

CITY OF CHARLOTTESVILLE, VIRGINIA
BOARD OF ZONING APPEALS MEETING

Thursday, March 19, 2026, 4:00 pm
City Council Chambers, 605 East Main Street
Charlottesville, Virginia 22902

AGENDA

- I. Call to Order
- II. Any Additions/Revisions to Agenda
- III. Agenda Approval
- IV. **Election of Officers**
 - 1. Chairperson
 - 2. Vice-Chairperson
- V. Meeting Procedures Adoption
- VI. **Closed Session**
 - 1. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.
 - A. **Legal Authority:** Virginia Code § 2.2-3711(A)(8)
 - B. **Subject Matter:** BZA Case # 26-02-001
 - C. **Purpose:** Consultation with Legal Counsel
- VII. **Return to Open Session and Closed Session Certification**
 - 1. Closed Session Certification
- VIII. **Public Hearing**
 - 1. **BZA Case # 26-02-001:** An appeal of a determination made by the City’s Zoning Administrator (“ZA”) on December 11, 2025. Section 34-4.2.2.C.2.c of the City’s Development Codes states that, in order for a project to be deemed as Student Housing, bedrooms must be leased individually and the project must be within one-half mile of the University of Virginia (“UVA”) campus. The proposed multi-family project located at 202 7th Street NW, Charlottesville, Virginia, is located within one-half mile of UVA’s campus. Appellant disagrees within the ZA’s interpretation of the boundaries of UVA’s campus which were used to make this determination.

- A. Staff Presentation (*Read Brodhead, Zoning Administrator; Shelia Weimer, Deputy City Attorney*)
- B. Appellant Presentation (*Paul Reeder*)
- C. Public Hearing
- D. Board's Decision

IX. Matters from Board Members

X. Adjournment

PLEASE NOTE: THIS AGENDA IS SUBJECT TO CHANGE PRIOR TO THE MEETING.

Individuals with disabilities who require assistance or special arrangements to participate in the public meeting may call the ADA Coordinator at (434) 970-3185 or submit a request via email to ada@charlottesville.gov. The City of Charlottesville requests that you provide a 48 hour notice so that proper arrangements may be made.

BZA 26-02-001

Review Date: March 19, 2026

LOCATION: 202 7th Street SW

TAX MAP & PARCEL: Tax Map 29, Parcel 71

APPLICANT: Paul Reeder

PROPERTY ZONING AND USE: RX-5, Radio Tower (inactive)

APPEAL:

Paul Reeder, Petitioner, has filed an appeal of the City of Charlottesville, Virginia’s (“City”), Zoning Administrator’s official Zoning Determination, dated December 11, 2025, which states that the property at 202 7th St SW (“Property”) is located one-half mile from the University of Virginia’s (“University”) campus (“Campus”) (Attachment 1). Petitioner disagrees with the boundaries of the Campus used to determine that the Property should be considered a Student Housing Project, per Section 34-4.2.2.C.2.c of the City’s Development Code (“CDC”).

BACKGROUND:

A Development Plan (PL-25-0145) has been received by the City to redevelop the Property into student apartments (“Project”). The Project also includes the following parcels: 204 7th Street SW, 208 7th Street SW, 214 7th Street SW, and 613 Delevan Street. Projects where affordable housing is required must provide that ten percent (10%) of dwelling units on site are affordable dwelling units or pay an in-lieu fee to the City, or combination therein. However, if a project is proposed to be Student Housing per CDC Section 34-4.2.2.C.2.c, where bedrooms are leased individually and the project is within one-half mile of Campus, the developer is required to pay an in-lieu fee to the City. There is no option to meet affordable housing requirements by constructing affordable dwelling units in a Student Housing project.

Section 2.3 of The Affordable Dwelling Unit Monitoring and Procedures Manual (Attachment 2) defines the one-half mile measurement as *“being in a direct line from the edge of the main campus areas (central grounds and north grounds) to the edge of the subject parcel. Outlying University-owned parcels are not considered part of the campus for the purposes of this ordinance”* (emphasis added). CDC Section 34-4.2.2.C.2.c

Central Grounds and North Grounds are defined as those areas that are not zoned by the City, given their ownership by the Rector and Visitors of the University of Virginia on January 1, 1939 and exclusion from City jurisdiction, as provided in Section 3 of the City’s Charter. See Attachment 3 for the City Charter Section 3 reference and Attachment 4 for the City GIS map delineating the areas of Grounds that do not have designated zoning districts. This is reinforced by Albemarle County’s GIS property records (Attachment 5), which documents the official owner of record for these areas as The Rector & Visitors of the University of Virginia, and it has been under University ownership since 1754.

Parcels such as the University Hospital Complex are not owned by the Rector nor Visitors of the University of Virginia and were not included in the definition of Central Grounds and North Grounds. Outlying University owned parcels, such as Stacey Hall, were also excluded.

It was determined that the Project and the Property is located within one-half mile of Campus and therefore the Project is considered Student Housing and must pay an in-lieu fee to comply with any affordable housing requirements. The map used for this analysis, and the specific point in which the distance to the Project was measured from the area, is included as Attachment 6.

APPEAL:

The Petitioner disagrees with how the boundaries of Campus were determined and therefore the determination that this Project is located within one-half mile of Campus. The Affordable Dwelling Unit Monitoring and Procedures Manual defines the one-half mile measurement as being a direct line from the edge of the main Campus areas (central grounds and north grounds) to the edge of the subject parcel. The Petitioner would like the BZA to reverse this determination.

PETITIONER'S STATEMENT:

“The Manual defines the ½ mile measurement as being in a direct line from the edge of the main campus areas (central grounds and north grounds) to the edge of the subject parcel. The Administrator effectively ignores the words in parentheses, specifically the reference to central grounds: this is well-known term in both the University and Charlottesville communities, and would never include the pocket park at the junction of JPA and West Main Street” (Attachment 7).

STAFF RESPONSE:

As noted in the Background section above, Central Grounds and North Grounds are defined as those areas that are not zoned by the City, given their ownership by the Rector and Visitors of the University of Virginia on January 1, 1939 and exclusion from City jurisdiction, as provided in Section 3 of the City's Charter. The small pocket park that is bound by the Buckingham Railroad tracks on the West side and by Jefferson Park Avenue and University Avenue is located within the area provided in Section 3 of the City's Charter, and therefore part of Central Grounds.

ATTACHMENTS AND LINKS:

- Attachment 1 - Zoning Administrator's Determination
- Attachment 2 - Affordable Dwelling Unit Monitoring and Procedures Manual: https://www.charlottesville.gov/DocumentCenter/View/14721/Charlottesville-ADU-Manual_12_10032025
- Attachment 3 – City of Charlottesville Charter, Section 3
- Attachment 4 - City GIS map: UVA Grounds that do not have Designated Zoning Districts
- Attachment 5 – Albemarle County GIS Property Records
- Attachment 6 - One-half Mile Analysis Map
- Attachment 7 - Petitioner's Statement
- Attachment 8 - Materials from BZA Attorney (*if any*)
- Attachment 9 - Material Provided by Public (*if any*)

CITY OF CHARLOTTESVILLE

Department of Neighborhood Development Services

City Hall Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
www.charlottesville.gov



December 11, 2025

Paul Reeder
211 5th Street SW #101
Charlottesville VA 22903

Re: 204 7th St SW

Mr. Reeder,

The purpose of this letter is to confirm that a development plan (PL-25-0145) has been received by the City of Charlottesville to redevelop the property located at 202 7th Street SW into student apartments. For a project to be considered Student Housing, per Section 34-4.2.2.C.2.c, bedrooms must be leased individually and the project must be within ½ mile of the University of Virginia campus. The developer is required to pay an in-lieu fee to the City for the project. There is no option to meet affordable housing requirements by constructing affordable dwelling units in a Student Housing project.

