



**CITY OF RICHMOND**

DEPARTMENT OF  
PLANNING AND DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**WEDNESDAY, AUGUST 2, 2017**

On Wednesday, August 2, 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 July 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  
                                  Susan Sadid  
                                  Kenneth R. Samuels

Staff Present:               Roy W. Benbow, Secretary  
                                  William C. Davidson, Zoning Administrator  
                                  Brian P. Mercer, Planner II

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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.

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**CASE NO. 25-17 (CONTINUED FROM JULY 5, 2017 MEETING)**

APPLICANT:               Robert Crump III

PREMISES:                3206A Chamberlayne Ave  
                                  (Tax Parcel Number N000-1233/007)

SUBJECT:                 A building permit to convert a single-family dwelling into a 4-unit multi-family dwelling.

DISAPPROVED by the Zoning Administrator on May 22, 2017, based on Sections 30-300, 30-416.5(2)b & 30-710.5 of the zoning ordinance for the reason that: In an R-48 (Multi-Family Residential District), the side yard (setback) and off-street parking requirements are not met. A side yard of fifteen feet (15') is required; 11.4 (southern property line) and 12.4 (northern property line) exists/are

proposed. Spaces for the parking of vehicles and access aisles thereto, except spaces accessory to single-family dwellings, shall not be located within a required front yard.

APPLICATION was filed with the Board on May 17, 2017, based on Section 15.2 - 2309.2 of the Code of Virginia and Section 1040.3 (11) of the Zoning Ordinance of the City of Richmond.

APPEARANCES:

For Applicant: Shea Crump

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Robert Crump III, has requested a variance and special exception to convert a single-family dwelling into a four-unit multi-family dwelling for property located at 3206A Chamberlayne Avenue. The Zoning Administrator, Mr. William Davidson, stated that the applicant is requesting a side yard variance and parking waiver. Mr. Davidson explained that the building was originally constructed as a four-unit multi-family dwelling. Mr. Davidson noted that the building became conforming when converted to a single-family dwelling in 1998. Mr. Davidson further noted that although the use of the building was technically a single-family dwelling that in accordance with applicable state and federal statutes it was occupied by up to eight individuals living as a family. Ms. Shea Crump stated that the intent was to reintroduce the prior four unit dwelling use. Ms. Crump indicated that she and her husband purchased the property as part of a foreclosure. Ms. Crump stated that although the building had received approval for a single-family dwelling that in fact the interior continued to reflect a four-family use. Ms. Crump explained that the single-family conversion consisted basically of creating an opening in the demising walls of the first and second floors. Ms. Crump stated that the dwelling has four kitchens, four water heaters, eight bedrooms and comprises approximately 3600 ft.<sup>2</sup>. Ms. Crump explained that the dwelling on their left was being utilized as a four unit building and the dwelling on the right was being utilized for an assisted-living facility. Ms. Crump further explained that a setback variance was being requested by virtue of the fact that a setback of 15 feet is required for a multifamily use and approximately 12 feet of setback exists. Ms. Crump indicated that a parking special exception is also being requested due to the fact that parking for the dwelling is located within the required front yard which is not permitted by the Zoning Ordinance. Mr. Davidson explained that the building also lost its nonconforming parking rights when converted to a single-family dwelling in 1998.

In response to question from Mr. York, Ms. Crump stated that a 3600 ft.<sup>2</sup> building on Chamberlayne Avenue was not marketable for a single-family dwelling.

In response to a question from Mr. Poole, Ms. Crump stated that at the time of purchase they thought the building was a four unit dwelling but later learned that it had been converted to single-family dwelling but were under the impression that it could be converted back to a four unit building.

In response question from Mr. Poole, Ms. Crump stated that she and her husband own two properties. Ms. Crump stated that she attempted to research the legal use of the property before its purchase and that this had been a learning experience.

In response to a question from Mr. Poole, Ms. Crump stated that prior to their purchase it was her understanding that the property had formerly been used for assisted-living.

Mr. Poole expressed concern over the question of good faith and the requirement of a prospective purchaser to conduct proper research before purchasing a property.

Mr. York indicated that some case law suggested that a requirement to demolish a building to satisfy a zoning ordinance provision would constitute a hardship approaching confiscation and that under the circumstances the question of good faith becomes less of an issue.

Mr. Poole indicated that he did not believe the applicants request comported with applicable Virginia Code requirements governing approval of a variance and that the applicant would be better served by seeking a special use from City Council.

Mr. Poole made a motion to deny the applicants request which was seconded by Mr. York. The vote on the motion was denied by a vote of 4-1.

Mr. York made a motion to approve the applicant's request in consideration of the record before the Board which was seconded by Mr. Samuels. The vote on the motion was approved by vote of 4-1.

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.

The Board is 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 spaces 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 variance and special exception for the side yard (setback) and off-street parking requirements be granted to Robert Crump III for a building permit to convert a single-family dwelling into a 4-unit multi-family dwelling.

ACTION OF THE BOARD: (4-1)

Vote to Grant

affirmative: Sadid, Pinnock, York, Samuels

negative: Poole

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

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The meeting was adjourned at 1:50 p.m.  
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Secretary

  
Chairman