



CITY OF RICHMOND

DEPARTMENT OF PLANNING AND
DEVELOPMENT REVIEW
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JULY 1, 2015

On Wednesday, July 1, 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 June 17 and 24, 2015 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
 Edward H. Winks, Jr.

Member(s) Absent: 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. 24-15

APPLICANT: Jonathan Gray Nystrom

PREMISES: 2105 HANOVER AVENUE
 (Tax Parcel Number W000-0948/031)

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

DISAPPROVED by the Zoning Administrator on February 6, 2015, based on Sections 114-300, 114-412.5(2) & 114-630.9(b) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the maximum permitted height for a fence located within the required side and rear yard (setback) is exceeded. A fence located within a required side and rear 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 February 6, 2015, based on Section 1040.3(10) of the City Code.

APPEARANCES:

For Applicant: Jonathan Nystrom

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Jonathan Gray Nystrom, has requested a special exception for an 8 foot tall accessory structure fence to be located within the required side and rear yard setbacks for property located at 2105 Hanover Avenue. Mr. Nystrom testified that the property is located in an R-6 Single-Family Attached Residential District and that the maximum 6 1/2 foot height for fences is exceeded. Mr. Nystrom stated that the house was purchased in 2010 and that a complete renovation of the house was undertaken. Mr. Nystrom further stated that after completing renovation of the house that exterior renovations were undertaken including the rear patio and existing fence which was dilapidated. Mr. Nystrom noted that the new fence was placed in the same location as the former fence. Mr. Nystrom explained that when the fence was replaced that they had no knowledge of the 6 1/2 foot height limitation. Mr. Nystrom noted that the height of the fence varied from 6'8" adjacent to the house to 7'10" at the lowest point of the property. Mr. Nystrom indicated that the additional fence height was required for safety purposes in part due to the fact that they are located in close proximity to Joe's Inn which seems to generate pedestrian traffic in the adjacent alley. Mr. Nystrom noted that they had observed individuals sifting through their garbage and that during renovation of the house that someone entered their backyard and stole various tools. Mr. Nystrom indicated that the additional fence height was also required due to the topography of his lot. Mr. Nystrom noted that the fence approximates the same height as an adjacent brick wall.

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 maximum permitted height for a fence located within the side and rear yard (setback) requirements be granted to Jonathan Gray Nystrom 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, Samuels

negative: none

CASE NO. 25-15

APPLICANT: Sean & Karen Killen

PREMISES: 3808 DOVER ROAD
(Tax Parcel Number W022-0110/005)

SUBJECT: A building permit to construct a 2nd floor addition to a single-family dwelling.

DISAPPROVED by the Zoning Administrator on May 19, 2015, based on Sections 114-300 & 114-402.5(1) of the zoning ordinance for the reason that: In an R-1 (Single-Family Residential District), the front yard (setback) requirement is not met. A front yard of thirty-five feet (35') is required; 26.5'± is proposed along the Gun Club Road frontage. A previous Board Case (No. 97-04) approved on October 6, 2004 authorized a Variance from the front yard to enclose an existing one-story porch.

APPLICATION was filed with the Board on May 7, 2015, based on Section 1040.3(1) of the City Code.

APPEARANCES:

For Applicant: Clyde Toms
 Sean Killeen

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Sean and Karen Killeen, have requested a special exception to construct a 2nd floor addition to a single-family dwelling located at 3808 Dover Road. Mr. Sean Killeen testified that he and his wife purchased the house in 2003 and that his wife gave birth to twin girls in 2010. Mr. Killeen stated that as the girls have gotten older it has become increasingly apparent that their house does not accommodate their current family needs. Mr. Killeen indicated that the request is to construct a second-story addition measuring approximately 13' x 13' on top of an existing one-story enclosed porch. It was noted that a previous front yard variance (Case #97-04) was approved by the Board for enclosure of the existing 1st story porch. Mr. Killeen noted that the bathroom facilities are not up to current standards and that his wife currently shares a bathroom with their girls and that the master bathroom basically consists of a 4' x 6' shower facility. Mr. Killeen indicated that one of the objectives is to create a functioning bathroom/walk-in closet within the master bedroom. Mr. Killeen stated that there was no opposition from the surrounding neighbors or the Windsor Farms Neighborhood Association.

Speaking in favor, Mr. Clyde Toms, contractor for the applicant, pointed out that the property is located at the corner of Gun Club Road and Dover Road and as such has two front yards which restricts development of the lot.

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 addition is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the addition; the addition or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the addition will be in keeping with the architectural character of the dwelling and 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 front yard

(setback) requirement be granted to Sean & Karen Killen for a building permit to construct a 2nd floor addition to a single-family dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Winks, Pinnock, York, Samuels

negative: none

CASE NO. 26-15

APPLICANT: Burke King

PREMISES: 1831 HANOVER AVENUE
(Tax Parcel Number W000-0816/001)

SUBJECT: A building permit to enclose a 1st floor open porch to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on May 14, 2015, based on Sections 114-402.5(1)(a), 114-412.6 & 114-630.(1)(a) of the zoning ordinance for the reason that: In an R-6 (Single-Family Residential District), the front yard (setback) and lot coverage requirements are not met. A front yard of fifteen feet (15') is required; none is proposed along the North Granby Street frontage. Maximum lot coverage shall not exceed fifty-five percent (55%) of the area of the lot. A lot coverage of 1,952 square feet (55%) is permitted; 2,049 square feet (58%) exists / 2,133 square feet (61%) is proposed.

