



BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, MAY 6, 2026

On Wednesday, May 6, 2026, 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 April 22 and 29, 2026 and written notice having been sent to interested parties.

Members Present: Rodney M. Poole, Chair
 Mary J. Hogue, Vice-Chair
 Bryce L. Robertson
 Susan Sadid
 Edward H. Winks, Jr.

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

The Chair 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 11-2026 (CONTINUED FROM APRIL 1, 2026 MEETING)

APPLICANT: Robert and Ingrid Van Orden

PREMISES: 5508 TODDSBURY ROAD
 (Tax Parcel Number W020-0131/010)

SUBJECT: A building permit to construct an addition to an existing single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on February 12, 2026, based on Sections 30-300, 30-408.5(2) & 30-630.1(a) of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, the side yard and street side yard (setback) requirements are not met. A side yard of six feet (6') is required along the eastern property line; three feet (3') is proposed. A street side yard of ten feet (10') is required along the Seneca Road frontage; 1.08± feet is proposed.

APPLICATION was filed with the Board on February 12, 2026, based on Sections 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Mark Baker

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Robert and Ingrid Van Odin, have requested a special exception to construct an addition to a single-family dwelling for property located at 5508 Toddsbury Rd. Mr. Mark Baker, representing the applicant, testified that the goal is to permit the construction of a one-story addition to an existing dwelling. The request is consistent with the special exception intent to encourage improvement of property, retain residents in the city and promote neighborhood improvement. The request if approved would improve one of the smallest homes in the block in order to meet the contemporary needs of the owners as specified in the special exception intent. The addition will meet modern expectations in terms of the size, function and amenities of rooms and other living spaces. These would include a larger more functional kitchen, open concept living area, increase pantry and storage functions, first floor primary bedroom, and retention of adequate rear yard depth for usable open space. Mr. Baker stated that the most critical aspect is that the design addresses the aforementioned items also providing the benefit of first floor living that will allow the owner to age in place. The dwelling currently consists of approximately 1900 ft.² of floor area which is small for the area. Other dwellings in the block average approximately 2866 ft.² floor area. With the addition the dwelling would be consistent with other dwellings in the block. Mr. Baker explained that the addition consists of one story which is scaled in order to relate well with the existing two-story dwelling. The addition would include a brick foundation, decorative brick chimney, a covered side entry porch with decorative railings and durable cementitious horizontal lap siding. The design of the addition is in keeping with the architectural character of the dwelling and surrounding development within the neighborhood. Mr. Baker noted that the original subdivision layout is not designed with current zoning requirements in mind. Lots in the vicinity are commonly substandard in terms of the current R-4 zoning. More specifically, corner lots were not platted at greater widths to

compensate for greater street side yard requirements that now exist. Mr. Baker further noted that there has been a proliferation BZA cases in the surrounding vicinity, many of which have dealt with side yard requirements as is the case with the applicant. Mr. Baker indicated that with respect to the existing dwelling both the street side yard and interior side yard a nonconforming. Mr. Baker indicated that the proposed addition is in line with the already nonconforming side yard setbacks of the existing dwelling. Mr. Baker explained that in terms of the special exception test the single-family use is consistent with the R-4 use regulations and the relief is the minimum necessary to accommodate all the needed functions while also remaining in keeping with the development pattern of the neighborhood. Mr. Baker concluded by stating that the applicant had been in contact with the Westhampton Civic Association and had reached out to all neighbors with 150-foot radius and there was no objection to the requested special exception noted. Finally in discussing their case with the adjoining neighbor the Van Ordens agreed to ensure that the subject neighbor will not be impacted by any drainage emanating from the their property, and to relocate the HVAC units and provided a privacy and landscaping area along the shared property line.

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 the dwelling and 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 and street side yard (setback) requirements be granted to Robert and Ingrid Van Orden for a building permit to construct an addition to an existing single-family (detached) dwelling, 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, Winks
 negative: None

BZA 12-2026

APPLICANT: Noah Freeman & Hannah Casey

PREMISES: 1603 OAKWOOD AVENUE
(Tax Parcel Number E000-1542/009)

SUBJECT: A certificate of zoning compliance to construct a one-story detached structure accessory to an existing single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on February 18, 2026, based on Sections 30-300 & 30-410.6 of the zoning ordinance for the reason that: In an R-5 (Single-Family Residential) District, the lot coverage requirement is not met. Maximum lot coverage shall not exceed thirty-five percent (35%) of the area of the lot. A lot coverage of 32.1% exists; 40.9% is proposed.

