



CITY OF  
**VIRGINIA  
BEACH**

## Board of Zoning Appeals

August 6, 2025

Kevin Newton, Chairman  
Robert Thornton, Vice Chairman  
Myles Pocta, Secretary

Kevin Kemp, Zoning Administrator  
Victoria Eisenberg, City Attorney

The Board of Zoning Appeals will conduct a Public Hearing on Wednesday, August 6, 2025, at 2:00 p.m., in the Council Chambers at City Hall, Building 1, 2<sup>nd</sup> Floor, 2401 Courthouse Drive. There is a staff briefing held at 1:00 p.m., in Room 2034, Building 1. All interested parties are invited to observe.

For information or to examine copies of proposed plans, ordinances or amendments call (757) 385-8074 or go to <https://planning.virginiabeach.gov> or visit the Planning Department, 2403 Courthouse Drive, Virginia Beach, VA by appointment.

Board of Zoning Appeals Agenda for August 6, 2025:

- A. Comments by Zoning Administration and Chairman
- B. Review of Public Hearing Cases
- C. Staff Briefings

Public Hearing at 2:00 p.m.

### **Administrative Business**

Vote on Board of Zoning Appeals Annual Report

### **Case 2025-BZA-00033**

Applicant: Brian & Lesley Strangways Revocable Trust c/o Brian Strangways

Representative: Billy Garrington, Governmental Permitting Consultants

Address: 1200 Kildeer Court

Request: A variance to the minimum required yard for a proposed accessory building with covered patio

### **Case 2025-BZA-00045**

Applicant: Todd & Joanne Parker

Representative: R. Edward Bourdon, Jr., esq., Sykes Bourdon Ahern & Levy

Address: 2113 Woodlawn Avenue

Request: A variance to the minimum required yard for proposed deck with stairs

### **Case 2025-BZA-00046**

Applicant: Beach Borough Development, LLC

Representative: R. Edward Bourdon, Jr., esq., Sykes Bourdon Ahern & Levy

Address: 222 56<sup>th</sup> Street

Request: A variance to the minimum required yard for two proposed single-family dwellings

### **Case 2024-BZA-00083**

Applicant: Thomas Felch

Representative: Self Represented

Address: 524 Coastal Drive

Request: A variance to the minimum required yards for an existing deck and proposed accessory building with covered patio



**CASE:** 2025-BZA-00033 - Brian & Lesley Strangways Revocable Trust c/o Brian Strangways

**HEARING DATE:** August 6, 2025

**TO:** Chairman, Board of Zoning Appeals

**FROM:** Wilissa Blair-Miller, Planner III

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**ADDRESS ASSOCIATED WITH VARIANCE REQUEST:**

1200 Kildeer Court

**REPRESENTATIVE:**

Billy Garrington of GPC, Inc. and William Mallory of NOVA Build Pros.

**VARIANCE REQUEST(S) (ABBREVIATED):**

A variance to the minimum required yard for a proposed accessory building with covered patio.

**VARIANCE REQUEST(S) (DETAILED):**

The following variance is requested pursuant to Article 5, Section 502(a) of the City Zoning Ordinance:

**REQUIRED YARD, WEST:** A variance to allow a proposed accessory structure to be located 13 feet from the property line instead of 20 feet as required.

**GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):**

2418-41-2141

**LOT AREA:**

23,408 square feet +/-

**AICUZ:**

70-75 decibels

**REGULATORY WATERSHED AND FLOOD ZONE:**

- Chesapeake Bay Preservation Area (Resource Management Area) and Chesapeake Bay Preservation Area (Resource Protection Area)
- X (area determined to be outside the 500-year flood)

*Please Note:* On June 3, 2025, staff assigned to the Planning Department, Environmental Unit, noted that the specific project location on the subject site does not fall within the Resource Protection Area of the Chesapeake Bay Preservation Area. As a result, review by the Environmental Unit for the subject improvements are not required.

**VOTING DISTRICT:**

District 6

**PREVIOUS VARIANCE(S):**

None found

**EXISTING LAND USE, ORIGINAL BUILD DATE, ZONING DISTRICT, STRATEGIC GROWTH AREA:**

- Single-family (built in 1952)
- R-40 (Residential District)
- Not in a Strategic Growth Area

**SURROUNDING LAND USES/ZONING DISTRICTS:**

- North: Residential (single-family), R-40
- South: Residential (golf course), R-40
- East: Residential (single-family), R-40
- West: Residential (golf course), R-40

**EXISTING CONDITIONS:**

- N/A as the request is for a new accessory building

**EXTENT OF PROJECT:****Accessory Building** (variance requested)

The applicant is proposing to demolish an existing shed and replace it with a new two-story accessory structure. The first floor of the new building would contain a garage, while the second floor would contain finished space.



**BACKGROUND INFORMATION:**

According to City records, the existing home was constructed in 1952, which is prior to the adoption of the City's first zoning ordinance.

The subject parcel was created by plat in June of 1926 (ref: MB7 at PG192, sheet 3). As a result, the property is deficient in overall lot area when compared to a standard R-40 zoned parcel. Specifically, the subject property is 16,592 square feet less than a modern 40,000 square foot R-40 zoned lot. In other words, the subject parcel is legally non-conforming to overall lot area due to its age.

The applicant is proposing to construct an accessory building containing a two-story enclosed space and a one-story open air covered space (i.e., a detached garage with finished room over and a covered patio). The proposal would sit 13 feet from the western property line, which presently requires a 20-foot unobstructed yard. The first floor is proposed to contain 400 square feet of garage, with an interior stairway, and the second floor is proposed to contain 352 square feet of finished space. In addition, the application includes a 360 square foot one-story open air covered patio located on the south side of the proposed two-story accessory building.

As noted, the subject parcel contains less area than a modern R-40 zoned property. Based on an evaluation of nearby parcels, it seems that others share in this hardship. Nevertheless, the boundaries of the subject parcel do form a unique configuration when compared to many other neighboring properties. In fact, the shape of the subject lot could even be likened to that of a water droplet. One could take such observation a bit further and even claim that the subject lot is entirely irregular. So, when viewing this property through the lens of area deficiency combined with lot shape irregularity, one could argue that such challenges are not generally faced by nearby property owners. Moreover, the location of the proposed improvements does not seem to be of substantial detriment to adjacent and nearby properties since the chosen build site abuts a neighboring golf course fairway.

According to City records, the principal structure on the subject lot (i.e., the existing single-family home) contains 2,524 square feet of floor area. Presently, the City Zoning Ordinance allows accessory structures within the subject zoning district to contain as much as five hundred (500) square feet of floor area or thirty (30) percent of the floor area of the principal structure, whichever is greater (note: this is a cumulative allowance for an R-40 zoned lot). Based on the size of the existing principal structure on the subject parcel, the focus property is permitted to contain 757 square feet of accessory structure. It must also be noted that the proposed 360 square foot open air covered patio is not included in the accessory structure floor area calculation. This is because the City Zoning Ordinance defines floor area as *"the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings..."* In other words, since the proposed covered patio is not enclosed, there are not two walls to measure from; thereby, such open structure is exempt from the floor area calculation.

**KEY CONSIDERATIONS:**

- The subject parcel size is 16,250 square feet less in overall lot area than modern R-40 zoned lots.
- The property is irregularly shaped, whereas it could even be compared to the shape of a water droplet.
- The proposed improvements do not appear to be of substantial detriment to adjacent and nearby properties since the chosen location abuts an open space associated with a neighboring golf course.

**LETTERS OF SUPPORT AND OPPOSITION (AS OF 07-25-25):**

- Letters of Support: 0
- Letters of Opposition: 0

**APPLICANT STATED HARDSHIP:**

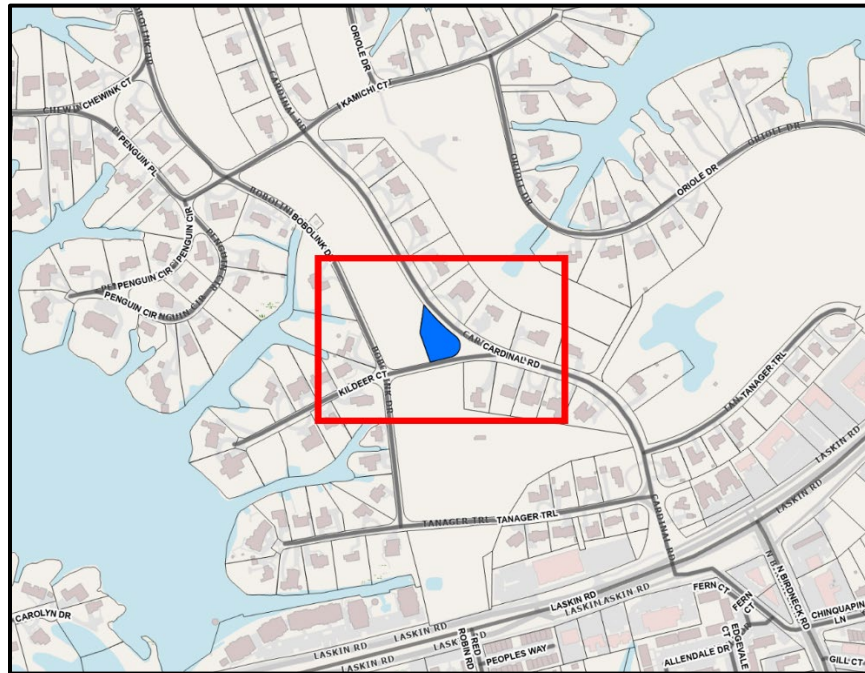
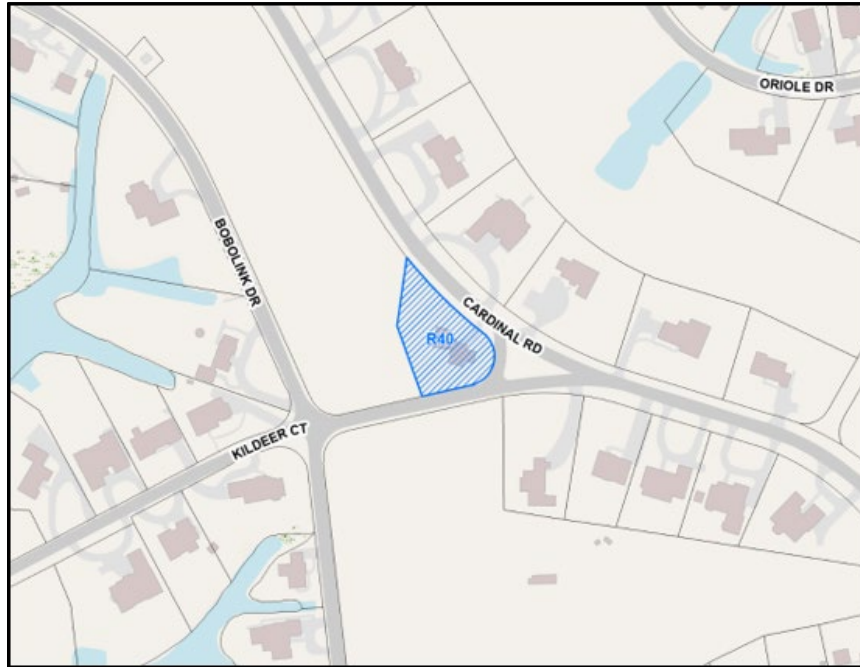
*“The property existed prior to the zoning department. If the pool house had been built at the same time as the house there would not even be a need to request a variance.”*

**RECOMMENDED CONDITIONS IF APPROVED:**

1. The proposed improvements shall be constructed in substantial conformance to the submitted modified survey titled, “Physical Survey of Lot 147 Map of Birdneck Point, Club Section,” dated February 9, 2016, and prepared by Ward M. Holms, Land Surveyor, 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 grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
2. The use of the proposed accessory structure (i.e., detached garage with finished room over) shall be consistent with the City Zoning Ordinance.
3. The proposed accessory structure (i.e., detached garage with finished room over) shown as ‘Exhibit A’ in this staff report, shall not exceed the maximum permissible square footage of floor area allowed by the City Zoning Ordinance.
4. The proposed accessory structure (i.e., detached garage with finished room over) shall not exceed the height of the principal structure.
5. The property owner, or agent, shall submit an application to the City Department of Public Works, Real Estate Group, for a right-of-way encroachment associated with all fencing presently located within the Cardinal Road and Kildeer Court City rights-of-way. If such encroach application is not granted, such fencing 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 fencing must be removed from the City’s rights-of-way within 90 days of this Board of Zoning Appeals action.

