



BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JULY 2, 2025

On Wednesday, July 2, 2025, 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 June 18 and 25, 2025 and written notice having been sent to interested parties.

Members Present: Rodney M. Poole, Chair
 Mary J. Hogue
 Bryce L. Robertson
 Susan Sadid
 Charles L. Menges

Staff Present: Roy W. Benbow, Secretary
 William C. Davidson, Zoning Administrator
 Brian P. Mercer, Planner
 Neil R. Gibson, Senior Assistant City Attorney

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.

BZA 23-2025

APPLICANT: Barbara Hughes

PREMISES: 1830 BOTETOURT STREET
 (Tax Parcel Number N000-0945/001)

SUBJECT: An appeal of Barbara Hughes regarding the denial of a request for a sign permit (revision) to erect a forty-three foot (43') 960 square foot off-premises sign (billboard) on the property known as 1830 BOTETOVRT STREET (N000-0945/001). The section of the zoning ordinance at issue is 30-446.2(46).

APPEAL was filed with the Board on May 13, 2025, based on Section 17.20(a) of the City Charter.

APPEARANCES:

For Applicant: Steve Hughes

Against Applicant: William Davidson

CITY OF RICHMOND
BOARD OF ZONING APPEALS

PUBLIC HEARING

Wednesday, July 2, 2025

1:00 p.m.

City Hall, 5th Floor

900 East Broad Street

AN APPEAL OF BARBARA HUGHES

BZA 23-2025 1830 BOTETOURT STREET

ZONING ORDINANCE 30-446.2(46)

Reported by: Crane Sned & Associates, Inc.

(804) 355-4335 info@crane-sned.org

1 Appearances:

2

3 Roy W. Benbow, Secretary

4 Brian P. Mercer, Planner, Planning & Policy

5 Neil R. Gibson, Senior Assistant City Attorney

6 William C. Davidson, Zoning Administrator

7

8 Board Members

9 Rodney M. Poole, Esq., Chairman

10 Susan Sadid, Member

11 Bryce Robertson, Member

12 MaryJane Hogue, Member

13 Charles Meges, Member

14

15 Appellant Representative

16 Steve Hughes

17 Hughes Outdoor Media, LLC

18

19

20

21

22

23

24

25

1 P R O C E E D I N G S

2 MR. POOLE: Good afternoon, ladies and
3 gentlemen. This is a regular monthly meeting of the
4 Board of Zoning Appeals in the City of Richmond. The
5 meeting is being held in-person participation,
6 electronic participation, operated by Microsoft Teams.

7 The Board is compromised of five of your
8 fellows, appointed by the Circuit Court, and served
9 without compensation.

10 Three affirmative votes are required to
11 prove any variant, special exception, or grant an
12 appeal. The Board is assisted by a secretary, who has
13 no voting power, a zoning administrator and his
14 assistant is present, but do not vote.

15 The Board's powers are very limited and
16 set forth by the Code of Virginia, the City Charter, and
17 the Richmond City Code.

18 The Board does not have the power to
19 rezone property. It may only grant variances from
20 specific zoning requirements as they apply to the
21 particular property or grant appeals from the decisions
22 of the zoning administrator or grant certain exception
23 to the zoning regulation.

24 The Board's proceeding is informal but we
25 do adhere certain rules. We ask that those persons

1 expected to testify in these case be worn sworn in. And
2 when the case is called, the case will be heard in the
3 order in which they that I appear on the docket.

4 First we will hear from the applicant and
5 others who wish to be heard in favor of the case, and
6 finally from persons in opposition.

7 In the case of variance and special
8 exception request, the applicant, proponents, or persons
9 under 15.2-2314 of the Code of Virginia. You will be
10 permitted a total of six minutes each to present their
11 case.

12 The Board will withhold questions until
13 the conclusion of the presentation. Rebuttal may be
14 permitted at the discretion of the Board which shall be
15 limited to correction and clarification and factual
16 testimony already presented, and rebuttal shall not
17 exceed five minutes.

18 In the case of an appeal of the decision
19 of the zoning administrator, the zoning administrator
20 and the appellant or the appellant's representative
21 shall be permitted a total of 10 minutes to present
22 their case in chief and their rebuttal.

23 The zoning administrator and the
24 appellant or appellant's representative shall be
25 required prior to beginning their presentations to

1 declare to the Board how many of their allotted minutes
2 shall be devoted to their case in chief and their
3 rebuttal.

4 Following the presentations of the zoning
5 administrator and the appellant or appellant's
6 representative, other interested parties shall be
7 permitted a total of 10 minutes to present their views.

8 Interested parties are defined as a
9 property owner other than the appellant whose property
10 is the subject of an appeal, and the neighborhood
11 constituency consisting of neighbors and neighborhood
12 associations.

13 After all of the cases have been heard,
14 the Board will decide each case in the order that they
15 were heard. When you are attending in person or
16 participating electronically, you will have the
17 opportunity to observe the Board's deliberations
18 regarding your case.

19 The Secretary of the Board will notify
20 each applicant in writing with the decision of the
21 Board. In the event you have difficulty accessing the
22 public hearing, you may contact Mr. William Davidson at
23 804-396-5350, or by e-mail at Chuck.Davidson@rva.gov for
24 assistance.

25 We would like to inform those of you

1 attending this meeting that two of the cases BZA18-2025,
2 1308 Oak Wood Avenue, and BZA 2625, 1407 Avondale Avenue
3 will be continued. 1825 will be continued to August,
4 and 1407 Avondale Avenue will be continued to September.

5 And as we have the first case is an
6 appeal from the zoning administrator, I will swear in
7 the court reporter.

8 [NOTE: Court Reporter Sworn.]

9 MR. POOLE: Thank you very much. And the
10 first case is BZA23-2025, 1830 Botetourt Street, an
11 appeal of Barbara Hughes, regarding the denial of
12 request for a sign permit revision to erect a 43 foot
13 960 square foot off-premises sign bill board on the
14 property known as 1830 Botetourt Street. The second on
15 the zoning permits at issue is 30-446.2 Subsection 46.

16 Pursuant to our rule, the zoning
17 administrator will make his presentation first. Mr.
18 Zoning Administrator, would you please let us know how
19 many minutes you would like to reserve of your 10
20 minutes as rebuttal?

21 MR. DAVIDSON: Seven minutes and three
22 minutes on rebuttal.

23 MR. POOLE: Seven minutes for presentation,
24 three minutes for rebuttal. Proceed at your leisure.

25 [NOTE: Mr. Davidson sworn.]

1 MR. POOLE: Please proceed.

2 MR. DAVIDSON: Chairman, members of the
3 Board, my name is William Davidson, and I am the zoning
4 administrator for the City of Richmond. I am here
5 before you today on an appeal 1830 Botetourt Street.

6 I would like to provide a little background
7 before I get into the nuts and bolts of this request.
8 An appeal about the applicant's ability to erect a new
9 billboard off-premise sign interchange, the same thing,
10 to a height and size of a billboard that is already
11 located on the property.

12 That billboard existed for many years prior
13 to the current ordinance requirements. That billboard
14 is located in a zone where zoning is permitted. It had
15 nonconforming features, though. It was taller than 35
16 feet, and it was greater than 700 square street in area.

17 Mr. Hughes submitted an applicant. Mr.
18 Hughes permitted a sign permit application to erect a
19 new billboard with a digital component. That was on May
20 18, 2021, over four years ago.

21 Plans show the newly constructed
22 billboard with a digital component, and that sign was in
23 compliance with the m2 regulations.

