

cMinutes

CHARLOTTESVILLE BOARD OF ZONING APPEALS
March 19, 2026
City Council Chambers

Members Present: Sakib Ahmed, Genevieve Keller, Hosea Mitchell, Josh Krahn, Ian Day (Alternate), Chris Dadak (Legal Counsel)

Staff Present: Patrick Cory, Read Brodhead, Missy Creasy, Sheila Weimer, Ose Akinlotan

CALL TO ORDER

The Meeting was called to order by Missy Creasy (Deputy Director of NDS) at 4:01 PM.

ANY ADDITIONS/REVISIONS TO AGENDA

No additions or revisions to the meeting agenda.

AGENDA APPROVAL

Ms. Keller moved to approve the agenda – Second by Mr. Ahmed. – Motion passes 5-0.

ELECTION OF OFFICERS

Chairperson-Ms. Keller has been elected as new Chairperson-nominated by Mr. Mitchell.
Vice-Chairperson-Mr. Ahmed has been elected as new Vice-Chairperson-nominated by Mr. Mitchell.

MEETING PROCEDURES ADOPTION

Mr. Mitchell moved to approve meeting procedures – second by Mr. Ahmed – Motion passes 5-0.

CLOSED SESSION

Ms. Keller – I move that the Board of Zoning Appeals close this open meeting and convene a closed meeting for the following:

Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Legal Authority: Virginia Code § 2.2-3711(A)(8)

Subject Matter: BZA Case # 26-02-001

Purpose: Consultation with Legal Counsel

Second by Mr. Mitchell. Motion passes 5-0.

The Board of Zoning Appeals left City Council Chambers and went into closed session with legal counsel.

RETURN TO OPEN SESSION AND CLOSED SESSION CERTIFICATION

Motion – Mr. Ahmed – I will make a motion to bring us back into open session – Second by Mr. Krahn – Motion passes 5-0.

Mr. Day – It is my understanding that I have been appointed to this body as an alternate by the Circuit Court. I have not been sworn in. In the interest of a clear decision and on the advice of counsel, I will be recusing myself from this part of the meeting and the remainder of the meeting.

Mr. Day did leave the meeting following his statement.

Mr. Chris Dadak was introduced as the legal counsel for the Board of Zoning Appeals.

1. Closed Session Certification

Mr. Dadak – The Board will now certify to the best of each member’s knowledge, only public business matters lawfully exempted from the open meeting requirements in this chapter and to only such public business matters were identified in the motion that a closed meeting was convened were heard, discussed, or considered in the closed meeting by the public body.

**Mr. Mitchell – I move that we accept the certification as read.
Second by Mr. Ahmed. Motion passes 4-0.**

I. 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.

Ms. Keller read the meeting procedures into the record so that the members of the public were aware of the procedure and agenda for this meeting.

Mr. Dadak – The question before the Board of Zoning Appeals today is very narrow. It is Mr. Brodhead’s determination that the UVA campus boundaries and whether the subject parcel are within a half mile of the UVA campus. The development itself and the merits of it are not before this board. They cannot consider land use issues like traffic and the impact on neighborhood communities. That is not before this board. It is simply a factual determination of Mr. Brodhead’s determination of the UVA campus boundaries. The appeal is whether that was factually correct that this parcel is within a half mile of the UVA campus. The pros and cons of this development are not before this board.

STAFF PRESENTATION

Sheila Weimar, Deputy City Attorney – I am here with the Zoning Administrator (Read Brodhead) to present to the BZA with regards to this matter. In your packet, you have the staff report, which talks about the background of how this came to be before the Board. I want to tell you what this matter is about. It is simply about the determination that Mr. Brodhead made with regards to where the boundaries of UVA Grounds have traditionally been. It dates back a long way in history. It has to do with the fact that neither Albemarle County nor the City of Charlottesville has any zoning designations in certain areas of what is known as Grounds or Campus of the University of Virginia. Those properties are owned by the Board of Rectors of the University of Virginia. They do not have a zoning designation. It does take up a large swath of what we all consider a large

part of the city and large parts of the County. There are North Grounds and Central Grounds. This property and project are closer to Central Grounds.

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We are going to talk about the background of this, the methodology, and the conclusion that Mr. Brodhead reached.

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By the way of background, I will tell you that the way this process must proceed when it comes to determining whether a project is related to a student housing project is that there must be the receipt of a development plan where an applicant is requesting a classification of that. Until that occurs, our zoning administrator cannot make such a determination on whether it qualifies. The second step is determination of whether the submission meets those requirements for a student housing project. I am going to ask Mr. Brodhead to give us the background and a timeline of how this came about.

Read Brodhead, Zoning Administrator – As you know, we have a new development code. It has been in place for over 2 years. In it, we require all residential projects that provide more than 9 units, they must provide affordable housing units at a rate of 10 percent. To explain some of the affordable housing requirements, the NDS Director Kellie Brown asked me to write a memo to provide that context. The applicability of student affordable housing unit requirements in 4.2.2.c.2.c of the code, which states that if a project is located within a half mile of campus and rooms are leased within apartments; each unit is broken up into student leases, it qualifies as student housing. In a project outside of the half mile boundary, a developer can pay into a fund, build units, or do a combination of the two. If you are within the half mile of campus, you can only pay into the affordable housing fund at a certain rate. This was a general memo that I wrote. I also included a map that showed the half mile buffer around the Central and North Grounds. The applicant, Mr. Reeder, requested a formal opinion once the project was submitted. When the project was submitted on October 7, 2025, I was in contact with Mr. Reeder. The general zoning determination that I wrote was written in August 2025. It was not until the actual application for this project was submitted that I could make a ruling that this met the criteria for student housing. The determination was provided to Mr. Reeder on December 11th. He appealed within 30 days on January 9, 2026.

Ms. Weimar – The methodology that Mr. Brodhead used as to whether this met the criteria for student housing designation took a lot of steps. We broke it down into these categories. You always review the City Charter to make sure that it meets that and any relevant city code sections and the Accessory Dwelling Unit Manual, which has this half-mile radius language. The second part was reviewing maps of the area that also consider what is in the City Charter, which excludes the areas that we previously talked about as far as designated non-zoned University owned properties that are considered part of the campus. The third part would be reviewing the maps for the half-mile boundary as defined in the ADU Manual.

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The conclusion that Mr. Brodhead made in this application was that the developer's project did meet the definition of a student housing project due to the location of the site within the half mile boundary of what is considered the campus.

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Under Virginia code 15.2-2309, there is a presumption that the administrative officer determination, meaning the zoning administrator's determination is presumed to be correct, a hearing on the appeal. This board is tasked with determining whether his determination was correct. The appellant has the burden of proof to rebut the presumption and the correctness of the preponderance of the evidence that it was correct. Mr. Reeder is the appellant in this matter. He has the burden of proof to show that Mr. Brodhead's determination was incorrect.

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We included in this packet a half mile that is denoted on the map by the dotted lines. UVA's unzoned property shown on North Grounds and Central Grounds is in the light tan. You have the parcels for the city surrounding that. The ADU Manual's language basically has the half-mile measurement as being the direct line from the edge of the main campus area, meaning the Central Grounds and North Grounds, to the edge of the subject parcel.

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We have included here in the blue box here on the right side of the screen; that is where the subject parcels of this project that the developer is proposing is located. As you can see, the half mile radius dotted line goes through those parcels. In the blowup on the left-hand side of the screen, you will see that there are 5 parcels that are involved in this project. All 5 of them are touched within the area inside the dotted line.

