



CITY OF
**VIRGINIA
BEACH**

Board of Zoning Appeals

November 5, 2025

Kevin Newton, Chairman

Robert Thornton, Vice Chairman

Myles Pocta, Secretary

City Staff:

Hannah Sabo, Zoning Administrator

Victoria Eisenberg, City Attorney

The Board of Zoning Appeals will conduct a Public Hearing on Wednesday, November 5, 2025, at 2:00 p.m., in the Council Chambers at City Hall, Building 1, 2nd 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 November 5, 2025:

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

Public Hearing at 2:00 p.m.

Case 2025-BZA-00073

Applicant: Hannah Wheeler Scott

Representative: Self Represented

Address: 2117 Mystic Cove Drive

Request: A variance to permit a greater amount of lot coverage than allowed.

Case 2025-BZA-00075

Applicant: Colleen Wynn

Representative: Theron Wynn

Address: 525 Lake Drive

Request: A variance to the required side yard.

Case 2025-BZA-00077

Applicant: Georgia Phillips

Representative: Self Represented

Address: 3893 Jefferson Boulevard

Request: A variance to the required side yard.



CASE: 2025-BZA-00073 - Hannah Wheeler Scott

HEARING DATE: November 5, 2025

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

2117 Mystic Cove Drive

REPRESENTATIVE:

Hannah Wheeler Scott, Property owner

VARIANCE REQUEST(S) (ABBREVIATED):

A variance to the permit a greater amount of lot coverage than allowed.

VARIANCE REQUEST(S) (DETAILED):

The following variance is requested pursuant to Article 11(A), Section 1110 of the City Zoning Ordinance:

LOT COVERAGE: A variance to permit 45.2% (1,049 square feet) of lot coverage instead of 40% (927 square feet) as allowed.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

1489-38-8036

LOT AREA:

- 2,318 square feet (.05 acres) (lot area obtained using submitted physical survey)

AICUZ:

Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Chesapeake Bay Preservation Area (Resource Management Area)
- 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 9

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Attached Dwelling/Townhome (built in 1977)
- PDH-1 (SD) (Planned Development, Mariner's Landing) (Shore Drive Overlay)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Planned Development (townhomes), PDH-1
- South: Planned Development (townhomes), PDH-1
- East: Planned Development (townhomes), PDH-1
- West: Planned Development (townhomes), PDH-1

EXISTING CONDITIONS:

- Dwelling: 31.1 feet from front property line (northeast)
- Dwelling: 0 feet from side property line (southeast)
- Dwelling: 0 feet from side property line (northwest)
- Dwelling: Greater than 10 feet from rear property line rear (southwest)
- Second Floor Deck: Approximately 27 feet from the front property line (northeast)

EXTENT OF PROJECT:

New second floor deck (variance requested)

New second floor deck built without an approved building permit. The new structure causes the subject parcel to exceed the allowable lot coverage.

BACKGROUND INFORMATION:

According to City records, the existing home was constructed in 1977. At the time of construction, the subject property was located within a PDH-1 Zoning District (Planned Development), which is also the current designation.

The applicant is requesting a variance to exceed the maximum allowable lot coverage. Specifically, the request is to permit 1,049 square feet of lot coverage instead of 927 square feet as allowed.

The subject townhome was originally constructed with a 21 square foot second floor balcony located on the front of the home. According to *Connect Explorer* satellite imagery, the balcony was removed and replaced sometime between February 2023 and January 2024 with a larger second floor deck (no building permit was granted for the deck; however, a permit application was later submitted and is under review by City staff pending this request).

The applicant's submitted hardship statement notes the following:

"I initially purchased the property in December 2022 with a small second deck already built. In November 2023, I hired a contractor, [contractor name redacted], to expand the deck, under the mistaken impression that there were no permitting or zoning requirements and/or [contractor name redacted] would ensure the construction complied with any such requirements."

On January 23, 2024, the Permits and Inspections Division of the City Planning Department received a complaint pertaining to the removal of the existing balcony and the construction of the subject second floor deck without a building permit.

On February 13, 2024, City records contain a note from a staff building inspector observing that *"the homeowner is working on a permit."*

On August 19, 2024, City records contain a note from a staff building inspector observing that *"No permit has been obtained. Left notice of violation on door to contact planning and obtain permit; needs a permit for driveway and apron and a permit for balcony deck on front of house."*

On August 28, 2024, the applicant applied for a building permit; however, additional documents and clarifications were needed. Multiple exchanges occurred between City review staff and the applicant until August 4, 2025.

On August 6, 2025, the homeowner submitted this variance request.

For clarity, it must be noted that the lot coverage associated with the subject property was 40.6%, or 941 square feet, prior to the construction of the unpermitted second floor deck. This figure, which exceeds the current and historic 40% maximum allowance, was derived using both the *BZA Exhibit* submitted with this application and City assessment records. Nevertheless, the voluntary removal of the second-floor balcony, which counted as 21 square feet of lot coverage, caused the property to drop below the 40% threshold, albeit temporarily. Because applicable City taxes associated with the subject property appear to have been paid for more than 15 years, Section 15.2-2307(D) of the Code of Virginia seems to declare the subject structure associated with the previous excess lot coverage as legally non-conforming. Typically, expansions to legally non-conforming structures require City Council approval; however, the voluntary removal of the balcony reduced the lot coverage percentage below the maximum. This action briefly brought the subject property into compliance with lot coverage regulations, which discontinued the previous non-conformity. Such action rendered the Board of Zoning Appeals as the appropriate jurisdictional body over the variance request.

KEY CONSIDERATIONS:

- The hardship was seemingly created by the applicant’s chosen contractor and not the applicant.
- While debatable, the subject deck does not appear to be of substantial detriment to adjacent property and nearby properties, as other homes in the neighborhood contain similar front yard decking.

LETTERS OF SUPPORT AND OPPOSITION (*final count to be determined on hearing date*):

- Letters of Support: 7
- Letters of Opposition: 0

APPLICANT STATED HARDSHIP:

“Strict application of the ordinance would require tearing down the second story deck, which would create an unreasonable safety hazard for utilization of the property. As background, I initially purchased the property in December 2022 with a small second deck already built. In November 2023, I hired a contractor, [contractor name redacted], to expand the deck, under the mistaken impression that there were no permitting or zoning requirements and/or [contractor name redacted] would ensure the construction complied with any such requirements. To now tear down the expanded deck would create a gaping hole to nowhere as the deck is attached to a sliding glass door, if opened in the absence of a deck, would result in persons falling from two stories. Requiring the deck to be torn down would also restrict use of the property during teardown, as it would prevent access to the front door, located underneath the deck. It would also reduce the overall property value of the residence and surrounding property in the neighborhood.

At the time of hiring [contractor name redacted], I was unaware that its construction would violate Virginia zoning laws, and I was unaware of the lot coverage requirement. Both myself and my husband verbally asked the builder on site of any permitting requirements, to which the builder stated the contractor, [contractor name redacted] would notify us if there were any issues. I did not become aware that there was a violation until 2024, when an inspector left a notice upon the property’s door. Since learning of the violation, my husband and I have attempted to work with the city to come into compliance; as of May 2025 we learned a variance would be required, initiating this process. We have additionally acquired an engineer letter and have initiated the process to complete slight alterations to the deck to ensure that it is within compliance with Virginia Beach code.

As stated, I was unaware of the lot coverage requirements at the time of construction of the expanded deck. The hardship that would result from strict application of the ordinance—the safety risks—was not created for approval of a variance. I did not pursue expansion of the deck for the purpose of approval of a variance. Expansion of the deck was pursued with the mistaken understanding that it was in accordance with zoning ordinances.

Granting of the variance will not be of substantial detriment to adjacent and nearby properties. Please see attached affidavits from the adjacent/nearby properties, attesting that the construction of the second story deck at 2117 Mystic Cove Drive does not detriment their properties.

Strict application of the ordinance would in fact, be to the detriment of the neighborhood and not in keeping with the character of the neighborhood, which mostly all have attached decks to some degree. Many of these decks appear to violate the lot coverage requirement, and yet, to my knowledge, the owners have not been required to tear down their respective decks.

The hardship is not shared by other properties in the same zoning district and/or vicinity that granting of the variance would be of a recurring nature. No other property, to my knowledge, has been forced to remove a deck to create a sliding door to nowhere. Several properties in the area have some sort of deck that appears to exceed the 40 % lot coverage requirement, yet are not required to tear down their decks. Rejecting this application would be in contradiction of the spirit of the neighborhood, which features properties with similar deck constructions.

Notably, however, not every single property in the neighborhood has a deck exceeding the 40% lot coverage restriction; thus granting this application would not be of so general or recurring a nature to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance.

Granting of the variance would not create a result that is contrary to a permitted use of the property nor would it change the zoning classification to my knowledge. The second story deck is used exclusively for residential purposes.

