

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, September 2, 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 September 2, 2026.

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

DEFERRALS

Case 2026-BZA-00069: BHC, LLC

Variances to the required yards & maximum lot coverage for a proposed duplex, 417 23rd St. (LOT 29)

Board Action: DEFERRED ON SEPTEMBER 2, 2026

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. Pocta to defer the request. Cases 2026-BZA-00069 and 2026-BZA-00070 were presented and deferred jointly.

VOTES:

AYE 7 / NO 0 / ABSTAIN 1

AYE: Anderson, Hall, Newton, Pocta, Thornton, Wall, Willis

NO: None

ABSTAIN: Purkey Jr.

Case 2026-BZA-00070: BHC, LLC

Variances to the required yards & maximum lot coverage for a proposed duplex, 417 23rd ½ St. (LOT 27)

Board Action: DEFERRED ON SEPTEMBER 2, 2026

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. Pocta to defer the request. Cases 2026-BZA-00069 and 2026-BZA-00070 were presented and deferred jointly.

VOTES:

AYE 7 / NO 0 / ABSTAIN 1

AYE: Anderson, Hall, Newton, Pocta, Thornton, Wall, Willis

NO: None

ABSTAIN: Purkey Jr.

Case 2026-BZA-00072: Gilbert McMillan Jr. & Dana McMillan

Variances to the required yards for a new duplex unit, 200 70th St.

Board Action: DEFERRED ON SEPTEMBER 2, 2026

Ben Bishard of Bishard Homes appeared before the Board.

There was no opposition present.

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

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

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

NO: None

ABSTAIN: None

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 SEPTEMBER 2, 2026

Alee Silva of Burns & McDonnell, appeared before the Board.

A motion was made by Mr. Pocta, seconded by Ms. Anderson to defer the request to be heard at the Board of Zoning Appeals meeting scheduled for November 4, 2026.

VOTES:

AYE 7 / NO 0 / ABSTAIN 0

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

NO: None

ABSTAIN: None

CASES HEARD

Case 2026-BZA-00042: Nicholas Wittman & Heather Longoria

Variance to the required yard for proposed additions, 3105 Watergate Ln.

Board Action: GRANTED WITH CONDITIONS ON SEPTEMBER 2, 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 214, Kings Grant, Section Three," dated April 11, 2025, prepared 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 renderings titled, "Longoria Residence Additions and Renovations," dated October 7, 2025, and prepared by McNaughton Architecture (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. The subject covered front porch, shown on Exhibit A in this staff report, shall not be enclosed. The Zoning Administrator shall have the right to determine the definition of the term enclosed.

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.

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

There was no opposition present.

A motion was made by Mr. Pocta, 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-00058: Peter Easton Jr.

Variances to the required yards, maximum lot coverage, & ~~maximum impervious cover~~ for an accessory building, building addition, inground swimming pool, pool equipment, & other site improvements; & to modify the conditions of a zoning variance granted on 03/05/2025, 5901 Ocean Front Ave.

Board Action: GRANTED AS MODIFIED WITH CONDITIONS ON SEPTEMBER 2, 2026

Conditions:

1. Condition #1 required by the Board on March 5, 2025, shall be void and replaced with condition #4 noted below.
2. Condition #2 required by the Board on March 5, 2025, shall be void.
3. Side yard setback variances granted by the Board on March 5, 2025, shall be void.

Note: The small stoop and stairs shown on Exhibit A, as found in this staff report, sitting 5 feet from the eastern side property line was granted a setback variance on March 6, 2002, with such variance continuing to remain in full effect.

4. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit for 5901 Ocean Front Avenue," dated May 27, 2026, and prepared by Gaddy Engineering Services (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.

5. The floor area of the single-family dwelling shall not exceed the maximum allowed by the City Zoning Ordinance.

6. The overall heights of the single-family dwelling and the accessory pool house/home office shall not exceed the maximum allowed by the City Zoning Ordinance.

7. The subject accessory pool house/home office shall meet all City Zoning Ordinance requirements for use.

8. The subject accessory pool house/home office, in combination with any other applicable accessory buildings on the subject property, shall not exceed the maximum permissible square footage of floor area granted by the Board on March 6, 2002.

9. The property owner, or agent, shall submit an application to the City Department of Public Works for a right-of-way encroachment associated with existing brick columns located within the 58th Street/Ocean Front Avenue rights-of-way. If such encroachment application is not granted, all existing brick columns located within the City's rights-of-way shall be removed. The property owner may elect not to submit an encroachment application as described; however, if such election is chosen, all subject columns must be removed from the City's rights-of-way within 90 days of this Board of Zoning Appeals action.

10. 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.

11. 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.

12. 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 a lot coverage variance.

There was no opposition present.

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

VOTES:

AYE 6 / NO 1 / ABSTAIN 0

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

NO: Thornton

ABSTAIN: None

Case 2026-BZA-00059: Scott Gandy

Variances to the required yard for a proposed overheight wall/fence, gate, & columns, 1205 Kent Ln.

