

Board of Zoning Appeals Minutes

Chair Kevin Newton, called to order the Board of Zoning Appeals in the Council Chamber of Building 1, on Wednesday, August 6, 2025.

The Board members' staff briefing, was held at 1:00 p.m. in Room 2034 of Building 1, to provide the Board members information pertaining the agenda of August 6, 2025.

Board Members Present: Jan Anderson, Jan Hall, Kevin Newton, Myles Pocta, Harry Purkey, Jr., Robert Thornton, George Wall, Jr., and Eric Cavallo sat as the alternate.

Board of Zoning Appeals Annual Report

The Board of Zoning Appeals members reviewed the 2024-2025 Annual Report and added a revision to request that City Council approve an initiating resolution pertaining to height determination regulations.

Motion made by Mr. Thornton, seconded by Mr. Pocta to approve the revision of the 2024-2025 Yearly Report. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0
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ANDERSON	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
CAVALLO	NO VOTE NEEDED

Case 2025-BZA-00033: Brian & Lesley Strangways Revocable Trust

A variance to the minimum required yard for a proposed accessory building with covered patio, **1200 Kildeer Ct** Zoning: R40 GPIN: 2418-41-2141

Board Action: APPROVED WITH 6 CONDITIONS ON AUGUST 6, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the submitted modified survey titled, "Physical Survey of Lot 147 Map of Birdneck Point, Club Section," dated February 9, 2016, and prepared by Ward M. Holms, Land Surveyor, P.C. (shown as Exhibit 'A' in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
2. The use of the proposed accessory structure (i.e., detached garage with finished room over) shall be consistent with the City Zoning Ordinance.

3. The proposed accessory structure (i.e., detached garage with finished room over) shown as 'Exhibit A' in this staff report, shall not exceed the maximum permissible square footage of floor area allowed by the City Zoning Ordinance.
4. The proposed accessory structure (i.e., detached garage with finished room over) shall not exceed the height of the principal structure.
5. The property owner, or agent, shall submit an application to the City Department of Public Works, Real Estate Group, for a right-of-way encroachment associated with all fencing presently located within the Cardinal Road and Kildeer Court City rights-of-way. If such encroachment application is not granted, such fencing within the City's rights-of-way shall be removed. The property owner may elect not to submit an encroachment application as described; however, if such election is chosen, all fencing must be removed from the City's rights-of-way within 90 days of this Board of Zoning Appeals action.
6. All applicable permits shall be obtained from the City of Virginia Beach Planning Department.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicants.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mr. Purkey to approve the variance with 6 conditions as listed in the staff report. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0
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ANDERSON	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
CAVALLO	NO VOTED NEEDED

Case 2025-BZA-00045: Todd & Joanne Parker

A variance to the minimum required yard for proposed deck with stairs, 2113 Woodlawn Ave, Zoning: R-5R (SD) GPIN: 1489-19-4342

Board Action: APPROVED WITH 2 CONDITIONS ON AUGUST 6, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the altered and annotated plan titled, "Physical Survey of Lot 4, Block 56, Section C of Ocean Park," dated September 28, 2021, and prepared by Ricks P. Jones, Professional Surveyor (shown as Exhibit 'A' in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
2. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other applicable authority.

Todd and Joanne Parker appeared before the Board.

There was no opposition present.

A motion was made by Mr. Purkey, seconded by Mr. Pocta to approve the variance with 2 conditions as listed in the staff report. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0
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ANDERSON	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
CAVALLO	NO VOTED NEEDED

Case 2025-BZA-00046: Beach Borough Development, LLC

A variance to the minimum required yard for two proposed single-family dwellings, 222 56th St, Zoning: R-5R(NE) GPIN: 2419-70-4371

Board Action: APPROVED WITH 3 CONDITIONS ON AUGUST 6, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the submitted site plan titled, "56th Street, Two Dwellings / Site Development Plan," dated May 29, 2025 and prepared by WPL Landscape Architecture, Surveying, and Engineering (shown as Exhibit 'A' in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
2. The proposed improvements shall be constructed in substantial conformance to the submitted untitled and undated renderings (shown as 'Renderings' in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
3. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other applicable authority

Ben Bishard appeared before the Board.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Cavallo to approve the variance with 3 conditions as listed in the staff report. All voted for the motion except Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained because he represents the applicant.

AYE 7 NO 0 ABSTAIN 1

ANDERSON	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	ABSTAIN
THORNTON	AYE
WALL	AYE
CAVALLO	AYE

Case 2024-BZA-00083: Thomas Felch

A variance to the minimum required yards for an existing deck and proposed accessory building with covered patio, 524 Coastal Dr, Zoning: R-10 GPIN: 2426-28-1307

Board Action: APPROVED WITH 7 CONDITIONS ON AUGUST 6, 2025

Conditions:

1. All proposed improvements shall be constructed in substantial conformance to the submitted marked physical survey titled, "Physical Improvements Survey of Lot 7, Subdivision of Block 41, Croatan Beach, Exclusively for Thomas L. Felch," dated March 16, 2024, and prepared by Warren and Associates, PC., Land Surveyors (shown as Exhibit 'A' in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
2. The proposed improvements shall be constructed in substantial conformance to the submitted undated floor plans and elevation drawings titled, "Felch Detached Garage Plans and Details," and prepared by Progressive Designs (shown as 'Elevations' in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
3. The use of the proposed accessory structure (i.e., detached garage with finished room over) shall be consistent with the City Zoning Ordinance, which presently disallows accessory dwelling units and guest houses within the subject zoning district (i.e., R-10 zoning district).
4. The proposed accessory structure (i.e., detached garage with finished room over) shown on 'Exhibit A' in this staff report shall not exceed the maximum permissible square footage of floor area allowed by the City Zoning Ordinance.
5. The proposed accessory structure (i.e., detached garage with finished room over) shall not exceed the height of the principal structure.
6. The property owner, or agent, shall submit an application to the City of Virginia Beach Department of Public Works, Real Estate Group, for a right-of-way encroachment associated with any existing sheds located within the unimproved Christine Drive right-of-way. If such encroachment application is not granted, such sheds shall be removed from the right-of-way. The subject applicant may elect not to submit an encroachment application as described; however, if such election is chosen, all sheds shall be removed from the City's right-of-way within 90 days of this Board of Zoning Appeals action. This condition only applies to sheds owned by the subject applicant.

7. All applicable permits shall be obtained from the City of Virginia Beach Planning Department.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mrs. Hall to approve the variance with 7 conditions as listed in the staff report. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0
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ANDERSON	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
CAVALLO	NO VOTED NEEDED

Respectfully Submitted

Myles Pocta
Secretary

lmr