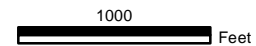


City of
Richmond

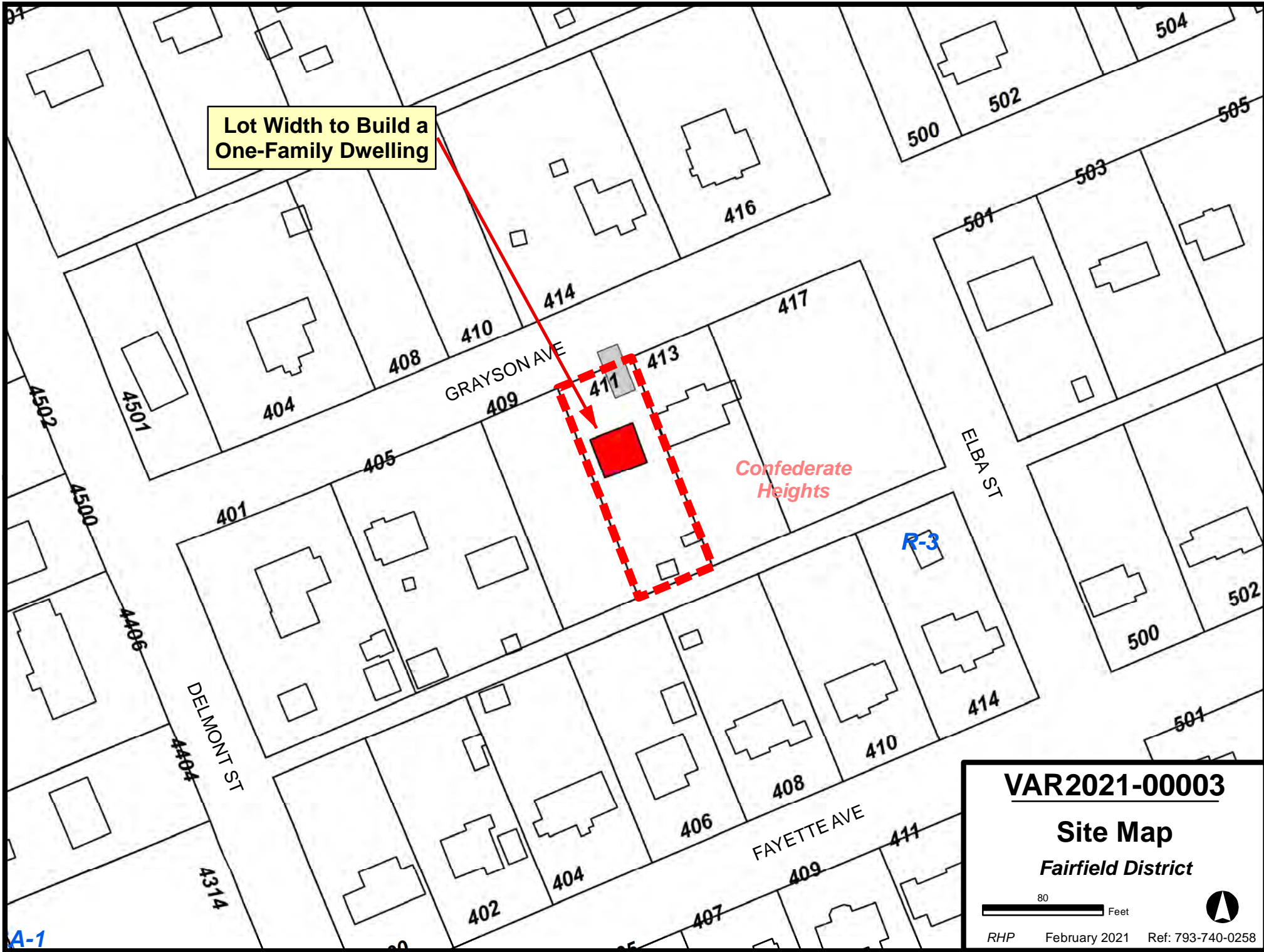
VAR2021-00003

Vicinity

Fairfield District



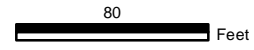
Lot Width to Build a One-Family Dwelling



VAR2021-00003

Site Map

Fairfield District





GRAYSON AVE

ELBA ST

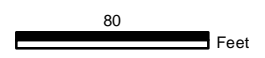
DELMONT ST

FAYETTE AVE

VAR2021-00003

Aerial 2020

Fairfield District





Variance Application

County of Henrico, Virginia
Department of Planning

Post Office Box 90775, Henrico, VA 23273-0775 Shipping: 4301 East Parham Road, Henrico, VA 23228 Phone: (804) 501-4602 Fax: (804) 501-4379
Email: planning@henrico.us <http://henrico.us/planning>

Property Address: 411 GRAYSON AVENUE Current Zoning: R-3
Parcel Number (GPIN): 793-740-0258 Magisterial District: FAIRFIELD
Subdivision: CONFEDERATE HEIGHTS Section: _____ Block: 4 Lot: 20
Request for variance in order to build: A NEW SINGLE FAMILY HOME

