



CITY OF
**VIRGINIA
BEACH**

Board of Zoning Appeals

December 3, 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, December 3, 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.

OFFICIAL BUSINESS:

1. Election of 2026 Officers for the Board of Zoning Appeals
2. A resolution to schedule 2026 calendar year City of Virginia Beach monthly meetings of the Board of Zoning Appeals (dates below)
 - January 7
 - February 4
 - March 4
 - April 1
 - May 6
 - June 3
 - July 1
 - August 5
 - September 2
 - October 7
 - November 4
 - December 2
3. Applications (cases)

Case 2025-BZA-00067

Applicant: Ramesh & Susan Singh

Representative: Robert Simon, Waterfront Consulting, Inc.

Address: 3437 Sandpiper Road

Request: Variances to required yards for a proposed private pier/dock

Case 2025-BZA-00078

Applicant: Benjamin & Lauren Browder

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

Address: 1756 Lapstone Court

Request: A variance to a required yard for a proposed inground swimming pool

Case 2025-BZA-00081

Applicant: Patrick R. & Jordan E. Grube

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

Address: 211 66th Street

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

Case 2025-BZA-00082

Applicant: George H. Jr. & Mary Weissinger

Representative: Self Represented

Address: 5221 Prestwick Street

Request: A variance to the required yard for a deck

Case 2025-BZA-00085

Applicant: J. D. Williams Construction Co., Inc.

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

Address: 600 13th Street

Request: Variances to the required yards for a proposed single-family dwelling

Case 2025-BZA-00086

Applicant: J. D. Williams Construction Co., Inc.

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

Address: 602 13th Street

Request: Variances to the required yards for a proposed single-family dwelling

Case 2025-BZA-00087

Applicant: Casey Heron

Representative: Self Represented

Address: 3209 W. Cheltenham Place

Request: Variances to required yards for a proposed detached garage

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CASE: 2025-BZA-00067 - Ramesh and Susan Singh

HEARING DATE: December 3, 2025

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

3437 Sandpiper Road

REPRESENTATIVE:

Robert Simon of Waterfront Consulting, Inc.

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards for a proposed private pier/dock.

VARIANCE REQUEST(S) (DETAILED):

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

SIDE YARD (WEST): A side yard setback variance to 0 feet instead of 10 feet as required for the construction of a private pier/dock.

SIDE YARD (EAST): A side yard setback variance to 0 feet instead of 10 feet as required for the construction of a private pier/dock.

REAR YARD (NORTH): A rear yard setback variance to 0 feet instead of 10 feet as required for the construction of a private pier/dock.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

2432-66-0774

LOT AREA:

- 17,109 square feet (.39 acres)

AICUZ:

Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Southern Rivers
- AE (1% annual chance flood hazard)

VOTING DISTRICT:

District 2

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Single-family (built in 1974)
- R-15 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Water body (Back Bay) and Residential (single-family), R-15
- South: Residential (single-family), R-15
- East: Residential (single-family), R-15
- West: Residential (single-family), R-15

EXISTING CONDITIONS:

- Pier/dock: 0 feet from rear property line (north)
- Pier/dock: 0 feet from side property line (west)
- Pier/dock: 3 feet from side property line (east)

EXTENT OF PROJECT:

Private pier/dock (variance requested)

Proposed pier/dock located 0 feet from the side and rear property lines.

BACKGROUND INFORMATION:

According to City records, the subject property was created by plat and legally recorded on February 9, 1966.

The applicant is requesting variances from the required side and rear yards for a replacement pier/dock located on the subject property. For ease of reference, the term pier/dock shall henceforth be simply referred to as a *pier*.

The boundaries of the subject parcel include a rather narrow strip of land abutting the waters of Back Bay. This configuration certainly allows water access to what would have otherwise been a landlocked property; however, such a slender area of land greatly reduces the space available for certain structures. In fact, the dimensions of this narrow area are equivalent to the entire width of the required yards. In other words, the combined 20 feet of required side yards equal the 20-foot-wide area of property at the proposed pier site.

For clarity, it must be noted that the zoning ordinance allows piers up to four feet wide to encroach into the required side and rear yards. Moreover, a long-standing Zoning Administrator decision allows piers over four feet wide to encroach into the required side and rear yards once they cross the mean low water boundary. Nevertheless, an argument may be made regarding the practicality of such allowances in this matter. For instance, a pier meeting the noted allowances would seemingly project into an arguably narrow area of navigable waterway, partially blocking the navigation route for other vessels and water access area associated with the abutting northern property (i.e., 3433 Sandpiper Road). Such an inadvisable scenario may also require additional approvals since such structure would project beyond the applicant's property boundaries.

An analysis of 33 properties within roughly 1,200 feet of the subject parcel was completed by staff, with all such parcels abutting Back Bay. This examination revealed only 5 properties containing water access challenges associated with lot configurations akin to the subject property. In other words, 85% of the 33 properties appear to have sufficient access to Back Bay without the need for a zoning variance. At the same time, only 15% face similar water access challenges as the subject lot. Consequently, one could argue this clearly demonstrates the requested variance is not generally shared by other nearby properties.

A pier currently exists on the subject parcel, but it is proposed for demolition. According to City records, the pier was constructed in 2003, with no previous building permits found by staff. Nevertheless, even though no permit was discovered, it should be emphasized that such older data is sometimes sparse at best. So, the lack of a known building permit is by no means an indicator one was never granted.

Based on City Assessment records, taxes associated with the existing pier seem to have been paid for over 15 years. Subsequently, Section 15.2-2307 of the Code of Virginia appears to be applicable, which would define the current pier as a legally nonconforming structure. While expansions to nonconforming structures generally require City Council approval, because the nonconformity will be voluntarily removed, the Board of Zoning Appeals is the appropriate jurisdictional body required to hear this variance request.

PUBLIC NOTICE (ON-SITE YARD SIGNS):

An email notification was sent to the applicant on November 5, 2025, advising that the required public notice yard signs had not been retrieved from the Planning Department as previously directed. Later that day, the signs were acquired and posted on the subject property. Nevertheless, because the signs were erected less than 30 days before the scheduled public hearing, the applicant's representative was contacted by telephone and notified that the Board has the option of deferring the case. It was further explained that such deferrals require a new application fee; however, an additional fee would not be required if the case was voluntarily deferred before November 17th, 2025. No voluntary deferral was requested.

KEY CONSIDERATIONS:

- Piers, docks, and boatlifts are traditional accessory structures on properties abutting tributaries, bays, lakes, ponds, and the like. As a result, such structures are typically not contrary to the purpose of the ordinance.
- The need for the variance does not appear to be generally shared by other nearby properties abutting Back Bay.

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

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

APPLICANT STATED HARDSHIP:

"The geometry of the lot, a 20' wide flag to the water, makes it impossible to meet side setbacks."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the submitted site plan titled, "BZA Exhibit, Proposed Pier," sheet 2 of 2, dated June 24, 2025, and prepared by Waterfront Consulting Incorporated (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. An encroachment agreement into the existing 5-foot drainage and utility easement located at the site of the proposed pier shall be obtained by the property owner, or their agent, from the City of Virginia Beach Public Works Department, Division of Real Estate and Right-of-ways, prior to, or concurrent with, the required joint permit application through the Army Corps of Engineers and the required City of Virginia Beach building permit.
3. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

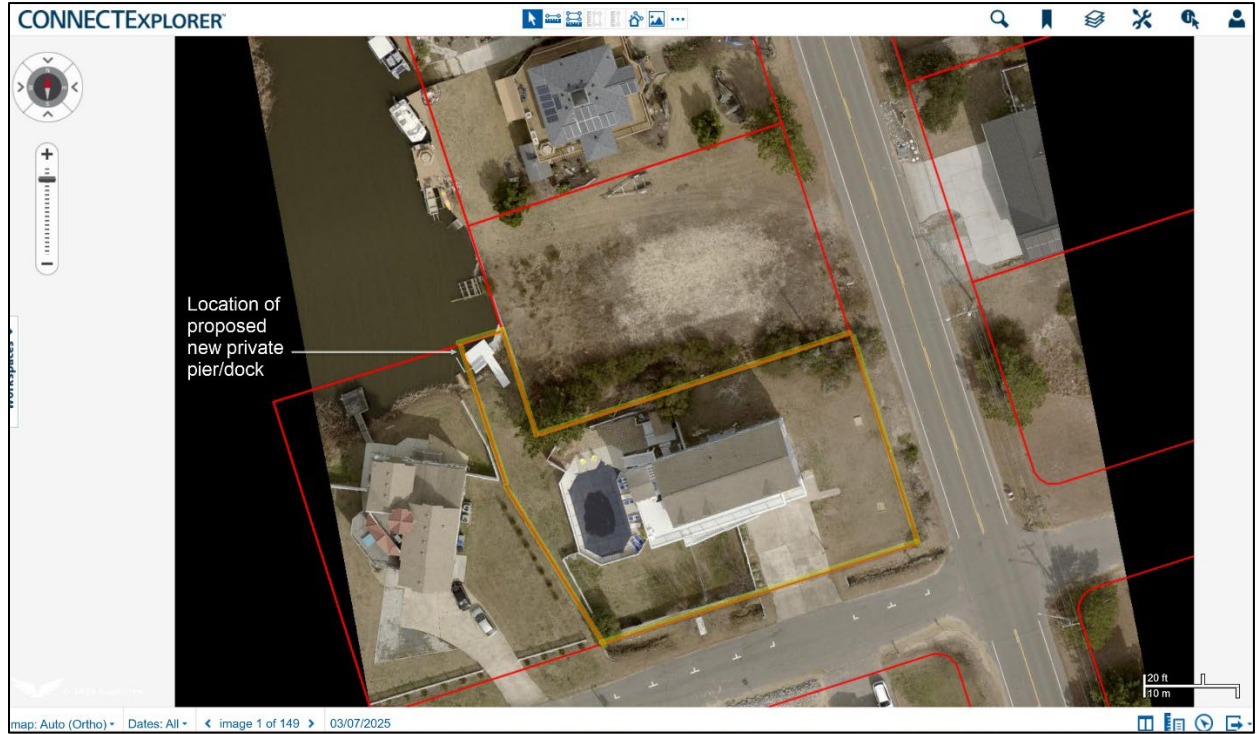
LOCATION MAPS:



AERIAL:



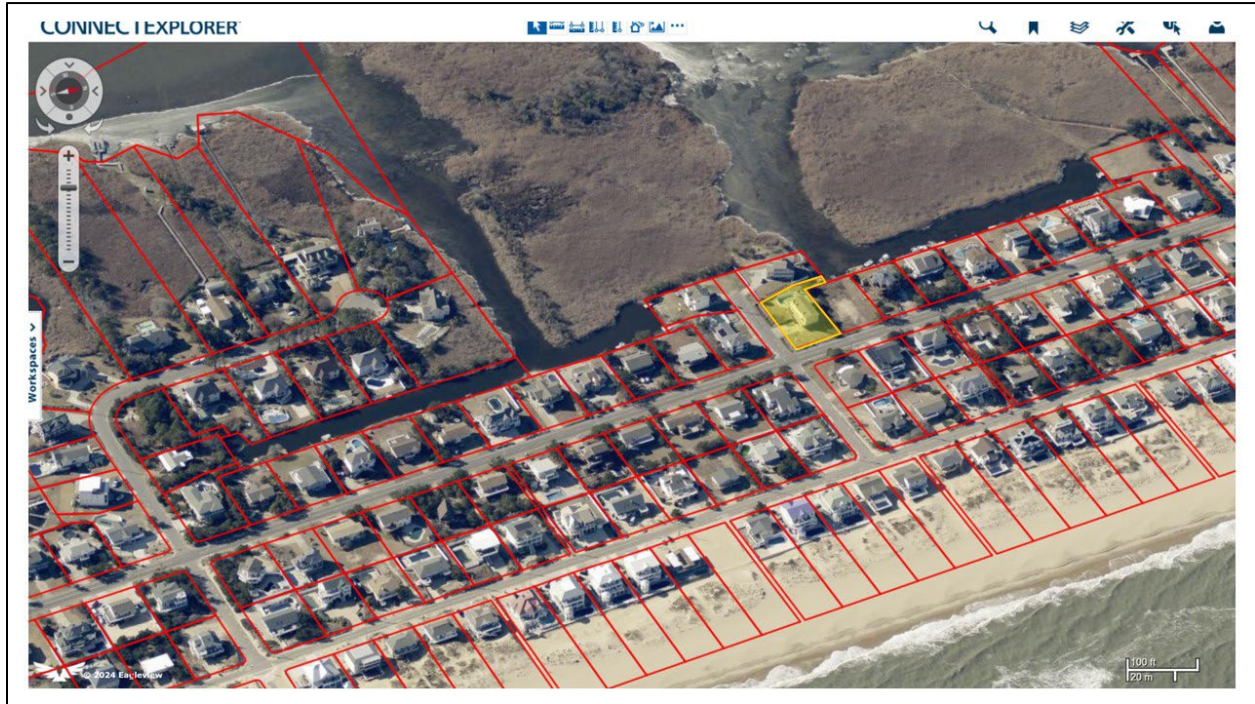
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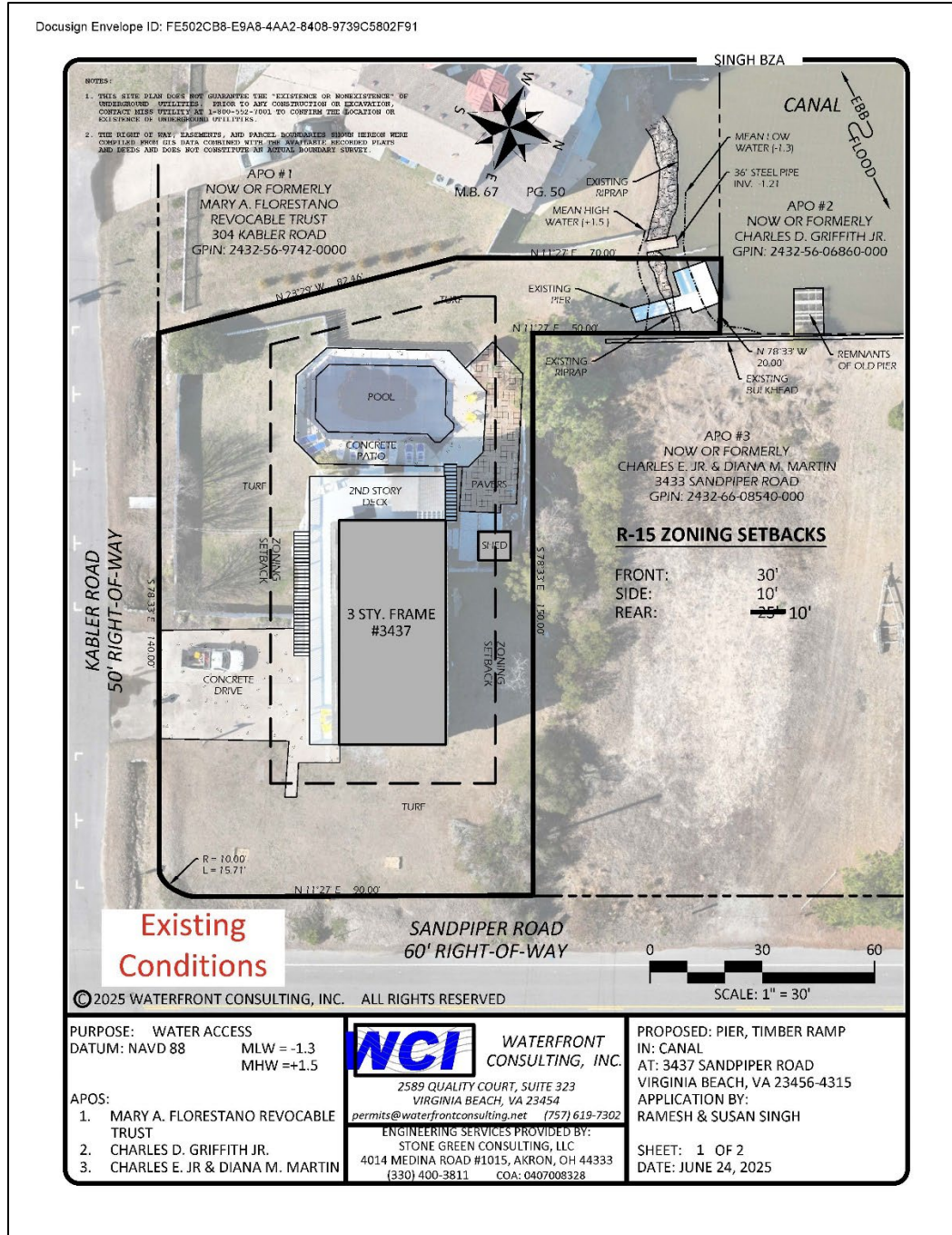
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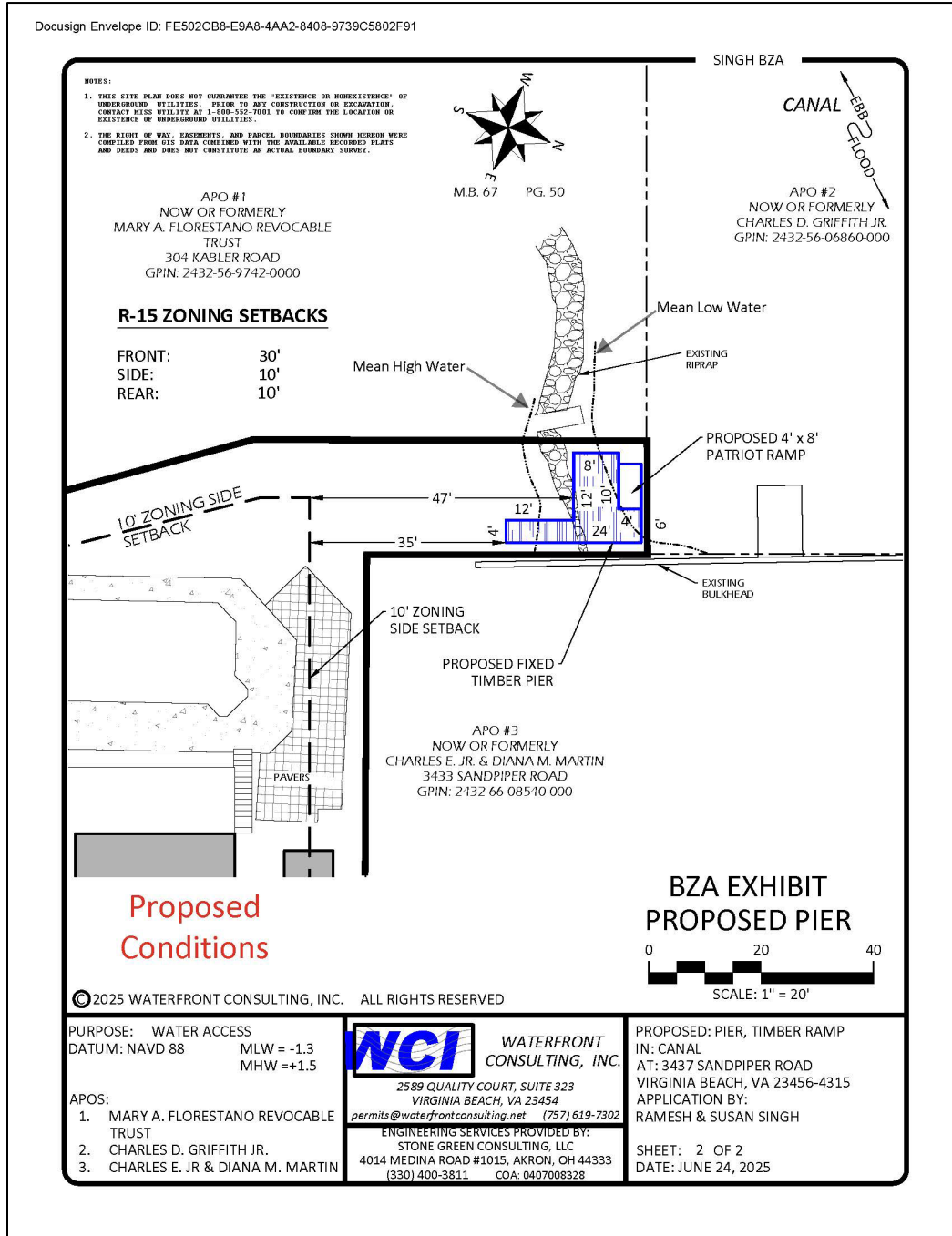
AERIAL (NEARBY PROPERTIES):



EXISTING CONDITIONS:



SITE PLAN (EXHIBIT A):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:




PHOTOGRAPHS:



DISCLOSURE STATEMENT:

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CITY OF
**VIRGINIA
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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 Ramesh & Susan Singh

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: Robert Simon - Waterfront Consulting, Inc.