The Affordable Dwelling Unit Monitoring and Procedures Manual Section 2.3. Section 34-4.2.2.C.2.c of the Development Code identifies Student Housing as rented by the bedroom and within ½ mile of the University of Virginia campus. The Manual further defines the ½ mile measurement as *being in a direct line from the edge of the main campus areas (central grounds and north grounds) to the edge of the subject parcel. Outlying University-owned parcels are not considered part of the campus for the purposes of this ordinance.*

It has been determined that this project is within ½ mile of campus and therefore the developer will be required to pay the in-lieu fee to the City for the project. I have attached the map showing Central and North Grounds.

This letter constitutes a determination of the City's Zoning Administrator. In accordance with sections 5.2.17(B), you have the right to appeal this determination to the Board of Zoning Appeals within thirty (30) days of the date of this letter. If an appeal is not made within this time period, then this determination becomes final.

Sincerely,

Read Brodhead
Zoning Administrator

Attachment 2

Affordable Dwelling Unit Monitoring and Procedures Manual

https://www.charlottesville.gov/DocumentCenter/View/14721/Charlottesville-ADU-Manual_12_10032025

Attachment 3

Code of the City of Charlottesville – Charter

https://library.municode.com/va/charlottesville/codes/code_of_ordinances?nodeId=CH_S3UNVIEXCI

Sec. 3. - University of Virginia excluded from city.

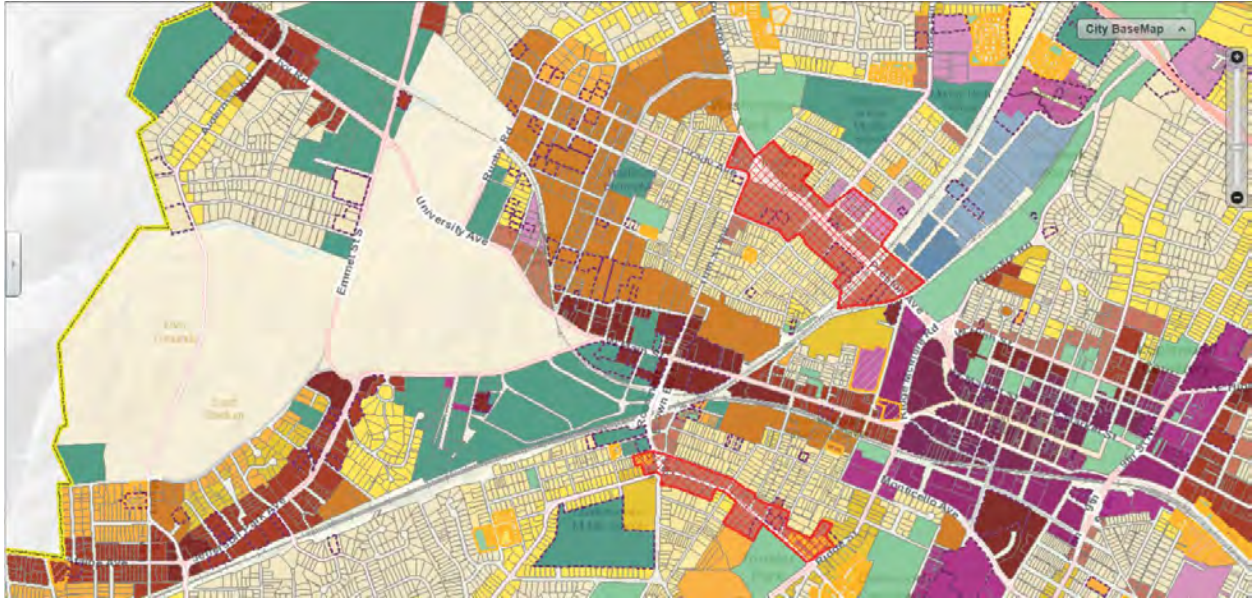
The grounds, walks, driveways and all the land which on January 1, 1939, belonged to "Rector and Visitors of the University of Virginia," a corporation, although embraced within the boundaries of the City of Charlottesville as described in section 2, shall nevertheless be deemed to be excluded therefrom and shall be, remain and continue in all respects and for all purposes a part of the County of Albemarle; provided, that this exception shall not apply to any of the lands now used and embraced within the streets and roads known as West Main Street, Fry's Spring Road, the Old Lynchburg Road, Rugby Road, State Highway No. 250, State Highway No. 29, nor any sidewalks on such roads, nor to any portion of the right of way of the Chesapeake and Ohio Railroad, and all of said streets, roads and rights of way within the boundary lines set out in section 2 hereof shall be in and a part of the City of Charlottesville.

(Acts 1948, Ch. 124)

Attachment 4

City GIS Viewer - <https://gisweb.charlottesville.org/GisViewer/>

UVA Grounds that do not have City Designated Zoning Districts.

