



**TOWN OF COLONIAL BEACH
BOARD OF ZONING APPEALS MEETING**

February 17, 2026, 5:30 PM

Colonial Beach Town Center
22 Washington Avenue, Colonial Beach, VA 22443

AGENDA

- 1) Call to Order**
 - a) Pledge of Allegiance
 - b) Determination of Quorum
 - c) Approval of the Meeting Agenda

- 2) Introduction of Director of Planning & Community Director**

- 3) Election of Officers**
 - a) Chairperson
 - i) Open Nominations
 - ii) Close Nominations
 - iii) Vote
 - b) Vice-Chairperson
 - i) Open Nominations
 - ii) Close Nominations
 - iii) Vote

- 4) Approval of Minutes**
 - a) February 18, 2025

- 5) Unfinished Business**

- 6) Public Hearing**
 - a) None

- 7) New Business**
 - a) 2026 Meeting Dates
 - b) Review of By-Laws

- 8) Adjournment**



**TOWN OF COLONIAL BEACH
BOARD OF ZONING APPEALS**

February 18, 2025, 5:30 PM

Colonial Beach Community Center
717 Marshall Avenue, Colonial Beach, VA

MINUTES

MEMBERS PRESENT: Maureen McCabe, Chairperson
Lawrence Roberson, Vice Chairperson
Julia Savage
Anthony Scisiani
Stephen Zirkle

MEMBERS ABSENT: None

COUNCIL LIAISON: David Williams

STAFF PRESENT: Darla Odom, Interim Director of Planning and Community
Development
Powell Duggan, Town Attorney
Spencer Ligon, Community Enhancement Officer

1) Call to Order

Ms. Odom, in her role as the BZA Secretary, called the meeting to order at 5:32 P.M.

2) Approval of Meeting Agenda

Ms. Odom added Resolution of Appeal to be presented by the Town Attorney to the Agenda as Item #5 and renumbered the remaining items on the agenda accordingly.

The Amended Agenda was unanimously approved by the Board of Zoning Appeals.

3) Election of Officers

A. Chairperson

Mrs. Odom called for nominations for the Chairperson. Ms. McCabe was nominated for the Office and the nominations were closed. The Board of Zoning Appeals voted 4-0-1 to elect Ms. McCabe as the Board's 2025 Chairperson. Ms. McCabe abstained.

Ms. Odom turned the meeting over to Chair McCabe.

B. Vice Chairperson

Chair McCabe called for nominations for the Vice Chairperson. Mr. Roberson was nominated for the Office and the nominations were closed. The Board of Zoning Appeals voted 4-0-1 to elect Mr. Roberson as the Board's 2025 Vice Chairperson. Mr. Roberson abstained.

4) Approval of Meeting Minutes

A) June 26, 2024

On motion by Mr. Roberson and Seconded by Mr. Zirkle, the minutes were approved

unanimously, as written.

B) December 17, 2024

On motion by Mr. Roberson and Seconded by Mr. Zirkle, the minutes were approved unanimously as written.

5) Resolution of Appeal

Mr. Duggan, the Town's Attorney, advised the Board of Zoning Appeals that the attorney for Heritage Contracting Servicing LLC has filed Appeals in the Circuit Court to the Board of Zoning Appeals' decisions at their December 2024 meeting to uphold the Zoning Administrator's determinations in Cases AAP 24-01 and AAP 24-02 that the topping/pruning of trees on two (2) lots on 9th Street. Mr. Duggan stated that the Town must file a response with the Circuit Court to the Appeal. He noted that the Town Council has considered settling the dispute to cut potential cost of the lawsuit if an agreement can be reached with Heritage Contracting Servicing LLC to remove the remaining tree trunks, add bushes to replace the trees removed, grade the property, and plant grass on the denuded areas. Once the agreement is reached, Heritage Contracting would have 90 days to complete the requirements of the Settlement.

Mr. Roberson questioned why the Board of Zoning Appeals was not consulted with or notified of the Settlement offer. He expressed that he believes the Board of Zoning Appeals should have been consulted.

Mr. Duggan responded that the BZA has quasi-judicial which is different than the Planning Commission or Town Council as they are intended to act similarly to a judge in their deliberations of a case. Their ability to communicate about a case is more restrictive by state code.

Ms. Odom and Mr. Duggan advised the Chair McCabe was served because she is the chair. Ms. McCabe confirmed she received the notice, but she was not aware that other Board members had not also received notice.