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 checked="" type="radio"/>	<input type="radio"/>	PNC Bank
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	

Disclosure Statement | rev. May-2024page 1 of 3

DISCLOSURE STATEMENT:

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SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	<input checked="" type="radio"/>	<input type="radio"/>	Jerry Ricciardi
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"/>	Robert E. Simon, VP of Waterfront Consulting, Inc. Sean E. Green, P.E. of Stone Green Consulting, LLC
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.

Ramesh & Susan Singh	<small>Signed by:</small>  <small>00047A5495934EA</small>	<small>Signed by:</small>  <small>0C647A5495934EA</small>	5/15/2025
Applicant Name (Print)	Applicant Signature		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): 11.18.2025

Wilissa Blair-Miller		11.18.2025
Staff Name (Print)	Staff Signature	Date

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CASE: 2025-BZA-00078 - Benjamin A. and Lauren L. Browder

HEARING DATE: December 3, 2025

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1756 Lapstone Court

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

A variance to the required yard adjacent to Holland Road for a proposed inground swimming pool.

VARIANCE REQUEST(S) (DETAILED):

The following variance is requested pursuant to Article 2, Section 201(a) and Article 5, Section 502(a) of the City Zoning Ordinance:

YARD ADJACENT TO HOLLAND ROAD (WEST): A setback variance to 10 feet instead of 20 feet as required for the installation of an inground swimming pool.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

1494-86-8750

LOT AREA:

- 9,875 square feet (.22 acres)

AICUZ:

65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Southern Rivers
- X (area determined to be outside the 500-year flood)

VOTING DISTRICT:

District 2

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Single-family (built in 1994)
- 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 w/agricultural use (single-family, horse boarding, other), AG-1/AG-2

EXISTING CONDITIONS:

- Dwelling: 30.8 feet from front primary property line (Lapstone Court / east)
- Dwelling: 10.3 feet from side property line (north)
- Dwelling: 30.4 feet from side property adjacent to Creekstone Court (south)
- Dwelling: 31.7 feet from secondary front property line rear (Holland Road / west)

EXTENT OF PROJECT:**Inground swimming pool** (variance requested)

Proposed 14-foot by 30-foot inground swimming pool located 10 feet from the property line abutting Holland Road instead of 20 feet as required.

BACKGROUND INFORMATION:

According to City records, the existing home was constructed in 1994. At the time of construction, the subject property was located within an R-7.5 Zoning District, which is also the current designation.

The applicant would like to install an inground swimming pool behind their home. The pool would sit 10.6 feet from the property line abutting the Holland Road right-of-way instead of 20 feet as required.

The subject lot is located at the intersections of Lapstone Court, Creekstone Court, and Holland Road. This atypically positioned parcel could be described as a peninsula, albeit bounded by roadways on three sides instead of water. The property is also defined by the zoning ordinance as both a through lot (i.e., it contains frontage along Lapstone Court and Holland Road) and a corner lot (i.e., it is positioned with a side yard adjacent to Creekstone Court). Ultimately, the property's configuration offers limited area for certain property improvements.

When the subject lot was developed, a vegetative border was planted within a required landscape easement running north/south parallel to the property's western boundary. After maturing, the vegetation created a physical border between the eastern verge of Holland Road and the subject parcel.* Nevertheless, the Holland Road expansion project, which was completed around 2018, appears to have wisely allowed the removal of all vegetation within the easement. Such removal is certainly reasonable considering the roadway project included placement of sizable concrete barriers within the Holland roadway verge abutting the subject neighborhood. These barriers, also known as soundwalls, divided the verge area and created limited access strips of land on the neighborhood side of the structures. Such secluded areas now act as visual expansions of the private backyards adjacent to the soundwalls, with many homeowners understandably adopting these sections of City property for personal use. This is precisely what occurred behind the subject property, with the applicant lawfully obtaining all necessary approvals to improve the limited access strip of City land with fencing and a mobile shed.

Concerns pertaining to safety and public utility matters are generally points of consideration during City staff review of zoning variance requests involving through lots. For example, safety concerns may arise relating to motor vehicle travel lane departures from certain roadways abutting areas of property used for lengthy duration outdoor activities, such as backyard swimming pools. Nevertheless, the subject parcel enjoys a certain level of safety due to the rather robust soundwall located behind it, which will surely help shield its backyard from most rouge drivers. Additionally, varying setback distances are required from certain underground utilities, which are typically positioned in a roadway verge. Therefore, specific improvements within adjoining private properties could negatively impact existing, or future, utility projects in the abutting City right-of-way; however, staff assigned to the Public Utilities Department, Engineering Division, reviewed this application on October 2, 2025, and had no objections.

It must be disclosed that inground swimming pools located on interior lots (i.e., non-through lots) generally enjoy a minimal 5-foot required yard when positioned behind the home; however, the required yard increases to 20 feet when an inground pool is proposed behind the home on a through lot.

**For this report, the term verge is defined as a strip of ground alongside a road that separates the roadway from the property line and is often covered with grass or other vegetation.*

KEY CONSIDERATIONS:

- The proposed improvements do not seem to be of substantial detriment to adjacent property and nearby properties.
- The property was likely acquired in good faith.
- While admittedly debatable, the atypical situation associated with the subject property (i.e., soundwall and peninsula style lot) does not seem to be so prevalent as to make it reasonably practicable for the formulation of a general regulation to be adopted as an amendment to the City Zoning Ordinance.

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

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

APPLICANT STATED HARDSHIP:

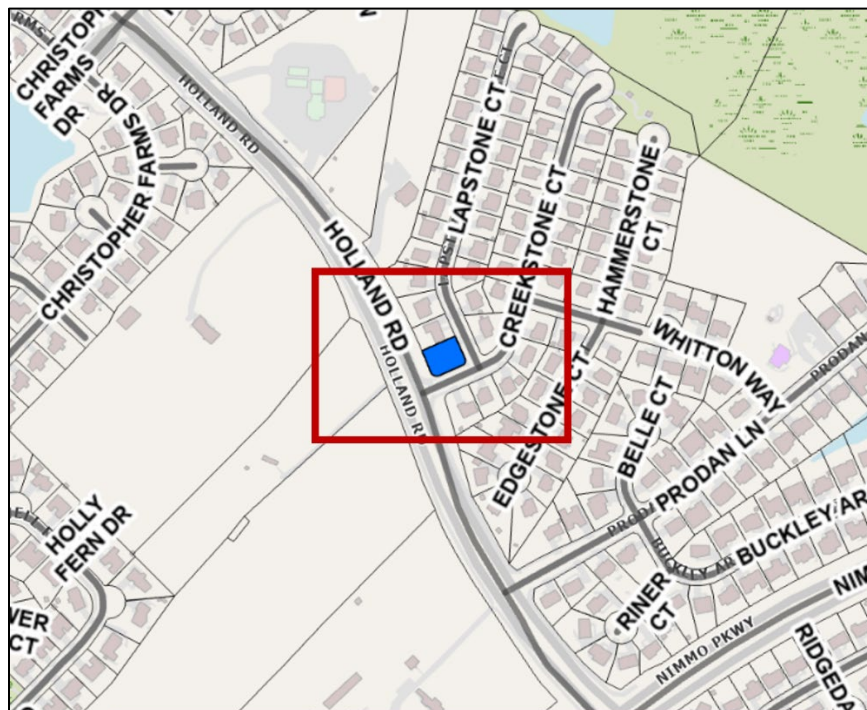
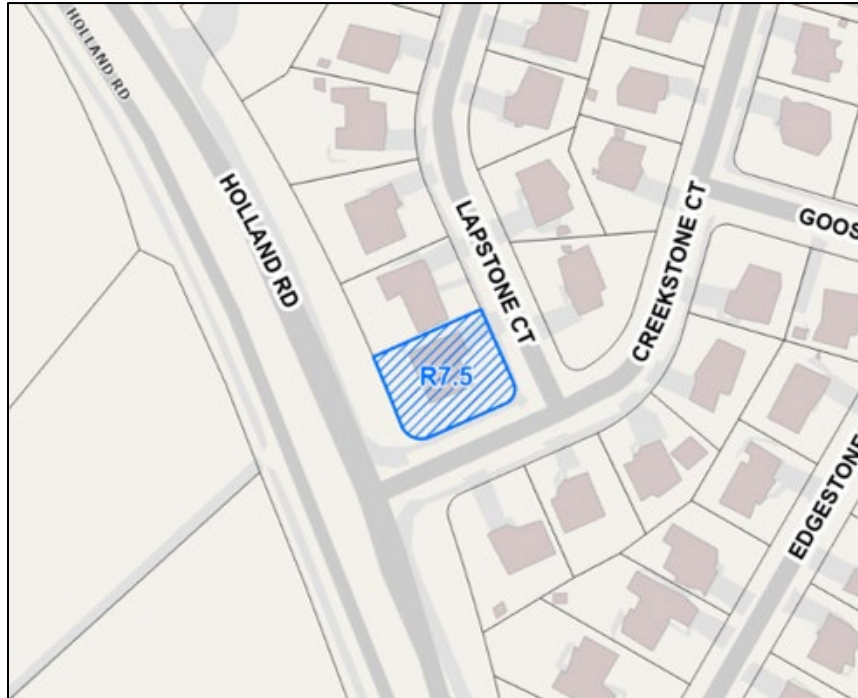
"The purpose/intent behind maintaining a 20-foot rear yard setback from a right of way on a through lot for an inground pool is safety and here we have a unique circumstance in two (2) significant ways which combine to create an undue hardship to the owners of this home. The first circumstance is that the typical distance from the edge of pavement on a residential street to the right of way line of that street which is shared by an abutting residential lot is 8 feet to 12 feet, whereas here we have a distance of over 45 feet from the curb line to the applicants' property line with that area occupied by a multi-purpose pedestrian and bike trail, as well as the second unique circumstance, the existence of a large concrete sound wall running parallel with and 29.5 feet west of the owners' property line which eliminates the safety concern and ensures that the "spirit and purpose" of the mandated 20 foot rear yard setback for an inground pool is met, for a pool which will be situated some 56 feet from the curb line on Holland Road and over 40 feet behind the large concrete sound wall. The pool will also be 40 feet back from the curb line of Creekstone Court and behind two (2) fences (neighborhood identification) and the owners' wooden fence."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the submitted marked exhibit titled, *BZA Exhibit of Proposed Pool, Lot 1, Subdivision of Holland Woods*, dated August 29, 2025, and prepared by Rouse-Sirine Associates, LTD. (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved plan.
2. Existing over height wooden fencing located within the 5-foot required yard adjacent to Creekstone Court, as highlighted in *the Site Plan (Exhibit A)* section of this report, shall be brought into compliance with current fencing and landscaping requirements found in the City Zoning Ordinance. This shall occur prior to the final inspection associated with any building permits issued for the subject inground swimming pool, or within six months of this Board action, whichever occurs first.

(Note: Minimal swimming pool barrier requirements are mandatory as regulated by the Statewide Building Code).
3. All applicable permits and approvals shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

LOCATION MAPS:



AERIAL:



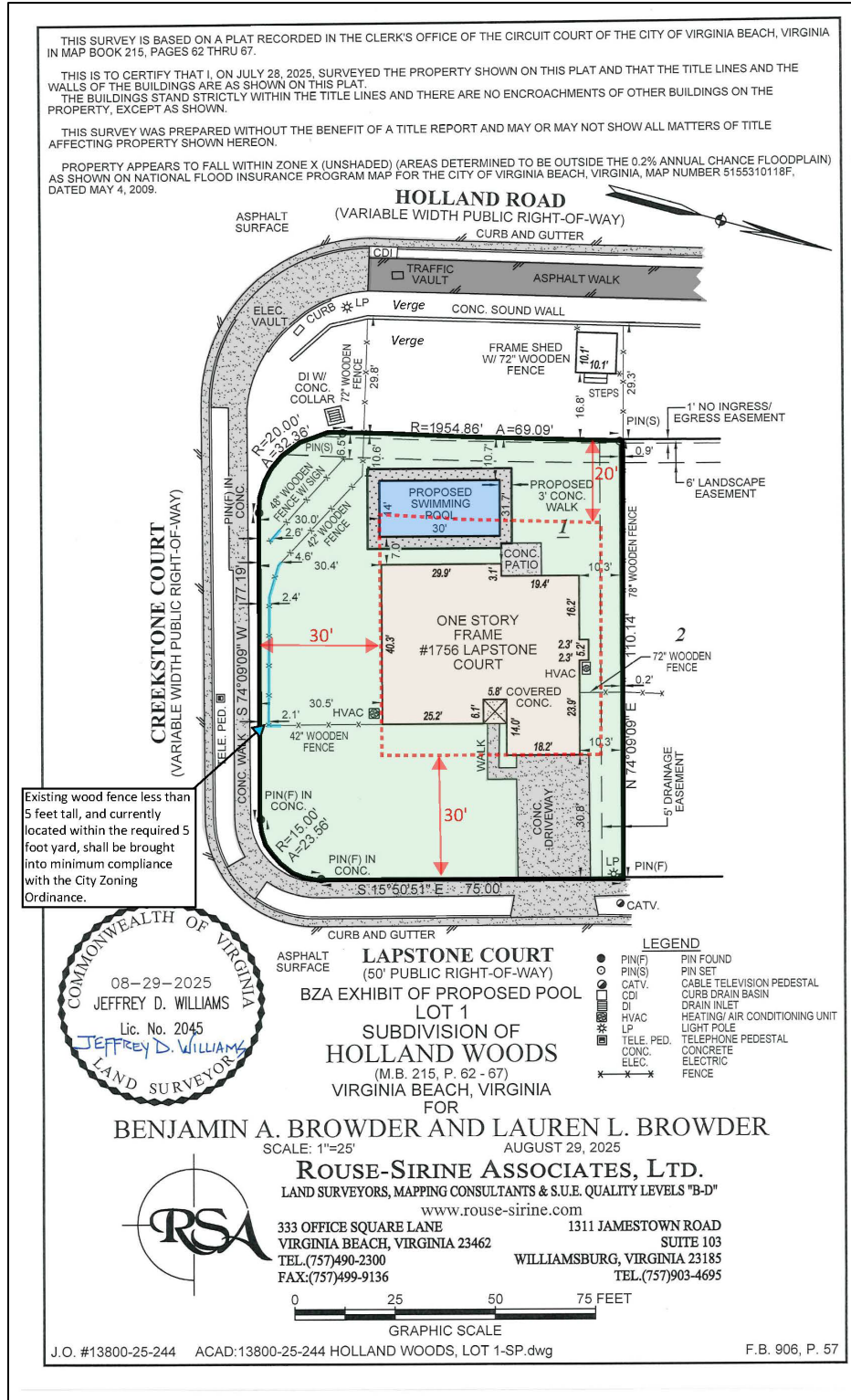
AERIAL (DETAIL):



AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



HOLLAND ROAD
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)
CURB AND GUTTER
ASPHALT SURFACE

CREEKSTONE COURT
(VARIABLE WIDTH PUBLIC RIGHT-OF-WAY)

CDI
TRAFFIC VAULT
ELEC. VAULT
LP
Verge
CONC. SOUND WALL
FRAME SHED W/ 72" WOODEN FENCE
STEPS
PIN(S) EGRESS EASEMENT
6' LANDSCAPE EASEMENT
R=1954.86' A=69.09'
R=20.00' A=32.36'
DI W/ CONC. COLLAR
72" WOODEN FENCE
48" WOODEN FENCE W/ SIGN
42" WOODEN FENCE
PROPOSED SWIMMING POOL
PROPOSED 3' CONC. WALK
CONC. PATIO
ONE STORY FRAME #1756 LAPSTONE COURT
H.V.A.C.
COVERED CONC.
WALK
CONC. DRIVEWAY
N 74°09'09"E
S 15°50'51"E
75.00'

ASPHALT SURFACE
LAPSTONE COURT
(50' PUBLIC RIGHT-OF-WAY)
37A EXHIBIT OF PROPOSED POOL

LEGEND

- PIN(F) PIN FOUND
- PIN(S) PIN SET
- CATV. CABLE TELEVISION PEDESTAL

Existing wood fence less than 5 feet tall, and currently located within the required 5 foot yard, shall be brought into minimum compliance with the City Zoning Ordinance.

COMMONWEALTH OF VIRGINIA
08-29-2025

PHOTOGRAPHS:



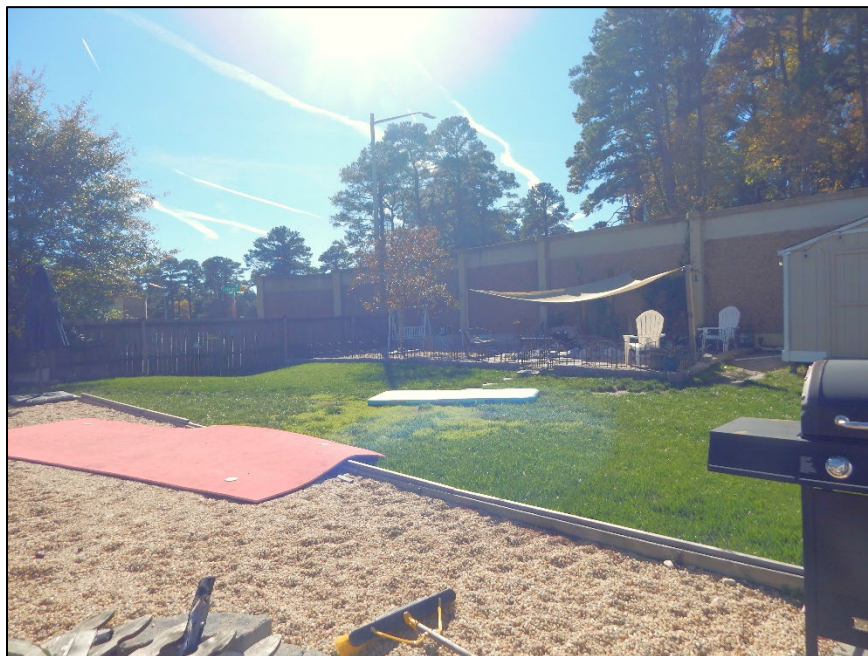
PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:



CITY OF
**VIRGINIA
BEACH**

Disclosure Statement

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Benjamin A. & Lauren L. Browder
as listed on application

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

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

Does Applicant have a Representative? Yes ☒ No ☐

If yes, name Representative: R. Edward Bourdon, Jr., Esq.

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 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 ☐ 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.

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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"/>	Vanderbilt Mortgage & Finance Inc. d/b/a Silverton Mortgage
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"/>	Jeffrey D. Williams, Rouse-Sirine Associates, Ltd.
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., 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.

Benjamin A. Browder

Applicant Name (Print)



Applicant Signature

9-2-2025

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): 11.12.2025

Wilissa Blair-Miller

Staff Name (Print)



Staff Signature

11.12.2025

Date

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CASE: 2025-BZA-00081 - Patrick R. and Jordan E. Grube
HEARING DATE: December 3, 2025
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

211 66th Street

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

A variance to a 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:

SIDE YARD (WEST): A side yard setback variance to 6 feet instead of 8 feet as required for the construction of a building addition.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

2419-63-8862

LOT AREA:

- 7,500 square feet (.17 acres)

AICUZ:

Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

VOTING DISTRICT:

District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

February 2, 2022 (granted)

- A variance to a 5-foot side yard setback (west), instead of 8 feet as required for a proposed residential building addition.

