



CITY OF
**VIRGINIA
BEACH**

Board of Zoning Appeals
July 1, 2026

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

City Staff:

Hannah Sabo, Zoning Administrator
Victoria Eisenberg, City Attorney
Wilissa Blair-Miller, Planner III
Alyssa Didone, Planning Technician

A Board of Zoning Appeals public hearing is scheduled for 2:00 p.m. **Wednesday, July 1, 2026**, on the second floor of City Hall (Council Chambers, Building #1, 2401 Courthouse Drive).

Informal discussions and staff briefings will occur at 1:00 p.m. in room 2034 of Building #1. All interested parties are invited to observe the 1:00 p.m. informal meeting and/or the 2:00 p.m. public hearing.

Please visit <https://virginiabeach.gov/BZA> or call (757) 385-8074 for more details.

AGENDA:

- A. Comments from Board Chair and/or zoning staff (1:00 p.m. to 2:00 p.m.)
- B. Review of public hearing cases and staff briefing (1:00 p.m. to 2:00 p.m.)
- C. Public hearing (2:00 p.m. to finish / variance cases typically called in order by case number)

AGENDA CASES

- **Case 2025-BZA-00089** (*variance request*)
Applicant: Heydar Nosratishamlou (*property owner*)
Representative: Heydar Nosratishamlou (*property owner*)
Address: 5141 Evesham Drive
Request: Variances to the required yards and lot coverage for an existing shed.
- **Case 2026-BZA-00022** (*variance request*)
Applicants: Daniel and Jillian Barnes (*property owners*)
Representatives: Daniel and/or Jillian Barnes (*property owners*)
Address: 3416 Green Holly Crescent
Request: Variance to the required yard for proposed building additions.
- **Case 2026-BZA-00032** (*variance request*)
Applicant: Fortin Family Trust (*property owner*)
Representative: Billy Garrington of GPC Inc. (*agent*)
Address: 2504 Long Creek Drive
Request: Variance to the required yard for a proposed single-family dwelling.
- **Case 2026-BZA-00035** (*variance request*)
Applicants: Carlton and Cheryl Spraberry (*property owners*)
Representative: Joe Frampton (*contractor*)
Address: 1321 Five Point Road
Request: Variances to the required yard and to permit a greater amount of floor area than allowed for a proposed two-story accessory building.

- **Case 2026-BZA-00037** (*variance request*)
Applicants: Jennifer and Joshua Wilson (*property owners*)
Representative: William Ayer (*agent*)
Address: 1896 River Rock Arch
Request: Variance to the required yard for a proposed building addition.
- **Case 2026-BZA-00044** (*variance request*)
Applicant: Bruce B Mills Revocable Trust (*property owner*)
Representative: R. Edward Bourdon Jr. (*attorney*)
Address: 210 (A/B) 61st Street
Request: Variances to the required yards and maximum height for proposed building additions.

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CASE: 2025-BZA-00089 - Heydar Nosratishamlou
HEARING DATE: July 1, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

5141 Evesham Drive

REPRESENTATIVE:

Heydar Nosratishamlou and Afshin Shamlou (property owner and relative)

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards for an existing shed.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 11, Section 1110 of the City Zoning Ordinance:

1. **REAR YARD (NORTH):** A rear yard setback variance to 0 feet instead of 5 feet as required for an existing shed.
2. **SIDE YARD (WEST):** A side yard setback variance to 4.5 feet instead of 5 feet as required for an existing shed.
3. **LOT COVERAGE:** To permit 54% lot coverage instead the legally nonconforming lot coverage of 51%.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1465-98-4201

LOT AREA:

- 3,315 square feet (.X acres) (per BZA exhibit)

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 1978)
- PD-H1 (Planned Development District – Indian Lakes Community)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Planned Development - Greenbelt (open space), PD-H1
- South: Planned Development - Residential (single-family) PD-H1
- East: Planned Development - Residential (single-family) PD-H1
- West: Planned Development - Residential (single-family) PD-H1

EXISTING CONDITIONS:

- Dwelling: 20 feet from front property line (south)
- Dwelling: 5.5 feet (+/-) from side property line (west)
- Dwelling: 2.8 feet from side property line (east)
- Dwelling: 11 feet (+/-) from rear property line rear (west)

EXTENT OF PROJECT:

Existing shed (variance requested)

Existing 100 square foot shed located within the side and rear setbacks.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1977 (map book 124 at page 10).

The subject parcel is an interior lot situated along Evesham Drive, with the property line abutting Evesham Drive defined as the front.

The subject lot meets the minimum lot area and width approved with the 1970s/80s Indian Lakes Land Use Plan.

The applicant is requesting a variance to retain a small shed presently encroaching in the required side and rear yards. A variance is also requested to permit an additional 3% in overall lot coverage beyond that allowed on the parcel. It must be disclosed that the lot coverage percentages noted in this report were calculated by City staff, with final figures rounded up to address any minor variations between field measurements and survey measurements.

For further lot coverage clarity, the subject home covers 1,668 square feet, or 50.32%, of the property, with the subject shed covering only 100 square feet, or 3.016% of the lot. The current maximum allowable overall lot coverage is 40%. Nevertheless, because appropriate taxes have been paid associated with the subject home for more than 15 years, 10.32% of the existing lot coverage (i.e., the difference between the 40% maximum coverage and the home's 50.32% coverage) is legally nonconforming in accordance with Section 15.2-2307 of the Code of Virginia. In other words, the applicant is asking for a variance to permit the current allowable (i.e., legally nonconforming) lot coverage to be exceeded by roughly 3% to accommodate the long existing shed, which is not legally nonconforming.

According to *Connect Explorer* satellite imagery, the subject shed was placed on the property sometime before September of 2003. Therefore, the subject shed has been at its present location for more than 23 years.

According to City records, no applicable taxes have been paid relating to the subject shed and no associated City approvals were found granting the placement of the structure at its current location. This is not unusual since building permits have not historically been required for such small structures, and the City Assessor's Office does not generally assess taxes on such buildings. As a result, the lot coverage of the subject shed, and its encroachments into the required yards, do not meet the minimum mandates for legal nonconforming status in accordance with 15.2-2307 of the Code of Virginia.

On September 30, 2025, the City zoning office received a complaint stating that the subject shed was located within the required setbacks. Subsequently, a City zoning official investigated the matter and found there to be a violation of the City Zoning Ordinance.

On October 20, 2025, the City zoning official met with the subject property owners and their son. They were provided details relating to the violation and given information pertaining to the zoning variance process.

On October 21, 2025, a Board of Zoning appeals variance application was submitted online; however, the submittal was incomplete. After a leisurely back and forth with staff, the submittal was determined to be complete on April 23, 2026.

KEY CONSIDERATIONS:

- The subject shed has been at its present location for more than 23 years and abuts an open space owned by the homeowner’s association, which will likely remain undeveloped in perpetuity. As a result, one could argue that the granting of the variance will not be of substantial detriment to adjacent property and nearby properties.
- The subject shed was placed on the property by previous homeowners, not the applicants. As a result, the hardship was not created by the applicant and the property interest for which the variance is being requested was arguably acquired in good faith.
- If a variance is granted, a condition limiting such approval to the life of the subject shed was added for Board consideration.

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

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

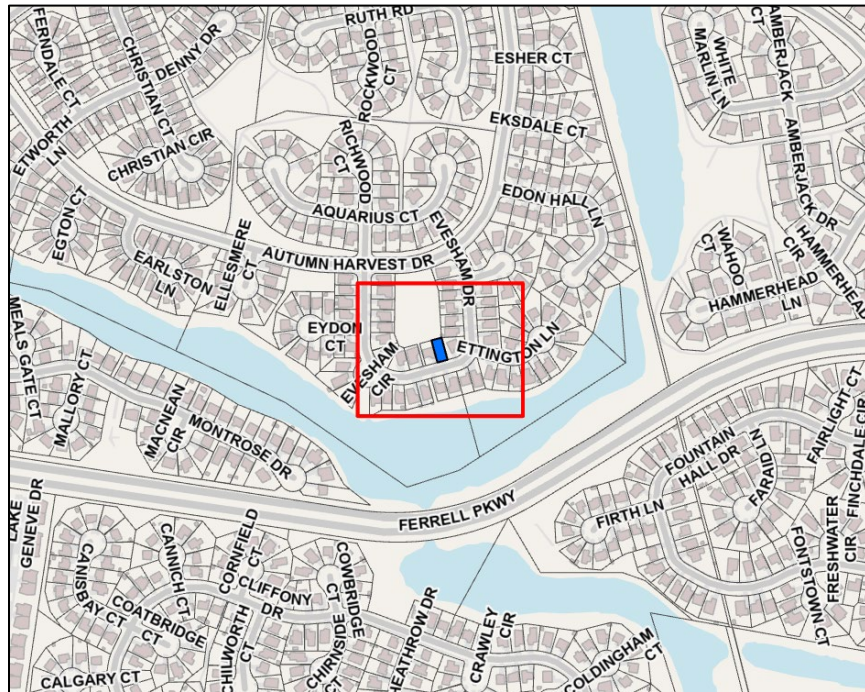
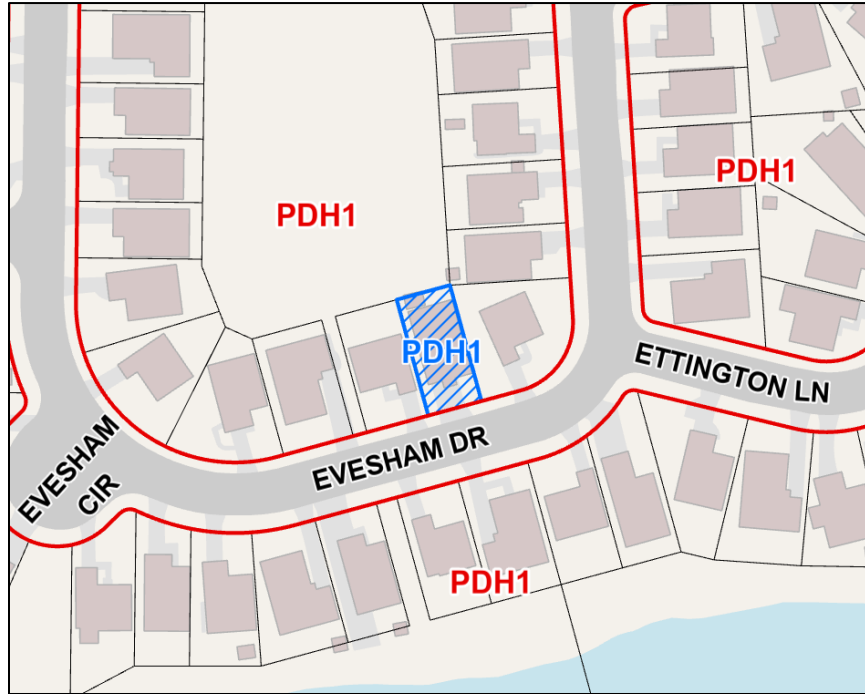
APPLICANT STATED HARDSHIP:

“When we got this house over 20 years ago it had a shed in the small backyard we have. We received a notice from zoning administration regarding the Shed set backs. The shed is less than 100 sqft and none of our neighbors have any issues with it and there are no houses on the back of our house. My parents are 80 years old living on SSA and food stamp and are in tears because of this notice. for 23+ years no one had any issues with this and we are kindly asking for a variance to be approved so they won't endure the financial and emotional stress at this age. The existing storage shed located at 5141 Evesham Drive has been in place since before the current owners purchased the property over twenty years ago. The shed was constructed by a prior owner, and to the best of our knowledge, it has remained in its present location since that time. The current owners were not involved in its placement. The property sits on an exceptionally small lot within a residential subdivision. Because of the lot’s limited depth and overall dimensions, strict enforcement of the current setback requirements would make it physically impossible to locate any storage shed of reasonable size on the property while maintaining required clearances. The hardship results from the physical constraints of the lot itself, not from any action taken by the owners. The existing shed is less than 100 square feet in size, has been maintained in good condition, and has caused no adverse impacts to adjoining properties or to public health, safety, or welfare. It is visually consistent with neighboring properties and has not interfered with access or utility easements. The homeowners are retired and live on a fixed income, relying primarily on Social Security assistance and food benefits. Reconstructing or relocating the shed would impose an unnecessary financial hardship with no corresponding public benefit. For these reasons, we respectfully request that the Board of Zoning Appeals grant a variance to allow the existing shed to remain in its current location.”

RECOMMENDED CONDITIONS IF APPROVED:

1. The subject improvements shall be in substantial conformance to the City staff modified and marked exhibit titled, “Physical Survey of Lot 72, Block C, Plat of Indian Lakes Subdivision,” dated May 16, 2026, Ward M. Holmes, Land Surveyor P.C., (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The variance is granted for the life of the existing subject shed only. The Zoning Administrator has the right to interpret compliance with this condition.
3. The subject shed shall be kept in good repair at all times, or otherwise brought into full compliance with the City Zoning Ordinance. For this condition, the Zoning Administrator is authorized to determine the meaning of ‘*good repair*.’
4. The subject shed shall meet all City Zoning Ordinance requirements for use.
5. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.
6. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
7. All applicable permits associated with the subject improvements, if any, 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):

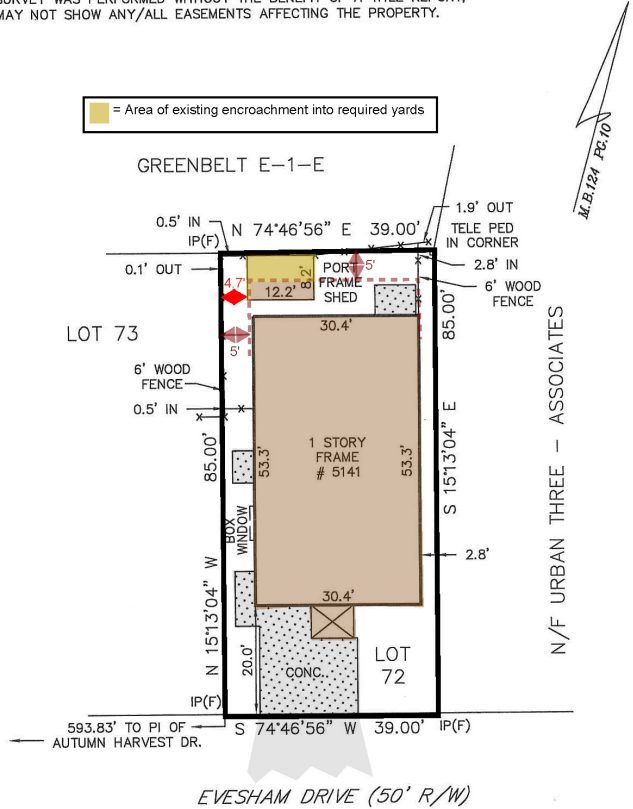
THIS IS TO CERTIFY THAT I, ON MAY 16, 2016, SURVEYED THE PROPERTY SHOWN HEREON AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE AS SHOWN HEREON. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OF OTHER BUILDINGS EXCEPT AS SHOWN.

SIGNED: *[Signature]*

NOTES:

- 1) THE PROPERTY SHOWN HEREON APPEARS TO LIE IN "X" (UNSHADED) FLOOD ZONE ACCORDING TO F.E.M.A. MAP PANEL NO. 515531-0092G REVISED JAN. 16, 2015.
- 2) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT, AND MAY NOT SHOW ANY/ALL EASEMENTS AFFECTING THE PROPERTY.

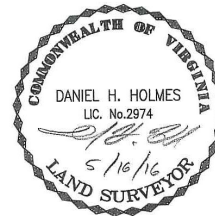
= Area of existing encroachment into required yards



PHYSICAL SURVEY
OF
LOT 72, BLOCK C
PLAT OF INDIAN LAKES
SUBDIVISION
SECTION E-1, PART 3A
VIRGINIA BEACH, VIRGINIA
FOR
AFSHIN SHAMLOU

DATE: MAY 16, 2016
SCALE: 1" = 20'
NOTE: FOR PLAT SEE
M.B. 124 PG. 10
VA. BEACH, VA.

