



BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, SEPTEMBER 3, 2025

On Wednesday, September 3, 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 August 20 and 27, 2025 and written notice having been sent to interested parties.

Members Present: Mary J. Hogue, Acting Chair
Bryce L. Robertson
Edward H. Winks, Jr.
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 Acting 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BZA 26-2025 (WITHDRAWN)

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 31-2025

APPLICANT: Peter Harlan

PREMISES: 2205 EAST BROAD STREET
(Tax Parcel Number E000-0259/003)

SUBJECT: A building permit to construct a second-story addition to an existing detached garage accessory to an existing single-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on July 3, 2025, based on Sections 30-300, 30-413.15(2)a & 30-413.15(4) of the zoning ordinance for the reason that: In an R-8 (Urban Residential) District, the side and rear yard (setback) requirements are not met. Side yards of three feet (3') are required; zero feet is proposed. A rear yard of five feet (5') is required; two feet (2') is proposed.

APPLICATION was filed with the Board on July 3, 2025, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Peter Harlan

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Peter Harlan, has requested a special exception to construct a second story addition to an existing detached garage for property

located at 2205 E. Broad Street. Mr. Harlan testified that the proposed accessory structure addition will consist of approximately 450 ft.² of multipurpose space over the existing garage. Mr. Harlan noted that the garage was constructed in 2003 and consists of concrete block with brick veneer that mimics the appearance of the dwelling and other structures in the neighborhood. Mr. Harlan noted that the Board granted a variance to the side and rear yard setbacks in 2003. Mr. Harley noted that the exterior stairs and a porch will be constructed on the north side of the accessory structure to provide access to the second floor. Mr. Harlan further noted that the Commission of Architectural Review had approved his plans. Mr. Harlan noted that the expansion is vertical and that the request with respect to the side and rear yard setbacks are similar to that granted in 2003. Mr. Harlan stated that minor modifications had been made to the plans at the request of their neighbors limiting the impact of the addition to existing landscaping and trees bordering the property. Mr. Harlan concluded by stating he was aware of no objections to the requested special exception from any of 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 side and rear yard (setback) requirements be granted to Peter Harlan for a building permit to construct a second-story addition to an existing detached garage accessory to an existing single-family (detached) dwelling, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (4-0)

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

APPLICANT: Jamison Donald R Living Trust

PREMISES: 3144 ELLWOOD AVENUE
(Tax Parcel Number W000-1407/058)

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

DISAPPROVED by the Zoning Administrator on July 17, 2025, based on Sections 30-300 & 30-412.4(1) of the zoning ordinance for the reason that: In an R-6 (Single-Family Attached Residential) District, the lot area and lot width requirements are not met. A lot area of 5,000 square feet and a lot width of 50 feet are required. A lot area of 3,374 square feet and a lot width of 25 feet are proposed.

APPLICATION was filed with the Board on July 17, 2025, based on Section 30-1040.3(2) 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 that the applicant, Jamison Donald R Living Trust, has requested a special exception to split a lot and construct a new single-family detached dwelling for property located at 3144 Ellwood Avenue. Mr. Will Gillette, representing the applicant, testified that a special exception to permit the division of two existing parcels located at 3144 and 3142 Ellwood Avenue. Mr. Gillette noted that the parcels had historically been deeded separately but had been combined from a zoning perspective as a result of construction of a shed on the vacant portion of the lot. Mr. Gillette stated that the goal is to permit construction of a new single-family detached dwelling on the vacant portion of the property while retaining the existing dwelling on the western portion of the property. Mr. Gillette stated that the lot is 49.5 feet in width and contains 6686 ft.² and is considered a large lot compared to other lots in the block. The lot area and lot width requirements are not met. The R-6 zoning requires a lot width of 50 feet and a lot area of 5000 ft.² while the proposed lot will be 25 feet in width and contain 3374 ft.² of lot area. The request would permit the construction of a two-story single-family detached dwelling while retaining the existing dwelling on the lot. Further, the request is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood. The proposed dwelling will be a high-quality product designed to be compatible with existing homes in the area and will be a traditional two-story design with a brick façade and a full width front porch. The

exterior of the dwelling will be a compatible design with other dwellings in the neighborhood and include quality building materials such as brick and cementitious siding. Mr. Gillette stated that the property is located in the West of the Boulevard Design District and the proposed dwelling has been reviewed and preliminarily approved by the City’s Urban Design Committee. Mr. Gillette stated that the lot is a legal lot of record and that the street frontage requirements have been met. No subdivision is required, and no side yard waivers are necessary. Mr. Gillette concluded by stating that letters have been sent to all property owners within a 150-foot radius and no negative responses were received. Finally, the Museum District was contacted but no response was received.