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

- Single-family (built in 1945)
- R-5R(NE) (Residential District) (North End Overlay District)
- Not in a Strategic Growth Area.

NOTE: The property is located within the North End Suburban Focus Area (NESFA). The November 20, 2018, adopted revision to the City's Comprehensive Plan includes a recommendation that all residential and commercial construction projects within the NESFA use attractive and high-quality building materials capable of withstanding severe weather events. Based on the submitted renderings associated with the proposed subject improvements, it appears such recommendations will be met.

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family / Duplex), R-5R(NE) (North End Overlay District)
- South: Residential (single-family / Duplex), R-5R(NE) (North End Overlay District)
- East: Residential (single-family / Duplex), R-5R(NE) (North End Overlay District)
- West: Residential (single-family / Duplex), R-5R(NE) (North End Overlay District)

EXISTING CONDITIONS:

- Dwelling: 11.8 feet from front property line (south)
- Dwelling: 11.2 feet from side property line (east)
- Dwelling: 5.2 feet (chimney) / 6.2 feet (wall of home) from side property line (west)
- Dwelling: Greater than 20 feet from rear property line rear (north)

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

Proposed building additions and improvements located 6.6 feet from the side property line (west), which are not covered by the February 2, 2022, granted zoning variance.

BACKGROUND INFORMATION:

According to City records, the existing home was constructed in 1945, which is roughly a decade before the first applicable zoning ordinance was adopted.

The applicant would like to construct an upper floor building addition. The addition would remain within the overall footprint of the existing home, which already encroaches slightly into the required 8-foot side yard. For clarity, such present encroachment is due to the age of the residence and a previously approved zoning variance. In addition, the entirety of the roof framing assembly north of the existing roof peak would be removed and replaced with a new shallow pitch roof covering the proposed upper floor. Consequently, the existing roof over the rear yard deck must also be removed and replaced in kind.

As the proposed improvements would remain ‘in-line’ with the footprint of the home, one could argue that the strict application of a required 8-foot-wide side yard would unreasonably restrict the utilization of the property.

KEY CONSIDERATIONS:

- The need for the variance does not appear to be generally shared by other properties.
- Allowing the proposed improvements to be constructed ‘in-line’ with the existing home would presumably alleviate a hardship relating to existing property improvements.
- The granting of the variance does not seem to be of substantial detriment to adjacent property and/or nearby properties.

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

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

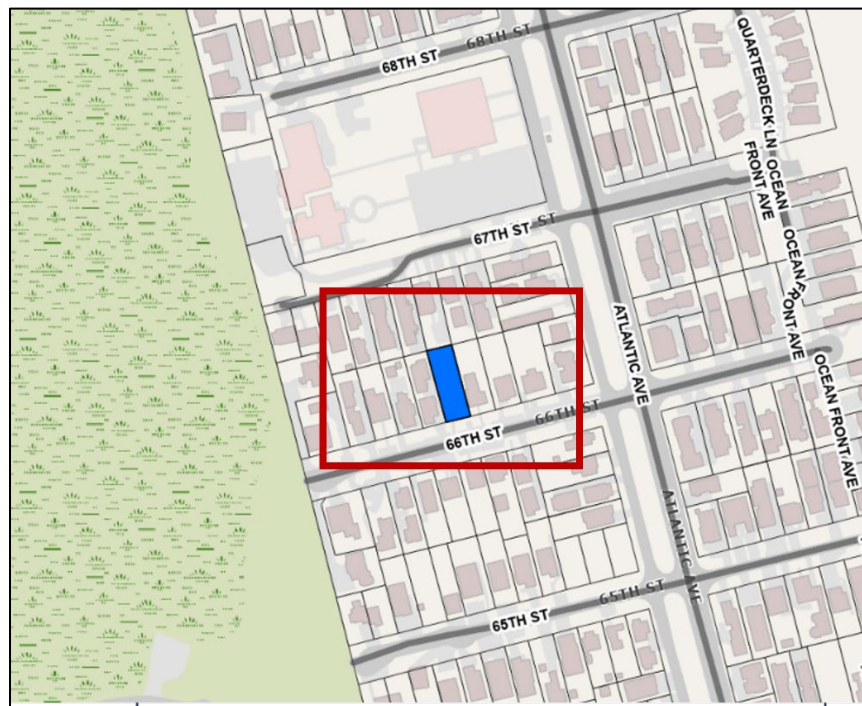
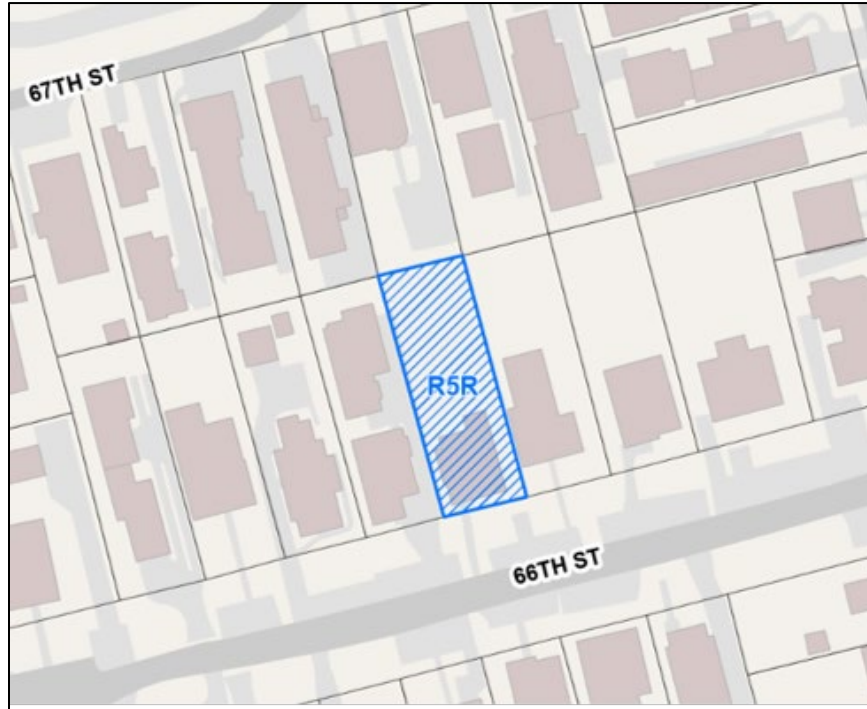
APPLICANT STATED HARDSHIP:

“Based upon the current survey, the existing structure built in 1945 prior to the existence of Princess Anne County’s first Zoning Ordinance, is setback 11.8’ from the front property line and 6.6 feet from the west side, in both instances the cottage does not meet the subsequently adopted setbacks of 20 feet front and 8 foot side for a single family structure in the R-5R Zoning District. The proposed 400 square foot, 2nd floor only, addition, which aligns with the western wall of the existing cottage and will create 13 square feet (1.4’ x 9.1’) of floor area on the second floor within the 8-foot setback at the northwest corner of the home. As the Board recognized in 2022, strict application of the subsequently imposed 8’ side yard setback on this existing structure produces an undue hardship as that term has been judicially interpreted and evidence is clearly present that the three (3) additional findings called for under 15.2-2309 are clearly present.”

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the submitted exhibit titled, “Building Addition Exhibit of Lot 12, Block 16, Subdivision of Cape Henry, Section E,” dated October 21, 2025, and prepared by WPL Landscape Architecture, Surveying, and Engineering (shown as *Exhibit A – Depiction #1* and *Exhibit A – Depiction #2* in this staff report) and the submitted marked exhibit titled, “Building Addition Exhibit of Lot 12, Block 16, Subdivision of Cape Henry, Section E,” dated August 27, 2025, and prepared by WPL Landscape Architecture, Surveying, and Engineering (shown as *Exhibit A – Depiction #2* 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 Work Exterior Elevations,” page A.05, dated August 6, 2025, and prepared by Jackson Andrews Building and 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 relevant authority.

LOCATION MAPS:



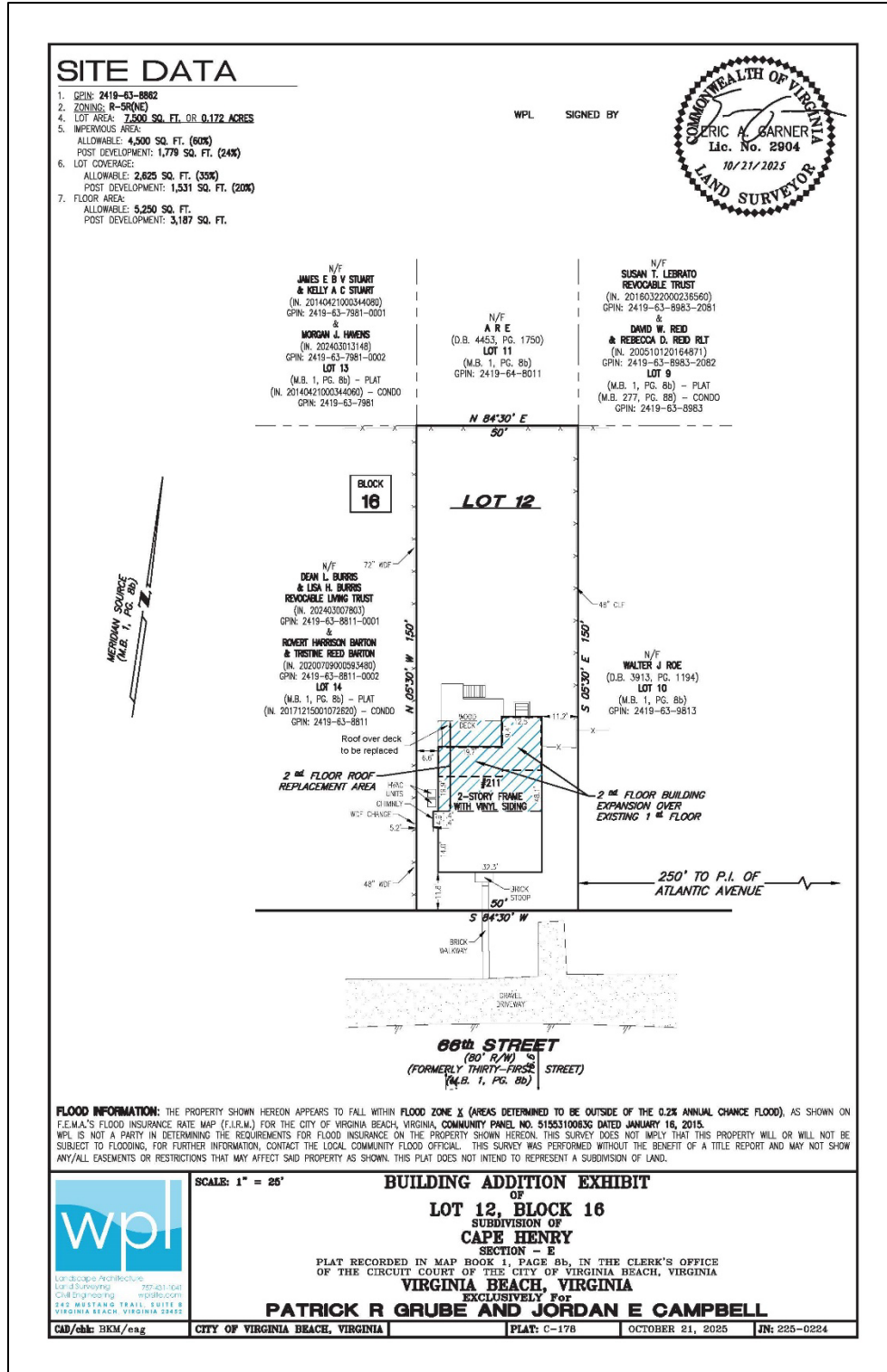
AERIAL:



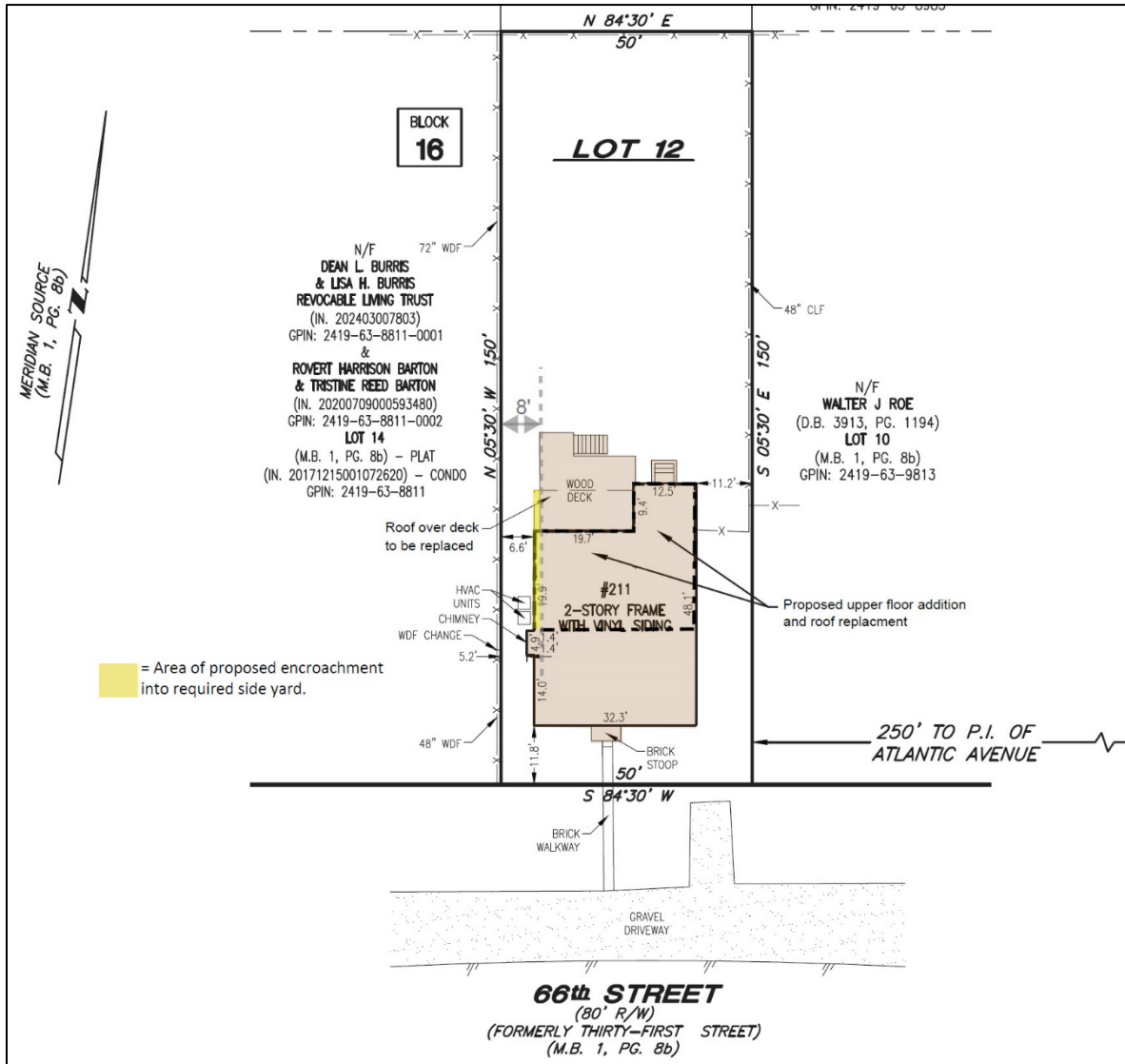
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A – DEPICTION #1):



SITE PLAN DETAIL (EXHIBIT A – DEPICTION #2):



PHOTOGRAPHS:



PHOTOGRAPHS:



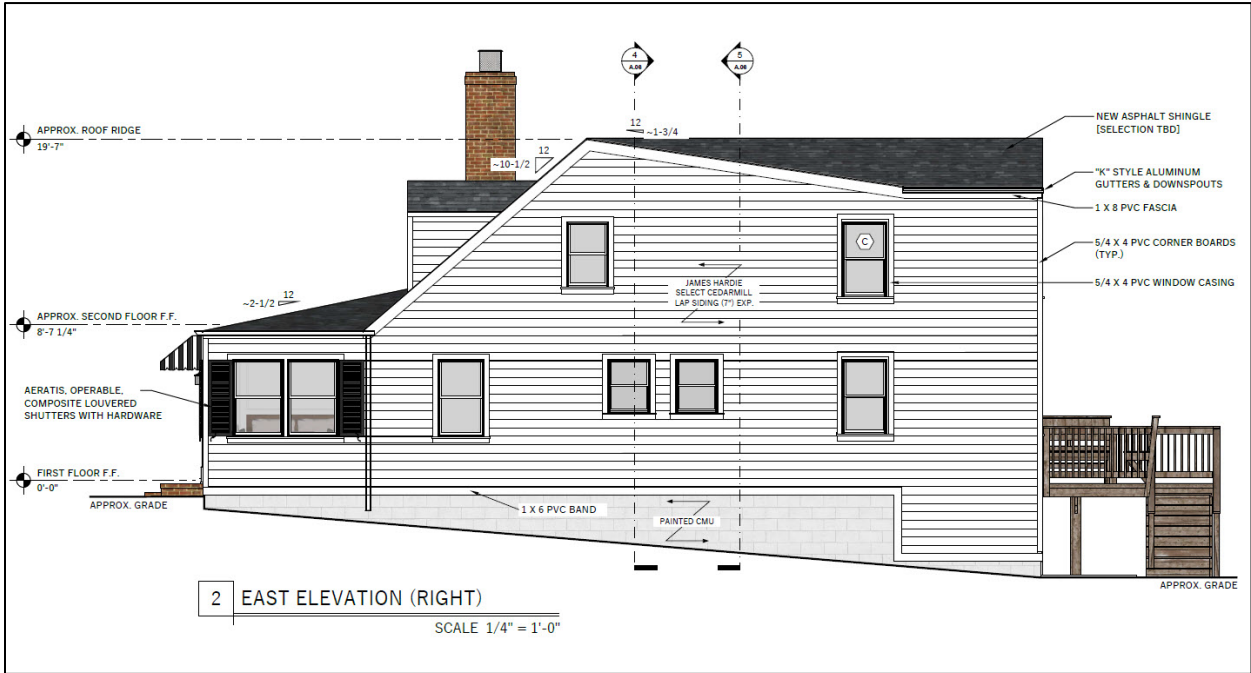
PHOTOGRAPHS:



RENDERINGS:



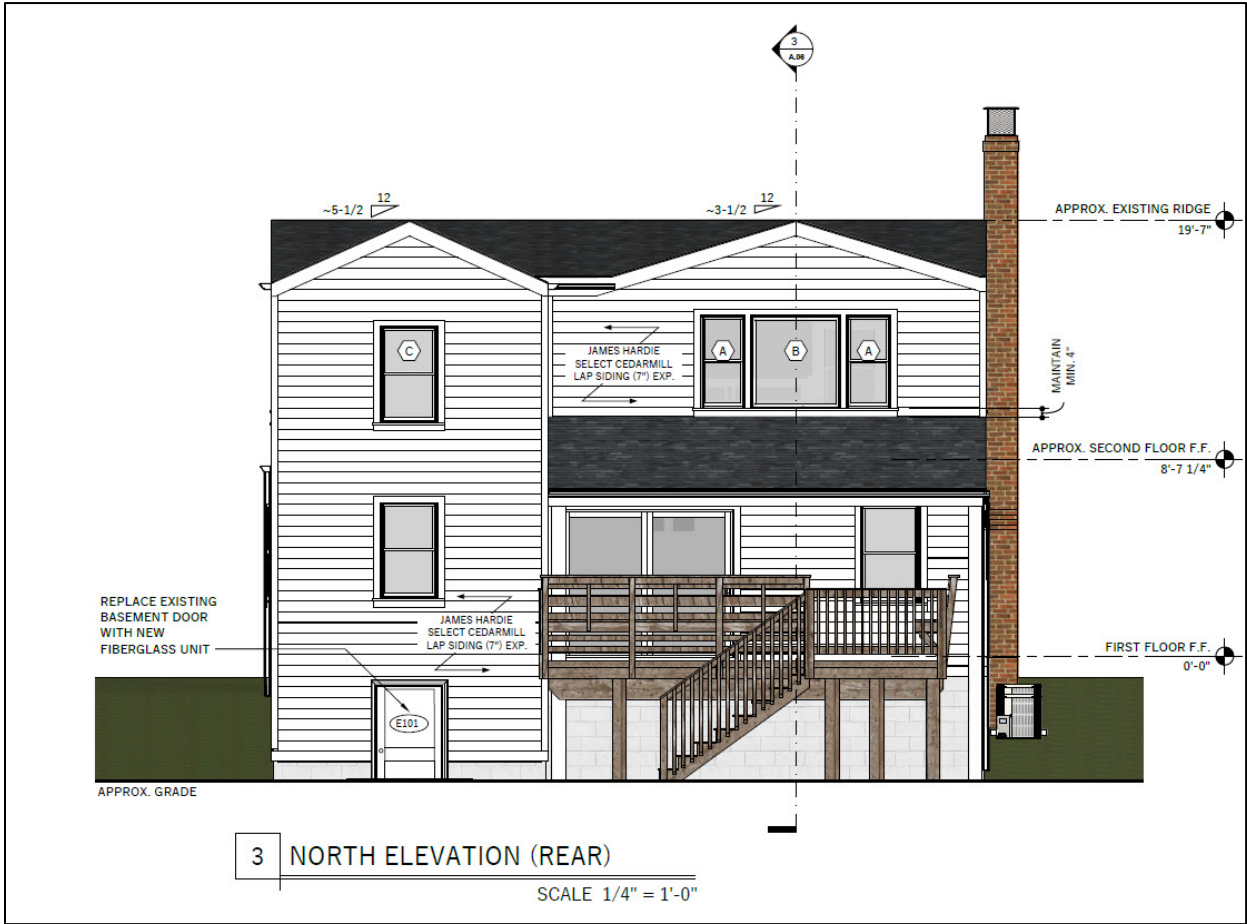
RENDERINGS:




RENDERINGS:



RENDERINGS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	<h2>Disclosure Statement</h2>	
<p>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.</p>			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: <i>as listed on application</i> Patrick R Grube and Jordan E Grube			
Is Applicant also the Owner of the subject property? Yes <input checked="" type="radio"/> No <input type="radio"/>			
<i>If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).</i>			
Does Applicant have a Representative? Yes <input checked="" type="radio"/> No <input type="radio"/>			
<i>If yes, name Representative:</i> R. Edward Bourdon, Jr., Esquire			
Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes <input type="radio"/> No <input checked="" type="radio"/>			
<i>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.)</i>			
Does the subject property have a proposed or pending purchaser? Yes <input type="radio"/> No <input checked="" type="radio"/>			
<i>If yes, name proposed or pending purchaser:</i>			
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="radio"/> No <input checked="" type="radio"/>			
<i>If yes, name the official or employee, and describe the nature of their interest.</i>			
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 checked="" type="radio"/>	<input type="radio"/>	Zillow Home Loans, LLC
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"/>	Jackson Andrews Building + Design
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	Jackson Andrews Building + Design
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.