Nature of Request (e.g. lot area, lot width, side setback, street frontage)	Code Section	Applicant has	Code requires	Variance requested
LOT AREA	24-94	8,100 SF	11,000 SF	2,900 SF
LOT WIDTH	24-95(b)(5)	54 feet	65 feet	11 feet
SIDE YARD SETBACKS	24-94	8 MIN, 24 TOTAL	12 MIN, 30 TOTAL	4 @ MIN, 6 @ TOTAL

Owner: ADAM BALAS Phone: 804-240-9199 Fax: _____
Address: 10901 SPRAY COURT Email: ADAMBALAS@GMAIL.COM
Signature: _____
City/State/Zip: GLEN ALLEN, VA 23060 Title: OWNER

The property owner must sign the form or submit written authorization for an agent to sign. The property owner authorizes the members of the Board of Zoning Appeals and County employees to enter the property during normal business hours in the discharge of their duties in regard to this request.

Applicant: ADAM BALAS Relationship to owner: SAME
Address: SAME AS ABOVE Phone: SAME AS ABOVE
Fax: _____
City/State/Zip: _____ Email: SAME AS ABOVE
Representative: PFVCD, LLC Relationship to owner: CONSULTANT
Address: 10286 STAPLES MILL RD, #246 Phone: 804-399-0048
Fax: 804-755-6659
City/State/Zip: GLEN ALLEN, VA 23060 Email: ENOCH.POU@PFVCD.COM

Two copies of a site plan must be submitted with this application showing the size and location of the lot, the location, and dimensions of the proposed building or structure, and the location, setbacks, and dimensions of any existing structures on the lot. If a building is proposed, one set of floor plans and elevations should be provided.

OFFICE USE

Date Received:	Time Received:
PIV #:	Fee: \$
Accepted by:	Enterprise Zone:
	Case #:



The Board of Zoning Appeals can grant a variance only if certain legal requirements have been met. The following questions are intended to help the applicant show that a variance is appropriate.

Please answer all questions as completely as possible. Attach additional pages if necessary.

1. Does the zoning ordinance **unreasonably restrict** the use of the property? If so, how is the zoning ordinance unreasonable?

* SEE APPLICANT'S REPORT FOR ANSWERS TO
ALL OF THE FOLLOWING QUESTIONS

2. Is there a **hardship** related to the physical conditions of the property? If so, what physical conditions make the variance necessary? Were those physical conditions present when the ordinance was adopted?

3. Is a variance necessary to make a reasonable modification to the property or improvements requested by, or on behalf of, a **person with disability**? If so, describe what modification is needed, and why.

4. If there is a hardship, was it created by the applicant?

5. Is the condition or situation unique to this property, or is it common among other property in the area?

6. Would the variance have a negative effect on other property in the area?

The Board of Zoning Appeals of the County of Henrico, Virginia

**c/o The Henrico County Dept. of Planning
4301 E. Parham Road
Henrico, VA 23228**

Board of Zoning Appeals Special Exception Variance Request Application

Applicant's Report (December 2020)

Subject Property

411 Grayson Avenue

Parcel Number (GPIN)

793-740-0258

Applicant/Owner

Adam Balas
c/o PFVCD, LLC
10286 Staples Mill Road, #246
Glen Allen, VA 23060
Office: (804) 399-0048
Fax: (804) 755-6659

Proposed Use

The Applicant is proposing to construct a detached, single family home on the vacant lot.

Reason

The current R-3, Urban Residential District requirements an 11,000 square foot overall lot size, a minimum lot width of 80 feet, and combined side yard setback total of 30 feet with a 12 foot minimum on one side severely restrict the ability to develop a single family home. The Confederate Heights subdivision was approved and recorded in May, 1916. As with many lots within the subdivision, the subject property has 8,100 square feet of overall area and a lot width of 54 feet. The Applicant is requesting that they be granted a variance for a Special Exception in accordance with Section 24-95 (b), (c)(1), and (c)(4) of the Zoning Ordinance for the lot size, lot width, and required side yard setbacks. The front yard setback, rear yard setback, and minimum structure size requirements will be met.

I. Property Description

The lot is currently zoned R-3, Urban Residential District (Single Family) and has 54.00 feet of frontage along Grayson Ave and has 150.00 feet of depth for a total square footage of 8,100 square feet. The lot rests approximately midway between Delmont Street and Elba Street in the Confederate Heights neighborhood (see Photos at Exhibit (1)).

The site is level from front to rear. It is bounded on its northern property line by Grayson Ave, on the east by a single family home at 413 Grayson Ave, on the south by a 10 foot public easement, and on the west by the vacant lot known as 409 Grayson Ave. A Site Plan showing boundaries and proposed physical features, is attached as Exhibit (2). The lot at 411 Grayson Ave is currently vacant with the exception of a small dilapidated storage shed that will be removed.

The R-3 zoning classification requires a minimum side yard setback of not less than 12 feet on one side and a combined minimum of 30 feet for both side yard setbacks. The zoning classification also requires a front yard of not less than 40 feet, a rear yard of not less than 40 feet in depth, and minimum finished floor area of 1,100 square feet.

