MINUTES OF A SPECIAL MEETING OF THE BOARD OF ZONING APPEALS - NOVEMBER 20, 1947

A Special Meeting of the Board of Zoning Appeals of Richmond, Virginia, was held in the Conference Room of the Department of Public Works Building, 27 Governor Street on Thursday, November 20, 1947 at 3:00 P. M.; due notice having been published in the Times Dispatch on November 11, 1947 and written notices sent to interested parties, especially property owners, notifying them of their right to be heard.

Present: A. O. Budina, Chairman, L. W. Ballou, G. M. Flowers,
W. F. Woodson, Secretary
Garland A. Wood, Executive Secretary of the City Planning
Commission was present.

The City was represented by W. C. Wharton, Commissioner of Buildings in all cases considered at this meeting.

The meeting was called to order by the Chairman and a quorum was announced.

The Board then proceeded with its regular order of business in the hearing of cases, and the cases which were heard and the proceedings had therein, as well as the decisions of the Board were as follows:

APPEAL: 255-47

APPLICANT: M. Waterhouse for J. Broady
PREMISES AFFECTED: 1009 Catherine Street
SUBJECT: Permit to make addition

APPEARANCES:
For applicant - Jesse L. Broady
Against applicant - None

ACTION OF BOARD: Granted
Vote to grant -
Affirmative - Budina, Ballou, Flowers and Woodson 4
Negative - None 0
Absent - Muhleman 1

On October 20, 1947 M. Waterhouse for J. Broady filed an application for a permit to erect a two-story frame addition 12 by 14 feet to the two-story frame dwelling.

The Commissioner of Buildings on October 20, 1947 disapproved the request under Article VI, Section 4, Paragraph 2(b) and Article II, Section 5, Paragraph 1 of the Zoning Ordinance for the reason that "No addition may be made to a non-conforming building. Building lacks side yard requirements for "E" Multiple-Family Dwelling District";

RESOLUTION:
Whereas, there was no opposition and all windows open on adequate yards;

Now, therefore, be it resolved that the Board does hereby make a variance from the requirements of the Zoning Ordinance and hereby authorizes the Commissioner of Buildings to issue the permit.
APPEAL: 236-47

APPLICANT: M. Waterhouse for Aubrey Marshall
PREMISES AFFECTED: 1102 South Randolph Street
SUBJECT: Permit to make addition

APPEARANCES:
For applicant – M. Waterhouse
Against applicant – None

ACTION OF BOARD: Granted
Vote to grant –
Affirmative – Budina, Ballou, Flowers and Woodson 4
Negative – None 0
Absent – Muhlenman 1

On October 20, 1947 M. Waterhouse for Aubrey Marshall filed an application for a permit to erect a two-story frame addition 12 by 14 feet to the two-story brick dwelling.

The Commissioner of Buildings on October 20, 1947 disapproved the request under Article V, Section 4, Paragraph 2 and Article II, Section 3, Paragraph 1 of the Zoning Ordinance for the reason that "No addition may be made to a nonconforming building, present building lacks side yard in a 'D' Two-Family Dwelling District.

RESOLUTION:
Whereas, there was no opposition and all windows will be open on adequate yards;

Now, therefore, be it resolved that the Board does hereby make a variance from the requirements of the Zoning Ordinance and hereby authorizes the Commissioner of Buildings to issue the permit.

APPEAL: 237-47

APPLICANT: Mrs. Frank M. Blanck
PREMISES AFFECTED: 3301 Fifth Avenue
SUBJECT: Permit to erect 8 by 8 foot addition to single-family dwelling

APPEARANCES:
For applicant – Mrs. Frank M. Blanck
Against applicant – None

ACTION OF BOARD: Granted
Vote to grant –
Affirmative – Budina, Ballou, Flowers and Woodson 4
Negative – None 0
Absent – Muhlenman 1

On December 16, 1946 Mrs. Frank M. Blanck filed an application for a permit to erect a one-story stucco addition 8 by 8 feet to the two-story stucco dwelling.
The Commissioner of Buildings on October 5, 1947 disapproved the request under Article II, Section 3, Paragraph 1 and Article V, Section 4, Paragraph 2 of the Zoning Ordinance for the reason that "There is no side yard on one side of dwelling, no building in a 'D' Two-Family Dwelling District may be enlarged which does not conform with district regulations".

