

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, May 6, 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 May 6, 2026.

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

Case 2026-BZA-00094: Brian and Alik Tanis

Variance to the required yard for a proposed room addition, 1021 Birnam Woods Dr, Zoning: R-7.5, GPIN: 1466-31-5199

Board Action: APPROVED WITH 7 CONDITIONS ON MAY 6, 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 27, Block A, Amended Plat of Birnam Woods," dated February 3, 2026 / February 9, 2026, and prepared by Michael Murphy 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 untitled 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. The existing 12.2 feet by 20.2 feet one-story shed, as shown on Exhibit A in this staff report and which according to Connect Explorer satellite imagery was placed on the subject site between January 2019 and January 2020, shall be brought into minimum compliance with the City Zoning Ordinance or removed from the property. This shall occur prior to the final inspection of any building permits issued for the subject improvements, or within six months of this Board action, whichever occurs first.
4. Any fencing or boundary walls shown on Exhibit A, as found in the Site Plan section of this staff report, not meeting minimum requirements of the City Zoning Ordinance shall

be brought into minimum compliance with such ordinance or removed from the property. This shall occur prior to the final inspection of any building permits issued for the subject improvements, or within six months of 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

Brian Tanis appeared before the Board.

There was no opposition or support present.

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

Case 2026-BZA-00015: Patrick McKinney

Variances to the required yards for a proposed two-story accessory building, 5601 New Colony Dr, Zoning: A-12, GPIN: 1466-03-3812

Board Action: DENIED ON MAY 6, 2026

Patrick McKinney appeared before the Board.

There was no opposition or support present.

A motion was made by Mr. Thornton, seconded by Mr. Wall to deny the variance. All voted for the motion except Ms. Borecki who voted no.

AYE 6 NO 1 ABSTAIN 0

ANDERSON	AYE
BORECKI	NO
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE

Case 2026-BZA-00019: EDC Homes I, LLC

Variance to the maximum allowable lot coverage for a proposed single-family dwelling, 477 Southside Rd, Zoning: R-7.5, GPIN: 2427-20-0591

Board Action: APPROVED WITH 8 CONDITIONS ON MAY 6, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit for Lot Coverage, Lot 20, Block J, Rudee Heights," dated February 20, 2026, Gallup Surveyors 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 and renderings titled, "477 Southside Project," dated February 16, 2026, and prepared by Designer Roy French (shown as Elevation Drawings and 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. Enclosure of the proposed covered first floor front porch is not permitted. The Zoning Administrator shall have the right to interpret the definition of the term enclosure.
4. The existing shed located within the western corner of the subject parcel shall be removed from the site.
5. Unless an additional zoning variance to further exceed the maximum allowable lot coverage is granted by the Board of Zoning Appeals, the current property owner of the subject parcel, or any subsequent property owner(s), shall not be permitted to utilize the zoning variance granted on March 31, 1989, for a shed.

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.

Billy Garrington of GPC, Inc. appeared before the Board representing the applicant.

Bryan and Mary Luck of 520 General Booth Boulevard appeared before the Board in opposition.

There was no support present.

A motion was made by Mr. Thornton, seconded by Ms. Borecki, to approve the variance with 8 conditions as listed in the staff report. All voted for the motion except Mr. Purkey who works at 303 34th Street, Suite 5, Virginia Beach VA 23451, was abstained because he provides legal services to the applicant.

AYE 6 NO 0 ABSTAIN 1

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

Case 2026-BZA-00020: Coffee Sandcastle Refuge, LLC

Variations to the required yards for a proposed inground pool, pool equipment, and privacy fence; and to waive the required category I landscaping, 3600 Sandfiddler Rd, Zoning: R-20, GPIN: 2432-75-1642

Board Action: APPROVED WITH 3 CONDITIONS ON MAY 6, 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 1, Sandbridge Beach, Tract D – Section 3," dated February 28, 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 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.
3. 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 or support present.

A motion was made by Mr. Purkey, seconded by Mr. Thornton, to modify the variance and to approve 3 of the conditions listed in the staff report. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0

ANDERSON	AYE
BORECKI	AYE
NEWTON	AYE
POCTA	AYE
PURKEY	AYE
THORNTON	AYE
WALL	AYE

Case 2025-BZA-00075: Colleen Wynn

Variance to the required yard for an existing shed, 525 Lake Dr, Zoning: R-5S, GPIN: 2427-04-5960

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

Conditions:

1. The proposed improvements shall be constructed in substantial conformance with the marked site plan titled, "Physical Survey of 525 Lake Drive, Virginia Beach, Va. Lots 7 & 8, Block 3," dated August 09, 2004, and prepared by Stephen L. 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 grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.

2. As recommended by the City Subdivision Administrator, the subject Lots (i.e., Lots 7 and 8, Block 3) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 7 from existing Lot 8. This 'interior' lot line vacation shall be completed and properly recorded with the City of Virginia Beach Land Records Office within six months of this Board action. 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 up to six months.
3. The subject shed shall meet all City Zoning Ordinance requirements for use.
4. The subject shed shall not be converted to living space associated with the abutting dwelling.
5. A building permit shall be obtained from the City of Virginia Beach Planning Department, and/or any other relevant authority, as required for construction in a special flood hazard area.

Theron Wynn appeared before the Board.

There was no opposition or support present.

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

Respectfully Submitted

Myles Pocta
Secretary

lmr