



CITY OF  
**VIRGINIA  
BEACH**

## Board of Zoning Appeals

September 3, 2025

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

City Staff:  
Kevin Kemp, Zoning Administrator  
Victoria Eisenberg, City Attorney

The Board of Zoning Appeals will conduct a Public Hearing on Wednesday, September 3, 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 1:30 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 September 3, 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 By-Laws

**Case 2025-BZA-00048**

Applicant: Lindsay Shephard

Representative: Self Represented

Address: 3417 S Crestline Drive

Request: A variance to the minimum required yard for a proposed addition

**Case 2025-BZA-00056**

Applicant: The Kastner Family Trust

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

Address: 108 48<sup>th</sup> Street

Request: A variance to the minimum required yards for a proposed single-family dwelling

**Case 2025-BZA-00060**

Applicant: Jimenez Family Revocable Living Trust

Representative: Self Represented

Address: 620 Bushnell Court

Request: A variance to the minimum required yard for a proposed screen porch with landing and steps



**CASE:** 2025-BZA-00048 - Lindsay L. Shephard

**HEARING DATE:** September 3, 2025

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

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

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**ADDRESS ASSOCIATED WITH VARIANCE REQUEST:**

3417 S. Crestline Drive

**REPRESENTATIVE:**

Lindsay L. Shepard, Property owner

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

A variance to the minimum required yard for a proposed building addition.

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

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

**FRONT YARD (NORTHEAST):** A front yard variance to 21 feet instead of 30 feet as required for the construction of a one-story room addition.

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

1456-28-1008

**LOT AREA:**

42,854 square feet

**AICUZ:**

Less than 65 decibels

**REGULATORY WATERSHED AND FLOOD ZONE:**

- Chesapeake Bay Preservation Area (Resource Protection Area)\*
- AE (1% annual chance flood hazard) and 0.2% (area of moderate flood hazard, usually the area between the limits of the 100- year and 500-year floods)

*\*On July 14, 2025, staff from the Planning Department, Environmental Unit, administratively approved the subject room addition after determining that the proposal does not fall within the 100-foot primary protection buffer of the resource protection area of the Chesapeake Bay Preservation Area (Planning Department record 2025-DSC-021499).*

**VOTING DISTRICT:**

District 1

**PREVIOUS VARIANCE(S):**

None found

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

- Single-family (built in 1965)
- R-10 HCD (Residential District) (Historic and Cultural Overlay District)\*
- Not in a Strategic Growth Area

*\*On July 8, 2025, staff assigned to the Planning Department, Historical Preservation Unit, reviewed the subject improvements to assess any possible visual impacts to the historic Thomas Murray House, which abuts the subject property's northern border. Historic Preservation Unit staff found there to be "No anticipated visual impact to the adjacent Thomas Murray House District."*

**SURROUNDING LAND USES/ZONING DISTRICTS:**

- North: Residential (historic single-family home with outbuildings), R-10(HCD)
- South: River and Residential (tributary of Elizabeth River and multi-family), A-18
- East: Residential (single-family), R-10(HCD)
- West: River (tributary of Elizabeth River), Unassigned Zoning District

**EXISTING CONDITIONS:**

- Dwelling: 35 feet from front property line (northeast)
- Dwelling: 16.1 feet from side property line (east)
- Dwelling: 13.9 feet from side property line (north)
- Dwelling: greater than 20 feet from rear property line rear (south and west)



**EXTENT OF PROJECT:****Room addition** (variance requested)

Proposed addition located 21 feet from the front property line instead of 30 feet as required.

**BACKGROUND INFORMATION:**

According to City records, the existing home was constructed in 1965. At the time of construction, the subject property was located within an RS3 Zoning District. In 1973, the RS3 Zoning District was renamed to R5. Then, in 1988, the R5 Zoning District was renamed to R-10, which is the current designation.

The applicant is proposing to construct a one-story room addition 21 feet from the front property line instead of 30 feet as required.

It is important to note that the subject property is impacted by the Chesapeake Bay Preservation Area (CBPA), with the rear of the existing dwelling siting at the landward limits of the 100-foot protection buffer associated with the Resource Protection Area (RPA) of the CBPA. As a result, a majority of the subject dwelling sits outside the 100-foot protection buffer; however, the City of Virginia Beach employs what is referred to as a variable width buffer, which is an additional buffer area beyond the primary 100-foot buffer (note: it is staff's understanding that this additional buffer is unique to the City, with other neighboring localities choosing not to regulate this area of the CBPA in the same manner). For simplicity, the variable width buffer may be thought of as a secondary protection area landward of the primary 100-foot buffer. Construction within this secondary protection area, which also happens to be 100 feet in width, may be approved by City staff administratively, which is in contrast to required CBPA Board approval for proposed construction within the primary buffer.

As observed, the rear of the subject dwelling is impacted by the primary 100-foot buffer associated with the resource protection area of the CBPA. As a result, any additions to the rear of the home require approval from the CBPA Board and are discouraged. Given such matter, it seems appropriate for the proposed addition to be located at the front of the home, which is outside the primary 100-foot CBPA buffer.

The subject parcel is located within a curved area of South Crestline Drive. Notwithstanding, the width of the subject lot meets the minimum zoning ordinance standard of 80 feet.\*

The minimum lot area required for residentially used properties within the subject zoning district is 10,000 square feet, with no less than 10,000 square feet required outside of water, wetlands, or marsh. Based on City records, the subject property contains approximately 42,854 square feet of lot area. Because the City Zoning Ordinance omits any lot area covered by water, wetlands, or marsh, the subject property appears to contain approximately 19,223 square feet of area landward of top of bank (calculation derived from submitted physical survey). This results in a total subject lot area that is almost twice as much as required; however, it must be restated that area behind the subject dwelling is heavily impacted by the resource protection area buffer associated with the Chesapeake Bay watershed. While such area is not officially omitted from

the overall lot area calculations, if it were, the total lot area of the subject parcel would then be around 7,800 square feet, which is 2,200 square feet less than a standard 10,000 square foot R-10 zoned lot.

*\* Lot width measurements associated with parcels abutting a right-of-way with a radius of less than 90 feet, which includes the subject property, are measured using a mathematical cord extending from side property line to side property line positioned at the limits of the required front yard. The length of the cord equals the width of the lot.*

#### **KEY CONSIDERATIONS:**

- The subject parcel meets the minimum lot width requirements associated with properties abutting rights-of-way with a radius of curvature less than 90 feet.
- The subject property meets the minimum lot area requirements of 10,000 square feet or more. Nevertheless, if the primary buffer area associated with the CBPA were omitted from the overall calculation, the lot area would be deficient by around 2,200 square feet.
- The proposed improvements are outside the primary 100-foot protection buffer associated with the Chesapeake Bay watershed.

