



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

THURSDAY, JULY 5, 2018

On Thursday, July 5, 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 June 20 and 27, 2018 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, Chair
 Roger H. York, Jr., Vice-Chair
 Kenneth R. Samuels, Sr.
 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. 23-18

APPLICANT: Paul T. & Mary Elizabeth Poggi

PREMISES: 2 TUCKAHOE BOULEVARD
 (Tax Parcel Number W020-0217/008)

SUBJECT: A building permit to construct a one-story addition and an in-ground swimming pool accessory to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on May 15, 2018, based on Sections 30-300, 30-404.5(1), 30-630.1(a)(1) & 30-1220.138 of the zoning ordinance for the reason that: In an R-2 (Single-Family Residential District), 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 extended 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 55.6 feet ±, as established by the proposed addition is required along the Cary Street Road frontage; 42.5 feet ± is proposed for the in-ground pool.

APPLICATION was filed with the Board on May 10, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Paul Poggi

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Paul T. & Mary Elizabeth Poggi, have requested a special exception to construct a one-story addition and an in ground swimming pool accessory to a single-family detached dwelling for property located at 2 Tuckahoe Boulevard. Mr. Paul Poggi testified that the intent is to construct an in ground pool along with a bathroom which will support the pool. Mr. Poggi noted that his home is located at the corner of Cary Street Road and Tuckahoe Boulevard. Mr. Poggi further noted that the property is a corner lot. Mr. Poggi stated that the dwelling fronts on Tuckahoe Boulevard. Mr. Poggi explained that a front yard setback of 55.6 feet is established for the proposed addition along Cary Street Road and that 42.5 feet is proposed for the in ground pool. Mr. Poggi explained that due to the location of the dwelling in the northwestern portion of the lot that the only potential location for the addition is along the Cary Street Road frontage which functionally is the side of the property. Mr. Poggi indicated that there is no other reasonable location for the addition given the location of the dwelling and existing topographical issues. Mr. Poggi noted that there is a sewer easement that further restricts location of the proposed addition. Mr. Poggi concluded by saying that he was unaware of any opposition from surrounding neighbors or the Tuckahoe Neighborhood Association.

In response to a question from Mr. York, Mr. Poggi stated that there was no problem in limiting construction of the screening fence to a height of 6 1/2 feet.

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; 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 accessory buildings and structures front yard requirement be granted to Paul T. & Mary Elizabeth Poggi for a building permit to construct a one-story addition and an in-ground swimming pool accessory to a single-family detached dwelling, subject to the requirement that the screening fence shall not exceed 6 ½ feet in height.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Hogue, Samuels

negative: None

CASE NO. 24-18

APPLICANT: Quality of Life VA, LLC

PREMISES: 2716 WOODROW AVENUE
 (Tax Parcel Number N000-0706/007)

SUBJECT: A building permit to split an existing eighty foot (80') lot into two (2) forty foot (40') lots and construct two new single-family (detached) dwellings.

DISAPPROVED by the Zoning Administrator on May 17, 2018, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), lot area and lot width requirements are not met. Lot areas of six thousand square feet (6,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of nine thousand six

hundred square feet (9,600 SF) and a lot width of eighty feet (80') currently exists; lot areas of four thousand eight hundred square feet (4,800 SF) and lot widths of forty feet (40') are proposed.

APPLICATION was filed with the Board on May 17, 2018, based on Section 1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Lawrence Williams

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Quality of Life VA LLC, has requested a special exception to split an existing 80 foot lot into two 40 foot lots and construct two new single-family detached dwellings for property located at 2716 Woodrow Avenue. Architect for the applicant, Mr. Lawrence Williams, testified that the current lot is 9600 ft.² in area with a lot width of 80 feet. Mr. Williams indicated that the proposal is to create two lots with lot widths of 40 feet and lot areas of 4800 ft.². Mr. Williams noted that the proposed lots in terms of the lot widths and lot areas are similar to other lots in the surrounding neighborhood which is zoned R-5 Single-Family Residential District. Mr. Williams stated that there will be a bedroom located on the first floor. Mr. Williams noted that the proposed front elevation plans are reflected in Model A and Model B. After discussion the Board determined that either one of the models would be acceptable. Mr. Williams stated that he was not aware of any opposition to the proposed lot split and noted that construction of the dwellings would replace a gap in the block frontage. Mr. Williams stated that cementitious siding would be utilized.

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, each lot created by the division will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations 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 and lot width requirements be granted to Quality of Life VA, LLC for a building

permit to split an existing eighty foot (80') lot into two (2) forty foot (40') lots and construct two new single-family (detached) dwellings, subject to provision of cementitious siding.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Hogue, Samuels

negative: None

CASE NO. 25-18

APPLICANT: Edmund & Jean Benson

PREMISES: 501 ST. CHRISTOPHERS ROAD
(Tax Parcel Number W021-0305/001)

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

DISAPPROVED by the Zoning Administrator on May 18, 2018, based on Sections 30-300, 30-408.5(1), 30-630.1(a)(1) & 30-630.2(b)(1) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential District), the front yard (setback) requirement is not met. A front yard of nineteen and three tenths feet (19.3') is required along Howard Road; ten feet (10') is proposed.

APPLICATION was filed with the Board on May 18, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Thomas Lancaster
Edmund Benson

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Edmund and Jean Benson, have requested a special exception to construct an addition to a single-family dwelling for property located at 501 St. Christopher Road. Mr. Thomas Lancaster, contractor for the applicant,

testified that the property is located at the corner of St. Christophers Road and Howard Street. Mr. Lancaster noted that the adjoining dwelling on Howard Road imposes a setback of 19.3 feet rendering a substantial portion of the existing dwelling nonconforming. Mr. Lancaster stated that a setback of 10 feet is being proposed. Mr. Lancaster indicated that there was no opposition from the surrounding neighbors. After lengthy discussion the Board determined that provision of cementitious siding would not be required for the proposed addition and that vinyl siding would be permitted. This determination was predicated on the fact that the proposed addition would be attached to an existing portion of the dwelling that included vinyl siding.

In response to a question from Mr. York, Mr. Lancaster stated that there is a slight offset proposed for the addition to create a necessary architectural deviation in the building façade.

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 addition is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the addition; the addition or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the addition 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) requirement be granted to Edmund & Jean Benson for a building permit to construct an addition to a single-family dwelling.

ACTION OF THE BOARD: (4-0)

Vote to Grant

affirmative: Pinnock, York, Hogue, Samuels

negative: None

Upon motion made by Mr. York and seconded by Mr. Samuels, Members voted (3-0) to adopt the Board’s June 6, 2018 meeting minutes.

The meeting was adjourned at 2:00 p.m.


Chairman


Secretary