



CITY OF RICHMOND

DEPARTMENT OF PLANNING AND
DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JUNE 1, 2016

On Wednesday, June 1, 2016, 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 18 and 25, 2016 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 Jane Hogue

Member(s) Absent: none

Staff Present: Roy W. Benbow, Secretary
 William Davidson, 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. 19-16

APPLICANT: The Barkley Limited, LLC

PREMISES: 1617 WEST BROAD STREET
 (Tax Parcel Number W000-0736/025)

SUBJECT: A building permit to convert the previous first floor (1,358 sq. ft.)
 and basement (657 sq. ft.) personal service use (2,015 sq. ft.) and

second floor dwelling unit (1,435 sq. ft.) to basement storage space (657 sq. ft.), first floor meeting space (940 sq. ft.), first floor office use (418 sq. ft.) and second floor office space (1,435 sq. ft.).

DISAPPROVED by the Zoning Administrator on April 15, 2016 based on Sections 30-300 & 30-910.4(b)(2) & (3) of the zoning ordinance for the reason that: In an UB (Urban Business District) and PO-4 (West Broad Street Parking Overlay District), the parking requirement is not met. Twelve (12) parking spaces are required for the proposed use; two (2) spaces exist on-site; one (1) on-street parking space exists, and three (3) spaces are deemed to be nonconforming; no additional spaces are proposed.

APPLICATION was filed with the Board on April 15, 2016, based on Section 1040.3 (11) of the Zoning Ordinance of the City of Richmond.

APPEARANCES:

For Applicant: Betsy Barkley

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, the Barkley Limited LLC, has requested a special exception to convert the use of a building from a personal service (tanning salon) use (first floor and basement) and dwelling unit (second floor) to a meeting space (portion of the first floor), office use (portion of first and second floors) and accessory storage (basement) for property located at 1617 W. Broad Street. Ms. Betsy Barkley, representing the applicant, testified that the building was purchased in early March to facilitate use as a Christian nonprofit organization. Ms. Barclay stated that the only contemplated use is for a nonprofit organization. Ms. Barclay indicated that the first floor will be used as a lobby/reception area and meeting space. Wednesday night meetings will begin around 6 PM and last for approximately two hours. Thursday night activities will be intermittent lasting for approximately 2 to 3 hours for various meetings. Friday night events will commence at 7 PM lasting for approximately four hours and include praise and worship activities. Saturday night events will commence at 8 PM and last for approximately 3 to 4 hours which will include a DJ dance night. The second floor will be utilized for offices and a recording studio for Christian artists. Ms. Barclay stated that participants for evening activities will include VCU students, young adults, nearby residents to the North and South in the Fan and Carver neighborhoods and employees/customers of neighboring businesses. Ms. Barclay noted that attendees will most often be walking, biking, using GTR buses or RAM Bus. Ms. Barclay indicated that an exhaustive search for available leasable

parking was unsuccessful and that every business within a 600 foot radius was contacted. Ms. Barclay stated that although there are only two parking spaces meeting requisite zoning requirements located at the rear of the building that in fact the rear of the building will accommodate four parking spaces. Ms. Barclay presented the Board with a parking study during the aforementioned business operating hours indicating that there is ample on-street parking available in the neighborhood. The parking survey documented available parking within a one block radius of the building. The survey indicated that on Wednesday night there are 56 available on-street parking spaces, on Thursday nights there are 52 available on-street parking spaces, on Friday nights there are 60 available on-street parking spaces and on Saturday nights there are a total of 29 available on-street parking spaces. Ms. Barclay informed the Board that all businesses, residents and property owners within a 150 foot radius were contacted and that there was overwhelming support for the requested parking special exception. Ms. Barclay concluded by stating that they had received the support of the Fan District Association Board.

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 special exception from the parking requirement be granted to The Barkley Limited, LLC for a building permit to convert the previous first floor (1,358 sq. ft.) and basement (657 sq. ft.) personal service use (2,015 sq. ft.) and second floor dwelling unit (1,435 sq. ft.) to basement storage space (657 sq. ft.), first floor meeting space (940 sq. ft.), first floor office use (418 sq. ft.) and second floor office space (1,435 sq. ft.).

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Hogue, Pinnock, York, Samuels

negative: none

Upon motion made by Mr. Poole and seconded by Ms. Hogue, Members voted (5-0) to adopt the Board's May 4, 2016 meeting minutes.

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

Roger H. York
Chairman

Roy W. Benson
Secretary