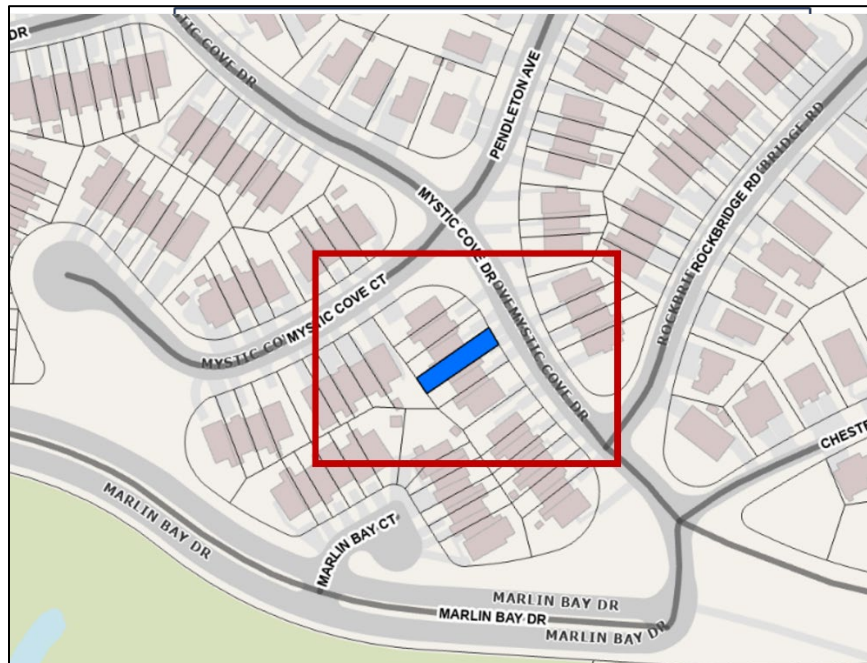
I am unaware of any relief or remedy available through any other special exception process or applicable regulation/ordinance.

In conclusion, I respectfully ask that you consider this application submitted in good faith—that the construction of this deck was done without the knowledge of any city ordinance violations and my (mistaken) belief that the contractor would ensure compliance with any such ordinances. In purchasing this property, I was a first-time homeowner and admittedly naïve to the permitting requirements that would be required in expanding the deck. To strictly apply the ordinance would be an undue hardship and would be detrimental to the Ocean Park community.”

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the submitted marked site plan titled, "Physical Survey of Lot 130, Subdivision of Parcel H, Mariners Landing on the Lynnhaven," dated September 24, 2024, and prepared by Fox 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 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 relevant authority.

LOCATION MAPS:



AERIAL:



AERIAL (DETAIL):

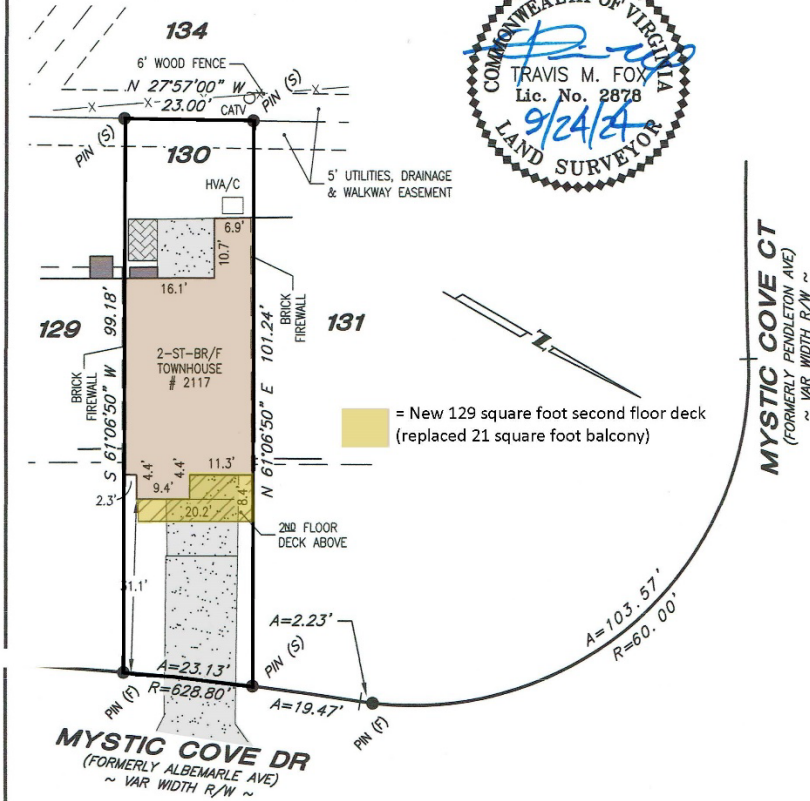
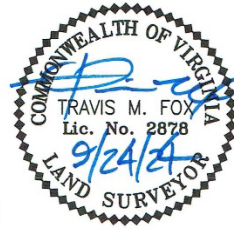


SITE PLAN (EXHIBIT A):

Lot area = 2,318
 Lot coverage allowed = 40% (927 sq. ft.)
 Lot coverage proposed = 45.2% (1,049 sq. ft.)

(Values based on measurements taken using this survey. Information added to document by City staff with approval of property owner.)

FOX LAND SURVEYING, PC
 SIGNED BY:



FLOOD INFORMATION: THE PROPERTY SHOWN HEREON APPEARS TO FALL WITHIN FLOOD ZONE(S) X (UNSHADED). (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON F.E.M.A.'S FLOOD INSURANCE RATE MAP (F.I.R.M.) FOR THE CITY OF VIRGINIA BEACH, VIRGINIA, COMMUNITY PANEL NO. 515531 0038 G DATED JANUARY 16, 2015.

- FOX LAND SURVEYING, PC IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING. FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL.
- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS OR RESTRICTIONS WHICH MAY AFFECT SAID PROPERTY AS SHOWN. THIS PLAT DOES NOT INTEND TO REPRESENT A SUBDIVISION OF LAND.



SCALE: 1" = 20'

PHYSICAL SURVEY

SHEET 1 OF 1

LOT 130
 SUBDIVISION OF
 PARCEL H, MARINERS LANDING ON THE LYNNHAVEN
 SECTION THREE
 PLAT RECORDED IN MAP BOOK 115 AT PAGE 4 IN THE CLERK'S OFFICE
 OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA
 VIRGINIA BEACH, VIRGINIA
 Exclusively For
HANNAH W. SCOTT

DRW/chk: TMF

VIRGINIA BEACH, VA

F.B.

P.

23 SEPTEMBER, 2024

JN: 024-098

SITE PLAN DETAIL (EXHIBIT A):

Lot area = 2,318

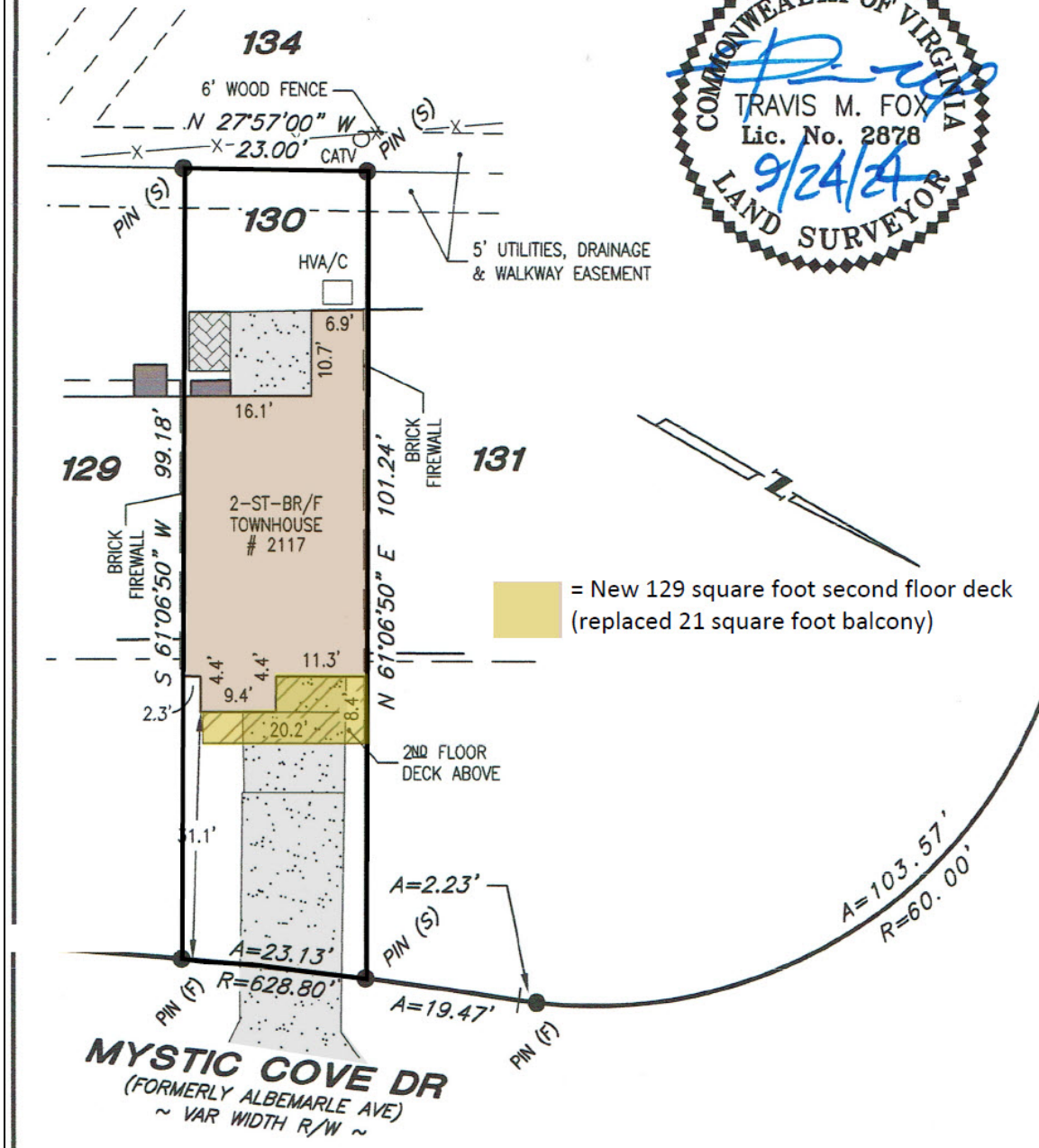
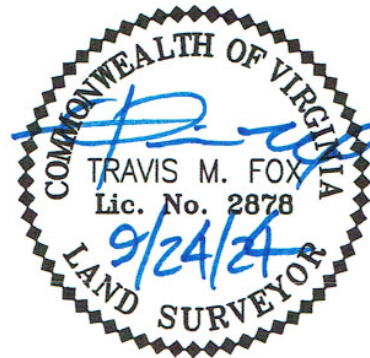
Lot coverage allowed = 40% (927 sq. ft.)

