



BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, APRIL 1, 2026

On Wednesday, April 1, 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 March 18 and 25, 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 06-2026

APPLICANT: Mi Suk & Ro Ha Park

PREMISES: 2800 NORTH AVENUE
(Tax Parcel Number N000-0783/014)

SUBJECT: A building permit to re-establish nonconforming use rights to a retail use (1st floor) and convert the building to a two-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on January 16, 2026, based on Sections 30-300, 30-800.4 & 30-800.6(a) 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 January 16, 2026, based on Sections 30-1040.3(11) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Justin Whiteford

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Mi Suk & Ro Ha Park, have requested a special exception to reestablish the nonconforming use rights to retail use on the first floor and convert the building to a two-family dwelling for both floors. Mr. Justin Whiteford testified that as the architect for the applicant that the zoning office had determined the prior nonconforming use rights have expired. It was noted that the building had been nonconforming since at least 1927. The desire of the owners is to reestablish the nonconforming use rights in order that the building may then be converted to a two-family attached dwelling. Mr. Whiteford noted that there was some question whether the building had ever been converted to a single-family use. Mr. Whiteford also noted that there are multiple two-family attached dwellings along North Avenue in the neighborhood. Mr. Whiteford stated that they are requesting that the BZA allow the two-family attached use of the subject property as it fits with other adjacent existing uses and conforms to the Richmond 300 master plan. Mr. Whiteford noted that the building has no commercial utility. Mr. Whiteford stated that there was no objection regarding this request from the surrounding neighbors.

The Board finds The Board is satisfied that the property was acquired in good faith and pursuant to Section 30-1040.3 (14) of the zoning ordinance, 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.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a special exception from the nonconforming use requirements be granted to Mi Suk & Ro Ha Park for a building permit to re-establish nonconforming use rights to a retail use (1st floor)

and convert the building to a two-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 07-2026

APPLICANT: Christopher C. Moseley,

PREMISES: 1900-1902 HULL STREET
(Tax Parcel Number S000-0294/010)

SUBJECT: A building permit to convert a commercial use to a multi-family dwelling (15 units).

DISAPPROVED by the Zoning Administrator on January 22, 2026, based on Sections 30-300 & 30-438.3(4) of the zoning ordinance for the reason that: In a B-3 (General Business) District, the side yard (setback) requirement is not met. Side and rear yards adjacent to dwelling uses and shelters shall be not less than 15 feet in depth. A side yard of fifteen feet (15') is required along the eastern (alley) lot line; 0'-0.07' currently exists/is proposed.

APPLICATION was filed with the Board on January 22, 2026, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Earl Gary
Will Wilson

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Christopher C Moseley, has requested a variance to convert a vacant building previously containing a commercial use to a multifamily dwelling for property located at 1900-1906 Hull St., Mr. Earl Gary, representing the applicant, noted that the subject site consists three parcels located

at 1900, 1904 and 1906 Hull St. The 1900 parcel contains an existing one story commercial structure, while 1904 and 1906 are vacant lots. Collectively the site contains approximately 17,279 ft.² of lot area.. In connection with the proposed redevelopment and consolidation of the site the applicant requests variance from the required 15 foot side yard setback along the eastern (alley) lot line for 1900-1902 Hull Street. This relief is necessary to allow the conversion of the existing vacant one story building into a 15 unit multifamily dwelling, as the existing building footprint and site configuration along the alley do not allow a compliant 15 foot side yard to be provided without extraordinary and impractical reconstruction or relocation of the structure. Mr. Gary noted the property was acquired in good faith and the hardship necessitating the variance was not created by the applicant. Further, no substantial detriment will occur to adjacent or nearby properties. The property condition is unique and not a generally or recurring condition. Mr. Gary stated that rezoning is not required and that the relief sought is not available by special exception. Finally, the request is not contrary to the purpose of the ordinance.

Speaking in support, Mr. Will Wilson stated the project will improve the neighborhood.

The Board finds that evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of § 15.2-2309 or the process for modification of a zoning ordinance pursuant to subdivision A4 of § 15.2-2286 at the time of the filing of the variance application.

Finally, the Board finds by a preponderance of the evidence that the application meets the standard for the variance as defined in §15.2-2201 of the Code of Virginia and the criteria set out in this section.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS that a request for a variance from the side yard (setback) requirement be granted to Christopher C. Moseley for a building permit to convert a commercial use to a multi-family dwelling (15 units), 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 08-2026

APPLICANT: Trek Properties LLC

PREMISES: 1722 NORTH 20th STREET
(Tax Parcel Number E000-0934/009)

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

DISAPPROVED by the Zoning Administrator on February 3, 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 7,980 square feet and a lot width of 60 feet currently exists. A lot area of 4,008.62 square feet and a lot width of 30.14 feet are proposed for No. 1722. A lot area of 3,971.38 square feet and a lot width of 29.86 feet are proposed for No. 1722 ½.