Board Action: GRANTED WITH CONDITIONS ON SEPTEMBER 2, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit for Entry Wall and Gate, Site 28, Revised Plat of Linkhorn Shores," dated June 2, 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 undated renderings titled, "Gandy Residence, Entry Wall and Gate," prepared by Visionscapes Land Design and Installation (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. Lighting shown on the renderings described in condition #2 shall meet all requirements of the City Zoning Ordinance.
4. The subject wall, gate, and lighting 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.'
5. Category I landscaping shall be installed in accordance with the City Zoning Ordinance.
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, 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.

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 7 / NO 0 / ABSTAIN 0

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

NO: None

ABSTAIN: None

Case 2026-BZA-00060: Bernard Murray Jr. & Marijean Murray

Variances to the required yards for an existing shed & inground swimming pool, & a variance to waive the required category I landscaping when a fence is located 10' or closer to any right-of-way line, 2548 Inlynnview Rd.

Board Action: GRANTED WITH CONDITIONS ON SEPTEMBER 2, 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, Trant Berkshire, Section 5," dated May 18th, 2026/June 1st, 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 subject shed 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. The subject shed shall meet all City Zoning Ordinance requirements for use.

4. The property owner, or agent, shall submit an easement encroachment application for the subject shed to the City Department of Public Works pertaining to the 10-foot-wide permanent construction/planting easement and the 10-foot wide no ingress/egress easement. If such encroachment application is not approved, the subject shed shall be moved to sit no less than 10 feet from the property line adjacent to unimproved Old Donation Parkway. This condition shall be met within 120 days of this Board action.

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.

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. Purkey Jr., 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-00062: Stephen Alexander Homes, LLC

Variances to the required yard & maximum building height for a proposed single-family dwelling, 304 Cavalier Dr.

Board Action: GRANTED WITH MODIFIED CONDITION #2 ON SEPTEMBER 2, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit for Building Height, Lot 8, Map of Cavalier Shores," dated June 18/22, 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 untitled and undated elevation drawings (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, compliance with the Public Works Design Standards Manual, and/or compliance with the Cavalier Shores Historic District.

NOTE: Underlined text above added by the Board at the public hearing as a modification to the conditions.

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.

Two citizens appeared before the Board in opposition to the request.

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

VOTES:

AYE 7 / NO 0 / ABSTAIN 1

AYE: Anderson, Hall, Newton, Pocta, Thornton, Wall, Willis

NO: None

ABSTAIN: Purkey Jr.

Case 2026-BZA-00063: Panagis Family Trust

Modification of conditions associated with a variance granted on 06/02/2021, 1108 Bruton Ln.

Board Action: GRANTED WITH CONDITIONS ON SEPTEMBER 2, 2026

Conditions:

1. Condition #1 required by the Board on June 2, 2021, shall be void and replaced with condition #4 below.
2. Condition #2 required by the Board on June 2, 2021, shall be void and replaced with condition #5 below.
3. Condition #3 required by the Board on June 2, 2021, shall be void and no longer in effect.
4. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Single-Family Site Plan for Lot 164, North Linkhorn Park," dated June 16, 2026, and 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.

5. 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.

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, 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.

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

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 1

AYE: Anderson, Hall, Newton, Pocta, Thornton, Wall, Willis

NO: None

ABSTAIN: Purkey Jr.

Case 2026-BZA-00064: Eric & Lisa Brickson

Variances to the required yards, maximum impervious cover, & maximum lot coverage for decking and a stoop with steps, 4489 Ocean View Ave

Board Action: GRANTED WITH CONDITIONS ON SEPTEMBER 2, 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 8, Block 13, Chesapeake Park," dated June 25, 2026, WPL Land Architecture, Engineering and 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 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 and approvals 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. Pocta, 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-00065: Scott & Lindsay Winter

Variances to the required yard for proposed building additions, existing fencing, & an existing shed, 303 50th St.

Board Action: GRANTED WITH CONDITIONS ON SEPTEMBER 2, 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, Subdivision of North Hollies," dated June 22/25, 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 subject shed shall meet all City Zoning Ordinance requirements for use.
3. The subject shed, in combination with any other applicable accessory buildings on the subject property, shall not exceed the maximum permissible square footage of floor area allowed by the City Zoning Ordinance.
4. 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.'
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.

Christopher A. Pocta Esq., of Wolcott, Rivers, Gates, Attorneys at Law appeared before the Board representing the applicant.

There was no opposition present.

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

VOTES:

AYE 7 / NO 0 / ABSTAIN 1

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

NO: None

ABSTAIN: Pocta

Case 2026-BZA-00066: Taylor & Kerry Grissom

Variances to the required yards & maximum building height for a proposed single-family dwelling, HVAC units, & generator, 3864 Jefferson Blvd.

Board Action: GRANTED WITH 5 CONDITIONS ON SEPTEMBER 2, 2026

Conditions:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit for Parcel A, Block 48, Ocean Park," dated July 16, 2026, and prepared by Gaddy Engineering Services (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 undated renderings and elevations prepared by Virginia Builders (shown as Renderings and Elevations 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. 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.

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. Anderson, seconded by Mr. Pocta to grant the request as conditioned by the staff report.

VOTES:

AYE 7 / NO 0 / ABSTAIN 1

AYE: Anderson, Hall, Newton, Pocta, Thornton, Wall, Willis

NO: None

ABSTAIN: Purkey Jr.