



CITY OF COLONIAL HEIGHTS, VIRGINIA
MEETING OF THE BOARD OF ZONING APPEALS
City Council Chambers, 201 James Avenue
Thursday, December 04, 2025
4:00 p.m.

AGENDA

I. Call to Order

II. Roll Call

III. Approval of Minutes

- April 16, 2025

IV. Public Hearing of Variance Request

A. 439 Jennick Drive; VAR #25-04

An application by Duane Rankin on behalf of American Behavioral Health Group for a variance to Section 286-530.20 (C) “Location and design of fences”, of Chapter 286, Zoning, of the Colonial Heights City Code. The variance will allow a 7-foot-tall fence with gate and automatic gate opener, located in the front of the building – where the ordinance allows a 42-inch front fence. The subject property and fence are located at 439 Jennick Drive. The property, also known as parcel identification number 68215600001, is comprised of approximately 3.32 acres and is zoned GB (General Business).

V. New Business

VI. Adjournment



CITY OF COLONIAL HEIGHTS, VIRGINIA
MEETING OF THE BOARD OF ZONING APPEALS
City Council Chambers, 201 James Avenue
Wednesday, April 16, 2025
4:00 p.m.

MINUTES

I. Call to Order

The meeting was called to order at 4:05 p.m.

II. Roll Call

Present:
Mr. Taft
Mr. Dean
Mr. Kohan
Mr. Freeland
Mr. Bauschatz

III. Annual Organization Meeting

• **Election of Chairman**

Mr. Dean nominated Mr. Taft to continue as Chairman of the Board of Zoning Appeals. Mr. Kohan seconded the motion. All members voted to elect Mr. Taft as Chairman of the Board of Zoning Appeals.

Approved 5-0

• **Election of Vice Chairman**

Mr. Dean nominated Mr. Freeland as Vice Chairman of the Board of Zoning Appeals. Mr. Kohan seconded the motion. All members voted to elect Mr. Freeland as Vice Chairman of the Board of Zoning Appeals.

Approved 5-0

- **Election of Secretary**

Mr. Kohan nominated Mr. Carter as Secretary of the Board of Zoning Appeals. Mr. Dean seconded the motion. All members voted to elect Mr. Carter as Secretary of the Board of Zoning Appeals.

Approved 5-0

- **Adoption of By-laws**

Mr. Carter shared that there have been no changes to the by-laws. Mr. Dean made a motion to accept the by-laws as presented. Mr. Freeland seconded the motion. All members voted to accept the by-laws.

Approved 5-0

IV. Approval of Minutes

- **June 20, 2024**

Mr. Freeland moved to approve the June 20, 2024 meeting minutes as presented. Mr. Dean seconded the motion. All members voted to approve the June 20, 2024 meeting minutes.

Approved 5-0

V. Public Hearing of Variance Requests

A. Lot 26 Yorktown Drive; VAR 25-01

Mr. Carter, Director of Planning and Community Development, introduced the applicant Tyler Realty Group, Inc., with permission of Colonial Heights Development Corporation, Property Owner, for a variance to the Subsection A of Section 286-300.06 “Site development regulations – RL Low-Density Residential District”, of Chapter 286, Zoning, of the Colonial Heights City Code. He explained that the variance would allow a minimum lot frontage of approximately 62 feet rather than 75 feet and a minimum lot size of approximately 6,200 square feet rather than 7,500 square feet for the construction of a single-family home. The property is identified as Tax Map 2300010A026, located at Lot 26 Yorktown Drive, with a legal description of Lot 26 Block A of the Brentwood Subdivision.

Mr. Aaron Bond, Assistant Director of Planning and Community Development, gave a presentation showing a concept plan for the construction of a one-story single-family home at Lot 26 Yorktown Drive. The presentation included photos of the adjacent properties, all of which have detached single-family homes except for 1500 Concord Avenue, which is developed as a 32-unit residential apartment building. Mr. Bond shared staff's recommendation to approve this case, which would allow a minimum lot frontage of 75 feet where 62 feet is required and a minimum lot area of 6,369 square feet where 7,500 square feet is required.