RESOLUTION:

Whereas, there was no opposition, the building is on a corner lot and all windows will open on adequate yards;

Now, therefore, be it resolved that the Board does hereby make a variance from the requirements of the Zoning Ordinance and does hereby authorize the Commissioner of Buildings to issue the permit.

APPEAL: 238-47

APPLICANT: W. R. Lecky, Jr., for Mrs. Achtena Zambutis
PREMISES AFFECTED: 401 South Stafford Avenue
SUBJECT: Permit to erect addition

APPEARANCES:
For applicant - W. R. Lecky, Jr.
Against applicant - Emmett L. Luck, E. H. Retincur, Mrs. Lena H. Winer,
Mrs. W. Able

ACTION OF BOARD: Denied
Vote to deny -
Affirmative - Budina, Ballou, Flowers and Woodson
Negative - None
Absent - Muhleman

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On October 21, 1947 W. R. Lecky, Jr. for Mrs. Achtena Zambutis filed an application for a permit to erect a 1-story brick addition 14 by 50 feet to the two-story brick store and dwelling.

The Commissioner of Buildings on October 21, 1947 disapproved the request under Article VIII, Section 4, Paragraphs 1 and 3 of the Zoning Ordinance for the reason that "Insufficient rear yard is provided for 'C' Local Business District; two front yards are required on a lot between two intersecting streets".

At the meeting it was brought out that the proposed addition would project beyond the set-back line established on Idlewood Avenue.

RESOLUTION:

Whereas, the applicant failed to establish that the Commissioner of Buildings in denying the permit created a hardship approaching confiscation;

Now, therefore, be it resolved that the Board does hereby affirm the decision of the Commissioner of Buildings and does hereby deny the permit.

APPEAL: 239-47

APPLICANT: Warrenton M. Loving
PREMISES AFFECTED: S/E corner Parkwood and Allen Avenues
SUBJECT: Permit to erect service station and automobile repair shop
APPEARANCES:
For applicant - W. Sterline King, M. C., W. T. Loving
Against applicant - None

ACTION OF BOARD:
Denied
Vote to deny -
Affirmative - Budina, Ballou, Flowers and Woodson 4
Negative - None 0
Absent - Muhleman 1

On October 10, 1947 Warrenton W. Loving filed an application for a permit to erect a two-story cinder block service station and automobile repair shop on vacant lot.

The Commissioner of Buildings on October 14, 1947 disapproved the request under Article II, Section 3, Paragraph 1 and Article VIII, Section 2, Paragraph 6 and Article VIII, Section 4, Paragraphs 2 and 3 of the Zoning Ordinance for the reason that "An automobile repair shop is not permitted in a 'G' Local Business District. Insufficient rear yard if provided. Where the lot is between two intersecting streets, two front yards are required."

At the hearing it was brought out that an amendment is now pending in Council to change the classification to 'H' Commercial District.

RESOLUTION:
Whereas, the Board is of the opinion that they are without authority to grant a variance of this magnitude as it would amount to a change of classification;

Now, therefore, be it resolved that the Board does hereby affirm the decision of the Commissioner of Buildings and does hereby deny the permit.

APPEAL: 240-47

APPLICANT: Mrs. E. D. Moore
PREMISES AFFECTED: 1325 Hampton Street
SUBJECT: Certificate of occupancy for dwelling and beauty shop

APPEARANCES:
For applicant - Chas. W. Crowder, attorney for Mrs. E. D. Moore filed petition signed by 13 citizens, Mr. and Mrs. E. D. Moore
Against applicant - Ruth C. Koplenstein who filed a petition signed by 4 citizens, Margaret A. Davis, J. H. Spivey, Mrs. J. R. Rosenbaum, Mr. and Mrs. F. James Barnes, II, W. H. Holtzclaw, Mrs. Wm. Holtzclaw, Katherine S. Davis, Mrs. William H. Wolfe, Mrs. R. M. Graham, Leon Ingram, Mrs. W. H. Cooper

ACTION OF BOARD:
Denied
Vote to deny -
Affirmative - Budina, Ballou, Flowers and Woodson 4
Negative - None 0
Absent - Muhleman 1

On October 27, 1947 Mrs. E. D. Moore filed an application for a certificate of occupancy for dwelling and beauty salon in the one and one-half
story frame dwelling.

