

Board of Zoning Appeals



June 1, 2026



Roll Call / Determination of Quorum

Consent of Agenda



1. Call to order
2. Roll call/ Determination of Quorum
3. Consent of Agenda
4. Election of Officers
5. Approval of Minutes
 - a. May 6, 2024
6. New Business
 - a. Board of Zoning Appeals Annual Report 2024 & 2025
 - b. Consider adoption of updates to the Rules of Procedure
 - c. Presentation on FOIA and Ex Parte Communication
 - d. Presentation on Sample Staff Reports
7. Old Business
8. Public Comment
9. Adjournment



Election of Officers: Chair and Vice-Chair



Approval of Minutes

May 6, 2024



2024 & 2025 Annual Report

- Key Takeaways
 - The Board saw a significant change in membership through 2024 and 2025 due to resignations.
 - The Board currently has one seat vacant.
 - There was one request before the Board in 2024. It was an appeal of a decision by the Zoning Administrator, which was denied 3 – 2.
 - There were no request before the Board in 2025. The Board did not meet.
- Staff request the Board approve the annual summary so it can be forwarded to City Council.

Proposed Motions



- If the Board chooses to approve the annual report (staff's recommendation):
 - I move to approve the Board of Zoning Appeals Annual Report for 2024 and 2025 and forward the report to City Council.
- If the Board does not wish to approve the annual report:
 - I move not to approve the Board of Zoning Appeals Annual Report for 2024 and 2025.
 - Additionally, the Board should explain why and direct staff on next actions.



New Business:
Consider Updates to the existing
Rules of Procedure

Overview of Changes

- Many small changes were made throughout to expand existing procedures and clarify many sections that were lacking detail.
 - Any references to exact code sections were removed to future proof the rules in case code sections change.
 - Many sections were expanded into multiple sections so that each section can focus on one specific topic.
- Major Changes:
 - Election of officers to be held annually instead of biennially.
 - The Secretary to be appointed rather than elected (to align with City Code).
 - Procedures were added for Board members to attend meetings remotely.
 - A timeline was added for when application materials must be submitted prior to an upcoming meeting. Clarified that the Board can accept or reject materials provided too late.
 - Clarification for continuing, dismissing, or rehearing cases.
 - Article X was added regarding state requirements for ex parte communication.
 - Refer to the staff report provided for a more expansive list of changes.



Proposed Motions

- If the Board chooses to approve the changes to the Rules of Procedure (staff's recommendation):
 - I move to approve the changes to the Rules of Procedure as put forth by Staff.
- If the Board does not wish to approve changes:
 - I move not to approve the changes to the Rules of Procedure as put forth by Staff.
 - Additionally, the Board should explain why and make any suggestions for changes they would like to see.



Staff Presentation: FOIA and Ex Parte Communication

Public Records



"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

Public Records Obligations



- Library of Virginia record retention schedules.
- Most public records are maintained by staff:
 - Agendas
 - Applications
 - Staff reports
 - Exhibits
- Retain (or provide to staff) any additional public records.

Public Meetings



"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3798.2 or 2.2-3798.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body.

Public Meeting Requirements



- Public notice of the meeting.
- Public access to the meeting.
- Public access to the proposed agenda and meeting materials.

Ex Parte Communications



- The non-legal staff of the governing body may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case.
- The applicant, landowner or his agent or attorney may have ex parte communications with a member of the board prior to the hearing but may not discuss the facts or law relative to a particular case.
- If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication.



Staff Presentation: Sample Staff Reports

Staff Analysis:

Content: For a staff report on a variance request, staff will evaluate the application using the variance standards established in the Code of Virginia. Each criterion should be accompanied by an analysis stating whether staff believes the standard has been met. Board members should apply the same reasoning and consider whether or not they agree with the analysis and why.

Virginia Code § 15.2-2201 → *(Take careful note of the bold "and" between the criteria.)*

- 1) The strict application of the terms of the ordinance would unreasonably restrict the utilization of the property.

Staff Analysis Example: Standard not met. The owner already has reasonable use of the property with an existing single-family dwelling. Staff **does** not believe that the strict application of the ordinance unreasonably restricts the utilization of the property as the dwelling may still retain its use as a single-family residence without the roof over the deck.

And

- 2) The need for a variance would not be shared generally by other properties.

Staff Analysis Example: Standard not met. There are many other lots in the City that front on two public streets and would be subject to the same or similar setbacks because of Sec. 10-3-112(2). These are commonly found at intersections of public streets. Parcels with similar conditions to (insert address) have the same restrictions limiting development.

Excerpt from the appeal staff report. →

← Excerpt from the variance staff report.

Background

Content: This section should provide a more detailed description of the proposal, along with any relevant background information about the property and/or the circumstances leading to the request. The content of an appeal request can vary significantly depending on the context of the request. This might include a history of how the property was developed, historical permits, site plans, past and current zoning violations, and explanation of proffers or conditions. Staff suggest using Legistar to review example staff reports from previous meetings for real examples of information that might appear in this section.

Staff Determination

Content: In this section, staff will outline the process used to make the determination. It will explain how staff arrived at the decision that gave rise to the appeal. Take note that there is not an extensive set of criteria from the State Code used to evaluate the request like a variance. The Board must weigh the facts presented and decide if the Zoning Administrator or their designee made the appropriate decision.

For example: Staff denied the building permit for an addition to the rear of the principal building located at (insert address) because, if constructed as shown, the addition would be only 5ft from the rear lot line. The B-2 General Business District requires principal buildings to be located at least 10ft from the rear lot line. A survey of the property on file with the Department of Community Development indicates that the rear wall of the existing building is already located at the minimum setback. Therefore, no addition can be constructed at the rear of the building in the manner shown while still meeting the required

Staff Report: Variance



- A variance request follows a standard staff report format:
 - Summary → Very brief overview of the request.
 - Proposal/Background → More detailed overview.
 - Relevant Sections of the Zoning Ordinance and Definitions → What sections of the ZO should be considered.
 - Qualifying Conditions → Variance criteria from the State Code.
 - Staff Analysis → Analysis of the request through the State Code.
 - Staff Recommendation → Staff will recommend an action for the Board based on the analysis.
 - Proposed Motions → Suggested language for a motion by the Board.
 - Community Engagement → How was the community notified.
- Refer to sample staff report handout for more detail.

Staff Report: Appeal



- An appeal request follows a standard staff report format:
 - Summary → very brief overview of the request.
 - Relevant Sections of the Zoning Ordinance and Definitions → what sections of the ZO should be considered.
 - Proposal/Background → more detailed overview.
 - Staff Determination → What logic did the ZO use to make the determination?
 - Staff Recommendation → Staff will recommend an action for the Board based on the analysis.
 - Proposed Motions → Suggested language for a motion by the Board.
 - Community Engagement → How was the community notified.
- Refer to sample staff report handout for more detail.



Old Business



Public Comment

Phone: 540 437 - 2687



Adjournment