



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, NOVEMBER 7, 2018

On Wednesday, November 7, 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 October 24 and 31, 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. 37-18 (CONTINUED TO THE JANUARY 2, 2019 MEETING WITH FEE)

APPLICANT: Tim Farrow

PREMISES: 622 HOLLY STREET
 (Tax Parcel Number W000-0139/039)

SUBJECT: A building permit to construct a one-story addition (13' x 15') on
 the rear of a single-family (attached) dwelling.

DISAPPROVED by the Zoning Administrator on September 7, 2018, based on Sections 30-300, 30-413.2(2), 30-413.7. & 30-620.1(c) of the zoning ordinance for the reason that: In an R-7 (Single- and Two-Family Urban Residential District), the side yard (setback) and lot coverage requirements are not met. A side yard of three feet (3') is required; 0.0' is proposed. A maximum lot coverage of fifty-five percent (55%) is permitted. Lot coverage of 660 square feet is permitted; 753 square feet (62.75%) is proposed.

APPLICATION was filed with the Board on September 7, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

CASE NO. 38-18

APPLICANT: Charles Seabury

PREMISES: 317 LEXINGTON ROAD
(Tax Parcel Number W020-0125/013)

SUBJECT: A building permit to construct a two-story detached garage.

DISAPPROVED by the Zoning Administrator on August 30, 2018, based on Sections 30-300 & 30-410.5(1) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the front yard (setback) requirement is not met. A front yard of twenty-five feet (25') is required; five feet (5') is proposed along the eastern property line fronting Shadwell Road.

APPLICATION was filed with the Board on September 13, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Greg Tuggle

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Charles Seabury, has requested a special exception to construct a two-story detached garage for property located at 317 Lexington Road. Mr. Greg Tuggle, representing the applicant, testified that 317 Lexington Road is a through lot. Mr. Tuggle stated that as such two front yards are required on both street frontages. Mr. Tuggle further stated that the subject lot has

frontage on Lexington Road and Shadwell Road. Mr. Tuggle indicated that Shadwell Road is little more than an alley and that there are no dwellings fronting on it. Mr. Tuggle stated that in reality the frontage along Shadwell Road functions as the rear of the lot and as such it would comply with the requisite rear yard requirement. Mr. Tuggle explained that there are several similarly situated dwellings along Shadwell Road that currently have garages. Mr. Tuggle concluded by stating that the requested special exception was necessary to achieve modern-day dwelling needs.

In response to a question from Mr. York, Mr. Tuggle offered the following as conditions of approval:

- 1) Construction shall take place in substantial accordance with the plans submitted to the Board.
- 2) No plumbing facilities shall be located on the second floor.
- 3) First floor plumbing facilities to include a maximum of a mop sink.

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 Charles Seabury for a building permit to construct a two-story detached garage, subject to the following conditions:

- 1) Construction shall take place in substantial accordance with the plans submitted to the Board.
- 2) No plumbing facilities shall be located on the second floor.
- 3) First floor plumbing facilities to include a maximum of a mop sink.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Samuels, Hogue

negative: None

CASE NO. 39-18

APPLICANT: Daniel & Allison Fisher

PREMISES: 1100 NORTH 36th STREET
(Tax Parcel Number E000-1275/016)

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

DISAPPROVED by the Zoning Administrator on September 14, 2018, based on Sections 30-300, 30-410.5(3) & 30-630.1(a) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the street side and rear yard (setback) requirements are not met. A street side yard of ten feet (10') is required along Blakely Street; zero feet (0') is proposed. A rear yard of five feet (5') is required; zero feet (0') is proposed.

APPLICATION was filed with the Board on September 14, 2018, based on Section 1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Allison Fisher

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Daniel and Allison Fisher, have requested a special exception to construct a detached garage to a single-family dwelling for property located at 1100 N. 36th Street. Ms. Allison Fisher testified that her lot is located at the corner of North 36th Street and Blakely Street. Ms. Fisher noted that a request is to locate the garage at the rear of the lot with access from Blakely Street. Mr. Davidson stated that the Department of Public Works did not have a problem with direct access from Blakely Street. Ms. Fisher indicated that the request is to construct the garage immediately adjacent to the Blakely Street right-of-way. Ms. Fisher stated the intent is to construct a two-story garage. Ms. Fisher indicated that the garage will be located in the general facility of an existing parking pad. Ms. Fisher stated that access could not be achieved from the alley due to the fact that the alley is very narrow. Ms. Fisher noted that construction of the garage will lessen congestion in the street. Ms. Fisher indicated that there are other examples of similarly situated garages in the neighborhood.

In response to a question from Mr. York, Ms. Fisher stated that it was physically possible to construct the garage in such a way as to meet the zoning requirements.

Based on the applicants sworn testimony the Board determined that departure from the yard requirements was not the minimum necessary to accommodate the intended purpose of the addition; based on the applicant sworn testimony the Board further determined that the addition or similar construction serving the same purpose could reasonably be located elsewhere on the lot in compliance with the zoning ordinance. Based on the foregoing the Board determined that the applicant failed to demonstrate compliance with the requisite special exception criteria.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the street side and rear yard (setback) requirements be denied to Daniel & Allison Fisher for a building permit to construct a detached garage accessory to a single-family dwelling.

ACTION OF THE BOARD: (4-1)

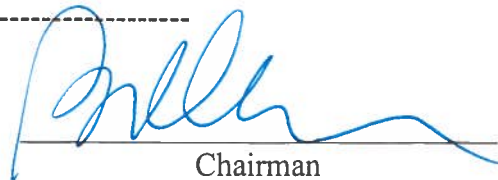
Vote to Deny

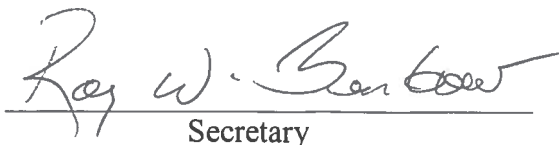
affirmative: Pinnock, York, Poole, Samuels

negative: Hogue

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

The meeting was adjourned at 1:50 p.m.


Chairman


Secretary