Via the submission of this Application, we are requesting a Special Exception to allow:

- 1) a 16 foot setback on the eastern side of the proposed house between it and the property line it shares with 413 Grayson Ave, and an 8 foot setback on the western side of the proposed house between it and the property line it shares with 409 Grayson Ave (see Exhibit 2).
- 2) a Special Exception for the lot size of 8,100 square feet; and
- 3) a Special Exception for the lot width of 54 feet.

II. Concept of Proposed New Construction

We are proposing to build a single-family detached dwelling on the site. There will be two levels of living space. As the enclosed Elevations show (see Exhibits (3-6)), at both levels, all elevations will have vinyl siding. We have taken great care to design a structure that emulates many homes throughout the immediate neighborhood in appearance and scale.

III. Size, Setbacks, and Off Street Parking

The home will consist of a 4-bedroom, 2.5 bath home with approximately 1,600 square feet of finished living space. The size, height, scale and front yard setback of the home will be in keeping with other homes in the vicinity. There is an existing off street parking space on the site.

IV. Amenities

The home will be built in accordance with current Building Codes and contain central air conditioning and heating, high-speed internet connections, dishwasher, range, disposal, microwave, refrigerator, washer and dryer connections, solid surface countertops, hardwood flooring at the 1st Floor, and porcelain tile in the kitchen and bathrooms.

The home will make use of the water, sewer, and trash services offered by the County of Henrico. All of which are readily available to the site.

V. Required Findings of Fact and Answers as Requested in the Variance Application

The Special Exception Requests for the lot size, lot width, and side yard setbacks questions as outlined on the Variance Application are answered as follows:

1. Does the zoning ordinance unreasonably restrict the use of the property? If so, how is the zoning ordinance unreasonable?

Yes, the Zoning Ordinance unreasonable restricts the use of the property. As it does not meet the minimum 11,000 square foot requirement to be considered a buildable lot, the lot is considered non-conforming and unbuildable. The lot was created prior to the current zoning requirements.

2. Is there a hardship related to the physical conditions of the property? If so, what physical conditions make the variance necessary? Were these physical conditions present when the ordinance was adopted?

Withstanding it not meeting the lot size and lot width requirements, there are no other physical conditions that would prohibit development of a single family home on the property.

3. Is a variance necessary to make a reasonable modification to the property or improvements requested by, or on behalf of, a person with a disability? If so, describe what modification is needed, and why.

A variance is not necessary for modifications or improvements to accommodate a person with a disability.

4. If there is a hardship, was it created by the Applicant?

No. The Applicant purchased the property in good faith and in the configuration it has held since recordation of the subdivision in 1916. The existing parcel is a legal lot of record with its own address designation and Parcel Number for identification and taxation purposes.

5. Is the condition or situation unique to this property, or is it common among the property in the area?

This situation, the non-conforming size of the lot, is common amongst the properties in the area. The lot size and setback requirements were not in place when the subdivision was developed. Consequently, virtually all of the lots, developed and vacant, in the area share the same size characteristics as the subject property.

6. Would the variance have a negative effect on other property in the area?

No, the variance would not have a negative effect on other property in the area. The house is designed to be in keeping with the height and scale of other buildings in the immediate vicinity as well as the community. This proposed new construction represents a significant investment for the predevelopment, utility connections, and construction costs associated with taking an unused, vacant lot toward a homeownership opportunity in a growing area of the County. The proposed construction will have a positive effect on the community involved by placing a vacant lot into service.

Conclusion

During its planning of the single-family home at 411 Grayson Ave the Applicant has made tremendous efforts to address the nature of the immediate community while working to be part of the County's desire for infill housing and homeownership opportunities on currently vacant lots.

This proposal offers the opportunity to significantly increase the taxable value of an underutilized parcel of real estate without creating additional demands for County services, such as schools, social service needs, or infrastructure development.

