



CITY OF RICHMOND

DEPARTMENT OF PLANNING AND  
DEVELOPMENT REVIEW  
BOARD OF ZONING APPEALS

## BOARD OF ZONING APPEALS

### MEETING MINUTES

WEDNESDAY, SEPTEMBER 7, 2016

On Wednesday, September 7, 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 August 24 and 31, 2016 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

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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. 24-16

APPLICANT:           Samuel Tuttle

PREMISES:            978 PINK STREET  
                          (Tax Parcel Number E000-0425/008)

SUBJECT:             A building permit to construct a six foot (6') structure (fence)  
                          accessory to a single-family detached dwelling.

DISAPPROVED by the Zoning Administrator on July 15, 2016, based on Sections 30-300, 30-419.6(2)(a) & 30-630.9(b) of the zoning ordinance for the reason that: In a(an) R-63 (Multi-Family Urban Residential District), the front yard (setback) and the maximum permitted height for a fence located within a required front yard is exceeded. Fences and walls located within the required front yard shall not exceed four feet (4') height.

APPLICATION was filed with the Board on July 15, 2016, based on Section 17.20(b) of the City of Richmond Charter.

APPEARANCES:

For Applicant: Sam Tuttle

Against Applicant: none

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Samuel Tuttle, has requested a variance to construct a six foot (6') fence accessory to a single-family detached dwelling located at 978 Pink Street. Mr. Tuttle testified that there were two reasons supporting the need to construct a taller fence than allowed by the zoning ordinance. The first of which was for security purposes. Mr. Tuttle indicated that there was an alley located behind the house which due to activity in the alley necessitated a taller fence. Mr. Tuttle noted that the fence will not be moved closer to the alley which will continue to provide space for off-street parking. It was also noted that the property is a corner lot and that the fence will serve as a noise buffer adjacent to Carrington Street. Finally, Mr. Tuttle stated that the Commission of Architectural Review approved the proposed fence.

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) and the maximum permitted height for a fence located within a required front yard requirements be granted to Samuel Tuttle for a building permit to construct a six foot (6') structure (fence) accessory to a single-family detached dwelling.

ACTION OF THE BOARD: (5-0)

Vote to Grant

affirmative: Poole, Hogue, Pinnock, York, Samuels

negative: none

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Upon motion made by Mr. Samuels and seconded by Ms. Hogue, Members voted (3-0) to adopt the Board's August 3, 2016 meeting minutes.

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

  
Secretary