

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, July 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 July 1, 2026.

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

Case 2025-BZA-00089: Heydar Nosratishamlou
Variances to the required yards & lot coverage for an existing shed, 5141 Evesham Dr., Zoning: PD-H1, GPIN:1465-98-4201

Board Action: APPROVED WITH 7 CONDITIONS ON JULY 1, 2026

Conditions:

1. The subject improvements shall be in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey of Lot 72, Block C, Plat of Indian Lakes Subdivision," dated May 16, 2026, Ward M. Holmes, Land Surveyor 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 details found in the associated staff report and compliance with the Public Works Design Standards Manual.
2. The variance is granted for the life of the existing subject shed only. The Zoning Administrator has the right to interpret compliance with this condition.
3. The subject shed shall be kept in good repair at all times, or otherwise brought into full compliance with the City Zoning Ordinance. For this condition, the Zoning Administrator is authorized to determine the meaning of 'good repair.'
4. The subject shed shall meet all City Zoning Ordinance requirements for use.
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, if any, shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

Afshin Shamlou appeared before the Board.

There was no opposition present.

A motion was made by Mr. Purkey, 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
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
WILLIS	AYE

Case 2026-BZA-00022: Daniel & Jillian Barnes
Variance to the required yard for proposed building additions, 3416 Green Holly Cres.,
Zoning: R-40, GPIN:148-87-6144

Board Action: APPROVED WITH 7 CONDITIONS ON JULY 1, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey of 3416 Green Holly Crescent," dated February 9, 2026, and prepared by Tidewater 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 height of the dwelling shall not exceed the maximum allowed by the City Zoning Ordinance.
3. The subject one-story covered front porch shall not be enclosed. Notwithstanding, the addition of bug screening from floor to ceiling shall not be considered an enclosure material. The Zoning Administrator shall have the right to determine the definition of the term enclosed.

4. The existing sheds located within the required side yard (north), as shown in the Site Plan (Exhibit A) section of this staff 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.
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.

Daniel and Jillian Barnes appeared before the Board.

Carol Walsh, neighbor appeared before the Board in support of the application.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mr. Wall 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
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
WILLIS	AYE

Case 2026-BZA-00032: FORTIN FAMILY TRUST
 Variance to the required yard for a proposed single-family dwelling, 2504 Long Creek Dr.,
 Zoning: R-10, GPIN: 1499-78-5947

Board Action: APPROVED WITH 5 CONDITIONS ON JULY 1, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Variance Exhibit, Lot 22, Broad Bay

Colony,” dated April 7, 2026, Gallup 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. The proposed improvements shall be constructed in substantial conformance to the submitted elevation drawings titled, “Elevations / Model: Fortin,” dated March 26, 2026, and prepared by DCMoore Designs, LLC (shown as ‘Elevation Drawing’ 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, which is measured from the lowest grade within six feet of the building perimeter to the highest point of the building.
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.

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 Mr. Purkey to approve the variance with 5 conditions as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

ANDERSON	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
WILLIS	AYE

Case 2026-BZA-00035: CARLTON & CHERYL SPRABERRY

Variances to the required yard & to permit a greater amount of floor area than allowed for a proposed two story accessory building, 1321 Five Point Rd., Zoning: R-30, GPIN: 1498-67-9106

Board Action: APPROVED WITH 8 CONDITIONS ON JULY 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 Garage, Lot 2, Rose Hall Shores," dated March 6, 2025/February 17, 2026, and prepared by Gallup Surveyors and Engineers (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 found in the *Elevation/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, 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 accessory dwelling shall not exceed the maximum allowed by the City Zoning Ordinance.
4. The subject accessory building shall meet all City Zoning Ordinance requirements for use.
5. The subject accessory building, in combination with any other applicable accessory buildings on the subject property, shall not exceed the maximum square footage of floor area granted by the Board of Zoning Appeals.
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.

Bill DeSteph and Joseph Frampton appeared before the Board representing the applicants.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mrs. Anderson to approve the variance with 8 conditions as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

ANDERSON	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
WILLIS	AYE

Case 2026-BZA-00037: Jeniffer & Joshua Wilson
Variance to the required yard for a proposed building addition, 1896 River Rock Arch, Zoning: R-5D, GPIN: 1485-33-0167

Board Action: APPROVED WITH 4 CONDITIONS ON JULY 1, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey, Lot 419, Subdivision of Rock Creek, Phase 4A," dated February 27, 2026, and prepared by DKT Associates (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.

Jennifer Wilson, owner, and both William Ayer and Mike Pickett 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 4 conditions as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

ANDERSON	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
WILLIS	AYE

Case 2026-BZA-00044: Bruce B Mills Revocable Trust
Variances to the required yards and maximum height for proposed building additions, 210 (A/B) 61st Street, Zoning: R-5R, GPIN: 2419-71-3860

Board Action: APPROVED WITH 4 CONDITIONS ON JULY 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 Lot B," dated April 22, 2026, and prepared by WPL (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.

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

Jeff and Kristin Beal of 209A 60th Street and Wayne and Jannette Martin of 207B 60th Street appeared before the Board in opposition.

A motion was made by Mr. Thornton, seconded by Mr. Wall to approve the variance with 4 conditions as listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

ANDERSON	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE
WILLIS	AYE

Respectfully Submitted

Myles Pocta
Secretary

lmr