



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

AGENDA

- I. Call to Order**
- II. Roll Call**
- III. Annual Organization Meeting**
 - **Election of Chairman**
 - **Election of Vice Chairman**
 - **Election of Secretary**
 - **Adoption of By-laws**
- IV. Approval of Minutes**
 - **June 20, 2024**
- V. Public Hearings of Variance Requests**
 - A. Lot 26 Yorktown Drive; VAR 25-01**
A request by Tyler Realty Group, Inc., the applicant, with permission of Colonial Heights Development Corporation, the 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. The variance will 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 variance shall be for parcel identification number 2300010A026, located at Lot 26 Yorktown Drive, with a legal description of Lot 26 Block A of the Brentwood Subdivision.
 - B. 114 Southpark Circle; VAR 25-02**
A request by Robertson Loia Roof, P.C., the applicant, with permission of Southpark Mall CMBS, LLC, the 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. The variance will allow a

minimum rear yard setback for a principal structure of 0 feet rather than 15 feet for the construction of an approximately 103,000 square foot grocery store. The variance shall be for parcel identification number 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision.

C. 114 Southpark Circle; VAR 25-03

A request by Robertson Loia Roof, P.C., the applicant, with permission of Southpark mall CMBS, LLC, the 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. The variance will allow a maximum freestanding light fixture height of 42 feet rather than 20 feet. The variance shall be for parcel 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision.

VI. New Business

VII. Adjournment

BOARD OF ZONING APPEALS

CITY OF COLONIAL HEIGHTS, VIRGINIA

BYLAWS

ARTICLE I NAME AND OFFICERS

1. The name of this body shall be the Board of Zoning Appeals of the City of Colonial Heights, Virginia (the "Board").

2. The Board shall organize and elect a Chairman, Vice-Chairman, and Secretary annually at an organizational meeting in the first meeting of the new year but no later than June. Such officers shall be eligible for reelection.

3. The Chairman shall preside at all meetings and hearings of the Board. He shall decide all points of order or procedure and shall appoint any committees that are deemed necessary.

4. The Vice-Chairman shall assume the duties of the Chairman in his absence.

5. Should both the Chairman and Vice-Chairman be absent from a meeting, another member designated by the Board shall act as Chairman and shall preside.

6. The Secretary, who may be a City employee, shall prepare all correspondence, subject to these bylaws, at the direction of the Board; shall send out all notices required by these bylaws as provided in the City Charter; and shall keep a file on each case which comes before the Board, such file to be open as a public record in the Office of the Zoning Administrator.

ARTICLE II MEETINGS

1. The meetings of the Board shall be held at the call of the Chairman or Secretary and at such other times as the Board may determine, provided that at least five (5) days' written notice of the meeting is given to each member.

2. The Board shall consist of five (5) regular members and one (1) alternate. A quorum shall consist of three (3) members of the Board, and no business shall be transacted without a quorum.

3. The order of business at all meetings of the Board shall be as follows:

- a. Roll Call
- b. Reading and Approval of Minutes of Previous Meeting
- c. Unfinished Business
- d. Hearing of Cases

- e. New Business
- f. Adjournment

The agenda may be modified by a majority vote of those members present.

4. The Board may recess a meeting to another date and time if all applications or appeals cannot be disposed of on the day set, and no further public notice shall be necessary for a continuation of the meeting at such later date to hear the cases carried over.

ARTICLE III PROCEDURE FOR HEARING CASES

1. Appeals and applications to the Board of Zoning Appeals may be taken by any person affected by any decision of any administrative officer of the City dealing with the Zoning Ordinance; by applicants for a variance, or, if provided for in the Zoning Ordinance, a special exception; and by applications requesting a hearing and decision on the interpretation of a district zoning map where there is any uncertainty as to the location of a district boundary. Such appeals and applications shall be filed with the Zoning Administrator on a form, specifying the grounds thereof. The Zoning Administrator shall transmit the appeal or application to the members of the Board along with all papers constituting the record upon which the action appealed from was taken or on which the application is based.

2. The applicant shall provide to the Secretary all information requested on the form, and any additional information and data as may be required to fully advise the Board in reference to the application or appeal, whether or not such information is called for on the official form. No application or appeal will be considered by the Board unless it is made on the required form.

3. The applicant shall provide the Zoning Administrator with eight (8) copies of any plats or exhibits required, at the time of the filing of the official appeal or application.

4. An application or appeal shall not be considered filed until the above procedures have been complied with. Applications or appeals will be assigned for hearing in the order in which they are received.

5. The Zoning Administrator shall notify the parties in interest of the time scheduled for the public hearing of the case and give public notice in a newspaper of general circulation in accordance with Section 15.2-2204, Code of Virginia, as amended. On the same date as the public notice is provided, the Zoning Administrator shall make available to the public a complete agenda for the meeting involved.

6. At the time of the public hearing the applicant may appear on his own behalf or be represented by counsel or agent, and shall be given an opportunity to be heard.

7. All parties wishing to give testimony shall be sworn in by the Chairman.

8. A contract purchaser of property that is the subject of a hearing before the Board, may represent the owner of the property if he has executed and submitted to the Board a valid affidavit authorizing him to represent the owner.

9. A final decision on any application or appeal to the Board shall be in the form of a resolution which must be approved by a majority of the membership of the Board. Such resolution shall set forth specifically the reasons, based upon findings of fact and law, for the Board's decision and the vote of each member participating therein, or, if absent or failing to vote, indicating such fact.

10. The Board may, within one (1) year of a decision, to the extent possible without infringing upon the valid rights of any party, and upon the affirmative vote of a majority of its members, reconsider any decision made and, upon such reconsideration, render a decision by a formal resolution.

11. Within thirty-one (31) days after the conclusion of the hearing, the Board shall make its decision. Within two (2) business days after a decision is rendered, the Secretary shall dispatch the decision to the parties in interest and the Zoning Administrator.

12. Any member of the Board shall be disqualified to act upon a matter before the Board in which the member has a personal interest, as provided by law.

13. To the extent not provided for in these Bylaws, rules of procedures in Board meetings and hearings shall be governed by Robert's Rules of Order, Newly Revised (10th Edition).

14. All Board meetings shall be recorded, so that it is possible to create a verbatim transcript of Board proceedings.

ARTICLE IV RECORDS

1. A file of all material and decisions relating to each case shall be kept in the Office of the Zoning Administrator.

2. Every decision of the Board shall be based on findings of fact based on sworn testimony, which findings of fact shall be in writing and preserved among the records of the Board.

3. All records of the Board shall be public.

Approved this 16th day of April, 2025.

Chairman

Attest:

Secretary



CITY OF COLONIAL HEIGHTS, VIRGINIA
MEETING OF THE BOARD OF ZONING APPEALS
City Council Chambers, 201 James Avenue
Thursday, June 20, 2024
4:00 p.m.

MINUTES

I. Call to Order

The meeting was called to order at 4:02 p.m.

II. Roll Call

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

III. Annual Organization Meeting

• **Election of Chairman**

Mr. Dean nominated Mr. Taft to continue as Chairman of the Board of Zoning Appeals. Mr. Freeland 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. Dean nominated Mr. Carter as Secretary of the Board of Zoning Appeals. Mr. Freeland 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. Freeland made a motion to accept the by-laws as presented. Mr. Dean seconded the motion. All members voted to accept the by-laws.

Approved 5-0

IV. Approval of Minutes

- **April 19, 2023**

Mr. Freeland moved to approve the April 19, 2023 meeting minutes as presented. Mr. Kohan seconded the motion. All members voted to approve the April 19, 2023 meeting minutes.

Approved 5-0

V. Public Hearing of Variance Request A. 208 Piedmont Avenue – Lot 29 and 30

Mr. Carter, Director of Planning and Community Development, presented the application by Harold Vega for a variance of approximately 5.5 feet of lot frontage to 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 the subject parcel a minimum lot frontage of approximately 69.62 feet rather than 75 feet for the construction of a single-family home. The variance shall be for parcel identification number 2500010628A, located at 208 Piedmont Avenue, with a legal description of Lots 29 and 30 (which also includes 10 feet of Lot 28 known as 28A) of Block 6 of Chesterfield Place Subdivision.

Mr. Carter introduced Mr. Aaron Bond, the new Assistant Director of Planning and Community Development, to the members and requested that he make the presentation of the application. Mr. Bond, sharing the construction plan, explained that the initial plan was for an addition however, when the addition began, the applicant found the original structure was in a very poor condition and needed to be demolished. Therefore, the applicant is requesting a variance approval to build a new home in the same location of the original structure. Mr. Bond shared that the adjacent properties 210 Piedmont Avenue and 204 Piedmont Avenue are both zoned residential low density and are single family lots. He shared that homes across and behind the subject property were zoned residential low density as well.

Mr. Carter shared that a variance is required to build single family dwellings on many of the smaller lots in the city.

The Chairman opened the floor for a public hearing.

Ms. Rebecca Moneymaker, a citizen, asked what the variance would do. Mr. Freeland answered that the minimum frontage of a buildable lot per the code is 75 feet which the subject property does not meet. The frontage of the subject property is 69.62 feet. Therefore, with the variance approval, the individual would be able to rebuild the house with 69.62-foot frontage.

Mr. Freeland made a motion to approve the variance at 208 Piedmont as presented. Mr. Dean seconded the motion. All members voted to approve the variance.

Approved 5-0

Mr. Dean asked Mr. Carter if the task of reviewing residential zoning districts had been completed. Mr. Carter shared that the research was not complete yet due to several other ordinance revisions/ drafting such as the short-term rental ordinance, floodplain ordinance revision and a few land use cases that required public hearings. He cited staff turnover as another reason the review has been delayed. Mr. Carter stated that once the research is complete, he will notify the Board of Zoning Appeals. Mr. Dean asked if that would lessen the Board of Zoning Appeals meetings. Mr. Carter shared applicants such as Mr. Vega would not be required to obtain a variance from the board or pay the \$1000.00 fee for the variance application. However, the Board will still need to continue to meet to review appeal cases and any other requested variance cases. Mr. Carter explained there are certain requirements in City Code that he is not authorized to grant relief and that it must be provided via the Board of Zoning Appeals.

VI New Business

None

VII Adjournment

Mr. Freeland made a motion to adjourn the meeting. Mr. Dean seconded the motion. All members voted to adjourn the meeting.

Approved 5-0

Mr. Ray Taft, Chairperson

Joseph Carter, Jr. Secretary



**VAR 25-01 – Tyler Realty Group
Parcel ID: 2300010A026**

A request by Tyler Realty Group, Inc., (the “Applicant”) with authorization from Colonial Heights Development Corp. (the “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. Approval of the variance will allow a minimum lot frontage of 62 feet rather than the required 75 feet and a minimum lot size of 6,369 square feet rather than 7,500 square feet for the construction of a single-family home. The variance shall be for parcel identification number 2300010A026, located at Lot 26 Yorktown Drive, with a legal description of Lot 26 Block A of the Brentwood Subdivision.

Existing Site Conditions

The subject property is zoned RL – Residential Low Density. Based on the applicant’s survey of the property, the subject parcel has 62 feet of frontage and has approximately 100 feet of depth and a total area of approximately 6,369 square feet. The lot meets the minimum lot depth requirement of 100 feet; however, it does not meet the required minimum lot area and frontage.

Adjacent Property Information

The subject property immediately adjoins 323 Yorktown Drive, which contains a one-story, single-family detached residential dwelling located to the east off the subject property, and 1500 Concord Avenue, which contains a 32-unit residential apartment building located to the west of the subject property. Behind the property, to the south, is a split-level single-family detached residential dwelling, located at 318 Maple Avenue. Across Yorktown Drive to the north, is a split-level, single-family residential dwelling, located at 322 Yorktown Drive.

Applicable City Code Section

City Code Section 286-300.06, Site Development Regulations for the RL - Low Density Residential District, prescribes a minimum lot frontage of 75 feet, a minimum lot depth of 100 feet, and a minimum lot area of 7,500 square feet (pertinent Code Section text follows).