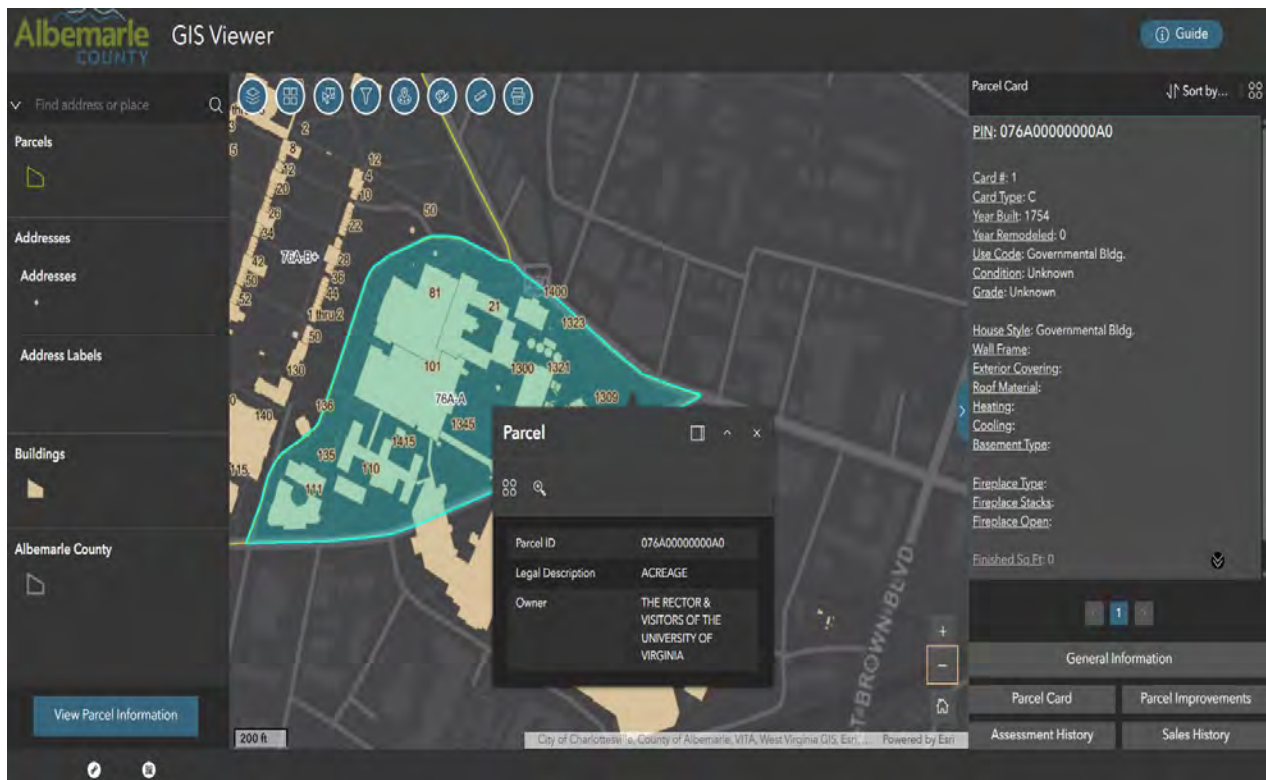


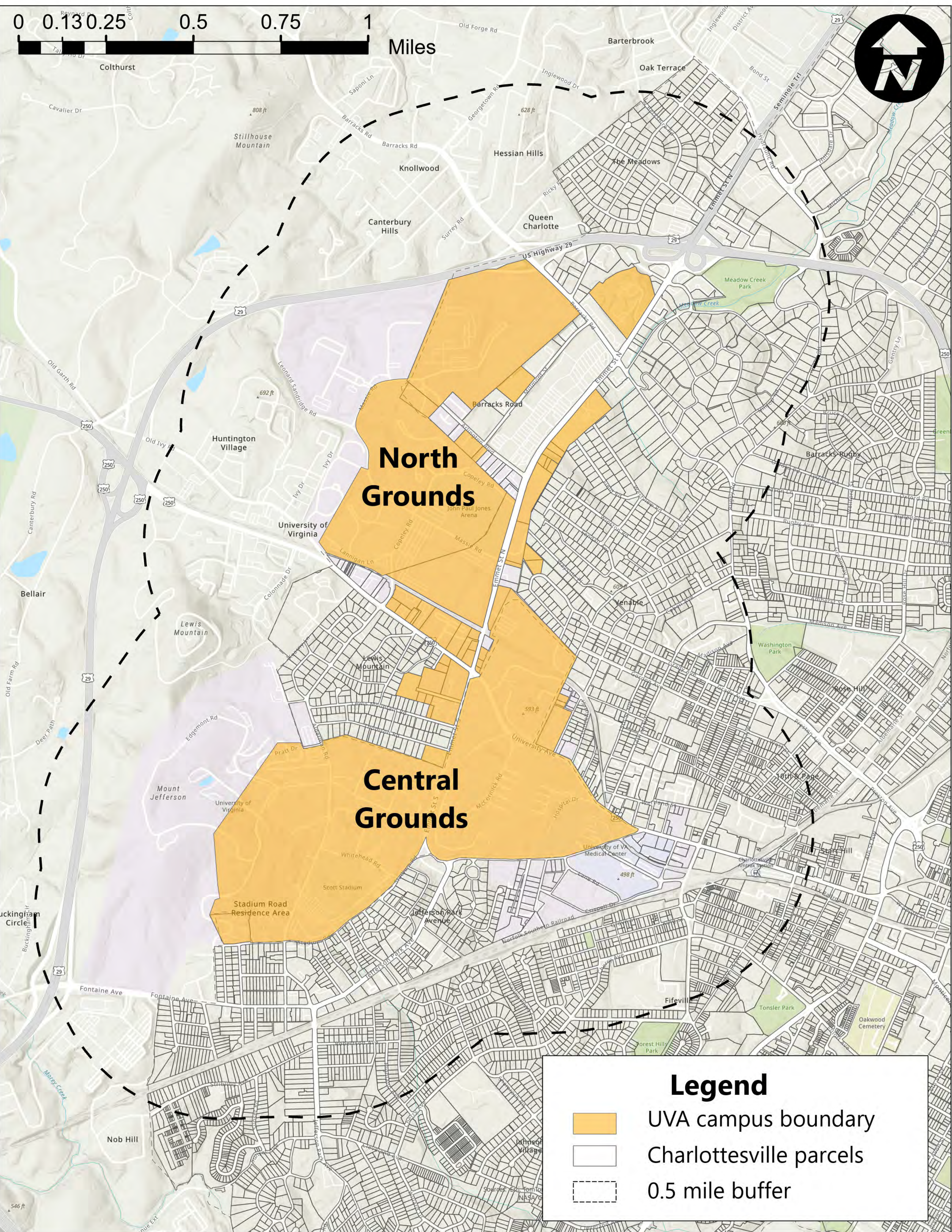
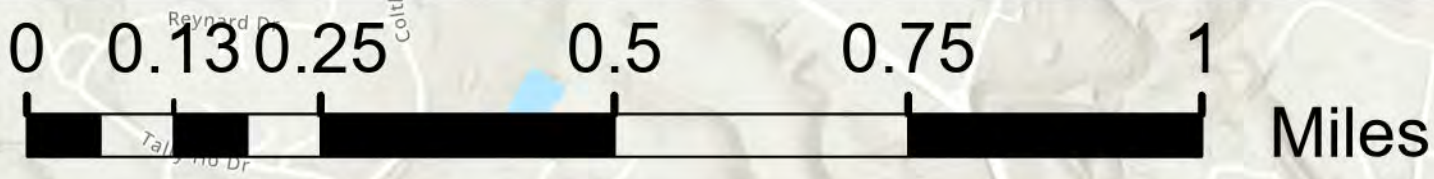
Attachment 5

Albemarle County GIS Property Records

[https://experience.arcgis.com/experience/fdf2f078208c487ebf7a733ab3a38db2/page/Parcel-Card#data_s=id%3AdataSource_3-198a8f998e9-layer-17%3A32995%2Cwhere%3AdataSource_2-1~dataSource_2-0%3ATMP%20IN%20\('076A0000000A0'\)%2Cwhere%3AdataSource_2-2%3AREM_PIN%20IN%20\('076A0000000A0'\)%2Cwhere%3AdataSource_2-3%3APIN%20IN%20\('076A0000000A0'\)&widget_158=active_datasource_id:dataSource_3,center:-8738478.379543422%2C4584108.496714937%2C102100,scale:4513.988705,level:17,rotation:0,viewpoint:%7B%22rotation%22%3A0%2C%22scale%22%3A4513.988705%2C%22targetGeometry%22%3A%7B%22spatialReference%22%3A%7B%22latestWkid%22%3A3857%2C%22wkid%22%3A102100%7D%2C%22x%22%3A-8738478.379543422%2C%22y%22%3A4584108.496714937%7D%7D](https://experience.arcgis.com/experience/fdf2f078208c487ebf7a733ab3a38db2/page/Parcel-Card#data_s=id%3AdataSource_3-198a8f998e9-layer-17%3A32995%2Cwhere%3AdataSource_2-1~dataSource_2-0%3ATMP%20IN%20('076A0000000A0')%2Cwhere%3AdataSource_2-2%3AREM_PIN%20IN%20('076A0000000A0')%2Cwhere%3AdataSource_2-3%3APIN%20IN%20('076A0000000A0')&widget_158=active_datasource_id:dataSource_3,center:-8738478.379543422%2C4584108.496714937%2C102100,scale:4513.988705,level:17,rotation:0,viewpoint:%7B%22rotation%22%3A0%2C%22scale%22%3A4513.988705%2C%22targetGeometry%22%3A%7B%22spatialReference%22%3A%7B%22latestWkid%22%3A3857%2C%22wkid%22%3A102100%7D%2C%22x%22%3A-8738478.379543422%2C%22y%22%3A4584108.496714937%7D%7D)