6. All applicable permits shall be obtained from the City of Virginia Beach Planning Department.

**LOCATION MAPS:**

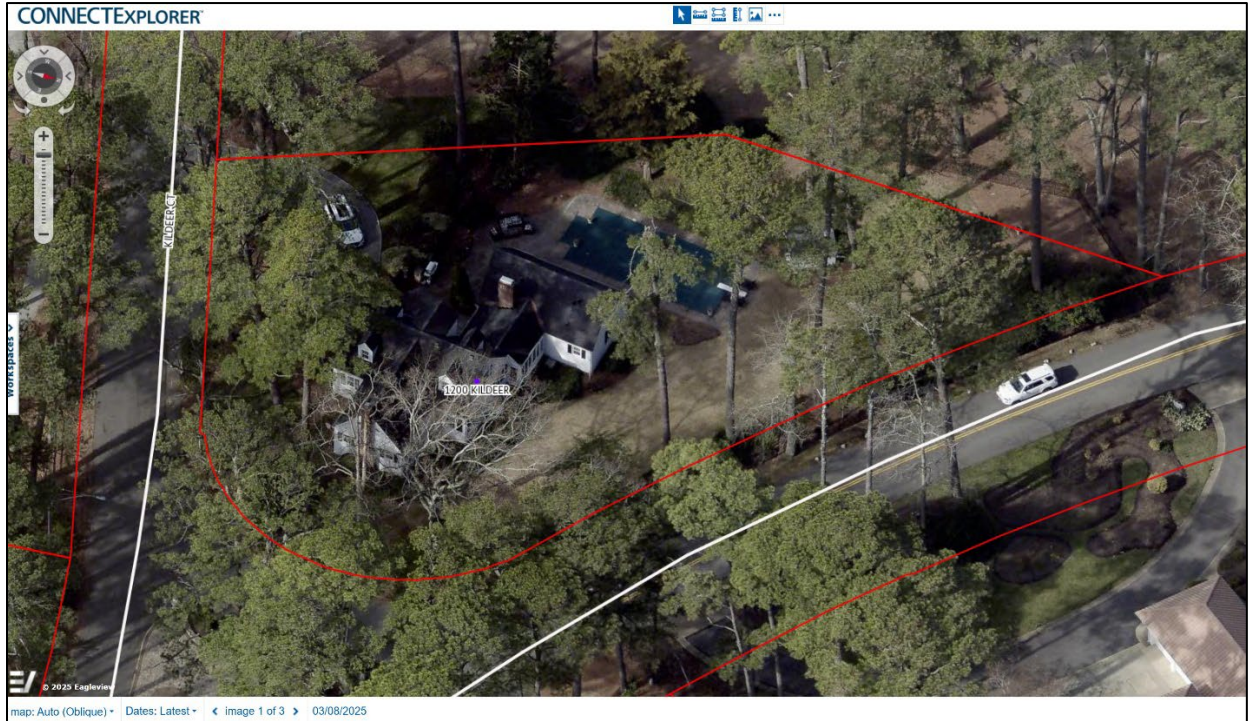


**AERIAL:**

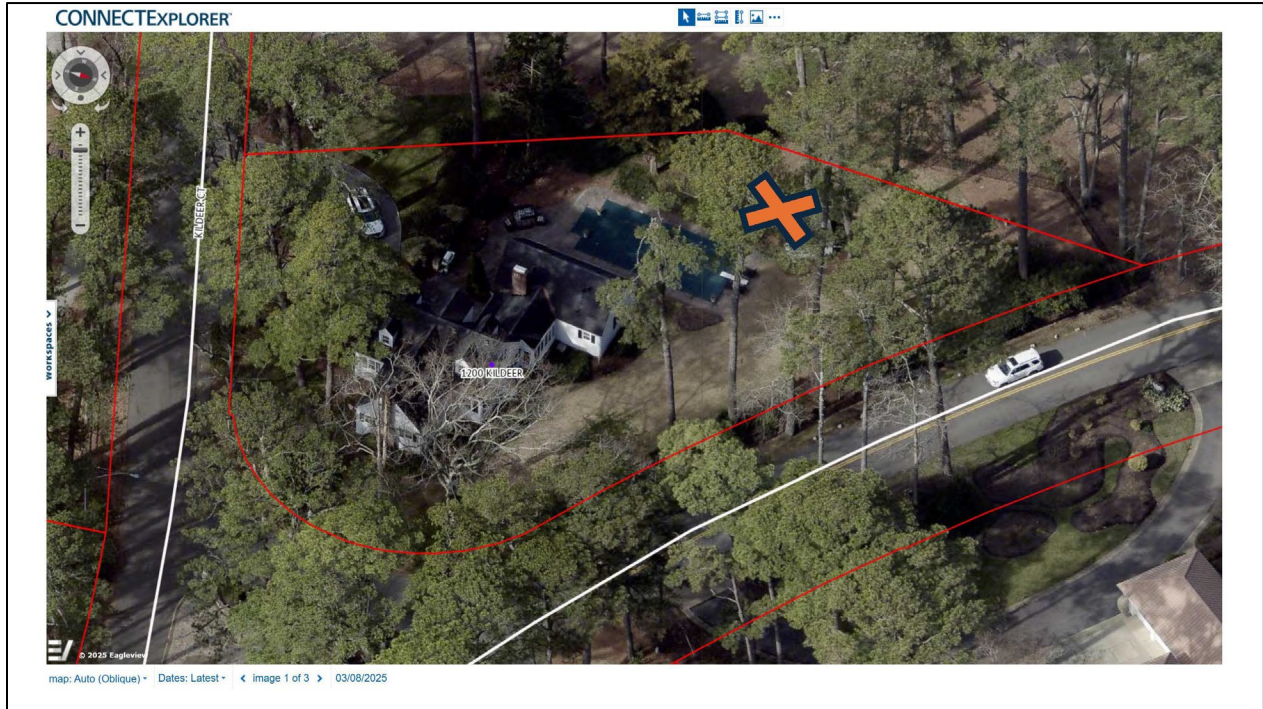




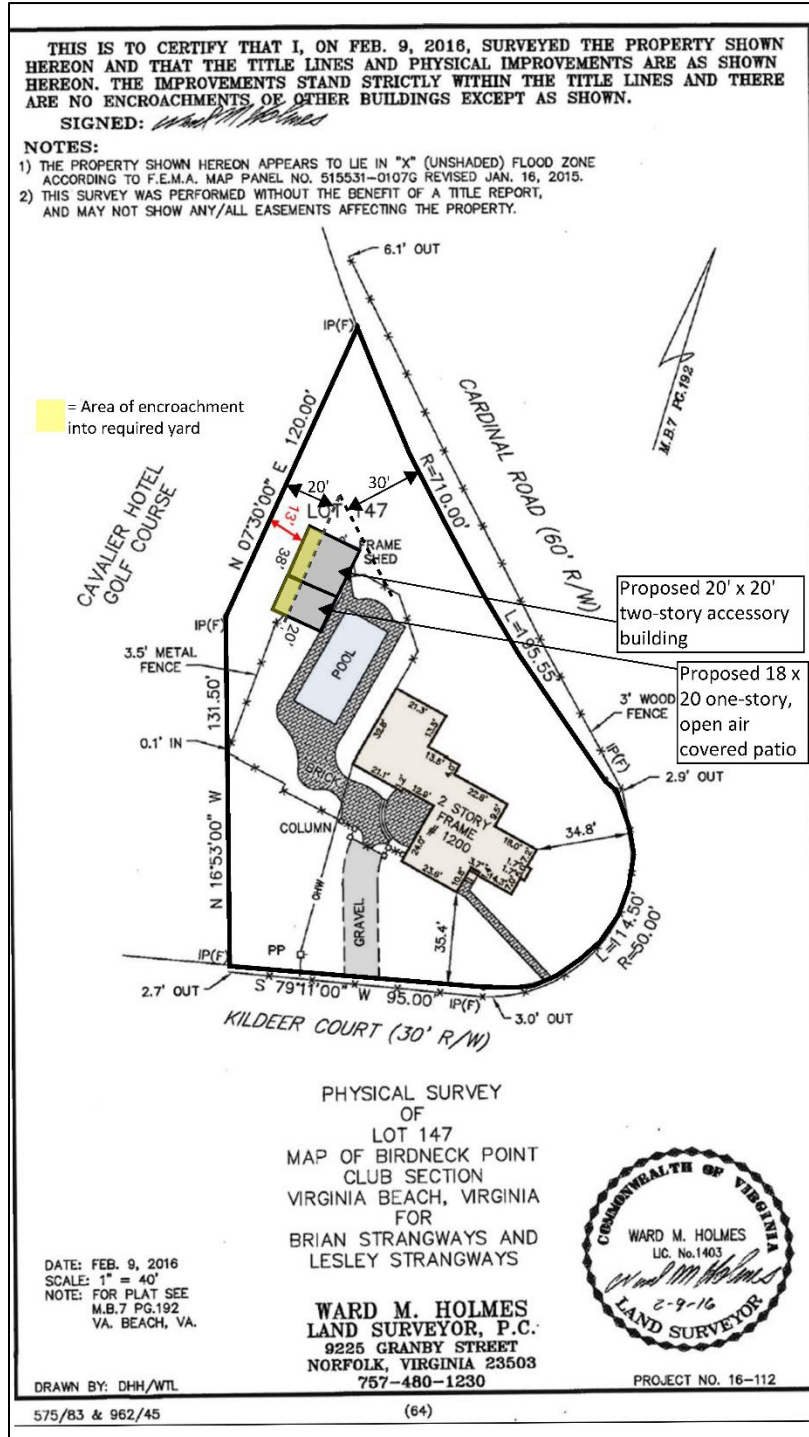
**AERIAL (DETAIL):**



## AERIAL (GENERAL LOCATION OF PROPOSED IMPROVEMNTS):

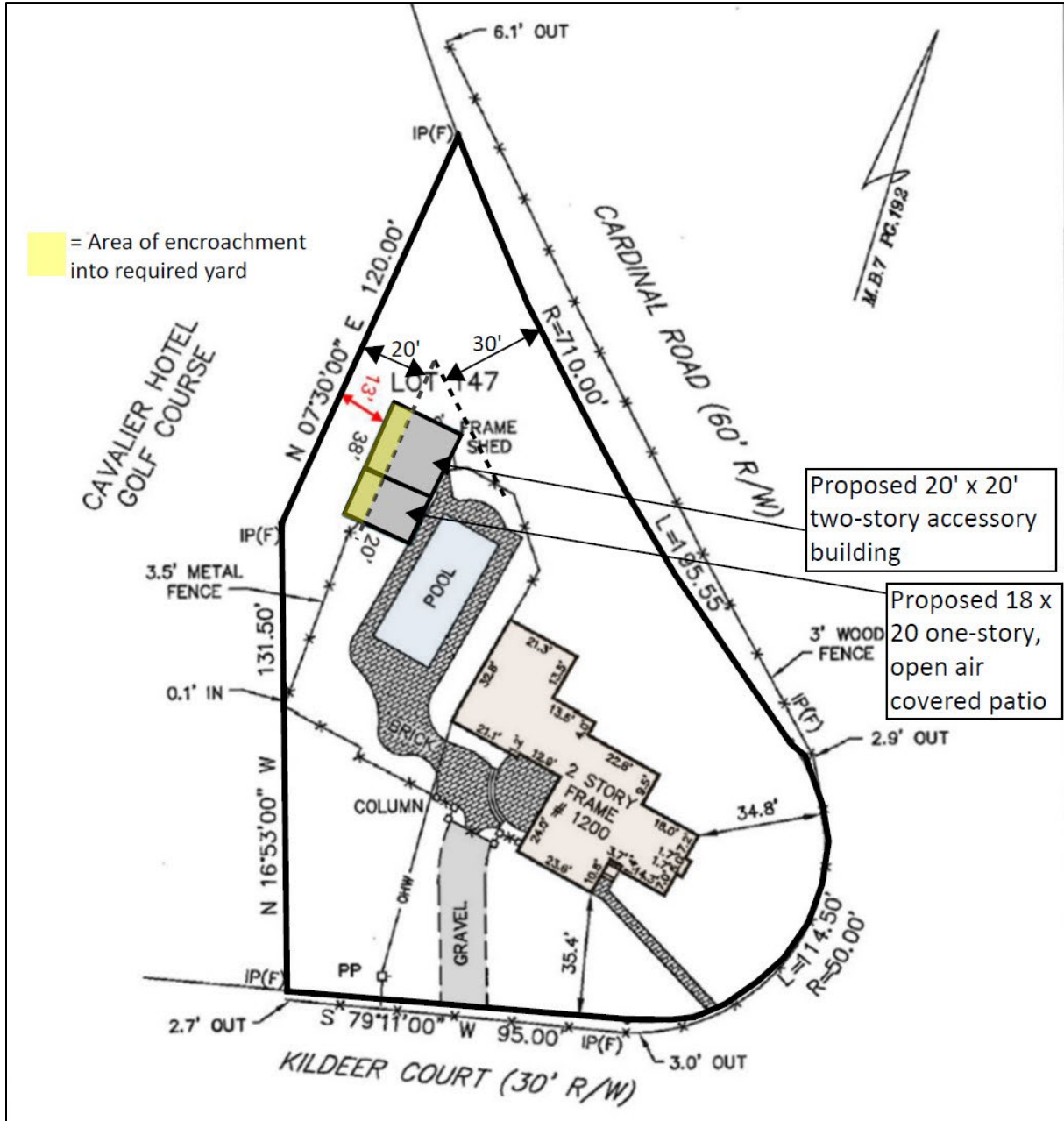


# SITE PLAN (EXHIBIT A):





# SITE PLAN DETAIL (EXHIBIT A):



## PHOTOGRAPHS:





## PHOTOGRAPHS:





**PHOTOGRAPHS:**




**PHOTOGRAPHS:**





## DISCLOSURE STATEMENT:

 <b>CITY OF VIRGINIA BEACH</b>	<h2>Disclosure Statement</h2>												
<p><i>The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.</i></p>													
<b>SECTION 1: APPLICANT DISCLOSURE</b>													
<p><b>APPLICANT INFORMATION</b></p> <p><b>Applicant Name:</b> as listed on application <u>William Mallory</u></p> <p><b>Is Applicant also the Owner of the subject property?</b> Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).</i></p> <p><b>Does Applicant have a Representative?</b> Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p><i>If yes, name Representative:</i> <u>William Garrington</u></p> <p><b>Is Applicant a corporation, partnership, firm, business, trust or unincorporated business?</b> Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p><i>If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the applicant. (Attach list if necessary.)</i></p> <div style="border: 1px solid black; padding: 5px; min-height: 30px;"><u>William Mallory, President, NOVA Build Pros</u></div> <p><b>Does the subject property have a proposed or pending purchaser?</b> Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name proposed or pending purchaser:</i> _____</p> <p><b>KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE</b></p> <p><b>Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?</b> Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name the official or employee, and describe the nature of their interest.</i></p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>													
<p><b>APPLICANT SERVICES DISCLOSURE</b></p> <p><b>READ:</b> The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)</p> <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 40%;">SERVICE</th><th style="width: 10%;">YES</th><th style="width: 10%;">NO</th><th style="width: 40%;">SERVICE PROVIDER <small>(Name entity and/or individual)</small></th></tr></thead><tbody><tr><td>Financing (mortgage, deeds of trust, cross-collateralization, etc.)</td><td style="text-align: center;"><input type="radio"/></td><td style="text-align: center;"><input checked="" type="radio"/></td><td></td></tr><tr><td>Real Estate Broker/Agent/Realtor</td><td style="text-align: center;"><input type="radio"/></td><td style="text-align: center;"><input checked="" type="radio"/></td><td></td></tr></tbody></table>		SERVICE	YES	NO	SERVICE PROVIDER <small>(Name entity and/or individual)</small>	Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>		Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	
SERVICE	YES	NO	SERVICE PROVIDER <small>(Name entity and/or individual)</small>										
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>											
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>											

