



**CITY OF RICHMOND**

DEPARTMENT OF PLANNING AND  
DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, JUNE 3, 2015**

On Wednesday, June 3, 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 May 20 and 27, 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. 21-15**

APPLICANT:           Mike Weidner

PREMISES:            1805 GREENVILLE AVENUE  
                          (Tax Parcel Number W000-0782/004)

SUBJECT:             A Certificate of Zoning Compliance (CZC) for an eight foot (8')  
                          tall fence.

DISAPPROVED by the Zoning Administrator on March 12, 2015, based on Sections 114-300, 114-410.5 & 114-630.9(b) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the maximum permitted height for a fence located within the required side yard (setback) is exceeded. A fence located within a required side yard shall not exceed six and one-half feet (6 ½') in height; eight feet (8') is proposed/existing.

APPLICATION was filed with the Board on March 12, 2015, based on Section 1040.3(10) of the City Code.

APPEARANCES:

For Applicant: Mike Weidner

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Mr. Mike Weidner, has requested a special exception for an eight foot (8') tall fence. Mr. Weidner explained that he was advised that a permit was not required to erect a fence. Mr. Weidner indicated that the existing fence is located along the eastern property line adjacent to an alley as well as the southern and western property lines. Mr. Weidner presented the Board with a petition signed by all of the property owners in the block indicating their support for the fence height waiver. Mr. Weidner stated that this was constructed in order to block the view of the adjacent blighted properties. Mr. Weidner noted that the Maymont Civic League was not in opposition to the proposed fence height waiver.

In response to a question from Mr. Poole, Mr. Weidner explained that the adjoining alley is frequented by individuals who do not reside in the neighborhood and that the fence is needed for security purposes. Mr. Weidner noted that an adjoining neighbor's house was burglarized. Mr. Weidner stated that the fence was needed for security purposes.

Mr. York observed that the top portion of the fence is not solid which enhances provision of light and air.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (10) of the zoning ordinance, the applicant has shown that the property on which the fence is constructed is devoted to a conforming dwelling use, that the proposed height of the fence is reasonably necessary to provide security for the property, that the design and construction materials of the fence will be compatible with the main building and other structures located on the lot and with the general character of development in the immediate surrounding area

and that the fence will not unreasonably impair light and air to adjacent property, and will not impair necessary visibility for operators of motor vehicles at any intersection of the adjacent street with an alley, driveway or other street

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the maximum permitted height for a fence located within the required side yard (setback) requirement be granted to Mike Weidner for a Certificate of Zoning Compliance (CZC) for an eight foot (8') tall fence.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Hogue, Pinnock, York, Sadid

negative: none

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CASE NO. 22-15

APPLICANT: Timothy & Kimberly O'Shea

PREMISES: 15 STONEHURST GREEN  
(Tax Parcel Number W021-0402/004)

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

DISAPPROVED by the Zoning Administrator on April 20, 2015, based on Sections 114-300, 114-402.5(1) & 114-630.2(b)(2) 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 one hundred feet (100') is required (along Iris Lane); twenty four feet (24') ± is proposed.

APPLICATION was filed with the Board on April 16, 2015, based on Section 1040.3(1) of the City Code.

APPEARANCES:

For Applicant: Scott Stephens  
Timothy O'Shea

Against Applicant: none

**FINDINGS OF FACT:** The Board finds from sworn testimony and exhibits offered in this case that the applicants, Timothy and Kimberly O'Shea, have requested a special exception to renovate and construct additions to a detached garage accessory to a single-family dwelling located at 15 Stonehurst Green. It was noted that based on an adjoining dwelling located at 5 Iris Lane that a 100 foot front yard setback is required. Mr. Scott Stephens, architect for the applicants, testified that the existing garage measures 18' x 18'. Mr. Stephens noted that the garage is roughly 5 feet from one property line and 30 feet from Iris Lane. Mr. Stephens indicated that the desire of the O'Shea's is to expand the garage slightly by adding an additional carport. Mr. Stephens stated that the roof of the existing garage will be removed and the remaining structure will be raised a couple of feet. Mr. Stephens stated that a new hip roof will be constructed. Mr. Stephens indicated that the intent is to make improvements as seamless as possible. Mr. Stephens indicated that Mr. and Mrs. O'Shea had discussed the project with all the surrounding neighbors and that there was no opposition. Mr. Stephens also stated that the Three Chopt Civic Association supported the requested front yard setback waiver.

Mr. Timothy O'Shea stated that compliance with the required setback would actually create a greater impediment to visibility as far as the adjoining property owner to the rear is concerned.

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) requirement be granted to Timothy & Kimberly O'Shea for a building permit to renovate and construct additions to a detached garage 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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CASE NO. 23-15

APPLICANT: Thomas Richmond Properties, LLC

PREMISES: 719 CHIMBORAZO BOULEVARD  
(Tax Parcel Number E000-0968/022)

SUBJECT: A building permit to renovate a four (4) unit multi-family building.

DISAPPROVED by the Zoning Administrator on April 16, 2015, based on Sections 114-300 & 114-800.4 of the zoning ordinance for the reason that: In a(an) R-6 (Single-Family Attached Residential District), the proposed use is not permitted as the previous nonconforming use rights have expired. Whenever a nonconforming use of a building of structure is discontinued for a period of two (2) years or longer, whether or not equipment or fixtures are removed, any subsequent use of the premises shall conform to the regulations applicable in the districts in which it is located.

APPLICATION was filed with the Board on April 16, 2015, based on Section 1040.3(14) of the City Code.

APPEARANCES:

For Applicant: Lee Thomas

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Thomas Richmond Properties, LLC, has requested a special exception to renovate a four (4) unit multi-family building located at 719 Chimborazo Boulevard. Mr. Lee Thomas testified that his mother owns the building in question. Mr. Thomas noted that the building was constructed as a fourplex in 1923 which predated any zoning regulations. Mr. Thomas indicated that the building is attached to another fourplex. Mr. Thomas stated that historic tax credits will be utilized in the renovation of the building. Mr. Thomas noted that although the building is not located in a City Old and Historic District that nonetheless the renovations will in keeping with the historic district regulations. Mr. Thomas indicated that the building is a contributor structure in the district.

Mr. Thomas stated that there is no opposition from the civic association or the surrounding neighbors.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (14) of the zoning ordinance, the property owner has demonstrated that the property was acquired in good faith and that the building cannot reasonably be devoted to a conforming use.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the proposed use and nonconforming use rights be granted to Thomas Richmond Properties, LLC for a building permit to renovate a four (4) unit multi-family building.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Hogue, Pinnock, York, Sadid

negative: none

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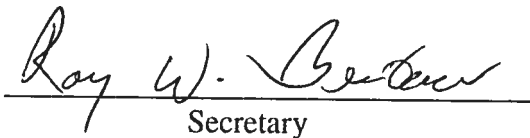
Upon motion made by Mr. Poole and seconded by Mr. York, Members voted (3-0) to adopt the Board's May 6, 2015 meeting minutes.

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

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Chairman

  
Secretary