Mr. Dean shared concern over the square footage of the home and the separation between homes, in the event of a fire. Mr. Carter responded to Mr. Dean that following the approval of the variance, the applicant must submit applications for building and zoning approval per the building code and zoning ordinance. He also confirmed that structures within 5 feet of a property line must meet additional fire residence regulations and those that are within 3 feet of the property line must meet even more stringent regulations.

Mr. Freeland stated that part of the property could have been subdivided to provide enough space for a drainage easement located at 1500 Concord Avenue. Mr. Carter stated that the area was platted prior to the city's zoning ordinance.

Mr. Taft opened the floor to comments or questions from the public.

Mr. Bauschatz asked the applicant if a building plan had been selected. Mr. Tyler responded that the house would be a three-bedroom, two-bath ranch with approximately 1,400 square feet with setbacks that are consistent with the other lots in the area.

Mr. Taft asked if there were any comments from the public. No comments were noted.

Mr. Freeland moved to approve the variance, Mr. Bauschatz seconded the motion, and all members voted to approve.

Approved 5-0

B. 114 Southpark Circle; VAR 25-02

Mr. Carter introduced the applicant Robertson Loia Roof, P.C. with permission of Southpark Mall CMBS, LLC, Property Owner, for a variance to the Subdivision 1 of Subsection B of Section 286-310.06 "Site development regulations – GB General Business District," of Chapter 286, Zoning, of the Colonial Heights City Code. He explained that the variance would allow a 0-foot rear yard setback for a principal structure where 15 feet is required. The proposed grocery store would contain approximately 103,000 square feet of floor area. The subject parcel is identified as Tax Map 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision.

Mr. Bond gave a presentation showing a concept plan for the construction of a grocery store at 114 Southpark Circle. The presentation included photos of the adjacent commercial properties, all of which are located within the General Business zoning district. Mr. Bond noted that, if the requested variance were to be approved, a portion of the proposed grocery store would be permitted to abut the property line.

Mr. Freeland asked whether there will be an access from inside the new grocery store to the interior of the Southpark Mall. Mr. Bond responded that current plans do not show interior access to the mall, but the plan could be changed during the site plan process. Mr. Freeland asked if the former Sears building would be demolished as part of the project. Mr. Bond confirmed that the current building would be demolished.

Mr. Bond stated that staff's recommendation was to approve the variance, VAR 25-02, in the site development regulations which would reduce the minimum rear yard setback for a principal structure to 0 feet where 15 feet is required. The recommendation is based on the following factors:

- Ample off-street parking for the site meets ordinance requirements (including the new building).
- The variance is limited to the Northeast corner of the site.
- The use of the property is permitted as by-right in the GB district; and
- The development meets all other city ordinances.

Mr. Taft asked if there were any comments or questions from the public. No comments were made by the public. In response to a question regarding site conditions raised by Mr. Dean, the applicant's representative Mr. Joe Boyd, responded that there is an emergency exit at a dead-end corridor that limits delivery truck access on site.

Mr. Carter stated that working with an existing development is different than new development in so much as there are more challenges for businesses when there are buildings that share a part of a wall and surrounded by parking.

Mr. Taft asked if there were any other comments or questions from anyone. There were no other comments.

Mr. Freeland moved to approve the variance; Mr. Dean seconded, and all members voted to approve.

Approved 5-0

C. 114 Southpark Circle; VAR 25-03

Mr. Carter introduced the applicant Robertson Loia Roof, P.C. with permission of Southpark mall CMBS, LLC, Property Owner, for a variance to Subsection B of Section 286-530.02, "Site lighting," of Chapter 286, Zoning, of the Colonial Heights City Code. He explained that the variance would allow a maximum freestanding light fixture height of 42 feet rather than 20 feet. The subject property is identified as Tax Map 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision.

Mr. Bond gave a presentation sharing the applicant's plan for site lighting. He reiterated that the ordinance allows for free-standing light fixtures up to 20 foot in height; however, the current lighting surrounding Southpark Mall is nearly 50 feet tall.

Mr. Taft asked whether the current lighting was allowed by virtue of it being installed before the new ordinance and, therefore, the applicant needs a variance to install similar new lighting. Mr. Bond confirmed that the statement was correct.