Respectfully submitted,

Adam Balas

Enclosures

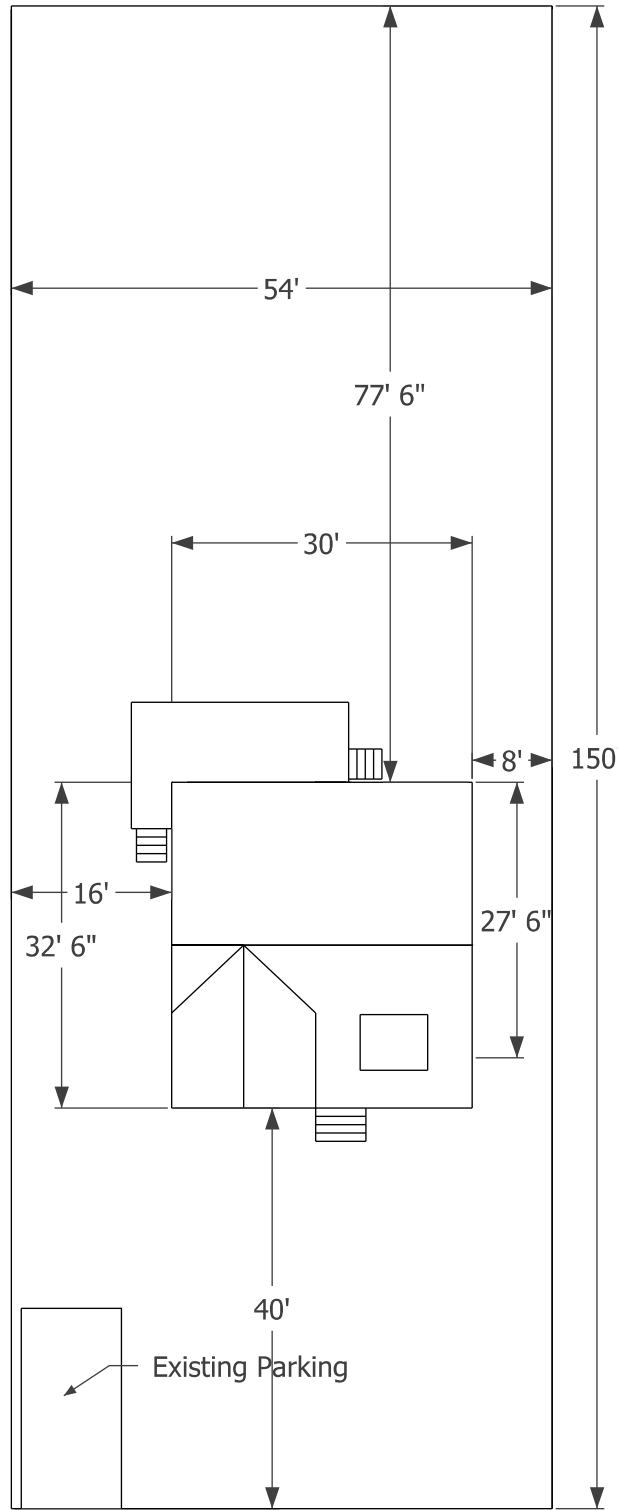
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|------------------------------------|--|
| Exhibit 1 – Site Photos | Exhibit 6 – Left (east) Elevation |
| Exhibit 2 – Site Plan | Exhibit 7 – Perspective (NE) |
| Exhibit 3 – Front Elevation | Exhibit 8 – Perspective (NW) |
| Exhibit 4 – Right (west) Elevation | Exhibit 9 – Floor Plan (1 st Floor) |
| Exhibit 5 – Rear Elevation | Exhibit 10 – Floor Plan (2nd Floor) |

