



# BOARD OF ZONING APPEALS PETITION

Please return to: City of Charlottesville  
Department of Neighborhood Development Services  
PO Box 911, City Hall  
Charlottesville, Virginia 22902  
Telephone (434) 970-3182 Fax (434) 970-3182

Please submit six (6) copies of this application and all attachments. For an appeal, please include \$100 fee. For a variance, please include \$250 fee. Checks payable to the City of Charlottesville. All applicants must pay \$1.00 per required mail notice to property owners. Applicants will receive an invoice for these notices, and project approval is not final until the invoice has been paid.

### A. Information on Property Appealed

Address 518 Park Plaza  
Tax Map 3300 Parcel 4900  
Zoning of Parcel R15

### B. Reason for Petition (choose 1, 2 or 3)

- Administrative Review (Sec 34-137 of the Zoning Code), the Zoning Administrator has:
  - Denied a Building Permit
  - Denied a Provisional Use Permit
  - Denied a Sign Permit
  - Other

Reasons for denial (City Code Sections): \_\_\_\_\_

- Variances (as outlined in Sec 34-136). The petitioner believes a variance should be granted for the following reasons:

- Strict application of the ordinance would produce undue hardship.
- The hardship is not shared generally by other properties in the same zoning district and vicinity.
- The authorization of the variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by the granting of the variance, *and*
- 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.

- Interpretation Zoning District Boundaries (as outlined in Sec 34-6).

### C. Petitioner Information

Name Nicholas J Reppucci  
Address 518 Park Plaza  
Charlottesville VA 22902  
Phone (W) 434-951-6300 (H) 434-962-8126  
Email NTKone@hotmail.com

### D. Property Owner Information (if not petitioner)

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Phone (W) \_\_\_\_\_ (H) \_\_\_\_\_  
Email \_\_\_\_\_

### E. Attachments to be submitted by Petitioner:

A map of property showing the location of existing improvements and demonstrating the reason for the petition. The petitioner is also encouraged to provide any additional information, drawings, photographs, etc. that will help the Board understand the reason for the petition.

### F. Property Owner Permission (if not petitioner)

I have read this petition and hereby give my consent to its submission.

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

### G. Petitioner's Signature

I hereby request that the Board of Zoning Appeals review this petition and that a decision on the above referenced Zoning Code sections be made. (Signature also denotes commitment to pay invoice for required mail notices.)

[Signature] 1/12/22  
Signature of Petitioner \_\_\_\_\_ Date \_\_\_\_\_

### For Office Use Only

BZA Case Number \_\_\_\_\_

BZA Action \_\_\_\_\_

Accepted by \_\_\_\_\_ Date \_\_\_\_\_

Fee Paid \_\_\_\_\_ Cash/Check # \_\_\_\_\_ Date Received \_\_\_\_\_ Received By \_\_\_\_\_

January 12, 2022

City of Charlottesville  
Board of Zoning Appeals  
PO Box 911  
Charlottesville, VA 22902

Re: Petition supplement explaining why a variance should be granted (Sec. B2(a) – B2(d)), supported by staff.

First, please accept this apology: last year, we were under the mistaken impression that rebuilding and improving upon our existing garage foundation was grandfathered. When Covid-19 came along we felt desperate to improve our cramped indoor living space, so we jumped into the project. Improvements like this are common in the area. Please understand that our small, steep property creates an extraordinary challenge. There is no way we can accommodate our family here without a setback variance.

Second, we have prepared scale drawings of the project which we believe meet building code requirements and we are prepared to pay City application and inspection fees.

We are not wealthy people; we are public servants. We have invested our savings, in an attractive, energy-efficient structure that improves our family's neighborhood and makes it possible for our growing family to stay here. Please help us work this out.

Sincerely,

   
Nicholas Reppucci and Margarita Caldentey

**Supplement to Charlottesville Zoning Board of Appeals Form (Sec. B2(a) – B2(d)), reasons we believe a setback variance should be granted.**

**A) Strict application of the ordinance would produce undue hardship:**

Denial of the requested variance will result in undue hardship for my family’s well-being, quality of life, and financial stability. Denial will severely impact the functionality and livability of our family’s property. We acted in good faith, firmly believing that if we repaired and rebuilt a Non-Conforming Structure (34-1140) by using the existing footprint/foundation, that this was permitted. If the request of variance is not granted, we will ultimately need to move from our home of 22 plus years. Furthermore, given the reality of current real estate prices in the City of Charlottesville, our family will probably be forced to relocate out of the City, resulting in moving our daughters from their school district, something we absolutely do not want to do. Nor do we want to lose our neighbors. A denial of our variance request would create an undue hardship. In addition, 518 Park Plaza will be seen as a property that does not work for families with multiple children. This would be in direct conflict with the City’s stated goal of increased downtown density, a policy delineated in the City of Charlottesville’s Comprehensive Plan.

