted that there is not a substantial height differential between the proposed development and the former school building which had been located on the site for more than 100 years. Mr. Walker further noted the placement of the building on the subject site will be essentially replicating a view that had existed for years. Mr. Walker next referred to a picture in front of the last of the rowhouses on Princess Ann looking to the south. Mr. Walker noted that the top of the building would not be visible except along Cedar Street in the location of the rowhouses. Mr. Walker indicated that a special exception is being requested under subsection 17 for a 5th story which measures 28 inches greater than a four-story building. Mr. Walker noted that the proposed height of building is 7 feet below the approved proffer. Mr. Walker stated that a special exception is also being requested under subsection 1 to build closer to the sidewalk of the lot along the Cedar Street elevation. Mr. Walker noted that the proposed building will be approximately 7.5 feet beyond the building face of the row houses. Mr. Walker identified Mr. Holt's house and Mr. Laffoon's house. Mr. Walker noted that the setback requirement in the B-6 District generally replicates that of the adjoining building. Mr. Walker indicated that the special exception request is to approve moving the building in line with the leading-edge of the adjoining rowhouse porch. Mr. Walker noted that the Commission of Architectural Review (CAR) has approved the request which represents a distance of approximately 7.5 feet. Mr. Walker next referred to a picture of the Cedar Street rowhouse porch elevations and how they relate to the sidewalk and utility poles. Mr. Walker stated that the proposed building will be

stepped in and out similar to that of the Cedar/Broad building. Mr. Walker noted that the view of Cedar Street is over the tunnel and Cedar Street bends around the bottom of the park. Mr. Walker indicated that there will be no meaningful obstruction as it relates to the height or setback of the building from the front porches of the rowhouses. Mr. Walker stated that the respective views will be similar to those that have existed for many years. Mr. Walker referred to a photograph before construction of the Cedar/Broad building to indicate what the neighborhood looked like before construction of the subject building. Mr. Walker stated that the proposed building is in keeping with the Cedar/Broad building and other development. Mr. Walker stated that it is his belief that this is the last lot of any size for infill development in this part of the city. Mr. Walker indicated that a joint meeting was held with representatives of Church Hill, Friends of Jefferson Park, the Union Hill Civic Association and the Cedar Street rowhouse owners and residents. Mr. Walker stated that the meeting was well attended and included the developer, architect and owner to answer any and all questions. Mr. Walker noted that a consensus was not reached regarding either of the exceptions but it was nonetheless a productive meeting. Mr. Walker referred to an e-mail sent from Mr. Laffoon to Mr. Cox in which Mr. Laffoon requested that it be entered into the record. Mr. Walker stated that it was his understanding that the e-mail had been entered into the record.

Mr. York referred to Commission of Architectural Review discussion relative to building alignment with the face of the row houses or the leading edge of the porches. Mr. York noted that in light of the industrial style of the building and the character of such buildings in the area typically being located on the side lot just like the one across the street that the majority of CAR members agreed with aligning the building with the leading-edge of the porches. Mr. Walker noted that the Commission of Architectural Review required that the building face be brought out such that it would be in line with Cedar Street. Mr. Walker also noted that the Commission of Architectural Review also required that approximately a third of the top floor be stepped in to limit impact on Cedar Street. Mr. York noted that this is an important factor in the Boards deliberations.

Speaking in favor, Mr. Steve Love testified that he was in favor of the requested special exceptions.

Speaking in opposition, Mr. Charlie Holt testified that he lived immediately adjacent to the property in question. Mr. Holt stated that he was not opposed to the height of the building. Mr. Holt further stated that he was opposed to the proposed setback along Cedar Street. Mr. Holt explained that looking north on Cedar Street from his porch that only the brick walls of the Cedar/Broad building and the proposed building would be visible. Mr. Holt noted that visibility from his property had been materially affected by the construction of the Cedar/Broad building and will be affected to an even greater degree by construction of the

proposed building. Mr. Holt stated that along the 20th Street side of the subject property there is a daycare center, a church and parking lot. Mr. Holt questioned if the building could not be moved closer to 20th Street rather than Cedar Street.