Section 286-300.06 Site Development Regulations – RL Low Density Residential District.

The following are general development standards for the RL Low Density Residential District. For additional, modified or more stringent standards see Article IV, Use and Design Standards.

(A) Minimum lot requirements:

Area: 7,500 square feet

Frontage: 75 feet

Depth: 100 feet

Applicant's Request

Applicant Tyler Realty Group, Inc., is seeking an authorized deviation from the minimum lot frontage and minimum lot area requirements for the subject property to allow the construction of a single-family detached dwelling. The variance to the site development regulations would allow a minimum frontage of 62 feet instead of the required 75 feet and a minimum lot area of approximately 6,369 square feet instead of the required 7,500 square feet. As previously noted, the lot meets the minimum depth requirement. The new dwelling will conform with all required setbacks. The Applicant's submission is included within this packet that includes the narrative for the request. Development on the parcel must conform to all other City ordinance requirements.

Variance Approval Criteria:

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, 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.

Staff Recommendation:

The subject property was legally recorded prior to the adoption of the current regulation and the property owner is unable obtain additional land to bring the lot into conformance. Staff supports approval of the variance to the site development regulations which would reduce the required lot frontage from 75 feet to 62 feet and the required lot area from 7,500 square feet to approximately 6,369 square feet. Staff's support is based on the lot being legally platted (see attached property card) prior to the current regulation and the owner being unable to acquire additional land to bring the lot in compliance. Staff recommends the approval be subject to the following conditions:

1. The use of the subject property will be for a use allowed by the corresponding zoning district.
2. Development on the subject parcel will comply with all other City Ordinances and requirements.

Draft Motion for Approval:

I move the Board of Zoning Appeals grant a variance for the parcel identified as 2500010628A from the strict application of Section 286-300.06, Site Development Regulations, Subsection A to reduce the required lot frontage from 75 feet to 62 feet and the required lot area from 7,500 sq. ft. to approximately 6,369 sq. ft. The BZA finds that all approval criteria found in Section 286-626.02 of the Zoning Ordinance are true with respect to the subject property. Further, the Board of Zoning Appeals approves the variance with the following conditions of approval:

1. The use of the subject property will be for a use allowed by the corresponding zoning district.

2. Development on the subject parcel will comply with all other City Ordinances and requirements.

Attachments:

1. Applicant's Variance Application dated February 2, 2025
2. Plat of property
3. Owner Authorization for Variance
4. Property card
5. Assessors page of lot recordation
6. BZA Resolution No. 25-01

Prarthana Rao



From: noreply@civicplus.com
Sent: Wednesday, February 12, 2025 11:38 AM
To: Joseph Carter; Prarthana Rao; Aaron Bond; Cheryl Rondini
Subject: Online Form Submittal: Request for Relief from the Zoning Board of Appeals Application

Notice

ATTENTION: This e-mail originated from outside the City of Colonial Heights' Systems. Do not click links or open attachments unless you are expecting them from the sender and/or have confirmed the content is safe. Forward any suspicious e-mails for review to spam@colonialheightsva.gov.

Request for Relief from the Zoning Board of Appeals Application

Date of Request 2/12/2025

Address of Request Lot 26 Yorktown Drive

(Section Break)

Applicant Information

Name of Applicant Tyler Realty Group

Applicant is... Developer

Mailing Address of Applicant 2410 Boulevard Colonial Heights VA 23834

Telephone Number of Applicant 8045263030

Email Address of Applicant joe@tylerrealtygroup.com

Owner's Affidavit Yorktown affidavit.pdf

(Section Break)

Property Owner Information

If Applicant is property owner, skip section.

Name of Property Owner Colonial Heights Development Corp

Mailing Address of Property Owner	<i>Field not completed.</i>
Telephone Number of Property Owner	<i>Field not completed.</i>
Email Address of Property Owner	<i>Field not completed.</i>

(Section Break)

Existing Site Conditions

Parcel Identification Number	2300-01-0A-026
Site Acreage/Square Footage	6369
Zoning District	RL- Residential Low Density
Existing Site Conditions	Cleared lot

(Section Break)

Variance Information

Type of Relief Requested	Variance to the Zoning Ordinance
Proposal	To allow for a single family dwelling
Zoning Ordinance Subject to Variance	Article III, Section 286-300.06, Paragraph 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:	<ol style="list-style-type: none"> 1. Describe any practical difficulties or unnecessary hardships that would result if this request were denied-Devalue the land and would mean the current assessment is not accurate with the current owner overpaying on taxes. 2. Describe any unusual conditions, unique to the property-The other parcels on Yorktown are similar in frontage and depth to the subject. There are no unusual conditions. Attached is a

survey/building area.

3. Describe how the conditions are unique to the property and not so general or recurring so as to have citywide applicability. The lot does not conform to current frontage or depth requirements per the zoning. An allowable variance would make the lot buildable and conforming to the other lots in the neighborhood.

Plat attached

Narrative Attachment Yorktown Lot.pdf

(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.

* 318 Maple Ave
Chilel-Bonilla Julio C
Gomez-Velasquez Dilma J
318 Maple Ave
Colonial Heights, VA 23834

* 1500 Concord Ave
Silk Oak Investments, LLC
5012 Hickory Meadows Place
Glen Allen, VA 23059

Adjacent Property
Owner Information 1500 Concord Ave.pdf

(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

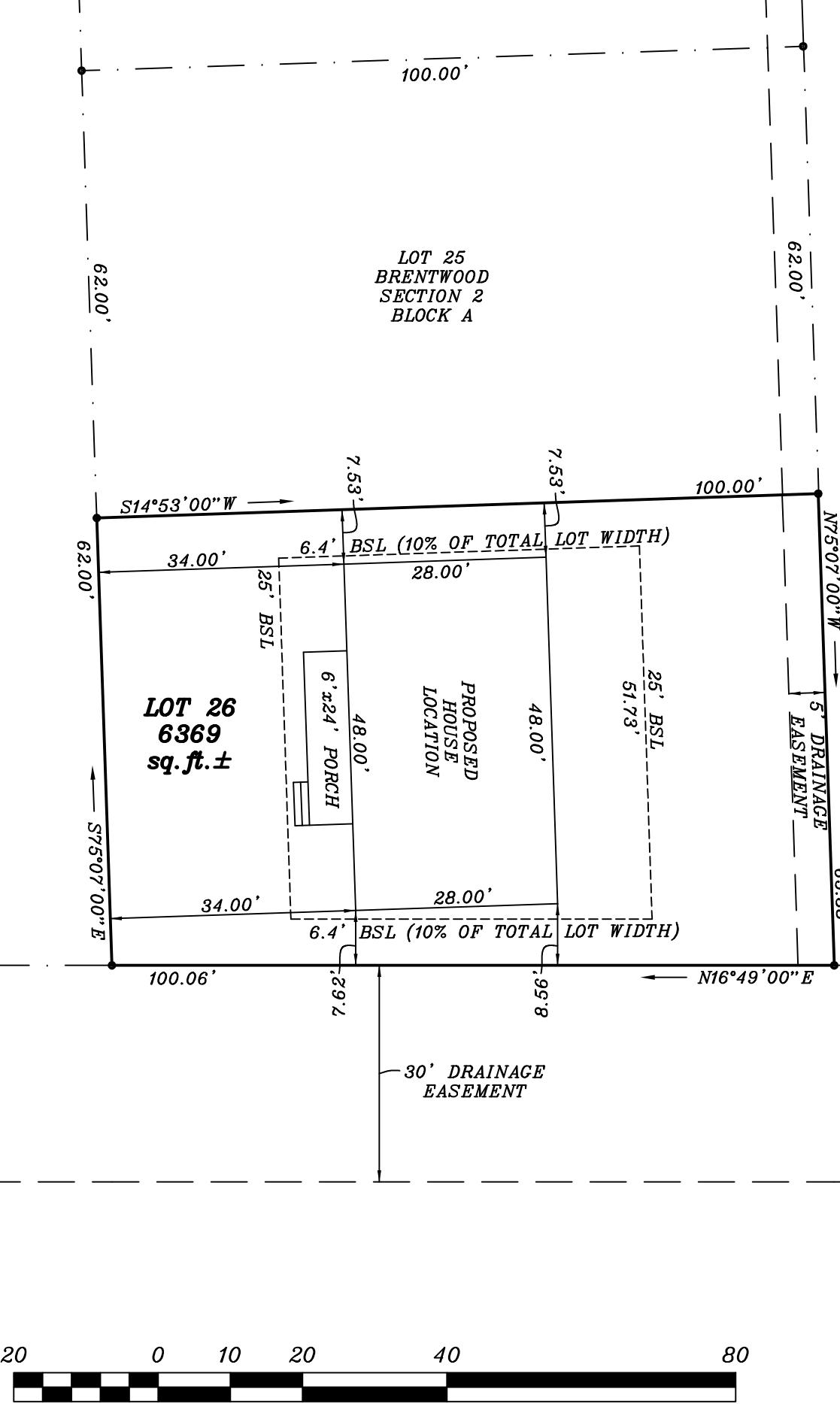
The Director of Planning & Community Development, as Secretary of the Zoning Board of Appeals, will send a letter to the applicant on the decision of the Zoning Board of Appeals. The letter of approval will include all terms and conditions.

Email not displaying correctly? [View it in your browser.](#)



CONCORD
AVENUE
45' R/W

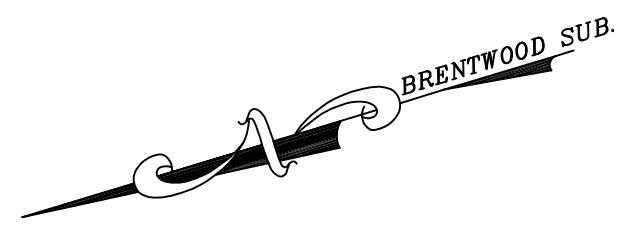
YORKTOWN DRIVE
50' R/W



This plat is made without the benefit of a title binder and therefore is subject to any easements or other pertinent facts of record in prior claim of title to the extent they may lawfully apply to the property herewith surveyed.

NOTE:

1. THIS PROPERTY IS IN ZONE "X" AS PER FIRM COMMUNITY PANEL# 5100390018E, EFFECTIVE 1-11-2024.
2. THIS PLAT IS PREPARED FROM PLATS OF RECORD AND DOES NOT REPRESENT A CURRENT FIELD SURVEY AT THIS TIME.



COMPILED PLAT SHOWING SETBACKS
ON LOT 26, BLOCK A, SECTION 2,
BRENTWOOD SUBDIVISION AS
REQUESTED BY JOE TYLER
IN THE CITY OF,
COLONIAL HEIGHTS, VIRGINIA

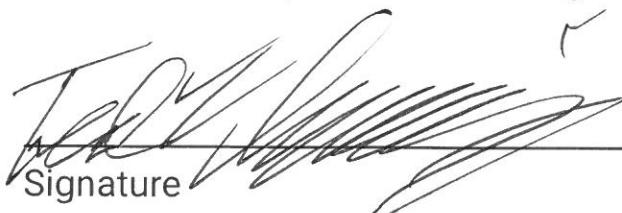
SCALE 1"-20' DATE: FEBRUARY 3, 2025

RONALD H. GORDON & ASSOCIATES, LLC.
LAND SURVEYORS
14100 BOYDTON PLANK ROAD
DINWIDDIE, VIRGINIA 23841
(804)469-3251

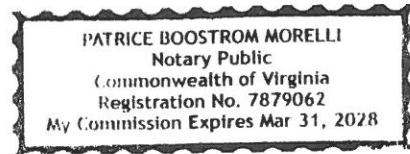
SHEET 1 OF 1 F.B. FILE FILE: 25-TYLER, JOE
(PHL LOT 26 YORKTOWN DR)

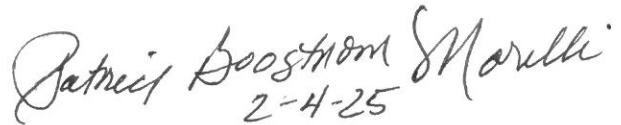


I, Mark Sweeney, Pres (CHDC), owner of PID 2300-01-0A-026 Yorktown Drive, Colonial Heights, authorize Harold J Tyler, owner of Tyler Realty Group, Inc. to apply for a variance on said property so as to make parcel a buildable lot as per current zoning.


