



CITY OF
**VIRGINIA
BEACH**

Board of Zoning Appeals
June 3, 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

A Board of Zoning Appeals public hearing is scheduled for 2:00 p.m. **Wednesday, June 3, 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 2026-BZA-00016** (*variance request*)
Applicant: Stacey R. Braithwaite (*property owner*)
Representative: Stacey R. Braithwaite and/or Bobby Overbey (*property owner and agent*)
Address: 525 High Point Avenue
Request: Variances to the required yards for proposed building additions.
- **Case 2026-BZA-00023** (*variance request*)
Applicant: Olivia Sauder (*property owner*)
Representative: Deanna Stewart (*agent*)
Address: 1309 Gravenhurst Circle
Request: Variance to the required yard for a proposed building addition.
- **Case 2026-BZA-00027** (*variance request*)
Applicants: Barry and Melina Henry (*property owners*)
Representative: R. Edward Bourdon, Jr. (*attorney*)
Address: 8501 Atlantic Ave
Request: Variance to the required yard for a second-floor building addition.
- **Case 2026-BZA-00028** (*variance request*)
Applicant: Beach Borough Development, LLC. (*property owner*)
Representative: Ben Bishard (*agent*)
Address: 1059 Norfolk Ave (Lot 27)
Request: Variances to the required yards for a proposed new single-family dwelling.
- **Case 2026-BZA-00029** (*variance request*)
Applicant: Beach Borough Development, LLC. (*property owner*)
Representative: Ben Bishard (*agent*)
Address: 1055 Norfolk Ave (Lot 28)
Request: Variances to the required yards for a proposed new single-family dwelling.

- **Case 2026-BZA-00030** (*variance request*)
Applicant: Beach Borough Development, LLC. (*property owner*)
Representative: Ben Bishard (*agent*)
Address: 105 Ackiss Ave (Lot 29)
Request: Variances to the required yards and maximum lot coverage for a proposed single-family dwelling.
- **Case 2026-BZA-00031** (*variance request*)
Applicants: Daniel and Kelsey Decrescenzo (*property owners*)
Representative: R. Edward Bourdon, Jr. (*attorney*)
Address: 2441 Bayview Ave
Request: Variance to the required yard for a proposed screen porch.
- **Case 2026-BZA-00034** (*variance request*)
Applicants: Birds Nest LLC (*property owners*)
Representative: R. Edward Bourdon, Jr. (*attorney*)
Address: 111 61st Street
Request: Variances to the required yard and minimum building separation distance for a proposed screen porch.

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CASE: 2026-BZA-00016 - Stacey R. Braithwaite
HEARING DATE: June 3, 3026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

525 High Point Avenue

REPRESENTATIVE:

Stacey R. Braithwaite and/or Bobby Overbey (property owner and agent)

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards for proposed building additions.

VARIANCE REQUEST(S) (DETAILED):

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

1. **SIDE YARD (EAST):** A side yard setback variance to 5 feet instead of 10 feet as required for the construction of a one-story addition (attached garage).
2. **FRONT YARD (SOUTH):** A front yard setback variance to 10 feet instead of 20 feet as required for the reconstruction of a one-story covered front porch greater than 6 feet deep and 12 feet wide.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

2427-12-1808

LOT AREA:

- 5,801 square feet (.13 acres) (per city records)

AICUZ:

70-75 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

VOTING DISTRICT:

District 5

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

SUBDIVISION ADMINISTRATION COMMENTS:

On March 27, 2026, the City Subdivision Administrator provided the following comments:

“1. It is recommended that a final subdivision plat be submitted for review, approval, and recordation to vacate the existing interior property line [Zoning Ordinance, Article 5, § 502].

2. The final plat must be prepared in accordance with Section 6.3 of the Subdivision Regulations.”

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

- Single-family (built in 1954)
- Example R-5S (Residential District)
- Strategic Growth Area: Resort¹

The applicant is proposing an improvement to a single-family home located on a developed lot within the boundaries of the Resort Strategic Growth Area (RSGA). Because the lot is already developed and located outside the four main districts/corridors within the RSGA, the development design principles and guidelines associated with those four main areas are not applicable to this variance request.

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

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-5S
- South: Residential (single-family), R-5S
- East: Residential (single-family), R-5S
- West: Residential (single-family), R-5S

EXISTING CONDITIONS:

- Dwelling: 21.9 feet from front property line (south)
- Front Porch: 10.5 feet (+/-) from front property line to first step over 16 inches tall (south)
- Dwelling: 6.7 feet from side property line (west)
- Dwelling: 16 feet (+/-) from side property line (east)
- Dwelling: 19.5 feet (+/-) from rear property line rear (north)

EXTENT OF PROJECT:

Proposed building additions (garage and reconstruction of front porch) (variances requested)

Proposed one-story attached garage 5 feet from the side property line and reconstruction of an existing one-story covered front porch with steps approximately 10.5 feet from the front property line.

BACKGROUND INFORMATION:

According to City records, the overall subject property is comprised of two lots, which were both created in 1924 (map book 7 at page 14).

The subject zoning lot, which is a combination of subject Lots 1 and 3, meets the minimum required lot area of 5,000 square feet and the minimum required lot width of 50 feet.¹

This subject property is situated roughly mid-block between Baltic Avenue and Mediterranean Avenue and is considered an interior lot, with the property line abutting High Point Avenue defined as the front.

The applicant is requesting to encroach into the required side yard with a proposed one-story garage addition. As noted, the subject parcel falls within the R-5S zoning district. This residential district requires a minimum 5-foot yard on one side of a property and 10 feet on the other. In this case, a 10-foot-wide side yard is required within the eastern portion of the subject zoning lot. The applicant is proposing to encroach into this required yard by 5 feet (i.e., a 5-foot setback instead of 10 feet as required). It is important to note that the eastern side property line runs north/south at an approximate 83° angle, which is unusual for the subject neighborhood. In fact, of the hundreds of interior lots (i.e., non-waterfront lots) found on the 1924 partial subdivision plat of Shadow Lawn Heights, fewer than 10 appear to share the same, or similar, angled side boundary line (see page 13 for 1924 plat). As a result, it could be argued that the need for the side yard variance is not generally shared by others. To further demonstrate this argument, staff examined the property using a theoretical 90° eastern boundary line in place of the current 83° line (see page 12 of this staff report for details). This examination proved that the proposed addition on the eastern side of the home would meet the minimum 10-foot side yard setback if the side property line were 90°, which is seemingly standard in the subject neighborhood.

The applicant is also requesting a variance to reconstruct an existing one-story covered front porch that presently encroaches into the required front yard. It should be stressed that due to the age of the porch, which is 20 years or older, such encroachment is legally nonconforming. Nevertheless, because the aging nonconforming front porch will be removed to make room for its replacement, a variance is required to rebuild in the same footprint. While it is true that a covered front porch with a maximum dimension of 6 feet by 12 feet is allowed by-right, it is also true that a replacement in kind would not be of substantial detriment to nearby properties. After all, an 8-foot by 17-foot (+/-) covered front porch has been on the subject property for decades without issue.

1. A zoning lot is generally defined by the ordinance as “A lot or any portion thereof, or contiguous lots under common ownership within a single zoning district, which are to be used, developed or built upon as a unit...”

KEY CONSIDERATIONS:

- Based on the angle of the eastern side property line, and the neighborhood analysis completed by City staff, it seems that the need for the subject variance is not commonly shared by other nearby properties.
- Reconstructing the covered front porch in kind is arguably not contrary to the purpose of the ordinance.

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

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

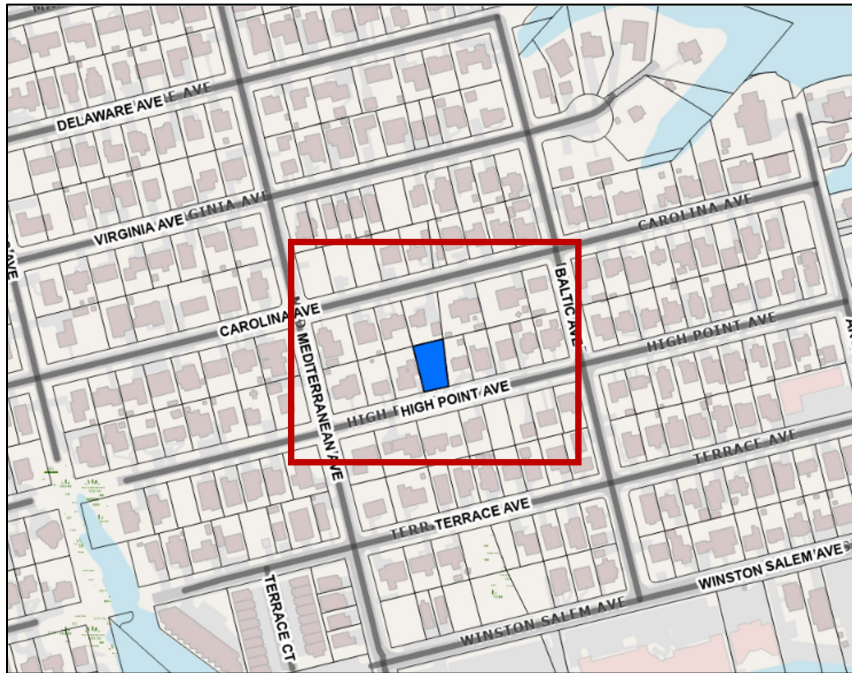
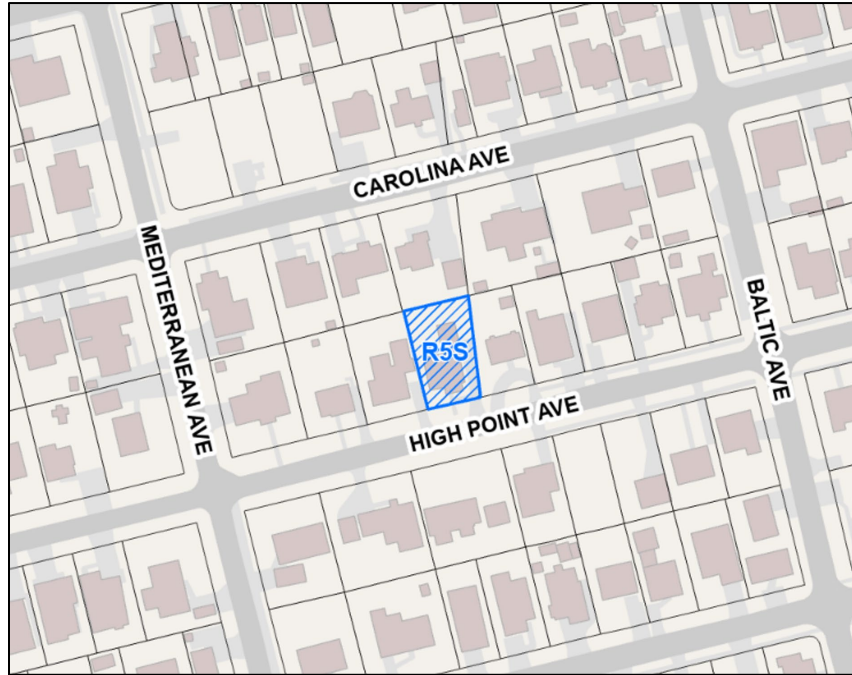
APPLICANT STATED HARDSHIP:

“I respectfully submit this letter in support of our request for a variance to construct a garage on our property. Currently, our home does not have a garage, which has created significant hardship for our family. We have been forced to use one of our bedrooms strictly for storage of outdoor equipment and household items. Lawn equipment, bicycles, surfboards, seasonal decorations, and home maintenance tools are all being stored inside our living space simply because we have no alternative. This has significantly reduced the functional living space within our home. We are soon to become a blended family, bringing together children and grandchildren under one roof. As our family grows, so does our need for safe, secure, and appropriate storage. The lack of a garage has become increasingly burdensome, particularly in a coastal community where outdoor living and recreation are a way of life. Storing equipment inside bedrooms is not practical or sustainable for our family’s long-term needs. Due to the unique and somewhat irregular shape of our lot, we are requesting only a minimal variance — just a few additional feet — in order to make the garage feasible and properly situated on the property. The hardship is not self-created; rather, it is a result of the lot’s configuration, which limits our ability to construct a conforming structure without relief. We are simply asking for a small adjustment that will allow us to build a functional garage while still maintaining the overall character and integrity of the neighborhood. Most homes on our street and throughout the neighborhood have garages. The absence of one places our property at a disadvantage compared to surrounding homes. Constructing a garage would bring our home into conformity with the area and would enhance not only our property value, but also contribute positively to neighboring property values and the overall appearance of the community. This request is not one of convenience, but of necessity. We are in genuine need of a functional storage solution that allows our home to operate as intended — as living space for our family. A garage would provide secure storage, restore the use of our bedroom for its intended purpose, and allow us to properly accommodate our growing family. We respectfully ask for your thoughtful consideration and approval of our variance request. Thank you for your time and attention to this matter.”

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 525 High Point Avenue," dated March 12, 2014, and prepared by Stephen I. Boone and Associates (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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 subject Lots (i.e., Lots 1 and 3, Block 22) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 1 from existing Lot 3. This 'interior' lot line vacation shall be completed and properly recorded with the City of Virginia Beach Land Records Office prior to the final inspection of any building permits issued for the subject improvements, or six months from this Board action, whichever occurs first. The applicant may request additional time to satisfy this condition. If additional time is needed, the applicant may submit a written request to the City Zoning Administrator, who shall be authorized to grant an extension.
3. Enclosure of the subject covered front yard porch shall not be permitted. The Zoning Administrator shall have the right to determine conformance with this condition, which includes determining the definition of the term *enclosure* (note: bug screening material shall not count as an enclosure).
4. The existing 8-foot by 10-foot shed located in the northeast corner of the subject property 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.

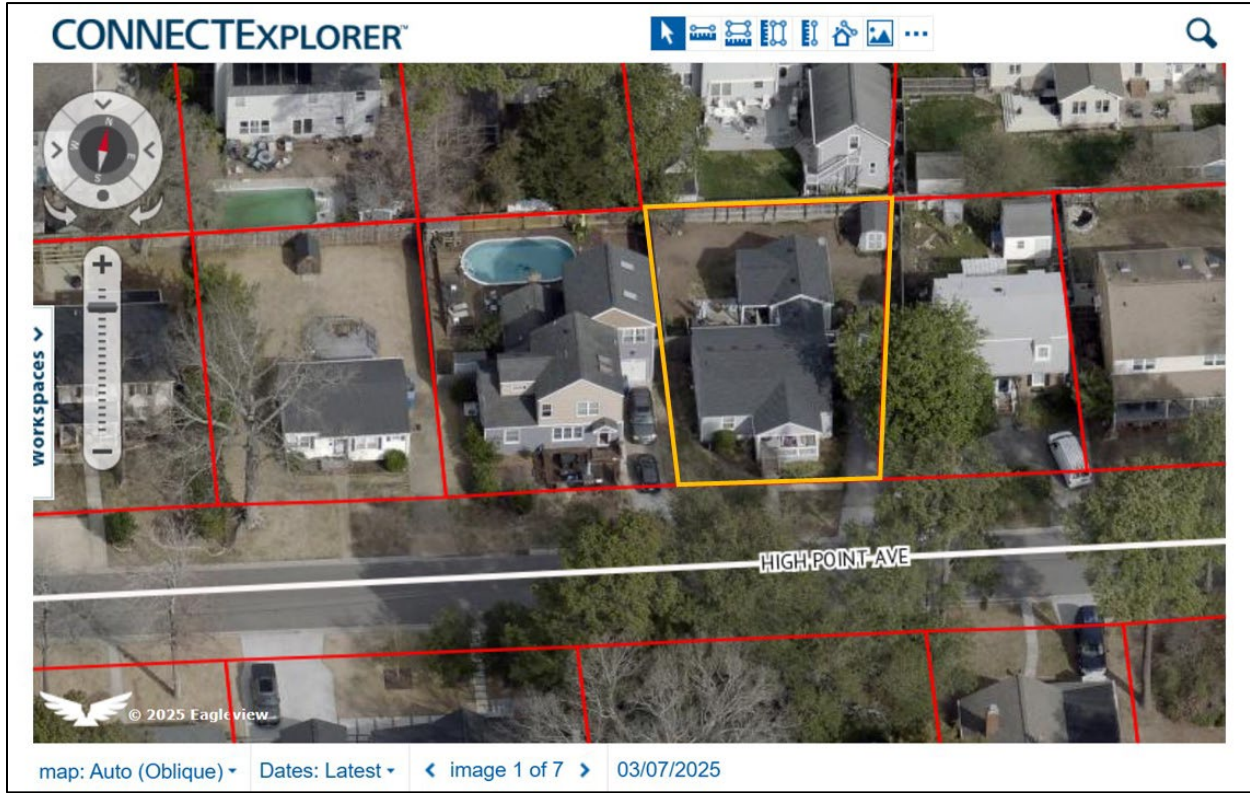
LOCATION MAPS:



AERIAL:



AERIAL (DETAIL):



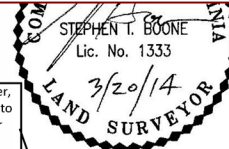
SITE PLAN (EXHIBIT A):

THIS IS TO CERTIFY THAT ON MARCH 11, 2014, I SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND THAT THE TITLE LINES AND PHYSICAL IMPROVEMENTS ARE SHOWN ON THIS PLAT. THE IMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE RESIDENCE SHOWN HEREON APPEARS TO BE IN FLOOD ZONE "X"
 FIRM MAP CITY OF VIRGINIA BEACH COMMUNITY NO. 515531
 MAP REVISION: MAY 4, 2009 PANEL NO. 0128F

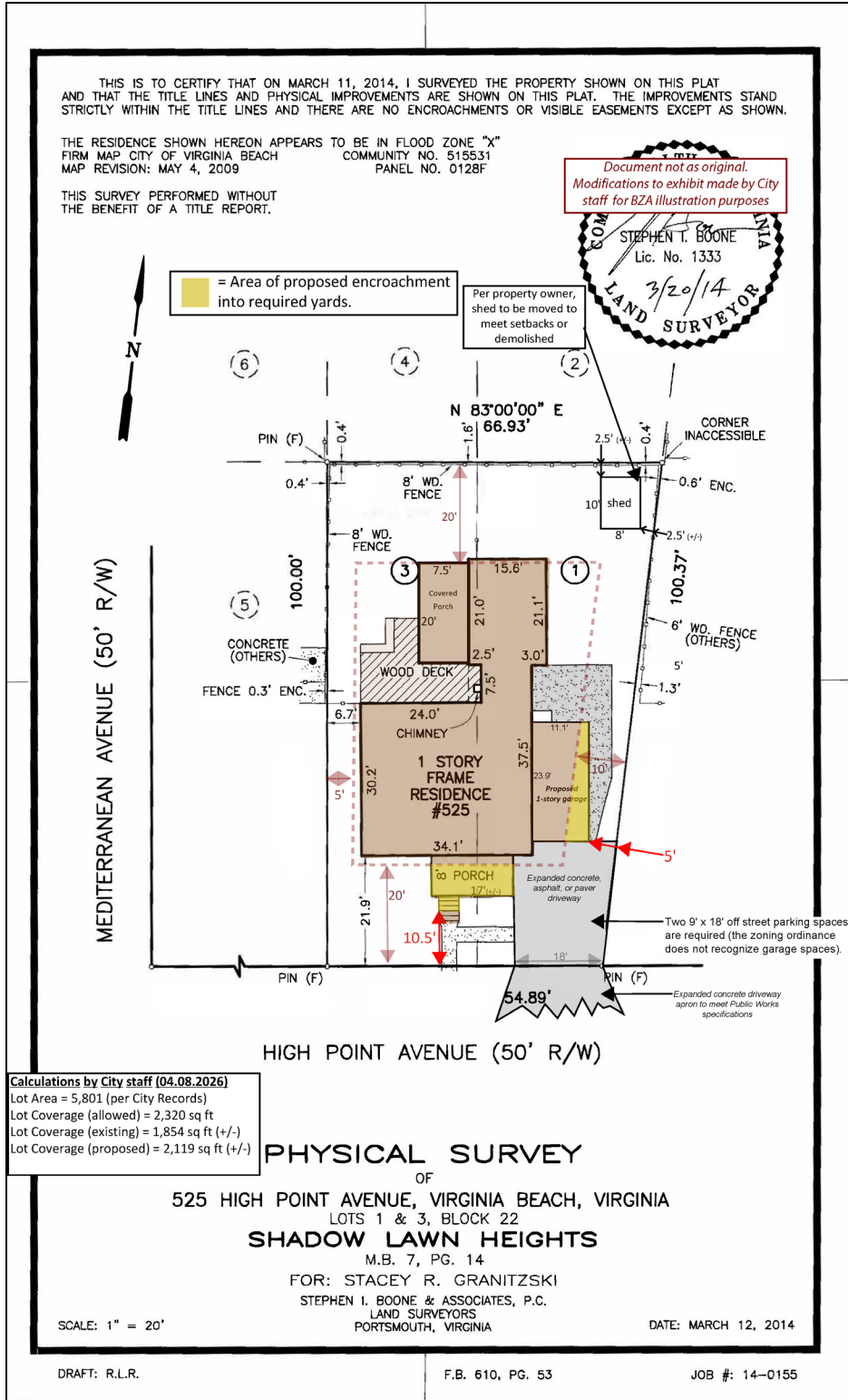
THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT.

Document not as original.
 Modifications to exhibit made by City staff for BZA illustration purposes



= Area of proposed encroachment into required yards.