Speaking in opposition, Mr. Henry McLaughlin, attorney for Mr. William Laffoon, noted that an e-mail has been sent to the applicants by Mr. Laffoon and stated that it was his understanding that the e-mail had been delivered to the Board. The Secretary, Mr. Benbow, indicated that a copy of Mr. Laffoon's e-mail had been provided to the Board Members. Mr. McLaughlin noted that Mr. Laffoon resides at 3716 Moss Side Avenue and that he is the owner of 303 Cedar Street. Mr. McLaughlin referred to the e-mail which specifies that the exceptions which have been requested will cause excess traffic and congestion, diminish the supply of light and air and diminish property values. Mr. McLaughlin stated that the e-mail also provides that the applicant's property is located at the highest elevations along the block and that Mr. Laffoon's property is located at the lowest elevation. Mr. McLaughlin indicated that Mr. Laffoon is concerned about additional storm water drainage. Mr. McLaughlin stated that Mr. Laffoon has noted that there has not been any offer of conditions that could be enforced by the Board of Zoning Appeals to protect the neighborhood.

Speaking opposition, Ms. Elaine Odell testified that she is representing the Union Hill Civic Association. Ms. Odell provided a letter to the Board from the Association. Ms. Odell read from the letter as follows:

- Neighbors have a general opposition to this project due to the great lapse in time between the period when the plans and proffers were discussed with the community, and the present status.
- As to the height of the building neighbors are apprehensive about supporting this request. Neighbors have major concerns about the plan for the rooftop mechanicals and how these items will detract from the view from Jefferson Park.
- As to the variance request regarding the yard setback, neighbors are generally opposed to the granting of the setback. It is the consensus that a good and clear reason has not been given by the applicant as to why the setback for Cedar Street is being changed.

Ms. Odell further stated that the three bullet points at the bottom of the letter would ameliorate the general position of the neighborhood by making the project more acceptable to the neighbors as follows:

- Make the rooftop a "Green Space" with garden space, etc., to become a more cohesive part of the view from Jefferson Park.
- Remove or provide a better option for screening the rooftop mechanicals.
- Provide parking for the tenants at no additional cost, to help with the growing parking congestion in the area.

Ms. Odell noted that in 2006 when the project was first discussed that the property in question was distressed. Ms. Odell further noted that at that time there was a need to have revitalization in that area. Ms. Odell indicated that in 2015 the circumstances have changed.

In response to a question from Mr. York, Mr. Davidson stated that it was his understanding that the Commission of Architectural Review has review authority over any property which can be seen from the public right-of-way or other public property.

Speaking in opposition, Mr. Chris Jones testified that he lives in Union Hill and he is representing the Friends of Jefferson Park. Mr. Jones indicated that the Friends of Jefferson Park are requesting an 8'9" setback along Cedar Street out of consideration for the residents in the row houses. Mr. Jones stated that the proffer places the height limit at 144 feet above sea level. Mr. Jones stated that it was the neighborhoods understanding that the proffer would keep the height at the highest point of the fitness park which is 131 feet. Mr. Jones stated that he is a surveyor and confirmed from a USGS monument that the top of Jefferson Park is 142 feet above sea level. Mr. Jones noted that the elevator tower is at 137 feet above sea level which would place it 6 feet above the highest level of the fitness park. Mr. Jones also noted that neighbors are concerned about parking. Mr. Jones indicated that parking is being provided at one space per dwelling unit and expressed concern that some residents will have more than one car.

