



CITY OF
**VIRGINIA
BEACH**

Board of Zoning Appeals October 7, 2026

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

City Staff:

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

A Board of Zoning Appeals public hearing is scheduled for 2:00 p.m. **Wednesday, October 7, 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-00074 (VARIANCE REQUEST)**
Applicants: Vickie and Craig Moore (*property owners*)
Representatives: Vickie and/or Craig Moore (*property owners*)
Address: 1100 Voss Court
Request: Variance to the rear yard setback and to waive the required Category I landscaping for a proposed privacy fence.
- **CASE 2026-BZA-00075 (VARIANCE REQUEST)**
Applicants: Charles J. Jr. and Emily Osier (*property owners*)
Representative: Foster Matter (*agent for property owners*)
Address: 940 Royal Oak Close
Request: Variance to the required yard for a proposed building addition.
- **CASE 2026-BZA-00076 (VARIANCE REQUEST)**
Applicant: Cher E. Wynkoop (*property owner*)
Representative: Cher E. Wynkoop (*property owner*)
Address: 1559 Quail Point Road
Request: Variance to the required yard for a proposed building addition.
- **CASE 2026-BZA-00078 (VARIANCE REQUEST)**
Applicant: Wessell Living Trust (*property owner*)
Representative: Robert Simon (*agent for owner*)
Address: 812 S Spigel Drive
Request: Variances to the required yards for a proposed private pier/dock.

- **CASE 2026-BZA-00080 (VARIANCE REQUEST)**

Applicant: Clifford C Collings III Revocable Living Trust (*property owner*)

Representative: R. Edward Bourdon, Jr. Esq. (*attorney*)

Address: 2628 W Chubb Lake Avenue

Request: Variances to the required yards and permanent body of water for proposed building additions (deck reconstruction).

- **CASE 2026-BZA-00081 (VARIANCE REQUEST)**

Applicants: Aaron and Cheryl Filippini (*property owners*)

Representative: R. Edward Bourdon, Jr. Esq. (*attorney*)

Address: 2632 Pulaski Loop

Request: Variance to the required yard for a proposed inground swimming pool.

- **CASE 2026-BZA-00082 (VARIANCE REQUEST)**

Applicants: Thomas J. Decker, III and Jonathan P. Decker (*property owners*)

Representative: R. Edward Bourdon, Jr. Esq. (*attorney*)

Address: 113 43rd Street

Request: Variances to the required yards for a proposed accessory building with outdoor shower, generator, and inground swimming pool with associated equipment; and to modify the conditions of a variance granted on June 20, 2007.

- **CASE 2026-BZA-00083 (VARIANCE REQUEST)**

Applicant: 1309 Taylors Point Road, LLC. (*property owner*)

Representative: Billy Garrington (*agent for property owners*)

Address: 1309 Taylors Point Road

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

- **CASE 2026-BZA-00084 (VARIANCE REQUEST)**

Applicants: Michael and Kristan Winslow (*property owners*)

Representative: Jared Phipps (*agent for property owner*)

Address: 525 Gleneagle Drive

Request: Variance to the required yard for a proposed building addition.

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CASE: 2026-BZA-00074 - Vickie and Craig Moore

HEARING DATE: October 7, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1100 Voss Court

REPRESENTATIVE(S):

Vickie and/or Craig Moore

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the rear yard setback and to waive the required Category I landscaping for a proposed privacy fence.

VARIANCE REQUEST(S) (DETAILED):

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

1. **REAR YARD (SOUTHEAST):** A variable rear yard setback variance between 1.5 feet and 2 feet instead of a constant 5 feet as required for a proposed 6-foot-tall privacy fence.
2. **CATEGORY I LANDSCAPING:** Request to waive the category I landscape requirements for fencing within 10 feet of a City right-of-way.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2415-42-0956

LOT AREA:

- 5,888 square feet (.13 acres) (per physical survey)

AICUZ:

- Greater than 75 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Not applicable

VOTING DISTRICT:

- District X

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)
- PD-H1 (Planned Development, Dam Neck Estates Land Use Plan)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), PD-H1 (Dam Neck Estates Land Use Plan)
- South: Residential (single-family), PD-H1 (Dam Neck Estates Land Use Plan)
- East: Highway (General Booth Blvd.), Businesses (restaurant and retail), B-2
- West: Residential (single-family), PD-H1 (Dam Neck Estates Land Use Plan)

EXISTING CONDITIONS:

- According to *Connect Explorer* satellite imagery, a privacy fence appears to have been installed in the required setback behind the home, and without the necessary City permit, sometime between February 21, 2013, and January 19, 2015.

EXTENT OF PROJECT:

Privacy fence replacement (variance requested)

Proposed new privacy fence located within the required 5-foot setback adjacent to the General Booth Boulevard right-of-way.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1983 (map book 173 at page 57).

The subject parcel is a through lot, with the primary front property line abutting Voss Court and the secondary front property line abutting General Booth Boulevard.

The subject parcel meets the minimum overall required lot area, width, and frontage, in accordance with the City Council approved land use plan for Dam Neck Estates.

The applicant is requesting a variance to allow a proposed replacement privacy fence to be installed within the required 5-foot setback adjacent to the General Booth Boulevard right-of-way. In addition, the applicant is also requesting to waive the required Category I landscape screening.

In 1988, City Council adopted a text amendment to the fencing regulations found in the City Zoning Ordinance. This amendment ended the previous allowance permitting privacy fences to be placed directly on a secondary front property line associated with through lots. The amendment required all new fencing on such secondary front property lines to be set back no less than 5 feet from the property boundary abutting a City right-of-way, while also requiring landscape screening on the street side of the fence.

According to *Connect Explorer* satellite imagery, a new privacy fence appears to have been installed on the subject property sometime between February 21, 2013, and January 19, 2015. Moreover, such fence was placed without the necessary City permit and within the required 5-foot setback. According to City records, the subject applicant did not own the home at the time such fence was erected.

It is City staff's understanding from the applicant that installation of a replacement fence in compliance with the City Zoning Ordinance is challenging due to the current location of an electric transformer box and an underground electric conduit/cable. According to the applicant, the electric transformer equipment box contains a label letting the reader know that 10 feet of clearance in front of the access panel is required. Additionally, the applicant advised that an underground electric cable sits roughly 4 feet from the General Booth Boulevard right-of-way line, which places it within the appropriate utility easement.

City staff certainly understand the applicant's hesitation to dig post holes near an electric cable conduit. Nevertheless, professional fence installation companies are experts at such matters, and City staff feel confident that a professional fence company could safely hand dig post holes in accordance with the *Underground Utility Damage and Prevention Act* found in Title 56, Chapter 10.3 of the Code of Virginia.¹

City staff also understand the applicant's concern pertaining to the required clearances associated with the electric equipment box located in the subject yard. Based on information provided by the applicant, and independent staff research, it appears Dominion Virginia Power requires 10 feet of clearance at the doors of such equipment boxes and 3 feet of clearance around the remainder of the box.²

NOTES:

1. Title 56, Chapter 10.3 of the Code of Virginia states, "Any person excavating within two feet on either side of the staked or marked location of an operator's underground utility line or demolishing in such proximity to an underground utility line that the utility line may be destroyed, damaged, dislocated or disturbed shall take all reasonable steps necessary to properly protect, support and backfill underground utility lines. For excavations not parallel to an existing underground utility line, such steps shall include, but may not be limited to: 1. Exposing the underground utility line to its extremities by hand digging; 2. Not utilizing mechanized equipment within two feet of the extremities of all exposed utility lines; and, 3. Protecting the exposed utility lines from damage. In addition, for excavations parallel to an existing utility line, such steps shall include, but may not be limited to, hand digging at reasonable distances along the line of excavation. The excavator shall exercise due care at all times to protect underground utility lines when exposing these lines by hand digging."

2. As per the 2013 Dominion Virginia Power agreement template titled, *Dominion Conduit Specification*, page 13. Link [here](#).

KEY CONSIDERATIONS:

- The need for the variance does not seem to be generally shared by other properties.
- The granting of the variance would arguably alleviate a hardship due to the improvements on the property, namely the electric box, which requires specific clearances around its perimeter.

APPLICANT STATED HARDSHIP:

"The hardship in this case arises from unique physical conditions existing on the subject property that are not generally applicable to other properties in the area.

Specifically, the rear portion of the property is constrained by the presence of existing underground electrical infrastructure and a pad-mounted transformer, along with associated utility clearance requirements. These conditions effectively restrict the area in which a replacement privacy fence may be constructed while still complying with the required five (5) foot rear yard setback.

Strict application of the five-foot setback requirement would result in the need to relocate the fence significantly farther into the usable rear yard in order to maintain required utility clearances, resulting in a disproportionate loss of functional yard area and creating an irregular and impractical fence alignment relative to existing site conditions.

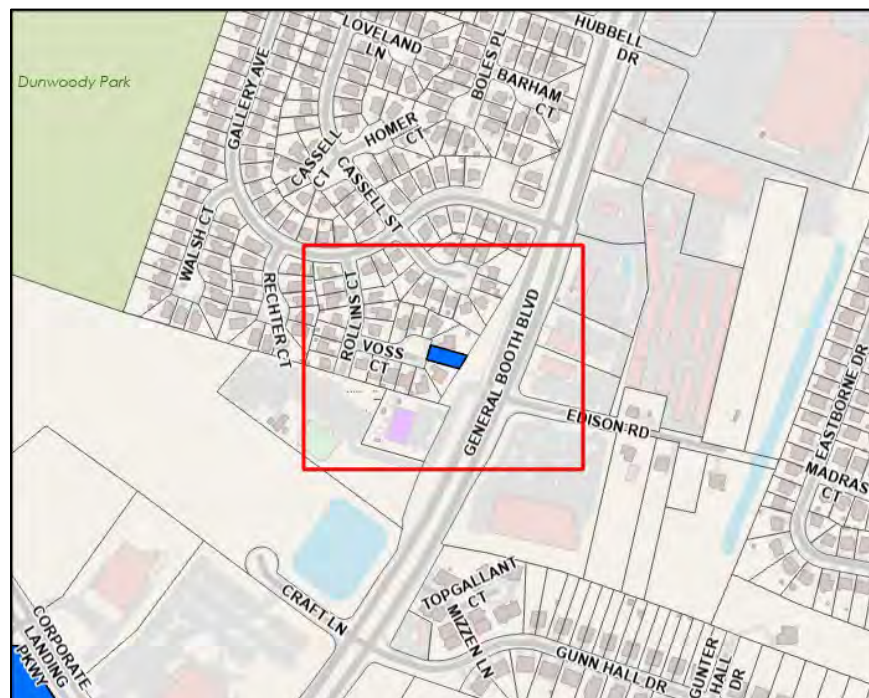
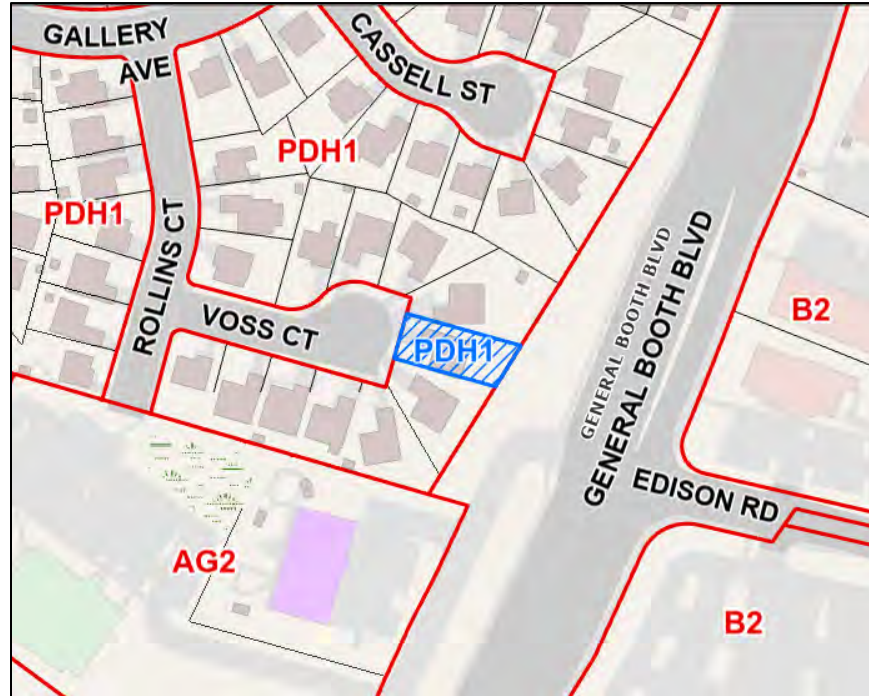
The requested variance to allow a reduced two (2) foot setback represents the minimum relief necessary to accommodate these existing physical and utility constraints while allowing replacement of an existing lawful fence in substantially its current functional location.

The hardship is not self-created, as the utility infrastructure and associated clearance requirements are pre-existing physical conditions of the property. The proposed variance will not alter the residential character of the neighborhood or create any adverse impact to adjacent properties, as the fence will remain within the residential rear yard and continue to serve the same screening and security function as the existing fence."

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 31, Subdivision of Dam Neck Estates, Phase IV," dated May 6, 2026, and prepared by DKT Associates (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The subject fence shall be kept in good repair at all times or otherwise brought it into full compliance with the City Zoning Ordinance. For this condition, the Zoning Administrator is authorized to determine the meaning of 'good repair.'
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, or as amended, 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:



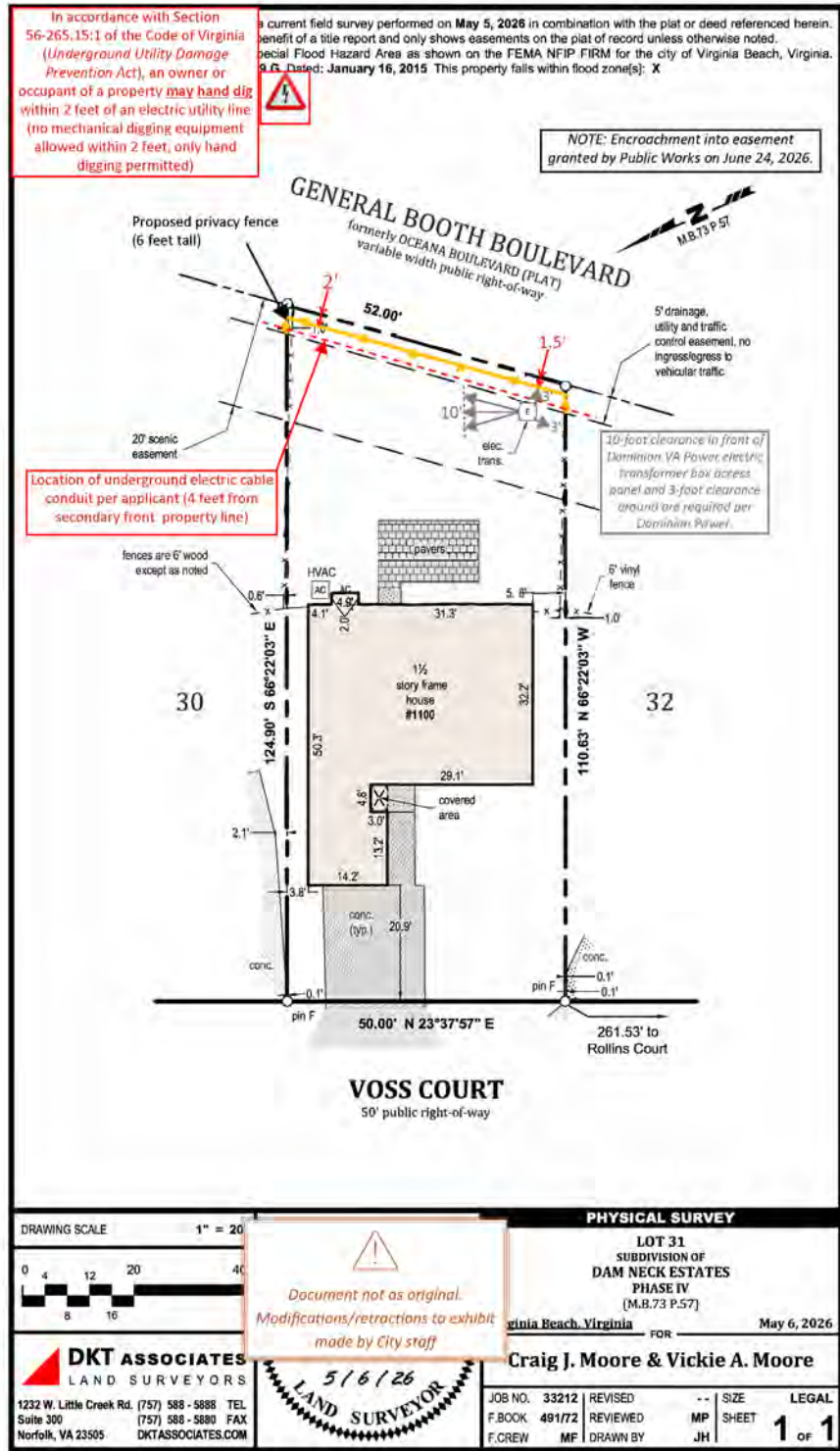
AERIAL:



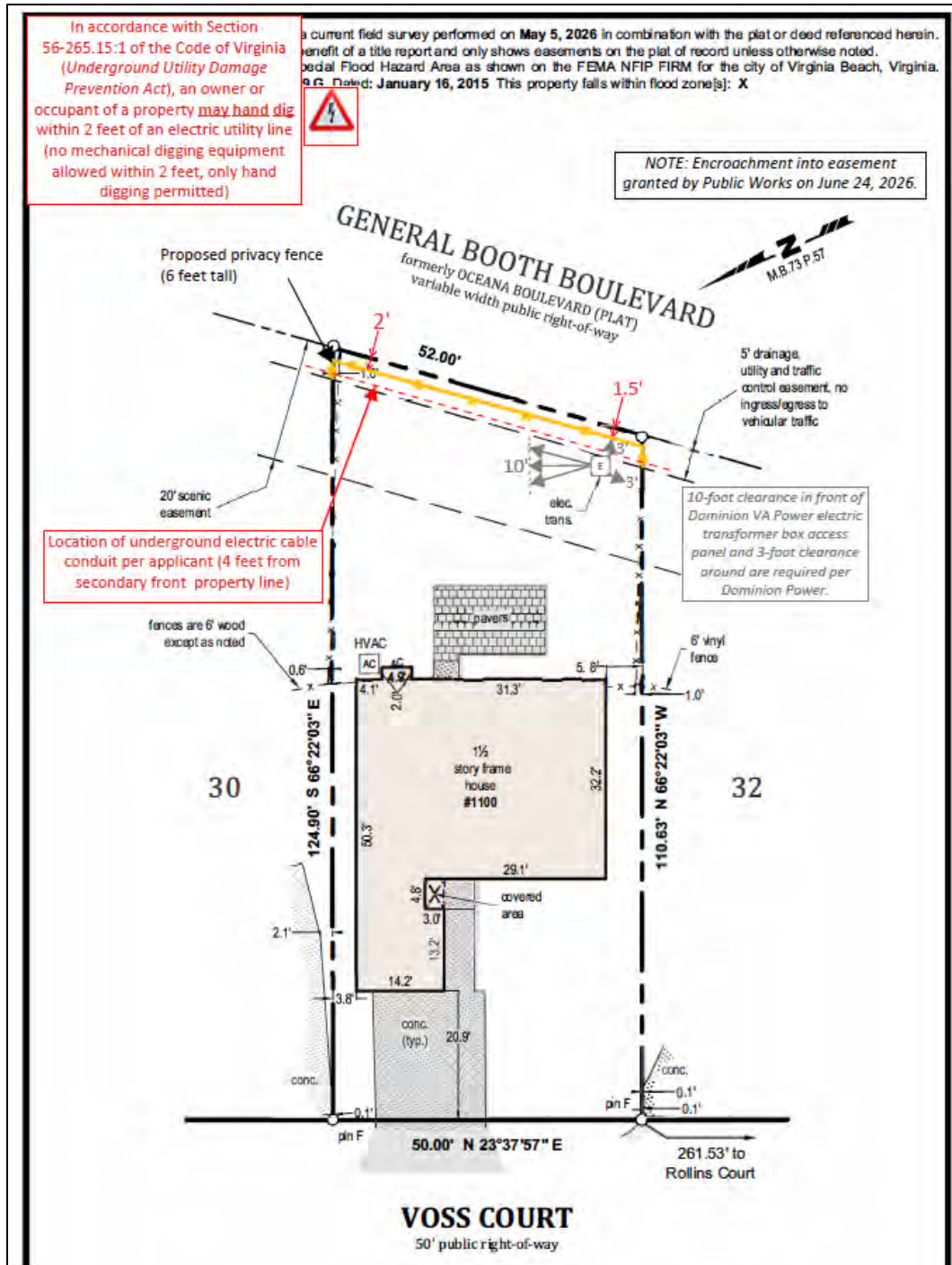
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	Disclosure Statement	
<i>The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.</i>			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: as listed on application <u>Craig Moore & Vickie Moore</u>			
Is Applicant also the Owner of the subject property? Yes ☒ No ☐			
<i>If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).</i>			
Does Applicant have a Representative? Yes ☐ No ☒			
<i>If yes, name Representative:</i> _____			
Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes ☐ No ☒			
<i>If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)</i>			
Does the subject property have a proposed or pending purchaser? Yes ☐ No ☒			
<i>If yes, name proposed or pending purchaser:</i> _____			
KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE			
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? Yes ☐ No ☒			
<i>If yes, name the official or employee, and describe the nature of their interest.</i>			
APPLICANT SERVICES DISCLOSURE			
READ: <i>The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)</i>			
SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☐	☒	
Real Estate Broker/Agent/Realtor	☐	☒	

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DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape Architect/Land Planner	☐	☒	
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☐	☒	
Legal Services	☐	☒	

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.

Craig J. Moore W.C. Moore 7/10/2026
Applicant Name (Print) Applicant Signature Date

¹ "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

FOR CITY USE ONLY:

No changes as of (date): 09.11.2026

Wilissa Blair-Miller Wilissa Blair-Miller 09.11.2026
Staff Name (Print) Staff Signature Date

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CASE: 2026-BZA-00075 - Charles J. Jr. and Emily Osier

HEARING DATE: October 7, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

940 Royal Oak Close

REPRESENTATIVE:

Foster Matter of Jessup Construction

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the required yard for a proposed building addition.

VARIANCE REQUEST(S) (DETAILED):

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

1. **SIDE YARD ADJACENT TO STREET (ROYAL OAK CLOSE - WEST):** A side corner yard setback variance to 26 feet instead of 30 feet as required for a building addition (one-story covered front porch).

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1498-07-1483

LOT AREA:

- 18,452 square feet (.42 acres) (per city records)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Not applicable.

VOTING DISTRICT:

- District 8

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- None found

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

- Single-family (built in 1983)
- R-20 (Residential District) (Open Space)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-20(OP) (Open Space)
- South: Residential (single-family), R-20(OP) (Open Space)
- East: Residential (single-family), R-20(OP) (Open Space)
- West: Residential (single-family), R-20(OP) (Open Space)

EXISTING CONDITIONS:

- Dwelling: 41.9 feet from front property line (north)
- Dwelling: 26 feet (+/-) from side corner property line (west)
- Dwelling: Greater than 15 feet from side property line (east)
- Dwelling: Greater than 20 feet from rear property line rear (south)

EXTENT OF PROJECT:

- Proposed one-story covered front porch located within the required side corner yard.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1981 (map book 152 at page 6).

The subject parcel is a corner lot situated at the intersection of Ulverston Quay and Royal Oak Close, with the parcel boundary along Ulverston Quay defined as the front.

The subject parcel does not meet the current minimum required lot area of 20,000 square feet or the minimum lot width of 110 feet for a corner lot in the subject zoning district; however, it does meet the minimum required street frontage of 88 feet.^{1, 2, & 3} Nevertheless, due to the age of the lot, the noted deficiencies are legally nonconforming.

The applicant is requesting a variance to encroach into the required side yard adjacent to Royal Oak Close with a proposed one-story covered porch measuring roughly 5.8 feet by 26.5 feet. The porch will be positioned at the main entryway into the home, also known as the front door. In this case, the front door of the home faces the zoning ordinance defined side yard adjacent to a street, with the side of the home facing the zoning ordinance defined front yard.² On March 12, 2009, City Council adopted a text amendment to the City Zoning Ordinance allowing by-right encroachments into required front yards with covered front porches not exceeding 6 feet wide by 6 feet deep, as long as they also sit at least 5 feet from the front property line. On November 10, 2009, City Council adopted additional regulations reducing the front yard setbacks associated with porches larger than 6 feet by 6 feet on lots zoned R-7.5, R-10, and R-15. While both text amendments provide by-right front porch setback relief in certain required front yards, Zoning Administration policy went a step further by allowing such relief to also apply in required side yards adjacent to streets when such porches are built at the front door of a home. In this instance, the proposed covered porch exceeds the 6-foot by 6-foot limitation, and the property is not located within a zoning district that allows for larger porch setback encroachments. As a result, the proposed covered porch positioned within the required side yard adjacent to Royal Oak Close may only be constructed if approved by the Board.

NOTES:

1. Lots abutting rights-of-way that are straight or where the radius of curvature is ninety (90) feet or more shall meet the following standards: (i) The width of the lot shall be determined by measuring across the rear of the required front yard; and, (ii) Each lot shall be configured so that the width of street frontage is at least equal in length to eighty (80) percent of the required minimum lot width.

2. 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."

3. The subject neighborhood was originally developed under a now repealed by-right open space subdivision zoning regulation. Such regulation allowed developers to reduce the dimensional requirements of each subdivided lot, and the improvements thereon, in exchange for a set amount of open space within the neighborhood. The open space was required to be located within the boundaries of certain development lots and dedicated by a deed of easement. City council repealed this by-right zoning open space subdivision regulation July 6, 2004.

