



**CITY OF RICHMOND**

DEPARTMENT OF PLANNING AND  
DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, AUGUST 3, 2016**

On Wednesday, August 3, 2016, 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 July 20 and 27, 2016 and written notice having been sent to interested parties.

Members Present:               Rodney M. Poole, Acting Chair  
  Kenneth R. Samuels  
  Mary Jane Hogue  
  Susan Sadid  
  Edward H. Winks, Jr.

Member(s) Absent:             Burt F. Pinnock, Chair  
  Roger H. York, Jr., Vice-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. It was moved by Mr. Winks and seconded by Ms. Hogue that Mr. Poole serve as Acting Chair in the absence of Chair, Mr. Pinnock and the Vice-Chair, Mr. York.

-----

CASE NO. 21-16

APPLICANT:                   Richmond Metropolitan Habitat for Humanity

PREMISES:                    1425 NORTH 20<sup>TH</sup> STREET  
  (Tax Parcel Number E000-0706/025)

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

DISAPPROVED by the Zoning Administrator on June 9, 2016 based on Sections 30-300, 30-620.1(c) & 30-630.1(a) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the street side yard (setback) requirement is not met. Three feet (3') is required; one (1) foot ± is proposed along the "U" Street frontage.

APPLICATION was filed with the Board on June 9, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Jack Thompson

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Richmond Metropolitan Habitat for Humanity, has requested a variance to construct a new single-family detached dwelling located at 1425 N. 20th Street. Mr. Poole noted that the applicant's representative, Mr. Jack Thompson, is also a member of the Planning Commission which did not in any way represent a conflict of interest. Mr. Jack Thompson, Vice President of Construction and Real Estate for Habitat for Humanity, testified that the property was acquired from the City of Richmond in a tax sale. Mr. Thompson noted that the original house was 18.5 feet wide and although significant efforts were made to save the structure it could not be accomplished and the house was ultimately demolished. Mr. Thompson further noted that the house underwent a §106 Review as part of demolition through the Commission of Architectural Review. Mr. Thompson indicated that the proposed new structure is only slightly wider than the previously existing house. Mr. Thompson stated that the variance is being requested in order to accommodate family ownership. Mr. Thompson indicated that the proposed dwelling will add value to the neighborhood and that surrounding neighbors were in support of the proposed improvement including Habitat for Humanity. Mr. Thompson stated that the width of the house is consistent with other houses in the neighborhood.

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 street side yard (setback) requirement be granted to the Richmond Metropolitan Habitat for Humanity for a building permit to construct a new single-family detached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Winks, Hogue, Poole, Sadid, Samuels

negative: none

-----  
CASE NO. 22-16

APPLICANT: Chris and Deanne Nicholson

PREMISES: 501 HENRI ROAD  
(Tax Parcel Number W021-0306/005)

SUBJECT: A building permit to construct a roof structure over a portion of an existing deck attached to a detached garage accessory to a single-family dwelling.

DISAPPROVED by the Zoning Administrator on June 14, 2016 based on Sections 30-300 & 30-408.5(1) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential District), the front yard (setback) requirement is not met. A front yard of twenty-five feet (25') is required; five feet (5') ± is proposed along the Howard Road frontage.

APPLICATION was filed with the Board on June 14, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Vince Hide

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Chris and Deanne Nicholson, have requested a variance to construct a roof structure over a portion of an existing deck attached to a detached garage accessory to a single-family dwelling located at 501 Henri Road. Mr. Vince Hide, representing the applicants, testified that the property is located at the corner of Howard Road and Henri Road and as such is subject to a dual front yard requirement. It was noted that the property is irregular in shape having a lot width opposing the principal entrance of 95 feet with a corresponding rear lot width of 42 feet. Mr. Hide explained that the former garage had been demolished for the reason that it was dilapidated. Mr. Hide stated that the specific request is to construct a roof structure over an existing deck. Mr. Hide noted that the proposed roof structure will have essentially the same setback as the existing house from Howard Road. Mr. Hide indicated that the applicants' property is separated from the adjoining property by a 20 foot wide alley. Mr. Hide explained that the roof structure is on the opposite side of an existing garage which is situated adjacent to the Howard Road street line and as such the roof structure is not visible from the adjoining property. Mr. Hide all stated that there was no opposition from the neighborhood.

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 front yard (setback) requirement be granted to Chris and Deanne Nicholson for a building permit to construct a roof structure over a portion of an existing deck attached to a detached garage accessory to a single-family dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Winks, Hogue, Poole, Sadid, Samuels

negative: none

-----  
CASE NO. 23-16

APPLICANT: Kevin and Rachel Beanland

PREMISES: 1930 FLOYD AVENUE  
(Tax Parcel Number W000-0855/031)

SUBJECT: A building permit to construct a two-story addition to a single-family attached dwelling.

DISAPPROVED by the Zoning Administrator on June 27, 2016 based on Sections 30-300, 30-412.5(1)a, 30-630.1(a)(1) & 30-810.1 of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential District), the front yard (setback) requirement is not met. A front yard of 6.9 feet ± is required, as established by 105 North Meadow Street; a nonconforming front yard of 0.09 feet

exists and one foot (1'±) is proposed for the addition along the North Meadow Street frontage. No building or structure having a nonconforming feature shall be reconstructed with another building or structure unless such nonconforming feature is hereby eliminated and the building or structure is made to conform.

APPLICATION was filed with the Board on June 27, 2016, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Rachel Beanland  
Kevin Beanland

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Kevin and Rachel Beanland, have requested a variance to construct a two-story addition to a single-family attached dwelling. Ms. Rachel Beanland testified that the property is located at the corner of Floyd Avenue and Meadow Street and as such has two (2) front yards. Ms. Beanland stated that they originally purchased the property in 2007 and subsequently moved away but returned in 2013. Ms. Beanland explained that the existing dwelling except for a slight building line inset located at the rear of the structure is located adjacent to the Meadow Street property line. Ms. Beanland further explained that the intent of their variance request is to construct an addition within the existing building inset. Ms. Beanland stated that they recently adopted a third child and need to reconfigure the house to accommodate a fourth bedroom. Ms. Beanland stated that there are several multi-family properties located in the neighborhood and it is hoped that their efforts will result in more home ownership in the neighborhood. Ms. Beanland noted that there is no objection from their neighbors or the Fan District Association.

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 front yard (setback) requirement be granted to Kevin and Rachel Beanland for a building permit to construct a two-story addition to a single-family attached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Winks, Hogue, Poole, Sadid, Samuels

negative: none

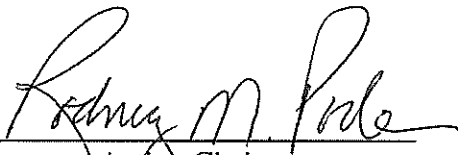
-----

Upon motion made by Mr. Winks and seconded by Mr. Samuels, Members voted (4-0) to adopt the Board's July 6, 2016 meeting minutes.

-----

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

-----

  
Acting Chairman

  
Secretary