Some comments were included in your packet that you were sent earlier by Mr. Brodhead that came from the public. There were 3 new comments that came in after the packet was sent to you at the end of last week. They have been provided to you at your seats. There are some additional comments that you might want to review that you have not seen before tonight.

Mr. Mitchell – There are 4 retorts that we are getting from the counsel for the developer. One relates to standing. Can you comment on the standing of Mr. Reeder?

Ms. Weimar – We did receive that as well. Staff are not in agreement that Mr. Reeder does not have standing. He is a next-door neighbor. He was in a development that is adjacent to this proposed project. You put 2 lawyers in the room. You might get 5 opinions about that. That has been our position that he is considered to be an aggrieved party

Mr. Mitchell – My other question is about the timeliness of the appeal. I am still not settled on the vested determination and the dates. Mr. Brodhead introduced a date, October 7th and then a subsequent letter. We talked about the original vested determination being on August 26th.

Ms. Weimar – I think where the confusion is coming with that is that Mr. Brodhead's immediate supervisor, the director of planning and zoning, had asked for him to write a memo. It generally and broadly talked about the half-mile radius, not about this project.

Mr. Mitchell – This was the August 26th.

Ms. Weimar – That is correct. It did not specifically pertain to this project. It pertained to anything that might happen to be within that radius. That was his task at that time. The actual application did not come in until a couple months later. To be transparent with the Board, the staff was aware that Mr. Reeder was concerned about this, had been in communication with Mr. Brodhead, had been told that we don't have a project yet so there is not anything for him to write a zoning determination letter on by Mr. Brodhead communicating that to Mr. Reeder. When the project did come in, at that point, Mr. Brodhead contacted Mr. Reeder. Mr. Brodhead told him that there was an active project, and he would write Mr. Reeder a letter. That is what happened. That letter was not received by Mr. Reeder until December 11th. At that point, the 30-day clock started ticking as far as staff is concerned.

Mr. Mitchell – Is there a vested determination date? If there is, what is that date?

Ms. Weimar – When talking about vest date, I am not comfortable with getting into that discussion. Vesting has a lot of other interpretations and connotations that have to do with the project. What we are here for is a

limited thing. I think we need to focus on the limited thing rather than talking about whether this project is even vested. I apologize that I am not in a position to answer that question astutely. I don't want to mis-speak and say something is a vested project without having considered that in detail. That can have other connotations.

Mr. Mitchell – The pocket park seems to be an area of focus. If the pocket park goes away and the tracks are the only things you have, that whole line moves back. This is not within the half mile radius. Is that right if the pocket park goes away?

Mr. Brodhead – You must draw the boundary somewhere. That is the edge of campus that is part of it.

Mr. Mitchell – If the pocket park goes away, the algorithm changes

Mr. Brodhead – That is correct.

Mr. Mitchell – On January 1st, 1939, was the pocket park was owned by The Rector and Board of Visitors?

Mr. Brodhead – I don't know. I would have to look at records. I believe Ms. Creasy found documentation.

Ms. Creasy – We reviewed it. It was 1754 that we got the date of ownership with The Rector.

Mr. Mitchell – That is the most important thing. Is this a part of Central Grounds?

It is the opinion of the city that the pocket park was owned by The Rector and Board of Visitors January 1, 1939.

APPLICANT PRESENTATION

Paul Reeder, Appellant – Mr. Brodhead has been helpful to me throughout this process. This has been a civil discussion/disagreement.

I live in a 2-story cottage immediately adjacent to the proposed 7-story development luxury student housing. I lived at that house for the past 10 years and in Charlottesville for over 30 years. I am a graduate of The Darden School at the University of Virginia and paid for 2 of my children to attend UVA. I feel that I know UVA and Charlottesville well.

Before I get into the substance of this case, I must spend time addressing the meritless assertions of Steve Blaine, counsel for the developers. I appreciate the support of the City Attorney in these issues. If this causes me to go a little long, please forgive me. I would like to ask for your indulgence. The first of these from Steve Blain is the assertion that I lack standing to make this appeal. In short, I am not an aggrieved person under Virginia law. Yet, I live immediately adjacent to this 7-story student housing development. You can see in this illustration, which is to scale, how impacted I am going to be in my living by this development, which will occur 15 feet off my back wall. An 84-foot-tall tower will be built less than 15 feet away from my property. That is a bad zoning error by the city, in my view. It is something that is there. I will directly suffer loss of light. It would be naïve to imagine that the value of my property will not suffer with this building looming above mine. Because of this proximity I am literally one of the most individually aggrieved people in Fifeville, an aggrieved person being a term in Virginia code. The zoning administrator's erroneous determination reduces the cost of development of this proposed property. The contribution to the Affordable Housing Fund is more than halved, while the exact reduction is hard to calculate. The developer's proforma from March 2025 submitted to the BAR (Board of Architectural Review) estimated an in-lieu fee of \$2.5 million based upon a student housing qualification. Given the average ADU per unit fee jumps from \$149,000 to over \$330,000, depending on

meeting that qualification, this fee would at least double were the development be determined to be outside the half-mile radius. The difference is likely around \$3 million. Put simply, the more expensive it is to build this property, the less likely it is to be built. If I can increase the developer's cost, I am going to do so all day and all night. The amount at stake is considerable and may be critical, which is why we see the developer's lawyers so involved in this appeal. I have a direct, immediate, pecuniary, and substantial stake in this project and in the zoning administrator's decision that helps enable it.

I have a second reason to be aggrieved here. I have long had an interest in affordable housing in Charlottesville, more than the typical taxpayer. My tax records have shown that I have donated to the local Habitat for Humanity every year, at least since 2011 and to The Haven for the Homeless every year since 2015. If I eventually have to put up with this development next door, I take some comfort in making sure the developers contribute appropriately to the Affordable Housing Fund. In sum, I have a direct, personal stake in the zoning administrator's determination and more than meet the aggrieved standard in Virginia law. I am pleased that the City Attorney agrees with me.

The second assertion is that an internal city memo dated August 26, 2025 is the determination of the zoning administrator in this matter. Such an assertion is flawed in several aspects. Neither the developer nor their lawyers were party to the setting up of the meeting, which I requested that led to this memo, nor to the meeting itself, nor was the memo addressed to them. It is rich for them to suggest a meaning to this memo and meeting that was not contemplated by any of the parties involved. The zoning administrator does not mention the development in question anywhere in this memo. He cannot be assessing whether the subject property is within a half mile. The memo merely sets out his understanding of the boundaries of the University of Virginia. To quote Steve Blaine, 'the memo is an advisory interpretation rather than a decision.' Crucially, neither the memo nor the subsequent email correspondence inform me of my right of appeal as provided by Section 15.2-2311 of the Virginia Code. That is a requirement in any zoning administrator decision. At the time of this meeting, the developer had not even applied. That did not come until almost 6 weeks later. There was no application for the zoning administrator to react to. His memo concludes each project will be assessed at the time of application to determine if the student housing designation applies. As a follow-up to my August 26th meeting with Kellie Brown, Read Brodhead, and Carrie Rainey, I specifically asked in an email to all 3 dated September 4th how I might formally appeal such a determination when it came. In an email dated September 15th, Carrie Rainey responded. To initiate an appeal, there must be a development application under review. That response was copied to Kellie Brown (NDS Director) and the zoning administrator himself. The developer's application was made on October 5th. On October 7th, I emailed the zoning administrator asking him to issue a formal determination of the half mile radius. This email track record is there is you want to see it. The administrator responded October 10th. The actual determination was issued December 11th. Why do I suggest this was the actual determination? Because Mr. Brodhead's email to me attaching the letter states, 'I have determined the zoning determination that you requested.' The attached letter, which you have in your packet, states, 'this letter constitutes a determination of the city's zoning administrator.' Per Virginia Code, it provides me with the right to appeal. I appealed the December 11th determination on January 7th. My appeal was timely