Signature

2-4-25




2-4-25

APPRaised:
N/A
USE VALUE:
N/A
ASSESSEd:
N/A

PROPERTY LOCATION

No	Alt No	Direction/Street/City
		YORKTOWN DR, COLONIAL HEIGHT

OWNERSHIP

Owner 1:	COLONIAL HEIGHTS DEV CORP
Owner 2:	
Owner 3:	
Street 1:	C/O SWEARINGEN REALTY CO
Street 2:	1001 BOULEVARD

Twn/City: COLONIAL HEIGHTS

St/Prov: VA	Cntry:	Own Occ: Type:	Own Occ: Type:
Postal: 23834			

PREVIOUS OWNER

Owner 1:	
Owner 2:	
Street 1:	
Twn/City:	
St/Prov:	
Postal:	

NARRATIVE DESCRIPTION

This Parcel contains 1. LOT of land mainly classified as
RES.VAC.LND

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

IN PROCESS APPRAISAL SUMMARY

Use Code	Land Size	Building Value	Yard Items	Land Value	Total Value	Legal Description
						SUB: BRENTWOOD" SECTION: 2" BLOCK: A" LOT: 26

Patriot Properties Inc.

USER DEFINED

User Acct	GIS Ref
	GIS Ref
	Insp Date

USER DEFINED

Prior Id # 1:23	Prior Id # 2:0
	Prior Id # 3:1
	Prior Id # 4:1

PRINT

Date	Time
12/27/2023	11/28/2023

LAST REV

Date	Time
11/29/2021	12/19/2019

PAT ACCT.

Parcel ID	Notes
2300010A026	

ASR Map:

Fact Dist:	
Reval Dist:	
Year:	
LandReason:	
BidReason:	
CivilDistrict:	
Ratio:	

Sign:

VERIFICATION OF ASSESSMENT DATA	/
	/

1052!

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Date	Time
12/27/2023	11/28/2023

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EXTERIOR INFORMATION		BATH FEATURES		COMMENTS	
Type:		Full Bath:	Rating:		
Sty Ht:		A Bath:	Rating:		
(1)Y Units:	Total:	3/4 Bath:	Rating:		
Foundation:		A 3QBth:	Rating:		
Frame:		1/2 Bath:	Rating:		
Prime Wall:		A Bth:	Rating:		
Sec Wall:	%	Other Fix:	Rating:		
Roof Struct:		OTHER FEATURES		RESIDENTIAL GRID	
Roof Cover:		Kits:	Rating:	1st Res Grid Desc:	# Units
Color:		A Kits:	Rating:	Level	FY LR DR D K FR RR FB HB L O
View / Desir		Fpi:	Rating:	Other	
		WSFue:	Rating:	Upper	
				Lvl 2	
				Lvl 1	
GENERAL INFORMATION		CONDO INFORMATION		SUB AREA DETAIL	
Grade:		Location:		Sub Area	%
Year Bilt:	Eff Yr Bilt:	Total Units:		Area Usbl	Descrip
All LUC:	All %:	Floor:		Area	Type
Jurisdiction:	Fact.:	% Own:		%	Qu
Const Mod:		Name:		#	Ten
Lump Sum Adj:					
INTERIOR INFORMATION		DEPRECIATION		SUB AREA	
Avg Ht/Ft:		Phys Cond:	0.0 %	Code	Description
Prim Int Wall		Functional:	%	Area - SQ	
Sec Int Wall	%	Economic:	%		
Partition:		Special:	%		
Prim Floors:		Overnde:	%		
Sec Floors:	%	Total:	0 %		
Bsmt Flr:		General:			
Subfloor:					
Bsmt Gar:					
Electric:					
Insulation:					
Int vs Ext					
Heat Fuel:					
Heat Type:					
# Heat Sys:					
% Heated:	% AC:	WtAv\$/SQ:	AvRate:	Ind. Val:	Net Sketched Area:
Solar HW:	Central Vac:	Adj Total:	N/A	Size Ad:	Gross Are:
% Com Wall	% Sprinkled	Depreciation:	N/A	Final Total:	N/A
MOBILE HOME		Depreciated Total:	N/A	Serial #:	FinAre:
Make:		Model:		Year:	Color:
SPEC FEATURES/YARD ITEMS					
Code	Description	A Y / Qty	Size/Dim	Qual Con Year	Unit Price
				D/ Dep	LUC
				Fact	NB F JCo JFac

Section

coffee

dmont

Meridian

Meridion	
0	120
30	90
60	60
90	30
120	0

428

Grove		Ave	
35	120	3	120
34	120	4	120
33	120	5	120
32	120	6	120
31	140	7	120
30	140	8	120
29	140	9	120
28	140	10	120
27	140	11	120
26	140	12	120
25	140	13	120
24	140	14	120
23	140	15	140
22	140	16	140
21	140	17	140
20	140	18	140
19	140	19	140
18	140	20	140
17	140	21	140
16	140	22	140
15	140	23	140
14	140	24	140
13	140	25	140
12	140	26	140
11	140	27	140
10	140	28	140
9	140	29	140
8	140	30	140
7	140	31	140
6	140	32	140
5	140	33	140
4	140	34	140
3	140	35	140
2	140	36	140
1	140	37	140
0	140	38	140

Charlotte



BOARD OF ZONING APPEALS RESOLUTION 25-1

Approving a variance for parcel identification number 2300010A026 of 13 feet of lot frontage and approximately 1,131 square feet of lot area per Subsection A of City Code Section 286-300.06.

WHEREAS, Tyler Realty Group, Inc., the applicant, with permission of Colonial Heights Development Corporation, the owner, has applied for a variance of 13 feet of lot frontage and approximately 1,131 square feet of lot area required by Paragraph A of Section 286-300.06; and

WHEREAS, approval of the variance will allow a minimum lot frontage of 62 feet rather than 75 feet and a minimum lot area of approximately 6,369 square feet rather than 7,500 square feet for parcel identification number 2300010A026, located at Lot 26 Yorktown Drive, with a legal description of Lot 26 Block A of the Brentwood Subdivision; and

WHEREAS, the Board of Zoning Appeals has held a public hearing for the variance request on April 16, 2025; and

WHEREAS, the request meets the definition of a “variance” specified in Code of Virginia Section 15.2-2201; and

WHEREAS, 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 a general or recurring 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 Paragraph C of City Code Section 286-602; and

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

The Board of Zoning Appeals approves a variance of 13 feet of lot frontage and approximately 1,131 square feet of lot area from Paragraph A of Section 286-300.06, "Site development regulations – RL Low Density Residential District", therefore allowing a minimum lot frontage of 62 feet and a minimum lot area of approximately 1,131 square feet for parcel identification number 2300010A026, located at Lot 26 Yorktown Drive, with a legal description of Lot 26 Block A of the Brentwood Subdivision, subject to the following conditions:

- (a) The use of the subject property will be for a use allowed by the corresponding zoning district.
- (b) Development on the subject parcel will comply with all other City Ordinances and requirements.

Approved this 16th day of April, 2025.

APPROVED:

Chairman

Date

ATTEST:

Secretary

Date



**VAR 25-02 – Robertson Loia Roof, P.C.
Parcel ID: 68204700013**

A request by Robertson Loia Roof, P.C. (the “Applicant”) on behalf of Southpark Mall CMBS, LLC (the “Owner”) for a variance to 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 for the property known as parcel identification number 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision. Approval of the variance will allow a minimum rear yard setback for a principal structure of 0 feet rather than the 15 feet required for the construction of a new approximately 103,000 square foot grocery store.

Existing Site Conditions

The subject property is zoned GB – General Business. The subject parcel is designated for commercial uses and has a one-story 113,545 sq. ft. building surrounded by a large parking lot with medians. The subject property is located at 114 Southpark Circle as part of the Southpark Mall building.

Adjacent Property Information

The subject property immediately adjoins 170 Southpark Circle and 230 Southpark Circle, which both contain one-story commercial buildings. The properties to the south (165 Southpark Blvd, 773 Southpark Blvd, and 735 Southpark Blvd) contain a mix of commercial uses including minor automobile repair service and retail sales. The properties to the east (1823 Southpark Blvd and 1857 Southpark Blvd) contain one-story retail buildings.

Applicable City Code Section

City Code Section §286-310.06, Site development regulations – GB General Business District, prescribes a minimum rear yard setback of 15 ft. (pertinent Code Section text follows):

Section 286-310.06 Site Development Regulations

The following are general development standards for the GB General Business District. For additional, modified or more stringent standards see Article IV, Use and Design Standards.

(A) Minimum Lot Requirements Area: 15,000 square feet

(B) Frontage: 80 feet

(B) Minimum Setback Requirements

1. Principal Structure:

Front Yard: 35 feet

Side Yard: 0.0 Feet Side yard, corner lot: 15 feet

Rear Yard: 15 Feet

2. Accessory Structures:

Front Yard: Behind front building line of principal structure.

Side Yard: 5 Feet

Side yard, corner lot: 15 feet Rear Yard: 5 Feet

(C) Maximum Height of Structures

1. Principal Structures: 60 feet
2. Accessory Structures: 15 feet

(D) Maximum Lot Coverage:

1. Principal Structures: 80 percent of lot area
2. Accessory Structures: 20 percent of rear yard area

Applicant's Request

Applicant Robertson Loia Roof, P.C., is seeking an authorized deviation from the required 15 ft. minimum rear yard setback. The variance to the minimum rear yard setback would allow a minimum rear yard setback of 0 ft at the northeast corner of the proposed building as shown on the attached plat. The proposed encroachment would allow approximately 300 square feet of the building with an approximate length of 30 linear feet to be constructed within the required 15' setback. The area of encroachment will be used for a loading dock area as shown on the attached plan. The new building will conform with all other required setbacks. The Applicant's submission is included within this packet that includes the narrative for the request.

Variance Approval Criteria:

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, 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.

Staff Recommendation:

Staff supports approval of variance, BZA 25-02, to the General Business site development regulation (§286-310.06) which would reduce the rear yard setback minimum to 0 ft. Staff's support for the deviation to the site development regulation is based on the remaining lot surrounding the existing structure being entirely developed as parking lot spaces and, there being space for parking with the proposed encroachment of the proposed structure into the rear yard. Staff recommends the approval be subject to the following conditions:

1. The 15-foot setback variance shall be limited to the northeast corner of the property, where the encroachment is shown on the attached plan with a submission date of March 19, 2025, prepared by Robertson Loia Roof Architects and Engineers.

2. The use of the subject property will be for uses allowed in the corresponding zoning district.
3. Development on the subject parcel will comply with all other City Ordinances and requirements.

Draft Motion for Approval:

I move the Board of Zoning Appeals grant the following variance request for the parcel identified as 68204700013:

1. 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, allowing a minimum rear yard setback for a principal structure of 0 feet.

Further, the Board of Zoning Appeals approves the variance with the following conditions of approval:

1. The 15-foot setback variance shall be limited to the northeast corner of the property, where the encroachment is shown on the attached plan with a submission date of March 19, 2025, prepared by Robertson Loia Roof Architects and Engineers.
2. The use of the subject property will be for uses allowed in the corresponding zoning district.
3. Development on the subject parcel will comply with all other City Ordinances and requirements.

Attachments:

1. Applicant's Variance Application dated March 19, 2025
2. Variance Request Site Plan
3. Owner Authorization for Variance
4. Property card
5. Assessors page of lot recordation
6. BZA Resolution No. 25-02

[Print](#)**Request for Relief from the Zoning Board of Appeals Application - Submission #62623****Date Submitted: 3/19/2025****Date of Request***

3/19/2025

Name of Project**Address of Request***

114 Southpark Circle, Colonial Heights, VA 23834

Street Address, City, State, Zip Code

Applicant Information**Name of Applicant***

Trevor Evans

Applicant is...

