



CITY OF RICHMOND

DEPARTMENT OF PLANNING AND
DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, MAY 4, 2016

On Wednesday, May 4, 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 April 20 and 27, 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
 Mary Jane Hogue
 Susan Sadid

Member(s) Absent: none

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. 18-16

APPLICANT: James Klaus

PREMISES: 2222 GROVE AVENUE
 (Tax Parcel Number W000-1000/029)

SUBJECT: A building permit to replace an existing wooden fence and construct a brick wall (includes driveway & entry gate) along the Strawberry Street frontage to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on March 22, 2016 based on Sections 30-300, 30-412.5(1)a & 30-630.9(b) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the front yard (setback) and the maximum permitted height for a wall located within a required front yard is exceeded. Walls located within the required front yard shall not exceed four feet (4') in height; a wall having a height of 5.5 feet ± is proposed.

APPLICATION was filed with the Board on March 16, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: James Klaus

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this that the applicant, James Klaus, has requested a variance to replace an existing wooden fence and construct a brick wall along the Strawberry Street frontage to a single-family detached dwelling. Ms. Hogue informed the Board that she knows Mr. Klaus but no conflict of interest existed. Mr. Klaus testified that the request included demolition of an existing wooden fence that was badly deteriorated and over 20 years old. Mr. Klaus noted that his property is located at the corner of Strawberry Street and Grove Avenue and as such is considered a corner lot which imposes a front yard setback along both street frontages. Mr. Klaus stated that the existing fence was of insufficient height to provide needed security.

In response to a question from Mr. Poole, Mr. Klaus stated that due to the vehicular and pedestrian traffic along Strawberry Street that the additional fence height was needed for both noise abatement and security purposes.

Mr. Klaus stated that his surrounding neighbors were in support of the requested variance.

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 and the maximum permitted height for a wall located within a required front yard be granted to James Klaus for a building permit to replace an existing wooden fence and construct a brick wall (includes driveway & entry gate) along the Strawberry Street frontage to a single-family detached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, Pinnock, York, Samuels

negative: none

Upon motion made by Mr. Samuels and seconded by Ms. Sadid, Members voted (3-0) to adopt the Board's March 2, 2016 meeting minutes.

Upon motion made by Mr. Poole and seconded by Mr. Samuels, Members voted (5-0) to adopt the Board's April 6, 2016 meeting minutes.

The meeting was adjourned at 1:40: p.m.


Chairman


Secretary