24 My staff actually approved the permit. It
25 was permitted zoned M-2, and not exceed 35 feet in

1 height and did not exceed 700 square foot of area.

2 The zoning office approved that application
3 on July 1, 2021, and was ultimately approved by the
4 building inspection office on July 21.

5 Five days later on July 26, 2021, the
6 property was rezoned to be seven. The billboard was no
7 longer was allowed because it's not a specified use in
8 that district.

9 Before I proceed to actually get into more
10 of the root of this appeal, I would like to request the
11 Board to provide procedural ruling because I believe
12 this appeal is moot at this time.

13 And that one of the reasons is, Mr. Hughes
14 requested the revision to the approved permit in January
15 of 2025 to make it bigger and taller. That approval, or
16 that permit revision was denied on January 23. That
17 denial started the 30 day clock to appeal a denial under
18 Virginia law. The statutory time limit ran.

19 Number 2, and more important, Mr. Hughes
20 has removed the existing billboard and erected a new
21 compliant billboard, the one that was originally
22 approved prior to the revision.

23 Once that billboard was removed it was
24 gone. Any status it had regarding the previous M-2, any
25 prior status it had that he is claiming now under B-7 is

1 gone, it's up here.

2 So the appeal is asking that the Board
3 grant B-7 use status for something that the billboard no
4 longer exists being provided.

5 MR. POOLE: Well, in keeping with our
6 rules, we will take your request for determination with
7 respect to mootness in consideration when we deliberate
8 the case.

9 So we understand your request, and we
10 understand your position, but we're going to move
11 forward and allow you to finish your presentation and
12 allow the appellant to give his presentation and then we
13 will consider your motion.

14 MR. DAVIDSON: Okay. I hope everybody had
15 the opportunity to read the materials in the packet,
16 mainly the letter which created the decision on why this
17 is being appealed.

18 The B-7 language allows uses in the M-1,
19 M-2 to remain. And this is kind of the root of the
20 appeal, and classified them as not being nonconforming
21 and permits certain changes, stating they may be
22 extended, expanded, or enlarged to occupy any portion of
23 the property devoted to the use, at the time on the
24 inclusion of B-7.

25 In reading that, the zoning administrator

1 has granted great latitude interpreting words and terms
2 with the new ordinance by applying customary usage that
3 is appropriate to the contents.

4 This provision does not fit in application
5 to apply to signs and billboards but would allow M-2 use
6 of the property to expand. And example would be an
7 industrial manufacturing use to have a big lot and they
8 want to expand their M-2 operation.

9 You could build a new building under this
10 provision, but you would not be able to violate the
11 regulation that are in effect for the height of the
12 building that are under the zoning district.

13 All other reports would apply to signs and
14 everything else. It wouldn't let you go beyond the M-1
15 of the standards. It will not allow that expansion.

16 So, Mr. Hughes is claiming because of the
17 B-7 is not conforming, that he concedes regulations that
18 even the M-2 limits. His argument is they can go from a
19 district that allows the sign which has those
20 restrictions of 700 square feet and 35 feet in height to
21 go to a more restrictive district, the B-7, that does
22 not permit billboards use, but allows it to be greater
23 height and size that was regulated in the M-2. That
24 just does not make any sense.

25 If you looked at the previous zoning

1 ordinances, it was laid out.

2 You have all the districts basically
3 permitting personal uses, permitted accessory uses,
4 permitting signs. All the sign regulations were taken
5 out of all the district regulations and put into its own
6 category. That was done I think in 2001.

7 So, if you follow that sign of uses, either
8 principal or accessory, they would have had signs listed
9 in principal or accessory use regulations. They are not
10 there.

11

12 MR. BENBOW: 30 seconds.

13 MR. DAVIDSON: Okay. So, if you look at
14 the B-7 sign regulations, it specifically says you can
15 have, if you have a roof sign, that those signs could be
16 located on building utilized for uses that are permitted
17 by M-1, M-2 using allowed in the B-7.

18 So, if you consider that the sign is
19 actually used, then you would not need that provision in
20 there.

21 Signs are regulated totally differently
22 than uses. The applicant's contention is that a sign is
23 a use. The billboard is a use. And that because it's a
24 use, it is allowed under B-7. And he can expand it,
25 extend it, make it taller, make it bigger, and I

1 disagree.

2 MR. POOLE: Do we have questions for the
3 zoning administrator from of members of the board?

4 MR. MENGES: Do I understand you were
5 saying back in 2021, a determination was made by your
6 office and with the building inspector that that sign
7 could have been built then and then it was rezoned and
8 not permitted.

9 But is it your recollection that an
10 approval before the rezoning was vested in some fashion
11 when nothing was built pursuant to it?

12 MR. DAVIDSON: Well, I didn't want to get
13 into all of those nuts and bolts, but, yes. I mean, we
14 answered that. We said that the permit that was
15 approved in 2021 was okay.

16 But it complied with the underlying zoning.
17 It complied with the M-2. But what we wants to do now
18 is go to the size of the sign that he had then, a bigger
19 sign which does not comply with the M-2, or would have
20 not complied.

21 I would say that was pretty lenient because
22 the sign was approved in 2021, and there were literally
23 seven permit extensions since that time unbeknownst to
24 my office.

25 So here we ended up, a revision came in,

1 and the permit had been extended seven times or six
2 times prior to that, I'm sorry.

3 If that had come back to me for an
4 extension, I probably would have denied it back then,
5 and this might have been heard even previous even before
6 then.

7 MR. MENGES: But the fact it was not
8 actually built before the rezoning occurred is not
9 relevant? They got permit for it, but --

10 MR. DAVIDSON: Correct.

11 MR. MENGES: -- nothing was actually built?

12 MR. DAVIDSON: And then allow the permit
13 extension was granted when nothing had even occurred.
14 No hole dug. No work done. Just granted okay.

15 MS. HOGUE: And in January 25, you denied
16 it. And then after 30 days, did I hear you say?

17 MR. DAVIDSON: The statutory requirement is
18 that appeal, any denial, the witness has 30 days of the
19 denial.

20 MS. HOGUE: And we're at...

21 MR. DAVIDSON: At that time, the appeal
22 could have been filed within those 30 days.

23 MS. HOGUE: Right.

24 MR. DAVIDSON: That would have met the
25 statutory requirement but it did not. They were asking,

1 wanting some clarification on some issues. But, you
2 know, that is separate from the actual denial permit or
3 the revision.

4 So they had a valid permit. We accepted it
5 as valid. We accepted it as vested. And four years
6 have gone by and the billboard was just erected. The
7 compliance billboard, the one we approved was just
8 erected last week. Two weeks ago, the old billboard was
9 removed.

10 So again, to my thinking, you can't claim
11 rights, those rights to do the bigger sign under that
12 provision because it's no longer there. Those rights
13 when went away when he removed it.

14 MS. HOGUE: Did you say just a minute ago
15 they rebuilt what they took down or did I mishear that?

16 MR. DAVIDSON: They took the one billboard
17 down that existed that was noncompliant, they erect the
18 new one as compliant.

19 MS. HOGUE: Right. But they did not have
20 the proper permitting and things to do that?

21 MR. DAVIDSON: Well, no they had permit.
22 Like I said, they extended many times. The building
23 department says we extended this six times. We will
24 give one more bite at the Apple, but you've got to have
25 it done actually by today.

1 MR. MENGES: So the building inspector
2 issued a permit to authorize them to do it, but the
3 issuance of this building permit, are you saying was
4 contrary to the zoning?

5 MR. DAVIDSON: Well, if rezoning had
6 occurred, if the down zoning had occurred, and my
7 decision may have been he could not have gotten that
8 extension.