The 3rd assertion of the lawyers is that their development rights somehow became vested based on the August 26th memo. As I have already shown, the memo to which they were not a part of was never a determination of the issues at stake in this appeal. It does not rise to the level of a significant affirmative governmental act. Earlier in their brief, they described the memo as an abstract or advisory interpretation. They cannot have it both ways. The \$500,000 that they have spent to date (wasted I hope), is merely normal business costs for a firm that at the end of 2025 reported that it managed \$15 billion. It had 50 developments in the works. On October 9, 2025, per city records, saw The Landmark Student Housing Building on West Main Street for \$107 million. Speculating \$500,000 for the possibility of making \$100 million is just the cost of doing business. The zoning administrator's determination was made on December 11th. For any vesting to occur, that determination is required to be no longer subject to appeal, yet here we are.

The project has been denied by the Board of Architectural Review. A developer cannot claim vested rights in a project that has already been denied by another city body. The BAR denial is on appeal City Council. There is no approved project in which to vest.

In summary, I am the quintessential aggrieved person under Virginia law. The determination that I am appealing is dated December 11th. My appeal is timely. The developer's interest cannot be based on an internal city memo.

The zoning administrator is given guidance on how to calculate the boundaries of the University in Section 2.3 of The Affordable Dwelling Unit and Procedures Manual. That is in your packet. Here is that definition on calculating that half mile and repeated in the report that he has given you. 'In a direct line from the edge of the Main Campus areas, Central Grounds, and North Grounds to the edge of the subject parcel. Outlined University owned parcels are not considered part of the campus for the purpose of this ordinance.' In the next sentence, he completely ignores these instructions choosing instead 'Central and North Grounds are defined as those areas not zoned by the city given their ownership by the Rector and Visitors of the University of Virginia.' In other words, a zoning and ownership test is not mentioned in the manual.

I want time to pay attention to what the manual says. Let's take a quick step back to understand the rationale for the half mile radius. It is reasonable to assume the following motivations: to keep the area of the University compact, prevent student housing sprawl into historic city residential areas through financial incentives. This approach would be in line with much of the tenor of discussions around a new zoning ordinance of 2023. Meet the needs of students to easily walk to academic, athletic, and social centers from their living accommodations without the need to resort to cars or other transit. The proposed development is over a mile walk from these centers of student life. It is also reasonable to assume councilors who approved of the language in the ADU Manual were not thinking of zoning jurisdiction. More likely, they were looking to constrain the reach of the half mile boundary. Based on the many years of living in Charlottesville, trying to manufacture a definition that met their aims. Thus, we get terms like Main Campus Areas, Central Grounds, and North Grounds. There are no mention of the hospital or UVA Health System and no outlying parcels. Unlike the zoning administrator, I believe that these words have meaning. You should too.

My assertion that the westernmost edge of the campus is at the junction of University Avenue and Hospital Drive. Beyond this gateway, the setting for The Lawn and Rotunda begins. This is what the University guides are taught to say. What the University gives to parents and what they think is what Main Campus areas of the University are. Simply put, there is no reasonable person that would describe the pocket park at the junction of JPA and West Main Street as part of the Main Campus areas of UVA. With Central Grounds and North Grounds, why are these words in parenthesis at all? It is possible to argue that they are redundant. They are here specifically to try to help constrain the area of campus that is referred to. Here is a copy of a map that shows Central Grounds. The pocket park is nowhere near that. The UVA Hospital is quite distinguished. You can also see from pictures just how far away the pocket park and the extent of the pocket park is from my suggestion, which is the University ends at the junction of Hospital and University Avenue. Is the hospital included? Notable by its absence both in the ADU definition and this map from UVA is the hospital. The hospital is part of the UVA health system. The zoning administrator stated in his report that parcels such as the hospital complex are not owned by the Rector nor Board of Visitors and were not included in the definition of Central Grounds. The UVA Health System Buildings are not part of Central Grounds and never were. Outlying University-owned parcels were not considered part of the campus for the purposes of this ordinance. It is clearly designed to limit the impact of the half mile radius. The pocket park is just such an outlying parcel. It is not directly connected to the main campus areas nor Central Grounds. This clearly is separated by the railroad tracks, which are not in the University ownership. It is not merely symbolic that the name of the road changes under the railroad bridge, which changes from University Avenue to West Main Street. The University of Virginia ends, and the city begins. The developer's lawyers have fallen for the same fallacy as the zoning

administrator. They have relied on ownership rather than the definition given in the ADU Manual. The ownership of the pocket park is not in question. However, it is not part of the Main Campus areas. It is not part of Central Grounds. It is an outlying parcel. University Avenue Park should have been renamed West Main Street Park as University Avenue ends at the railroad bridge. The map of the lawyers for the developers clearly shows the park disconnected from other core areas of Central Grounds.

Mr. Ahmed – You have stated that you don't believe that the pocket park should be included as part of the University boundary even though it is owned by the Board of Visitors and Rector. Could you explain whether you believe that the ownership is not relevant in this case, yet it is relevant in all other cases when University property and student housing is determined, but the determination of the ownership of this piece of land should not be considered?

Mr. Reeder – I would contend that ownership is not relevant. That is not what the ADU Manual says. Please read it again. It would have been easier if the ADU Manual said that it determines the half mile radius from the ownership areas of the University of Virginia. That would make it easy. They didn't do that. Words have meanings. They chose to use a different definition. They did not choose to use zoning. They chose not to use zoning as their definition. We must look at the definition that is given in the ADU Manual. I would assert that ownership is irrelevant in this instance.

Mr. Mitchell – What exactly does the ADU Manual say as it relates to the pocket park?

Mr. Reeder – It makes no reference to the pocket park itself. You have this from me. It is also in the report from Mr. Brodhead. It talks about a direct line from the edge of the main campus areas (Central Grounds and North Grounds) to the edge of the subject parcel. Outlined University owned parcels are not considered part of the campus for the purposes of this ordinance. There were specific instructions given to Mr. Brodhead. I would argue that he has ignored them. There were specific instructions given in the manual as to how the boundaries of UVA are to be assessed for these purposes. There may be other definitions elsewhere for other purposes. For this particular purpose, we are governed by what it says in the ADU Manual in my view.

Mr. Mitchell – I think your argument is that the pocket park is not part of Central Grounds.

Mr. Roeder – The pocket park is not part of Central Grounds. There is no UVA graduate in this room who would suggest that the pocket park is part of Central Grounds.

