

## 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, December 3, 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 December 3, 2025.

Board Members Present: Jan Anderson, Jan Hall, Kevin Newton, Myles Pocta, Harry Purkey, Jr., Robert Thornton, George Wall, Jr.

### OFFICIAL BUSINESS:

#### **Election of 2026 Officers for the Board of Zoning Appeals**

Motion made by Mr. Purkey, seconded by Mrs. Anderson to elect Kevin Newton as Chair, Robert Thornton as Vice Chair and Myles Pocta as secretary for 2026. 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

#### **A RESOLUTION TO SCHEDULE MONTHLY MEETINGS OF THE BOARD OF ZONING APPEALS OF THE CITY OF VIRGINIA BEACH FOR THE 2026 CALENDAR YEAR**

A motion was made by Mr. Purkey, seconded by Mrs. Anderson to approve a resolution to hold monthly meetings in 2026. 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

**Case 2025-BZA-00067: Ramesh & Susan Singh**

Variances to required yards for a proposed private pier/dock, 3437 Sandpiper Rd, Zoning: R-15, GPIN: 2432-66-0774

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 3, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the submitted site plan titled, "BZA Exhibit, Proposed Pier," sheet 2 of 2, dated June 24, 2025, and prepared by Waterfront Consulting Incorporated (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. An encroachment agreement into the existing 5-foot drainage and utility easement located at the site of the proposed pier shall be obtained by the property owner, or their agent, from the City of Virginia Beach Public Works Department, Division of Real Estate and Right-of-ways, prior to, or concurrent with, the required joint permit application through the Army Corps of Engineers and the required City of Virginia Beach building permit.
3. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

David Harmeyer of Waterfront Consulting, Inc. appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Purkey to approve the variance with 3 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

**Case 2025-BZA-00078: Benjamin & Lauren Browder**

A variance to a required yard for a proposed inground swimming pool, 1756 Lapstone Ct, Zoning: R-7.5, GPIN: 1494-86-8750

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 3, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the submitted marked exhibit titled, *BZA Exhibit of Proposed Pool, Lot 1, Subdivision of Holland Woods*, dated August 29, 2025, and prepared by Rouse-Sirine Associates, LTD. (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. Existing over height wooden fencing located within the 5-foot required yard adjacent to Creekstone Court, as highlighted in *the Site Plan (Exhibit A)* section of this report, shall be brought into compliance with current fencing and landscaping requirements found in the City Zoning Ordinance. This shall occur prior to the final inspection associated with any building permits issued for the subject inground swimming pool, or within six months of this Board action, whichever occurs first.  
(Note: Minimal swimming pool barrier requirements are mandatory as regulated by the Statewide Building Code).
3. All applicable permits and approvals shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

R. Edward Bourdon, Jr., Attorney with Sykes, Bourdon, Ahern & Levy appeared before the Board representing the applicants.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mr. Pocta to approve the variance with 3 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

**Case 2025-BZA-00081: Patrick R. & Jordan E. Grube**

A variance to a required yard for a proposed building addition, 211 66<sup>th</sup> St, Zoning: R-5R(NE),  
GPIN: 2419-63-8862

Board Action: APPROVED WITH 3 CONDITIONS ON DECEMBER 3, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the submitted exhibit titled, "Building Addition Exhibit of Lot 12, Block 16, Subdivision of Cape Henry, Section E," dated October 21, 2025, and prepared by WPL Landscape Architecture, Surveying, and Engineering (shown as *Exhibit A – Depiction #1* and *Exhibit A – Depiction #2* in this staff report) and the submitted marked exhibit titled, "Building Addition Exhibit of Lot 12, Block 16, Subdivision of Cape Henry, Section E," dated August 27, 2025, and prepared by WPL Landscape Architecture, Surveying, and Engineering (shown as *Exhibit A – Depiction #2* 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 renderings titled, "New Work Exterior Elevations," page A.05, dated August 6, 2025, and prepared by Jackson Andrews Building and Design (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 relevant authority.