Engineer

**Mailing Address of Applicant***

3460 Preston Ridge Road, Suite 275, Alpharetta, GA 30005

Street Address, City, State, Zip Code

Telephone Number of Applicant*

770-674-2600

Email Address of Applicant*

tevans@rlrpc.com

Owner's Affidavit

Choose File No file chosen

If applicant is not property owner, please provide an owner's affidavit.

Property Owner Information

If Applicant is property owner, skip section.

Name of Property Owner

Southpark Mall CMBS, LLC

per Assessor's Records

Mailing Address of Property Owner

2030 Hamilton Place Boulevard, Suite 500, Chattanooga, TN 37421

Street Address, City, State, Zip Code per Assessor's Records

Telephone Number of Property Owner

423-855-0001

Email Address of Property Owner

Lewis.Hilton@cblproperties.com

Existing Site Conditions**Parcel Identification Number***

68204700013

Per Assessor's Records

Site Acreage/Square Footage*

8.482

Zoning District*

GB- General Business

**Existing Site Conditions***

The subject property at 114 Southpark Circle in Colonial Heights, Virginia is zoned General Business (GB) and includes an existing ±114,000 square-foot building formerly occupied by Sears Department Store on approximately 8.482 acres at the southern end of the Southpark Mall. The northwestern side of the former Sears structure abuts the existing Southpark Mall structure located on Parcel ID 68054700016. The majority of land area surrounding the existing building is paved for vehicular travel and parking areas with underground utilities & limited landscaping. Site lighting is provided by light poles in the parking lot consisting of 50-foot round tapered poles on 3-foot concrete bases per the original site lighting plans by Faison Associates dated 07/24/87. The subject property has frontage along Southpark Circle & Southpark Boulevard with multiple vehicular access points.

Current structures and uses on site.

Variance Information**Type of Relief Requested***

- Variance to the Zoning Ordinance
- Appeal from Decision of the Zoning Administrator

Proposal*

The requested variances include: 1) Reducing the minimum rear yard setback described in Sec 286-310.06.B.1 from 15' to 0' and 2) Increasing the allowable free standing light fixture height described in Sec 286-530.02.B from 20' above grade to 42' above grade.

The proposed redevelopment project associated with these variances includes demolition of the former ±114,000 square-foot Sears building abutting the existing mall, construction of a new ±103,000 square-foot Grocery Store, and modifications to the existing parking areas. Existing parking area modifications include re-orienting the parking field to align with the new Store orientation and the addition of landscape islands. As a result of the parking area modifications, existing light poles will need to be removed and replaced so that the pole locations are outside of vehicular access paths.

Proposed structure, use, site conditions, or other information

Zoning Ordinance Subject to Variance*

1) Article III Section 286-310.06 Paragraph B.(1); 2) Article V Sect 286-530.02 Paragraph B

Article, Section, Paragraph

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:*

If the requested variances are denied, the redevelopment of the subject property will face significant practical difficulties and unnecessary hardships that could impede the feasibility and functionality of the project. [Building Setback] The intentions to locate the proposed structure at a similar location as the existing building, which abuts the adjacent mall structure, creates a constraint were maintaining the required 15' rear setback would limit the developable footprint and negatively impact the customer parking field and associated parking count at the front of the proposed Store. Out of the 6,380 SF area generated by the 15' rear setback, the proposed building footprint will only encroach onto 401 SF of this setback area resulting in 6% of the setback area including portions of the proposed building footprint. [Light Poles] The maximum allowable free standing light fixture height of 20' creates constraints when designing for a cohesive site lighting plan relative to the existing light fixtures that are 53' in height according to the original construction plans associated with the Southpark Mall. Limiting new light fixtures to 20' in height would create inconsistent and potentially inadequate lighting, leading to potential safety concerns for patrons and employees. A maximum 20' light pole height would also require additional poles resulting in an increased cost, increased obstructions, & impacting site aesthetics.

The subject property has unique site conditions that warrant the requested variances. These conditions include: the abutting mall structure, existing site lighting fixture height, and commercial redevelopment needs. [Building Setback] The abutting mall structure provides a site-specific condition that warrants a reduction of the rear building setback to allow the redeveloped property to be inherently integrated into the larger mall complex. [Light Poles] The existing site lighting fixture height creates a precedent for light poles that exceed the zoning code's maximum height requirement of 20'. The proposed redevelopment replaces a former department store with a modern grocery store, necessitating site adjustment to accommodate delivery areas, customer parking, and pedestrian safety, all of which are influenced by the setback and lighting requirements. These conditions are specific to the property due to its location within an existing shopping mall complex and the need for functional improvements aligned with current retail standards.

The conditions necessitating these variances are unique to the subject property and do not set a precedent of citywide applicability. Unlike standalone commercial sites, the subject property's relation to the existing mall is an uncommon condition that does not broadly apply to other commercial lots throughout the City. [Building Setback] The request for a 0' setback is directly tied to the unique configuration of the existing parcel & mall structure layout. [Light Poles] The presence of existing 53' tall light poles in the existing parking area establishes a site-specific lighting condition that does not broadly apply to other commercial lots throughout the City. The request for 42' tall light poles is a compromise between existing conditions and zoning regulations, tailored to this location rather than a general citywide standard. Given these factors, granting variances would address site-specific challenges without creating a broadly applicable precedent for other properties in the City of Colonial Heights.

Narrative may be attached separately or filled out above.

Narrative Attachment

CoCH - Variance Request Information 3-19-25.pdf

Narrative may be attached separately here, or filled out above.

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*

[DIRECTION] [PARCEL ID] [PROP ADDRESS] [OWNER NAME] [OWNER ADDRESS][

North & West; 68054700016; 230 SOUTHPARK CIRCLE; SOUTHPARK MALL CMBS, LLC; 2030 HAMILTON PLACE BLVD, STE 500, CHATTANOOGA, TN 37421

South; 68205200007; 773 SOUTHPARK BLVD KOSMAKOS PROPERTIES, LLC; P.O. BOX 52427, ATLANTA, GA 30355

Southeast; 68205200002; 735 SOUTHPARK BLVD SCOTT LEE TRUSTEE, ETC; P.O. BOX 8050-MS055 BENTONVILLE, AR 72712-8050

East; 68204700022; 1823 SOUTHPARK BLVD; CHVA PROPERTIES, LLC; 6324 RITCHIE HIGHWAY, GLEN BURNIE, MD 21061

Northeast; 68204700021; 1857 SOUTHPARK BLVD; Q&L REALTY, LLC; 4121 MEADOWDALE BLVD, STE B, N. CHESTERFIELD, VA 23234

The names and addresses above are those of adjacent property owners as listed in the tax records of the City Assessor and County Assessor if applicable.

Adjacent Property Owner Information

Kroger R552 - EX-1 Variance Request Site Plan 03-19-25.pdf

Information may be attached here or filled out above.

Fee

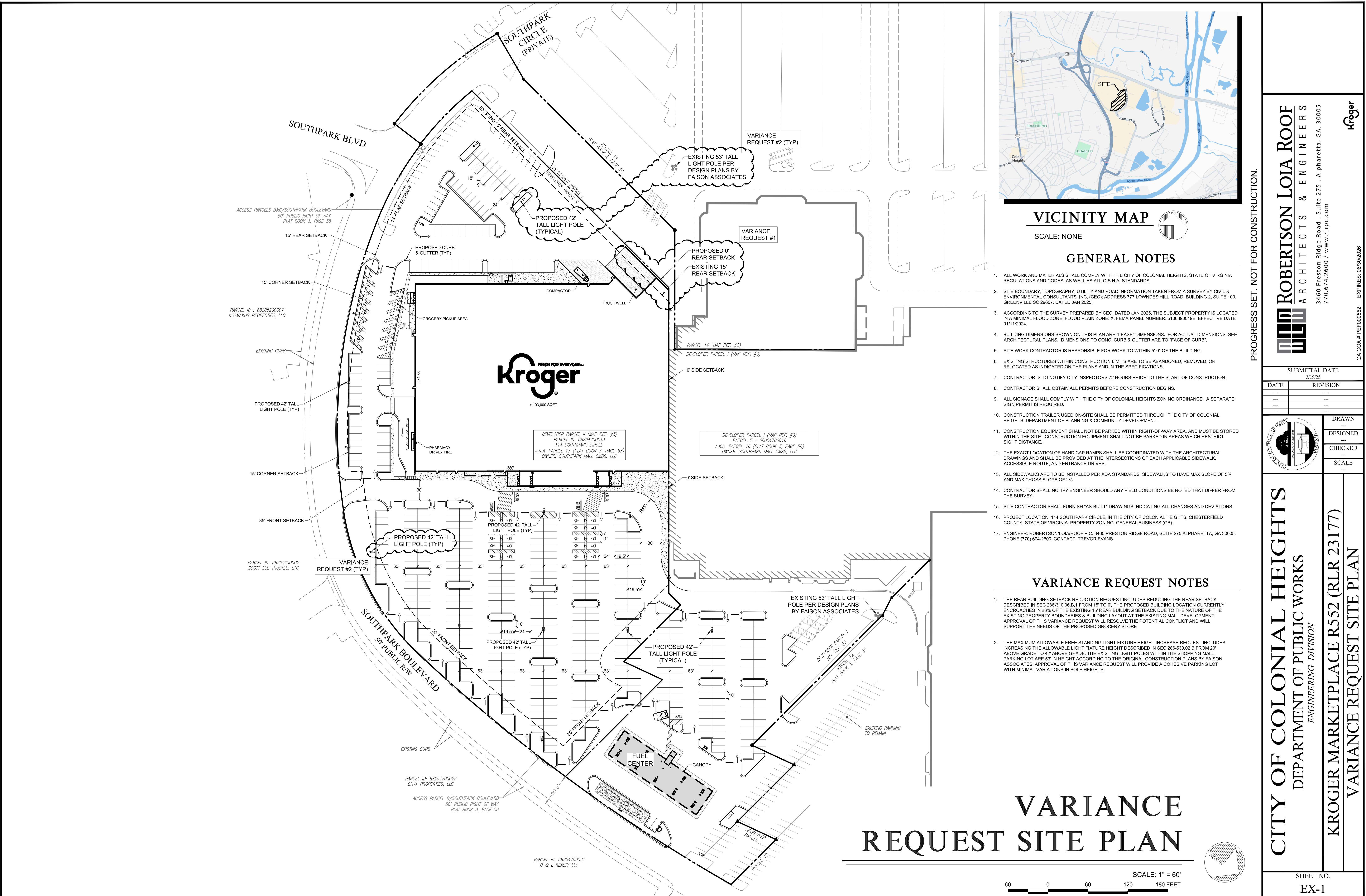
The application fee is \$1,000. Fee is payable via check (made out to City of Colonial Heights) or in office via card or cash. Application is not complete until fee is submitted.

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.





March 26, 2025

Board of Zoning Appeals
201 James Avenue
Colonial Heights, VA 23834
Attn: Carl J. Kohan, Jr.
Phone: 804-526-5706

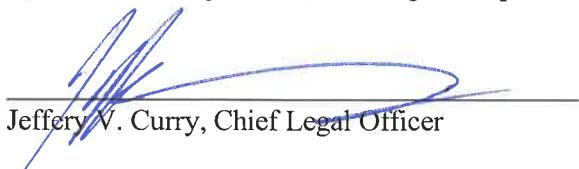
Dear Mr. Kohan:

I, Jeffery V. Curry, hereby give authorization to Kroger Limited Partnership I, and its agent, Trevor Evans of Robertson Loia Roof, PC, to submit to the City of Colonial Heights a Request for Relief from ZBA in the form attached hereto as Exhibit A, as well as any other necessary documentation necessary to obtain the variance requested therein pertaining to that certain 8.482 acre tract of land, more or less, identified as Tax ID 68204700013 and owned by Southpark Mall CMBS, LLC, which variance specifically relates to a reduction in the minimum rear yard setback and an increase in the allowable free standing light fixture height.