## DISCLOSURE STATEMENT:

### SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	NOVA Build Pros, Bill Mallory
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	William Garrington
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

#### APPLICANT CERTIFICATION

**READ:** I certify that all information contained in this Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein three weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

William Mallory	<i>William Mallory</i> <small>Digitally signed by William Mallory Date: 2025.04.22 16:49:42 -04'00'</small>	
Applicant Name (Print)	Applicant Signature	Date

<sup>1</sup> "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

<sup>2</sup> "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

#### FOR CITY USE ONLY:

No changes as of (date): 07-14-2025

Wilissa Blair-Miller	<i>Wilissa Blair-Miller</i>	07-14-2025
Staff Name (Print)	Staff Signature	Date

## DISCLOSURE STATEMENT:

### SECTION 2: PROPERTY OWNER DISCLOSURE

#### PROPERTY OWNER INFORMATION

**Property Owner Name:**

as listed on application Brian Strangways

Is the Owner a corporation, partnership, firm, business, trust, or unincorporated business? Yes ☐ No ☒

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes ☐ No ☒

If yes, name proposed or pending purchaser: \_\_\_\_\_

#### KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? Yes ☐ No ☒

If yes, name the official or employee, and describe the nature of their interest.

#### PROPERTY OWNER SERVICES DISCLOSURE

**READ:** The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	NOVA Build Pros William Mallory
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	William Garrington
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

#### PROPERTY OWNER CERTIFICATION

**READ:** I certify that all information contained in this Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein three weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Brian Strangways

Property Owner Name (Print)

Brian Strangways

Property Owner Signature

4/22/25

Date





**CASE:** 2025-BZA-00045 - Todd and Joanne Parker

**HEARING DATE:** August 6, 2025

**TO:** Chairman, Board of Zoning Appeals

**FROM:** Wilissa Blair-Miller, Planner III

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**ADDRESS ASSOCIATED WITH VARIANCE REQUEST:**

2113 Woodlawn Avenue

**REPRESENTATIVE:**

R. Edward Bourdon, Jr. Esq., of Sykes, Bourdon, Ahern, & Levy, PC

**VARIANCE REQUEST(S) (ABBREVIATED):**

A variance to the minimum required yard for a proposed deck with stairs.

**VARIANCE REQUEST(S) (DETAILED):**

The following variance is requested pursuant to Article 5, Section 502(a) of the City Zoning Ordinance:

**REAR YARD (SOUTHWEST):** A rear yard variance to 8 feet instead of 20 feet as required for the proposed construction of an elevated deck with stairs.

**GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):**

1489-19-4342

**LOT AREA:**

6,000 square feet +/-

**AICUZ:**

Less than 65 decibels

**REGULATORY WATERSHED AND FLOOD ZONE:**

- Chesapeake Bay Preservation Area (Resource Management Area)
- AE (1% annual chance flood hazard)

*Please Note:* Planning Department, Environment Unit Staff, had the following comments pertaining to this application:

- Floodplain Administrator (comments received on June 13, 2025):  
*"Property lies entirely in the Special Flood Hazard Area, Zone AE, with a BFE of 8 feet. The proposed deck must be constructed of flood resistant materials."*
- Chesapeake Bay Preservation Area Planner (comments received on June 12, 2025):  
*"No comments. Not in the RPA"*

**VOTING DISTRICT:**

District 9

**PREVIOUS VARIANCE(S):**

June 1, 2005:

A 17-foot rear yard setback instead of 20 feet as required for proposed steps was granted by the Board of Zoning Appeals with the following conditions:

1. The proposed steps shall not be covered.
2. The existing shed shall be relocated to meet the current setbacks.

**EXISTING LAND USE, ORIGINAL BUILD DATE, ZONING DISTRICT, STRATEGIC GROWTH AREA:**

- Single-family (built in 1980)
- R-5R(SD) (Residential District) (Shore Drive Overlay District)
- Not in a Strategic Growth Area

**SURROUNDING LAND USES/ZONING DISTRICTS:**

- North: Residential (single-family), R-5R(SD)
- South: Residential (single-family), R-5R(SD)
- East: Residential (single-family), R-5R(SD)
- West: Preservation (park), P-1(SD)

**EXISTING CONDITIONS:**

- Dwelling: 22.6 feet from front property line (east)
- Dwelling: 8.8 feet from side property line (south)
- Dwelling: 8 feet from side property line (north)
- Dwelling: 17 feet from rear property line rear (west)
- At grade deck (i.e., < 16 inches tall): Setbacks not applicable

**EXTENT OF PROJECT:****Elevated decks with stairs** (variance requested)

The applicant is proposing to remove an existing grade level deck located within the required rear yard. In its place, an elevated first floor deck with stairs is proposed. The deck and stairs would encroach into the required 20-foot rear yard.

**BACKGROUND INFORMATION:**

According to City records, the existing home was constructed in 1980. At the time of construction, the subject property was located within an R-8 Zoning District. In 1988, the R-8 Zoning District was renamed to R-5R, which is the current designation.

The applicant requests a variance to encroach into the required rear yard for a proposed elevated first floor deck with stairs.

It is staff's understanding that this request stems from recurrent flooding of the subject site, which inundates the existing rear yard and renders the current ground level decks unusable for a time. Furthermore, the application notes that such recurrent flooding is deteriorating the subject deck and stairway material.

The applicant's proposed flood mitigation measures (i.e., elevating the decks) would raise the structure above flood waters, helping prevent structural damage and allowing year-round use of the rear yard.

Understanding that some may disagree, it must nevertheless be recognized that the current global climate shift is causing stronger storms, higher tides, and increased rainfall events, among others, in locations along the eastern seaboard of the United States and throughout the world. As the City of Virginia Beach develops large scale plans to address these perils in the future, many low-lying property owners face a more immediate need for mitigation measures associated with present day increases in tidal flooding, urban flooding, sunny day flooding, and the like.

While admittedly debatable, flood mitigation measures can alleviate hardships due to the physical condition of properties located within flood-prone areas. Indeed, flood mitigation is a necessity in many cases and is often a hardship not created by property owners. Certainly there are those who choose to build in harm's way; however, that does not appear to be the case in this instance since the subject property was developed 45 years ago, when flooding was either not a worry or rarely an issue.

**KEY CONSIDERATIONS:**

- The proposal does not appear to be a detriment to adjacent homeowners since a preservation area sits behind the subject property and all required side yard setbacks will be maintained.
- The proposal seems to be in keeping with the character of the neighborhood.
- The hardship associated with the property (i.e., recurrent flooding) was not created by the applicant.
- Because the proposed deck and stairs will have a smaller footprint when compared to the current structure, the planned improvements will reduce the overall percentage of impervious cover associated with the subject property.

**LETTERS OF SUPPORT AND OPPOSITION (AS OF 07-25-25):**

- Letters of Support: 0
- Letters of Opposition: 0

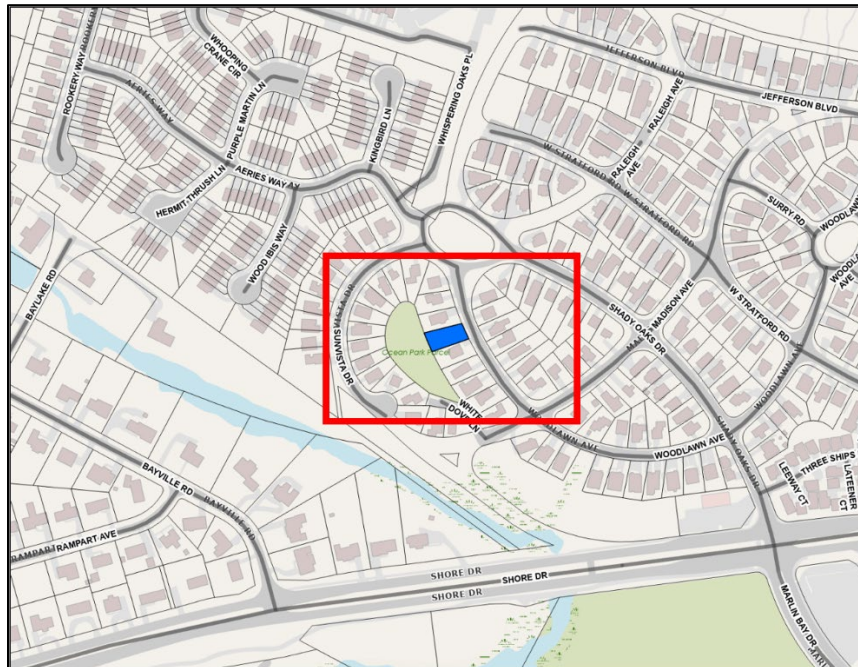
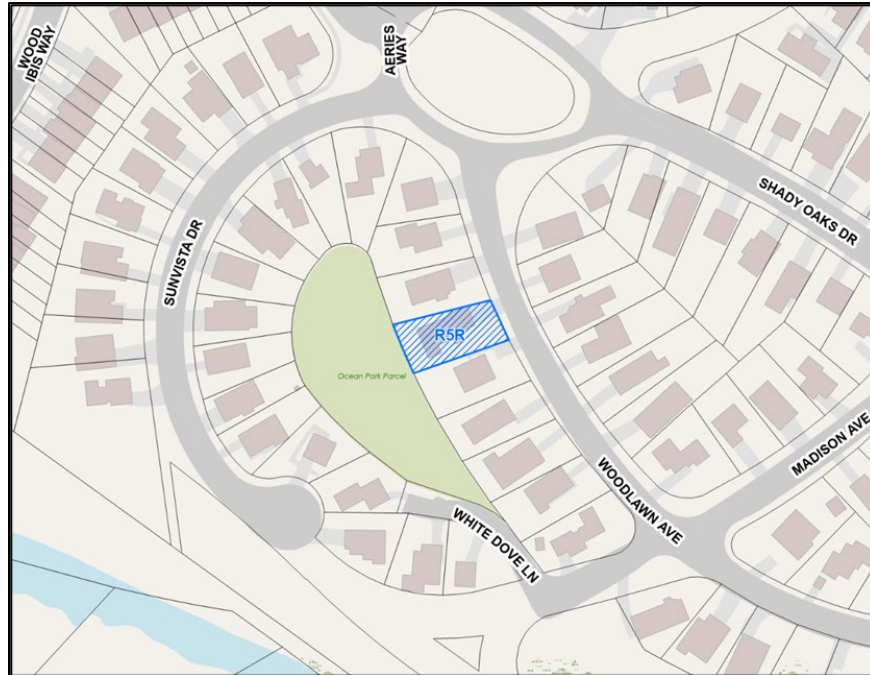
**APPLICANT STATED HARDSHIP:**

*“When the home was originally built backing up to this natural open space area, it was situated at the 20-foot rear yard setback and the outdoor amenity space (large, uncovered deck) at the rear of the home was useable at ground level. Factors that could not have been foreseen at that time have conspired to create an unusable rear yard deck which must be removed and replaced with a resilient deck which is elevated to the level of the first finished floor level in their home. The flooding issue is a hardship and this solution to create a resilient, usable and smaller replacement deck will not be at all detrimental to any adjacent property, nor will it change the character of this community or its zoning district. The approval of this minimal variance to create a useable, resilient uncovered rear yard deck is in harmony with the intended spirit and purpose of the provision in our Zoning Ordinance which permits decking to be in this setback at an elevation of 16 inches above grade, under the circumstance of this area being in an expanding floodplain.”*