Lot coverage proposed = 45.2% (1,049 sq. ft.)

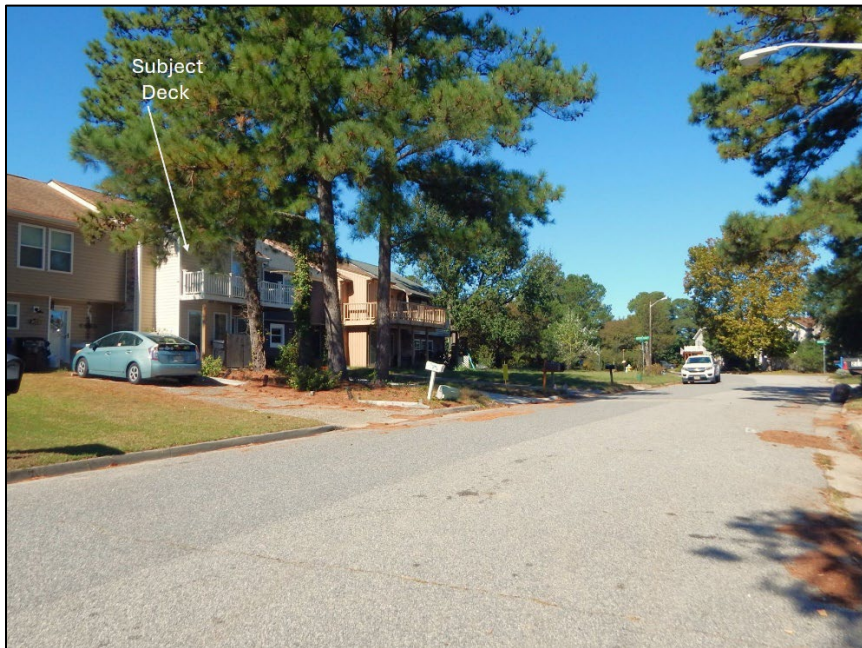
(Values based on measurements taken using this survey. Information added to document by City staff with approval of property owner.)

ARE AS SHOWN ON THIS PLAT. THE BUILDINGS STAND WITHIN THE PROPERTY LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

FOX LAND SURVEYING, PC
SIGNED BY:



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 Hannah Wheeler Scott

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: _____

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- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

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

If yes, name proposed or pending purchaser: Laura Terry

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.

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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"/>	Veterans United
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"/>	Travis Fox
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.

Hannah Wheeler Scott

Applicant Name (Print)

HANNAH KELLOGG
WHEELER SCOTT

Applicant Signature

10/15/2025

Date

¹ "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.

² "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): 10/15/2025

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

10/15/2025

Date



CASE: 2025-BZA-00075 - Colleen S. Wynn

HEARING DATE: November 5, 2025

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

525 Lake Drive

REPRESENTATIVE:

Colleen S. Wynn

VARIANCE REQUEST(S) (ABBREVIATED):

A variance to the required side yard for a shed with deck and stairs.

VARIANCE REQUEST(S) (DETAILED):

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

SIDE YARD (SOUTH): A side yard setback variance to 0 feet instead of 10 feet as required for a shed with deck and stairs.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

2427-04-5960

LOT AREA:

- 6,103 square feet (.1 acres)

AICUZ:

70-75 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Atlantic Ocean
- AE (1% annual chance flood hazard)

NOTE: On October 2, 2025, the following comments were received from Planning Department Environmental Unit staff:

"The property is located in the Special Flood Hazard Area Zone AE with a Base Flood Elevation of 8 feet NAVD 88.

The proposed shed needs to either be:

- *Elevated with a finished floor elevation of 10.0 or higher, or*
- *Flood resistant materials are required below elevation 10 and flood vents must be provided. Flood vents must provide at least 1 square inch of opening for every square foot of enclosed space. At least 2 flood vents must be installed on at least 2 sides of the enclosed space. Please see City Code, Appendix K, Section 4.3.C.3 for specific requirements."*

VOTING DISTRICT:

District 5

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Single-family (built in 1983)
- R-5S (Residential District)
- Strategic Growth Area: Resort

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Lake (Lake Holley) and Residential (single-family and multi-family), R-5S
- South: Residential (single-family), R-5S
- East: Residential (single-family), R-5S
- West: Residential (single-family), R-5S

EXISTING CONDITIONS:

- Dwelling: 21.6 feet from front property line (south)
- Dwelling w/shed: 10.5 (dwelling) and 0 feet (shed) from side property line (east)
- Dwelling: 4.3 feet from side property line (west)
- Dwelling: Greater than 20 feet from rear property line rear (north)

EXTENT OF PROJECT:**Existing shed with deck and stairs** (variance requested)

Existing shed with deck and stairs sitting 3-inches from the dwelling and 0 feet from the side property line (east).

BACKGROUND INFORMATION:

According to City records, the existing home was constructed in 1983. At the time of construction, the subject property was located within an R-7 zoning district. In 1988, the R-7 zoning district was renamed to R-5S, which is the current designation.

The applicant is requesting a variance to encroach into the required side yard (east) with an existing one-story shed and accompanying deck with stairs. The shed sits 3 inches from the dwelling (i.e., the principal structure) and 0 feet from the side property line (east). As per a long-standing Zoning Administration policy, structures less than 10 inches from a principal structure are considered part of such principal structure. Additionally, the eave height of the subject shed is greater than 8 feet when measured from grade, which increases the minimum side yard setback distance required of the structure (note: the subject shed has very shallow, almost nonexistent, eaves). Both the distance from the home and the height of the eaves require the subject shed to meet the same side yard setback as the dwelling, which is 10 feet in this instance. Notwithstanding, if the subject shed were positioned more than 10 inches from the home and the eave height from grade was 8 feet or less, the City Zoning Ordinance would allow a reduced side yard setback of 5 feet.

Based on *Connect Explorer* satellite imagery, and Google Corporation public street view imagery, the subject improvements were constructed between 2024 and 2025.

On July 10, 2025, the following zoning complaint was received by City Zoning staff:

“Complaint of a structure that was built attached to the side of the house and attached to the fence.”

On July 17, 2025, City staff issued a notice of violation to the property owner.

On August 20, 2025, this Board of Zoning Appeals variance request application was submitted.

The subject property is approximately 6,103 square feet in overall area, with roughly 1,940 square feet covered by the waters and marshes of Lake Holley. Moreover, according to the property owner's representative, another 830 square feet of land is subject to recurrent flooding. After subtracting the area presently occupied by the home, the widths of the required yards, the area of recurrent flooding, and all wet or marshy locations from the subject property's overall square footage, there is seemingly limited space for additional improvements.

This request may be viewed in a variety of ways. Some may argue the challenges associated with Lake Holley justifies the placement of the subject shed at its present location. Others may be sympathetic to the overall constraints caused by Lake Holley but may nevertheless feel reducing the required side yard to 0 feet is unwarranted. Still others may take a harder stance and claim the need for the requested variance is self-imposed. Because each argument appears to have some degree of merit, perhaps a solution lies with a reduced, but not fully eliminated, side yard setback. For instance, some localities allow small sheds to be located 3 feet from a side property line; conceivably, similar relief may be warranted.

It should be noted that the City Planning Department, Development Service Center Administrator, considers Lake Holley as a manmade drainage area, albeit with an origin and history that is a bit more nuanced. Because the City Zoning Ordinance specifies that manmade drainage areas constructed primarily for storage and retention of stormwater runoff shall be included when calculating allowable lot coverage, the entirety of the subject property can be used when completing this calculation. As a result, 2,441 square feet of lot coverage associated with the subject property is allowed. Because roughly 1,800 square feet currently covers the lot, the parcel falls below the maximum threshold.

KEY CONSIDERATIONS:

- Granting relief to the required side yard would seemingly alleviate a hardship due to a physical condition relating to the property, although the degree of such relief is admittedly debatable.
- The applicant owned the property when the subject improvements were added to the parcel.

