



CITY OF RICHMOND

DEPARTMENT OF
PLANNING AND DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, MAY 3, 2017

On Wednesday, May 3, 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 April 19 and 26, 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 Number 11-17 was continued to the Board's July 5, 2017 meeting without fee)

CASE NO. 11-17 (CONTINUED TO JULY 5, 2017 MEETING)

APPLICANT: Hina LLC

PREMISES: 1639 WEST BROAD STREET
 (Tax Parcel Number W000-0736/013)

SUBJECT: A building permit to renovate a building for a restaurant use (1st floor).

DISAPPROVED by the Zoning Administrator on March 7, 2017, based on Sections 30-300, 30-710.1(26) & 30-1040.2(a) of the zoning ordinance for the reason that: In an (UB/PO4) Urban Business (Parking Overlay District), the off-street parking requirement is not met fourteen (14) parking spaces are required; three (3) are nonconforming, one (1) on-street space provided. Previous BZA (Case No.45-93) was approved for a variance from the off-street parking requirement and rear yard (setback) for an addition to a wholesale establishment.

APPLICATION was filed with the Board on March 7, 2017, based on Section 1040.3(11) of the Zoning Ordinance of the City of Richmond.

CASE NO. 12-17

APPLICANT: Eric & Melanie Grossman

PREMISES: 2516 Monument Avenue
(Tax Parcel Number W000-1129/018)

SUBJECT: A building permit to construct a screened porch and deck/stair to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on March 20, 2017, based on Sections 30-300 & 30-412.5(1)b of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the side yard (setback) requirement is not met. A side yard of five feet (5') is required; two feet (2') ± is proposed along the eastern property line.

APPLICATION was filed with the Board on March 8, 2017 based on Section 17.20(b) of the City Charter and Section 15.2 -2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Melanie Grossman
Eric Grossman
William C. Lewis

Against Applicant: St. George Pinckney

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Eric and Melanie Grossman, have requested a variance to construct a screened porch and deck/stair to a single-family detached dwelling located at 2516 Monument Avenue. Mr. Eric Grossman testified that their family moved into their residence approximately 2 years ago. Mr. Grossman stated that they had young children, ages two and five. Mr. Grossman indicated that there was an L shaped portion of their house that they were proposing to develop for a screened porch and deck. Mr. Grossman stated that the current stairs do not meet code and are dangerous. Mr. Grossman explained that the proposed variance would improve the functionality and safety of their home. Mr. Grossman noted that a portion of the deck will be covered while the remainder will be uncovered. Mr. Grossman further noted that the covered portion of the deck will enhance seasonal use. Mr. Grossman contended that construction as proposed would enhance privacy between his house and adjoining house. Mr. Grossman noted that the Commission of Architectural Review (CAR) had approved their plans. Mr. Grossman stated that the proposed screened porch and deck will extend no closer to the side property line than the existing house.

In response to a question from Mr. Roger York, Mr. Grossman stated that compliance with the required setback would result in an extremely narrow deck which would be essentially without function. Mr. Grossman also noted that it would affect his dining room window.

In response to a question from Mr. Rodney Poole, Mr. Grossman stated that denial of the variance would require relocation of the screened porch/deck to the rear of the house which would impact an existing gas line, an electrical panel and require construction of a rear door which would dramatically impact a newly renovated kitchen.

Speaking in support, Mr. William Lewis, contractor for the applicant, testified that the proposed deck/screened porch would alleviate an existing drainage problem. Mr. Lewis noted that construction of the proposed deck/screened porch as proposed would not negatively affecting existing windows. Mr. Lewis stated that if the variance were denied that a 3 foot tall deck could be constructed with a 6 1/2 foot tall fence. Mr. Lewis stated that this alternative would negatively impact the adjoining neighbor's privacy.

Speaking in opposition, St. George Pinckney testified that he was opposed to the requested variance for the reason that variances run with the land. Mr. Pinckney noted that the applicant expressed concern over the impact that denial of the variance would have on one of his windows while it would impact a total of 10 of his windows. Mr. Pinckney indicated that the two houses are already located in close proximity to one another and that the requested variance will further exacerbate the situation. Mr. Pinckney noted that the proposed variance would

negatively impact light and air to his property. Mr. Pinckney concluded by stating that the applicant had failed to demonstrate a hardship. The Board finds that evidence shows that denial of the requested variance would not unreasonably restrict the utilization of the property and the applicant failed to demonstrate that the variance was necessary to 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 the granting of the variance will be of substantial detriment to the adjacent property.

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 denied to Eric & Melanie Grossman for a building permit to construct a screened porch and deck/stair to a single-family detached dwelling.