Per property owner, shed to be moved to meet setbacks or demolished



Calculations by City staff (04.08.2026)
 Lot Area = 5,801 (per City Records)
 Lot Coverage (allowed) = 2,320 sq ft
 Lot Coverage (existing) = 1,854 sq ft (+/-)
 Lot Coverage (proposed) = 2,119 sq ft (+/-)

PHYSICAL SURVEY

OF
 525 HIGH POINT AVENUE, VIRGINIA BEACH, VIRGINIA
 LOTS 1 & 3, BLOCK 22

SHADOW LAWN HEIGHTS

M.B. 7, PG. 14
 FOR: STACEY R. GRANITZSKI
 STEPHEN I. BOONE & ASSOCIATES, P.C.
 LAND SURVEYORS
 PORTSMOUTH, VIRGINIA

SCALE: 1" = 20'

DATE: MARCH 12, 2014

DRAFT: R.L.R.

F.B. 610, PG. 53

JOB #: 14-0155

SITE PLAN DETAIL (EXHIBIT A):

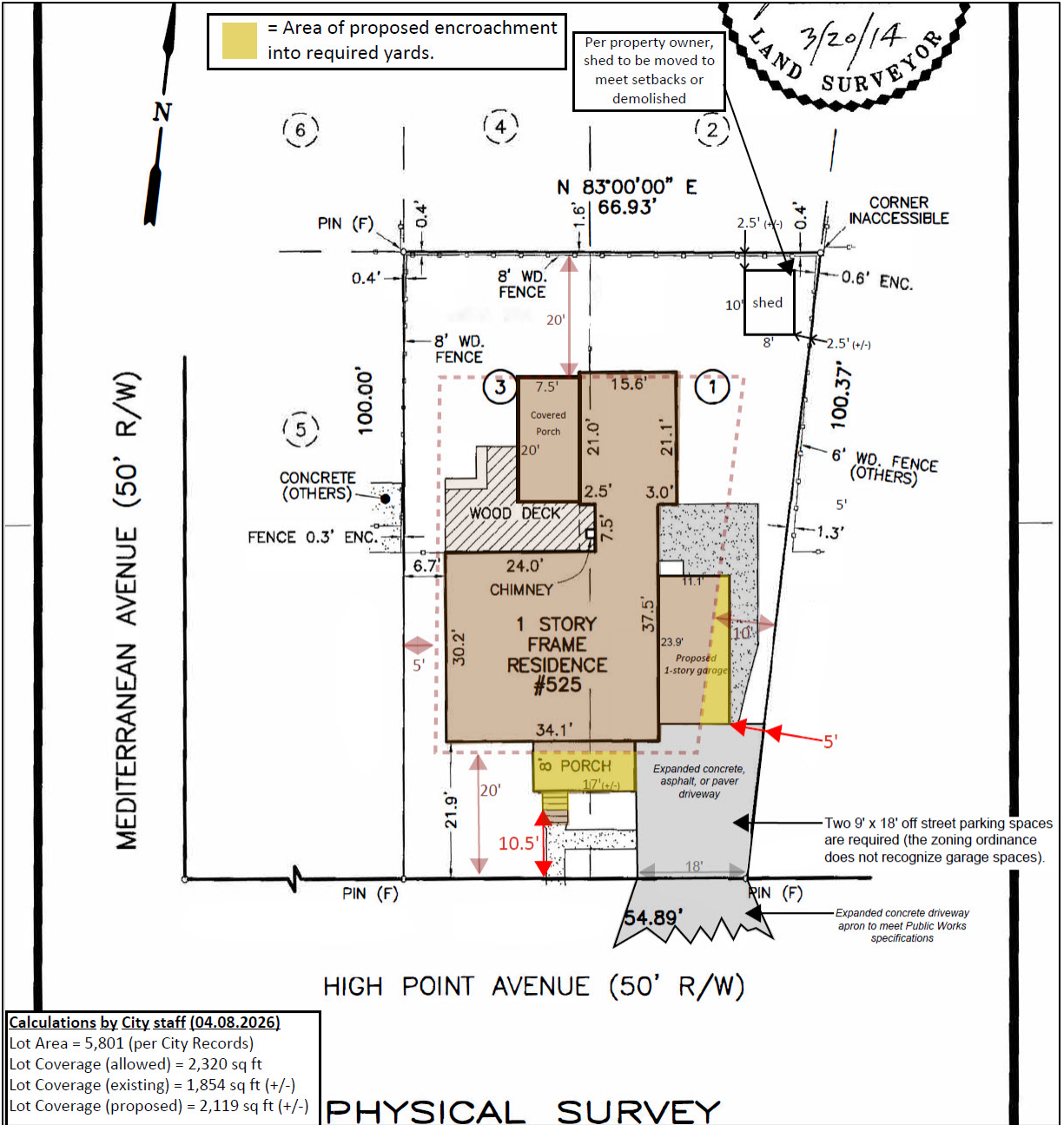
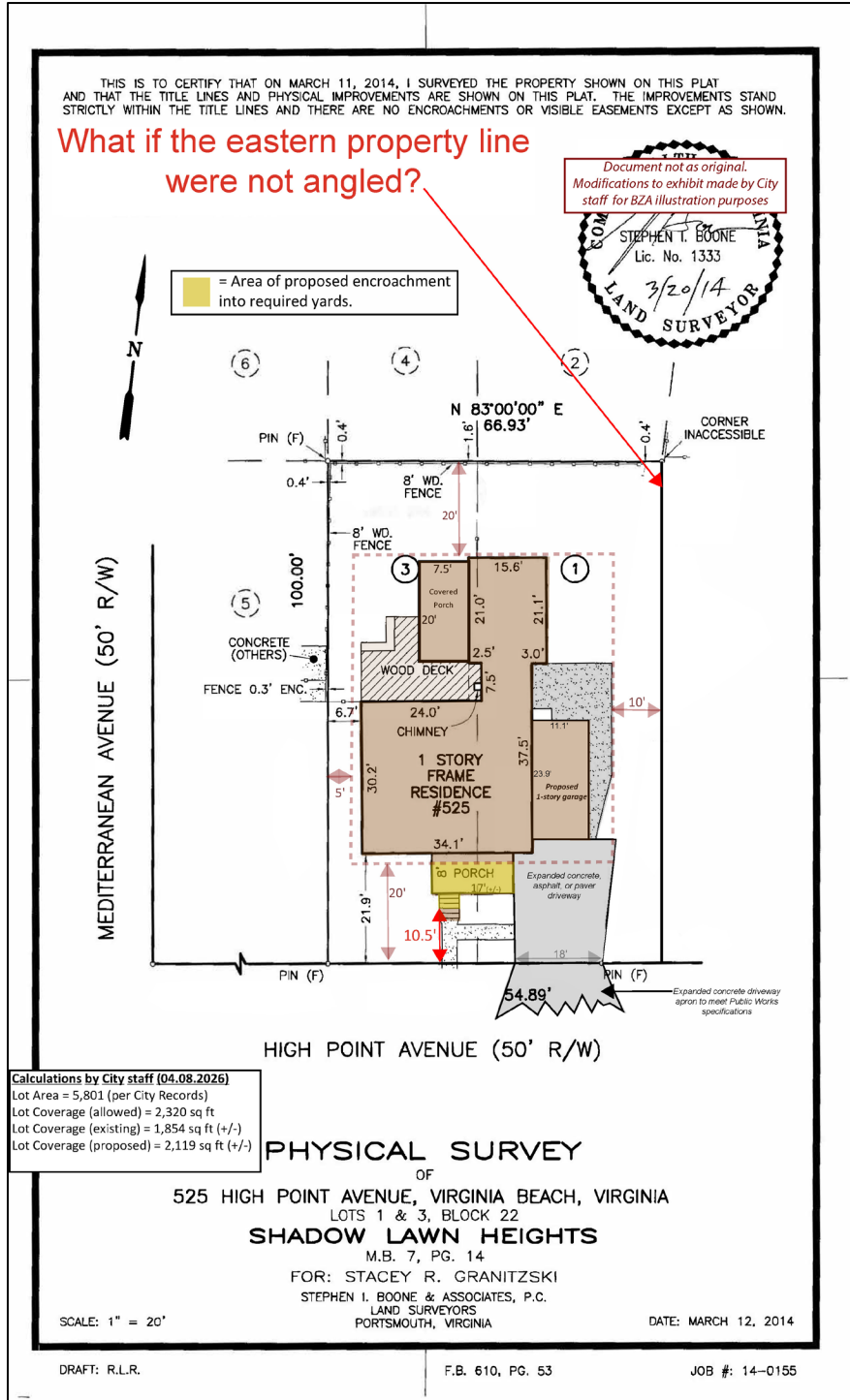
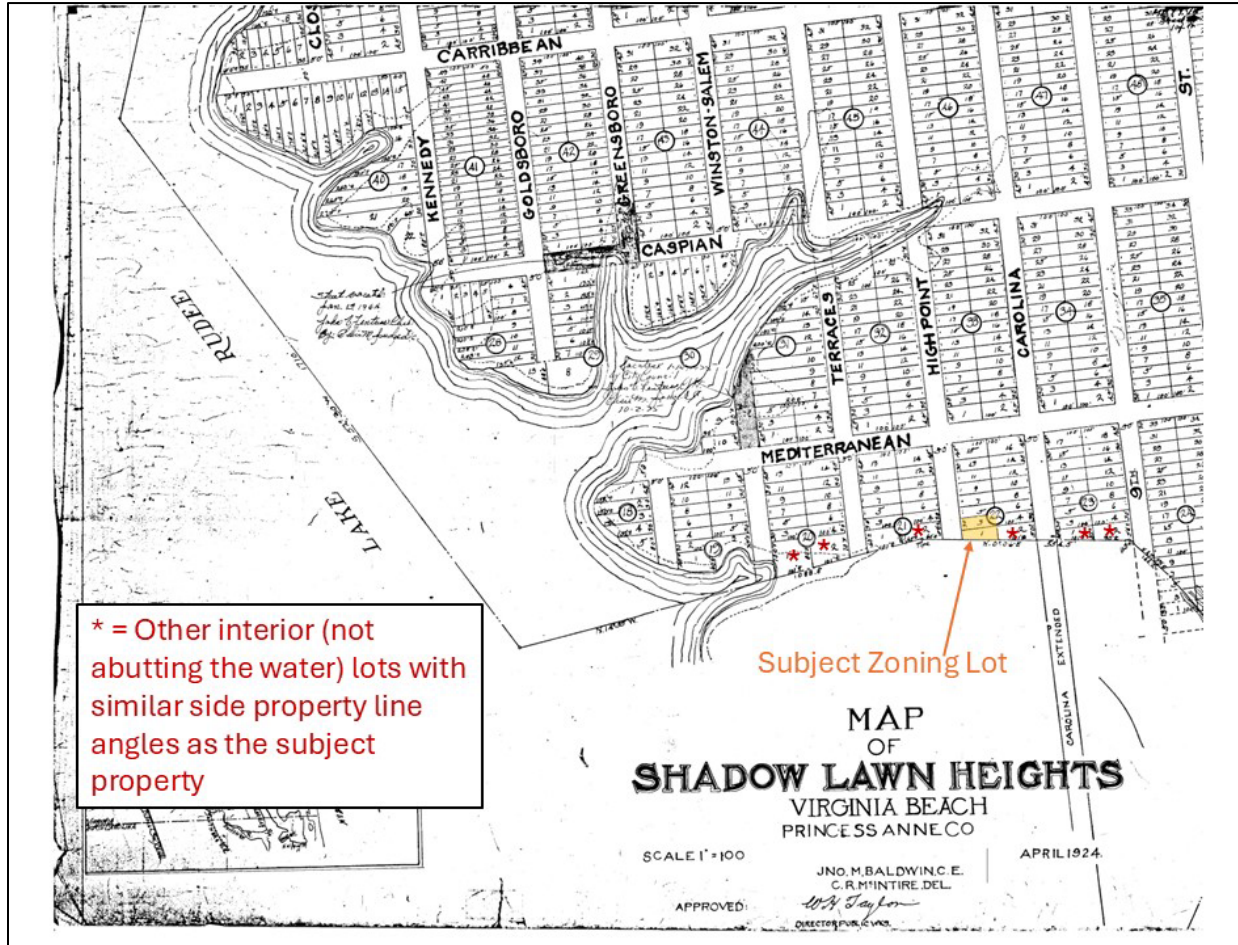


ILLUSTRATION IF EASTERN BOUNDARY LINE 90 DEGREES:



SUBDIVISION PLAT:



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: Stacey Braithwaite
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: Self, Bobby Overbey (Mavericks Building Solutions)

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 type="radio"/>	<input checked="" type="radio"/>	
Real Estate Broker/Agent/Realtor	<input checked="" type="radio"/>	<input type="radio"/>	Stacey Braithwaite, Realtor

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CASE: 2026-BZA-00023 - Olivia Sauder
HEARING DATE: June 3, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1309 Gravenhurst Circle

REPRESENTATIVE:

Deanna Stewart (agent)

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 (NORTHWEST):** A side yard setback variance to 4 feet instead of 8 feet as required for a two-story building addition.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1475-02-7619

LOT AREA:

- 5,000 square feet (.11 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 7

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Single-family (built in 1985)
- R-5D (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- Dwelling: 20.3 feet from front property line (southwest)
- Dwelling: 4.7 feet from side property line (northwest)
- Dwelling: 10.4 feet from side property line (southeast)
- Dwelling: Greater than 20 feet from rear property line rear (northeast)

EXTENT OF PROJECT:

Two-story building addition (variance requested)

Proposed building addition 4.7 feet from the side property line instead of 8 feet as required.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1985 (map book 187 at page 10).

The subject parcel is an interior lot situated along the Gravenhurst Circle turnaround, with the property line abutting Gravenhurst Circle defined as the front.

The subject parcel meets the minimum required lot area of 5,000 square feet and the minimum required lot width of 50 feet.

When the subject neighborhood was developed, it was created using a now repealed City Zoning Ordinance law allowing homes to be constructed 0 feet from one side property line and 10 feet from the other. This allowance is referred to by many as a 0/10 lot line community. City Council repealed this ordinance on September 14, 1987. Accordingly, the current building encroachment into the now required 8-foot side yard is legally nonconforming in accordance with Section 15.2-2307 of the Code of Virginia.

The applicant is requesting a variance to encroach into the required 8-foot northwest side yard with a two-story building addition. It is important to note that the proposed addition would not encroach into the current 8-foot side yard setback any closer than the existing home. As a result, it could be argued that the strict application of the ordinance would unreasonably restrict the utilization of the property.

KEY CONSIDERATIONS:

- It could be argued that the strict application of the ordinance would unreasonably restrict the utilization of the property since the proposed addition would stay ‘in line’ with the existing nonconforming structure.

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

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

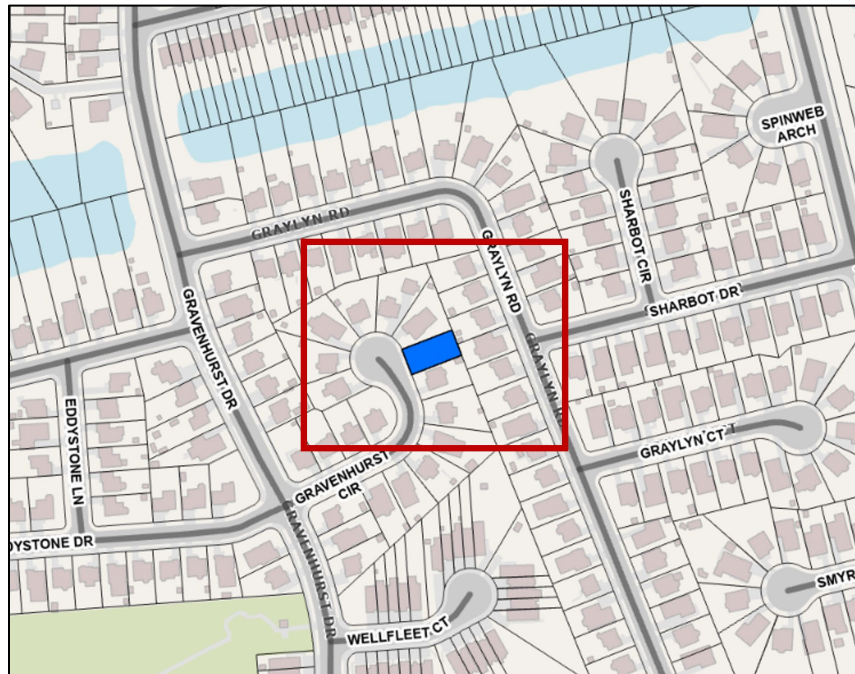
APPLICANT STATED HARDSHIP:

“The property, as is, is non-conforming. We would like to extend the property in line with the left side to allow for an addition with that has a livable floor plan. If we were to come in 3 feet and conform to current setback requirements, the addition would be too narrow, it would be visually unappealing for the neighbors, and it would create a space on the left side of the property that is unusable. This would create a condition that would unreasonably restrict the utilization of the property. Our proposed addition would not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area.”

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 10, Block C, Subdivision of Rosemont Forest," dated December 2, 2025, and prepared by DKT Associates, Land Surveyors (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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 existing 8.2 feet by 12.2 feet shed located in the southeast corner of the subject property shall either be moved to meet minimum City Zoning Ordinance requirements, and any other City pertinent City regulations, 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.
3. 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.
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.

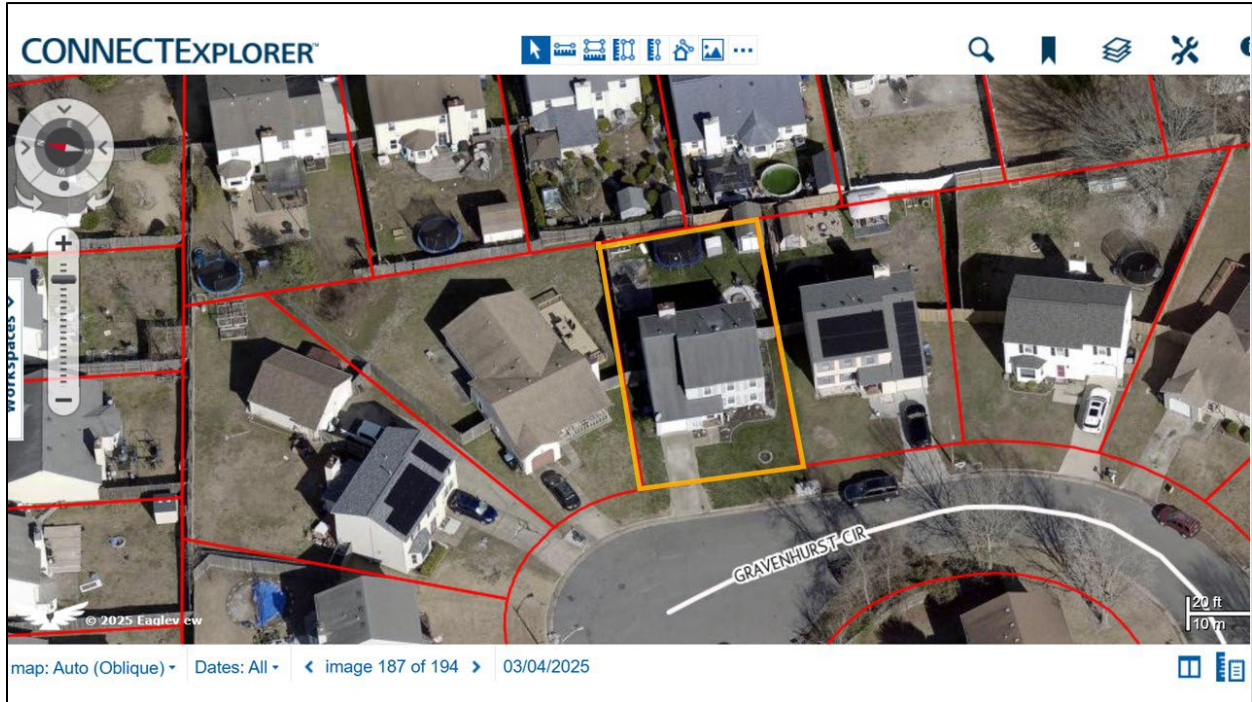
LOCATION MAPS:



AERIAL:



AERIAL (DETAIL):



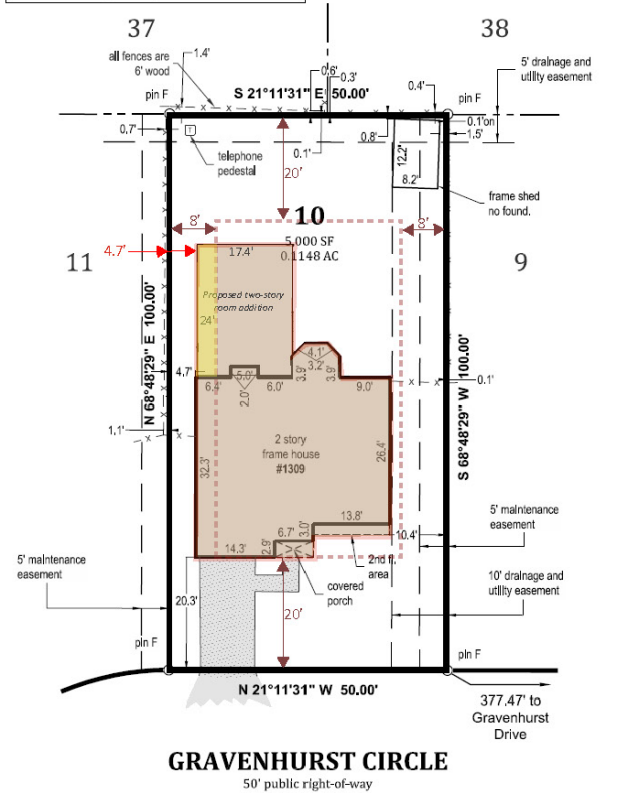
SITE PLAN (EXHIBIT A):

1. The survey shown hereon is based on a current field survey performed on **December 1, 2025** in combination with the plat or deed referenced herein. This survey was prepared **without** the benefit of a title report and only shows easements on the plat of record unless otherwise noted.
2. This property **does not** fall within a Special Flood Hazard Area as shown on the FEMA NFIP FIRM for the city of Virginia Beach, Virginia. Community Panel Number: 515531 **0092 G** Dated: **January 16, 2015** This property falls within flood zone[s]: **X**