#### **LETTERS OF SUPPORT AND OPPOSITION (AS OF 08-25-2025):**

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

#### **APPLICANT STATED HARDSHIP (PROVIDED BY APPLICANT):**

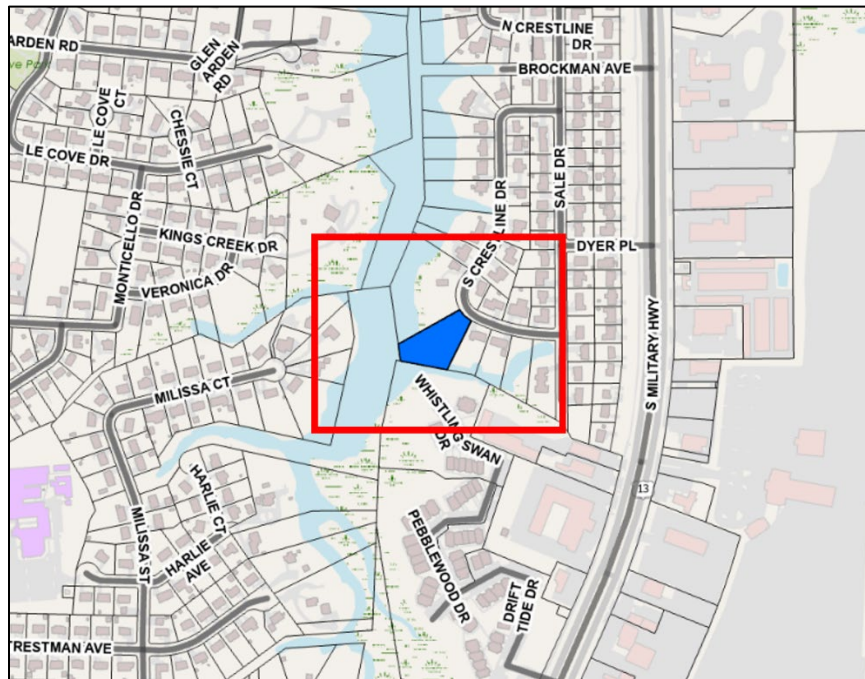
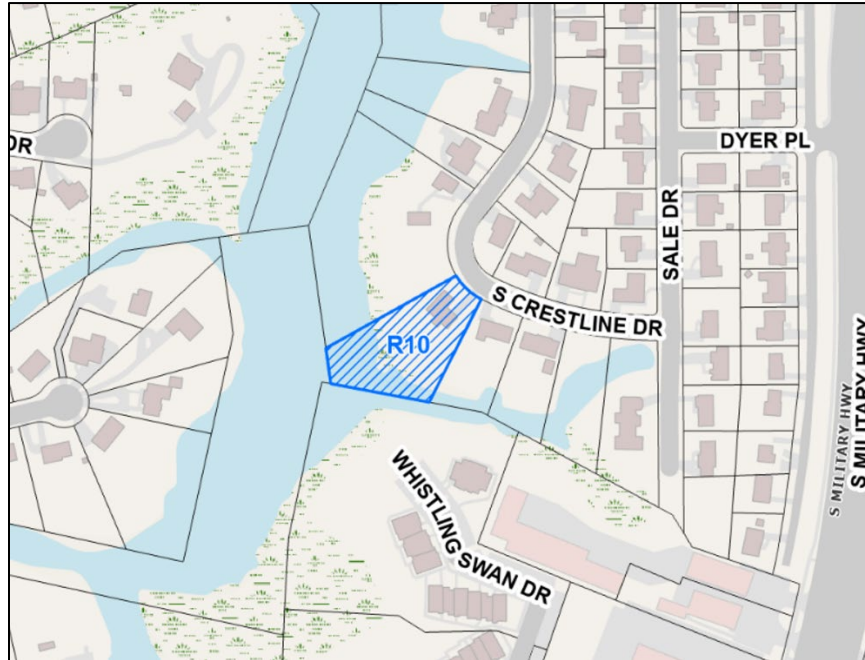
*"The owner/applicant believes that approval of this Hardship Variance will provide the opportunity to prepare this home for future living space needs and will not have a negative impact on the neighborhood or alter the overall appearance of the residence. Most of the homes in this area are one-story brick ranches built since the property was developed in the 1950s and 60s. The requested addition/improvement is designed and sized to maintain an appropriate balance between the land use and the house footprint, in keeping with the design and aesthetic of this older neighborhood. In addition, this request is in harmony with the purpose and intent of the Board of Zoning Appeals variance requests. As such, the requested improvement will not be injurious to the neighborhood, is respectful of the surrounding homeowners and others who have an interest in this subdivision, and will not cause substantial detriment to the vegetation. The owner/applicant is submitting this Hardship Variance because it was determined in conversations with the plan designer that the 30' Setback Line (SBL) crosses through the desired location for this building project. A review of other locations around the perimeter of the house was conducted to avoid the SBL. Given the 10' property line variance constraint on the sides, the characteristics of lot #75, and the lack of viable alternatives on the back of the house, a Hardship Variance approval is respectfully requested to allow for encroachment into the 30' front Setback Line. Granting this variance will allow reasonable and functional use of the property for the future while continuing to maintain the overall intent of the zoning ordinance. The owner/applicant recognizes and appreciates the need for appropriate zoning practices to ensure continuity to minimize impacts of development. This improvement will be a seamless build – matching the brick pattern and color,*

*using the same trim color, replicating the style/placement of the existing front windows, and honoring the architectural design of the house, as well as complementing any structural improvements made since 2004. The Board of Zoning Appeals' consideration of the approval of this application to add functional living space to this home is greatly appreciated."*

**RECOMMENDED CONDITIONS IF APPROVED:**

1. The proposed improvements shall be constructed in substantial conformance to the submitted marked site plan titled, "Proposed Addition and Physical and Topographic Survey," dated October 26, 2018, revised April 24, 2025, Hayden Frye and Associates, Inc. (shown as Exhibit 'A' in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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:

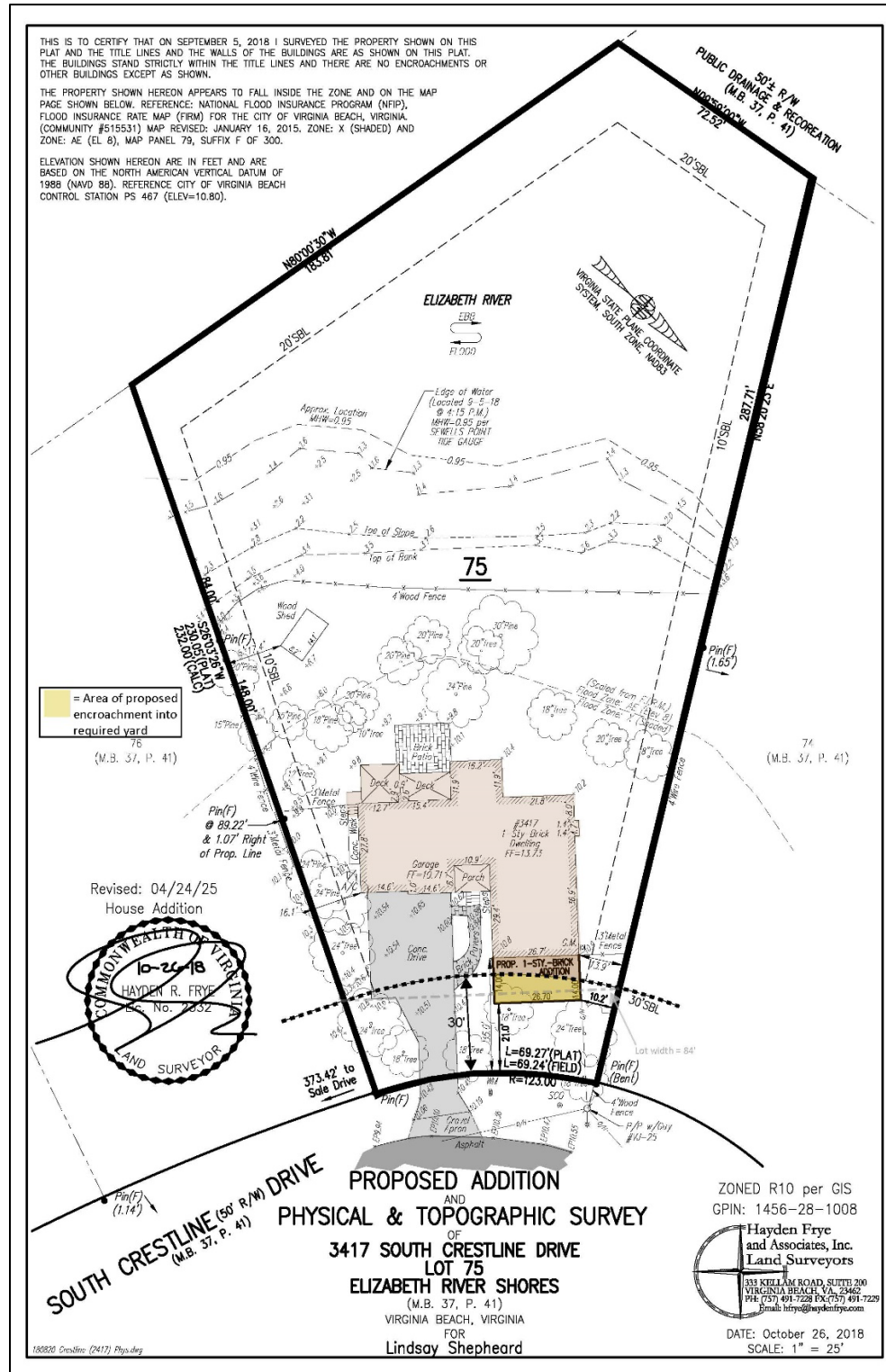




**AERIAL (DETAIL):**



**SITE PLAN (EXHIBIT A):**



Revised: 04/24/25  
House Addition

COMMONWEALTH OF VIRGINIA  
10-26-18  
HAYDEN R. FRYE  
Lic. No. 2832  
LAND SURVEYOR

SOUTH CRESTLINE (50' R/W) DRIVE  
(M.B. 37, P. 41)