Screenshot showing the parcel from Albemarle County records



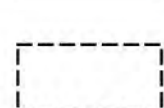


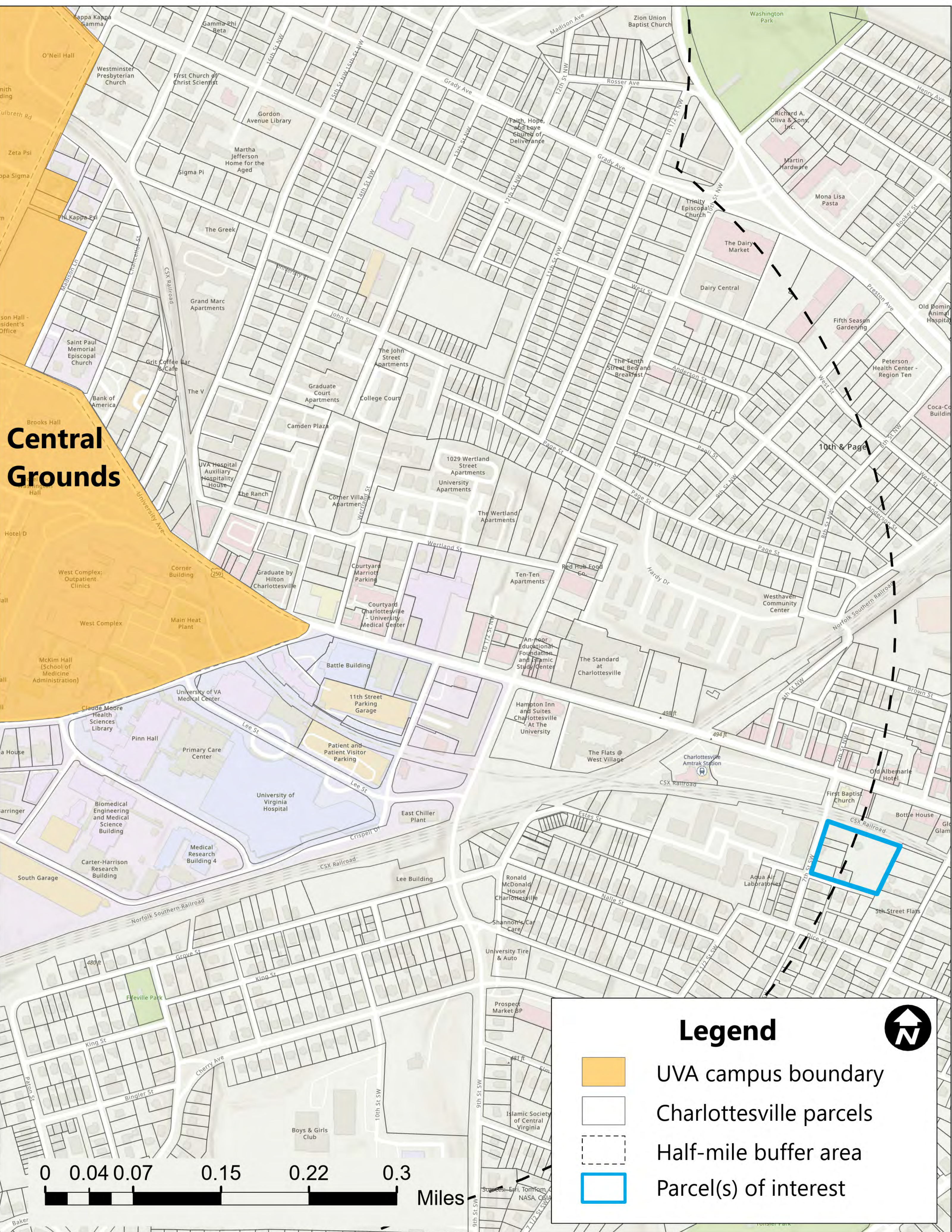


**North
Grounds**

**Central
Grounds**





Legend


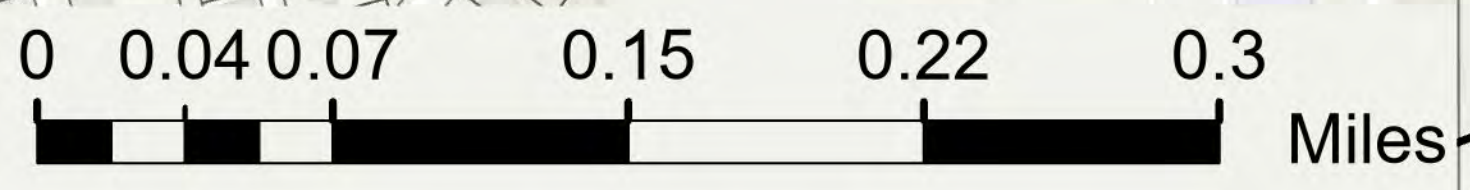
-  UVA campus boundary
-  Charlottesville parcels
-  0.5 mile buffer



Central Grounds

Legend

-  UVA campus boundary
-  Charlottesville parcels
-  Half-mile buffer area
-  Parcel(s) of interest

Determination of the Half-mile radius for ADU Purposes

Spirit of the Law

While I was not a party to discussions creating the Zoning Ordinance or the Affordable Dwelling Unit Guidelines that refer to the half-mile radius, it is reasonable to assume the following motivations:

- Keep the area of the University compact - prevent student housing sprawl into historic and long-term City-dweller residential areas through financial incentives.
- Meet the needs of students to easily walk to academic, athletic and social centers from their living accommodations, without the need to resort to auto or other transit.

The map adopted by the Zoning Administrator meets neither of these tests:

1. By including the area of the hospital, the Administrator has expanded the half-mile radius to include much of Fifeville (certainly all land between the railroad tracks and Cherry); and
2. The Administrator has defeated any walkable goal, as, in practice, the nearest classrooms to a project on 7th Street SW will be over a mile away.

We would hope that neither access to the hospital, nor access to a tiny pocket park will define the life of any UVA student - yet these facilities (and Stacey Hall!) are the only parts of UVA within a half mile of the 7th Street project.

Indeed, even the Lawn, considered by many the spiritual center of the University, is over a mile away. Given the looming oversupply of student housing in Charlottesville, this distance runs the risk of turning the student housing on 7th Street SW into a failed project. After all, undergraduate students have never lived in this part of Fifeville before, and history shows their preference for proximity to campus.

Letter of the Law

The map of the area of UVA first sent to me on August 1 by Carrie Rainey was not changed whatsoever by the Zoning Administrator's subsequent consideration and the determination in the August 26 memo. Interestingly, on August 1, Carrie referred to the source of that map as "the unzoned land" - as if the zoning jurisdiction of the City were relevant in determining UVA's boundaries for the Ordinance. (I do not know, but suspect the Zoning Administrator's current ruling is an attempt to defend this mistake.)

However, all now agree that the paragraph below from the Ordinance is pertinent:

The Manual defines the ½ mile measurement as being in a *direct line from the edge of the main campus areas (central grounds and north grounds) to the edge of the subject parcel. Outlying University-owned parcels are not considered part of the campus for the purposes of this ordinance.*

The Zoning Administrator's interpretation focuses purely on the term "main campus areas," but ignores both the generally accepted meaning of the language and the terminology accepted by the Charlottesville and UVA communities. Specifically,

- Webster's dictionary defines "campus" as "the grounds and buildings of a university, college, or school." No mention here of hospital!
- The Administrator effectively ignores the words in parentheses, specifically the reference to **central grounds**: this is a well-known term in both the University and Charlottesville communities, and would **never** include the pocket park at the junction of JPA and West Main Street
- Further, this pocket park is separated from the rest of the University Grounds by the Buckingham Branch Railroad, thus making it an "Outlying University-owned parcel" - another critical guiding sentence that the Administrator ignores.
- Lastly, the omission of the word "hospital" (when both central and north grounds are mentioned) is significant in the guidance - as we see from the above, hospital is not part of the definition of "campus" and it is certainly not part of the commonly accepted definition of "central grounds" (see UVA map for example, or ask any UVA student or professor)

Financial Consequences

The determination that the 7th Street student housing is within a half mile of the University allows the developer to pay ADU In-lieu Fees based upon Figure 2 of the Manual rather than Figure 1. There is a significant difference between these two schedules, with the average cost per unit increasing from \$149,025 to \$337,648. While the exact increase is hard to calculate until the developers' plans are more certain, the developer's pro-forma from March 2025 estimated an in lieu fee of \$2,500,000. It is reasonable to expect that this fee would at least double were the development determined to be outside the half-mile radius.

The Zoning Administrator's current determination is thus robbing the City of millions of dollars, and handing that money directly to the developer. This is money that the City would use to provide affordable housing - the very goal of the re-zoning process. Further, the developer is stealing prime land that could be appropriately developed for the kind of neighborly and affordable housing that the City so badly needs.