Lot Coverage Calculations by City Staff

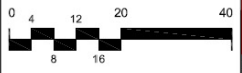
1. Lot Coverage (allowed) = 2,000 sq. ft.
2. Lot Coverage (existing) = 1,243(+/-)
3. Lot Coverage (proposed) = 1,660(+/-)

 = Area of proposed encroachment into required yard



GRAVENHURST CIRCLE
50' public right-of-way

DRAWING SCALE 1" = 16.5' [adobe]

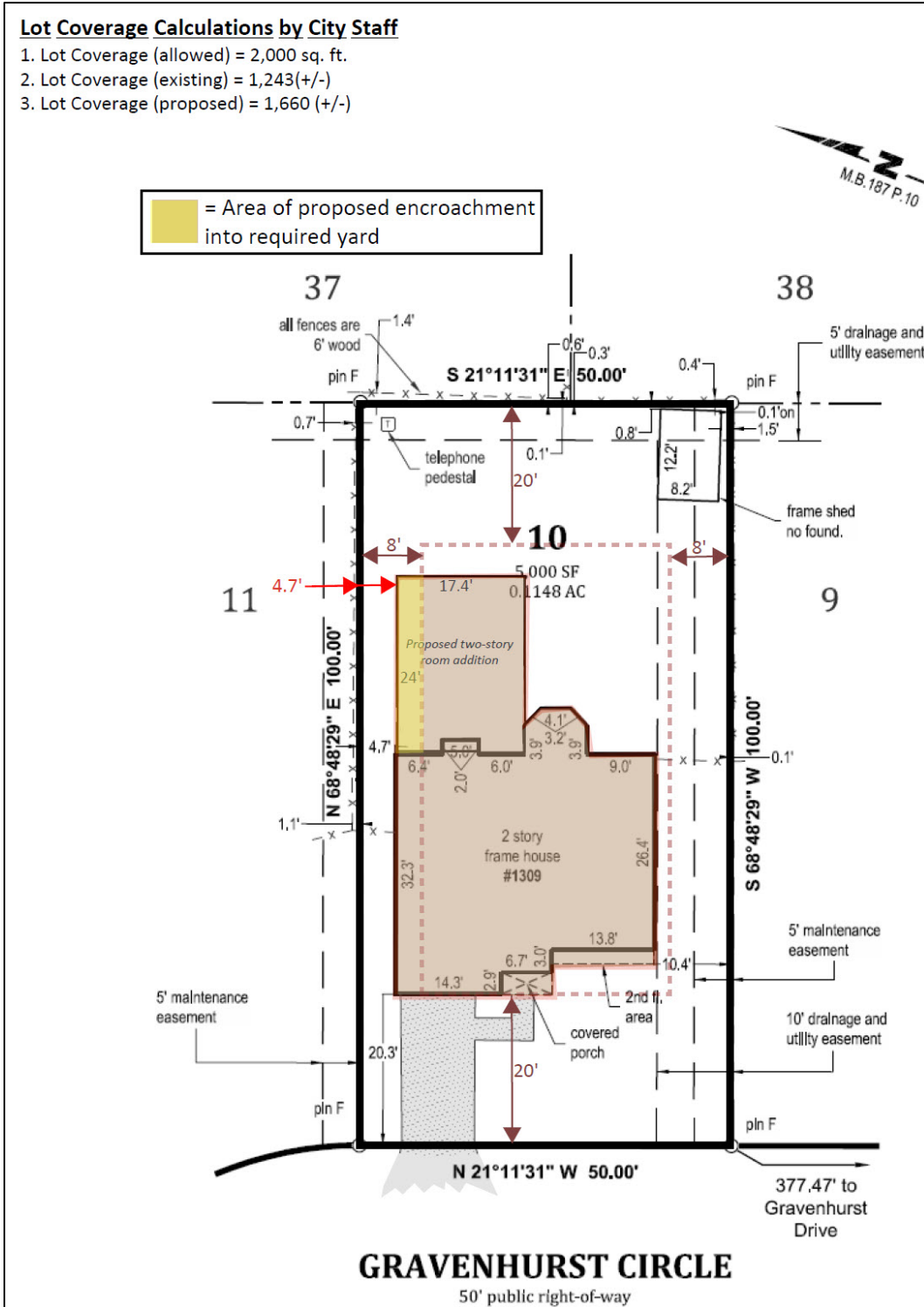


DKT ASSOCIATES
LAND SURVEYORS
1232 W. Little Creek Rd. (757) 588-5888 TEL
Suite 300 (757) 588-5880 FAX
Norfolk, VA 23505 DKTASSOCIATES.COM

HEALTH OF VA
Document not as original. Modifications to exhibit made by Citystaff for BZA illustration purposes.
DENNIS TAFLAMBAS
Lic. No. 002189
12 / 2 / 25
LAND SURVEYOR

PHYSICAL SURVEY
LOT 10 - BLOCK C
SUBDIVISION OF
ROSEMONT FOREST
SECTION 10, PART 1
(M.B.187 P.10)
Virginia Beach, Virginia FOR December 2, 2025
Olivia Sauder & Daniel Williams
JOB NO. 32583 REVISIONS -- SIZE LEGAL
F.BOOK 481/43 REVIEWED MP SHEET 1 OF 1
F.CREW PE DRAWN BY JH

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 Olivia Sauter

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: Deanna Stewart

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"/>	mortgage company: Veterans United Home Loans
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	

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CASE: 2026-BZA-00027 - Barry and Melina Henry
HEARING DATE: June 3, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

8501 Atlantic Avenue

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the required yard for a second-floor building addition.

VARIANCE REQUEST(S) (DETAILED):

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

1. **REAR YARD (EAST):** A rear yard setback variance to 18 feet instead of 20 feet as required for an existing second floor addition.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2510-50-5691

LOT AREA:

- 6,000 square feet (.13 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) and 0.2% (area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods)

VOTING DISTRICT:

- District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- None found

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

- Single-family (built in 1942 – as per City tax records)
- 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 construction on the appearance of the existing second floor addition, it appears such recommendations were met.

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- Dwelling: 20.72 feet from front property line (west)
- Dwelling: 8 feet (+/-) from side property line (north)
- Dwelling: 7.3’ feet from side corner property line (south)
- Dwelling: 5 feet (+/-) from rear property line rear (east)

EXTENT OF PROJECT:

Existing second floor addition (no building permit found, variance requested)

Existing second floor room addition located approximately 18 feet from the rear property line instead of 20 feet as required.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by resubdivision plat in 1976 (map book 116 at page 47).

The subject parcel is a corner lot situated at the intersection of Atlantic Avenue and 85th Street, with the parcel boundary along Atlantic Avenue defined as the front. ¹

The subject parcel meets the minimum required lot area of 5,000 square feet and the minimum required lot width of 60 feet.

The existing home is approximately 84 years old, with portions of the structure presently encroaching into the required yards. Due to a combination of age and other vested rights, the existing yard encroachments associated with the dwelling appear to be legally nonconforming in accordance with Section 15.2-2307 of the Code of Virginia.

The applicant is requesting a variance to encroach into the required rear yard with an existing unpermitted (i.e., no building permit obtained) second-floor room addition. The addition does not encroach any further into the rear yard setback than the existing nonconforming home. In fact, the addition is located roughly 13 feet further from the rear property line than the remainder of the home.

According to City records, a building permit was issued January 18, 2023, for extensive renovations to the subject property. The applicants' approved 2023 architectural building plans, which included photographs of the then existing home, clearly showed all aspects of the approved renovation. Unfortunately, those plans did not show the subject room addition on the second floor and no subsequent building plans for such addition were found by City staff.

On June 4th, 2025, City staff received an anonymous complaint pertaining to an improperly placed shed on the subject property. While investigating the situation, a City zoning inspector discovered multiple unrelated zoning matters in need of attention. Ultimately, the subject property owners have cooperated with the City inspector by endeavoring to bring the site deficiencies into minimum code compliance, which includes submitting this variance request for the unpermitted second floor room addition.

It should be noted that City staff are unclear precisely when the subject addition was built. Nevertheless, an approximate timeframe was established using *Connect Explorer* satellite imagery, *Google Street View*, and photographs of the home found in the 2023 architectural renovation plans. Based on those sources, it appears the subject addition was added sometime between March 1st, 2023, and January 18th, 2024.

NOTE:

1. Section 111 of the City Zoning Ordinance states, "The front of a lot shall be considered to be that boundary of the lot which abuts on a street. In the case of corner lot, the narrowest boundary fronting on a street shall be considered to be the front of the lot."

KEY CONSIDERATIONS:

- The subject room addition does not encroach into the required yard any further than the remainder of the existing dwelling. As a result, it could be argued that the strict application of the ordinance would unreasonably restrict the utilization of the property
- The granting of the variance would seemingly alleviate a hardship due to a physical condition relating to the improvements on the site (i.e., the location of the existing 84-year-old home).

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 lot is irregular in shape for the North End and when it was created it was a combination of the southern half (75’) of the easternmost 30’ of Lot 20 after the western 20’ of Lot 20 was taken to create a wider Atlantic Avenue and the southern half (50’ x 75’) of Lot 18, in Block 5, Section D Plat of the Cape Henry Syndicate. Both Lots 18 and 20 were originally platted at 50’ x 150’.

The footprint of the home on this Lot today is likely to be similarly situated to the original home built solely on Lot 18 before the taking of the western 20 feet of Lot 20. That would explain why the home the applicants’ purchased was setback 37 feet from Atlantic Avenue and 6 or 7 feet from what is now the rear property line.

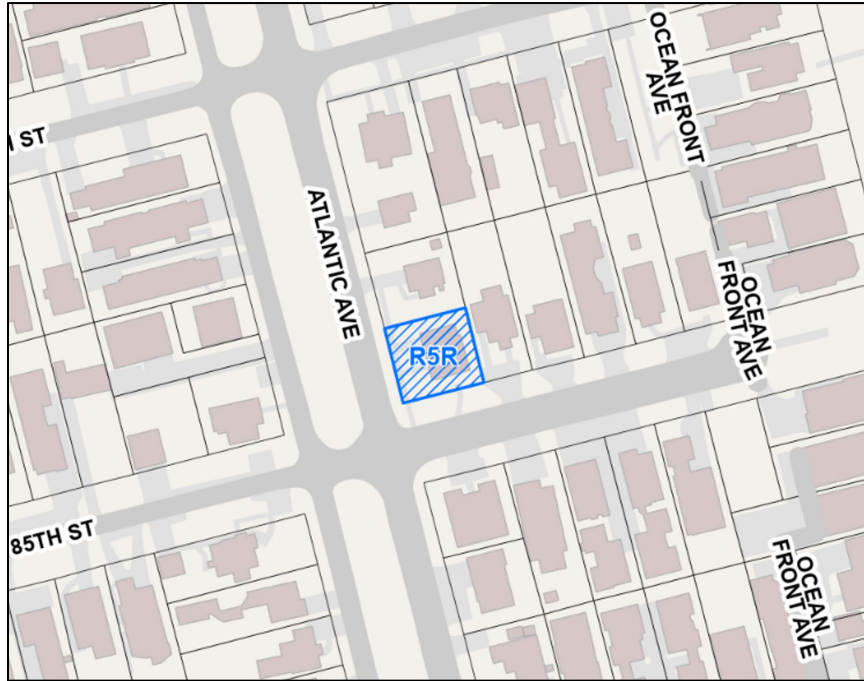
The screened in porch and deck above is in the same location as that which preceded it for many decades and is certainly an enhancement to that which preceded it. The applicants have substantially improved and upgraded the property. Importantly, they are removing and re-seeding or turfing significant areas of gravel which were present on the property when they purchased it. Thus reducing the impervious surface below 60%. They are also establishing a proper driveway with two (2) onsite concrete parking spaces in accordance with City requirements.

The existing 2-story dwelling encroaches to a greater degree into what was the side yard setback but is now the rear yard setback than does the screened in porch facing 85th Street which is setback 10.82 feet. A very small 149.46 square foot (10.6’ x 14.1’) addition was made to the second story of the home which is entirely within the existing home’s footprint, however, it is setback 18.35 feet rather than 20 feet from what is now the rear property line (east side). The screened in porch and deck/balcony above is 28.51 feet back from the curb which is not out of character for this street and a few others at the North End. Other than the removal of significant areas of gravel to be replaced with grass and the installation of a concrete apron for the driveway, no new construction is involved with this clean up variance request.”

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, Block 5,” dated March 26, 2026, and prepared by WPL Landscape Architecture, Surveying, and Engineering (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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.

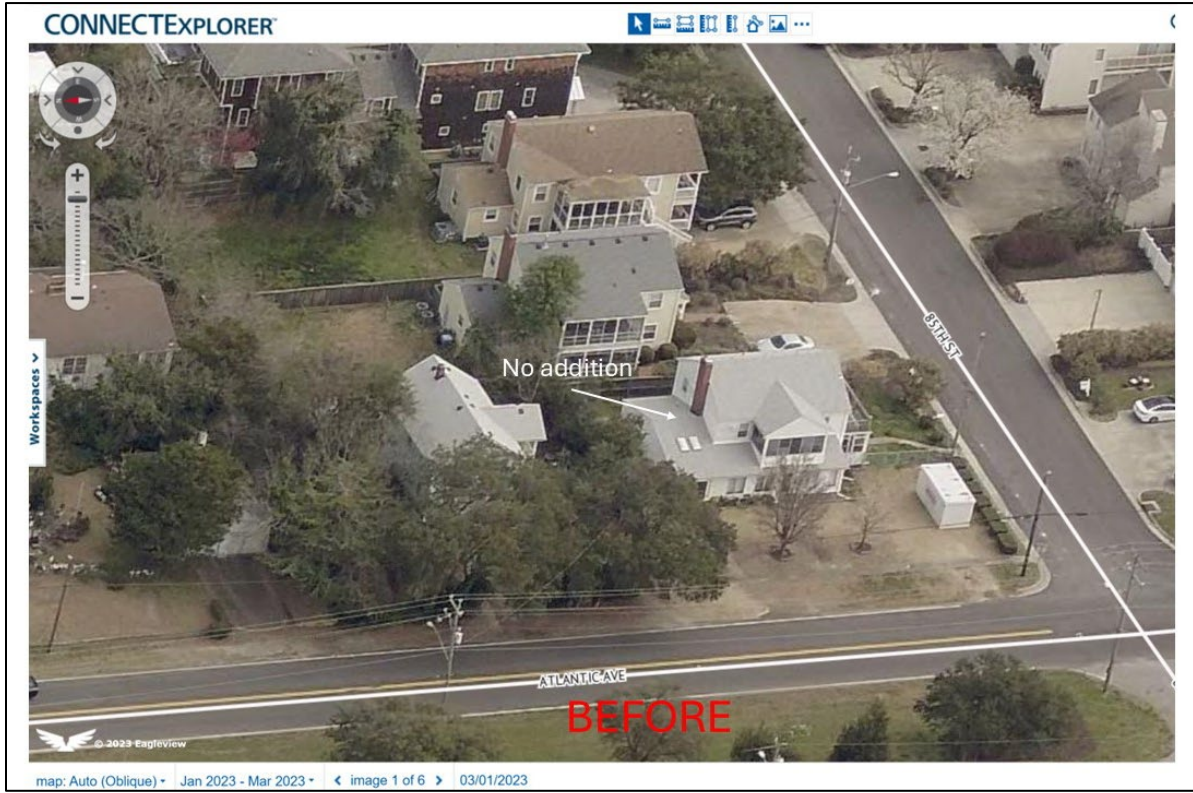
LOCATION MAPS:



AERIAL:



AERIAL (BEFORE AND AFTER):



PHOTOGRAPHS:



PHOTOGRAPHS:



CITY APPROVED 2023 BUILDING PLANS (SUBJECT SECOND-FLOOR ADDITION NOT SHOWN):

OPT-01 WEST ELEVATION
1/2" = 1'-0"

NEW WORK NOTES - ELEVATIONS

- IMPROVED OR SAFETY GLASS
- FINISHED SURFACE NUMBER (FINISH NUMBER, COLOR & GRAIN)
- PRE-FINISHED ROOF WALL FLASHING BY ROOF MFG. (TOP & ALL ROOF WALL INTERSECTIONS)

CEILING TYPES:

- CEILING: PROVIDE JAMES WARD OR UP (SMOKE) HORIZONTAL PLANK CEILING (2" x 8" FINISHED)
- CEILING: PROVIDE JAMES WARD OR UP (SMOKE) 1" VERTICAL BOARD CEILING (1" x 6" FINISHED)

TRIM:

- TRIM: HEAD CASING: PROVIDE PRE-FINISHED ALUMINUM BRUSH METAL TRIM
- COLUMNS: PROVIDE CEDAR COLUMNS WITH 1/4" CEDAR BARK OIL TO USE FOR TRIM
- WALL CORNER TRIM: PROVIDE PRE-FINISHED CORNER BOARDS, 1" THICK, BY CEDAR MANUFACTURER
- WINDOW TRIM: PROVIDE TRIM BOARD AS NOTED ON THE TRIM WINDOW TRIM DETAIL SHEET

3/0 View REVISED FRONT ENTRY-02

CONCEPT VIEW FROM SW CORNER

3/0 View REVISED FRONT ENTRY

EXISTING HOUSE FROM ATLANTIC AVE EXISTING HOUSE FROM 6TH STREET

ARCHITECTS

1230 PROSPERITY ROAD
VIRGINIA BEACH, VA 23461
PH: 757-633-9993
610111230@outlook.com

APPROVED

RECEIVED FOR CITY REVIEW CITY ENGINEER SEAL AND APPROVAL TO BE APPLIED TO THESE PLANS. THIS APPROVAL IS SUBJECT TO THE CITY ENGINEER'S REVIEW OF THE PLANS AND IS NOT A GUARANTEE OF THE ACCURACY OF THE PLANS OR THE BUILDING. CITY OF VIRGINIA BEACH, VA 23461

By State M. Sparks on 3-4-23 per: Ann H.

1230 ARCHITECTS © 2023

DATE 01-12-2023

REVISIONS

DATE

BARRY AND MELINA HENRY

CLIENT PHONE NUMBER

HENRY RESIDENCE

8501 ATLANTIC AVE.
VIRGINIA BEACH, VA 23461

ELEVATIONS

DISCLOSURE STATEMENT:



CITY OF
**VIRGINIA
BEACH**

**Disclosure
Statement**

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SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Barry & Melina Henry
as listed on application

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

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

Does Applicant have a Representative? Yes No

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

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

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

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

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"/>	ServiceMac, LLC
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 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.

Barry Henry Barry Henry 03/26/2026
Barry Henry (Mar 26, 2026 15:17:29 EDT)
 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): 05.12.2026

Wilissa Blair-Miller Wilissa Blair-Miller 05.12.2026
 Staff Name (Print) Staff Signature Date

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CASE: 2026-BZA-00028 - Beach Borough Development, LLC.
HEARING DATE: June 3, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1059 Norfolk Ave (Lot 27)

REPRESENTATIVE:

Ben Bishard (agent for Beach Borough Development, LLC.)

VARIANCE REQUEST(S) (ABBREVIATED):

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

VARIANCE REQUEST(S) (DETAILED):

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

1. **FRONT YARD (NORTH):** A front yard setback variance to 15 feet instead of 20 feet as required for the construction of a one-story covered front porch.
2. **FRONT YARD (NORTH):** A front yard setback variance to 19 feet instead of 30 feet as required for the construction of a single-family dwelling.
3. **REAR YARD (SOUTH):** A rear yard setback variance to 8 feet instead of 20 feet as required for the construction of a single-family dwelling.
4. **REAR YARD (SOUTH):** A rear yard setback variance to 6 feet instead of 18 feet as required for the construction of a chimney/fireplace.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2417-54-8129 (Lot 27)

LOT AREA:

- 3,298 square feet (.07 acres) (per BZA Exhibit)

AICUZ:

- APZ II, Greater than 75 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:

- Single-family (built in 1955 – to be demolished)
- R-7.5 (Residential District)
- Not in a Strategic Growth Area

NOTE: The property is located within the Historic Seatack Suburban Focus Area (HSSFA). The November 20, 2018, adopted revision to the City’s Comprehensive Plan includes a recommendation that new residential and commercial construction projects within the HSSFA are visually interesting, encourage greater social interaction, provide a memorable character, and use porous materials for driveways, walkways and other similar surfaces, wherever feasible, to achieve a net reduction in impervious coverage. Based on the submitted plans, it seems the subject development will meet all recommendations except porous material use associated with the driveway, walkway, and patio. As a result, a condition requiring such material was added for Board consideration.

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- N/A (existing dwelling on site to be demolished)

EXTENT OF PROJECT:

New single-family dwelling (variance requested)

Proposed single-family home located within the front and rear required yards.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1943/1946 and designated as Lot 29 (map books 15/17 at pages 26/72).

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

The property does not meet the current minimum required lot area of 7,500 square feet, nor does it meet the current minimum required lot width of 75 feet adjacent to Norfolk Avenue. Instead, the lot area is 3,298 square feet and the lot width is 51 feet. Nevertheless, due to the age of the parcel these lot area and width deficiencies are legally non-conforming.

It is important to note that the original size of the subject lot was approximately 4,471 square feet; however, in 1983, the City of Virginia Beach acquired roughly 1,173 square feet of front yard for a roadway expansion along the northern boundary of the property (i.e., Norfolk Avenue).

It should also be noted that the subject property is presently part of a four-parcel zoning lot containing one single-family home. Notwithstanding, Section 105(g) of the City Zoning Ordinance allows any conforming principal use, such as a residential home, to be constructed on any lot created prior to the effective date of the ordinance, regardless of size or dimensions, provided that applicable setbacks and other restrictions are met, or a variance is received. In other words, just because multiple legally created lots are used as one combined zoning lot, the owner is not necessarily required to continue using them that way.