411 Grayson Avenue
Henrico, VA 23222
Special Exception Application
Adam Balas, Applicant/Owner
Exhibit 1, Site Photos

Street View



413 Grayson Ave



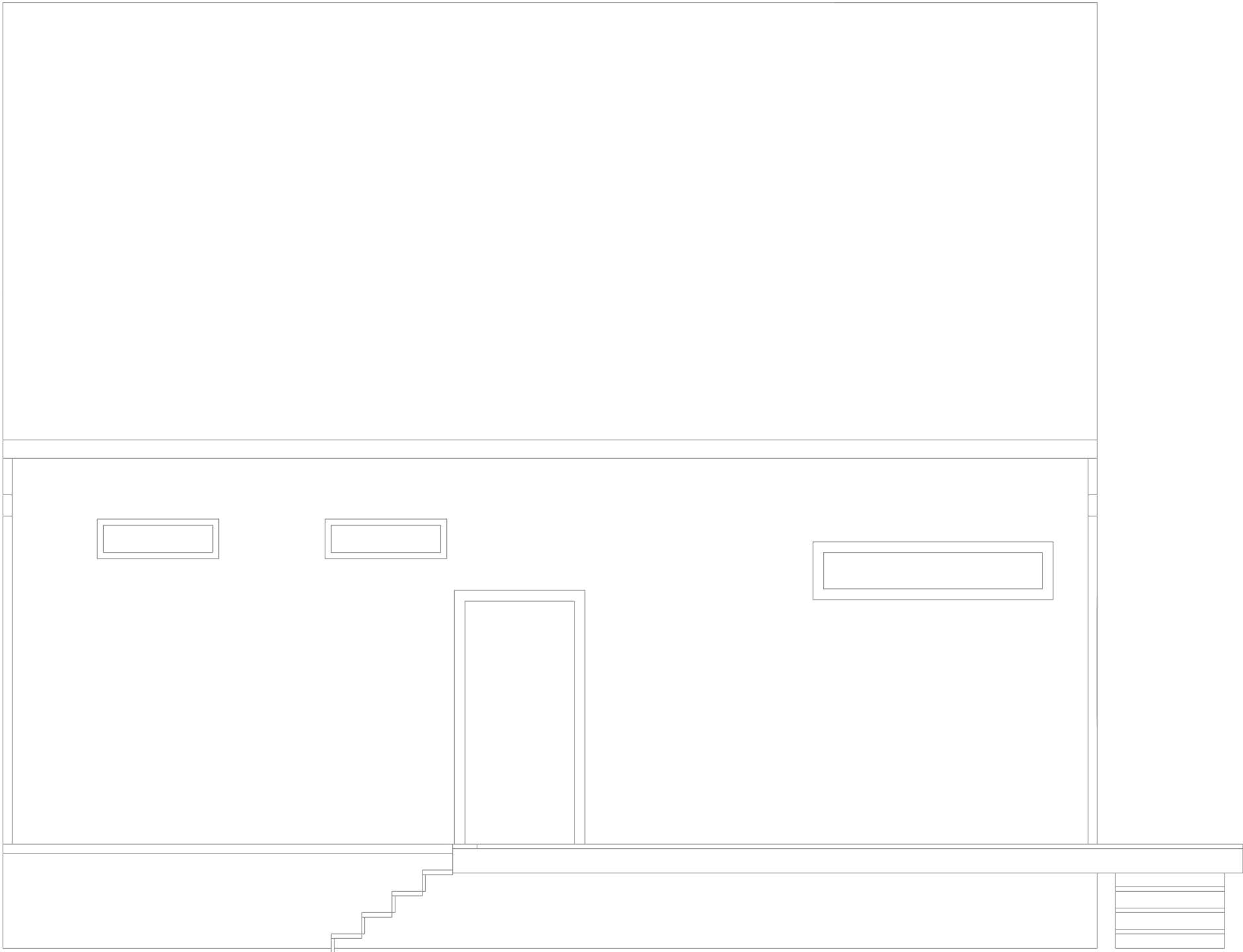
409 Grayson Ave

Grayson Ave

Existing Parking

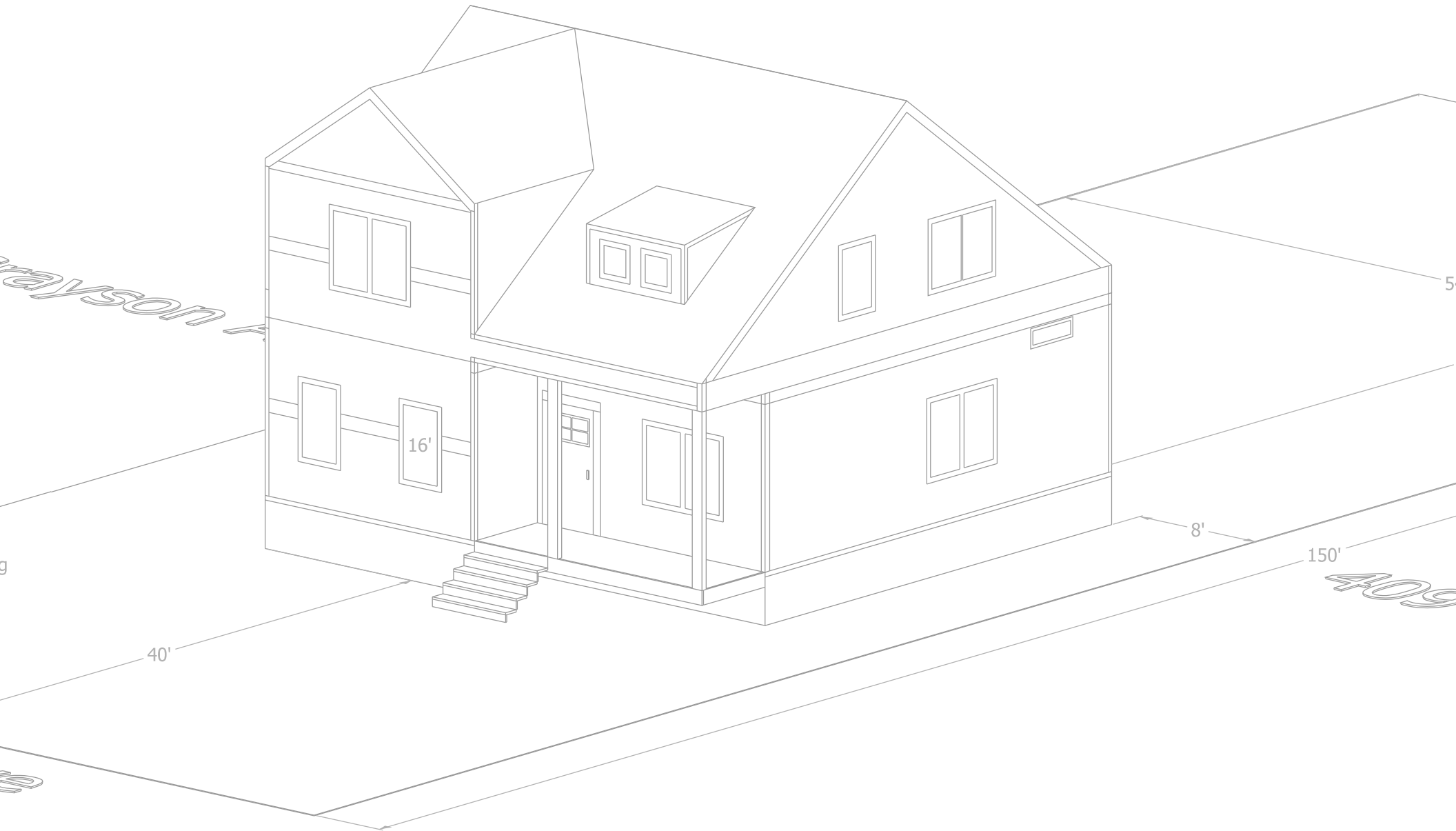


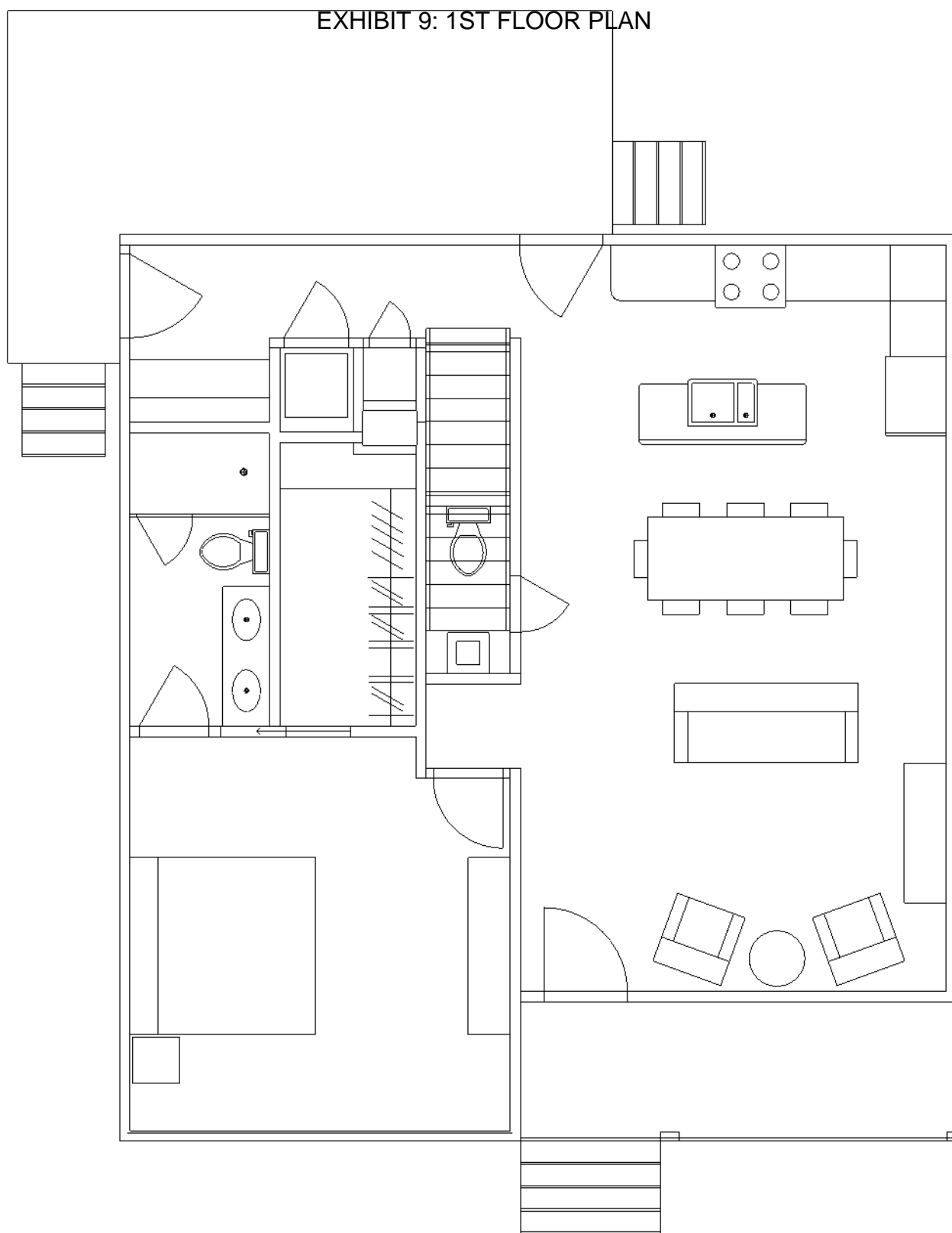


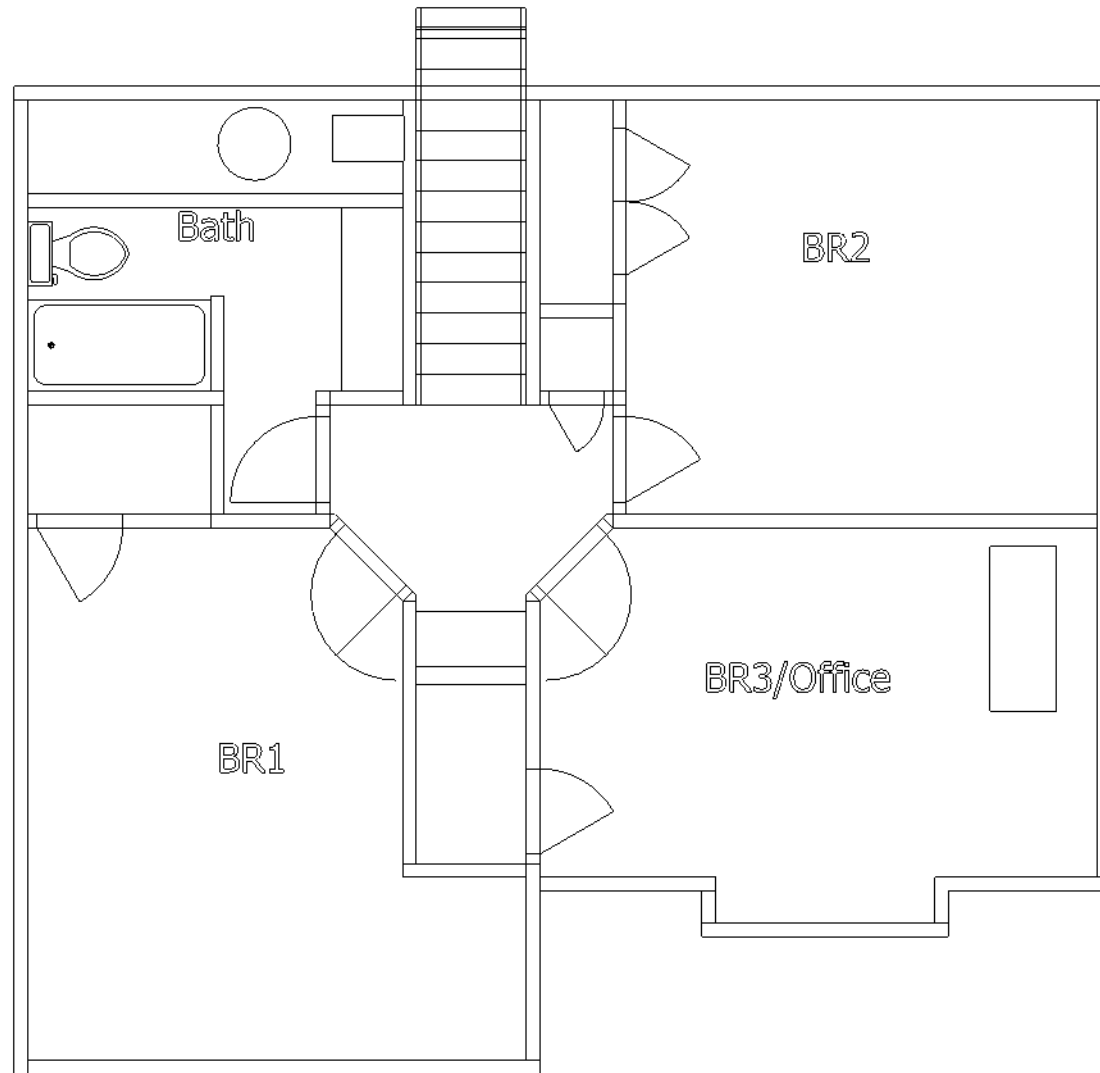














VAR2021-00003

Adam Balas

Staff Report for the Board of Zoning Appeals

This report is prepared by the Planning Department staff to assist the Board of Zoning Appeals in considering this application. Additional information may be submitted by interested parties at the public hearing, and the final decision to grant or deny the application is reserved by law to the Board.

Public hearings: February 25, 2021 Pending

Property Identification and Location:

Property owner: Adam Balas

