



CITY OF RICHMOND

DEPARTMENT OF PLANNING AND
DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, MARCH 4, 2015

On Wednesday, March 4, 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 February 18 and 25, 2015 and written notice having been sent to interested parties.

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

Member(s) Absent: Burt F. Pinnock, Chair

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. 05-15

APPLICANT: Scott and Shelley Stuart

PREMISES: 2322 WEST GRACE STREET
 (Tax Parcel Number W000-1048/044)

SUBJECT: A building permit to construct an accessory building to a single-family dwelling.

DISAPPROVED by the Zoning Administrator on January 16, 2015, based on Sections 114-300, 114-416.6:1 & 114-710.3:1 of the zoning ordinance for the reason that: In an R-48 (Multi-Family Residential District), the maximum lot coverage requirement is exceeded, and the parking requirement is not met. The lot coverage may not exceed fifty-percent (50%), fifty-seven percent (57%) +/- is proposed. An aisle width of twenty-three feet (23') is required, twenty feet (20') is proposed.

APPLICATION was filed with the Board on January 16, 2015, based on Section 1040.3(1), (11) of the City Code.

APPEARANCES:

For Applicant: Matt Warner

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Scott and Shelley Stuart, have requested a special exception to construct an accessory building to a single-family dwelling located at 2322 W. Grace Street. Mr. Matt Warner, project designer, testified that the special exception request was for lot coverage and maneuverability space for the required off-street parking space. Mr. Warner stated that the previously existing garage had been demolished due to its condition and that the proposed garage will reflect the previous garage's footprint. Mr. Warner noted that there are a number of garages in the immediate neighborhood which have been constructed from side property line to side property line. Mr. Warner further noted that the proposed garage will be reflective of the neighborhood character. Mr. Warner stated that the special exception is also being requested for the reason that the required backup space for a motor vehicle is not being provided. Mr. Warner indicated that sufficient space will be provided within the garage for the parking of a motor vehicle. Mr. Warner noted that given the width of the parking space that a sufficient turning radius exists such that the normal backup space is not necessary. Mr. Warner indicated that the automobile backup space will be accessing an alley and not a street. Mr. Warner stated that both the Commission of Architectural Review (CAR) and the Fan District Association were supportive of the request.

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 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 development within the neighborhood.

The Board is further satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (11) of the zoning ordinance, the applicant has demonstrated that the exception will not result in an inadequate supply of parking or other adverse impact on the neighborhood; adequate parking to serve the needs of the use is provided on-site and the number, location and arrangement of parking space intended to serve the use is sufficient to provide for its parking needs based on the nature of the use and the characteristics of its operation.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the maximum lot coverage requirement be granted to Scott and Shelley Stuart for a building permit to construct an accessory building to a single-family dwelling, subject to the condition that the off-street parking space as shown on the plans submitted to the Board shall be maintained in an unobstructed fashion at all times and construction shall take place in substantial compliance with the approval granted by the Commission of Architectural Review (CAR).

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, York, Winks, Samuels

negative: none

CASE NO. 06-15

APPLICANT: Scott and Shelley Stuart

PREMISES: 2322 WEST GRACE STREET
(Tax Parcel Number W000-1048/044)

SUBJECT: A Certificate of Zoning Compliance for a Home Occupation (artist studio) to be located in a proposed building (garage) accessory to a single-family dwelling.

DISAPPROVED by the Zoning Administrator on January 16, 2015, based on Sections 114-300, 114-416.2 & 114-694.1(2) of the zoning ordinance for the reason that: In an R-48 (Multi-Family Residential District), the proposed Home Occupation is

not permitted. Home Occupation use of an accessory building is permitted only when authorized by a special exception granted by the Board of Zoning Appeals.

APPLICATION was filed with the Board on January 16, 2015, based on Section 1040.3(9) of the City Code.

APPEARANCES:

For Applicant: Matt Warner

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Scott and Shelley Stuart, have requested a special exception for a Home Occupation (artist studio) to be located in the proposed garage which is accessory to a single-family dwelling at 2322 W. Grace Street. Mr. Matt Warner, project designer, testified that a special exception is being requested for the reason that a portion of the proposed garage will be utilized for the conduct of a Home Occupation business. Mr. Warner noted that the proposed Home Occupation will utilize the proposed garage for a printmaking operation with an etching press and to store cleaning solvents. Mr. Warner stated that these types of activities needed to be conducted in the garage and were not conducive to the dwelling use. Mr. Warner indicated that the proposed garage will be utilized in the conduct of the Home Occupation business for approximately 16 hours a week for the production of artwork. Mr. Warner stated that both the Commission of Architectural Review (CAR) and the Fan District Association were supportive of the Home Occupation request.

In response to a question from Mr. Poole, Mr. Warner indicated that the applicants were agreeable to the conditions as set out in the Fan District Association letter.

In response to a question from Mr. York, Mr. Warner stated that relocation of the garage would result in removal of the retaining wall as well as existing trees.