KEY CONSIDERATIONS:

- The property line abutting Royal Oak Close is curvilinear, which bows inward toward the home and reduces the available yard depth. If it were straight, the subject variance would not be needed. Consequently, it seems that the granting of the variance would alleviate a hardship due to a physical condition relating to the property.
- The existing to be demolished legally nonconforming covered porch and steps encroach roughly 4 feet into the required side corner yard, which reflects the requested encroachment. As a result, it could be argued that the granting of the variance will not be of substantial detriment to adjacent property and nearby properties.

APPLICANT STATED HARDSHIP:

"We are requesting a reasonable deviation zoning variance to encroach into our side yard with a one-story covered front porch. This will allow us a welcoming porch with room to sit and enjoy the outdoors. We have several neighbors with front porches that allow them to enjoy their home and interact with passersby. Strict application of the zoning ordinance would unreasonably restrict our utilization of the property, which makes it a hardship by State Code definitions.

Our home was built in 1983 as part of the Middle Plantation development in Virginia Beach. Our original front porch is legally non-conforming with current zoning ordinance, which was established after our home was built. The porch sits on the visual front of our home, which is the side yard due to the corner location. The existing porch steps sit roughly 2 feet into the 30-foot-required side yard. To renovate the porch while meeting the aesthetic requirements of our civic league will require encroachment to allow for a traditional stairway. The dimensions of our proposed project are similar in size, style and character to other porches in the neighborhood.

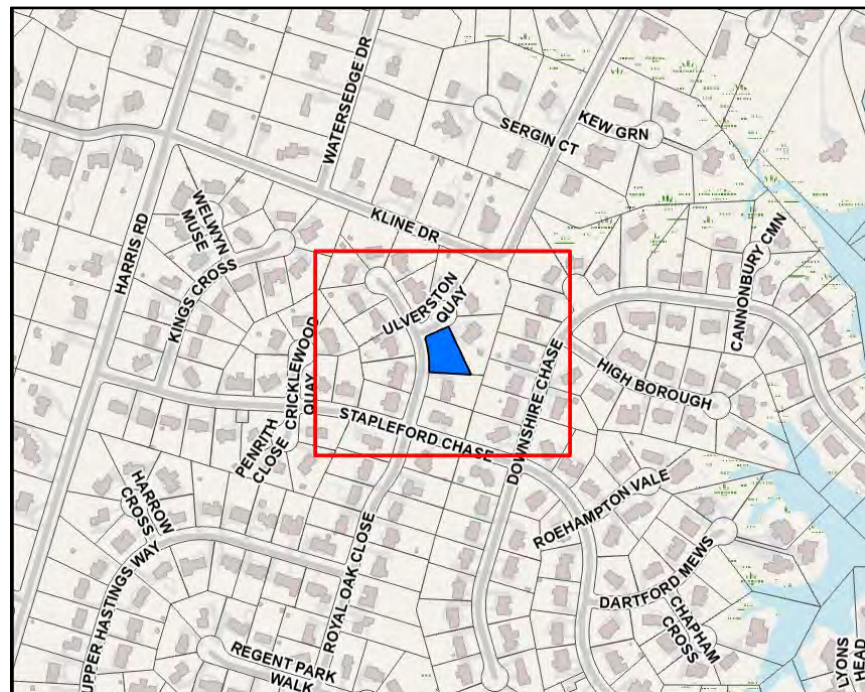
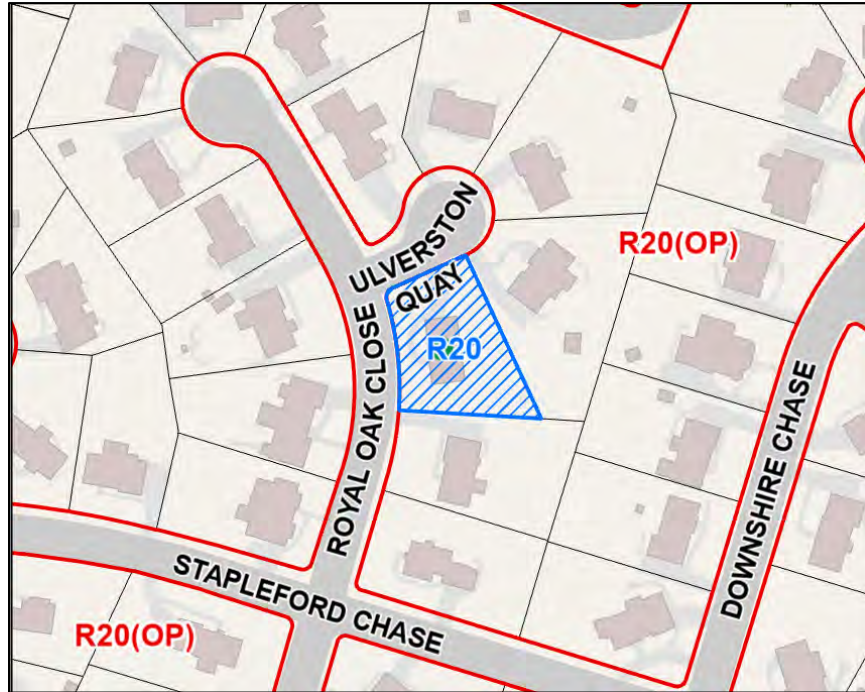
The need for this variance is not generally shared, as our lot is an unusual shape and located on a corner. The building of the porch will not be a detriment to other properties. The character of the district will not be changed by the granting of this variance. An updated porch will improve the aesthetics, functionality and value of our home and that of surrounding properties.

Thank you for reviewing our application for a variance, relating to a side-yard setback for our home."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “Physical Survey, Lot 39, Phase 5, Part 1, Middle Plantation,” dated June 30, 2026, and prepared by Bonifant Land Surveys, Inc. (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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 one-story covered porch shall not be enclosed and shall remain one-story. The Zoning Administrator shall have the right to determine conformance with this condition.
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, or as amended, 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:



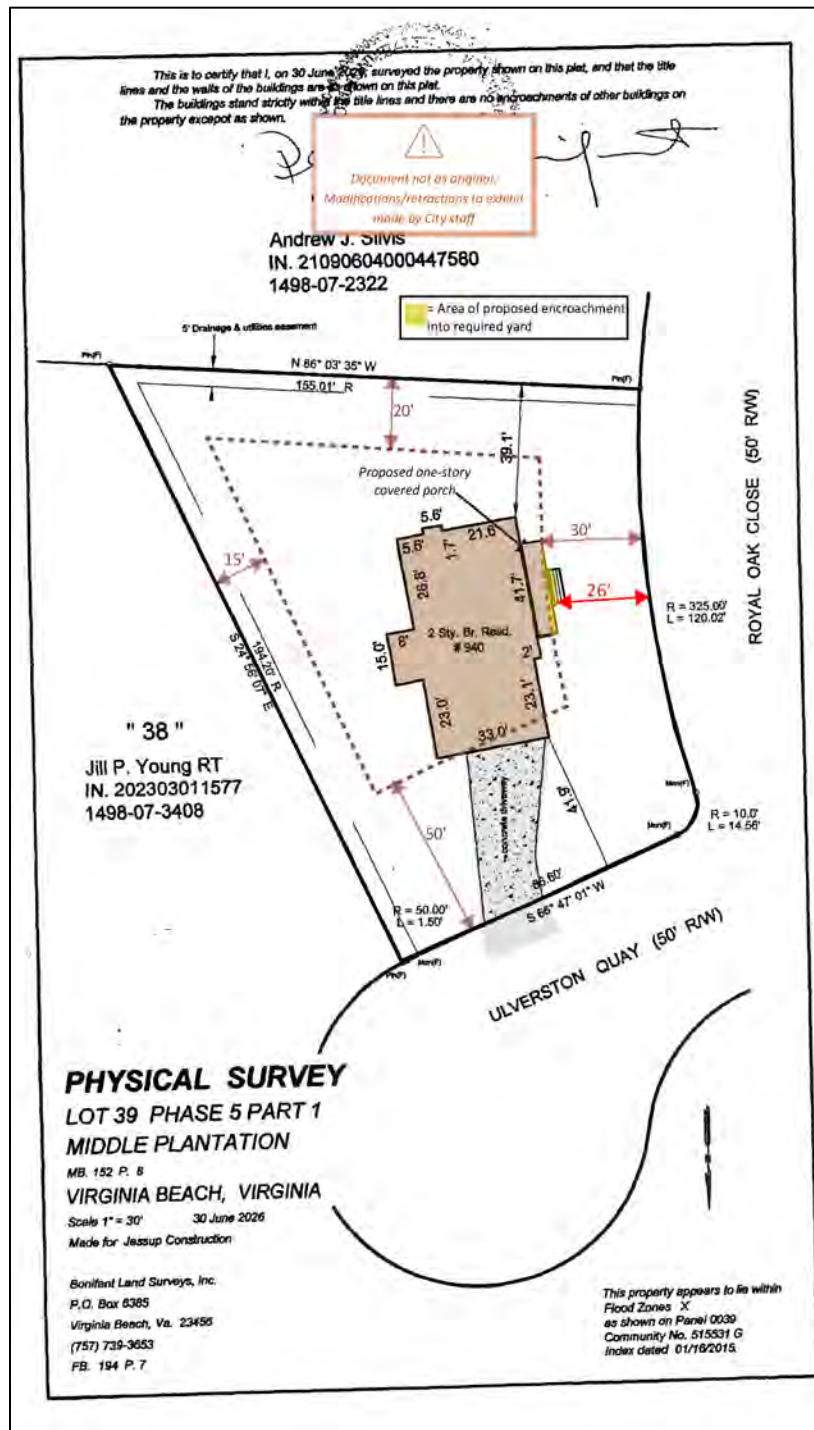
AERIAL:



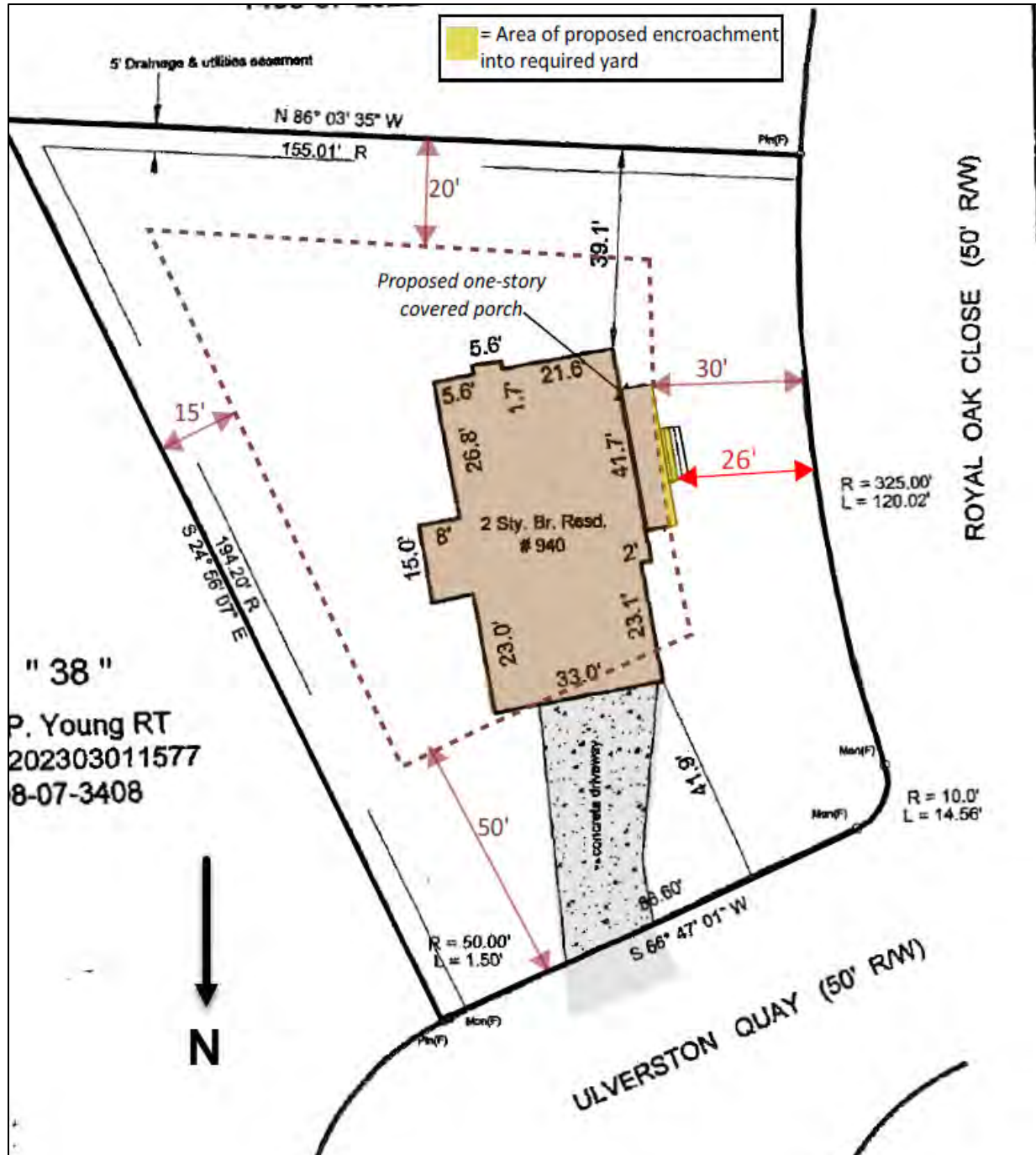
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	Disclosure Statement	
The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: as listed on application <u>Emily Osier</u>			
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: <u>Foster J. Mallett - JESSUP CONSTR.</u>			
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 (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	<u>Sumtrust / Trust</u>
Real Estate Broker/Agent/Realtor	☐	☒	

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☒	☐	Zuckerman & Association
Architect/Designer/Landscape Architect/Land Planner	☐	☒	
Construction Contractor	☒	☐	Jessup Construction LLC
Engineer/Surveyor/Agent	☒	☐	Bonifant Land Surveys
Legal Services	☐	☒	

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.

Emily Osier

Applicant Name (Print)



Applicant Signature

7/9/26

Date

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary 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): 09.11.2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

09.11.2026

Date

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CASE: 2026-BZA-00076 - Cher E. Wynkoop
HEARING DATE: October 7, 2026
TO: Chairman, Board of Zoning Appeals
FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1559 Quail Point Road

REPRESENTATIVE:

Cher E. Wynkoop

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 2, Section 201(d) and Article 5, Section 502(a) of the City Zoning Ordinance:

1. **GARAGE IN REQUIRED SIDE YARD (NORTHEAST):** A variance to allow a garage where the zoning ordinance specifically prohibits such structures (proposed garage within a required side yard).
2. **SIDE YARD (NORTHEAST):** A side yard setback variance to 11 feet instead of 20 feet as required for a building addition (garage).

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2408-93-3164

LOT AREA:

- 54,932 square feet (1.2 acres) (per city records)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Chesapeake Bay Preservation Area (Resource Protection Area)
- AE (1% annual chance flood hazard) and X (area determined to be outside the 500-year flood)

Please Note: On July 21, 2026, staff from the Environmental Unit of the Planning Department approved the subject improvements without requiring the matter to be heard by the Chesapeake Bay Board.

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Not applicable

VOTING DISTRICT:

- District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- December 3, 1975 (granted)
A variance to a 12-foot side yard setback (west) instead of 20 feet as required for a detached garage.

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

- Single-family (built in 1970)
- R-40 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-40
- South: Residential and waterway (single-family and branch of Linkhorn Bay), R-40
- East: Residential (single-family), R-40
- West: Residential (single-family), R-40

EXISTING CONDITIONS:

- Dwelling: Greater than 50 feet from front property line (northwest)
- Dwelling: Greater than 20 feet from side property line (southwest)
- Dwelling: Greater than 20 feet from side property line (northeast)
- Dwelling: Greater than 20 feet from rear property line rear (southeast)
- Detached garage: 14 feet from the side property line (southwest)(variance granted)

EXTENT OF PROJECT:

- Proposed attached recreational vehicle garage addition within the required side yard.

BACKGROUND INFORMATION:

According to City records, the subject property was created by plat in 1967 (Map Book 74 at Page 18).

The subject parcel is a flag lot, situated along Quail Point Road, with the property line abutting Quail Point Road defined as the front.

The subject parcel meets the minimum overall required lot area of 40,000 square feet and the minimum required lot area of 24,000 square feet outside water, wetlands, or marsh; however, because the property is a flag lot, it does not meet the current minimum required lot width of 125 feet or the current minimum street frontage of 100 feet.¹

The applicant is requesting a variance to allow a proposed attached recreational vehicle garage addition to be constructed within the required side yard (northeast).

The property falls within the governing authority of the Chesapeake Bay Watershed, with the proposed improvements slightly encroaching into the outer limits of the 100-foot regulatory buffer associated with this watershed.²

NOTES:

1. Lots abutting rights-of-way that are straight or where the radius of curvature is ninety (90) feet or more shall meet the following standards: (i) The width of the lot shall be determined by measuring across the rear of the required front yard; and, (ii) Each lot shall be configured so that the width of street frontage is at least equal in length to eighty (80) percent of the required minimum lot width.
2. On July 21, 2026, staff from the Environmental Unit of the Planning Department approved the subject improvements without requiring the matter to be heard by the Chesapeake Bay Board.

KEY CONSIDERATIONS:

- Section 201(d) of the City Zoning Ordinance explicitly states that no portion of any garage or carport shall occupy any required front, side, or rear yard. As a result, the granting of the requested variance would be seemingly contrary to the purpose of the ordinance.
- A recreational vehicle may still be kept on the site and parked or stored outside at the location of the proposed garage. As a result, it could be argued that the strict application of the ordinance would not unreasonably restrict the utilization of the subject residential property.

APPLICANT STATED HARDSHIP:

"[We] respectfully request a variance from the required side yard setback to permit construction of a 20-foot by 50-foot attached garage in the location presently occupied by an existing deck. The only existing neighbor on this side of the house is Ms. [name redacted for privacy], who will provide a letter of blessing of our project if that is important. We have briefed her on the proposed removal of deck and replacement with garage, and she noted she will sign a letter of approval as needed.

The requested variance satisfies the requirements of Sections 15.2-2201 and 15.2-2309 of the Code of Virginia because strict application of the zoning ordinance would unreasonably restrict the utilization of the property due to extraordinary and unique physical conditions of the land that are not generally shared by other properties in the vicinity. The hardship is not self-created and arises solely from the characteristics of the property itself.

Unique Physical Characteristics of the Property

The subject property is an unusually shaped flag lot waterfront parcel located along the Chesapeake Bay. The lot possesses an extraordinary configuration, with approximately 221 feet of waterfront frontage while narrowing to approximately 15.48 feet of frontage along Quail Point Road. The home is 174 feet off of the roadway with only 15.48 feet of road frontage.

This dramatic disparity creates a pie-shaped parcel unlike a typical residential lot. Although the property contains a significant overall area, a substantial portion of that area consists of Chesapeake Bay waters, shoreline areas, rip-rap protection areas, and environmentally constrained waterfront land that cannot reasonably accommodate residential improvements.

As a result, the practical buildable area of the property is concentrated within a relatively limited upland portion of the site. Existing utility and drainage easements further reduce the available area for construction.

These physical conditions are unique to the property and are not conditions generally applicable to other residential lots within the zoning district.

Existing Development Constraints

The residence, existing driveway, existing deck, and other site improvements occupy much of the usable upland area available for development.

The property also contains an existing brick and block pump house structure located near the side property line that is approximately 24 inches from the property line, illustrating the longstanding constraints imposed by the lot configuration and available building envelope.

Because of the lot's unusual shape and the limited upland area available for development, there is no reasonable location on the property where a functional attached garage can be constructed while simultaneously maintaining practical vehicular access and fully complying with the side yard setback requirement.

Lack of Reasonable Alternatives

The proposed garage location replaces an existing deck and utilizes an area that has already been developed as part of the residential use of the property.

Alternative locations were evaluated and found to be impractical because they would require substantial encroachment into limited open areas of the property, increased disturbance of existing vegetation, additional site grading, longer driveway connections, and less efficient vehicle access.

The proposed location is the only area that allows construction of an attached garage while preserving the existing character of the property and minimizing environmental impacts.

Preservation of Mature Trees and Vegetation

A primary consideration in selecting the proposed garage location was preservation of existing mature trees, landscaping, and natural vegetation.

Locating the garage in the area presently occupied by the deck allows the project to proceed without removal of any significant trees or disturbance of established landscape features.

Alternative locations would require substantially greater impacts to vegetation and would result in unnecessary disturbance of portions of the property that are presently undeveloped.

Chesapeake Bay and Impervious Surface Constraints

The property is subject to Chesapeake Bay environmental regulations and limitations on impervious surface coverage that further constrain development options.

The proposed garage is intentionally located within an area that is already developed and presently occupied by impervious improvements. By replacing the existing deck rather than creating a new development area elsewhere on the site, the proposal minimizes additional environmental impacts and avoids unnecessary expansion of impervious surfaces into currently undeveloped portions of the property.

Relocating the garage to another area of the lot would likely require additional driveway construction, site disturbance, grading, and clearing, thereby increasing impervious surface impacts and environmental disturbance beyond that associated with the proposed location.

Accordingly, the proposed location represents the least environmentally disruptive alternative available.

Safe and Reasonable Use of the Property

The existing detached garage is accessed by a driveway that is unusually steep and sharply curved, making vehicle access difficult and creating safety concerns for residents and guests.

The proposed attached garage would provide safe, practical, and reasonable vehicular access while remaining fully compatible with the residential character of the property.

Without the requested variance, the unique physical characteristics of the property effectively prevent construction of a functional attached garage despite the property's size and residential use.

Minimum Variance Necessary

The requested variance represents the minimum relief necessary to alleviate the hardship created by the property's unique physical characteristics.

The garage is proposed in the location of an existing deck and adjacent developed area rather than in a previously undeveloped portion of the site. The request does not alter the residential use of the property, does not create a new use, and will not be detrimental to adjacent properties or the public welfare.

The proposed garage will be architecturally compatible with the existing residence and consistent with the character of surrounding waterfront homes.

Conclusion

The hardship is created by extraordinary physical characteristics of the property, including:

- The highly irregular pie-shaped flag lot configuration;*
- The disproportionate relationship between the approximately 221 feet of waterfront frontage and approximately 15 feet of road frontage;*
- The substantial portion of the property occupied by Chesapeake Bay waters and shoreline areas;*
- Existing easements and environmental constraints;*
- The limited practical buildable area available for improvements;*
- Existing site development patterns; and*
- Chesapeake Bay and impervious surface limitations.*

These conditions are unique to the property, are not self-created, and substantially restrict the reasonable use of the land. Granting the requested variance will provide the minimum relief necessary to allow reasonable residential use of the property while preserving environmental resources and maintaining compatibility with the surrounding neighborhood.

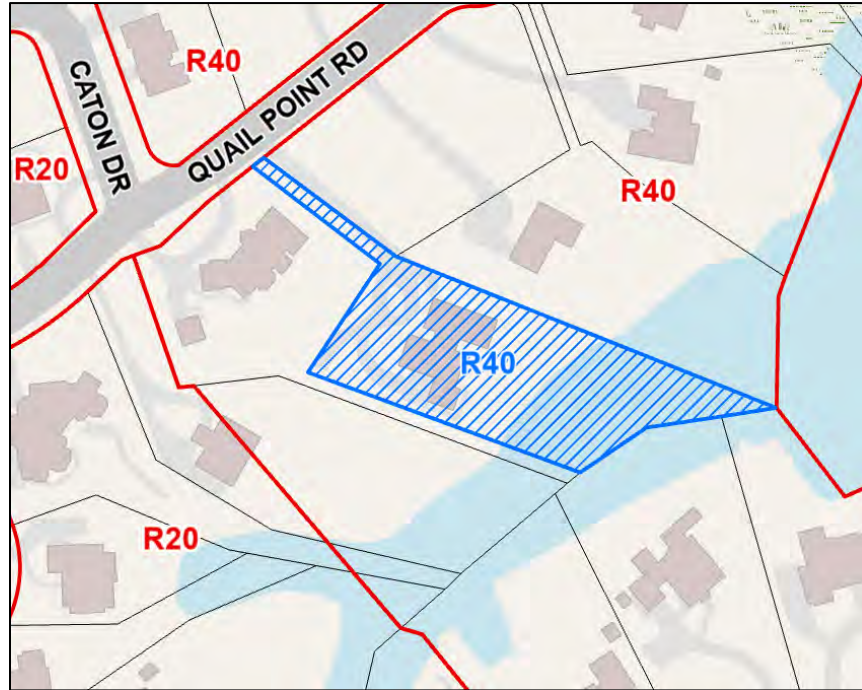
For these reasons, the Applicant respectfully requests approval of the requested side yard setback variance."