LETTERS OF SUPPORT AND OPPOSITION *(final count determined on hearing date):*

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

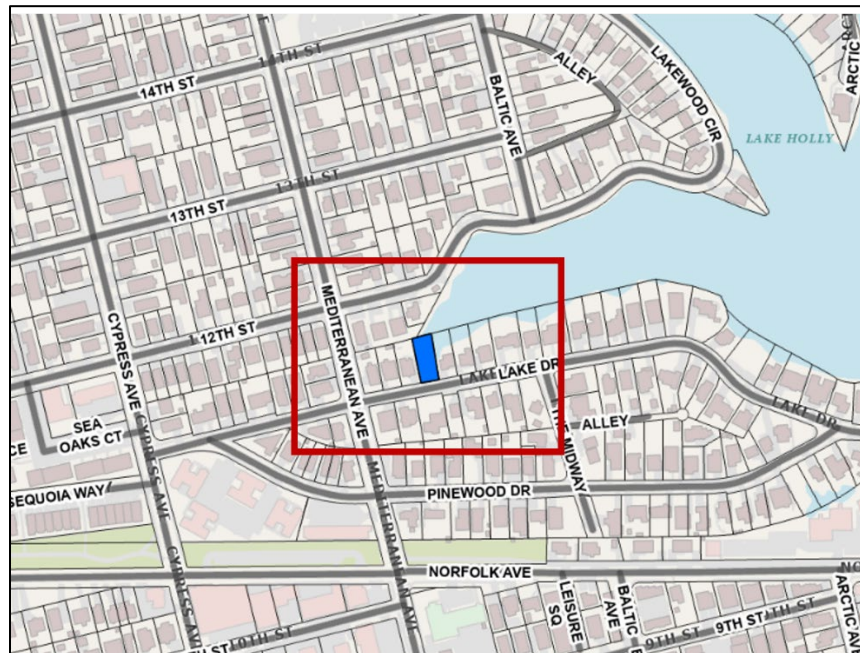
APPLICANT STATED HARDSHIP:

"Physical conditions of property and situation of improvements does not allow any other location to place a shed necessary for proper use of proper use enjoyment. Maintaining a residential property requires the use of tools such as lawn mowers, rakes, shovels, chainsaws, clippers etc. These items must be stored when not in use. Interior storage in closets inside the residence creates a safety hazard due to clutter, fumes, etc. The types of homes in the area without garages or space allowed inside for storage make additional storage space a requirement. To meet this requirement a shed is the only solution as offsite storage creates a financial burden as well as an extreme inconvenience. Along with property maintenance tools, other bulky items used seasonally must also be stored. Not being able to have a shed as a means to store these items severely impacts the use of the property as evidenced by the fact that the majority of properties utilize these as the only functional method of meeting this need. As I will demonstrate below, the current placement of the shed for which we seek a variance is a replacement for a previously existing shed of the same approximate footprint. It is built in the same location because that is the only place where it is possible to put it. The unique topography of the property makes any other site impossible. As stated briefly above, our property limits a building site for a shed to one specific location. The dwelling constructed on the property required pilings since it was built over the existing lake that bounds the lots 7 and 8. These are the lots on which the house was built. The lake and mud occupy roughly 70% of those lots. Of the remaining land (about 50%) is just several inches above lake level with a high-water table. Just the fact that the house was built over water on pilings is unique but beyond that if the house was removed from the property there would still be no other location where the shed could be built except by the street and even then, setbacks would be an issue. Also unique to the property is that the surrounding properties are much higher above the level of the lake. This is of course significant because the ground is more solid and less prone to regular flooding. The subject property floods with heavy rain in lower lying areas whereas the surrounding properties do not. This makes it impossible to place a structure in any other area except the one used. Additionally, very heavy rainfall causes water to form a torrent that flows from all the surrounding properties approximately 100 yards to the East and South on to the front of the subject property forming a river that flows under the house and into the lake. This natural swale is formed in the area in front of the subject shed. The shed is placed so as not to block or interfere with this runoff. The subject shed is constructed adjacent to a fence on the adjoining property. The construction materials used are similar to the neighboring fence and results in a harmonious symmetry of appearance. Nothing about the aesthetics or placement could harm the value, use or appearance of the adjoining property. As a matter of fact, I have received many compliments on the appearance of the subject shed and all my neighbors have signed a petition to support its remaining. Heavy vegetation in the form of evergreen Oleander growing on the adjoining property act to obscure the shed. Additionally, the owner of the property that the shed abuts supports the request for a variance. The subject shed is constructed in such a manner as to blend with the character of the surrounding properties. Due to the unique nature of the area near the oceanfront, lots are smaller and narrower generally with houses that occupy every square foot of buildable land. This often results in a curb view that fills most of the front of the lot. Additionally, privacy fences are frequently added that give the house the appearance of cover."

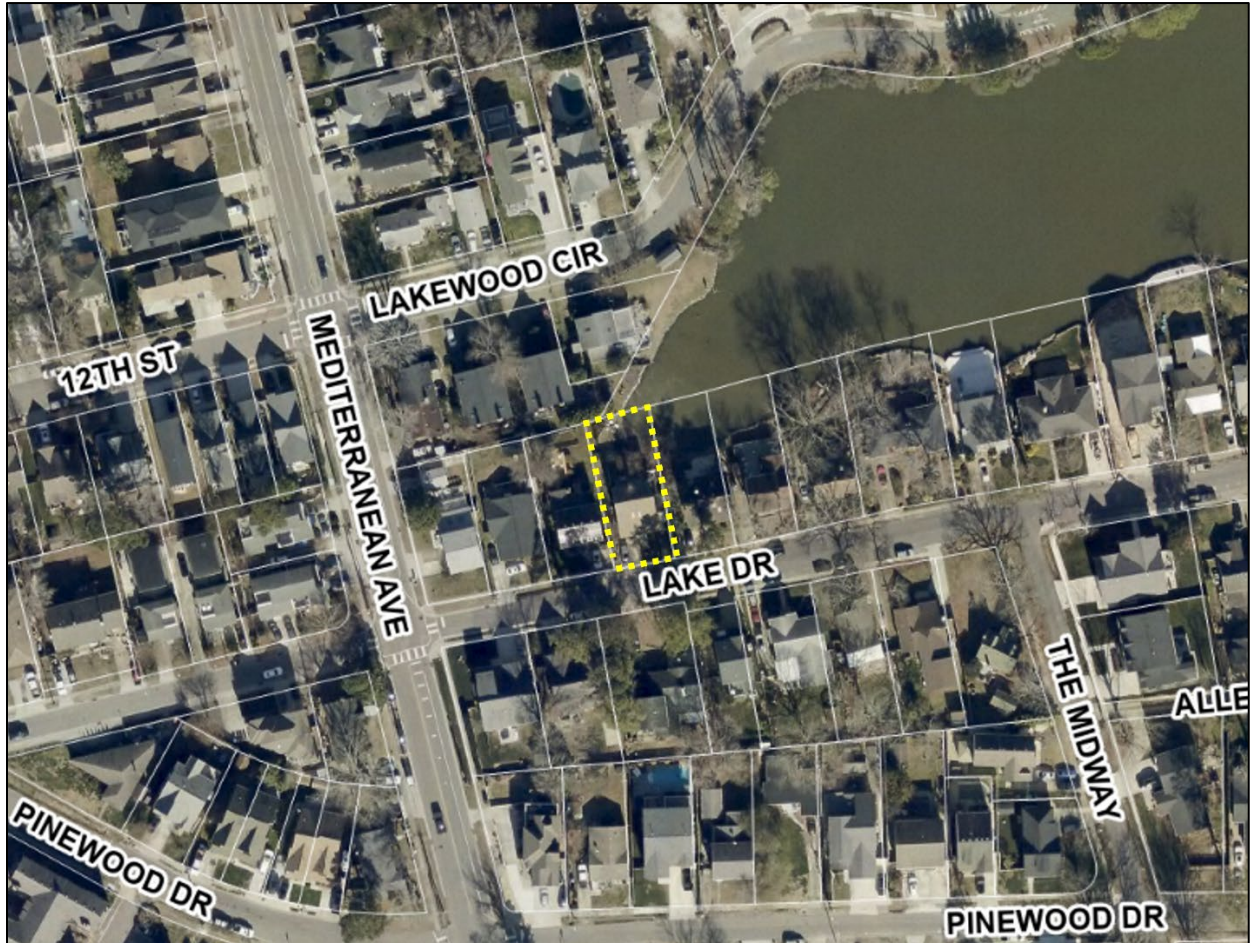
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance with the marked site plan titled, "Physical Survey of 525 Lake Drive, Virginia Beach, Va. Lots 7 & 8, Block 3," dated August 09, 2004, and prepared by Stephen L. Boone and Associates (shown as Exhibit 'A' in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
2. The subject Lots (i.e., Lots 7 and 8, Block 3) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 7 from existing Lot 8. This 'interior' lot line vacation shall be completed and properly recorded with the City of Virginia Beach Land Records Office. The applicant may request additional time to satisfy this condition. If additional time is needed, the applicant may submit a written request to the City Zoning Administrator, who shall be authorized to grant an extension.
3. The subject improvements shall meet all City Zoning Ordinance requirements for use.
4. If the subject structure is ever converted to living space associated with the abutting dwelling, the footprint shall not be enlarged, additional stories/upper floors shall not be permitted, and appropriate interior access between the two is required. All necessary permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority prior to such conversion taking place.
5. The applicant shall submit proof of City Floodplain Ordinance compliance to the appropriate Planning Department Environmental Unit staff within four months of this Board action.
6. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