PROPOSED ADDITION  
AND  
PHYSICAL & TOPOGRAPHIC SURVEY  
OF  
3417 SOUTH CRESTLINE DRIVE  
LOT 75  
ELIZABETH RIVER SHORES  
(M.B. 37, P. 41)

ZONED R10 per G  
GPIN: 1456-28-10

Hayden Frye  
and Associates, Inc.  
Land Surveyors  
333 KELLAM ROAD, SUITE 100  
VIRGINIA BEACH, VA. 23462  
PH: (757) 491-7228 FX: (757) 491-7229  
Email: hfrye@haydenandassociates.com



## PHOTOGRAPHS:





**PHOTOGRAPHS:**





**PHOTOGRAPHS:**




**PHOTOGRAPHS:**





## DISCLOSURE STATEMENT:

	<b>CITY OF VIRGINIA BEACH</b>	<h1 style="margin: 0;">Disclosure Statement</h1>
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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:** Lindsay L. Shephard  
*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:* \_\_\_\_\_

**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 <i>(Name entity and/or individual)</i>
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-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 checked="" type="radio"/>	<input type="radio"/>	Ken L. Kirby, Designer
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Hayden Frye & Associates, Surveyor
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.

Lindsay L. Shephard

Applicant Name (Print)



Applicant Signature

08.05.25

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): 08-13-2025

Wilissa Blair-Miller

Staff Name (Print)



Staff Signature

08-13-2025

Date



**CASE:** 2025-BZA-00056 - The Kastner Family Trust

**HEARING DATE:** September 3, 2025

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

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

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**ADDRESS ASSOCIATED WITH VARIANCE REQUEST:**

108 48<sup>th</sup> Street

**REPRESENTATIVE:**

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

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

Variances to minimum required yards for a proposed single-family dwelling.

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

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

**FRONT YARD (NORTH):** A front yard variance to 27 feet instead of 30 feet as required for the construction of a covered balcony on a new single-family dwelling.

**SIDE YARD ADJACENT TO A STREET (WEST – ATLANTIC AVENUE):** A side corner yard variance to 15 feet instead of 30 feet as required for the construction of a new single-family dwelling.

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

2418-88-8097

**LOT AREA:**

8,750 square feet

**AICUZ:**

65-70 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):**

April 7, 1993

A variance of 2 feet in fence height to 6 feet in fence height instead of 4 feet in fence height as allowed in yards adjacent to street (Atlantic Avenue).

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

- Single-family (built in 1958) (existing home to be demolished)
- R-7.5 (Residential District)
- Not in a Strategic Growth Area

**SURROUNDING LAND USES/ZONING DISTRICTS:**

- North: Residential (single-family), R-7.5
- South: Residential (single-family), R-7.5
- East: Residential (single-family), R-7.5
- West: Residential (single-family), R-7.5

**EXISTING CONDITIONS:**

- N/A, existing dwelling to be demolished

**EXTENT OF PROJECT:****New single-family dwelling** (variance requested)

Proposed new single-family dwelling located 27 feet from the front property line instead of 30 feet as required and 15 feet from the side corner property line instead of 30 feet as required.



**BACKGROUND INFORMATION:**

According to City records, the subject property was created by plat in 1959 (MB47 at PG59), with the parcel meeting the current minimum required lot area of 7,500 square feet. Nevertheless, the subject property does not meet the current minimum required lot width of 85 feet adjacent to 48<sup>th</sup> Street. Instead, the existing width of the subject property abutting 48<sup>th</sup> street is 70 feet, which is 15 feet less than present standards. In 1959, when the subject lot was created, the minimum required lot frontage was 50 feet. Consequently, the present 15-foot lot-width deficiency associated with the subject parcel is legally non-conforming.

The applicant requests a variance to encroach into both the required front yard (48<sup>th</sup> Street) and the required side yard adjacent to a street (Atlantic Avenue) with a new single-family home. The requested encroachment into the front yard is associated with a second-floor covered balcony, which extends about 3 feet into the 30-foot required yard. The requested encroachment into the required side yard adjacent to a street, includes portions of the main structure of the home extending approximately 15 feet into the required 30-foot yard.

The requested relief associated with the proposed encroachment into the required side yard adjacent to a street (Atlantic Avenue), is arguably reasonable given the desired relief is equivalent to the 15-foot subject lot width deficiency stemming from the 1959 creation of the property.

The requested relief associated with the proposed covered balcony encroachment into the required front yard may also be considered reasonable. Afterall, the roof covering the balcony appears to be designed as a projection of the main roof structure, and roof overhangs are permitted to encroach up to 4 feet into a required yard as a matter of right. Nevertheless, an argument could be made that the roof design is not technically an overhang since there are two support columns proposed at the ‘outermost projection’ of the roof framing. While this certainly is arguable, it must be emphasized that the City Zoning Ordinance does not specifically prohibit additional support framing for roof overhangs that project further than ‘standard,’ which is typically around 12 inches or so. Therefore, the roof overhang, which covers the proposed balcony, does not need a variance; instead, only 2.7 feet of proposed balcony projection below the roof overhang requires a variance to encroach into the front yard.

**KEY CONSIDERATIONS:**

- The subject lot is nonconforming regarding lot width abutting 48<sup>th</sup> Street. The existing property, which was created by plat in 1959, is 15 feet less in width than modern standards.
- The requested encroachment relief within the side yard adjacent to a street (Atlantic Ave) is equivalent to the nonconforming lot width deficiency.

**LETTERS OF SUPPORT AND OPPOSITION (AS OF 08-25-2025):**

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

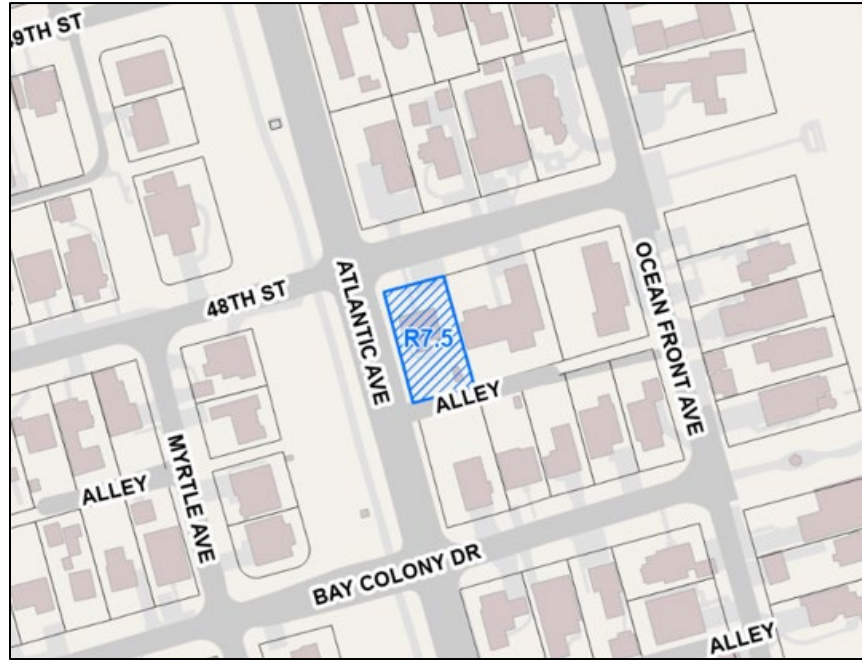
**APPLICANT STATED HARDSHIP:**

*“The subject lot is non-conforming in lot width for a corner lot in the R-7.5 District at 70 feet in width instead of the required 85 feet. The 30-foot side corner lot setback applicable in the R-7.5 District, which comprises a small subset of the Virginia Beach North End, creates a substantial hardship which the Board has consistently recognized. The architectural enhancement of the second floor balcony facing 48th Street, which will be over 46 feet back from the edge of pavement along 48th Street in front of this home exceeds by 6 feet the expected front yard setback of a home in the R-7.5 Zoning District from the curb line of the street with a standard 50 foot wide residential street right of way and a standard 30 foot wide paved residential street with curb and gutter. The existing dwelling on this lot has encroached, to a greater degree, upon the side corner setback for many decades and the granting of the requested variances as proposed to facilitate this redevelopment will be in character with this neighborhood, will not be detrimental to any adjacent property and is in harmony with the spirit and purpose of the Zoning Ordinance as applied to the corner lots at the North End which are non-conforming as to lot width.”*