Patrick R Grube

Jordan E Grube

Applicant Name (Print)



Applicant Signature

8/24/25

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): 11.12.2025

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

11.12.2025

Date



CASE: 2025-BZA-00082 - George H. Weissinger Jr. and Mary Weissinger

HEARING DATE: December 3, 2025

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

5221 Prestwick Street

REPRESENTATIVE:

George H. Weissinger Jr. and/or Mary Weissinger, Property Owners

VARIANCE REQUEST(S) (ABBREVIATED):

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

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 (NORTHEAST – TWEED COURT): A side corner setback variance (Tweed Court) to 17 feet instead of 30 feet as required for a deck with stairs.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

1465-62-7205

LOT AREA:

- 9,111 square feet (.2 acres)

AICUZ:

Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Southern Rivers
- X (area determined to be outside the 500-year flood)

VOTING DISTRICT:

District 1

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-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:

- Dwelling: 31.8 feet from front property line (northwest)
- Dwelling: 8.2 feet from side property line (southwest)
- Dwelling: 21.1 feet from side corner property line (northeast)
- Dwelling: greater than 20 feet from rear property line rear (southeast)
- Attached Raised Deck: 17 feet from the side corner property line (northeast)

EXTENT OF PROJECT:

Reconstruction of deck (variance requested)

Recently reconstructed deck located 17 feet from the side yard property line adjacent to Tweed Court.

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-6 zoning district. In 1988, the R-6 zoning district was renamed to R-7.5, which is also the current designation.

The applicant would like to retain an existing deck with stairs located within the required side yard adjacent to Tweed Court.

Somewhat recently, the applicant employed a contractor to replace a deck on the subject property. Unfortunately, the contractor did not apply for a building permit to do so. Nevertheless, the structure appears to have been built within the same footprint as a previous deck, with both old and new structures sitting roughly 17 feet from the property line abutting Tweed Court.

According to the applicant, the previous deck was constructed nearly 42 years ago, which is around the same time the home was built. Back then, the required yard adjacent to Tweed Court was only 10 feet; however, that distance increased to 30 feet in 1988. Subsequently, portions of the subject home and deck became legally nonconforming structures due to their established encroachments into the larger 1988 minimum yard requirement. While the previous deck did receive allowable nonstructural railing and planking replacements over the years, its structural components were left intact. Those structural components eventually began to fail, which led to the recent demolition of the old deck and construction of a new deck built in kind.

On September 17, 2025, the Permits and Inspections Division of the Planning Department received a complaint regarding construction of a deck without a permit on the subject property.

On September 22, 2025, a stop work order was issued by Permits and Inspections Division staff for unpermitted deck construction.

Shortly after the stop work order was issued, zoning staff met with the applicants. During the meeting, staff explained the Board of Zoning Appeals process and provided other pertinent details.

On September 26, 2025, this Board of Zoning Appeals variance request was submitted by the applicants.

KEY CONSIDERATIONS:

- The hardship does not appear to have been created by the applicants.
- As a deck has been at the present location for roughly 42 years, it is presumed that the granting of the variance would not be of substantial detriment to adjacent property and nearby properties.
- The rather pronounced curvilinear shape associated with the side yard adjacent to Tweed Court, combined with the placement of the home, arguably causes hardships related to both the physical condition of the subject property and the existing improvements thereon.

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

- Letters of Support: 1
- Letters of Opposition: 0

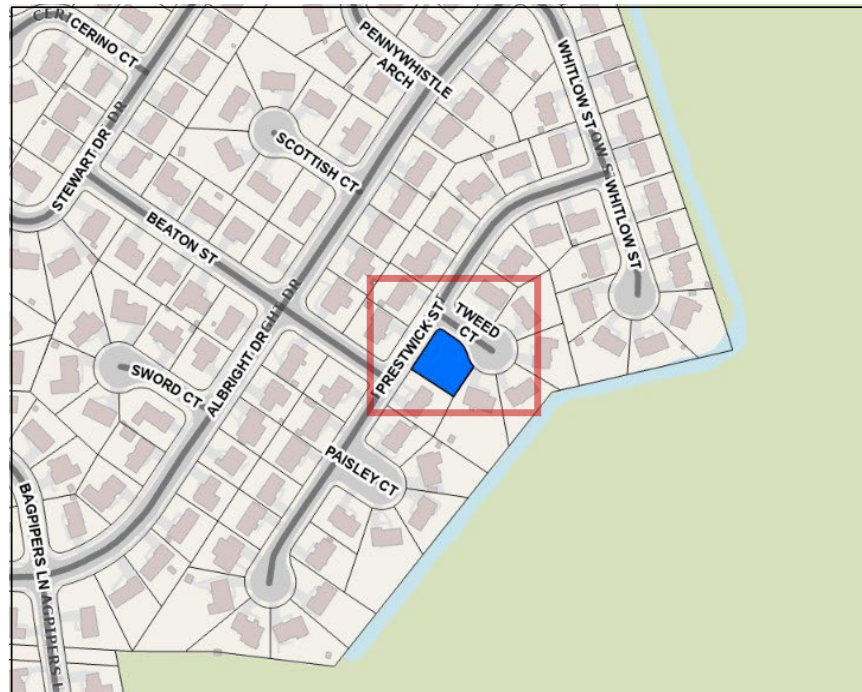
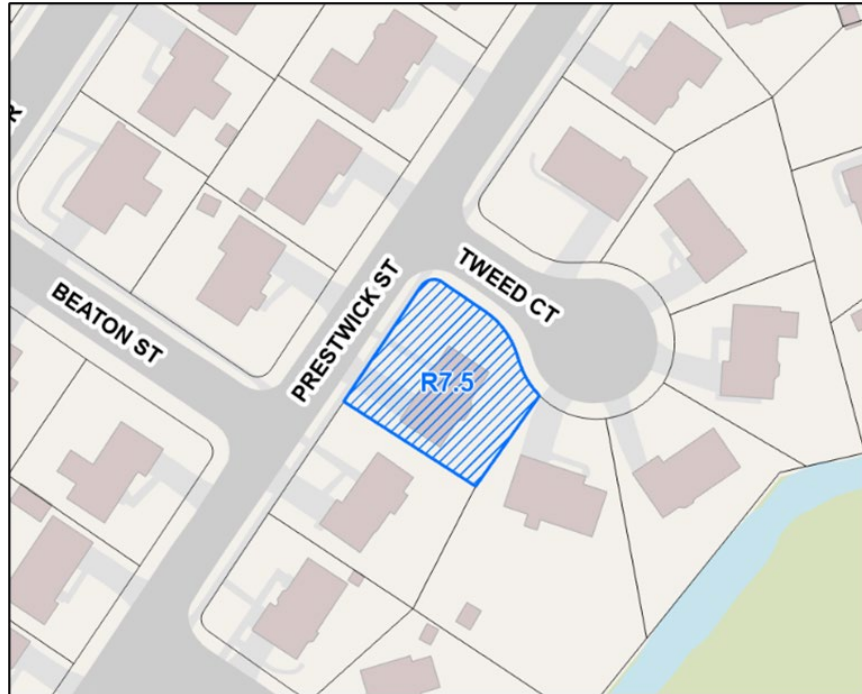
APPLICANT STATED HARDSHIP:

"Our lot is on a cul-de-sac causing a curved edge to the road. This affects measurements. Since we bought the house in 1985, I am understanding that no previous variance was applied for. This could be due to the required measure being different in 1985 and then subsequently changed several years after we bought the house."

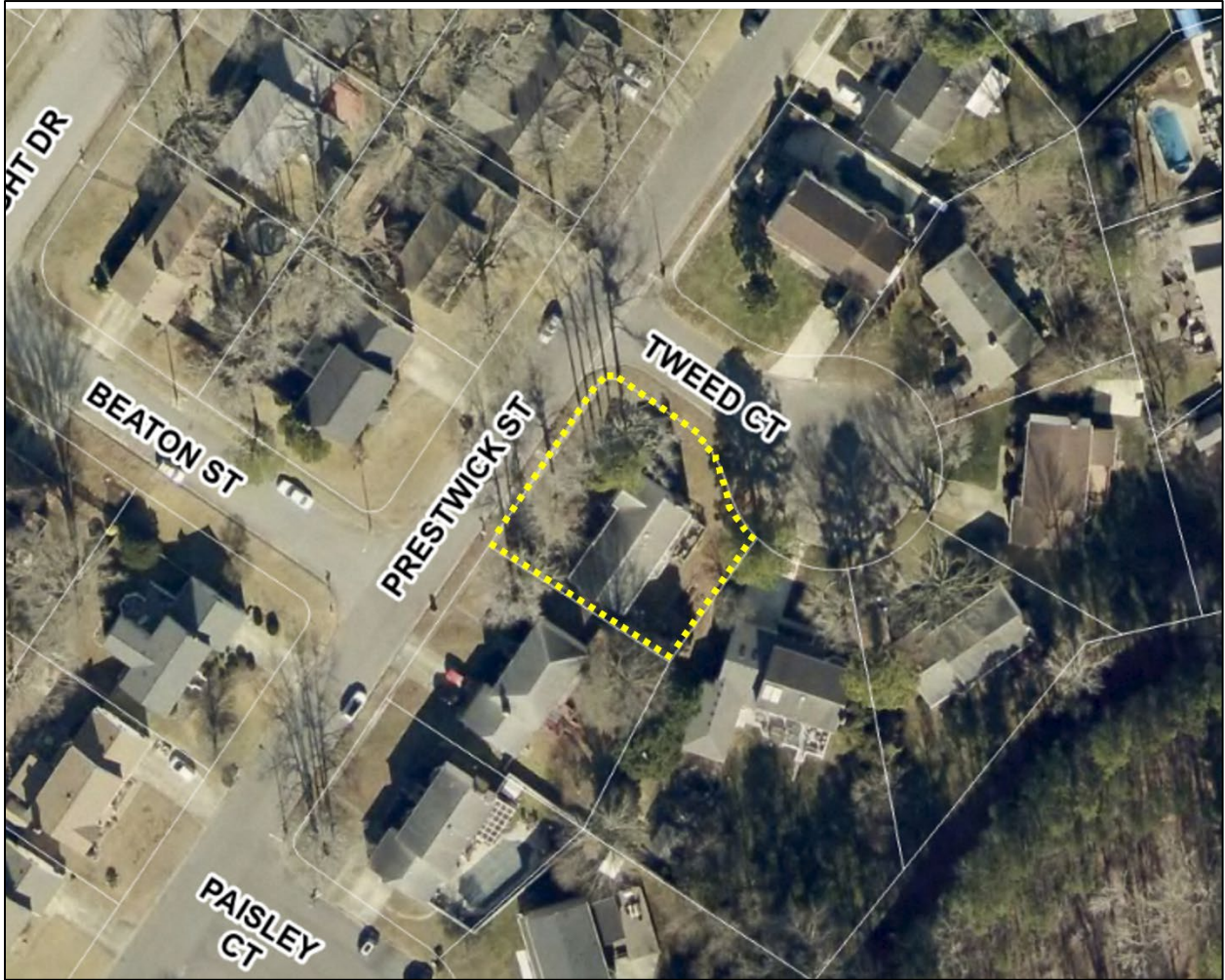
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the submitted marked exhibit titled, "Physical Survey of Lot 18, Block A, Brigadoon Pines, Section three," dated March 26, 1985, and prepared by John E. Sirine 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. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

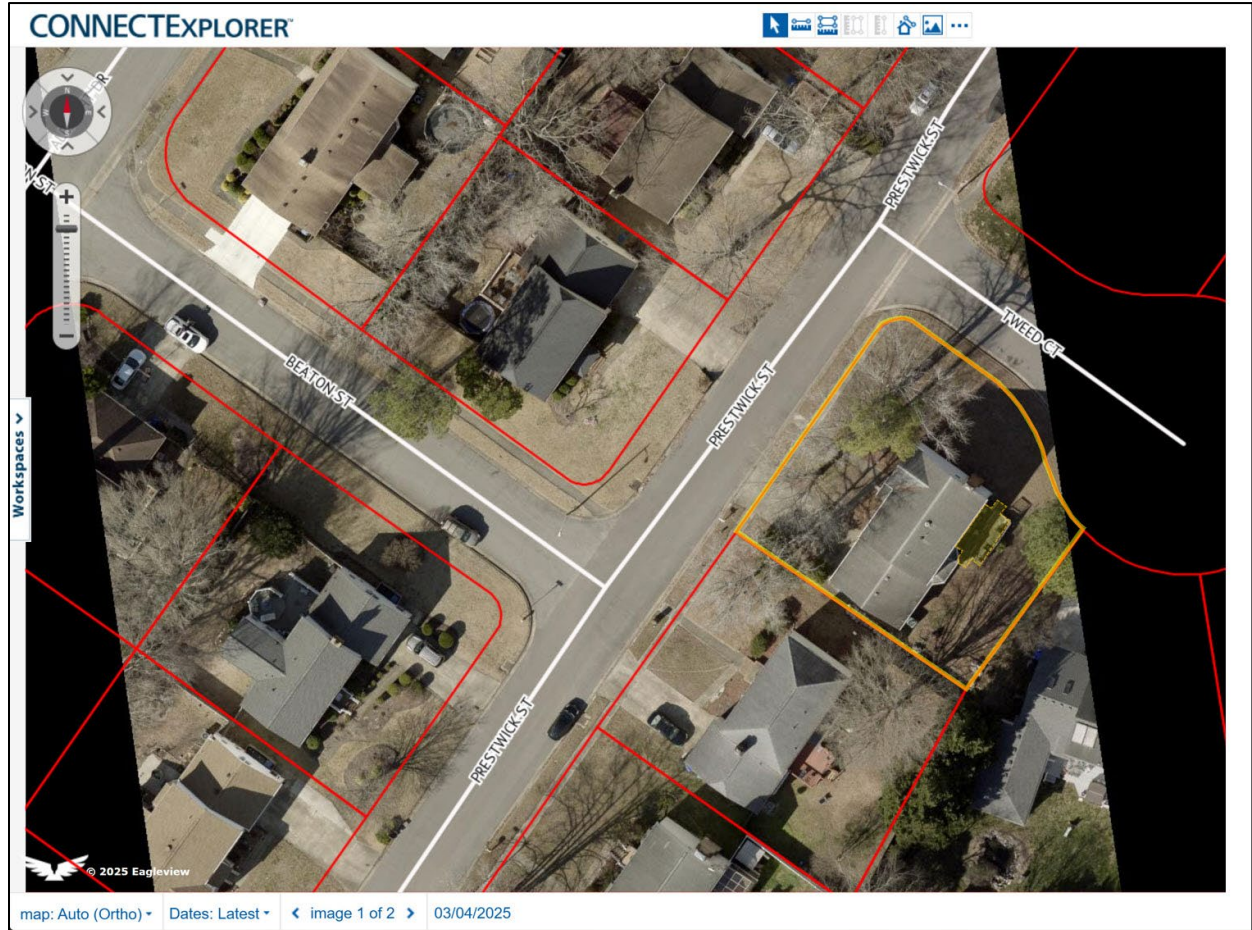
LOCATION MAPS:



AERIAL:



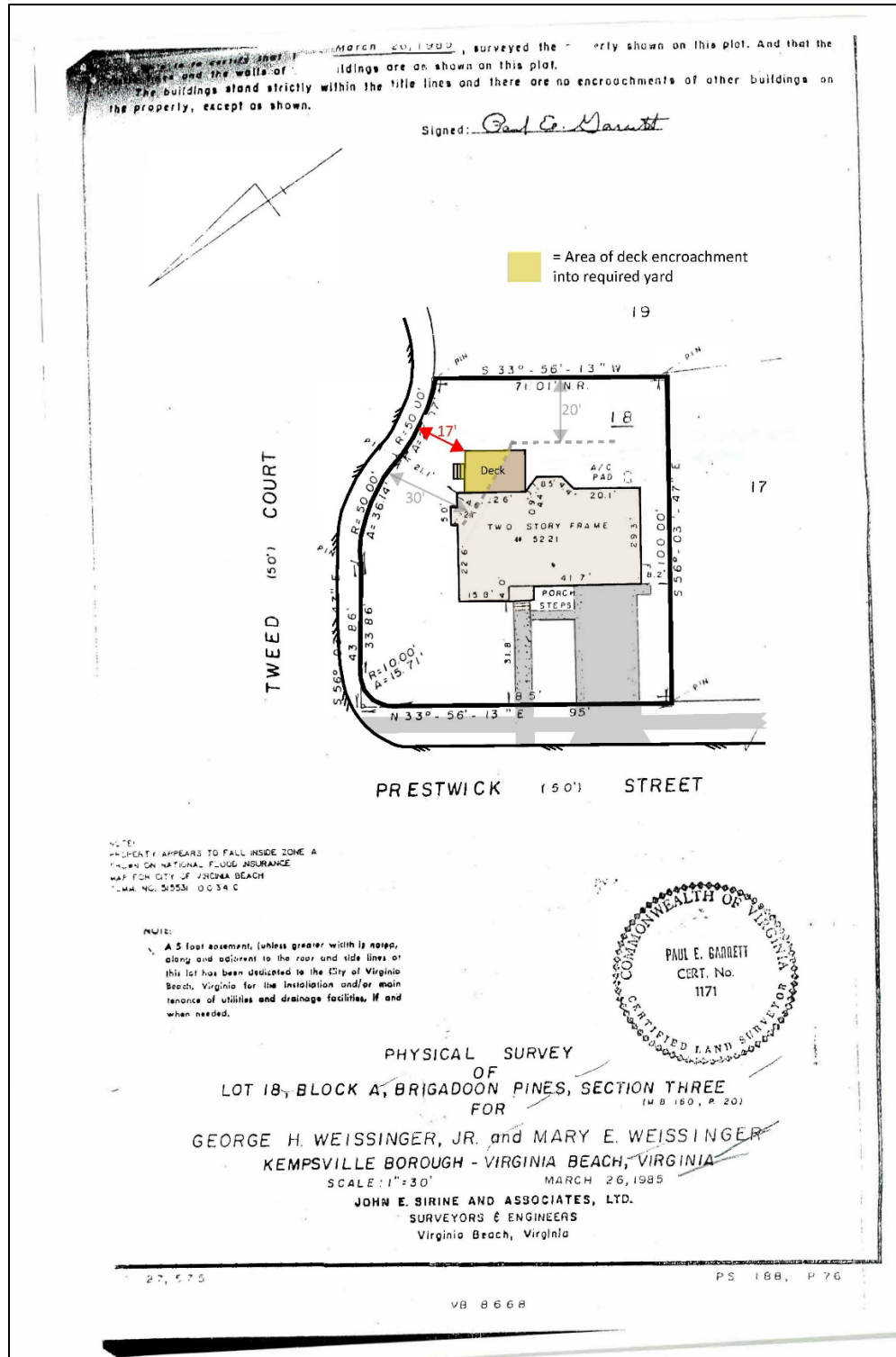
AERIAL (DETAIL):



