



**CITY OF RICHMOND**

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, JANUARY 3, 2018**

On Wednesday, January 3, 2018, 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 December 20 and 27, 2017 and written notice having been sent to interested parties.

**Members Present:**                   Burt F. Pinnock, Chair  
  Roger H. York, Jr., Vice-Chair  
  Rodney M. Poole  
  Mary Jane Hogue  
  Kenneth R. Samuels

**Staff Present:**                       Roy W. Benbow, Secretary  
  William C. 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. 01-18**

**APPLICANT:**                   3106 SLR LLC

**PREMISES:**                   3106 PATTERSON AVENUE  
  (Tax Parcel Number W000-1413/023)

**SUBJECT:** A Certificate of Zoning Compliance (CZC) to permit parking area use and expansion to serve an existing restaurant use and expansion located at 602 and 604 North Belmont Avenue.

**DISAPPROVED** by the Zoning Administrator on November 16, 2017, based on Sections 30-300, 30-412.1, & 30-710.7 of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the proposed use (parking area) is not permitted. Parking areas serving commercial uses are not a permitted principal use in a residential zoning district. Thirteen (13) parking spaces are required for the proposed commercial use (602 & 604 North Belmont Avenue); four (4) are nonconforming, one (1) on-street space is provided and eight (8) off-premise parking spaces are proposed at 3106 Patterson Avenue.

**APPLICATION** was filed with the Board on November 16, 2017, based on Section 15.2-2309.2 of the Code of Virginia.

**APPEARANCES:**

For Applicant: Andy Scudder

Against Applicant: None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, 3106 SLR, LLC, has requested a special exception to permit parking area use and expansion to serve an existing restaurant located at 602 and 604 N. Belmont Avenue for property located at 3106 Patterson Avenue. Mr. Andy Scudder, representing the applicant, testified that a special exception was being sought under §30-710.7 of the Zoning Ordinance which provides "When authorized by the board of zoning appeals pursuant to section 17.20 (d) (3) of the City Charter, land located in an R district contiguous to and RO, HO, B, UB, UB-2, CM, OS or M district where separated therefrom by an alley may be used for the parking of vehicles of customers of business, commercial or industrial establishments permitted in such districts, provided that such parking shall not extend a distance of more than 170 feet from the property of the R district contiguous to an RO, HO, B, UB, UB-2, CM, OS or M district." Mr. Scudder stated that the Patterson Avenue and North Belmont Avenue properties were in fact contiguous and that all parking spaces would be located within 170 feet of the Belmont Avenue property." Mr. Scudder noted that a building on the Patterson Avenue property contains six dwelling units. Mr. Scudder further noted that approximately 8 years ago the Board had approved a similar special exception to permit delivery vehicles to be located on the Patterson Avenue property. Mr. Scudder explained that the intent is to expand the restaurant into the 604 N. Belmont Avenue building. Mr. Scudder indicated that attempts had been made to rent the 604 N. Belmont Avenue property for an extended period of

time with no success. Mr. Scudder stated that there are four grandfathered parking spaces associated with the Belmont Avenue property. It was noted that 13 parking spaces are required for the proposed commercial use (602 & 604 N. Belmont Avenue); four (4) spaces are nonconforming, one (1) on-street space is allowed, with eight off premise parking spaces to be located at 3106 Patterson Avenue.

Mr. Scudder offered the following as conditions of approval:

1. On/off premise ABC license limited to beer and wine only.
2. Closing times shall be not later than 11 PM Monday through Thursday, 12 midnight Friday and Saturday and 10 PM on Sunday.
3. Bumper blocks shall be installed to delineate parking spaces.
4. Signs shall be installed as approved by the Zoning Administrator denoting that the parking spaces are reserved for restaurant patrons.

In response to question from Mr. York, Mr. Scudder stated that all the requisite special exception criteria as outlined in 17.20 (d) (3) of the City Charter had been met.

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 parking requirements be granted to 3106 SLR LLC for a Certificate of Zoning Compliance (CZC) to permit parking area use and expansion to serve an existing**

restaurant use and expansion located at 602 and 604 North Belmont Avenue, subject to the following conditions:

- 1. On/off premise ABC license limited to beer and wine only.
- 2. Closing times shall be not later than 11 PM Monday through Thursday, 12 midnight Friday and Saturday and 10 PM on Sunday.
- 3. Bumper blocks shall be installed to delineate parking spaces.
- 4. Signs shall be installed as approved by the Zoning Administrator denoting that the parking spaces are reserved for restaurant patrons.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, Pinnock, York, Samuels

negative: none



CASE NO. 02-18

APPLICANT: Roger Levasseur

PREMISES: 1312 NOTTOWAY AVENUE  
(Tax Parcel Number N000-2185/021)

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

DISAPPROVED by the Zoning Administrator on November 17, 2017, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the lot area and lot width requirements are not met. A lot area of six thousand square feet (6,000 SF) is required; 5,280 exists/is proposed. A lot width of fifty feet (50') is required; forty feet (40') exists/is proposed.

APPLICATION was filed with the Board on November 17, 2017, based on Section 15.2-2309.2 of the Code of Virginia and Section 17.20(b) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Scott Wiley

Against Applicant: None

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicant, Mr. Roger Levasseur, has requested a variance to construct a single-family detached dwelling for property located at 1312 Nottoway Avenue. Mr. Scott Wiley, representing the applicant, testified that he and his wife currently hold an option on the subject property pending approval from the Board to construct a single-family residence. Mr. Wiley explained that their intent is to sell their current home which is located one block away if the Board approves the requested variance. Mr. Wiley indicated that plans call for constructing a 2200 ft.<sup>2</sup> two-story house with a basement. Mr. Wiley stated that an existing garage on the property will be removed and that a new garage will be constructed. Mr. Wiley noted that there will be an additional parking space located adjacent to the garage. Mr. Wiley stated that Hardy plank siding will be utilized and that the dwelling will have a similar character to other dwellings on the block. Mr. Wiley noted that they had received overwhelming support from the Bellevue Civic Association. Mr. Wiley indicated that the variance request encompasses a lot area and lot width waiver. Mr. Wiley noted that the lot is 40' x 132' which is consistent with other lots on the block. Mr. Wiley stated that all setbacks will be met. Mr. Wiley noted that they had left letters with all of their surrounding neighbors. The Zoning Administrator, Mr. Davidson, stated that if the current request is approved that the lot located at 1314 Nottoway Avenue would also have nonconforming rights reestablished.

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 Roger Levasseur for a building permit to construct a single-family detached dwelling, subject to the condition that construction shall be in substantial accordance with the elevation plans submitted to the Board and shall include provision of Hardy plank or like siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, Pinnock, York, Samuels

negative: none

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Upon motion made by Ms. Hogue and seconded by Mr. Poole, Members voted (5-0) to adopt the Board's December 6, 2017 meeting minutes.

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Upon motion made by Mr. Rodney Poole and seconded by Ms. Mary J 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 2018, and Mr. Rodney Poole as the Board's representative to the Planning Commission for 2018.

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The meeting was adjourned at 1:45 p.m.

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Roger H York  
VICE-Chairman

Ray W. Bunk  
Secretary