Precedent for Further Development

The unnecessarily generous interpretation by the Zoning Administrator of the main campus areas to include the hospital and the pocket park greatly extends the ability of developers to take advantage of the student housing financial incentives to put student housing elsewhere in the Fifeville and Starr Hill neighborhoods. Given that the City is aware that student housing is the most profitable housing type in the area, other invasions of local neighborhoods by developers should be anticipated.

I would appreciate it if you would use the power of your position to seek to understand the rationale of the Zoning Administrator for this determination, and, if at all possible, get him to reverse his determination sooner rather than later. If you are unsuccessful in this, then you can expect me and others to appeal that determination in front of the Board of Zoning Appeals, where I believe we will win.

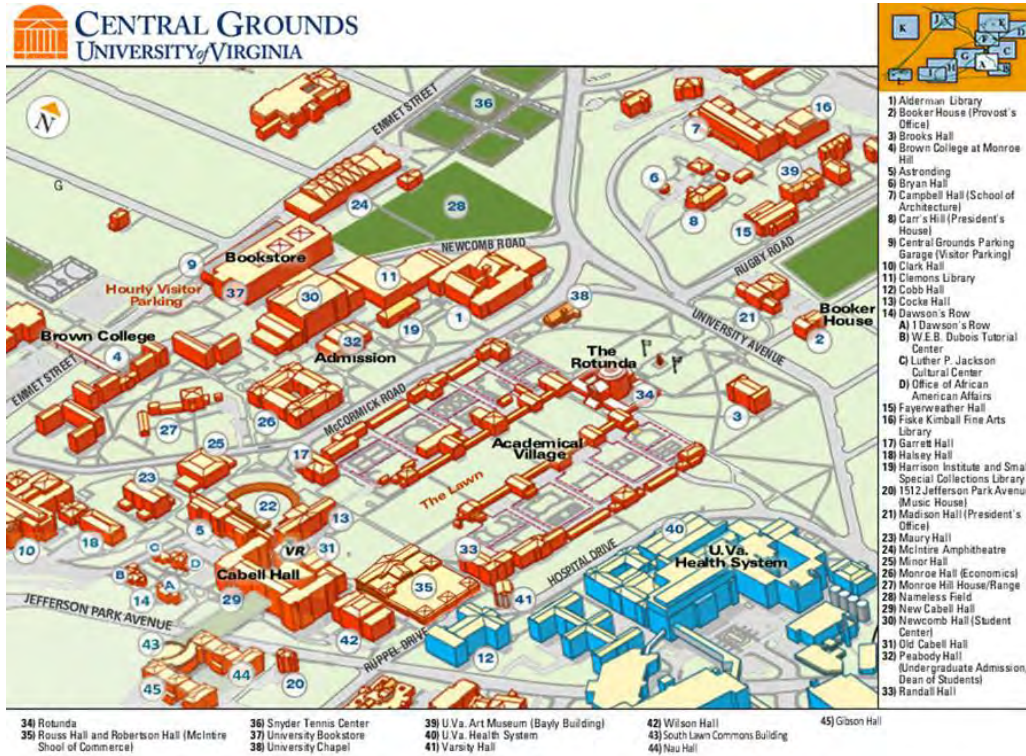
P.S. the map associated with the Zoning Administrator's preliminary decision has been removed from the link sent to me:

<https://www.charlottesville.gov/DocumentCenter/View/14572/Applicability-of-Student-Housing-Affordable-Dwelling-Unit-Requirements>

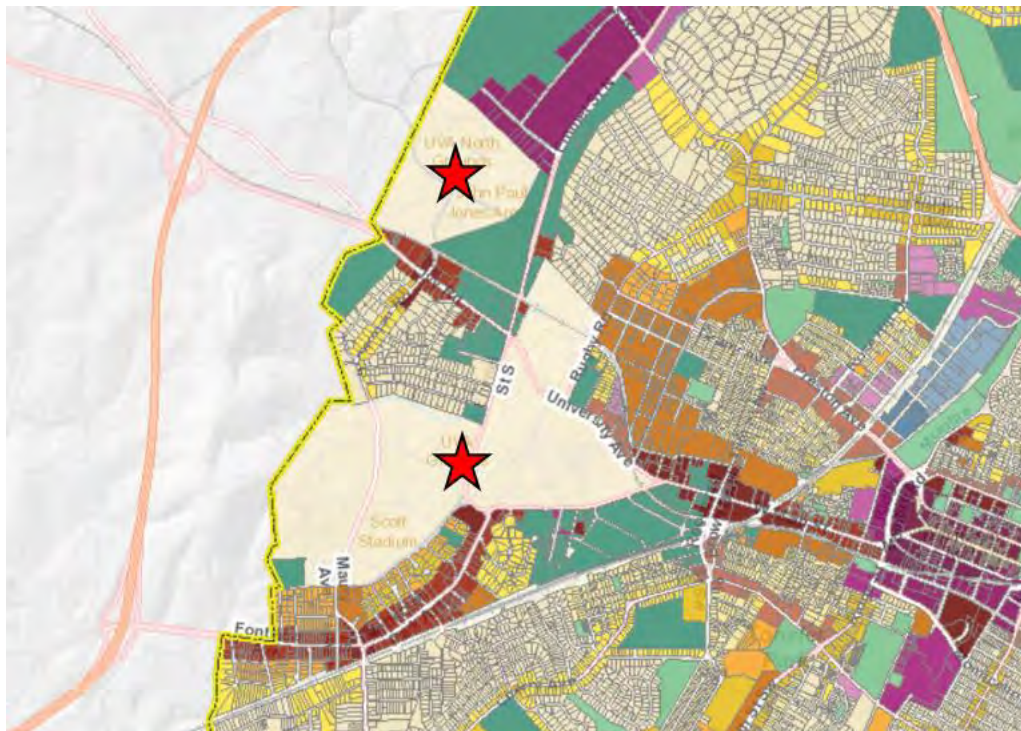
But is shown below, along with a schematic of Central Grounds from UVA.

Paul Reeder
President, Oak Grove COA
211 5th Street SW, Apt 101
Charlottesville, VA 22903
(434) 825-3203

A map of Central Grounds from UVA is shown below:



Here is the map that was originally presented to me by City Planning Staff:



Attachment 9

Materials Provided by the Public



Steven W. Blaine

Of Counsel

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Woods Rogers Vandeventer Black PLC

120 Garrett Street, Suite 304

Charlottesville, Virginia 22902

March 12, 2026

Via Email and Hand Delivered:

Board of Zoning Appeals, City of Charlottesville

c/o Charlottesville Zoning Administrator

610 East Main Street

Charlottesville, Virginia 22902

brodhead@charlottesville.gov

Re: Zoning Administrator's Official Determination dated December 11, 2025, pertaining to the Applicability of Student Housing Affordable Housing Requirements Pursuant to Charlottesville Development Code ("Code") Section 34-4.2.2. C.2.c

Members of the Board of Zoning Appeals:

This firm represents LCD Acquisitions LLC, the developer of a multi-family project located at 202 7th Street S.W., the subject of the above-mentioned Official Determination. On behalf of our client, we submit the following in support of the Official Determination and request that the Board dismiss or deny the appeal by Mr. Paul Reeder.

The reasons for dismissal and denial are that: i) the appellant is not a "person aggrieved" for the purposes of Va Code Section 15.2-2311, and therefore lacks standing to make this appeal, ii) the determination as to the relevant boundaries of the University campus was made by the Zoning Administrator on August 26, 2025 and therefore Mr. Reeder's appeal submitted January 8, 2026 was not timely made, iii) the developer is vested in the application of the August 26, 2025 determination which was a "significant affirmative governmental act" under Virginia Code § 15.2-2307 upon which the developer relied and therefore the appeal is moot, and iv) the Zoning Administrator's determination as to the boundaries of the University campus was reasonable.

I. The appellant lacks standing to bring this appeal.

Virginia's zoning appeal statute authorizes an appeal to the Board of Zoning Appeals (BZA) only by a "person aggrieved" by the zoning administrator's decision. [Va. Code Ann. § 15.2-2311](#).