RECOMMENDED CONDITIONS IF APPROVED:

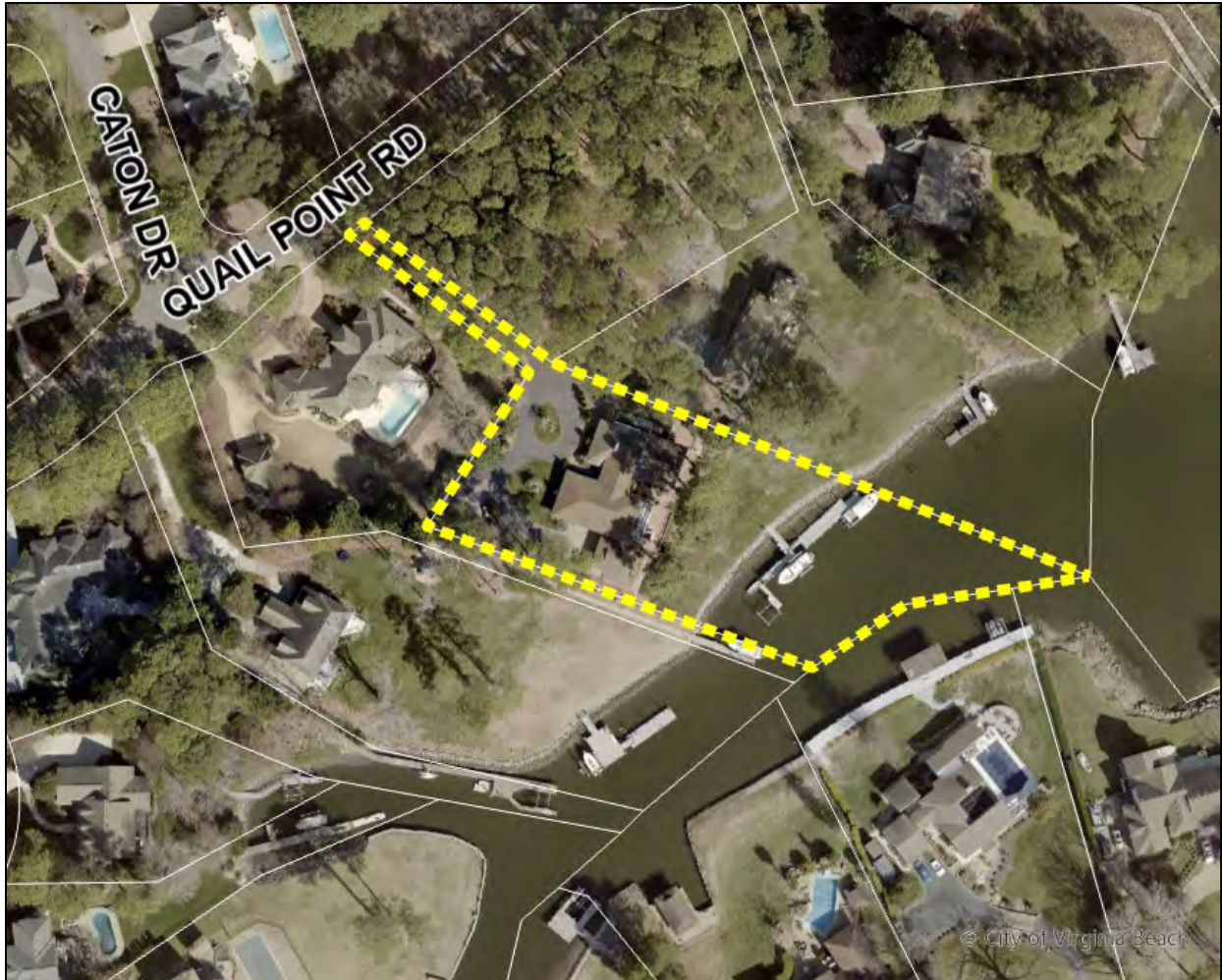
1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Physical Survey of Lot 4, Quail Point, Section 2," dated December 7/9, 2009, and prepared by Dennis J. Gerwitz, P.C. (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall not prohibit improvements to the subject property that otherwise comply with minimum requirements of the City Zoning Ordinance. The Zoning Administrator has the right to interpret substantial conformance with the Board approved plan, which may include considerations based on details found in the associated staff report and compliance with the *Public Works Design Standards Manual*.
2. The 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. The height of the dwelling shall not exceed the maximum allowed by the City Zoning Ordinance, which is measured from the lowest grade within six feet of the building perimeter to the highest point of the building.
4. *Reduced width Category IV landscape screening shall be installed and maintained between the subject addition (RV garage) and the northern property line. Such screening shall be a minimum of 10 feet wide. The existing vegetation shall count as satisfying this condition; however, if the existing vegetation is removed or dies, equivalent replacement screening shall be installed, with such vegetation being reviewed prior to planting by the City of Virginia Beach Development Services Center Landscape Architect for compliance with this condition. It is the property owner's responsibility to maintain the existing vegetation, and to provide a landscaping plan to the noted City landscape architect if new/replacement landscape becomes necessary*
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, or as amended, 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.

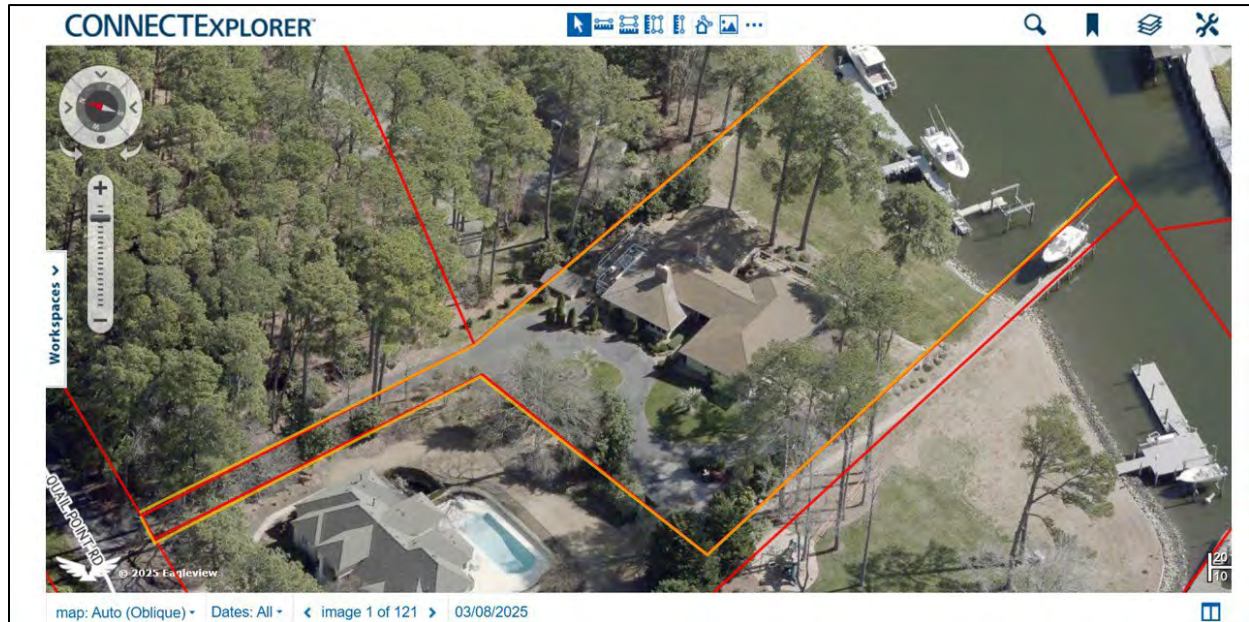
LOCATION MAPS:



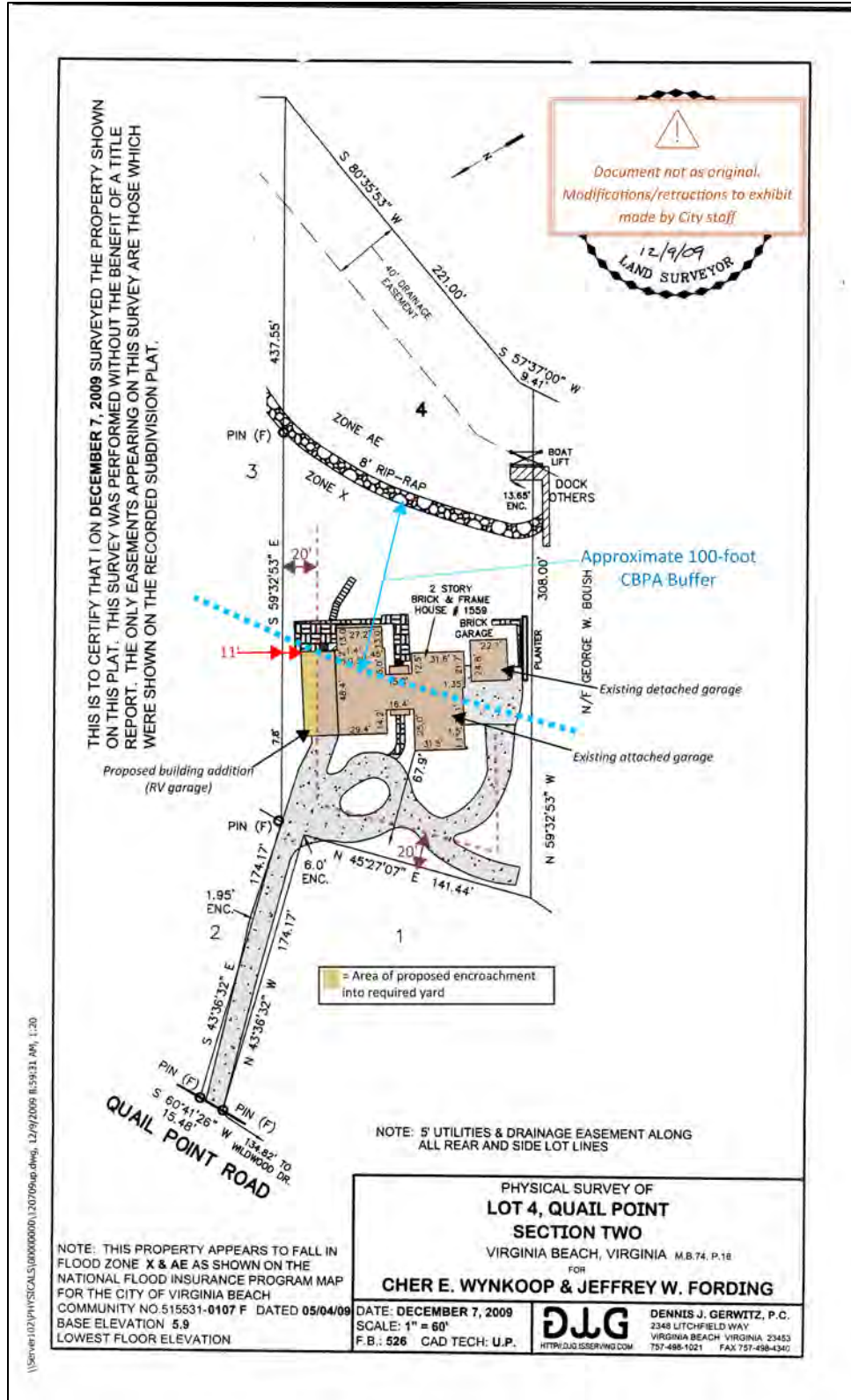
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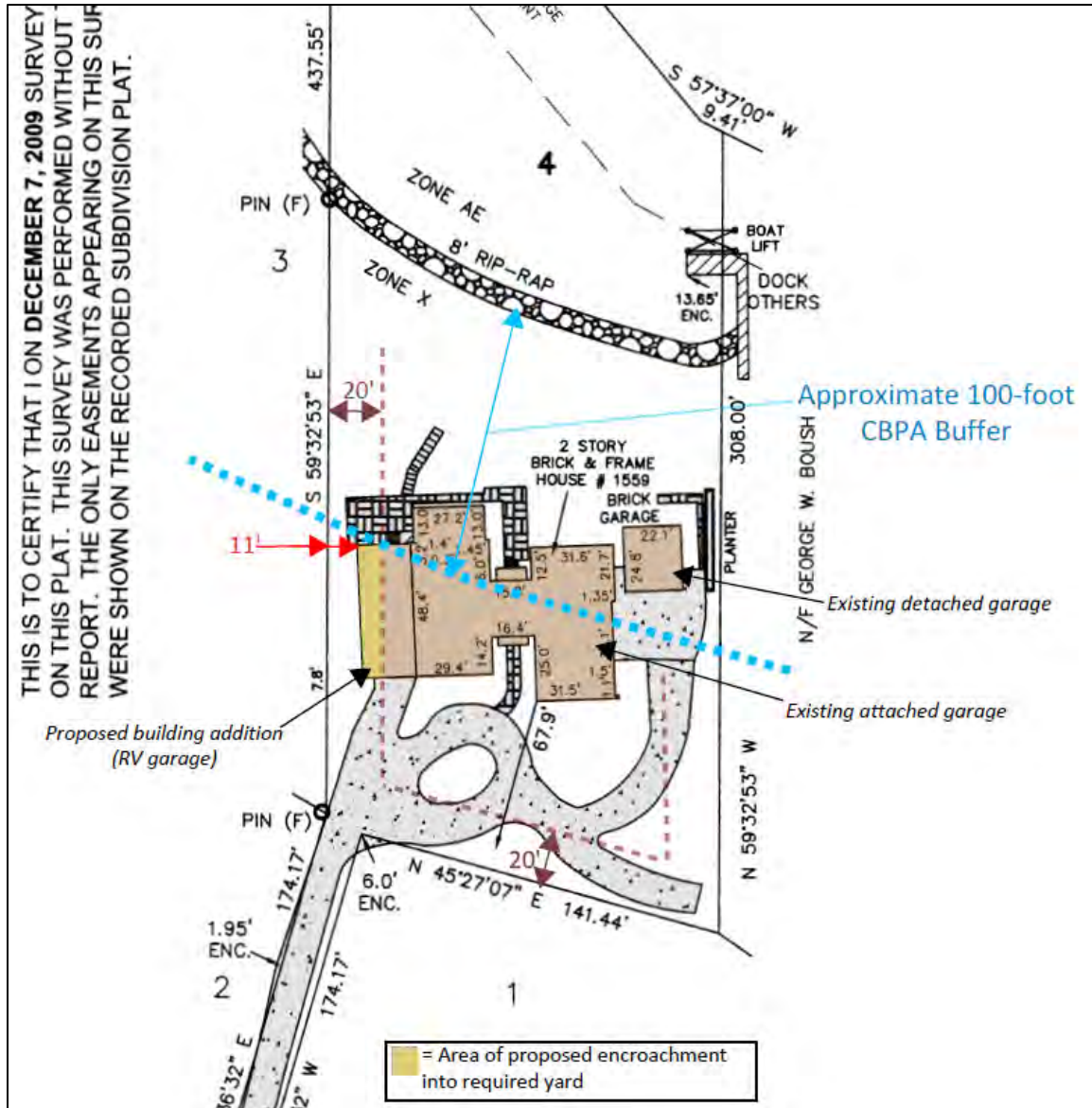
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



RENDERINGS:



PHOTOGRAPHS:



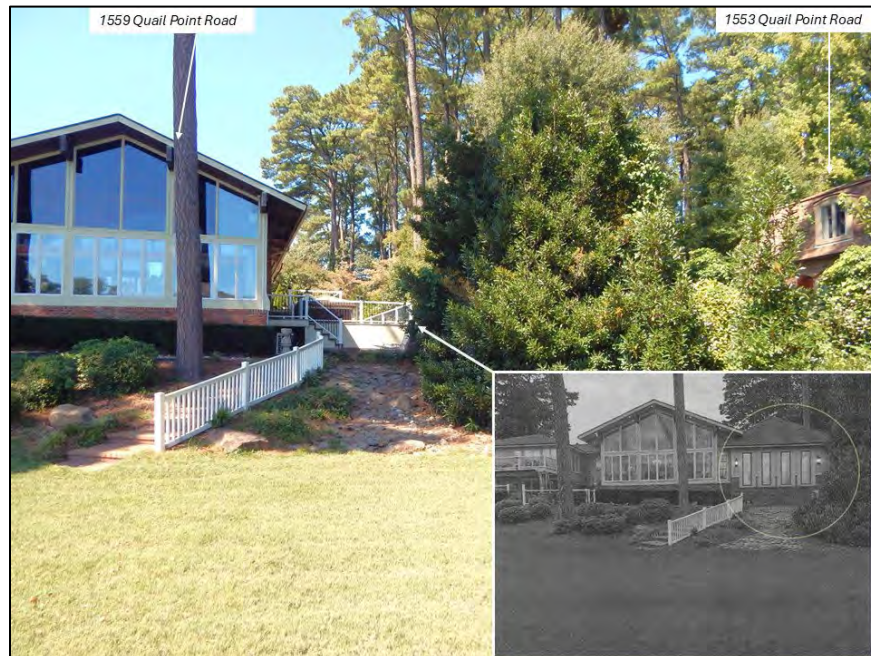
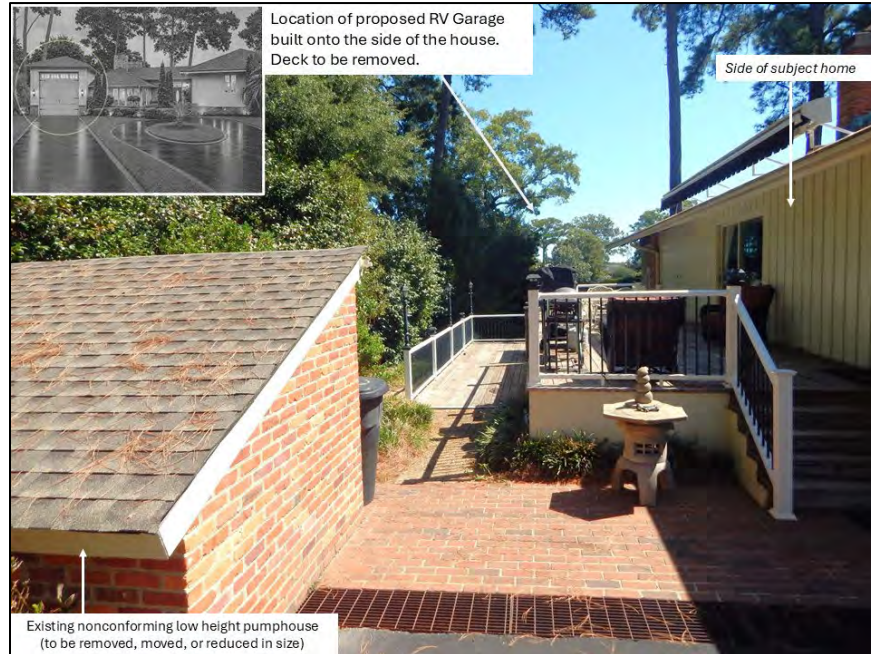
PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:



CITY OF
**VIRGINIA
BEACH**

Disclosure Statement

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:

as listed on application Cher W. Wynkoop

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

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

Does Applicant have a Representative? Yes ☐ No ☒

If yes, name Representative: _____

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

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary 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 (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☐	☒	
Real Estate Broker/Agent/Realtor	☐	☒	

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape	☐	☒	
Architect/Land Planner	☐	☒	
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☐	☒	
Legal Services	☐	☒	

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.

Cher E. Wynkoop
Applicant Name (Print)


Applicant Signature

7/17/2026
Date

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary 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): 09.11.2026

Wilissa Blair-Miller
Staff Name (Print)


Staff Signature

09.11.2026
Date



CASE: 2026-BZA-00078 - Wessell Living Trust

HEARING DATE: October 7, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

812 S Spigel Drive

REPRESENTATIVE:

Robert Simon of Waterfront Consulting, Inc.

VARIANCE REQUEST(S) (ABBREVIATED):

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

VARIANCE REQUEST(S) (DETAILED):

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

1. **SIDE YARD (SOUTH):** A side yard setback variance to 7 feet instead of 20 feet as required for a private pier/dock.
2. **REAR YARD (EAST):** A rear yard setback variance to 15 feet instead of 20 feet as required for a private pier/dock.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1498-51-9182

LOT AREA:

- 102,582 square feet (2.3 acres) (per city records)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Chesapeake Bay Preservation Area (Resource Protection Area)
- AE (1% annual chance flood hazard) and X (area determined to be outside the 500-year flood)

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Not applicable

VOTING DISTRICT:

- District 8

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- None found

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

- Single-family (built in 2002)
- R-40 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-40
- South: Residential (single-family), R-40
- East: Residential (single-family), R-20
- West: Residential (single-family), R-40

EXISTING CONDITIONS:

- No pier/dock presently on the subject property per *Connect Explorer* satellite imagery.

EXTENT OF PROJECT:

- Proposed private pier/dock located within the required side and rear yards

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1959 (Map Book 48 at Page 19).

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

The subject parcel meets the minimum overall required lot area of 40,000 square feet, the minimum required lot area of 24,000 square feet outside water, wetlands, or marsh, the minimum lot width of 125 feet, and the minimum street frontage of 100 feet.¹

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

The zoning ordinance allows piers up to four feet wide to encroach into the required side and rear yards. Moreover, a long-standing Zoning Administrator decision allows piers over four feet wide to encroach into the required side and rear yards once they cross the mean low water boundary. In this instance, the proposed pier will have a variable width ranging from 5 feet to roughly 16 feet. Because the mean low water line sits entirely seaward of the subject property lines, the proposed pier cannot utilize the Zoning Administrator's long-standing policy and does not qualify for a by-right encroachment into the required yards.

The pier's location was seemingly chosen based on the environmental conditions of the tidal creek. Because mean low water sits seaward of the property lines and mean high water reaches landward, shallow marsh covers portions of the rear lot. City staff understands that this specific location provides the most viable route through the marsh to reach a creek channel deep enough for safe personal watercraft launching.

NOTES:

1. Lots abutting rights-of-way that are straight or where the radius of curvature is ninety (90) feet or more shall meet the following standards: (i) The width of the lot shall be determined by measuring across the rear of the required front yard; and, (ii) Each lot shall be configured so that the width of street frontage is at least equal in length to eighty (80) percent of the required minimum lot width.

KEY CONSIDERATIONS:

- Environmental factors associated with the tidal creek appear to be the main influence on the positioning of the proposed private pier. As a result, it could be argued that the granting of the variance would alleviate a hardship due to a physical condition relating to the subject property.

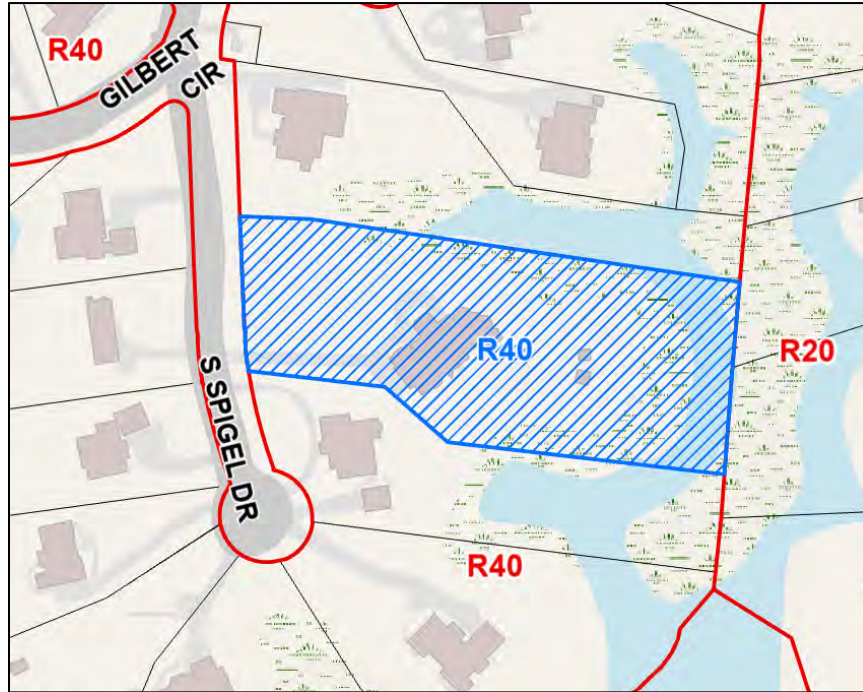
APPLICANT STATED HARDSHIP:

"The branch of Wolfsnare Creek the property is located on is very shallow and MLW does not come into the property at all. The proposed pier is shown in the part of the property with the most water access and is in the side and rear setback."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit, Proposed Pier and Lift,” dated January 27, 2026, Waterfront Consulting, INC. (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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, or as amended, 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:



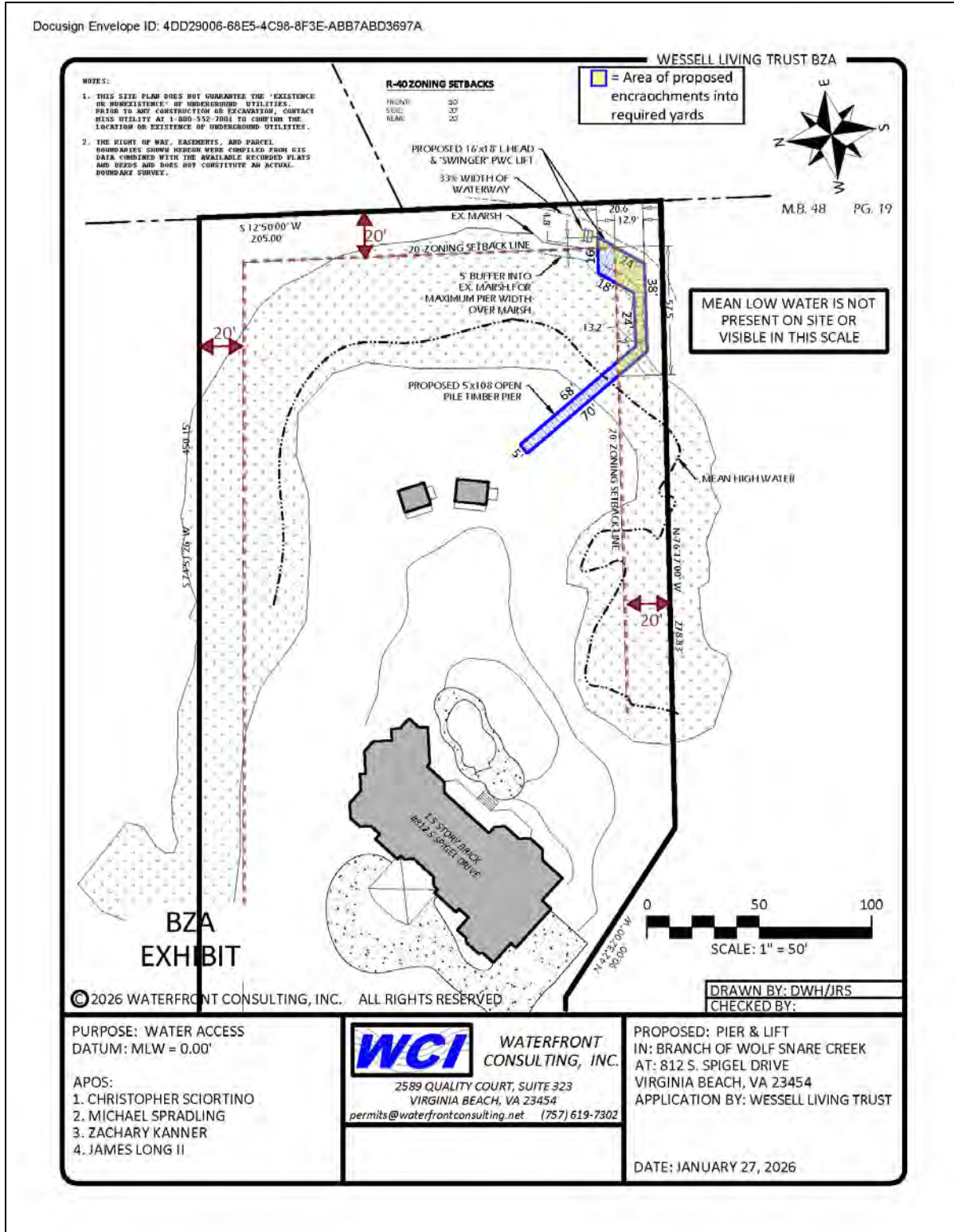
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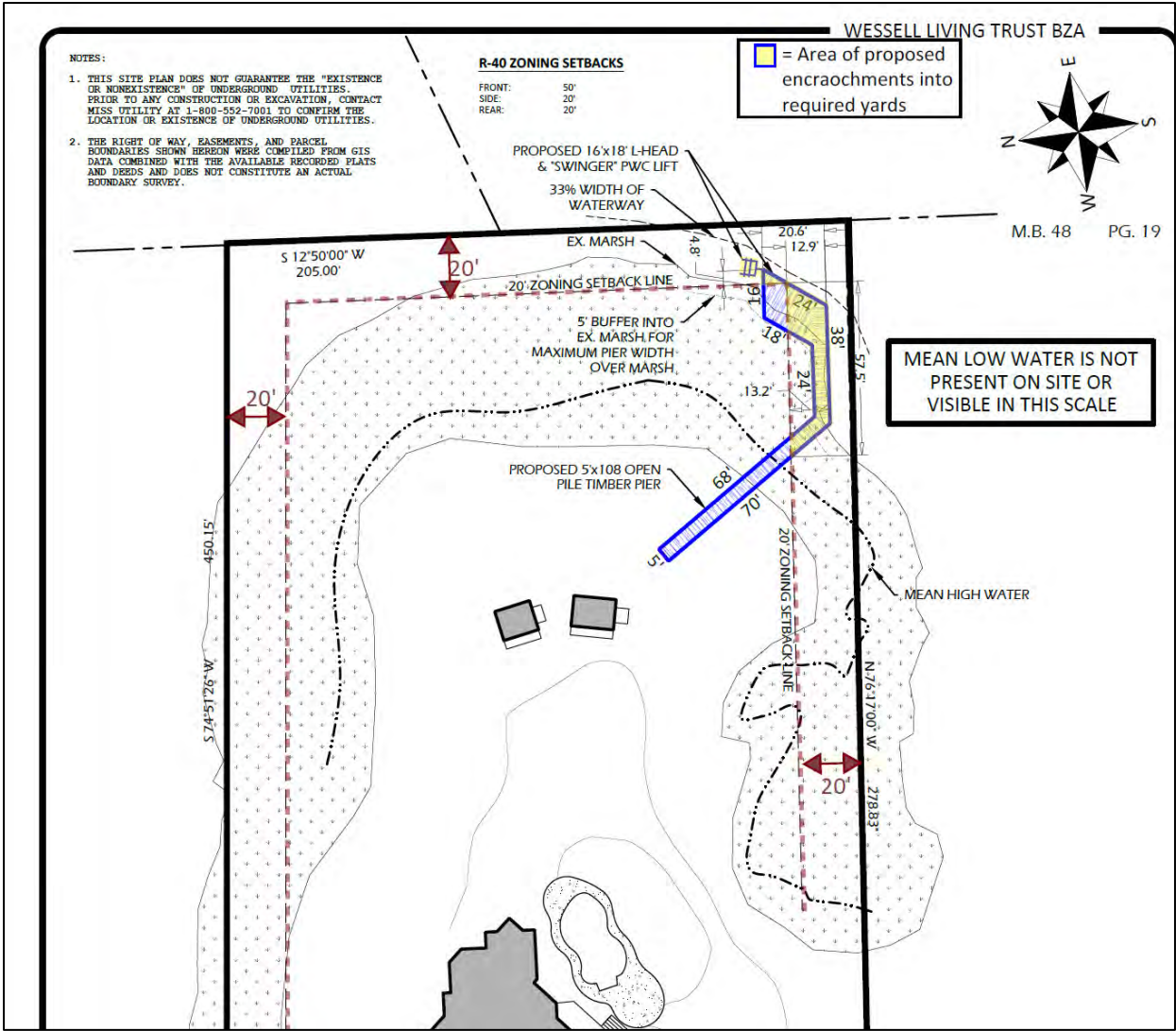
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SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



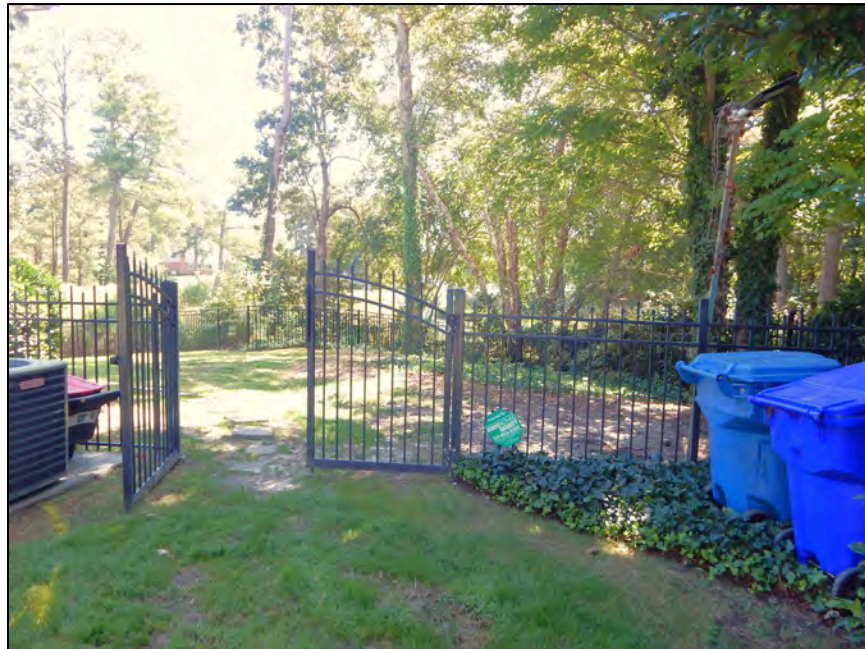
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DISCLOSURE STATEMENT:

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CITY OF
**VIRGINIA
BEACH**

Disclosure
Statement

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SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Wessell Living Trust
as listed on application

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

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

Does Applicant have a Representative? Yes ☒ No ☐

If yes, name Representative: Waterfront Consulting, Inc.

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

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

Aaron P. Wessell

Briana F. Wessell

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

If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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

APPLICANT SERVICES DISCLOSURE

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

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☐	☒	
Real Estate Broker/Agent/Realtor	☐	☒	

Disclosure Statement | rev. May-2024

page 1 of 3

DISCLOSURE STATEMENT:

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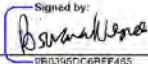
SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape Architect/Land Planner	☐	☒	
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☒	☐	Waterfront Consulting, Inc. Sean E. Green, P.E. of Stone Green Consulting, LLC
Legal Services	☐	☒	

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.

Wessell Living Trust
Applicant Name (Print)

Signed by: 
Applicant Signature

2/4/2026
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): No changes per R. Simon via phone on 09.17.2026

Wilissa Blair-Miller
Staff Name (Print)


Staff Signature

09.17.2026
Date



CASE: 2026-BZA-00080 - Clifford C Collings III Revocable Living Trust

HEARING DATE: October 7, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

2628 W Chubb Lake Avenue

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards and a permanent body of water for proposed building additions (deck reconstruction).

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 2, Section 202(e) and Article 5, Section 502(a) of the City Zoning Ordinance:

1. **REAR YARD (NORTH):** A rear yard setback variance to 18 feet instead of 20 feet as required for proposed deck reconstruction.
2. **SETBACK FROM A PERMANENT BODY OF WATER:** A variance to a 0-foot setback instead of 5 feet as required from a permanent body of water for proposed deck reconstruction.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1570-42-1528

LOT AREA:

- 6,614 square feet (.15 acres) (per BZA exhibit)

AICUZ:

- Less than 65 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Chesapeake Bay Preservation Area (Resource Management Area)
- AE (1% annual chance flood hazard) and X (area determined to be outside the 500-year flood)

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Not applicable

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 1989)
- R-7.5(SD) (Residential District) (Shore Drive Overlay)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Permanent water body (Chubb Lake), Unclassified zoning (default to AG-1)
- South: Residential (single-family), R-7.5(SD)
- East: Residential (single-family), R-7.5(SD)
- West: Residential (single-family), R-7.5(SD)

EXISTING CONDITIONS:

- The existing subject decks attached to the home are presently 18 feet, at the closest point, from the rear property line (north) and 0 feet from the permanent water body known as Chubb Lake.

EXTENT OF PROJECT:

- Proposed reconstruction of existing second and third floor decks presently encroaching into the rear yard setback and the required setback from a permanent body of water.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1987 (Map Book 2689 at Page 689).

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

The subject parcel does not meet the current minimum overall required lot area of 7,500 square feet, the minimum required lot area of 7,500 square feet outside water, wetlands, or marsh, the minimum lot width of 75 feet, or the minimum street frontage of 60 feet.¹ Notwithstanding, due to the age of the property, such deficiencies are legally nonconforming.

The applicant is requesting variances to reconstruct two existing elevated decks in kind, which presently encroach into the required rear yard and the required distance from a permanent body of water.

The subject property was developed in 1989; however, the site plan, which included the subject decks at their current locations, was reviewed and approved by the City in late 1987/early 1988. At that time, the mandatory rear yard was only 10 feet instead of 20 feet, and there were no setback requirements for dwellings from a permanent body of water. As a result, the subject encroachments into the required rear yard and the present distance from a permanent body of water are both legally nonconforming. Nevertheless, zoning variances to the current required setbacks are necessary to reconstruct the decks in kind.

It should be noted that the City received a complaint on June 6, 2026, that construction was occurring on the subject site without proper building permits. A City inspector investigated the matter and a stop work order was posted.

NOTES:

1. Lots abutting rights-of-way that are straight or where the radius of curvature is ninety (90) feet or more shall meet the following standards: (i) The width of the lot shall be determined by measuring across the rear of the required front yard; and, (ii) Each lot shall be configured so that the width of street frontage is at least equal in length to eighty (80) percent of the required minimum lot width.

KEY CONSIDERATIONS:

- The subject decks have been at their present location since the property was developed. As a result, it could be argued that the granting of the variance will not be of substantial detriment to adjacent property and nearby properties.
- The location of the subject decks is legally nonconforming as they were approved with the development of the property. Consequently, it seems that the strict application of the ordinance would unreasonably restrict the utilization of the property.

APPLICANT STATED HARDSHIP:

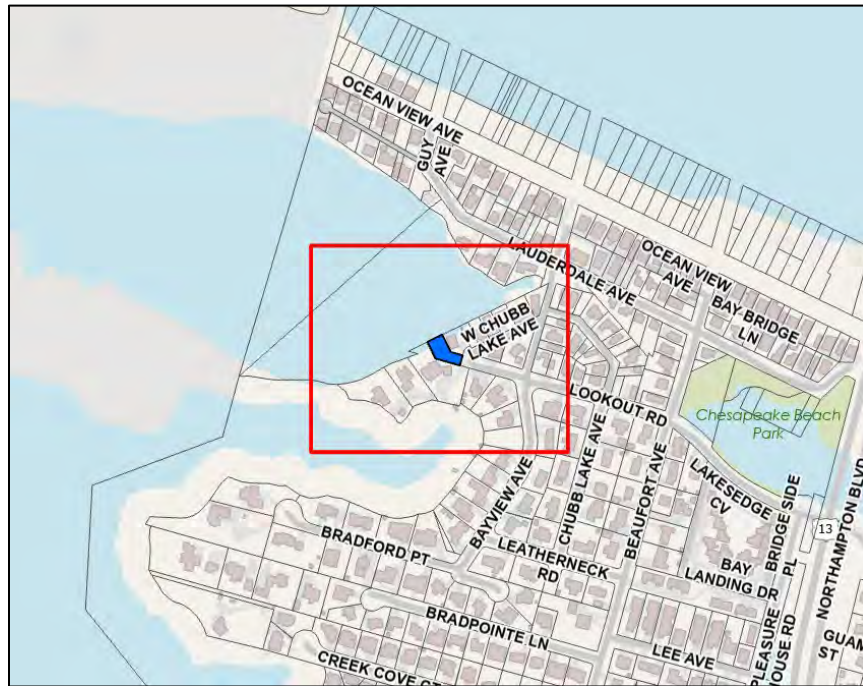
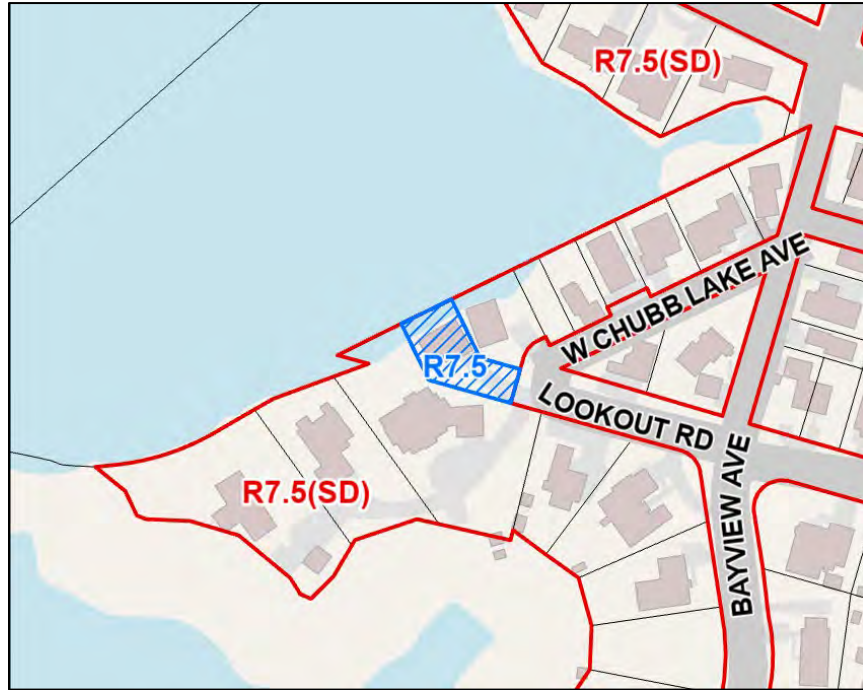
"The lot as created by Resubdivision in 1987 is in the R-7.5 Zoning District and contains 6,621 square feet of which 1,251 square feet are subaqueous bottom. That leaves 5,370 square feet. The front 44 feet of the lot containing 1,650 square feet is only 37.5 feet wide and contains only the driveway. That leaves approximately 3,720 square feet of buildable area less the side yard setbacks. This lot is significantly non-conforming in lot size (5,370 sq. ft. vs. 7,500 sq. ft.) and lot width (37.5' vs. 75'). The two (2) decks being replaced were built with the home in 1989 and neither is being increased in size.

In addition to the hardship that the lot is significantly non-conforming as to size, and not shared generally by other properties, and approving the variance will not be of any detriment to adjacent properties, the requested variance is for what has been for 37 years a very minor encroachment of 1.9 feet and less for uncovered decks overlooking Chubb Lake where no other structures will ever be built and none of the wildlife have any expectation as to the setbacks of the neighboring homes."

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 Lot 1-A," dated July 9/28, 2026, and prepared by Rouse-Sirine and Associates, Ltd. (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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 or improvements 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, or as amended, 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.

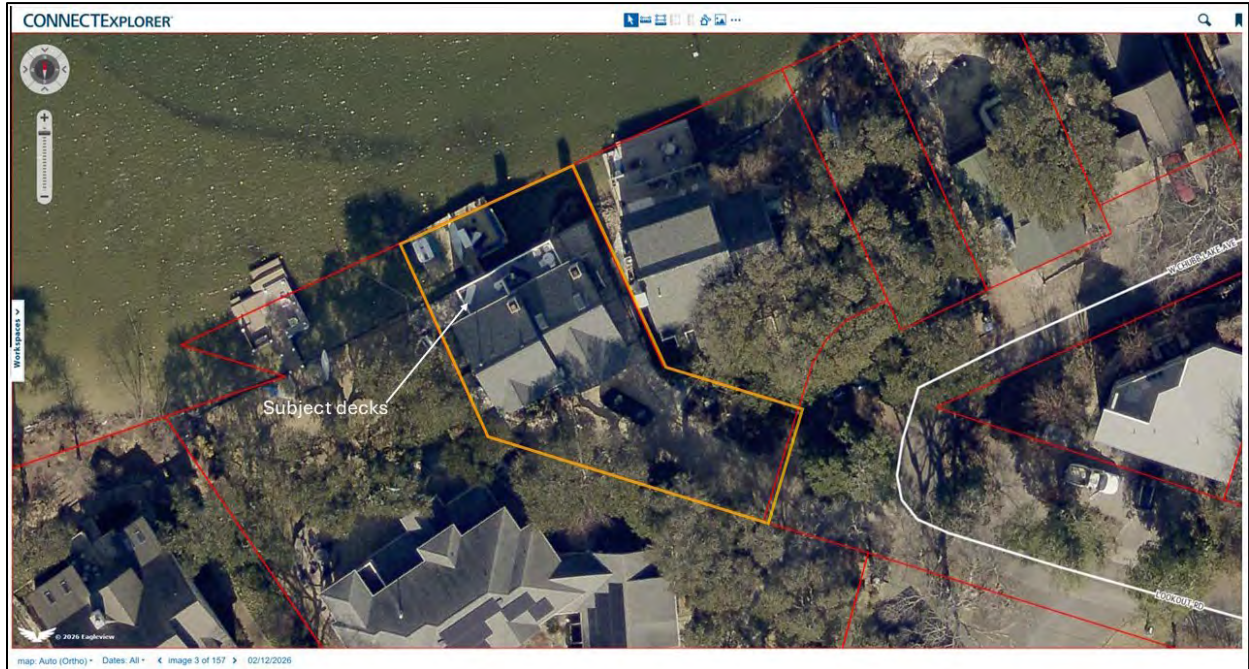
LOCATION MAPS:



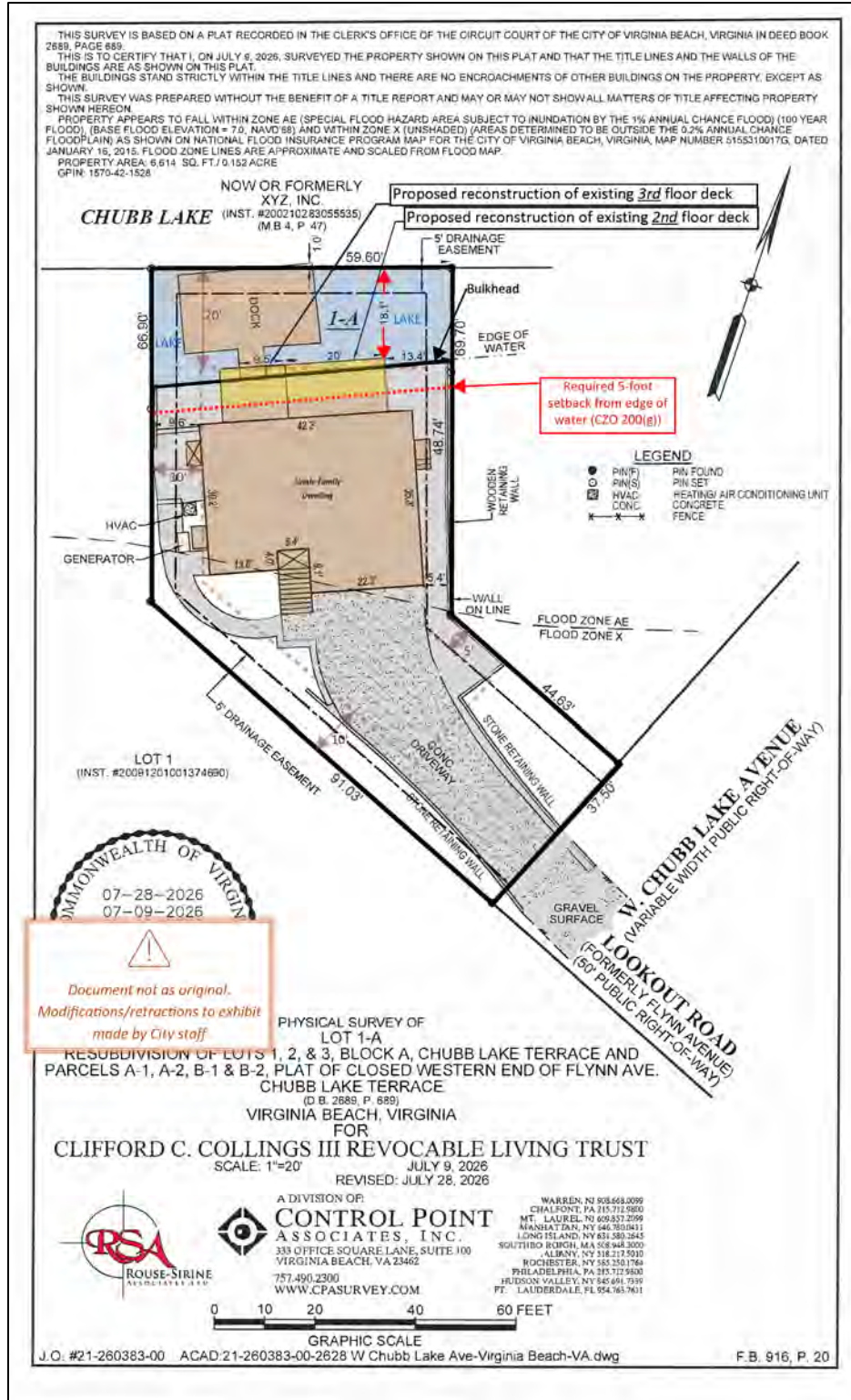
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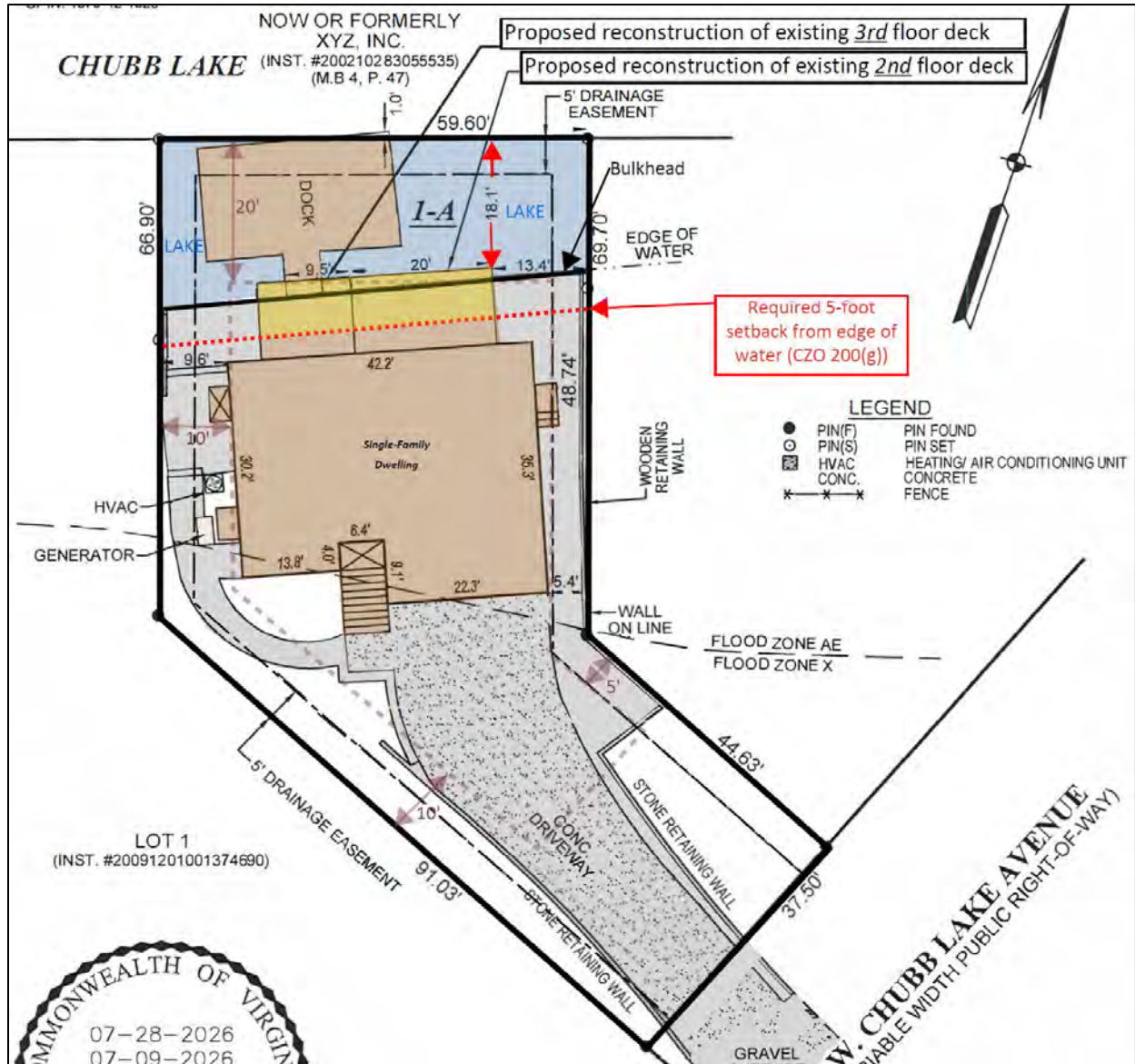
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SITE PLAN (EXHIBIT A):



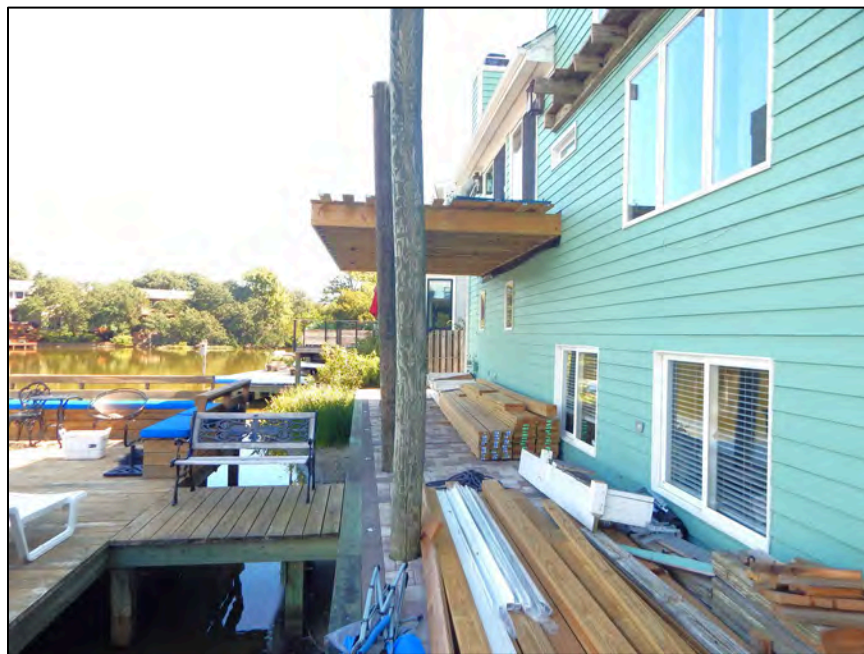
SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	Disclosure Statement	
<i>The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.</i>			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: <u>The Clifford C. Collings, III Revocable Living Trust</u> 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: <u>R. Edward Bourdon, Jr., Esq.</u>			
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.)			
Clifford C. Collings, III, Trustee			
Does the subject property have a proposed or pending purchaser? Yes ☐ No ☒			
If yes, name proposed or pending purchaser: _____			
KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE			
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? Yes ☐ No ☒			
If yes, name the official or employee, and describe the nature of their interest.			
APPLICANT SERVICES DISCLOSURE			
READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)			
SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	Wells Fargo Bank, N.A.
Real Estate Broker/Agent/Realtor	☐	☒	

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

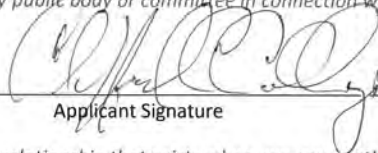
SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape	☐	☒	
Architect/Land Planner	☐	☒	
Construction Contractor	☒	☐	Brian Cleinger
Engineer/Surveyor/Agent	☒	☐	Jeffrey Williams, Rouse-Sirine & Associates
Legal Services	☒	☐	R. 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.

