



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, SEPTEMBER 6, 2017

On Wednesday, September 6, 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 August 23 and 30, 2017 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, Chair
 Roger H. York, Jr., Vice-Chair
 Susan Sadid
 Edward H. Winks, Jr.

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner II

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. 28-17

APPLICANT: Ellen L. Shepperson

PREMISES: 1103 & 1105 NORTH 31ST STREET
 (Tax Parcel Number E000-0722/027 & 028)

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

DISAPPROVED by the Zoning Administrator on July 19, 2017, based on Sections 30-300, & 30-412.4(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the lot area and lot width requirements are not met. Lot areas of five thousand square feet (5,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of 7,260.0 square feet and a lot width fifty-five feet (55') currently exists; lots areas of 3,534.96 square feet (#1103) and 3,725.04 square feet (#1105) and lot widths of 26.78 feet (#1103) and 28.22 feet (#1105) are proposed.

APPLICATION was filed with the Board on July 19, 2017, based on Section 15.2 - 2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Marion Cake

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Ellen Shepperson, has requested a variance to construct a new single-family detached dwelling located at 1103 N. 31st Street. Mr. Marion Cake, representing the applicant, testified that the subject property has been and continues to be a legal lot of record prior to 1938. Mr. Cake noted that the lot is typical and consistent with the surrounding lot pattern. Mr. Cake noted that the applicant purchased the lot approximately 11 years ago and it is an adjoining lot. Mr. Cake stated that his company, Project Homes, was contacted by the applicant for the purpose of purchasing the lot. Mr. Cake indicated that his company had renovated six of the homes across the street as part of their Church Hill neighborhood revitalization mission. Mr. Cake noted that they purchased the lot only after receiving a zoning confirmation letter. Mr. Cake stated that approximately 75% of the surrounding lots are smaller than the lot in question.

In response to a question from Mr. York, Mr. Cake indicated that he was offering as a condition of approval adherence to the elevation drawings submitted with the application.

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 and lot width requirements be granted to Ellen L. Shepperson for a building permit to construct a new single-family detached dwelling, subject to substantial compliance with the elevation plans submitted to the Board and provision of hardiplank siding.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally

affirmative: Sadid, Winks, Pinnock, pool

negative: none

CASE NO. 29-17

APPLICANT: Harper L. King

PREMISES: 101 EAST LEIGH STREET
 (Tax Parcel Number N000-0062/001)

SUBJECT: A building permit to re-establish the nonconforming use rights to a retail use (1st floor) and convert the building to a two-family dwelling.

DISAPPROVED by the Zoning Administrator on July 19, 2017, based on Sections 30-300 & 30-800.4 of the zoning ordinance for the reason that: In an R-63 (Multi-Family Urban Residential District), the proposed use is not permitted as the previous nonconforming use rights have expired. Whenever a nonconforming use of a building or structure 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 July 19, 2017, based on Section 1040.3(14) of the Zoning Ordinance of the City of Richmond.

APPEARANCES:

For Applicant: Harper King

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Harper L King, has requested a special exception to reestablish the nonconforming use rights to a retail use (first floor) and convert the building to a two-family dwelling property located at 101 E. Leigh Street. Mr. Harper King testified that he is the owner/developer of the subject property. Mr. King stated that he was a longtime resident and businessman in the community. Mr. King stated that over the past 10 years he has worked to restore structures requiring extensive renovations. Mr. King stated that his goal is the high quality comprehensive renovation of these historic structures with the intent of restoring them to their prior glory. Mr. King noted that the upstairs has been remodeled. Mr. King further noted that the renovation budget is approximately \$215,000 for the project. Mr. King indicated that they have been unable to find a commercial tenant for the first floor. Mr. King also indicated that the neighborhood is more receptive to the first floor dwelling unit than a commercial tenant. Mr. King stated that there was no opposition to the requested special exception from the surrounding neighborhood. Mr. King indicated that he is a member of the Historic Jackson Ward Association. Mr. King also indicated that he had communicated his intent to the association and he was not aware of any objection.

In response to a question from Mr. York, Mr. King indicated that conversion to a single-family dwelling unit was not viable based on its configuration and cost.

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 special exception from the nonconforming use rights be granted to Harper L. King for a building permit to re-establish the nonconforming use rights to a retail use (1st floor) and convert the building to a two-family dwelling.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally


affirmative: Sadid, Winks, Pinnock, York

negative: none

Upon motion made by Mr. York and seconded by Ms. Sadid, Members voted (4-0) to adopt the Board's August 2, 2017 meeting minutes.

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


VICE-Chairman


Secretary