Applicant: Adam Balas

Representative: Enoch Pou, Jr., PFVCD, LLC

Relationship: Project Manager

Type of request: Lot width: 54 feet where the Code requires 65 feet

Intended use: Build a one-family dwelling

Property address: 411 Grayson Avenue

Parcel Number: 793-740-0258

Property acreage: 8,100 square feet (0.186 acre)

Subdivision: Confederate Heights

Magisterial District: Fairfield

2026 Comprehensive Plan Recommendation: Suburban Residential 1 (SR1)

Zoning of Property: R-3, One-Family Residence District

Zoning of Surrounding Property:
North: R-3, One-Family Residence District
West: R-3, One-Family Residence District
South: R-3, One-Family Residence District
East: R-3, One-Family Residence District

Staff Contact: R. Miguel Madrigal

BACKGROUND

The subject property is located approximately 0.2 miles west of the Richmond Raceway. It is part of the Confederate Heights subdivision, recorded May 8, 1916, and revised March 25, 1940. The property consists of an undeveloped, 54-foot-wide by 150-foot-deep lot purchased by the Fields family in 1945. The property, including the two adjacent parcels to the east, addressed as 413 and 417 Grayson Avenue, were sold to the applicant on December 21, 2020, from the Fields family.

The lot is zoned R-3, One-family Residence District. For lots of record prior to 1960, the R-3 district requires a minimum lot area of 8,000 square feet and a minimum lot width of 65 feet for a dwelling served by County water and sewer. Although it meets the required lot area, because the lot is only 54 feet wide, it is 11 feet short of the minimum lot width requirement. The applicant is requesting a variance to construct a two-story, 1,600-square-foot dwelling on the property.

