



CITY OF RICHMOND

DEPARTMENT OF PLANNING AND
DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JANUARY 7, 2015

On Wednesday, January 7, 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 December 24 and 31, 2014 and written notice having been sent to interested parties.

Members Present: Burt F. Pinnock, Chair
 Roger H. York, Jr., Vice-Chair
 Rodney M. Poole
 Edward H. Winks, Jr.
 Susan Sadid

Member(s) Absent: Kenneth R. Samuels
 Mary J. Hogue

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. 01-15

APPLICANT: Barbara Jean and Robert Long

PREMISES: 409 HARLAN CIRCLE
 (Tax Parcel Number W020-0138/019)

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

DISAPPROVED by the Zoning Administrator on September 16, 2014, based on Sections 114-300, 114-402.5(1) & (2) and 114-630.9(b) of the zoning ordinance for the reason that: In an R-1 (Single-Family Residential District), the maximum permitted height for a fence located within the required front and side yard (setback) is exceeded. A fence located within a required front and 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 September 16, 2014, based on Section 1040.3(10) of the City Code.

APPEARANCES:

For Applicant: Barbara Jean Long

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Barbara Jean and Robert Long, have requested a special exception for an eight foot (8') tall fence located at 409 Harlan Circle. Ms. Barbara Jean Long testified that because the property is located at the corner of Harlan Circle and Patterson Avenue it has two front yards. Ms. Long explained that the fence is needed for security and visibility purposes. Ms. Long noted that the swimming pool located in the rear yard has a raised elevation of between 4 feet and 6 1/2 feet. Ms. Long indicated that this elevation differential has contributed to both a security problem and a visibility issue. Ms. Long noted that while renovating her home that she observed three (3) individuals scaling her 6 1/2 foot fence. Ms. Long indicated because of the location of her property and the elevated pool that a taller fence was necessary. Ms. Long noted that there are several other fences in the neighborhood that exceed a height of 6 1/2 feet.

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 to be constructed is devoted to a conforming dwelling use, that the proposed height of the fence is reasonably necessary to provide security for the property and/or to provide a buffer from noise and activity on the adjacent street, 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 front and side yard (setback) requirements be granted to Barbara Jean and Robert Long for a Certificate of Zoning Compliance for an eight foot (8') tall accessory structure (fence).

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Winks, Pinnock, York, Sadid

negative: none

CASE NO. 02-15

APPLICANT: Historic Richmond Renovations

PREMISES: 307 NORTH 21ST STREET
(Tax Parcel Number E000-0223/031)

SUBJECT: A building permit to re-construct a new single-family detached dwelling on the existing foundation of a previous single-family dwelling.

DISAPPROVED by the Zoning Administrator on November 21, 2014, based on Sections 114-300 & 114.413.15(2)a of the zoning ordinance for the reason that: In an R-8 (Urban Residential District), the side yard (setback) requirements are not met. Side yards of three feet (3') are required; side yards of 0.2 feet (northern property line) and 0.1 feet (southern property line) are proposed.

APPLICATION was filed with the Board on November 21, 2014, based on Section 1040.3(1) of the City Code.

APPEARANCES:

For Applicant: Jennifer Mullen
Mark Baker
Peter Megyeri

Against Applicant: Gregory B. Gray
Audrey Anyway

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Historic Richmond Renovations, has requested a special exception to reconstruct a new single-family detached dwelling on the existing foundation of a previous single-family dwelling located at 307 N. 21st Street. Ms. Jennifer Mullen, attorney for the applicant, testified that the property was located on the east side of North 21st Street between East Broad Street and East Marshall Street. Ms. Mullen noted that the property is zoned R-8 Urban Residential District and is located in the Church Hill Old and Historic District. Ms. Mullen indicated that the original dwelling was constructed in 1900 and was recently condemned and ordered to be demolished by the Commissioner of Buildings. Ms. Mullen advised the Board that in May of 2014 the Commission of Architectural Review (CAR) approved a Certificate of Appropriateness to demolish the existing structure and reconstruct the dwelling, subject to the dwelling being located on the original foundation. Ms. Mullen noted that in order to utilize the existing foundation as required by CAR side yard setback waivers are needed which are reflective of the historic pattern of the neighborhood. Ms. Mullen indicated that the Church Hill Neighborhood Association supported reconstruction of the dwelling as required by the Commission of Architectural Review. Ms. Mullen stated that all of the requisite special exception criteria had been met in this case.

Mr. Winks noted that there are subsurface soil conditions in this area of Church Hill requiring special foundation measures.

Speaking in opposition, Mr. Gregory Gray stated his concern that by necessity his property will be trespassed upon in order to construct the new dwelling on the existing foundation. Mr. Gray noted that without his approval his property had already been utilized for construction activities relating to the adjoining property. Mr. Gray requested that the Board either deny the requested special exception or continue the case.

In response to a question from Mr. York, Mr. Peter Megyeri, property owner and project architect, stated that the proposed dwelling can absolutely be constructed without the necessity of encroaching on any adjoining property. Mr. Megyeri also noted that special measures will be taken to support and strengthen the existing foundation.

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 use; 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 use 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 side yard (setback) requirements be granted to Historic Richmond Renovations for a building permit to re-construct a new single-family detached dwelling on the existing foundation of a previous single-family dwelling, subject to the condition that the construction shall take place in accordance with the Certificate of Appropriateness issued by the Commission of Architecture Review.

ACTION OF THE BOARD: (4-1)

Vote to Grant Conditionally


affirmative: Winks, Pinnock, York, Samuels

negative: Poole

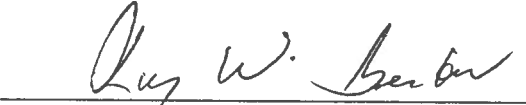
Upon motion made by Mr. York and seconded by Ms. Sadid, Members voted (3-0) to adopt the Board's December 3, 2014 meeting minutes.

Upon motion made by Ms. Sadid and seconded by Mr. Winks, Members voted (5-0) to elect Mr. Burt Pinnock as the Chairman and Mr. Roger York as the Vice-Chairman of the Richmond Board of Zoning Appeals for 2015, and Mr. Rodney Poole as the Board's representative to the Planning Commission for 2015.

The meeting was adjourned at 2:30 p.m.



Chairman



Secretary