Based on the somewhat atypical configuration of the lot boundaries, the 1983 City land acquisition, and the substandard area and width, the applicant is requesting relief to the required front and rear yards for a new single-family dwelling.

NOTE:

1. A zoning lot is defined in the ordinance as "A lot or any portion thereof, or contiguous lots under common ownership within a single zoning district, which are to be used, developed or built upon as a unit...."

KEY CONSIDERATIONS:

- It appears that the strict application of the ordinance would unreasonably restrict the utilization of the subject property.
- While admittedly debatable, such need for a variance is not generally shared by other properties.
- The variance does not seem to be contrary to the purpose of the ordinance since it clearly allows the construction of a residence on the subject lot, regardless of the property's size or dimensions.

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

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

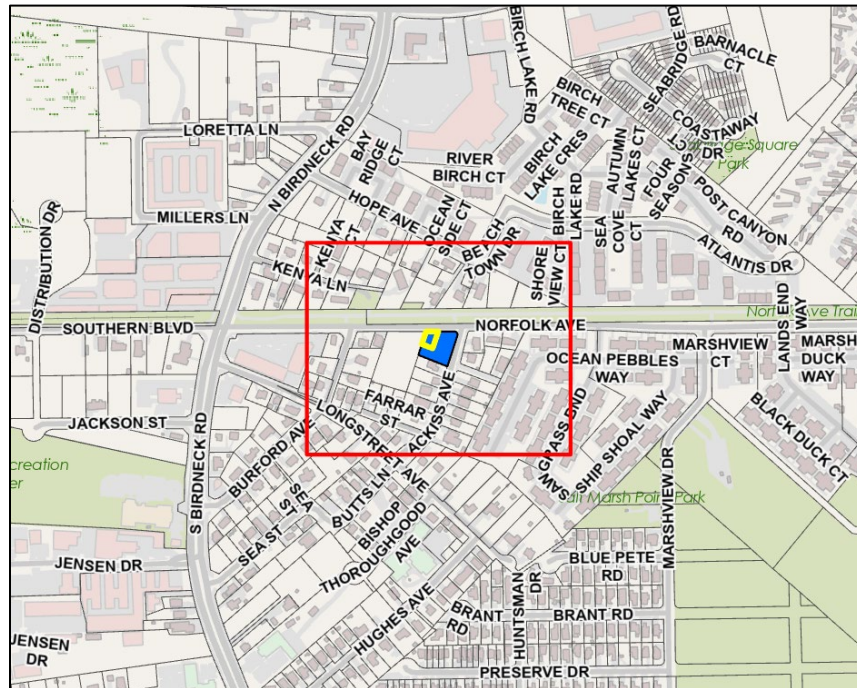
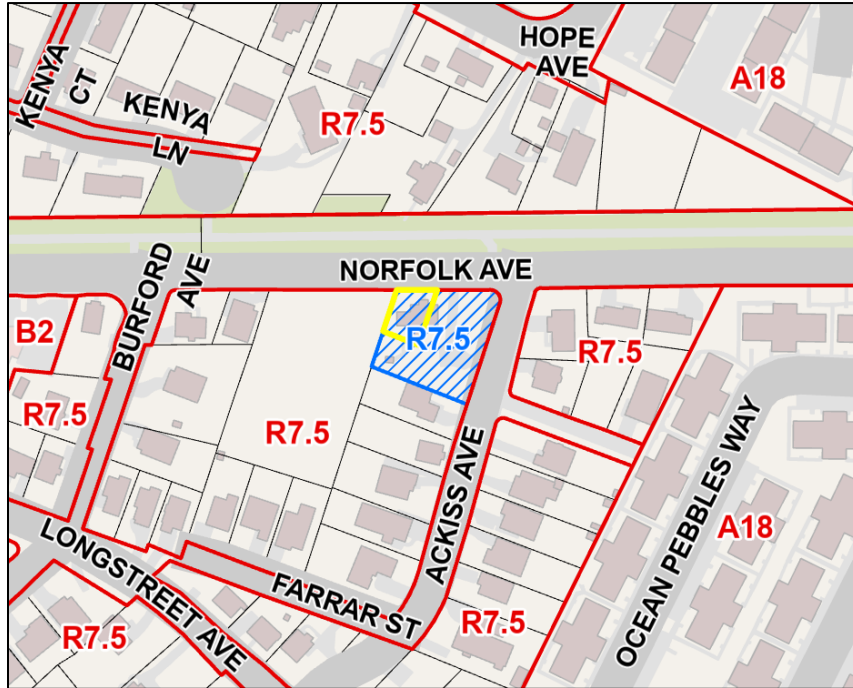
APPLICANT STATED HARDSHIP:

“The subject parcel is zoned R7.5 and was platted in 1943 with 51 feet of frontage on Southern Blvd and with 81 feet of depth. At the time Southern Blvd was a 10-foot public ROW that later became known as Norfolk Avenue. In 1983, approximately 1173 SQFT of property (23 feet+/- of depth) was taken from this parcel by the city of Virginia Beach for the widening of Norfolk Ave. The remainder of the parcel now measures 51 feet by 57 feet. An additional 773 SQFT of property was also encumbered by a 15-foot Virginia Power easement in 1983. Therefore, this parcel's hardship is a result of the original lots being platted legally nonconforming (in the R7 .5 district) and was made worse by the takings and encumbrances made by the City of Virginia Beach and Virginia Power. The applicant (Beach Borough Development, LLC) is requesting a front yard setback variance to allow for 15 feet, instead of 30 as required. Also being requested is a reduced rear yard setback to allow for 8 feet, instead of 20 as required. Please note, the 15-foot front setback is to allow for a covered front porch. The front wall plane of the home will be set back 19 feet from the front property line. Please note, the distance between the front property line to the edge of pavement on Norfolk Ave is 9 feet. The requested variances will allow for the construction of a single family home with a covered front porch and single car garage. Although the proposed home is 3 stories, it has the appearance of a 2 story home from the exterior. Elevations of the proposed home have been provided. The proposed home is in keeping with the character of oceanfront development on this corridor and provides much needed housing stock to our market.”

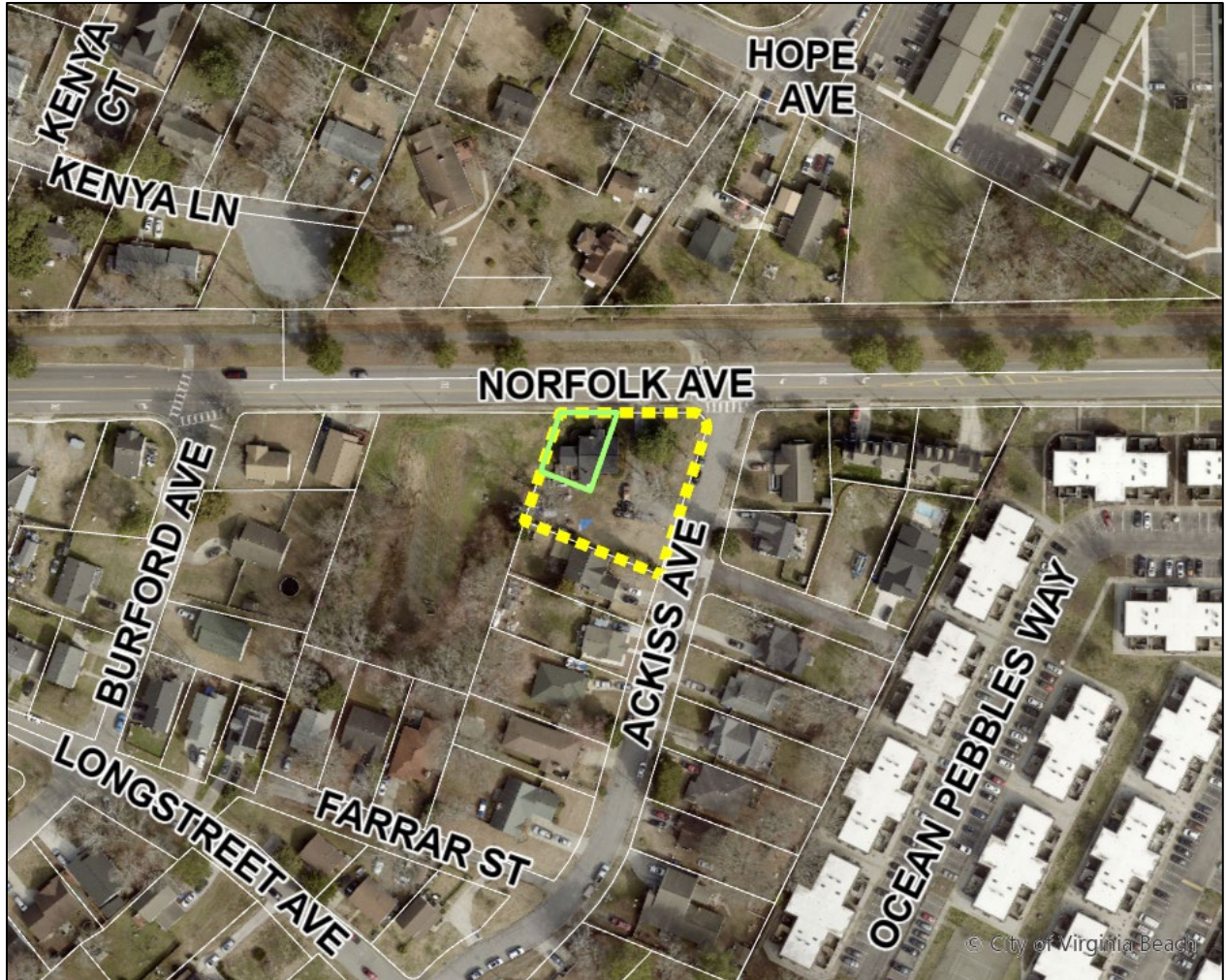
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit, Lot 27, Olive Heights Annex,” dated May 18, 2026, and prepared by Good Land 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 untitled and undated renderings (shown as *Renderings* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved renderings, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
3. In accordance with the recommendations found within the November 20, 2018, City Council adopted revision to the City’s Comprehensive Plan, the subject property, which falls within the Historic Seatack Suburban Focus Area, shall use porous materials for the driveway, walkways, and other similar surfaces to achieve a net reduction in impervious coverage. Such materials shall be noted on the development plans submitted to the Planning Department, Development Services Center. The Zoning Administrator shall have the authority to determine compliance with this condition, which includes interpretations and/or decisions pertaining to the definition of ‘porous material.’
4. Future enclosure of the proposed one-story covered porch shown on *Exhibit A* in this staff report and located 15 feet from the front property line shall not be enclosed. The Zoning Administrator shall have the right to determine conformance with the condition.
5. 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.
6. 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.

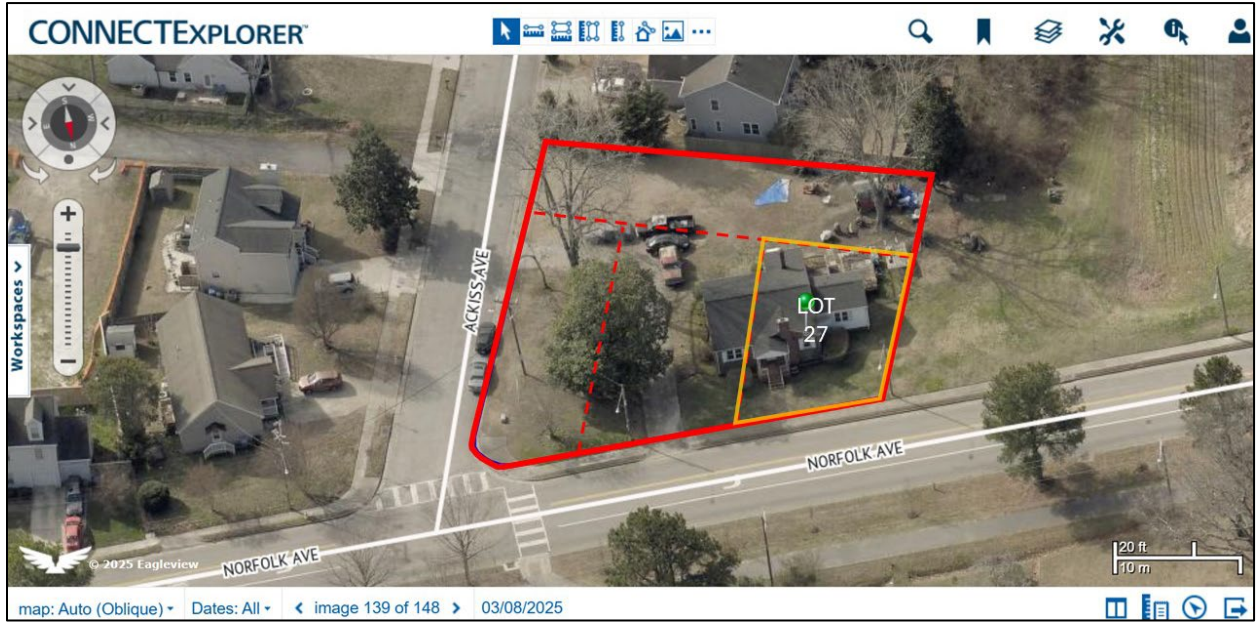
LOCATION MAPS:



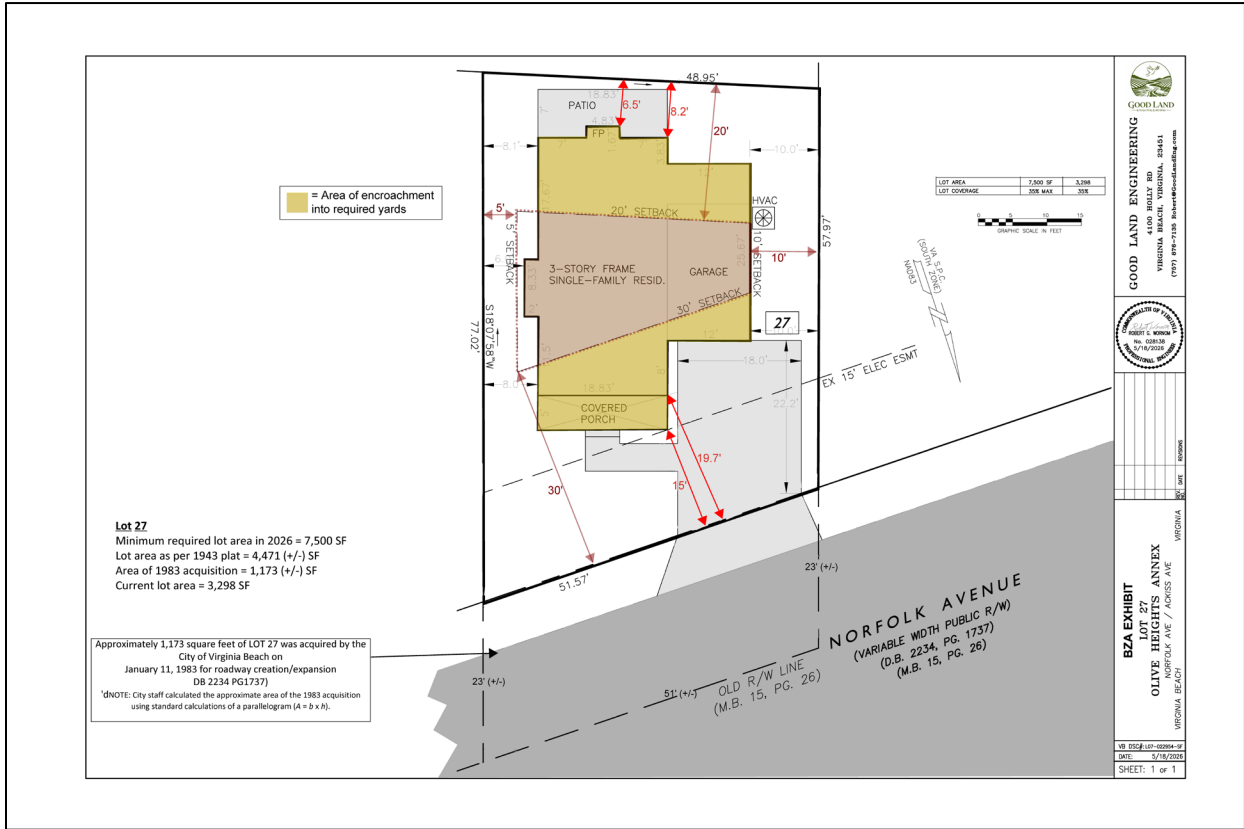
AERIAL:



AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



ACQUISITION DEED (RECORDED IN 1983)

BK 2234PG 1735

1366

THIS DEED, Made this 10th day of January
1983, by and between JOSHUA DARDEN, and MABEL DARDEN, his wife,

hereinafter referred to as "Grantors", parties of the first part, and the CITY OF VIRGINIA BEACH, a Municipal Corporation of the Commonwealth of Virginia, "Grantee", party of the second part:

W I T N E S S E T H :

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantors do hereby sell, assign, transfer and convey with General Warranty and English Covenants of Title, unto the said City of Virginia Beach, Grantee, the following described property situated in the City of Virginia Beach, Virginia, to-wit:

ALL THAT certain lot, tract or parcel of land together with improvements thereon, belonging, lying, situated and being in the City of Virginia Beach, Virginia and designated and described as: "TAKE AREA = 0.1427 ACRE" as shown on that certain plat entitled: "PLAT SHOWING ACQUISITION FOR COMMUNITY DEVELOPMENT PROJECT SEATACK NEIGHBORHOOD CITY OF VIRGINIA BEACH, VIRGINIA FROM JOSHUA DARDEN LYNNHAVEN BOROUGH - VIRGINIA BEACH, VA. SCALE: 1"=50' DATE: MAR. 2, 1981 McGAUGHY, MARSHALL & McMILLAN".

Said Plat being attached hereto and made a part hereof.

Together with the temporary right and easement to use the additional areas shown on the attached plat for construction cut and/or fill slopes as being required for the property execution and maintenance of work, containing 1,320 square feet. Said easement will terminate when the City grades the property adjacent to the lands to be conveyed so that there no longer exists the necessity for maintenance or until such time all construction has terminated and the City accepts the work as being completed.

ACQUISITION DEED (RECORDED IN 1983)

BK 2234 PG 1736

This conveyance is made subject to any covenants, conditions, restrictions and easements in the chain of title constituting constructive notice.

It is understood and agreed that the consideration hereinabove mentioned and paid to the Grantor constitutes payment in full for the property hereby conveyed and for damages, if any, to the residue or other property of the Grantor resulting from the project and use made of the property conveyed.

Joshua Darden (SEAL)
JOSHUA DARDEN
Mabel Darden (SEAL)
MABEL DARDEN

STATE OF VIRGINIA
CITY OF *Virginia Beach*, to-wit:

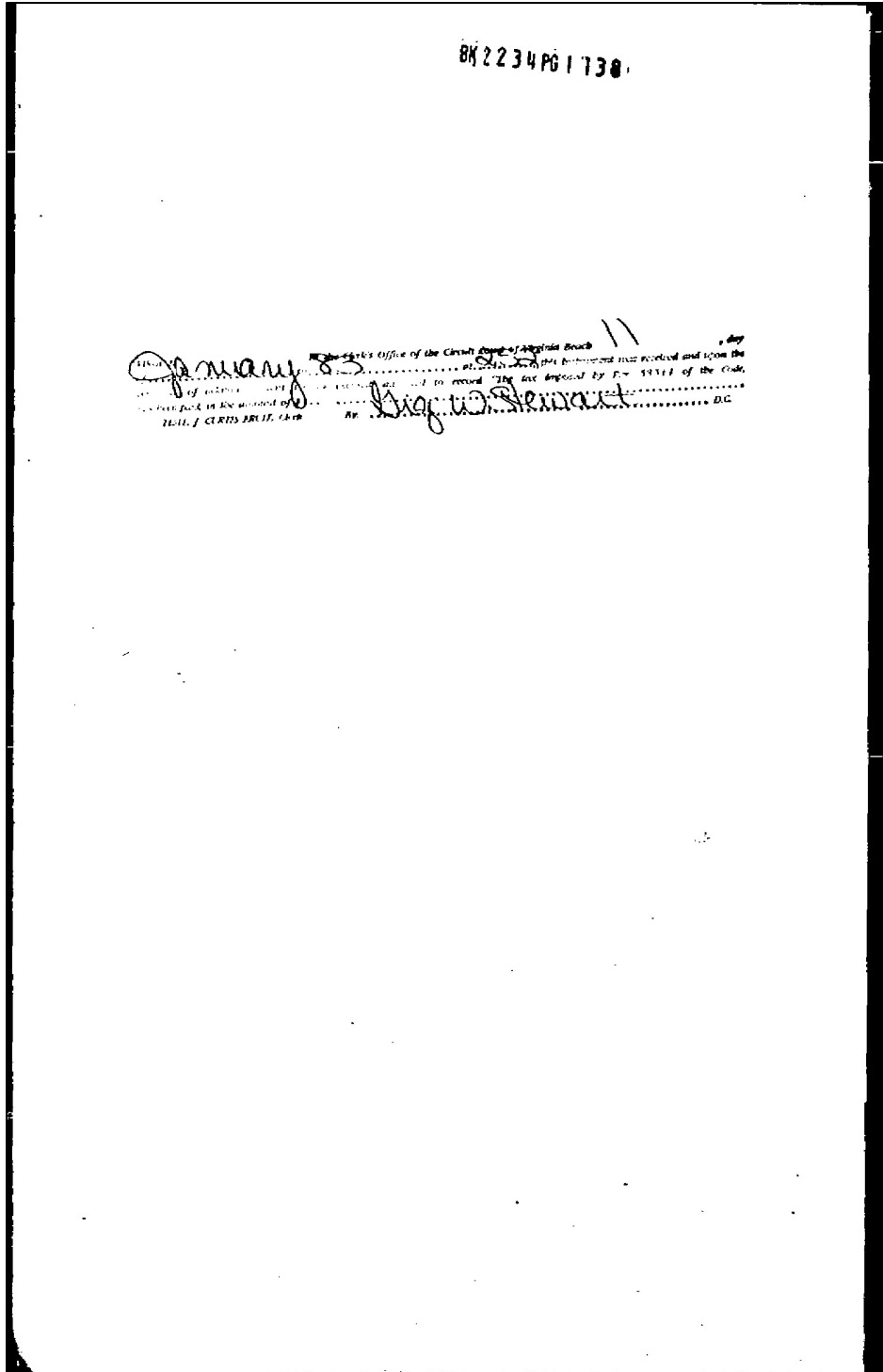
I, *Carla M. Hunter*, a Notary Public in and for the City and State aforesaid, do hereby certify that JOSHUA DARDEN AND MABEL DARDEN, his wife, whose name(s) ~~xxx~~ are signed to the foregoing writing bearing date on the 10th day of January, 1983, ^{have} ~~xxxxxxx~~ acknowledged the same before me in my aforesaid City and State.