APPLICATION was filed with the Board on February 4, 2026, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Marisa Perez
Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case the applicant, Trek Properties LLC, has requested a special exception to construct a single-family detached dwelling for property located at 1722 N. 20th St. Ms. Marisa Perez, representing the applicant, testified that the property is located on the western line of 20th St. between Fairfield Avenue and Brauers Lane. The property is approximately 60 feet in width containing a lot area of 8000 ft.². It is currently occupied with a two-story single-family detached dwelling built in 1920 and located on the southern half of the property. The proposed new dwelling will be located on the northern portion of the property on a lot of approximately 30 feet in width and 4000 ft.² of lot area. The remaining existing dwelling would be located on the lot of approximate 30 feet in width and containing 4000 ft.² of lot area. The request is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood. The subject lots have been combined for zoning purposes and were originally legal lots of record. The proposed dwelling will be 2.5 stories in height, consisting of three bedrooms/2 and one half bathrooms and including an open concept kitchen and living area. The exterior has been designed to be compatible with the existing dwellings in the neighborhood including a full width front porch, a front facing gable roof and will utilize cementitious siding. Street frontage and side yard requirements are met and no subdivision will be required. The proposed lots are consistent with the predominant lot width and lot areas in the vicinity and the dwelling will be compatible with other dwellings in the vicinity. Ms. Perez concluded by stating the property is located within the Fairmount Neighborhood Association which is currently inactive. Letters were sent to all property owners within a 150 foot radius and no opposition has been 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 Trek Properties LLC 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 cementitious siding.

ACTION OF THE BOARD: (5-0)

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

negative: None

BZA 09-2026

APPLICANT Trek Properties LLC

PREMISES: 3709 LAWSON STREET
(Tax Parcel Number S004-2906/028)

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

DISAPPROVED by the Zoning Administrator on February 6, 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 10,725 square feet and a lot width of 66 feet currently exists. A lot area of 5,568 square feet and a lot width of 33.77 feet are proposed for No. 3709. A lot area of 5,157 square feet and a lot width of 32.23 feet are proposed for No. 3707.

APPLICATION was filed with the Board on February 6, 2026, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Marisa Perez

Against Applicant: Gail Laporte

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 one new single-family detached dwelling for property located at 3709 Lawson St. Ms. Marisa Perez, representing the applicant, testified the property is

located on the northern line of Lawson Street west of E. 37th St. The existing lot is 66 feet in width and includes a total a lot area of 10,560 ft.². A single-family detached dwelling is located on the western half of the property. The property is comprised of two original subdivision lots. The goal is to permit construction of one new single-family detached dwelling while retaining the existing dwelling. The new dwelling will be located on the eastern portion of the property on a lot measuring 32 feet in width and containing 5000 ft.² lot area. The request is consistent with the special exception intent of creating infill housing that is compatible with the neighborhood. Mr. Perez noted that 3709 Lawson St. consist of two original subdivision lots which have been combined for zoning purposes. The applicant is proposing to construct a two-story frame detached dwelling consisting of three bedrooms/2 ½ bathrooms including an open concept kitchen and living area and primary bedroom on the first floor. The exterior of the dwelling has been designed to be compatible with existing dwellings in the neighborhood including a full width front porch, a front facing gable roof and cementitious siding. In terms of the special exception tests the property consists of two legal subdivision lots, street frontage requirements have been met and side yard requirements have also been met. No subdivision is required. Mr. Perez noted that the proposed lots are consistent with the predominant lot widths and lot areas in the vicinity and the new dwelling will be compatible with dwellings in the vicinity. Ms. Perez concluded by stating the property is located within the Swansboro West Civic Association. Ms. Perez indicated that they had been in contact with the Association and agreement was reached to plant an additional tree and natural landscaping. Letters were sent to all property owners within a 150 foot radius and an agreement had been reached with the adjoining neighbor to relocate the fence which encroaches on the subject property.

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 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 10-2026 (CONTINUED TO MAY 6, 2026 MEETING OF THE BOARD WITH FEE)

APPLICANT: David Morrison & Claire Accardo

PREMISES: 101 NORTH ARTHUR ASHE BOULEVARD
(Tax Parcel Number W000-1203/019)

SUBJECT: A building permit to construct an accessory structure (carport) to an existing two-family (detached) dwelling.

DISAPPROVED by the Zoning Administrator on February 11, 2026, based on Sections 30-300, 30-416.5(1), 30-416.5(2)(a) & 30-630.1(a) of the zoning ordinance for the reason that: In an R-48 (Multifamily Residential) District, the front yard and side yard (setback) requirements are not met. A front yard of fifteen feet (15') is required along the Floyd Avenue frontage; none is proposed. Side yards of three feet (3') are required along the alley and northern property line; none are proposed along both property lines.

APPLICATION was filed with the Board on February 11, 2026, based on Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

BZA 11-2026 (CONTINUED TO MAY 6, 2026 MEETING OF THE BOARD WITHOUT FEE)

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; 2.83± feet 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 Section 30-1040.3(1) of the City of Richmond Zoning Ordinance.

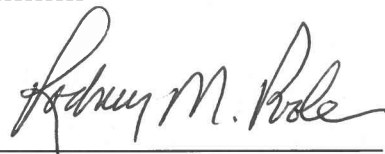
Upon motion made by Hogue and seconded by Mr. Robertson, Members voted (4-0) to adopt the Board's February 2026 meeting minutes.

Upon motion made by Mr. Robertson and seconded by Ms. Hogue, Members voted (3-0) to adopt the Board's March 2026 meeting minutes.

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



Secretary



Chair