PUBLIC COMMENTS

John Mason (211 5th St. SW) - I am going to disagree with our hardworking staff. I know that our staff has put a lot of good faith and effort into their determination. I think that they are wrong. I think they are wrong about where UVA Grounds end. I think that they are wrong on 3 counts. One is on common sense, one is history, and the other is maps. We are not concerned with UVA property. UVA property is one thing. Where Grounds end for the purpose of this determination, we are interested in where Grounds end. I was thinking about a situation where a new member of the UVA faculty is invited out to lunch by somebody who had been teaching for at least 3 months. The person who has been teaching for 3 months says that they should meet on common grounds. The person says to meet in that cute little park across from The Graduate Hotel. The older person would say that it is not Central Grounds. Central Grounds is different. Central Grounds is near The Rotunda and the Academical Village. Anybody who has been at UVA for any time would understand that little pocket park is not what we consider to be part of Central Grounds. As Mr. Reeder said, Grounds has always been seen to end at this part of The Grounds at the gateway at Hospital Drive. That gateway has a long history. It goes back to Thomas Jefferson. Jefferson asked that a gate be built at the end of the long walk. The long walk started at The Rotunda and came down the hill just about to where that gateway is now. He said that they were going to build

a gate. That is going to define the edge of the University, according to Jefferson. Jefferson's idea for a gate was just a bunch of wood, not the brick structure that we have now. We still honor Jefferson's idea about where the University ends. It begins at the end of the long walk, which is where University Avenue and Hospital Drive come together. UVA maps, from what I have been able to determine, never considered that pocket park across from The Graduate to be part of Central Grounds. It is not part of Central Grounds. Central Grounds ends at that gateway. We have common sense, history, and maps that contradict the report that you have been given by our hardworking staff.

Steve Blaine – You have a letter that I wrote in the packet. What I want to be sure everybody understands is that what is at issue here is not whether this is the right location for student housing, 7-story building. It is not about the height of the building, the shape of the building. The outcome from the determination is merely which table for determining the project's contribution to affordable housing is to apply. Is it based upon construction costs or the gap in the valuation? I think Mr. Reeder is accurate in assessing the delta there. It is significantly more of a contribution. At least if it is not student housing, the developer has a choice of putting onsite affordable housing or making it in-lieu contribution or a combination of both. If it is within a half mile and it is a student housing rental arrangement, it then only has one option. That is paying the in-lieu fee. The point about the standing is that it is going to be 2x or 1x in terms of the fee. Mr. Reeder certainly meets the first prong for the test of standing. That is his proximity to the project. We don't doubt his sincerity or his motives in this appeal. The statute and interpretation by the Supreme Court are that he must also have a direct and pecuniary interest that is unique to him that others do not have that gives him standing. That is well settled in Virginia cases. He does not meet that standard because the outcome is the payment of money to the city. Mr. Reeder has no claim or stake in that outcome. The second point we made about the timing is that the determination as to the boundary of The Grounds was made in August of 2025. When each project comes through the development plan process, it gets determination for its plan, whether it is considered student housing for the ADU contribution. The map was determined in August. Mr. Reeder indicates that he was aware of that and did not challenge the determination. It is our position that it was not timely made. I included in the packet the minutes from the recent Board of Visitors meeting. They state how what we are referring to as the pocket park, is to be redesigned as a park for contemplative space and will serve as a welcome to UVA Grounds. It has been viewed as an important part of The Grounds. That is the view of the Board of Visitors.

Joe Rosenblatt – I came here to get a PhD in history at UVA. Since I have lived here, I have 2 expertise. The first is on housing in the United States and the second is on the history of Charlottesville and UVA. I am now a faculty member at UVA and a member of the Board of Commissioners on the Charlottesville Redevelopment Housing Authority. As part of my role at UVA, I work in the Office of the Provost where I am the lead historian and project manager on 2 public history projects about the University. Given my expertise, I am well situated to say with clarity and authority that the designation of Central Grounds according to the zoning policy is so expansive it is absurd. The history of the University, including its designation as a UNESCO World Heritage Site, clearly delineates the Academical Village as Central Grounds and ending at the gate. The expansions of the late 19th and early 20th centuries, including the building of what is now Shannon Library, Peabody & Newcomb Halls, the Chapel at Brooks Hall, and Cabell Hall are where students and faculty and historical expertise would indicate that the bounds of Central Grounds are to the east, west, and south respectively. In my 14 years of being a student, post-doctoral fellow, and faculty member, it is clear to me that the pocket park and former location of the horrific George Rogers Clark Statue have never been and will likely never be a part of what is considered Central Grounds. This will become more evident in the next month with the publication of *The Revolution at 250*. This book features a chapter by former UVA faculty Allison Bigelow entitled *Hidden in Plain Site: The George Rogers Clark Statue and the University of Virginia 1921 to 2021*. 'Hidden' is the point. It is hidden in plain site because nobody pays attention to a part of Grounds that is remote and disconnected. There is no contemporary or historical evidence to suggest that this location has ever been part of UVA Grounds. The Board has an opportunity to do the right and legal thing here by amending its understanding of

what Central Grounds includes, and Central Grounds include according to students, faculty, staff, and the historical understanding.

Scott Rainey – I am here on behalf of clients Union Station Partners LLC and Union Station Land Trust. I am one of the late submissions that hopefully made it to you all yesterday or maybe today. I will try to keep my submission brief. Our main point and our comments are focused on the fact that under the law, the zoning administrator's determination is presumed correct. The development code says a student housing project must be within a half mile of the University as determined by the zoning administrator. The ADU Manual says that the administrator has the final authority to make that determination. It does not say and does not dictate what the zoning administrator needs to consider or not consider. In my view, it is perfectly normal to consider ownership history. As I have been sitting here, I have been hearing some comments about the pocket parcel being an outlying parcel. In your attachments with the agenda, there is an Albemarle County GIS map that the zoning administrator included. You can see where the pocket parcel is. It is not a standalone parcel. It is part of this much larger parcel. In my view, that is a good illustration of how it is not an outlying parcel. It is part of the University. You are hearing a lot of opinions about what Central Grounds means. To me, the opinions are not enough to rebut the presumption that the zoning administrator's determination is presumed correct. That is the main point that I wanted to make

Valerie Long – I want to speak in support of the zoning administrator's determination. With all rules and regulations, it is important that the rules are clear and easy to apply whether you are the applicant trying to understand them or the zoning administrator or the public trying to understand them. The City Council, in its wisdom in adopting the city code and those who participated in preparing it provided an objective standard in the development code and clarified it further in the Manual. It first says that it is the zoning administrator's determination. They provided a measuring tool. They explained how you measure. It is an objective standard based on Central Grounds. The zoning administrator used his knowledge and discretion and experience to figure out what we should mean by Central Grounds. I think that is most reasonable way to start. He looked at the city's charter and the historical maps from the University. Those are clear objective measurement tools. It is very important. I might disagree on whether the pocket park should be part of Central Grounds. That does not matter. It is irrelevant. It does not matter what UVA students think or what you think might be Central Grounds. It is what is the standard. What does the code say? What do the maps show? What does history show? What is the objective standard? It is not about opinions. It is about whether something should or should not be part Central Grounds or whether it is outlying. Using the city's own charter is the best place to start to answer that question. The city charter expressly says that land is part of Central Grounds because it is the University's land. That is further demonstrated, as has been stated, by the maps that the county maintains, the city's own GIS maps. It shows that as part of the UVA property. It is Central Grounds. It is a clear measuring tool. It is important for everyone to understand what that process is. It was stated by the previous speaker. I don't believe that any of the statements here today are persuasive and rebut the presumption that Mr. Brodhead's analysis and decision were correct. There is no evidence in my opinion that it was clearly wrong. We ask that you uphold his determination.