The Commissioner of Buildings on October 27, 1947 disapproved the request under Article I, Section 1, Paragraph 19 and Article II, Section 3, Paragraph 1 and Article V, Section 2, Paragraph 1 of the Zoning Ordinance for the reason that "A beauty salon cannot be defined as a home occupation and is not permitted in a 'D' Two-Family Dwelling District".

RESOLUTION:
Whereas, the applicant failed to establish that the Commissioner of Buildings in denying the permit created a hardship approaching confiscation;

Now, therefore, be it resolved that the Board does hereby affirm the decision of the Commissioner of Buildings and hereby denies the permit.

APPEAL: 241-47

APPLICANT: J. A. Robertson for Texas Oil Company
PREMISES: S/W corner 23rd Street and Jefferson Avenue
SUBJECT: Permit to make addition

APPEARANCES:
For applicant - F. W. Slusser, the Texas Company
Against applicant - None

ACTION OF BOARD: Granted
Vote to grant -
Affirmative - Budina, Ballou, Flowers and Woodson 4
Negative - None 0
Absent - Muhleman 1

On October 23, 1947 J. A. Robertson for Texas Oil Company filed an application for a permit to erect a one-story addition 4 by 16 feet to the one-story service station.

The Commissioner of Buildings on November 3, 1947 disapproved the request under Article VIII, Section 4, Paragraph 3 and Article II, Section 3, Paragraph 1 of the Zoning Ordinance for the reason that "No addition may be made to a nonconforming building. The building is nonconforming because it lacks the rear yard required in a 'C' Local Business District".

At the hearing it was brought out that the addition would replace a coal bin.

RESOLUTION:
Whereas, there was no opposition and the lot is triangular and entirely surrounded by streets;

Now, therefore, be it resolved that the Board does hereby make a variance from the requirements of the Zoning Ordinance and hereby authorizes the Commissioner of Buildings to issue the permit.
APPEAL: 242-47

APPLICANT: J. T. Williams
PREMISES AFFECTED: 1327 North 26th Street
SUBJECT: Permit to erect addition to rear of dwelling, two downstairs and one over present kitchen

APPEARANCES:
For applicant - J. T. Williams and consent of adjoining property owner
Against applicant - None

ACTION OF BOARD: Granted conditionally
Vote to grant -
Affirmative - Budina, Ballou, Flowers and Woodson 4
Negative - None 0
Absent - Muhleman 1

On September 11, 1947 J. T. Williams filed an application for a permit to erect a two-story cinder block addition 14 by 14 feet to the two-story frame dwelling.

The Commissioner of Buildings on September 18, 1947 disapproved the request under Article II, Section 3, Paragraph 1 and Article V, Section 4, Paragraph 2 of the Zoning Ordinance for the reason that "There are insufficient side yards for 'D' Two-Family Dwelling District. A nonconforming building may not be enlarged.

At the hearing it was brought out that there were no windows on side yard but the applicant is willing to put window in present rear room.

RESOLUTION:
Whereas, there was no opposition and provision can be made for windows opening on the side yard;

Now, therefore, be it resolved that the Board does hereby make a variance from the requirements of the Zoning Ordinance and hereby authorizes the Commissioner of Buildings to issue the permit on condition that two windows are installed in the present dining room and two windows in the bed room over the present dining room.

APPEAL: 243-47

APPLICANT: Mrs. Carl B. Randolph
PREMISES AFFECTED: 3100 'Q' Street
SUBJECT: Certificate of occupancy for beauty shop and dwelling

APPEARANCES:
For applicant - Mrs. Carl B. Randolph, James V. Bolton and letter from Mrs. E. M. Furman
Against applicant - None

ACTION OF BOARD: Denied
Vote to deny -
Affirmative - Budina, Ballou, Flowers and Woodson 4
Negative - None 0
Absent - Muhleman 1
On October 27, 1947 Mrs. Carl B. Randolph filed an application for a certificate of occupancy for beauty parlor and dwelling in the two-story frame dwelling.

