



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, OCTOBER 3, 2018

On Wednesday, October 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 September 19 and 26, 2018 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 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. 34-18

APPLICANT: Todd M. & Megan Pierce

PREMISES: 120 SOUTH COLONIAL AVENUE
 (Tax Parcel Number W000-1281/023)

SUBJECT: A building permit for alterations to increase the height of an existing one-story detached garage accessory to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on August 17, 2018, based on Sections 30-300, 30-412.5(1)a, 30-630.1(a)(1) & 30-810.1 of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the front yard (setback) and nonconforming feature requirements are not met. A front yard of fifteen feet (15') is required; a nonconforming front yard of 0.1 feet exists for the main dwelling; 0.2 feet exists for the detached garage and is proposed for the vertical expansion of the garage along Parkwood Avenue street frontage. No building or structure having a nonconforming feature shall be reconstructed with another building or structure unless such nonconforming feature is hereby eliminated and the building or structure is made to conform.

APPLICATION was filed with the Board on August 16, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Travis Gardner

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Todd and Megan Pierce, have requested a special exception to increase the height of an existing one-story detached garage accessory to a single-family detached dwelling for property located at 120 S. Colonial Avenue. Mr. Travis Gardner, representing the applicants, testified that the property is located at the corner of South Colonial Avenue and Parkwood Avenue and as such is required to provide two front yards. Mr. Gardner noted that the existing garage is nonconforming with respect to the Parkwood Avenue setback. Mr. Gardner stated that the required setback is 15 feet and that 0.2 feet is currently provided. Mr. Gardner indicated the intent is to repair the roof of the existing garage. Mr. Gardner stated that the garage will continue to have a single-story and it will not exceed a height of 12 feet. Mr. Gardner indicated that the roof is in need of repair and that the proposed alterations will improve airflow and prolong the useful life of the garage. Mr. Gardner noted that given the lot width there was no other viable location for the existing garage. Mr. Gardner stated that the surrounding neighbors had been canvassed and that there was no objection to the proposed improvements to the roof of the garage.

In response to a question from Mr. York, Mr. Gardner stated that part of the reason for increasing the height of the roofline is to install an overhead door.

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 accessory use is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the accessory use; the accessory use or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the accessory use 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) and nonconforming feature requirements be granted to Todd M. & Megan Pierce for a building permit for alterations to increase the height of an existing one-story detached garage accessory to a single-family detached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Pinnock, York, Poole, Samuels, Hogue

negative: None

CASE NO. 35-18

APPLICANT: Richard G. Day

PREMISES: 308 EAST LEIGH STREET
(Tax Parcel Number N000-0029/020)

SUBJECT: A building permit for a two-story addition to connect existing 3-story and 2-story vacant buildings and create a multi-family building containing three dwelling units.

DISAPPROVED by the Zoning Administrator on August 8, 2018, based on Sections 30-300 & 30-428.6(2)b of the zoning ordinance for the reason that: In an RO-3 (Residential Office District), the side yard (setback) requirements are not met. A

side yard (setback) of fifteen feet (15') is required along the western property line; zero feet (0') is proposed. A side yard (setback) of fifteen feet (15') is required along the eastern property line; 12.1' is proposed.

APPLICATION was filed with the Board on August 17, 2018, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Richard Day

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Richard G Day, has requested a variance for a two-story addition to connect existing three-story and two-story vacant buildings and create a multi-family building containing three dwelling units for property located at 308 E. Leigh Street. Mr. Day testified that there is currently two structures located on the property. Mr. Day stated that formally there was a structure located between the two existing buildings. Mr. Day indicated that the intent is to reconnect the existing buildings with a new three unit dwelling. Mr. Day noted that the current RO-3 Residential-Office District requires 15 foot setbacks from either of the side property lines which leaves a buildable lot width of less than 5 feet. Mr. Day noted that this represented a significant hardship approaching confiscation. Mr. Day stated that both the Historic Richmond Foundation and the Historic Jackson Ward Neighborhood Association were in support of the proposed project. Mr. Day indicated that there was no opposition from any other surrounding property owners located within a 150 foot radius.

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 side yard (setback) requirements be granted to Richard G. Day for a building permit for a two-story addition to connect existing 3-story and 2-story vacant buildings and create a multi-family building containing three dwelling units.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Pinnock, York, Poole, Samuels, Hogue

negative: None

CASE NO. 36-18

APPLICANT: Evolve Hld LLC

PREMISES: 1100 NORTH 30th STREET
(Tax Parcel Number E000-0568/014)

SUBJECT: A building permit to construct a mixed-use building containing 1,362 square feet of gross floor area of commercial space on the ground level and thirteen (13) dwelling units.

DISAPPROVED by the Zoning Administrator on August 17, 2018, based on Sections 30-300 & 30-436.1(12) of the zoning ordinance for the reason that: In a B-2 (Community Business District), the ground floor commercial building depth requirement is not met. A ground floor commercial building depth of twenty feet (20') is required along the entire length of the principal street frontage (95.0'); 47.3' is proposed.

APPLICATION was filed with the Board on August 17, 2018, based on Section 1040.3(5) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Mark Baker

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Evolve Hld LLC, has requested a special exception to construct a mixed use building containing 1362 ft.² of gross floor area of commercial space on the ground floor level and 13 dwelling units for property located at 1100 N. 30th Street. Mr. Mark Baker, representing the applicant, testified that the property is currently vacant and located at the corner of North 30th Street and Q Street and contains 9639 ft.². Mr. Baker noted that the lot is wide and shallow with 132 feet of frontage along Q Street and 73 feet of frontage along North 30th Street. Mr. Baker stated that the zoning office had determined that Q Street is the principal street frontage. Mr. Baker stated that the developer proposes 1270 ft.² of commercial space and 13 dwelling units. Mr. Baker further stated that the only issue is the configuration of the ground floor. Mr. Baker explained that the only aspect of the zoning ordinance that is not met is the requirement for 20 foot of commercial depth along the entire principal frontage. Mr. Baker indicated that the request is consistent with the intent of the special exception insofar as there is no established character along the block. Mr. Baker stated that the proposed development will be advantageous to the economic viability of the area and support the establishment of neighborhood serving commercial uses. Mr. Baker explained that the proposed project meets the essential tests of the special exception. Mr. Baker further explained that providing for uninterrupted commercial frontage is not physically practical or economically viable. Mr. Baker indicated that the granting of the exception will increase residential occupancy thereby facilitating a mixed use character of the district. Finally, Mr. Baker noted that the building façade will not be incompatible with the architectural character of building façades along the block as there is no established dominant character. Mr. Baker concluded by stating that the Church Hill Central civic Association supported the proposed project.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (5) of the zoning ordinance that the applicant has demonstrated that there is no purpose in providing for uninterrupted commercial frontage and that ground floor commercial space is either physically impractical or economically unfeasible, additionally increasing the dwelling unit floor area will increase residential occupancy thereby facilitating a mixed use character of the neighborhood and finally that any proposed alterations to the building will not be architecturally incompatible with the dominant character of building façades on the block.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the ground floor

commercial building depth requirement be granted to Evolve Hld LLC for a building permit to construct a mixed-use building containing 1,362 square feet of gross floor area of commercial space on the ground level and thirteen (13) dwelling units, subject to planting of street trees consistent with proposed renderings and replication of the façade treatment along the first commercial bay to include identical façade treatment for the second commercial bay.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally


affirmative: Pinnock, York, Poole, Samuels, Hogue

negative: None

Upon motion made by Mr. Poole and seconded by Ms. Hogue, Members voted (4-0) to adopt the Board's September meeting minutes.

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


Chairman


Secretary