APPLICATION was filed with the Board on May 14, 2015, based on Section 1040.3(1) of the City Code.

APPEARANCES:

For Applicant: Gay King
Tony Pitts

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Burke King, has requested a special exception to

enclose a first floor open porch to a single-family detached dwelling located at 1831 Hanover Road. Ms. Gay King testified that she and her husband purchased the home in March of 2014. Ms. King explained that their renovation efforts have focused on the west side of the house. Ms. King further explained that they are requesting permission to enclose a 6' x 14' 1st story porch. It was pointed out that the property in question is located at the corner of Hanover Avenue and North Granby Street and as such has two front yards. The proposed enclosure is located adjacent to North Granby Street. It should be noted that a front yard setback of 15 feet is required along North Granby Street while the lot width is only 28 feet.

Speaking in favor, Mr. Tony Pitts, contractor for the applicant, testified that the house was constructed in 1908 and that the request is being made to enclose the previously existing porch without altering the existing footprint. It was pointed out that the R-6 Single-Family Attached Residential District regulations require a lot area 5000 ft.² and that the applicant's property contains only 3500 ft.² which complicates compliance with the lot area requirement. Mr. Pitts explained that the intent of the enclosure is to provide a mud room off the kitchen while enhancing the appearance of the home on a highly visible corner. Mr. Pitts noted that the integrity of the architecture in the neighborhood will be honored through the proposed porch enclosure. Mr. Pitts indicated that the surrounding neighbors and Fan District Association were in support of the proposed project.

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 porch enclosure is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the porch enclosure; the porch enclosure or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the porch enclosure will be in keeping with the architectural character of the dwelling and 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 front yard (setback) and lot coverage requirements be granted to Burke King for a building permit to enclose a 1st floor open porch to a single-family detached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Winks, Pinnock, York, Samuels

negative: none

CASE NO. 27-15

APPLICANT: Sarah Kate Walston

PREMISES: 3305 IDLEWOOD AVENUE
(Tax Parcel Number W000-1507/017)

SUBJECT: A building permit to construct a rear two-story addition (20' x 22.3') to a single-family dwelling.

DISAPPROVED by the Zoning Administrator on May 15, 2015, based on Sections 114-300, 114-410.5(2), 114-410.6 & 114-620.1(c) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential District), the side yard (setback) and the lot coverage requirements are not met. Side yards of three feet (3') are required, 1.35'± is proposed along the eastern property line and 1.34'± is proposed along the western property line. Maximum lot coverage shall not exceed thirty-five percent (35%) of the area of the lot. A lot coverage of 1,006.2 square feet (35%) is permitted; 917 square feet (31%) exists / 1,363 square feet (47%) ± is proposed.

APPLICATION was filed with the Board on May 15, 2015, based on Section 1040.3(1) of the City Code.

APPEARANCES:

For Applicant: Sarah Walston
John Hershman

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Sarah Kate Walston, has requested a special exception to construct a rear two-story addition (20' x 22.3') to a single-family dwelling located at 3305 Idlewood Avenue. Ms. Sarah Walston testified that she and her husband purchased their home approximate three years ago. Ms. Walston stated that they purchased their home because of their appreciation not only for the home itself but the surrounding neighborhood. Ms. Walston pointed out that the neighborhood is demographically diverse which influenced their decision to purchase the home. Ms. Walston explained that since the purchase of their home they had undertaken varying renovation projects. It was noted that the current side yard setbacks are proximately 1.3 feet and that the setbacks of proposed

addition will be consistent with those of the existing house. It was further noted the R-5 Single-Family Residential District regulations require a lot area 5000 ft.² and that the applicant's property contains only 2875 ft.² which complicates compliance with the lot area requirement. Ms. Walston indicated that their current home contains approximate 780 ft.² of living area and that the proposed addition would increase the size of their home by approximately 446 ft.². Ms. Walston stated that her neighbors are in support of the requested special exception.

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 addition is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the addition; the addition or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the addition will be in keeping with the architectural character of the dwelling and 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) and lot coverage requirements be granted to Sarah Kate Walston for a building permit to construct a rear two-story addition (20' x 22.3') to a single-family dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

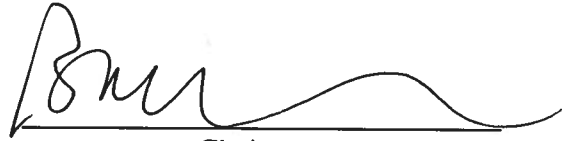
affirmative: Poole, Winks, Pinnock, York, Samuels

negative: none

Upon motion made by Mr. Poole and seconded by Mr. York, Members voted (3-0) to adopt the Board's June 3, 2015 meeting minutes.

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

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



Chairman



Secretary