



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, MARCH 1, 2017

On Wednesday, March 1, 2017, 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 February 15 and 22, 2017 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 Jane Hogue
 Kenneth R. Samuels

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. 07-17

APPLICANT: Unlimited Renovations, LLC

PREMISES: 202 WEST 15TH STREET
 (Tax Parcel Number S000-0201/012)

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

DISAPPROVED by the Zoning Administrator on January 18, 2017, based on Sections 30-300 & 30-413.15(2)a of the zoning ordinance for the reason that: In an R-8 (Urban Residential District), the side yard (setback) requirement is not met. Side yards of three feet (3') are required; 1.12 feet ± are proposed.

APPLICATION was filed with the Board on January 6, 2017, based on Section 15.2 - 2309.2 of the City Code.

APPEARANCES:

For Applicant: Al Richardson
 Bryan Traylor

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Unlimited Renovations LLC, has requested a variance to construct a new two-family detached dwelling located at 202 West 15th Street. The Zoning Administrator, Mr. Davidson, explained that the applicant had originally applied for an administrative variance and that this case was referred to the Board by virtue of the fact that an adjoining property owner to the south had filed a written objection within the requisite 21 day comment period. Mr. Bryan Traylor, representing the applicant, testified that the property is zoned R-8 Urban Residential District. Mr. Traylor stated that the R-8 District requires side yards of not less than 3 feet in width and that he is proposing side yards of 1.12 feet. Mr. Traylor explained that the basis for his request is the fact that the lot is irregularly shaped. Mr. Traylor noted that the lot has a frontage on West 15th Street of approximately 26 feet and a rear lot width of approximately 62 feet. It was acknowledged that the lot resembles a flag in shape. Mr. Traylor pointed out that the two required parking spaces will be provided at the rear of the lot and accessed off an existing alley. Mr. Traylor stated that in addition to distributing letters to the surrounding neighbors explaining the project he had met with Robin Miller, a major developer in the area, as well as the Manchester Alliance. Mr. Traylor indicated that he was not aware of any opposition to the requested variances other than the adjoining neighbor to the rear.

Mr. York pointed out that should the Board approve the requested variances that it will be necessary for Mr. Traylor to comply with all requisite building code requirements governing provision of windows along adjacent property lines as well as the approved side yard setback requirements.

Mr. Al Richardson testified that he owns property directly across the street from the applicant's property. Mr. Richardson expressed concern regarding the applicant's proposal for parking. It was explained that the applicant will be

providing the required two off-street parking spaces at the rear of the lot which will be accessed from the alley.

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 side yard (setback) requirement be granted to Unlimited Renovations, LLC for a building permit to construct a new two-family detached dwelling, subject to substantial compliance with the plans submitted and reviewed by the Board and provision of Hardi-plank siding.


ACTION OF THE BOARD: (3-0-2)

Vote to Grant Conditionally

affirmative:	Hogue, Pinnock, York
negative:	none
abstain:	Poole, Samuels

Upon motion made by Mr. Samuels and seconded by Mr. York, Members voted (5-0) to adopt the Board's February 4, 2017 meeting minutes.

The meeting was adjourned at 1:45 p.m.



Secretary



Chairman