9 MS. HOGUE: Has the permitting office
10 talked to your office?

11 MR. DAVIDSON: They did in that case.

12 MR. BENBOW: Do you have pictures? I would
13 like to have them for the record, if you would.

14 MR. DAVIDSON: So the first two pictures
15 are the previous billboard. The top two pictures are
16 pictures of the existing or previous billboard. The
17 bottom is two are the pictures of the newly erected
18 billboards that were in place previously.

19 MS. HOGUE: And is the newly erected
20 digital?

21 MR. DAVIDSON: Yes. And it's been
22 compliant. It met the requirements as of M-2 required.
23 If was approved five days before it happened.

24 MS. HOGUE: But four years ago?

25 MR. DAVIDSON: Yes.

1 MS. HOGUE: Four plus years ago.

2 MR. POOLE: Mr. Davidson, when the permit
3 was issued on 2021 when the property was zoned M-2, it
4 was still limited in size and height. And that was
5 contained within that permit, correct?

6 MR. DAVIDSON: Correct, yes.

7 MR. POOLE: And that was less size and that
8 was on the property at that time?

9 MR. DAVIDSON: That's correct.

10 MR. POOLE: And so, subsequently, in a week
11 or two ago, the sign that is now erected that you have
12 given us a picture of, meets that criteria that was
13 granted in 2021 and meets the criteria for signage,
14 maximum signage allowed in the city, correct?

15 MR. DAVIDSON: Correct. Based on the M-2
16 criteria from prior to the down zone.

17 MR. POOLE: And if I read this paperwork I
18 have seen so far, the revision was applied for on the
19 5th of January of 2025. And then the zoning
20 confirmation letter was requested on the 21st of January
21 2025. But, although, the application for the revision
22 of the existing permit makes reference to the zoning
23 confirmation letter. I am confused.

24 MR. DAVIDSON: I don't know exactly the
25 timing, but I think Mr. Hughes submitted a letter to, I

1 guess to the office wanting clarification, saying that I
2 can use the B-7 regulations to apply to this sign to
3 allow me to make it bigger. That was, I guess, the gist
4 of what that was.

5 MR. POOLE: And then when you considered
6 that revision request, you rejected that?

7 MR. DAVIDSON: Yes. The permit was denied,
8 right.

9 MR. POOLE: And that issue was not
10 appealed?

11 MR. DAVIDSON: That's correct. So it could
12 have been appealed. And then just the way that the
13 reasoning was behind that denied, but it was not
14 appealed then, I mean.

15 MR. POOLE: Other questions from the
16 members of the board?

17 MR. DAVIDSON: The applicant makes an
18 appeal and meets the statutory requirement whether he
19 was waiting on a letter or not to say.

20 And to say, oh, well, you know, unless you
21 ask for a longer period of time, the issue had happened.

22 MR. POOLE: Other questions from the
23 members of the board?

24 [NOTE: No response.]

25 MR. POOLE: You retain three minutes of

1 rebuttal time?

2 MR. DAVIDSON: Okay.

3 MR. POOLE: Very good. The appellant
4 representative?

5 [NOTE: Steve Hughes Sworn.]

6 MR. POOLE: Please state your name and
7 proceed.

8 STEVE HUGHES: I am Steve Hughes. I am
9 actually representing the land owner who is my mother
10 Barbara Hughes. And I manage, I have a sign business
11 and I manage this sign for her.

12 I appreciate the opportunity to be here.
13 It is very confusing. I will try to clear up just a
14 couple of things. I would like to take three minutes
15 and then follow up with seven. I will try to answer
16 your questions.

17 MR. POOLE: Go right ahead. So three
18 minutes for presentation, seven minutes for rebuttal?

19 MR. HUGHES: Yes, sir. The dispute is
20 basically is the language in B-7, new B-7 zoning that
21 allows existing uses in the M-1, M-2 district to remain
22 conforming.

23 I had applied for the permit to build the
24 sign that is out there now, and that was approved when
25 we knew that that zoning ordinance was going to be

1 changed.

2 Then, when I actually saw that provision, I
3 just thought that the plain reading of that meant that
4 my existing sign that had been there for 50 years would
5 still be considered conforming to the B-7 district.

6 We applied for the permit, but I was
7 actually just going to let that go. Then, I thought
8 better do that. I better confirm this, so I applied for
9 a zoning letter actually in 2023, May of 2023.

10 And I got, it was not really processed. I
11 got some e-mails back from zoning office saying we're
12 going, that this provision does not apply to signs. I
13 said, well, I disagree, but I never got anything
14 official.

15 So, then I waited. I extended the permit a
16 couple of times, and then I applied again, officially.
17 I said I need a zoning letter. I need something in
18 writing before I let this go.

19 I was actually told that my letter had been
20 approved, which I now know does not mean that I am
21 getting what I wanted. It just means that a letter has
22 been approved, and that I would see a draft of it and
23 get to make comments.

24 At that point, I applied, I think one week
25 before that I applied to basically convert the existing

1 sign to the digital sign. Yes, we had to do some work
2 that needed building permits, but basically it be would
3 have been the same sign.

4 I am sitting here waiting, thinking I am
5 getting approval. And then in sum, I don't know the
6 exact dates, January, February, I get a denial.

7 I have a meeting with Mr. Davidson and Mr.
8 Paul, who says we would have never extended this many
9 times. I said I would not have extended it if it had
10 not been continued to be extended and I was waiting on
11 this letter.

12 So, long story short, I don't necessarily
13 think that I need to fight Mr. Davidson on the ideas
14 that the sign, the existing sign has been removed. I
15 mean, it has been removed. It has been replaced.

16 I was not really under notice. I think
17 that I needed to appeal that original decision within 30
18 days because I was expecting a letter of the zoning
19 conformity that I thought would back up my position.

20 MR. BENBOW: Three minutes.

21 MR. HUGHES: I will just take a second
22 longer. In essence, all we were seeking to do was not
23 to make the sign taller or bigger.

24 So a little, if you say it would have been
25 expanding and existing use, it was not expanding it in

1 that regard, it was changing illumination from static to
2 digital. The sign at this point has been replaced, but
3 I still don't think that makes moot the idea that this
4 provision applies to signs.

5 And to have to follow Mr. Davidson's, logic
6 that would mean that a sign is not a use under the
7 zoning ordinance, and I think that is clearly wrong.

8 It may not be a permitted use listed under
9 Section 2, but that is not what the provision of the B-7
10 zoning ordinances says.

11 MR. POOLE: Was that four minutes?

12 MR. BENBOW: 50 Seconds. You've got six
13 minutes and 10 seconds.

14 MR. POOLE: Very good. Now do we have any
15 questions for Mr. Hughes? I have a couple.

16 MR. HUGHES: Okay. I was wondering.

17 MR. POOLE: Let's start with the request
18 for the zoning confirmation lists Hughes Outdoor, LLC.

19 MR. HUGHES: Yes, sir.

20 MR. POOLE: Your appeal lists Barbara
21 Hughes as the owner, which is it?

22 MR. HUGHES: Hughes Outdoor Media, LLC is
23 my business that operates the billboard sign. The sign
24 is on the property owner. I was instructed to fill it
25 out with the property owner's name.

1 So my mother owns the property and
2 basically I manage the sign and pay her.

3 THE COURT: Okay, thank you. That
4 satisfies that because I was confused who the owner was.

5 MR. HUGHES: She's 87 years old. My father
6 bought the property a long time ago.

7 MR. POOLE: All right. So when you applied
8 in 2021, you were aware that they were going to modify
9 or change the zoning from M-2 to B-7?