Virginia courts have interpreted the "aggrieved" requirement to be a standing limitation that demands a direct interest in the subject matter, not a generalized interest in the proper administration of the law. [Graydon Manor, LLC v. Board of Supervisors of Loudoun County, 79](#)

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[Va. App. 156, 894 S.E.2d 341 \(2023\).](#)

More specifically, Virginia case law recognizes that "aggrieved" is a settled term in this context, contemplating the denial of a personal or property right (or the imposition of a distinct burden) and requiring a direct, immediate, pecuniary, and substantial stake rather than a remote or indirect interest or an interest shared with the public generally. [Graydon Manor, LLC v. Board of Supervisors of Loudoun County, 79 Va. App. 156, 894 S.E.2d 341 \(2023\)](#), [Historic Alexandria Foundation v. City of Alexandria, 299 Va. 694, 858 S.E.2d 199 \(2021\)](#).

The appellant asserts that the result of the developer's project lying within ½ mile of the University campus is that the developer may pay an in-lieu (affordable housing) fee that is less than that imposed on multi-family projects that lie outside of the ½ mile radius. While this may be true, the appellant cannot identify any direct, immediate, pecuniary or stake in the difference between the applicable student housing in-lieu payment and the conventional in-lieu payment. The in-lieu fee is paid to the City for the affordable housing fund, not to individual residents.

The appellant also asserts that because the Official Determination expands the financial incentives for student housing to locate in neighborhoods such as his, it expands to where multi-family housing is not intended. To accept this assertion is to assume that without such incentives, there will be no further development of student housing, or other similar multi-family development that is permitted by zoning. This is pure speculation. Projects such as this, whether they are student-oriented, or non-student oriented are permitted in this location as a matter of right by the applicable zoning. In either case, the applicant cannot demonstrate a denial of a personal property right, nor is there any direct, immediate or pecuniary interest of the appellant at stake in this issue.

The appellant may argue that, as a neighbor, proximity to the project is enough to be "aggrieved." But Virginia law frames "aggrieved" in terms of a direct interest and a substantial grievance-i. e., the denial of a personal/property right or the imposition of a burden distinct from the public generally - rather than mere disagreement with the administrator's determination or interest in a different governmental outcome. [Graydon Manor, LLC v. Bd. of Supervisors of Loudoun County, 79 Va. App. 156, 894 S.E.2d 341 \(2023\)](#), [Historic Alexandria Found. v. City of Alexandria, 299 Va. 694, 858 S.E.2d 199 \(2021\)](#).

Further, when a zoning administrator's action is merely an abstract or advisory interpretation rather than a decision connected to specific relief affecting a party's rights, the would-be challenger is not "aggrieved," and the BZA lacks authority to entertain the appeal. [Graydon Manor, LLC v. Board of Supervisors of Loudoun County, 79 Va. App. 156, 894 S.E.2d 341 \(2023\)](#). The Official Determination is an advisory determination and does not in any way affect any of appellant's rights. The appellant does not have right to receive any of the in-lieu fee payments by the developer. The appellant does not have a right to preclude a use that is permitted by applicable zoning.

The appellant may be a city taxpayer, but that status does not automatically confer "aggrieved person" standing to appeal a zoning administrator's determination under Va. Code § 15.2-2311. The zoning appeal framework limits administrative appeals to those who are "aggrieved," which Virginia courts treat as a requirement of a direct, personal stake-not a generalized interest shared with other taxpayers.

While some jurisprudence recognizes forms of local taxpayer standing in certain contexts, that concept does not displace the General Assembly's express "person aggrieved" limitation governing zoning-administrator appeals. [McClary v. Jenkins, 299 Va. 216, 848 S.E.2d 820 \(2020\)](#). Where the appellant cannot show a direct, immediate, pecuniary, and substantial interest beyond the public at large, taxpayer status is insufficient to meet the statutory standard. [Historic Alexandria Foundation v. City of Alexandria, 299 Va. 694, 858 S.E.2d 199 \(2021\)](#).

Here, the appellant's own stated objective -raising the developer's in lieu fee with no financial benefit to the appellant- concedes the absence of any immediate pecuniary or substantial individualized interest required by the settled "aggrieved" standard. For that reason, the appeal should be dismissed for lack of "person aggrieved" standing under Va. Code § 15.2-2311.

II. The appeal submitted January 8, 2026 was not timely made.

Virginia Code § 15.2-2311 provides that an appeal to the BZA may be taken by an aggrieved person from a decision of the zoning administrator, and that "[t]he appeal shall be taken within 30 days after the decision appealed from by filing with the zoning administrator, and with the board, a notice of appeal specifying the grounds thereof." [Va. Code Ann. § 15.2-2311](#).

The Zoning Administrator determined the boundaries of the University campus for the purposes of Code Section 34-4.2.2. C.2.c by Official Determination dated August 26, 2025, copy attached. The appellant admits having received this determination. The appellant's request for a determination specifically referenced the project at 202 7th Street S.W. Yet, the December 11, 2025 determination was based upon the same boundary determination made effective August 26, 2025. The appellant does not dispute the method of measurement for the ½ mile radius. Rather, the appellant disputes the boundary determination – asked and answered.

For the appeal to have been timely, it must have been noticed by the appellant by September 25, 2025. Therefore, it was not timely and should be dismissed.

III. The matter is moot because the developer is vested in the August 26, 2025 determination.

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The developer is fully vested in the boundary determination for the purposes of Code Section 34-4.2.2. C.2.c. Virginia law provides that a developer's rights are deemed vested in a land use when it: (i) obtains or *is the beneficiary* of a significant affirmative governmental act allowing development of a specific project that remains in effect; (ii) relies in good faith on that act; and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on that act. [Va. Code Ann. § 15.2-2307](#).

The statute deems certain actions to be "significant affirmative governmental acts," including where "the zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property" that is "no longer subject to appeal" and "no longer subject to change, modification or reversal under subsection C of § 15.2-2311." [Va. Code Ann. § 15.2-2307](#).

Virginia law also provides that a zoning administrator's written order, decision or determination generally cannot be changed, modified, or reversed by a zoning administrator after 60 days have elapsed where the aggrieved person has materially changed position in good-faith reliance, absent malfeasance or fraud (with a limited clerical-error correction exception). [Va. Code Ann. § 15.2-2311](#).

The effect of the August 26, 2025 determination is to allow development of the specific project contemplated by the developer. The August 26, 2025 determination was a significant governmental act pursuant to [Va. Code Ann. § 15.2-2311](#). The developer has relied in good faith upon the August 26, 2025 determination in its design, engineering, and financial planning. The developer has incurred substantial expenses in diligent pursuit of the project in reliance upon the August 26, 2025 determination. It has expended approximately \$500,000.00 in design, engineering and legal costs pursuing administrative approvals, including a Certificate of Appropriateness from the Board of Architectural Review. Therefore, the developer is fully vested in the application of the August 26, 2025 determination. Even if the Zoning Administrator were to reverse course on the August 26, 2025 determination, developer would be entitled to its application pursuant to the state code as more than 60 days has lapsed. Accordingly, the appeal is moot.

IV. The Zoning Administrator's determination was reasonable and therefore should be upheld.

The Zoning Administrator's determination is presumed to be correct. Va. Code Sec. 15.2- 2309. The appellant has the burden of proof to rebut the presumption of correctness by a preponderance of the evidence. Va. Code Sec. 15.2- 2309. Section 34-4.2.2. C.2.c of the Development Code states clearly that student housing "must be located within ½-mile of the University of Virginia campus *as determined by the Administrator*" (emphasis added). Furthermore, the Affordable Dwelling Unit Monitoring and Procedures Manual (the "Manual")

states that “the Zoning Administrator has the final authority to determine if a project is within proximity, that is, ½ mile, of the University with measurement being in a direct line from the edge of the main campus areas (central grounds and north grounds) to the edge of the subject parcel” (emphasis added). Thus, City Council, in adopting the Code and the Manual, established an objective standard for measuring the distance, and made it clear that “the Zoning Administrator had the final authority to determine if a project is within [the ½ mile] proximity.”