We are a family of five: husband, wife, and three daughters (13-year-old and 9-year-old twins). Our house has an open concept: kitchen, breakfast nook and living room without any walls at ground level, 3 upstairs bedrooms, 2 bathrooms, and a few nooks and crannies. We love this place and we knew that our house would be small when we unexpectedly got pregnant in 2012 with our twin girls. However, we were committed to making the space work for our growing family. We reconciled not having a yard/outdoor space for our daughters to play in because downtown offers many amenities in walkable distance. What we didn’t foresee, was that as our girls grew older, the space would become too small for all of us. Sadly, COVID-19 pandemic made it quite impossible to ignore the need for more livable space for our family’s mental health and well-being. We decided to invest in improving our home.

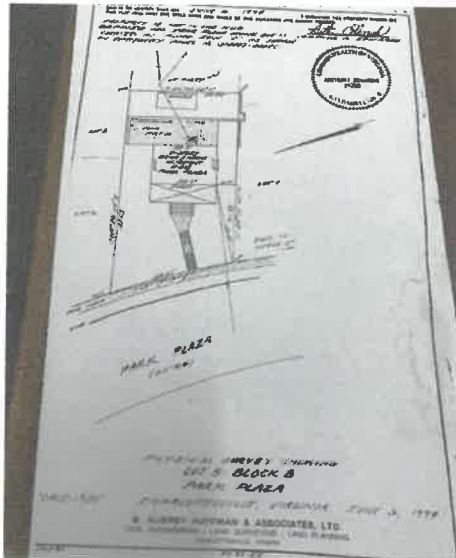
The accessory structure that we have repaired and improved will serve us well. It will be used as a family room providing a safe indoor space for our daughters to spend time together and with their friends. It will furnish our family with a private and quiet space for our girls to do their schoolwork and it will provide much needed (clean, dry, vermin-free) storage space.

Please take in consideration that our eldest daughter’s bedroom is approximately 8x9 feet, and our twins share a bedroom that is approximately 8x11.5 feet. Their rooms work well for sleeping, but not for studying, playing, or spending time with their friends.

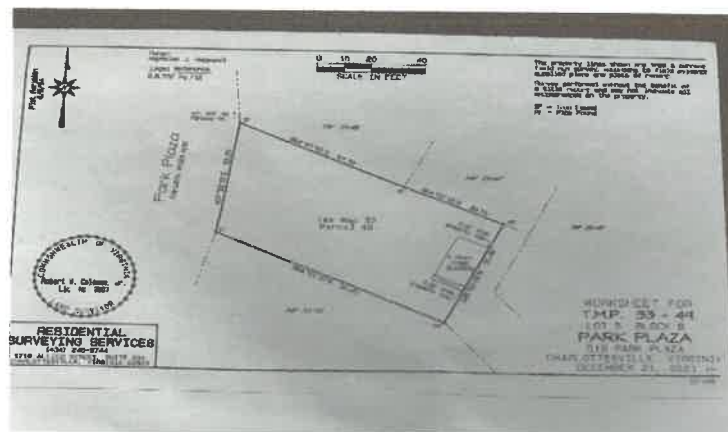
In addition, when we have guests (adults or children) they have to sleep on the living room couch as we do not have a guestroom. Nonetheless, we love our home and neighborhood for many reasons: our girls walk or bike to school, we walk or bike to work, we enjoy easy access to the downtown mall and it associated public amenities, and we have good neighbors. For emotional and financial reasons, we very much want to stay in our home. It is impossible to expand our house without violating the rear setback as our back door is exactly 25 feet from our rear property line.

**Supplement to Charlottesville Zoning Board of Appeals Form (Sec. B2(a) – B2(d)), reasons we believe a setback variance should be granted.**

The old accessory structure (garage/shed) had a concrete foundation measuring approximately 11'x 18 and probably was built at same time as our house in the 1920s. Below are surveys of my property from 1984 and 1994 that clearly show the existence of the structure.