Joy Johnson – I am the chair of PHAR. I am here because the Board of Zoning Appeals must side with the Fifeville community and rule that the proposed development on 7th Street Northwest is not within a half mile radius of UVA. The half mile radius was created to keep the University out of historic black neighborhoods like Fifeville and 10th & Page. The city put a half mile radius determined is opening our neighborhood to rampant speculation and gentrification. It needs to be fixed. The half mile radius not only allows these luxury student apartments to encroach and gentrify what is left of the black and low-income neighborhood, it also means that the development cannot build affordable housing units onsite. They will pay less into the Affordable Housing Fund. If the developer on 7th Street was outside the half mile radius, they would have to pay a lot more money into the Affordable Housing Fund, more than double the amount of money they will pay now. A couple of million dollars is a drop in the bucket for these multi-billion-dollar companies. As of January 2026, Landmark

announced that they have over \$15 billion in assets. A couple million dollars is pennies to the mere cents. This is legalized extortion. These developers are paying the city a tiny fee to get permission to build an enormous luxury building in our black and low-income community. It is racist. It is all about money and profit. These luxury buildings are going to increase property taxes with the Fifeville residents. We will not allow this building to be built in our neighborhood so that developers can profit from people. The half mile designation is racist. It continues a long tradition of anti-blackness and white supremacy in this city straight from Thomas Jefferson's plantation to Vinegar Hill and urban renewal. This is gentrification. We are being pushed out of our city. The city does not want poor, black people to live here. That is the way it seems. It is not just the community being harmed. UVA students are saying that they can't afford those luxury apartments. These developers don't care about people. It is about money over people. They don't care about people who live and work and raise their families in the city. They don't care about the students either. They are here to make money off the residents. You can help the community. Please do what is right and side with the community over the developers' profit.

Wendy Gau – I want to speak to this piece of grass at the intersection of JPA and West Main. The only standard that you have is what was provided in the Manual. The Manual is asking you to decide what Central Grounds are. As Mr. Reeder and others have pointed out to you, the Manual defines the half mile radius as being in a direct line from edge of the Main Campus Area/Central Ground & North Grounds to the edge of the subject parcel. The word 'Main' directs you, as people who interpret the ordinance, to not focus on anything that is not a Main Campus area ie. ignore peripheral ancillary, fringe, outer, secondary, minor, marginal campus areas. This park is not a Main Campus area of Central Grounds. This is further proven by the fact that it is next to a heating plant. A heating plant is not within the UVA imaginary of Central Grounds. UVA facilities probably put the heating plant there precisely because it is out of the way for Main Academic Buildings and living & learning spaces. Don't let this sketch of a potentially upgraded park with mural opportunities detract from what the Manual says and means. This patch of grass is not a Main Campus area. They will try to tell you that this will be a gateway to Central Grounds. As Mr. Reeder and Dr. Mason already highlighted, the archway on Hospital Drive going into Rotunda Drive leading to the East Gardens is the actual gateway into Central Grounds because only once you are there are you standing on the grass that leads up to The Lawn, Academic Buildings, libraries, dorms, and all the things that make up a university. Before that point, you are standing on The Corner. The developers might try to tell you that there will be an outdoor classroom on this upgraded park. It could be a learning space and part of Central Grounds. Don't listen to them. There are already outdoor classroom spaces on Central Grounds that people use; namely The Amphitheater, South Lawn, picnic tables by the Memorial to Enslaved Laborers, the living and learning community that Jefferson built The Lawn on, and The Rotunda. Something these things have in common is proximity to bathrooms. This piece of grass that they want to make into an outdoor classroom is hilarious. If you are having class outside, you probably are drinking a lot of water. Where are you going to go for the bathroom? Also important here is the fact that this park has not yet been upgraded into any gateway feature into Central Grounds. I don't think you should be deciding on the potential for an outlying and peripheral patch of grass to become Central Grounds. This might be a campus area. It is not a Main Campus area. Don't let them convince you to use this park as the determinant for the half mile radius. It is embarrassing for them, for UVA, and for the city if you side with them

Michael Payne – This is a technical issue but there are enormous implications. On this project, alone, whether this is in the 0.5-mile radius or not is a difference of about \$2.5 million for affordable housing. That is the difference between whether dozens of units for poor and working-class people can be built or not. There is a larger precedent. Depending on where you decide this radius is, there already are other projects under debate that happen to fall within the radius because of this. The city is going to lose about \$10 million in affordable housing payments. That is a difference between transformative projects like 501 Cherry and the redevelopment of Westhaven or additional projects like that cannot happen. The argument that they can't build onsite housing is irrelevant. That is the most expensive way they could meet the affordable housing commitment. It is not relevant. They would choose whatever formula. The decision of where the zoning administrator set the boundary was factually incorrect and does not align with the legislative intent of City Council, which was the

body that passed this policy. I will call you to the Affordable Housing Manual. It says ‘being in a direct line from the edge of Main Campus, 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 critical word there is outlying properties. The legislative intent of City Council, in my view, was to have contiguous properties that relate to students and offer an educational purpose, not the University Hospital System, power plants. If you don’t apply that, what is the limiting principle? If that is the framework we want to use, it is not even applied coherently in what the edge of Grounds was defined as. There are Hospital System buildings at the south end of the Academical Village, which would be right next to each other that were not included in the definition of Central Grounds. It is not applied uniformly. The clear metric is whether it is contiguous, and does it relate to an academic purpose? Not the UVA Hospital System. This outlying parcel is separated from the Academical Village by UVA Hospital System buildings, a power plant, and railroad tracks. Under no coherent definition of Central Grounds and Main Campus do I think that this applies. The natural boundary would be Hospital Drive. Where they have decided to set this boundary is 0.5-mile radius. This increases the radius by 0.25 miles. Where this is set includes the entirety of 10th & Page, right next to Tonsler Park, behind First Baptist Church as areas where the highest and best uses as student housing. Does that sound it aligns with Comprehensive Plan goals that are anti-displacement and are core neighborhood overlay framework?

Abba Kodiaga – I am a 4th year global public health student at the University of Virginia and one of the friends of PHAR, a student led organization that works along side and under the guidance of Public Housing Association of Residents to advocate for the rights of public housing residents and Charlottesville community members. I, along side of other concerned students, are here today to urge you to overturn the decision to classify the proposed development as student housing under the current radius designation. As a public health major, zoning is not my strong suit. When I see the radius and the sliver of the blue parcel that extends into it, the pocket park is being included as Central Grounds. It is clear to see what is happening here. At first glance, this might seem like a technical question, a matter of distance of mapping, of whether a parcel falls within a defined boundary. I ask you to look more critically and how the language of Section 3 of the city’s charter is being used here. The language is not neutral. Language shapes how we define space and how people experience that space. As a student, I can tell you that proximity matters. Students choose housing based on access to classes, libraries, dining halls, and social life. The proposed site is even further removed from the daily ecosystem. It lacks consistent and direct integration with University Transit. It is not where students naturally gravitate. While the language may make the project permissible, the reality on the ground tells a different story. This simply is not an extension of student life but an extension of institutional and private expansion into the surrounding communities. Over the past several years, the University has continued to admit more students without adequate housing. We know that this is true. However, students need more affordable housing to be built away from these communities. If this board allows this classification to stand, you are not just approving a building. You are setting a precedent that the definition of student housing can be expanded indefinitely if it can be justified on paper. Students do matter in this conversation. Consider the principle of recognition justice. Acknowledging and valuing the voices of histories and lived experiences of those most impacted by your decisions. A half mile radius might look small on paper. A parcel may look small on paper. A pocket park may look small on paper. It can become a powerful tool, one that can be used to justify encroachment and extend institutional reach into the communities that did not create these pressures. Who created this boundary? For what purpose? Was it meant to serve students?