**RECOMMENDED CONDITIONS IF APPROVED:**

1. The proposed improvements shall be constructed in substantial conformance to the submitted marked site plan titled, “Conceptual BZA Exhibit,” dated June 10th & 26th, 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 renderings titled, “New Construction, Kastner Residence,” dated June 25, 2025, and prepared by Altruistic Design (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:

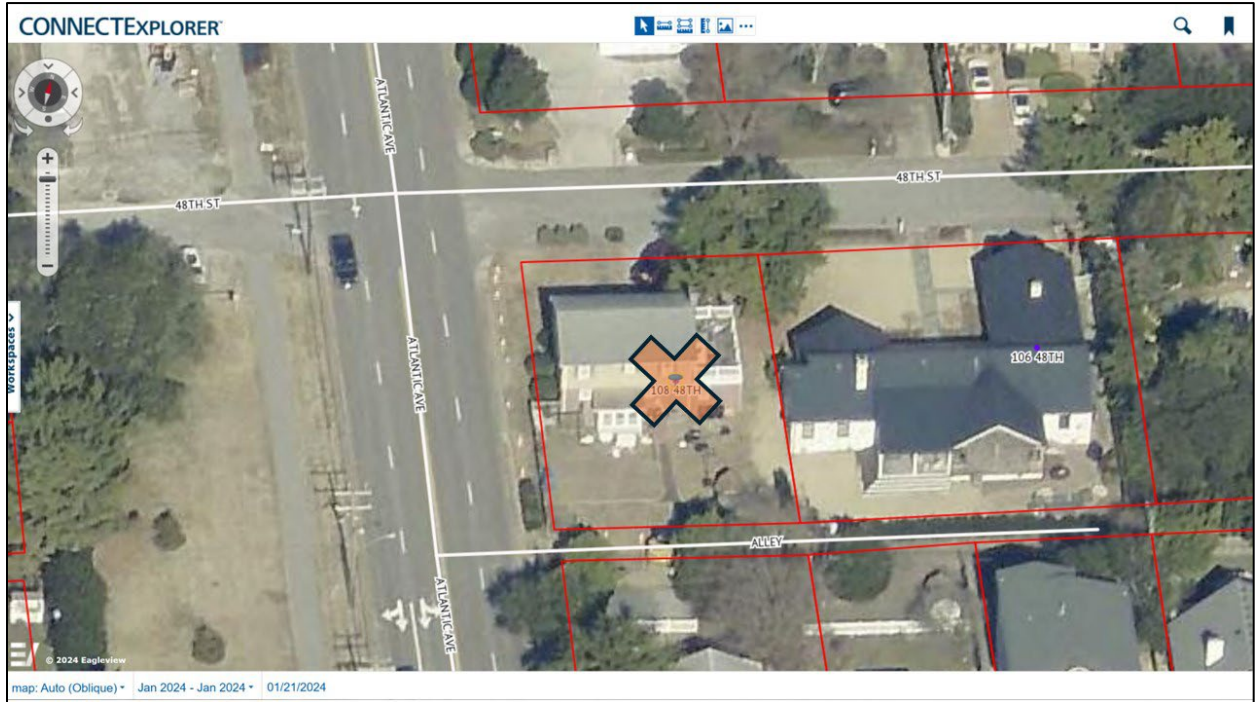


AERIAL:

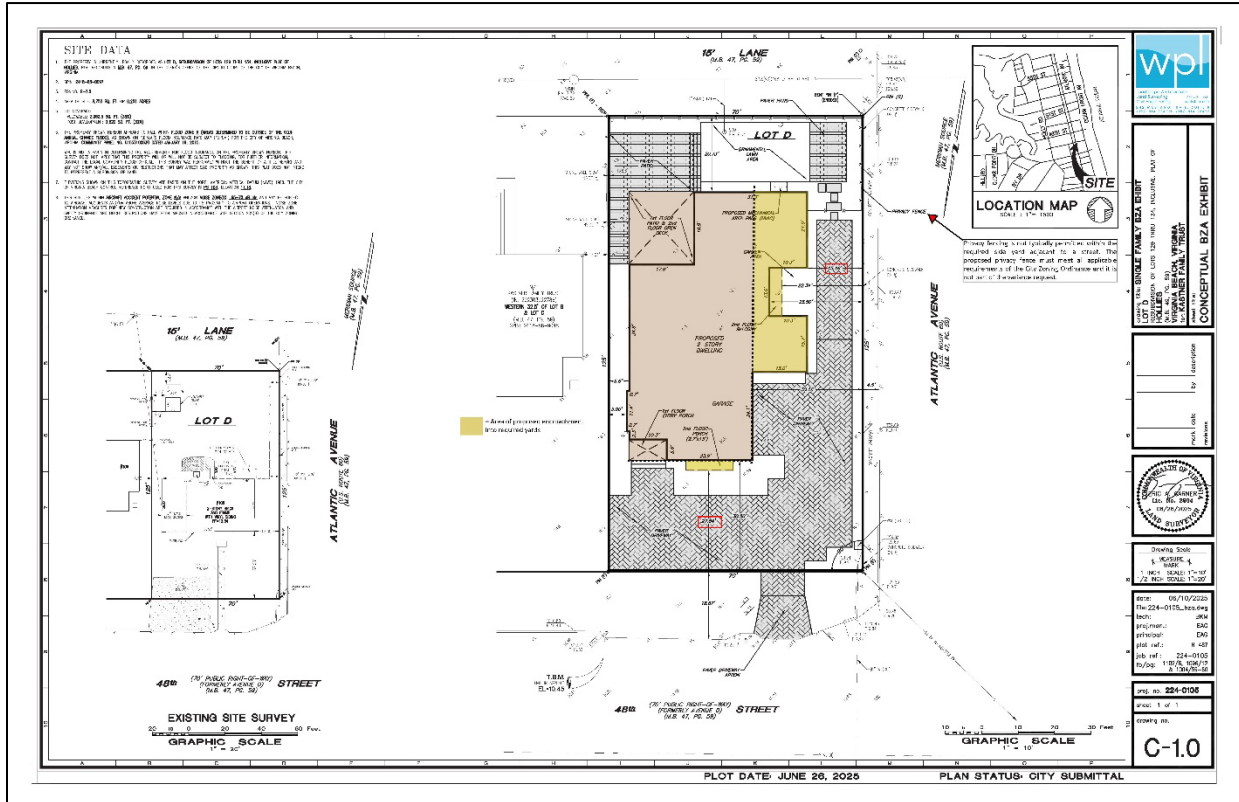




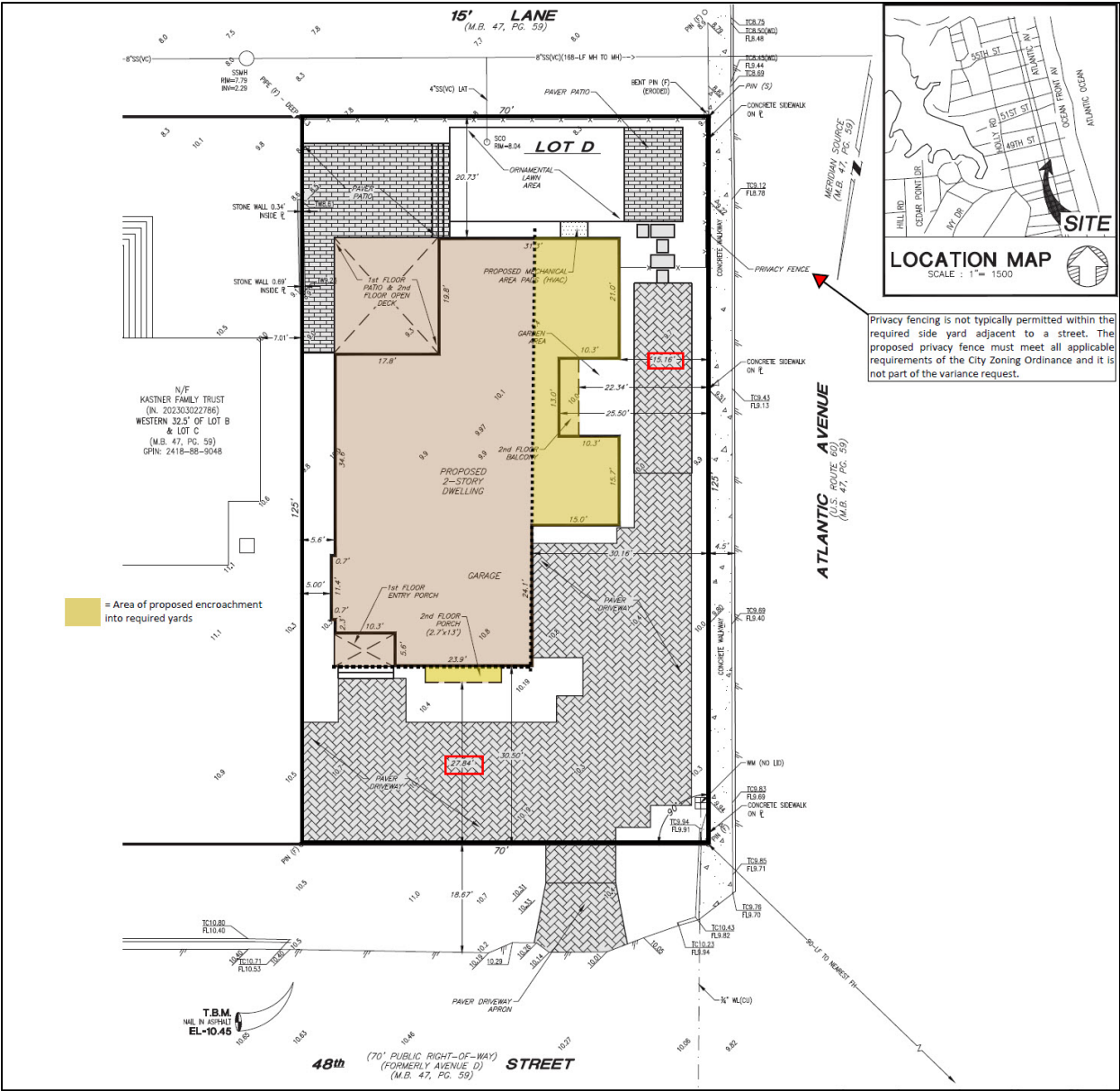
## AERIAL (DETAIL):



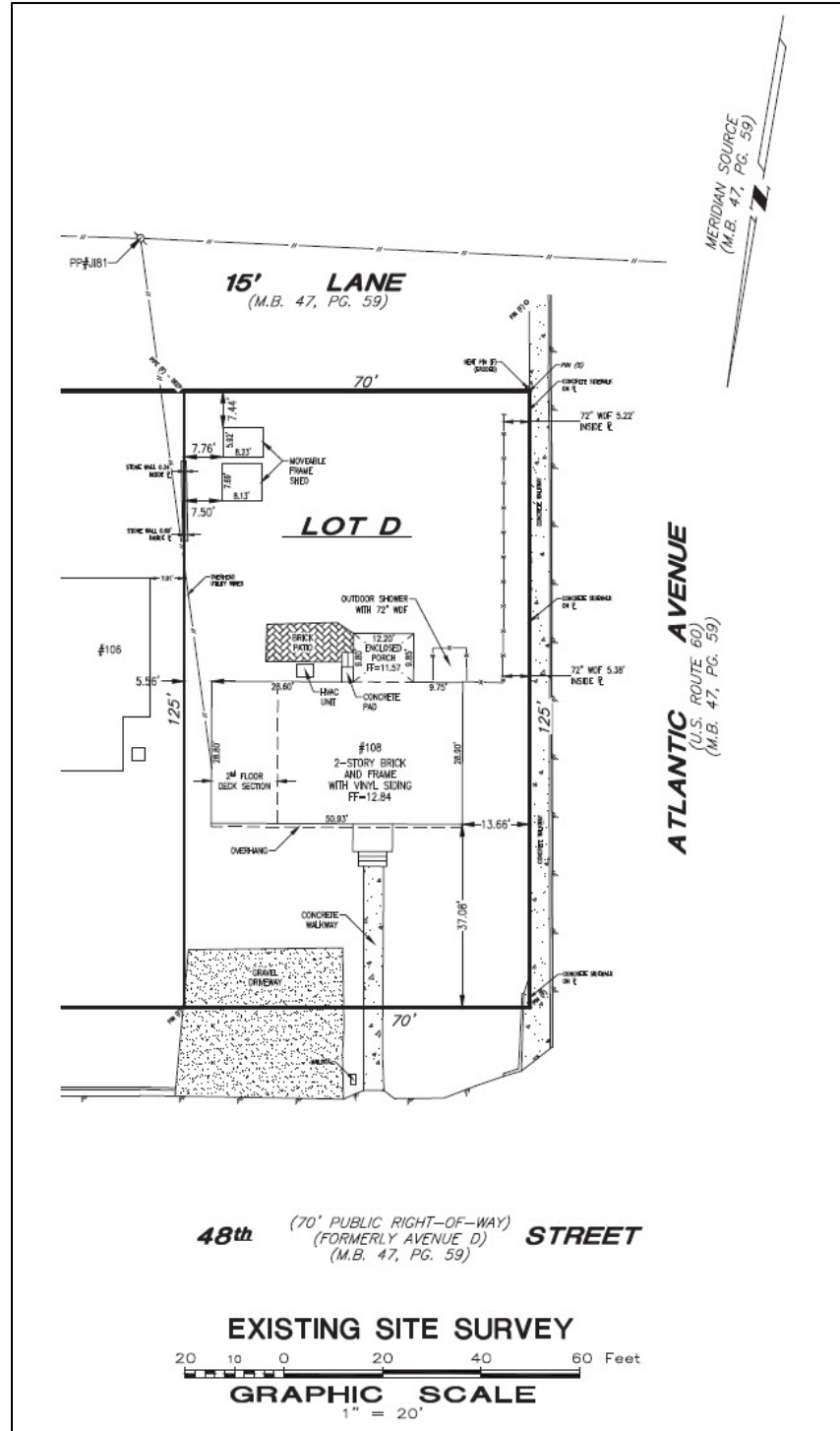
**SITE PLAN (EXHIBIT A):**



SITE PLAN DETAIL (EXHIBIT A):