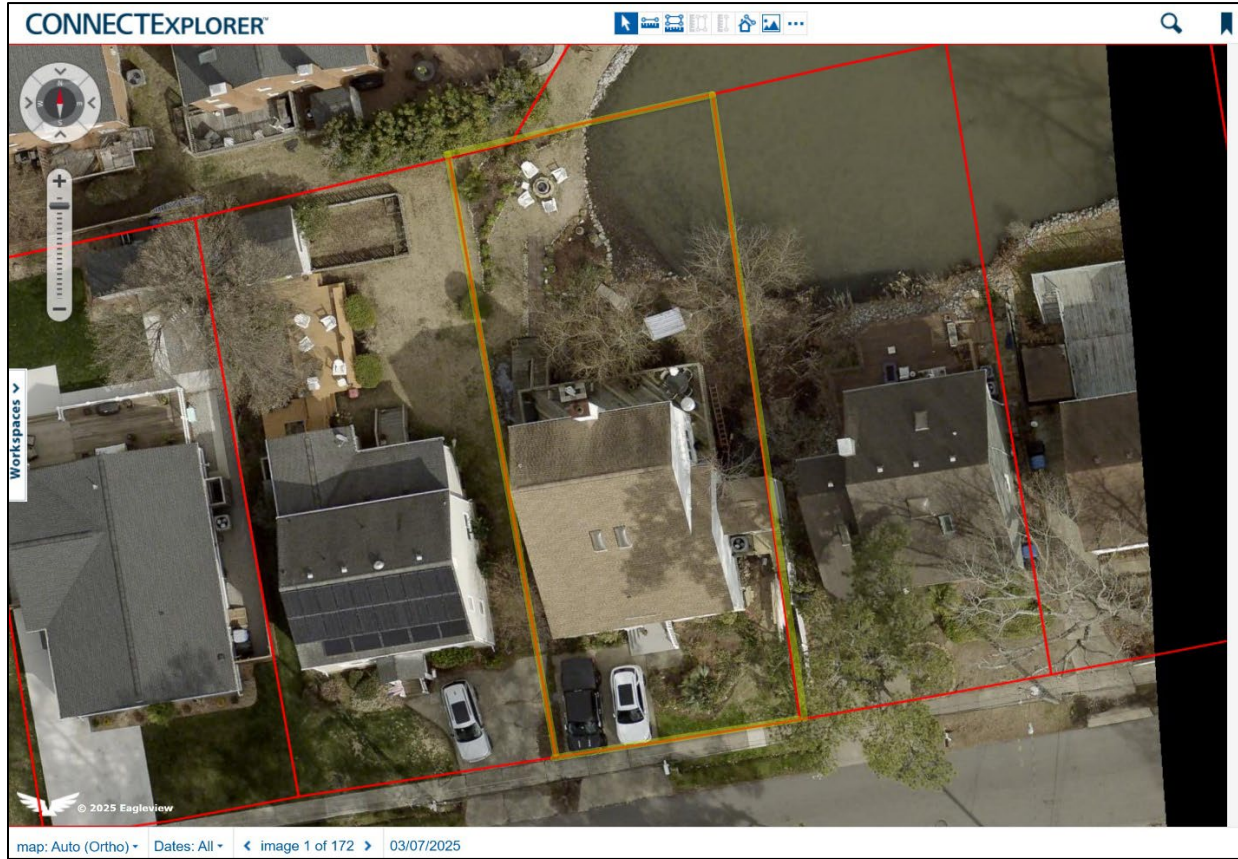
LOCATION MAPS:



AERIAL:



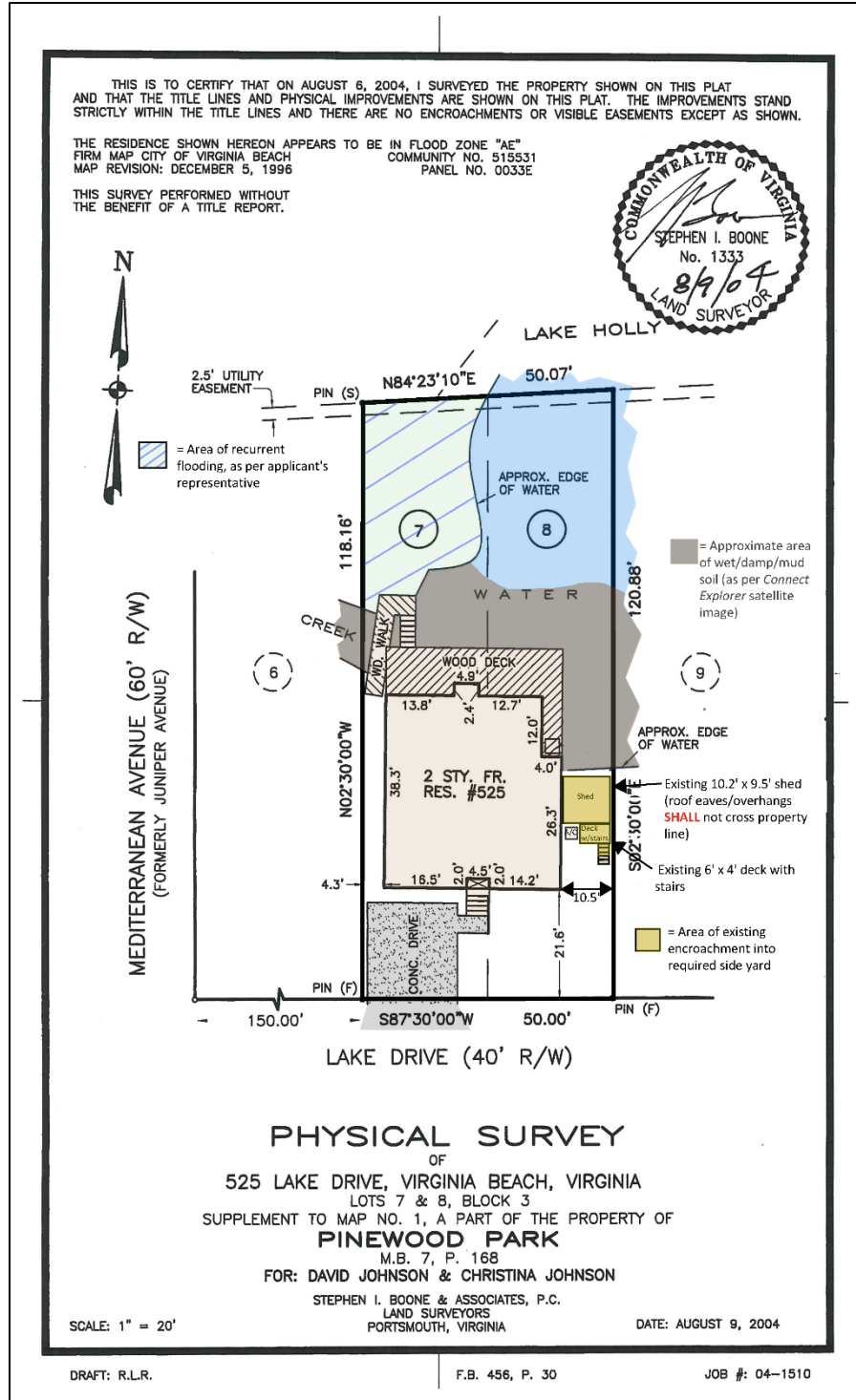
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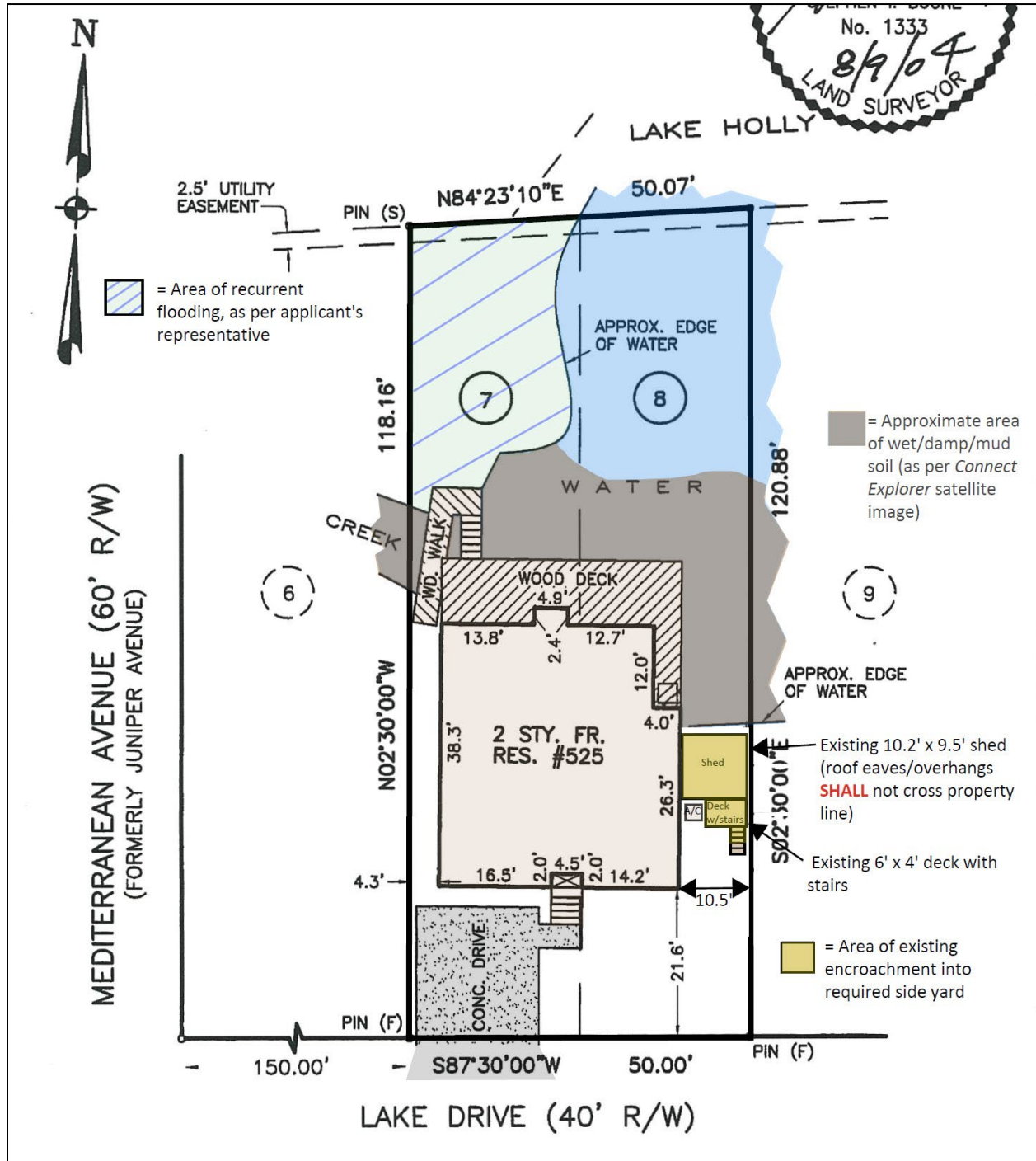
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SITE PLAN (EXHIBIT A):