Should you have any questions regarding this matter, please feel free to contact me at (423) 490-8281.

I declare under penalty of perjury that the foregoing statement in this letter is true and correct.

Southpark Mall CMBS, LLC
By: CBL & Associates Limited Partnership, its chief manager
By: CBL Holdings I, Inc., its sole general partner


Jeffery V. Curry, Chief Legal Officer



The State of TENNESSEE
County of HAMILTON

Before me, the undersigned authority, on this day personally appeared Jeffery V. Curry, whose name is subscribed above; who by me being duly sworn upon oath says that the statement set forth is true and correct.

Given under my hand and seal of office on this the 26th day March 2025.


Notary Public

Printed Name: Tina R. Smith
My commission expires: My Commission Expires July 30, 2025



Exhibit A
Request for Relief from ZBA

[See attached pages.]

CoCH – Request for Relief from ZBA

KROGER R552 – SOUTHPARK MALL

DATE OF REQUEST: 3/19/25

ADDRESS OF REQUEST: 114 SOUTHPARK CIRCLE, COLONIAL HEIGHTS VA 23834

APPLICANT INFORMATION

Trevor Evans

3460 Preston Ridge Road, Suite 275, Alpharetta, GA 30005

770-674-2600

tevans@rlrpc.com

PROPERTY OWNER INFOMRATION

Southpark Mall CMBS, LLC

2030 Hamilton Place Boulevard, Suite 500, Chattanooga, TN 37421

423-855-0001

Lewis.Hilton@cblproperties.com

EXISTING SITE CONDITIONS

Parcel ID: 68204700013

Parcel Area: 8.482 Acres

Zoning District: GB

Existing Site Conditions: The subject property at 114 Southpark Circle in Colonial Heights, Virginia is zoned General Business (GB) and includes an existing ±114,000 square-foot building formerly occupied by Sears Department Store on approximately 8.482 acres at the southern end of the Southpark Mall. The northwestern side of the former Sears structure abuts the existing Southpark Mall structure located on Parcel ID 68054700016. The majority of land area surrounding the existing building is paved for vehicular travel and parking areas with underground utilities & limited landscaping. Site lighting is provided by light poles in the parking lot consisting of 50-foot round tapered poles on 3-foot concrete bases per the original site lighting plans by Faison Associates dated 07/24/87. The subject property has frontage along Southpark Circle & Southpark Boulevard with multiple vehicular access points.

VARIANCE REQUEST

Variance Type: Variance to the Zoning Ordinance

Variance Proposal: The requested variances include: 1) Reducing the minimum rear yard setback described in Sec 286-310.06.B.1 from 15' to 0' and 2) Increasing the allowable free standing light fixture height described in Sec 286-530.02.B from 20' above grade to 42' above grade. The proposed redevelopment project associated with these variances includes demolition of the former ±114,000 square-foot Sears building abutting the existing mall, construction of a new ±103,000 square-foot Grocery Store, and modifications to the existing parking areas. Existing parking area modifications include re-orienting the parking field to align with the new Store orientation and the addition of landscape islands. As a result of the parking area modifications, existing light poles will need to be removed and replaced so that the pole locations are outside of vehicular access paths.

Variance Request Justifications:

If the requested variances are denied, the redevelopment of the subject property will face significant practical difficulties and unnecessary hardships that could impede the feasibility and functionality of the project.

[Building Setback] The intentions to locate the proposed structure at a similar location as the existing building, which abuts the adjacent mall structure, creates a constraint were maintaining the required 15' rear setback would limit the developable footprint and negatively impact the customer parking field and associated parking count at the front of the proposed Store. Out of the 6,380 SF area generated by the 15' rear setback, the proposed building footprint will only encroach onto 401 SF of this setback area resulting in 6% of the setback area including portions of the proposed building footprint. **[Light Poles]** The maximum allowable free standing light fixture height of 20' creates constraints when designing for a cohesive site lighting plan relative to the existing light fixtures that are 53' in height according to the original construction plans associated with the Southpark Mall. Limiting new light fixtures to 20' in height would create inconsistent and potentially inadequate lighting, leading to potential safety concerns for patrons and employees. A maximum 20' light pole height would also require additional poles resulting in an increased cost, increased obstructions, & impacting site aesthetics.

The subject property has unique site conditions that warrant the requested variances. These conditions include: the abutting mall structure, existing site lighting fixture height, and commercial redevelopment needs. The abutting mall structure provides a site-specific condition that warrants a reduction of the rear building setback to allow the redeveloped property to be inherently integrated into the larger mall complex. The existing site lighting fixture height creates a precedent for light poles that exceed the zoning code's maximum height requirement of 20'. The proposed redevelopment replaces a former department store with a modern grocery store, necessitating site adjustment to accommodate delivery areas, customer parking, and pedestrian safety, all of which are influenced by the setback and lighting requirements. These conditions are specific to the property due to its location within an existing shopping mall complex and the need for functional improvements aligned with current retail standards.

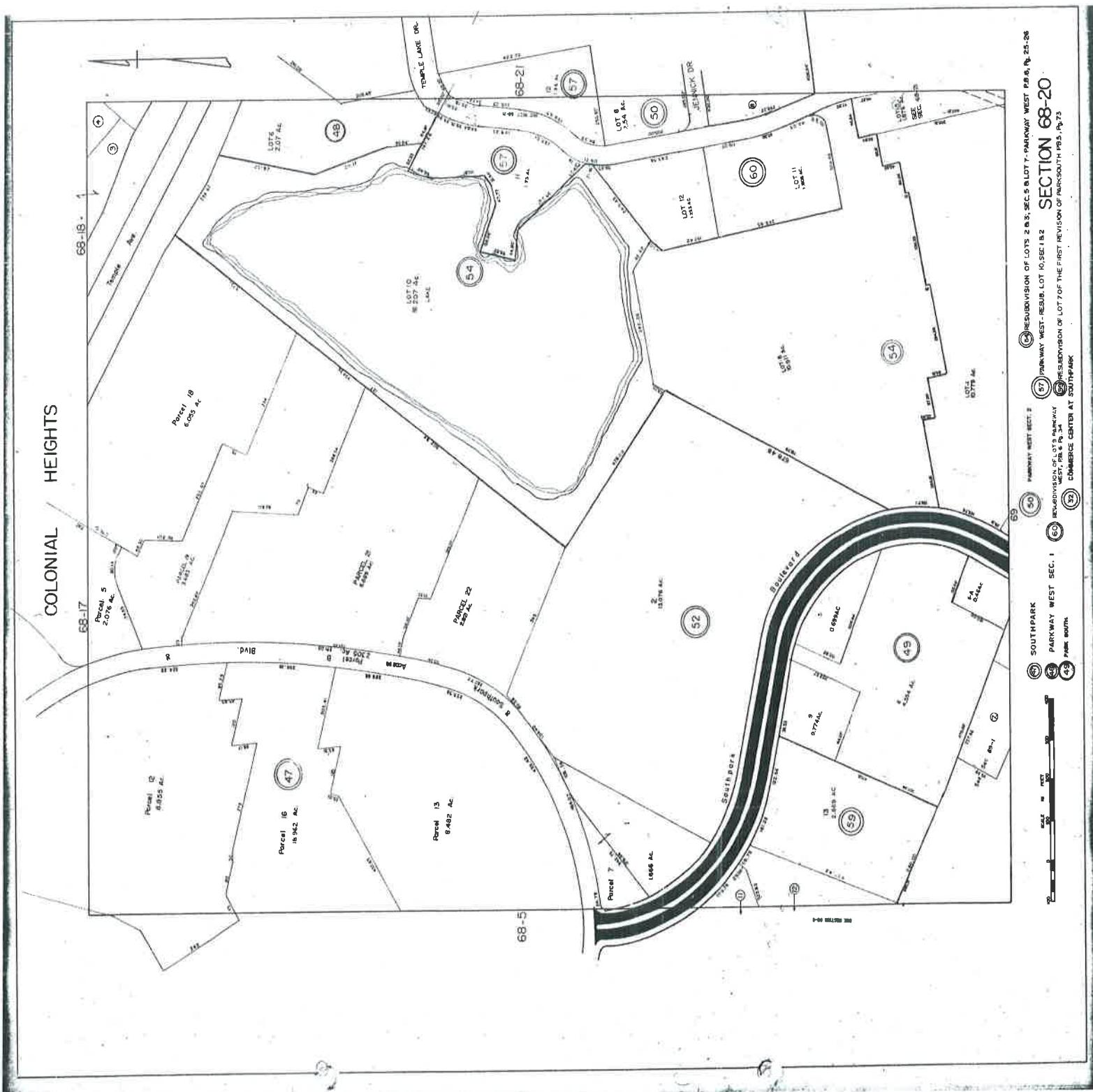
The conditions necessitating these variances are unique to the subject property and do not set a precedent of citywide applicability. Unlike standalone commercial sites, the subject property's relation to the existing mall is an uncommon condition that does not broadly apply to other commercial lots throughout the City. The request for a 0' setback is directly tied to the unique configuration of the existing parcel & mall structure layout. The presence of existing 53' tall light poles in the existing parking area establishes a site-specific lighting condition that does not broadly apply to other commercial lots throughout the City. The request for 42' tall light poles is a compromise between existing conditions and zoning regulations, tailored to this location rather than a general citywide standard. Given these factors, granting variances would address site-specific challenges without creating a broadly applicable precedent for other properties in the City of Colonial Heights.

ADJACENT PROPERTY OWNERS

	Parcel ID	Prop. Address	Owner Name	Owner Address
North & West	68054700016	230 SOUTHPARK CIRCLE	SOUTHPARK MALL CMBS, LLC	2030 HAMILTON PLACE BLVD, STE 500, CHATTANOOGA, TN 37421
South	68205200007	773 SOUTHPARK BLVD	KOSMAKOS PROPERTIES, LLC	P.O. BOX 52427, ATLANTA, GA 30355
Southeast	68205200002	735 SOUTHPARK BLVD	SCOTT LEE TRUSTEE, ETC	P.O. BOX 8050-MS055 BENTONVILLE, AR 72712-8050
East	68204700022	1823 SOUTHPARK BLVD	CHVA PROPERTIES, LLC	6324 RITCHIE HIGHWAY, GLEN BURNIE, MD 21061
Northeast	68204700021	1857 SOUTHPARK BLVD	Q&L REALTY LLC	4121 MEADOWDALE BLVD, STE B, N. CHESTERFIELD, VA 23234

