



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, SEPTEMBER 5, 2018

On Wednesday, September 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 August 22 and 29, 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
 Mary J. Hogue
 Susan Sadid

Staff Present: Roy W. Benbow, Secretary
 Brian P. Mercer, Planner II (Acting Zoning Administrator)

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. 32-18

APPLICANT: Mark & Michelle Davis

PREMISES: 20 BLANDWOOD ROAD
 (Tax Parcel Number W022-0085/040)

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

DISAPPROVED by the Zoning Administrator on July 10, 2018, based on Sections 30-300, 30-402.5(1) & 30-630.2.(a)(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. As per the "1-in-4 Rule", a front yard varying in depth from one-hundred feet (100') to eighty-two feet (82') ± is required for the proposed single-family dwelling; 76.3 feet is proposed.

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

APPEARANCES:

For Applicant: Mark Davis

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Mark and Michelle Davis, have requested a special exception to construct a single family detached dwelling for property located at 20 Blandwood Road. Mr. Mark Davis testified that based on the 1 and 4 rule a front yard setback varying in depth from 82 feet to 100 feet is required for his lot based on the location of the adjoining dwelling. Mr. Davis noted that the plans call for a front yard setback of 76.3 feet. Mr. Davis also noted that the required setback is 30 feet for the R-1 district Mr. Davis stated that if required to meet the applicable front yard setbacks that it would leave virtually no rear yard. Mr. Davis further stated that the adjoining property owner at 17 Rio Vista Lane is in full support of the requested special exception. Mr. Davis stated that Blandwood is a small side street serving a total of seven lots three of which are currently developed with dwelling units. Mr. Davis indicated that dwelling units located on Tempsford Lane are not visible from his property. Mr. Davis noted that the proposed dwelling unit is located further from the adjoining property owner most affected then it would be if the strict terms of the ordinance were met. Mr. Davis further noted that there is an elevation issue associated with his lot. Mr. Davis stated that locating the dwelling further back on the lot would actually impact the neighbors to a greater degree.

In response to a question from Mr. Poole, Mr. Davis stated that the remaining buildable lots are located approximately a quarter of a mile from his lot.

Mr. Poole noted that in accordance with the special exception intent statement the lot is irregularly shaped which represents special circumstances related to the size and shape of the property that warrant approval.

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 dwelling is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the dwelling; the dwelling or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the dwelling will be in keeping with the architectural character of 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 Mark & Michelle Davis for a building permit to construct a single-family (detached) dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Pinnock, York, Poole, Hogue, Sadid

negative: None

CASE NO. 33-18

APPLICANT: Eck Enterprises

PREMISES: 2304 & 2306 WEST MAIN STREET & 2306 REAR WEST
MAIN STREET
(Tax Parcel Number W000-1038/022 & 023 & 060)

SUBJECT: A Certificate of Zoning Compliance to permit personal service use on the first floor.

DISAPPROVED by the Zoning Administrator on July 13, 2018, based on Sections 30-300 & 30-1040.3 of the zoning ordinance for the reason that: In a UB (Urban Business District), the off-street parking requirements and the BZA conditions of approval are not met. A total of twelve (12) parking spaces are required (6 for office & 6 for retail); eight (8) spaces are proposed/provided. Six (6) spaces are proposed behind the buildings and two (2) on-street parking spaces are credited towards the parking requirement. A previous Variance (Case No. 13-98) from the

parking regulations was granted by the Board for office use on the second floor and office or retail use on the first floor, but specifically disallowed personal service uses; the proposal is to remove the personal service use restriction.

APPLICATION was filed with the Board on July 13, 2018, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Keith Steger
Samantha Glymph
Eric Glymph

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Eck Enterprises, has requested a variance to permit a personal service use on the first floor for property located at 2304 & 2306 W. Main Street and 2306 rear W. Main Street. Mr. Keith Steger, representing Eck Enterprises, testified that two previous variances have been granted for the subject property. The first of which in 1990 allowed office use on the first and second floors. The second variance in 1998 from the parking regulations permitted office use on the second floor and office or retail use on the first floor. Approval of the variance was conditioned on the fact that personal service uses would not be permitted. Mr. Steger explained that the current request is to remove the personal service use prohibition. Mr. Steger explained that the tenant will be providing cosmetic facials. Mr. Steger noted that there is a personal service use located adjacent to the subject request as well as across the street. In those instances the uses were permitted by right and required no Board approval. Mr. Steger stated that the Uptown Association was in support of the requested variance.

It was noted that since the 1998 variance prohibited personal service uses that it was necessary to reinstitute a parking waiver in order to permit personal service uses.

Speaking in support, Ms. Samantha Glymph, testified that she is the prospective personal service use tenant. Ms. Glymph explained that the specific services to be provided will include eyelash extensions, waxing, facial services, eyebrow services, and spray tans. Ms. Glymph indicated that there will not be more than four employees on-site at any one time. Ms. Glymph stated the hours of operation will be from 8 AM to 8 PM Monday through Sunday. Ms. Glymph stated that she is agreeable to operating in accordance with the aforementioned conditions.

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 off-street parking requirements and the BZA conditions of approval be granted to Eck Enterprises for a Certificate of Zoning Compliance to permit personal service use on the first floor, subject to the following conditions:

- 1) Services shall be limited to eyelash extensions, waxing, facial services, eyebrow services, and spray tans.
- 2) Maximum number of employees on-site at any one time shall be not greater four (4).
- 3) The hours of operation shall be limited to 8:00 a.m. to 8:00 p.m. Monday through Sunday.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Pinnock, York, Poole, Hogue, Sadid

negative: None

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

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



Secretary



Chairman