10 MR. HUGHES: Yes, sir.

11 MR. POOLE: And when you applied for that
12 permit in 2021, you made that application under the
13 rules that were in effect under M-2 as to the sign as to
14 the size and height?

15 MR. HUGHES: That is correct.

16 MR. POOLE: And that is what you have been
17 permitted to do?

18 MR. HUGHES: Yes, sir.

19 MR. POOLE: What you're asking to do, if I
20 understand your argument, is to expand the size of that
21 by going back to the original size that was on the
22 property?

23 MR. HUGHES: I think that I was, I guess
24 the way to phrase is at the time I would argue that that
25 should have been allowed at that time, now you're

1 correct that I did not apply for that at that time.

2 But if the Section 46 about preserving
3 conformity of M-2 uses applies, I am still sitting on a
4 conforming sign.

5 MR. POOLE: But you took the sign that you
6 now claim was conforming, you took it down and put up
7 the sign that you applied for?

8 MR. HUGHES: Yes.

9 MR. POOLE: That meets the codes?

10 MR. HUGHES: Yes, I agree.

11 MR. POOLE: So you brought it from
12 noncompliance to compliance?

13 MR. HUGHES: Yes, sir.

14 MR. POOLE: How are you harmed?

15 MR. HUGHES: I am only harmed -- I'm not,
16 as I said, I don't deny I spoke Mr. Benbow about the
17 fact once I change the sign it is probably moot.

18 MR. POOLE: That is this argument of the
19 zoning administrator at the very beginning.

20 MR. HUGHES: I know. But It's not
21 completely moot, it's moot regarding me going back and
22 changing the sign from 14X48 to 20X48.

23 This provision is still in the B-7
24 district. And the sign that I built was allowed in the
25 M-2 district, so this provision should preserve that

1 sign's conformity status.

2 I am not asking necessarily to go back and
3 change it now, but what I am saying is it should be a
4 conforming sign from here on out, not a nonconforming.

5 MR. POOLE: The one that you have there
6 that you built?

7 MR. HUGHES: Yes, sir.

8 MR. POOLE: And you're not asking to
9 expand?

10 MR. HUGHES: I did ask and I was denied.
11 And I am not going, I am not fighting about that.

12 MR. POOLE: So if what you're asking for is
13 for the zoning administrator to confirm that sign that
14 you have now built on the property is a conforming sign?

15 MR. HUGHES: Per that section in the B-7
16 district.

17 MR. POOLE: For whatever reason he might
18 choose to determine that it's a conforming sign, is that
19 the relief that you are looking for?

20 MR. HUGHES: That is, that is.

21 MR. POOLE: Not to expand it?

22 MR. HUGHES: That is. And I know that seem
23 different than what was written in the package, but that
24 is. In essence, the gist of my argument is that Section
25 46-64.2 applies to the existing sign.

1 MR. BENBOW: That is the not the appeal.

2 MR. POOLE: Please let me finish.

3 MR. BENBOW: Okay.

4 MR. POOLE: Whether it's conforming or not
5 conforming, the City permitted you to put it there?

6 MR. HUGHES: Yes, sir.

7 MR. POOLE: And have not asked you to take
8 it down?

9 MR. HUGHES: No.

10 MR. POOLE: If they were asked to take it
11 down or ordered you to take it down, you would have a
12 right to appeal that?

13 MR. HUGHES: Yes.

14 MR. POOLE: I am very confused as to why we
15 are here. I am beginning to think maybe Mr. Davidson's
16 point about it being moot is correct. Tell me why it's
17 not?

18 MR. HUGHES: Well, it is not because there
19 is a big difference to me whether the existing signs
20 that sits there is considered conforming or
21 nonconforming.

22 I had this discussion with Mr. Benbow a
23 little bit ago that it makes a big difference going
24 forward with the adoption of new technologies, things we
25 have not thought of yet.

1 If VDOT wants comes in and wants build a
2 sound wall there. If the sign gets damaged in a storm,
3 my rights, if that sign is considered conforming, are
4 much my ability to preserve that use are much greatly
5 enhanced compared with it being a nonconforming sign.

6 I don't think anybody disputes that, it's
7 just a matter of my ability, flexibility, and future use
8 of the sign is what I am trying to preserve.

9 MR. POOLE: So you acknowledge that what
10 you filed originally as your appeal has not been
11 modified?

12 MR. HUGHES: I would have to look at it
13 because I think the actual letter that I wrote to the
14 appeal was written out somewhat differently.

15 I asked for specific relief in the letter.
16 I would have to find hit. I am not quite as organized
17 as I should be.

18 MR. POOLE: You first filed an appeal
19 certificate that stated that you were appealing the
20 decision of the zoning administrator with respect to
21 declaring that the sign was nonconforming?

22 MR. HUGHES: Yes.

23 MR. POOLE: And I still that think that is
24 a valid appeal. I received a letter of zoning
25 conformity compliance, and appealed that within 30 days.

1 That, in essence, I guess what you would
2 say is by extension. If you grant that relief that that
3 section applies and make the sign conforming, by
4 extension my revision should not have been denied.

5 But I don't argue that I did not appeal
6 that within 30 days, and that actual sign has been
7 removed. So, I guess you could say part of the appeal
8 is moot, part of it is not.

9 MR. POOLE: Any other questions?

10 MS. HOGUE: I am a bit confused because I
11 did read all of this paper, and review going from 672
12 and asking for 960X43.

13 And now you're saying up here you're
14 modifying your own appeal.

15 MR. HUGHES: Well, I was put in the
16 position by the city that use it or lose it. If I
17 didn't make this change, my entire use of that property
18 was hinging on this appeal, in essence. And so, I did
19 not want to do that.

20 MS. HOGUE: And your misinterpretation for
21 four years probably got you somewhere where we are
22 today, is that so?

23 MR. HUGHES: I feel like I did everything
24 right. I feel like I asked for interpretations. I
25 asked for opinions. It took Mr. Davidson's office seven

1 months to write that appeal.

2 MS. SADID: I do have a question. Why was
3 the original permit extended seven times? Why did you
4 extend it seven times?

5 MR. HUGHES: I just asked for the
6 extension.

7 MS. SADID: I mean, why wouldn't you just
8 take care of it in 2021?

9 MR. HUGHES: Because when I read that
10 section to me it said it was a conforming sign, and
11 therefore I should be able to convert it as the existing
12 sign.

13 I did not want to be in the exact situation
14 here where I removed the existing sign.

15 MS. SADID: Right. I mean, I can see
16 extending it a couple of times, but seven seems pretty
17 extensive.

18 MR. HUGHES: Well, three of those were
19 while I was waiting on a response from Mr. Davidson's
20 office to this letter of zoning.

21 Two of them were in consultation with Mr.
22 Paul, directly. I mean, I don't think there is
23 anything.

24 MR. POOLE: In January of 2021 --

25 MR. HUGHES: '21, yeah.

1 MR. POOLE: Excuse me, 2025, you asked for
2 revision to the sign permit.

3 MR. HUGHES: I think it was in December.
4 But, regardless, yes, I did ask for the provision
5 because I thought at that point I was receiving it.

6 MR. POOLE: But it was denied.

7 MR. HUGHES: It was denied.

8 MR. POOLE: And you were given notice that
9 you had 30 days to appeal?

10 MR. HUGHES: I would have to look. I am
11 assuming so.

12 MR. POOLE: And you did not appeal?

13 MR. HUGHES: I did not appeal that
14 directly.

15 MS. SADID: I guess that is what I am
16 trying to figure out. It's four years even if it took
17 seven months to get a response.