EXTERIOR INFORMATION		BATH FEATURES		COMMENTS		SKETCH	
Type: 318 - DEPT STORE	Sty Ht: 1 - One Story	Full Bath	Rating: AVERAGE				
(liv) Units: 0	Total: 0	A Bath:	Rating:				
Foundation: T - TYPICAL	Frame: 3 - MASONRY	3/4 Bath:	Rating:				
Prime Wall: 6 - BRICK	Sec Wall: %	A 3QBth	Rating:				
Roof Struct: 4 - FLAT	Roof Cover: 2 - BUILT-UP ROC	1/2 Bath:	Rating:				
Color: SEARS AND TIRE AME	View / Desir:	A Bth:	Rating:				
Grade: 2 - FAIR	Year Blt: 1988	Eff Yr Blt:	Location:				
Alt LUC:	Alt %:	Alt %:	Total Units:				
Jurisdict:	Fact.:	Floor:	% Own:				
Const Mod:	Lump Sum Adj:	Name:					
GENERAL INFORMATION		CONDOS INFORMATION		REMODELING		SUB AREA	
1 (liv) Units:	Total: 0	Location:	Total:	RMS:	BRs:	Baths:	HB
Foundation: T	Frame: 3	Kit:	Units:	BRs:	BRs:	Baths:	HB
Prime Wall: 6	Sec Wall: %	A Kit:	Other:	BRs:	BRs:	Baths:	HB
Roof Struct: 4	Roof Cover: 2	Fpl:	Upper:	BRs:	BRs:	Baths:	HB
Color: SEARS AND TIRE AME	View / Desir:	WSFlue:	Lvl 2:	BRs:	BRs:	Baths:	HB
Grade: 2 - FAIR	Year Blt: 1988	Rating:	Lvl 1:	BRs:	BRs:	Baths:	HB
Alt LUC:	Eff Yr Blt:	Rating:	Lower:	BRs:	BRs:	Baths:	HB
Jurisdict:	Alt %:	Rating:	Higher:	BRs:	BRs:	Baths:	HB
Const Mod:	Fact.:	Rating:		BRs:	BRs:	Baths:	HB
Lump Sum Adj:				BRs:	BRs:	Baths:	HB
INTERIOR INFORMATION		DEPRECIATION		RES BREAKDOWN		SUB AREA DETAIL	
Avg Ht/Ft: 24.0	Prim Int Wal	Phys Cond: AV	Average	1st Res Grid:	Desc:	# Units	
Sec Int Wall	Partition:	Functional:		Level	FY LR DR D K FR RR FB HB L	0	
%	Prim Floors: 5	Economic:		Other			
%	- ALLOWANCE	Special:		Upper			
%	Sec Floors: 5	Overrides:		Lvl 2:			
0%		Total:	45%	Lvl 1:			
			General:	Higher:			
CALC SUMMARY		COMPARABLE SALES		SUB AREA			
Bsmnt Flr:	Subfloor:	Basic \$ / SQ:	N/A	Code	Description	Area - SQ	
Bsmnt Gar:		Size Adj.:	N/A	GBA	GROSSBLDGARE	113,679	
Electric:		Const Adj.:	N/A				
Insulation:		Adj \$ / SQ:	N/A				
Int vs Ext:		Other Features:	N/A				
Heat Fuel:		Grade Factor:	N/A				
Heat Type:	13 - PACKAGE UNIT	NBHD Inf.:	N/A				
# Heat Sys:		NBHD Mod.:					
% Heated: 100	% AC: 100	LUC Factor:	N/A				
Solar HW: NO	Central Vac: NO	Adj Total:	N/A				
% Com Wall	% Sprinkled	Depreciation:	N/A				
		Depreciated Total:	N/A				
		Model:					
MOBILE HOME		SPEC FEATURES/YARD ITEMS		PARCEL ID		AssessPro Patriot Properties, Inc	
Code	Description	A Yr	Qty	Size/Dim	Qual Con Year	Unit Price	D/ Dep LUC Fact NB F JCo JFac
PAV PAVING	D S	1231620	A	AV 2002	1.00 B	45	452
					Year	Color	
					Serial #		

COLONIAL / HEIGHTS





BOARD OF ZONING APPEALS RESOLUTION 25-2

Approving a variance for parcel identification number 68204700013 of 15 ft to the minimum rear yard setback for a principal structure per Subdivision 1 of Subsection B of City Code Section 286-310.06.

WHEREAS, Robertson Loia Roof, P.C., the applicant, with permission of Southpark Mall CMBS, LLC, the property owner, has applied for a variance of 15 feet to the minimum rear yard setback for a principle structure per Subsection B of City Code Section 286-310.06; and

WHEREAS, approval of the variance will allow a minimum rear yard setback of 0 ft for parcel identification number 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision; and

WHEREAS, the Board of Zoning Appeals has held a public hearing on the variance request on April 16, 2025; and

WHEREAS, the request meets the definition of a “variance” specified in Code of Virginia Section 15.2-2201; and

WHEREAS, 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 a general or recurring 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 Paragraph C of City Code Section 286-602; and

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

1. The Board of Zoning Appeals approves a variance of 15 feet to the minimum rear yard setback from Subdivision 1 of Subsection B of Section 286-310.06, "Site development regulations – GB General Business District", therefore allowing a minimum rear yard setback of 0 feet for parcel identification number 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision, subject to the following conditions:

- (a) The 15-foot setback variance shall be limited to the southeast corner of the property, where the encroachment is shown on the attached plan with a submission date of March 19, 2025, prepared by Robertson Loia Roof Architects & Engineers.
- (b) The use of the subject property will be uses allowed in the corresponding zoning district.
- (c) Development on the subject parcel will comply with all other City Ordinances and requirements.

Approved this 16th day of April, 2025.

APPROVED:

Chairman

Date

ATTEST:

Secretary

Date



**VAR 25-03 – Robertson Loia Roof, P.C.
Parcel ID: 68204700013**

A request by Robertson Loia Roof, P.C. (the “Applicant”) on behalf of Southpark Mall CMBS, LLC (the “Owner”) for a variance to the Subsection B of Section 286-530.02, “Site lighting,” of Chapter 286, Zoning, of the Colonial Heights City Code for the property known as parcel identification number 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision. Approval of the variance will allow a maximum freestanding light fixture height of 42 feet rather than the maximum 20 feet.

Existing Site Conditions

The subject property is zoned GB – General Business. The subject parcel is designated for commercial use and has a one-story 113, 545 sq. ft. building surrounded by a large parking lot with medians. The subject property is located at the Southpark Mall building with an address of 114 Southpark Circle.

Adjacent Property Information

The subject property immediately adjoins 170 Southpark Circle and 230 Southpark Circle, which both contain one-story commercial buildings. The properties to the south (165 Southpark Blvd, 773 Southpark Blvd, 735 Southpark Blvd,) contain a mix of commercial uses including minor automobile repair service and retail sales. The properties to the east (1823 Southpark Blvd and 1857 Southpark Blvd) contain one-story retail buildings.

Applicable City Code Section

City Code Section §286-530.02, Site lighting, prescribes a maximum height for freestanding light fixtures of 20 feet above grade (pertinent Code Section text follows):

Section 286-530.02 Site Lighting

(A) All exterior site lighting fixtures shall be designed located and arranged so as not to direct glare on adjoining streets or residential properties. All exterior fixtures shall be shielded so that light is directed towards the ground only

(B) Except for publicly owned fixtures, no freestanding light fixture shall exceed 20 feet in height above grade.

(C) Lighting intensity at the property line of any civic, office, commercial, or industrial use type shall not exceed one foot-candle.

Applicant's Request

The Applicant seeks a variance from the maximum freestanding light fixture height. The variance to the maximum freestanding light fixture height would allow a maximum freestanding light height of 42 ft. The Applicant's submission is included within this packet that includes the narrative for the request.

Variance Approval Criteria:

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, 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.

Staff Recommendation:

Staff supports approval of variance, BZA 25-03, to the General Business site lighting regulations (§286-530.02) which would increase the maximum freestanding light fixture height to 42 ft. The Police Department supports the lighting for the commercial area. Staff recommends the approval be subject to the following conditions:

1. The use of the subject property will be for uses allowed in the corresponding zoning district.
2. Development on the subject parcel will comply with all other City Ordinances and requirements.
3. All lighting fixtures used to illuminate a sign shall be full-cutoff and fully shielded, as defined by the Illuminating Engineering Society of North America (IESNA), and shall be directed downward and inward toward the interior of property, away from nearby properties and roadways, except paved areas providing shared vehicular access.

Draft Motion for Approval:

I move the Board of Zoning Appeals grant the following variance request for the parcel identified as 68204700013:

1. Variance to the Subsection B of Section 286-530.02, "Site lighting," of Chapter 286, Zoning, of the Colonial Heights City Code, allowing a maximum freestanding light fixture height of 42 feet.

Further, the Board of Zoning Appeals approves the variance with the following conditions of approval:

1. The use of the subject property will be uses allowed in the corresponding zoning district.
2. Development on the subject parcel will comply with all other City Ordinances and requirements.

3. All lighting fixtures used to illuminate a sign shall be full-cutoff and fully shielded, as defined by the Illuminating Engineering Society of North America (IESNA), and shall be directed downward and inward toward the interior of property, away from nearby properties and roadways, except paved areas providing shared vehicular access.

Attachments:

1. Applicant's Variance Application dated March 19, 2025
2. Variance Request Site Plan
3. Owner Authorization for Variance
4. Property card
5. Assessors page of lot recordation
6. BZA Resolution No. 25-03

[Print](#)**Request for Relief from the Zoning Board of Appeals Application - Submission #62623****Date Submitted: 3/19/2025****Date of Request***

3/19/2025

Name of Project**Address of Request***

114 Southpark Circle, Colonial Heights, VA 23834

Street Address, City, State, Zip Code

Applicant Information**Name of Applicant***

Trevor Evans

Applicant is...

Engineer

**Mailing Address of Applicant***

3460 Preston Ridge Road, Suite 275, Alpharetta, GA 30005

Street Address, City, State, Zip Code

Telephone Number of Applicant*

770-674-2600

Email Address of Applicant*

tevans@rlrpc.com

Owner's Affidavit

Choose File No file chosen

If applicant is not property owner, please provide an owner's affidavit.

Property Owner Information

If Applicant is property owner, skip section.

Name of Property Owner

Southpark Mall CMBS, LLC

per Assessor's Records

Mailing Address of Property Owner

2030 Hamilton Place Boulevard, Suite 500, Chattanooga, TN 37421

Street Address, City, State, Zip Code per Assessor's Records

Telephone Number of Property Owner

423-855-0001

Email Address of Property Owner

Lewis.Hilton@cblproperties.com

Existing Site Conditions**Parcel Identification Number***

68204700013

Per Assessor's Records

Site Acreage/Square Footage*

8.482

Zoning District*

GB- General Business

**Existing Site Conditions***

The subject property at 114 Southpark Circle in Colonial Heights, Virginia is zoned General Business (GB) and includes an existing ±114,000 square-foot building formerly occupied by Sears Department Store on approximately 8.482 acres at the southern end of the Southpark Mall. The northwestern side of the former Sears structure abuts the existing Southpark Mall structure located on Parcel ID 68054700016. The majority of land area surrounding the existing building is paved for vehicular travel and parking areas with underground utilities & limited landscaping. Site lighting is provided by light poles in the parking lot consisting of 50-foot round tapered poles on 3-foot concrete bases per the original site lighting plans by Faison Associates dated 07/24/87. The subject property has frontage along Southpark Circle & Southpark Boulevard with multiple vehicular access points.

Current structures and uses on site.

Variance Information**Type of Relief Requested***

- Variance to the Zoning Ordinance
- Appeal from Decision of the Zoning Administrator

Proposal*

The requested variances include: 1) Reducing the minimum rear yard setback described in Sec 286-310.06.B.1 from 15' to 0' and 2) Increasing the allowable free standing light fixture height described in Sec 286-530.02.B from 20' above grade to 42' above grade.

The proposed redevelopment project associated with these variances includes demolition of the former ±114,000 square-foot Sears building abutting the existing mall, construction of a new ±103,000 square-foot Grocery Store, and modifications to the existing parking areas. Existing parking area modifications include re-orienting the parking field to align with the new Store orientation and the addition of landscape islands. As a result of the parking area modifications, existing light poles will need to be removed and replaced so that the pole locations are outside of vehicular access paths.

Proposed structure, use, site conditions, or other information

Zoning Ordinance Subject to Variance*

1) Article III Section 286-310.06 Paragraph B.(1); 2) Article V Sect 286-530.02 Paragraph B

Article, Section, Paragraph

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:*

If the requested variances are denied, the redevelopment of the subject property will face significant practical difficulties and unnecessary hardships that could impede the feasibility and functionality of the project. [Building Setback] The intentions to locate the proposed structure at a similar location as the existing building, which abuts the adjacent mall structure, creates a constraint were maintaining the required 15' rear setback would limit the developable footprint and negatively impact the customer parking field and associated parking count at the front of the proposed Store. Out of the 6,380 SF area generated by the 15' rear setback, the proposed building footprint will only encroach onto 401 SF of this setback area resulting in 6% of the setback area including portions of the proposed building footprint. [Light Poles] The maximum allowable free standing light fixture height of 20' creates constraints when designing for a cohesive site lighting plan relative to the existing light fixtures that are 53' in height according to the original construction plans associated with the Southpark Mall. Limiting new light fixtures to 20' in height would create inconsistent and potentially inadequate lighting, leading to potential safety concerns for patrons and employees. A maximum 20' light pole height would also require additional poles resulting in an increased cost, increased obstructions, & impacting site aesthetics.