WARD M. HOLMES
LAND SURVEYOR, P.C.
9225 GRANBY STREET
NORFOLK, VIRGINIA 23503
757-480-1230



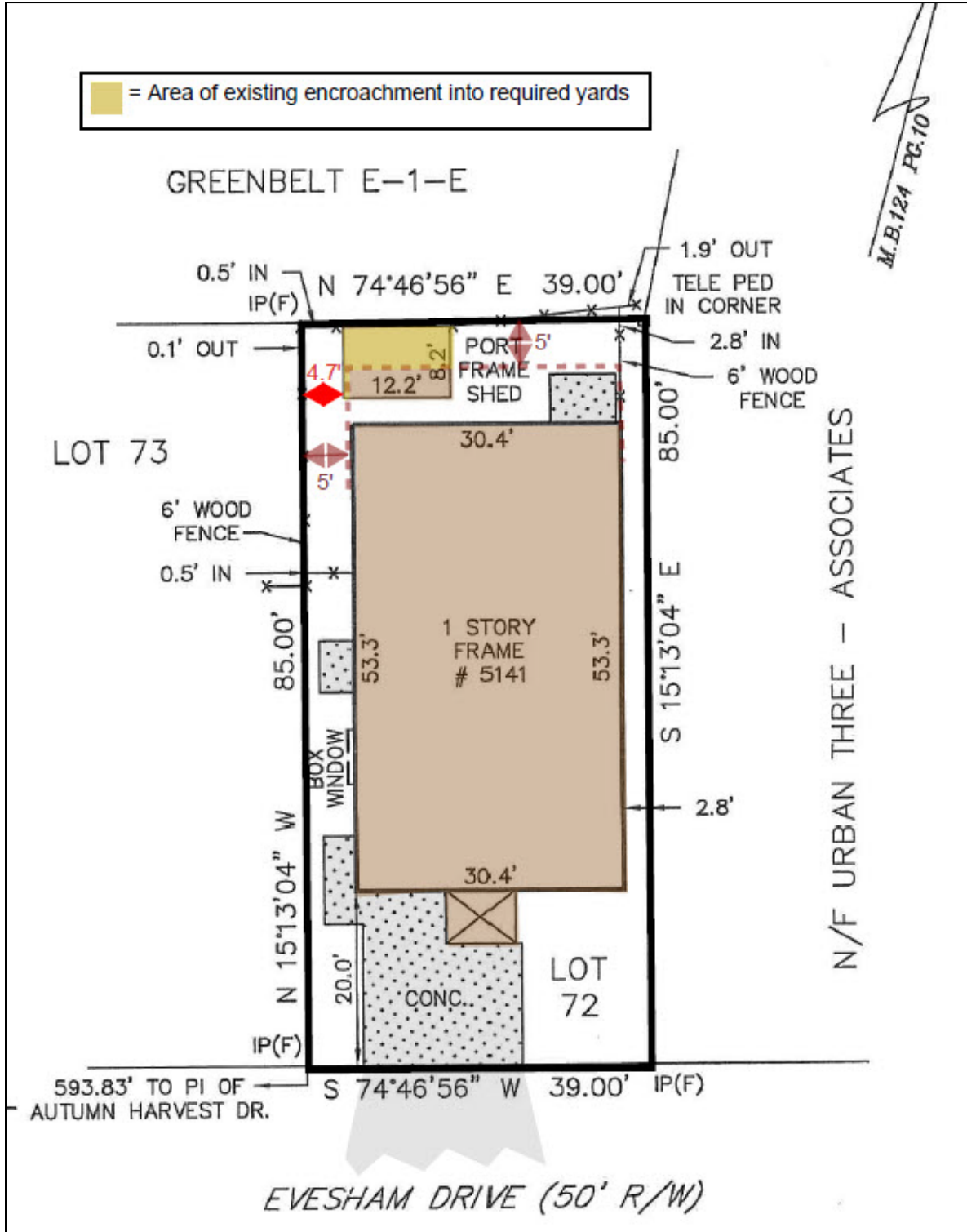
DRAWN BY: WTL

PROJECT NO. 04-837

357/147

(1445)

SITE PLAN DETAIL (EXHIBIT A):




PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:



CITY OF
**VIRGINIA
BEACH**

**Disclosure
Statement**

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: _____
as listed on application Heydar Nosratishamlou

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: Afshin Shamlou

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 <small>(Name entity and/or individual)</small>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Real Estate Broker/Agent/Realtor	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Disclosure Statement | rev. May-2024
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DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

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

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.

Heydar Nosratishamlou		04/20/2026
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): 06.17.2026

Wilissa Blair-Miller		06.17.2026
Staff Name (Print)	Staff Signature	Date



CASE: 2026-BZA-00022 - Daniel and Jillian Barnes
HEARING DATE: July 1, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

3416 Green Holly Crescent

REPRESENTATIVE:

Daniel and/or Jillian Barnes (property owners)

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the required yard for proposed building additions.

VARIANCE REQUEST(S) (DETAILED):

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

1. **FRONT YARD (WEST):** A front yard setback variance to 37 feet instead of 50 feet as required for proposed building additions.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1488-76-1440

LOT AREA:

- 38,333 square feet (.88 acres) (per BZA exhibit)

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 1965)
- R-40 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- Dwelling: 46 feet (+/-) from front property line (west)
- Dwelling: 56.77 feet from side property line (north)
- Dwelling: 22.93 feet from side property line (south)
- Dwelling: Greater than 20 feet from rear property line rear (east)

EXTENT OF PROJECT:

Second story addition and covered front porch (variance requested)

Proposed second floor addition over the existing first floor and a one-story covered front porch, both within the required front yard.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1952 (map book 32 at page 56).

The subject parcel is an interior lot situated along the bend of Green Holly Crescent, with the property line abutting Green Holly Crescent defined as the front.

The subject parcel does not meet the current minimum required lot area of 40,000 square feet, but it does meet the minimum required lot width of 125 feet. The lot area deficiency is legally nonconforming since the property was created before the city adopted its first zoning and subdivision ordinances.

The applicant is requesting a variance to encroach into the required front yard with a one-story covered front porch and a second-floor addition.

The existing home sits roughly 3 feet into the 50-foot-required front yard. Based on the age of the structure, the current encroachment is legally nonconforming in accordance with Section 15.2-2307 of the Code of Virginia. It should be stressed that the second-floor addition will remain within the footprint of the present structure. In other words, the proposed second-floor addition will not be any closer to the front property line than the existing first floor.

KEY CONSIDERATIONS:

- The second-floor addition will not encroach any further into the required front yard than the existing first-floor. As a result, one could argue that the strict application of the ordinance, which would disallow the construction of the proposed second-floor directly over the existing first floor, unreasonably restricts the utilization of the property.

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

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

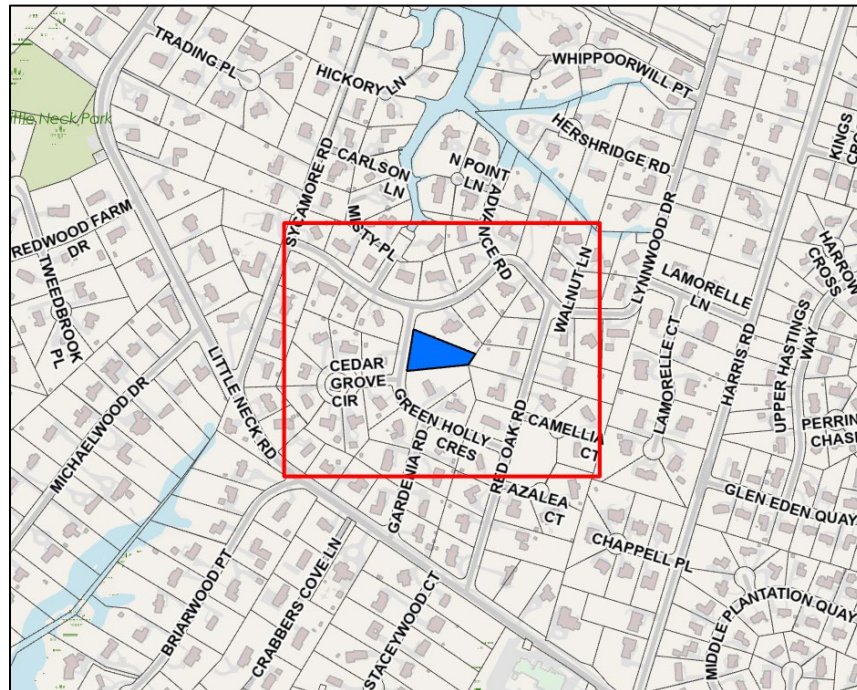
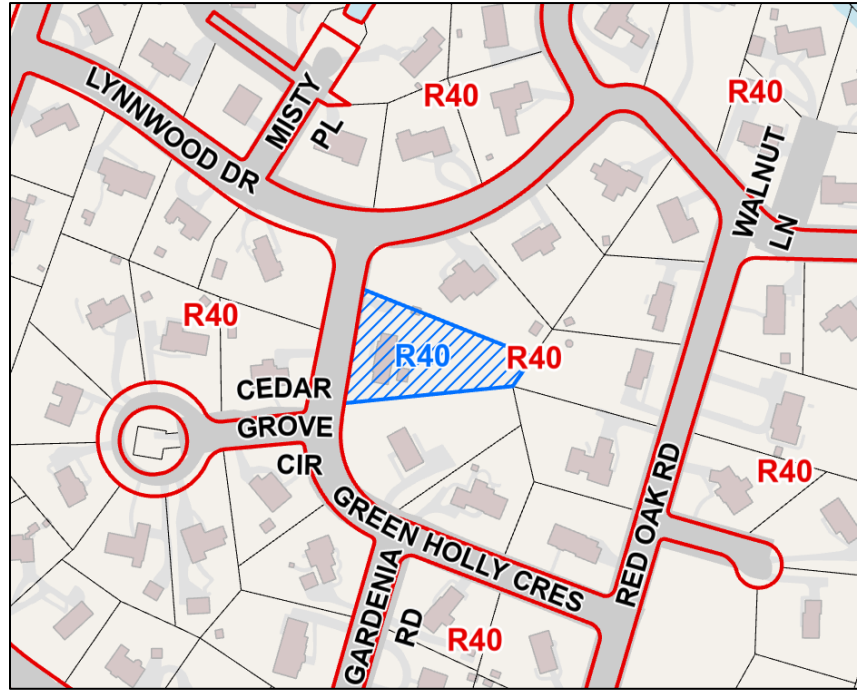
APPLICANT STATED HARDSHIP:

“Me, and my wife has saved for over two decades to afford our dream property so our six kids can live under one roof. We are surrounded by our loving family that live up and down the street already live in the neighborhood. It would be adding value to the property and surrounding properties around us. I am requesting a variance for my property located at 3416 Green Holly Crescent, Virginia Beach, VA 23452, to add a front porch and a second-story addition. My home is situated in a residential neighborhood characterized by [mention any relevant features, e.g., lot sizes, existing structures, etc.]. The current zoning regulations impose strict setback requirements, which significantly hinder my ability to expand my home. Given the dimensions of my lot and the positioning of neighboring structures, there is limited space available for a front porch and a second-story addition without violating the setback regulations. This situation presents a hardship as defined under State Code 15.2-2201. The limitations imposed by the current zoning regulations, coupled with the unique characteristics of my property, meet the criteria for a variance according to State Code 15.2-2209(2). The proposed additions would not adversely affect the neighboring properties and would enhance the overall aesthetic and functionality of my home.”

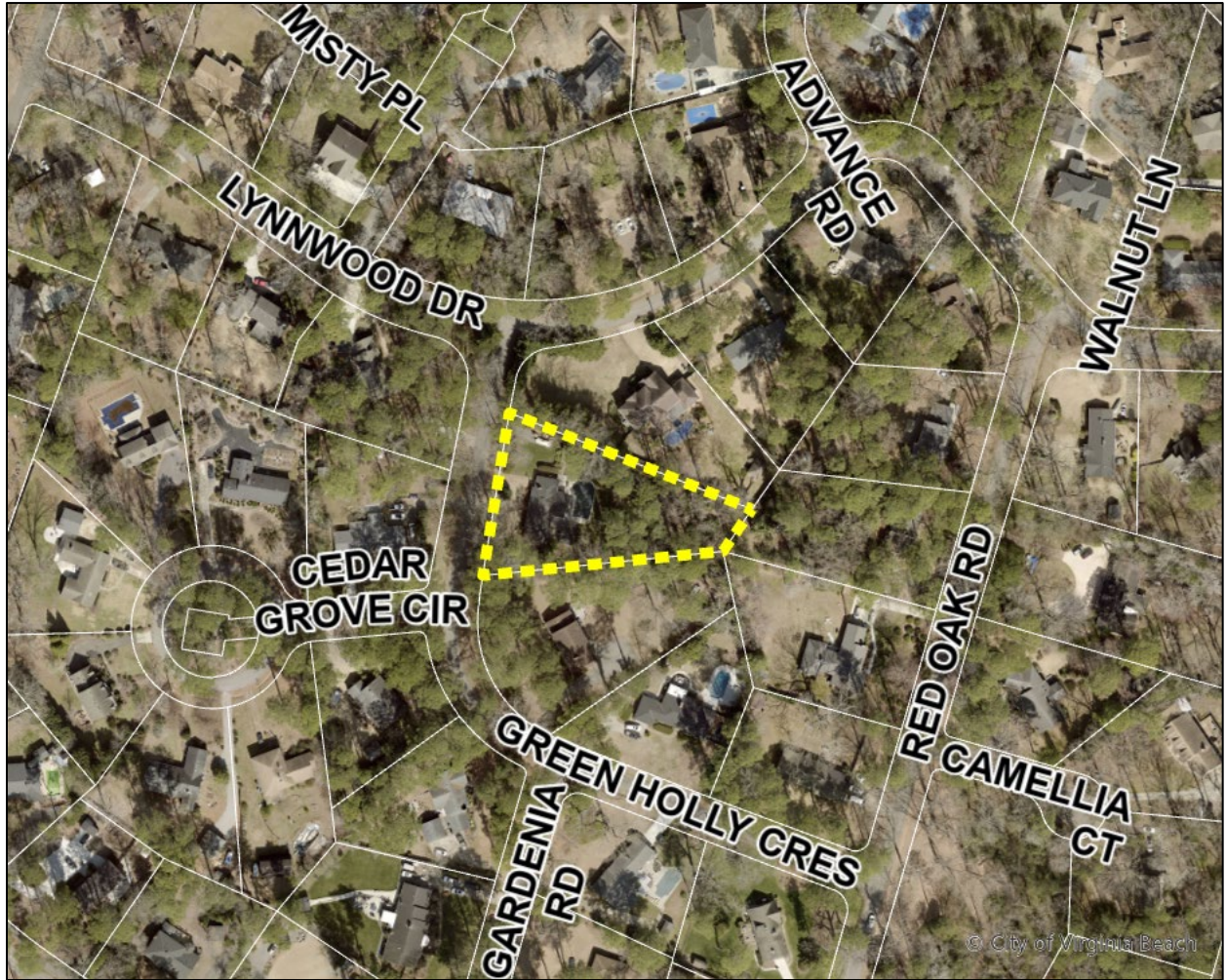
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey of 3416 Green Holly Crescent," dated February 9, 2026, and prepared by Tidewater Surveying (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The height of the dwelling shall not exceed the maximum allowed by the City Zoning Ordinance.
3. The subject one-story covered front porch shall not be enclosed. Notwithstanding, the addition of bug screening from floor to ceiling shall not be considered an enclosure material. The Zoning Administrator shall have the right to determine the definition of the term *enclosed*.
4. The existing sheds located within the required side yard (north), as shown in the *Site Plan (Exhibit A)* section of this staff report, shall either 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 building permits issued for the subject improvements, or six months from this Board action, whichever occurs first.
5. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.
6. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
7. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

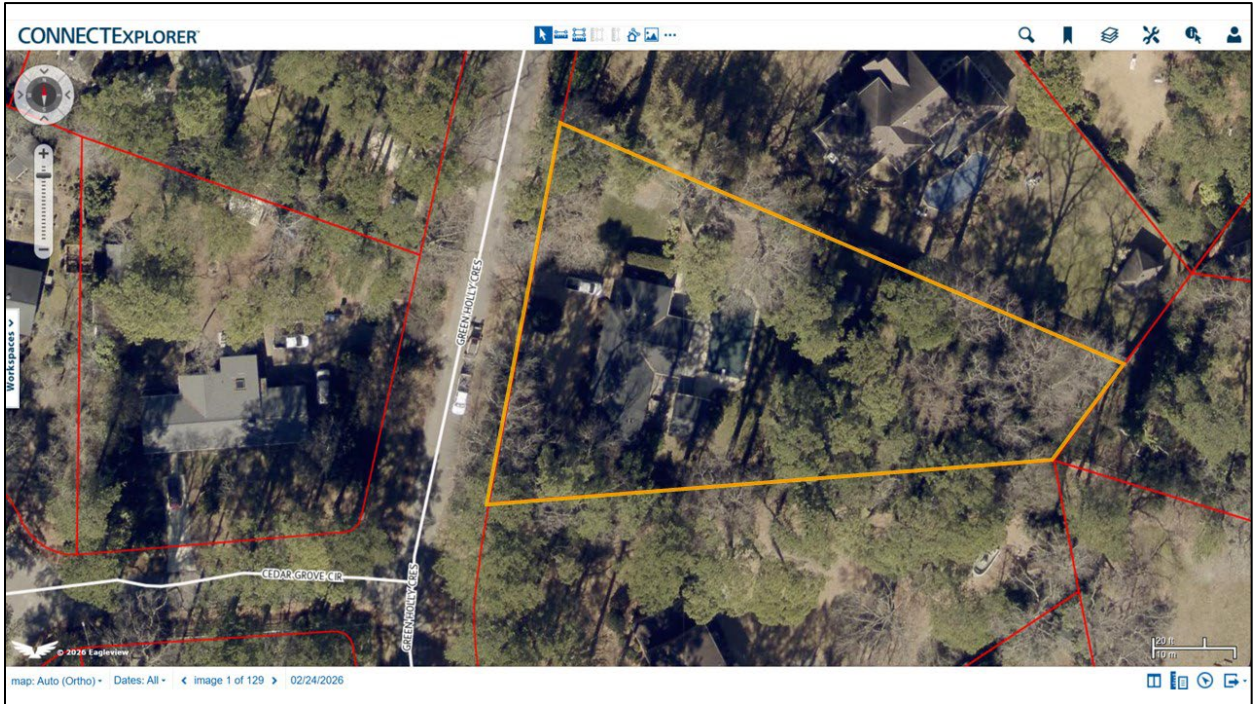
LOCATION MAPS:



AERIAL:



AERIAL (DETAIL):

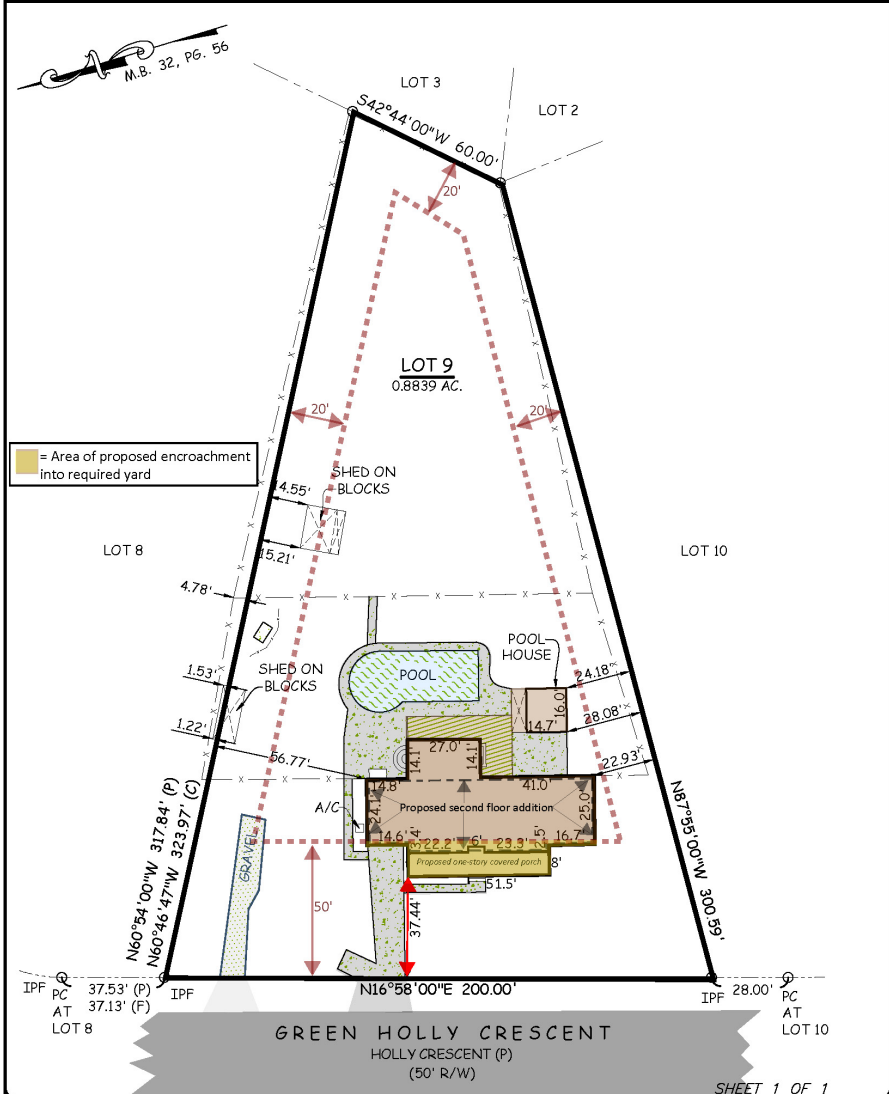
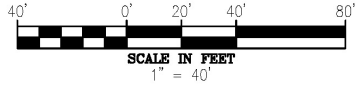


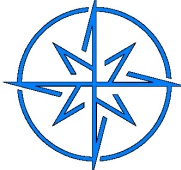
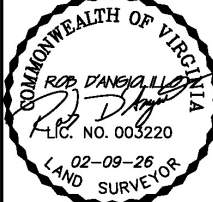
SITE PLAN (EXHIBIT A):

THIS IS TO CERTIFY THAT ON FEBRUARY 06, 2026 I SURVEYED THE PROPERTY DEPICTED ON THIS PLAT, AND THE TITLE LINES AND BUILDING WALLS ARE AS SHOWN HEREON.

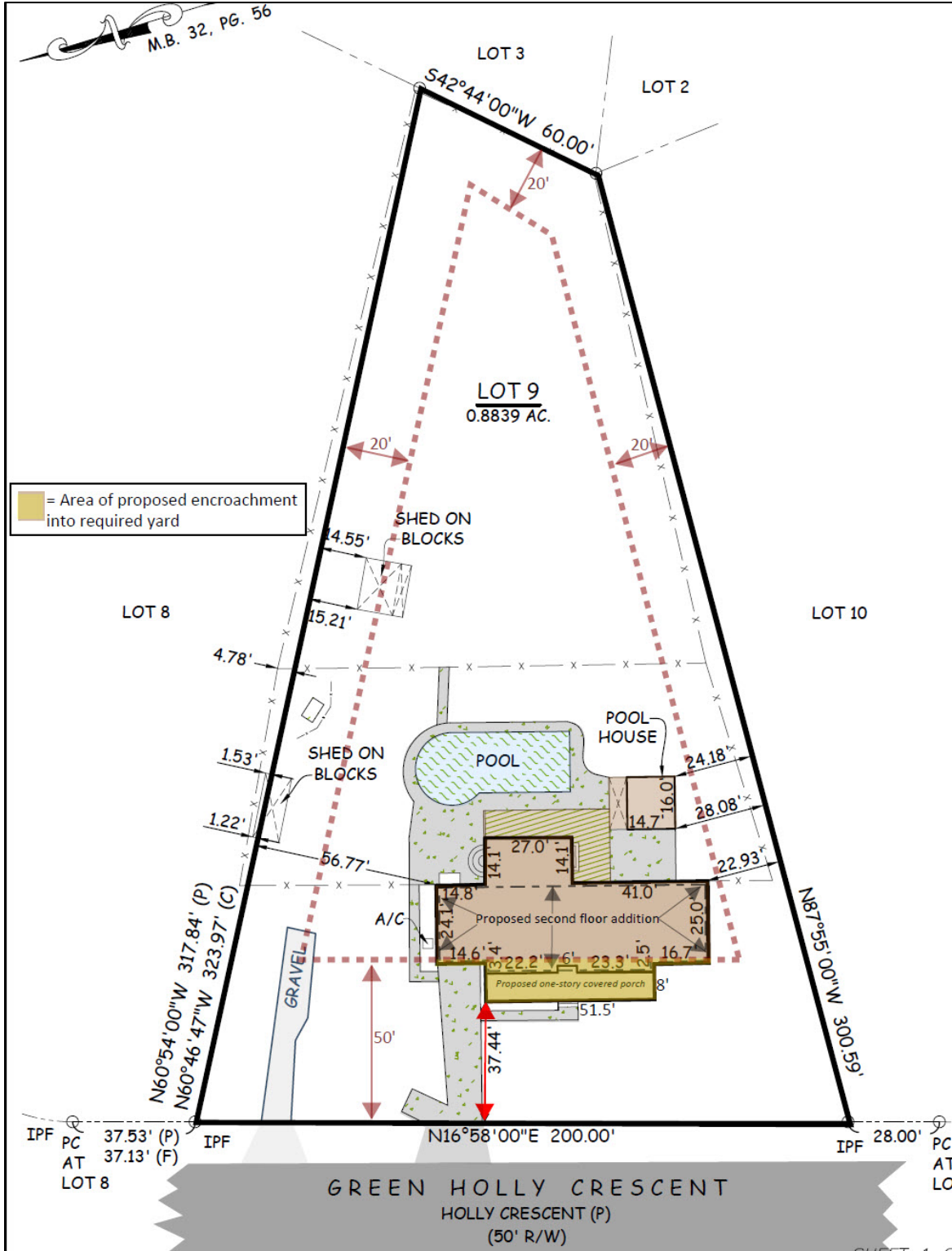
THE IMPROVEMENTS LIE STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN.

THIS SURVEY REFERS TO THE THE SAME LOT RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA IN INST. #20090707000773900



 TIDEWATER SURVEYING www.TSurv.com ~ 335-7181	PHYSICAL SURVEY OF #3416 GREEN HOLLY CRESCENT LOT 9, PHASE 3 SECTION 4 "ETHERIDGE MANOR" VIRGINIA BEACH, VIRGINIA FOR DANIEL RAY BARNES	THIS DWELLING APPEARS TO BE LOCATED IN FLOOD HAZARD ZONE 'X'. REF. IS MADE TO F.E.M.A. MAP COMM. #515531-#0102C EFFECTIVE: 1/16/2015 THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A CURRENT TITLE REPORT.	
	TSurv FILE: 26-02-69 DRAWN-EI ~ CK'D: RMD	PRINT PAGE SIZE=LEGAL	

SITE PLAN DETAIL (EXHIBIT A):




PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:



CITY OF VIRGINIA BEACH

Disclosure Statement

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Daniel Barnes and Jillian Barnes

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

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

Does Applicant have a Representative? Yes No

If yes, name Representative: _____

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

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


DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

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

APPLICANT CERTIFICATION

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

Daniel Barnes  05/26/2026
 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): 06/16/2026

Wilissa Blair-Miller  06/16/2026
 Staff Name (Print) Staff Signature Date

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CASE: 2026-BZA-00032 - Fortin Family Trust
HEARING DATE: July 1, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

2504 Long Creek Drive

REPRESENTATIVE:

Billy Garrington of GPC Inc.

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the required yard for a proposed single-family dwelling.

VARIANCE REQUEST(S) (DETAILED):

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

1. **FRONT YARD (SOUTH):** A front yard setback variance to 24 feet instead of 30 feet as required for a single-family dwelling.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1499-78-5947

LOT AREA:

- 17,648 square feet (.40 acres) (per city records)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

Please Note: The Chesapeake Bay Board approved the proposed improvements to the property on March 23, 2026 (City record number 2026-CBPA-00003.)

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 1961 – to be demolished)
- R-10 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Waterway (Long Creek), Unclassified zoning
- South: Residential (single-family), R-10
- East: Residential (single-family), R-10
- West: Residential (single-family), R-10

EXISTING CONDITIONS:

- N/A (existing dwelling to be demolished)

EXTENT OF PROJECT:

Proposed single-family dwelling (variance requested)

Proposed new home located within the required front yard.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1952 (map book 29 at page 48).

The subject parcel is an interior lot situated along Long Creek Drive, with the property line abutting Long Creek Drive defined as the front.

The subject property meets the minimum required lot area of 10,000 square feet outside water, wetlands, or marsh, and the minimum required lot width of 80 feet.

The applicant is requesting a variance to allow a proposed single-family dwelling within the required front yard.

It must be noted that the subject property falls within the Chesapeake Bay Preservation Area (CBPA), with the lot sitting entirely within the Resource Protection Area (RPA). For clarity, the RPA consists of a 100-foot protection buffer comprised of two distinct sub-buffers, a 50-foot-wide landward buffer and a 50-foot-wide seaward buffer. Because heightened land disturbance regulations are associated within the seaward buffer, when compared to the landward buffer, limiting land disturbance within the seaward area is a priority. It should be underscored that the proposed improvements would stay clear of the seaward buffer, but doing so places them slightly within the required front yard. In other words, the positioning of the proposed lot improvements was shifted ‘forward’ to ensure they clear the seaward buffer, but doing so caused them to slightly encroach into the required front yard.

Ultimately, the proposed location of the home is seemingly appropriate given the environmental challenges associated with the parcel.

KEY CONSIDERATIONS:

- Due to the development restrictions within the seaward buffer of the Chesapeake Bay Preservation area, one could argue that the strict application of the ordinance would unreasonably restrict the utilization of the property.
- Because properties not impacted by the Chesapeake Bay Preservation area do not face the same regulatory challenges as the subject lot, it seems that the need for a requested variance is not shared generally by other properties.

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

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

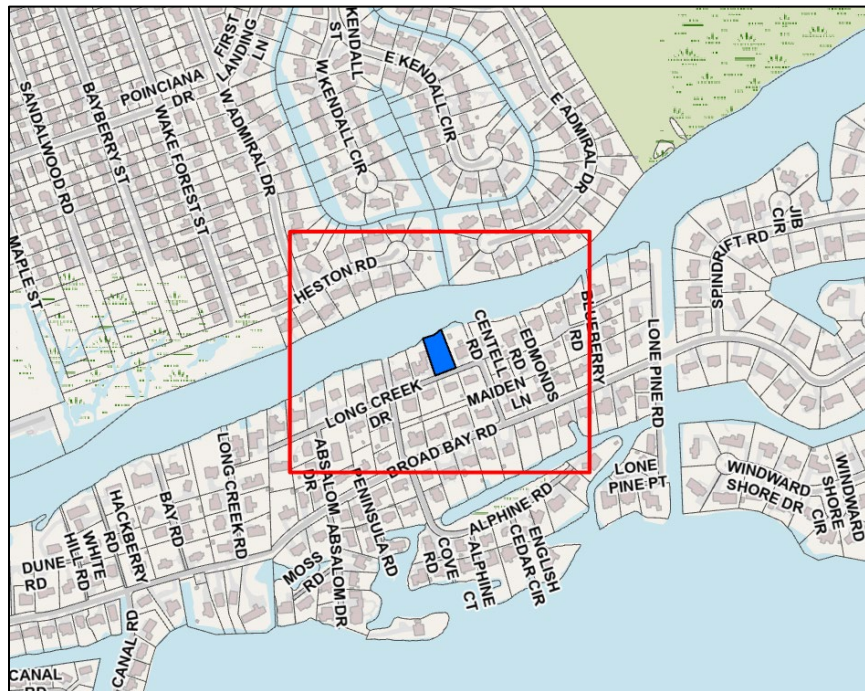
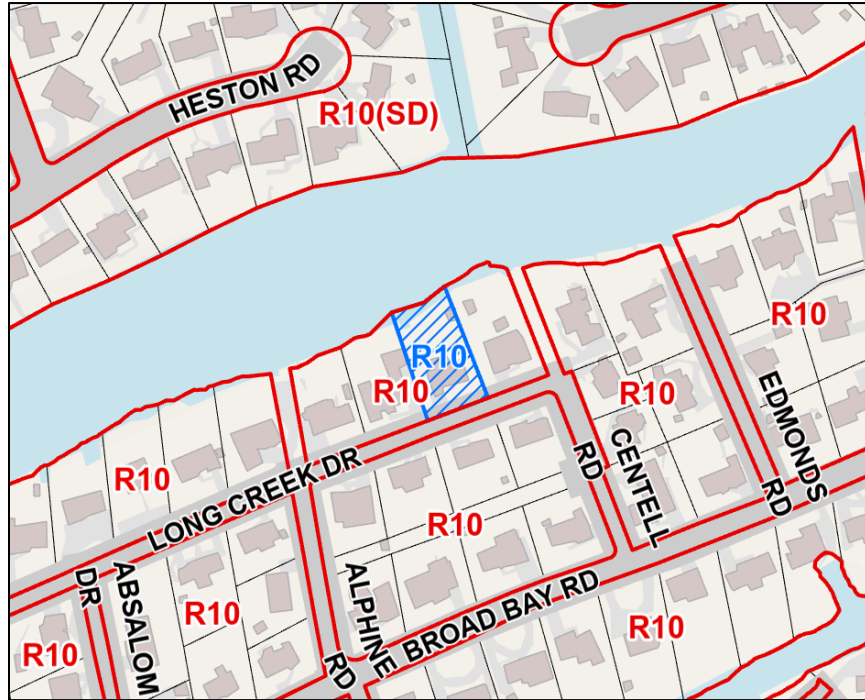
APPLICANT STATED HARDSHIP:

“We need a front yard setback yard due to RPA restriction.”

