



DEPARTMENT OF
**PLANNING AND
DEVELOPMENT
REVIEW**

**BOARD OF
ZONING APPEALS**

BOARD OF ZONING APPEALS

MEETING MINUTES

WEDNESDAY, JUNE 3, 2026

On Wednesday, June 3, 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 May 20 and 27, 2026 and written notice having been sent to interested parties.

Members Present: Rodney M. Poole, Chair
Bryce L. Robertson
Edward H. Winks, Jr.
Leigh V. Kelley

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 16-2026

APPLICANT: City of Richmond Department of Public Works

PREMISES: 1202 WEST GRAHAM ROAD
(Tax Parcel Number N000-0740/013)

SUBJECT: A site plan application to install a memorial statue and to replace existing pavement with a paver system.

DISAPPROVED by the Zoning Administrator on April 7, 2026, based on Sections 30-300, 30-680.1(d), 30-1220.1 & 30-1220.138 of the zoning ordinance for the reason that: In an R-53 (Multifamily Residential) District, accessory structures are not permitted in the front yard. An accessory building or structure may only be located in a front yard if located 100 feet or greater from the nearest street line. A front yard of approximately seventy-five feet (75') is proposed for the accessory structure.

APPLICATION was filed with the Board on April 15, 2026, based on Section 17.20(c) of the Charter of the City of Richmond.

APPEARANCES:

For Applicant: Lynne Lancaster
 Neil Bagnell

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, City of Richmond Public Works, has requested a special exception under Paragraph C of §17.20 of the Richmond City Charter to install a memorial statue to be located in front of the Police Training Academy for property located at 1202 W. Graham Rd. Ms. Lynne Lancaster, representing the Department of Public Works, introduced Mr. Neil Bagnell PE. Mr. Bagnell testified that the proposed statue was prohibited by the zoning ordinance. Mr. Bagnell further testified that in accordance with the requisite City Charter provision the proposed use was in the public interest and that the construction or use will adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property. Mr. Bagnell stated that the proposed statue would not unreasonably impair an adequate supply of light and air to adjacent property nor will it result in an increase in congestion in the streets. Finally, the proposed use would not increase public danger from fire or otherwise affect public safety. Mr. Bagnell testified that the Public Works Department had reached out to surrounding property owners and that no objection to the requested special exception was noted.

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 installation of a memorial statue as proposed 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 the

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 accessory structures in the front yard requirement be granted to City of Richmond Department of Public Works for a site plan application to install a memorial statue and to replace existing pavement with a paver system, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally
affirmative: Poole, Robertson, Winks, Kelley

negative: None

BZA 17-2026

APPLICANT: 5317 Marshall Air Drive LLC

PREMISES: 1516 NATIONAL STREET
(Tax Parcel Number E000-2813/015)

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

DISAPPROVED by the Zoning Administrator on April 16, 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 8,400 square feet and a lot width of 60 feet currently exists. A lot area of 4,690 square feet and a lot width of 33.5 feet are proposed for No. 1516. A lot area of 3,710 square feet and a lot width of 26.5 feet are proposed for No. 1518.

APPLICATION was filed with the Board on April 16, 2026, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Adam Carballo

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, 5317 Marshall Air Drive LLC, has requested a special exception to construct a new single-family detached dwelling for property located at 1516 National St. Mr. Adam Carballo, representing the applicant, testified that this identical request had been approved by the Board on January 3, 2024. Mr. Carballo indicated that the approval had expired due to inaction for the requisite two-year approval period. Mr. Carballo noted that as in the previous case a lot area of 4690 ft.² and lot width of 33.50 feet is being requested for 1516 National St. and a lot area of 3710 ft.² and a lot width of 26.5 feet is being requested for 1518 National St. It was also noted that as in the previous case these lots are legal lots of record. Mr. Carballo indicated that the proposal is consistent with the applicable special exception criteria and the letters had been sent to property owners within a 150-foot radius and no objection 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 5317 Marshall Air Drive 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: (4-0)

Vote to Grant Conditionally

affirmative: Poole, Robertson, Winks, Kelley

negative: None

BZA 18-2026

APPLICANT: RoniJean Horton

PREMISES: 1809 4th AVENUE
(Tax Parcel Number N000-0460/018)

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

DISAPPROVED by the Zoning Administrator on April 20, 2026, 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. Lot areas of five thousand square feet (5,000 SF) and lot widths of fifty feet (50') are required. For zoning purposes, one lot having a lot area of 9,710 square feet and a lot width of 69.8 feet currently exists. Lot areas of 4,855 square feet and lot widths of 34.9 feet are proposed.

APPLICATION was filed with the Board on April 16, 2026, based on Section 30-1040.3(2) of the City of Richmond Zoning Ordinance.