Mr. York stated that for the purposes of discussion he would make a motion to approve the requested special exception with the condition that the Commission of Architectural Review considers the necessity for making improvements to the roof to ameliorate concerns of the neighborhood regarding the appearance of the roof. Mr. Poole stated that he would second the motion for the purposes of discussion. Mr. York stated that absent the proffers under the current B-6 zoning the structure could be 64 feet in height. Mr. York noted that originally the B-6 zoning provided for a maximum height of 50 feet which was later changed to a story height. Mr. York further noted that the proffer conditions included a requirement that the building cannot exceed 144 feet in height above sea level. Mr. York stated that the B-6 zoning was amended in 2009 to permit a variable floor height requirement. Mr. York indicated that the maximum story height in the B-6 District is four stories. Mr. York noted that the main level of the building is 28 inches too far out of the ground which results in it being considered a story. Mr. York stated that if the height of the building was 28 inches less it would meet the four-story requirement of the B-6 zoning. Mr. York noted that the actual height of the building is 7 feet less than permitted by the 2006 proffers. Mr. York indicated that the rationale for allowing the story height exception is the fact that there is a 20 foot grade differential from one side of the property to the other which is justification for the 28 inch variation. Mr. York stated that with respect

to the setback waiver that were he a member of the Commission of Architectural Review that he is not certain that he would have agreed. Mr. York indicated that the bottom line is that the Commission of Architectural Review gave the issue due consideration and that it was appropriate from their perspective that the building be configured as proposed. Mr. York stated that it is not up to the Board to second-guess their consideration from a design perspective. Mr. York indicated that it was important to note that in Mr. Laffoon's submittal to the Board he made reference to the fact that the approval by the Commission of Architectural Review in 2012 met the setback requirement. Mr. York noted that the Commission of Architectural Review approved the lesser setback last year. Mr. York further noted that Mr. Laffoon's submittal contended that the special exception provisions do not apply to lots of this size. Mr. York stated that the special exception language is more open-ended and discusses other conditions and other situations. Mr. York referred to Mr. Laffoon's concern regarding language of the special exception regarding such things as light and air and traffic congestion. Mr. York noted that the subject factors apply only to the special exception and not to the use. Mr. York stated that even if someone were to argue that the use itself will experience light and air issues City Council resolved those issues when they chose to rezone the property. Mr. York contended that the only issue before the Board is whether the height of the building and the 7.5 foot setback exception triggers any of the factors relative to such things as light and air and congestion in streets. Mr. York stated that he heard no testimony during the hearing suggesting that approval of the special exception will negatively affect those factors. Mr. York indicated that the issue of runoff cannot be addressed by the Board. Mr. York also indicated that in so far as the issue of parking is concerned the project meets the applicable requirements of the Zoning Ordinance. Mr. York concluded by stating that the issue is a simple matter of the grade differential affecting the number of permitted stories and the approval of the Commission of Architectural Review relative to the location of the building.

In response to a question from Mr. Poole, the Board's attorney, Mr. Welch, stated the Board may place conditions as it deems necessary to satisfy the general conditions of §114-1040.3 of the Zoning Ordinance. Mr. Welch further stated that it would be appropriate for the Board if it so deemed to add conditions designed to mitigate any adverse effects relative to the impact of such things as light and air. Mr. Poole questioned whether the Board could consider Mr. York's condition regarding the appearance of the roof.

Mr. York injected that possibly the Board could ask the Commission of Architectural Review if they thought it was appropriate to consider re-examining the roof issue. Mr. Poole questioned whether this type of condition could be imposed by the Board.

Mr. Pinnock stated that in his opinion this issue had been reviewed at some level by the Commission of Architectural Review.

Mr. Poole stated that it was his opinion that this was a straightforward case without the proposed condition.

Mr. York stated that with the exception of the gentleman that owns property on Cedar Street that virtually everything heard by the Board during the hearing does not relate to the issue at hand. Mr. York noted that the City Council made a decision that some people are not happy about regarding rezoning of the property. Mr. York indicated that the current B-6 zoning would allow a height of 64 feet as a matter of right. At this point Mr. York stated that he would remove the proposed condition regarding the roof of the building from his motion. Mr. Poole stated that he would modify his second to exclude the condition regarding the roof of the building. Mr. Poole indicated that the issue of parking is not before the Board and that the applicant had met the conditions of the exceptions.