Clifford C. Collings, III, Trustee

Applicant Name (Print)



Applicant Signature

07/29/2026

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): 09.11.2026

Wilissa Blair-Miller

Staff Name (Print)



Staff Signature

09.11.2026

Date



CASE: 2026-BZA-00081 - Aaron and Cheryl Filippini

HEARING DATE: October 7, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

2632 Pulaski Loop

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variance to the required yard for a proposed inground swimming pool.

VARIANCE REQUEST(S) (DETAILED):

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

1. **SECONDARY FRONT YARD ADJACENT TO CURRITUCK DRIVE (EAST):** A secondary front yard setback variance to 13 feet instead of 20 feet as required for a proposed inground swimming pool.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1493-37-4576

LOT AREA:

- 6,600 square feet (.15 acres) (per physical survey)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Not applicable

VOTING DISTRICT:

- District 2

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- None found

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

- Single-family (built in 1996)
- PD-H1 (Planned Development - Courthouse Estates Land Use Plan)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Planned Development (single-family), PD-H1
- South: Planned Development (single-family), PD-H1
- East: Planned Development (single-family), PD-H1
- West: Planned Development (single-family), PD-H1

EXISTING CONDITIONS:

- Dwelling: 30 feet from primary front property line (Pulaski Loop - west)
- Dwelling: 10.4 feet from side property line (south)
- Dwelling: 9.3 feet from side property line (north)
- Dwelling: 29.9 feet from secondary front property line rear (Currituck Drive - east)

EXTENT OF PROJECT:

- Proposed inground swimming pool located within the required secondary front yard adjacent to Currituck Drive.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1994 (Map Book 239 at Page 76).

The subject parcel is a through lot situated between Pulaski Loop and Currituck Drive, with the property lines abutting both streets defined as fronts. Notwithstanding, the yard adjacent to Pulaski Loop may be viewed as the primary front yard, and the yard adjacent to Currituck Drive may be viewed as the secondary front yard.

The subject parcel meets the minimum overall required lot area of 6,000 square feet, the minimum required lot width of 60 feet, and the minimum required street frontage of 48 feet.¹

The applicant would like to install an inground swimming pool behind their home. The pool would be 13 feet from the property line abutting Currituck Drive and 23.3 feet from the closest vehicle travel lane on Currituck Drive. Moreover, there is a 4-foot-tall vinyl fence and hedgerow buffer visually separating the subject property from the verge associated with Currituck Drive.²

Concerns pertaining to safety and public utility matters are generally points of consideration during City staff review of zoning variance requests involving through lots. For example, safety concerns may arise relating to motor vehicle travel lane departures from certain roadways abutting areas of property used for outdoor activities, such as backyard swimming pools. However, it should be noted that the speed limit assigned to Currituck Drive, which is a 'Collector Street' as defined by the *2022 Virginia Beach Public Works Design Standards Manual*, is a minimal 25 miles per hour. Additionally, varying setback distances are required from certain underground utilities, which are often positioned in the verge abutting a roadway.² Therefore, specific improvements within adjoining private properties could negatively impact existing, or future, utility projects in the abutting City right-of-way; however, Public Utilities staff reviewed this application on August 17, 2026, and had no objections.

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

NOTES:

1. Lots abutting rights-of-way that are straight or where the radius of curvature is ninety (90) feet or more shall meet the following standards: (i) The width of the lot shall be determined by measuring across the rear of the required front yard; and, (ii) Each lot shall be configured so that the width of street frontage is at least equal in length to eighty (80) percent of the required minimum lot width.

2. For this report, the term *verge* is defined as a City owned strip of ground alongside a roadway situated between vehicle travel lanes and private property. A verge often contains grass, other vegetation, sidewalks, and underground electric conduits, water/sewage pipes, and the like.

KEY CONSIDERATIONS:

- The property interest for which the variance is being requested was seemingly acquired in good faith.

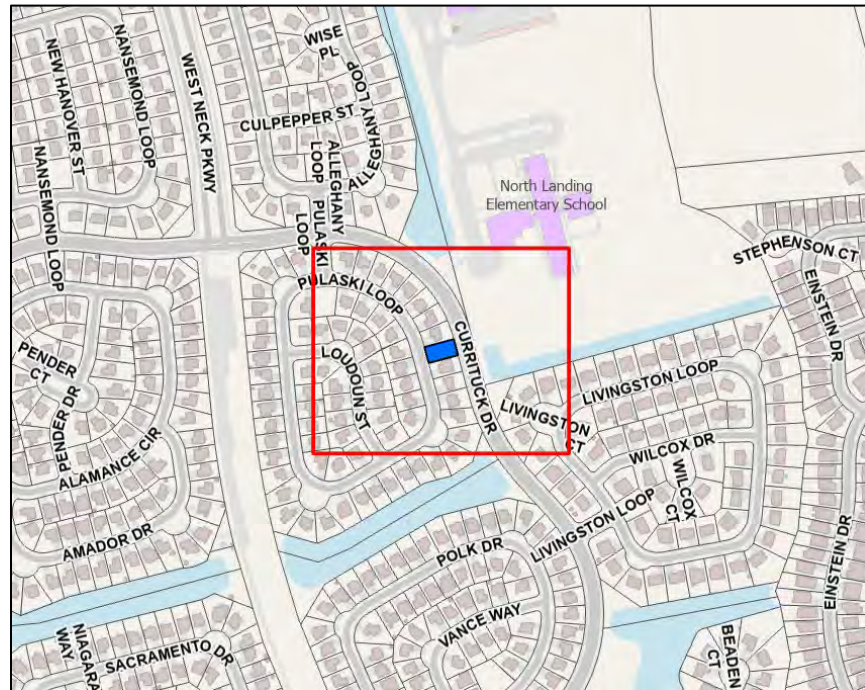
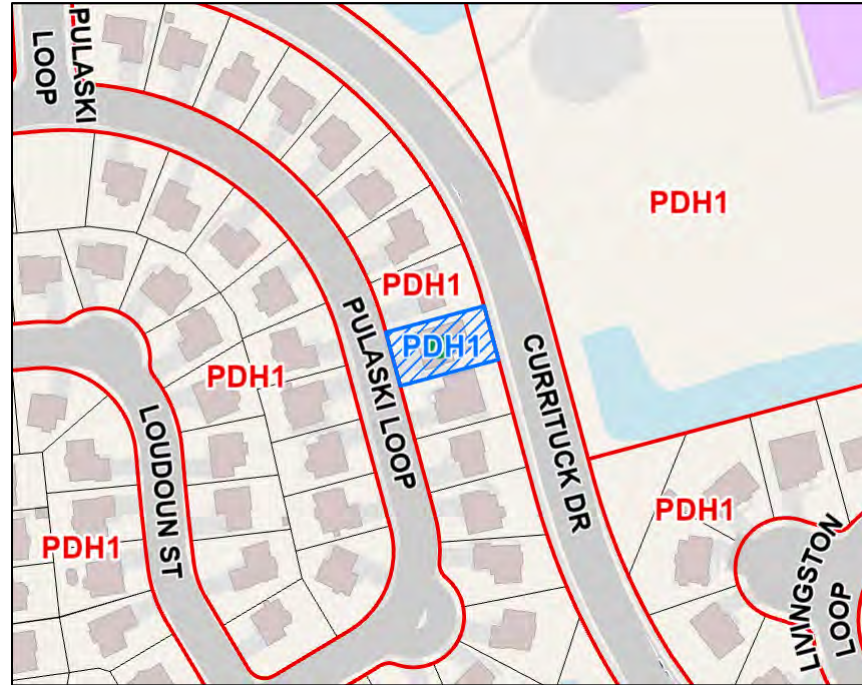
APPLICANT STATED HARDSHIP:

“The additional 15’ of setback (20’ vs. 5’) for an inground pool was put in our Ordinance solely for safety reasons, which is not a one size fits all calculation and is one of a number of very good reasons why we have a Board of Zoning Appeals. In this instance, the road isn’t an arterial highway with a 45 or 55 MPH speed limit. By design, the roadway is a 2-lane residential collector street with separate sidewalks on each side, curbing and bike lanes and one lane for motor vehicles in each direction separated by a wide median and a posted speed limit of 25 MPH. The proposed inground pool at a 13’ rear yard setback is over 30’ from the outer edge of the motor vehicle lane within the Currituck Drive right of way.”

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 Lot 9, Courthouse Estates,” dated May 25, 2026 / July 6, 2026, and prepared by Michael Murphy Land Surveying (shown as *Exhibit A* in this staff report). This condition does not permit deviations from any applicable laws, codes, policies, or interpretations not specifically requested by the applicant and granted by the Board of Zoning Appeals. Nevertheless, this condition shall 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 or improvements 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, or as amended, shall not be considered part of this variance request.
3. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
4. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

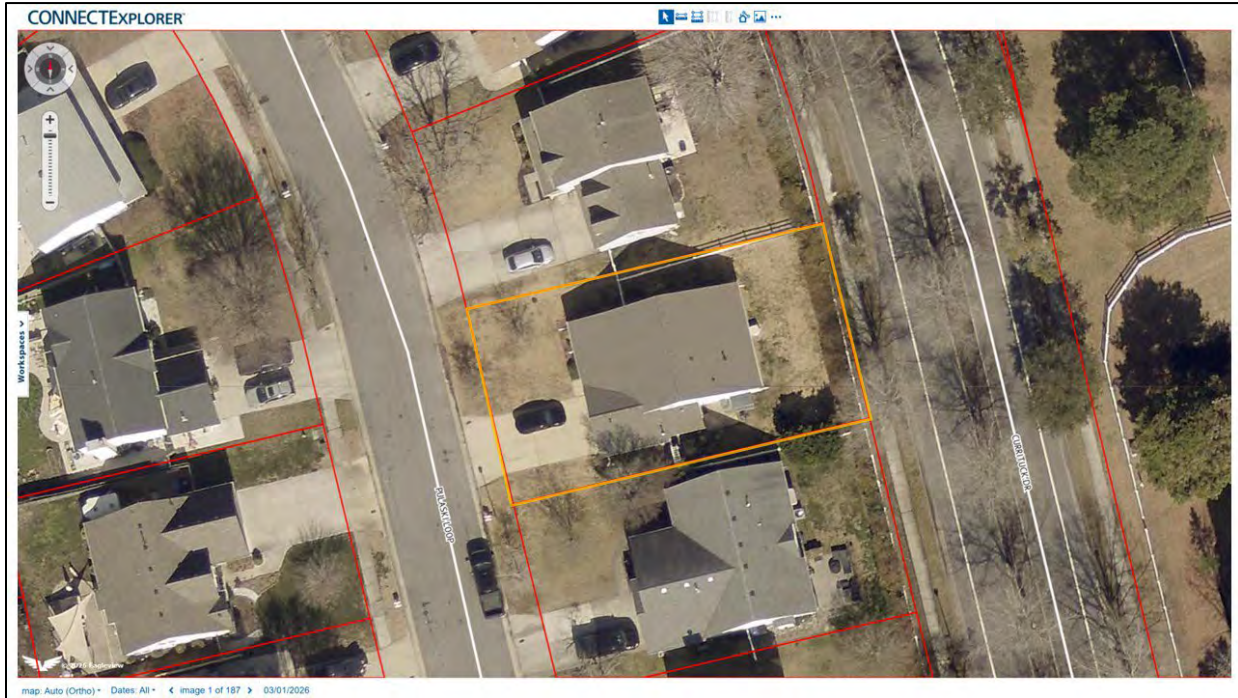
LOCATION MAPS:



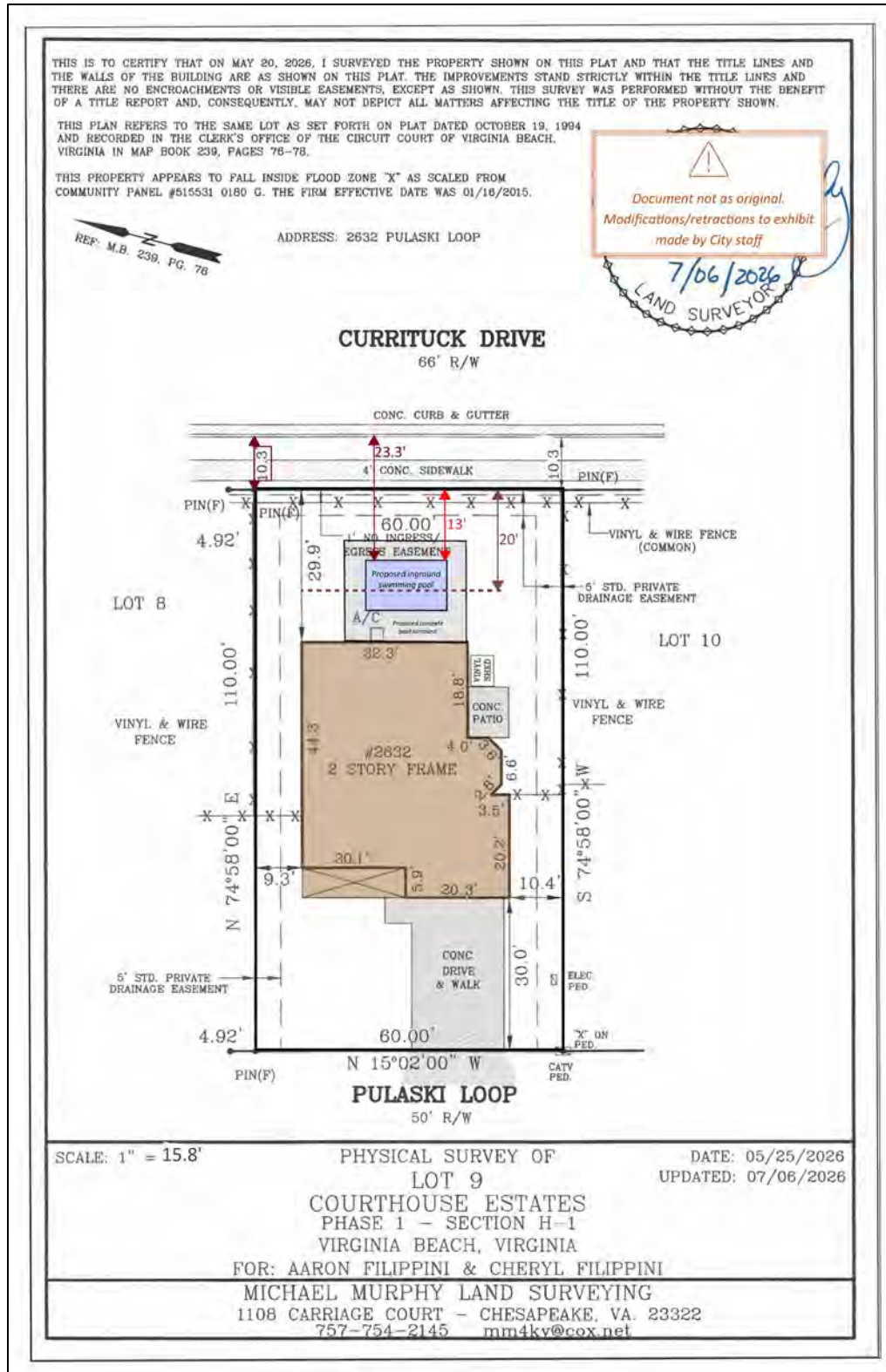
AERIAL:



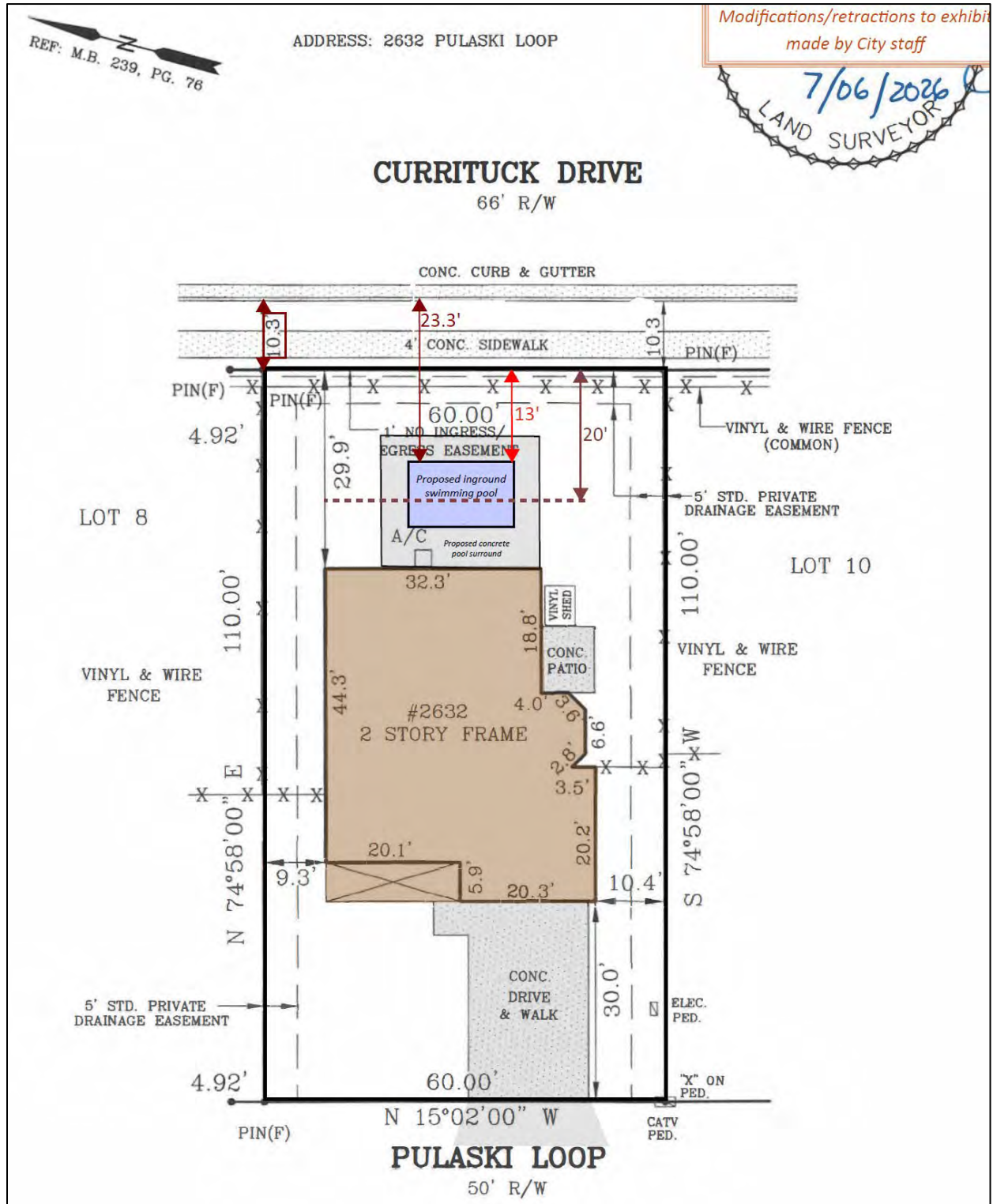
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



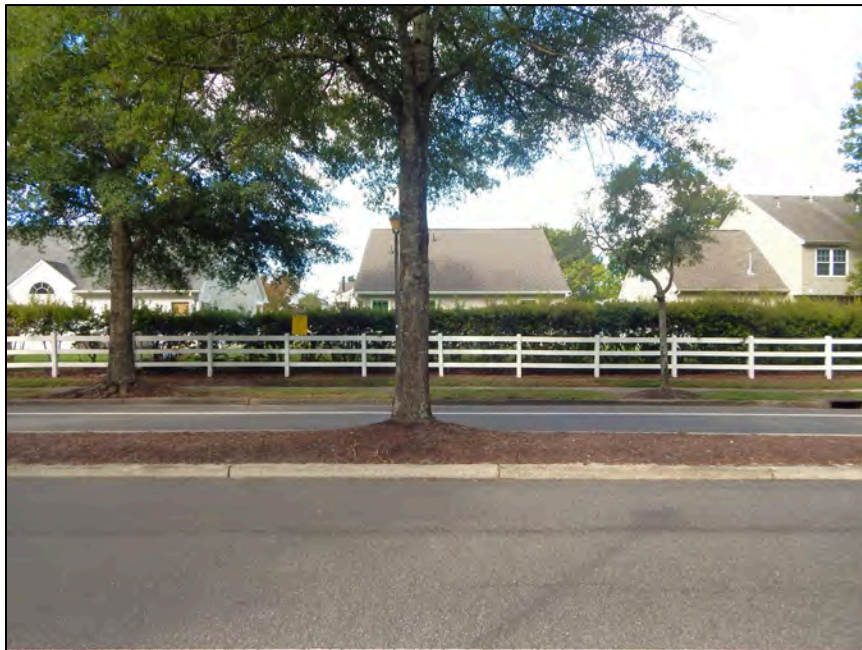
PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	Disclosure Statement	
<i>The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.</i>			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: <u>Aaron & Cheryl Filippini</u> 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: <u>R. Edward Bourdon, Jr., Eq.</u>			
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.			
Homeowner is employed by the City of Virginia Beach			
APPLICANT SERVICES DISCLOSURE			
READ: The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)			
SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☒	☐	Wells Fargo Bank, N.A.; Beach Municipal Federal Credit Union
Real Estate Broker/Agent/Realtor	☐	☒	

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape Architect/Land Planner	☐	☒	
Construction Contractor	☒	☐	Nick Hames, Soild Structures
Engineer/Surveyor/Agent	☒	☐	Michael W. Murphy, Michael Murphy Land Surveying
Legal Services	☒	☐	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.

Aaron/Cheryl Filippini

Applicant Name (Print)

Aaron Filippini/Cheryl Filippini

Aaron Filippini/Cheryl Filippini (Jul 30, 2026 16:39:42 EDT)

Applicant Signature

07/30/2026

Date

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary 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): 09.11.2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

09.11.2026

Date



CASE: 2026-BZA-00082 - Thomas J. Decker, III and Jonathan P. Decker

HEARING DATE: October 7, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

113 43rd Street

REPRESENTATIVE:

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

VARIANCE REQUEST(S) (ABBREVIATED):

Variances to the required yards for a proposed accessory building with outdoor shower, generator, and inground swimming pool with associated equipment; and to modify the conditions of a variance granted on June 20, 2007.

VARIANCE REQUEST(S) (DETAILED):

The following variances are requested pursuant to Article 2, Section 2019a) and Article 5, Section 502(a) of the City Zoning Ordinance:

1. **SIDE YARD ADJACENT TO STREET (ATLANTIC AVENUE - WEST):** A side corner yard setback variance to 5 feet instead of 25 feet as required for a proposed generator.
2. **SIDE YARD ADJACENT TO STREET (ATLANTIC AVENUE - WEST):** A side corner yard setback variance to 5 feet instead of 30 feet as required for a proposed accessory structure (pool house with outdoor shower).
3. **SIDE YARD ADJACENT TO STREET (ATLANTIC AVENUE - WEST):** A side corner yard setback variance to 22 feet instead of 30 feet as required for a proposed inground swimming pool and associated equipment.
4. **MODIFY CONDITIONS OF PREVIOUS BOARD APPROVAL:** A request to modify Board conditions associated with a variance request granted on June 20, 2007.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2418-96-3601

LOT AREA:

- 8,405 square feet (.19 acres) (per BZA exhibit)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

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

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Less than .5 miles to the nearest covered bus shelter. As a result, only one off-street parking space is required for the proposed single-family dwelling, as per City Zoning Ordinance Article 2, Section 203(b)(11.1).