Mr. Bond stated that staff recommends approval of the variance as does the Police Department. Staff's recommendation is based on the following conditions:

- The use is permitted by-right use in the GB zoning district;

- The development will comply with all city ordinances and requirements; and
- All lighting fixtures will be fully cut-off and shielded, in accordance with the Illuminating Engineering Society of North America standards and shall be downward toward the interior of the property away from nearby properties and roadways, except for paved area sharing vehicle access.

Mr. Taft asked if there were any comments or questions. None were noted.

Mr. Freeland moved to approve the variance, Mr. Dean seconded the motion, and all members approved.

Approved 5-0

VI. New Business

Mr. Carter introduced Ms. Kathy Hall as the new alternate member for the Board of Zoning Appeals. He explained that Ms. Hall would participate as a member in another member's absence.

VII. Adjournment

Mr. Taft adjourned the meeting at 4:58 pm.

Mr. Ray Taft, Chairperson

Maxie Brown, Acting Secretary



CITY OF COLONIAL HEIGHTS

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

City Hall • 201 James Avenue • P.O. Box 3401
Colonial Heights, Virginia 23834

Maxie Brown
Interim Director

Ex Parte Communications Notice

Ex parte communications rules apply to variance and zoning appeal cases. Pursuant to Virginia, § 15.2-2308.1., (Boards of zoning appeals, ex parte communications, proceedings), Board Members are not allowed to discuss variance cases with either the City Staff, or the applicant, the landowner, or agent or attorney for either outside of the presence of the other party.

CASE DETAILS

HEARING DATE:	December 04, 2025
APPLICATION #:	BZA Resolution and Variance #25-04
REPORT PREBARE BY:	Prarthana Rao, Zoning Administrator
APPLICANT:	TUMS Family Services (Tenant)
LOCATION:	439 Jennick Drive
TYPE OF REQUEST:	VARIANCE
APPLICABLE ZONING ORDINANCE SECTION(S):	Section 286-530.20 (C) "Location and design of fences"
SUMMARY OF REQUEST:	The applicant is requesting a variance of _42 inches of the Colonial Heights Zoning Ordinance to construct a 7-foot fence with gate and automatic opener, located in the front of the parcel. The ordinance allows a total height not to exceed 42 inches.

PROPERTY INFORMATION

PROPERTY OWNER(S):	American Behavioral Health Group
PARCEL #:	68215600001
LEGAL DESCRIPTION:	S. Riverview at Roslyn Lot 1
ACREAGE:	3.32 acres
ZONING DESIGNATION:	GB - General Business

SUMMARY

The applicant is seeking a variance allowing an approximately 135-foot-long and 7-foot-high aluminum picket fence with gate and automatic gate opener to be installed in the front yard. The fence line requested would be added to 7' high fencing on the side yards and the rear yard in order to create a secure perimeter around the entire property. The front yard fence will include an approximately 24 feet cantilever gate with opener.

The tenant of the building is TUMS Family Services, a behavior health clinic serving families. The fence is intended to secure the property and, in turn, enable the owner to safely administer counseling services to the community. Shortly after the new property owner purchased the property, the building was vandalized and the owner reportedly incurred approximately \$100,000 in property damages. Considering the property's remote location and the impending public trail that will be located at the south edge of the property, the owner requests permission to install the fence as a measure of protecting the behavioral health clinic, its staff, and clients.

Given that the front yard fence height proposed is greater than the 42-inch height allowed, it is prohibited at the location unless the Board of Zoning Appeals approves the subject variance. According to the Zoning Code's fence design standards (§286-530.20), a seven-foot-high fence can only be installed in the side and rear yard. Therefore, a variance is required in order to allow for the 7-foot-high fence in the front yard.

The same substantive request was earlier made by way of a request for a Special Use Permit under 17.11-1 of the City Charter. Four members of City Council voted in favor of the request, and three members of City Council voted against the request. Five votes are required in order to pass a Special Use Permit accommodation, so the measure failed. Given the closeness of the vote, the applicant was interested in reapplying for the accommodation through a variance request to the BZA.

The standards for variance are described later in this report as well as in the staff analysis for this request.