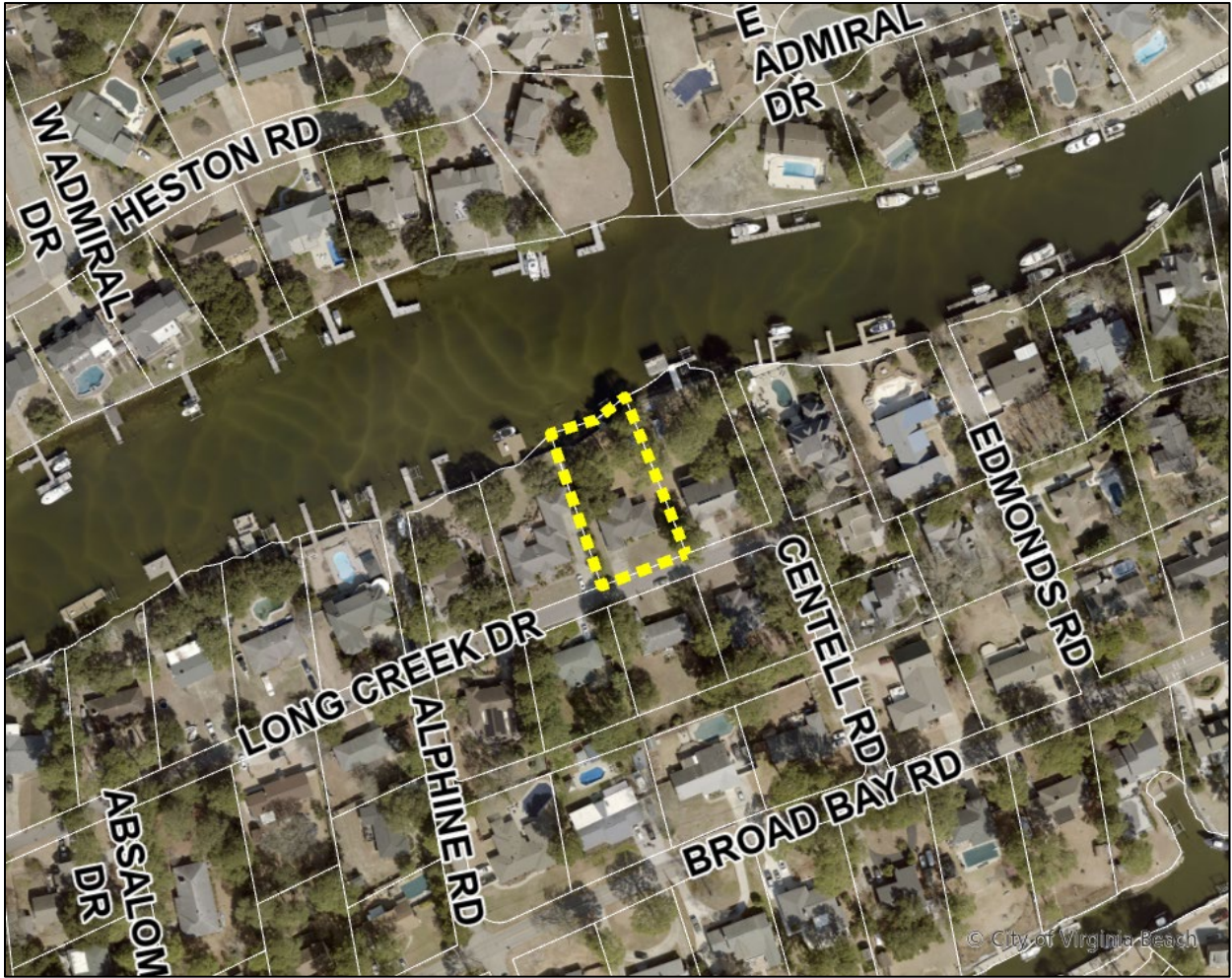
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Variance Exhibit, Lot 22, Broad Bay Colony,” dated April 7, 2026, Gallup Surveying and Engineering (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The proposed improvements shall be constructed in substantial conformance to the submitted elevation drawings titled, “Elevations / Model: Fortin,” dated March 26, 2026, and prepared by DCMoore Designs, LLC (shown as ‘Elevation Drawing’ in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved renderings, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
3. The height of the dwelling shall not exceed the maximum allowed by the City Zoning Ordinance, which is measured from the lowest grade within six feet of the building perimeter to the highest point of the building.
4. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
5. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

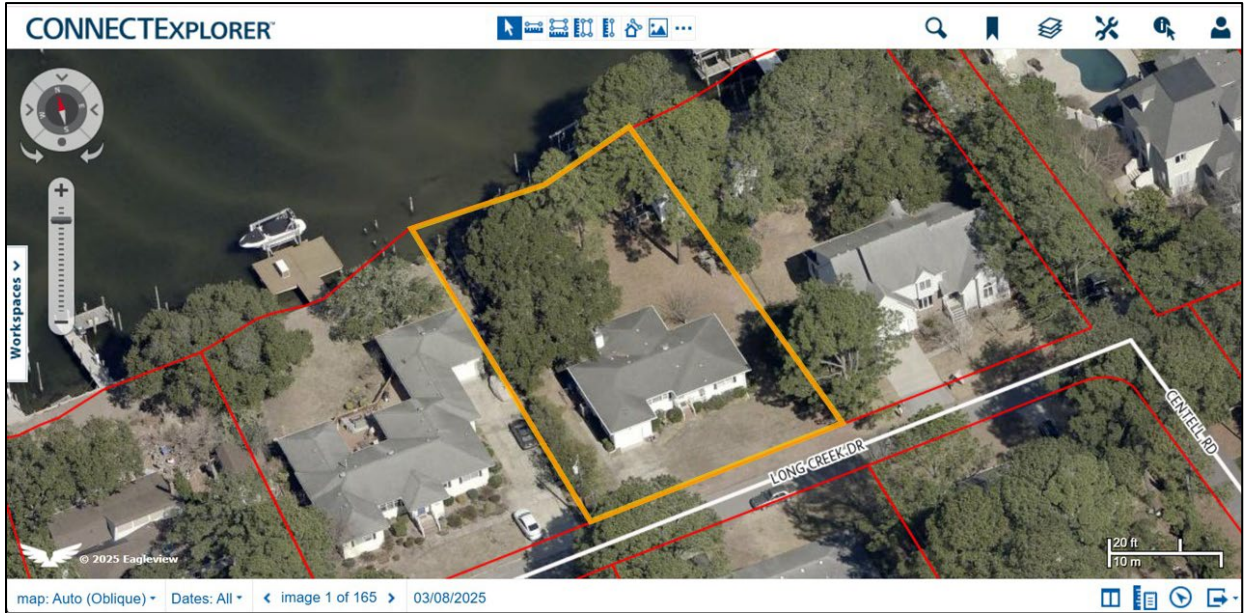
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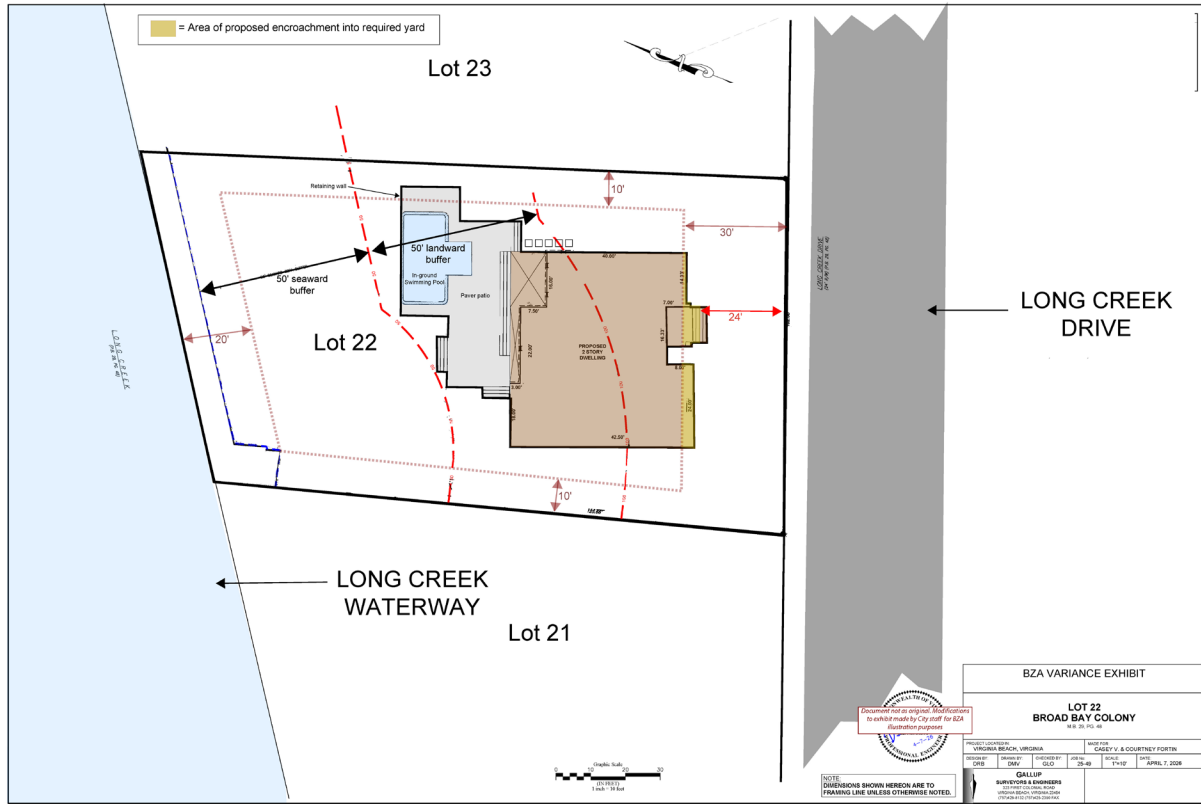
AERIAL:



AERIAL (DETAIL):

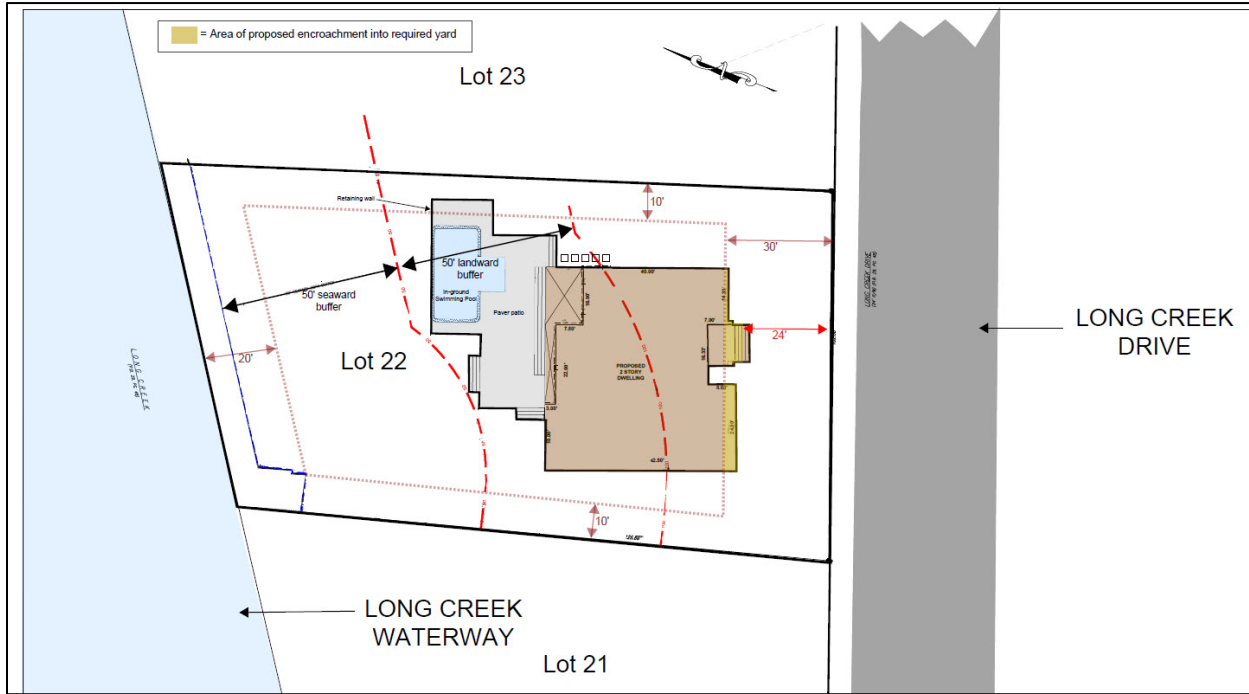


SITE PLAN (EXHIBIT A):



BZA VARIANCE EXHIBIT			
LOT 22 BROAD BAY COLONY			
PROJECT LOCATION NORFOLK COUNTY, VIRGINIA		OWNER CASEY S. & COURTNEY FORTIN	
DESIGNED BY GALLUP	DATE 11/11/11	ISSUED BY GOC	DATE 2/2/12
DRAWN BY GALLUP		DATE 11/11/11	
APPROVED BY APRIL 2, 2008			

SITE PLAN DETAIL (EXHIBIT A):



RENDERINGS:



ELEVATION DRAWINGS:

		<p>Revisions:</p>
<p>Right Elevation (Scale 1/4"=1'-0")</p>	<p>Rear Elevation (Scale 1/4"=1'-0")</p>	<p>Plans drawn by: D'Moore Designs LLC 47 Pine Hills Rd Va Beach, VA 23465 757.375.6037</p> <p>Construction plans for: Casey & Courtney Fortin 2504 Long Creek Dr. Virginia Beach, VA 23451</p>
		<p>Elevations</p>
<p>Left Elevation (Scale 1/4"=1'-0")</p>	<p>Front Elevation (Scale 1/4"=1'-0")</p>	<p>Model: Fortin</p> <p>Date: 03-26-20</p> <p>Sheet # 4 of 6</p>

PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:



CITY OF
**VIRGINIA
BEACH**

**Disclosure
Statement**

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Fortin Family Trust

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

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

Does Applicant have a Representative? Yes No

If yes, name Representative: Billy Garrington

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

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

Casey Fortin and Courtney Fortin

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input checked="" type="radio"/>	<input type="radio"/>	WPL Land Design
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	Ashdon Builders
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Gallup Surveyors
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.

Fortin Family Trust	Fortin Family Trust	05/07/2026
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): 06/17/2026

Wilissa Blair-Miller	Wilissa Blair-Miller	06/17/2026
Staff Name (Print)	Staff Signature	Date

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CASE: 2026-BZA-00035 - Carlton and Cheryl Spraberry
HEARING DATE: July 1, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1321 Five Point Road

REPRESENTATIVE:

Joe Frampton

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to a required yard and to permit a greater amount of floor area than allowed for a proposed two-story accessory building.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 5, Sections 501(b) and 502(a) of the City Zoning Ordinance:

1. **FRONT YARD (EAST):** A front yard setback variance to 27 feet instead of 50 feet as required for a two-story accessory building.
2. **FLOOR AREA:** A variance to permit a maximum cumulative accessory building floor area of 2,432 square feet instead of 1,875 square feet as allowed on the subject property.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1498-67-9106

LOT AREA:

- 57,658 square feet (1.3 acres) (per city records)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Chesapeake Bay Preservation Area (Resource Protection Area)
- AE (1% annual chance flood hazard); X (area determined to be outside the 500-year flood); 0.2% (area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods)

Please Note: The Chesapeake Bay Board approved the proposed improvements to the property on June 20, 2020 (City record number 2020-CBPA-00015), and staff from the City Planning Department, Environmental Unit, reaffirmed such approval on April 30, 2026, after reviewing the site plan submitted with this zoning variance request.

VOTING DISTRICT:

- District 8

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- October 6, 2004 (granted with conditions)

A variance to a 5-foot side yard setback (east) instead of 15 feet as required for a proposed two-story single family dwelling.

CONDITIONS 1) Modified to a 12.5-foot side yard setback (east); 2) The proposed single-family dwelling shall be constructed in substantial adherence to the submitted revised site plan; 3) All existing structures and improvements shown on the site plan to be removed shall be removed prior to receiving a final building inspection from the City of Virginia Beach Permits and Inspections Office; 4) Any existing vegetation location between the proposed dwelling and east side property line shall be preserved as much as possible. Tree protection must be shown on the site plan and installed where necessary to accomplish this condition.

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

- Single-family (built in 2006)
- R-30 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-30
- South: Residential (single-family), R-30
- East: Residential (single-family), R-40
- West: Waterway/Canal (Linkhorn Bay), R-30

EXISTING CONDITIONS:

- N/A (subject accessory structure not built)

EXTENT OF PROJECT:

Two-story accessory structure (variance requested)

Proposed accessory building with garage on the first floor and finished space on the second floor. The structure is proposed to sit within the required front yard and exceed the maximum allowable floor area.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1972 (map book 89 at page 54).

The subject property is an interior lot located at the northern terminus of Five Point Road, with the property line abutting Five Point Road defined as the front.

The subject parcel meets the minimum required lot area of 30,000 square feet, the minimum required lot area outside water, wetlands, or marsh of 24,000 square feet, and the minimum lot width of 100 feet.¹

The applicant is requesting a variance to encroach into the required front yard with a two-story accessory building.

It must be noted that the subject property falls within the Chesapeake Bay Preservation Area (CBPA), with the lot appearing to lie entirely within the Resource Protection Area (RPA). For clarity, the RPA of the CBPA consists of a 100-foot protection buffer comprised of two distinct sub-buffers, a 50-foot-wide landward buffer and a 50-foot-wide seaward buffer. Because heightened land disturbance regulations are associated within the seaward buffer, when compared to the landward buffer, limiting land disturbance within the seaward area is a priority. It should be underscored that the proposed accessory building would stay clear of the seaward buffer, but doing so places it within the required front yard. In other words, the accessory building was shifted 'forward' to ensure it cleared the seaward buffer, but doing so caused it to encroach into the required front yard.

Ultimately, the proposed location of the accessory building is seemingly appropriate given the environmental challenges associated with the parcel.

NOTE:

1. In accordance with Section 200(d) of the City Zoning Ordinance, lots abutting rights-of-way when the radius of curvature is less than ninety (90) feet or on the turning circle of a cul-de-sac shall meet the following lot width standards: a) Draw a straight line is drawn between the two points where the side lot lines intersect the right-of-way line; b) Draw a straight line from the center of curvature through the midpoint of the first line into the lot; c) draw a straight line perpendicular to the second line and a distance back from the right-of-way line equal to the required front yard in the applicable district. The length of this third line between the side lot lines is the width of the lot.