ACTION OF THE BOARD: (4-0-1)

Vote to Deny

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

CASE NO. 13-17

APPLICANT: G. Baker Ellett

**PREMISES: 5318 Snowden Lane
(Tax Parcel Number W020-0077-032)**

SUBJECT: Building permits to demolish an existing one-story single-family dwelling, split the lot and construct two (2) new single-family detached dwellings on independent lots.

DISAPPROVED by the Zoning Administrator on March 20, 2017, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot area requirement is not met. Lot areas of six thousand square feet (6,000 SF) are required. For zoning purposes, one (1) lot

having a lot area of 10,673.65 square feet currently exists; lot areas of 5,336.82 square feet are proposed for each lot.

APPLICATION was filed with the Board on March 17, 2017, based on Section 17.20(b) of the City Charter and Section 15.2 -2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: G. Baker Ellett

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Mr. G. Baker Ellett, has requested a variance to demolish an existing one-story single-family dwelling, split the lot and construct two (2) new single-family detached dwellings on independent lots for property located at 5318 Snowden Lane. Mr. Ellett testified that he purchased the subject property in 2005. Mr. Ellett noted that his intention at the time of purchase was to demolish the existing structure and construct two (2) new single-family homes. Mr. Ellett indicated that reversals in the real estate market had delayed the project. Mr. Ellett noted that he lacks approximately 600 ft.² of lot area per lot. Mr. Ellett stated that the existing house is in disrepair and is plagued by a number of compliance issues. Mr. Ellett indicated that each dwelling will have three (3) bedrooms and two (2) baths. Mr. Ellett noted that construction of the proposed dwellings will leave only one vacant house in the block. Mr. Ellett stated that he contacted several of the surrounding neighbors and encountered no opposition to the proposed project. Mr. Ellett concluded by offering the conditions that he would comply with the elevation drawings submitted to the Board, including provision of Hardi-plank siding

In response to a question from Mr. Poole, Mr. Ellett stated that his proposal calls for constructing individual dwellings on the previously platted lots 15/16 & 13/14.

In response to a question from Mr. York, Mr. Ellett stated that he was unfamiliar with the manner in which the lots had developed over time in the block.

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 lot area requirement be granted to G. Baker Ellett for building permits to demolish an existing one-story single-family dwelling, split the lot and construct two (2) new single-family detached dwellings on independent lots, subject to compliance with the elevation drawings submitted to the Board, including provision of Hardi-plank siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, Pinnock, York, Samuels

negative: none

CASE NO. 14-17

APPLICANT: Dynquest Properties, LLC

PREMISES: 3501 Carolina Avenue
(Tax Parcel Number N000-1166/012)

SUBJECT: Building permits to split a vacant lot and to construct two (2) new single-family detached dwellings on independent lots.

DISAPPROVED by the Zoning Administrator on March 23, 2017, based on Sections 30-300, 30-412.4(1) & 30-630.1(a) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the lot area, lot width and

street side yard (setback) requirements are not met. Lot areas of five thousand square feet (5,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one (1) lot having a lot area of 9,799.98 square feet and a lot width of seventy feet (70') currently exists; lot areas of 4,899.98 square feet (#3501) and 4,900.00 square feet (#3503) and lot widths of thirty-five feet (35') are proposed for each lot. A street side yard of ten feet (10') is required; 5.25 feet is proposed along the Highland Street frontage (#3501).

APPLICATION was filed with the Board on March 21, 2017, based on Section 15.2 - 2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Stephen Harrell
 Curtis Moore
 Henry Mere

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Dynquest Properties, LLC, has requested a variance to split a vacant lot and to construct two (2) new single-family detached dwellings on independent lots located at 3501 Carolina Avenue. Mr. Stephen Harrell, representing the applicant, testified that the current lot is 70 feet wide and consists of two originally platted lots that have been combined into one lot. Mr. Harrell noted that the request is re-establish the existing lots. The request is necessitated by the fact that each lot will be approximately 100 ft.² short of the lot area required by the zoning ordinance. Mr. Harrell stated that the request is to construct dwellings on the originally platted lots.

Speaking in support, Mr. Curtis Moore, contractor for the applicant, testified that the proposed lots are more or less consistent with certain of the lots in the block. Mr. Moore stated that there was no opposition from the surrounding neighbors. Mr. Moore noted that the neighborhood is experiencing a resurgence and that construction of the proposed dwellings will continue the trend. Mr. Moore stated that the dwellings will be constructed in accordance with the elevation drawings submitted to the 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 variance from the lot area, lot width and street side yard (setback) requirements be granted to Dynquest Properties, LLC for building permits to split a vacant lot and to construct two (2) new single-family detached dwellings on independent lots, subject to compliance with the elevation drawings submitted to the Board.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, Pinnock, York, Samuels

negative: none

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

The meeting was adjourned at 3:00 p.m.



Chairman



Secretary