The subject property has unique site conditions that warrant the requested variances. These conditions include: the abutting mall structure, existing site lighting fixture height, and commercial redevelopment needs. [Building Setback] The abutting mall structure provides a site-specific condition that warrants a reduction of the rear building setback to allow the redeveloped property to be inherently integrated into the larger mall complex. [Light Poles] The existing site lighting fixture height creates a precedent for light poles that exceed the zoning code's maximum height requirement of 20'. The proposed redevelopment replaces a former department store with a modern grocery store, necessitating site adjustment to accommodate delivery areas, customer parking, and pedestrian safety, all of which are influenced by the setback and lighting requirements. These conditions are specific to the property due to its location within an existing shopping mall complex and the need for functional improvements aligned with current retail standards.

The conditions necessitating these variances are unique to the subject property and do not set a precedent of citywide applicability. Unlike standalone commercial sites, the subject property's relation to the existing mall is an uncommon condition that does not broadly apply to other commercial lots throughout the City. [Building Setback] The request for a 0' setback is directly tied to the unique configuration of the existing parcel & mall structure layout. [Light Poles] The presence of existing 53' tall light poles in the existing parking area establishes a site-specific lighting condition that does not broadly apply to other commercial lots throughout the City. The request for 42' tall light poles is a compromise between existing conditions and zoning regulations, tailored to this location rather than a general citywide standard. Given these factors, granting variances would address site-specific challenges without creating a broadly applicable precedent for other properties in the City of Colonial Heights.

Narrative may be attached separately or filled out above.

Narrative Attachment

CoCH - Variance Request Information 3-19-25.pdf

Narrative may be attached separately here, or filled out above.

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*

[DIRECTION] [PARCEL ID] [PROP ADDRESS] [OWNER NAME] [OWNER ADDRESS][

North & West; 68054700016; 230 SOUTHPARK CIRCLE; SOUTHPARK MALL CMBS, LLC; 2030 HAMILTON PLACE BLVD, STE 500, CHATTANOOGA, TN 37421

South; 68205200007; 773 SOUTHPARK BLVD KOSMAKOS PROPERTIES, LLC; P.O. BOX 52427, ATLANTA, GA 30355

Southeast; 68205200002; 735 SOUTHPARK BLVD SCOTT LEE TRUSTEE, ETC; P.O. BOX 8050-MS055 BENTONVILLE, AR 72712-8050

East; 68204700022; 1823 SOUTHPARK BLVD; CHVA PROPERTIES, LLC; 6324 RITCHIE HIGHWAY, GLEN BURNIE, MD 21061

Northeast; 68204700021; 1857 SOUTHPARK BLVD; Q&L REALTY, LLC; 4121 MEADOWDALE BLVD, STE B, N. CHESTERFIELD, VA 23234

The names and addresses above are those of adjacent property owners as listed in the tax records of the City Assessor and County Assessor if applicable.

Adjacent Property Owner Information

Kroger R552 - EX-1 Variance Request Site Plan 03-19-25.pdf

Information may be attached here or filled out above.

Fee

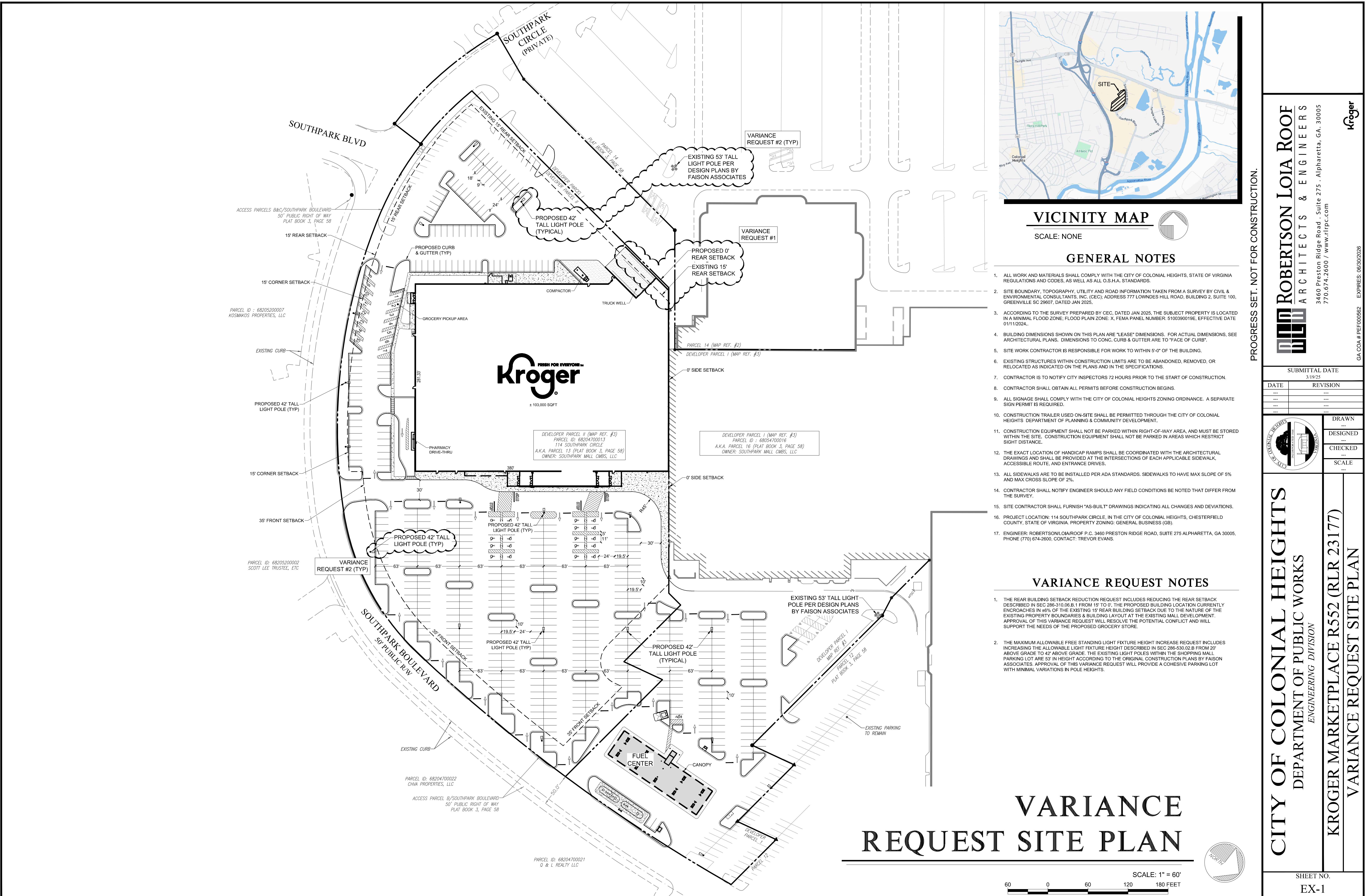
The application fee is \$1,000. Fee is payable via check (made out to City of Colonial Heights) or in office via card or cash. Application is not complete until fee is submitted.

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.





March 26, 2025

Board of Zoning Appeals
201 James Avenue
Colonial Heights, VA 23834
Attn: Carl J. Kohan, Jr.
Phone: 804-526-5706

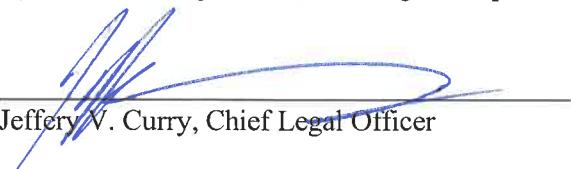
Dear Mr. Kohan:

I, Jeffery V. Curry, hereby give authorization to Kroger Limited Partnership I, and its agent, Trevor Evans of Robertson Loia Roof, PC, to submit to the City of Colonial Heights a Request for Relief from ZBA in the form attached hereto as Exhibit A, as well as any other necessary documentation necessary to obtain the variance requested therein pertaining to that certain 8.482 acre tract of land, more or less, identified as Tax ID 68204700013 and owned by Southpark Mall CMBS, LLC, which variance specifically relates to a reduction in the minimum rear yard setback and an increase in the allowable free standing light fixture height.

Should you have any questions regarding this matter, please feel free to contact me at (423) 490-8281.

I declare under penalty of perjury that the foregoing statement in this letter is true and correct.

Southpark Mall CMBS, LLC
By: CBL & Associates Limited Partnership, its chief manager
By: CBL Holdings I, Inc., its sole general partner


Jeffery V. Curry, Chief Legal Officer



The State of TENNESSEE
County of HAMILTON

Before me, the undersigned authority, on this day personally appeared Jeffery V. Curry, whose name is subscribed above; who by me being duly sworn upon oath says that the statement set forth is true and correct.

Given under my hand and seal of office on this the 26th day March 2025.


Notary Public

Printed Name: Tina R. Smith
My commission expires: My Commission Expires July 30, 2025



Exhibit A
Request for Relief from ZBA

[See attached pages.]

CoCH – Request for Relief from ZBA

KROGER R552 – SOUTHPARK MALL

DATE OF REQUEST: 3/19/25

ADDRESS OF REQUEST: 114 SOUTHPARK CIRCLE, COLONIAL HEIGHTS VA 23834

APPLICANT INFORMATION

Trevor Evans

3460 Preston Ridge Road, Suite 275, Alpharetta, GA 30005

770-674-2600

tevans@rlrpc.com

PROPERTY OWNER INFOMRATION

Southpark Mall CMBS, LLC

2030 Hamilton Place Boulevard, Suite 500, Chattanooga, TN 37421

423-855-0001

Lewis.Hilton@cblproperties.com

EXISTING SITE CONDITIONS

Parcel ID: 68204700013

Parcel Area: 8.482 Acres

Zoning District: GB

Existing Site Conditions: The subject property at 114 Southpark Circle in Colonial Heights, Virginia is zoned General Business (GB) and includes an existing ±114,000 square-foot building formerly occupied by Sears Department Store on approximately 8.482 acres at the southern end of the Southpark Mall. The northwestern side of the former Sears structure abuts the existing Southpark Mall structure located on Parcel ID 68054700016. The majority of land area surrounding the existing building is paved for vehicular travel and parking areas with underground utilities & limited landscaping. Site lighting is provided by light poles in the parking lot consisting of 50-foot round tapered poles on 3-foot concrete bases per the original site lighting plans by Faison Associates dated 07/24/87. The subject property has frontage along Southpark Circle & Southpark Boulevard with multiple vehicular access points.

VARIANCE REQUEST

Variance Type: Variance to the Zoning Ordinance

Variance Proposal: The requested variances include: 1) Reducing the minimum rear yard setback described in Sec 286-310.06.B.1 from 15' to 0' and 2) Increasing the allowable free standing light fixture height described in Sec 286-530.02.B from 20' above grade to 42' above grade. The proposed redevelopment project associated with these variances includes demolition of the former ±114,000 square-foot Sears building abutting the existing mall, construction of a new ±103,000 square-foot Grocery Store, and modifications to the existing parking areas. Existing parking area modifications include re-orienting the parking field to align with the new Store orientation and the addition of landscape islands. As a result of the parking area modifications, existing light poles will need to be removed and replaced so that the pole locations are outside of vehicular access paths.

Variance Request Justifications:

If the requested variances are denied, the redevelopment of the subject property will face significant practical difficulties and unnecessary hardships that could impede the feasibility and functionality of the project.

