

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, October 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 to the agenda of October 7, 2026.

Board Members Present: Harry Purkey Jr., Janice Anderson, Kevin Newton, Myles Pocta, Robert Thornton, George Wall, Natalie Borecki (Alternate)

CASES HEARD

Case 2026-BZA-00074: Vickie & Craig Moore

Variance to the rear yard setback & to waive the required Category I landscaping for a proposed privacy fence, 1100 Voss Ct.

Board Action: GRANTED WITH CONDITIONS ON OCTOBER 7, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey, Lot 31, Subdivision of Dam Neck Estates, Phase IV," dated May 6, 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. The subject fence shall be kept in good repair at all times or otherwise brought it into full compliance with the City Zoning Ordinance. For this condition, the Zoning Administrator is authorized to determine the meaning of 'good repair.'
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, 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.

Vickie and Craig Moore appeared before the Board.

One citizen appeared before the Board in opposition to the request.

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

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

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

NO: None

ABSTAIN: None

Case 2026-BZA-00075: Charles J. Jr. & Emily Osier

Variance to the required yard for a proposed building addition, 940 Royal Oak Close.

Board Action: GRANTED WITH CONDITIONS ON OCTOBER 7, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey, Lot 39, Phase 5, Part 1, Middle Plantation," dated June 30, 2026, and prepared by Bonifant Land Surveys, Inc. (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 one-story covered porch shall not be enclosed and shall remain one-story. The Zoning Administrator shall have the right to determine conformance with this condition.

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, 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.

Foster Matter of Jessup Construction appeared before the Board representing the applicant.

There was no opposition present.

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

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

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

NO: None

ABSTAIN: None

Case 2026-BZA-00076: Cher Wynkoop

Variance to the required yard for a proposed building addition, 1559 Quail Point Rd.

Board Action: GRANTED WITH CONDITIONS ON OCTOBER 7, 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 4, Quail Point, Section 2," dated December 7/9, 2009, and prepared by Dennis J. Gerwitz, 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 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. 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. Reduced width Category IV landscape screening shall be installed and maintained between the subject addition (RV garage) and the northern property line. Such screening shall be a minimum of 10 feet wide. The existing vegetation shall count as satisfying this condition; however, if the existing vegetation is removed or dies, equivalent replacement screening shall be installed, with such vegetation being reviewed prior to planting by the City of Virginia Beach Development Services Center Landscape Architect for compliance with this condition. It is the property owner's responsibility to maintain the existing vegetation, and to provide a landscaping plan to the noted City landscape architect if new/replacement landscape becomes necessary.

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, 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.

Cher Wynkoop appeared before the Board.

There was no opposition present.

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

VOTES:

AYE 6 / NO 0 / ABSTAIN 1

AYE: Anderson, Newton, Pocta, Thornton, Wall, Borecki

NO: None

ABSTAIN: Purkey Jr.

Case 2026-BZA-00078: Wessell Living Trust

Variances to the required yards for a proposed private pier/dock, 812 S Spiegel Dr.

Board Action: GRANTED WITH CONDITIONS ON OCTOBER 7, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit, Proposed Pier and Lift," dated January 27, 2026, Waterfront Consulting, INC. (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, or 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 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.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

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

VOTES:

AYE 6 / NO 1 / ABSTAIN 0

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

NO: Borecki

ABSTAIN: None

Case 2026-BZA-00080: Cliff C. Collings III Revocable Living Trust

Variances to the required yards & a permanent body of water for proposed building additions (deck reconstruction), 2628 W Chubb Lake Ave.

Board Action: GRANTED WITH CONDITIONS ON OCTOBER 7, 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 1-A," dated July 9/28, 2026, and prepared by Rouse-Sirine and 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. 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.
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 applicant.

There was no opposition present.

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

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

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

NO: None

ABSTAIN: None

Case 2026-BZA-00081: Aaron & Cheryl Filippini

Variance to the required yard for a proposed inground swimming pool, 2632 Pulaski Loop.

Board Action: GRANTED WITH CONDITIONS ON OCTOBER 7, 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 9, Courthouse Estates," dated May 25, 2026 / July 6, 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. 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.

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 applicant.

There was no opposition present.

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

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

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

NO: None

ABSTAIN: None

Case 2026-BZA-00082: Thomas J. Decker, III & Jonathan Decker

Variances to the required yards for a proposed accessory building with outdoor shower, ~~generator~~, & inground swimming pool with associated equipment; & to modify the conditions of a variance granted on June 20, 2007, 113 43rd St.

Board Action: GRANTED AS MODIFIED WITH CONDITIONS ON OCTOBER 7, 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 18, Map of Caviler Shores," dated August 3, 2026, and prepared by WPL Landscape Architecture, Land Surveying, and Civil 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. The subject pool house shall be kept 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.'

4. The subject pool house shall meet all City Zoning Ordinance requirements for use.

5. The subject pool house with outside shower shall be no more than one story and contain no greater than 150 square feet of floor area. The outside shower shall not count as floor area if simply enclosed with fence material and a small roof. The Zoning Administrator shall have authority to determine compliance with this condition.

6. 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.

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., Attorney with Sykes Bourdon Ahern & Levy appeared before the Board representing the applicant. Mr. Bourdon withdrew the request pertaining to the generator.

There was no opposition present.

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

VOTES:

AYE 6 / NO 1 / ABSTAIN 0

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

NO: Borecki

ABSTAIN: None

Case 2026-BZA-00083: 1309 Taylors Point Road, LLC

Variance to the required yard for a proposed single-family dwelling, 1309 Taylors Point Rd.

Board Action: GRANTED WITH CONDITIONS ON OCTOBER 7, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Single-Family BZA Exhibit in the RPA," dated May 27/28, 2026, and prepared by WPL Landscape Architecture, Surveying, and Civil 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 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.
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.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

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

VOTES:

AYE 6 / NO 1 / ABSTAIN 0

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

NO: Borecki

ABSTAIN: None

Case 2026-BZA-00084: Michael & Kristan Winslow

Michael & Kristan Winslow, Variance to the required yard for a proposed building addition, 525 Gleneagle Dr.

Board Action: GRANTED WITH CONDITIONS ON OCTOBER 7, 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 143, Larkspur, Section 10," dated April 4/10, 2024, prepared by Gaddy Engineering Services 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 renderings titled, "Sheet A-4, 525 Gleneagle Drive, Proposed Sunroom Addition, NFC," dated August 2, 2026, and prepared by Phipps Construction (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. A fence permit shall be obtained from the City Zoning Office for the privacy fence erected on the subject property adjacent to Bob Jones Drive. 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 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, or as amended, 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.

Jared Phipps of Flips by Phipps, LLC appeared before the Board representing the applicant.

There was no opposition present.

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

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

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

NO: None

ABSTAIN: None

Respectfully Submitted,

Myles Pocta, Secretary