18 MR. HUGHES: Well, a year and seven months.
19 I asked a year before that, but I only extended it twice
20 when I first asked for zoning conformity.

21 MS. SADID: I understand. But two versus
22 seven seems like quite a big difference.

23 MR. HUGHES: I understand it's a long time.
24 I know that projects take significantly longer than that
25 are extended, extended, extended, because they are doing

1 work. In the world that I live in there is a lot that
2 goes in before you actually do any kind of work where
3 you can get an inspection.

4 So the big thing for me is not the
5 engineering and building permit, it's zoning. So you
6 get the zoning, then I have to order all the materials.
7 And first thing we do is dig a hole.

8 So, in essence, we are building the entire
9 thing on one day, so there is not much I can do to
10 change the nature of that.

11 It's not like we go out and we dig a
12 footing, somebody inspects it and extends our permit six
13 months. And the electrician comes in, you know, through
14 the normal course of construction. It's more like kind
15 of one and done.

16 But I am not arguing any of that, I am just
17 saying that I think at this point the provision should
18 apply to the existing sign. The provision that's in the
19 B-7, 46 - I don't have it right in front of me - 446.2,
20 I guess that is where I go.

21 MR. POOLE: Any other questions?

22 MR. HUGHES: So my existing sign would be
23 considered conforming.

24 MS. SADID: It does seem like what were
25 you're asking for and we all spent a lot of time reading

1 are two different things, am it right in terms of your
2 appeal?

3 MR. HUGHES: I don't see it that way. I
4 think they are intertwined. I am not going to fight Mr.
5 Davidson on his representation that the existing sign
6 has been removed, the previous existing sign, the 20X48
7 sign.

8 MR. POOLE: All right. And he has six
9 minutes and 10 seconds for rebuttal.

10 MR. BENBOW: That's correct.

11 MR. POOLE: Mr. Davidson, you have three
12 minutes for rebuttal.

13 MR. DAVIDSON: You lost me. I am not sure
14 what I am rebutting. But, I guess it's the provision of
15 is the sign a use, and does it make it a conforming use
16 on the property. If say that it then says he can expand
17 it and I can't go there.

18 Again, if you read the letter, if you read
19 what the districts say, signs are not even talked about
20 in that B-7 section. And signs are in a totally
21 different section. Signs are dealt with differently
22 than uses.

23 The fact that, I think if you look at the
24 nonconforming sign regulations, I don't have the
25 details, but if you look at the nonconforming sign

1 regulations and the nonconforming use regulation they
2 are not the same.

3 And he may have some better things that if
4 it were just a nonconforming sign as on opposed to
5 nonconforming use.

6 MR. POOLE: If I understood you correctly,
7 approximately 2001, the city zoning code was revised to
8 remove the references to signs into a separate section?

9 MR. HUGHES: Yeah. I mean the way the old
10 ordinance was set up, it was every disparate had
11 permitted principal uses, permitted as different
12 section. So, it was 302.1, 302.2 was accessory uses,
13 and 302.3 permitted signs. So they were never listed in
14 principle or accessory.

15 So, if you look at the ordinance, the
16 principal says what you can have - single family house,
17 church, whatever the case may be. Accessory may say
18 fences, you know, whatever.

19 But if it was supposed to be a use in the
20 district regs, then it would say "signs" under accessory
21 or principal M-1 or M-2, so they are just looked at
22 differently.

23 It's not a use in our zoning ordinance. It
24 may be a use in everybody's mind, it's a use of
25 property. But in our zoning ordinance it is not defined

1 as a use that can't be applied unde that section.

2 MR. POOLE: And so the revamping of the
3 zoning ordinance made the controls in the zoning
4 ordinance that concern signs more narrow and more
5 specific as to signs?

6 MR. DAVIDSON: Well, I don't think it
7 really changed anything. I think it just put them all
8 in one section to make it a little easier.

9 Instead of having a single brand in each
10 different district, you just have the sign regs
11 separate. And the line that permits sign all with that
12 sign section in each of district as opposed go to each
13 district we have uses and signs.

14 MR. POOLE: And so what he has currently
15 erected, the new sign meet those regs?

16 MR. DAVIDSON: What meets the regs that
17 were in effect prior to the rezoning.

18 Now, you could probably make a case that it
19 was not vested even though we got the permit five days
20 beforehand. You know, there were some other things that
21 you got out of it, too, to get vested; how much money
22 have you spent in moving toward erecting that sign.
23 Just getting the permit doesn't do it, so my decision
24 was very good for him.

25 MR. MENGES: Do I understand this sign

1 right here is maybe nonconforming, but it is at least
2 grandfathered in and permitted to be used now. Is that
3 right?

4 MR. DAVIDSON: Yes. I mean we accepted,
5 because of all of the extensions that were granted, I
6 did not pull the rug out from under that.

7 I accepted the extensions, and allowed the
8 permit to remain because it was issued prior to the down
9 and it meets the M-2 that it was approved under.

10 MR. MENGES: Even though this picture does
11 not show it being used?

12 MR. DAVIDSON: Yeah, I think there was an
13 issue with the lookup from the median or something.

14 MR. MENGES: So it can continue to be used
15 as is?

16 MR. DAVIDSON: Yes. And we have no problem
17 with the sign as we approved it.

18 MR. MENGES: And the appellant has not
19 asked for anything different at this point in time in
20 terms of it?

21 MR. DAVIDSON: Well, I think, at least from
22 what I am understanding, he is asking that we not call
23 it a sign. It's supposed to be a use allowed under the
24 B-7 because it has different requirements on it if it's
25 a use under the B-7.

1 MR. ROBERTSON: So, essentially he is
2 asking us to change the rules, is what you're saying, so
3 that the sign is now considered conforming?

4 MR. DAVIDSON: Yes. Its permitted use is
5 basically what he is saying, which has different
6 implications on if it get the lots, and it is rolled
7 down, and whatever.

8 MR. POOLE: Any other questions?

9 MS. SADID: As it stands right now, the
10 City has not asked him to take down the sign?

11 MR. DAVIDSON: I don't know.

12 MS. SADID: You don't know?

13 MR. DAVIDSON: No.

14 MR. MERCER: Correct.

15 MR. POOLE: Any other questions?

16 [NOTE: No response.]

17 MR. POOLE: Thank you, Mr. Davidson.

18 Mr. Hughes, you have six minutes and 10
19 seconds.

20 MR. HUGHES: The only thing I would really
21 take issue with is a couple of the implications or the
22 statement just made that a sign is not defined as a use.

23 We don't have a definition for of use. We
24 have a whole section of definition in there. But
25 definition, we do not have a sign - we do not have

1 definition of use. We do not have the definition of
2 permitted use. You do not have definition of primary
3 use.

4 I just think it is really auspicious to
5 argue that a freestanding sign that is the only use --
6 will just use the word "use" because it is obvious what
7 was it is on as a piece of property is not a use.

8 Now, I would agree that with Mr. Davidson,
9 we would not have any kind of argument if the provision
10 in Section 30-446.2, the one we are talking about in
11 B-7, had said use is permitted in the M-1 district as
12 set forth in Section 30.452-1 or two.

13 If that had said that, we would not have
14 any kind of dispute here at all, but it does not. It
15 says any use that was permitted in the M-1 or M-2
16 district is to be considered conforming.

17 He is just hanging his hat on the fact that
18 you moved this sign regulations out from underneath the
19 district regulations in to a separate section into a
20 separate article. But, I just changed my page, he just
21 said it was mainly for convenience.

22 If you look, it was difficult to follow
23 what signs were allowed in which district because before
24 prior to that organization, you had to read a specific
25 district.