GIVEN under my hand this 10th day of January, 1983.

Carla M. Hunter
Notary Public

My Commission Expires:
March 16, 1986

ACQUISITION DEED (RECORDED IN 1983)



PHOTOGRAPHS:



RENDERINGS:



DISCLOSURE STATEMENT:

CITY OF
**VIRGINIA
BEACH**

Disclosure Statement

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Beach Borough Development, LLC
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: Ben Bishard

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.)

Steven Bishard, Manager; John Bishard, Member; Kenneth Hunt, Member

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"/>	Towne Bank
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"/>	Martin Bardoun
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Robert Womom, Good Land Engineering
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	Harry R Purkey Jr.

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.

Steven W Bishard	<i>Steven W Bishard</i> <small>Digitally signed by Steven W Bishard Date: 2026.03.30 14:28:11 -04'00'</small>	3/30/26
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): 05.12.2026

Wilissa Blair-Miller	<i>Wilissa Blair-Miller</i>	05.12.2026
Staff Name (Print)	Staff Signature	Date



CASE: 2026-BZA-00029 - Beach Borough Development, LLC.
HEARING DATE: June 3, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1055 Norfolk Ave (Lot 28)

REPRESENTATIVE:

Ben Bishard (agent for Beach Borough Development, LLC.)

VARIANCE REQUEST(S) (ABBREVIATED):

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

VARIANCE REQUEST(S) (DETAILED):

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

1. **FRONT YARD (NORTH):** A front yard setback variance to 20 feet instead of 30 feet as required for the construction of a single-family dwelling.
2. **REAR YARD (SOUTH):** A rear yard setback variance to 15 feet instead of 20 feet as required for the construction of a single-family dwelling.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2417-54-8129 (Lot 28)

LOT AREA:

- 4,236 square feet (.07 acres) (per BZA Exhibit)

AICUZ:

- APZ II, Greater than 75 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:

- Single-family (built in 1955 – to be demolished)
- R-7.5 (Residential District)
- Not in a Strategic Growth Area

NOTE: The property is located within the Historic Seatack Suburban Focus Area (HSSFA). The November 20, 2018, adopted revision to the City’s Comprehensive Plan includes a recommendation that new residential and commercial construction projects within the HSSFA are visually interesting, encourage greater social interaction, provide a memorable character, and use porous materials for driveways, walkways and other similar surfaces, wherever feasible, to achieve a net reduction in impervious coverage. Based on the submitted plans, it seems the subject development will meet all recommendations except porous material use associated with the driveway, walkway, and patio. As a result, a condition requiring such material was added for Board consideration.

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- N/A (existing dwelling on site to be demolished)

EXTENT OF PROJECT:

New single-family dwelling (variance requested)

Proposed single-family home located within the required front and rear yards.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1943/1946 and designated as Lot 29 (map books 15/17 at pages 26/72).

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

The property does not meet the current minimum required lot area of 7,500 square feet, nor does it meet the current minimum required lot width of 75 feet adjacent to Norfolk Avenue. Instead, the lot area is 4,236 square feet and the lot width is 51 feet. Nevertheless, due to the age of the parcel these lot area and width deficiencies are legally non-conforming.

It is important to note that the original size of the subject lot was approximately 5,409 square feet; however, in 1983, the City of Virginia Beach acquired roughly 1,173 square feet of front yard for a roadway expansion along the northern boundary of the property (i.e., Norfolk Avenue).

It should also be noted that the subject property is presently part of a four-parcel zoning lot containing one single-family home.¹ Notwithstanding, Section 105(g) of the City Zoning Ordinance allows any conforming principal use, such as a residential home, to be constructed on any lot created prior to the effective date of the ordinance, regardless of size or dimensions, provided that applicable setbacks and other restrictions are met, or a variance is received. In other words, just because multiple legally created lots are used as one combined zoning lot, the owner is not necessarily required to continue using them that way.

Based on the somewhat atypical configuration of the lot boundaries, the 1983 City land acquisition, and the substandard area and width, the applicant is requesting relief to the required front and rear yards.

NOTE:

1. A zoning lot is defined in the ordinance as "A lot or any portion thereof, or contiguous lots under common ownership within a single zoning district, which are to be used, developed or built upon as a unit."

KEY CONSIDERATIONS:

- It appears that the strict application of the ordinance would unreasonably restrict the utilization of the subject property.
- While admittedly debatable, such need for a variance is not generally shared by other properties.
- The variance does not seem to be contrary to the purpose of the ordinance since it clearly allows the construction of a residence on the subject lot, regardless of the property's size or dimensions.

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

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

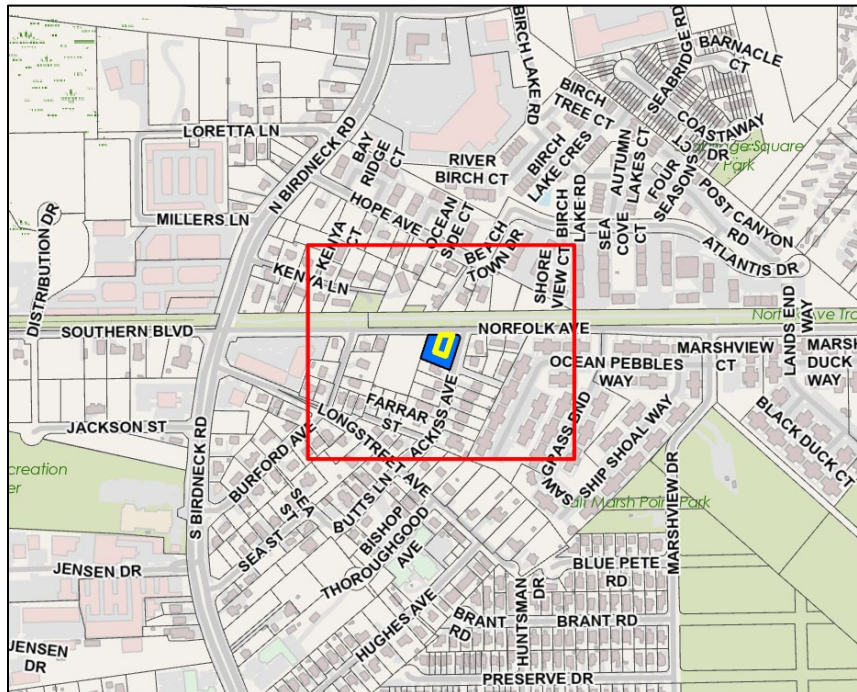
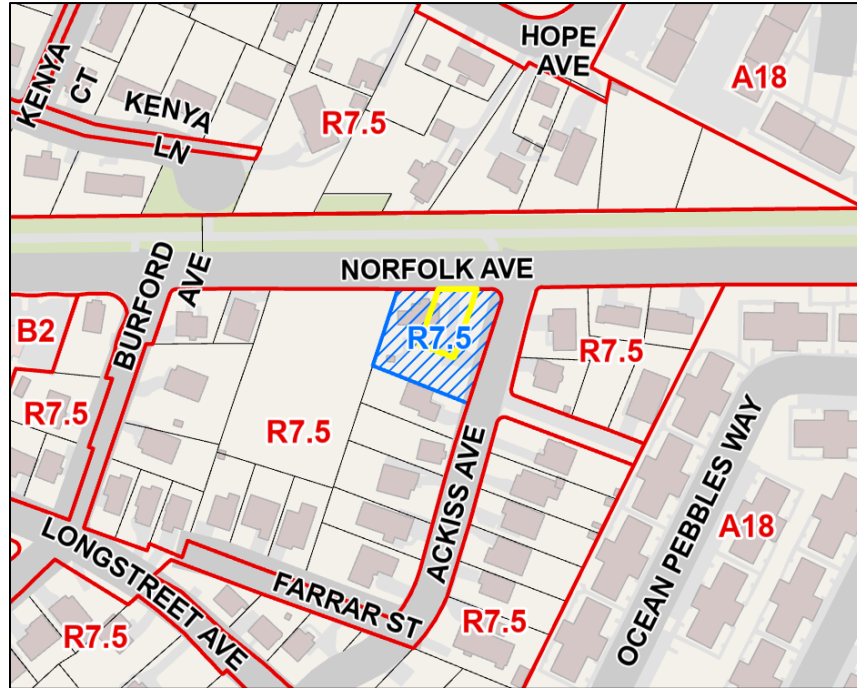
APPLICANT STATED HARDSHIP:

"The subject parcel is zoned R7.5 and was platted in 1946 with 51 feet of frontage on Southern Blvd and with 100 feet of depth. At the time Southern Blvd was a 10-foot public ROW that later became known as Norfolk Avenue. In 1983, 1173 SQFT of property (23 feet+/-of depth) was taken from this parcel by the city of VB for the widening of Norfolk Ave. The remainder of the parcel now measures 51 feet by 77 feet. An additional 775 SQFT of property was also encumbered by a 15-foot Virginia Power easement in 1983. Therefore, this parcel's hardship is a result of the original lots being platted legally nonconforming (in the R7 .5 district) and was made worse by the takings and encumbrances made by the City of Virginia Beach and Virginia Power. The applicant (Beach Borough Development, LLC) is requesting a front setback variance to allow for 20 feet, instead of 30 as required. Lastly, the applicant is requesting a reduced rear setback to allow for 15 feet, instead of 20 as required. Please note, the distance between the front property line to the edge of pavement on Norfolk Ave is 9 feet. The requested variances will allow for the construction of a 2 story single family home with a covered front porch and two car garage. Elevations of the proposed home have been provided. The proposed home is in keeping with the character of oceanfront development on this corridor and provides much needed housing stock to our market."

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, Lot 28, Olive Heights Annex,” dated March 24, 2026/April 1, 2026, and prepared by Good Land 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 untitled and undated renderings (shown as *Renderings* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved renderings, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
3. In accordance with the recommendations found within the November 20, 2018, City Council adopted revision to the City’s Comprehensive Plan, the subject property, which falls within the Historic Seatack Suburban Focus Area, shall use porous materials for the driveway, walkways, and other similar surfaces to achieve a net reduction in impervious coverage. Such materials shall be noted on the development plans submitted to the Planning Department, Development Services Center. The Zoning Administrator shall have the authority to determine compliance with this condition, which includes interpretations and/or decisions pertaining to the definition of ‘porous material.’
4. The proposed one-story covered front porch, shown on *Exhibit A* in this staff report and located 25 feet from the front property line, shall not be enclosed. The Zoning Administrator shall have the right to determine conformance with the condition.
5. 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.
6. 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.

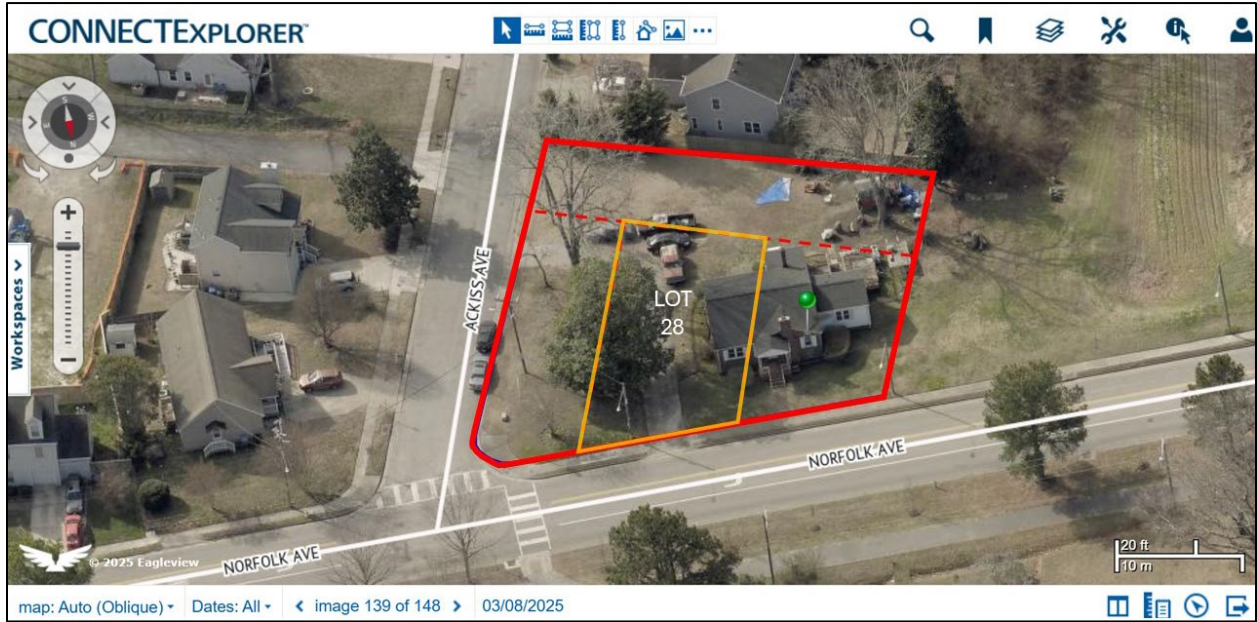
LOCATION MAPS:



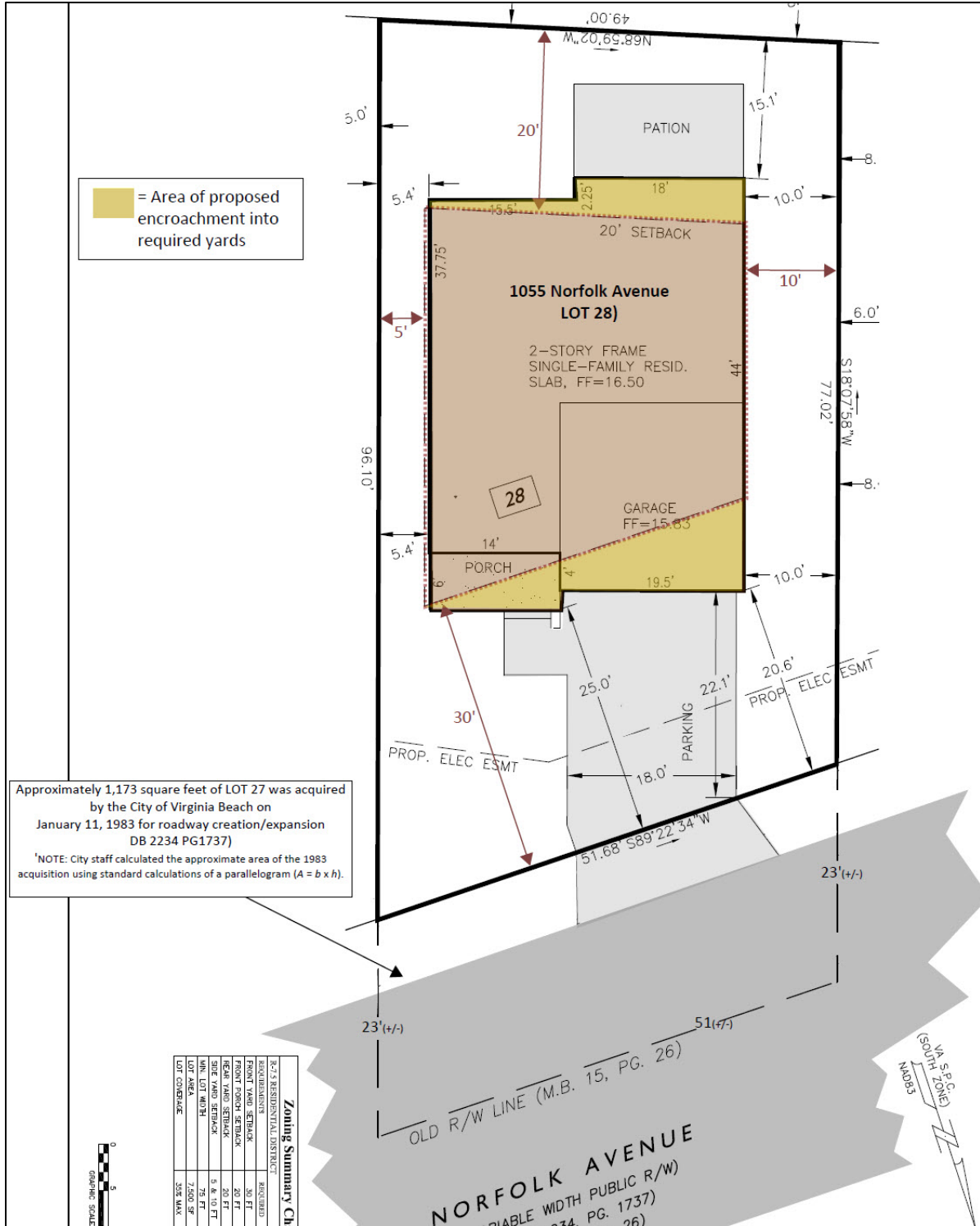
AERIAL:



AERIAL (DETAIL):



SITE PLAN DETAIL (EXHIBIT A):



ACQUISITION DEED (RECORDED IN 1983):

BK 2234PG 135

1366

THIS DEED, Made this 10th day of January
1983, by and between JOSHUA DARDEN, and MABEL DARDEN, his wife,

hereinafter referred to as "Grantors", parties of the first
part, and the CITY OF VIRGINIA BEACH, a Municipal Corporation
of the Commonwealth of Virginia, "Grantee", party of the second
part:

W I T N E S S E T H :

That for and in consideration of the sum of Ten
Dollars (\$10.00), cash in hand paid and other good and valuable
considerations, the receipt of which is hereby acknowledged,
the said Grantors do hereby sell, assign, transfer and convey
with General Warranty and English Covenants of Title, unto the
said City of Virginia Beach, Grantee, the following described
property situated in the City of Virginia Beach, Virginia,
to-wit:

ALL THAT certain lot, tract or parcel of land together
with improvements thereon, belonging, lying, situated
and being in the City of Virginia Beach, Virginia and
designated and described as: "TAKE AREA = 0.1427 ACRE"
as shown on that certain plat entitled: "PLAT SHOWING
ACQUISITION FOR COMMUNITY DEVELOPMENT PROJECT SEATAK
NEIGHBORHOOD CITY OF VIRGINIA BEACH, VIRGINIA FROM
JOSHUA DARDEN LYNNHAVEN BOROUGH - VIRGINIA BEACH, VA.
SCALE: 1"=50' DATE: MAR. 2, 1981 MCGAUGHY, MARSHALL &
McMILLAN".

Said Plat being attached hereto and made a part hereof.

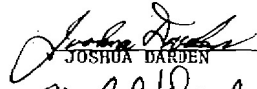

Together with the temporary right and easement to use the
additional areas shown on the attached plat for construc-
tion cut and/or fill slopes as being required for the
property execution and maintenance of work, containing
1,320 square feet. Said easement will terminate when
the City grades the property adjacent to the lands to be
conveyed so that there no longer exists the necessity for
maintenance or until such time all construction has termi-
nated and the City accepts the work as being completed.

ACQUISITION DEED (RECORDED IN 1983):

BK 2234 P61736

This conveyance is made subject to any covenants, conditions, restrictions and easements in the chain of title constituting constructive notice.

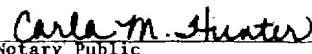
It is understood and agreed that the consideration hereinabove mentioned and paid to the Grantor constitutes payment in full for the property hereby conveyed and for damages, if any, to the residue or other property of the Grantor resulting from the project and use made of the property conveyed.