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 Jamison Donald R Living Trust for a lot split and building permit to construct a new single-family (detached) dwelling, subject to substantial compliance with the plans submitted to the Board and provision of brick and cementitious siding.

ACTION OF THE BOARD: (4-0)

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

APPLICANT: City of Richmond Department of Parks and Recreation

PREMISES: 2009 RUFFIN ROAD
(Tax Parcel Number S008-0601/007)

SUBJECT: A building permit to construct a new community center (TB Smith).

DISAPPROVED by the Zoning Administrator on June 30, 2025, based on Sections 30-300, 30-660.1, 30-680.1(d), 30-1220.1 & 30-1220.138 of the zoning ordinance for the reason that: In an R-4 (Single-Family Residential) District, facilities for the deposit and collection of trash or refuse and accessory structures are not permitted in the front yard. A trash enclosure and an accessory structure (backflow preventer) are proposed in the front yard along Ruffin Road.

APPLICATION was filed with the Board on July 17, 2025, based on Section 17.20(c) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Travis Wolf
Nissa Richardson

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, City of Richmond, has requested a special exception to expand a new community center for property located at 2009 Ruffin Road. Mr. Travis Wolf, representing the City, testified that the City is expanding the community center facilities at TB Smith Community Center. The site is zoned R-4 single-family residential and is directly adjacent to a school and industrial properties. It is across the street from the Davee Gardens Neighborhood. Mr. Wolf stated that the request is being made under §17.20 c of the City Charter. The City is requesting special approval to allow the required RPZ Back Flow Preventer heated enclosures and the constructed trash enclosure to be located in the front yard. Mr. Wolf noted that Public Utilities requires backflow preventers to be installed on water utilities servicing any building to prevent water supply contamination. They must be installed above ground and be located within 25 feet of the water meters. The RPZ backflow preventer's heated enclosures are required by the Department of Public Utilities to protect the backflow preventers from freezing conditions. Mr. Wolf stated there is no other location for the enclosures and backflow preventers that meets the necessary requirements. Mr. Wolf noted that the community center building is approaching completion and approval of the enclosure locations is critical. The enclosures are relatively low in

height at approximately 4 feet to 8 feet tall and will not contribute to any issues related to disruption of light and air to adjacent properties. They will not increase congestion in the streets or pose a public safety hazard. Mr. Wolf explained that visibility of the enclosures will be decreased by adding additional plantings that will create a visibility screen around enclosures. The location of the proposed trash enclosure close to the community center is necessary as a cost-saving measure. The location of the enclosure met the necessary needs with respect to preventing heavy truck traffic from crossing the permeable paver parking lot. The enclosure will be painted to complement or match the building and plantings will be added for screening purposes. Mr. Wolf stated that they were aware of no objections to the proposed improvements.

The Board finds that in accordance with §17.20 of the Charter of the City of Richmond that the sworn testimony and evidence offered in this case demonstrates that the expansion of TB Smith Community Center, which is prohibited by ordinance, is in the public interest and that such construction or use will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property, will not unreasonably impair an adequate supply of light and air to adjacent property, will not increase congestion in streets and will not increase public danger from fire or otherwise affect public safety.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the facilities for the deposit and collection of trash or refuse and accessory structures in the front yard requirements be granted to City of Richmond Department of Parks and Recreation for a building permit to construct a new community center (TB Smith), subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (4-0)

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

Upon motion made by Mr. Winks and seconded by Mr. Robertson, Members voted (3-0) to adopt the Board’s August meeting minutes.

The meeting was adjourned at 1:25 p.m.

Ray Berbow
Secretary

Mary J. Hogue
Chairman