Anna Meandamine – I am a 4th year urban planning and global development studies student at UVA and with friends of PHAR, a student led organization that works along side and under the guidance of the Public Housing Association of Residents to advocate for public housing and low-income Charlottesville residents and the greater Charlottesville community. I am here to urge the Board to overturn the decision to classify the proposed development as student housing under the current half-mile radius delineation. According to the ADU Manual, the half mile radius is supposed to be around the Main Campus area. Central Grounds extends to both colloquially. As a UVA urban planning student and somebody who has worked with GIS for over 8 years. To

Brooks Hall, it might be at the farthest. The proposed development is not within half a mile of these buildings. The small pocket park that we have been talking about is adjacent to the railroad, JPA, and University Avenue. It is arguable whether all the buildings in the Medical System surrounding this park can or should be considered Central Grounds. None of my peers have been to many of the buildings in the system, let alone to this pocket park. I did not know it existed before this appeal was made. One could argue that the most central point of this University is the Rotunda. Here we find the proposed development to be around a 20-minute walk. To me, that is not proximate to Central Grounds. As someone who specializes in maps, it is not proximate. To reiterate Mr. Reeder's statement is the language of the ADU, not ownership. We are here as impassioned as we are, not simply because of the contribution to the city Affordable Housing Fund. Mr. Reeder is a significant contributor to housing equity efforts in Charlottesville as a taxpayer in the city, who would hope that fellow property owners are taxed fairly and held accountable. On various scales of relation, the impacts of inefficient and inaccurate zoning. It is the same oversight and unwillingness to abide by the meaning of the words Central Grounds; the city went with the word blight with urban renewal in the 1960s that led to the displacement and erasure of the residents of Vinegar Hill. Some of whom are the same residents represented in this room. We are here in front of you as current residents, renters, and property owners of the city, not a potential park or a potential luxury building. I hope the city government does not repeat the same mistakes again.

Carmelita Wood – I am the current President of the Fifeville Neighborhood Association. I lived at 317 3rd Street. It is between McDonalds and the drive-thru of the plaza on McIntire, formerly known as Vinegar Hill. My family moved to Westhaven when I was 11 or 12. That is where I grew up. People always talked about how UVA wanted to buy Westhaven. When I got older, I went to work at UVA. I worked there for 35 years. All I could hear were people living on 10th & Page and other streets in that area talking about how UVA had offered to buy their homes and UVA also wanted to buy Westhaven. In the late 70s/early 80s, I heard that somebody higher up at the University had spoken that the University would not build or own any property beyond 10th Street. I believe they use part of the bridge and further back from the statue. They are now using it to justify the ruling as a marking point for the half mile radius. I am asking you please consider looking into this closely. What others and I see is the likelihood of another Vinegar Hill all over again. I see all those homes in those poor neighborhoods, like Fifeville, Westhaven, and 10th & Page, being torn down and tall buildings being built for student housing, further causing displacement and homelessness by raising taxes and driving people out of their homes forcing them to sell because they cannot afford the taxes. The citizens of Charlottesville and Council must stop letting these developers take precedence over the longevity and happiness of our neighborhoods in pursuit of making money. Just because neighborhoods are near the University and convenient for students, who will only be here for a few years, we deserve to be comfortable and have a good quality of life in the space that we created for our families. Zoning mistakes have been made and must be corrected to ensure our core neighborhoods are preserved.

Frank Becter – The nature of a half mile allowance is to incentivize consolidation of student housing near the University. The present determination works creatively against that very purpose. It seeks to stretch incentives as widely as possible. Is it imminently reasonable for the zoning administrator to have relied on the University's representations? No. It is in fact absurd. It is unreasonable. Who has the most to gain from extending the city's half-mile allowance as far as it can? It is not a developer. It is the University, by incentivizing as much student housing as possible, that it does not have to pay for. The zoning administrator has final authority. The guidelines don't say preemptive authority. The zoning administrator is not an aloof god talking to only other gods and titans. He does not work for the Board of Visitors. He is a public servant. Final authority without consulting affected parties, without public input, especially in a huge matter such as this. Final authority without reference to well-established language, final authority without considering the financial bias of the University. Final implies a process, not an inaccessible power wielder. Vast, extensive, highly populated streets will be majorly altered by this one determination. Many people are affected. They are all vested. This deserves broad discussion. Other matters decided by the zoning administrator may not. This one does. Where is the pocket park? The developers say it is along University Avenue. That is not so. It is along West Main Street. The

University calls it University Avenue Park. It is West Main Street. The city should know that. West Main Street goes under the railroad tracks past 14th. The University owns the pocket park. It can put what it wants there. Nowhere in the cited report is this called Central Grounds, nor is it called Campus or Grounds, but only a possible threshold or possible public welcome to Grounds. The park has nothing to do with students, campus. The University owns it. This does not make it Central Grounds. In the case decided by Woods Rogers, someone owns 160 acres and wants to build a housing development. There is some dispute. Who has standing? These cases are in the boonies. Who has 160 acres here in the middle of West Main? Nobody. This is a different kind of case. Virginia law has plenty to say about public engagement on major zoning decisions. In an article, the zoning administrator likes to help people get over hurdles. These aren't people. These are multi-billion conglomerates. It is great that we want to help people get through zoning issues.

James Snyder – I support the appeal of this code amendment. There are a lot of details in this argument. The 5 basic arguments are that this should be a fixed point from the Rotunda. We talked a lot about radii. We know that the radius is from a point around a fixed line. If you look at the map, you will see the map that staff have provided. That is a moving target. The property that was acquired by the University, the Federal Executive Institute. This is a moving target. Zoning should be clear. Everyone should know how it works. The code may not be well written. It is being interpreted that is not consistent with the intent. The Health System is a separate entity. The staff has backed into this determination. The Planning Director and now Deputy City Manager started talking about these properties here. There was discussion about what that means. We have had something that has been backed into after many discussions with applicants. That is not a good way to administer things. Anybody should know what properties are in or out. The code should say whether it is touching or the entire parcel. This code needs to go back to City Council. The councilors can decide that. Your job is to recognize that this has not been handled well. The staff are in a tough position trying to write a determination after the fact, after people have been talked to, and deals have been made. They have come up with a determination that has a half mile radius. It is a blob that keeps on getting bigger as UVA gets more property. If you look at the code sites that I put in my memo to you, there are about 5 of them. Virginia law talks about clarity in zoning. The zoning is supposed to be easily administered, not interpreted, not in a manual. I urge you to look at that closely and look at that map. It needs to go back to City Council. You would be doing everyone a favor to say that this interpretation needs to be redone. Send it back to City Council. They can have a public hearing. They can decide whether to make that circle bigger.

Sarah Malpass – I am here to support Mr. Reeder's appeal and ask you to reverse the determination of the zoning administrator. I don't have much to add to what has already been said by my neighbors. By selecting this outlying parcel, which is out of compliance with the intent of City Council, the radius has been increased by a quarter mile. This has a substantive impact on our neighborhoods from Fifeville, 10th & Page, and Westhaven. It has a substantive impact on the work residents have done for the last 15 years and decades more to come up with things like the Cherry Avenue Small Area Plan, which has been adopted into city code where residents have clearly stated their priorities. Fifeville is not anti-development. Fifeville is anti-displacement. We welcome working with developers who want to work with us on our anti-displacement and affordable housing goals. We do not want an interpretation that is wrong to allow additional development that will cause further displacement of our neighbors.