Also for your review is a recent survey that shows the location of our new structure.



Without a variance that permits us to finish remodeling the existing accessory structure, our property will never functionally work for our family or future families with multiple children. We will very likely be forced to move. This will run counter to the stated policy of Charlottesville's Comprehension plan.

**Supplement to Charlottesville Zoning Board of Appeals Form (Sec. B2(a) – B2(d)), reasons we believe a setback variance should be granted.**

**B) The hardship is not shared generally in the same zoning district and vicinity:**

The characteristic of our lot’s landscape and our family structure are not shared with our neighbors. To help conceptualize our situation, below is a table with basic neighborhood data as well as a map of our neighborhood pulled from Charlottesville GIS Viewer web page. Please note that the occupancy information is based on our familiarity with our neighbors/neighborhood.

Address	Zone	State code	Acreage	Acre in SqFt	SqFt Finished Living	Occupancy			SqFt Finished Living per person
						Total	# adults	#children	
518 Park Plaza	R-1S	1.0 Residential (Urban)	0.1120	4878.72	1493	5	2	3	299
315 Hedge	R-1S	1.0 Residential (Urban)	0.0900	3920.4	1111	3	2	1	370
404 Hedge	R-1S	1.0 Residential (Urban)	0.1000	4356	1560	3	2	1	520
322 Parkway	R-1S	1.0 Residential (Urban)	0.1890	8232.84	1590	3	2	1	530
313 Parkway	R-1S	1.0 Residential (Urban)	0.1090	4748.04	1706	3	2	1	569
526 Park Plaza	R-1S	1.0 Residential (Urban)	0.1700	7450.2	2328	4	2	2	582
514 Park Plaza	R-1S	3.0 Multi-Family	0.1400	6098.4	1833	3	3	0	611
502 2nd St NE	R-1S	1.0 Residential (Urban)	0.1240	5401.44	1848	3	2	1	616
324 Parkway	R-1S	1.0 Residential (Urban)	0.1660	7230.96	1284	2	2	0	642
317 Parkway	R-1S	1.0 Residential (Urban)	0.1230	5357.88	1348	2	2	0	674
321 Parkway	R-1S	3.0 Multi-Family	0.1400	6098.4	1404	2	2	0	702
521 Park Plaza	R-1S	1.0 Residential (Urban)	0.1100	4791.6	1434	2	2	0	717
332 Parkway	R-1S	1.0 Residential (Urban)	0.1600	6969.6	2208	3	2	1	736
310 Hedge	R-1S	1.0 Residential (Urban)	0.0880	3833.28	1606	2	2	0	803
329 Parkway	R-1S	1.0 Residential (Urban)	0.1600	6969.6	2432	3	2	1	811
436 3rd St NE	R-1S	3.0 multi-Family	0.1270	5532.12	1728	2	2	0	864
537 2nd St NE	R-1S	1.0 Residential (Urban)	0.1600	6969.6	2745	3	1	2	915
440 3rd St NE	R-1S	1.0 Residential (Urban)	0.1220	5314.32	1882	2	2	0	941
508 Park Plaza	R-1S	1.0 Residential (Urban)	0.1410	6141.96	1944	2	2	0	972
505 Park Plaza	R-1S	1.0 Residential (Urban)	0.1100	4791.6	2109	2	2	0	1055
311 Parkway	R-1S	1.0 Residential (Urban)	0.0850	3702.6	1163	1	1	0	1163
527 Park Plaza	R-1S	1.0 Residential (Urban)	0.3140	13677.84	1174	1	1	0	1174
309 Parkway	R-1S	1.0 Residential (Urban)	0.1210	5270.76	1200	1	1	0	1200
316 Parkway	R-1S	1.0 Residential (Urban)	1.1220	5314.32	2410	2	2	0	1205
535 2nd St NE	R-1S	1.0 Residential (Urban)	0.1760	7666.56	1258	1	1	0	1258
500 Park Plaza	R-1S	1.0 Residential (Urban)	0.1300	5662.8	1444	1	1	0	1444
523 Park Plaza	R-1S	1.0 Residential (Urban)	0.1100	4791.6	1497	1	1	0	1497
201 Parkway	R-1S	1.0 Residential (Urban)	0.0730	3179.88	1523	1	1	0	1523
401 Hedge	R-1S	1.0 Residential (Urban)	0.1200	5227.2	1560	1	1	0	1560
336 Parkway	R-1S	1.0 Residential (Urban)	0.1600	6969.6	3254	2	2	0	1627
510 Park Plaza	R-1S	1.0 Residential (Urban)	0.1410	6141.96	1810	1	1	0	1810
205 Parkway	R-1S	1.0 Residential (Urban)	0.1200	5227.2	2041	1	1	0	2041
330 Parkway	R-1S	1.0 Residential (Urban)	0.1600	6969.6	2468	1	1	0	2468
325 Parkway	R-1S	1.0 Residential (Urban)	0.1160	5052.96	1248				
307 Parkway	R-1S	1.0 Residential (Urban)	0.1260	5488.56	1168				
507 Park Plaza	R-1S	1.0 Residential (Urban)	0.1120	4878.72	1215				
405 Hedge	R-3	1.0 Residential (Urban)	0.0700	3049.2	1976				
408 Hedge	R-1S	1.0 Residential (Urban)	0.1100	4791.6	908				
407 Hedge	R-3	1.0 Residential (Urban)	0.1100	4791.6	1753				
403 Hedge	R-1S	1.0 Residential (Urban)	0.1100	4791.6	1550				
406 Hedge	R-1S	3.0 multi-Family	0.1100	4791.6	860				
421 4th St NE	R-1S	1.0 Residential (Urban)	0.0920	4007.52	1417				
419 4th St NE	R-1S	1.0 Residential (Urban)	0.1010	4399.56	1768				
506 2nd St NE	R-1S	1.0 Residential (Urban)	0.1660	7230.96	1653				
504 2nd St NE	R-1S	1.0 Residential (Urban)	0.1390	6045.84	2587				