1 Now it basically put all the signs into one
2 separate set of regulations and one specific place zone
3 ordinance. But at that time, that would have been
4 perfect time to come up with a definition to say that we
5 are doing.

6 And from this point forward, signs are not
7 to be considered uses, signs are regulated separately.
8 And that means that a sign in any reference of a zoning
9 ordinance cannot be used, it is a sign.

10 I just know it's a fine point, but to say
11 that a sign is not a use is just do not make any sense.
12 It's just hard to, particularly a freestanding sign.
13 And this particular provision does not limit the use
14 definition to that specific code section in the M-1,
15 M-2, districts.

16 And one last thing I will try to address is
17 just because you have a definition of nonconforming sign
18 and a separate definition of nonconforming use, I view
19 that as just being a little more specific.

20 A nonconforming sign is still a
21 nonconforming use. And just because you call it a
22 nonconforming sign, that is like saying ice cream is not
23 a dessert, and that chocolate ice cream is a more
24 detailed version of that.

25 A use that is nonconforming is

1 nonconforming use. A sign, you can call it a
2 nonconforming use, is also a nonconforming sign.

3 I think that all of this just comes back to
4 the fact that that section in the B-7 district is
5 lacking any kind of language that restricts its
6 interpretation to uses as listed in the district
7 regulations. It's just not there, and you don't have
8 the definition of uses.

9 He referred numerous times that it's not
10 defined, but the sign is not defined as a use, but it's
11 nowhere in the zoning ordinance.

12 I defy anybody to write a definition of use
13 that excludes signs without just saying signs are
14 excluded from this definition. That is basically it.

15 So, I will wrap it up, if I had a little
16 more time, is that all I am asking for is that the
17 interpretation that is incorrect determination, that
18 Section 446.2 (46) in the B-7 district does not apply to
19 signs.

20 MR. POOLE: Thank you.

21 MR. MENGES: In there any precedence for
22 that position?

23 MR. HUGHES: Which position?

24 MR. MENGES. That one that you just took.

25 MS. HOGUE: That one that you just said.

1 MR. MENGES: That you are aware of?

2 MR. HUGHES: I am aware an exist zoning
3 ordinance in all of the other use regulation. I listed
4 14 of them, that when you refer to uses allowed in other
5 district, they cite the specific code section. That was
6 at the very end of my citation. I printed them all out.
7 I think it was 11, 12, something like that.

8 MR. MENGES: I think I was asking in
9 regards to your statement that just because the
10 provisions of the particular, that regulates the
11 particular zoning distinct, sign regulations got moved
12 down, but still a use that is governed by the district
13 regulations, has that been decided somewhere that you
14 are aware of?

15 MR. HUGHES: I know that I cited the state
16 codes of zoning enabling legislation. And the state
17 codes only allow zoning regulations to, only allow
18 zoning ordinances to regulate land uses.

19 Zoning ordinance don't regulate wages and
20 automobiles and things like that.

21 MR. MENGES: But they regulate structure?

22 MR. HUGHES: Right. The zoning is a
23 structure that you had to have a building permit and all
24 of that.

25 So I say it is just useless argument to say

1 a sign, a sign is clearly a structure. And to me it is
2 clearly a use of land. A land, it is not a permitted
3 use listed in that section that he cites, but it's not
4 set in the ordinance.

5 MR. POOLE: Any other questions for Mr.
6 Hughes?

7 [NOTE: No response.]

8 MR. POOLE: Thank you very much.

9 MR. HUGHES: Thank you.

10 MR. POOLE: All right. Do we have a motion
11 to allow the consideration of Case Number BZA23-2025,
12 1830 Botetourt Street now rather than waiting until the
13 end for the convenience of the court reporter?

14 MR. BENBOW: Just so we do not have to bring
15 the court reporter back.

16 MR. POOLE: For the convenience of the court
17 reporter and efficiency for the case, is there a motion
18 and a second? Any discussion? All those in favor say
19 "Aye".

20 MR. MENGES: Aye.

21 MS. HOGUE: Aye.

22 MR. ROBERTSON: Aye

23 MS. SADID: Aye.

24 MR. POOLE: The rule has been modified.

25 And we are now going to consider Case Number 23-2025.

1 Is their motion on this case?

2 MS. HOGUE: Mr. Chairman, forgive me, but I
3 wish I had something in writing what we are deciding
4 given Mr. Hughes just put something else on the table at
5 the end that changes definitions or changes what is in
6 the code, what was intended.

7 So, forgive my ignorance, I am just not
8 sure what we're deciding.

9 MR. MENGES: For purposes of discussion--

10 MR. POOLE: Thank you. We need a motion.

11 MR. MENGES: For purposes of discussion,
12 deny the appeal.

13 MR. POOLE: Deny the appeal?

14 MR. MENGES: Yes.

15 MR. POOLE: And a second?

16 MR. ROBERTSON: Second.

17 MR. POOLE: Now we can discuss it. I
18 understand your point. This is confusing.

19 MS. SADID: I would agree. I can't even
20 understand what I read and what was presented. It seems
21 to be two different things.

22 MS. HOGUE: That was the way I interpreted
23 it? Right or wrong?

24 MS. SADID: Right.

25 MR. POOLE: Well, I think the important

1 issue is the determination of the zoning administrator.

2 And we're being asked to say that he was wrong.

3 The zoning administrator is clothed with
4 the presumption that he is correct when he makes a
5 decision. And it is the duty of the appellant to
6 overcome that presumption with his presentation. In my
7 view, that burden was not borne by the appellant.

8 There was a lot of arguments. He kept
9 moving the ball, so to speak. What we're focused on is
10 the correctness of the zoning administrator's
11 determination.

12 And in my view, the presumption that he is
13 correct has not been overruled by the presentation of
14 the appellant. And so, it would be my choice to vote in
15 favor of this motion to deny.

16 MR. MENGES: I think I agree with that, but
17 I don't think it is the only reason to deny. You know,
18 I am having a hard time understanding the facts here, to
19 be quite honest, and everything in the sequence of
20 events.

21 But, if I understood it, it's permitted to
22 be used, it may be nonconforming. But I am having hard
23 to time understanding just what we're addressing as well
24 as the fact the appeal was not filed within 30 days. If
25 I understood it correctly, then that is moot right

1 there. So, I think on those issues as well.

2 MR. POOLE: I agree with you. And I think
3 that the zoning administrator's request for declaration
4 mootness made some sense. What I struggle is with is
5 within the framework of our rules. I don't think we're
6 allowed to do that.

7 But I think it's a very important fact to
8 consider in our determination that this issue that Mr.
9 Hughes chooses to argue today could have been argued in
10 an appeal decision of the zoning administrator for his
11 request for the provision of his permit. And for
12 whatever reason he chose not to make that appeal, so I
13 think he has waived that argument.

14 If that is moot, than that is what it is.
15 But I found nothing in our rules that allowed us to rule
16 that a case was moot. We have to decide the correctness
17 or incorrectness of the zoning administrator's decision.
18 And that is what this motion would do, is to deny that
19 the appeal that it was a mistake.

20 But since you're correctly stating all of
21 the other things that we should be considering, one of
22 things that is important to me from an administrative
23 law point of point view is when you have a more specific
24 section, i.e., when they moved the sign into a different
25 section, those are the rules that apply.

1 The more specific rules as to signs are
2 delineated in the zoning code itself, and therefore
3 those are the rules that apply. And that would be
4 another consideration in the denial of the appeal.

5 MS. SADID: I agree.

6 MR. ROBERTSON: Mr. Chairman, I agree with
7 your point of view as well, especially when it comes to
8 the way the rules are not structured.