Ms. McCabe stated she knows we had denied building single-family homes on those lots in the past and her decision was based on that information. Ms. McCabe believes that communication needs to be flowing a little more.

In response to a question from Ms. Savage, Mr. Mr. Duggan explained that Zoning Ordinance amendments are decided on by Town Council following a public hearing and receiving a recommendation from the Planning Commission who also holds a public hearing.

Mr. Zirkle asked the time frame was for Heritage Contracting to comply with the Settlement Agreement. Mr. Duggan advised that they have 90 days to complete the terms of the Agreement.

6)

Presentation: Freedom of Information ACT (FOIA) Training

Mr. Duggan led a discussion on the Freedom of Information Act (FOIA) and the responsibilities of the BZA members. He highlighted several points in the Act including what constitutes a meeting (2 or more members gathered) and that emails and other written correspondence are public records. He stated that BZA members should not respond to the whole group with a question or comments but should direct questions to the Zoning Administrator directly. He reminded that Board that as a quasi-judicial board, members should be impartial coming into

meetings and not discuss matters beforehand.

In response to questions from members about case information and ensuring the BZA members are aware of updated amendments to the Zoning Ordinance, Ms. Odom stated that once an application is received and determined to be complete, , staff will schedule the public hearing. Staff will provide the Board with case information and the date of the public hearing. She also agreed that once Ordinance amendments are adopted by Town Council, those Ordinance amendments would be sent to the BZA members.

Mr. Duggan discussed documents. He stated that anybody who lives in Virginia is entitled to all town documents. He asked the Board members to remember when they are sending emails and text that a lawyer representing an application who will request copies of all the communications between BZA members and with staff. He noted that there are penalties that can be imposed for not complying with a FOIA request.

7) 2025 Board of Zoning Appeals By-Laws

1. Presentation by Staff

Ms. Odom reviewed each page of the draft 2025 By-Laws with the Board.

Mr. Duggan stated that once approved, Variances should be recorded in the Circuit Court Clerk's office for the subject property.

2. Board Discussion and Action

Following discussion of each proposed change, the Board adopted the 2025 By-laws, as provided.

ON A MOTION BY JULIA SAVAGE, SECONDED BY LARRY ROBERSON, THE BOARD VOTED UNANIMOUSLY (5-0) TO ADOPT THE 2025 BY-LAWS AS PROVIDED.

8) Board Membership and Term Expiration

Ms. Odom advised the members of their terms expire in August. She asked each member to advise her if they'd like to continue to serve on the Board. She explained that she and the Town Attorney will work to ensure the appointments in August result in staggered terms for Board members.

9) 2025 Meeting Dates

The Board agreed to set the upcoming meetings for the 3rd Tuesday of each month with the understanding that if there is no business to come before the Board, the meeting will be cancelled with appropriate notice, and all Board members will be notified by email.

10) Adjournment

Chair McCabe adjourned the meeting at 6:38 p.m.

I certify that these Board of Zoning Appeals Meeting Minutes were reviewed, approved and adopted by the Board of Zoning Appeals on February 17, 2026.

Maureen McCabe, Chairperson

Angela Lawrence, Director of Planning and Community Development

**Town of Colonial Beach
Board of Zoning Appeals
By-Laws**

Proposed 2026

I. MEMBERSHIP

- A. The Board of Zoning Appeals, hereinafter referred to as "the Board" shall be governed by applicable State Statutes, local Ordinances and Rules, the extent that they remain in force and effect, as they are amended, or as they may be added to include the following:
 - i. Title 15.2, Chapter 22, Code of Virginia 1950 (as amended)
Article 7, Sections 15.2-2308 - 15.2-2314
 - ii. The Virginia Freedom of Information Act (2.2-3700 et seq. - Code of Virginia)
 - iii. The Virginia Conflict of Interest Act (2.2-3100 et seq. - Code of Virginia)
 - iv. The Town of Colonial Beach Zoning Ordinance
 - v. The Rules of the Board as set forth herein.
- B. Upon taking office, all members of the board shall familiarize themselves with the foregoing and shall be strictly governed thereby in the conduct of board affairs.
- C. When a member proposes to resign, if reasonably feasible, he/she shall give notice to the Chairperson, or make the date of resignation effective in such a manner as to allow time for appointment of replacements.

