

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, April 1, 2026.

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 April 1, 2026.

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

Case 2026-BZA-00001: Joesph Tyler Edwards

A variance to the required yard for proposed additions to an existing single-family dwelling and to modify conditions of a Board of Zoning Appeals variance granted on June 6, 2012, 5036 Lauderdale Ave, Zoning: R-7.5(SD), GPIN: 15704322170000

Board Action: APPROVED WITH 6 CONDITIONS ON APRIL 1, 2026.

Conditions:

1. The proposed imp shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Renovations and Additions to Edwards Residence, at 5036 Lauderdale," dated January 5, 2026, and prepared by Rober E. Frere, Architect (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 not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the Public Works Design Standards Manual.
2. The height of the dwelling shall not exceed the maximum allowed by the City Zoning Ordinance, which is measured from the lowest grade within six feet of the building perimeter to the highest point of the building.
3. The existing shed on the subject property located in the required yard (west), and as shown on Exhibit A in this staff report as "to be removed," shall either be removed from the property as noted or moved to meet minimum City Zoning Ordinance requirements. This shall occur prior to the final inspection of any building permits issued for the subject improvements, or six months from this Board action, whichever occurs first.
4. Any existing structures shown on Exhibit A, as found in the Site Plan section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.

5. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., Exhibit A). Approval of this application does not annul, interfere with, or invalidate such matters.
6. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

R. Edward Bourdon appeared before the Board.

There was no opposition present.

There was no support present.

A motion was made by Mr. Thornton, seconded by Mr. Pocta to approve the request(s) with the conditions noted, which are also found in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

| | |
|----------|-----|
| ANDERSON | AYE |
| PURKEY | AYE |
| NEWTON | AYE |
| POCTA | AYE |
| BORECKI | AYE |
| THORNTON | AYE |
| WALL | AYE |

Case 2026-BZA-00002: Eric and Carly Bird

Variances to the required yards for a proposed screen porch and existing shed, 4532 Delmar Dr, Zoning: R-10(SD) GPIN: 14796627180000

Board Action: APPROVED WITH 6 CONDITIONS ON APRIL 1, 2026.

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit of Remainder of Lot 10, Bayville Gardens," dated January 22, 2026, 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 not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the Public Works Design Standards Manual.

2. Future conversion of the proposed screen 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 screen 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. The applicant, or any future owner of the subject property, shall maintain the subject shed in good repair at all times or otherwise bring it into full compliance with the City Zoning Ordinance. For this condition, the Zoning Administrator is authorized to determine the meaning of 'good repair'.
4. Any existing structures shown on Exhibit A, as found in the Site Plan section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.
5. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgments, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., Exhibit A). Approval of this application does not annul, interfere with, or invalidate such matters.
6. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

R. Edward Bourdon appeared before the Board.

There was no opposition present.

There was no support present.

A motion was made by Mr. Pocta, seconded by Ms. Anderson to approve the request with the conditions noted, which are listed in the staff report. All voted for the motion.

| | | | | | |
|-----|---|----|---|---------|---|
| AYE | 7 | NO | 0 | ABSTAIN | 0 |
|-----|---|----|---|---------|---|

| | |
|----------|-----|
| ANDERSON | AYE |
| PURKEY | AYE |
| NEWTON | AYE |
| POCTA | AYE |
| BORECKI | AYE |
| THORNTON | AYE |
| WALL | AYE |

Case 2026-BZA-00012: Gary A. Howorka

Variances to required yards and maximum impervious cover for proposed additions and renovations, 219 72nd St, Zoning: R-5R(NE) GPIN: 24196620010000 (0219)

Board Action: APPROVED WITH 5 CONDITIONS ON APRIL 1, 2026.

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit for 219 72nd Street," dated December 30, 2025, and prepared by Gaddy Engineering Services (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 not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the Public Works Design Standards Manual.
2. The proposed improvements shall be constructed in substantial conformance to the submitted renderings titled, "Howorka Residence, BZA Elevations," dated January 20, 2026, and prepared by 1230 Architects (shown as Elevation Drawings 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 renderings, which may include considerations based on details found in the associated staff report and compliance with the Public Works Design Standards Manual.
3. Any existing structures shown on Exhibit A, as found in the Site Plan section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.
4. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., Exhibit A). Approval of this application does not annul, interfere with, or invalidate such matters.
5. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

R. Edward Bourdon appeared before the Board.

There was no opposition present.

There was no support present.

A motion was made by Ms. Anderson, seconded by Mr. Purkey to approve the request with the conditions noted, which are also found in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

ANDERSON AYE

PURKEY AYE
NEWTON AYE
POCTA AYE
BORECKI AYE
THORNTON AYE
WALL AYE

Case 2026-BZA-00009: John Kerr

Appeal of a Zoning Administrator, or designee, determination letter dated December 17, 2025, pertaining to the loss of short-term rental grandfathering designation, 5903 Atlantic Ave, Zoning: R-5R(NE) GPIN: 24197194700000(3830)

BOARD ACTION: THE ZONING ADMINISTRATOR’S DETERMINATION WAS UPHELD ON APRIL 1, 2026.

Hannah Sabo (Zoning Administrator) and John Kerr (Appellant) appeared before the Board.

There was opposition present.

There was support present.

A motion was made by Mr. Purkey, seconded by Mr. Thornton to uphold the Zoning Administrator’s determination. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

ANDERSON AYE
PURKEY AYE
NEWTON AYE
POCTA AYE
BORECKI NAY
THORNTON AYE
WALL AYE

Respectfully Submitted

Myles Pocta
Secretary