From the record, the Zoning Administrator based his determination upon the University’s own depiction of its central and north grounds. By example, the original hospital on the north side of Jefferson Park Avenue is considered part of the central grounds while the new medical center and school of medicine is not. The original hospital has been part of the University since its opening in 1901. The appellant’s appeal refers to a ‘pocket park’ at the intersection of Jefferson Park Avenue and University Avenue. The University refers to this park area as University Avenue Park. According to a recent Board of Visitors report, [copy attached] the park is regarded as a “prominent landscape threshold to the University from downtown Charlottesville.” As evidence that it is an essential element of the University grounds, the UVA Presidential Committee has requested that “the University redesign the park into a public contemplative space that would serve as a new “welcome” to UVA’s Grounds and a place for reflection, gathering and learning.” It is eminently reasonable for the Zoning Administrator to have reached his determination based upon what the University considers as its campus. The appellant offers merely his personal opinion as to what the University campus should be, rather than any evidence that the Zoning Administrator’s determination was wrong. Clearly the preponderance of the evidence bar has not been met by the appellant. The Zoning Administrator’s determination should be upheld.

Respectfully,

Steven W. Blaine

Steven W. Blaine

Counsel to the Developer

cc: Christopher Dadak, Esq.
J. Vaden Hunt, Esq.
Valerie W. Long, Esq. Co-Counsel to the Developer
Mr. Read Broadhead

**UNIVERSITY OF VIRGINIA
BOARD OF VISITORS AGENDA ITEM SUMMARY**

BOARD MEETING: February 29, 2024

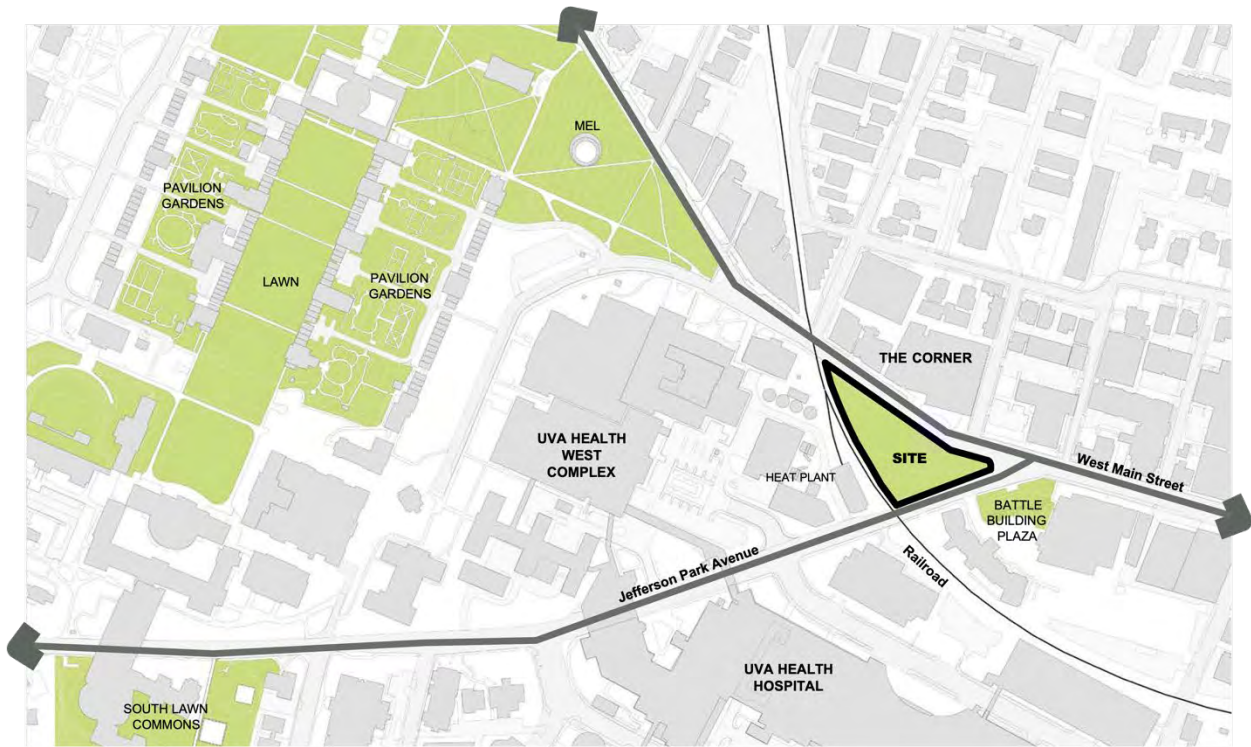
COMMITTEE: Buildings and Grounds

AGENDA ITEM: IV. University Avenue Park

ACTION REQUIRED: None

BACKGROUND: Located at the intersection of University Avenue and Jefferson Park Avenue near the Corner and the UVA Medical Center, the University Avenue Park marks a prominent landscape threshold to the University from downtown Charlottesville. Approximately one acre in size, the park currently contains a grove of mature trees and space for strolling. A UVA Presidential Committee requested that the University redesign the park into a public contemplative space that would serve as a new “welcome” to UVA’s Grounds and a place for reflection, gathering, and learning. The scheme, grounded in extensive site analysis and research on Monacan history and culture, celebrates indigenous landscape stewardship practices of the regional tribal nations and demonstrates traditional ways of caring for the land. The design includes more accessible park entrances along University Avenue, better views into the landscape, new walking paths, a gathering lawn, seating, additional native vegetation, and a garden of plants curated by an indigenous planting expert.

DISCUSSION: The design team was led by Wolf Josey Landscape Architects in collaboration with an advisory group composed of members of the Native American Student Union, Native and Indigenous Relations Community, former co-chairs of the UVA Presidential Committee on George Rogers Clark (faculty member and representative from the Monacan nation), Office of the Architect for the University, Office of the Provost, School of Architecture, and Facilities Management. Ms. Raucher will introduce Ms. Rachel Lloyd, UVA Senior Landscape Architect, who will review the planned design with the Committee.