II. OFFICERS

- A. As the first item of new business at the 1st regular meeting of the Board for each calendar year, the Board shall elect a chairperson and vice-chairperson. If such regular meeting is canceled or a quorum is lacking, the election shall be held within 36 days thereafter at a regular or special meeting following their election or appointment.
- B. If present and able, the Chairperson shall preside at all meetings and hearings. If the Chairperson is absent or unable to preside the Vice-Chairperson shall preside. If both are absent or unable to preside, the members present shall appoint a temporary chairperson to preside.
- C. In accordance with these and other applicable rules, the presiding officer shall decide all points of procedure or order unless otherwise directed by a majority of the members in attendance on a motion duly made and passed.
- D. The Clerk, who shall be appointed from the staff of the Department of Planning and Community Development (Department), shall handle correspondence subject to these rules at the direction of the Board, shall send out Notices required by these rules, shall keep minutes of the Board's proceedings and shall keep a file on each case which comes before the Board.

III. **MEETINGS**

- A. Regular meetings of the Board shall be held at 5:30 p.m., in the Town Center, located at 22 Washington Street, Colonial Beach, Virginia on the 3rd Tuesday of the month provided that such meetings may be held at any other convenient place if directed by the Chairperson in advance of the meeting or upon finding that such other location would serve the public convenience or necessity.
- B. Special meetings may be called at the request of the Chairperson or at the request of a quorum of the membership. Written notice of the meetings shall be given at least five days prior to such meetings and shall state the purpose and time of the meeting.
- C. If available, the Town Attorney may provide legal advice to the Board.
- D. An annual organizational meeting shall be held each January or February based upon the work/case load of the BZA and staff.

IV. **MEETINGS HELD ELECTRONICALLY**

During Declared States of Emergency

- A. The BZA may meet by electronic communication means without a quorum of the public body physically assembled at one location when the governor of the Commonwealth of Virginia has declared a state of emergency in accordance with Virginia Code § 44-146.17 (Powers and duties of Governor) or the Town has declared a local state of emergency pursuant to § 44-146.21 (Declaration of local emergency), provided that (i) the catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location and (ii) the purpose of the meeting is to provide for the continuity of operations of the public body or the discharge of its lawful purposes, duties, and responsibilities. The BZA convening a meeting in accordance with this section shall:
 - 1. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided to members of the BZA;
 - 2. Make arrangements for public access to such meeting through electronic communication means, including videoconferencing;
 - 3. Provide the public with the opportunity to comment at those meetings of the public body when public comment is customarily received; and
 - 4. Otherwise comply with the provisions of the Virginia Code § 2.2-3700 et seq. (the Virginia Freedom of Information Act).

The nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held shall be stated in the minutes.

Situations Other Than Declared States of Emergency

- B. Individual members of the BZA may use remote participation instead of attending a public meeting in person if, in advance of the meeting, the member notifies the Chair that:
1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance[PD1.1]. For purposes of determining whether a quorum is physically assembled, an individual member of the BZA who is a person with a disability as defined in Virginia Code Section 51.5-40.1 and uses remote participation counts toward the quorum as if the member was physically present.
 2. A medical condition of a member of the BZA member's family requires the BZA member to provide care that prevents the BZA member's physical attendance or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance.; For purposes of determining whether a quorum is physically assembled, an individual member of the BZA who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the member was physically present.
 3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or
 4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year, or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the BZA shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the BZA shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the BZA shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the BZA shall also include in its minutes the specific nature of the personal matter cited by the member.

The foregoing constitutes the BZA's "Remote Participation Policy," which has been adopted by adoption of these Bylaws by recorded vote at a public meeting, and which Remote Participation Policy shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the Remote Participation Policy, such disapproval shall be recorded in the minutes with specificity.