 (SEAL)
JOSHUA DARDEN
 (SEAL)
MABEL DARDEN

STATE OF VIRGINIA
CITY OF Virginia Beach, to-wit:

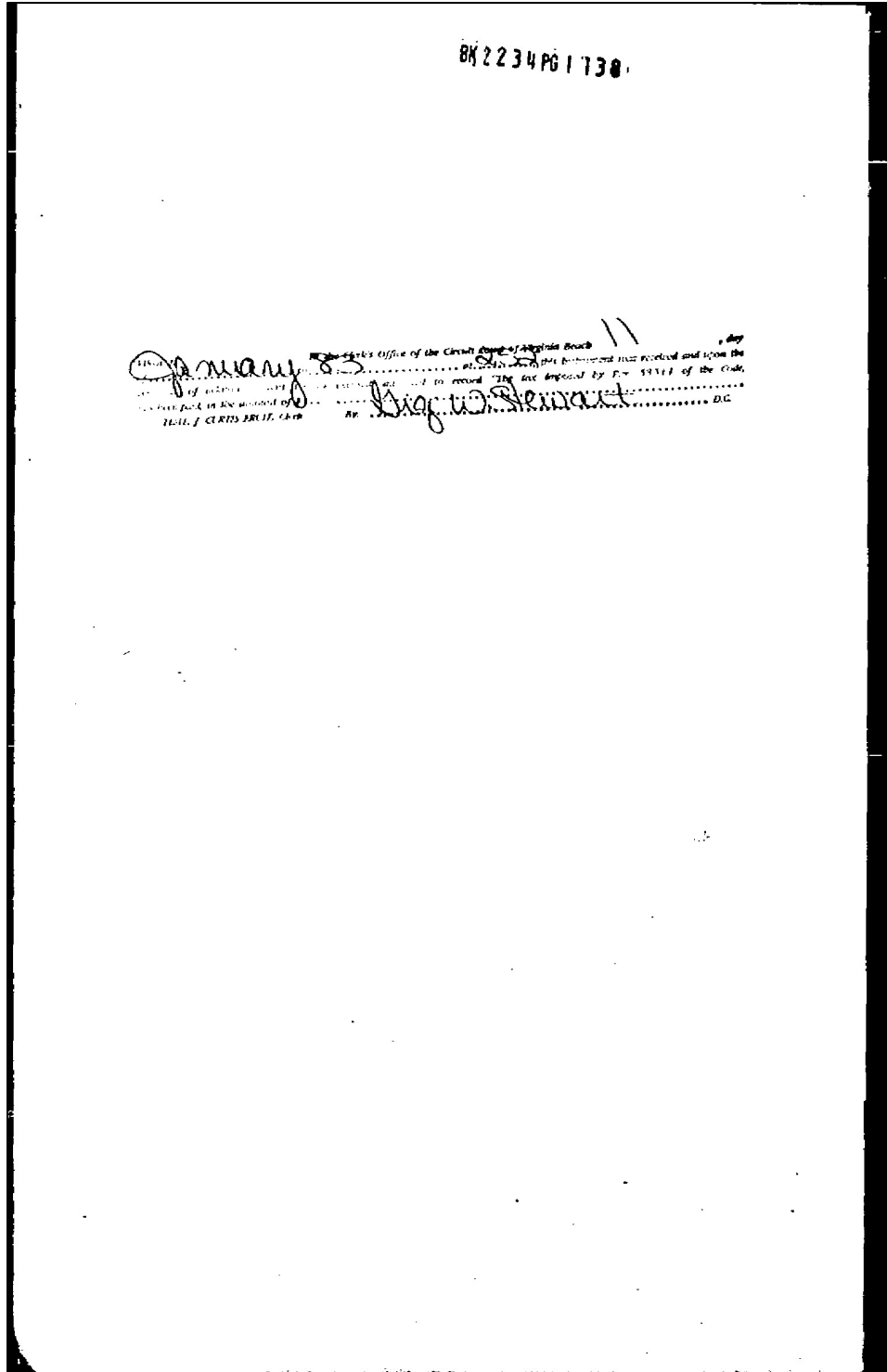
I, Carla M. Hunter, a Notary Public in and for the City and State aforesaid, do hereby certify that JOSHUA DARDEN AND MABEL DARDEN, his wife, whose name(s) ~~are~~ are signed to the foregoing writing bearing date on the 10th day of January, 1983, ^{have} ~~XXXXXX~~ acknowledged the same before me in my aforesaid City and State.

GIVEN under my hand this 10th day of January, 1983.


Notary Public

My Commission Expires:
March 16, 1986

ACQUISITION DEED (RECORDED IN 1983):



PHOTOGRAPHS:



ELEVATION DRAWINGS AND RENDERINGS:



DISCLOSURE STATEMENT:

CITY OF
**VIRGINIA
BEACH**

**Disclosure
Statement**

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Beach Borough Development, LLC
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: Ben Bishard

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.)

Steven Bishard, Manager; John Bishard, Member; Kenneth Hunt, Member

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"/>	Towne Bank
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"/>	Martin Bardoun
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Robert Womom, Good Land Engineering
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	Harry R Purkey Jr.

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.

Steven W Bishard
Steven W Bishard
Digitally signed by Steven W Bishard
Date: 2026.03.30 14:28:11 -04'00'
3/30/26

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): 05.12.2026

Wilissa Blair-Miller
Wilissa Blair-Miller
05.12.2026

Staff Name (Print)
Staff Signature
Date



CASE: 2026-BZA-00030 - Beach Borough Development, LLC.
HEARING DATE: June 3, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

105 Ackiss Avenue (Lot 29)

REPRESENTATIVE:

Ben Bishard (agent for Beach Borough Development, LLC.)

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards and maximum lot coverage for a proposed new single-family dwelling.

VARIANCE REQUEST(S) (DETAILED):

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

1. **SIDE YARD ADJACENT TO A STREET (ACKISS AVENUE - EAST):** A side corner setback variance to 4 feet instead of 30 feet as required for the construction of a single-family dwelling.
2. **SIDE YARD ADJACENT TO A STREET (ACKISS AVENUE - EAST):** A side corner setback variance to 18 feet instead of 25 feet as required for an HVAC unit
3. **FRONT YARD (NORTH):** A front yard setback variance to 20 feet instead of 30 feet as required for the construction of a single-family dwelling.
4. **LOT COVERAGE:** A variance to permit 37 percent lot coverage instead of the maximum 35 percent.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2417-54-8129 (Lot 29)

LOT AREA:

- 3,046 square feet (.06 acres) (per BZA Exhibit)

AICUZ:

- APZ II, Greater than 75 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:

- Single-family (built in 1955 – to be demolished)
- R-7.5 (Residential District)
- Not in a Strategic Growth Area

NOTE: The property is located within the Historic Seatack Suburban Focus Area (HSSFA). The November 20, 2018, adopted revision to the City’s Comprehensive Plan includes a recommendation that new residential and commercial construction projects within the HSSFA are visually interesting, encourage greater social interaction, provide a memorable character, and use porous materials for driveways, walkways and other similar surfaces, wherever feasible, to achieve a net reduction in impervious coverage. Based on the submitted plans, it seems the subject development will meet all recommendations except porous material use associated with the driveway, walkway, and patio. As a result, a condition requiring such material was added for Board consideration.

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- N/A (existing dwelling on site to be demolished)

EXTENT OF PROJECT:

New single-family dwelling (variance requested)

Proposed single-family home covering 37% of the lot instead of the maximum 35% as allowed and located within the required front and side corner yards.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1943/1946 and designated as Lot 29 (map books 15/17 at pages 26/72).

The applicant would like variances to the maximum lot coverage, the required front yard, and the required side corner yard, for a proposed single-family home.

The subject parcel is a corner lot situated at the intersection of Ackiss Avenue and Norfolk Avenue, with the property line abutting Norfolk Avenue defined as the front.

The property does not meet the current minimum required lot area of 7,500 square feet, nor does it meet the current minimum required lot width of 85 feet adjacent to Norfolk Avenue. Instead, the lot area is 3,046 square feet and the lot width is roughly 30 feet. Nevertheless, due to the age of the parcel these lot area and width deficiencies are legally non-conforming.

It is important to note that the original size of the subject lot was approximately 6,296 square feet; however, in 1983, the City of Virginia Beach acquired roughly 3,250 square feet of front and side yards for a roadway expansion along the north (Norfolk Avenue) and east (Ackiss Avenue) boundaries of the property.

It should also be noted that the subject property is presently part of a four-parcel zoning lot containing one single-family home.¹ Notwithstanding, Section 105(g) of the City Zoning Ordinance allows any conforming principal use, such as a residential home, to be constructed on any lot created prior to the effective date of the ordinance, regardless of size or dimensions, provided that applicable setbacks and other restrictions are met or a variance is received. In other words, just because multiple legally created lots are used as one combined zoning lot, the owner is not necessarily required to continue using them that way.

Based on the somewhat atypical configuration of the lot boundaries, the 1983 City land acquisition, and the substandard area and width, the applicant is requesting relief to the maximum lot coverage and required side corner and rear yards.

NOTE:

1. A zoning lot is defined in the ordinance as "A lot or any portion thereof, or contiguous lots under common ownership within a single zoning district, which are to be used, developed or built upon as a unit...."

KEY CONSIDERATIONS:

- It appears that the strict application of the ordinance would unreasonably restrict the utilization of the subject property.
- While admittedly debatable, such need for a variance is not generally shared by other properties.
- The variance does not seem to be contrary to the purpose of the ordinance since it clearly allows the construction of a residence on the subject lot, regardless of the property's size or dimensions.

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

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

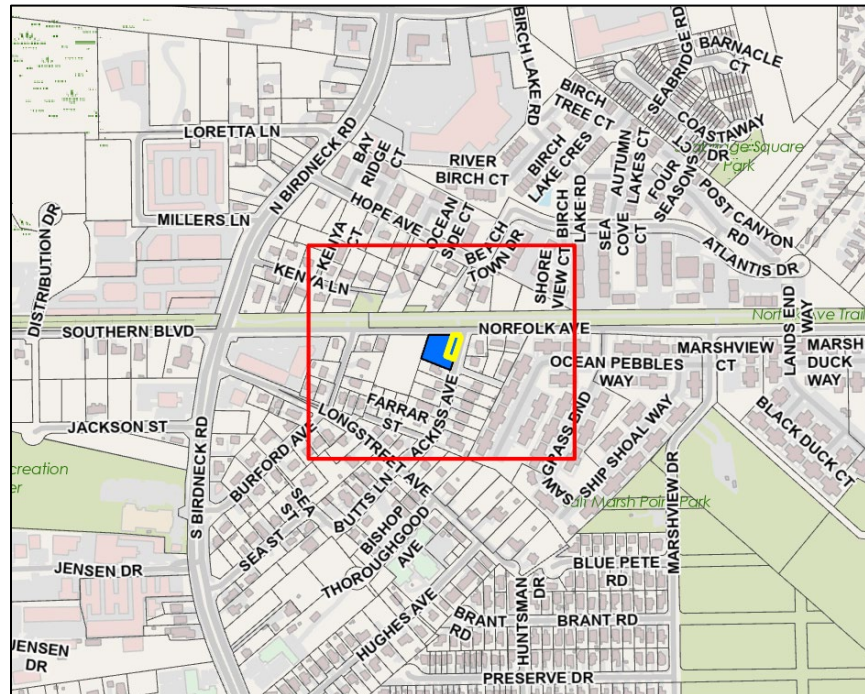
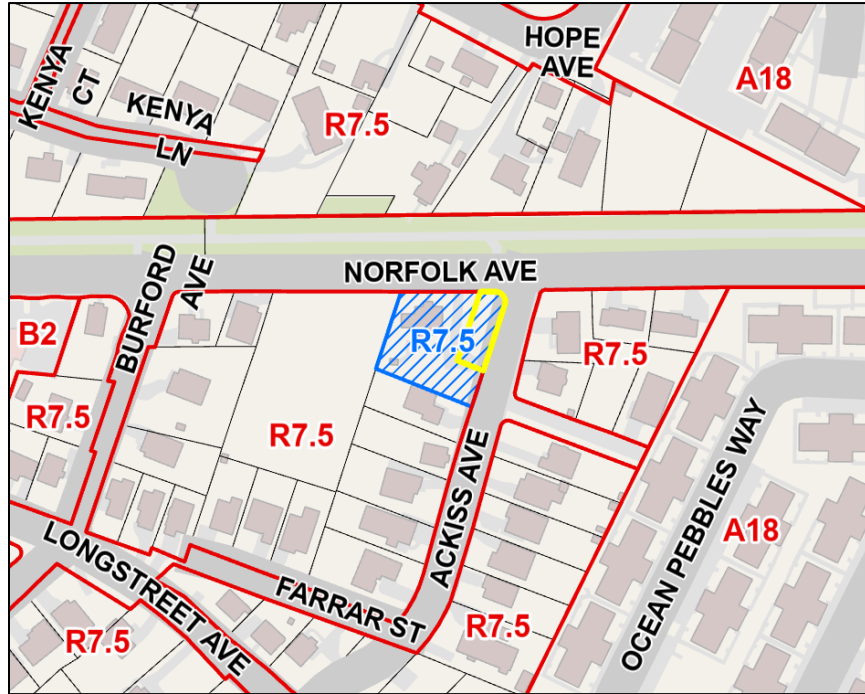
APPLICANT STATED HARDSHIP:

“The subject parcel is zoned R7.5 and was platted in 1946 with 51 feet of frontage on Southern Blvd and with 138.4 feet of depth. At the time Southern Blvd was a 10-foot public ROW that later became known as Norfolk Avenue. In 1983, 3250 SQFT +/- of property was taken from this parcel by the city of VB for the widening of Norfolk Ave. The remainder of the parcel now measures 26 feet wide at the front property line and 32 feet wide at the rear property line. The depth of the parcel is now 96 feet. Being that the parcel requires an increased setback from the corner, there is no remaining building envelope to be utilized. An additional 1,472 SQFT of property was also encumbered by a 15-foot Virginia Power easement in 1983. Therefore, this parcel's hardship is a result of the original lots being platted legally nonconforming (in the R7.5 district) and was made worse by the takings and encumbrances made by the City of Virginia Beach and Virginia Power. The applicant (Beach Borough Development, LLC) is requesting a 4 foot side setback adjacent to a street, instead of 30 as required. Also being requested is a reduced front setback to allow for 20 feet, instead of 30 as required. Lastly, the applicant is requesting a lot coverage variance to allow for 38% instead of 35% as required. It is also worth noting that this proposal would not require a lot coverage variance in the RS zoning districts, in which the requirement is 40%. Please note, the distance between the side property line adjacent to Ackiss Street to the edge of pavement is 12 feet. The requested variances will allow for the construction of a 2 story single family home with a front porch. Elevations of the proposed home have been provided. The proposed home is in keeping with the character of oceanfront development on this corridor and provides much needed housing stock to our market.”

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, Lot 29, Olive Heights Annex,” dated May 18, 2026, and prepared by Good Land 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 untitled and undated renderings (shown as *Renderings* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved renderings, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
3. In accordance with the recommendations found within the November 20, 2018, City Council adopted revision to the City’s Comprehensive Plan, the subject property, which falls within the Historic Seatack Suburban Focus Area, shall use porous materials for the driveway, walkways, and other similar surfaces to achieve a net reduction in impervious coverage. Such materials shall be noted on the development plans submitted to the Planning Department, Development Services Center. The Zoning Administrator shall have the authority to determine compliance with this condition, which includes interpretations and/or decisions pertaining to the definition of ‘porous material.’
4. The proposed one-story covered front porch, shown on *Exhibit A* in this staff report and located 20 feet from the front property line, shall not be enclosed. The Zoning Administrator shall have the right to determine conformance with the condition.
5. 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.
6. 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:



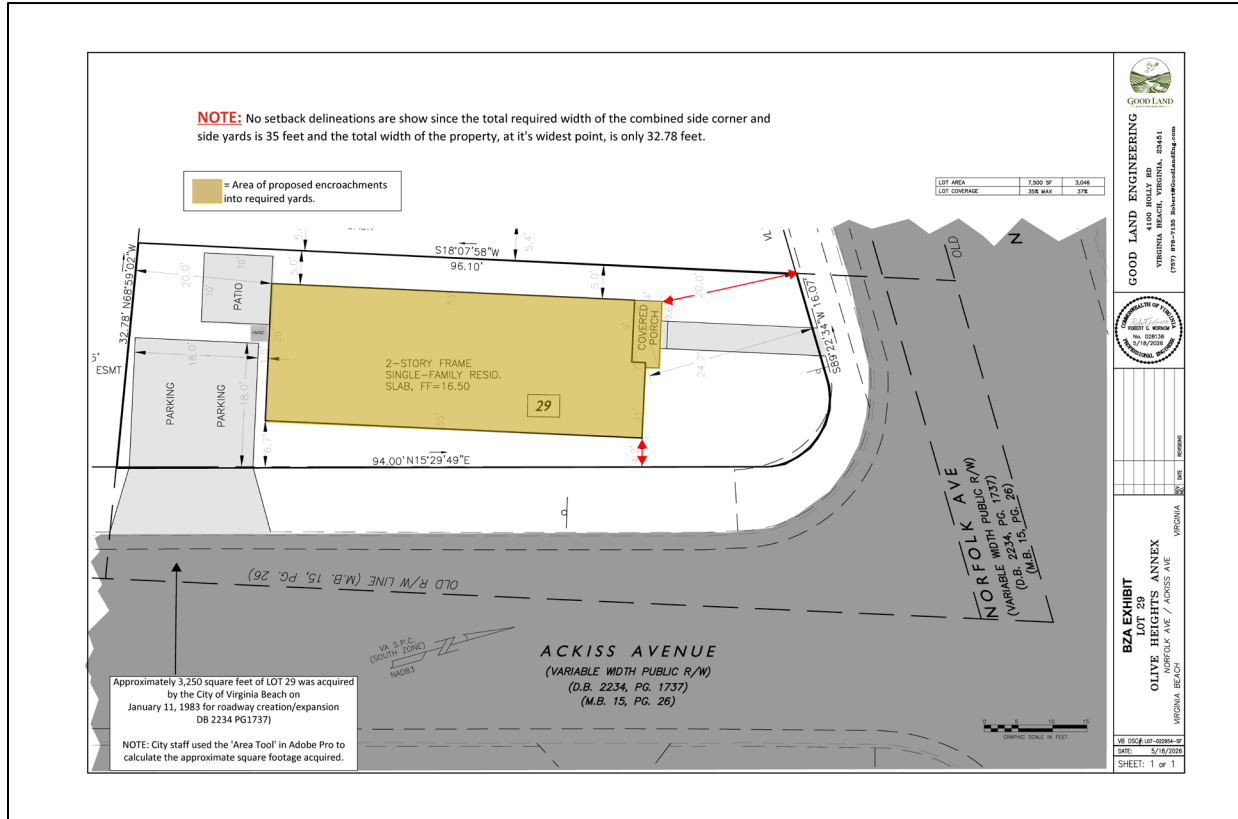
AERIAL:



AERIAL (DETAIL):

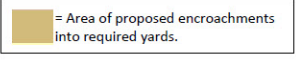


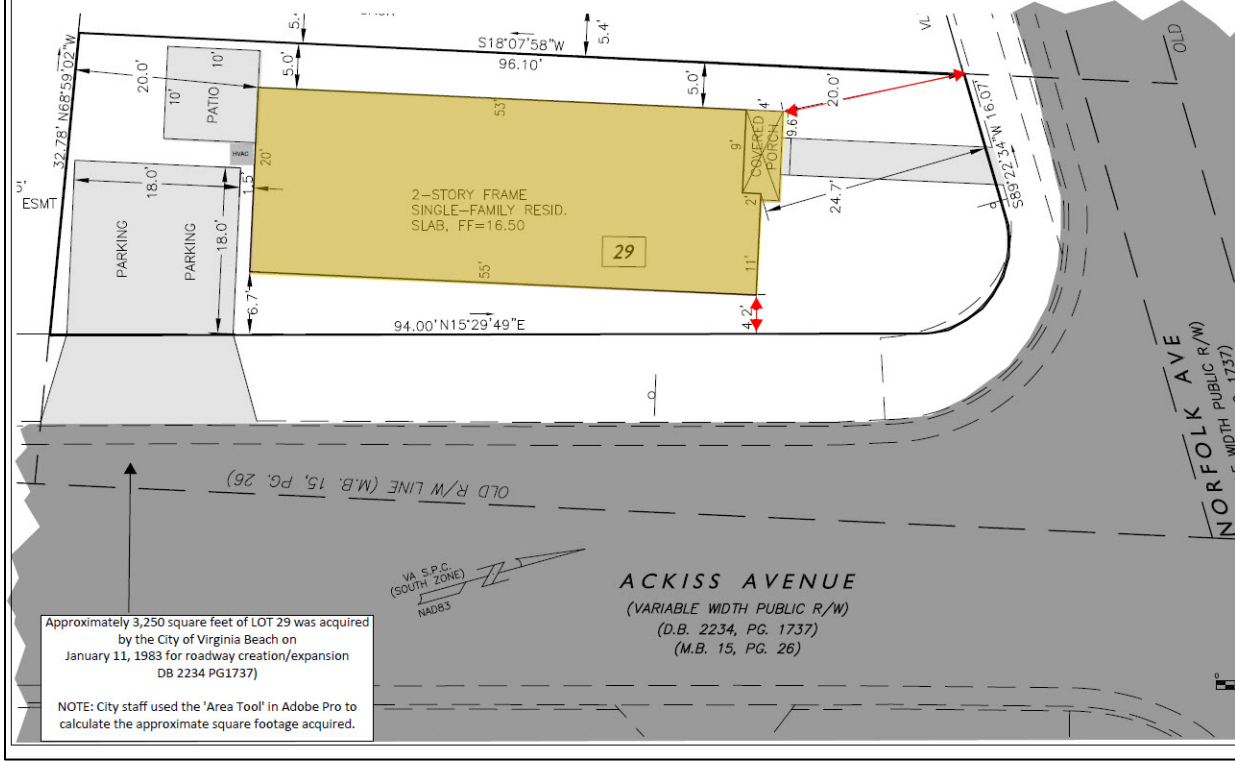
SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):

NOTE: No setback delineations are shown since the total required width of the combined side corner and side yards is 35 feet and the total width of the property, at its widest point, is only 32.78 feet.

 = Area of proposed encroachments into required yards.



ACQUISITION DEED (RECORDED IN 1983):

BK 2234PG 1735

1366

THIS DEED, Made this 10th day of January
1983, by and between JOSHUA DARDEN, and MABEL DARDEN, his wife,

hereinafter referred to as "Grantors", parties of the first part, and the CITY OF VIRGINIA BEACH, a Municipal Corporation of the Commonwealth of Virginia, "Grantee", party of the second part:

W I T N E S S E T H :

That for and in consideration of the sum of Ten Dollars (\$10.00), cash in hand paid and other good and valuable considerations, the receipt of which is hereby acknowledged, the said Grantors do hereby sell, assign, transfer and convey with General Warranty and English Covenants of Title, unto the said City of Virginia Beach, Grantee, the following described property situated in the City of Virginia Beach, Virginia, to-wit:

ALL THAT certain lot, tract or parcel of land together with improvements thereon, belonging, lying, situated and being in the City of Virginia Beach, Virginia and designated and described as: "TAKE AREA = 0.1427 ACRE" as shown on that certain plat entitled: "PLAT SHOWING ACQUISITION FOR COMMUNITY DEVELOPMENT PROJECT SEATACK NEIGHBORHOOD CITY OF VIRGINIA BEACH, VIRGINIA FROM JOSHUA DARDEN LYNNHAVEN BOROUGH - VIRGINIA BEACH, VA. SCALE: 1"=50' DATE: MAR. 2, 1981 MCGAUGHY, MARSHALL & McMILLAN".