9 With the signs being set apart, I don't
10 think, or at least it's my perspective that we don't
11 have the ability to simply say that we can create some
12 rigime where now the signs are a conforming use.

13 I don't think we can do that, so I am not
14 satisfied that the burden was met in the terms of this
15 appeal. I would affirm the zoning administrator's
16 decision.

17 MR. POOLE: Is there a second?

18 MS. SADID: Second.

19 MR. BENBOW: As part of this discussion, is
20 there anything that is being directed to the fact that
21 this sign is gone?

22 MR. POOLE: Well, it's part of the
23 testimony, clearly. And it's also part of the testimony
24 that the city is not going to ask him to remove the sign
25 that is there, and those are all considerations here.

1 He had a permit. He built it per the
2 permit. He chose not to appeal the denial of the
3 revision of that permit.

4 So all of those are considerations in
5 making the decision that the zoning administrator's
6 decision was correct and the appellant was not hurt, has
7 not met his burden of overcoming the presumption of
8 correctness of the zoning administrator's decision.

9 MS. HOGUE: And thank you for clarifying,
10 Mr. Chairman, the confusing testimony compared to what
11 we read at home.

12 And we certainly don't want to give an
13 opportunity with our decision that a use can be expanded
14 down the road. Like I said, that is not what we're here
15 for.

16 MR. POOLE: Any further discussion?

17 [NOTE: No response.]

18 MR. POOLE: Then I will call the question.
19 In voting on the motion to deny the appeal of the zoning
20 administrator's decision. All those in favor?

21 MR. MENGES: Aye.

22 MR. ROBERTSON: Aye.

23 MS. SADID: Aye.

24 MR. POOLE: Any opposed?

25 [NOTE: No response.]

1 MR. POOLE: By decision.

2 We are off the record.

3 [The matter of Barbara Hughes concludes.]

4 [Off the record at 2:00 p.m.]

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 COMMONWEALTH OF VIRGINIA:

2

3

CERTIFICATION

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

I, Stayce Lawson, Machine Shorthand Reporter, do hereby certify that I, as the court reporter, appeared in the matter on July 2, 2025.

I further certify that the hearing was reported stenographically by me, and this transcript is a true record of the proceeding to the best of my ability.

I further certify that I am not of counsel to any of the parties, not in any way interested in the outcome of this action.

As written as my hand and notarial seal this 9th day of July 2025.

Stayce Lawson

Stayce Lawson, Court Reporter

My Commission Expires: May 31, 2027

#369918



RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for an appeal of Barbara Hughes regarding the denial of a request for a sign permit (revision) to erect a forty-three foot (43') 960 square foot off-premises sign (billboard) on the property known as 1830 BOTETOVRT STREET (N000-0945/001) shall be denied based on the record before the Board.

ACTION OF THE BOARD: (5-0)

Vote to Deny

affirmative: Poole, Hogue, Robertson, Sadid, Menges

negative: None

BZA 18-2025 (CONTINUED TO AUGUST 6, 2025 MEETING WITHOUT FEE)

APPLICANT: Mark and Shaleetta Drawbaugh

PREMISES: 1308 OAKWOOD AVENUE
(Tax Parcel Number E000-1104/032)

SUBJECT: Building permits to construct a one-story rear addition and two-story detached garage accessory to an existing single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on April 8, 2025, based on Sections 30-300, 30-410.5(2), 30-410.6 & 30-620.1(c) of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the side yard (setback) and lot coverage requirements are not met. A side yard of three feet (3') is required; 0.25 feet ± is proposed along the western property line for the proposed detached garage. Maximum lot coverage shall not exceed thirty-five percent (35%) of the area of the lot. A lot coverage of 1,402.63 square feet (35%) is permitted. A lot coverage of 1,198.27 square feet (30%) currently exists for the main building and 1,158 square feet (29%) will exist after the removal of the rear panty (40.26 SF). A lot coverage of 1,457 (36%) is proposed for the one-story rear addition and 2,033 square feet (51%) is proposed with the two-story detached garage.

APPLICATION was filed with the Board on March 23, 2025, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

BZA 24-2025

APPLICANT: Whale Bay LLC

PREMISES: 803 NORTH 21ST STREET
(Tax Parcel Number E000-0372/019)

SUBJECT: A building permit to construct an addition to an existing multi-family dwelling.

DISAPPROVED by the Zoning Administrator on April 15, 2025, based on Sections 30-300 & 30-419.6(2)b of the zoning ordinance for the reason that: In an R-63 (Multi-Family Urban Residential) District, the side yard (setback) requirements are not met. A side yard of five feet (5') is required. Side yards of 1.2 feet and 1.7 feet are proposed.

APPLICATION was filed with the Board on April 18, 2025, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Will Gillette

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that, Whale Bay LLC, has requested a special exception to construct an addition to a multi-family dwelling property located at 803 N. 21ST Street. Mr. Will Gillette, representing the applicant, testified that the goal is to permit construction of an addition to the rear of an existing multifamily dwelling which is consistent with the special exception intent of encouraging improvement of property and promoting neighborhood improvement. The existing multifamily dwelling consists of two stories containing four units that were previously damaged in a fire. The property owner is rehabilitating the property utilizing historic tax credits and as part of the rehabilitation the applicant is proposing to construct an addition at the rear of the dwelling to create a small but functional kitchen. The original multifamily building was constructed circa 1926 and the special exception is being requested for the reason that the proposed addition does not meet the 5 foot side yard setback requirement in the R-63 district. Mr. Gillette noted that there are other similarly situated multifamily dwellings on the block face. The exterior will be rehabilitated consistent with the requirements of the historic tax credits. Mr. Gillette stated that the proposed addition will be two stories in height and constructed of cementitious lap siding to allow the addition of a small functional kitchen which meets the needs of today's market. Mr.

Gillette noted that the multifamily use is permitted by the underlying zoning and that the side yard relief is the minimum necessary to accommodate the intended purpose of the dwelling. Mr. Gillette stated that the dwelling will remain in keeping with the character and development pattern of the neighborhood while retaining and rehabilitating an historic dwelling. The project has been reviewed and approved by the City’s Commission of Architectural Review as it is located in an old and historic district. Mr. Gillette concluded by stating the property is located within the Union Hill Neighborhood Association and that they were contacted regarding the request. Also letters were sent to all property owners within a 150 foot radius and support was received from the adjacent property owner.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3(1) of the City Code, the intended purpose and use of the proposed addition is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the addition; the addition or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the addition will be in keeping with the architectural character of development within the neighborhood.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the side yard (setback) requirements be granted to Whale Bay LLC for a building permit to construct an addition to an existing multi-family dwelling, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally

affirmative: Poole, Hogue, Robertson, Sadid, Menges

negative: None

BZA 25-2025

APPLICANT: Prince Construction, Inc.

PREMISES: 2804 MIDLOTHIAN TURNPIKE
(Tax Parcel Number S000-1123/015)

SUBJECT: A lot split and building permits to construct two new single-family (detached) dwellings.

DISAPPROVED by the Zoning Administrator on May 12, 2025, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot area and lot width requirements are not met. Lot areas of six thousand square feet (6,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one lot having a lot area of 7,222 square feet and a lot width of sixty feet (60') currently exists. Lots areas of 3,611 square feet and lot widths of thirty feet (30') are proposed.