R. Edward Bourdon, Jr., Attorney with Sykes, Bourdon, Ahern & Levy appeared before the Board representing the applicants.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mrs. Hall to approve the variance with 3 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

**Case 2025-BZA-00082: George H. Jr. & Mary Weissinger**

A variance to a required yard for a deck, 5221 Prestwick St, Zoning: R-7.5, GPIN: 1465-62-7205

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 3, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the submitted marked exhibit titled, "Physical Survey of Lot 18, Block A, Brigadoon Pines, Section three," dated March 26, 1985, and prepared by John E. Sirine and Associates (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 relevant authority.

Geroge and Mary Weissinger 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

**Case 2025-BZA-00085: J. D. Williams Construction Co., Inc.**

Variances to required yards for a proposed single-family dwelling, 600 13<sup>th</sup> St, Zoning: R-5D, GPIN: 2427-05-1284

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 3, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "Single Family BZA Exhibit, Lots 1A and 2A, Block 7," dated September 24, 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 exhibit.
2. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

R. Edward Bourdon, Jr., Attorney with Sykes, Bourdon, Ahern & Levy appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mrs. Anderson, 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

**Case 2025-BZA-00086: J.D. Williams Construction Co., Inc.**

Variances to required yards for a proposed single-family dwelling, 602 13<sup>th</sup> St, Zoning: R-5D, GPIN: 2427-05-1284

Board Action: APPROVED WITH 2 CONDITIONS ON DECEMBER 3, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "Single Family BZA Exhibit, Lots 1A and 2A, Block 7," dated September 24, 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 exhibit.

2. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

R. Edward Bourdon, Jr., Attorney with Sykes, Bourdon, Ahern & Levy appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mrs. Anderson, 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

#### **Case 2025-BZA-00087: Casey Heron**

Variances to required yards for a proposed detached garage, 3209 W. Cheltingham Pl, Zoning: R-10, GPIN: 1497-07-0770

Board Action: APPROVED WITH 7 CONDITIONS ON DECEMBER 3, 2025

#### Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked exhibit titled, "Physical Survey of Lot No. 138 and 138A, Section No. 2, Kings Grant Subdivision (Proposed Garage Location)," dated April 19, 2022, and prepared by Timmons Group (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 subject Lots (i.e., Lots 138 and 138A, Section 2) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 138 from existing Lot 138A. This 'interior' lot line vacation shall be completed and properly recorded with the City of Virginia Beach Land Records Office prior to the final inspection of any required permits issued by the City Planning Department for the subject improvements, or six months from this Board action, whichever occurs first. The

applicant may request additional time to satisfy this condition. If additional time is needed, the applicant may submit a written request to the City Zoning Administrator, who shall be authorized to grant an extension up to six months from the date of request.

3. The existing 5-foot by 7-foot shed located in the required side yard (east), as shown in the *Site Plan (Exhibit A)* section of this report, shall be moved to meet minimum City Zoning Ordinance requirements or removed from the subject property. This shall occur prior to the final inspection of any required permits issued by the City Planning Department for the subject improvements or six months from this Board action, whichever occurs first.
4. The subject detached garage shall meet all City Zoning Ordinance requirements for use.
5. The subject detached garage shall be one-story only and shall not exceed the height of the principal structure.
6. The subject detached garage, in combination with any other applicable accessory buildings on the subject property, shall not exceed the maximum permissible square footage of floor area allowed by the City Zoning Ordinance.
7. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

Casey Heron appeared before the Board.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mrs. Anderson, to approve the variance with 7 conditions as listed in the staff report. All voted for the motion except Mr. Purkey who voted no.

AYE	6	NO	1	ABSTAIN	0
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ANDERSON	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	NO
THORNTON	AYE
WALL	AYE

Respectfully Submitted

Myles Pocta  
Secretary

lmr