



**CITY OF RICHMOND**

DEPARTMENT OF PLANNING AND  
DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, FEBRUARY 4, 2015**

On Wednesday, February 4, 2015, 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 January 21 and 28, 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  
  Mary J. Hogue  
  Susan Sadid

Member(s) Absent:             Kenneth R. Samuels

Staff Present:                   Roy W. Benbow, Secretary  
  William 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. 03-15**

APPLICANT:                   Ethan and Shannon Lindbloom

PREMISES:                    3113 PATTERSON AVENUE  
  (Tax Parcel Number W000-1412/009)

SUBJECT:                      A building permit to split an existing parcel and to construct a new two-family dwelling on the newly created parcel.

DISAPPROVED by the Zoning Administrator on December 12, 2014, based on Sections 114-300, 114-412.4(3) & 114-412.5(2)(b) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the lot area, lot width and side yard (setback) requirements for two-family detached dwellings for the proposed lots are not met. Lot area of 6,000 square feet and lot widths of fifty feet (50') are required. Lot areas of 3,200 +/- and 3,400 +/- square feet, and lot widths of twenty-six (26') twenty-four feet (24') are proposed. Side yards of three feet (3') are required. Two feet (2') is proposed for eastern property line and one foot (1') is proposed for the western property line of the new parcel.

APPLICATION was filed with the Board on December 12, 2014, based on Section 1040.3(2) of the City Code.

APPEARANCES:

For Applicant: Ethan Lindbloom

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Ethan and Shannon Lindbloom, have requested a special exception to split an existing parcel and to construct a new two-family dwelling on the newly created parcel. Mr. Ethan Lindbloom testified that he recently purchased 3113 Patterson Avenue which can be seen from his living room. Mr. Lindbloom explained that the property is zoned R-6 Single-Family Attached Residential District which at one time consisted of two legal lots of record. Based on an October 20, 2014 zoning confirmation letter prepared by the Zoning Administrator, Mr. William Davidson, it was determined that conversion to a multi-family use occurred in 1967 and as such the four-unit building was determined to be a legal nonconforming use. Mr. Lindbloom indicated that according to the City Assessor's Records the two lots were combined for tax purposes in November of 1992. Mr. Lindbloom explained that he is requesting permission to divide the existing 50 foot wide lot into two (2) twenty-five foot wide lots and to reconfigure the existing multi-family dwelling from four units to two units. Mr. Lindbloom further explained that the intention is to construct a new duplex on the newly created lot. Mr. Lindbloom indicated that instead of a four unit nonconforming building there will be two conforming duplexes. Mr. Lindbloom noted that the block is divided fairly equally between multi-family dwellings and single-family dwellings. Mr. Lindbloom also noted that the proposed lot widths are consistent with established lot widths in the neighborhood. Mr. Lindbloom stated that he was requesting approval of a building width of 22 feet which will yield side yards of 1 foot and 2 foot respectively. Mr. Lindbloom concluded by stating that there will be no overall

change in the existing density and that there was no opposition to the requested special exception from either the surrounding neighbors or the Museum District.

Mr. York noted that the Urban Design Committee which is responsible for Design Overlay District review had preliminarily approved the project.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed, and the number of lots to be created do not exceed the number of previously existing lots of record, the new lots comply with Section 114-610.1 of the zoning ordinance and off-street parking requirements will be met, the division will comply with applicable requirements of the subdivision regulations if applicable and that dwellings to be constructed on the lots will be compatible with the dwellings existing or to be constructed in the immediate vicinity of the property.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS** that a request for a special exception from the lot area, lot width and side yard (setback) requirements be granted to Ethan and Shannon Lindbloom for a building permit to split an existing parcel and to construct a new two-family dwelling on the newly created parcel, subject to the following conditions:

1. 3113 Patterson Avenue shall be converted from four (4) dwelling units to two (2) dwelling units.
2. Construction/rehabilitation shall take place in accordance with Urban Design Committee (UDC) approval.
3. Construction shall take place in substantial compliance with the elevation drawings submitted to the Board.

**ACTION OF THE BOARD:** (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, Pinnock, York, Sadid

negative: none

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CASE NO. 04-15

APPLICANT: Page and Linda Ewell

PREMISES: 10675 CHEROKEE ROAD  
(Tax Parcel Number C001-0563/002)

SUBJECT: A building permit to construct an in-ground swimming pool accessory to a single-family dwelling.

DISAPPROVED by the Zoning Administrator on December 22, 2014, based on Sections 114-300, 114-402.5(1), 114-630.1(a) & 114-1220 of the zoning ordinance for the reason that: In an R-1 (Single-Family Residential District), the accessory buildings and structures are not permitted in the front yard, as established by the main building. A front yard is defined as "a yard extending the length of the street frontage of a lot and being the minimum horizontal distance between the street line and the main building." A front yard (setback) of 63.2 feet is required along the Pittaway Drive road frontage; 48.0 feet ± is proposed.

APPLICATION was filed with the Board on December 12, 2014, based on Section 114-1040.3(1) of the City Code.

## APPEARANCES:

For Applicant: Page Ewell  
Taylor S.

Against Applicant: none

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicants, Page and Linda Ewell, have requested a special exception to construct an inground swimming pool accessory to a single-family dwelling located at 10675 Cherokee Road. Mr. Ewell explained that his lot is located at the corner of Cherokee Road and Pittaway Drive. Mr. Ewell further explained that given the lots location two front yards are required. Mr. Ewell indicated that the pool will be located to the rear of his home adjacent to Pittaway Drive. Mr. Ewell noted that due to a curve in Pittaway Drive and the properties elevation that the pool is not readily visible from other lots. Mr. Ewell stated that there are no plans to construct a pool house. Mr. Ewell indicated that he had discussed the project with his neighbors concerning as well as the Huguenot Farms Neighborhood Association neither of which had voiced any opposition to construction of the pool.

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 proposed 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.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the accessory buildings and structures are not permitted in the front yard requirements be granted to Page and Linda Ewell for a building permit to construct an in-ground swimming pool accessory to a single-family dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Hogue, Pinnock, York, Sadid

negative: none

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Upon motion made by Mr. York and seconded by Ms. Sadid, Members voted (4-0) to adopt the Board's January 7, 2015 meeting minutes.

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

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Boger Id York  
VICE Chairman

Roy W. Berbow  
Secretary