Said Plat being attached hereto and made a part hereof.

Together with the temporary right and easement to use the additional areas shown on the attached plat for construction cut and/or fill slopes as being required for the property execution and maintenance of work, containing 1,320 square feet. Said easement will terminate when the City grades the property adjacent to the lands to be conveyed so that there no longer exists the necessity for maintenance or until such time all construction has terminated and the City accepts the work as being completed.

ACQUISITION DEED (RECORDED IN 1983):

BK 2234 P61736

This conveyance is made subject to any covenants, conditions, restrictions and easements in the chain of title constituting constructive notice.

It is understood and agreed that the consideration hereinabove mentioned and paid to the Grantor constitutes payment in full for the property hereby conveyed and for damages, if any, to the residue or other property of the Grantor resulting from the project and use made of the property conveyed.

Joshua Darden (SEAL)
JOSHUA DARDEN
Mabel Darden (SEAL)
MABEL DARDEN

STATE OF VIRGINIA
CITY OF *Virginia Beach*, to-wit:

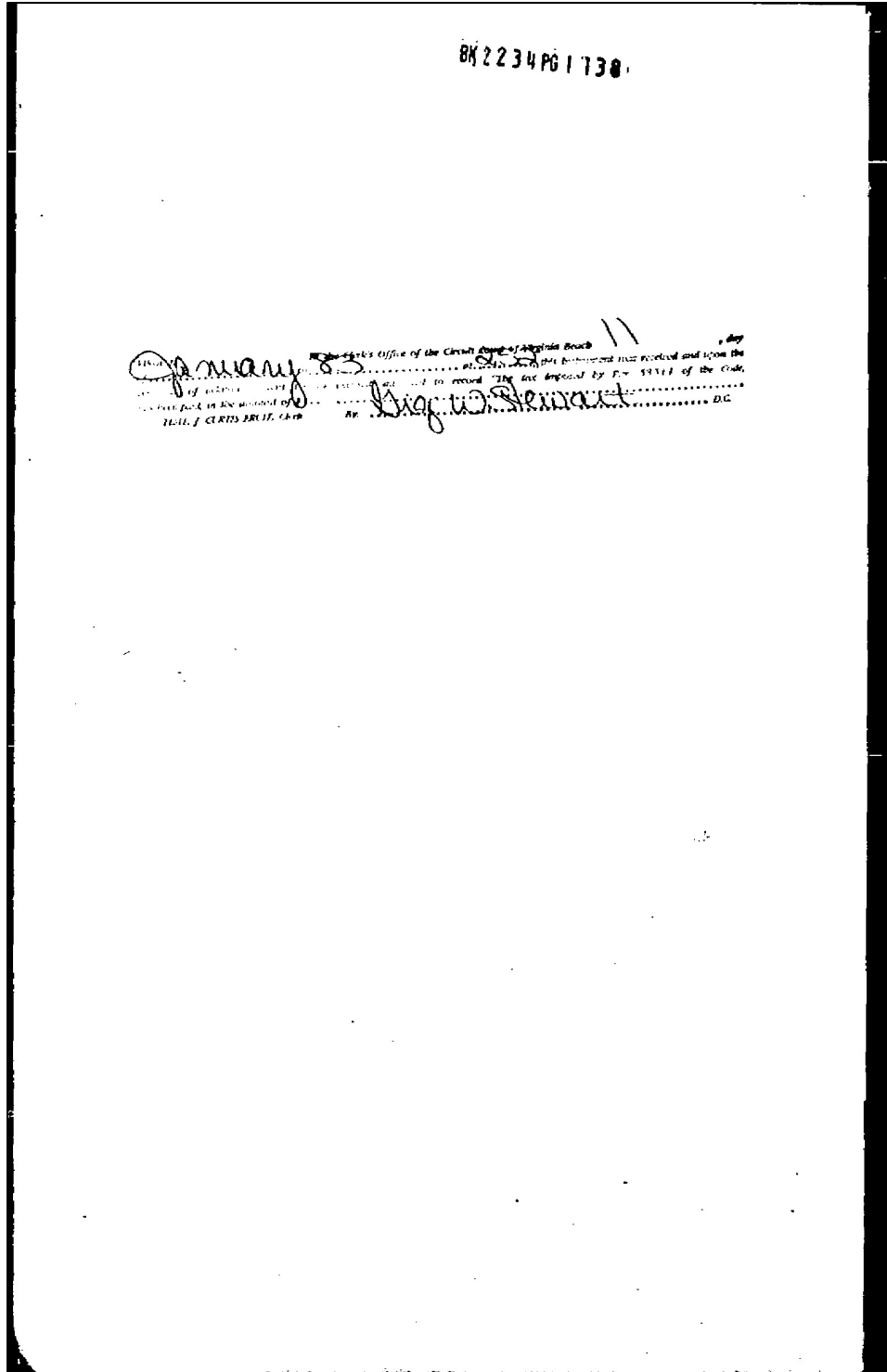
I, *Carla M. Hunter*, a Notary Public in and for the City and State aforesaid, do hereby certify that JOSHUA DARDEN AND MABEL DARDEN, his wife,, whose name(s) ~~are~~ are signed to the foregoing writing bearing date on the 10th day of January, 1983, ^{have} ~~XXXXXX~~ acknowledged the same before me in my aforesaid City and State.

GIVEN under my hand this 10th day of January, 1983.

Carla M. Hunter
Notary Public

My Commission Expires:
March 16, 1986

ACQUISITION DEED (RECORDED IN 1983):




PHOTOGRAPHS:



RENDERINGS:



DISCLOSURE STATEMENT:



CITY OF
**VIRGINIA
BEACH**

**Disclosure
Statement**

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Beach Borough Development, LLC
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: Ben Bishard

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.)

Steven Bishard, Manager; John Bishard, Member; Kenneth Hunt, Member

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

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CASE: 2026-BZA-00031 - Daniel and Kelsey Decrescenzo
HEARING DATE: June 3, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

2441 Bayview Avenue

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the required yard for a proposed screen porch.

VARIANCE REQUEST(S) (DETAILED):

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

1. **REAR YARD (EAST):** A rear yard setback variance to 14 feet instead of 20 feet as required for a proposed screen porch.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1570-41-4647

LOT AREA:

- 11,193 square feet (.25 acres) (per city records)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

VOTING DISTRICT:

- District 9

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Single-family (built in 1980)
- R-7.5(SD) (Residential District) (Shore Drive Overlay)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-7.5 (SD) (Shore Drive Overlay)
- South: Residential (single-family), R-7.5 (SD) (Shore Drive Overlay)
- East: Residential (single-family), R-7.5 (SD) (Shore Drive Overlay)
- West: Residential (single-family), R-7.5 (SD) (Shore Drive Overlay)

EXISTING CONDITIONS:

- Dwelling: 31.1 feet from front property line (west)
- Dwelling: 5.8 feet from side property line (north)
- Dwelling: Greater than 10 feet from side property line (southwest)
- Dwelling: 14.4 feet from rear property line rear (east)

EXTENT OF PROJECT:

Expand existing screen porch (variance requested)

Proposed expansion of the existing screen porch located in the required rear yard.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1978 (map book 128 at page 27).

The subject parcel is an interior lot situated along the Bayview Avenue cul-de-sac turnaround, with the property line abutting Bayview Avenue defined as the front.

The subject parcel meets the minimum required lot area of 7,500 square feet and the minimum required lot width of 75 feet.

The applicant is requesting a variance to encroach into the required rear yard in order to expand an existing screen porch. The proposed expansion will not encroach any further into the required rear yard than the existing screen porch.

It must be underscored that when the subject home was constructed in 1980, when the required rear yard width was only 10 feet. Then, in 1988, the required rear yard width increased to 20 feet. Based on City records, it appears that the existing areas of the subject dwelling presently encroaching into the 20-foot rear yard are legally nonconforming in accordance with Section 15.2-2307 of the Code of Virginia.

KEY CONSIDERATIONS:

- While admittedly debatable, the strict application of the ordinance would unreasonably restrict the utilization of the property since the proposed screen room would not encroach any further into the required rear yard than the existing legally nonconforming screen room.

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

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

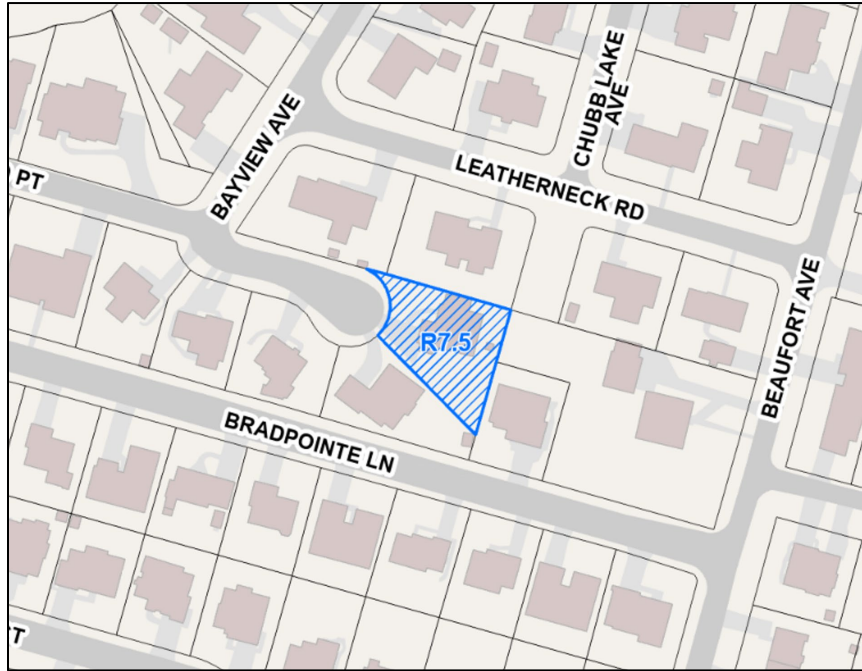
APPLICANT STATED HARDSHIP:

“The existing older home is a modestly sized one (1) story dwelling a portion of which encroaches to a 14.4 foot rear yard setback, as does a 43.4 foot long deck, a 13.8’ x 12.1’ portion of which is improved with a screened in porch and deck above. The requested expansion is in line with and fills in the space between the enclosed portion of the home which is setback 14.4’ from the rear property line and the long existing screened in porch with deck above, and does not decrease the existing setback. The proposed roof with no second floor deck will be a significant aesthetic improvement and the granting of the variance conditioned on the proposed improvements will not be at all detrimental to any adjacent properties, and will in fact be a substantial improvement to the appearance of the property and the character of this dwelling in this District. Based upon the existing dwelling’s location on the property, the granting of the variance as requested and conditioned is in harmony with the intended spirit and purpose of the Ordinance.”

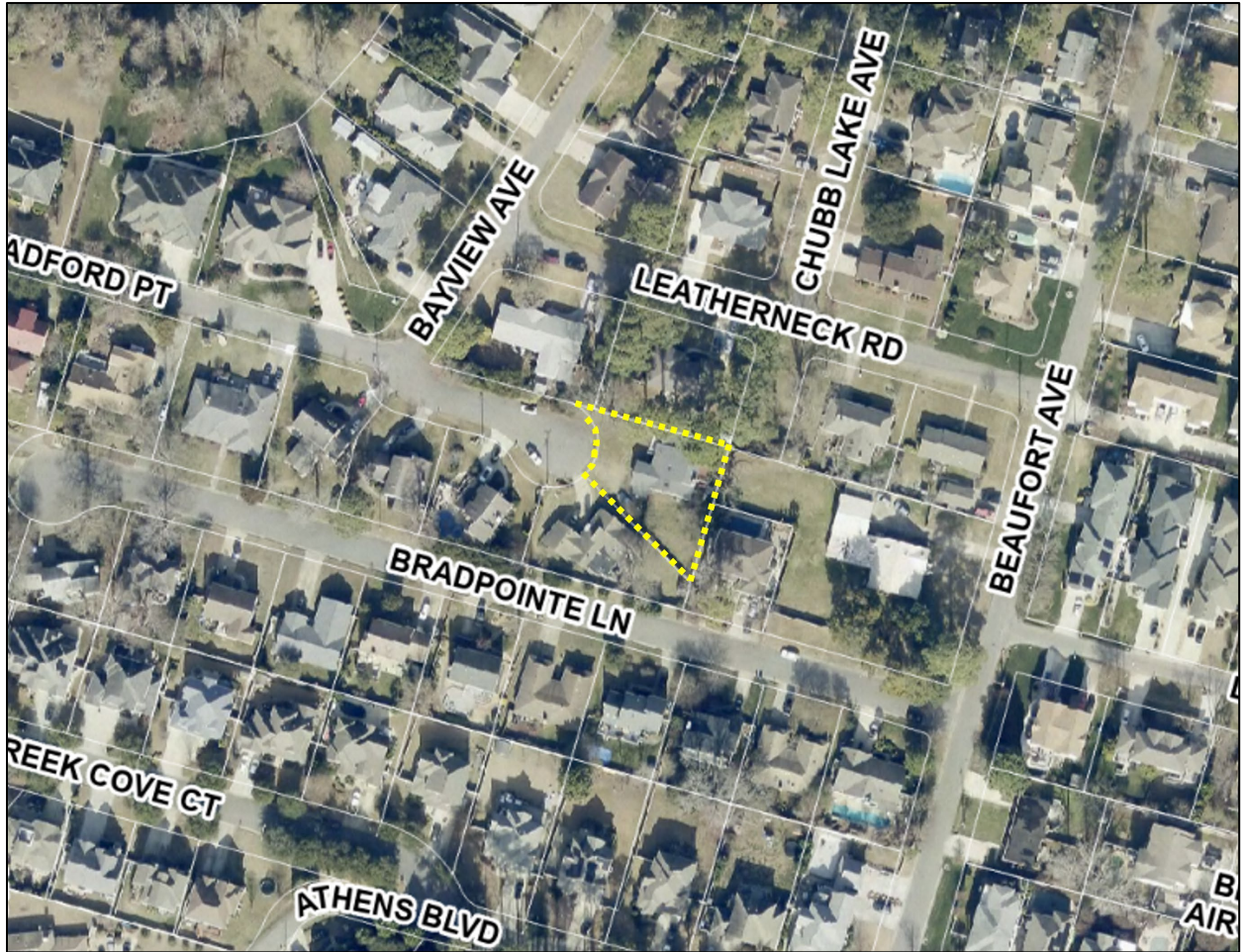
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Lot 1, Subdivision of Portion of Lot 26, Section M, Chesapeake Park," dated March 5, 2026, and prepared by DKT Land Surveyors (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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 AI generated untitled and undated rendering (shown as *AI Generated Rendering* 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. Future enclosure of the subject screen porch into a sunroom, or similar, is permitted without returning to the Board of Zoning Appeals for a modification of this approval; however, such conversion must remain within the footprint of the screen porch as shown in the *Site Plan (Exhibit A)* section of this report. In addition, such conversion allowance does not include a second story room addition or second story deck/balcony/porch. The Zoning Administrator shall have the right to determine conformance with the condition.
4. 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.
5. 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.
6. 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.

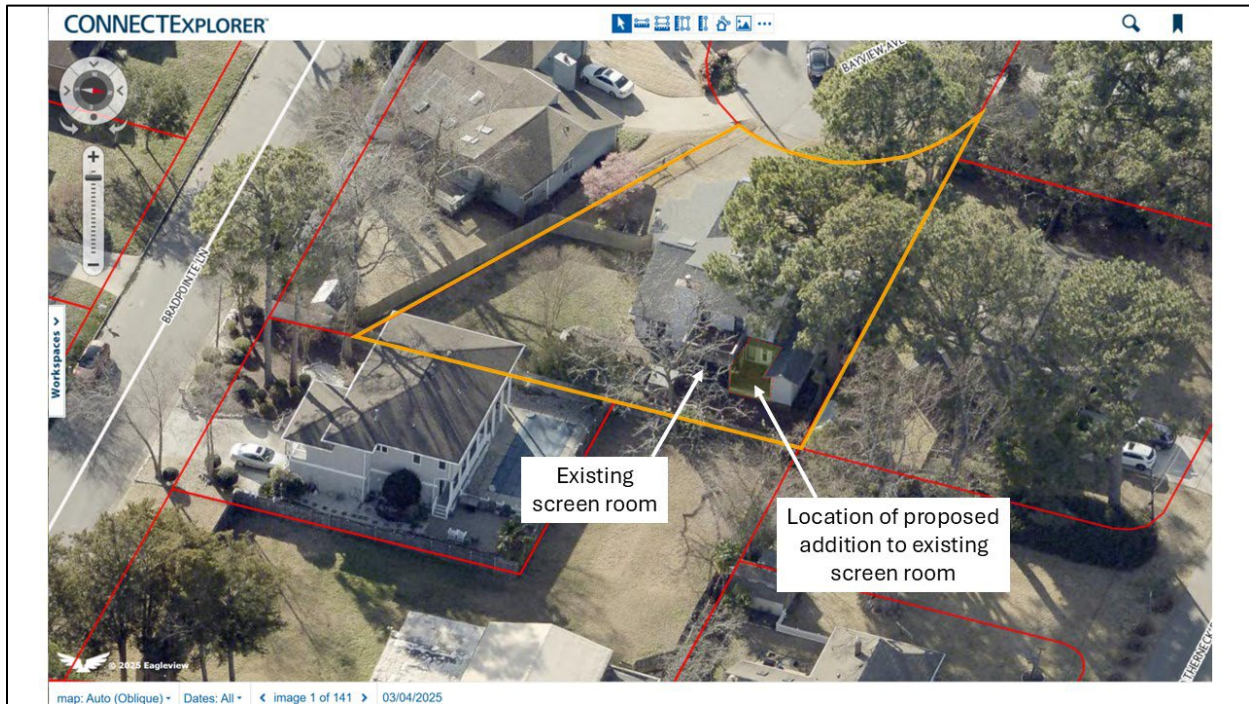
LOCATION MAPS:



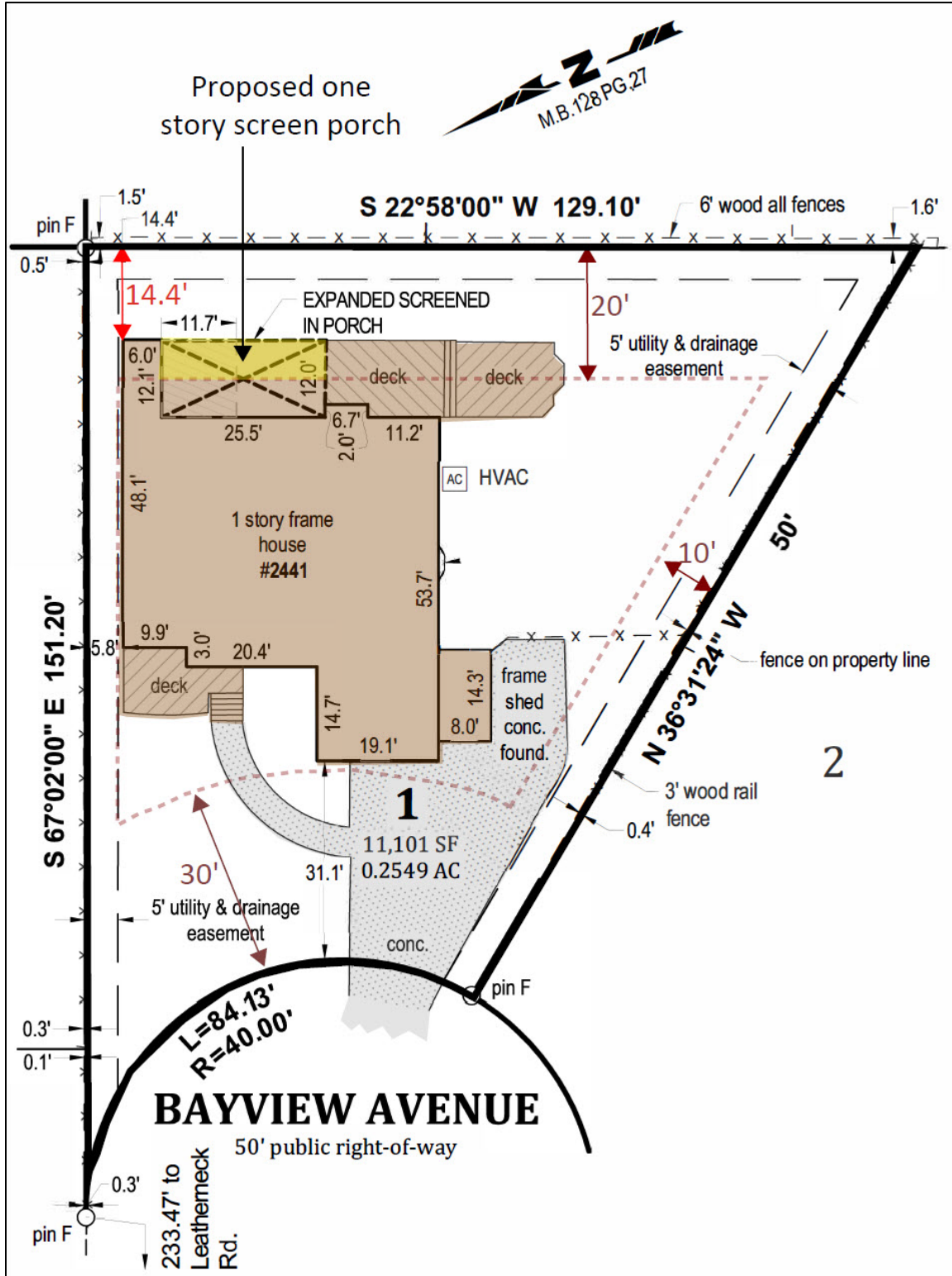
AERIAL:



AERIAL (DETAIL):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:




AI GENERATED RENDERING:



2441 Bayview Ave. - DeCrescenzo

3/31/2026

DISCLOSURE STATEMENT:



CITY OF
**VIRGINIA
BEACH**

**Disclosure
Statement**

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SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: as listed on application Daniel A. & Kelsey E. DeCrescenzo

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.)