**Supplement to Charlottesville Zoning Board of Appeals Form (Sec. B2(a) – B2(d)), reasons we believe a setback variance should be granted.**



The topography of 518 Park Plaza is unusual for North Downtown. The lot is extremely steep with a very small backyard. Because the front of our house is aligned with all the other houses along Park Plaza, we have a large unusable steep front yard and tiny backyard. We have a set of 24 steep steps to access our home from the street (Park Plaza).



**Supplement to Charlottesville Zoning Board of Appeals Form (Sec. B2(a) – B2(d)), reasons we believe a setback variance should be granted.**

Our Park Plaza neighbors at 514, 510, 505, and 500 all have nice deep and flat backyards. Our property has 2 retaining walls in the backyard, that also speak to the abruptness of the landscape of our lot; none of our neighbors have a retaining wall in the middle of their backyard.



We are currently the only family in our neighborhood with 3 children living in the home. There are many homes with just one person or married couples over the age of 60, a few families with 1 or 2 children, and several more transient renters. None of our neighbors are in our situation: in urgent need of more space to accommodate a family with 3 children in a topographically challenged lot for expansion.

**Supplement to Charlottesville Zoning Board of Appeals Form (Sec. B2(a) – B2(d)), reasons we believe a setback variance should be granted.**

**C) The authorization of the variance will not be of substantial detriment to the adjacent property, and the character of the district will not be changed by granting of the variance:**

We believe that granting the variance will not change the character of our neighborhood, nor will it be a detriment to the adjacent property for the reasons we explain below.

Prior to remodeling of our shed, we discussed our plans with our abutting neighbors. They were all very supportive of our effort to create more livable space for our family. The structure increases privacy between our house and our neighbors by eliminating direct site lines between our respective second floor windows. We have included letters of support from abutting neighbors, as well as several other letters from nearby neighbors for your review.

The urban and architectural design of the new structure is substantially more attractive than our old, dilapidated shed. We are planning to incorporate in the new structure the corrugate metal and antique wood floor form the original shed that has the virtue of age that you cannot get anywhere else, to preserve the original look and character.

There are several sheds and cottages in our neighborhood. Looking at the City of Charlottesville GIS Viewer, many of these structures appear to be in violation of setbacks. As we walk the neighborhood, we see many examples of this. For instance, our neighbor at 401 Hedge St. with whom we share our alley, has built a rather large accessory structure from the footprint of an old shed as shown in pictures below.