STANDARDS FOR VARIANCES

The term "variances" as defined in §15.2-2201 of the Code of Virginia shall mean a reasonable deviation from zoning ordinance requirements regulating the shape, size, or area of a lot or parcel of land; or the size, height, area, bulk, or location of a building or structure; when strict application of the ordinance would unreasonably restrict the utilization of the property and such need for a variance would not be shared generally by other property; and provided such variance is not contrary to the purpose of this ordinance. It shall not include a change in use, which change shall be accomplished by a rezoning or by a conditional zoning.

Virginia Code 15.2-2309(2), provides that the board shall either approve, deny, or approve with conditions the request for a variance. Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance or alleviate a hardship by permitting a reasonable modification be made to a property for the benefit of a person with a protected disability status, and

1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
5. The relief or remedy sought by the variance application is not available through a conditional use permit, rezoning, or amendment of this ordinance at the time of the filing of the variance application.

ANALYSIS

Does the application meet the definition of “variance” as per State Code § 15.2-2201, the full definition noted above?

Yes X No Comments: It is a reasonable deviation from zoning requirements.

Does the application meet one of the three requirements of a variance per State Code § 15.2-2309(2)?

- a. The strict application of the terms of the ordinance would unreasonably restrict the utilization of the [applicant's] property,” Yes No Comments: The City defers to the Boards judgment on whether there is an unreasonable restriction on the use of the property
- b. The granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance.
Yes No X Comments:
- c. Alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability Yes No X Comments:

All the following conditions must be satisfied in addition to one of the previous requirements:

CRITERIA	REQUIRED TO GRANT VARIANCE	YES/NO	STAFF Explanation
1a. Was the property interest acquired in good faith?	Required (Answer must be yes)	Yes	The property was acquired in good faith by the applicant
1b. Is the hardship created by the applicant?	Required (Answer must be no)	No	The hardship was not created by the applicant.
2. Would the granting of the variance be of substantial detriment to adjacent properties?	Required (Answer must be no)	No	There have been no neighbor complaints, and it would not directly affect the adjacent properties.

3. Is the condition or situation shared generally by other properties in the same zoning district so that it is so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance?	Required (Answer must be no)	Board Decision Needed	Other properties in the immediate area have the same standards. One of the reasons cited by the Councilmembers who voted no, was that they believed this is a general issue applicable to the immediate area, and thus not proper for piecemeal change. The other four members did not believe they were limited in that way. Either determination by the Board on this issue would be reasonable.
4. Would the variance be of such a scope as to amount to a rezoning of the property?	Required (Answer must be no)	No	No.
5. Would the relief or remedy sought by the variance application be available through a conditional use permit or rezoning?	Required (Answer must be no)	No	It would not.

STAFF RECOMMENDATION: Choose an item.

Based on the information provided by the applicant, city land records, and evaluation of the standards for variances provided in the CZO and the Virginia Code, and as shown in the chart on pages 2-4 of the staff report, staff defers to the judgment of the Board on this request. The variance application clearly passes all statutory requirements, except for two where reasonable minds can differ: whether there is an unreasonable restriction on the property, and whether the condition is generally shared by other properties in the same zoning district and is thus a general or recurring condition that is not suited for piecemeal determination.

However, if a variance is granted the City requests that certain conditions be granted: namely, that the variance expire as such time that the ownership of the property changes, that the fence is constructed per the drawing that was provided with the application, that it remain only so long that the fence is not installed on any existing drainage or utility easement, or within the temporary construction easement for the Appomattox Greenway trail, and only so long as access is provided for emergency vehicles, which shall require the owner to install and maintain a Knox padlock or other type of lock which allows emergency vehicles access to the property

Recommended language for two potential motions are provided below:

I move to grant the variance requested by the applicant, adopting as our findings the rationale listed in the staff report provided by the City of Colonial Heights Zoning Administrator, but with the conditions noted in the Staff Recommendation.

Or:

I move to deny the variance requested by the applicant, adopting as our findings the rationale listed in the staff report provided by the City of Colonial Heights Zoning Administrator.