KEY CONSIDERATIONS:

- Due to the development restrictions within the seaward buffer of the Chesapeake Bay Preservation area, one could argue that the strict application of the ordinance would unreasonably restrict the utilization of the property.
- Because properties not impacted by the Chesapeake Bay Preservation area do not face the same regulatory challenges as the subject lot, it seems the need for the requested variance is not shared generally by other properties.

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

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

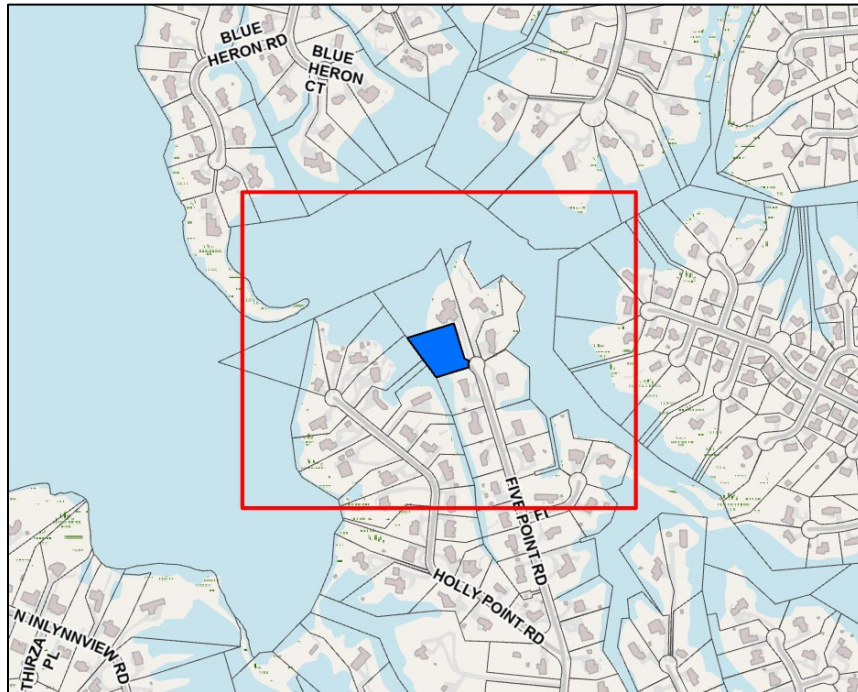
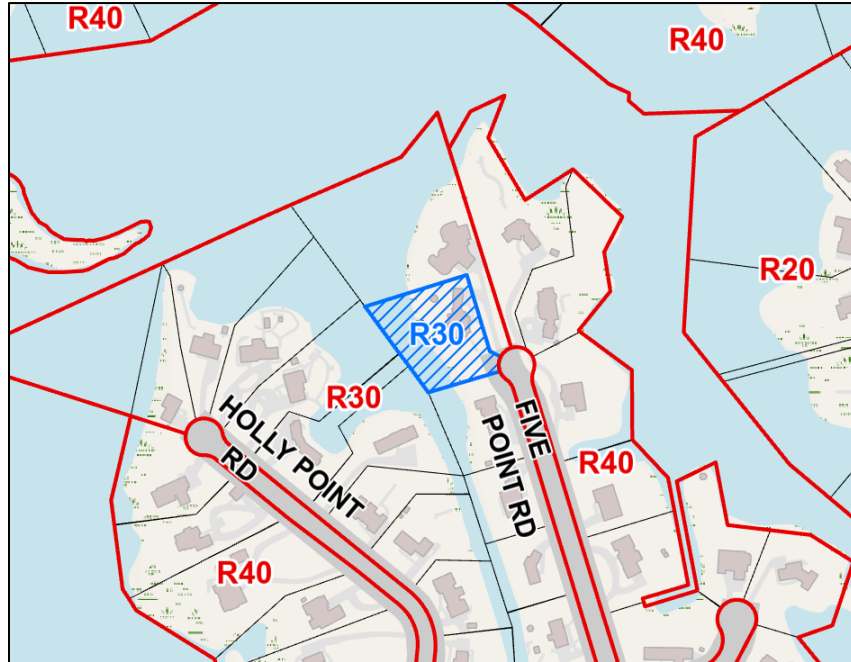
APPLICANT STATED HARDSHIP:

“The requested variance is based on a practical hardship created by the unique physical constraints of this property and the need to place the proposed garage in the only location that reasonably works with the site. In designing the new garage, we have attempted to move the structure farther back from the water while still complying with the required side yard setback. That effort improves the placement of the structure in relation to the water and is a more responsible site design. However, once the garage is shifted back to address the water side and to meet the side yard requirement, the structure then encroaches into the front yard building setback line. This hardship is driven by the physical layout of the lot and the limitations of the site, not by convenience or by a self-created condition. The property is further constrained by the existence of a private shared driveway. Because that driveway serves other property owners, it is almost impossible to park vehicles along it without blocking access to adjoining users. In practical terms, the shared driveway cannot function as overflow parking or as a substitute for a properly placed garage. The driveway is limited in size and only accommodates approximately four small cars or two large vehicles under ideal conditions. Any attempt to rely on the shared driveway for parking creates circulation and access problems for neighboring properties. Strict application of the setback ordinance therefore unreasonably restricts the use of this property. Without the requested relief, the owner is forced into an impractical situation where the garage cannot be moved back from the water, cannot fully satisfy the side yard requirement, and cannot rely on the shared driveway for safe and functional parking. The request is narrow and limited to the minimum relief necessary to accommodate a reasonable garage placement on a constrained site. Granting the variance will not change the essential character of the neighborhood or authorize a use that is otherwise prohibited. The request is for a customary residential accessory structure and is intended to improve the functionality of the property while respecting neighboring access and the physical conditions of the site. In fact, the proposed location is preferable because it pulls the structure farther from the water and avoids creating parking conflicts on the shared private driveway. For these reasons, the requested variance is justified by the unique physical conditions of the property, the hardship is not self-created, the relief requested is minimal, and approval of the variance would be consistent with the spirit and intent of the zoning ordinance. This draft tracks Virginia Beach's published BZA hardship guidance and Virginia's variance standard, which focus on whether strict application of the ordinance unreasonably restricts use of the property, whether the hardship is tied to the property's physical conditions and not self-created, and whether the variance avoids substantial detriment to nearby properties and remains in harmony with the ordinance.”

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit for Garage, Lot 2, Rose Hall Shores,” dated March 6, 2025/February 17, 2026, and prepared by Gallup Surveyors and Engineers (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The proposed improvements shall be constructed in substantial conformance to the submitted renderings found in the *Elevation/Renderings* section of this staff report. This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved renderings, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
3. The height of the accessory dwelling shall not exceed the maximum allowed by the City Zoning Ordinance.
4. The subject accessory building shall meet all City Zoning Ordinance requirements for use.
5. The subject accessory building, in combination with any other applicable accessory buildings on the subject property, shall not exceed the maximum square footage of floor area granted by the Board of Zoning Appeals.
6. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.
7. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
8. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

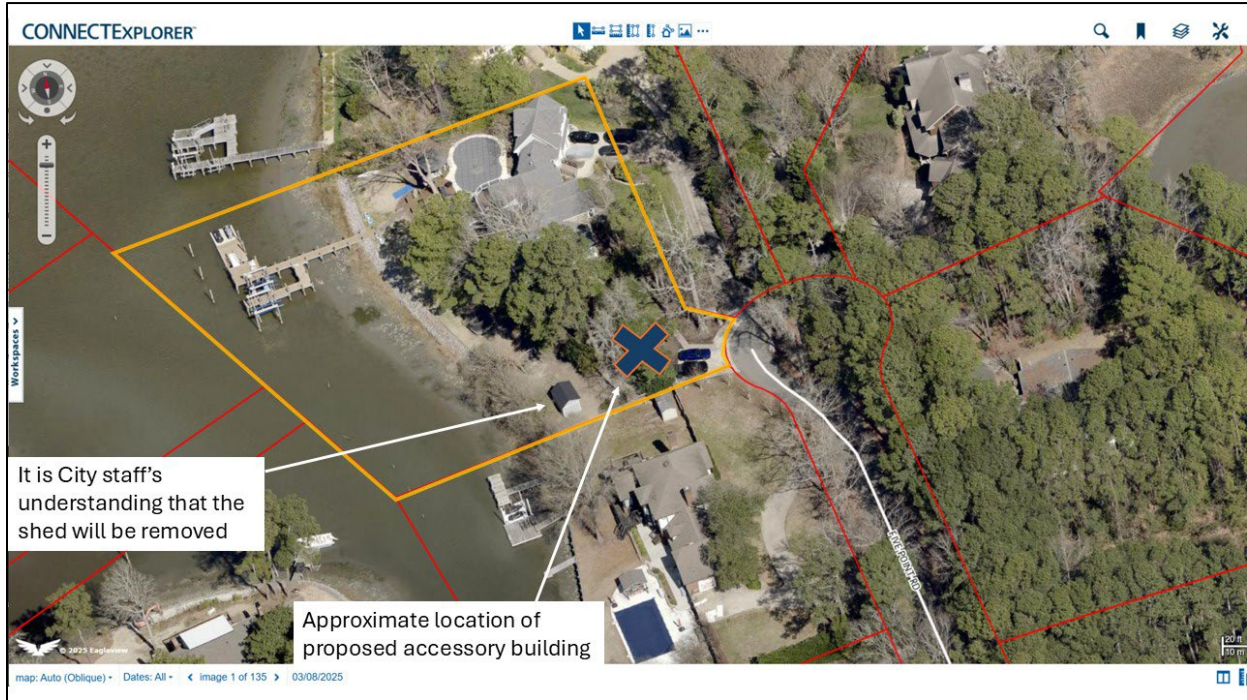
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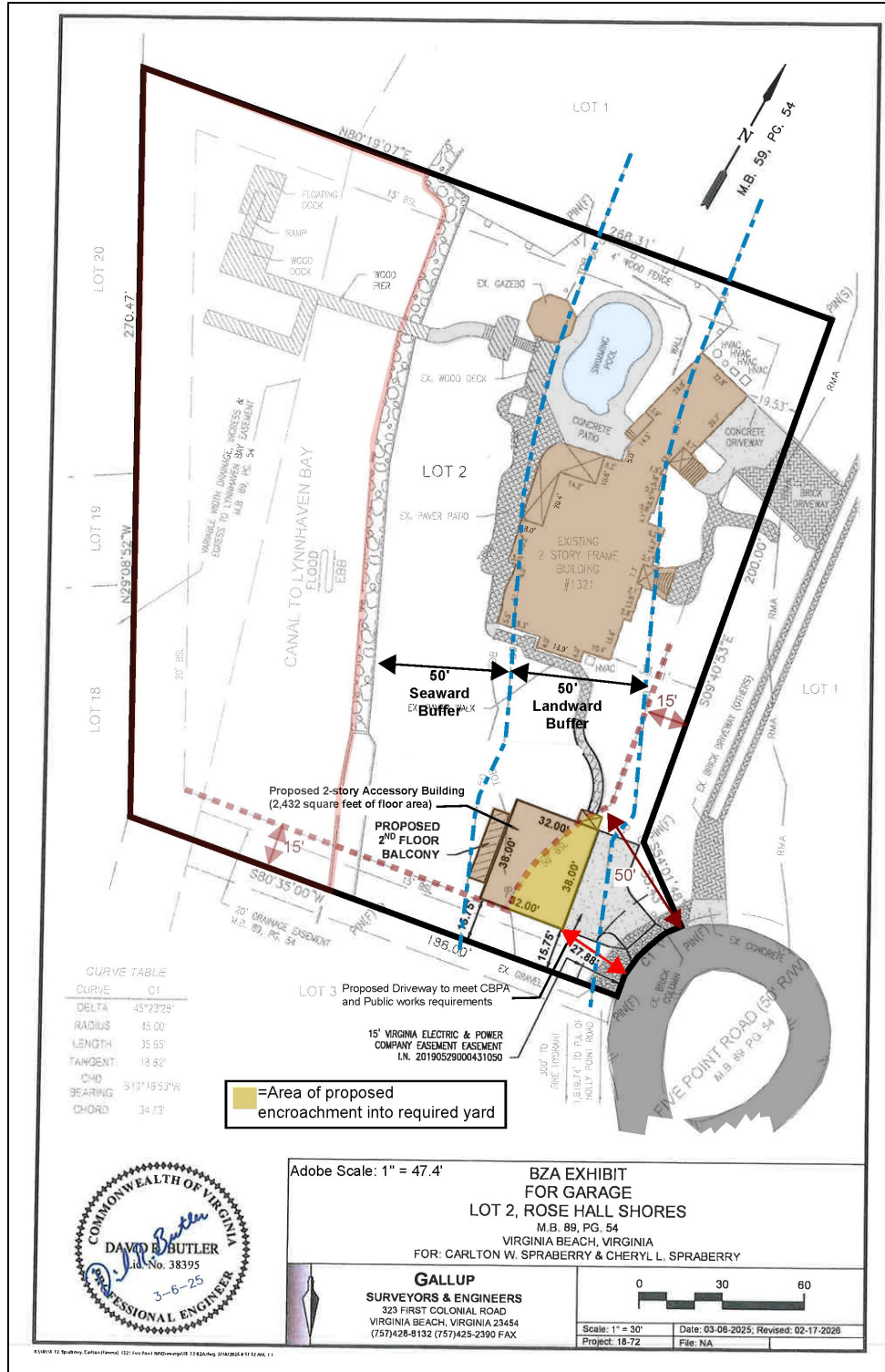
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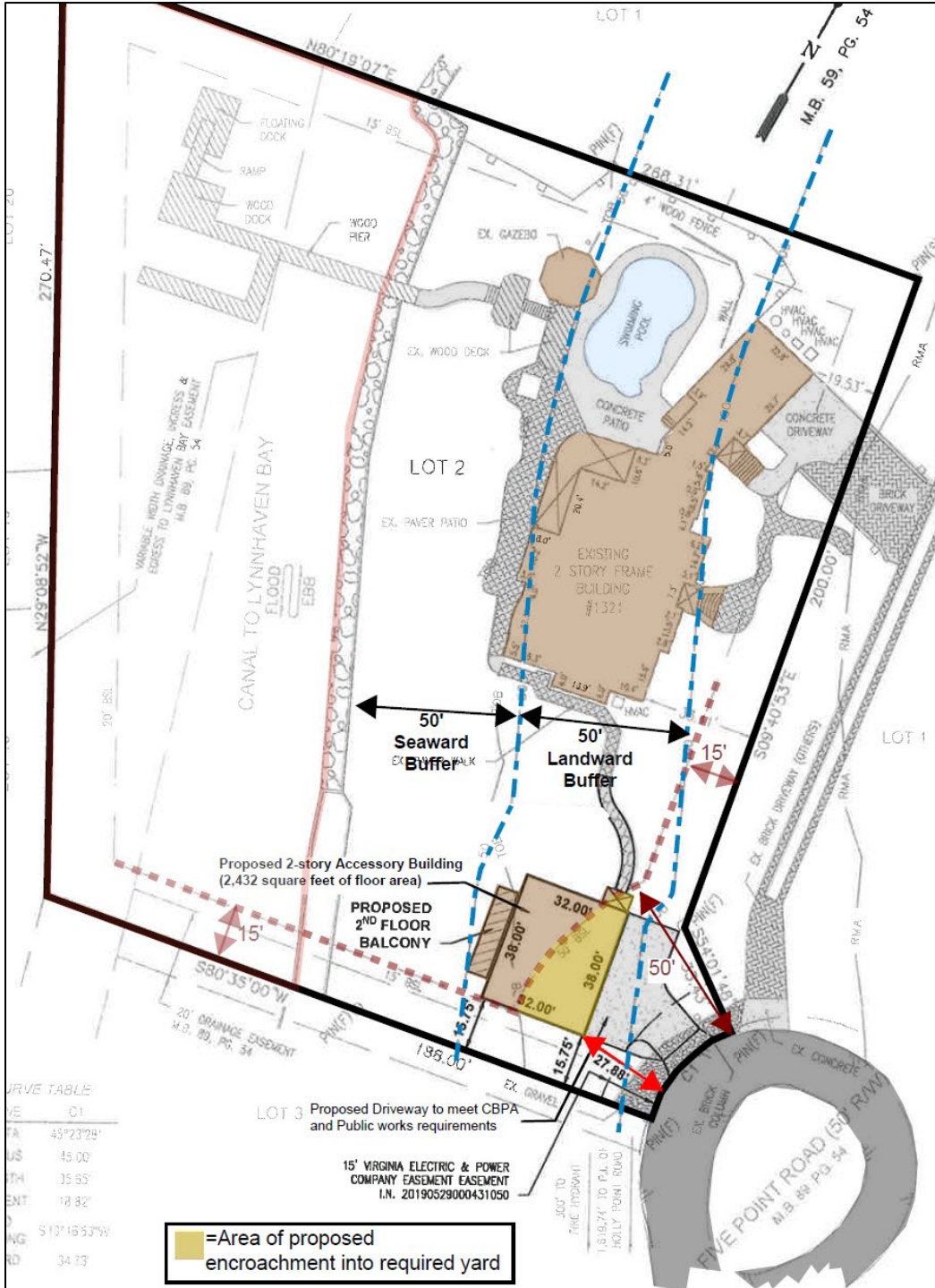
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