The Board is satisfied that the property was acquired in good faith and that an exceptional situation exists whereby the applicant has shown to the satisfaction of the Board that the proposed Home Occupation use of an accessory building will be limited to offices, which an artist's studio and all conditions set forth in Section 114-694.1 of the zoning ordinance will be met and that the Home Occupation will not result in any greater impacts on the adjoining and surrounding properties that would result if the Home Occupation were conducted within the dwelling unit.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the proposed Home Occupation use requirement be granted to Scott and Shelley Stuart for a Certificate of Zoning Compliance for a Home Occupation (artist studio) to be located in a proposed building (garage) accessory to a single-family dwelling, subject to the following conditions:

1. Rental of space within the garage shall not be permitted.
2. No commercial use of the garage shall be permitted.
3. No one not residing on the premises shall be employed in conjunction with the Home Occupation activity.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, York, Winks, Samuels

negative: none

CASE NO. 07-15

APPLICANT: Michaux, LLC

PREMISES: 601 ½ NORTH 23RD STREET
(Tax Parcel Number E000-0293/016)

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

DISAPPROVED by the Zoning Administrator on January 20, 2015, based on Sections 114-300 & 114-710.1(2) of the zoning ordinance for the reason that: In an R-63 (Multi-Family Urban Residential District), the off-street parking requirement is not met. One (1) off-street parking space is required; none is proposed.

APPLICATION was filed with the Board on January 16, 2015, based on Section 1040.3(11) of the City Code.

APPEARANCES:

For Applicant: Mike Alexander

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Michaux LLC, has requested a special exception to construct a new single-family attached dwelling located at 600 1/2 N. 23rd Street. Mr. Mike Alexander, representing the applicant, testified that the special exception is being requested to construct a single-family attached dwelling. Mr. Alexander noted that the property in question does not abut a rear alley and there is no possibility to provide an off-street parking space. Mr. Alexander stated that the intent is to replace a previous dwelling that had existed on the property. Mr. Alexander noted that off-street parking was also not provided for the previous dwelling. Mr. Alexander indicated that all other applicable zoning ordinance requirements will be met. Mr. Alexander stated that there is ample on-street parking available to accommodate the one off-street parking space requirement.

The Board is further satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (11) of the zoning ordinance, the applicant has demonstrated that the exception will not result in an inadequate supply of parking or other adverse impact on the neighborhood; adequate parking to serve the needs of the use is provided on-site and the number, location and arrangement of parking space intended to serve the use is sufficient to provide for its parking needs based on the nature of the use and the characteristics of its operation.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the off-street parking requirement be granted to Michaux, LLC for a building permit to construct a new single-family attached dwelling, subject to the condition that construction shall take place in compliance with plans approved by the Commission of Architecture Review (CAR).

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, York, Winks, Samuels

negative: none

CASE NO. 08-15

APPLICANT: Michaux, LLC

PREMISES: 601 NORTH 23RD STREET
(Tax Parcel Number E000-0293/015)

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

DISAPPROVED by the Zoning Administrator on January 20, 2015, based on Sections 114-300 & 114-710.1(2) of the zoning ordinance for the reason that: In an R-63 (Multi-Family Urban Residential District), the off-street parking requirement is not met. One (1) off-street parking space is required; none is proposed.

APPLICATION was filed with the Board on January 16, 2015, based on Section 1040.3(11) of the City Code.

APPEARANCES:

For Applicant: Mike Alexander

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Michaux LLC, has requested a special exception to construct a new single-family attached dwelling located at 600 N. 23rd Street. Mr. Mike Alexander, representing the applicant, testified that the special exception is being requested to construct a single-family attached dwelling. Mr. Alexander noted that the property in question does not abut a rear alley and there is no possibility to provide an off-street parking space. Mr. Alexander stated that the intent is to replace a previous dwelling that had existed on the property. Mr. Alexander noted that off-street parking was also not provided for the previous dwelling. Mr. Alexander indicated that all other applicable zoning ordinance requirements will be met. Mr. Alexander stated that there is ample on-street parking available to accommodate the one off-street parking space requirement.

The Board is further satisfied that the property was acquired in good faith and pursuant to Section 114-1040.3 (11) of the zoning ordinance, the applicant has demonstrated that the exception will not result in an inadequate supply of parking or other adverse impact on the neighborhood; adequate parking to serve the needs of the use is provided on-site and the number, location and arrangement of parking space intended to serve the use is sufficient to provide for its parking needs based on the nature of the use and the characteristics of its operation.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the off-street parking requirement be granted to Michaux, LLC for a building permit to construct a new single-family attached dwelling, subject to the condition that construction shall take place in compliance with plans approved by the Commission of Architecture Review (CAR).

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, York, Winks, Samuels

negative: none

CASE NO. 09-15

APPLICANT: Richmond Parks and Recreation

PREMISES: 814 FOREST LAWN DRIVE
(Tax Parcel Number N018-0200/001)

SUBJECT: A building permit for the construction of a City of Richmond salt storage facility.