The above neighboring accessory structure of 2,017 sq.ft finished living space which, is much bigger and taller than the primary house. This might be a variance - in plain sight of our small backyard.

Our neighbors at 514 and 510 Park Plaza, with whom we also share our alley, have also old structures, that are very similar to our garage we repaired that also appear to be in violation of the current setbacks.



**Supplement to Charlottesville Zoning Board of Appeals Form (Sec. B2(a) – B2(d)), reasons we believe a setback variance should be granted.**

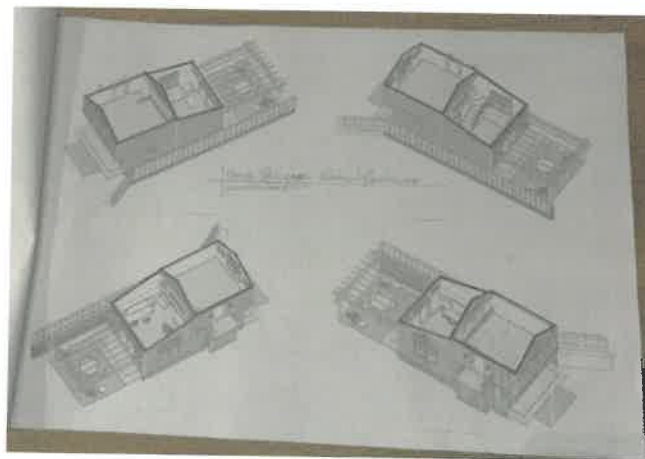
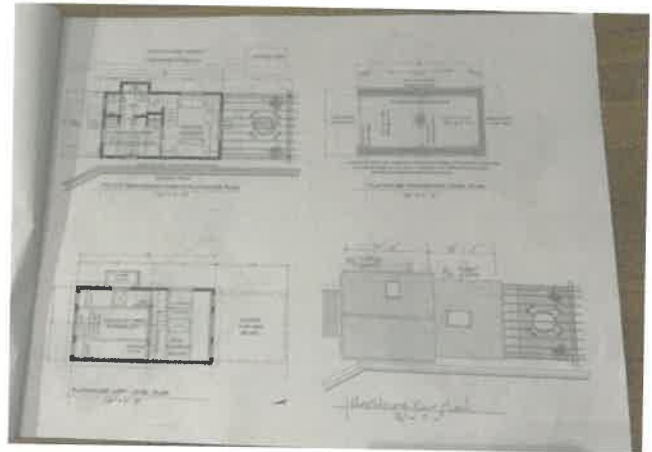
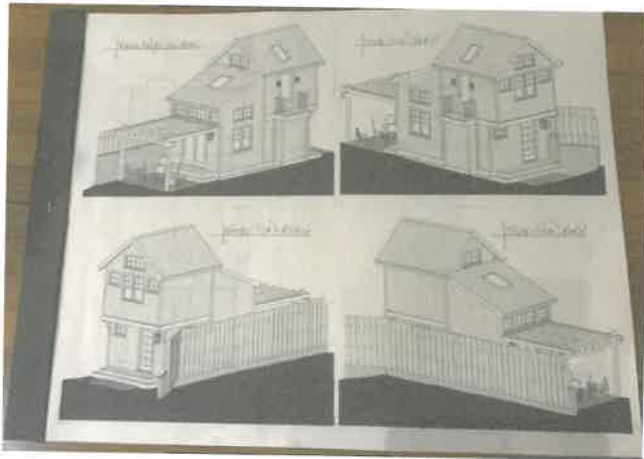
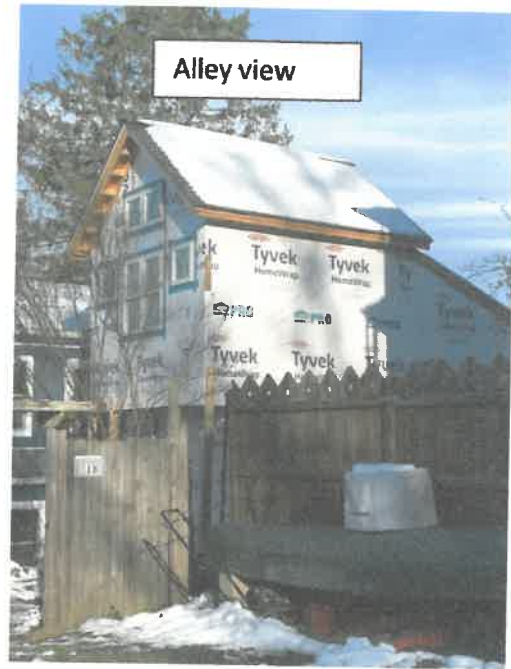
Additionally, from our front door we can clearly see tall accessory structures in the back yards of our neighbors at 502 and 506 in 2<sup>nd</sup> street NE.



