BOARD OF ZONING APPEALS MINUTES

Chair Kevin Newton called to order the Board of Zoning Appeals in the Council Chamber of Building 1, on **November 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 to the agenda of **November 4, 2026**.

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

DEFERRALS

Case 2026-BZA-00036: VEPCO/Dominion Power
Variance to the maximum allowable height for a proposed security fence, 1469 General Booth Blvd.

Board Action: DEFERRED ON NOVEMBER 4, 2026

Michael Chin appeared before the Board.

There was no opposition present.

A motion was made by Mr. Thornton, seconded by Mr. Pocta to defer the request.

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

AYE: Purkey Jr., Anderson, Hall, Newton, Pocta, Thornton, Wall

NO: None

ABSTAIN: None

CASES HEARD

Case 2025-BZA-00088: Parth Vaidya
Variance to the maximum building height for a proposed single-family dwelling, 4471 Ocean View Ave.

Board Action: GRANTED WITH CONDITIONS ON NOVEMBER 4, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Exhibit Survey of Lot A, Block 13, Resubdivision Plat of Chesapeake Park, Lots 17, 18, 24, & 25, Block 13," dated September 23, 2026, and prepared by Alphatec Surveyors, LTD. (shown as Exhibit A in the City 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, "Residence at 4471 Ocean View Avenue," dated September 25, 2026 (elevation drawings)/undated (renderings), and prepared by 1 Space Architects (shown as Elevation Drawings and Renderings in the City 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. Any existing structures or improvements shown on Exhibit A, as found in the Site Plan section of the City 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, or as amended, 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 the City 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.Parth Vaidya appeared before the Board.

There was no opposition present.

A motion was made by Mr. Purkey Jr., seconded by Ms. Anderson to grant the request as conditioned by the staff report.

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

AYE: Purkey Jr., Anderson, Hall, Newton, Pocta, Thornton, Wall

NO: None

ABSTAIN: None

Case 2026-BZA-00050: 8200 Atlantic Ave LLC
Variances to the required yards for proposed/existing building additions, 8200 & 8202 Atlantic Ave.

Board Action: GRANTED WITH CONDITIONS ON NOVEMBER 4, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “Physical Survey Showing Proposed Decks, Landing and Steps,” dated February 3, 2026, 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 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 4.2-foot by 6-foot and 5-foot by 12-foot sheds located within the required yards, and as shown on Exhibit A in the Site plan section of the 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.

3. Any existing structures or improvements 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, or as amended, 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.

Doyle Palmer appeared before the Board.

One citizen spoke in opposition.

A motion was made by Mr. Thornton, seconded by Mr. Wall to grant the request as conditioned by the staff report.

VOTES:

AYE 4 / NO 3 / ABSTAIN 0

AYE: Anderson, Pocta, Thornton, Wall

NO: Purkey Jr., Hall, Newton

ABSTAIN: None

Case 2026-BZA-00079: Helene Flynn
Variances to the required yards & maximum lot coverage for proposed building additions, 4790 Kempsville Greens Pkwy.

Board Action: GRANTED WITH CONDITIONS ON NOVEMBER 4, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “Site Plan, Lot 1, Block E, Subdivision of Kempsville Greens, Section 1,” dated August 11, 2026, and prepared by MLS Group Consulting, LLC. (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, “Proposed Right and Rear Elevations” (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 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 screened porch shall not be enclosed with anything other than traditional insect screening. The second-floor deck shall not be covered or enclosed. The Zoning Administrator shall have the right to determine conformance with the condition.

4. No further lot coverage shall be added to the subject property. The term lot coverage shall be as defined by the City Zoning Ordinance, as amended.

5. Any existing structures or improvements shown on Exhibit A, as found in the Site Plan section of the 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, or as amended, 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.

Tom Cho appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Ms. Hall to grant the request as conditioned by the staff report.

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

AYE: Purkey Jr., Anderson, Hall, Newton, Pocta, Thornton, Wall

NO: None

ABSTAIN: None

Case 2026-BZA-00087: Trevor Sims

Variance to the required yard for a building addition, 2905 Mars St.

Board Action: GRANTED WITH CONDITIONS ON NOVEMBER 4, 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 79, Eastern Park, Section 2," dated January 26, 2026, and prepared by Michael Murphy Land Surveying, (shown as Exhibit A in the 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 front porch shall not be enclosed with any material other than traditional insect screening. The Zoning Administrator shall have the right to determine the meaning of the word enclosed.

3. Any existing structures or improvements 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, or as amended, 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.

Christina Langley appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Purkey Jr., seconded by Ms. Anderson to grant the request as conditioned by the staff report.

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

AYE: Purkey Jr., Anderson, Hall, Newton, Pocta, Thornton, Wall

NO: None

ABSTAIN: None

Case 2026-BZA-00091: Gloria Gatling

Variance to the required yard for a proposed building addition, 400 Lineberry Rd.

Board Action: GRANTED WITH CONDITIONS ON NOVEMBER 4, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Lot 1, Block 40, Subdivision of Princess Anne Plaza, section 5," dated May 29, 2026, and prepared by DKT Associates, Land Surveyors (shown as Exhibit A in the 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 sheds and carport presently located within the required yards, as shown and labeled on Exhibit A of the staff report, shall either be moved to meet applicable setbacks from all property lines or removed from the subject lot. This shall occur within six months of this Board action. a,b,c,d

NOTES:

a. According to Google Street View, the sheds and carport appear to have been added to the subject property at their current locations sometime after September 2011.

b. No previous zoning variances were found related to the sheds and carport.

c. No municipal taxes have been assessed for the sheds and carport.

d. Since the subject property's development in 1962, there has never been a required setback less than 5 feet for sheds, carports, and/or similar structures.

3. Any existing structures or improvements 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, or as amended, 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.

Bryan Jones appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Pocta, seconded by Mr. Thornton to grant the request as conditioned by the staff report.

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

AYE: Purkey Jr., Anderson, Hall, Newton, Pocta, Thornton, Wall

NO: None

ABSTAIN: None

Case 2026-BZA-00095: Michael & Andrea Uhler

Variance to the required yard for a proposed building addition, 2037 Alphine Rd.

Board Action: GRANTED WITH CONDITIONS ON NOVEMBER 4, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “Property location, Lot 70, Subdivision of Board Bay Colony,” dated May 29, 2026, and prepared by MLS Group Consulting, LLC. (shown as Exhibit A in the City 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 or improvements shown on Exhibit A, as found in the Site Plan section of the City 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, as amended, 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 the City 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.

Michael Uhler appeared before the Board.

There was no opposition present.

A motion was made by Ms. Hall, seconded by Mr. Wall to grant the request as conditioned by the staff report.

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

AYE: Purkey Jr., Anderson, Hall, Newton, Pocta, Thornton, Wall

NO: None

ABSTAIN: None

Respectfully Submitted,

Myles Pocta, Secretary