VOTING DISTRICT:

- District 6

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- **July 10, 1974** (granted)

Request:

A variance to a 20-foot setback from Atlantic Avenue instead of 30 feet as required for a garage addition to the home.

Conditions:

None listed

- **September 1, 1976** (granted)

Request:

A variance to a 24-foot front yard setback instead of 30 feet as required for a deck.

Condition:

The deck may never be enclosed.

- **July 20, 2007** (granted)

Request:

A variance to a 19.1-foot setback for a side yard adjacent to a street (Atlantic Avenue) instead of 30 feet as required for a proposed single-family dwelling.

Condition:

Development shall substantially adhere to the submitted site plan and architectural elevation.

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

- Single-family (built in 1976)
- R-7.5 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

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

EXISTING CONDITIONS:

- Existing dwelling built under noted Board granted 1974 variance to be demolished.

EXTENT OF PROJECT:

- Proposed pool house with outdoor shower, inground swimming pool with associated equipment, and generator within the 30-foot required side yard adjacent to Atlantic Avenue. In addition, the applicant is requesting to modify the conditions of the approved 2007 variance for a new single-family as the site development plan and elevation drawings have been revised.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1927 (Map Book 08 at Page 12).

The subject parcel is a corner lot situated at the intersection of 43rd Street and Atlantic Avenue, with the parcel boundary along 43rd Street defined as the front.⁽¹⁾⁽²⁾

The subject parcel meets the minimum overall required lot area of 7,500 square feet and the minimum required street frontage of 68 feet, but it does not meet the current minimum required lot width of 85 feet.³ Due to the age of the parcel, this lot width deficiency is legally nonconforming.

The applicant would like variances to the required yard adjacent to Atlantic Avenue for a proposed pool house with outside shower, a generator, and an inground swimming pool with associated equipment. They would also like to modify the conditions of a 2007 variance granted by the Board associated with a reduced side corner setback for a proposed single-family dwelling.

As noted, the width of the subject property is legally nonconforming. Whereas modern R-7.5 zoned corner lots are required to be at least 85 feet wide, the subject parcel is 69.3 feet wide, which leaves a deficiency of 15.7 feet. This deficiency is illustrated on page 13 of this staff report.

As the illustration on page 12 of this report demonstrates, if the subject lot met the minimum 85 feet width requirement, no variance to the required side yard adjacent to Atlantic Avenue would be necessary for the proposed inground swimming pool. Conversely, the proposed pool house and generator would still substantially encroach into the required setback. As a result, it seems one could argue that the physical condition of the lot creates a hardship for the proposed pool; however, that same argument does not seem fully appropriate for the proposed pool house and generator. In fact, it could be argued that the minimum setback relief for the generator should be no more than 10 feet, which would place it 15 feet from the side corner property line. Such 15-foot setback would be equivalent to the 25-foot setback requirement if the lot were 85 feet wide. Likewise, it could be argued that the minimum setback relief for the pool house should be no more than 10 feet, which would place it 20 feet from the side corner property line. Such 20-foot setback would be equivalent to the 30-foot setback requirement if the lot were 85 feet wide. In other words, the proposed location of the pool house and generator would encroach heavily into the required yard regardless of the lot width deficiency, meaning the narrow lot does not fully create a direct hardship equivalent to the requested setbacks. Instead, the narrowness of the lot is more reflective of reduced setbacks to 20 feet for the pool house and 15 feet for the generator instead of 5 feet each as proposed.

The Board granted a side corner setback variance for a new single-family dwelling in 2007, with a condition that the development would substantially adhere to the site plan presented to the Board. Because the current redevelopment plan shifts the proposed dwelling further away from the subject property line than the existing dwelling, the requested modification seems reasonable.

If the Board grants the requested modifications to the conditions of the 2007 zoning variance associated with the subject address, the following will apply (~~striketrough~~ equals remove, underline equals replace/add):

- **2007 BOARD CONDITION (to be made void):**
 1. ~~Development shall substantially adhere to the submitted site plan and architectural elevation.~~
- **2026 BOARD CONDITIONS (to replace the 2007 condition)**
 1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "BZA Exhibit of Lot 18, Map of Caviler Shores," dated August 3, 2026, and prepared by WPL Landscape Architecture, Land Surveying, and Civil 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*.

NOTES:

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."
2. As the subject property also abuts a 20-foot City right-of-way designated as 43rd and ½ Street, it must be stressed that Section 201(c) of the City Zoning is applicable, which states, "Whenever the side or rear yard of a lot abuts a public right-of-way not more than twenty (20) feet in width, the side or rear yard adjacent to such public right-of-way shall comply with the side or rear yard requirement which would apply to that lot if it did not abut a public right-of-way."
3. Lots abutting rights-of-way that are straight or where the radius of curvature is ninety (90) feet or more shall meet the following standards: (i) The width of the lot shall be determined by measuring across the rear of the required front yard; and, (ii) Each lot shall be configured so that the width of street frontage is at least equal in length to eighty (80) percent of the required minimum lot width.

KEY CONSIDERATIONS:

- The proposed setback variances for the generator and the pool house do not fully reflect the property's lot width deficiency. Consequently, granting a 5-foot setback does not appear to directly align with the roughly 10-foot nonconforming width deficiency present at the specific site of the proposed pool house and generator.
- While perhaps debatable, the proposed 5-foot side corner yard setback variances for both the generator and pool house seem to represent a self-created layout preference by the applicant. In contrast, a 15-foot setback for the generator and a 20-foot setback for the pool house would more accurately reflect the hardship imposed by the lot width deficiency.
- Because the setback variance requested for the inground swimming pool is seemingly reflective of the lot width deficiency, the granting of such variance would arguably alleviate a hardship due to a physical condition relating to the property.
- The proposed modifications to the 2007 Board conditions seem reasonable given the revised footprint of the proposed home would decrease the encroachment into the required side yard adjacent to Atlantic Avenue.

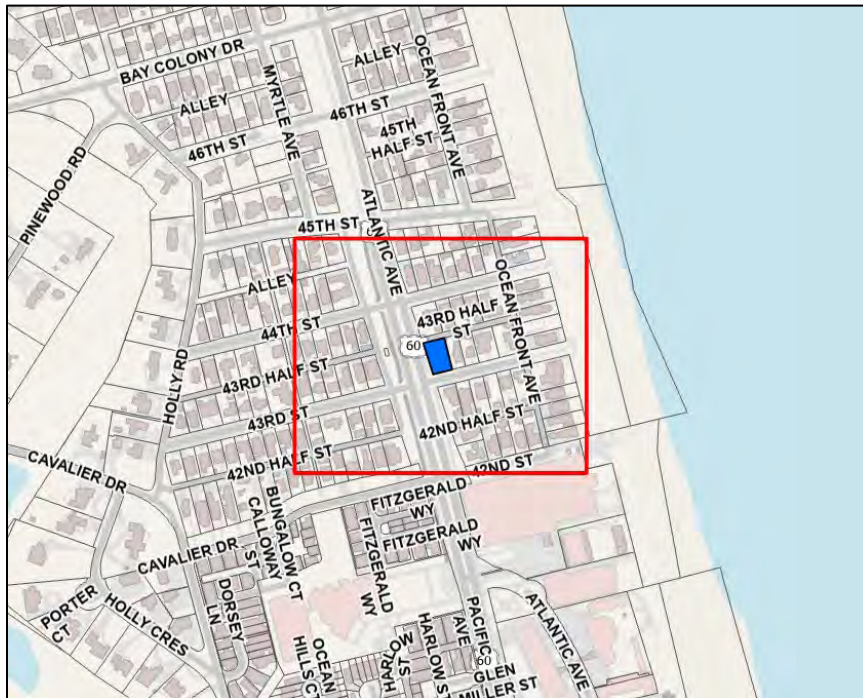
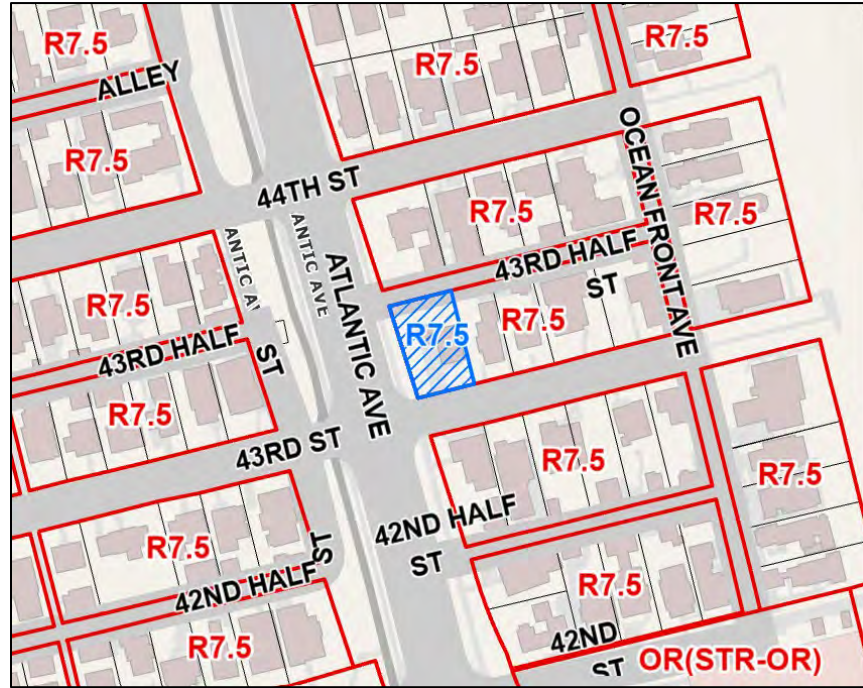
APPLICANT STATED HARDSHIP:

"The subject property is a corner lot that is nonconforming with respect to lot width for a single-family dwelling in the R-7.5 Zoning District."

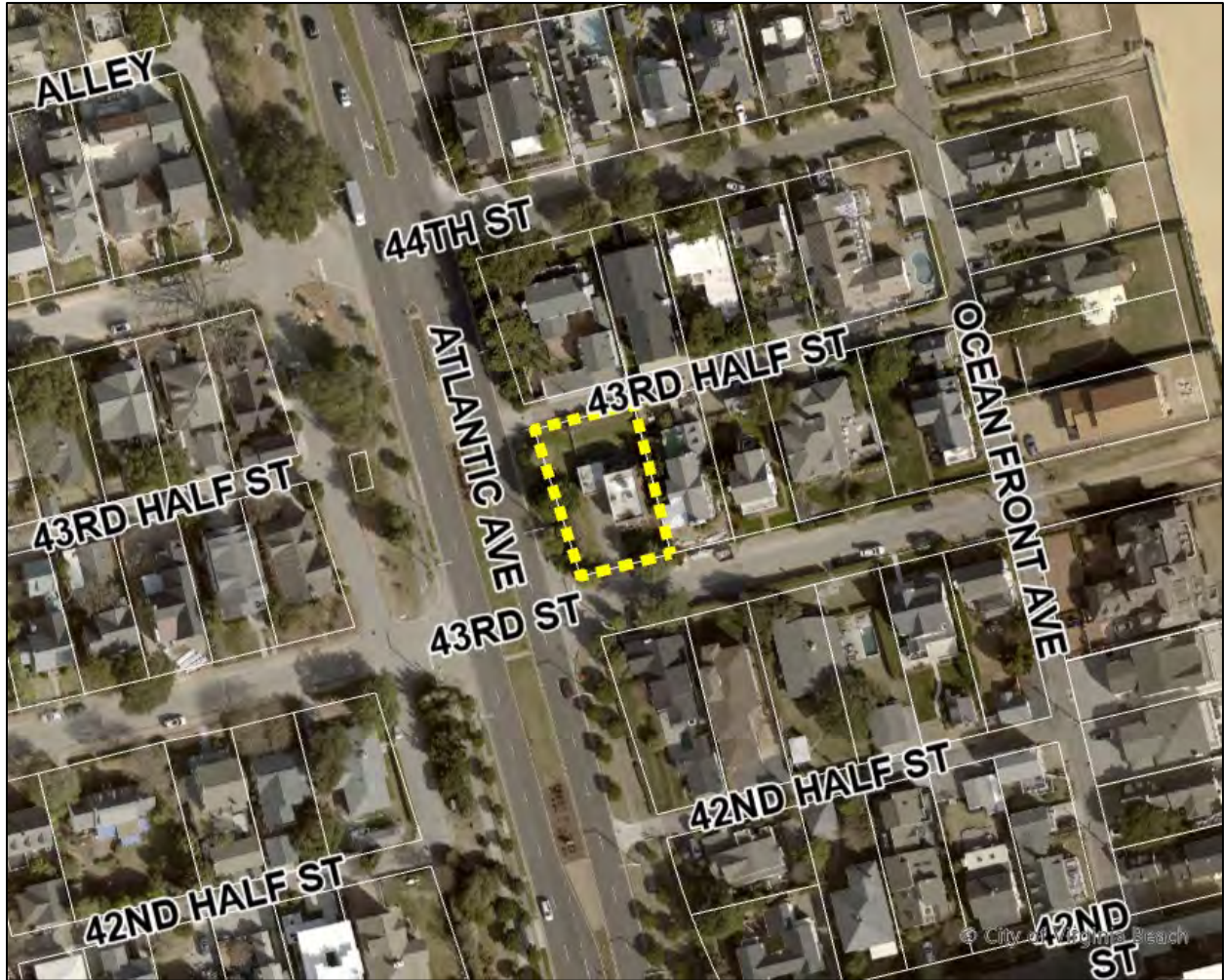
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “BZA Exhibit of Lot 18, Map of Caviler Shores,” dated August 3, 2026, and prepared by WPL Landscape Architecture, Land Surveying, and Civil 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. The subject pool house shall be kept in good repair at all times or otherwise bring it into full compliance with the City Zoning Ordinance. For this condition, the Zoning Administrator is authorized to determine the meaning of ‘good repair.’
4. The subject pool house shall meet all City Zoning Ordinance requirements for use.
5. The subject pool house with outside shower shall be no more than one story and contain no greater than 150 square feet of floor area. The outside shower shall not count as floor area if simply enclosed with fence material and a small roof. The Zoning Administrator shall have authority to determine compliance with this condition.
6. Any existing structures or improvements 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, or as amended, shall not be considered part of this variance request.
7. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
8. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

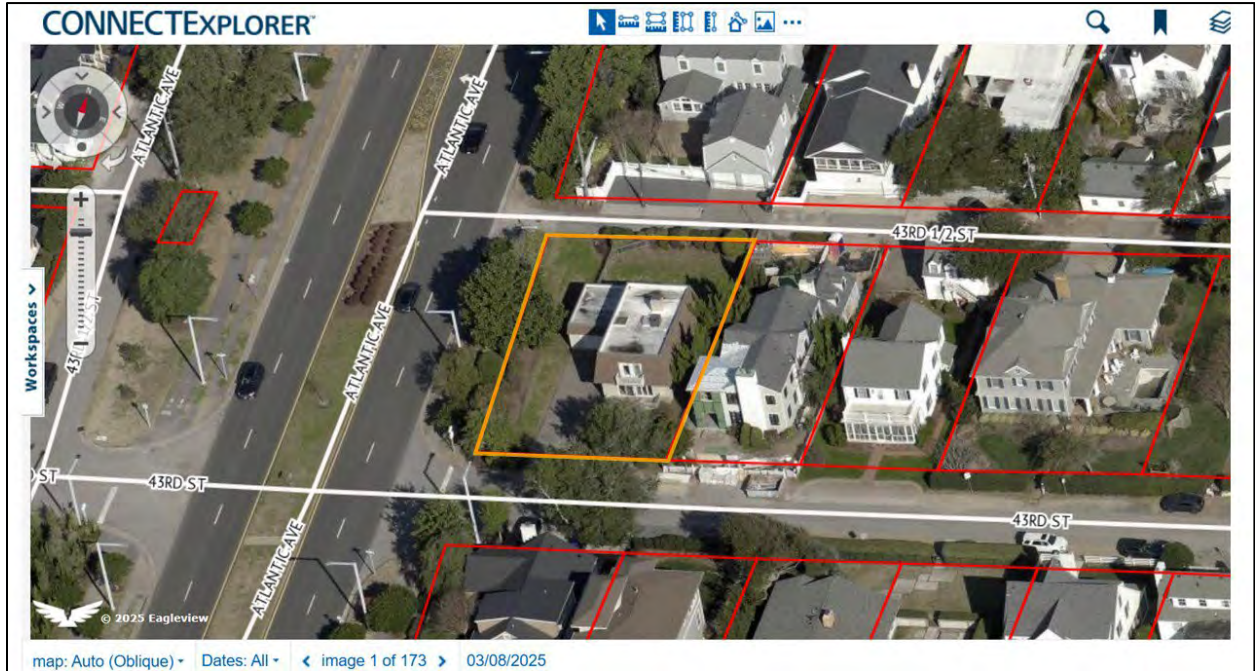
LOCATION MAPS:



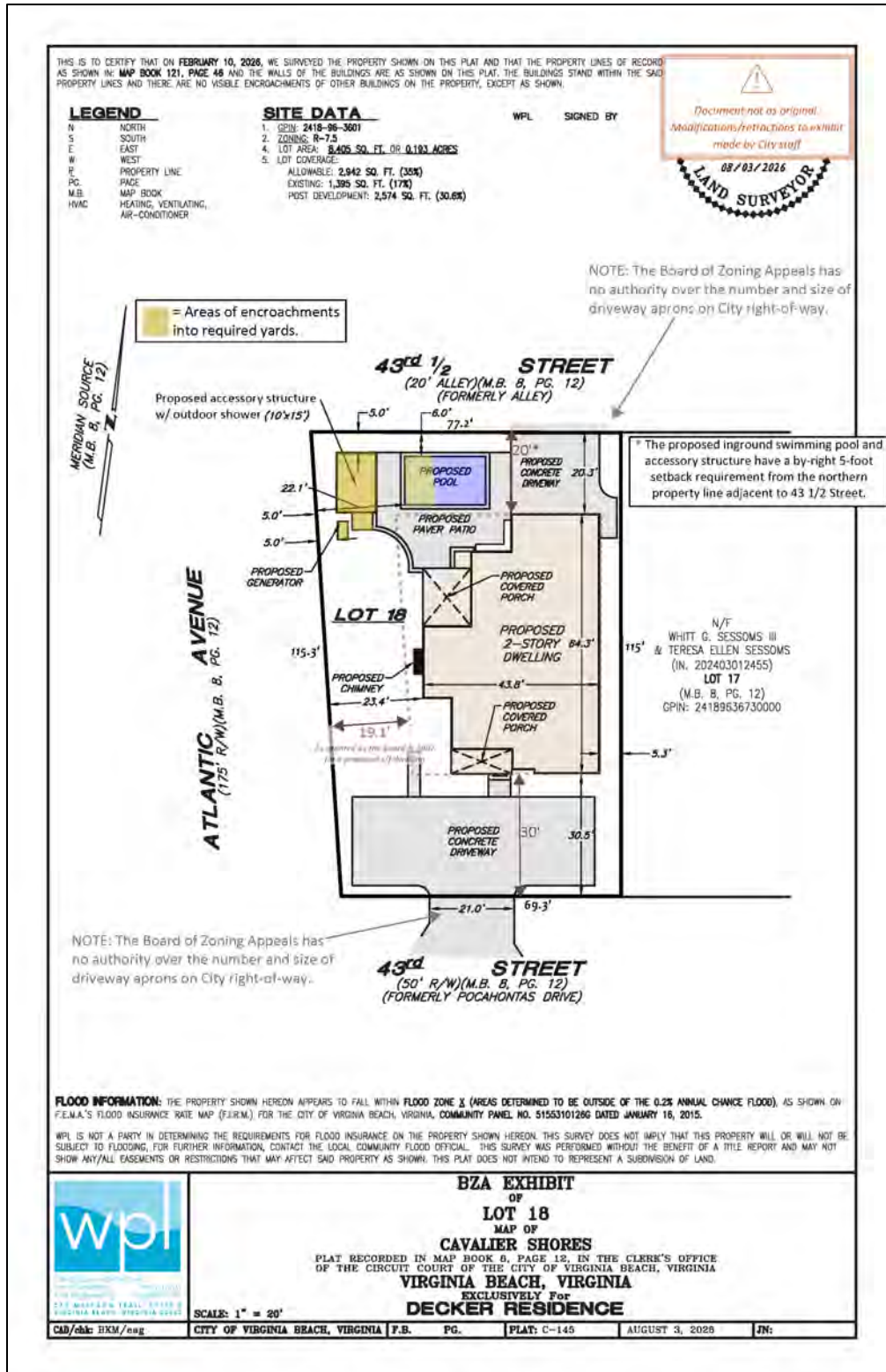
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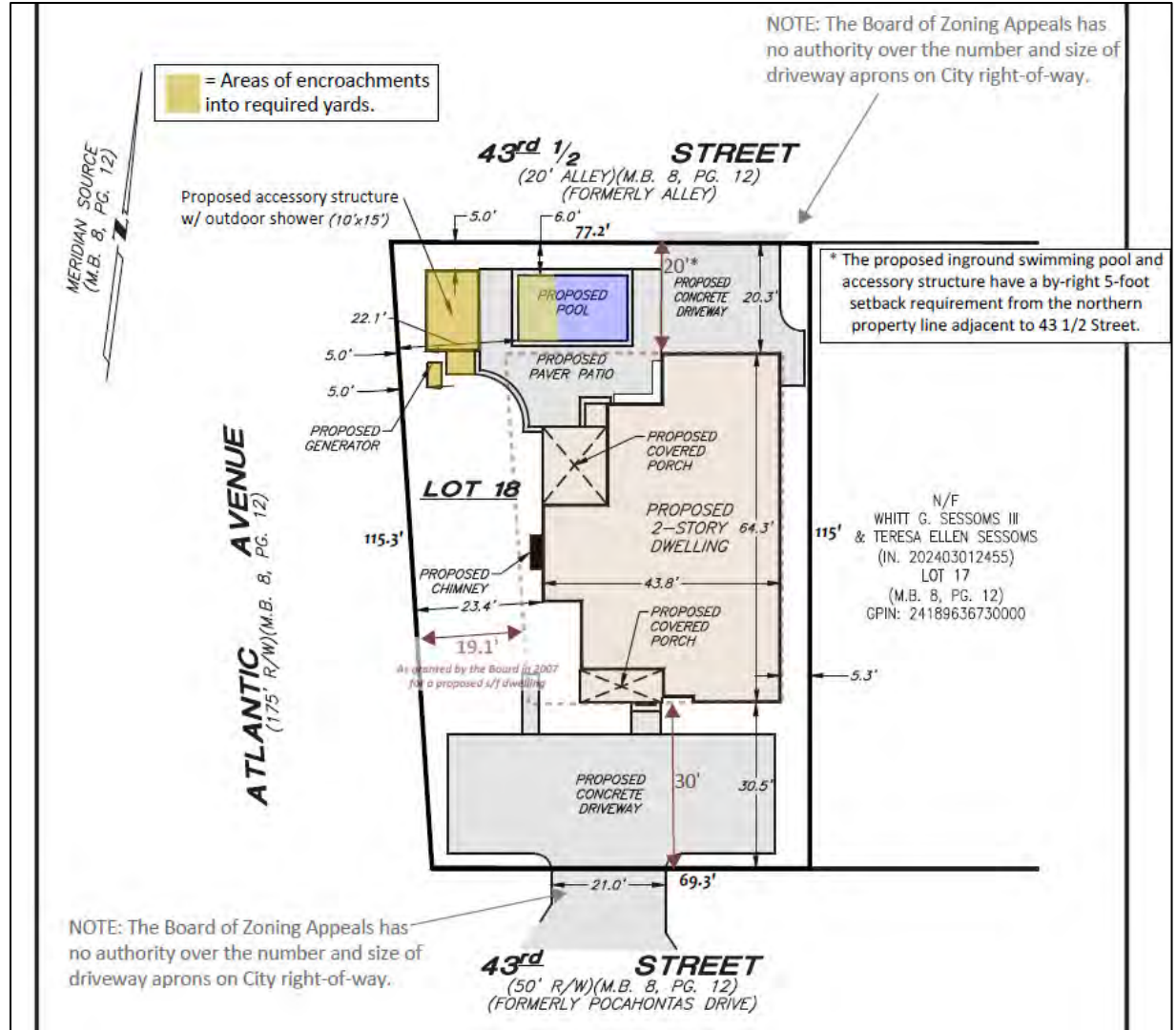
AERIAL (DETAIL):