DISAPPROVED by the Zoning Administrator on January 16, 2015, based on Sections 114-300 & 114-410.1 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the proposed use is not permitted. Uses required for the performance of government functions, primarily intended to serve residents of the adjoining neighborhood are permitted. The proposed use by the Public Works serves the entire City of Richmond.

APPLICATION was filed with the Board on January 16, 2015, based on Section 17.20(C) of the City Charter.

APPEARANCES:

For Applicant: Lacy Salomone
Chris Sibold

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Richmond Parks and Recreation Department, has requested a special exception for construction of a salt storage facility located at 814 Forest Lawn Drive. Mr. Chris Sibold, project engineer, testified that the property is zoned R-5 Single-Family Residential. Mr. Sibold informed the Board that the salt dome is being relocated from its current location at Parker Field adjacent to North Boulevard. Mr. Sibold stated that the Department of Public Works is desirous of constructing a salt dome which will be located on Richmond Parks and Recreation property at the Pine Camp facility. Mr. Sibold explained that the Parker Field facilities are undergoing major renovation which requires relocation of the salt dome. Mr. Sibold further explained that it will be necessary to relocate the salt dome for the 2015/2016 winter season. Mr. Sibold stated that the Pine Camp facility encompasses approximately 104 acres and contains numerous city facilities including the Canine Training Facility which was recently approved by the Board. Mr. Sibold noted that the proposed salt dome will be buffered by dense forest along the northern property line. Mr. Sibold indicated that the proposed structure will be similar to the existing structure located at Parker Field. Mr. Sibold stated that subject to Board approval construction is slated to begin in April of this year and that construction will take approximately 4 months to complete. Mr. Sibold noted that the project had already received approval of the City Planning Commission (CPC) and Urban Design Committee (UDC).

In response to a question from Mr. Poole, Mr. Sibold stated that during periods of inclement weather that there will be approximately 25 to 30 trucks coming to and leaving the facility. Mr. Sibold acknowledged the trucks will be utilizing Chamberlayne Avenue to access the Pine Camp facility.

The Board is satisfied that the project as proposed complies with the relevant criteria as established in §17.20 (c) of the City Charter and more specifically the facility shall adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding properties; shall not result in undue traffic congestion; shall not unreasonably impair an adequate supply of light and air to adjacent properties; and shall not increase public danger from fire or otherwise affect public safety

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the proposed use requirement be granted to Richmond Parks and Recreation for a building permit for the construction of a City of Richmond salt storage facility.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative:

negative:

CASE NO. 10-15

APPLICANT: Hi Tech Property Services, Inc.

PREMISES: 4602 RADFORD AVENUE
(Tax Parcel Number W019-0037/023),

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

DISAPPROVED by the Zoning Administrator on January 20, 15, based on Sections 114-300 & 114-1040.2 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the plans are not in compliance with the previous approval (Case No. 22-13). The previous approval granted a special exception to construct a new 2-story single-family dwelling, subject to the condition that construction be in substantial compliance with the elevation drawings. The original plans reflected that the new dwelling be constructed of brick and cement siding (hardi-plank); the proposed is to construct a one-story dwelling and install only cement siding (hardi-plank).

APPLICATION was filed with the Board on January 20, 2015, based on Section 1040.3(2) of the City Code.

APPEARANCES:

For Applicant: Kyle McLaughlin

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Hi Tech Property Services, Inc., have requested a special exception to construct a new single-family detached dwelling. The Vice-Chairman, Mr. York, explained that the case was originally approved as a special

exception to split a lot and construct a new single-family dwelling. Mr. York further explained that the applicant is requesting permission to alter the plans originally approved by the Board. Mr. Kyle McLaughlin testified that the Board originally granted approval of a special exception in September 2013 to the lot area requirement subject to the condition that construction shall take place in substantial compliance with the elevation drawing submitted to the Board. Mr. McLaughlin explained that the original approval was for an all brick home. Mr. McLaughlin noted that several houses in the block have siding. Mr. McLaughlin also noted that the original approval was for a two-story structure but that the majority of structures in the block are single-story and as such a single-story structure is being requested. Mr. McLaughlin requested that he be granted permission as part of the application to construct a 30 foot wide dwelling.

In response to question from Mr. York, Mr. McLaughlin stated that siding would be Hardi-Plank.

The Board is satisfied that the property was acquired in good faith and that revisions to the approved building plans are consistent with the originally approved special exception.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot area requirement be granted to Hi Tech Property Services, Inc. for a building permit to construct a new single-family detached dwelling, subject to the condition that the building width shall be not less than thirty feet (30') and the exterior siding shall be cement board (Hardi-Plank).

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, hold, York, Winks, Samuels

negative: none

Upon motion made by and seconded by, Members voted (5-0) to adopt the Board's February 4, 2015 meeting minutes.

The meeting was adjourned at 2:10 p.m.

Robert H. York
VICE Chairman

Ray W. Gumbel
Secretary