**RECOMMENDED CONDITIONS IF APPROVED:**

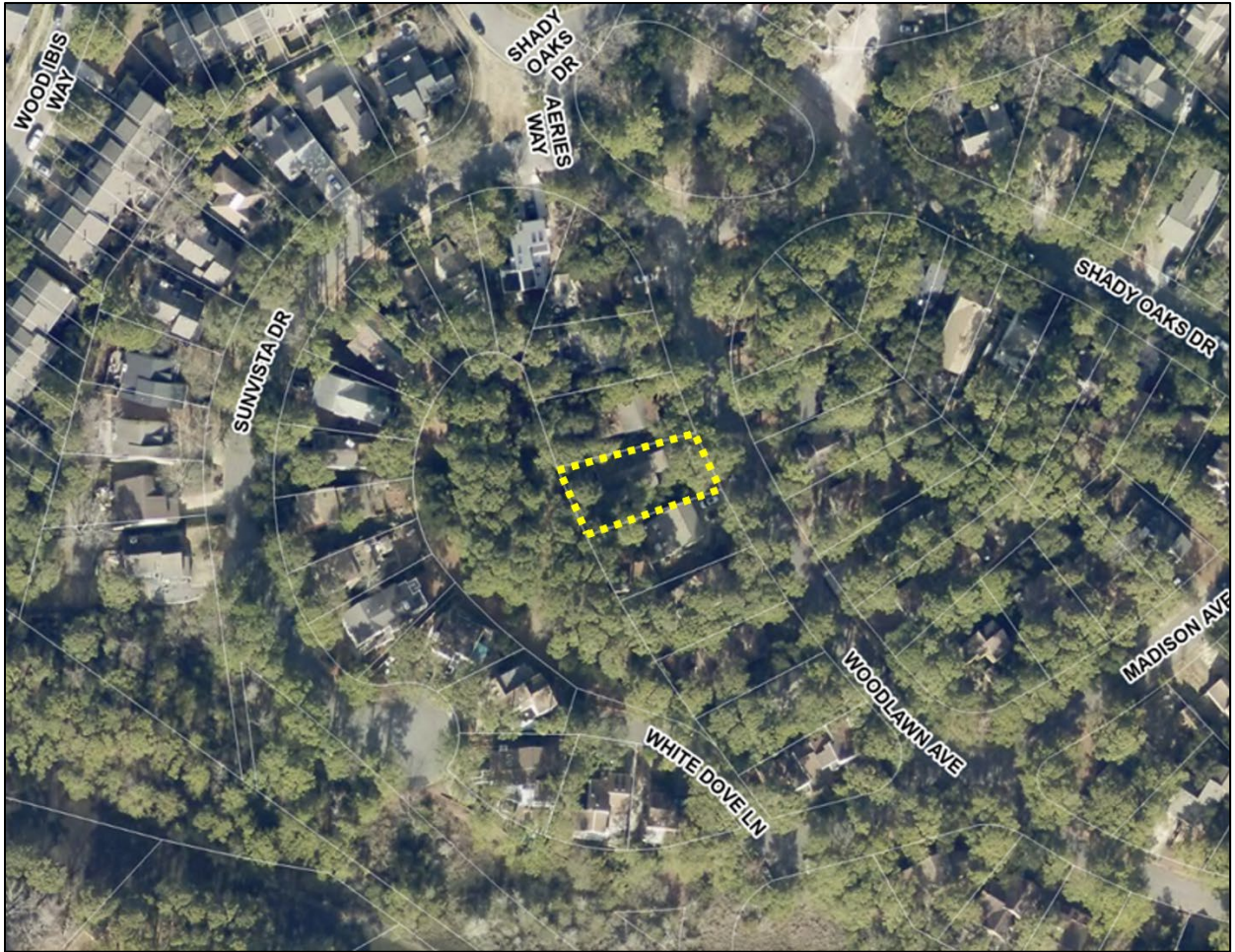
1. The proposed improvements shall be constructed in substantial conformance to the altered and annotated plan titled, “Physical Survey of Lot 4, Block 56, Section C of Ocean Park,” dated September 28, 2021, and prepared by Ricks P. Jones, Professional Surveyor (shown as Exhibit ‘A’ in this staff report). 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. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other applicable authority.

LOCATION MAPS:

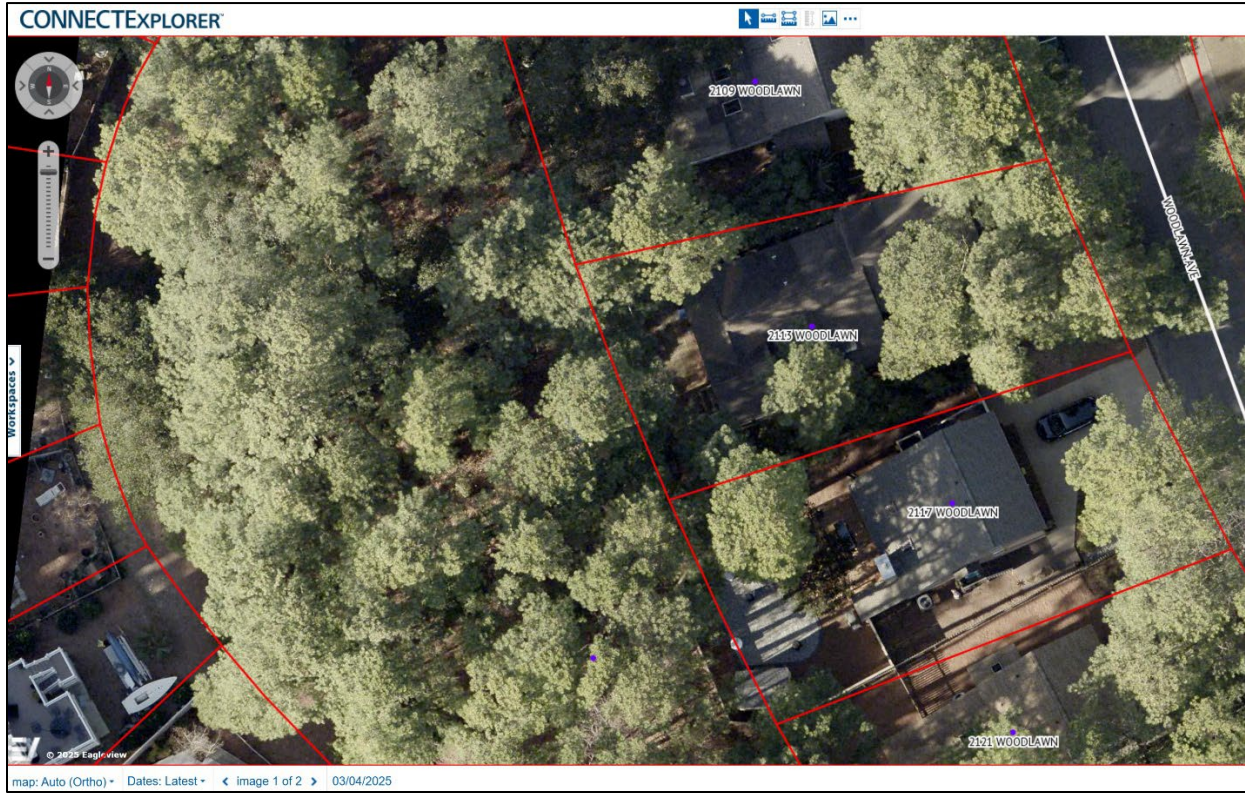




**AERIAL:**

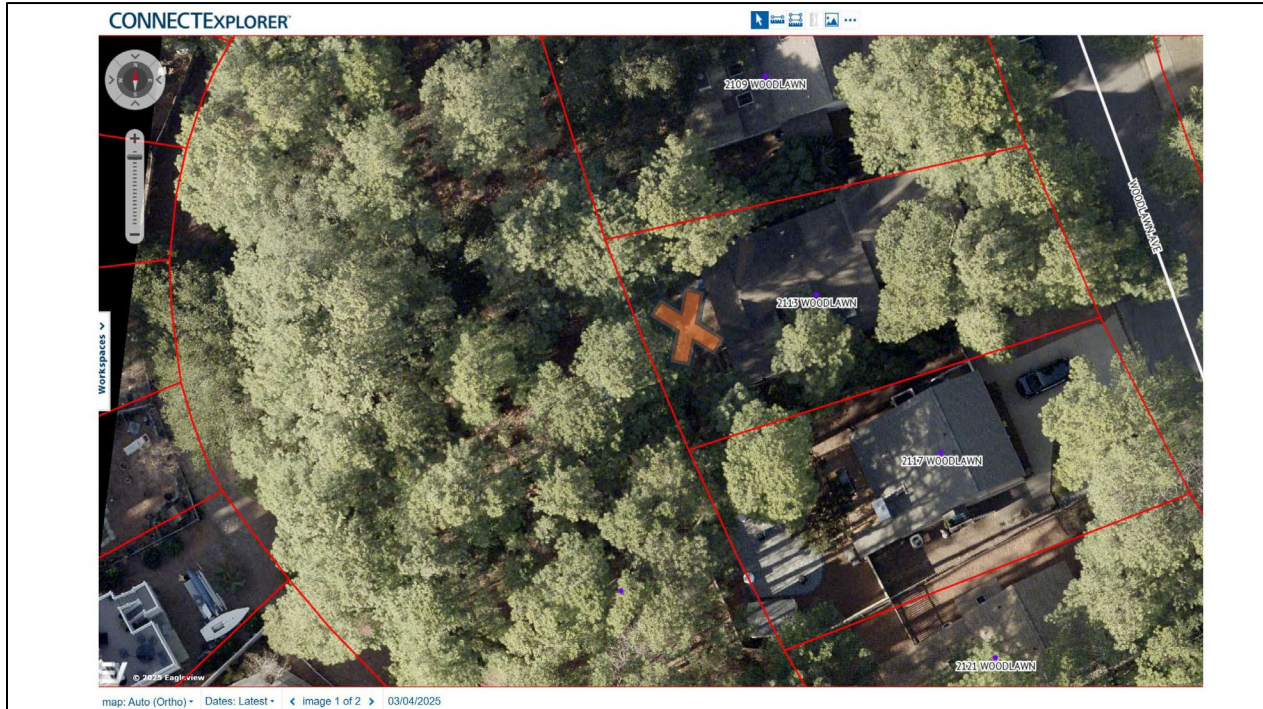


## AERIAL (DETAIL):



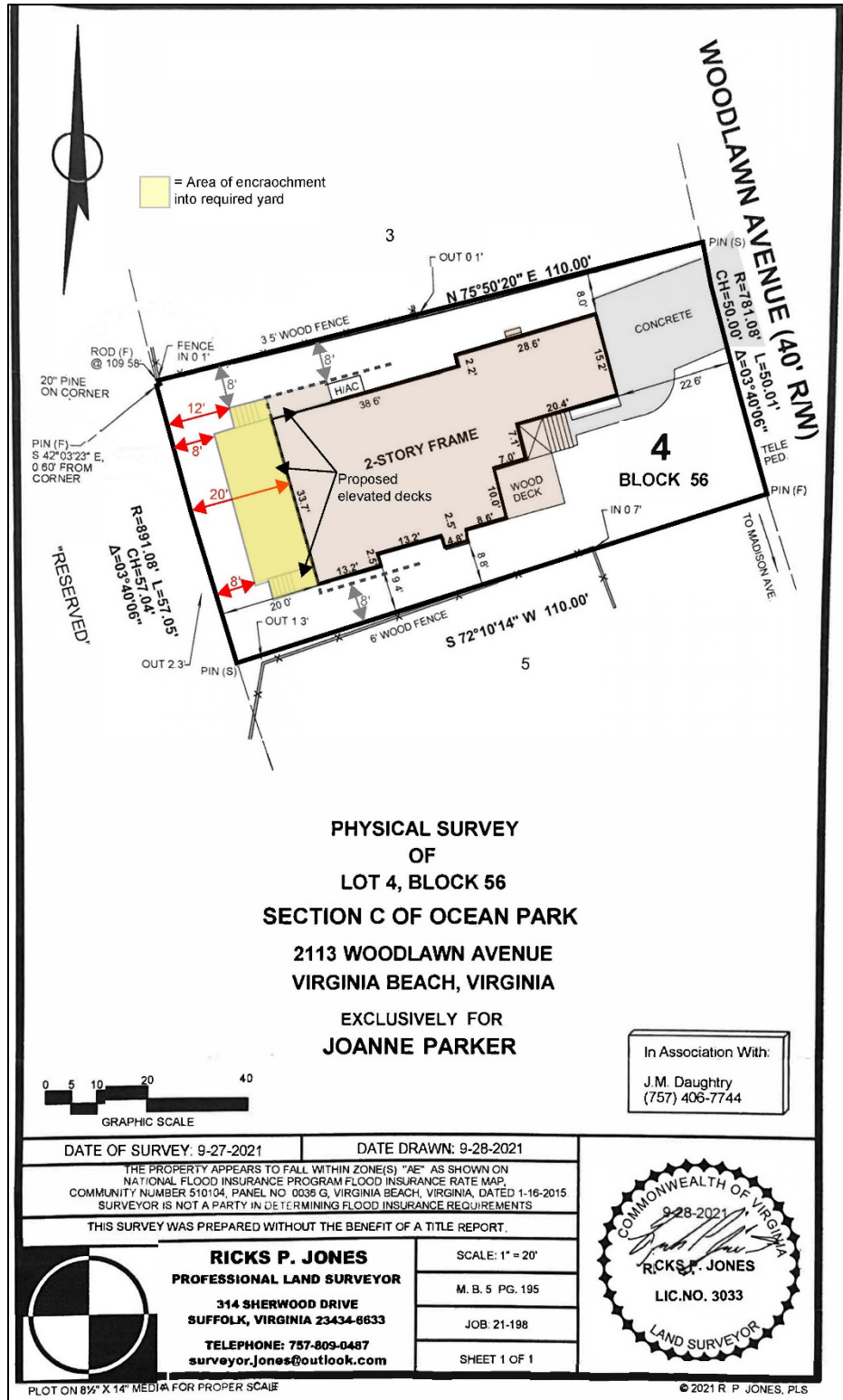


## AERIAL (GENERAL LOCATION OF PROPOSED IMPROVEMNTS):

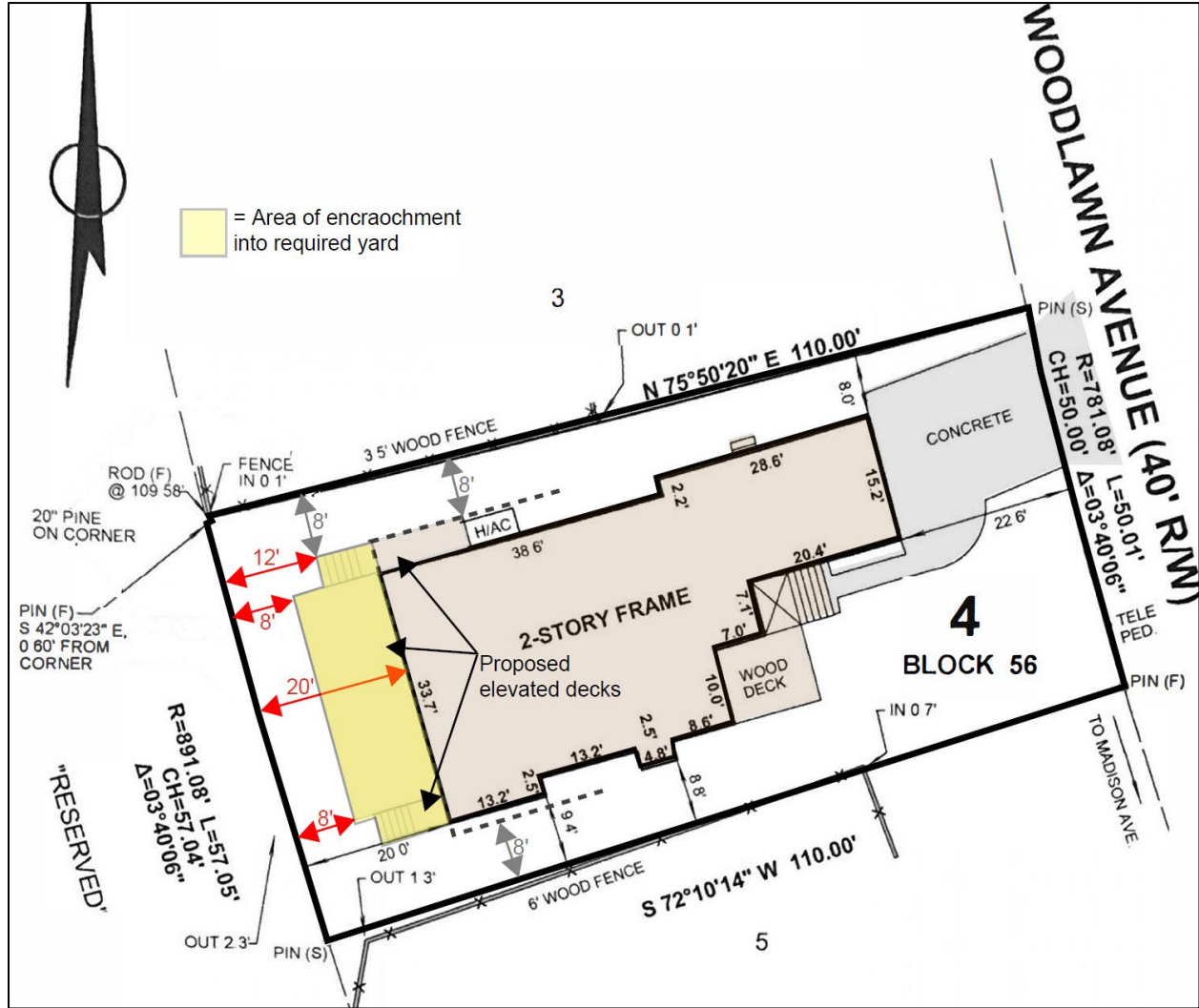




**SITE PLAN (EXHIBIT A):**

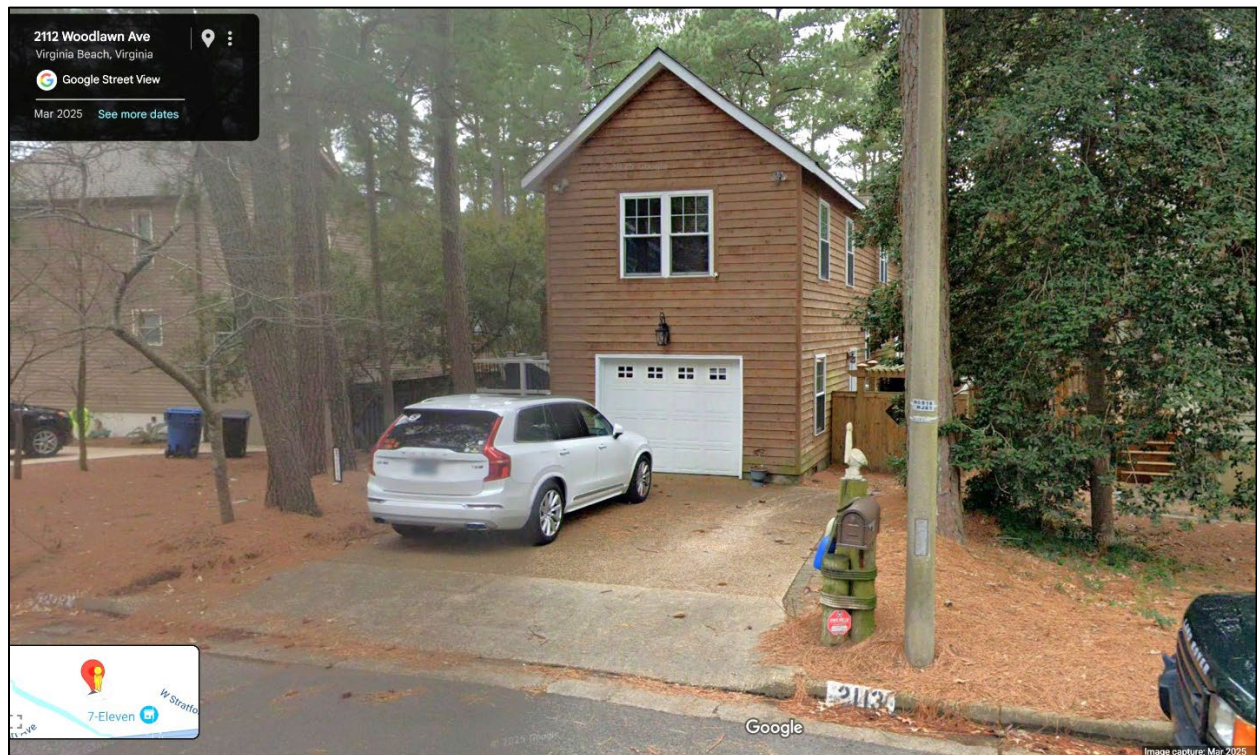


**SITE PLAN DETAIL (EXHIBIT A):**





## PHOTOGRAPHS:





**PHOTOGRAPHS:**



**PHOTOGRAPHS:**





**PHOTOGRAPHS:**



## DISCLOSURE STATEMENT:



CITY OF  
**VIRGINIA  
BEACH**

## Disclosure Statement

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.

### SECTION 1: APPLICANT DISCLOSURE

#### APPLICANT INFORMATION

**Applicant Name:** Todd A. Parker & Joanne L. Parker  
as listed on application

**Is Applicant also the Owner of the subject property?** Yes ☒ No ☐

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

**Does Applicant have a Representative?** Yes ☒ No ☐

If yes, name Representative: R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

**Is Applicant a corporation, partnership, firm, business, trust or unincorporated business?** Yes ☐ No ☒

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the applicant. (Attach list if necessary.)

--

**Does the subject property have a proposed or pending purchaser?** Yes ☐ No ☒

If yes, name proposed or pending purchaser: \_\_\_\_\_

#### KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

**Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?** Yes ☐ No ☒

If yes, name the official or employee, and describe the nature of their interest.

--

#### APPLICANT SERVICES DISCLOSURE

**READ:** The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	MERS; Bank of America
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	



## DISCLOSURE STATEMENT:

### SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Ricks P. Jones, Prof. Land Surveyor
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., Sykes,

#### APPLICANT CERTIFICATION

**READ:** I certify that all information contained in this Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein three weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Todd A. Parker/Joanne L. Parker

Applicant Name (Print)

*Joanne Parker*

Applicant Signature

*5/19/2025*

Date

<sup>1</sup> "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

<sup>2</sup> "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

#### FOR CITY USE ONLY:

No changes as of (date): 07-14-2025

Wilissa Blair-Miller

Staff Name (Print)

*Wilissa Blair-Miller*

Staff Signature

07-14-2025

Date





**CASE:** 2025-BZA-00046 - Beach Borough Development, LLC

**HEARING DATE:** August 6, 2025

**TO:** Chairman, Board of Zoning Appeals

**FROM:** Wilissa Blair-Miller, Planner III

---

**ADDRESS ASSOCIATED WITH VARIANCE REQUEST:**

222 56<sup>th</sup> Street

**REPRESENTATIVE:**

R. Edward Bourdon, Jr. Esq., of Sykes, Bourdon, Ahern, & Levy, PC

**VARIANCE REQUEST(S) (ABBREVIATED):**

A variance to the minimum required yard for two proposed single-family dwellings.

**VARIANCE REQUEST(S) (DETAILED):**

The following variance is requested pursuant to Article 5, Sections 506(c)(1) and 502(b1) of the City Zoning Ordinance:

**SIDE YARD ADJACENT TO A STREET (WEST - HOLLY ROAD):** A side corner yard variance to 12 feet instead of 20 feet as required for the construction of two single-family dwellings on one lot.

**GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):**

2419-70-4371

**LOT AREA:**

6,625 square feet

**AICUZ:**

<65 decibels

**REGULATORY WATERSHED AND FLOOD ZONE:**

- Chesapeake Bay Preservation Area (Resource Management Area)
- X (area determined to be outside the 500-year flood)

**VOTING DISTRICT:**

District 6

**PREVIOUS VARIANCE(S):**

None found

**EXISTING LAND USE, ORIGINAL BUILD DATE, ZONING DISTRICT, STRATEGIC GROWTH AREA:**

- Single-family (built in 1949) (to be demolished)
- R-5R(NE) (Residential District) (North End Overlay District)
- Not in a Strategic Growth Area

**SURROUNDING LAND USES/ZONING DISTRICTS:**

- North: Residential (duplex), R-5R(NE)
- South: Residential (duplex), R-5R(NE)
- East: Residential (duplex), R-5R(NE)
- West: Residential (duplex), R-5R(NE)

**EXISTING CONDITIONS:**

- N/A (existing dwelling to be demolished)

**EXTENT OF PROJECT:****Two Single Family Dwellings on One Lot** (variance requested)

The applicant is proposing to construct two new single-family dwellings on one R-5R(NE) zoned lot within the required side corner setback.

**BACKGROUND INFORMATION:**

According to City records, the subject parcel was recorded on May 26<sup>th</sup>, 1926 (MB7 at PG150). The lot contains 50 feet of width abutting 56<sup>th</sup> Street and 132.50 feet of width abutting Holly Road. In addition, the parcel contains 6,625 square feet of lot area.

Presently, newly created corner lots within the subject zoning district require a minimum of 85 feet of lot width adjacent to a street and 10,000 square feet of lot area (note: stated lot width and area are associated with duplex or dual single-family use). As a result, the subject property is deficient by 35 feet of lot width abutting 56<sup>th</sup> Street and 3,375 square feet in overall lot area. Such deficiencies are due to the age of the parcel, which was created well before the City began regulating minimum lot area and width through zoning and subdivision ordinance regulations. In short, the subject parcel is legally nonconforming regarding lot width along 56<sup>th</sup> Street and overall lot area if used for dual single-family purposes.

The applicant is proposing to construct two new single-family dwellings after demolishing an existing home on the subject property. Due to the noted width and area deficiencies associated with this long-established parcel, the applicant is requesting relief to the required yard parallel to Holly Road. Specifically, the applicant would like to reduce the required width of such yard from 20 feet to 8 feet for both proposed dwelling units.

It should be underscored that the proposed use is permitted as a matter of right in accordance with Section 105(g) of the City Zoning Ordinance, which allows a conforming principal or accessory use, such as the dual single-family in the R-5R(NE) zoning district, to be constructed on any lot created before the effective date of the City Zoning Ordinance regardless of the size or dimensions of such lot, provided that other requirements of the ordinance are met.

**KEY CONSIDERATIONS:**

- The subject parcel contains 3,375 square feet less in overall area when compared to modern lots created under current R-5R(NE) dimensional requirements for dual single-family use.
- The subject parcel contains 35 feet less lot width when compared to modern lots created under current R-5R(NE) dimensional requirements for dual single-family use.
- The subject parcel was legally created by plat in 1926.
- The proposed principal use associated with the subject parcel is permitted by the City Zoning Ordinance.