EVALUATION OF THE THRESHOLD REQUIREMENT (Code of Virginia, § 15.2-2309)

A variance should be granted only if the applicant proves one of the following:

- ***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, or***
- ***that the granting of the variance would alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability.***

The subdivision was established prior to the adoption of the County's first zoning ordinance in 1933. When the lot was originally platted, it was only 35 feet wide. The 1940 resubdivision resulted in the widening of the lot to 54 feet. This modification occurred prior to the establishment of the 65-foot lot width requirement. The subject lot was purchased by the Fields family in November 1945, four years after the purchase and development of their adjacent home at 413 Grayson Avenue. The family owned the lot for 75 years.

Because the lot was created prior to the effective date of the zoning ordinance, the family had a reasonable expectation to develop the lot. The applicant purchased the property with an understanding that a variance would be required but also had a reasonable expectation that the lot could be developed due to its history. Absent a variance, the lot would not have any reasonable beneficial use, which would be an unreasonable restriction.

EVALUATION OF ADDITIONAL STATUTORY REQUIREMENTS

If the Board concludes from the evidence that the applicant has proved one of the three threshold requirements listed above, the applicant must also prove all of the following.

(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.

It appears that the applicant acquired the property in good faith and played no role in the creation of the hardship. Because the property was established prior to the adoption of a zoning ordinance and purchased as an independent lot, the previous and current property owner had a reasonable expectation to develop it. The Supreme Court of Virginia has determined that it is not a violation of good faith for a property owner to acquire property knowing that a variance is required for its development.

(ii) The of the variance will not be of substantial detriment to adjacent and nearby property.

Although the neighborhood is predominately composed of properties ranging from 70 feet to 100 feet wide, there are examples of homes built on single, 54-foot-wide lots within the subdivision. The adjacent home to the east, owned by the applicant, was originally constructed in 1941 on a single 54-foot-wide lot. A second example on the same block as the subject property is 4501 Delmont Street, at the northeast corner of Delmont Street and Grayson Avenue. Because of these examples, staff does not anticipate a substantial detrimental impact to adjacent or nearby property. The proposed home will be consistent with the existing size of homes and development pattern on this block and within the neighborhood.

With respect to curing the lot width, the applicant is not able to provide additional land to the subject lot from his adjacent property to the east, as the existing home has a nonconforming side setback of approximately one to three feet. There is no spare land to give to the subject lot. The applicant says he attempted to acquire additional land from the adjacent property to the west, but the property owner was not interested in selling a portion of their property. As a result, the applicant has requested a variance to develop the property as it stands.

(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.

The subject lot pre-dates the zoning ordinance. It can be difficult to formulate a general regulation that addresses such lots given the wide variety of circumstances, history, and physical factors associated with this issue. As a result, such lots are best dealt with by the Board of Zoning Appeals on a case-by-case basis.

(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.

A one-family dwelling is a principal permitted use in the R-3, One-family Residence District. Approval of the variance would not result in a use variance or a change in zoning.

(v) The relief or remedy sought by the variance application is not available through a special exception or modification.

A special exception or modification is not available for the applicant's request.

CONCLUSION

The subdivision was originally recorded in 1916, prior to the adoption of a zoning ordinance in Henrico County, and resubdivided in 1940, prior to the adoption of the current lot width requirement. Although it does not meet the 65-foot lot width requirement, there are similar 54-foot lots in the neighborhood. Based on the lot's development history, the applicant has a reasonable expectation to build on the parcel. The proposed use is consistent with both the comprehensive plan and zoning designations on the property. Absent a variance, the lot would be left with no reasonable beneficial use which would constitute an unreasonable restriction on the property. Based on the facts of the case, staff recommends approval subject to the attached conditions.

Case Number: VAR2021-00003

Applicant: Adam Balas

Hearing Date: 02/25/2021

Conditions of Approval:

1. This variance applies only to the lot width requirement for one dwelling only. All other applicable regulations of the County Code remain in force.
2. Only the improvements shown on the plot plan and building design filed with the application may be constructed pursuant to this approval. Any additional improvements must comply with the applicable regulations of the County Code. Any substantial changes or additions to the design or location of the improvements will require a new variance.
3. The side yard setback on the east side (adjacent to 413 Grayson Avenue) must be 16 feet.
4. The front steps and all four sides of the foundation must be constructed of brick.
5. The applicant must obtain a building permit for the proposed dwelling by February 27, 2023, or this variance will expire. After that date, if the building permit is cancelled or revoked due to failure to diligently pursue construction, this variance will expire at that time.
6. Before beginning any clearing, grading, or land disturbing activity, the applicant must obtain approval of an environmental compliance plan from the Department of Public Works.
7. Any dwelling on the property must be served by public water and sewer.



411 Grayson Ave – street view of subject lot



View of rear of lot

VAR2021-00003



View of adjacent home to the left



View of property to the right

VAR2021-00003