The Commissioner of Buildings on October 29, 1947 disapproved the request under Article I, Section 1, Paragraph 13 and Article V, Section 2 of the Zoning Ordinance for the reason that "A beauty parlor cannot be defined as a home occupation and is not permitted in a 'D’ Two-Family Dwelling District".

RESOLUTION:
Whereas, the applicant failed to establish that the Commissioner of Buildings in denying the permit created a hardship approaching confiscation;

Now, therefore, be it resolved that the Board does hereby affirm the decision of the Commissioner of Buildings and hereby denies the permit.

MR. BALLOU ACTING CHAIRMAN

APPEAL: 244-47

APPLICANT: Robert T. Barton, Jr., attorney for Neighborhood Theatre, Inc.
PREMISES: 4712-18 Forest Hill Avenue
SUBJECT: Permit to erect theatre and three stores (three lots)

APPEARANCES:
Against applicant - W. W. Collier; the following were opposed to the parking lot south of the alley: Mr. and Mrs. C. T. Smith, Mr. and Mrs. Glenn B. Good, Frank B. Hart, Mr. and Mrs. J. B. Vaden, Henry T. and Sadie Cox, Raymond W. Marks, Mmes. Upton Ellett and Frieda B. Marks

ACTION OF BOARD: Granted conditionally
Vote to grant -
Affirmative - Ballou, Flowers and Woodson 3
Negative - None 0
Absent - Muhleman 1
Not voting - Budina 1

On Nov. 5, 1947 Robert T. Barton, Jr., attorney for Neighborhood Theatre, Inc., filed an application for a permit to erect a theatre and three stores on three lots.

The Commissioner of Buildings on November 5, 1947 disapproved the request under Article II, Section 3, Paragraph 1 and Article VIII, Section 3 and 5 and Article VIII, Section 4, Paragraph 5 and Article VIII, Section 2, Paragraph 18 of the Zoning Ordinance for the reason that "A building may not be erected in a 'G' Local Business District which does not conform with district regulations. More than one main building on a lot is prohibited; the height limitation is exceeded; a portion of the parking area is proposed in the 'C’ Single-Family Dwelling District; sign area requirements are exceeded; insufficient rear yard is provided."
At the hearing it was brought out that the lot was acquired in 1936 when in Chesterfield County. Building will line up with existing buildings on Forest Hill Avenue. The building was re-designed to comply with height regulations.

RESOLUTION:
Whereas, the property was acquired in good faith prior to the passage of the Zoning Ordinance for the purpose of erecting a theatre;

Now, therefore, be it resolved that the Board does hereby make a variance from the requirements of the Zoning Ordinance and hereby authorizes the Commissioner of Buildings to issue a permit on condition that parking is provided on 48th Street between the alley and Forest Hill Avenue, sufficient to park one row of cars on a 45-degree angle but no parking to be permitted on the lot south of the alley.

MR. BUDINA IN THE CHAIR

APPEAL: 245-47

APPLICANT: Raymond L. Lythgoe
PREMISES AFFECTED: 3012 West Broad Street
SUBJECT: Permit to erect an addition 60 by 21 feet for plumber's office, display room and storage

APPEARANCES:
For applicant - Raymond L. Lythgoe
Against applicant - None

ACTION OF BOARD: Granted
Vote to grant -
Affirmative - Budina, Ballou, Flowers and Woodson 4
Negative - None 0
Absent - Muhlen 1

On October 29, 1947 Raymond L. Lythgoe filed an application for a permit to erect a one-story cinder block addition 60 by 21 feet to the three-story brick building.

The Commissioner of Buildings on November 5, 1947 disapproved the request under Article II, Section 3, Paragraph 1 and Article IX, Section 2, Paragraph 9 of the Zoning Ordinance for the reason that "Enlargement of a non-conforming plumbing contractor's plant is an 'H' Commercial District is not permitted".

RESOLUTION:
Whereas, there was no opposition and the property adjoins a 'J' Light Industrial District on the north;

Now, therefore, be it resolved that the Board does hereby make a variance from the requirements of the Zoning Ordinance and hereby authorizes the Commissioner of Buildings to issue the permit.

A motion to adjourn was made and adopted, the Board then adjourned.

[Signature]
CHAIRMAN

[Signature]
SECRETARY