**EXISTING SITE SURVEY:**





## PHOTOGRAPHS:

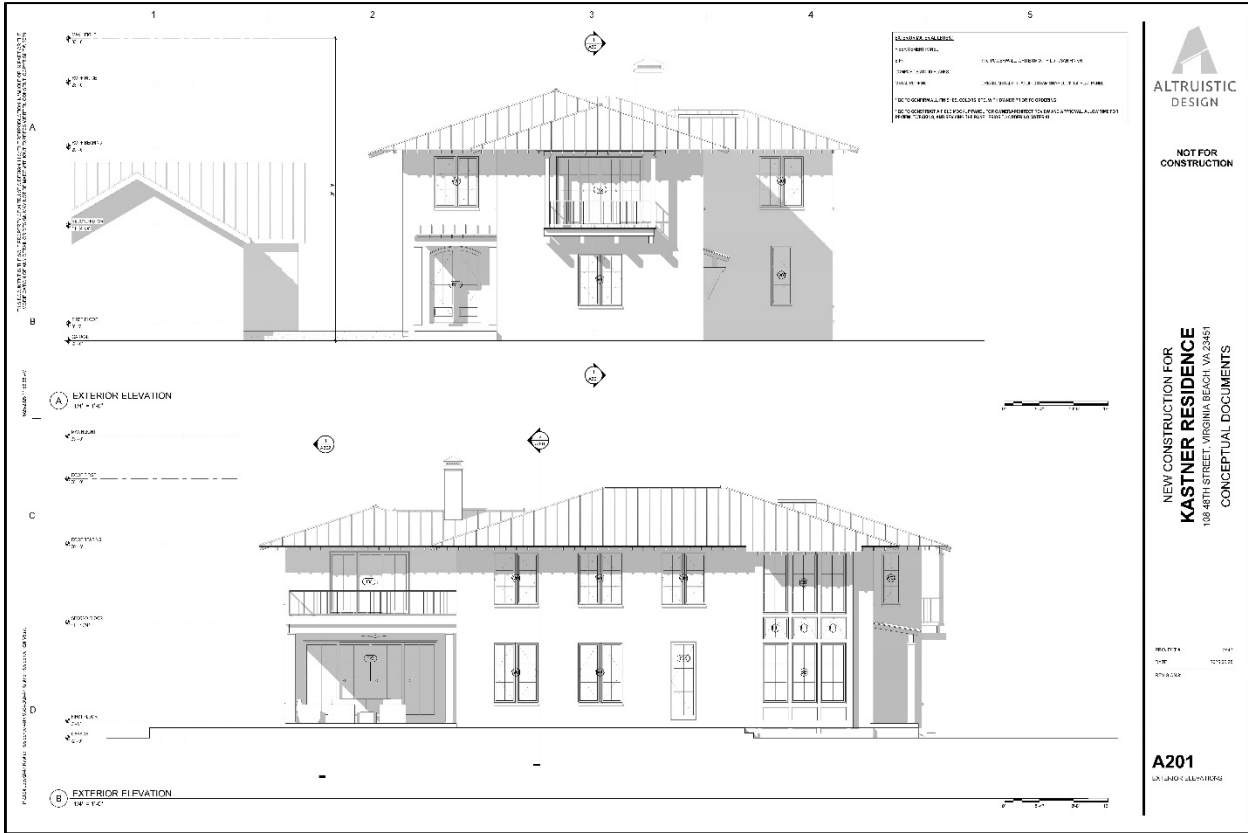


## PHOTOGRAPHS:





ELEVATIONS AND RENDERINGS:



RENDERINGS:



RENDERINGS:



RENDERINGS:



## 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 The Kastner Family Trust Dated July 5, 2007

**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, Esquire

**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.)

The Kastner Family Trust Dated July 5, 2007 (Christopher D Kastner & Michelle R Kastner, Trustees)

**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"/>	Altruistic Design & Siska Aurand
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	WPL
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Sykes, Bourdon, Ahern & Levy, P.C.

#### 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.

Christopher D Kastner & Michelle R Kastner, Trustees

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): 08-12-2025

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

08-12-2025

Date



## 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"/>	Altruistic Design & Siska Aurand
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	WPL
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

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Christopher D Kastner & Michelle R Kastner, Trustees	<i>Michelle Kastner</i> <small>Digitally signed by michelle kastner Date: 2025.06.30 13:30:47 -04'00'</small>	06/30/2025
Applicant Name (Print)	Applicant Signature	Date

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#### FOR CITY USE ONLY:

No changes as of (date): 08-12-2025

Wilissa Blair-Miller	<i>Wilissa Blair-Miller</i>	08-12-2025
Staff Name (Print)	Staff Signature	Date

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**CASE:** 2025-BZA-00060 - Jimenez Family Revocable Living Trust

**HEARING DATE:** September 3, 2025

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

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

---

**ADDRESS ASSOCIATED WITH VARIANCE REQUEST:**

620 Bushnell Court

**REPRESENTATIVE:**

Joel Jimenez, Property owner

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

A variance to the minimum required yard for a proposed screen porch with landing and steps.

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

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

**SIDE YARD ADJACENT TO A STREET (SOUTH/SOUTHWEST - BUSHNELL DRIVE):** A side yard setback adjacent to a street variance to 24 feet instead of 30 feet as required for the construction of a screen porch or future sunroom.

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

2426-18-1717

**LOT AREA:**

11,107 square feet

**AICUZ:**

70-75 decibels

**REGULATORY WATERSHED AND FLOOD ZONE:**

- Atlantic Ocean
- X (area determined to be outside the 500-year flood)

**VOTING DISTRICT:**

District 5

**PREVIOUS VARIANCE(S):**

None found

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

- Single-family (built in 1989)
- 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:**

- Dwelling: 31 feet from front property line (northwest)
- Dwelling: 19.4 feet from side property line (northeast)
- Dwelling: 27.5 feet from side yard adjacent to street (southwest)
- Dwelling: Greater than 20 feet from rear property line rear (east)

**EXTENT OF PROJECT:****Screen porch and deck** (variance requested)

Proposed demolition of existing deck, then replace with new screen porch, landing, and steps, located 24 feet from the side corner property line instead of 30 feet as required.

**BACKGROUND INFORMATION:**

According to City records, the existing home was constructed in 1989. At the time of construction, the subject property was located within an R-10 Zoning District, which is also the current designation.

The applicant is requesting a variance to encroach into the required side yard adjacent to Bushnell Drive with a proposed one-story room extension. According to the applicant, the extension will be designed for use as a screen porch; however, staff must acknowledge that screened porches are typically good candidates for future enclosures, such as sunrooms and the like. Consequently, staff added a condition for Board consideration that would allow the future conversion of the proposed screen porch into a sunroom, or similar. With the added stipulation that such conversion stays within the footprint of the screen porch.

The subject property sits at the corner of Bushnell Drive and Bushnell Court, with a side corner boundary line configured in a seemingly atypical manner. Such observation is based on a curvilinear shape as it travels east/southeast along Bushnell Drive. Such configuration causes a constriction of the yard that is not typically found in other corner lots, which could be argued as causing a need for reasonable setback relief based on a physical condition of the property. Moreover, it could also be argued that such condition is a hardship not generally shared by other residential corner lots within the subject neighborhood, or even Citywide.

Although it is proposed for demolition, a bit of clarity involving the existing deck is warranted. According to *Connect Explorer* satellite imagery, the existing deck was constructed sometime prior to December 10, 2005, which was many years before the present homeowner purchased the property (note: 2005 is the oldest image discovered associated with the subject parcel). In addition, no building permit was found for the deck, so staff are unsure if a permit was ever obtained; however, it must be emphasized that building permit data prior to 1998 is sparse at best. So, the lack of a permit in this case is by no means an indicator that one was never granted. Unfortunately, the original deck contractor built the structure slightly into the required side corner setback adjacent to Bushnell Court; staff presumes such encroachment was an honest mistake. Nevertheless, because applicable City taxes appear to have been paid associated with the deck for more than 15 years, State Code 15.2-2307(D) declares such encroaching structure as legally non-conforming. Since the deck is a legally non-conforming structure, any expansion thereto would now require City Council approval; however, because the applicant will be removing the existing deck (i.e., removing the non-conforming structure), no expansion will be taking place. In a similar vein, the subject homeowner advised staff that the building code requires the demolition of the existing deck in order to construct the proposed room extension. Notwithstanding, such demolition mandates that a condition requiring the removal of the existing non-conforming structure be added to this report for Board consideration.

#### **KEY CONSIDERATIONS:**

- The odd configuration of the property boundary along Bushnell Drive, which causes a slight constriction of the yard, is arguably a hardship not generally shared by other corner parcels.
- The granting of the variance would seemingly alleviate a hardship due to a physical condition relating to the property.
- If granted, the proposed improvements do not appear to be of substantial detriment to adjacent property and nearby properties.