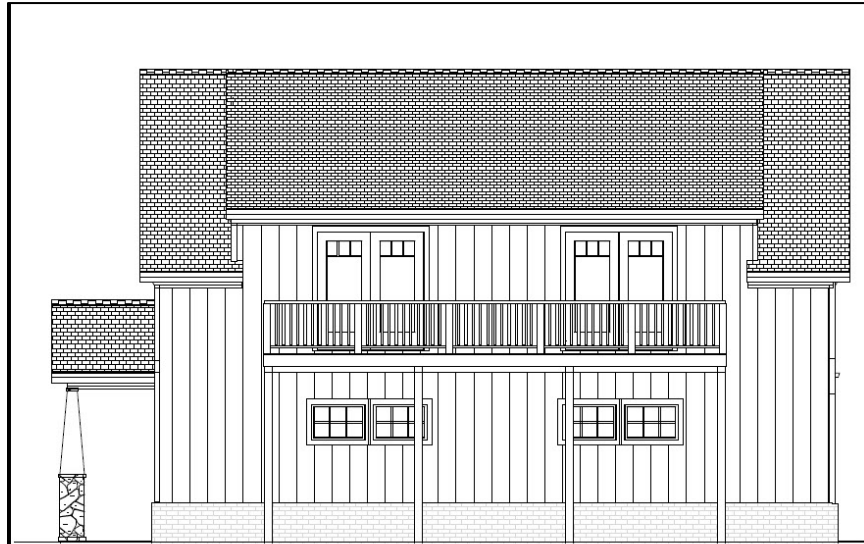
SITE PLAN DETAIL (EXHIBIT A):



ELEVATIONS/RENDERINGS:



ELEVATIONS/RENDERINGS:



Rear Elevation

SCALE: 1/8"=1'-0"



Front Elevation

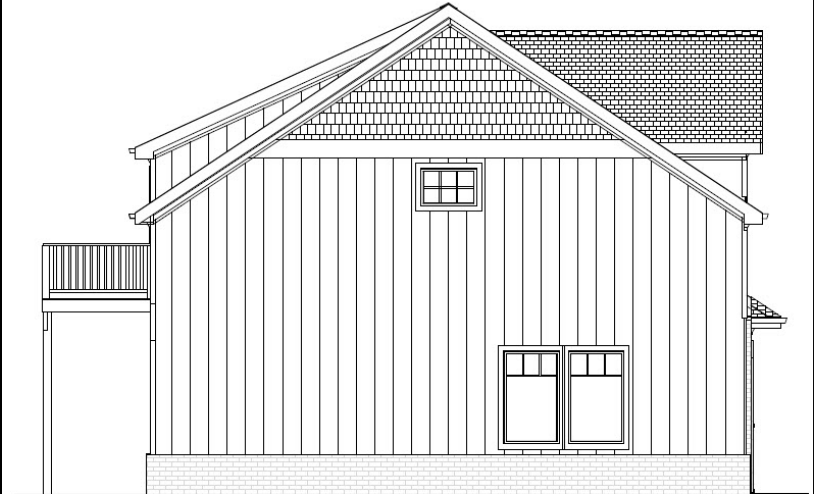
SCALE: 1/8"=1'-0"

ELEVATIONS/RENDERINGS:



Right Elevation

SCALE: 1/8"=1'-0"




Left Elevation

SCALE: 1/8"=1'-0"

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: Carlton W. & Cheryl L. Spraberry
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: Joseph Frampton, Bay Legacy Construction

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 <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-2024
page 1 of 3

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input checked="" type="radio"/>	<input type="radio"/>	Donnie Moore, DCMoore Designs
Construction Contractor	<input checked="" type="radio"/>	<input type="radio"/>	Joseph Frampton, Bay Legacy Construction
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	David Butler, Gallup Surveyors
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.

Carlton W. Spraberry
Applicant Name (Print)

Carlton W. Spraberry 4/8/26
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): 06.17.2026

Wilissa Blair-Miller
Staff Name (Print)

Wilissa Blair-Miller
Staff Signature

06.17.2026
Date

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CASE: 2026-BZA-00037 - Jennifer and Joshua Wilson
HEARING DATE: July 1, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1896 River Rock Arch

REPRESENTATIVE:

William Ayer (agent for the applicant)

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the 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:

1. **SIDE YARD ADJACENT TO STREET (SOUTH - ROCK LAKE LOOP):** A side corner yard setback variance to 10 feet instead of 18 feet as required for a room addition.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1485-33-0167

LOT AREA:

- 5,453 square feet (.12 acres) (per city records)

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 10

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- July 1, 1992 (granted)
A variance to a 5-foot rear yard setback (east) instead of 20 feet as required for a proposed attached storage shed.

CONDITION:

Variance granted subject to the applicant obtaining the necessary encroachment agreement through the City Public Works Department.

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

- Single-family (built in 1990)
- R-5D (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-5D
- South: Residential (HOA neighborhood park), R-5D
- East: Residential (single-family), R-5D
- West: Residential (single-family), R-5D

EXISTING CONDITIONS:

- Dwelling: 21 (+/-) feet from front property line (southwest)
- Dwelling: 8 feet from side property line (northwest)
- Dwelling: 21 (+/-) feet from side corner property line (south)
- Dwelling: 7.1 feet from rear property line rear (northeast)

EXTENT OF PROJECT:

One-story building addition – sunroom (variance requested)

Proposed 10 feet by 14 feet one-story building addition located within the required side yard adjacent to a street (Rock Creek Loop).

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1987 (map book 2669 at page 1985).

The subject parcel is a corner lot situated at the intersection of River Rock Arch and Rock Creek Loop, with the property line abutting River Rock Arch defined as the front.

The subject parcel meets the minimum required lot area of 5,000 square feet but does not meet the minimum lot width of 60 feet. Instead, the lot width is approximately 58 feet, which is 2 feet less than the current standard for such corner lots in the R-5D zoning district.¹ Nevertheless, due to the age of the parcel, the lot width deficiency is legally non-conforming.

The applicant is requesting a variance to encroach 8 feet into the 18-foot required side corner yard with a proposed one-story building addition.

While the size of the lot meets the minimum requirements of the zoning ordinance, it is notable that the width of the subject lot is deficient by roughly 2 feet.¹ Moreover, the property line abutting Rock Lake Loop seems to ‘bow inward’ toward the subject home by approximately 1-foot from 90° at the center. When viewed collectively, appropriate relief based on these property conditions seems to be 3 feet instead of 8 feet as requested. In other words, based on the substandard lot width and ‘bow shaped’ property line, relief to a 15-foot side corner setback seems to be warranted instead of the requested 10-foot setback.

NOTE:

1. In accordance with Section 200(d) of the City Zoning Ordinance, the width of a lot abutting a straight right-of-way, or where the radius of curvature is ninety (90) feet or more, shall be determined by measuring across the rear of the required front yard.

KEY CONSIDERATIONS:

- Relief to a 15-foot side yard setback instead of 18 feet as required is arguably equivalent to the substandard physical conditions of the property.

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

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

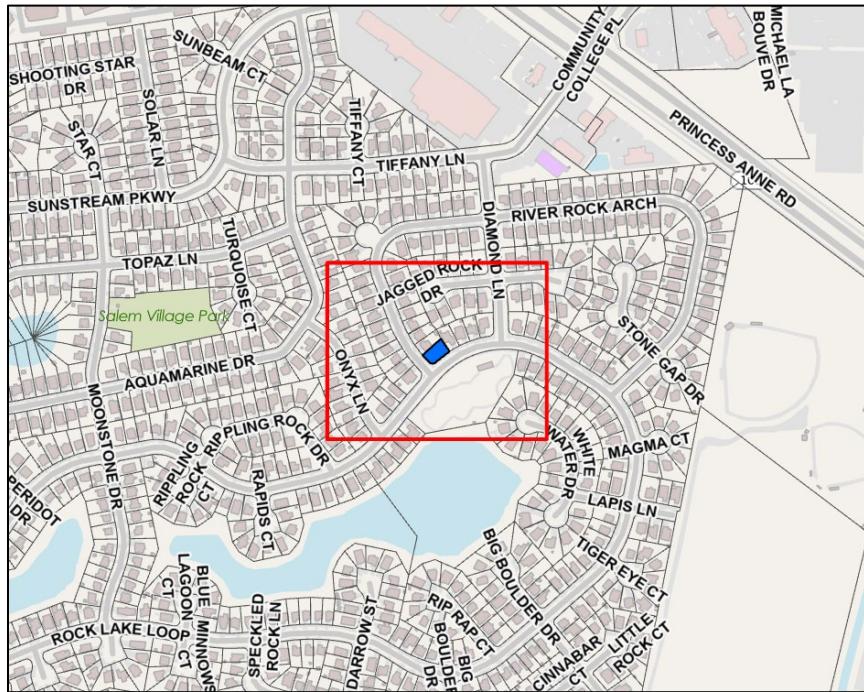
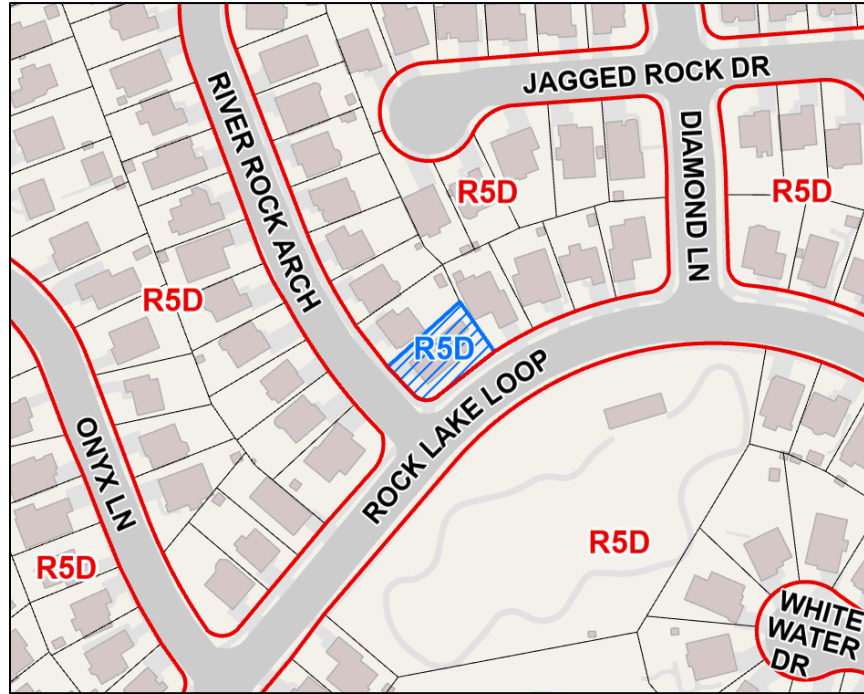
APPLICANT STATED HARDSHIP:

“The subject property is within the R5D zoning district. And due to the established footprint of the structure and the configuration of the lot, any reasonable addition to the home—including the proposed sunroom an open deck—cannot comply with current setback requirements without creating an undue burden. The hardship is not self-created but is inherent to the property’s unique conditions, specifically the placement of the existing structure on a corner lot. Strict application of the current zoning ordinance would effectively prevent the homeowner from making modest improvements that are otherwise consistent with the residential use of the property and the character of the surrounding neighborhood. The requested variance will not alter the essential character of the neighborhood, and will not be detrimental to adjacent properties or public welfare. Granting this variance would enable reasonable use of the property. For these reasons, we respectfully request approval of the variance.”

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “Physical Survey, Lot 419, Subdivision of Rock Creek, Phase 4A,” dated February 27, 2026, and prepared by DKT 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 not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.
3. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
4. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

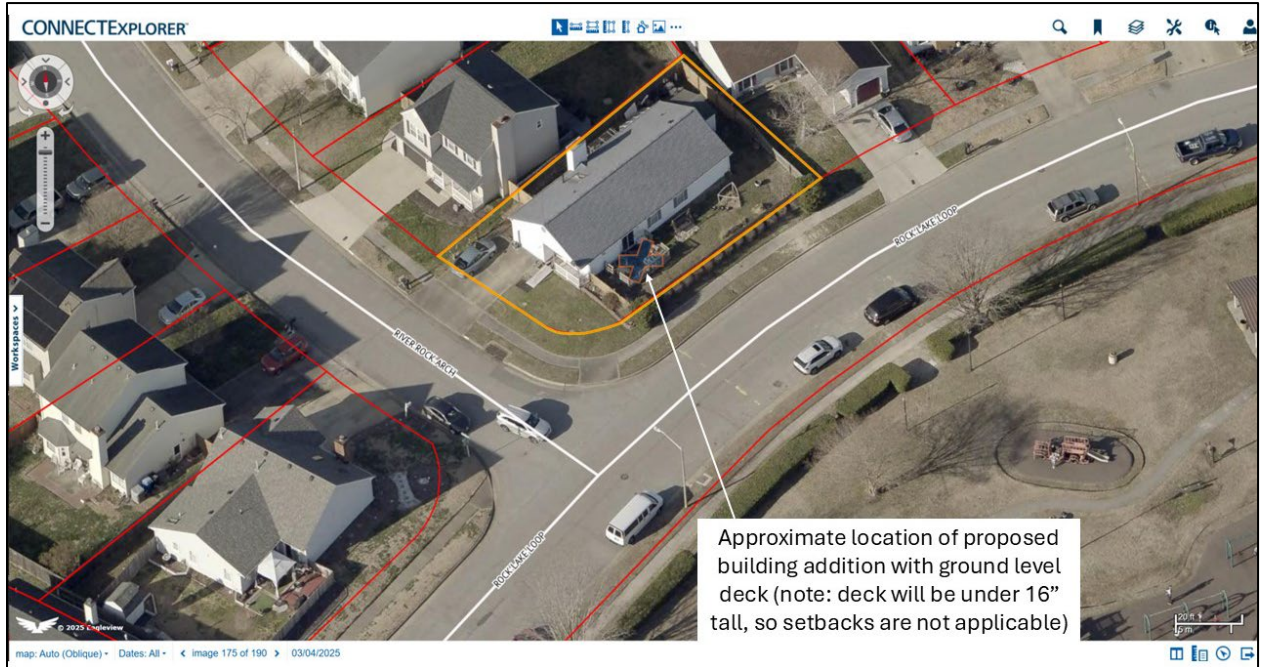
LOCATION MAPS:



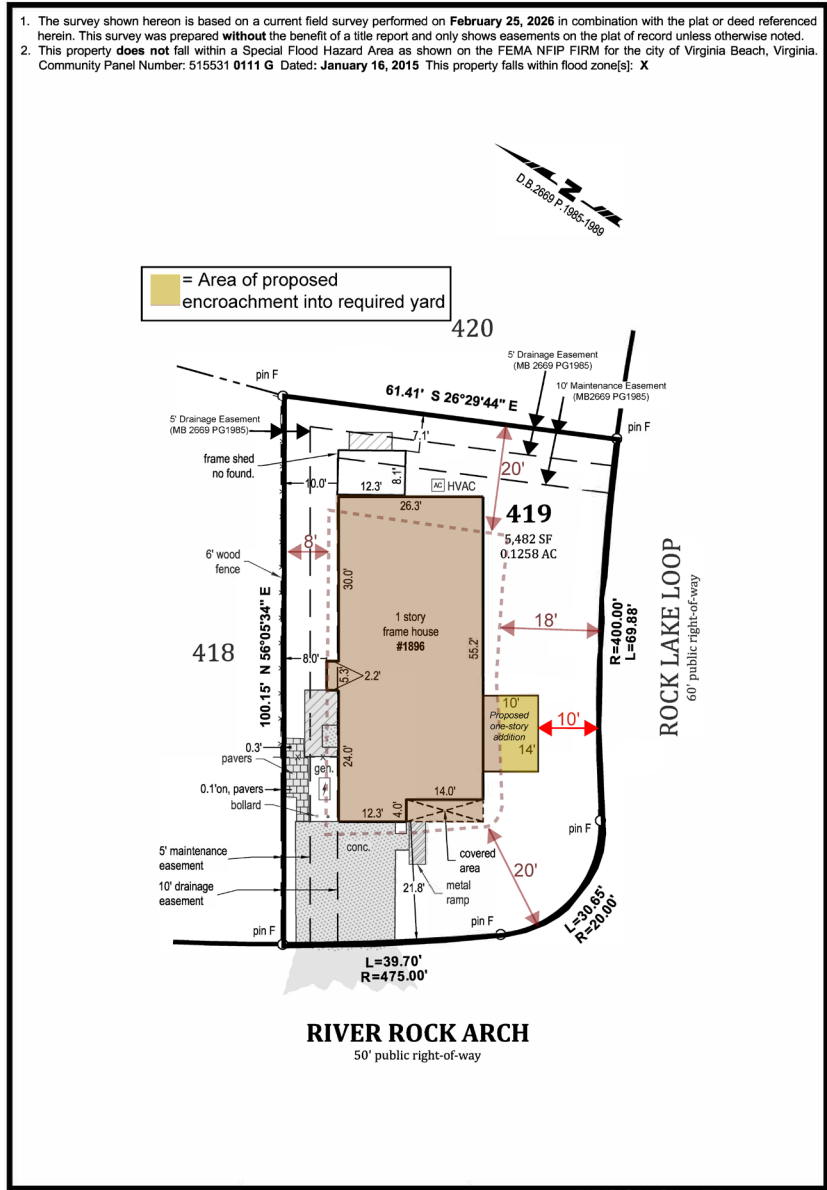
AERIAL:



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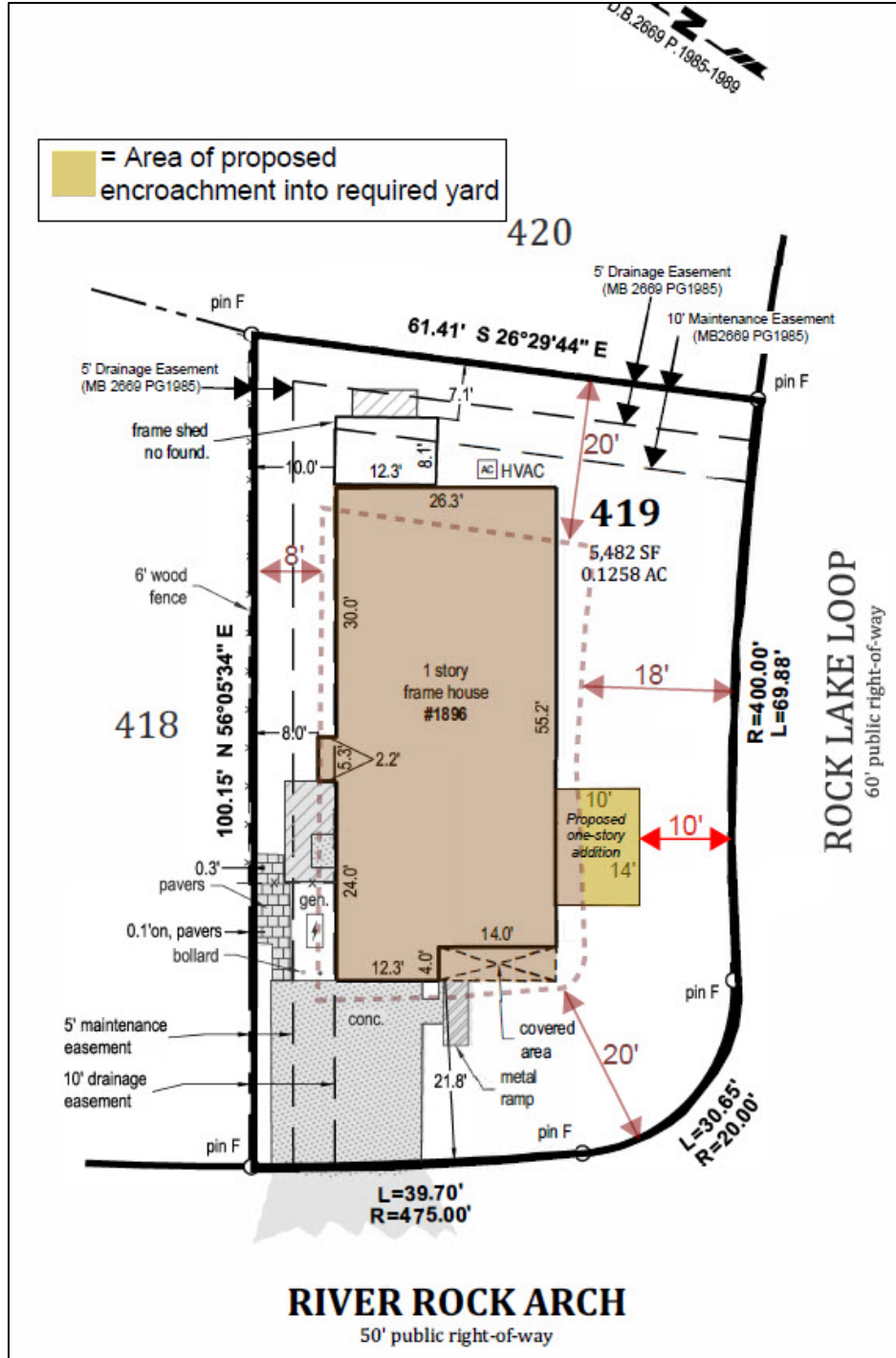


SITE PLAN (EXHIBIT A):



<p>DRAWING SCALE 1" = 20'</p>	<p>COMMONWEALTH OF VIRGINIA</p> <p><i>Jennifer Wilson</i></p> <p>Document not as original. Modifications to exhibit made by City staff for BZA illustration purposes</p> <p>2 / 27 / 26</p> <p>LAND SURVEYOR</p>	PHYSICAL SURVEY																
<p>DKT ASSOCIATES LAND SURVEYORS</p> <p>1232 W. Little Creek Rd. (757) 588 - 5888 TEL Suite 300 (757) 588 - 5880 FAX Norfolk, VA 23505 DKTASSOCIATES.COM</p>		<p>LOT 419 SUBDIVISION OF ROCK CREEK PHASE 4A (D.B.2669 P.1985-1989)</p> <p>Virginia Beach, Virginia FOR February 27, 2026</p>																
		<p style="text-align: center;">Jennifer Wilson</p> <table border="1"> <tr> <td>JOB NO. 32885</td> <td>REVISED</td> <td>--</td> <td>SIZE</td> <td>LEGAL</td> </tr> <tr> <td>F.BOOK 487/50</td> <td>REVIEWED</td> <td>MP</td> <td>SHEET</td> <td>1 OF 1</td> </tr> <tr> <td>F.CREW MF</td> <td>DRAWN BY</td> <td>JH</td> <td></td> <td></td> </tr> </table>		JOB NO. 32885	REVISED	--	SIZE	LEGAL	F.BOOK 487/50	REVIEWED	MP	SHEET	1 OF 1	F.CREW MF	DRAWN BY	JH		
JOB NO. 32885	REVISED	--	SIZE	LEGAL														
F.BOOK 487/50	REVIEWED	MP	SHEET	1 OF 1														
F.CREW MF	DRAWN BY	JH																

SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:



CITY OF
**VIRGINIA
BEACH**

**Disclosure
Statement**

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: as listed on application JENNIFER WILLSON

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: WILLIAM AYER

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.

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:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
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"/>	GREAT DAY IMPROVEMENTS LLC
Engineer/Surveyor/ Agent	<input checked="" type="radio"/>	<input type="radio"/>	GERARDO PEREZ
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.

JENNIFER WILLSON

Applicant Name (Print)

JR Will
Applicant Signature

04/01/2026

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): 06.17.2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

06.17.2026

Date



CASE: 2026-BZA-00044 - Bruce B Mills Revocable Trust
HEARING DATE: July 1, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

210 (A/B) 61st Street

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards and maximum height for proposed building additions.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 5, Section 502(b1) and Article 5, Section 503 of the City Zoning Ordinance:

1. **REAR YARD (SOUTH):** A rear yard setback variance to 15 feet instead of 20 feet as required for proposed building additions.
2. **SIDE YARD (WEST):** A side yard setback variance to 8 feet instead of 10 feet as required for proposed building additions.
3. **HEIGHT:** A variance to permit a maximum building height of 42.1 feet instead of 35 feet as allowed for proposed building additions.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2419-71-3860

LOT AREA:

- 10,000 square feet (.22 acres) (per BZA Exhibit)

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):

- None found

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

- Duplex (built in 1989)
- R-5R(NE) (Residential District) (North End Overlay)
- 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), R-5R(NE)
- South: Residential (two single-families), R-5R(NE)
- East: Residential (single-family), R-5R(NE)
- West: Residential (single-family), R-5R(NE)

EXISTING CONDITIONS:

- Dwelling: 24.2 feet from front property line (north)
- Dwelling: 12.6 feet from side property line (east)
- Dwelling: 8.3 feet from side property line (west)
- Dwelling: 20 feet from rear property line rear (south)

EXTENT OF PROJECT:

Building additions (variances requested)

Proposed building additions exceeding the maximum allowed height and located with the required side and rear yards.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1977 (map book 121 at page 46).

The subject parcel is an interior lot situated along 61st Street, with the property line abutting 61st Street defined as the front.

The subject property meets the minimum required lot area of 10,000 square feet and the minimum required lot width of 75 feet.

The applicant is requesting variances to encroach into the required side yard (west), the required rear yard (south), and to allow a maximum building height of 42.1 feet, for proposed additions to the home.

Based on current field surveys completed by the applicant's surveying and engineering team, the height of the existing home presently exceeds the maximum 35-foot limit by 7.1 feet (i.e., 42.1 feet tall). At the time of the home's construction, the maximum allowable building height was 35 feet. Although historic zoning records lack specific height variances associated with the subject property, original development oversights or inconsistent staff calculation methods at the time of construction likely caused the discrepancy. Nevertheless, because applicable City taxes have been paid associated with the structure for more than 15 years, Section 15.2-2307 of the Code of Virginia applies, rendering such height excess legally nonconforming.

The subject building currently encroaches into the required 10-foot western side yard. Because this portion of the building appears original to the 1989 development, and applicable City taxes have been paid associated with the structure for more than 15 years, Section 15.2-2307 of the Code of Virginia applies, rendering such encroachment legally nonconforming.

Spot elevations labeled on *Exhibit A*, as found in the *Site Plan* section of this staff report, show a grade height of 27.51 feet Above Sea Level (ASL) at the northern point of the property and 34.7 feet ASL at the southern point. This translates to a 7.19-foot overall elevation difference between the front (northern point) and rear (southern point) of the subject property. Adding this elevation difference to the maximum allowable building height provides a result of 42.19 feet (i.e., 35FT + 7.19FT = 42.19FT), which is .09 of a foot more than the 42.1-foot maximum building height requested by the applicant.

It is notable that the proposed improvements will not exceed the height of the existing home, nor will they encroach into the required western side yard any further than the current structure

KEY CONSIDERATIONS:

- The granting of the height variance would arguably alleviate a hardship due to a physical condition relating to the property.
- The granting of the side yard variance would arguably alleviate a hardship due to a condition relating to established nonconforming improvements.

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

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

APPLICANT STATED HARDSHIP:

"The existing duplex, which does not look like a duplex and is owned by the applicant met the height limit of 35 feet when it was constructed because the height measurement at that time was not done based on the "lowest grade level" within 6 feet of the foundation to the highest point.

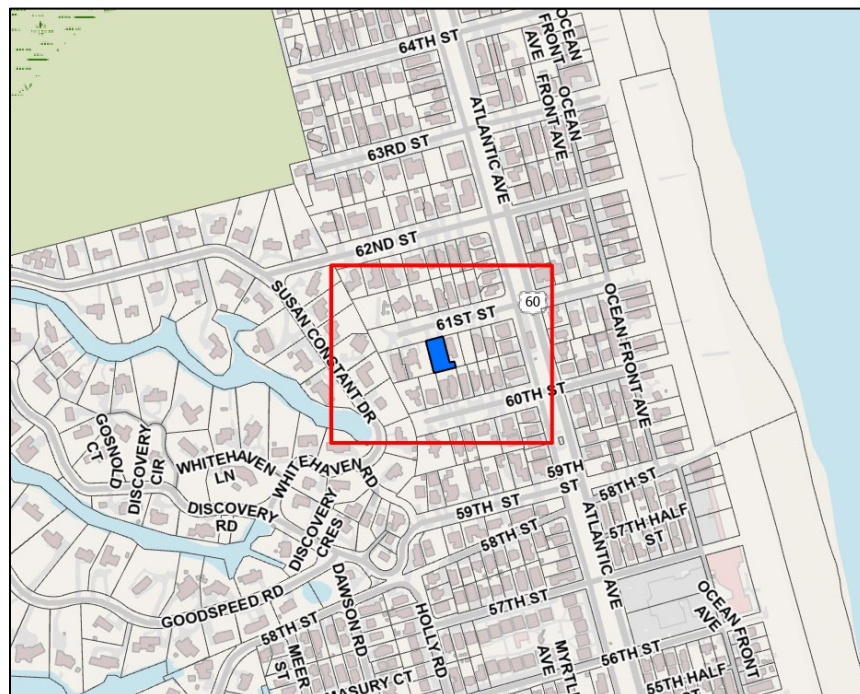
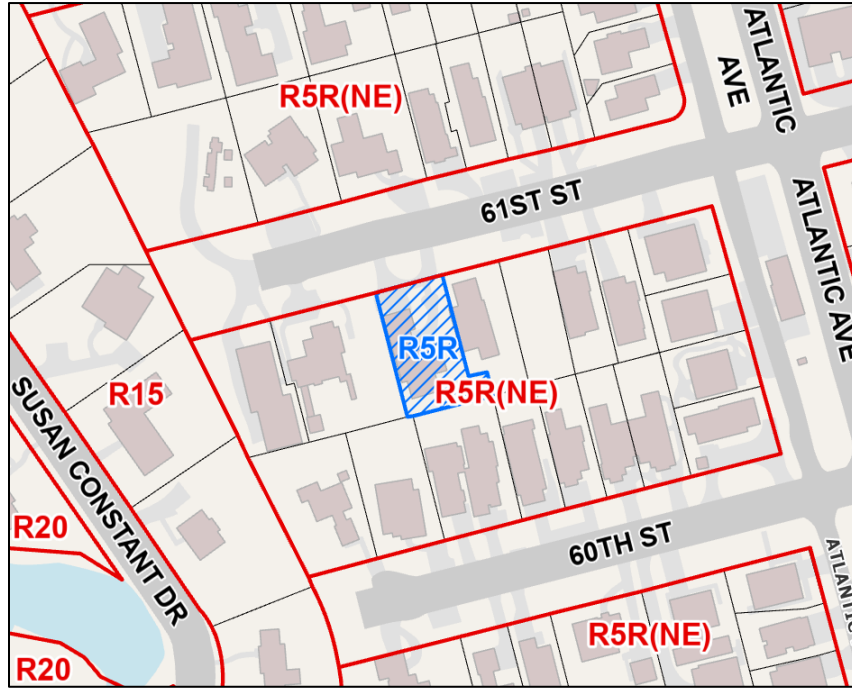
The submitted topographic information and elevations confirm that the existing home, when height is measured to peak of roof from 6 feet south of the garage is 42.1 feet due to the lot's topographic condition. The structural addition to the existing rear part of the home is at its highest peak 69.61 feet above sea level, which is the same height of the existing peak of the home's original roof. The change in grade level from front to rear within 6 feet of the home's foundation today is 7.19 feet.

When the duplex was constructed, the required minimum side yard setback was 8 feet and the garage at the front of the dwellings is setback 8.39 feet from the west side property line. The third step landing and small entry cover to the proposed elevator entrance on the west side is at an 8.4-foot setback."

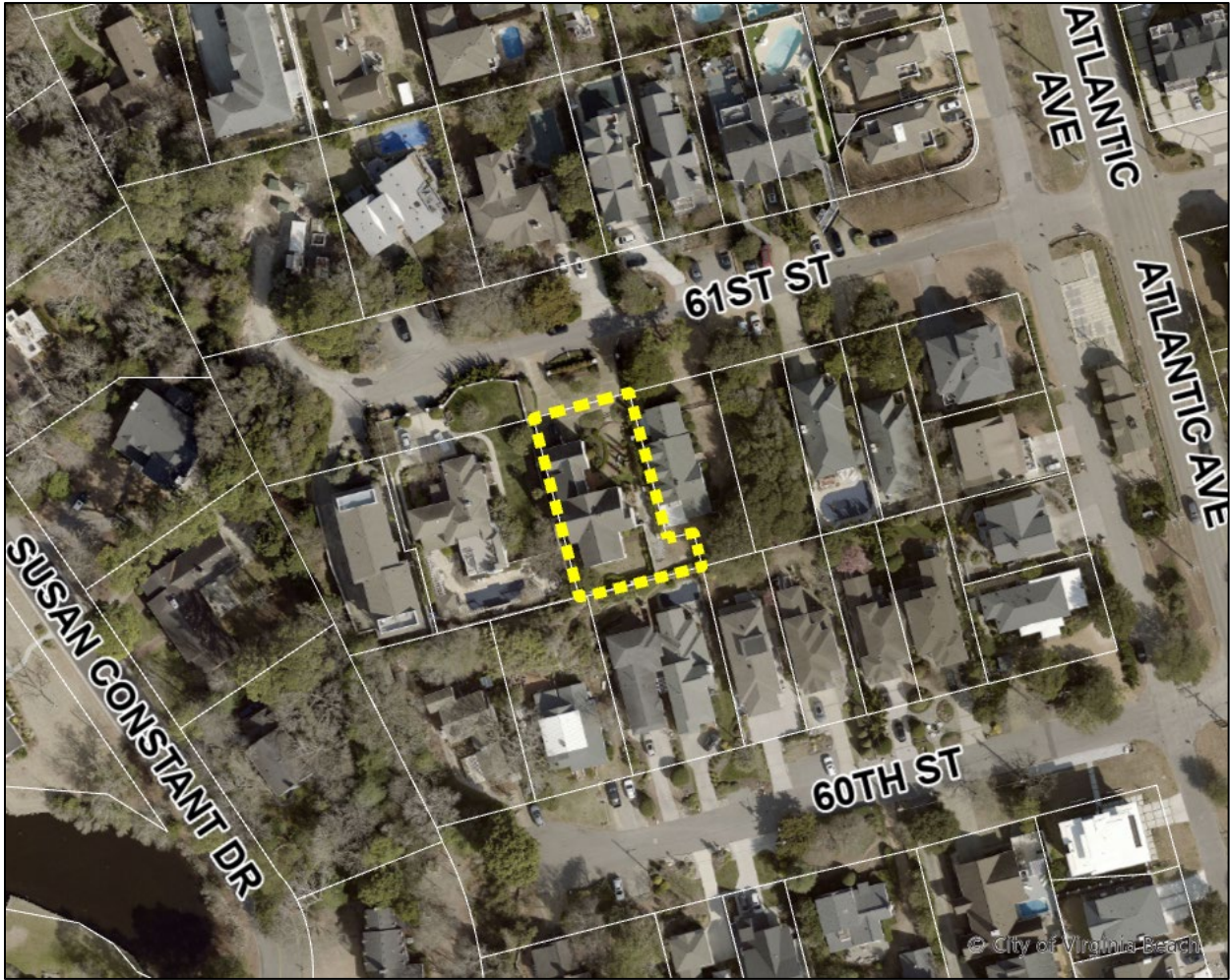
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit of Lot B,” dated April 22, 2026, and prepared by WPL (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. Any existing structures shown on *Exhibit A*, as found in the *Site Plan* section of this staff report, not meeting current minimum requirements of the City Zoning Ordinance and which fail to meet minimum nonconformity/vested rights requirements listed in Section 15.2-2307 of the Code of Virginia, shall not be considered part of this variance request.
3. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
4. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

