

## 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, June 3, 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 June 3, 2026.

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

### **Case 2026-BZA-00016: Stacey Braithwaite**

Variances to the required yards for proposed building additions, 525 High Point Avenue, Zoning: R-5S

Board Action: APPROVED WITH 6 CONDITIONS ON JUNE 3, 2026

#### Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey of 525 High Point Avenue," dated March 12, 2014, and prepared by Stephen I. Boone and 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. The subject Lots (i.e., Lots 1 and 3, Block 22) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 1 from existing Lot 3. 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.
3. Enclosure of the subject covered front yard porch shall not be permitted. The Zoning Administrator shall have the right to determine conformance with this condition, which includes determining the definition of the term *enclosure* (note: bug screening material shall not count as an enclosure).

4. The existing 8-foot by 10-foot shed located in the northeast 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 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.

Stacey Braithwaite and Bobby Overbey 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 6 conditions as listed in the staff report. All voted for the motion.

AYE    7            NO    0            ABSTAIN    0

ANDERSON	AYE
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE

**Case 2026-BZA-00023: Olivia Sauder**

Variance to the required yard for a proposed building addition, 1309 Gravenhurst Circle, Zoning: R-5D

Board Action: APPROVED WITH 5 CONDITIONS ON JUNE 3, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey, Lot 10, Block C, Subdivision of Rosemont Forest," dated December 2, 2025, and prepared by DKT 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 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 existing 8.2 feet by 12.2 feet shed located in the southeast corner of the subject property shall either be moved to meet minimum City Zoning Ordinance requirements, and any other City pertinent City regulations, 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.
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.

Olivia Sauder and Deanna Stewart appeared before the Board.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mrs. Hall 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
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE

**Case 2026-BZA-00027: Barry and Melina Henry**

Variance to the required yard for a second-floor building addition, 8501 Atlantic Avenue, Zoning: R-5R(NE)

Board Action: APPROVED WITH 4 CONDITIONS ON JUNE 3, 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, Block 5," dated March 26, 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. 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.

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 Mrs. Hall, 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
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE

## **Case 2026-BZA-00028: Beach Borough Development, LLC**

Variances to the required yards for a proposed new single-family dwelling, 1059 Norfolk Avenue,  
Zoning: R-7.5

Board Action: APPROVED WITH 6 CONDITIONS ON JUNE 3, 2026

### Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit, Lot 27, Olive Heights Annex," dated May 18, 2026, and prepared by Good Land 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 untitled and undated renderings (shown as 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. In accordance with the recommendations found within the November 20, 2018, City Council adopted revision to the City's Comprehensive Plan, the subject property, which falls within the Historic Seatack Suburban Focus Area, shall use porous materials for the driveway, walkways, and other similar surfaces to achieve a net reduction in impervious coverage. Such materials shall be noted on the development plans submitted to the Planning Department, Development Services Center. The Zoning Administrator shall have the authority to determine compliance with this condition, which includes interpretations and/or decisions pertaining to the definition of 'porous material.'
4. Future enclosure of the proposed one-story covered porch shown on Exhibit A in this staff report and located 15 feet from the front property line shall not be enclosed. The Zoning Administrator shall have the right to determine conformance with the condition.
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.

Ben Bishard appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mrs. Anderson to approve the variance with 6 conditions as listed in the staff report. All voted for the motion except Mr. Purkey who works at 303 34<sup>th</sup> Street, Suite 5, Virginia Beach VA 23451 was abstained because the applicant is a client of his.

AYE 6 NO 0 ABSTAIN 1

ANDERSON	AYE
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	ABSTAIN
THORNTON	AYE

**Case 2026-BZA-00029: Beach Borough Development, LLC**

Variances to the required yards for a proposed new single-family dwelling, 1055 Norfolk Avenue, Zoning: R-7.5

Board Action: APPROVED WITH 6 CONDITIONS ON JUNE 3, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit, Lot 28, Olive Heights Annex," dated March 24, 206/April 1, 2026, and prepared by Good Land 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 untitled and undated renderings (shown as 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. In accordance with the recommendations found within the November 20, 2018, City Council adopted revision to the City's Comprehensive Plan, the subject property, which falls within the Historic Seatack Suburban Focus Area, shall use porous materials for the driveway, walkways, and other similar surfaces to achieve a net reduction in impervious coverage. Such materials shall be noted on the development plans submitted to the Planning Department, Development Services Center. The Zoning Administrator shall have the authority to determine compliance with this condition, which includes interpretations and/or decisions pertaining to the definition of 'porous material.'
4. The proposed one-story covered front porch, shown on Exhibit A in this staff report and located 25 feet from the front property line, shall not be enclosed. The Zoning Administrator shall have the right to determine conformance with the condition.
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.