APPLICATION was filed with the Board on February 23, 2026, based on Sections 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Noah Freeman

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicants, Noah Freeman & Hannah Casey, have requested a special exception to construct a one-story detached structure (shed) accessory to a single family detached dwelling for property located at 1603 Oakwood Ave. Mr. Noah Freeman testified that a lot coverage waiver of 5% was being requested. The current lot coverage requirement for the R-5 zoning district is 35% and he and his wife are requesting an increase in the lot coverage to 40%. Mr. Freeman explained that they purchased the house in April 2025 and that it is not a particularly large house and lacks storage. Permission is being requested to utilize the existing foundation due to the cost of removing the slab. The proposed accessory building meets all required setbacks. Mr. Freeman noted that there is no other place to construct the proposed shed and that the architecture is consistent with that of the existing house and other structures in the neighborhood. Mr. Freeman concluded by stating he was not aware of any opposition from his neighbors.

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 accessory use is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the intended purpose of the accessory use; the accessory use or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the accessory use will be in keeping with the architectural character of the dwelling and 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 lot coverage requirement be granted to Noah & Casey Freeman for a certificate of zoning compliance to construct a one-story detached structure accessory to an existing single-family (detached) dwelling, 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, Winks

negative: None

BZA 13-2026

APPLICANT: Rent RVA Now LLC

PREMISES: 1910 RAWLINGS STREET
(Tax Parcel Number E011-0145/025)

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

DISAPPROVED by the Zoning Administrator on March 12, 2026, 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 10,908 square feet and a lot width of 80.33 feet currently exists. A lot area of 4,862.1 square feet and a lot width of 38.2 feet are proposed for No. 1910. A lot area of 6,045.9 square feet and a lot width of 42.13 feet are proposed for No. 1908.

APPLICATION was filed with the Board on March 12, 2026, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Sarah Stamper

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Rent RVA Now LLC, has requested a special exception to construct a new single-family detached dwelling for property located 1910 Rawlings St. The property owner, Ms. Sarah Stamper, testified that the request was to divide the existing lot into two buildable lots that were formally legal lots of record. Ms. Stamper noted that the R-5 zoning requires a lot area of 6000 ft.² and a lot width of 50 feet. The proposed lots would have a lot area of 4862 ft.² a lot width of 38.2 feet for 1910 Rawlings St. and a lot area of 6045 ft.² and lot width of 42.13 feet for the proposed new lot 1908 Rolling St. Ms. Stamper stated that the proposed new lots are only slightly smaller in terms of lot area and lot width than that required by the R-5 zoning. Further these lots would be in keeping with the typical lot areas and lot widths in the neighborhood and the proposed new dwelling will be compatible with other dwellings in the neighborhood. Ms. Stamper, as a condition of approval, offered the condition that prior to submitting an application for a building permit for a newly created lot at 1908 Rawlings Street, the existing curb cut along Rawlings Street must be removed and a new parking space must be constructed that will be accessed off the rear alley for use of 1910 Rawlings Street in compliance with the requirements of the Zoning Administration Office and the Department of Public Works. In conclusion, Ms. Stamper stated that she had made a good faith effort to contact all her neighbors with 150 foot radius. Ms. Stamper noted that there was one neighbor that appeared to be concerned about the proposed special exception which she had attempted to contact.

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 Rent RVA Now LLC for a lot split and building permit to construct a new single-family (detached) dwelling, subject to the following:

- 1) Substantial compliance with the plans submitted to the Board
- 2) Provision of cementitious siding
- 3) Prior to submitting an application for a building permit for a newly created lot at 1908 Rawlings Street, the existing curb cut along Rawlings Street must be removed and a new parking space must be constructed that will be accessed off the rear alley for use of 1910 Rawlings Street in compliance with the requirements of the Zoning Administration Office and the Department of Public Works

ACTION OF THE BOARD: (5-0)

Vote to Grant Conditionally affirmative: Poole, Hogue, Robertson, Sadid, Winks

negative: None

BZA 14-2026

APPLICANT Richmond Redevelopment and Housing Authority

PREMISES: 1100 DECATUR STREET
(Tax Parcel Number S000-0115/016)

SUBJECT: A building permit to construct a new single-family (attached) dwelling.

DISAPPROVED by the Zoning Administrator on March 16, 2026, based on Sections 30-300, 30-413.6(1) & 30-630.1(a)(1) of the zoning ordinance for the reason that: In an R-7 (Single- And Two-Family Urban Residential) District, the front yard (setback) requirement is not met. A front yard with a depth of 15' is required along the East 11th Street frontage, as established by the adjacent building at 115 East 11th Street; 5.4' ± is proposed.

