

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, February 4, 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 February 4, 2026.

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

Case 2025-BZA-00096: Andrew and Elizabeth Barnett

Variances to the required yards and maximum impervious cover for proposed building additions and an existing shed, 221A 84th Street

Board Action: APPROVED WITH 10 CONDITIONS ON FEBRUARY 4, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, BZA Exhibit for Unit A, dated November 24, 2025, and prepared by Align Surveying and Design, 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 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 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 proposed improvements shall be constructed in substantial conformance to Plan Sheet #1 found 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 the meaning of 'substantial conformance,' which may include considerations based on compliance with the Public Works Design Standards Manual.
4. The subject shed shall meet all City Zoning Ordinance requirements for use.

5. The subject shed, in combination with any other applicable accessory structures on the subject property, shall not exceed the maximum permissible square footage of floor area allowed by the City Zoning Ordinance.
6. 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.'
7. Within 90 days of this Board action, the subject property owner(s), or agent, shall submit an application to the City Department of Public Works, Real Estate Division, for a right-of-way encroachment agreement associated with all fencing located within the 84th street right-of-way. If such encroachment is not granted, all fencing within the City right-of-way shall be removed.
8. The existing privacy fencing located within the required front yard, 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 permit issued for the subject improvements, or within six months of this Board action, whichever occurs first.
9. 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.
10. 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. Purkey, to approve the variance with 10 conditions as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

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

Case 2025-BZA-00100: Matthew Schmucker

Variances to the required yards for proposed building additions and a deck, 600 Maryland Avenue

Board Action: APPROVED WITH 7 CONDITIONS ON FEBRUARY 4, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "Physical Survey of Lot 2 and Lot 4, Block 36, Map of Shadow Lawn Heights," dated August 22/23, 2016, 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 compliance with the Public Works Design Standards Manual.
2. The proposed improvements shall be constructed in substantial conformance to the submitted elevation drawings titled, "Second Floor Addition, 600 Maryland Avenue," sheet #2, dated January 20, 2025, and prepared by Residential Designs, LTD. (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 elevation drawings, which may, if applicable, include considerations based on compliance with the Public Works Design Standards Manual.
3. The subject Lots (i.e., Lots 2 and 4, Block 36) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 2 from existing Lot 4. 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 building permits issued 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.
4. The existing 10.2 feet by 12.2 feet shed located in the southwest corner of the subject property shall either be moved to meet minimum requirements of the September 17, 1986, granted Board of Zoning Appeals variance 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.
5. 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.

6. 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.
7. 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.

Billy Garrington of GPC, 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 7 conditions as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

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

Respectfully Submitted

Myles Pocta
Secretary

lmr