

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, January 7, 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 January 7, 2026.

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

Case 2025-BZA-00083: Sara Ramirez

A variance to the required yard for a proposed inground swimming pool, 2496 Seven Kings Road

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

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "Physical Survey of Lot 20, Castleton at London Bridge, Village F," dated December 15, 2021, and prepared by DKT and Associates 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 8.2-foot by 8.2-foot shed located in the southeast 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 permits issued for the subject improvements, or six months from this Boards action, whichever occurs first.
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 shown, on the submitted exhibit (i.e., Exhibit A). Approval of this application does not annul, interfere with, or invalidate such claims.
4. Any existing structures shown on Exhibit A, as found in the Site Plan section of this staff report, that do not meet 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. All applicable permits shall be obtained

from the City of Virginia Beach Planning Department and/or any other relevant authority.

Sara Ramirez 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 4 conditions as listed in the staff report. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0
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ANDERSON	AYE
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
THORNTON	AYE
WALL	AYE

Case 2025-BZA-00084: Nicholas Haines

Variances to the required yards for a proposed single-family dwelling, 100 Butts Lane

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

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "BZA Variance Site Plan of Part of Lot 9, Plan of Douglas Park," dated November 5, 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, 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 untitled rendering (shown as Rendering 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 rendering, which may include considerations based on compliance with the Public Works Design Standards Manual.

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 shown, on the approved exhibit (i.e., Exhibit A). Approval of this application does not annul, interfere with, or invalidate such claims.
4. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority

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

There was no opposition present.

A motion was made by Mrs. Hall, seconded by Mrs. Anderson, to approve the variance with 4 conditions as listed in the staff report. All voted for the motion.

AYE	7	NO	0	ABSTAIN	0
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ANDERSON	AYE
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
THORNTON	AYE
WALL	AYE

Case 2025-BZA-00090: Joseph Maloney

A variance to the required yard for a one-story shed, 2332 Greenwell Road

Board Action: DENIED ON JANUARY 7, 2026

Scott Westfall appeared before the Board representing the applicant.

There was no opposition present.

Due to the failure of a motion, the variance was denied.

Case 2025-BZA-00091: Anthony Nero, Trustee

Variances to the required yards and maximum impervious cover for a proposed building addition and an existing accessory structure, 6408A Ocean Front Avenue

Board Action: APPROVED WITH 8 CONDITIONS ON JANUARY 7, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "BZA Exhibit of Lot 2 and the Western 10 feet of Lot 1; Cape Henry," dated August 20, 2025, and December 11, 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 undated and untitled renderings shown in the Renderings section of 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.
3. The subject Lots (i.e., Lot 2 and the Western 10 feet of Lot 1, Block 19) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 2 from existing Western 10 feet of Lot 1. 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 HVAC unit located .5 feet from the southern property line 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.
5. The applicant, or any future owner of the subject property, shall maintain the subject accessory structure (i.e. 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.'
6. 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.
7. 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.

8. 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., esq, 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 Mr. Pocta, to approve the variance with 8 conditions as listed in the staff report. All voted for the motion except Mrs. Borecki and Mrs. Hall who voted no.

AYE	5	NO	2	ABSTAIN	0
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ANDERSON	AYE
BORECKI	NO
HALL	NO
NEWTON	AYE
POCTA	AYE
THORNTON	AYE
WALL	AYE

Case 2025-BZA-00092: Beco Constructions, Inc.

Variances to the maximum allowable height and required yards for a proposed three-dwelling unit multi-family building, 3400 Arctic Avenue

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

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "Arctic Avenue Conceptual Development Plan," dated June 21, 2024/October 31, 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 untitled and undated renderings shown in the Renderings section of 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.

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.

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

Robert Fatovich of 403A 33rd Street appeared before the Board in support of the application.

A motion was made by Mrs. Anderson, seconded by Mrs. Hall, to approve the variance with 4 conditions as listed in the staff report. All voted for the motion except Mr. Pocta who works at 116 Landmark Square, Suite 102, Virginia Beach, VA 23452 was abstained because the applicant is a client of his.

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

Case 2025-BZA-00093: Alexander Flowe

Variances to the required yard for an existing gazebo with chimney, 2109 St. Marshall Street

Board Action: DENIED ON JANUARY 7, 2026

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

There was no opposition present.

A motion was made by Mrs. Hall, seconded by Mr. Thornton, to deny the application. All voted for the motion except Mrs. Anderson who no.

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

Respectfully Submitted

Myles Pocta
Secretary

lmr