**LETTERS OF SUPPORT AND OPPOSITION (AS OF 07-25-2025):**

- Letters of Support: 0
- Letters of Opposition: 0

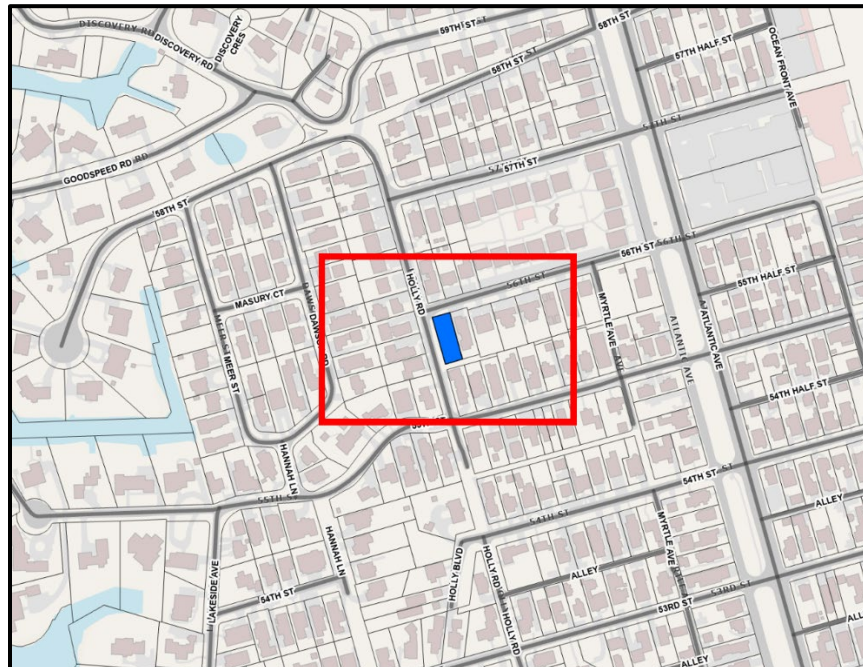
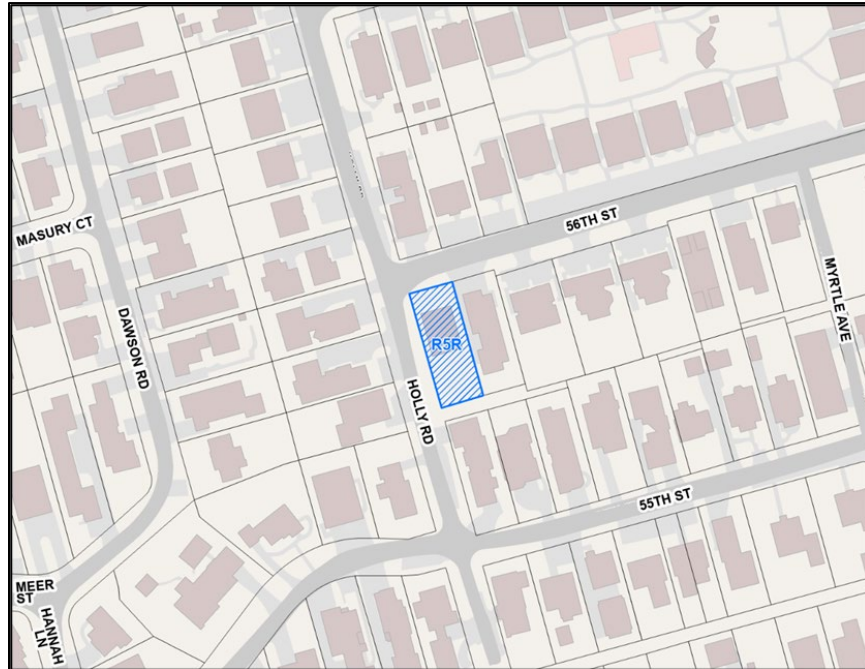
**APPLICANT STATED HARDSHIP:**

*"The subject developed corner lot, the creation of which predated Princess Anne County's first adopted Zoning Ordinance, is 50 feet wide instead of 90 feet wide as is currently required for an R-5R zoned corner lot upon which a duplex or two (2) detached units under the Overlay District is being developed. This non-conformity creates the hardship and the relief requested is consistent with and even less relief than many other similarly non-conforming corner lots have been granted at the North End. The redevelopment will be in keeping with the quality and character of similar redevelopment under the North End Overlay District and the variance is in harmony with the intent, the spirit and the purpose behind the City's adoption of the North End Overlay District applicable to the R-5R Zoning District."*

**RECOMMENDED CONDITIONS IF APPROVED:**

1. The proposed improvements shall be constructed in substantial conformance to the submitted site plan titled, “56<sup>th</sup> Street, Two Dwellings / Site Development Plan,” dated May 29, 2025 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 grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
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 plan.
3. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other applicable authority.

**LOCATION MAPS:**





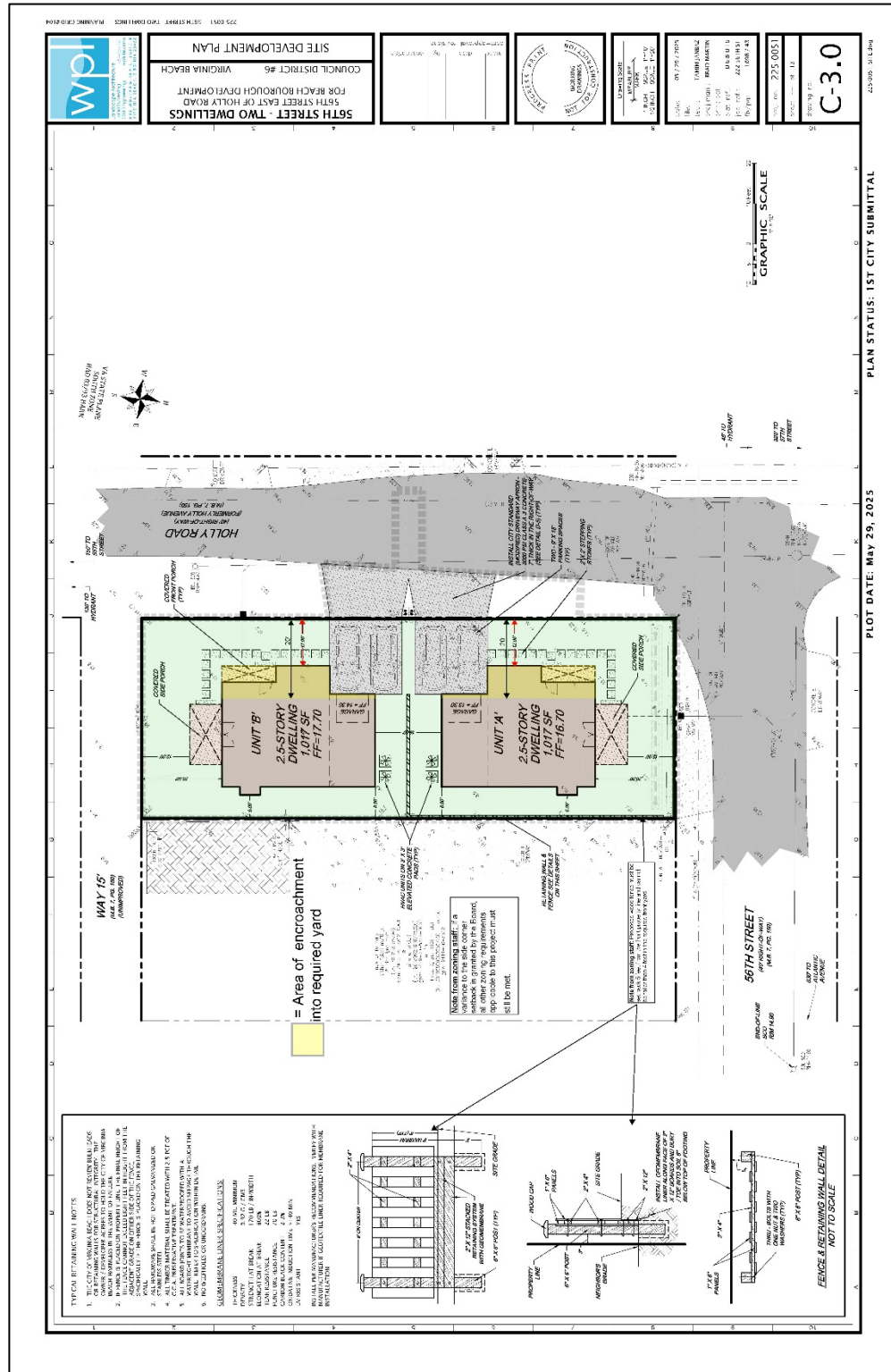
**AERIAL:**



## AERIAL (DETAIL):



**SITE PLAN (EXHIBIT A):**





[illegible]

**PHOTOGRAPHS:**





**PHOTOGRAPHS:**



**PHOTOGRAPHS:**





**PHOTOGRAPHS:**






**RENDERINGS:**



**RENDERINGS:**



## DISCLOSURE STATEMENT:

	<b>CITY OF VIRGINIA BEACH</b>	<h2 style="margin: 0;">Disclosure Statement</h2>												
<p><i>The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.</i></p>														
<b>SECTION 1: APPLICANT DISCLOSURE</b>														
<p><b>APPLICANT INFORMATION</b></p> <p><b>Applicant Name:</b> <u>Beach Borough Development, LLC, a Virginia limited liability company</u> <i>as listed on application</i></p> <p><b>Is Applicant also the Owner of the subject property?</b> Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).</i></p> <p><b>Does Applicant have a Representative?</b> Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name Representative:</i> <u>R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern &amp; Levy, P.C.</u></p> <p><b>Is Applicant a corporation, partnership, firm, business, trust or unincorporated business?</b> Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the applicant. (Attach list if necessary.)</i></p> <div style="border: 1px solid black; padding: 5px; min-height: 30px;">Members: Steven W. Bishard; John K. Bishard &amp; Kenneth Hunt, Jr.</div> <p><b>Does the subject property have a proposed or pending purchaser?</b> Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name proposed or pending purchaser:</i> _____</p> <p><b>KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE</b></p> <p><b>Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?</b> Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name the official or employee, and describe the nature of their interest.</i></p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <p><b>APPLICANT SERVICES DISCLOSURE</b></p> <p><b>READ:</b> <i>The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)</i></p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"><thead><tr><th style="width: 40%;">SERVICE</th><th style="width: 10%;">YES</th><th style="width: 10%;">NO</th><th style="width: 40%;">SERVICE PROVIDER <small>(Name entity and/or individual)</small></th></tr></thead><tbody><tr><td>Financing (mortgage, deeds of trust, cross-collateralization, etc.)</td><td><input checked="" type="radio"/></td><td><input type="radio"/></td><td>TowneBank</td></tr><tr><td>Real Estate Broker/Agent/Realtor</td><td><input type="radio"/></td><td><input checked="" type="radio"/></td><td></td></tr></tbody></table>			SERVICE	YES	NO	SERVICE PROVIDER <small>(Name entity and/or individual)</small>	Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	TowneBank	Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	
SERVICE	YES	NO	SERVICE PROVIDER <small>(Name entity and/or individual)</small>											
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	TowneBank											
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>												
Disclosure Statement   rev. May-2024		page 1 of 3												



## DISCLOSURE STATEMENT:

### SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Brad Martin, WPL
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.; Harry R. Purkey, Jr., Esq.

#### APPLICANT CERTIFICATION

**READ:** I certify that all information contained in this Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein three weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application. Beach Borough Development, LLC

Steven W Bishard	Steven W Bishard	Digitally signed by Steven W Bishard Date: 2025.05.29 10:40:59 -04'00'	05/29/2025
Applicant Name (Print)	Applicant Signature		Date

<sup>1</sup> "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

<sup>2</sup> "Affiliated business entity relationship" means "a relationship, other than parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

#### FOR CITY USE ONLY:

No changes as of (date): 07/14/2025

Wilissa Blair-Miller	Wilissa Blair-Miller	07/14/2025
Staff Name (Print)	Staff Signature	Date

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**CASE:** 2024-BZA-00083 - Thomas L. Felch

**HEARING DATE:** August 6, 2025

**TO:** Chairman, Board of Zoning Appeals

**FROM:** Wilissa Blair-Miller, Planner III

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**ADDRESS ASSOCIATED WITH VARIANCE REQUEST:**

524 Coastal Drive

**REPRESENTATIVE:**

Billy Garrington of GPC, Inc.

**VARIANCE REQUEST(S) (ABBREVIATED):**

A variance to the minimum required yards for an existing deck and proposed accessory building with covered patio.

**VARIANCE REQUEST(S) (DETAILED):**

The following variances are requested pursuant to Article 5, Section 502(a) of the City Zoning Ordinance:

**REQUIRED YARD ADJACENT TO A STREET (WEST - UNIMPROVED CHRISTINE DR):** A variance to the required yard to allow a proposed accessory structure to be located 11 feet from the property line abutting unimproved Christine Drive instead of 30 feet as required.

**REQUIRED YARD ADJACENT TO A STREET (WEST- UNIMPROVED CHRISTINE DR):** A variance to the required yard to allow an existing deck greater than 16 inches tall to remain 3 feet from the property line abutting unimproved Christine Drive instead of 30 feet as required.

**GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):**

2426-28-1307

**LOT AREA:**

18,318 square feet

**AICUZ:**

70-75 decibels



**REGULATORY WATERSHED AND FLOOD ZONE:**

- Atlantic Ocean
- X (area determined to be outside the 500-year flood) and 0.2% (area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods)

**VOTING DISTRICT:**

District 5

**PREVIOUS VARIANCES:**

On March 19, 2008, a setback variance was granted to allow the construction of a two-story room addition and porch. That variance reduced the required setback adjacent to Christine Drive from 30 feet to 6 feet.

**EXISTING LAND USE, ORIGINAL BUILD DATE, ZONING DISTRICT, STRATEGIC GROWTH AREA:**

- Single-family (built in 1994)
- R-10 (Residential District)
- Not in a Strategic Growth Area

**SURROUNDING LAND USES/ZONING DISTRICTS:**

- North: Residential (single-family), R-10
- South: Residential (single-family), R-10
- East: Residential (single-family), R-10
- West: Residential (single-family), R-10

**EXISTING CONDITIONS:**

- Raised Deck: Three feet from the western property line abutting Christine Drive.

