



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, FEBRUARY 7, 2018

On Wednesday, February 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 January 24 and 31, 2018 and written notice having been sent to interested parties.

Members Present: Roger H. York, Jr., Vice-Chair
 Rodney M. Poole
 Mary Jane Hogue
 Kenneth R. Samuels
 Edward Winks
 Susan Sadid

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner II
 Neil R. Gibson, Assistant City Attorney

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. 03-18 (CONTINUED TO APRIL 4, 2018 MEETING WITHOUT FEE)

APPLICANT: Watchtower Homes & Construction

PREMISES: 921 NORTH 33RD STREET
 (Tax Parcel Number E000-0879/032)

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

DISAPPROVED by the Zoning Administrator on December 8, 2017, based on Sections 30-300, 30-412.4(1) & 30-710.1(a) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the lot area and off-street parking requirements are not met. A lot area of five thousand square feet (5,000 SF) is required; 2,068 SF exists/is proposed. One (1) on-site parking space is required; none are proposed.

APPLICATION was filed with the Board on December 8, 2017, based on Section 15.2-2309.2 of the Code of Virginia.

CASE NO. 04-18

APPLICANT: Raymond Armstrong Guyer, III & Sherrie Evelyn Page

PREMISES: 210 VIRGINIA AVENUE
(Tax Parcel Number W022-0095/001)

SUBJECT: A building permit to construct a one-story addition (208 SF ±) and a one-story courtyard addition (648 SF ±) to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on December 10, 2017, based on Sections 30-300, 30-402.5(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-1 (Single-Family Residential District), the front yard (setback) requirement is not met. A front yard of thirty-five feet (35') is required along Pocahontas Avenue; 1.4 feet exists/2.8 feet ± and 22.0 feet ± are proposed. A Board Case (No. 84-62) approved on September 5, 1962, authorized a 0.34 foot ± front yard for a one-story addition (24'2" x 49'9") along Pocahontas Avenue; 1.4 feet ± exists. A subsequent Board Case (Case No. 94-04) approved on October 6, 2004, authorized a 1.5 foot front yard along Pocahontas Avenue for a one-story addition (17'8" x 33'2").

APPLICATION was filed with the Board on December 10, 2017, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Ray Guyer

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Ray Guyer, has requested a variance to construct a one-story addition (208 ft.²) and a one-story courtyard addition (648 ft.²) to a single-family detached dwelling for property located at 210 Virginia Avenue. Mr. Guyer testified that his lot is located at the corner of Virginia Avenue and Pocahontas Avenue. Mr. Guyer explained that the lotting pattern necessitates provision of two front yards. Mr. Guyer noted that there have been several previous variances granted for the subject property. Mr. Guyer indicated that the current application includes connection of the existing house with a detached garage and the closing in of the center core of the house. Mr. Guyer noted that the existing house is located adjacent to the street line of Pocahontas Avenue and as such a significant portion of the existing house is located within the required setback. Mr. Guyer reiterated the fact that the main structure located adjacent to Pocahontas Avenue had previously been granted two variances by the Board of Zoning Appeals. Mr. Guyer noted that the Pocahontas Avenue right-of-way terminates at the juncture of his western property line. Mr. Guyer further noted that Pocahontas Avenue has a right-of-way in excess of 80 feet. Mr. Guyer stated that the location of his house in relation to the right-of-way line of Pocahontas Avenue presents a significant hardship. Mr. Guyer concluded by stating that neither his neighbors nor the Westmoreland Place Homeowners Association had any concerns about the proposed construction.

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 front yard (setback) requirement be granted to Raymond Armstrong Guyer, III & Sherrie Evelyn Page for a building permit to construct a one-story addition (208 SF ±) and a one-story courtyard addition (648 SF ±) to a single-family detached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Hogue, York, Winks, Samuels

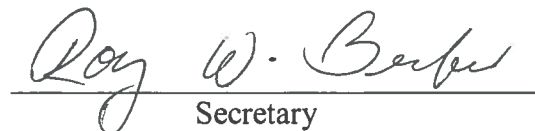
negative: none

Upon motion made by Mr. Poole and seconded by Ms. Hogue, Members voted (4-0) to adopt the Board's January 3, 2018 meeting minutes.

Upon motion made by Mr. Winks and seconded by Ms. Sadid, Members voted (3-0) to adopt the Board's September 6, 2017 meeting minutes.

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


Chairman


Secretary