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"/>	Atlantic Bay Mortgage Group, LLC
Real Estate Broker/Agent/Realtor	<input type="radio"/>	<input checked="" type="radio"/>	

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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"/>	Mark Walker, AIA
Construction Contractor	<input type="radio"/>	<input checked="" type="radio"/>	
Engineer/Surveyor/Agent	<input checked="" type="radio"/>	<input type="radio"/>	Dennis K. Taflambas, DKT Associates
Legal Services	<input checked="" type="radio"/>	<input type="radio"/>	R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.

APPLICANT CERTIFICATION

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

Daniel A./Kelsey E. DeCrescenzo *Daniel DeCrescenzo* 03/05/2026
Daniel DeCrescenzo (Mar 5, 2026 13:21:32 EST)
 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): 05.12.2026

Wilissa Blair-Miller *Wilissa Blair-Miller* 05.1202026
 Staff Name (Print) Staff Signature Date

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CASE: 2026-BZA-00034 - Birds Nest LLC.
HEARING DATE: June 3, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

111 61st Street

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yard and minimum building separation distance for a proposed screen porch.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 5, Section 502(b1) and Article 5, Section 506 of the City Zoning Ordinance:

1. **SIDE YARD (EAST):** A side yard setback variance to 6 feet instead of 10 feet as required for a screen porch.
2. **BUILDING SEPARATION:** A variance to permit 11 feet between single-family dwellings on the same lot instead of 16 feet as required.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2419-72-8192

LOT AREA:

- 8,250 square feet (.18 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) and 0.2% (area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods)

VOTING DISTRICT:

- District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

None found

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

- Two Single-family Dwellings (both built in 1925) (both dwellings are owned by the applicant)
- 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, it appears such recommendations will be met.

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-5R(NE)
- South: Residential (single-family), R-5R(NE)
- East: Residential (two single-family dwellings on one lot), R-5R(NE)
- West: Residential (single-family), R-5R(NE)

EXISTING CONDITIONS (SINGLE-FAMILY DWELLING #1, AS SHOWN ON EXHIBIT A):

- Dwelling: Greater than 20 feet from front property line (south)
- Dwelling: 16.7 feet from side property line (west)
- Dwelling: 5.1 feet from side property line (east)
- Dwelling: Greater than 20 feet from rear property line rear (west)

EXTENT OF PROJECT:

One story covered rear porch (variance requested)

Proposed rear porch located 6.9 feet from the side property line (east) instead of 10 feet as required.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1911 (map book 20 at page 30). Then, in 1932, the width and depth of the property was expanded by 5 feet and 150 feet respectively (i.e., 750 square feet added to the parcel - see deed book 219 at page 440 for details).

The subject property is situated roughly mid-block between Atlantic Avenue and Ocean Front Avenue along 61st Street. It is an interior parcel, with the property line abutting 61st street defined as the front of the lot.

The subject property does not meet the current minimum required lot area of 10,000 square feet, nor does it meet the current minimum lot width of 75 feet. Instead, the lot area is 8,250 square feet and the lot width is 55 feet. Nevertheless, due to the age of the parcel, these lot area and width deficiencies are legally non-conforming.

The applicant is requesting a variance to encroach into the required side yard (east) and to reduce the required building separation between the two single-family homes located on the site. This request was submitted to accommodate a proposed screen porch. For additional clarity, the applicant would like variances to a 6-foot side yard setback (east) instead of 10 feet as required, and to allow a building separation of 11 feet instead of 16 feet as required, for the construction of a one-story screen porch.

Currently, the subject dwelling, which is a century old, encroaches into the 10-foot required eastern side yard. Such encroachment is likely due to the age of the structure, which was built before setbacks from property lines were required. Additionally, it seems that appropriate City taxes have been paid associated with subject building for over 15 years. As a result, such side yard encroachment seems to be legally nonconforming in accordance with Section 15.2-2307 of the Code of Virginia.

It should be underscored that the requirement for a 16-foot building separation between the two on-site homes is somewhat new, at least when compared to the age of the subject buildings. In fact, such mandate did not exist until November 17, 2015, which is when the zoning ordinance was amended to allow two single-family homes on one R-5R(NE) lot. Moreover, it should also be recognized that the smaller of the two homes on the subject property was originally created as a garage apartment in 1925, which as noted, was well before any zoning regulations existed in the City. Such accessory garage apartments were common uses in the North End community for decades; however, the 2015 ordinance amendment blurred the lines between accessory garage apartment uses and single-family home uses. As a result, most garage apartments in the North End Overlay District are now viewed by the Zoning Administration as single-family dwellings, which adds building separation requirements to all applicable properties.

KEY CONSIDERATIONS:

- The strict application of the ordinance appears to unreasonably restrict the utilization of the property since the proposed covered rear porch will not encroach any further into the required side yard than the building already does.
- The legally nonconforming lot is substandard to both area and width, which is certainly a hardship not created by the applicant.

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

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

APPLICANT STATED HARDSHIP:

“The existing primary home and garage apartment were constructed long before Princess Anne County first adopted any zoning at the end of 1953 and they have been wonderfully maintained. Not surprisingly, there are existing non-conformities to the subsequently imposed west side and rear yard setbacks (garage apartment) and the east side setback primary dwelling).

The proposed improvements are relatively minor in nature and the resulting lot coverage (26%) and impervious surface (52%) support that characterization. The proposed enclosed/screened porch maintains the existing east side setback of the home at 6.9 feet. The 16 foot minimum separation distance between two (2) dwellings on a single lot under the North End Overlay adopted approximately 91 years after the two (2) existing structures on the subject property were originally built, was created as an alternative to building duplexes which, at the time the overlay was adopted (November/2015) constituted over 50% of the developments on lots at the North End. The regulations were crafted with the expectation that the two (2) unattached dwellings would be of comparable size, similar occupancy, and as governed by Condominium Declarations owned by separate parties. The family’s usage of the two (2) structures on the subject property, along with their sizes and character are simply not the same animal, and consequently the 16 foot separation distance between dwelling units adopted with the Overlay District in 2015 creates an undue hardship on the subject property as it was developed in 1924.

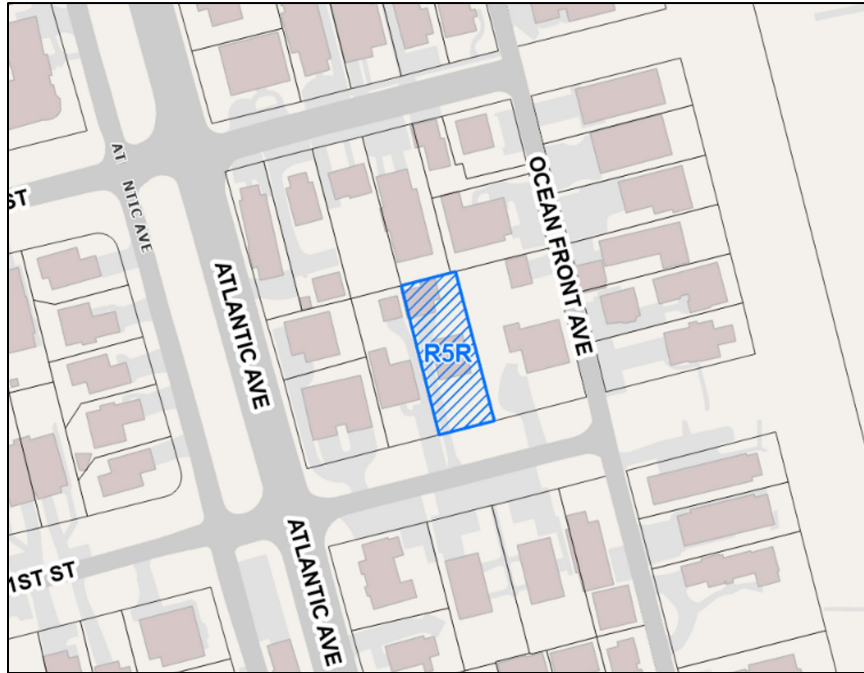
The granting of the requested variances will not be detrimental to any neighboring property nor will it be out of character with much of the development in the North End and to the degree that it varies from most of the development and redevelopment that has taken place in the past half century of this continued renovating and upgrading of old homes dating back to the 1920’s, 30’s and 40’s actually preserves and enhances the diverse architectural character of the North End to the benefit of the community.”

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 9 and the Western 5 feet of Lot 8, Block 6, New Virginia Beach Corp.,” dated March 27, 2026/March 31, 2026, and prepared by WPL Landscape Architecture, Surveying, and Engineering (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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 titled, “Renovations to the Birdsong Residence,” dated January 26, 2026, and prepared by Covington, Hendrix, Anderson, Architecture (shown as *Renderings* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall grant the Zoning Administrator the right to interpret substantial conformance with the Board approved 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 subject Lots (i.e., Lots 9 and the western 5 feet of Lot 8, Block 6) shall be resubdivided through the vacation of the existing property boundary presently separating existing Lot 9 from existing western 5 feet of Lot 8. This ‘interior’ lot line vacation shall be completed and properly recorded with the City of Virginia Beach Land Records Office prior to the final inspection of any building permits issued for the subject improvements, or six months from this Board action, whichever occurs first. The applicant may request additional time to satisfy this condition. If additional time is needed, the applicant may submit a written request to the City Zoning Administrator, who shall be authorized to grant an extension.
4. Future enclosure of the subject porch is permitted without returning to the Board of Zoning Appeals for a modification of this approval; however, such enclosure must remain within the footprint of the subject porch shown in the *Site Plan (Exhibit A)* section of this report and must meet all other requirements of the City Zoning Ordinance, which includes, but is not limited to, floor area maximums. In addition, such enclosure allowance does not include a second story room addition or second story deck/balcony/porch above the subject one-story rear porch. The Zoning Administrator shall have the right to determine conformance with this condition.

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.

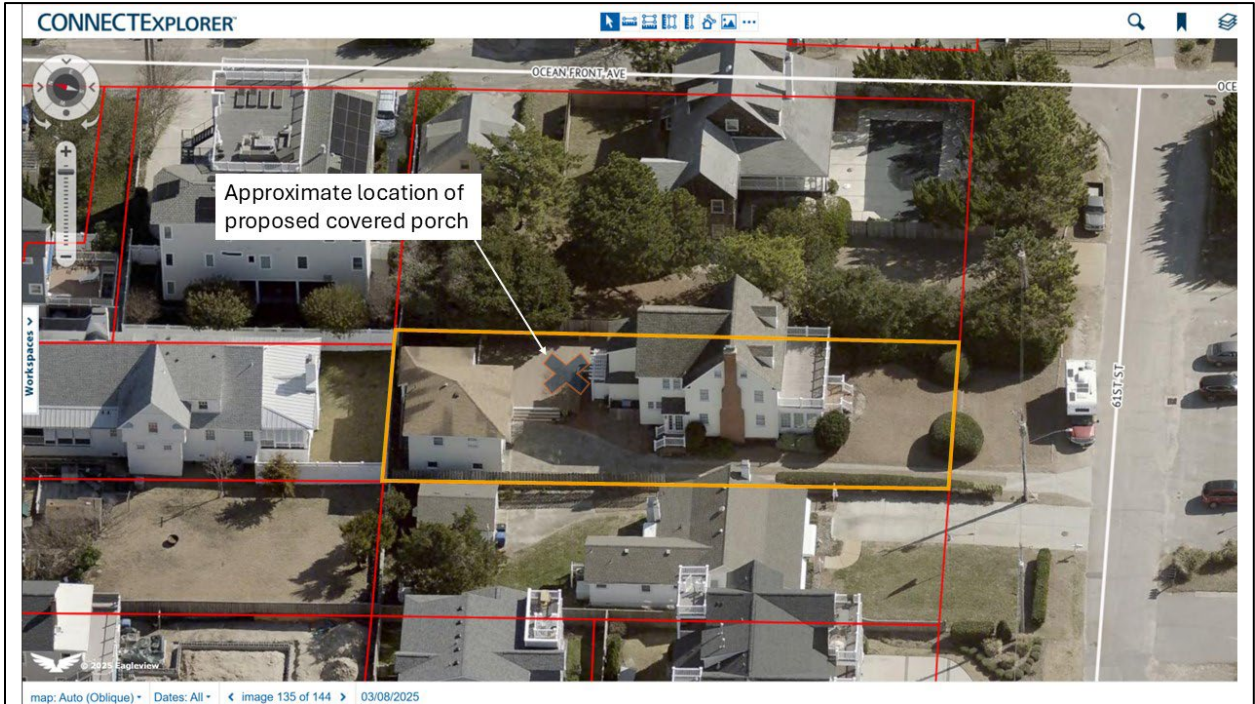
LOCATION MAPS:



AERIAL:



AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):

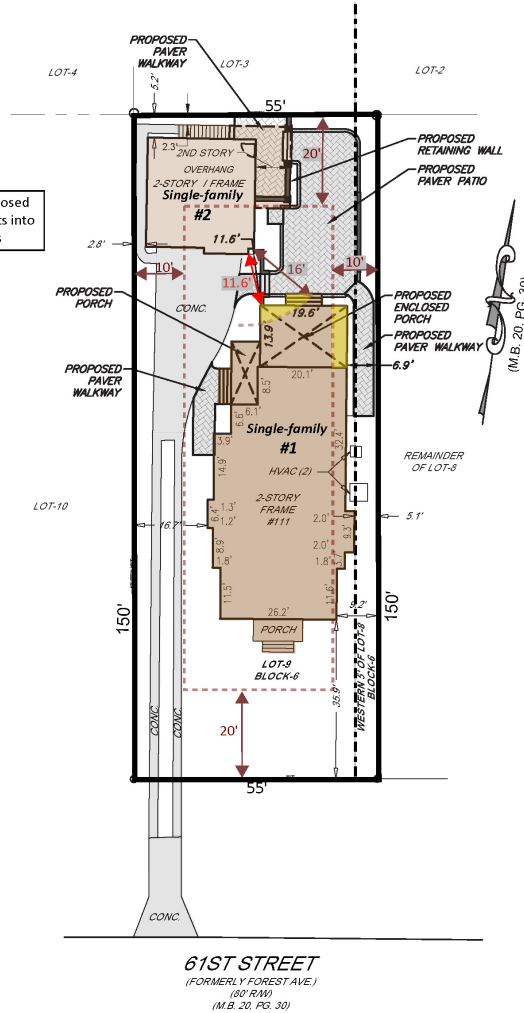
SITE DATA

1. CBN: 8418-72-8192
2. ZONING: R-5R(NE)
3. LOT AREA: 8,250 SQ. FT. OR 0.189 ACRES
4. IMPERVIOUS AREA: ALLOWABLE: 4,950 SQ. FT. (60%)
POST DEVELOPMENT: 4,290 SQ. FT. (52%)
5. LOT COVERAGE: ALLOWABLE: 2,888 SQ. FT. (35%)
POST DEVELOPMENT: 2,193 SQ. FT. (26%)


THE EXISTING SURVEY CONDITIONS WERE COMPLETED UNDER THE DIRECT AND RESPONSIBLE CHARGE OF MICHAEL S. GADDY, LAND SURVEYOR, FROM AN ACTUAL GROUND SURVEY MADE UNDER HIS SUPERVISION; THE METADATA AND/OR ORIGINAL DATA WAS OBTAINED ON FEBRUARY 9, 2018 AND THIS PLAT, MAP, OR DIGITAL GEOSPATIAL DATA INCLUDING METADATA MEETS MINIMUM ACCURACY STANDARDS UNLESS OTHERWISE NOTED.

■ = Area of proposed encroachments into required yards

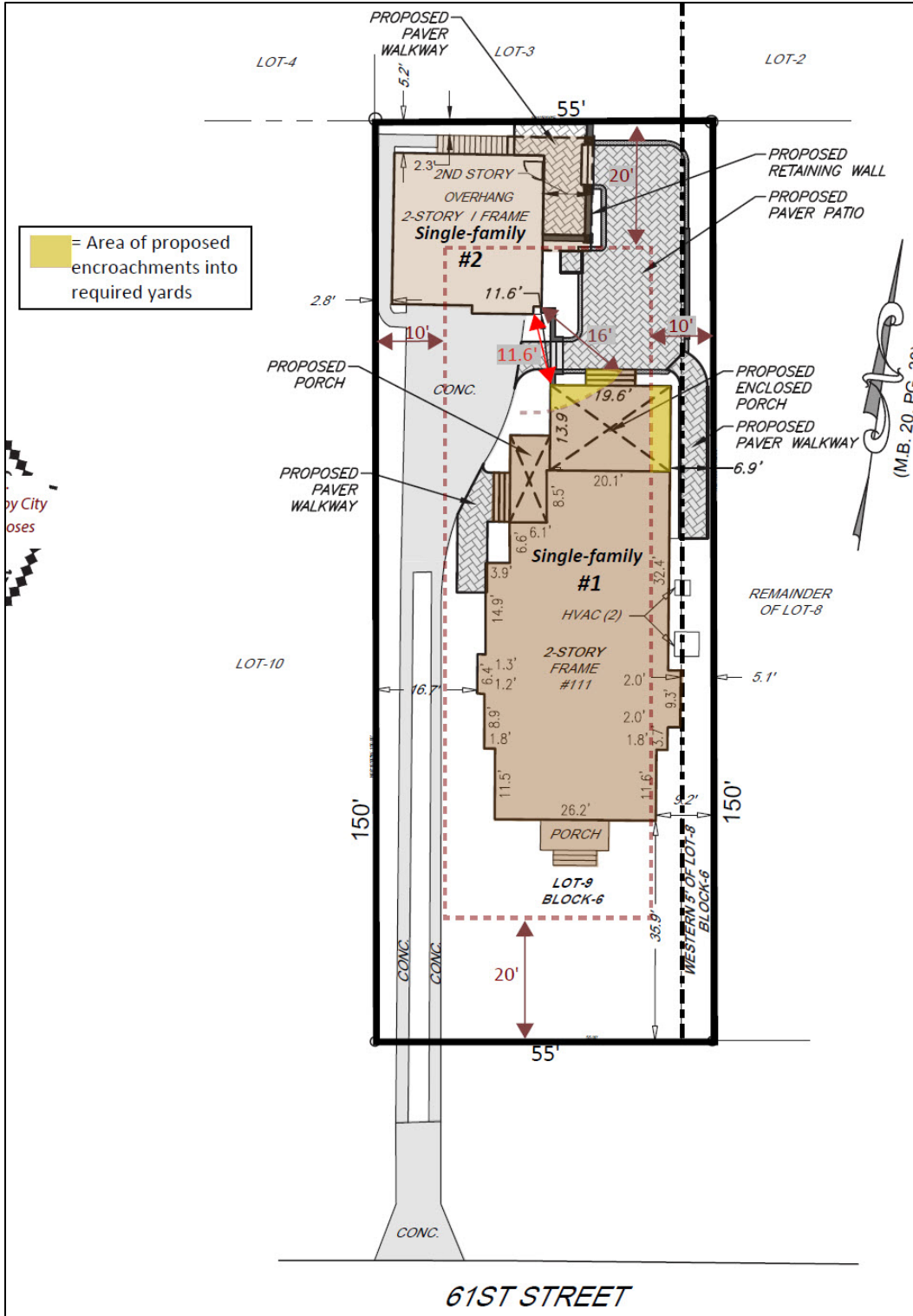
WPL SIGNED BY



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. 5155310083G 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 PLAT DOES NOT INTEND TO REPRESENT A SUBDIVISION OF LAND.

 <p>Landscape Architecture Land Surveying 757-431-1041 Civil Engineering wplsite.com 242 MUSTANG TRAIL, SUITE 8 VIRGINIA BEACH, VIRGINIA 23462</p>	<p>SCALE: 1" = 20'</p>	<p>BZA EXHIBIT OF LOT 9 & THE WESTERN 5' OF LOT 8, BLOCK 6 NEW VIRGINIA BEACH CORP PRINCESS ANNE COUNTY PLAT RECORDED IN MAP BOOK 20, PAGE 30, IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH, VIRGINIA VIRGINIA BEACH, VIRGINIA EXCLUSIVELY FOR BIRDSONG RESIDENCE</p>
	<p>CAD/chk: BKM/eaq</p>	<p>CITY OF VIRGINIA BEACH, VIRGINIA</p>

SITE PLAN DETAIL (EXHIBIT A):



RENDERINGS:



1 3D VIEW 1 - EXISTING



2 3D VIEW 2 - EXISTING



3 3D VIEW 1 - NEW WORK



4 3D VIEW 2 - NEW WORK

RENOVATIONS TO THE
BIRDSONG RESIDENCE
 111 8 ST STREET, VIRGINIA BEACH, VA



ONE PROJECT 3000
 SHEET DATE 01-24-2021
 REVISION NO. DATE

3D VIEWS

A8.0

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: Birds Nest, LLC, a Virginia limited liability company
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.)

Harvard R. Birdsong, II, Manager; Zachary D. Crowe, Member

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 checked="" type="radio"/>	<input type="radio"/>	P.B. Mares
Architect/Designer/Landscape Architect/Land Planner	<input checked="" type="radio"/>	<input type="radio"/>	Covington Hendrix Anderson
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., Esq., Sykes,

APPLICANT CERTIFICATION

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

Harvard R. Birdsong, II, Manager

Applicant Name (Print)

Harvard R. Birdsong, II
Applicant Signature

3/21/2026
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): 05.12.2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

05.12.2026

Date

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