END OF REPORT



Maureen Bednar <accentfence.office@gmail.com>

Fwd: Online Form Submittal: Request for Relief from the Zoning Board of Appeals Application

1 message

Duane Rankin <duanerankin80@gmail.com>
To: Maureen Bednar <accentfence.office@gmail.com>

Tue, Oct 28, 2025 at 12:26 PM

Here is the application so they know which one to attach the payment to

Duane Rankin
Accent Fence
(804) 317-5564

----- Forwarded message -----

From: noreply@civicplus.com <noreply@civicplus.com>
Date: Tue, Oct 28, 2025 at 12:26 PM
Subject: Online Form Submittal: Request for Relief from the Zoning Board of Appeals Application
To: <duanerankin80@gmail.com>

Request for Relief from the Zoning Board of Appeals Application

Date of Request 10/27/2025

Address of Request 439 Jennick Dr. Colonial Heights, VA 23834

(Section Break)

Applicant Information

Name of Applicant Tums Family Services

Applicant is... Property Owner

Mailing Address of Applicant 439 Jennick Dr. Colonial Heights, VA 23834

Telephone Number of Applicant 93230 497-7039

Email Address of Applicant duanerankin80@gmail.com

Owner's Affidavit *Field not completed.*

(Section Break)

Property Owner Information

If Applicant is property owner, skip section.

Name of Property Owner American Behavioral Health Group, LLC.

Mailing Address of Property Owner 439 Jennick Dr. Colonial Heights, VA 23834

Owner

Telephone Number of Property Owner (323) 497-7039

Email Address of Property Owner therapy@tumsfs.com

(Section Break)

Existing Site Conditions

Parcel Identification Number 68215600001

Site Acreage/Square Footage 3.310 Acres

Zoning District GB- General Business

Existing Site Conditions 1 story Brick Building, Asphalt parking lot, side and rear 7' tall black chainlink fence. Used as a doctors office

(Section Break)

Variance Information

Type of Relief Requested Variance to the Zoning Ordinance

Proposal Allow a 7' Tall Black aluminum Picket fence with a 24' wide gate and automatic gate opener with Knox Box for emergency personnel access

Zoning Ordinance Subject to Variance 286-530.20 A

Provide a detailed narrative for this request below, specifically addressing the following: Describe any practical difficulties or unnecessary hardships that would result if this request were denied., Describe any unusual conditions, unique to the property, Describe how the conditions are unique to the property and not so general or recurring so as to have citywide applicability.

Specify below: Property backs up to Appomattox River surrounded by woods on all sides at the end of the cul de sac on Jennick Dr. Multiple instances of theft and vandalism have occurred since current tenant purchased the property, including but not limited to the theft of over \$100,000 worth of HVAC equipment. The staff that will be working at this location have feared for their desire for greater security than a 42" tall fence would provide

Narrative Attachment *Field not completed.*

(Section Break)

Adjoining Property Owners

All adjacent property owner information shall be listed below or separately attached. Please provide property address, property owner name, and property owner mailing

address for each adjacent parcel to the subject property. Applicants may submit property cards to satisfy this requirement. Property cards may be printed at the City Assessor's Office. Adjacent property owners include all property across from roadways, watercourses, railroads, and/or municipal boundaries.

List information below

301 Jennick Dr A Colonial Heights, VA 23834

Atreos LLC

(Virginia Pediatrics)

11904 Hogans Alley Chester, VA 23836

Parcel ID 68216100001

255 Jennick Dr Colonial Heights, VA 23834

Sandpiper Colonial Heights LLC

7200 Glen Forest Dr Richmond, VA 23226

(WoodSpring Suites)

Parcel ID 68216100002

301 Charles Dimmock Pkwy Colonial Heights, VA 23834

City of Colonial Heights

201 James Ave Colonial Heights, VA 23834

(CH Animal Shelter)

Parcel ID 69020900002

325 Charles Dimmock Pkwy Colonial Heights, VA 23834

CH Hotel LLC.

1001 Boulders Pkwy Suite 400 Richmond, VA 23225

Parcel ID 68210000001

Adjacent Property Owner
Information

Field not completed.

(Section Break)

Fee

The application fee is \$1,000. Fee is payable via check (made out to City of Colonial Heights) or in office via card or cash. Application is not complete until fee is submitted.