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 dwelling use is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the dwelling use; the dwelling use or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the dwelling use will be in keeping with the architectural character of development within the neighborhood.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3(17) of the City Code, the proposed use of the building is consistent with the use regulations applicable in the district in which the property is located; applicable off-street parking requirements have been met, the applicant has demonstrated to the satisfaction of the Board that the additional height authorized by the exception will not unreasonably impair light and air to adjacent or nearby property and will not unreasonably impair prominent views of significant land, water or other features from public spaces or from adjacent or nearby property; and the Board is satisfied that the design, construction materials and overall mass of the building will be compatible with the general character of development in the immediate surrounding area.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS** that a request for a special exception from the front yard (setback) and maximum height requirements be granted to GTR Cedar LLC for a building permit to construct a multi-family building with 180 dwelling units and accessory parking.



**ACTION OF THE BOARD:** (3-1)

Vote to Grant

affirmative: Poole, Pinnock, York

negative: Samuels

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CASE NO. 18-15

**APPLICANT:** Steven & Janice Carter-Lovejoy

**PREMISES:** 606 WEST 19<sup>TH</sup> STREET  
(Tax Parcel Number S000-0303/008)

**SUBJECT:** A building permit to split an existing lot containing a single-family (detached) dwelling and to construct a new single-family (detached) dwelling and accessory building (garage) on a newly created lot.

DISAPPROVED by the Zoning Administrator on January 27, 2015, based on Sections 114-300, 114-412.4(1) & 114-710.1(a)(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the lot area, lot width and parking requirements are not met. Lot areas of 5,000 square feet, lot widths of fifty (50') and a parking aisle width of twenty-three feet (23') are required; lot areas of 3,960 square feet and lot widths of thirty-three feet (33') are proposed. A parking aisle width of eighteen to twenty feet (18'-20') is proposed for the newly created lot.

APPLICATION was filed with the Board on January 27, 2015, based on Section 1040.3(2), (11) of the City Code.

**APPEARANCES:**

For Applicant: Janice Carter-Lovejoy

Against Applicant: none

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicants Stephen and Janice Carter-Lovejoy, have requested a special exception to split an existing lot containing a single-family (detached) dwelling and to construct a new single-family (detached) dwelling and accessory

building (garage) on the newly created lot at 606 W. 19th Street. Ms. Janice Carter-Lovejoy testified that along with her husband she was the owner of 606 W. 19th Street. Ms. Carter-Lovejoy stated that the property was purchased in February and consists of a single house on two lots (lots 14 and 15). Ms. Carter-Lovejoy noted that the existing house is located on lot 14. Ms. Carter-Lovejoy stated that the special exception is being requested in part to re-establish the formerly existing individual lots of record as platted prior to 1913. Ms. Carter-Lovejoy indicated that the intent is to construct their personal residence on lot 15. Ms. Carter-Lovejoy noted that none of the existing lots on the block meet the current R-6 Single-Family Attached Residential District requirement regarding a 50 foot wide lot minimum. Ms. Carter-Lovejoy noted that the typical lot widths in the block are 33 feet. Ms. Carter-Lovejoy indicated that the special exception is being requested to restore the lot widths for lots 14 and 15 to the previous existing lot widths of 33 feet. Ms. Carter-Lovejoy noted that the second special exception being requested relates to the proposed construction of an accessory garage on lot 15. Ms. Carter-Lovejoy noted that the lot abuts a dead-end alley and that lot 15 is one lot removed from the termination of said alley. Ms. Carter-Lovejoy noted that the garage door had been widened to 20 feet to enhance the turning radius and that a backup of 18 feet rather than 23 feet was being requested. Ms. Carter-Lovejoy indicated that given the status of the alley and increased turning radius that an 18 foot backup was ample. Ms. Carter-Lovejoy noted that the project had been approved by the Commission of Architectural Review (CAR). Ms. Carter-Lovejoy stated that surrounding neighbors had been contacted and that there was no opposition to the proposed project.

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.

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 applicant has 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 on-site, the location and arrangement of the parking space 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 lot area, lot width and parking requirements be granted to Steven & Janice Carter-Lovejoy for a building permit to split an existing lot containing a single-family (detached) dwelling and to construct a new single-family (detached) dwelling and accessory building (garage) on a newly created lot.