V. RULES OF PROCEDURE

1. Order of Business:

All meetings shall have a prepared agenda. The general order of business for each of the Board's regular monthly meetings shall be as follows:

Call to Order
Approval of
Minutes
Unfinished
Business Public
Hearings New
Business
Adjournment

2. The Chair with a majority vote of the rest of the Board may amend the general order of the agenda of a meeting if such alteration serves the public interest.
3. If a majority of the Board fails to attend, the clerk shall enter in the minute book the names of the members present and the adjournment for want of a quorum.
3. All votes shall be recorded "yea" and "nay".
4. No motion will be acted upon until it has had a second. At this time, the Chairperson will call for a discussion.
5. A member shall address himself/herself to the Chairperson and be recognized by him/her before that member may proceed. After being recognized, the member shall not be interrupted during the time allowed him/her.
6. All discussion shall be civil and must be pertinent to the questions.
7. The Police Chief or Officer may be requested to attend the meetings of the Board to preserve quiet and order at the direction of the majority of the Board.
8. After a member has been entered as present at any meeting, he/she shall not, without leave of the Chairperson, absent himself/herself.
9. No question will be considered that is not on the agenda, unless the majority of the Board agrees.
10. All such decisions of the Board shall be made at a public meeting by motion made and seconded and by roll call vote. The motion shall be in form of findings of facts and shall state the reasons for the findings by the Board.

11. Except as otherwise specified by these rules, parliamentary procedures of the Board during meetings shall be in accord with Robert's Rules of Order.
12. The Board, in accordance with the CODE OF VIRGINIA and Robert's Rules of Order, may continue meetings at its discretion, set rules for public hearings and call special meetings as necessary.
13. The Board may upon majority vote of all Board members amend these Rules of Order during a regular meeting where such amendment would not be contrary to requirement on limitations set by state law or the Town of Colonial Beach Zoning Ordinance.
14. The Chair may make a motion or second a motion on any matter under consideration by the Board.
15. A majority vote of the members shall be required to reverse a zoning administrator's decision

VI. PUBLIC HEARING PROTOCOL

1. No member of the Board shall communicate with any other member prior to the applicant or appellant having an opportunity to address any issues raised by the public at the public hearing.
2. The purpose of a public hearing is for the Town of Colonial Beach Board of Zoning Appeals to listen carefully to the verbal expression of position and opinion from the citizens of the Town of Colonial Beach.
3. All public hearings are advertised weeks prior to the scheduled hearings and the notices indicate where citizens can obtain information pertinent to matters scheduled for public hearing.
4. Public hearings are not question and answer sessions or debates and all statements should be addressed to the Chairperson.
5. All persons appearing before the Board shall be treated with dignity and respect.
6. Public hearings are intended to give citizens an opportunity to influence the public decision process based on prior research and discussions with appropriate public officials.
7. Prior to the beginning of a public hearing, the the Department Director or his/her designee shall present the staff report on the issue on which the public hearing is to be held.
8. Prior to the public hearing, applicants/appellants or representatives of the applicant/appellant, will be allowed fifteen (15) minutes to introduce information regarding the matter advertised for public hearing. All comments are to be pertinent to the issue being considered. The Board may lengthen such time at the request of the applicant/appellant.

10. Persons speaking at public hearings shall state their names and addresses, keep comments brief, not to exceed three (3) minutes, and address only those issues pertinent to the matters advertised for public hearing.
11. After the public hearing has been closed, the applicant or representatives of the applicant will be allowed ten (10) minutes to address any issues identified by the public. The Board may lengthen such time at the request of the applicant.
12. Staff will be afforded an opportunity to re-address the Board following the applicant, or their representatives, to address or re-address any issues identified by the public or the applicant.
13. Once the public hearing has closed no further public comment may be accepted by the Board or reflected in the minutes of the proceedings.
14. Written copies of statements made at public hearings are requested but not required. All written comments shall be kept in the case file record.
15. After the applicant/appellant has had the opportunity to address any issues identified by the public, the Board shall deliberate and determine its findings.

VII. **APPLICATIONS**

1. All applications will be received by the Department and shall be set for public hearing in the order in which they are received.
2. All items for the agenda for the Board of Zoning Appeal's consideration shall be filed with the Planning Department's office as prescribed in the zoning ordinance.
3. The Clerk of the Board shall schedule the case for a public hearing, notify all interested parties of the public hearing, and give public notice in accordance with §15.2-2204, Code of Virginia.

VIII. **RECORDS**

1. A certified official copy of these By-laws shall be available in the Office of the Department. An additional copy shall be kept on file in Office of the Town Clerk. Additional copies shall be provided to members of the Board and made available to the public upon request.
2. Where a variance is granted, the record shall indicate in detail facts supporting the required findings and conditions or safeguards imposed by the Board; if any, and reason for such imposition. Where variance is denied, reasons for such denial shall be indicated in detail.

All meetings of the Board involving hearing of evidence and/or decision of the Board on appeals and application shall be public record.
