

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 5, 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 August 5, 2026.

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

Annual Report for Fiscal Year 2025-2026 Board of Zoning Appeals

The Board of Zoning Appeals members reviewed the 2025-2026 Annual Report. There were no revisions.

Motion made by Mr. Purkey, seconded by Mrs. Anderson to approve the 2025-2026 annual report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

AYE: Anderson, Borecki, Newton, Pocta, Purkey, Thornton, Wall

NO: None

ABSTAIN: None

Case 2026-BZA-00036: VEPCO/Dominion Power

Variance to the maximum allowable height for a proposed security fence, 1469 General Booth Boulevard

Board Action: DEFERRED TO SEPTEMBER 2, 2026, ON AUGUST 5, 2026

Alee Silva of Burnes & McDonnell Engineering Company, Inc. appeared before the Board.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Pocta, to defer the application to September 2, 2026. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

AYE: Anderson, Borecki, Newton, Pocta, Purkey, Thornton, Wall

NO: None

ABSTAIN: None

Case 2026-BZA-0047 Neil & Deborah Lichtenstein

A variance to the required yard for proposed covered porch, 901 Ashbrook Court

Board Action: APPROVED WITH 6 CONDITIONS ON AUGUST 5, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey of Lot 19, Block W, Subdivision of Bellamy Manor Estates, Section four," dated May 22, 2026, 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 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 subject front porch shall not be enclosed. The Zoning Administrator shall have the authority to determine conformance with this condition.
3. The existing shed located in the northwest corner of the subject property, as shown on *Exhibit A* in the *Site Plan* section of this report, 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 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 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, 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.

Neil Lichtenstein appeared before the Board.

There was no opposition present.

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

AYE 7 NO 0 ABSTAIN 0

AYE: Anderson, Borecki, Newton, Pocta, Purkey, Thornton, Wall

NO: None

ABSTAIN: None

Case 2026-BZA-00049 Dr. Benjamin Carey

Variances to the required yards for a proposed pier/dock, 2053 Thomas Bishop Lane

Board Action: APPROVED WITH 4 CONDITIONS ON AUGUST 5, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Carey BZA Exhibit," dated May 28, 2026, and prepared by Chesapeake Bay Site Solutions and Waterfront Consulting Inc. (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. 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.
3. 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.
4. 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.

Robert Simon of Waterfront Consulting, Inc. 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 the 4 conditions as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

AYE: Anderson, Borecki, Newton, Pocta, Purkey, Thornton, Wall
NO: None
ABSTAIN: None

Case 2026-BZA-00051 Thomas Sr. & Avis Esposito
Variance to the required yard for proposed single family dwelling, 4536 Jeanne Street

Board Action: APPROVED WITH 5 CONDITIONS ON AUGUST 5, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Single-Family Site Plan of Lot 1, Block 18, Subdivision of Pembroke Manor," dated April 17, 2026/May 22, 2026, 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 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 undated renderings titled, "Exhibit 4, Preliminary View of the Front of the House," (shown as Elevation Drawings/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 renderings, which may include considerations based on details found in the associated staff report and compliance with the Public Works Design Standards Manual.
3. The height of the dwelling shall not exceed the maximum allowed by the City Zoning Ordinance.
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, Jr., Attorney with Sykes Bourdon Ahern & Levy appeared before the Board representing the applicants.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Wall, to approve the variance with the 5 conditions as listed in the staff report. All voted for the motion except Ms. Borecki who voted no.

AYE 6 NO 1 ABSTAIN 0

AYE: Anderson, Newton, Pocta, Purkey, Thornton, Wall

NO: Borecki

ABSTAIN: None

Case 2026-BZA-00053 Edward & Sandra Schmidtman

Appeal of a Zoning Administrator, or designee, determination letter dated April 29, 2026, pertaining to a short-term rental use, 4408 Clyde Street

Board Action: UPHELD ZONING ADMINISTRATOR ON AUGUST 5, 2026

Victoria Eisenberg, Deputy City Attorney appeared before the Board.

Hannah Sabo, Zoning Administrator appeared before the Board.

David Johnson, attorney with Anchor Legal appeared before the Board representing the applicants.

There was no opposition present.

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

AYE 7 NO 0 ABSTAIN 0

AYE: Anderson, Borecki, Newton, Pocta, Purkey, Thornton, Wall

NO: None

ABSTAIN: None

Respectfully Submitted

Myles Pocta
Secretary

lmr