APPLICATION was filed with the Board on May 8, 2025, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: David Prince

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Prince Construction Inc., has requested a special exception to construct two new single-family detached dwellings for property located at 2804 Midlothian Turnpike. Mr. Prince testified that he purchased the subject property approximately one year ago. It was originally developed as two lots in Chesterfield County. Mr. Prince noted that the proposed lot split is consistent with the current R-5 single-family residential zoning and that both of the lots have public street frontage. No subdivision will be required and all applicable feature requirements are being met. Mr. Prince explained that the subject lots in terms of lot areas and lot widths are comparable to other lots in the vicinity and that the proposed dwellings will also be compatible with other dwellings in the vicinity. Finally, letters were sent to all property owners within a 150 foot radius and no opposition was noted.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed or other means, and the number of lots to be created do not exceed the number of previously existing lots of record, the new lots comply with Section 30-610.1 of the zoning ordinance and off-street parking requirements will be met, each lot created by the division will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property and

that dwellings to be constructed on the lots will be compatible with the dwellings existing or to be constructed in the immediate vicinity of the property.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot area and lot width requirements be granted to Prince Construction, Inc. for a lot split and building permits to construct two new single-family (detached) dwellings, subject to substantial compliance with the plans submitted to the Board and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally affirmative: Poole, Hogue, Robertson, Sadid, Menges
negative: None

BZA 26-2025 (CONTINUED TO SEPTEMBER 3, 2025 MEETING WITHOUT FEE)

APPLICANT: Joseph Sanderson and Mary Katherine Hamilton
PREMISES: 1407 AVONDALE AVENUE
(Tax Parcel Number N000-1821/012)
SUBJECT: A lot split and building permits to construct two new single-family (detached) dwellings.

DISAPPROVED by the Zoning Administrator on May 16, 2025, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot area and lot width requirements are not met. Lot areas of six thousand square feet (6,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one lot having a lot area of 6,600 square feet and a lot width of fifty feet (50') currently exists. Lots areas of 3,300 square feet and lot widths of twenty-five feet (25') are proposed.

APPLICATION was filed with the Board on May 16, 2025, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

BZA 27-2025

APPLICANT: Trek Properties LLC

PREMISES: 1825 CLAIBORNE STREET
(Tax Parcel Number W000-0840/017)

SUBJECT: A lot split and building permit to construct a new single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on May 16, 2025, based on Sections 30-300 & 30-410.4 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot area and lot width requirements are not met. Lot areas of six thousand square feet (6,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one lot having a lot area of 7,980 square feet and a lot width of sixty feet (60') currently exists. Lots areas of 3,990 square feet and lot widths of thirty feet (30') are proposed.

APPLICATION was filed with the Board on May 16, 2025, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Alessandro Ragazzi

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Trek Properties LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 1825 Claiborne Street. Mr. Alessandro Ragazzi, representing the applicant, testified that the goal is to why the existing property and construct a new single-family detached dwelling which is located on the southern line of Claiborne Street between South Meadow Street and South Allen Avenue. Mr. Ragazzi noted that the request is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood. The applicant is proposing to construct a 1.5 story frame dwelling that has been designed to be compatible with existing homes in the area and meet the needs of today's homebuyers. The exterior reflects existing dwellings in the area with a bungalow style design, full width front porch, gable roof and will include cementitious siding. Mr. Ragazzi stated that the lot really existed as two legal subdivision lots that were subsequently combined by deed. The proposed single-family use is consistent with the R-5 zoning, street frontage requirements will be met as well as side yard setbacks and no subdivision is necessary. Mr. Ragazzi noted that proposed lots are consistent with the predominant lot widths and lot area the vicinity. Likewise the new dwelling will be compatible with other dwellings in the vicinity. In terms of

neighborhood outreach letters were sent to all property owners within a 150 foot radius and no opposition was noted. Mr. Ragazzi indicated that the property owner to the rear requested that the façade siding be reoriented from vertical to horizontal to better match the neighborhood which is being included in the request. Finally the Randolph Neighborhood Association was contacted but declined to respond.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (2) of the zoning ordinance, the subject lots have previously consisted of legal lots of record that were subsequently combined by deed or other means, and the number of lots to be created do not exceed the number of previously existing lots of record, the new lots comply with Section 30-610.1 of the zoning ordinance and off-street parking requirements will be met, each lot created by the division will comply with the requisite side yard requirements, the division will comply with applicable requirements of the subdivision regulations, the areas and widths of the lots created by the division are consistent with the predominant lot areas and lot widths in the immediate vicinity of the property and that dwellings to be constructed on the lots will be compatible with the dwellings existing or to be constructed in the immediate vicinity of the property.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the lot area and lot width requirements be granted to Trek Properties LLC for a lot split and building permit to construct a new single-family (detached) dwelling, subject to substantial compliance with the revised plans submitted to the Board (dated 6/30/2025) and provision of cementitious siding.

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally affirmative: Poole, Hogue, Robertson, Sadid, Menges
negative: None

BZA 28-2025

APPLICANT: City of Richmond Department of Public Works
PREMISES: 2223 WEST CARY STREET
(Tax Parcel Number W000-0992/001)
SUBJECT: A certificate of occupancy for a new fire station (FS 12).

DISAPPROVED by the Zoning Administrator on May 15, 2025, based on Sections 30-300 & 30-419.6(2)b of the zoning ordinance for the reason that: In an R-63 (Multi-Family Urban Residential) District, the subject building was not constructed in accordance with the previously approved plans. The side yard (setback) requirements are not met. A side yard of 3.6 feet was previously approved (BZA-20-2021) along the southern property line; 1.76 feet exists. A side yard of 5 feet was/is required along the western property line; 4.88 feet exists.

APPLICATION was filed with the Board on May 16, 2025, based on Section 17.20(c) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Dexter Goode

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, City of Richmond Department of Public Works, has requested a special exception for waiver of certain feature requirements involving construction of a new fire station that did not meet previously approved side yard setbacks. Specifically, a side yard of 3.6 feet was previously approved along the southern property line and 1.76 foot exists, a side yard of 5 feet was approved along the western property line and 4.88 feet exists. Mr. Dexter Goode, representing the City, openly admitted that a mistake had been made in locating the fire station in accordance with the approved special exception plans. Mr. Goode noted regarding the width of the building two surveys were conducted that identified one and ½ inch encroachment and that the foundation remains 5 feet from the adjoining neighbor. The rear of the building encroaches approximately 2 feet. The issue has to do with the exterior stairwell that had to be enlarged to meet code requirements resulting in the setback discrepancy. Mr. Goode also noted that there was a generator issue that necessitated the encroachment into the setback. Mr. Goode noted that after being informed of the requested special exception number of the neighbors within a 150 foot radius opposed the request.

In response to a question from the Chairman, Mr. Poole, Mr. Goode stated that the size of the building as originally approved by the Board did not change.

The Board finds that evidence shows that the proposed fire station is a public use and satisfies the requirements of §17.20 (C) of the City Charter.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the previous BZA

conditions of approval be granted to the City of Richmond Department of Public Works for a certificate of occupancy for a new fire station (FS 12), subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (5-0)

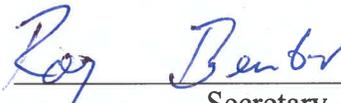
Vote to Grant Conditionally

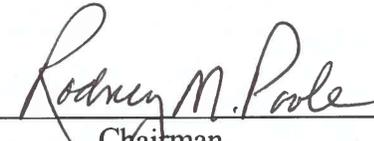
affirmative: Poole, Hogue, Robertson, Sadid, Menges

negative: None

Upon motion made by Ms. Hogue and seconded by Mr. Menges, Members voted (4-0) to adopt the Board's June meeting minutes.

The meeting was adjourned at 2:35 p.m.


Secretary


Chairman