APPLICATION was filed with the Board on March 13, 2026, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Syd Shoaf

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Richmond Redevelopment and Housing Authority, has requested a special exception to construct a new single-family attached dwelling for property located at 1100 Decatur St. Mr. Syd Shoaf with Baker Development Resources, representing the applicant, testified the property is located at the southern corner of Decatur Street and E. 11th St. and consists of two buildable lots of record that are each approximately 22 feet in width and containing 3937 ft.² of lot area. The owner is proposing to construct two single-family detached homes which would front on Decatur Street. Mr. Shoaf stated that two front yards are required along the intersecting streets of Decatur and East 11th. A front yard setback along E. 11th St. of 10 feet is required to match the existing setback on the property located across the rear Alley at 115 E. 11th St. The 10-foot setback along E. 11th St. would reduce the buildable lot width to 12.1 feet which is substandard in the context of the neighborhood develop a pattern as well as the R-7 zoning. The goal of the requested special exception is to reduce the front yard setback along E. 11th St. to develop a new single-family dwelling consistent with the existing development pattern of the neighborhood and the proposed development on the block. The request is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood and increases opportunities for homeownership. The proposed dwellings will include three bedrooms/2 ½ bathrooms, approximately 1584 ft.² of floor area, floor plans which are designed to meet the needs of families in today's market and an open living room and kitchen. The proposed dwellings will include cementitious siding. Mr. Shoaf noted that the request is consistent with the special exception intent and departure is the minimum necessary to allow a single-family detached dwelling that is livable and appropriate for its context. Mr. Shoaf concluded by stating that letters were sent to all property owners within a 150-foot radius and that the Blackwell Community Civic Association and the Historic Blackwell Neighborhood Association groups had been contacted. Mr. Shoaf stated that no opposition had been noted.

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 dwelling is consistent with the zoning district regulations; departure from the yard requirements is the minimum necessary to accommodate the

intended purpose of the dwelling; the dwelling or similar construction serving the same purpose cannot reasonably be located elsewhere on the lot in compliance with the zoning ordinance; and the dwelling 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 front yard (setback) requirement be granted to Richmond Redevelopment and Housing Authority for a building permit to construct a new single-family (attached) 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, Winks
negative: None

BZA 15-2026

APPLICANT: MFA Associates, LLC

PREMISES: 3318 SEMMES AVENUE
(Tax Parcel Number S000-1598/001)

SUBJECT: A building permit to re-establish the nonconforming use rights to a restaurant use (1st floor and basement) and two dwelling units (2nd floor).

DISAPPROVED by the Zoning Administrator on March 16, 2026, based on Sections 30-300 & 30-800.4 of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the proposed use is not permitted as the previous nonconforming use rights have expired. Whenever a nonconforming use of a building or structure is discontinued for a period of two years or longer, any subsequent use of the premises shall conform to the regulations applicable in the district in which it is located.

APPLICATION was filed with the Board on March 13, 2026, based on Section 30-1040.3(11) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Michael Kucera
Justin White
Mark Baker

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, MFA Associates LLC, has requested a special exception to reestablish the nonconforming use rights to a restaurant use in the basement and first floor and two dwelling units on the second floor. Mr. Michael Kucera, representing the applicant, testified that the building was in extremely poor condition and had been for several decades. The original restaurant use was established as early as 1921. The building includes a storefront with 12 foot tall ceilings and the basement and first floor have never been utilized for residential purposes. Mr. Kucera made it clear that the first floor and basement have no residential utility whatsoever. Mr. Kucera discussed the fact that he had provided 26 letters of support as well as support of the Woodland Heights Association, the Swansboro West Association and the Forest Hill Association.

Speaking in support, Mr. Justin White, a structural engineer, stated that the first floor due to the existing spans with not capable of being converted to a residential use.

The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (11) of the zoning ordinance, the property owner has demonstrated the building cannot reasonably be devoted to a conforming use that a request for a special exception from the nonconforming use requirements be granted to MFA Associates, LLC for a building permit to re-establish the nonconforming use rights to a restaurant use in the basement and first floor into dwelling units on the second floor.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS the property owner has demonstrated that the property was acquired in good faith and that the building cannot reasonably be devoted to a conforming use that a request for a special exception from the nonconforming use requirements be granted to MFA Associates, LLC for a building permit to re-establish the nonconforming use rights to a restaurant use (1st floor and basement) and two dwelling units (2nd floor), 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, Winks

negative: None

Upon motion made by Mr. Winks and seconded by Ms. Hogue, Members voted (5-0) to adopt the Board's April 2026 meeting minutes.

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


Secretary


Chair