Procedures for Variances and Appeals

The Board of Zoning Appeals will render a decision within 90 days of filing a complete application. The applicant will receive confirmation when all necessary documents are received for a completed application. Additional information may be submitted by email to payneb@colonialheightsva.gov

Approval/Denial

The Director of Planning & Community Development, as Secretary of the Zoning Board of Appeals, will send a letter to the applicant on the decision of the Zoning Board of Appeals. The letter of approval will include all terms and conditions.

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD	BEARING	CHORD LENGTH
C1	218.63'	50.00'	250°31'44"	N 05°30'23" W		81.65'
C2	193.00'	3150.00'	3°30'38"	S 09°18'16" E		192.97'
C3	63.98'	50.00'	73°18'38"	N 83°06'22" E		59.70'
C4	153.49'	50.00'	175°53'30"	N 42°08'13" W		99.94'
C5	25.71'	75.00'	19°38'16"	S 65°00'45" E		25.58'
C6	126.86'	440.00'	16°31'09"	S 44°56'07" E		126.42'
C7	9.21'	215.00'	2°27'16"	S 37°54'12" E		9.21'
C8	5.90'	215.00'	1°34'20"	S 82°08'19" E		5.90'
C9	64.65'	75.00'	49°23'30"	S 58°13'51" E		62.67'

APPOMATTOX RIVER

Edge Of Water S 13° 55' 08" E 399.40'

LOT 1

SOUTH RIVERVIEW AT ROSLYN SECTION 2

Limits Of Wetlands

**SOUTH RIVERVIEW
AT ROSLYN SECTION 2
LOT 1**

JENNICK DRIVE

**SURVEY OF
A PORTION OF LOT 1
SOUTH RIVERWAY
AT ROSLYN
COLONIAL HEIGHTS CITY, VIRGINIA**

**OMINION MEDICAL CONDOMINIUM
A PROFESSIONAL CONDOMINIUM
LOT 2**

LEGEND

- Pow.Box
- Rod/S
- Tel.Ped.
- ◎ Fire Hydrant
- Drop Inlet
- ☒ Light Pole

NOTE: THIS LOT APPEARS
TO BE IN FEMA FLOOD ZONE
AE AS SHOWN ON FEMA
FLOOD INSURANCE RATE MAP
PANEL 5100390019E

NOTE:
This survey has been prepared without the benefit of a title report and does not therefore necessarily indicate all encumbrances on the property.

**NOTE: PLAT PREPARED FOR THE EXCLUSIVE
USE OF AMERICAN BEHAVIORAL
HEALTH GRO A WYOMING LLC**

A. G. HAROCOPOS & ASSOCIATES, P.C.

4000 E. BELMONT BRIDGE RD., SUITE 200, MIDLOTHIAN, VA. 23112

Office 304 744 2630 FAX 304 744 2632

E-MAIL AGHAROCOPOS72@GMAIL.COM

Scale 1"=60' Date 7/8/25 Drawn by GAH

Digitized by srujanika@gmail.com



BOARD OF ZONING APPEALS RESOLUTION #25-04

Approving a variance to City Code Section 286-530.20 (C) which would allow TUMS Family Services (Tenant) a variance of 42 inches to allow the construction of a 7-foot fence located in front of the parcel, located at 439 Jennick Drive.

WHEREAS, TUMS Family Services has applied for a variance of 42 inches to construct a 7-foot fence pursuant to Section 286-530.20 (C); and

WHEREAS, the Board has held a public hearing on the variance request; and

WHEREAS, the Board finds that the request of TUMS Family Services meets the definition of a “variance” specified in Code of Virginia Section 15.2-2201; and

WHEREAS, the Board finds that the evidence shows that the strict application of the terms of the zoning ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

- (a) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (b) the granting of the variance will not be of substantial detriment to adjacent and nearby properties in the proximity of that geographical area;
- (c) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter;
- (d) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (e) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in this chapter or the process for seeking a variance pursuant to Subsection C of § 286-602 of this chapter; and

NOW, THEREFORE, BE IT RESOLVED BY THE COLONIAL HEIGHTS BOARD OF ZONING APPEALS:

The Board of Zoning Appeals approves the variance requested by the applicant, adopting

as our findings the rationale listed in the staff report provided by the City of Colonial Heights Zoning Administrator, but with the conditions noted in the Staff Recommendation; namely, that the variance expire as such time that the ownership of the property changes, that the fence is constructed per the drawing that was provided with the application, that it remain only so long that the fence is not installed on any existing drainage or utility easement, or within the temporary construction easement for the Appomattox Greenway trail, and only so long as access is provided for emergency vehicles, which shall require the owner to install and maintain a Knox padlock or other type of lock which allows emergency vehicles access to the property.