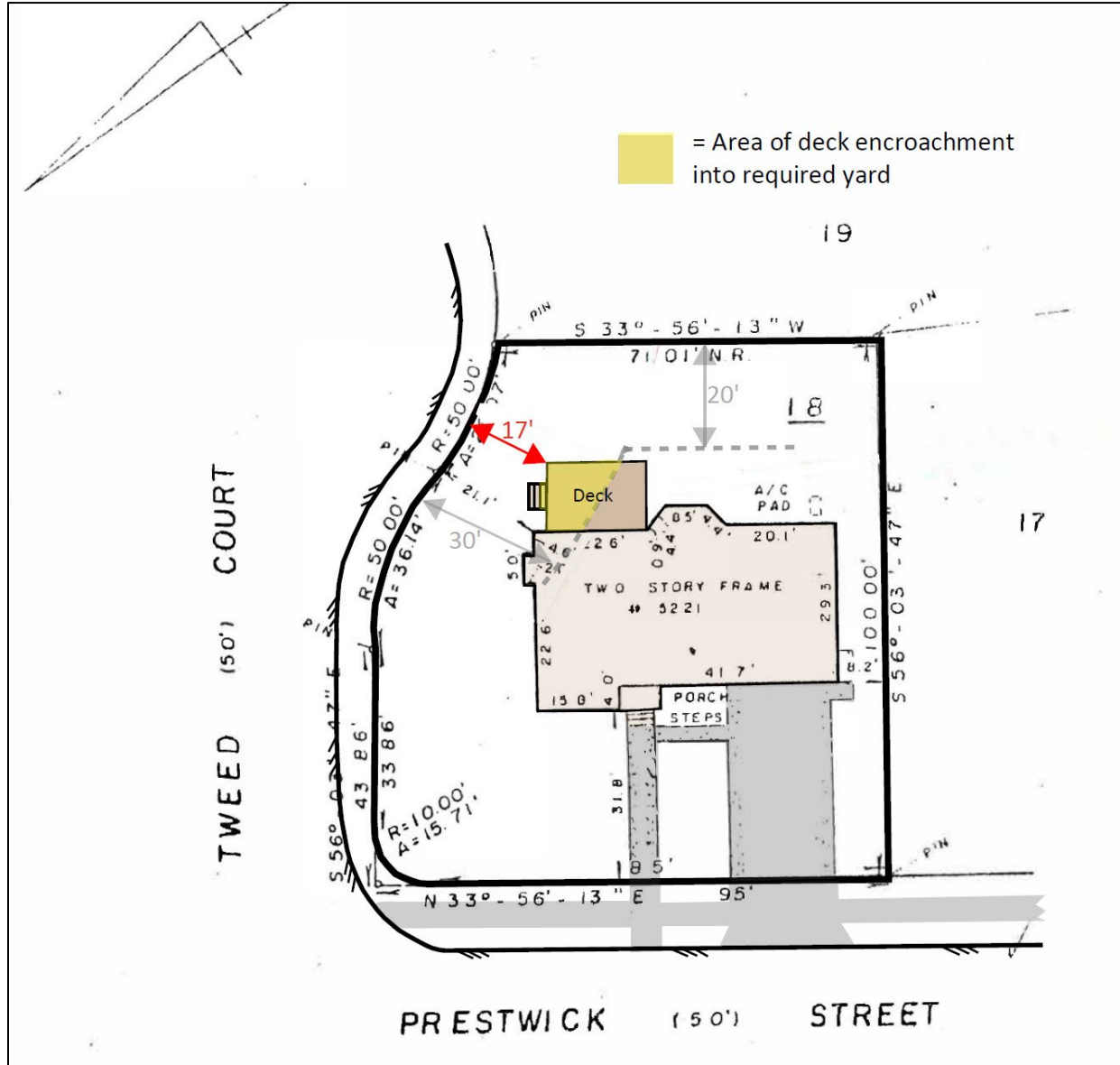
AERIAL (DETAIL / 2023):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



MARCH 2025 – IMAGE OF PREVIOUS DECK IN DISREPAIR:



PHOTOGRAPHS:




PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	<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>														
SECTION 1: APPLICANT DISCLOSURE														
<p>APPLICANT INFORMATION</p> <p>Applicant Name: <u>George H Weissinger</u> Mary E Weissinger <i>as listed on application</i></p> <p>Is Applicant also the Owner of the subject property? Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p><i>If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).</i></p> <p>Does Applicant have a Representative? Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name Representative:</i> _____</p> <p>Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? 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 ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)</i></p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div> <p>Does the subject property have a proposed or pending purchaser? Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name proposed or pending purchaser:</i> _____</p> <p>KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE</p> <p>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="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name the official or employee, and describe the nature of their interest.</i></p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>														
<p>APPLICANT SERVICES DISCLOSURE</p> <p>READ: <i>The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"><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 checked="" type="radio"/></td><td style="text-align: center;"><input type="radio"/></td><td>newrez</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 checked="" type="radio"/>	<input type="radio"/>	newrez	Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	
SERVICE	YES	NO	SERVICE PROVIDER <small>(Name entity and/or individual)</small>											
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input checked="" type="radio"/>	<input type="radio"/>	newrez											
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	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	Erik Gonzales
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.

Georgette Weissinger Georgette Weissinger 9-24-2025
Applicant Name (Print) Applicant Signature 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): 11.18.2025

Wilissa Blair-Miller
Staff Name (Print)

Wilissa Blair-Miller
Staff Signature

11.18.2025
Date



CASE: 2025-BZA-00085 - J. D. Williams Construction Co., Inc.

HEARING DATE: December 3, 2025

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

600 13th Street (Temporary Address) / **Lot 1A**

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to 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:

SIDE YARD ADJACENT TO A STREET (NORTH - 13TH STREET): A side corner setback variance to 8 feet instead of 18 feet as required for a proposed single-family dwelling.

REAR YARD (WEST): A rear yard setback variance to 8 feet instead of 20 feet as required for a proposed single-family dwelling.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

2427-05-1284

LOT AREA:

- 3,125 square feet (.07 acres)

AICUZ:

70-75 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

VOTING DISTRICT:

District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Vacant lot (previous structures demolished)
- R-5D (Residential District)
- Strategic Growth Area (SGA): Resort

The following Resort SGA design principles found in the *Virginia Beach Resort Area Strategic Action Plan 2030*, adopted by City Council on June 2, 2020, appear to be met with this request:

- a. Placement of porches to allow for neighborly interaction.
- b. Respecting the neighborhood setting.
- c. Keeping the block at a neighborhood scale.

Note: While the subject site is within the boundaries of the Resort SGA, it is located outside of the five main districts and corridors therein. For reference, those areas are as follows: 1. Marina District; 2. Central Beach District; 3. Laskin Gateway District; 4. Oceanfront Corridor; 5. Vibe Creative District.

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-5D
- South: Residential (single-family), R-5D
- East: Residential (single-family), R-5D
- West: Residential (semi-detached), R-5D

EXISTING CONDITIONS:

- N/A (existing structures demolished)

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

Proposed single-family dwelling located 8 feet from the property line abutting 13th Street instead of 18 feet as required and 8 feet from the rear property line instead of 20 feet as required.

BACKGROUND INFORMATION:

According to City records, the boundaries of the taxable area associated with the subject property (a.k.a., the tax parcel) originally consisted of two extremely narrow east/west situated lots. These properties were created by plat and designated as Lots 1 and 2, Block 107, in map book 7 at page 100, which was recorded in the first quarter of the 20th century. For clarity, Lots 1 and 2 were each only 25 feet wide, 125 feet deep, and contained 3,125 square feet of area. Certainly, the overall dimensions of these century old properties were significantly deficient when compared to modern lot requirements, which specify that newly created single-family use lots within the subject zoning district contain no less than 5,000 square feet in area and 50 feet of lot width. As a result, the width and area associated with both Lots 1 and 2 were legally nonconforming.

At the time of this writing, subject Lots 1 and 2, Block 107, are under review by City staff for a resubdivision.* This reorganization of the two existing properties will ultimately result in two new parcels that will better align with modern lot dimension standards. The two new properties, which are designated as Lots 1A and 2A on the submitted BZA exhibit, will exceed current minimum lot width standards while maintaining the original 3,125 square feet of lot area original to the older parcels. To put this another way, the resubdivision of the two legally nonconforming lots will make a bad situation better.

While the two described properties are inherently linked, the focus of this staff report is Lot 1A, which is situated at the intersections of Mediterranean Avenue and 13th Street, making it a corner parcel. Because the narrowest boundary of the property stretches along Mediterranean Avenue, the City Zoning Ordinance defines this as the front of the zoning lot. In the subject zoning district, single-family use properties are required to have no less than 20-foot front yards, 8-foot side yards, 18-foot side yards adjacent to streets, and 20-foot rear yards. When applying these required yards to the subject property, a building area of only 22.5 feet by 24 feet remains. To put those dimensions into better perspective, a ‘standard’ two car garage is 20 feet by 20 feet. While admittedly debatable, such a compact single-family home footprint would be out of character when compared to the residential redevelopment occurring within the surrounding neighborhood.

Based on the overall details of this matter, relief to the required yards is arguably reasonable.

**The resubdivision of the subject property is anticipated for completion before December 3, 2025, which is the Board of Zoning Appeals public hearing date assigned to this request. If the resubdivision has not been recorded with the Circuit Court, Land Records Office, by December 3, 2025, this request may require a deferral, with such action only occurring if recommended by the City Attorney’s Office.*

KEY CONSIDERATIONS:

- The strict application of the ordinance appears to unreasonably restrict the utilization of the subject property.
- The need for a variance does not seem to be generally shared by other properties.
- The newly resubdivided parcels have unquestionably made a bad situation better.
- While understandably open for debate, relief to the required yards would alleviate a hardship due to the physical condition of the subject property.

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

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

APPLICANT STATED HARDSHIP:

"The subject Lots 1A and 2A which are companion applications are the result of a boundary line adjustment/resubdivision of Lots 1 (GPIN: 2427-05-1276) and 2 (GPIN: 2427-05-1284) as created originally in 1925 on the Plat of Lakewood, many years prior to the adoption of the first Zoning Ordinance by the Town of Virginia Beach and by Princess Anne County. Subsequent adoption of the first Zoning and Subdivision Ordinances and subsequent revisions to the initial Zoning Ordinance created and imposed zoning districts on the original two (2) lots with dimensional requirements that made the legally created building lots significantly deficient in lot width and non-conforming. Technically (but not practically) Lots 1 and 2 as originally platted and now placed in the R-5D Zoning District (BUT NOT IN THE OLD BEACH OVERLAY DISTRICT) could each be developed with a duplex or they could each be developed with a single-family dwelling. By combining the two (2) lots, you would still have a seriously non-conforming corner lot (as to lot width at 50') and the owner could develop a nice 3-story duplex with a side yard setback variance adjacent to 13th Street of 7 feet to a 13 foot setback for the main structure and to an 8 foot setback for a covered entry porch. This is very much in line with relief granted for duplexes on non-conforming 50-foot-wide corner lots in the Oceanfront, North End and Shore Drive areas zoned R-5R and R-5D. With the largely successful collaboration between the community and redevelopers of the area embodied in the Old Beach Overlay District, the applicant approached the City with the proposal to resubdivide the existing original Lots 1 and 2 into two (2) more buildable and more conforming lots which would be able to be developed each with a single family dwelling, with more open space on the lot (i.e. smaller building footprint) and with a less massive structure than a duplex. The exact same setback relief is necessary on the side adjacent to 13th Street for these two (2) proposed detached (on separate lots) single family homes and the result is a nicer, more aesthetically pleasing better spaced product, with a significant positive contribution to the residential character of the 13th Street frontage (side corner)."

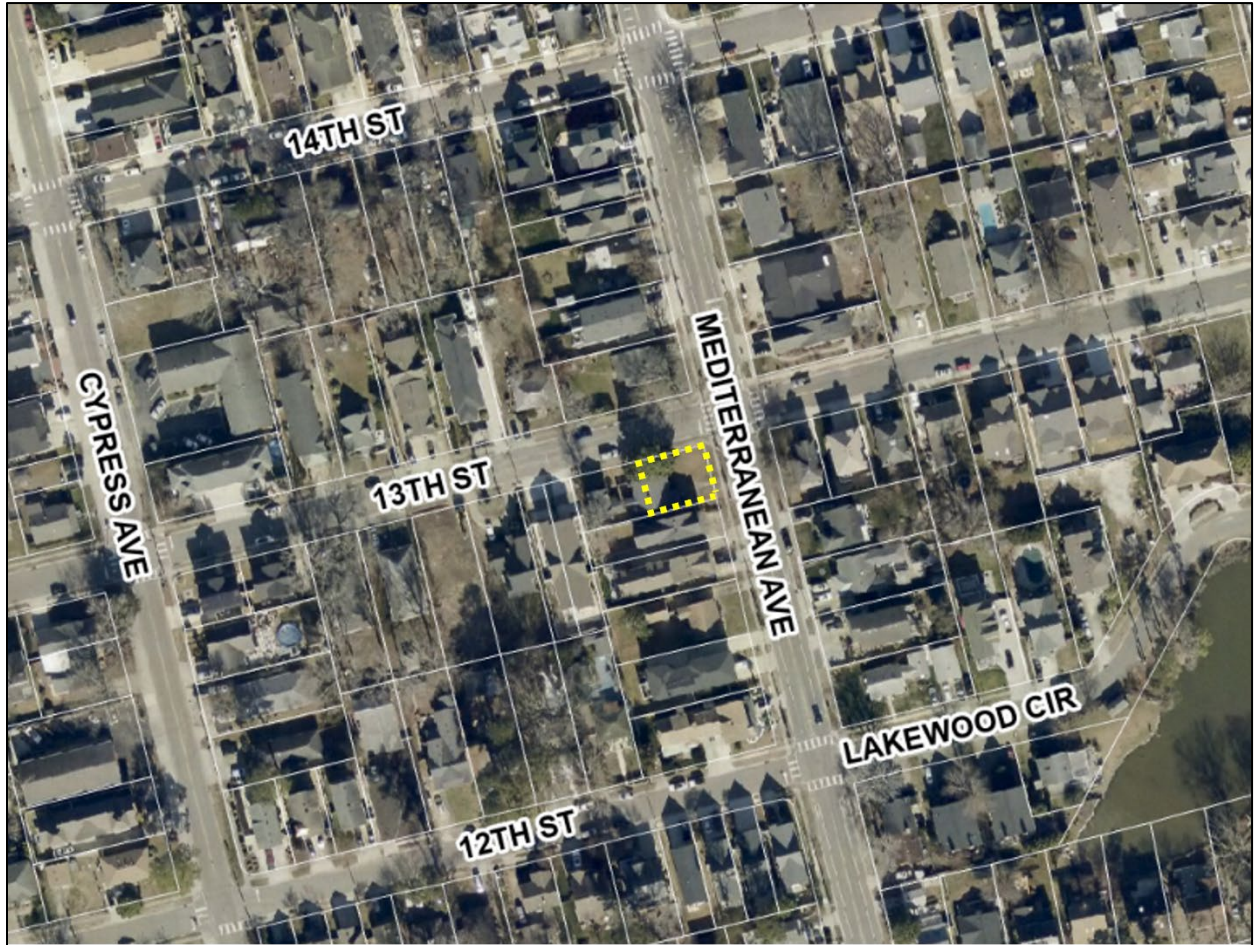
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "Single Family BZA Exhibit, Lots 1A and 2A, Block 7," dated September 24, 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 exhibit.
2. All applicable permits shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

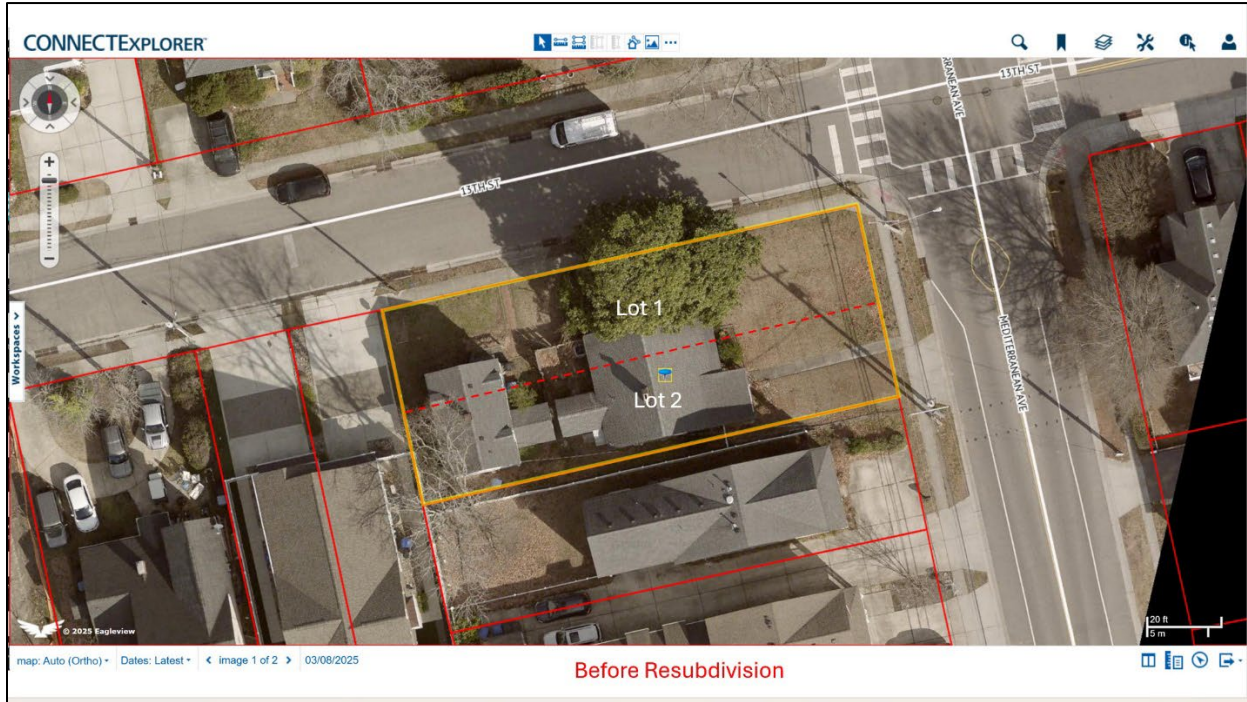
LOCATION MAPS:



AERIAL:



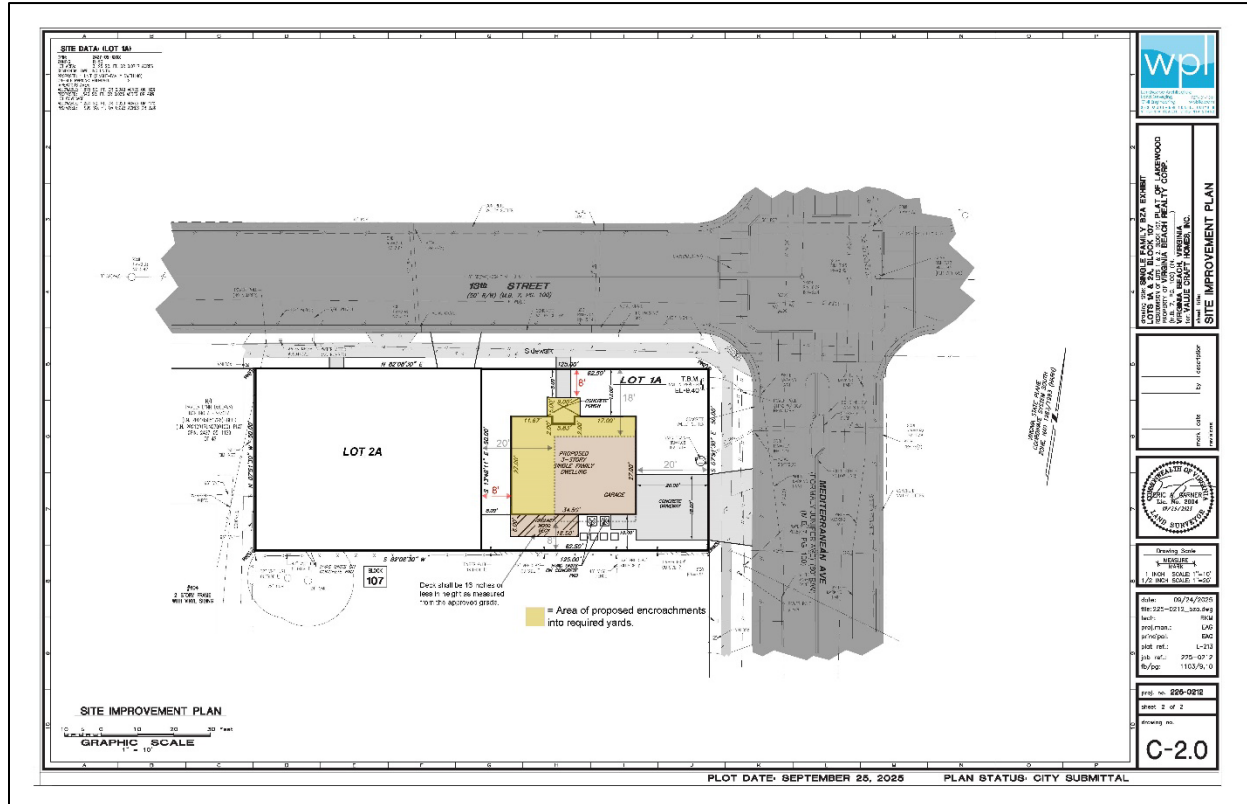
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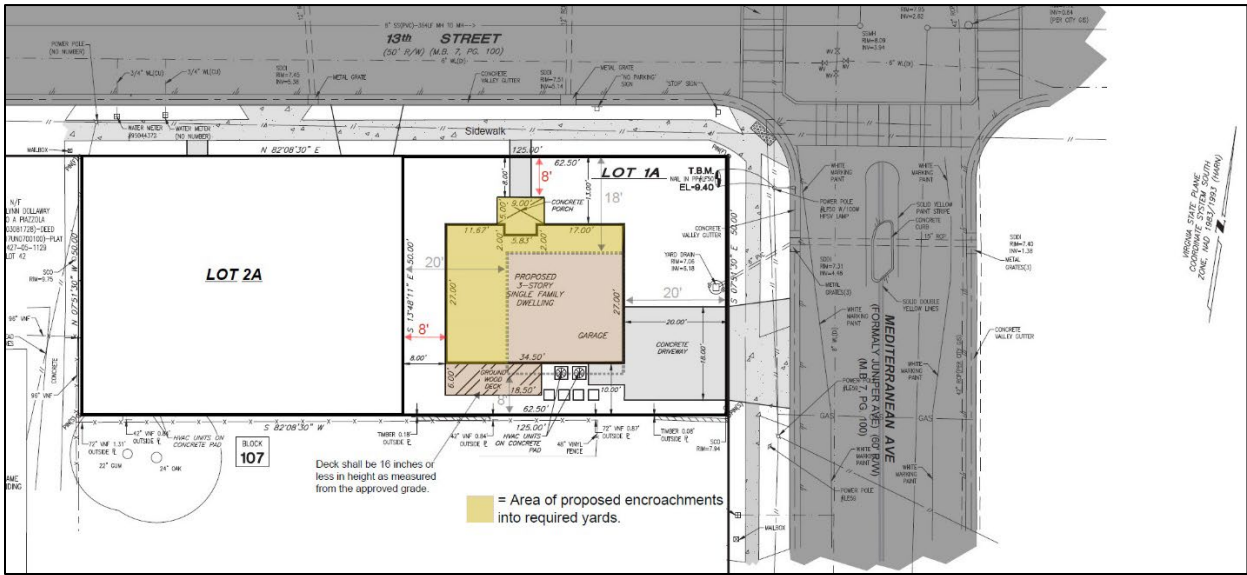
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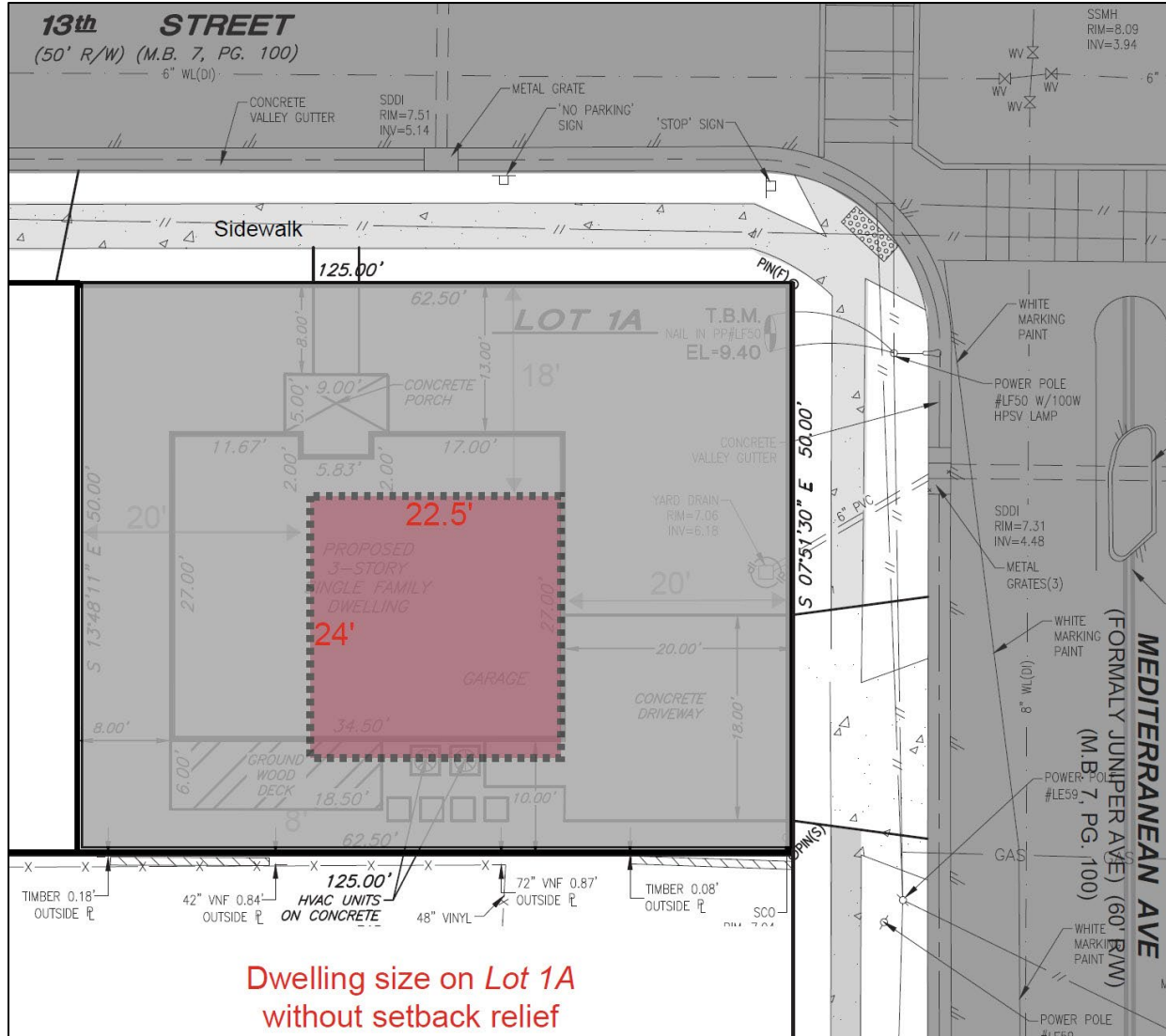
SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



BUILDING ENVELOPE WITHOUT SETBACK RELIEF:




PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	<h2>Disclosure Statement</h2>	
<p><i>The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.</i></p>			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: as listed on application <u>J.D. Williams Construction Co., Inc., a Virginia corporation</u>			
Is Applicant also the Owner of the subject property? Yes <input checked="" type="radio"/> No <input type="radio"/>			
<i>If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).</i>			
Does Applicant have a Representative? Yes <input checked="" type="radio"/> No <input type="radio"/>			
<i>If yes, name Representative:</i> <u>R. Edward Bourdon, Jr., Esq.</u>			
Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes <input checked="" type="radio"/> No <input type="radio"/>			
<i>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.)</i>			
James D. Williams, President			
Does the subject property have a proposed or pending purchaser? Yes <input type="radio"/> No <input checked="" type="radio"/>			
<i>If yes, name proposed or pending purchaser:</i> _____			
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="radio"/> No <input checked="" type="radio"/>			
<i>If yes, name the official or employee, and describe the nature of their interest.</i>			
APPLICANT SERVICES DISCLOSURE			
READ: <i>The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)</i>			
SERVICE	YES	NO	SERVICE PROVIDER <small>(Name entity and/or individual)</small>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	

Disclosure Statement | 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 type="radio"/>	James D. Williams, J.D. Williams Construction Co., Inc.
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Eric Garner, WPL
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., 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.

James D. Williams, President

J.D. Williams

09/30/2025

Applicant Name (Print)

Applicant Signature

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): 11.12.2025

Wilissa Blair-Miller

Wilissa Blair-Miller

11.12.2025

Staff Name (Print)

Staff Signature

Date



CASE: 2025-BZA-00086 - J. D. Williams Construction Co., Inc.

HEARING DATE: December 3, 2025

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

602 13th Street (Temporary Address) / **Lot 2A**

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the 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 setback variance to 8 feet instead of 20 feet as required for a proposed single-family dwelling.

REAR YARD (SOUTH): A rear yard setback variance to 10 feet instead of 20 feet as required for a proposed single-family dwelling.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

2427-05-1284

LOT AREA:

- 3,125 square feet (.07 acres)

AICUZ:

70-75 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

VOTING DISTRICT:

District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Vacant lot (previous structures demolished)
- R-5D (Residential District)
- Strategic Growth Area (SGA): Resort

The following Resort SGA design principles found in the *Virginia Beach Resort Area Strategic Action Plan 2030*, adopted by City Council on June 2, 2020, appear to be met with this request:

- a. Placement of porches to allow for neighborly interaction.
- b. Respecting the neighborhood setting.
- c. Keeping the block at a neighborhood scale.

Note: While the subject site is within the boundaries of the Resort SGA, it is located outside of the five main districts and corridors therein. For reference, those main districts and corridors are as follows: 1. Marina District; 2. Central Beach District; 3. Laskin Gateway District; 4. Oceanfront Corridor; 5. Vibe Creative District.

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-5D
- South: Residential (single-family), R-5D
- East: Residential (single-family), R-5D
- West: Residential (semi-detached), R-5D

EXISTING CONDITIONS:

- N/A (existing structures demolished)

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

Proposed single-family dwelling located 8 feet from the front property line and 10 feet from the rear property line instead of 20 feet each as required.

BACKGROUND INFORMATION:

According to City records, the boundaries of the taxable area associated with the subject property (a.k.a., the tax parcel) originally consisted of two extremely narrow east/west situated lots. These properties were created by plat and designated as Lots 1 and 2, Block 107, in map book 7 at page 100, which was recorded in the first quarter of the 20th century. For clarity, Lots 1 and 2 were each only 25 feet wide, 125 feet deep, and contained 3,125 square feet of area. Certainly, the overall dimensions of these century old properties were significantly deficient when compared to modern lot requirements, which specify that newly created single-family use lots within the subject zoning district contain no less than 5,000 square feet in area and 50 feet of lot width. As a result, the width and area associated with both Lots 1 and 2 were legally nonconforming.

At the time of this writing, subject Lots 1 and 2, Block 107, are under review by City staff for a resubdivision.* This reorganization of the two existing properties will ultimately result in two new parcels that will better align with modern lot dimension standards. The two new properties, which are designated as Lots 1A and 2A on the submitted BZA exhibit, will exceed current minimum lot width standards while maintaining the original 3,125 square feet of lot area original to the older parcels. To put this another way, the resubdivision of the two legally nonconforming lots will make a bad situation better.

While the two properties described are inherently linked, the focus of this staff report is Lot 2A, which is an interior lot facing 13th Street. In the subject zoning district, single-family use properties are required to have no less than 20-foot front yards, 8-foot side yards, and 20-foot rear yards. When applying these required yards to the subject property, an extremely narrow building area of only 10 feet by 46.5 feet remains. Such a long and narrow single-family home footprint would certainly be out of character within the subject neighborhood.

Based on the overall details of this matter, relief to the required yards is arguably reasonable.

**The resubdivision of the subject property is anticipated for completion before December 3, 2025, which is the Board of Zoning Appeals public hearing date assigned to this request. If the resubdivision has not been recorded with the Circuit Court, Land Records Office, by December 3, 2025, this request may require a deferral, with such action only occurring if recommended by the City Attorney's Office.*

KEY CONSIDERATIONS:

- The strict application of the ordinance appears to unreasonably restrict the utilization of the subject property.
- The need for a variance does not seem to be generally shared by other properties.
- The newly resubdivided properties undeniably made a bad situation better.
- While open for debate, relief to the required yards would alleviate a hardship due to the physical condition of the subject property.

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

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

APPLICANT STATED HARDSHIP:

"The subject Lots 1A and 2A which are companion applications are the result of a boundary line adjustment/resubdivision of Lots 1 (GPIN: 2427-05-1276) and 2 (GPIN: 2427-05-1284) as created originally in 1925 on the Plat of Lakewood, many years prior to the adoption of the first Zoning Ordinance by the Town of Virginia Beach and by Princess Anne County. Subsequent adoption of the first Zoning and Subdivision Ordinances and subsequent revisions to the initial Zoning Ordinance created and imposed zoning districts on the original two (2) lots with dimensional requirements that made the legally created building lots significantly deficient in lot width and non-conforming. Technically (but not practically) Lots 1 and 2 as originally platted and now placed in the R-5D Zoning District (BUT NOT IN THE OLD BEACH OVERLAY DISTRICT) could each be developed with a duplex or they could each be developed with a single-family dwelling. By combining the two (2) lots, you would still have a seriously non-conforming corner lot (as to lot width at 50') and the owner could develop a nice 3-story duplex with a side yard setback variance adjacent to 13th Street of 7 feet to a 13 foot setback for the main structure and to an 8 foot setback for a covered entry porch. This is very much in line with relief granted for duplexes on non-conforming 50-foot-wide corner lots in the Oceanfront, North End and Shore Drive areas zoned R-5R and R-5D. With the largely successful collaboration between the community and redevelopers of the area embodied in the Old Beach Overlay District, the applicant approached the City with the proposal to resubdivide the existing original Lots 1 and 2 into two (2) more buildable and more conforming lots which would be able to be developed each with a single family dwelling, with more open space on the lot (i.e. smaller building footprint) and with a less massive structure than a duplex. The exact same setback relief is necessary on the side adjacent to 13th Street for these two (2) proposed detached (on separate lots) single family homes and the result is a nicer, more aesthetically pleasing better spaced product, with a significant positive contribution to the residential character of the 13th Street frontage (side corner)."

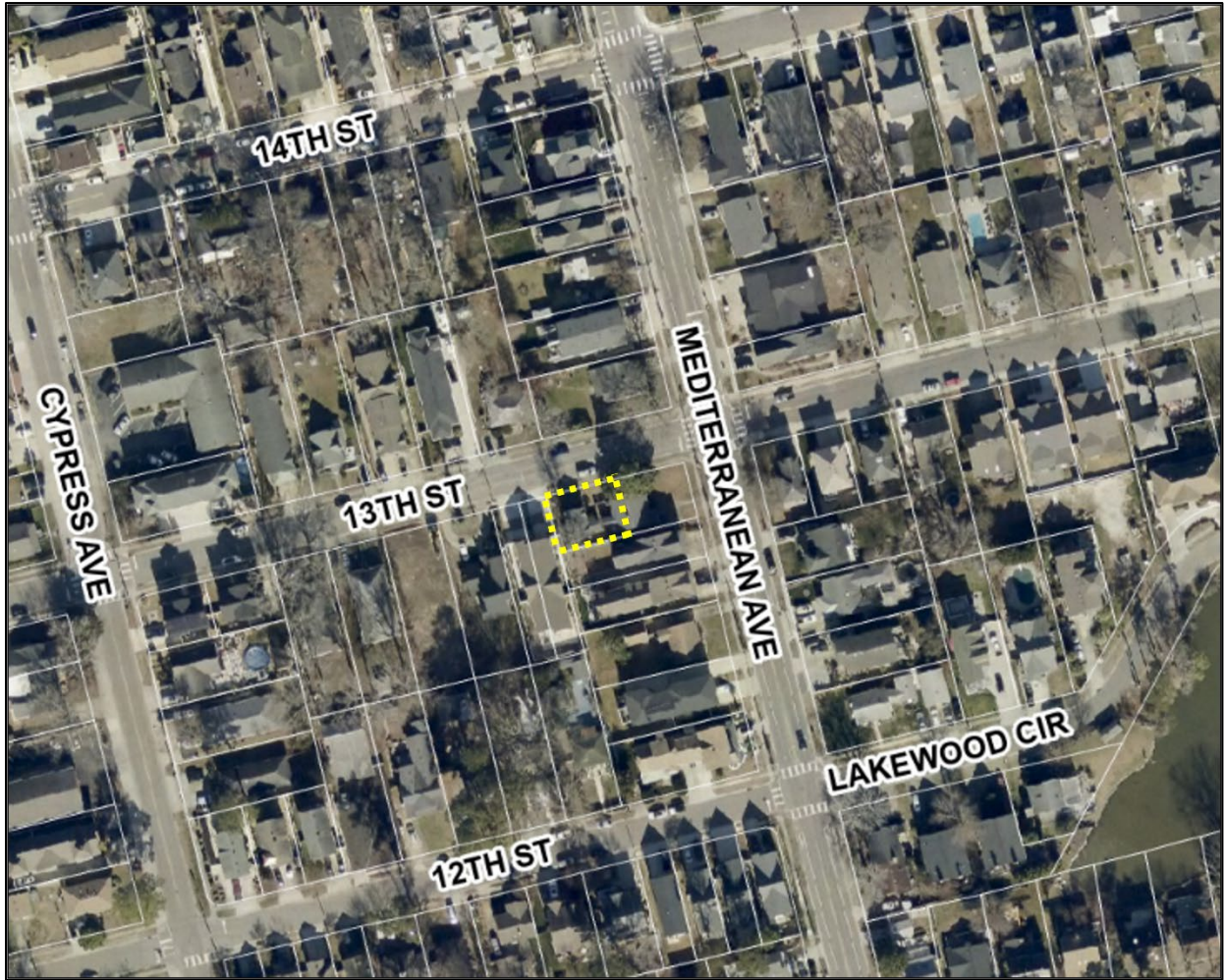
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the marked submitted exhibit titled, "Single Family BZA Exhibit, Lots 1A and 2A, Block 7," dated September 24, 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 exhibit.
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):