Shante Levy – Most of the issues about the implications about this decision have been well stated so far. I don't want to rehash that. I want to express my support for reconsidering the zoning determination based on the study of that parcel. There were questions up front. Mr. Mitchell asked about ownership history about that parcel. If you look at an aerial of that area from the 1940s, what you see in that parcel is more contiguous with the Gospel Hill neighborhood, which was bought by the University and razed for the hospital than it is with Central Grounds. If you look at a Sanborn Map from 1920, what you see is a blank space where nothing has been built. We can see from the image that there was forest at that location. Between there and Central Grounds what we have are individual businesses, not a continuous University swath of ownership historically. Though the

University has continued to buy up land and make that continuity look more intact now, that is not truly what we have based on the history of the University and the present condition. The fact that the University has always continued to expand and buy land should not be a basis for being able to extend the reach even further. It feels as though that this parcel under question is doing

Marlena Simon – One of the things that I wanted to say in support of my neighbor is that I notice when we draw that line, this building is not all the way included in that half mile. The part that is are the 2 historic buildings that cannot be built on and they are building around. The building does not go until after that line. If you keep approving these buildings that bleed out on that line, how much further are they encroaching into our neighborhoods? I agree with my neighbor that the line is falsely designated.

The meeting was recessed for 5 minutes for review on the materials presented and public comments.

BOARD DISCUSSION AND MOTION

Mr. Mitchell – I am looking at the image of that area. When you were reaching your determination, did the tracks in the back figure into your decision? Did you think that the proximity driving the decision to determine this as part of Central Grounds?

Mr. Brodhead – I was looking at the charter and land records. I have worked for the city for 20 years. If you go on the GIS, you cannot get any sort of information from those parcels. It is all part of this one large blob, which is UVA. That statue that was there and nobody knew about disappeared. There was no public hearing. It is not on our property.

Mr. Ahmed – Can you help us understand when the code says ‘edge of the parcel,’ specifically the Main Campus, what do you determine as edges? Is it boundaries of property ownership? How is an edge defined in the way that you consider?

Mr. Brodhead – I was going by the boundary of the University parcels. That point at the intersection of University or West Main and JPA is the edge. I did not use outlying parcels like UVA Hospital. There is a new part of campus on the other side of JPA down Branden Avenue or Stacey Hall. Those were not included. I utilized that edge. There is a railroad track there. There is a part of campus that is separated by railroad tracks. It is still part of the campus. You must walk in the public right-of-way to get from that part of campus to the other part. I did not factor in the railroad tracks into it.

Ms. Keller – Can you recall when the term Central Grounds started to come into common usage by NDS?

Mr. Brodhead – No. This whole definition is new. In parenthesis, it says North and Central Grounds. Typically, we call it campus or University Campus. I don’t define it by North or Central or whatever it might be.

Ms. Keller – I know this code is oriented towards housing and affordable housing. I assume that there was a lot of attention that was paid to the ADU Manual. Do you know if Section 2.3 was generated by the consultants, the HAC, or by NDS staff?

Mr. Brodhead – I do not know.

Ms. Keller – That would help me to determine what the intent of this might have been.

Mr. Brodhead – The NDS staff did not write our Development Code. It was written by consultants. I am not quite sure.

Ms. Creasy – I cannot answer that anymore specifically. With the ADU Manual, there were consultants, people who were part of the Housing Advisory Committee. The Housing Division was not even within Neighborhood Development Services at that point in time. We were provided with this document. We provided the interpretation to the best of our ability.

Ms. Keller – We have a diagram from Mr. Reeder. Can you speak about the physicality of this project and whether there would be any difference in whether this was considered student housing or not?

Mr. Brodhead – I did not refer to the proposed design of the project in making this determination.

Ms. Keller – In terms of effect, as to whether this is classified.

Ms. Creasy – There is nothing structural that would be any different. The only situation at hand here has to do with the affordable housing regulation and how that is enacted. This decision is not involved in the structure.

Ms. Keller – It does not affect the footprint, the height, the setbacks, or anything else.

Mr. Brodhead – This decision affects the Affordable Housing Manual. As I mentioned earlier, student housing can go anywhere in the city. We cannot restrict that. As far as applying whether they must pay an in-lieu fee into our affordable housing fund or have the option to build affordable housing onsite. That is what this buffer regulates.

Ms. Keller – Once the project is built, the owners or their agents can rent to anyone regardless of their student status.

Ms. Creasy – It is a private entity. We have no control. There are fair housing requirements. They will want to adhere to those. The city has no control over who they choose to rent to. They must meet those 2 criteria that are set.

Ms. Keller – It does come down to what the payout is.

Mr. Ahmed – Mr. Brodhead, did you consider any other ways of designating what is Central Grounds, what is North Grounds? Were there any other opinions at the time during your deliberation about how you consider the edges of the Main Campus?

Mr. Brodhead – I primarily looked at contiguous parcels and ownership as the criteria that I used.

Mr. Ahmed – Is that a common way of determining?

Mr. Brodhead – I have never been asked to make a determination like this where you must factor in distances from campus.

Ms. Keller – Would it be fair to say that most other sections of the ordinance are determined by map and not by verbal descriptions?

Mr. Brodhead – That is correct. I look at the merits of the bounds of the parcel, what it is zoned, and apply the information in the code as far as density, setbacks, steep slopes, etc.

Ms. Keller – The various zoning districts are delineated on the maps. Historic districts are overlays are delineated on the maps. This one has its ambiguity because it is a verbal description and not one in meters and bounds or a verbal boundary description.

Mr. Brodhead – That is correct. It is a direct line from edge of Main Campus, Central Grounds, and North Grounds to the edge of the subject parcel. I took that information and made a decision. I ran my decision by a couple other staff members in my office. This was created as determination.

Mr. Mitchell – With the pocket park, is that a parcel unto itself?

Mr. Brodhead – There was something in there that showed it as a larger parcel.

Ms. Creasy – The Albemarle GIS showed it the best.

Mr. Brodhead showed Mr. Mitchell on the map where the pocket park is located.

Mr. Brodhead – I don't know if we even have a definition. It is not delineated. According to the County GIS maps, it is not.

Mr. Dadak – With the definition of a parcel, there are boundaries to a legal parcel. I believe that Mr. Brodhead was saying that park is part of a bigger parcel as that term is used in legal terms

Mr. Mitchell – What is the total parcel?

Mr. Brodhead – The total parcel is the whole blue area. In this parcel, they include the railroad tracks. It is not the right-of-way like you would have with a road or other railroad tracks.

Ms. Keller – When it was acquired in 1939, do we have the boundaries of that acquisition?

Ms. Creasy proceeded to show the public and the Board members the location of the pocket park and the whole parcel that includes the pocket park.

Mr. Krahn – Is this boundary subject to change over time? Is it locked in unless there is a change to the zoning code or some other statute?

Mr. Brodhead – As far as I know, this boundary has not changed since 1939. UVA has acquired more property beyond here. They own Stacey Hall. They own all the way down. They are buying up property.

Mr. Krahn – As far as the half mile radius, that would not change if UVA bought another lot.

Ms. Creasy – I think that we would go back to our City Charter, which denotes the properties in 1939. It is what we have highlighted as part of the packet that you have.

Mr. Ahmed – In 1939, what was considered outlying properties? How were they defining outlying?