We are zoned R-1S 1.0 (single family-small) just like all of our close neighbors. few exceptions that are zone 3.0 Multi-Family. Our next-door neighbor at 514 Park Plaza has 3 apartments for rental. Additionally, the structure/house at 401 Hedge St. is now an Airbnb with different guests nightly.

Our improved structure will be used exclusively to accommodate the need for clean, dry, indoor space our nuclear family. The new structure has an attractive designed that enhances the look of our neighborhood. Furthermore, you will not be able to see the structure from the main entrance on Park Plaza, only from our alley or from Parkway. It does not change the character of our neighborhood

**Supplement to Charlottesville Zoning Board of Appeals Form (Sec. B2(a) – B2(d)), reasons we believe a setback variance should be granted.**



**Supplement to Charlottesville Zoning Board of Appeals Form (Sec. B2(a) – B2(d)), reasons we believe a setback variance should be granted.**

**D) 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:**

We believe that our situation will not be of a recurring nature so as to present the need for a general amendment to the ordinance. That need has already been recognized in the revised Charlottesville Comprehensive plan. Our neighborhood average about 2.1 people per household and there is roughly 1,027 sq.ft. finished living space per person. Though our house is wonderful, it is small: we have under 300 sq.ft. per person. We need more space and we are deeply invested in this neighborhood. Again, we are the only family with 3 children in our neighborhood. At present, none of our current neighbors have the urgent need to create more space. Our very small lot with its steep front yard slope leaves no option for expansion but to remodel our existing garage.

■ RICHARD PRICE ARCHITECT:  
■ URBAN DESIGN + DEVELOPMENT

5 January 2022

Board of Zoning Appeals  
City of Charlottesville  
PO Box 911  
Charlottesville, VA 22902

RE: Letter of support  
Zoning appeal, 518 Park Plaza, Charlottesville

Board Members:

I am a registered architect and neighbor of Mr. Reppucci and Ms. Caldentey. They recently asked me for my opinion of their situation, as both an architect and neighbor, after receiving a stop work order on the project.

Their house and accessory building are clearly visible from our house. The massing, scale and character of the re-built shed is entirely in keeping with the general character of other houses in the neighborhood, and my wife and I fully support their request to be granted a variance.

It is clear in reviewing the topography and configuration of their house and lot that they had limited options for adding living space. Many of the lots in our immediate neighborhood are small, oddly configured or have challenging topography, and hence cry out for a more flexible approach to setbacks than is permitted under the current Zoning Ordinance.

I don't doubt that Mr. Reppucci acted in good faith in renovating his shed. I have been working with codes and ordinances for more than 40 years, and can attest that the Zoning Ordinance can be confusing even to a seasoned professional.

Finally, the mapped but unimproved alley to the rear of the property acts like a de facto rear yard setback. The renovated shed is hence an equivalent distance away from the property line of the adjacent property at 316 Parkway St, and so does not unduly encroach on their property.

We appreciate your consideration, and hope that you will grant Mr. Reppucci and Ms. Caldentey the variance they are requesting.

Sincerely



Richard Price, AIA

January 11, 2022

Nicholas Wispelwey  
526 Park Plaza  
Charlottesville, VA 22902

Board of Zoning Appeals  
City of Charlottesville  
PO Box 911  
Charlottesville, VA 22902

Zoning Board Members,

We are next door neighbors of Mr. Reppucci and Ms. Caldentey, writing in favor of their zoning appeal at 518 Park Plaza.

We were approached by Nick and Margarita when they proposed replacing their shed with livable space and it was obvious that their need was great and their options limited. Modernizing an existing structure using an original footprint seemed the ideal choice for both additional space and a cost effective solution on a limited lot. They consulted with adjacent neighbors regarding their plan, they received input and no one raised any objections to the replacement of the existing structure. The current structure is what they described and is fully in keeping with the character of the neighborhood, and in particular, their home.