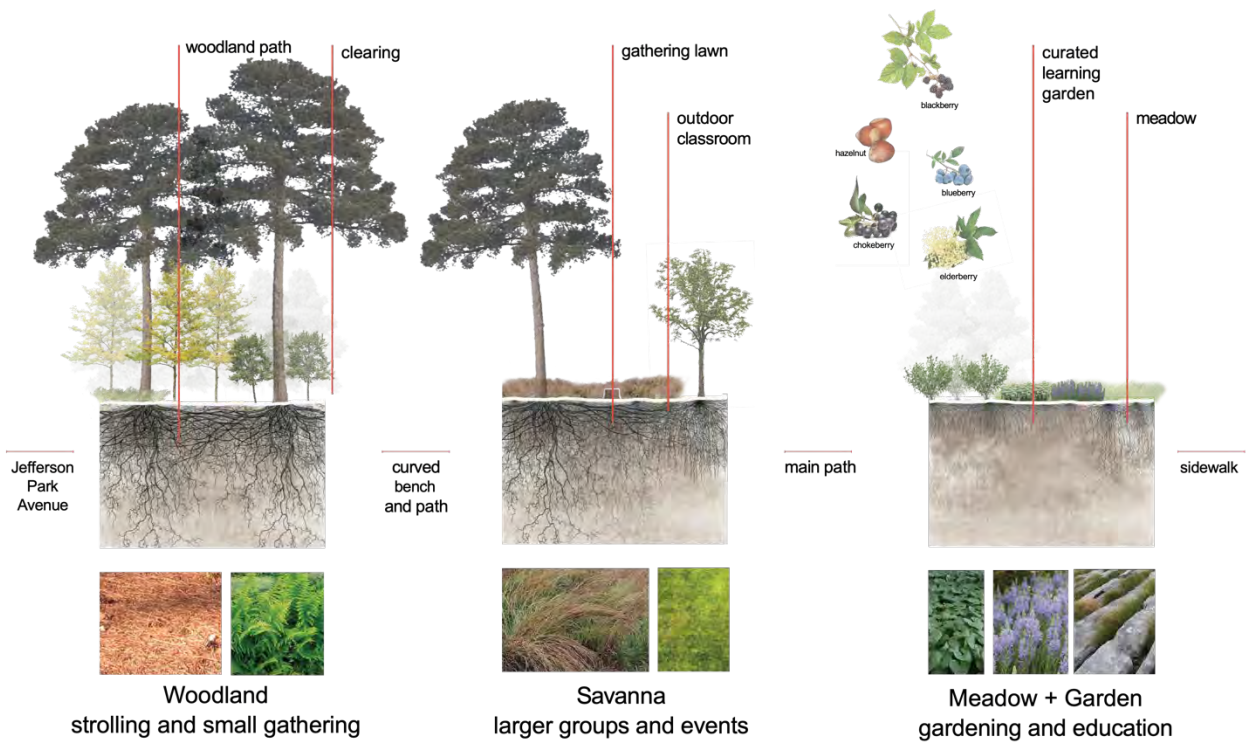
University Avenue Site



Current context and conditions



Site plan



Park Ecosystems/Activities



View from the north



View from the south

CITY OF CHARLOTTESVILLE

Department of Neighborhood Development Services

City Hall Post Office Box 911
Charlottesville, Virginia 22902
Telephone 434-970-3182
www.charlottesville.gov



To: Kellie Brown, Director of NDS

From: Read Brodhead Zoning Administrator

Date: August 26, 2025

Re: Applicability of Student Housing Affordable Dwelling Unit Requirements (Sec. 34-4.2.2.C.2.c)

CC: Matt Alfele, Development Planning Manager

Affordable Housing Requirements for Student Housing

Projects where affordable housing is required must provide all 10% of dwelling units on site or pay an in-lieu fee to the City, or combination therein. However, if a project is proposed to be Student Housing per Section 34-4.2.2.C.2.c, where bedrooms are leased individually and the project is within ½ mile of the University of Virginia campus, the developer is required to pay an in-lieu fee to the City. There is no option to meet affordable housing requirements by constructing affordable dwelling units in a Student Housing project.

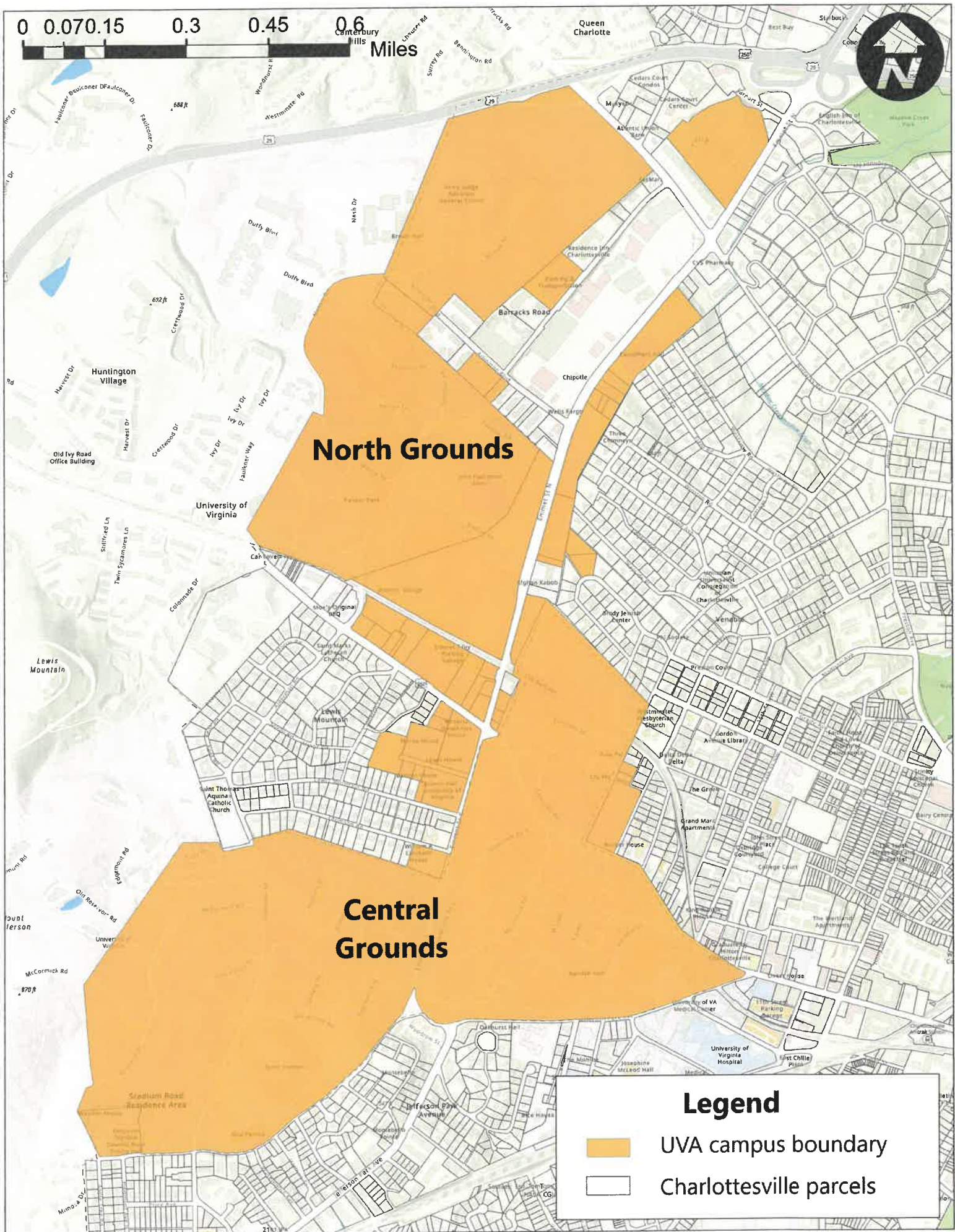
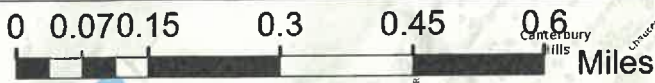
Students are permitted to reside anywhere within the City per the Fair Housing Act (42 U.S. Code Chapter 45 Subchapter I) and there is no restriction on where new student housing projects are located. Projects not meeting the requirements of Section 34-4.2.2.C.2.c are not defined as Student Housing for the application of affordable dwelling unit requirements. A student housing project not meeting the requirements of Section 34-4.2.2.C.2.c has the option to build the required affordable dwelling units on site, pay an in-lieu fee or a combination of the two. Projects meeting the requirements and designated as Student Housing per Section 34-4.2.2.C.2.c must pay the required in lieu fee established in the Affordable Dwelling Unit Monitoring and Procedures Manual.

Designation of Student Housing Projects

The Student Housing designation is determined per Section 34-4.2.2.C.2.c and per Affordable Dwelling Unit Monitoring and Procedures Manual Section 2.3. Section 34-4.2.2.C.2.c identifies Student Housing as rented by the bedroom and within ½ mile of the University of Virginia

campus. The Manual further defines the ½ mile measurement as *being in a direct line from the edge of the main campus areas (central grounds and north grounds) to the edge of the subject parcel. Outlying University-owned parcels are not considered part of the campus for the purposes of this ordinance.*



I therefore designate the Main Campus Areas from which measurement is taken to be the areas identified on the attached map. Each project will be assessed at the time of application to determine if the Student Housing designation applies.



North Grounds

Central Grounds

Legend

-  UVA campus boundary
-  Charlottesville parcels