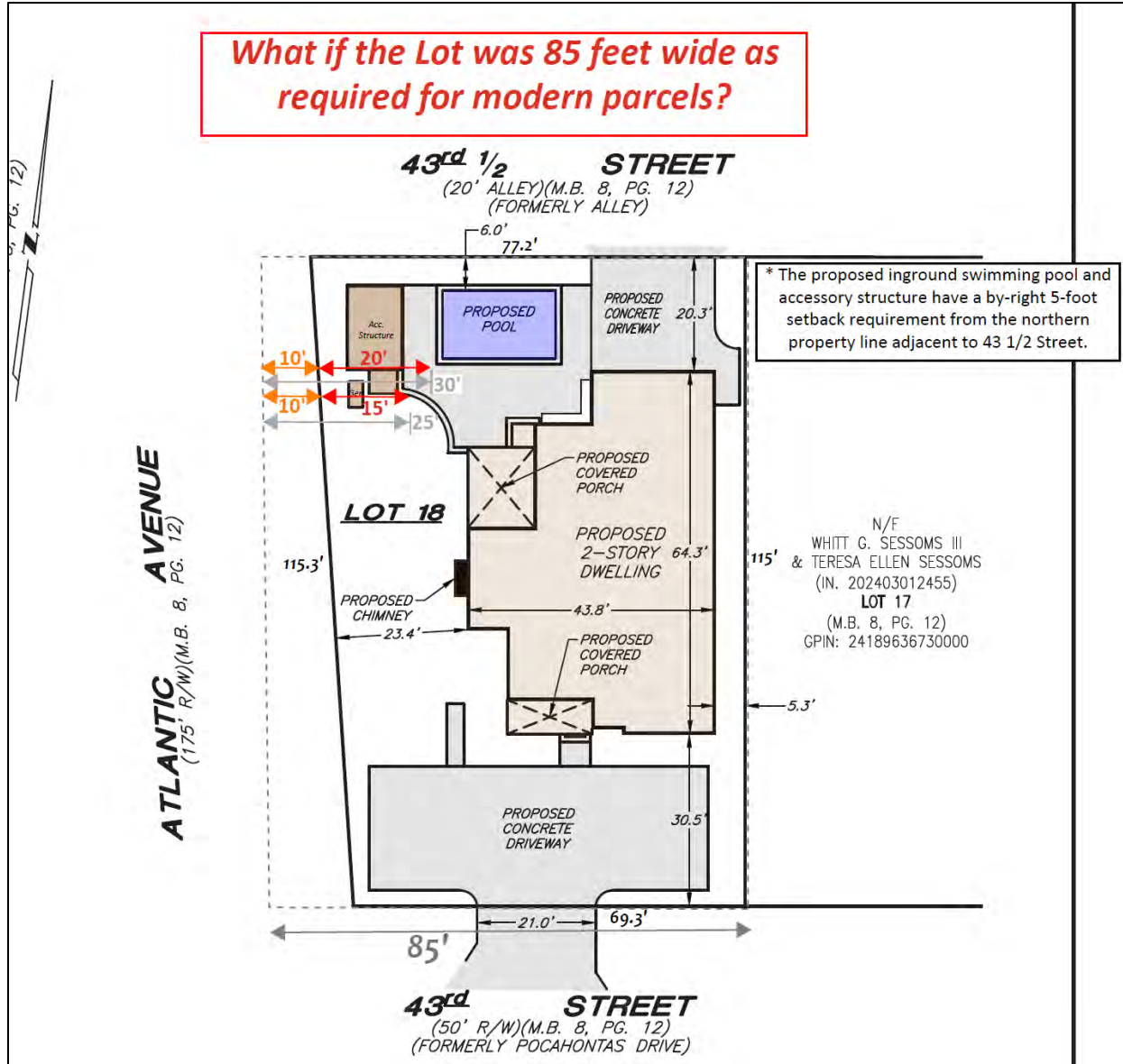
SITE PLAN (EXHIBIT A) (2026 PLAN):



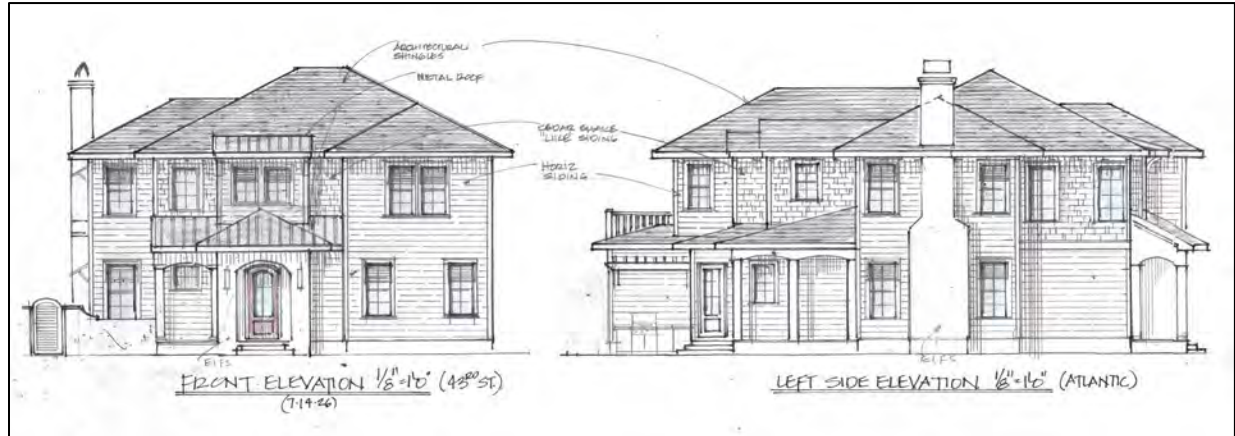
SITE PLAN DETAIL (EXHIBIT A) (2026 PLAN):



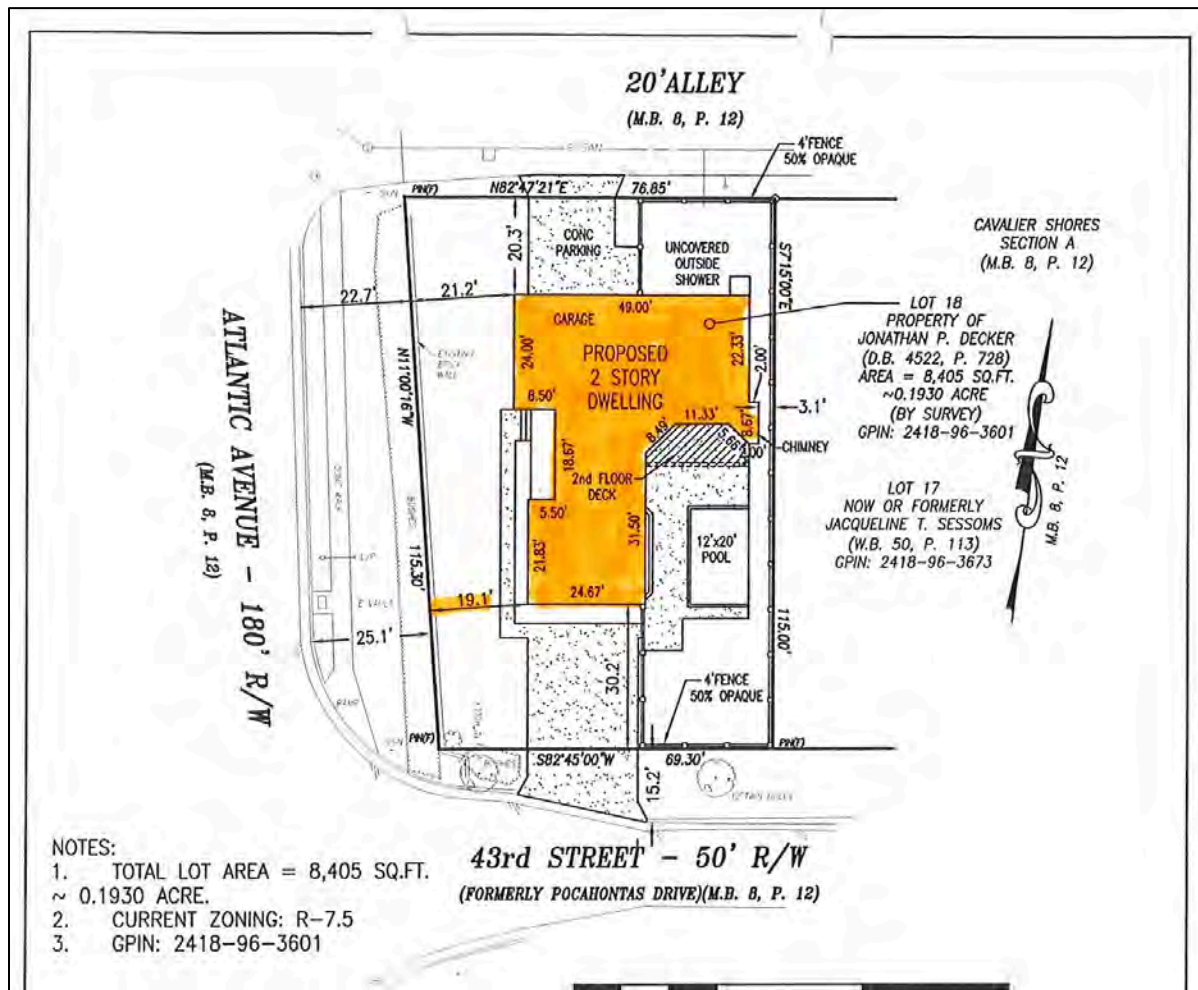
WHAT IF THE LOT WAS 85 FEET WIDE (2026 SITE PLAN):



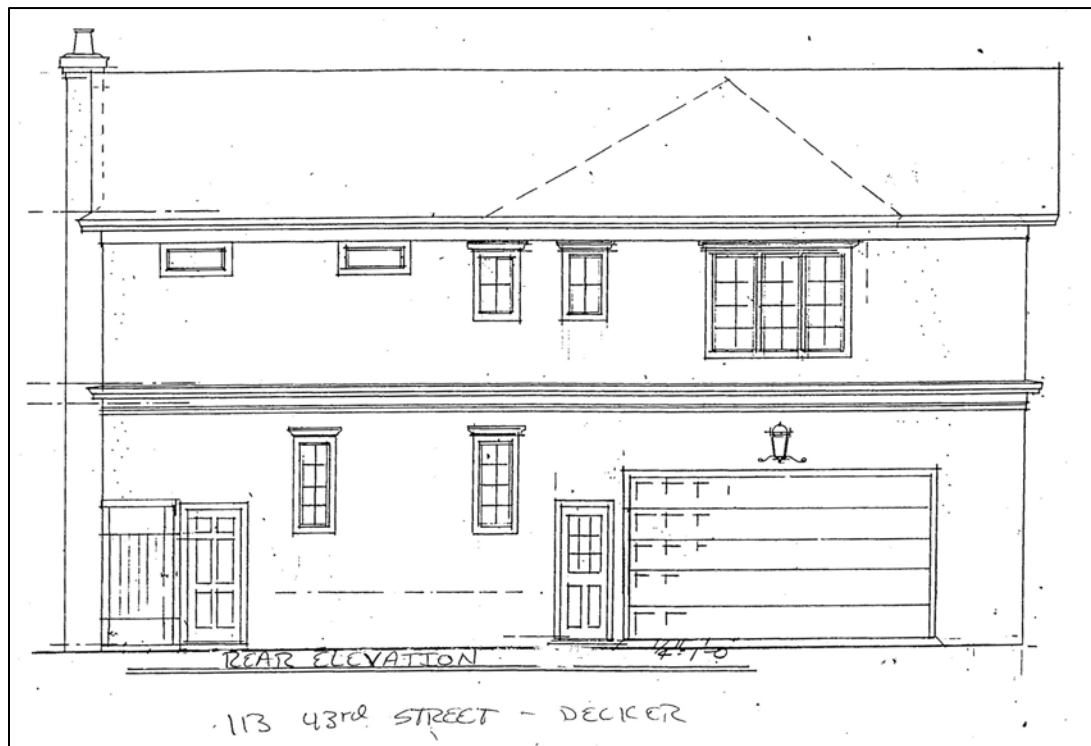
2026 RENDERINGS (CURRENT PROPOSAL):



2007 SITE PLAN (PREVIOUSLY APPROVED BY THE BOARD):



2007 RENDERINGS (PREVIOUSLY APPROVED BY THE BOARD):



2007 RENDERINGS (PREVIOUSLY APPROVED BY THE BOARD):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

	CITY OF VIRGINIA BEACH	Disclosure Statement	
<i>The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. Completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council, boards, commissions, or other bodies.</i>			
SECTION 1: APPLICANT DISCLOSURE			
APPLICANT INFORMATION			
Applicant Name: as listed on application <u>Thomas J Decker, III & Jonathan P Decker</u>			
Is Applicant also the Owner of the subject property? Yes ☒ No ☐			
<i>If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).</i>			
Does Applicant have a Representative? Yes ☒ No ☐			
<i>If yes, name Representative:</i> <u>R. Edward Bourdon, Jr., Esq., Sykes, Bourdon, Ahern & Levy, P.C.</u>			
Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes ☐ No ☒			
<i>If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)</i>			
Does the subject property have a proposed or pending purchaser? Yes ☐ No ☒			
<i>If yes, name proposed or pending purchaser:</i> _____			
KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE			
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? Yes ☐ No ☒			
<i>If yes, name the official or employee, and describe the nature of their interest.</i>			
APPLICANT SERVICES DISCLOSURE			
READ: <i>The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)</i>			
SERVICE	YES	NO	SERVICE PROVIDER <i>(Name entity and/or individual)</i>
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☐	☒	
Real Estate Broker/Agent/Realtor	☐	☒	

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape Architect/Land Planner	☒	☐	Joelle Redfearn - Architectural Designer
Construction Contractor	☒	☐	Seaside Builders
Engineer/Surveyor/Agent	☒	☐	WPL - Eric Garner
Legal Services	☒	☐	R. Edward Bourdon Jr., Esq.

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.

Thomas J. Decker III & Jonathan P. Decker

Applicant Name (Print)

Thomas J. Decker III

Jonathan Decker

Applicant Signature

dotloop verified
07/31/26 7:20 AM EDT
NETS-VDCQ-V54U-MPQC

dotloop verified
07/31/26 7:19 AM EDT
ZDK4-WSPQ-DTRD-GHNS

07/31/2026

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): 09-08-2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

09-08-2026

Date

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CASE: 2026-BZA-00083 - 1309 Taylors Point Road, LLC.

HEARING DATE: October 7, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

1309 Taylors Point Road

REPRESENTATIVE:

Billy Garrington of GPC, Inc.

VARIANCE REQUEST(S) (ABBREVIATED):

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

VARIANCE REQUEST(S) (DETAILED):

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

1. **FRONT YARD (NORTH/NORTHWEST):** A front yard setback variance to 30 feet instead of 50 feet as required for a proposed single-family dwelling.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 2408-98-6698

LOT AREA:

- 57,662 square feet (1.3 acres) (per city records)

AICUZ:

- 65-70 decibels

REGULATORY WATERSHED AND FLOOD ZONE:

- Chesapeake Bay Preservation Area (Resource Protection Area)
- AE (1% annual chance flood hazard) and X (area determined to be outside the 500-year flood)

Please Note: The Chesapeake Bay Board approved the proposed improvements to the property on July 27, 2026 (City record number 2026-CBPA-00021).

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Greater than .5 miles to the nearest covered bus shelter. As a result, two off-street parking spaces required for the proposed single-family dwelling, as per City Zoning Ordinance Article 2, Section 203(b)(11.1).

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 1956) (to be demolished)
- R-40 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-40
- South: Residential (single-family), R-40
- East: Body of water (Linkhorn Bay), Unclassified zoning district (default to AG-1)
- West: Residential (single-family), R-40

EXISTING CONDITIONS:

- Not applicable – Existing dwelling to be demolished

EXTENT OF PROJECT:

- Proposed single-family home located within the required front yard.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1952 (Map Book 29 at Page 59).

The subject property is an interior lot situated near the terminus of Taylors Point Road, with the property line abutting Taylors Point Road defined as the front.

The subject parcel meets the minimum overall required lot area of 40,000 square feet, the minimum required lot area of 24,000 square feet outside water, wetlands, or marsh, the minimum required lot width of 125 feet, and the minimum required street frontage of 100 feet.

The applicant is requesting a variance to encroach into the required front yard with a proposed single-family dwelling.

The subject property falls within the Chesapeake Bay Preservation Watershed, with much of the lot falling within the Resource Protection Area (RPA) of this watershed. The RPA consists of a 100-foot protection buffer comprised of two distinct sub-buffers, a 50-foot-wide landward buffer and a 50-foot-wide seaward buffer. Because heightened land disturbance regulations are associated with the seaward buffer, when compared to the landward buffer, limiting land disturbance within the seaward area is a priority. The proposed dwelling would stay clear of the seaward buffer, but doing so places it slightly within the required front yard. In other words, the positioning of the proposed lot improvements was shifted 'forward' to ensure it cleared the seaward buffer, but doing so caused it to encroach in the required front yard. Ultimately, the proposed location of the home is seemingly appropriate given the environmental challenges associated with the property.

KEY CONSIDERATIONS:

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

APPLICANT STATED HARDSHIP:

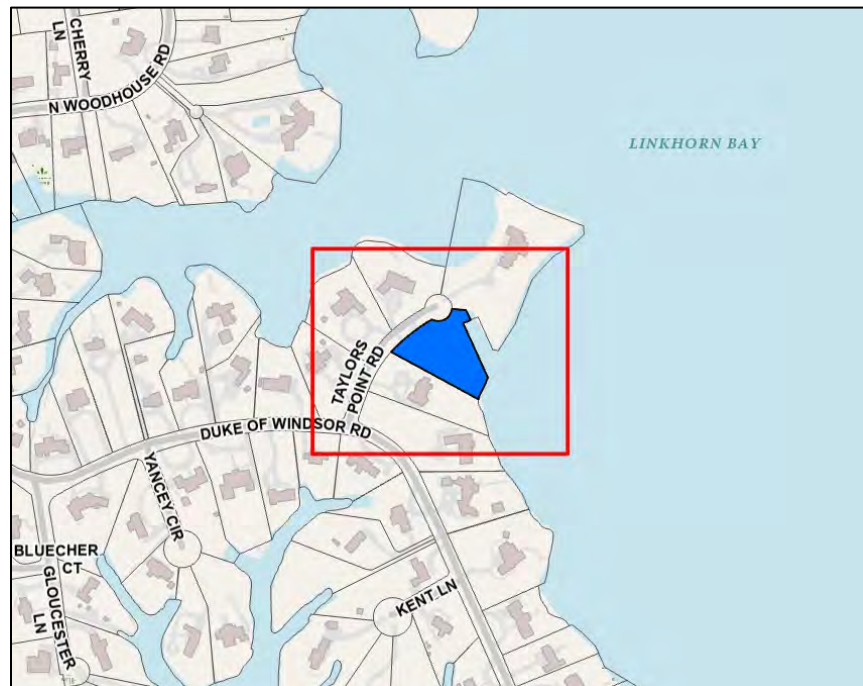
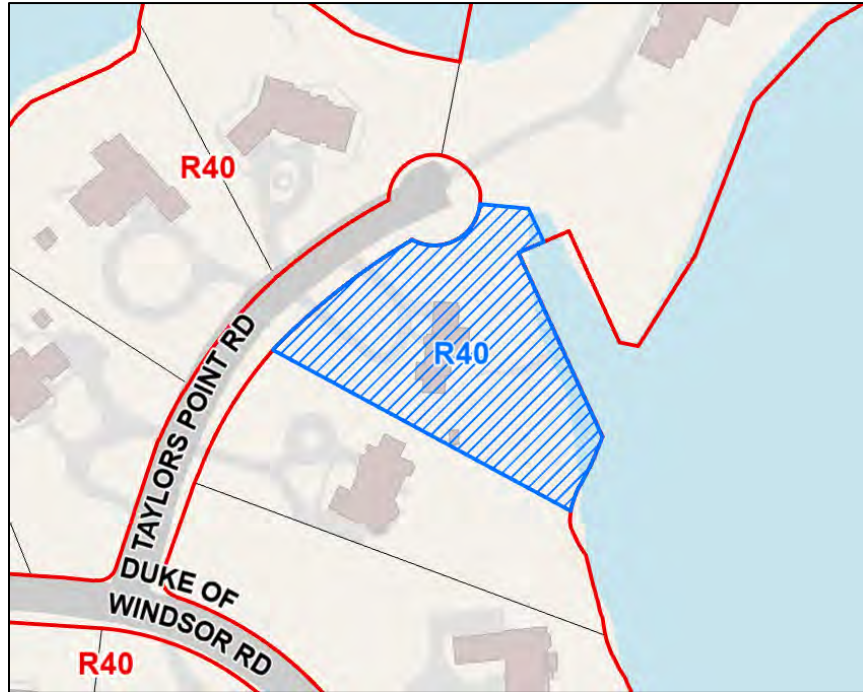
"We respectfully request a variance to the front yard setback requirement in order to reposition the proposed residence forward on the lot. This adjustment is essential to remove the home from the Chesapeake Bay's 50-foot Seaward Resource Protection Area, thereby protecting sensitive coastal resources while meeting environmental constraints. Relocating the structure also advances the City's Coastal Resiliency objectives by reducing the encroachment of the proposed home from the existing flood zone, elevating finished floor heights to address potential sea level rise, and incorporating design measures that safeguard against future flooding.

Granting this variance will allow the project to align with both zoning intent and long-term resiliency planning, ensuring the residence is responsibly sited for environmental protection and public safety."

RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, "Single-Family BZA Exhibit in the RPA," dated May 27/28, 2026, and prepared by WPL Landscape Architecture, Surveying, and Civil 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 or improvements 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, or as amended, shall not be considered part of this variance request.
3. The applicant is responsible for identifying and complying with the terms of all legally binding easements, covenants, conditions, laws, judgements, encroachments or other encumbrances to title affecting the subject property, shown or not, on the approved exhibit in this staff report (i.e., *Exhibit A*). Approval of this application does not annul, interfere with, or invalidate such matters.
4. All applicable permits associated with the subject improvements shall be obtained from the City of Virginia Beach Planning Department and/or any other relevant authority.

LOCATION MAPS:



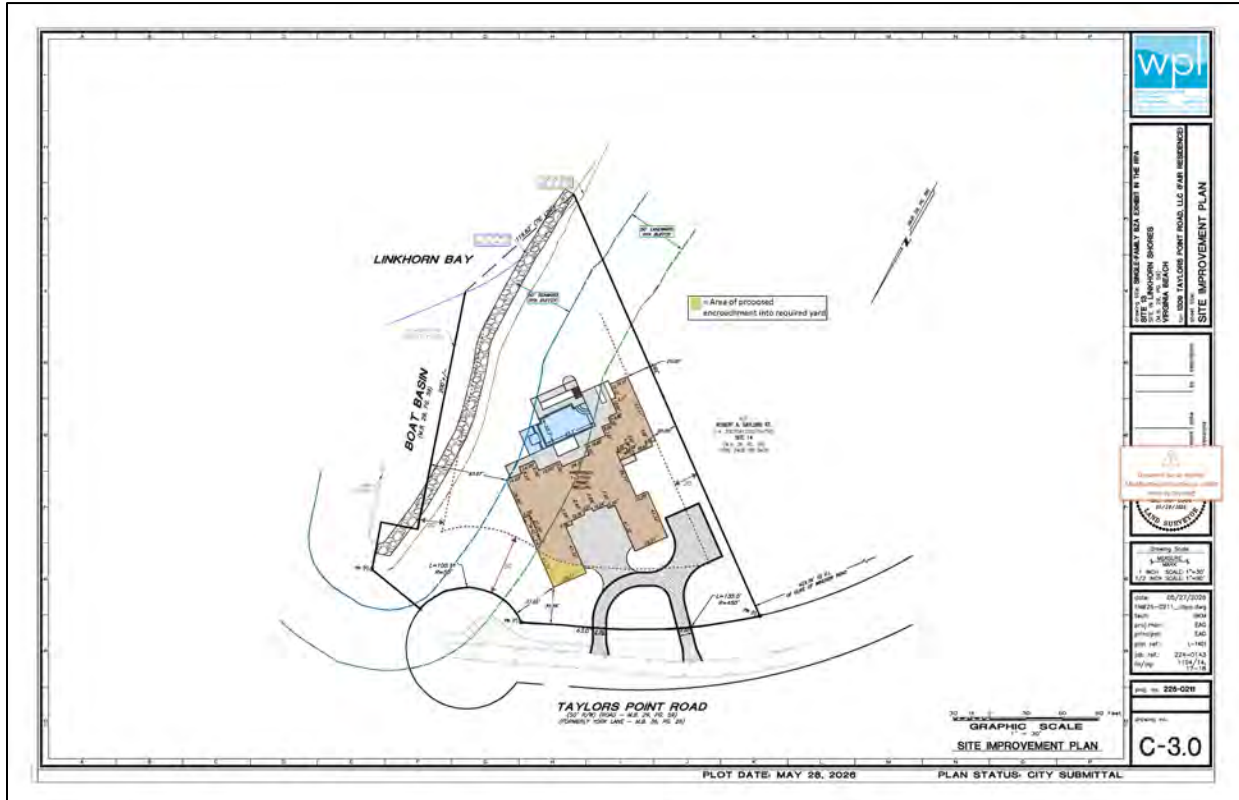
AERIAL:



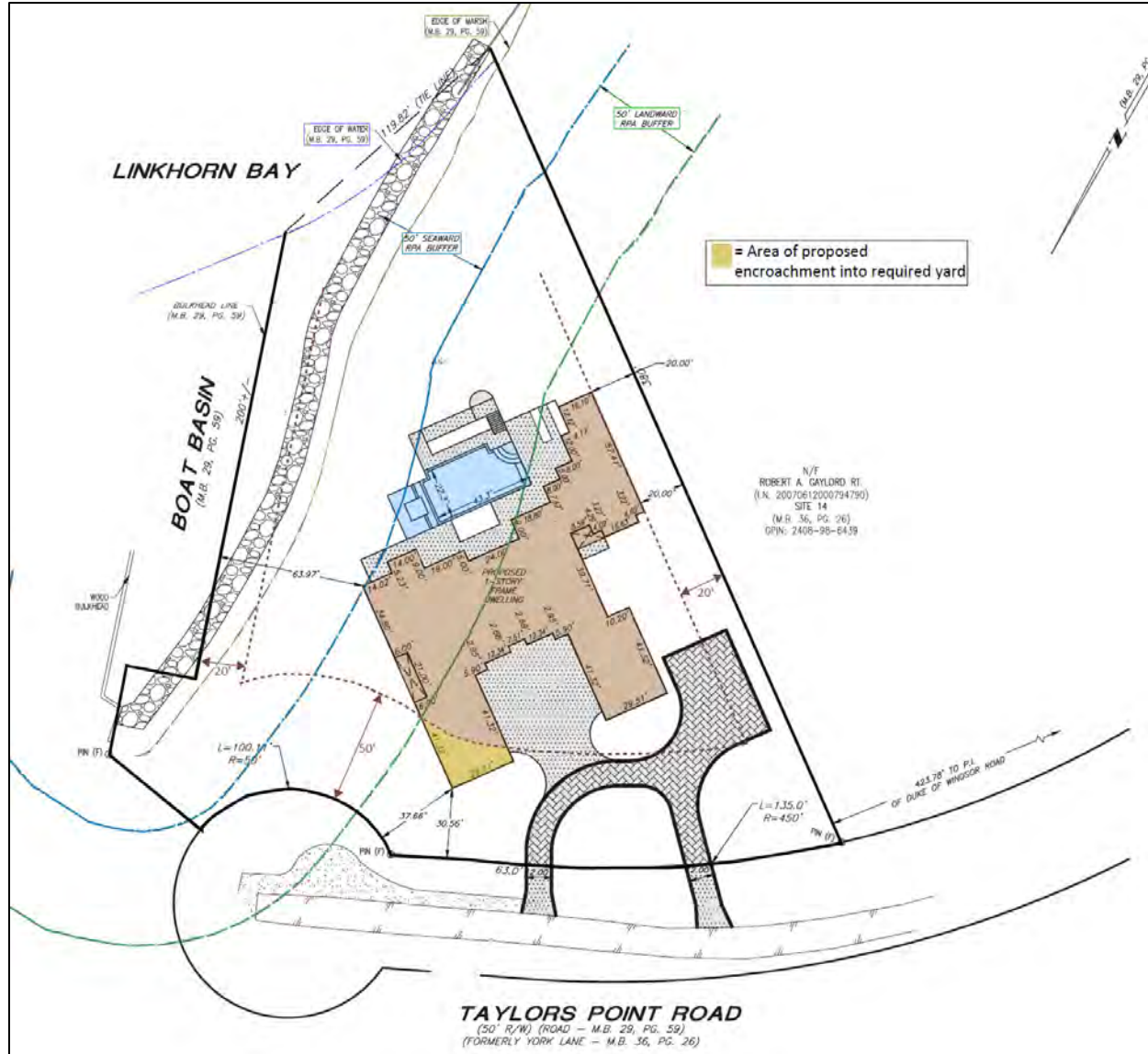
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:



CITY OF
VIRGINIA
BEACH

Disclosure
Statement

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

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application 1309 Taylors Point Road, LLC

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: GPC, Inc - Billy Garrington

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes ☒ No ☐
If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary ¹ or affiliated business entity ² relationship with the applicant. (Attach list if necessary.)

