



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

MINUTES

I. Call to Order

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

II. Roll Call

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

III. Annual Organization Meeting

• Election of Chairman

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

Approved 5-0

• Election of Vice Chairman

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

Approved 5-0

- **Election of Secretary**

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

Approved 5-0

- **Adoption of By-laws**

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

Approved 5-0

IV. Approval of Minutes

- **June 20, 2024**

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

Approved 5-0

V. Public Hearing of Variance Requests

A. Lot 26 Yorktown Drive; VAR 25-01

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

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

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

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

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

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

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

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

Approved 5-0

B. 114 Southpark Circle; VAR 25-02

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

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

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

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

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

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

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

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

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

Approved 5-0

C. 114 Southpark Circle; VAR 25-03

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

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

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

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

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

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

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

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

Approved 5-0

VI. New Business

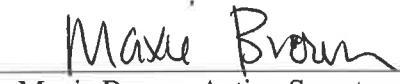
Mr. Carter introduced Ms. Kathy Hall as the new alternate member for the Board of Zoning Appeals. He explained that Ms. Hall would participate as a member in another member's absence.

VII. Adjournment

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



Mr. Ray Taft, Chairperson



Maxie Brown
Maxie Brown, Acting Secretary