Ben Bishard appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mrs. Anderson, seconded by Mrs. Hall to approve the variance with 6 conditions as listed in the staff report. All voted for the motion except Mr. Purkey who works at 303 34<sup>th</sup> Street, Suite 5, Virginia Beach VA 23451 was abstained because the applicant is a client of his.

AYE	6	NO	0	ABSTAIN	1
-----	---	----	---	---------	---

ANDERSON	AYE
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	ABSTAIN
THORNTON	AYE

**Case 2026-BZA-00030: Beach Borough Development, LLC**

Variances to the required yards and maximum lot coverage for a proposed new single-family dwelling, 105 Ackiss Avenue, Zoning: R-7.5

Board Action: APPROVED WITH 6 CONDITIONS ON JUNE 3, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit, Lot 29, Olive Heights Annex," dated May 18, 2026, and prepared by Good Land 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 untitled and undated renderings (shown as *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. In accordance with the recommendations found within the November 20, 2018, City Council adopted revision to the City's Comprehensive Plan, the subject property, which falls within the Historic Seatack Suburban Focus Area, shall use porous materials for the driveway, walkways, and other similar surfaces to achieve a net reduction in impervious coverage. Such materials shall be noted on the development plans submitted to the Planning Department, Development Services Center. The Zoning Administrator shall have the authority to determine compliance with this condition, which includes interpretations and/or decisions pertaining to the definition of 'porous material.'
4. The proposed one-story covered front porch, shown on Exhibit A in this staff report and located 20 feet from the front property line, shall not be enclosed. The Zoning Administrator shall have the right to determine conformance with the condition.
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.

Ben Bishard appeared before the Board representing the applicant.

Wendy George of 117 Ackiss Avenue appeared before the Board in opposition.

A motion was made by Mr. Thornton, seconded by Mrs. Anderson to approve the variance with 6 conditions as listed in the staff report. All voted for the motion except Mr. Purkey who works at 303 34<sup>th</sup> Street, Suite 5, Virginia Beach VA 23451 was abstained because the applicant is a client of his.

AYE 6 NO 0 ABSTAIN 1

ANDERSON	AYE
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	ABSTAIN
THORNTON	AYE

**Case 2026-BZA-00031: Daniel and Kelsey Decrescenzo**

Variance to the required yard for a proposed screen porch, 2441 Bayview Avenue, Zoning: R-7.5(SD)

Board Action: APPROVED WITH 6 CONDITIONS ON JUNE 3, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Lot 1, Subdivision of Portion of Lot 26, Section M, Chesapeake Park," dated March 5, 2026, and prepared by DKT 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 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 AI generated untitled and undated rendering (shown as AI Generated 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 renderings, which may include considerations based on details found in the associated staff report and compliance with the Public Works Design Standards Manual.
3. Future enclosure of the subject 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.

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.

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. Pocta, seconded by Mrs. Anderson to approve the variance with 6 conditions as listed in the staff report. All voted for the motion.

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

ANDERSON	AYE
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE

**Case 2026-BZA-00032: Birds Nest, LLC**

Variances to the required yard and minimum building separation distance for a proposed screen porch, 111 61<sup>st</sup> Street, Zoning: R-5R(NE)

Board Action: APPROVED WITH 7 CONDITIONS ON JUNE 3, 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 9 and the Western 5 feet of

Lot 8, Block 6, New Virginia Beach Corp.,” dated March 27, 2026/March 31, 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. The proposed improvements shall be constructed in substantial conformance to the submitted renderings titled, “Renovations to the Birdsong Residence,” dated January 26, 2026, and prepared by Covington, Hendrix, Anderson, Architecture (shown as 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 subject Lots (i.e., Lots 9 and the western 5 feet of Lot 8, Block 6) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 9 from existing western 5 feet of Lot 8. 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. Future enclosure of the subject porch is permitted without returning to the Board of Zoning Appeals for a modification of this approval; however, such enclosure must remain within the footprint of the subject porch shown in the Site Plan (Exhibit A) section of this report and must meet all other requirements of the City Zoning Ordinance, which includes, but is not limited to, floor area maximums. In addition, such enclosure allowance does not include a second story room addition or second story deck/balcony/porch above the subject one-story rear porch. The Zoning Administrator shall have the right to determine conformance with this condition.
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.

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 Mrs. Anderson, seconded by Mr. Thornton 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
BORECKI	AYE
HALL	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE

Respectfully Submitted

Myles Pocta  
Secretary

lmr