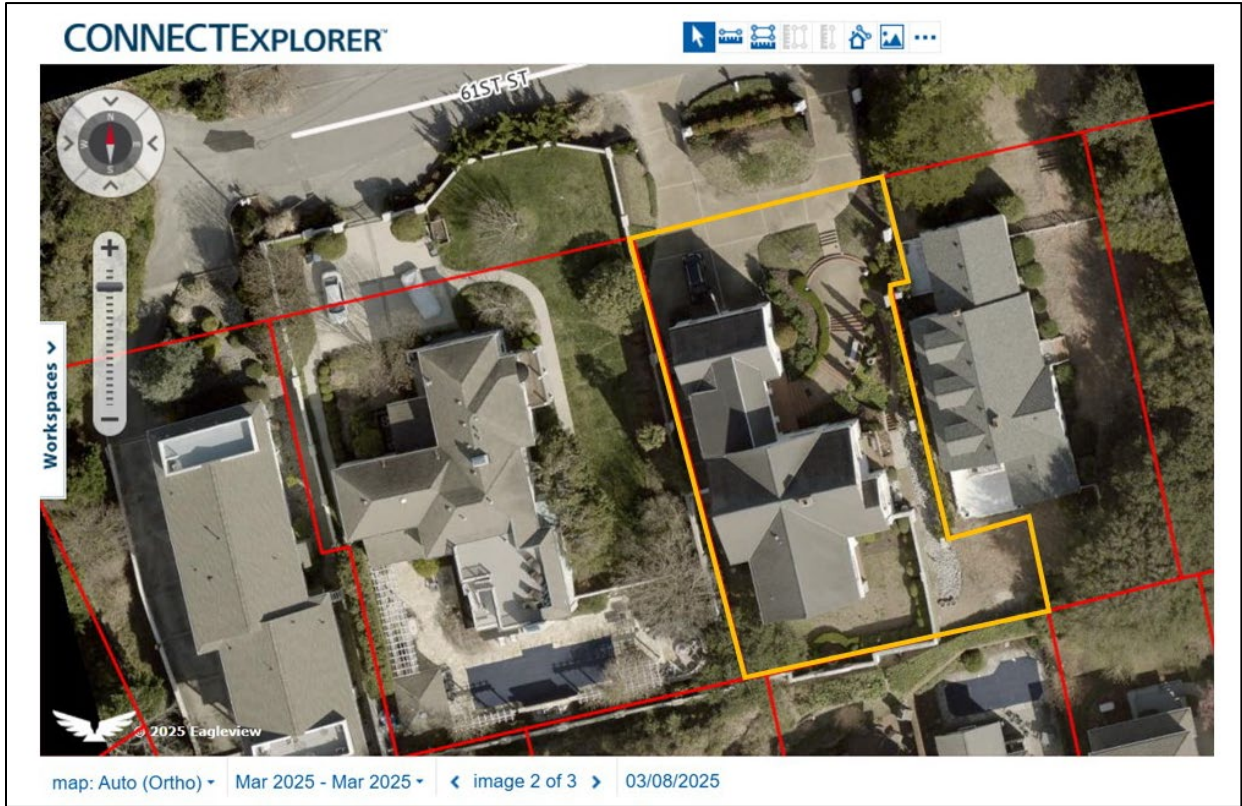
LOCATION MAPS:



AERIAL:



AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):

THIS IS TO CERTIFY THAT ON FEBRUARY 10, 2026, WE SURVEYED THE PROPERTY SHOWN ON THIS PLAN AND THAT THE PROPERTY LINES OF RECORD AS SHOWN IN MAP BOOK 121, PAGE 46 AND THE WALLS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAN. THE BUILDINGS STAND WITHIN THE SAID PROPERTY LINES AND THERE ARE NO VISIBLE ENCROACHMENTS OF OTHER BUILDINGS ON THE PROPERTY, EXCEPT AS SHOWN.

LEGEND

- N NORTH
- S SOUTH
- E EAST
- W WEST
- P PROPERTY LINE
- PC PAGE
- M.B. MAP BOOK
- H.V.C. HEATING, VENTILATING, AIR-CONDITIONER

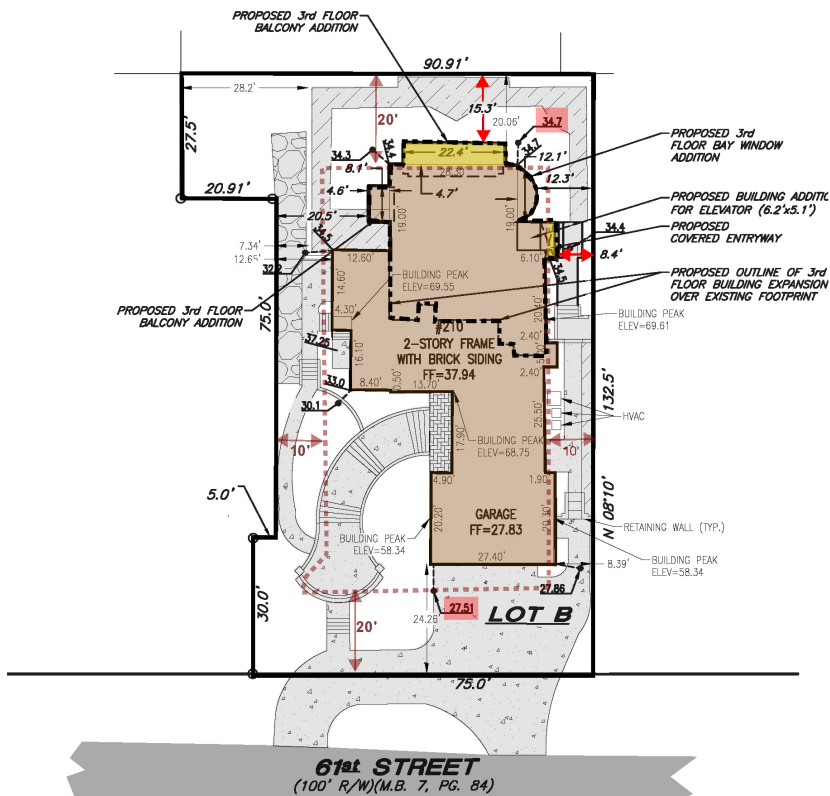
SITE DATA

1. G.P.N: 2419-71-3860
2. ZONING: R-5(RNC)
3. LOT AREA: 10,000 SQ. FT. OR 0.230 ACRES
5. IMPERVIOUS AREA:
ALLOWABLE: 6,000 SQ. FT. (60%)
EXISTING: 5,563 SQ. FT. (55.6%)
6. LOT COVERAGE:
POST DEVELOPMENT: 5,894 SQ. FT. (58.9%)
ALLOWABLE: 3,500 SQ. FT. (35%)
EXISTING: 2,998 SQ. FT. (30%)
7. FLOOR AREA:
ALLOWABLE: 7,000 SQ. FT.
EXISTING: 3,955 SQ. FT.
POST DEVELOPMENT: 5,131 SQ. FT.

WPL SIGNED BY



= Area of proposed encroachment into required yard



FLOOD INFORMATION: THE PROPERTY SHOWN HEREON APPEARS TO FALL WITHIN FLOOD ZONE X (AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOOD), AS SHOWN ON F.E.M.A.'S FLOOD/INSURANCE RATE MAP (F.I.R.M.) FOR THE CITY OF VIRGINIA BEACH, VIRGINIA, COMMUNITY PANEL NO. 51553100636 DATED JANUARY 16, 2015.

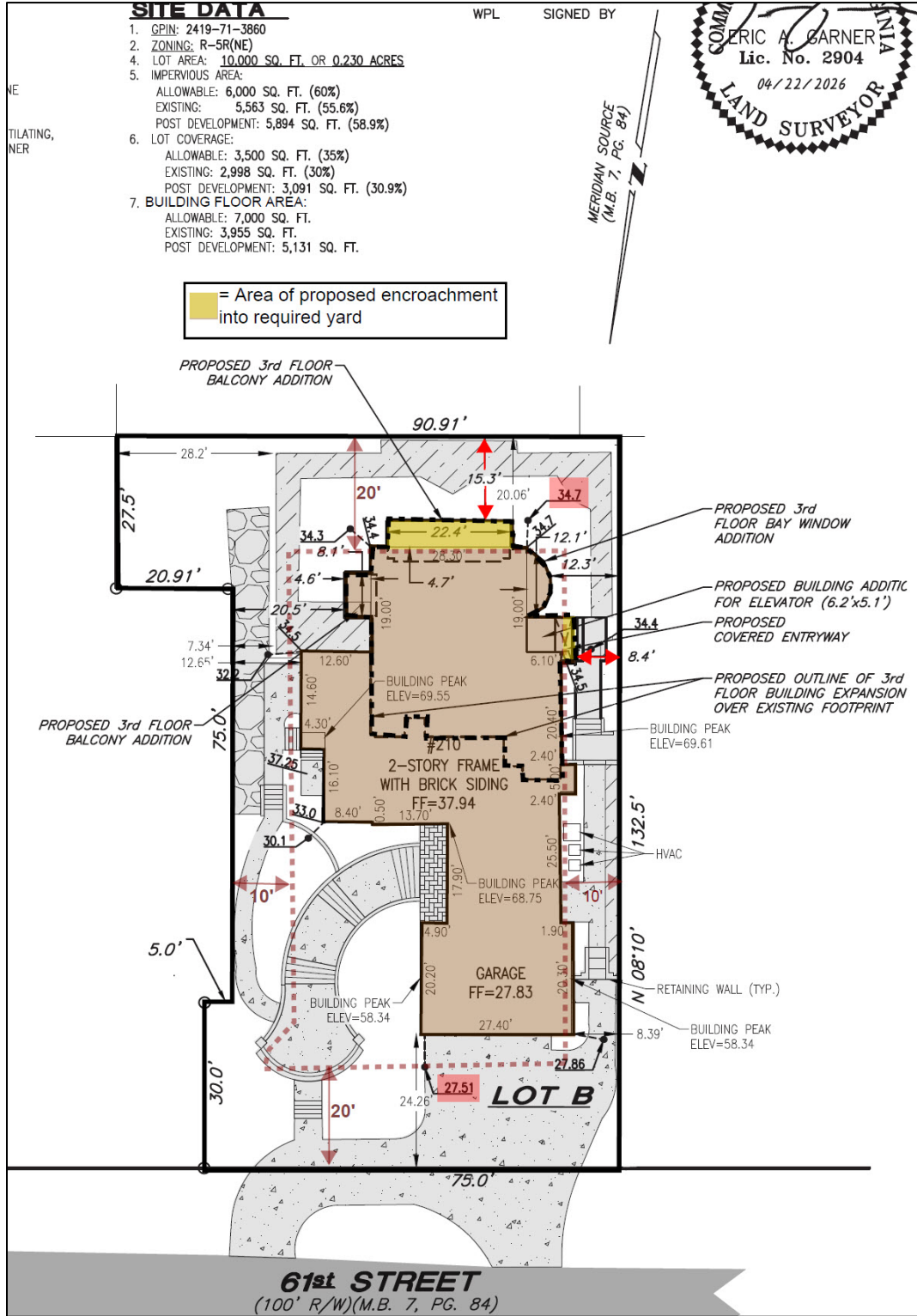
WPL IS NOT A PARTY IN DETERMINING THE REQUIREMENTS FOR FLOOD INSURANCE ON THE PROPERTY SHOWN HEREON. THIS SURVEY DOES NOT IMPLY THAT THIS PROPERTY WILL OR WILL NOT BE SUBJECT TO FLOODING, FOR FURTHER INFORMATION, CONTACT THE LOCAL COMMUNITY FLOOD OFFICIAL. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT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



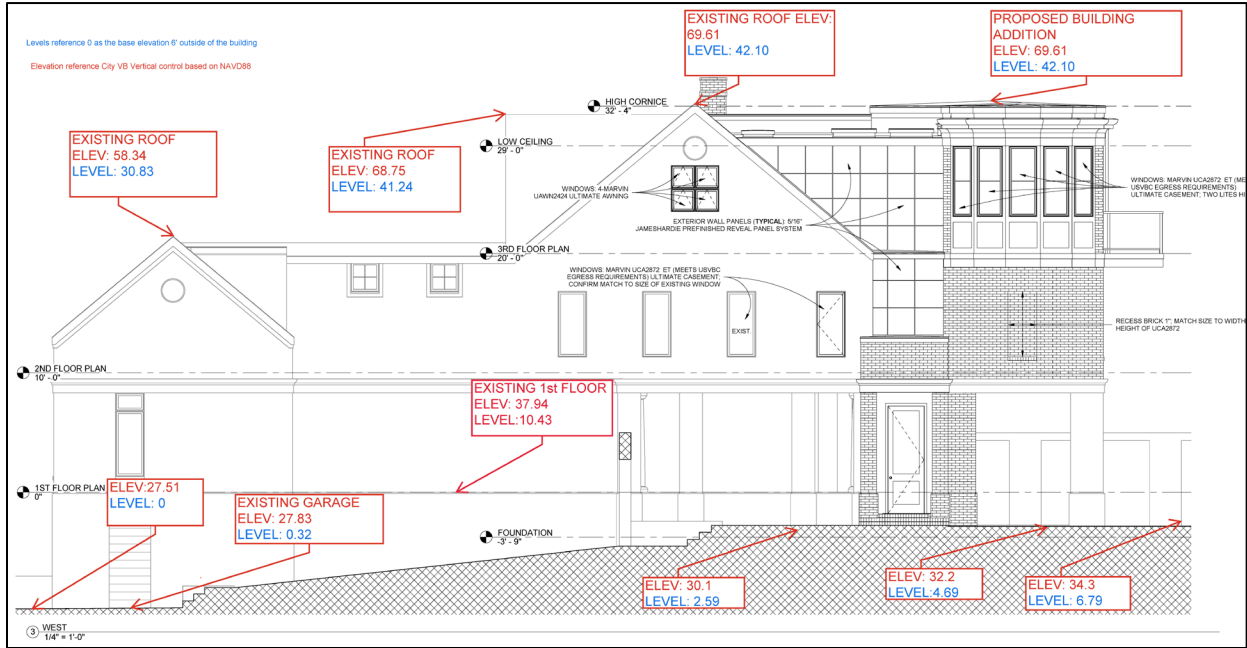
BZA EXHIBIT
OF
LOT B
SUBDIVISION OF PROPERTY, LOT 3 & EASTERN 77.5' OF LOT 4, BLOCK 3
MAP OF SECTION NO. 2 & ADJACENT LANDS
NEW VIRGINIA BEACH (M.B. 7, PG.84)
PLAT RECORDED IN MAP BOOK 121, PAGE 46, IN THE CLERK'S OFFICE
OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA
VIRGINIA BEACH, VIRGINIA
EXCLUSIVELY For
BRUCE B. MILLS

SCALE: 1" = 20'
CAB/dhl: PSI/eag CITY OF VIRGINIA BEACH, VIRGINIA F.B. 1106 PG.18 PLAT: N-0682 APRIL 22, 2026 JN: 226-0002

SITE PLAN DETAIL (EXHIBIT A):



ELEVATIONS:



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: Bruce B. Mills Revocable Trust
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- subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach list if necessary.)

Bruce B. Mills, Trustee

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 <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 -2024
page 1 of 3

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Accounting/Tax Return Preparation	<input type="radio"/>	<input checked="" type="radio"/>	
Architect/Designer/Landscape Architect/Land Planner	<input checked="" type="radio"/>	<input type="radio"/>	William F. Deal, Jr., Pentecost, Deal & Associates, Inc.
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
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., 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.

Bruce B. Mills, Trustee

Applicant Name (Print)

Bruce B. Mills 06-11-2026
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): 06-11-2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

06-11-2026

Date

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