ACTION OF THE BOARD: (4-0)

Vote to Grant

affirmative: Poole, Pinnock, York, Samuels

negative: none

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CASE NO. 19-15

APPLICANT: Alice R.T. Baird

PREMISES: 4000 BROOK ROAD  
(Tax Parcel Number N000-2189/010)

SUBJECT: A building permit to construct a 12' x 26.5' one-story kitchen addition to an existing single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on March 13, 2015, based on Sections 114-300, 114-410.5(1) & 114-630.2(b)(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 24.9' as established by the adjacent building at 1214 Nottoway Avenue is required along the Nottoway Avenue frontage; 1.8' exists and 1.2' +/- is proposed.

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

APPEARANCES:

For Applicant: Alice R.T. Baird

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Alice R.T. Baird, has requested a special exception to

construct a 12' x 26.5' one-story kitchen addition to an existing single-family (detached) dwelling located at 4000 Brook Road. Ms. Alice Baird testified that she is the owner of the property. Ms. Baird indicated that the lot in question is located at the corner of Nottoway Avenue and Brook Road and as such is required to have two front yards. Ms. Baird noted that when the house was constructed it was placed very close to the Nottoway Avenue side of the property. Ms. Baird further noted that it is not possible to extend the existing structure in line with the current building line without necessitating relief from the Board of Zoning Appeals. Ms. Baird indicated that the house includes a very small kitchen and plans call for expansion of the kitchen. Ms. Baird stated that the exterior finish will be the same as currently exists. Ms. Baird indicated that she had discussed the project with all her neighbors or alternatively left a packet of information explaining the project. Ms. Baird stated that she was aware of no opposition to the proposed expansion of her kitchen. Ms. Baird indicated that the civic association does not take a position in such matters.

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 kitchen addition is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the kitchen addition; the kitchen addition cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the kitchen 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 front yard (setback) requirement be granted to Alice R.T. Baird for a building permit to construct a 12' x 26.5' one-story kitchen addition to an existing single-family (detached) dwelling.

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

Vote to Grant

affirmative: Poole, Pinnock, York, Samuels

negative: none

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CASE NO. 20-15

APPLICANT: Elizabeth Flax

PREMISES: 601 NORTH 30<sup>TH</sup> STREET  
(Tax Parcel Number E000-0632/026)

SUBJECT: A building permit to split one (1) existing vacant lot and to construct new single-family (attached) dwellings on each proposed lot.

DISAPPROVED by the Zoning Administrator on March 16, 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 for each of the lots; none are proposed.

APPLICATION was filed with the Board on March 16, 2015, based on Section 1040.3(11) of the City Code.

APPEARANCES:

For Applicant: Gene Walden

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Elizabeth Flax, has requested a special exception to split an existing vacant lot and to construct new single-family attached dwellings on each proposed lot for property located at 601 N. 30th Street. Mr. Gene Walden, representing the applicant, testified that the project calls for dividing an existing 50 foot wide lot fronting on North 20th Street and to construct attached dwellings on to 25 foot wide lots. Mr. Walden noted that the property is landlocked in that there is no rear alley access. Mr. Walden indicated that it is not physically possible to provide the required off-street parking spaces in accordance with the requirements of the zoning ordinance. Mr. Walden stated that he had spoken with all of the neighbors within a 150 foot radius of the property and that there is no opposition to the proposed project. Mr. Walden also stated that there is no opposition from the civic association. Mr. Walden provided the Board with pictures of the adjoining streets taken at varying times indicating that there is ample on-street parking.

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 applicant has 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 close proximity and the location and arrangement of the parking space 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 Elizabeth Flax for a building permit to split one (1) existing vacant lot and to construct new single-family (attached) dwellings on each proposed lot.

ACTION OF THE BOARD: (4-0)

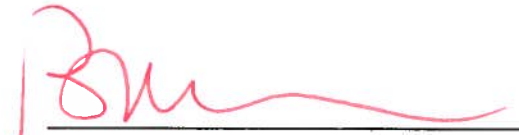
Vote to Grant

affirmative: Poole, Pinnock, York, Samuels

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 April 1, 2015 meeting minutes.

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The meeting was adjourned at 2:20 p.m.  
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Chairman

  
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Secretary