Approved this 4th day of December, 2025.

APPROVED:

Chairman

Date

ATTEST:

Secretary

Date



BOARD OF ZONING APPEALS RESOLUTION #25-04

Denying a variance to City Code Section 286-530.20 (C) which would allow TUMS Family Services (Tenant) a variance of 42 inches to construct a 7 foot high fence in accordance with the City Code.

WHEREAS, TUMS Family Services has applied for a variance of 42 inches to construct a 7-foot fence pursuant to Section 286-530.20 (C); and

WHEREAS, the Board has held a public hearing on the variance request; and

WHEREAS, the Board finds that the request of TUMS Family Services meets the definition of a “variance” specified in Code of Virginia Section 15.2-2201; and

WHEREAS, the Board finds that the evidence shows that the strict application of the terms of the zoning ordinance would not unreasonably restrict the utilization of the property or that the granting of the variance would not alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

- (a) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (b) the granting of the variance will not be of substantial detriment to adjacent and nearby properties in the proximity of that geographical area;
- (c) the condition or situation of the property concerned is of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter;
- (d) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (e) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in this chapter or the process for seeking a variance pursuant to Subsection C of § 286-602 of this chapter; and

NOW, THEREFORE, BE IT RESOLVED BY THE COLONIAL HEIGHTS BOARD OF ZONING APPEALS:

The Board of Zoning Appeals denies the variance requested by the applicant, adopting as our findings the rationale listed in the staff report provided by the City of Colonial Heights Zoning Administrator.

Approved this 4th day of December, 2025.

APPROVED:

Chairman

Date

ATTEST:

Secretary

Date



BOARD OF ZONING APPEALS RESOLUTION #25-04

Approving a variance to City Code Section 286-530.20 (C) which would allow TUMS Family Services (Tenant) a variance of 42 inches to allow the construction of a 7-foot fence located in front of the parcel, located at 439 Jennick Drive.

WHEREAS, TUMS Family Services has applied for a variance of 42 inches to construct a 7-foot fence pursuant to Section 286-530.20 (C); and

WHEREAS, the Board has held a public hearing on the variance request; and

WHEREAS, the Board finds that the request of TUMS Family Services meets the definition of a “variance” specified in Code of Virginia Section 15.2-2201; and

WHEREAS, the Board finds that the evidence shows that the strict application of the terms of the zoning ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and

- (a) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
- (b) the granting of the variance will not be of substantial detriment to adjacent and nearby properties in the proximity of that geographical area;
- (c) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter;
- (d) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
- (e) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in this chapter or the process for seeking a variance pursuant to Subsection C of § 286-602 of this chapter; and

NOW, THEREFORE, BE IT RESOLVED BY THE COLONIAL HEIGHTS BOARD OF ZONING APPEALS:

The Board of Zoning Appeals approves the variance requested by the applicant, adopting

as our findings the rationale listed in the staff report provided by the City of Colonial Heights Zoning Administrator, but with the conditions noted in the Staff Recommendation; namely:

1. That the existing fence be relocated out of the City Right of Way prior to the issuance of a zoning permit for the subject front fence.
2. This variance shall expire as such time that the ownership of the property changes.
3. That the fence is constructed per the drawing that was provided with the application, that it remain only so long that the fence is not installed on any existing drainage or utility easement, or within the temporary construction easement for the Appomattox Greenway trail.
4. The fence shall remain only so long as access is provided for emergency vehicles, which shall require the owner to install and maintain a Knox padlock or other type of lock which allows emergency vehicles access to the property.

Approved this 4th day of December, 2025.

APPROVED:

Chairman

Date

ATTEST:

Secretary

Date