**EXTENT OF PROJECT:****Accessory Structure** (variance requested)

The applicant would like to construct a new two-story accessory building (i.e., detached garage and finished room over) with an attached covered patio.

**Existing Deck** (variance requested)

The applicant would like to retain an existing raised deck that presently encroaches into a required yard.

**BACKGROUND INFORMATION:**

According to City records, the existing home was constructed in 1994. At the time of construction, the subject property was located within an R-10 zoning district, which is also the current designation.

Since 1994, the required setbacks adjacent to Christine Drive have remained constant at 30 feet. Nevertheless, it should be noted that Christine Drive is unimproved, is unlikely to be improved, and is located within a special flood hazard zone.

According to City records, the existing principal structure located on the subject lot (i.e., the existing single-family dwelling) contains 3,679 square feet of floor area, with an attached garage containing 575 square feet of floor area. When combined, the subject principal structure contains 4,254 square feet of floor area. Because the subject property is located within an R-10 zoning district, the maximum allowable accessory structure permitted by the zoning ordinance is either five hundred (500) square feet of floor area or twenty (20) percent of the floor area of the principal structure, whichever is greater (note: this is a cumulative allowance for an R-10 zoned lot). Based on these regulations, and the total floor area of the principal structure, the subject lot may contain no more than 850.8 square feet of accessory structure floor area. Based on the submitted plans shown in this report, the proposed accessory structure will contain 664 square feet of floor area in the first-floor garage and 164 square feet of floor area in the second-floor finished space, which totals 828 square feet of proposed floor area (22.8 square feet less than permitted by the City Zoning Ordinance). It must also be noted that the proposed 276 square foot open air covered patio is not included in the accessory structure floor area calculation. This is because the City Zoning Ordinance defines floor area as *“the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings....”* In other words, since the proposed covered patio is not enclosed, there are not two walls to measure from; thereby, such open structure is exempt from the floor area calculation.

After researching the history of the subject property, staff determined the deck located on the western portion of the site did not receive a building permit and is not included in the subject property tax assessment. Based on *Connect Explorer* satellite imagery, the subject deck was constructed between December 26, 2008, and January 5, 2010. Be that as it may, it should also be noted that a drop in topography by approximately two feet exists at the deck site, which causes the structure to exceed the 16-inch maximum height threshold applicable to required yard encroachment allowances. To put it another way, if the grade at the subject deck site was flat, or relatively flat, the structure would likely be 16 inches in height or less and permitted to encroach into the required yard.

As shown on the exhibit found in the 'Site Plan (Exhibit A)' section of this staff report, an existing deck, which is separate from the one in need of a variance, and the existing home, both encroach into the required 30-foot yard adjacent to unimproved Christine Drive. In this instance, both structures have been taxed by the City for more than 15 years. As a result, they are non-conforming in accordance with State Code 15.2- 2307(d) and were not added to this variance request. State Code 15.2-2307(d) partially states as follows:

*"... if... (iii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming."*

On March 5, 2025, this application was deferred by the Board as the applicant was unable to attend the meeting. The applicant's representative attempted to speak on his behalf; however, because they were not listed on the disclosure statement, they were not permitted to proceed. After a slight redesign of the proposed improvements, this application was placed on the August public hearing agenda.

**KEY CONSIDERATIONS:**

- Christine Drive is unimproved and unlikely to be improved.
- The overall property width becomes increasing narrow as the western lot boundary abutting Christine Drive travels in a northerly direction. Such irregular lot shape, when combined with the increased setback adjacent to an unimproved street, is arguably cause for relief.
- A drop in topography seemingly causes the existing deck to be over 16-inch height.

**LETTERS OF SUPPORT AND OPPOSITION (AS OF 07-25-2025):**

- Letters of Support: 0
- Letters of Opposition: 0

**APPLICANT STATED HARDSHIP:**

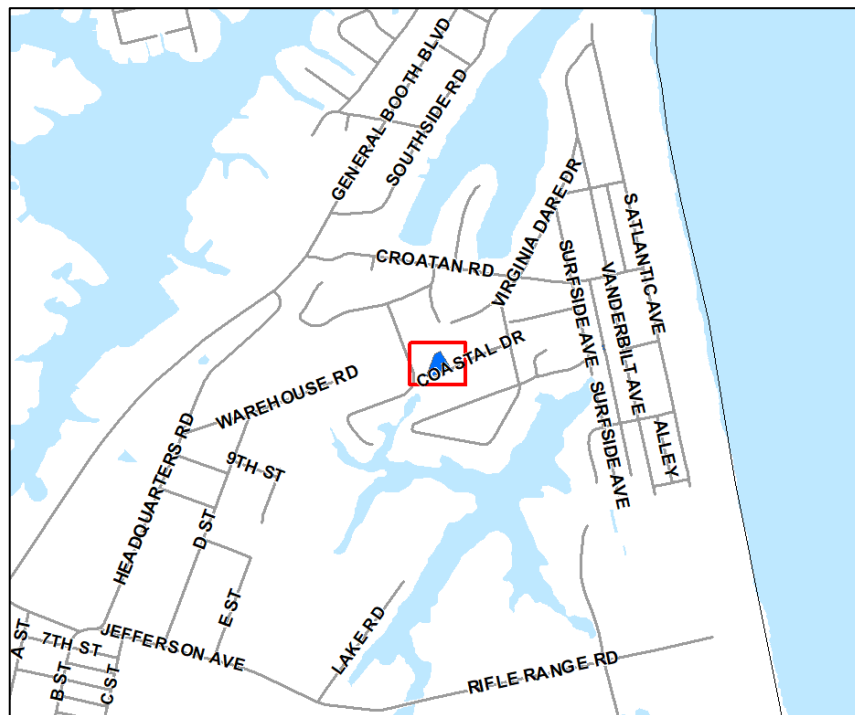
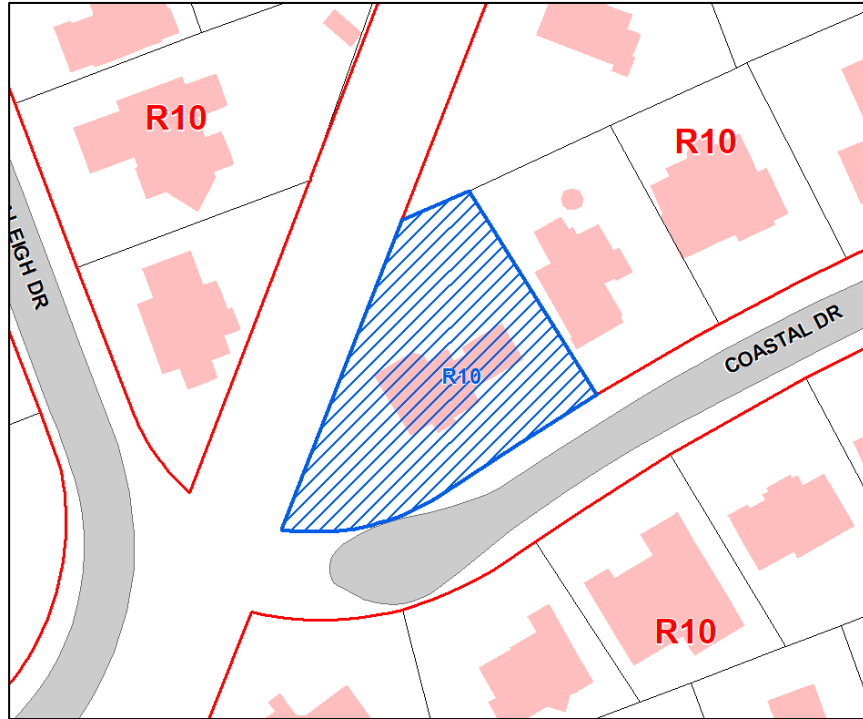
*"The unique shape of the property encroaches on the paper road. The 10' setback from the paper road and property line will allow for the structure to be built. The garage will blend in with the character of the house."*



**RECOMMENDED CONDITIONS IF APPROVED:**

1. All proposed improvements shall be constructed in substantial conformance to the submitted marked physical survey titled, “Physical Improvements Survey of Lot 7, Subdivision of Block 41, Croatan Beach, Exclusively for Thomas L. Felch,” dated March 16, 2024, and prepared by Warren and Associates, PC., Land Surveyors (shown as Exhibit ‘A’ in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
2. The proposed improvements shall be constructed in substantial conformance to the submitted undated floor plans and elevation drawings titled, “Felch Detached Garage Plans and Details,” and prepared by Progressive Designs (shown as ‘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 plan.
3. The use of the proposed accessory structure (i.e., detached garage with finished room over) shall be consistent with the City Zoning Ordinance, which presently disallows accessory dwelling units and guest houses within the subject zoning district (i.e., R-10 zoning district).
4. The proposed accessory structure (i.e., detached garage with finished room over) shown on ‘Exhibit A’ in this staff report shall not exceed the maximum permissible square footage of floor area allowed by the City Zoning Ordinance.
5. The proposed accessory structure (i.e., detached garage with finished room over) shall not exceed the height of the principal structure.
6. The property owner, or agent, shall submit an application to the City of Virginia Beach Department of Public Works, Real Estate Group, for a right-of-way encroachment associated with any existing sheds located within the unimproved Christine Drive right-of-way. If such encroachment application is not granted, such sheds shall be removed from the right-of-way. The subject applicant may elect not to submit an encroachment application as described; however, if such election is chosen, all sheds shall be removed from the City’s right-of-way within 90 days of this Board of Zoning Appeals action. This condition only applies to sheds owned by the subject applicant.
7. All applicable permits shall be obtained from the City of Virginia Beach Planning Department.

**LOCATION MAPS:**



**AERIAL:**

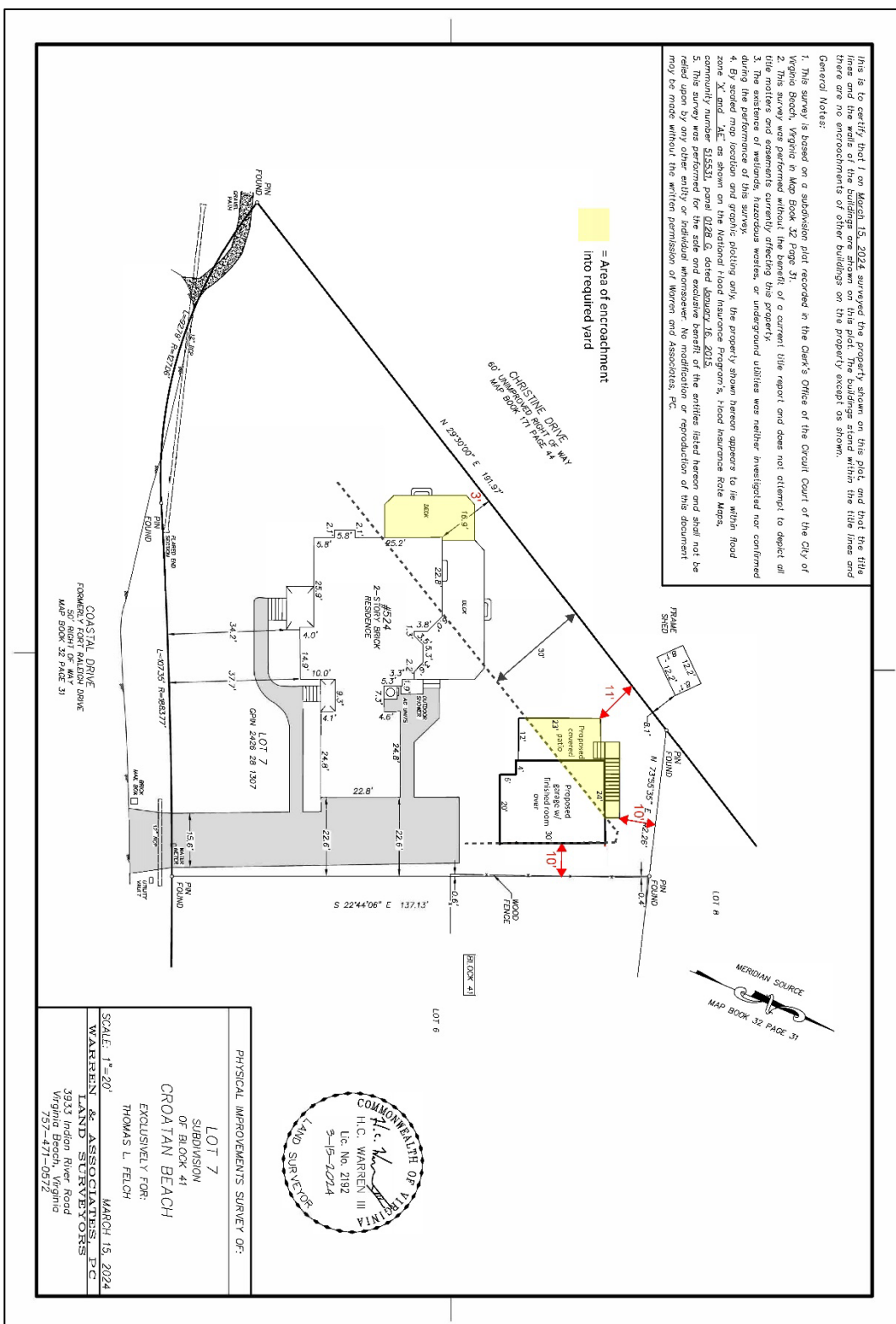




**AERIAL (DETAIL):**



**SITE PLAN (EXHIBIT A):**



on a subdivision plat recorded in the Clerk's Office of the Circuit Court of the City of  
n Map Book 32 Page 31.  
rmed without the benefit of a current title report and does not attempt to depict all  
ents currently affecting this property.  
lands, hazardous wastes, or underground utilities was neither investigated nor confirmed  
of this survey.  
on and graphic plotting only, the property shown hereon appears to lie within flood  
rown on the National Flood Insurance Program's, Flood Insurance Rate Maps,  
31, panel 0128 G, dated January 16, 2015.  
rmed for the sole and exclusive benefit of the entities listed hereon and shall not be  
y entity or individual whomsoever. No modification or reproduction of this document  
he written permission of Warren and Associates, PC.