Jayne Foster-Fair, Manager of 1309 Taylors Point Road, LLC

Does the subject property have a proposed or pending purchaser? Yes ☐ No ☒
If yes, name proposed or pending purchaser: _____

KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? Yes ☐ No ☒
If yes, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

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

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☐	☒	
Real Estate Broker/Agent/Realtor	☐	☒	

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

DISCLOSURE STATEMENT:

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape Architect/Land Planner	☒	☐	Pentecost, Deal & Associates (William Deal)/ WPL
Construction Contractor	☐	☒	
Engineer/Surveyor/Agent	☒	☐	WPL
Legal Services	☐	☒	

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.

Jayne Foster-Fair, Manager

Applicant Name (Print)



Applicant Signature



Date

¹ "Parent-subsidary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidary 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): 09.11.2026

Wilissa Blair-Miller

Staff Name (Print)



Staff Signature

09.11.2026

Date



CASE: 2026-BZA-00084 - Michael and Kristan Winslow

HEARING DATE: October 7, 2026

TO: Chairman, Board of Zoning Appeals

FROM: Wilissa Blair-Miller, Planner III

ADDRESS ASSOCIATED WITH VARIANCE REQUEST:

525 Gleneagle Drive

REPRESENTATIVE:

Jared Phipps (agent for property owner)

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. **REAR YARD (WEST):** A rear yard setback variance to 6 feet instead of 20 feet as required for a building addition.

GEOGRAPHIC PARCEL INFORMATION NUMBERS (GPIN):

- 1476-67-1298

LOT AREA:

- 11,876 square feet (.27 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)

NEAREST BUILDING OR STRUCTURE USED FOR PUBLIC TRANSPORTATION:

- Less than .5 miles to the nearest covered bus shelter and/or park and ride commuter station. As a result, only one off-street parking space required for the existing single-family dwelling, as per City Zoning Ordinance Article 2, Section 203(b)(11.1).

VOTING DISTRICT:

- District 3

PREVIOUS BOARD OF ZONING APPEALS VARIANCE(S):

- None found

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

- Single-family (built in 1971)
- R-10 (Residential District)
- Not in a Strategic Growth Area

SURROUNDING LAND USES/ZONING DISTRICTS:

- North: Residential (single-family), R-10
- South: Residential (single-family), R-10
- East: Residential (single-family), R-10
- West: Residential (single-family), R-10

EXISTING CONDITIONS:

- Dwelling: 35.6 feet from front property line (southeast)
- Dwelling: 34.7 feet from side property line adjacent to Bob Jones Drive (northeast)
- Dwelling: 14.5 feet from side property line (southwest)
- Dwelling: 12.2 feet from rear property line rear (west)

EXTENT OF PROJECT:

- Proposed one-story room addition located 6 feet from the rear property line instead of 20 feet as required.

BACKGROUND INFORMATION:

According to City records, the subject property was recorded by plat in 1970 (Map Book 84 at Page 29).

The subject property is a corner lot situated at the intersection of Gleneagle Drive and Bob Jones Drive, with the parcel boundary along Gleneagle Drive defined as the front.¹

The subject parcel meets the minimum overall required lot area of 10,000 square feet, the minimum required lot width of 90 feet, and the minimum street frontage of 72 feet.²

The applicant is requesting a variance to encroach 14 feet into the required 20-foot rear yard setback with a proposed one-story room addition. If the requested variance is granted, the addition would sit 6 feet from the western property line.

When the subject property was developed, the required side and rear yards were 6 feet each, instead of the current requirements of 10 feet and 20 feet, respectively. Consequently, the home was built 12 feet from the rear property line, which was 6 feet more than what was required at the time. This existing 8-foot encroachment into the now-required 20-foot rear yard is legally nonconforming in accordance with Section 15.2-2307 of the Code of Virginia.

The rear property line associated with the subject lot lies at a roughly 16° angle to the street, causing the lot to taper or narrow toward the back, restricting the buildable footprint compared to a standard rectangular lot. Therefore, it could be argued that relief from the required rear yard would alleviate a hardship due to a physical condition relating to the property. Moreover, the requested setback relief appears to be in keeping with the original development criteria for the subdivision, ensuring the proposed room addition maintains a minimum 12-foot spatial separation from the adjacent dwelling (calculated using the proposed 6-foot setback combined with the adjacent property's presumed 6-foot setback).³

It must be noted that there is presently a sunroom structure positioned in approximately the same location as the proposed subject addition. According to *Connect Explorer* satellite imagery, this existing structure was erected sometime between January 2024 and January 2026. No building permits were found for the structure and no municipal taxes have been paid associated with it. According to the applicant's representative, it is planned for demolition. Should the subject variance be denied by the Board, or if the structure is not demolished as planned, appropriate code enforcement actions will be pursued regarding the unpermitted structure.

NOTES:

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."

2. Lots abutting rights-of-way that are straight or where the radius of curvature is ninety (90) feet or more shall meet the following standards: (i) The width of the lot shall be determined by measuring across the rear of the required front yard; and, (ii) Each lot shall be configured so that the width of street frontage is at least equal in length to eighty (80) percent of the required minimum lot width.

3. The lot abutting the subject parcel's rear property line (west) is addressed as 4505 Bob Jones Drive, with a construction year of 1972 associated with the home built on the lot. As no previous zoning variances were found linked to that address, the home is presumed to sit at least 6 feet from the side property, which was the standard at the time of construction.

KEY CONSIDERATIONS:

- The granting of the variance would arguably alleviate a hardship due to a physical condition relating to the property and the improvements thereon.
- The requested setback relief appears to be in keeping with the original development criteria of the subject subdivision of Larkspur. As a result, it could be argued that the improvements would be in keeping with the character of the neighborhood and not be of substantial detriment to adjacent property and nearby properties.

APPLICANT STATED HARDSHIP:

“The subject property, 525 Gleneagle Drive, is a uniquely configured corner lot with frontage on both Gleneagle Drive (50' ROW) and Bob Jones Drive (50' ROW). Unlike a typical interior lot, this parcel is subject to two front-yard setback requirements, which significantly reduce the available buildable area.

In addition to its corner-lot status, the property contains an irregular lot configuration, including a curved property line along Bob Jones Drive and non-parallel property boundaries. These unique physical characteristics create a substantially smaller building envelope than is found on similarly sized interior lots.

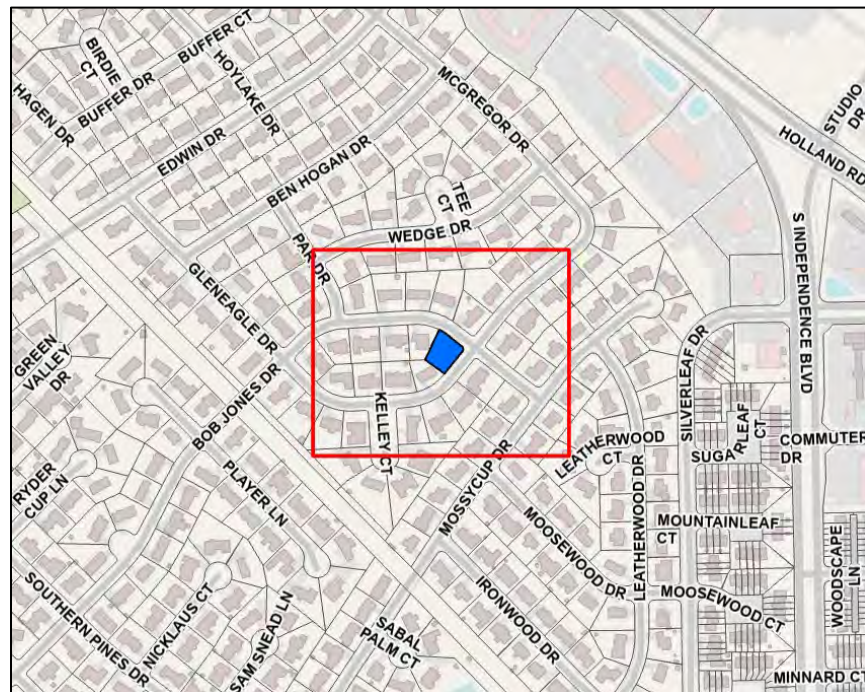
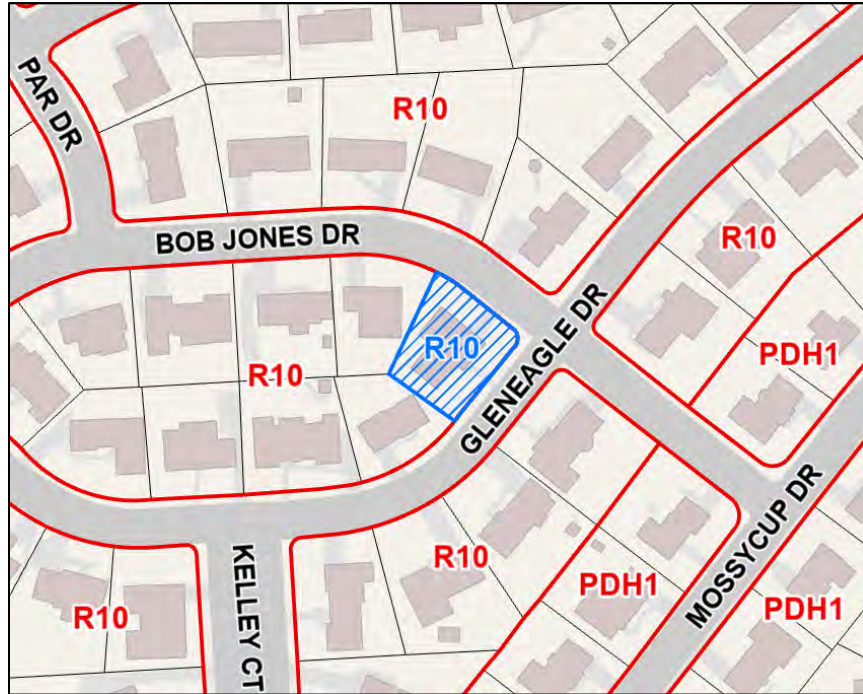
The existing residence was constructed within this constrained building envelope, leaving little practical area for a modest residential addition without encroaching into the required setback.

As a result, strict application of the zoning ordinance effectively prevents the reasonable expansion of the home, even though sufficient lot area remains available and the proposed addition would be compatible with the surrounding neighborhood.”

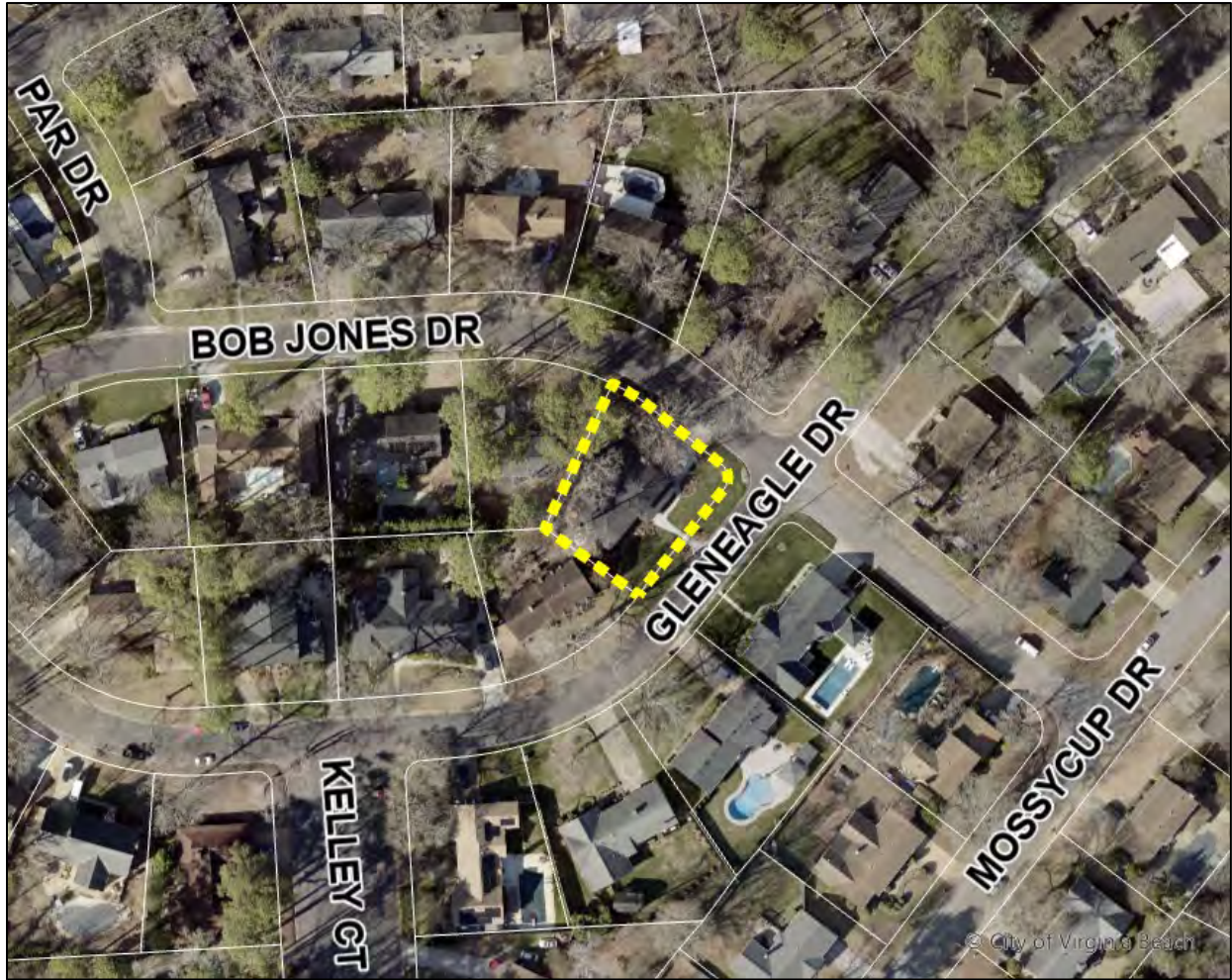
RECOMMENDED CONDITIONS IF APPROVED:

1. The proposed improvements shall be constructed in substantial conformance to the City staff modified and marked exhibit titled, “Physical Survey of Lot 143, Larkspur, Section 10,” dated April 4/10, 2024, prepared by Gaddy Engineering Services LLC. (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, “Sheet A-4, 525 Gleneagle Drive, Proposed Sunroom Addition, NFC,” dated August 2, 2026, and prepared by Phipps Construction (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. A fence permit shall be obtained from the City Zoning Office for the privacy fence erected on the subject property adjacent to Bob Jones Drive. This shall occur prior to the final inspection of any building permits issued for the subject improvements, or within six months of this Board action, whichever occurs first.
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, or as amended, 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:



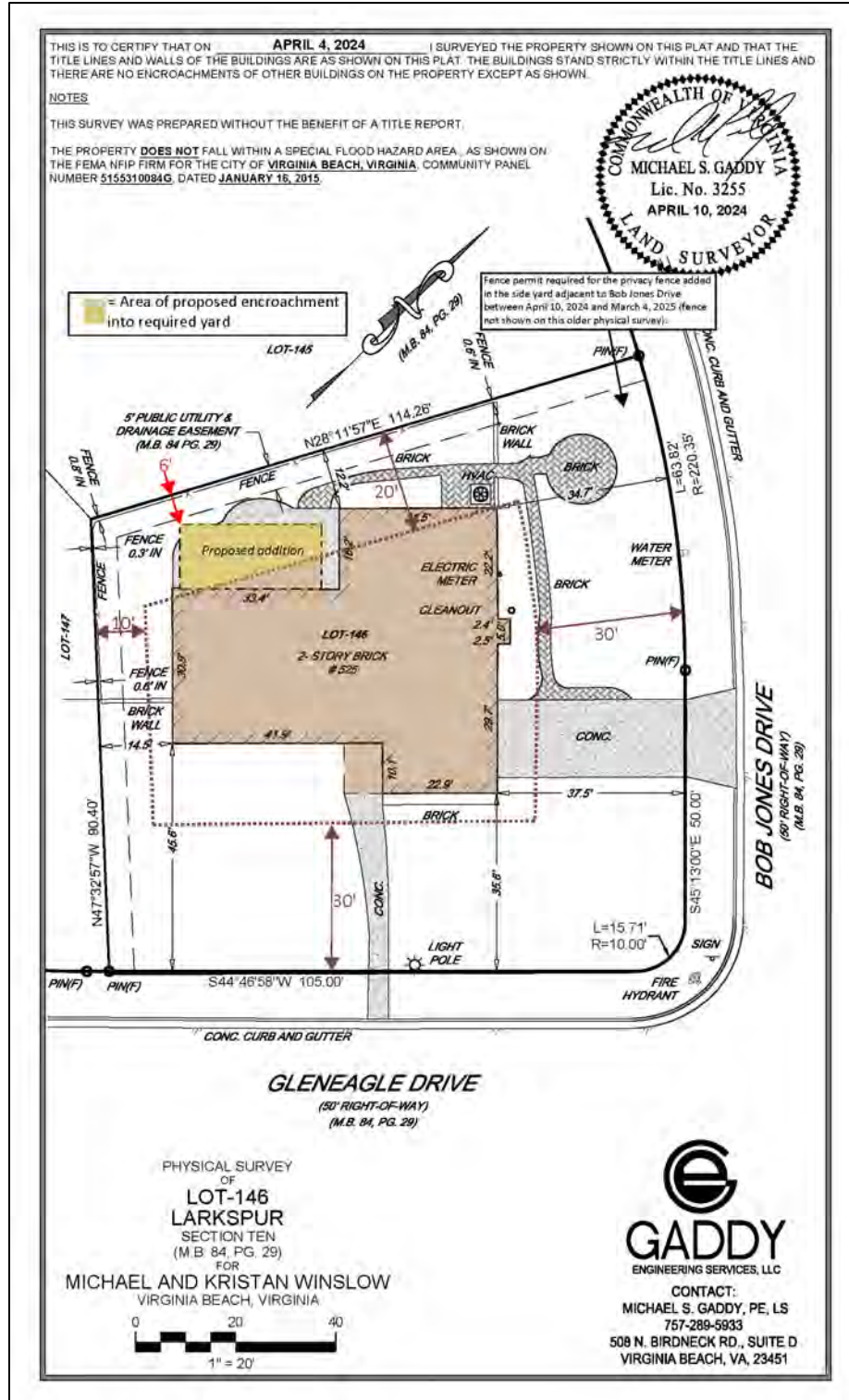
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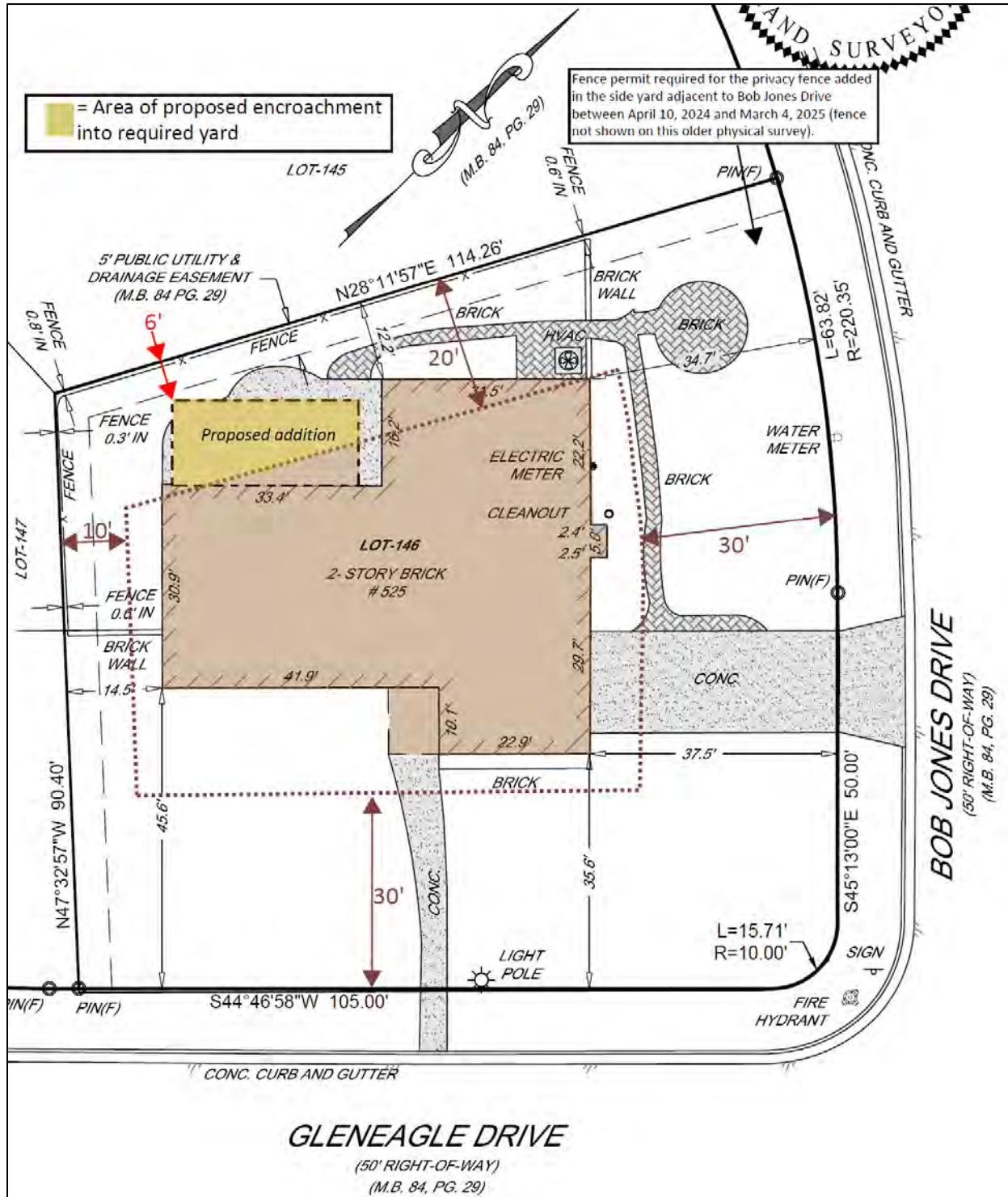
AERIAL (DETAIL):



SITE PLAN (EXHIBIT A):



SITE PLAN DETAIL (EXHIBIT A):



RENDERINGS:



PHOTOGRAPHS:



PHOTOGRAPHS:



PHOTOGRAPHS:



DISCLOSURE STATEMENT:

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CITY OF
**VIRGINIA
BEACH**

Disclosure
Statement

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SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name: Michael Winslow
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: Jared Phipps

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: _____

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SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	☐	☒	
Real Estate Broker/Agent/Realtor	☐	☒	

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page 1 of 3

DISCLOSURE STATEMENT:

DocuSign Envelope ID: FBCED189-4537-8D34-8131-6753C3134084

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER (Name entity and/or individual)
Accounting/Tax Return Preparation	☐	☒	
Architect/Designer/Landscape Architect/Land Planner	☐	☒	
Construction Contractor	☒	☐	Phipps Construction
Engineer/Surveyor/Agent	☐	☒	
Legal Services	☐	☒	

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.

Michael Winslow

Applicant Name (Print)

Signed by:

Michael Winslow

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Applicant Signature

7/21/2026

Date

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FOR CITY USE ONLY:

No changes as of (date): 09.18.2026

Wilissa Blair-Miller

Staff Name (Print)

Wilissa Blair-Miller

Staff Signature

09.18.2026

Date