In light of the recent recommended changes to the city zoning, I find it interesting that this is a zoning issue. As far as I am aware, the two adjacent lots to this property, one of which we are owners, are now currently slated as medium density, meaning four to twelve unit apartment buildings could be built on those parcels. Both are smaller than the parcel in question. The existing structure seems hardly an encroachment on the neighborhood in light of those recent changes.

All this is to say that we support the zoning appeal and ask that you find in favor of Mr. Repucci and Ms. Caldentey.

Thank you for your service to the community,

Nick and Claudine Wispelwey

A handwritten signature in cursive script, appearing to read "Claudine Wispelwey".



January 8, 2022

Board of Zoning Appeals  
City of Charlottesville  
PO Box 911  
Charlottesville, VA 22902

RE: Letter of support  
Zoning appeal, 518 Park Plaza, Charlottesville

Board Members:

We are the property owners of 316 Parkway Street (Park Plaza T.M.P. 33-46, lot 9, Block B) and share the adjacent alley that borders the property of Mr. Reppucci and Ms. Caldentey (Park Plaza T.M.P. 33-49, lot 5, Block B).

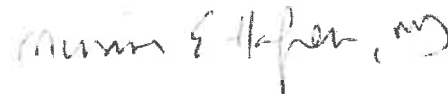
We support the requested property border variance to accommodate the renovated shed. The footprint of the new construction is identical to the shed that previously existed on their property and remains at the exact distance from our property as before. Prior to any construction, Mr. Reppucci and Ms. Caldentey discussed their plans for the renovation and sought our approval for which we readily gave consent.

Thank you for considering this supportive letter to grant a variance as requested by our neighbors.

Sincerely,



Robert A. Sinkin  
[rsinkin@virginia.edu](mailto:rsinkin@virginia.edu)



Miriam E. Halpern  
[miryumyum7@gmail.com](mailto:miryumyum7@gmail.com)

316 Parkway Street  
Charlottesville, VA 22902  
434-962-1385

January 4, 2022

To: Board of Zoning Appeals

As a neighbor at 510 Park Plaza, I am pleased to see the construction of an accessory structure behind the Reppucci's house at 518 Park Plaza. I have a clear view of it from my back garden, and I like the way the design of the new construction fits in harmoniously with the main house and with the neighborhood. Living close to the project since it began last year has allowed me to see that the builders are experienced and skillful and that they are using only the best quality of materials. I would be happy to have them work on my own house.

The presence of families with young children who will grow up here is an asset to our neighborhood. As families grow, it is normal for them to need additional space, and the accessory structure at 518 will accommodate the three Reppucci daughters as they become teenagers. Many of the houses in our neighborhood have had similar accommodations made to their original structures. That pattern has made long-term ownership more feasible for families. I think that is one reason that property values have continued to rise here.

I look forward to having the Reppucci family as my neighbors in the years ahead.

Sincerely, *Mary B. McKinley*

Mary McKinley  
Douglas H Gordon Professor Emerita of French  
University of Virginia

January 10, 2022  
Board of Zoning Appeals  
City of Charlottesville  
PO Box 911  
Charlottesville, VA 22902

RE: Letter of support  
Zoning appeal, 518 Park Plaza, Charlottesville

Dear Board Members:

We are writing in support of Nick Reppucci and Margarita Caldentey completing construction of the detached structure behind their house.

Nick and Margarita have been great neighbors and our families have been close for years. They also are caring people and conscientious city residents — Nick is a public defender and Margarita works at UVA.

Our daughters have been friends since meeting at Burnley-Moran Elementary and now are in eighth grade together. The Reppucci's also have twin girls, now in fourth grade. They have mentioned the need for extra space so that all five of them can enjoy their individual activities and space, as well as host friends for playdates and social gatherings. The Reppucci's began construction in order to meet this goal, with a beautiful structure that complements our neighborhood.

We wholeheartedly encourage you to approve the Reppucci's request, in order to provide this additional living space for their family. Please contact us if we can address any additional questions or concerns that you might have.

Thank you,

Stephanie and Steve Bolton  
332 Parkway Street  
[stephaniebolton@me.com](mailto:stephaniebolton@me.com)  
[sboltonva@gmail.com](mailto:sboltonva@gmail.com)  
434.882.0287