Ms. Weimar – What you are thinking about is in the ADU Manual. That is a much newer document. That was not talked about. I don't think we can answer that question

Mr. Ahmed – What is the definition of an outlying property?

Mr. Brodhead – I think it is a non-contiguous parcel. The Federal Institute is more of an outlying parcel

Ms. Weimar – The properties up 29 are not contiguous

Mr. Ahmed – This one over here because it is older than 1939, it is considered contiguous.

Mr. Brodhead – I think the one at the point near the 250 bypass. That might be incorrect. On the North Grounds part of the parcel, that was recently bought by UVA. Some of the parcels on the North Grounds might not be correct. We are focusing on Central Grounds. That has not been touched. There are many dorms that were recently constructed by UVA across JPA. Those are not reflected on this map. We did not change that.

Ms. Keller – Is there any legal map of the city of Charlottesville that identifies Central Grounds as such in the zoning ordinance? Is there any legal document generated by the city of Charlottesville that identifies Central Grounds?

Ms. Weimar – With the maps that I have seen, it just says University of Virginia

Ms. Keller – Two public commenters suggested that we refer this back to Council for clarification. Is that within the realm of our decision making today? Since we are a quasi-judicial body, do we make this decision today independent of that?

Mr. Dadak – Unfortunately, it is out of your authority. If City Council were to change the ordinance, it might do so.

Ms. Keller – They could do that subsequent. It is not part of this process.

Mr. Mitchell – There is a lot about the project, in general, that gives me concern: possible gentrification, displacement of people, encroachment into a traditional African American community by the student body at UVA. There are a lot of things that Ms. Johnson said that also worry me. The question today is whether the pocket park is relevant. If the pocket park is relevant, is it a part of Central Grounds? If it is part of Central Grounds, is it within a half mile? That is the only question that we are being asked. We are focusing on that pocket park and determining whether that is in the Central Grounds.

Ms. Keller – To me, it centers around some question of intent at the time this code was adopted. What was the general understanding of what Central Grounds were meant to be. We know that there was a lot of discussion and consideration about traditional neighborhoods, culturally sensitive neighborhoods, low-wealth neighborhoods adjacent to the University. Those were discussed at length. The city had trouble coming up with a response to that. They were first called sensitive neighborhoods, then there was RN-A. There was a lot of deliberation about where those neighborhoods would be. I was not part of that deliberation. I am assuming that was considered when writing this section about where student housing would be and what the payouts would be to the city and the whole in-lieu process. That is what troubles me. What was the understanding at the time the ordinance was adopted as to what Central Grounds would be? Like many people who spoke, I am a graduate of the University. I have been a faculty member at the University. This is my hometown. I had a geographic sense of the city from an early age. I always thought this was part of the University. I never thought of Central Grounds until it started showing up in planning documents for the University. It was just Grounds. We then had North Grounds. This whole concept of Central Grounds is new to me. To me, it is a planning term. It is more of a university planning term than a city planning term. That is why I was asking Mr. Brodhead about when it first showed up. I came in convinced that this could be the boundary of Central Grounds. Because there are now other documents that people might have been exposed to, there might be another understanding of what Central

Grounds is than what I was thinking. I did not see it as a determinant term until other people started to speak about it. I am troubled by this. I was probably one of the few people who dared to say that there were things wrong with this code because it was so housing oriented. To speak out against it, you would be shamed and blamed. I was always concerned that this would have effects on low-income neighborhoods adjacent to the University and there would be unattended consequences. This is possibly what we are seeing today.

Mr. Ahmed – I agree with Ms. Keller. There is a lack of clarity in the code. We have found this time and time again, issues coming to the Board since its adoption. We have seen that this code has a lot that is missing. We have found issues coming to the Board around fence heights, line-of-sights, things that were deliberative in the old code are not spelled out in this code. It does create issues. That lack of specificity is apparent here when they use generalized terms like Central Grounds and North Grounds that could mean anything. We have heard today that it could mean the Rotunda as the centerpiece of what Thomas Jefferson viewed as the place for students in its founding. That was the central place. Everything around it shapes from the Rotunda. It could also be land the University owned or was donated to it prior to 1939. This is where defining it by boundaries gets difficult. Using general terms to say Central Grounds is not helpful. It creates all these issues that we have. I would feel troubled saying these lines are exactly where UVA is if that was not exactly the intent. They used broad terms for a reason. Perhaps there is more flexibility with how it is applied than just looking at lines on a map.

Mr. Krahn – It would be a lot simpler if there was an overlay on the map that told us what was allowed. Geographic boundaries would be helpful. We don't have that. We have the code that says that the zoning administrator determines that. He determined that this development was within that half mile radius. We have heard a lot of opinions about whether this "pocket park" is a part of UVA or part of Central Grounds. It is very nebulous. I wish that we had more exact language to describe these things. I have not heard anything that leads me to think that the zoning administrator was wrong in his determination.

Motion – Mr. Krahn – I moved to affirm the zoning determination dated December 11, 2025 that the development at 202 7th Street Southwest is within a half mile of campus as determined by the zoning administrator and consider it student housing per Section 34-4.2.2.c.2.c. In support, make the following findings:

- **The project is within one half mile of campus.**

Second by Mr. Mitchell.

Ayes: Mr. Mitchell, Mr. Krahn

Nays: Mr. Ahmed, Ms. Keller

With no majority and no further motions to be made, Mr. Reeder asked that the case be carried over to the next scheduled meeting of the Board of Zoning Appeals.

Ms. Keller – I believe that Mr. Brodhead acted in good faith defining Central Grounds in a way that is consistent with his background in his experience in the city that this was part of the University and part of Central Grounds. It was not part of North Grounds. It was not part of the Medical Center. I think that he acted in good faith. I think it is the ordinance and the language of the ordinance and the ADU Manual that is flawed. That is what makes it a difficult decision. It is a culturally sensitive decision rather than one that is about physicality and dimensions. Whatever is built there will influence the neighborhood. It will overwhelm it. It will bring about change. I find it possibly difficult to believe that it will become an affordable housing project. I find it difficult to think that it would. Whatever goes there will be a luxury housing project that is large and overwhelming most likely. It is a very difficult decision to make. If we were asked to say whether this was part of Central Grounds because we were going to remove the former monument, we would probably say that it is Central Grounds so it could be rejected. I would think that thinking was central to the University, to the community. It is a dilemma whether this is Central Grounds or not.

Mr. Ahmed – It is hard to say what is Central Grounds. The University changes those dimensions all the time. It determines when a park that has funding to develop now becomes the corridor and entrance to the University. All the new hotels they are building, they are building that as the new entrance to the University from the north side. They have south side entrances. The University’s administration determines where it thinks is the beginning and the end of the University, not what we the public or what people generally want to believe.

II. MATTERS FROM BOARD MEMBERS

Mr. Reeder wished to make a statement following the vote by the Board of Zoning Appeals resulting in a tie.

Mr. Reeder – I am looking at Section 15.2-2311, Appeals to Board from the Virginia Code. There is Paragraph D that says, ‘in any appeal taken pursuant to this Section, if the Board’s attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.’ I formally submit that request here and now that we carry this over until you have 5 members and you can come to a not-tied vote.

This matter will be carried over to the next Board of Zoning Appeals meeting on April 16, 2026.

The public hearing for this matter has closed. There will not be any more public comments about this case. The BZA will meet, convene, and come to a decision at its next Board of Zoning Appeals meeting on April 16, 2026.

III. ADJOURNMENT

The Meeting was adjourned at 7:03 PM.