Area of encroachment  
into required yard

CHRISTINE DRIVE  
60' UNIMPROVED RIGHT OF WAY  
MAP BOOK 171 PAGE 44

N 29°30'00" E 191.97'

PIN FOUND

GRAVEL PATH

L=92.79' R=127.06'

FLARED END SECTION

PIN FOUND

FRAME SHED

12.2' 9.7' 12.2'

8.1'

11'

30'

Proposed covered patio 23' 12' 4' 5' 20'

Proposed garage w/ finished room over 24' 30' 10'

#524 2-STORY BRICK RESIDENCE

DECK

22.8'

3.6' 5.3' 3.3' 1.3' 2.2' 1.9' 7.3' 4'

OUTDOOR SHOWER

AC UNITS

24.8'

22.6'

22.6'

LOT 7  
GPIN 2426 28 1307

34.2'

37.7'

L=107.35' R=183.77'

BRICK MAIL BOX

WATER METER

15.6'

12" RCP

UTILITY VAULT

WOOD FENCE

S 22°44'08" E 137.13'

BLOCK 41

LOT 8

PIN FOUND

N 73°55'35" E 12.26'

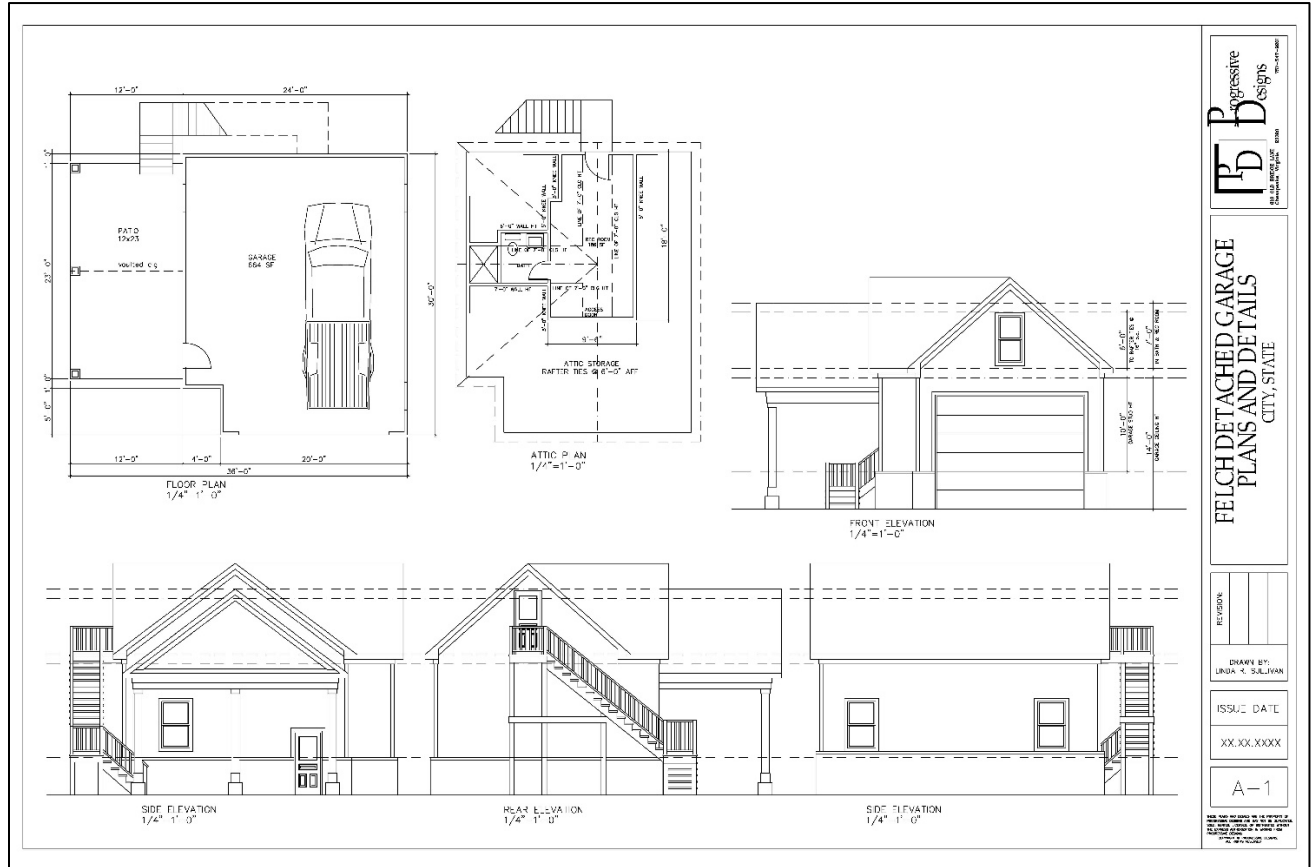
0.4'

SCALE:

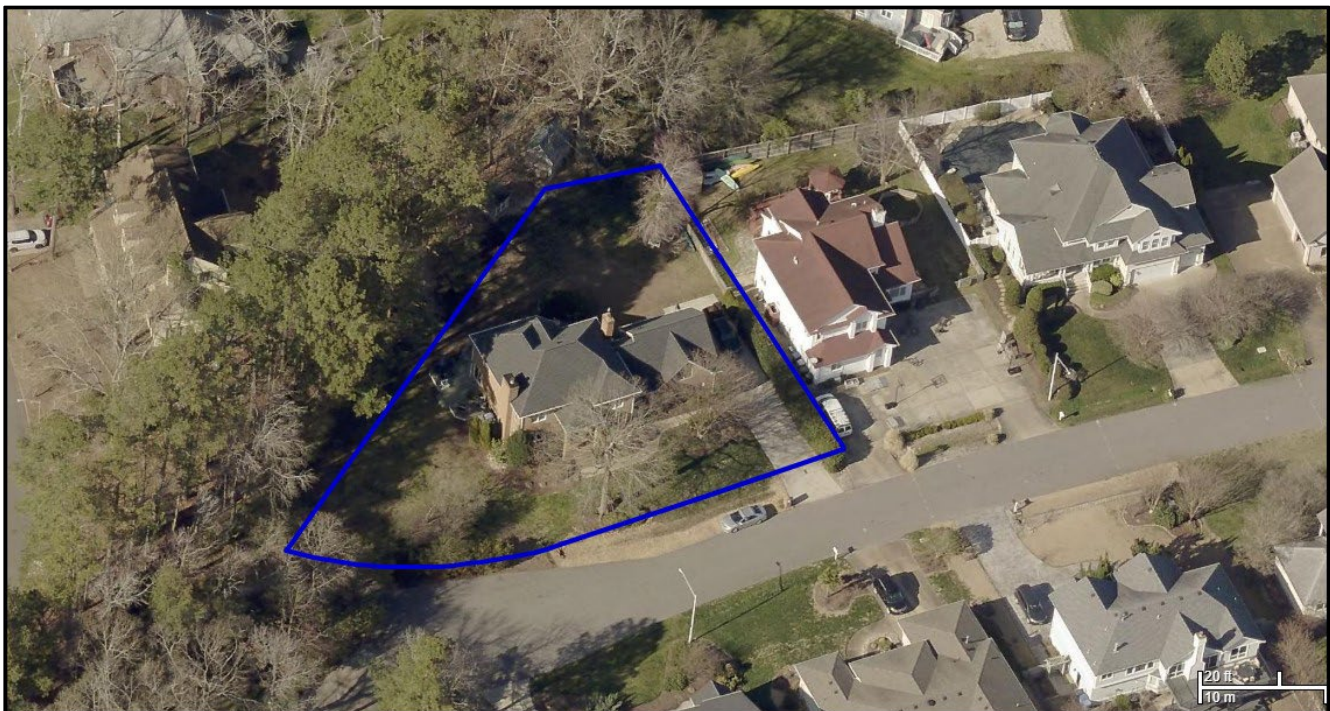
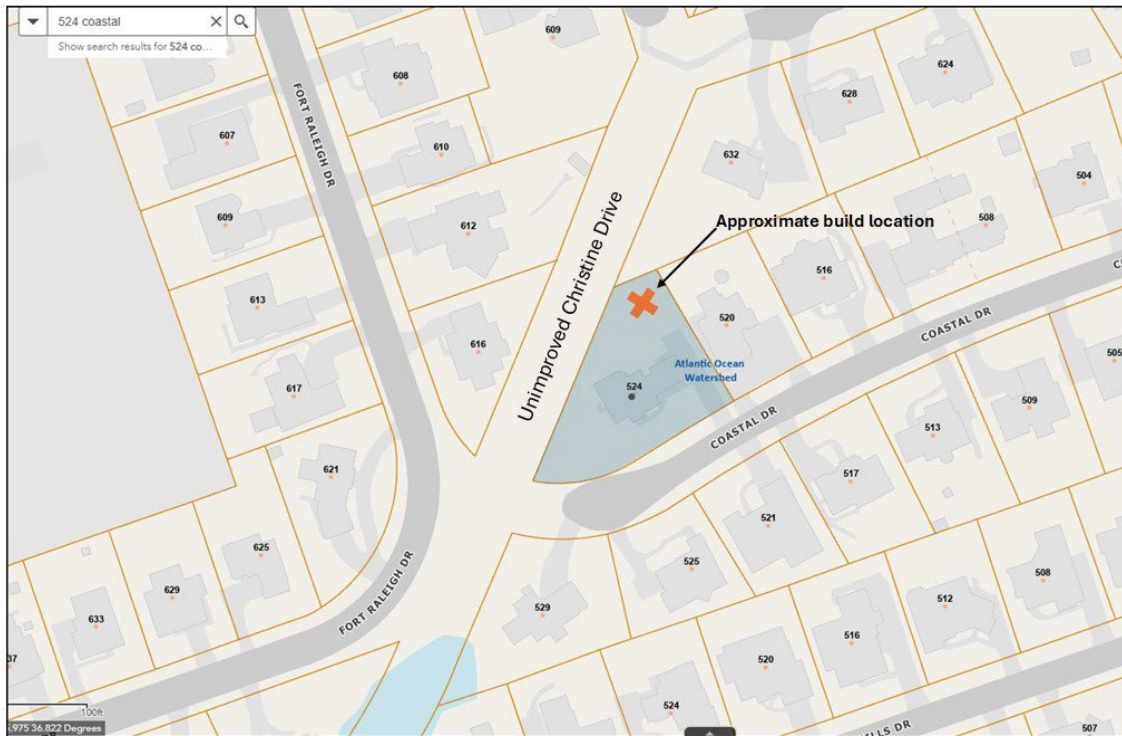
WA



## ELEVATION DRAWINGS AND FLOOR PLAN:



## ILLUSTRATION AND PHOTOGRAPHS:





## PHOTOGRAPHS:





**PHOTOGRAPHS:**



**PHOTOGRAPHS:**





**PHOTOGRAPHS:**





**PHOTOGRAPHS:**



## DISCLOSURE STATEMENT:



CITY OF  
**VIRGINIA  
BEACH**

## Disclosure Statement

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.

### SECTION 1: APPLICANT DISCLOSURE

#### APPLICANT INFORMATION

**Applicant Name:**

as listed on application Thomas Felch

**Is Applicant also the Owner of the subject property?** Yes ☒ No ☐

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

**Does Applicant have a Representative?** Yes ☒ No ☐

If yes, name Representative: Billy Garrington

**Is Applicant a corporation, partnership, firm, business, trust or unincorporated business?** Yes ☐ No ☒

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the applicant. (Attach list if necessary.)

--

**Does the subject property have a proposed or pending purchaser?** Yes ☐ No ☒

If yes, name proposed or pending purchaser: \_\_\_\_\_

#### KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

**Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?** Yes ☐ No ☒

If yes, name the official or employee, and describe the nature of their interest.

--

#### APPLICANT SERVICES DISCLOSURE

**READ:** The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	

## DISCLOSURE STATEMENT:

### SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input checked="" type="radio"/>	<input type="radio"/>	Progressive Design
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input type="radio"/>	<input checked="" type="radio"/>	
Legal Services	<input type="radio"/>	<input checked="" type="radio"/>	

#### APPLICANT CERTIFICATION

**READ:** I certify that all information contained in this Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein three weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Thomas Felch

Applicant Name (Print)

5-5-12-1-1251150031-1287186717-1372155326-7  
777232619305236a3-4034-4g16-003a-177307e6b  
12150qps-windmills-wpf11060235-5a03b-443a-0e75-  
63171c5f8a0d7f1n1n@gbkknogging.com

Applicant Signature

05/22/2025

Date

<sup>1</sup> "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

<sup>2</sup> "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

#### FOR CITY USE ONLY:

No changes as of (date): 07/14/2025

Wilissa Blair-Miller

Staff Name (Print)

*Wilissa Blair-Miller*

Staff Signature

07/14/2025

Date



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