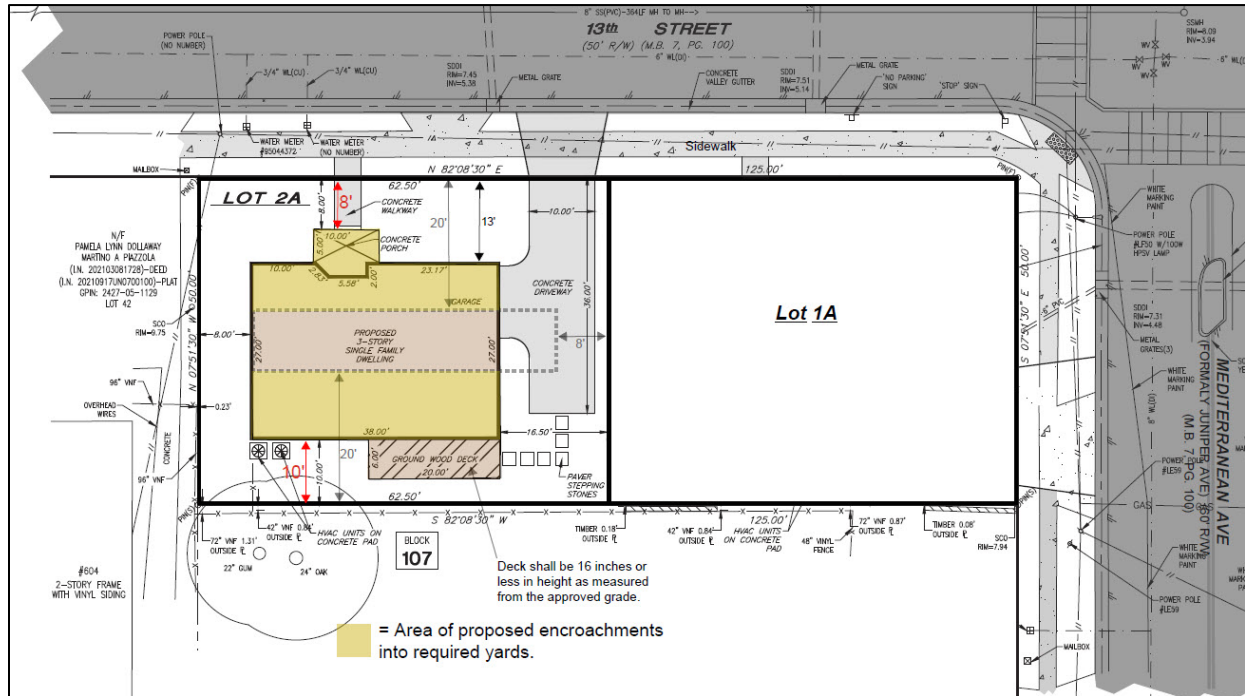


AERIAL (DETAIL):

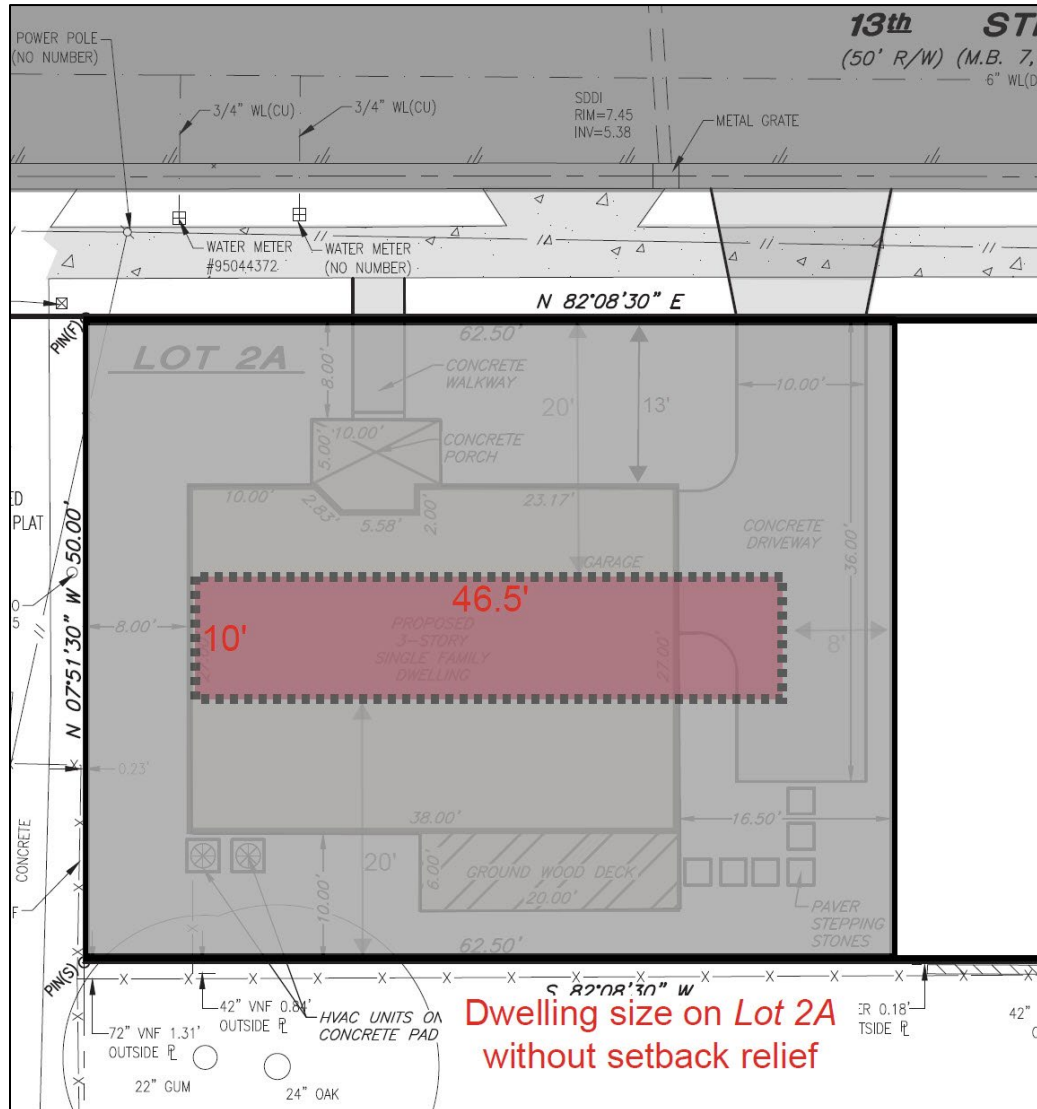


[illegible]

SITE PLAN DETAIL (EXHIBIT A):



BUILDING ENVELOPE WITHOUT SETBACK RELIEF:




PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	<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>														
SECTION 1: APPLICANT DISCLOSURE														
<p>APPLICANT INFORMATION</p> <p>Applicant Name: _____ <i>as listed on application</i> J.D. Williams Construction Co., Inc., a Virginia corporation</p> <p>Is Applicant also the Owner of the subject property? Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p><i>If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).</i></p> <p>Does Applicant have a Representative? Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p><i>If yes, name Representative:</i> R. Edward Bourdon, Jr., Esq.</p> <p>Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes <input checked="" type="radio"/> No <input type="radio"/></p> <p><i>If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)</i></p> <div style="border: 1px solid black; padding: 5px; min-height: 30px;">James D. Williams, President</div> <p>Does the subject property have a proposed or pending purchaser? Yes <input type="radio"/> No <input checked="" type="radio"/></p> <p><i>If yes, name proposed or pending purchaser:</i> _____</p> <p>KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE</p> <p>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="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>APPLICANT SERVICES DISCLOSURE</p> <p>READ: <i>The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)</i></p> <table border="1" style="width: 100%; border-collapse: collapse; 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"/>	
SERVICE	YES	NO	SERVICE PROVIDER <small>(Name entity and/or individual)</small>											
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="radio"/>	<input checked="" type="radio"/>												
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>												

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	James D. Williams, J.D. Williams Construction Co., Inc.
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Eric Garner, WPL
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., 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.

James D. Williams, President

JD Williams

09/30/2025

Applicant Name (Print)

Applicant Signature

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): 11.12.2025

Wilissa Blair-Miller

Wilissa Blair-Miller

11.12.2025

Staff Name (Print)

Staff Signature

Date



CASE: 2025-BZA-00087 - Casey M. Heron
HEARING DATE: December 3, 2025
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

3209 W. Cheltingham Place

REPRESENTATIVE:

Casey M. Heron, Property Owner

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards for a proposed detached garage.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 2, Section 201(d) and Article 5, Section 502(a) of the City Zoning Ordinance:

SIDE YARD (EAST): A side yard setback variance to 8.75 feet instead of 10 feet as required for the construction of a one-story detached garage.

REAR YARD (SOUTH): A rear yard setback variance to 5 feet instead of 10 feet as required for the construction of a one-story detached garage.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

1497-07-0770

LOT AREA:

- 14,602 square feet (.33 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 8

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Single-family (built in 1962)
- R-10 (Residential District)
- Not in a Strategic Growth Area

NOTE: On October 17, 2025, Planning Department Subdivision Administration staff reviewed this request and provided the following comments:

- *“The subject property consists of two parcels - lot 138 as shown on the subdivision plat of Kings Grant Section Two recorded at MB 51 P 30 and lot 138A as shown on the subdivision of parcel B Kings Grant Section Two recorded at MB 52 P 38. The proposed detached garage is located over the property line between lot 138 and lot 138A. In that regard, a final subdivision plat must be submitted for review, approval and recordation to vacate the property line between lot 138 and lot 138A.”*

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:

- Nonconforming accessory structure (workshop): 1.35 feet from side property line (east)
- Nonconforming accessory structure(workshop): 4.5 feet from rear property line (south)

EXTENT OF PROJECT:

Proposed garage (variance requested)

Proposed 12.5 feet by 18 feet one-story detached garage located 8.75 feet from the side property line (east) and 5 feet from the rear property line (south).

BACKGROUND INFORMATION:

According to City records, the existing home was constructed in 1962. At the time of construction, the subject property was located within an R-S(3) zoning district. In 1973, the R-S(3) 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 would like to construct a 12.5-foot by 18-foot one-story detached garage on the subject property. The structure would sit 8.75 feet from the side property line and 5 feet from the rear property line instead of 10 feet each as required.

Currently, a workshop, as it is described by City records, sits in the same general location as the proposed detached garage; however, the workshop encroaches further into the required side yard (east) than the proposed garage. Based on City assessment records, it appears appropriate taxes have been paid associated with the workshop since 2007. Consequently, it seems to be a non-conforming structure in accordance with State Code 15.2- 2307(d), which partially states as follows:

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

Originally, the applicant’s plan showed the requested garage sitting 6.5 feet from the side property line instead of 8.75 feet as now proposed. Additionally, the original iteration of the plan also called for a 12-foot by 10-foot covered patio on the west side of the subject garage. After multiple communications with staff, the applicant commendably shifted the structure west by an additional 2.25 feet and eliminated the covered patio addition. Moreover, the applicant’s desire to extend the current driveway would eliminate an existing 5-foot by 7-foot shed that is improperly located within the required side yard (east).

It is recognized that the proposed improvements would eliminate an existing nonconforming structure (i.e., the workshop), which presently sits 1.3 feet from the side property line (east) and roughly 4.5 feet from the rear property line (south) instead of 10 feet each as required. It is also notable that the proposed garage would sit 7.45 feet further west and .5 feet further north than the current nonconforming structure. Nevertheless, one could argue that the need for this variance is generally shared by other properties, and the request is contrary to the purpose of the City Zoning Ordinance, which plainly states in Section 201(d) that “No portion of any garage or carport shall occupy any required front, side, or rear yard.”

KEY CONSIDERATIONS:

- The proposed improvements would arguably make a bad situation better by eliminating a nonconforming structure (i.e., the workshop) and an existing improperly placed shed.
- While certainly debatable, the need for this variance appears to be generally shared by other properties.
- The request seems to be contrary to the purpose of the City Zoning Ordinance, which plainly states in Section 201(d) that “No portion of any garage or carport shall occupy any required front, side, or rear yard.”

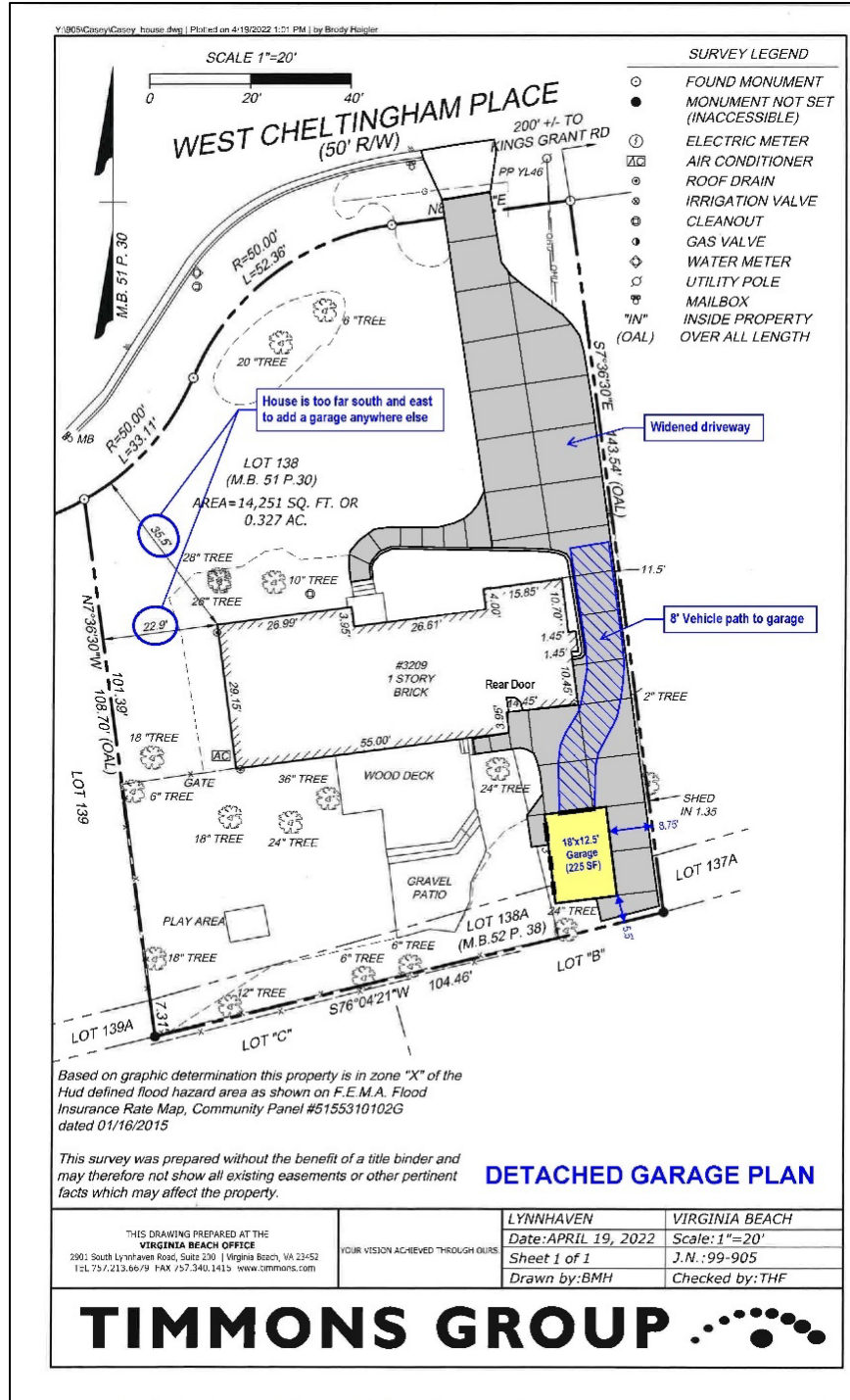
LETTERS OF SUPPORT AND OPPOSITION *(final count to be determined on hearing date):*

- Letters of Support: 2
- Letters of Opposition: 0

APPLICANT STATED HARDSHIP WITH THEIR SUBMITTED ILLUSTRATION:

***(1) The strict application of the ordinance would unreasonably restrict the utilization of the property:** When I purchased my home in 2022, it lacked a garage due to previous decisions by the original owners. In fact, this house has never had a garage based on conversations with neighbors and as evidenced by original windows and a chimney where the garage would have been. In other words, the property was never designed to accommodate a garage without a variance. Strict enforcement causes undue hardship because it would either require the garage to be located on the opposite side of the house, away from the driveway (which renders the garage useless) or in a position behind the house that won't work for vehicle movements. **(2) Such need for a variance is not shared generally by other properties:** The existing house was constructed with a deeper-than-necessary front yard (35.5' vs. 30') and a wider-than-necessary west side yard (22.9' vs. 10'). This prevents the addition of a garage on the east side of the house where the driveway is located. Had the house been constructed with appropriate setbacks, the garage could be added onto the house without issue. In the current condition, the only suitable location for a garage is in the backyard where the existing storage shed is located. **(3) Safety Considerations:** We have three cars on the property but the existing driveway is too narrow and we end up parking two cars on the street. Widening the driveway and adding a garage will allow all vehicles to be parked on the property, improving safety, especially since there are many young kids who play in the cul-de-sac. The garage is also vital for protecting my primary vehicle from theft and break-ins, which have been on the rise recently. It will further protect my bikes, lawn equipment, and power tools—which are unsuitable for storage inside the house—from weather and theft. **(4) Not a self-created hardship:** The hardship arises from the location of the existing house (too far south and east) and the decisions by the original owners to omit a garage entirely, not by my actions. I purchased the property in good faith and am not seeking a special privilege; rather a reasonable use of my property. **(5) No adverse impacts:** The garage would occupy the footprint of an existing shed that has been on the property for at least 23 years with no complaints. The garage will not obstruct views nor overshadow homes. It will not exceed the height of the primary structure. It will be an aesthetic improvement to the surrounding neighbors, who are supportive. The project will retreat from the existing encroachment by permanently removing a smaller wooden shed along the east property line. Granting this variance aligns with the ordinance's intent – to allow reasonable property use while preserving the character and safety of residential neighborhoods. **(6) Summary:** Strict application of the setback requirements will unreasonably restrict the use of my property by making a functional garage impossible. The situation is caused by unique physical constraints on my property dating back to the original construction in 1962, that are not shared by neighboring residences. The variance does not create a detriment; on the contrary, it will improve the neighborhood by replacing a deteriorated shed with a new functional structure. Neighbors are supportive of this project and it aligns with the goals of the ordinance. For these reasons, I respectfully request the Board grant a variance from the side and rear yard setbacks to allow a detached garage for safety, function, and reasonable use by my household."*