[Building Setback] The intentions to locate the proposed structure at a similar location as the existing building, which abuts the adjacent mall structure, creates a constraint were maintaining the required 15' rear setback would limit the developable footprint and negatively impact the customer parking field and associated parking count at the front of the proposed Store. Out of the 6,380 SF area generated by the 15' rear setback, the proposed building footprint will only encroach onto 401 SF of this setback area resulting in 6% of the setback area including portions of the proposed building footprint. **[Light Poles]** The maximum allowable free standing light fixture height of 20' creates constraints when designing for a cohesive site lighting plan relative to the existing light fixtures that are 53' in height according to the original construction plans associated with the Southpark Mall. Limiting new light fixtures to 20' in height would create inconsistent and potentially inadequate lighting, leading to potential safety concerns for patrons and employees. A maximum 20' light pole height would also require additional poles resulting in an increased cost, increased obstructions, & impacting site aesthetics.

The subject property has unique site conditions that warrant the requested variances. These conditions include: the abutting mall structure, existing site lighting fixture height, and commercial redevelopment needs. The abutting mall structure provides a site-specific condition that warrants a reduction of the rear building setback to allow the redeveloped property to be inherently integrated into the larger mall complex. The existing site lighting fixture height creates a precedent for light poles that exceed the zoning code's maximum height requirement of 20'. The proposed redevelopment replaces a former department store with a modern grocery store, necessitating site adjustment to accommodate delivery areas, customer parking, and pedestrian safety, all of which are influenced by the setback and lighting requirements. These conditions are specific to the property due to its location within an existing shopping mall complex and the need for functional improvements aligned with current retail standards.

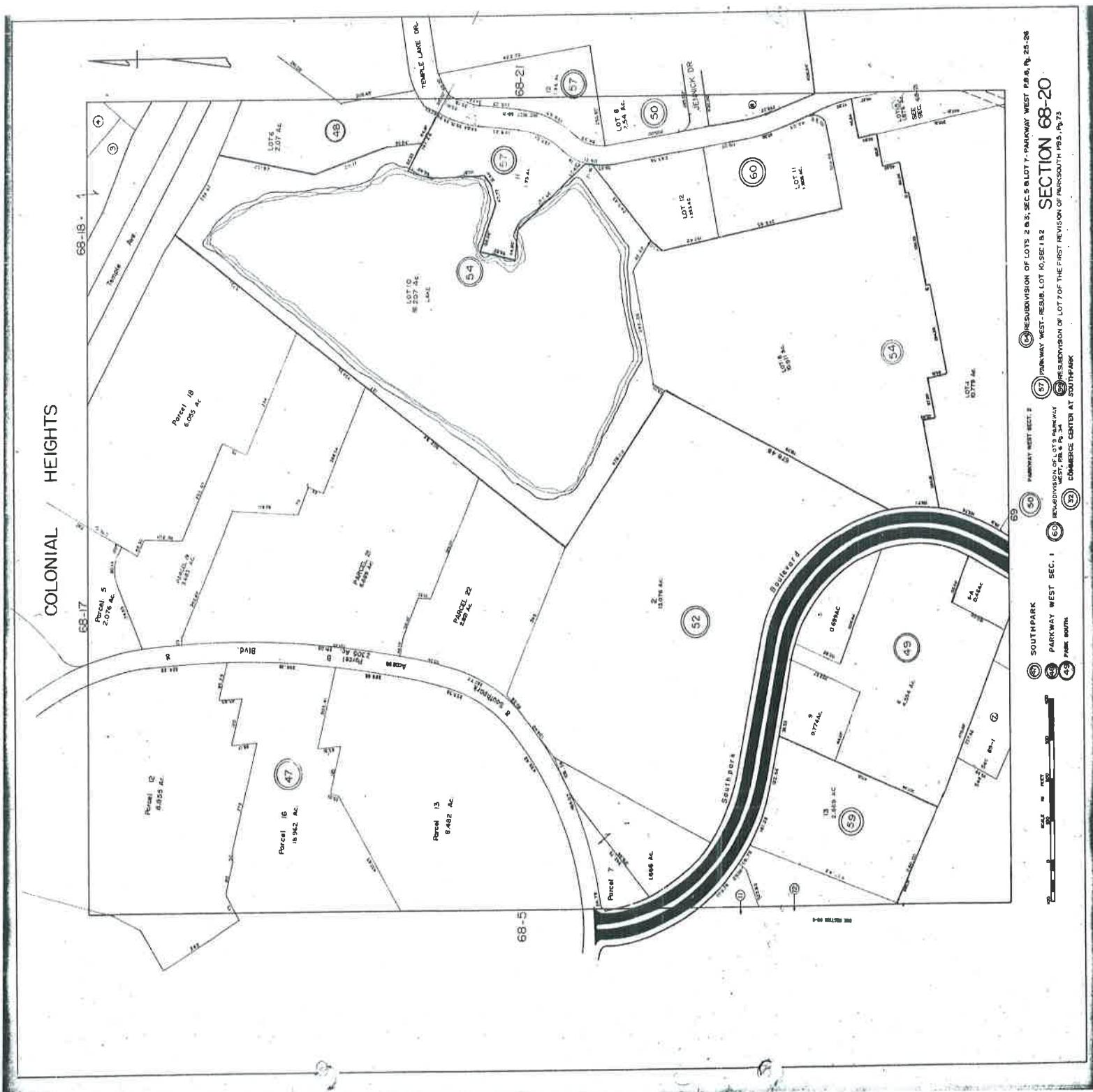
The conditions necessitating these variances are unique to the subject property and do not set a precedent of citywide applicability. Unlike standalone commercial sites, the subject property's relation to the existing mall is an uncommon condition that does not broadly apply to other commercial lots throughout the City. The request for a 0' setback is directly tied to the unique configuration of the existing parcel & mall structure layout. The presence of existing 53' tall light poles in the existing parking area establishes a site-specific lighting condition that does not broadly apply to other commercial lots throughout the City. The request for 42' tall light poles is a compromise between existing conditions and zoning regulations, tailored to this location rather than a general citywide standard. Given these factors, granting variances would address site-specific challenges without creating a broadly applicable precedent for other properties in the City of Colonial Heights.

ADJACENT PROPERTY OWNERS

	Parcel ID	Prop. Address	Owner Name	Owner Address
North & West	68054700016	230 SOUTHPARK CIRCLE	SOUTHPARK MALL CMBS, LLC	2030 HAMILTON PLACE BLVD, STE 500, CHATTANOOGA, TN 37421
South	68205200007	773 SOUTHPARK BLVD	KOSMAKOS PROPERTIES, LLC	P.O. BOX 52427, ATLANTA, GA 30355
Southeast	68205200002	735 SOUTHPARK BLVD	SCOTT LEE TRUSTEE, ETC	P.O. BOX 8050-MS055 BENTONVILLE, AR 72712-8050
East	68204700022	1823 SOUTHPARK BLVD	CHVA PROPERTIES, LLC	6324 RITCHIE HIGHWAY, GLEN BURNIE, MD 21061
Northeast	68204700021	1857 SOUTHPARK BLVD	Q&L REALTY LLC	4121 MEADOWDALE BLVD, STE B, N. CHESTERFIELD, VA 23234

EXTERIOR INFORMATION		BATH FEATURES		COMMENTS		SKETCH	
Type: 318 - DEPT STORE	Full Bath	Rating: AVERAGE					
Sty Ht: 1 - One Story	A Bath:	Rating:					
(Liv) Units: Total: 0	3/4 Bath:	Rating:					
Foundation: T - TYPICAL	A 3QBth	Rating:					
Frame: 3 - MASONRY	1/2 Bath:	Rating:					
Prime Wall: 6 - BRICK	A HBth:	Rating:					
Sec Wall: %	Other Fix:	Rating:					
Roof Struct: 4 - FLAT	OTHER FEATURES		1st Res Grid Desc: # Units				
Roof Cover: 2 - BUILT-UP ROC	Kits:	Rating:	FY	LR	DR	D	K FR RR BR FB HB L O
Color: SEARS AND TIRE AME	A Kits:	Rating:	Other				
View / Desir	Fppl:	Rating:	Upper				
Grade: 2 - FAIR	WSFlue:	Rating:	Lvl 2				
Year Bkt: 1988	CONDOS INFORMATION		Lvl 1				
Alt LUC:	Location:	Total:	RMS:	BRs:	Baths:	HB	
Jurisdict:	Total Units:						
Const Mod:	Floor:						
Lump Sum Adj:	% Own:						
INTERIOR INFORMATION		Name:					
Avg Ht/Ft: 24.0	REMODELING		Exterior:	No Unit	RMS	BRS	FL
Prim Int Wal			Interior:				
Sec Int Wall							
Partition:							
Prim Floors: 5 - ALLOWANCE							
Sec Floors: 5 - ALLOWANC	DEPRECIATION						
Bsmnt Flr:	Phys Cond: AV - Average	45 %					
Subfloor:	Functional:	%					
Bsmnt Gar:	Economic:	%					
Electric:	Special:	%					
Insulation:	Override:						
Int vs Ext:	Total:	45 %					
Heat Fuel:	CALC SUMMARY		General:				
Heat Type: 13 - PACKAGE UNIT	Basic \$ / SQ:	N/A					
# Heat Sys:	Size Adj:	N/A					
% Heated: 100	Const Adj:	N/A					
Solar HW: NO	Adj \$ / SQ:	N/A					
% Com Wal	NBHD Inf:	N/A					
SPEC FEATURES/YARD ITEMS		NBHD Mod:					
Code Description A Y/ Qty	Wt/A/\$/SQ:		AvRate:	Ind. Val:			
PAV PAVING	Juris. Factor:	N/A	Before Depr:	N/A			
	Adj Total:	N/A	Vall/Su Net:	N/A			
	Depreciation:	N/A	Vall/Su SZA:	N/A			
	Depreciated Total:	N/A	Final Total:	N/A			
MOBILE HOME	Make:	Model:	Serial #:	Year:	Color:		
PARCEL ID		PARCEL ID		PARCEL ID		PARCEL ID	
68204700013		68204700013		68204700013		68204700013	
Total Yard Items:	N/A	Total Special Features:	N/A	Total Special Features:	N/A	Total Special Features:	N/A
More: N							

COLONIAL / HEIGHTS





BOARD OF ZONING APPEALS RESOLUTION 25-3

Approving a variance for parcel identification number 68204700013 of 22 ft to the maximum freestanding light fixture height per Subsection B of Section 286-530.02.

WHEREAS, Robertson Loia Roof, P.C., the applicant, with permission of Southpark Mall CMBS, LLC, the property owner, has applied for a variance of 22 feet to the maximum freestanding light fixture height per Subsection B of Section 286-530.02; and

WHEREAS, approval of the variance will allow a maximum freestanding light fixture height of 42 feet for parcel identification number 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision; and

WHEREAS, the Board of Zoning Appeals has held a public hearing on April 16, 2025, for the variance request; and

WHEREAS, the request meets the definition of a “variance” specified in Code of Virginia Section 15.2-2201; and

WHEREAS, 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 a general or recurring 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 Paragraph C of City Code Section 286-602; and

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

1. The Board of Zoning Appeals approves a variance of 22 feet to the maximum freestanding light fixture height from Subsection B of Section 286-530.02, "Site lighting," therefore allowing a maximum freestanding light fixture height of 42 feet for parcel identification number 68204700013, located at 114 Southpark Circle, with a legal description of Parcel 13 of Southpark Subdivision, subject to the following conditions:

- (a) The use of the subject property will be uses allowed in the corresponding zoning district.
- (b) Development on the subject parcel will comply with all other City Ordinances and requirements.
- (c) All lighting fixtures used to illuminate a sign shall be full-cutoff and fully shielded, as defined by the Illuminating Engineering Society of North America (IESNA), and shall be directed downward and inward toward the interior of property, away from nearby properties and roadways, except paved areas providing shared vehicular access.

Approved this 16th day of April, 2025.

APPROVED:

Chairman

Date

ATTEST:

Secretary

Date