#### **LETTERS OF SUPPORT AND OPPOSITION (AS OF 08-25-2025)**

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



**APPLICANT STATED HARDSHIP:**

*"I am requesting a variance from the City of Virginia Beach Zoning Ordinance to allow the construction of a screened-in porch measuring 18 feet by 16 feet at the rear of my residence. The current porch is 18 feet by 12 feet and already exists along the rear property line. The proposed addition would extend the porch by 4 feet, encroaching slightly into the required 30-foot rear setback. Approximately 16-20 square feet of the proposed addition would fall within this setback due to the curvature of the lot.*

**1. Physical and Geometric Constraints**

*My property is located on a curbed corner lot, which imposes unique geometric constraints not faced by standard interior lots. The curvature of the lot line and the required arc of the street setback create an irregular buildable area that restricts the ability to use the property in the same manner as surrounding homes.*

*This limitation is not self-created, but is a result of the lot's physical configuration and its location at the corner of a curved street. As a result, even a modest expansion of the porch in line with existing dimensions triggers a technical setback violation due to how the line curves inward.*

**2. Minimal Encroachment, No Public Harm**

*The requested variance affects only a small area of the proposed structure and does not result in a significant deviation from the zoning intent. The structure will not obstruct sightlines, impact traffic safety, or encroach upon adjacent properties. The visual and functional impact on neighboring properties is negligible.*

**3. Reasonable Use of Property**

*A screened-in porch is a common and reasonable residential improvement that enhances usability, especially during warm months. Without the variance, the layout of the lot prevents me from enjoying the same standard use of my property as others in my zoning district. The addition is modest, aligns with the architecture of the home, and preserves the integrity of the existing structure.*

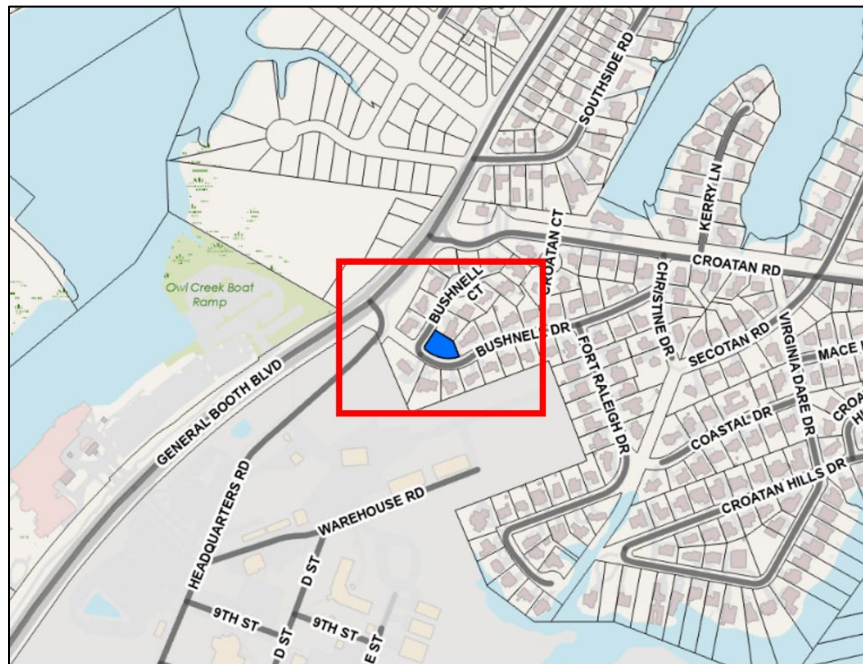
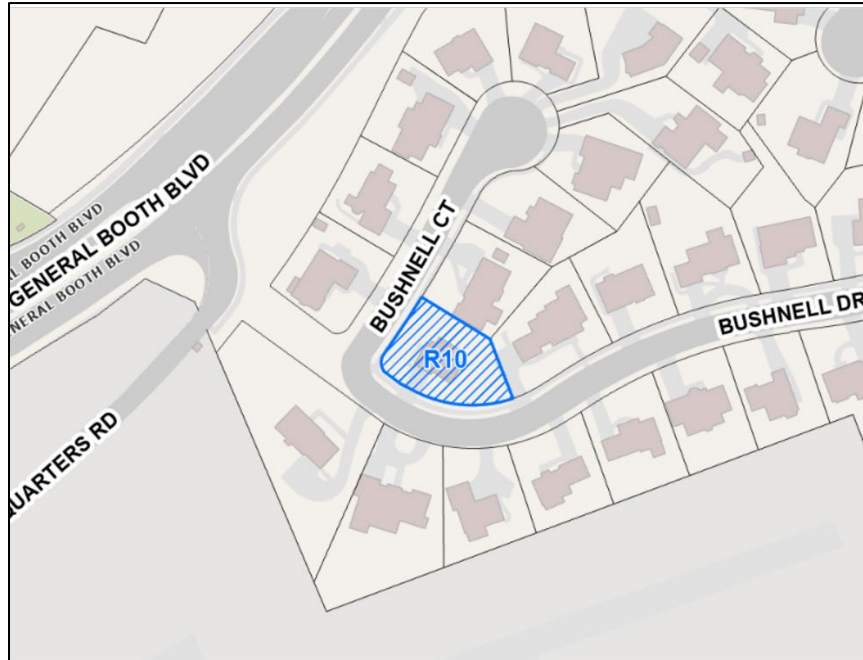
**4. Consistency with the Zoning Ordinance's Intent**

*This request does not conflict with the general intent of the zoning ordinance, which is to prevent overcrowding, maintain open space, and protect neighborhood aesthetics and safety. By maintaining the porch's alignment and scale, I have worked to remain as compliant as possible while still achieving reasonable use of the space."*

**RECOMMENDED CONDITIONS IF APPROVED:**

1. The proposed improvements shall be constructed in substantial conformance to the submitted marked site plan titled, "Physical Survey of 620 Bushnell Court, Lot 11, Croatan Landing," dated June 17, 2025, and July 17, 2026, and prepared by Hayden Frye and Associates, Inc. (shown as Exhibit 'A' in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
2. Future conversion of the proposed screen porch into a sunroom, or similar, is permitted without returning to the Board of Zoning Appeals for a modification of this approval; however, such conversion must remain within the footprint of the screen porch as shown in the *Site Plan (Exhibit A)* section of this report. In addition, such conversion allowance does not include a second story room addition or second story deck/balcony/porch. The Zoning Administrator shall have the right to determine conformance with the condition.
3. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other applicable authority.

**LOCATION MAPS:**



AERIAL:

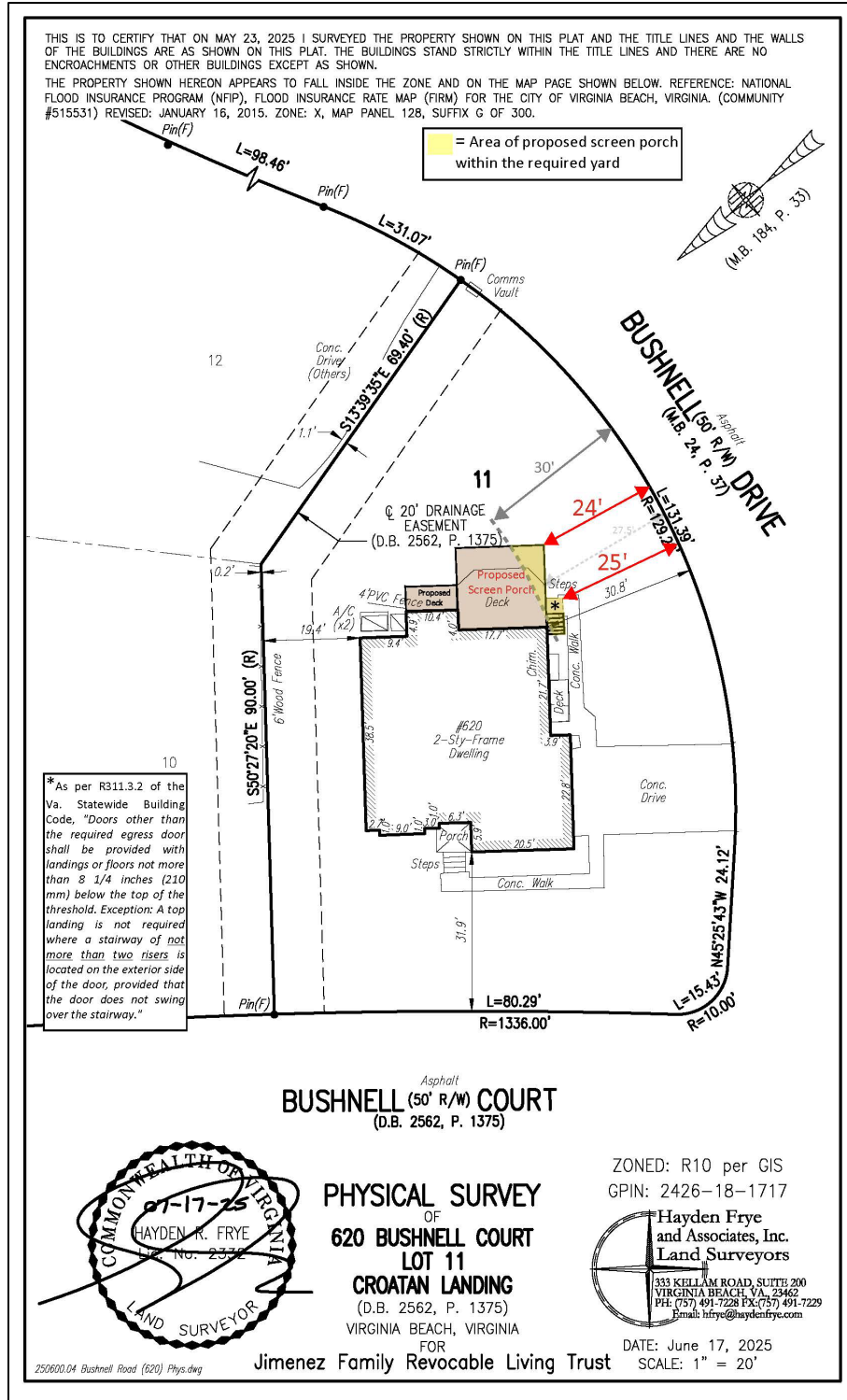




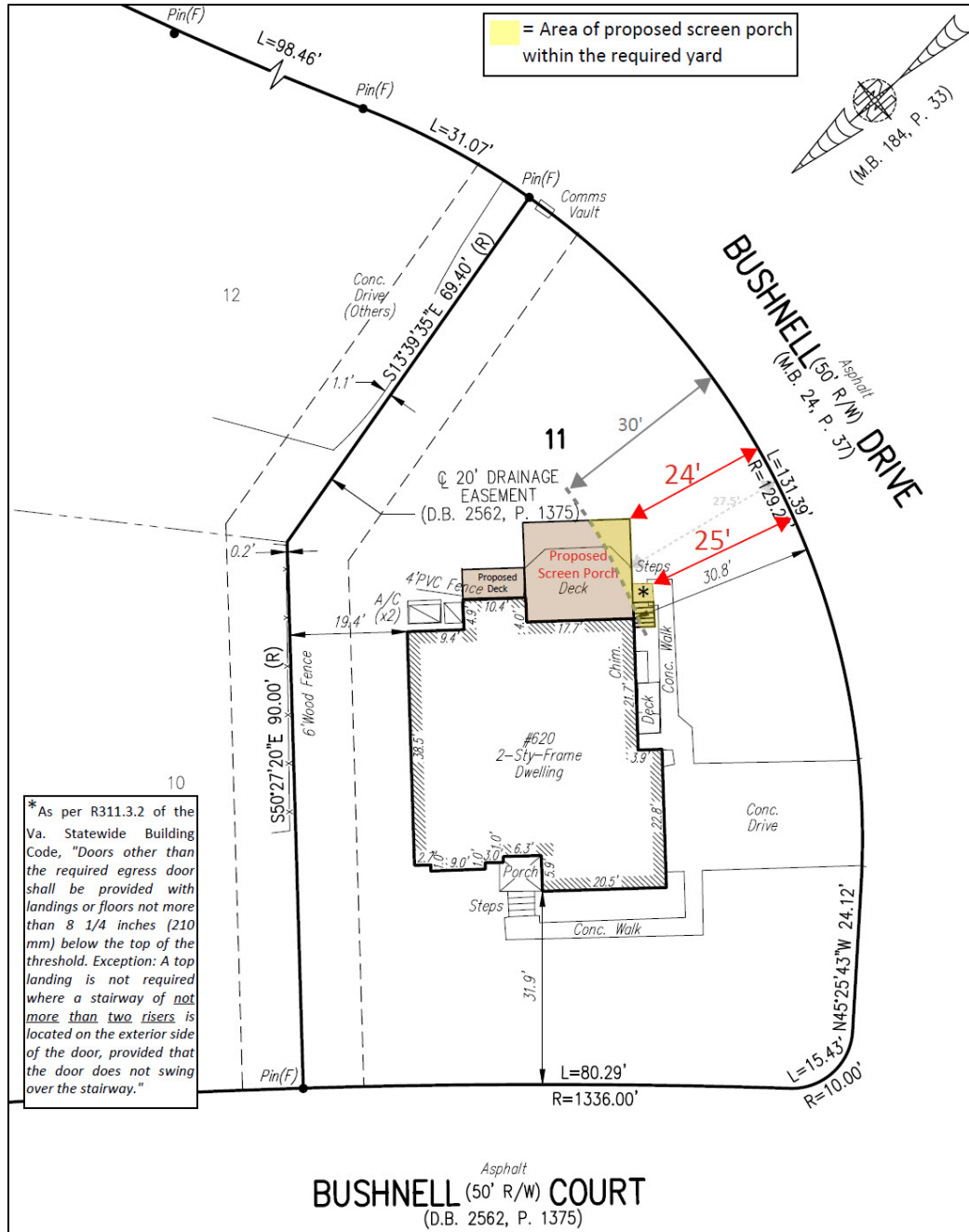
## AERIAL (DETAIL):



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

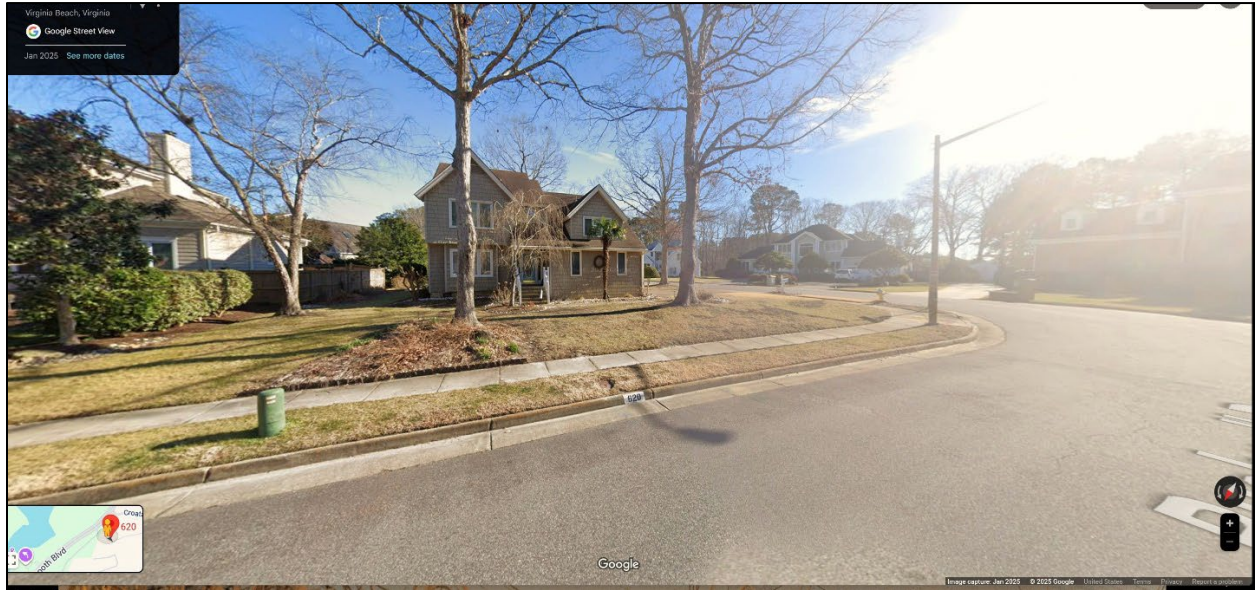


# SITE PLAN DETAIL (EXHIBIT A):





## PHOTOGRAPHS:





## PHOTOGRAPHS:






**PHOTOGRAPHS:**



## 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> as listed on application <u>Joel Jimenez</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 type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name Representative: _____</i></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; height: 30px; margin-top: 5px;"></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; margin-top: 5px;"></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; margin-top: 10px;"><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"/>	
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<div style="display: flex; justify-content: space-between;"><span>Disclosure Statement   rev. May-2024</span><span>page 1 of 3</span></div>														

## 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"/>	
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Joel Jimenez	<i>Joel Jimenez</i> <small>Digitally signed by Joel Jimenez Date: 2025.07.02 20:17:07 +0400</small>	07/02/2025
Applicant Name (Print)	Applicant Signature	Date

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Wilissa Blair-Miller	<i>Wilissa Blair-Miller</i>	08/13/2025
Staff Name (Print)	Staff Signature	Date



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