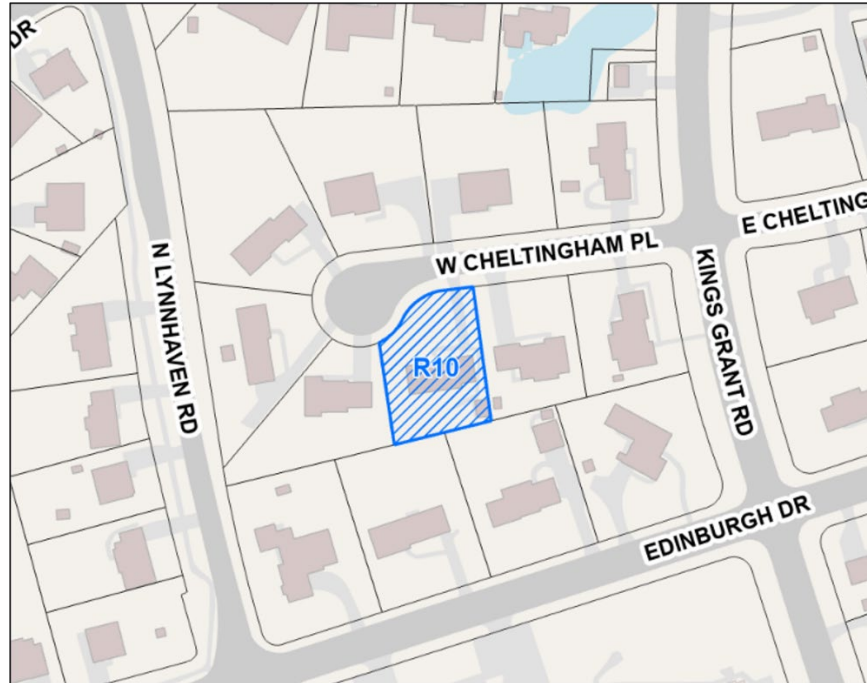
(7) Illustration submitted by applicant to accompany their hardship statement:



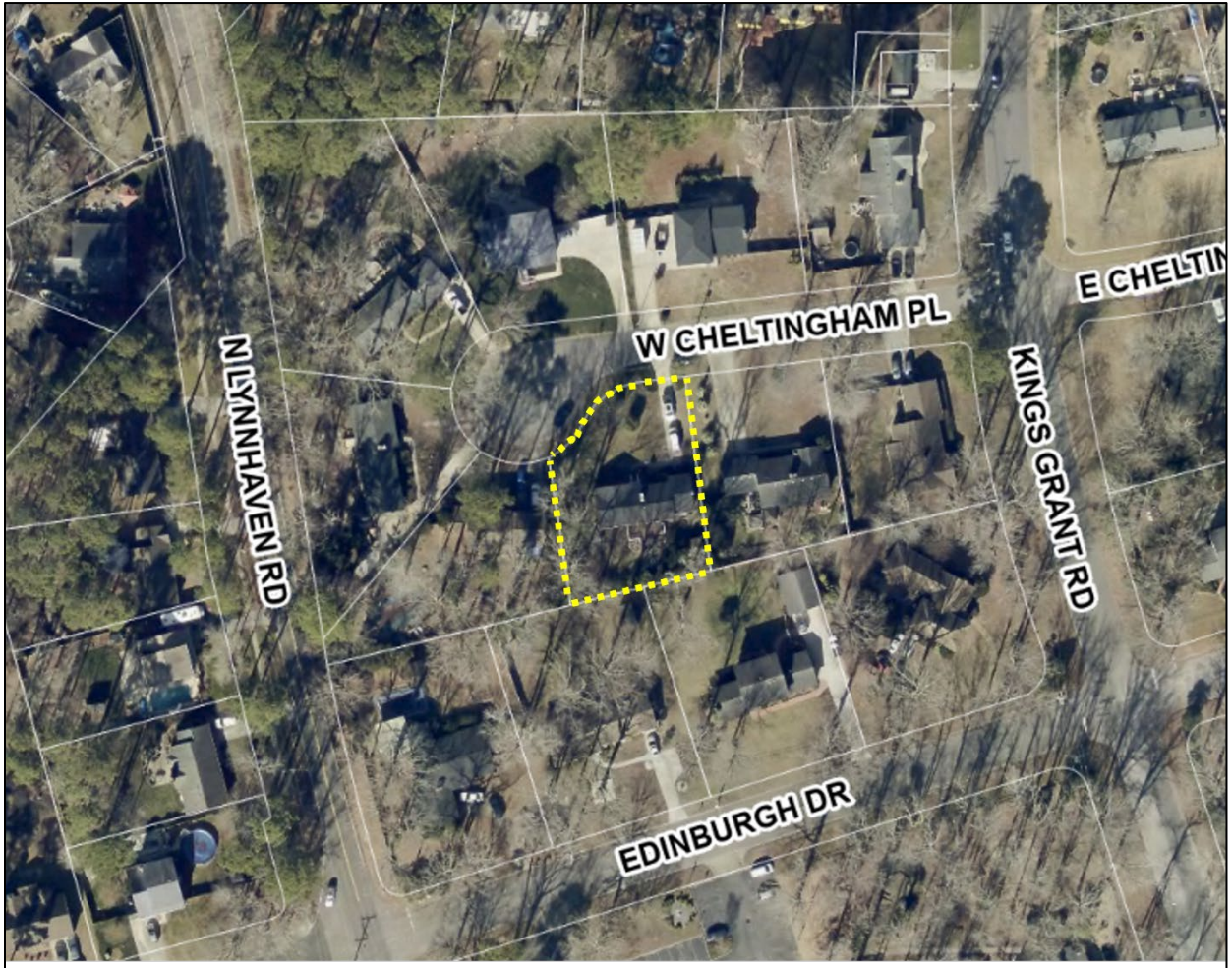
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the marked exhibit titled, “Physical Survey of Lot No. 138 and 138A, Section No. 2, Kings Grant Subdivision (Proposed Garage Location),” dated April 19, 2022, and prepared by Timmons Group (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 138 and 138A, Section 2) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 138 from existing Lot 138A. This ‘interior’ lot line vacation shall be completed and properly recorded with the City of Virginia Beach Land Records Office prior to the final inspection of any required permits issued by the City Planning Department for the subject improvements, or six months from this Board action, whichever occurs first. 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 up to six months from the date of request.
3. The existing 5-foot by 7-foot shed located in the required side yard (east), as shown in the *Site Plan (Exhibit A)* section of this report, shall be moved to meet minimum City Zoning Ordinance requirements or removed from the subject property. This shall occur prior to the final inspection of any required permits issued by the City Planning Department for the subject improvements or six months from this Board action, whichever occurs first.
4. The subject detached garage shall meet all City Zoning Ordinance requirements for use.
5. The subject detached garage shall be one-story only and shall not exceed the height of the principal structure.
6. The subject detached garage, in combination with any other applicable accessory buildings on the subject property, shall not exceed the maximum permissible square footage of floor area allowed by the City Zoning Ordinance.
7. 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):

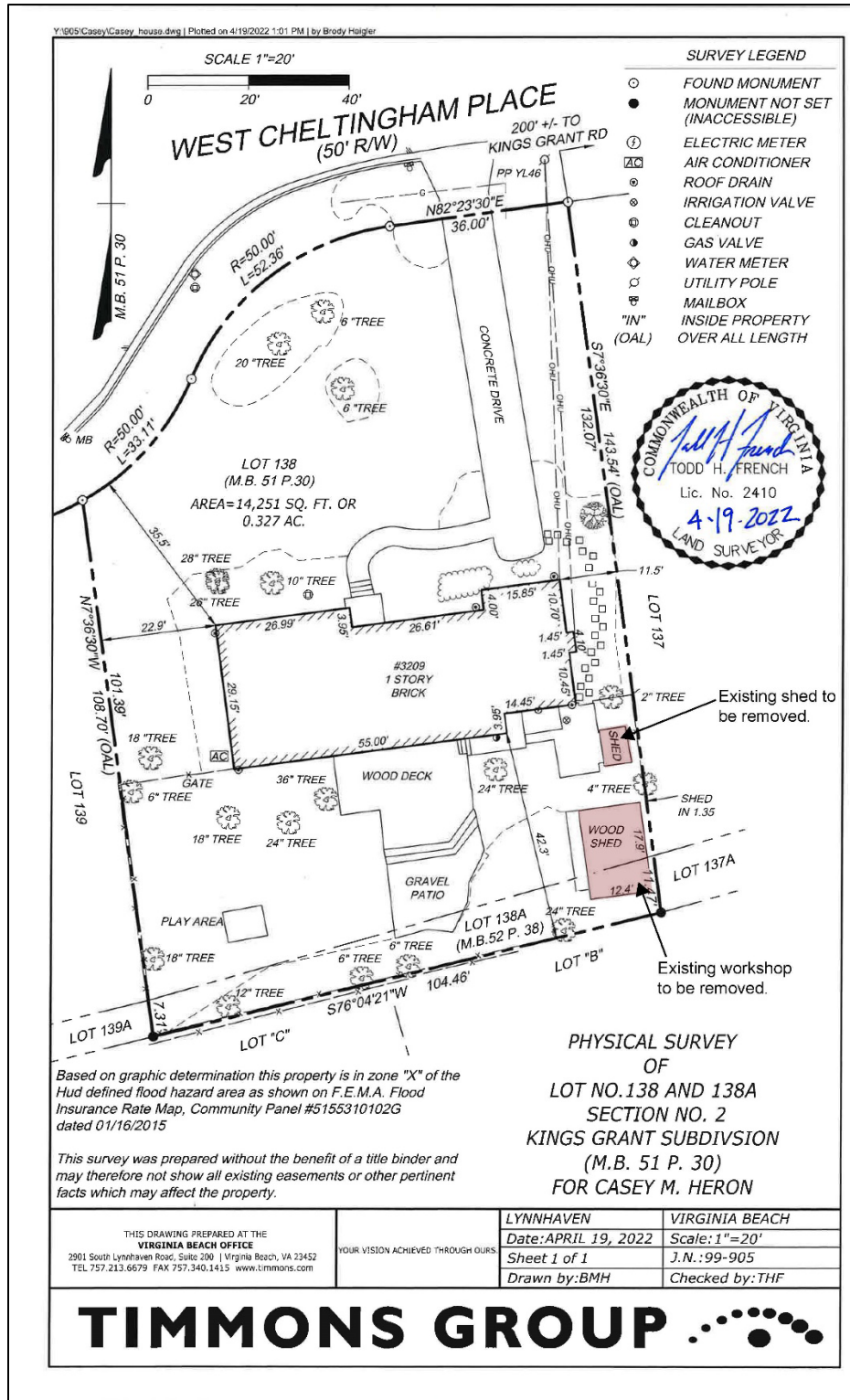


AERIAL (DETAIL):

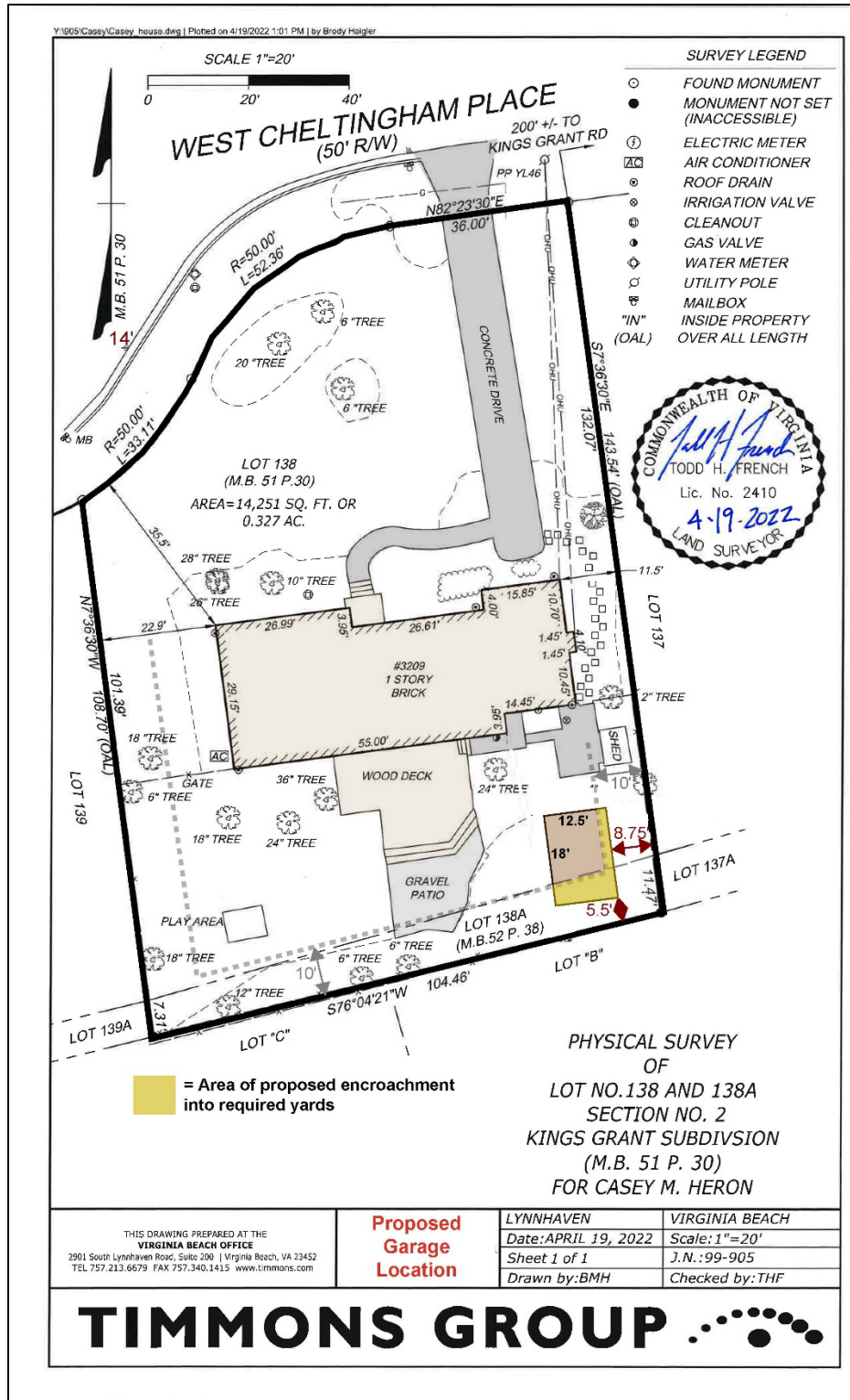


image 1 of 146 > 03/08/2025

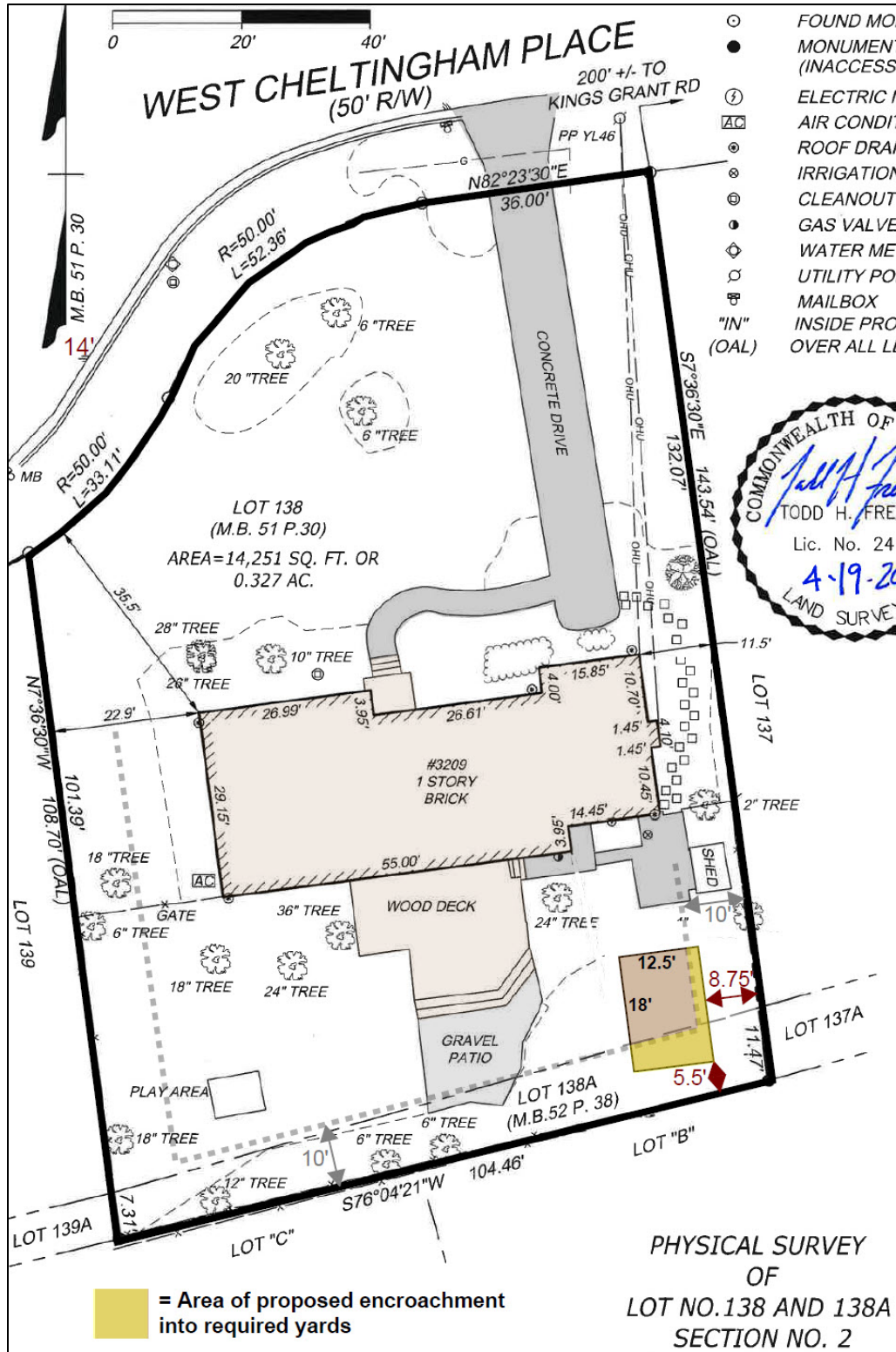
PHYSICAL SURVEY (EXISTING CONDITIONS):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



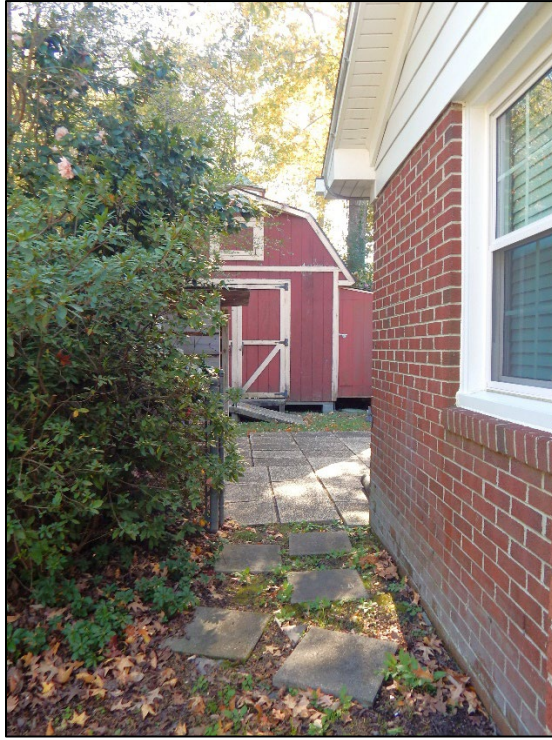
PHOTOGRAPHS:



PHOTOGRAPHS:




PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	<h2>Disclosure Statement</h2>	
<p><i>The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.</i></p>			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: as listed on application <u>Casey M. Heron</u>			
Is Applicant also the Owner of the subject property? Yes <input type="radio"/> No <input checked="" type="radio"/>			
<i>If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).</i>			
Does Applicant have a Representative? Yes <input type="radio"/> No <input checked="" type="radio"/>			
<i>If yes, name Representative:</i> _____			
Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes <input type="radio"/> No <input checked="" type="radio"/>			
<i>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.)</i>			
Does the subject property have a proposed or pending purchaser? Yes <input type="radio"/> No <input checked="" type="radio"/>			
<i>If yes, name proposed or pending purchaser:</i> _____			
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="radio"/> No <input checked="" type="radio"/>			
<i>If yes, name the official or employee, and describe the nature of their interest.</i>			
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	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Land Planner	<input type="radio"/>	<input checked="" type="radio"/>	
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	O'Dorisio Carpentry & Concrete
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Timmons Group (original surveyor of property)
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.

Casey M. Heron, P.E.		09/30/2025
Applicant Name (Print)	Applicant Signature	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.

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FOR CITY USE ONLY:

No changes as of (date): 11.12.2025

Wilissa Blair-Miller		11.12.2025
Staff Name (Print)	Staff Signature	Date