

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, October 1, 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 October 1, 2025.

Board Members Present: Jan Anderson, Jan Hall, Kevin Newton, Myles Pocta, Harry Purkey, Jr., George Wall, Jr., and Eric Cavallo.

Case 2025-BZA-00053: Michael & Taryn Handlon

A variance to the minimum required yard for a proposed building addition, 1884 Champion Cir, Zoning: R-20(OP), GPIN: 2413-49-3138

Board Action: APPROVED WITH 3 CONDITIONS ON OCTOBER 1, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted site plan titled, "Physical Survey of Lot 171, Subdivision of Heritage Park, Phase 2," dated April 17, 2025, and prepared by Rouse-Siren 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. Future conversion of the proposed covered deck into a screen porch, sunroom, or similar, is permitted without returning to the Board of Zoning Appeals for a modification of this approval; however, such conversion must remain within the footprint of the covered deck as shown in the Site Plan (Exhibit A) section of this report. In addition, such conversion allowance does not include a second story room addition or second story deck/balcony/porch. The Zoning Administrator shall have the right to determine conformance with this condition.
3. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other applicable authority

Carl Adkins of Solid Structures appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Purkey, 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

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

Case 2025-BZA-00061: David S. BrisBois

A variance to the minimum required yard for a proposed accessory building, 6233 Pocahontas Club Road, Zoning: AG-2, GPIN: 2317-64-9294

Board Action: DENIED ON OCTOBER 1, 2025

David BrisBois appeared before the Board.

There was no opposition present.

A motion was made by Mr. Pocta to approve the variance. The motion failed. A new motion was made by Mr. Purkey, seconded by Mr. Cavallo, to deny the request. All voted for except Mr. Pocta who voted no.

AYE 6 NO 1 ABSTAIN 0

ANDERSON	AYE
CAVALLO	AYE
HALL	AYE
NEWTON	AYE
POCTA	NO
PURKEY	AYE
WALL	AYE

Case 2025-BZA-00069: Cameron & Rachael Miller

A variance to the minimum required yard for a proposed accessory building, 1808 Cooper Rd, Zoning: R-20, GPIN: 2408-59-9326

Board Action: APPROVED WITH 6 CONDITIONS ON OCTOBER 1, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted site plan titled, "Physical Improvements Survey of Lot 12, Section two, West Alanton," dated July 8, 2025, and prepared by Warran 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 existing 12.3 x 16.1 shed located in the northeast corner of the subject property shall either 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 building permits issued for the subject improvements, or one year from this Boards action, whichever occurs first.
3. The proposed one-story detached garage shall meet all City Zoning Ordinance requirements for use.
4. The proposed one-story detached garage shall not exceed the height of the principal structure.
5. The proposed one-story 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.
6. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

Cameron Miller appeared before the Board.

There was no opposition present.

A motion was made by Mr. Cavallo, seconded by Mrs. Anderson, 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
CAVALLO	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
WALL	AYE

Case 2025-BZA-00070: Lucky & Elizabeth Peterson

A variance to the minimum required yard for a proposed pergola, 1109 York Ln, Zoning: R-30,
GPIN: 2418-56-0383

Board Action: APPROVED WITH 3 CONDITIONS ON OCTOBER 1, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted site plan titled, "Single Family Site Plan in RPA," dated January 6, 2025, and July 19, 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 elevation and rendering drawings found in this staff report titled. 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.

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

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mr. Wall, 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
CAVALLO	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
WALL	AYE

Case 2025-BZA-00071: Beach Framing & Drywall, LLC

A variance to the minimum required yards for a proposed single-family dwelling, 1920 Gum Bridge Rd, Zoning: AG-2, GPIN: 2411-26-2101

Board Action: APPROVED WITH 3 CONDITIONS ON OCTOBER 1, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted site plan titled, "Single Family Site Plan of Lot G-1," dated February 23, 2024/April 27, 2025, and prepared by Fox Land Surveying (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. Future conversion of the proposed side yard (southeast) covered porch into a sunroom, or similar, is permitted without returning to the Board of Zoning Appeals for a modification of this approval; however, such conversion must remain within the footprint of the side yard (southeast) covered porch as shown in the Site Plan (Exhibit A) section of this report. In addition, such conversion allowance does not include a second story room addition or second story deck/balcony/porch. The Zoning Administrator shall have the right to determine conformance with the condition.
3. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other applicable 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 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
CAVALLO	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
WALL	AYE

Case 2025-BZA-00076: Richard D. Swift

A variance to the minimum required yard and maximum allowable accessory structure floor area for existing accessory structures (shed and outbuilding), 1932 Sunrise Dr, Zoning: R-10, GPIN: 1469-46-3802

Board Action: APPROVED WITH 6 CONDITIONS AS MODIFIED ON OCTOBER 1, 2025

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted site plan titled, "Physical Survey of Lot 23, Block 9, Amended Plat of Diamond Springs Homes," dated June 26, 2025, and prepared by Alphatec Surveyors 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. The subject accessory structures depicted on Exhibit 'A' in this staff report shall meet all City Zoning Ordinance requirements for use.
3. The subject accessory structures depicted on Exhibit 'A' in this staff report shall not exceed the height of the principal structure.
4. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.
5. The maximum allowable accessory structure floor area associated with the subject property shall be no greater than 1,042 square feet.
6. The 168 square foot accessory structure (i.e. garden shed) shown in the Site Plan (Exhibit A) section of this report, located on the southeast side of the subject lot, shall be removed from the property prior to the final building inspection associated with the mandatory building permit for the 1,042 square foot two story accessory building shown in the Site Plan (Exhibit A) section of this report.

Richard Swift appeared before the Board.

There was no opposition present.

A motion was made by Mr. Purkey, seconded by Mrs. Hall, to approve the variance as modified (adding additional conditions, which caused condition #4 in the original staff report to become void). All voted for the motion.

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

Case 2025-BZA-00072: Dawn Hrelc, Luke Kohan, The Dawn Hrelc Revocable Trust
A preliminary hearing concerning a Zoning Administrator's determination regarding 1212 York Ln, Zoning: R-30, GPIN: 2418-48-4048

Board Action: DENIED THE PRELIMINARY REQUEST ON OCTOBER 1, 2025

Victoria Eisenberg, Deputy City Attorney, appeared before the Board to provide commentary.

Hannah Sabo, Zoning Administrator, appeared before the Board to provide commentary.

Kevin Martingayle, Attorney of Bischoff Martingayle, P.C. appeared before the Board to provide commentary.

Grady Palmer, Attorney with Williams Mullen, appeared before the Board to provide commentary.

Richard Corner of 909 Windsor Road appeared before the board to provide commentary.

A motion was made by Mrs. Hall, seconded by Mr. Wall to deny the preliminary request. All voted for the motion except Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451 was abstained as he handled the closing of the subject property. Mr. Purkey excused himself from the meeting.

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

Respectfully Submitted

Myles Pocta
Secretary

lmr