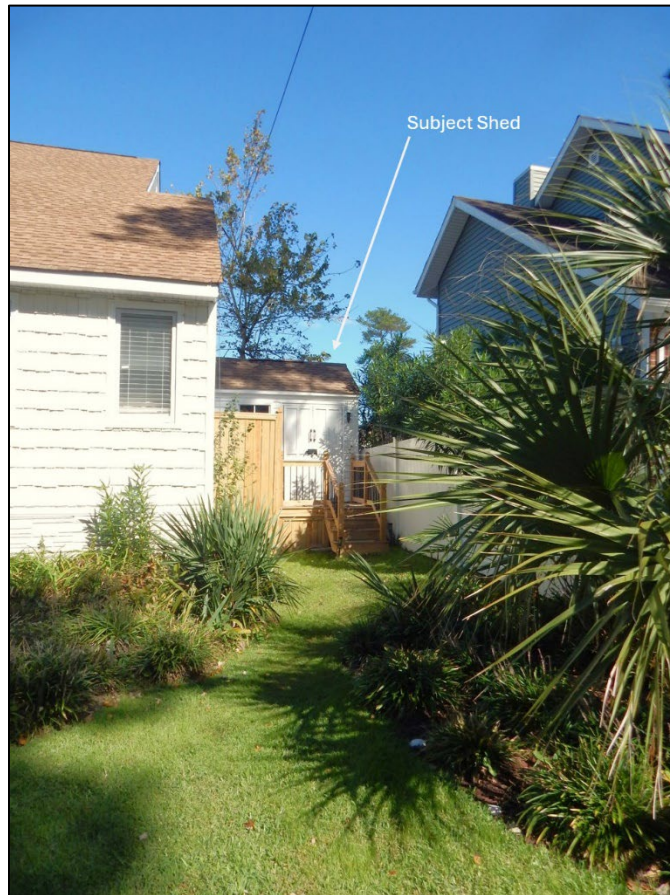
SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



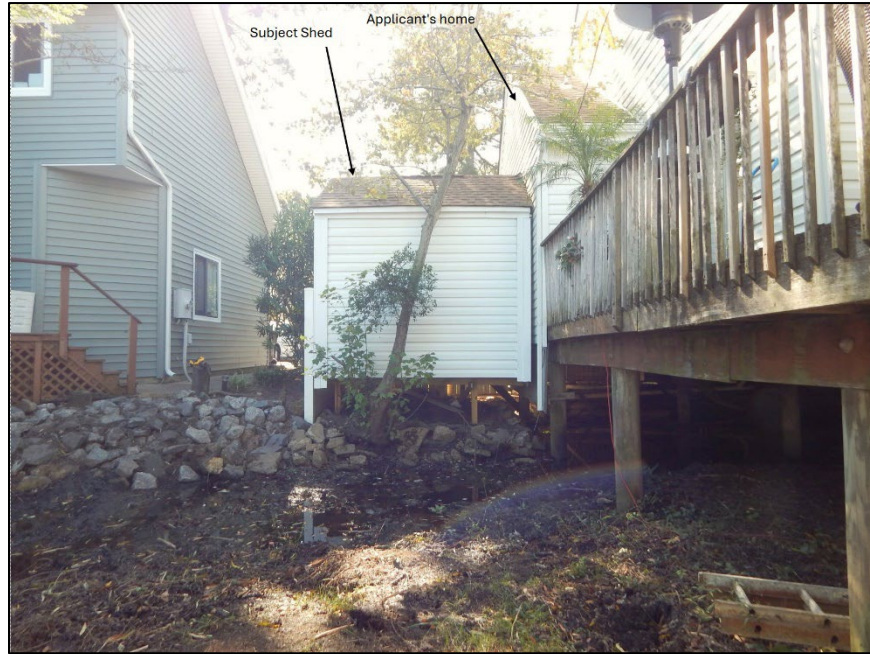
PHOTOGRAPHS:




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:
as listed on application Colleen Wynn

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: Theron Wynn

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- subsidiary¹ or affiliated business entity² 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 | 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 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.

Colleen Wynn

Applicant Name (Print)

Colleen Wynn

Applicant Signature

09/26/25

Date

¹ "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.

² "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): 10/10/2025

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

10.10.2025

Date



CASE: 2025-BZA-00077 - Georgia Phillips
HEARING DATE: November 5, 2025
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

3893 Jefferson Blvd.

REPRESENTATIVE:

Dave Metzger

VARIANCE REQUEST(S) (ABBREVIATED):

A variance to the required side yard for entryway stairs and landings.

VARIANCE REQUEST(S) (DETAILED):

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

SIDE YARD (NORTHWEST): A side yard setback variance to 5 feet instead of 8 feet as required for entryway stairs and landings.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

1580-10-7160

LOT AREA:

- 10,200 square feet (.23 acres)

AICUZ:

Less than 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 9

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Single-family (built in 1988)
- 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 (duplex), R-5R(SD)
- East: Residential (duplex), R-5R(SD)
- West: Residential (single-family), R-5R(SD)

EXISTING CONDITIONS:

- Dwelling: 31.7 feet from front property line (northeast)
- Dwelling: 37.62 feet from side property line (southeast)
- Dwelling: Greater than 20 feet from side property line (southwest)
- Dwelling: 9.3 feet from rear property line rear (northwest)

EXTENT OF PROJECT:**Entryway stairs and landings** (variance requested)

Existing stairs and landings located within the required 8-foot side yard.

BACKGROUND INFORMATION:

According to City records, the existing home was constructed in 1988. At the time of construction, the subject property appears to have been located within an R8 Zoning District. In April of 1988, the R8 Zoning District was renamed to R-5R, which is the current designation.

The applicant is requesting a variance to encroach into the required side yard with a recently reconstructed two-story stairway leading to the primary entrance of the subject home. According to the property owner's representative, the previous stairway was removed and replaced in kind due to disrepair and hazardous conditions.

Until April 1988, the required side yards in the focus zoning district were 5 feet on one side and 10 feet on the other. After April 1988, the requirements increased to 8 feet on each side. Based on the position of the home, the location of the second-floor main entryway, and an undeniable need for exterior elevated entryway access, there is little doubt the subject home was approved for construction under the zoning requirements in effect prior to April 1988 (i.e., the 5/10-foot side yard setback requirements). Thus, the previous main entryway stairs, which were less than 10 feet but more than 5 feet from the side property line, were legally nonconforming until their recent voluntary removal.

The northwest exterior side wall of the subject dwelling sits 9.3 feet from the side property line. The main entryway (i.e., the ‘front’ door) is located on the northwest exterior side wall; however, as noted, the front door is positioned on the second floor and faces the side yard. As the current required side yard setback is 8 feet and the front doorway is 9.3 feet from the side property line, only 1.3 feet is available to construct an access stairway. Given that Section R311.7.1 of the Virginia Statewide Building Code requires stairways to be no less than 3 feet wide, there is not enough area outside the required side yard setback for a code compliant staircase. In other words, the current zoning and building code requirements prevent access to the second floor front door.

On July 14, 2025, the Permits and Inspections Division of the Planning Department entered the following information into their database pertaining to the construction of a stairway at the subject property:

“Inspector spoke with contractor about these steps on Wednesday July 9th, and contractor told me he would have permit by Friday July 11th. Contractor has not obtained permit, and inspector will post stop work order with owner today. Inspector will waive stop work order fee if contractor follows through and obtains a permit”

City records show the property owner’s contractor visited the City Permits and Inspection Office on August 11th, 2025, to obtain a building permit for the stairway. At that time, he was advised of the side yard encroachment matter and provided information pertaining to the Board of Zoning Appeals.

On August 26th, 2025, this Board of Zoning Appeals variance application was submitted.

KEY CONSIDERATIONS:

- Based on the evidence noted in the *Background Information* section of this staff report, it seems reasonable to allow side yard setback relief for the subject staircase and landings.
- Such need for a variance does not appear to be generally shared by other properties.
- The property interest for which the variance is being requested was no doubt acquired in good faith.
- The hardship was not created by the applicant.

LETTERS OF SUPPORT AND OPPOSITION *(final count to be determined on hearing date):*

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

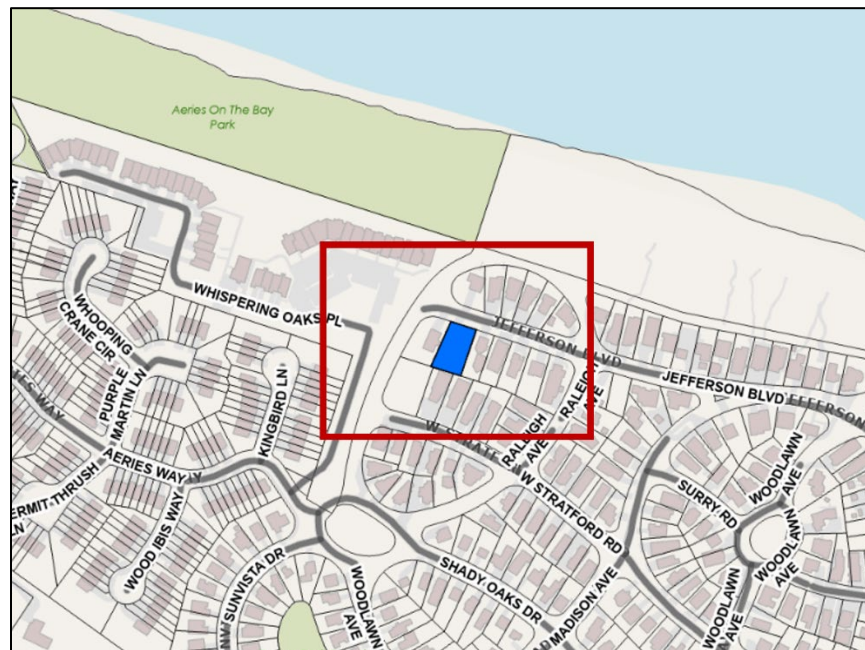
APPLICANT STATED HARDSHIP:

"Request variance to 5.9 feet instead of 8 feet as original set back when property was built was 5 feet. Setbacks changed that same year (1988). Steps deteriorated over the years and needed to be rebuilt. New steps were built with no change to height or width but now fall in the 8-foot setback. This is the main entrance to the home."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "Physical Survey of Resubdivision of Property, Lot 1, 2, and 3 block 58, Section C, Ocean Park," dated August 7, 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 existing 72-inch-tall fence located within the required 20-foot front yard (northeast) shown in *Site Plan (Exhibit A)* section of this report shall either be brought into minimum compliance with the City Zoning Ordinance or removed. This condition shall be complied with prior to the final inspection of any building permit issued for the subject improvements, or six months from this Boards action, whichever occurs first.
3. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

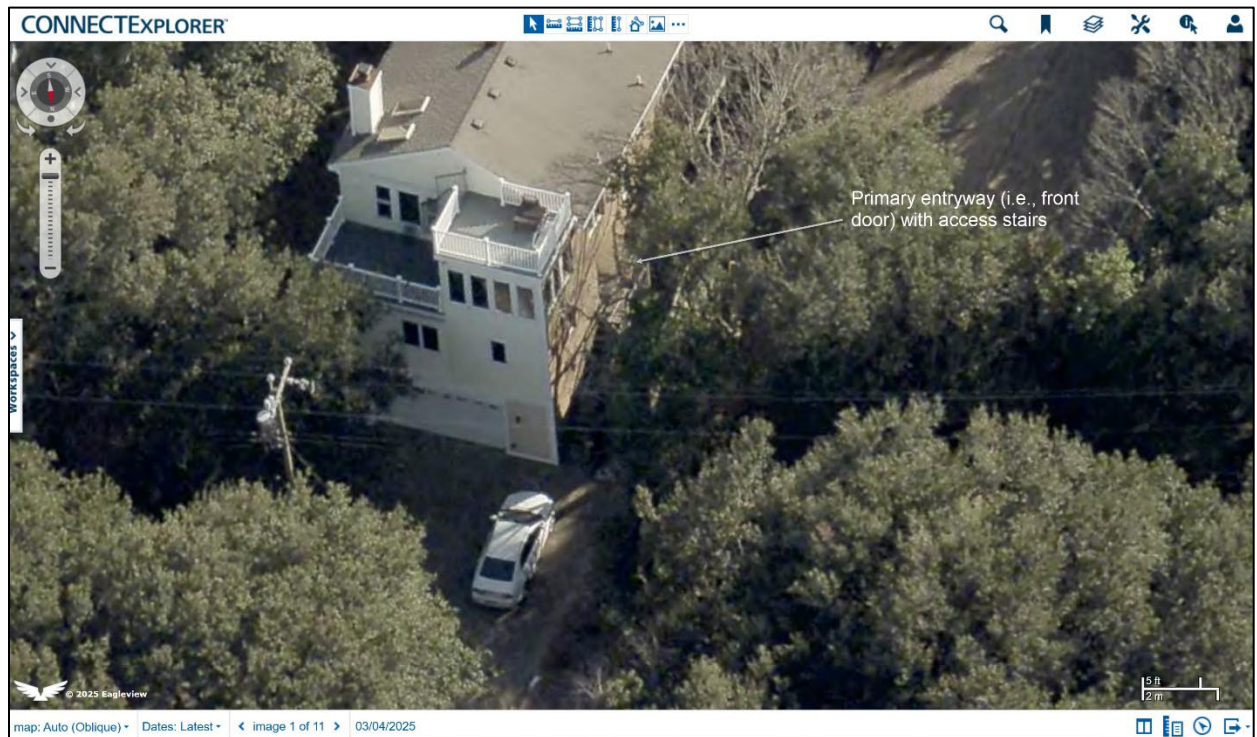
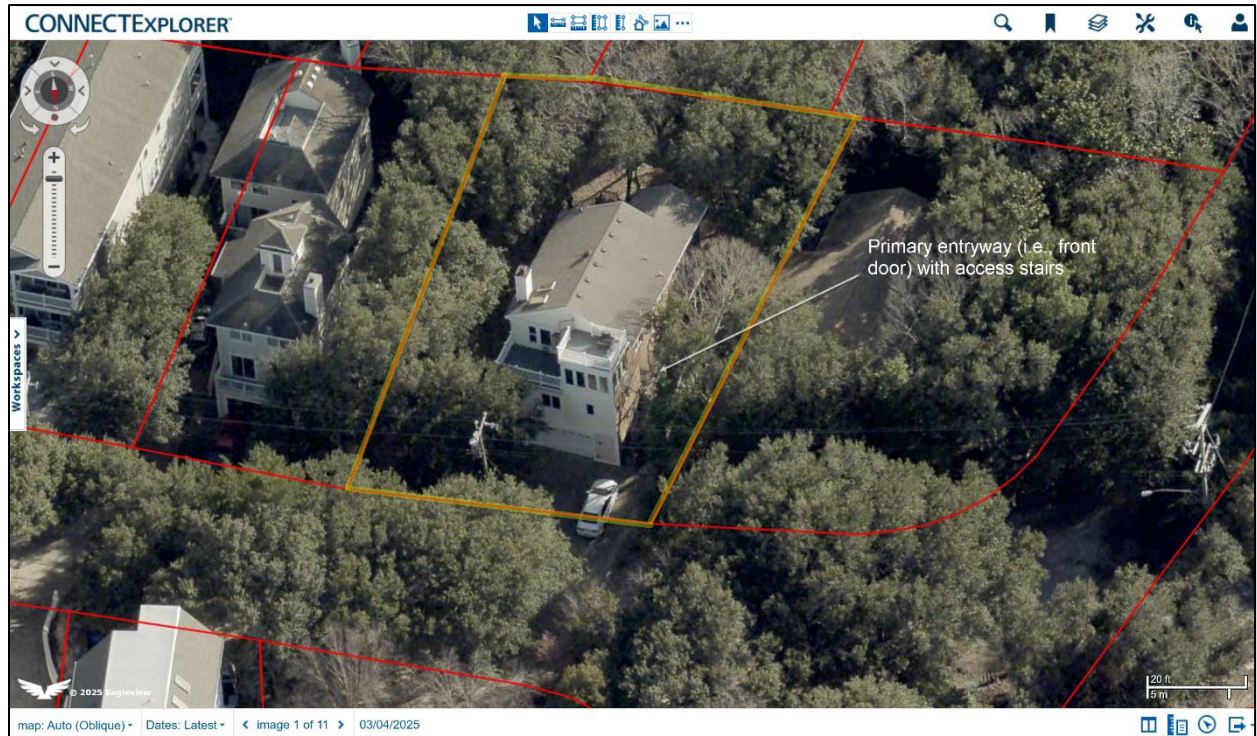
LOCATION MAPS:



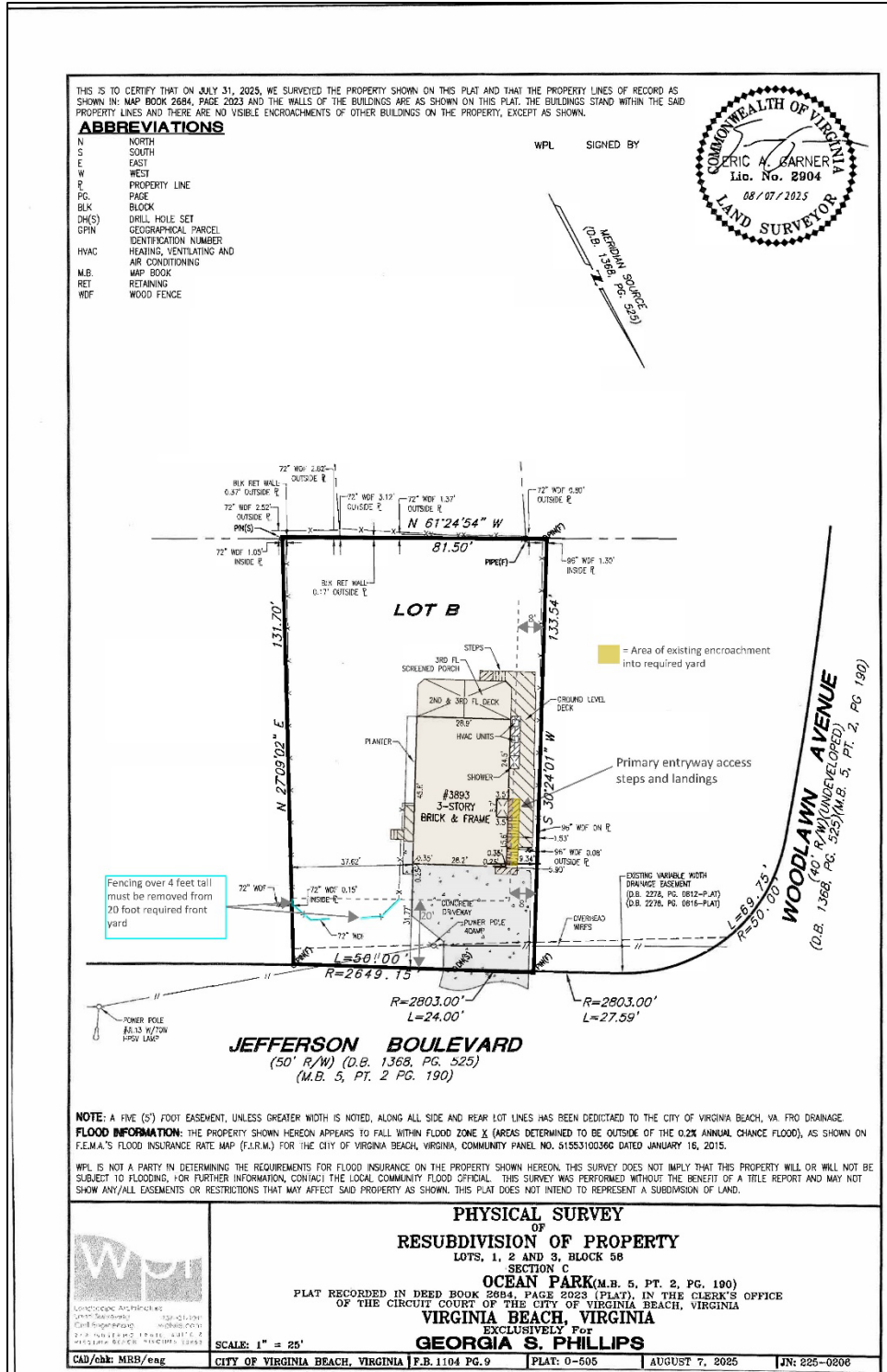
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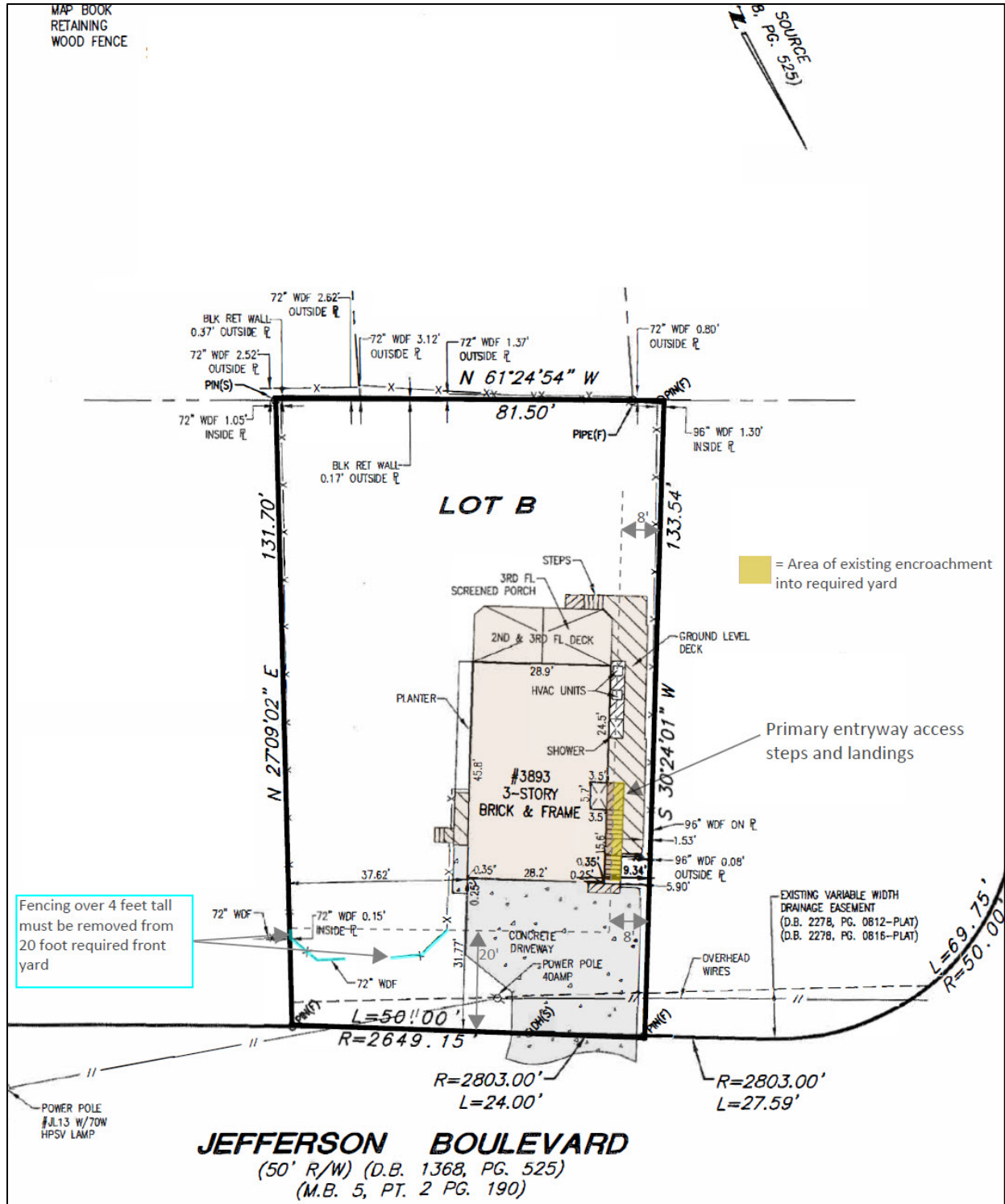
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



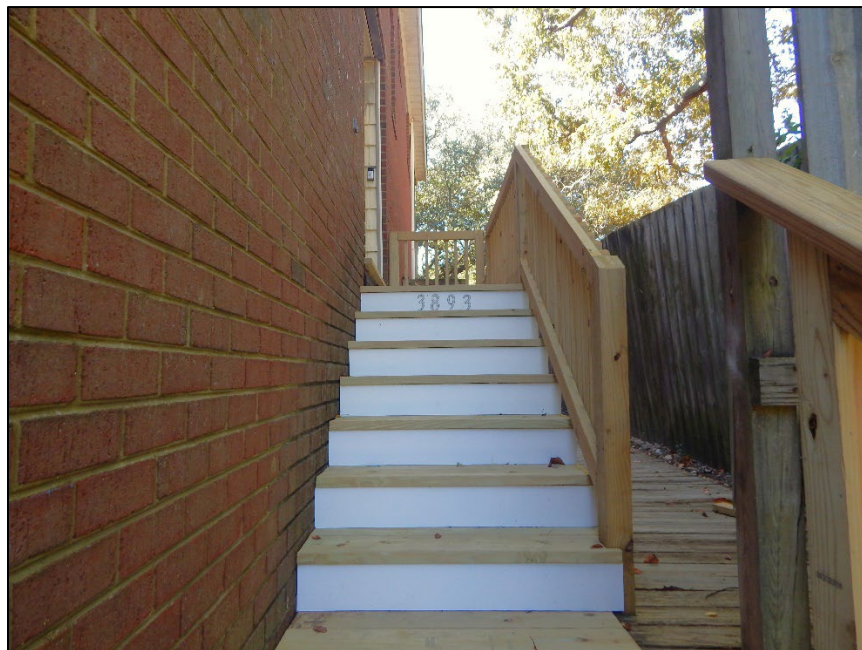
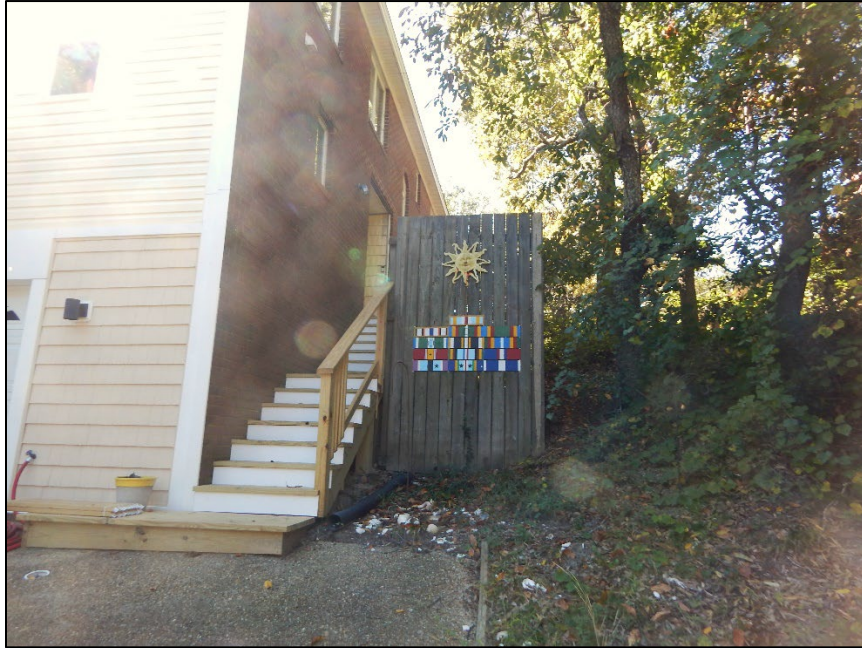
PHOTOGRAPHS:




PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	<h1>Disclosure Statement</h1>	
<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>			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: as listed on application <u>GEORGIA S PHILLIPS</u>			
Is Applicant also the Owner of the subject property? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).			
Does Applicant have a Representative? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
If yes, name Representative: <u>DAVE METZGER</u>			
Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)			
Does the subject property have a proposed or pending purchaser? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
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 <input type="checkbox"/> No <input checked="" type="checkbox"/>			
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 <small>(Name entity and/or individual)</small>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Real Estate Broker/Agent/Realtor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Disclosure Statement | rev. May-2024page 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 checked="" type="radio"/>	<input checked="" type="radio"/>	Dave Metzger / stair
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.

Georgia Phillips  8/21/25
Applicant Name (Print) Applicant Signature Date

¹ "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.

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FOR CITY USE ONLY:

No changes as of (date): 10.10.2025

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

10.10.2025

Date