APPEARANCES:

For Applicant: Dylan Bahr

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, RoniJean Horton, has requested a special exception to construct one new single-family detached dwelling for property located at 1809 4th Ave. Mr. Dylan Bahr, representing the applicant, testified the existing lot has a lot area of 9700 and square feet and a lot width of 69.8 feet. Lot areas of 4855 ft.² and lot widths of 34.9 feet are being proposed. Mr. Bahr noted that all requisite setbacks have been met and the request is consistent with applicable special exception criteria. Further, the proposed lot sizes are similar to other lots within the neighborhood. The proposed two-story dwelling is similar in nature to other dwellings in the neighborhood. Finally, Mr. Bahr indicated that they had reached out to all neighbors within a 150-foot radius and no objections were 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 Ronijean Horton 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: (4-0)

Vote to Grant Conditionally
affirmative:

Poole, Robertson, Winks, Kelley

negative:

None

BZA 19-2026

APPLICANT Church Schools in the Diocese of Virginia Inc

PREMISES: 6001 GROVE AVENUE
(Tax Parcel Number W021-0381/007)

SUBJECT: A building permit to construct an addition to an existing school building.

DISAPPROVED by the Zoning Administrator on March 20, 2026, based on Sections 30-300 & 30-432.7(3)b of the zoning ordinance for the reason that: In an I-C (Institutional Conditional) District, where two or more buildings, neither of which contains a dwelling use, are erected on the same lot, the distance between any two such buildings shall be not less than 15 feet. A distance of 10.5' ± is proposed between the buildings.

APPLICATION was filed with the Board on April 17, 2026, based on Section 15.2-2309.2 of the Code of Virginia.

APPEARANCES:

For Applicant: Charles Tilley

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Church Schools in the Diocese of Virginia Inc., has requested a variance to construct an addition to an existing school building for property located at 6001 Grove Ave. Mr. Charles Tilley, representing the applicant, testified that the I-C zoning district requires that any two buildings located on the same property which are not occupied by dwelling uses must be setback a minimum of 15 feet from each other. Mr. Tilley noted that the proposed buildings will be setback 10.5 feet and are internal to the campus. Mr. Tilley explained that the purpose of the project is to renovate the music classroom building to serve a new use as a center for the upper school visual arts programs. Further, the addition complies with the fire separation requirements of the Virginia Construction Code. Mr. Tilley stated that the property was acquired in good faith and the hardship was not caused by the applicant, granting the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area, the condition 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, granting of the variance does not result in a use that is not otherwise permitted on such property and the variance is not contrary to the purpose of the ordinance. Mr. Tilley concluded by stating that letters had been sent to all property owners within a 150-foot radius and opposition was noted and that the West Hampton Civic Association was in support of the project.

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 spaces between buildings (setback) requirement be granted to Church Schools in the Diocese of Virginia Inc for a building permit to construct an addition to an existing school building, subject to substantial compliance with the plans submitted to the Board.

ACTION OF THE BOARD: (4-0)

Vote to Grant Conditionally
affirmative: Poole, Robertson, Winks, Kelley
negative: None

BZA 20-2026

APPLICANT: Najjee K Highsmith

PREMISES: 1527 OAKWOOD AVENUE
(Tax Parcel Number E000-1542/004)

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 35% exists; 38% is proposed.

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

APPEARANCES:

For Applicant: Najjee Highsmith

Against Applicant: None

FINDINGS OF FACT: The Board finds from sworn testimony and exhibits offered in this case that the applicant, Najjee Highsmith, has requested a special exception to construct a one-story detached structure (10' x 12' shed) accessory to a single-family detached dwelling for property located at 1527 Oakwood Ave. Ms. Highsmith testified that she is requesting a lot coverage waiver amounting to 3%. Specifically, the zoning ordinance requires that the lot coverage may not exceed 35% in the R-5 single-family district and Ms. Highsmith is requesting a lot coverage of 38 % in order to construct the proposed storage shed. Ms. Highsmith explained that as a result of their growing family they do not have sufficient storage space within the dwelling, which is the basis of the special exception request. Ms. Highsmith noted that all requisite special exception criteria have been met and that letters were sent to all property owners within a 150-foot radius and no objections were 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 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 Najjee K Highsmith 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: (4-0)

Vote to Grant Conditionally
affirmative: Poole, Robertson, Winks, Kelley

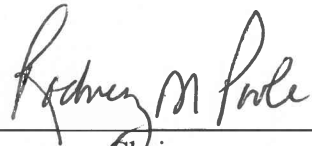
negative: None

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

The meeting was adjourned at 1:35 p.m.



Secretary



Chair