



CITY OF RICHMOND

DEPARTMENT OF PLANNING AND
DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JANUARY 6, 2016

On Wednesday, January 6, 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 December 23 and 30, 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

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. 01-16

APPLICANT: Bon Secours Richmond Commonwealth Hospital

PREMISES: 2600 NINE MILE ROAD
 (Tax Parcel Number E000-0713/022)

SUBJECT: A building permit to convert a carwash (vacant) to a restaurant and meeting room.

DISAPPROVED by the Zoning Administrator on October 21, 2015, based on Sections 30-300 & 30-436.3(1) of the zoning ordinance for the reason that: In a B-2 (Community Business District), the front yard (setback) requirement is not met. A front yard of twenty-five feet (25') is required along the North 26th Street frontage; none is proposed.

APPLICATION was filed with the Board on October 21, 2015, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Andy Beach

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Bon Secours Richmond Commonwealth Hospital, has requested a variance to convert a vacant carwash to a restaurant and meeting room for property located at 2600 Nine Mile Road. The Chairman, Mr. Pinnock, advised the Board that he was recusing himself due to his association with this case and turned the Chairmanship over to the Vice-Chairman, Mr. York. Mr. Andy Beach, contractor for the applicant, testified that the building is being renovated into a community meeting facility, commercial kitchen, and a coffee shop. Mr. Beach stated that the building was formerly utilized as a service station. Mr. Beach explained that a variance to the front yard setback is being requested on 26th Street. Mr. Beach further explained that due to the lotting pattern, the property has two front yards. Mr. Beach noted that the proposal is to follow the existing building line and construct a 1500 ft.² addition. Mr. Beach indicated that efforts have been made to contact surrounding property owners and that no negative comment had been received.

In response to a question from Mr. York, Mr. Beach indicated that the hospital will continue to own the property and lease the coffee shop. Mr. Beach further indicated that the variance is necessary in order to avoid eliminating required parking.

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 Bon Secours Richmond Commonwealth Hospital for a building permit to convert a carwash (vacant) to a restaurant and meeting room.

ACTION OF THE BOARD: (4-0-1)

Vote to Grant

affirmative: Poole, Hogue, York, Samuels
 negative: none
 abstention: Pinnock's

CASE NO. 02-16

APPLICANT: Museum District, LLC

PREMISES: 3032 PARK AVENUE
 (Tax Parcel Number W000-1368/036)

SUBJECT: Building permits to convert the existing 4-unit multi-family dwelling (#3032) into a two-family detached dwelling and to construct a new two-family attached dwelling (#3030).

DISAPPROVED by the Zoning Administrator on November 12, 2015, based on Sections 30-300, 30-413.5(3), 30-413.5(4), 30-413.6(2)a, 30-416.4(a) & 30-416.5(2)a of the zoning ordinance for the reason that: In an R-48 (Multi-Family Residential

District), the lot area, lot width and side yard (setback) requirements are not met. Lot areas of four thousand four hundred square feet (4,400 sf) and lot widths of forty-two feet (42') for detached and thirty-six feet (36') for attached are required. For zoning purposes, one (1) lot having a lot area of 7,000 square feet and a lot width of fifty feet (50') exists; lot areas of 3,640.0 ± square feet (#3032) and 3,160.0 ± square feet (#3030) and lot widths of 27.42 ± feet (#3032) and 22.58 ± feet (#3030) are proposed. Three foot (3') side yards are required; 1.66 ± feet (#3032) is proposed.

APPLICATION was filed with the Board on October 26, 2015, based on Section 15.2 - 2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Dave Johannas
 Birck Tuanbull

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Museum District LLC, has requested a variance to convert an existing 4-unit multi-family dwelling into a two-family detached dwelling and to construct a new two-family attached dwelling. Mr. Dave Johannas, representing the applicant, testified that previously there were two legal lots of record that were combined. Mr. Johannas explained that the request is to return the lots to their former status and construct a new attached two-family dwelling. Mr. Johannas indicated that the existing building was originally constructed as a 2-unit building and subsequently converted to a 4-unit building. Mr. Johannas stated that the proposed project will allow infill of a vacant lot and match the pattern of development on the block. Mr. Johannas advised the Board that the Museum District Association had no opposition to the requested variance.

In response to a question from Mr. York, Mr. Johannas stated that the newly constructed building will have an average cornice height based on the cornice heights of the adjoining structures.

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 Museum District, LLC for building permits to convert the existing 4-unit multi-family dwelling (#3032) into a two-family detached dwelling and to construct a new two-family attached dwelling (#3030), subject to the conditions that construction shall take place in substantial compliance with the plans submitted to the Board including provision of Hardi-Plank siding and architectural asphalt shingles.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, Pinnock, York, Samuels

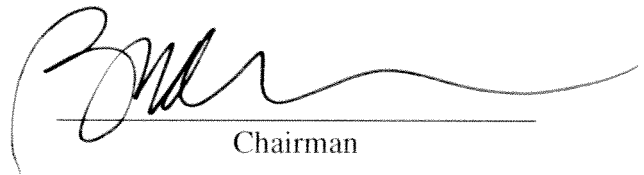
negative: none

Upon motion made by Mr. Poole and seconded by Ms. Hogue, Members voted (5-0) to adopt the Board's December 2, 2015 meeting minutes.

Upon motion made by Mr. Samuels and seconded by Ms. Hogue, 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.

Upon motion made by Mr. Poole and seconded by Ms. Hogue the Board voted (5-0) to go into closed session to discuss pending litigation. Upon motion made by Mr. Poole and seconded by Mr. York all members of the Board of Zoning Appeals after coming out of closed session certify that all discussions occurring during the closed session were limited exclusively to pending litigation only.

The meeting was adjourned at 2:15 p.m.



Chairman



Secretary